



STATE CAPITOL
P.O. BOX 942849
SACRAMENTO, CA 94249-0124
(916) 319-2800
FAX (916) 319-2810

Assembly
California Legislature
Committee on Rules
RICHARD S. GORDON
CHAIR

Thursday, August 07, 2014
8:50 AM
State Capitol, Room 3162

VICE CHAIR
SCOTT WILK
MEMBERS
CHERYL R. BROWN
ROCKY J. CHÁVEZ
MATTHEW M. DABABNEH
LORENA GONZALEZ
CURT HAGMAN
ADRIN NAZARIAN
BILL QUIRK
SEBASTIAN RIDLEY-THOMAS
MARIE WALDRON

FRANK BIGELOW (R-ALT.)
KEN COOLEY (D-ALT.)

CONSENT AGENDA

Bill Referrals

- | | |
|---------------------------|------------------------|
| 1. Memo | Page 2 |
| 2. Consent Bill Referrals | Page 3 |

Resolutions

- | | | |
|-----------------------|---|-------------------------|
| 3. SCR 100 (Knight) | Relative to California Aerospace Week. | Page 4 |
| 4. SCR 101 (Gaines) | Relative to Prostate Cancer Awareness Month. | Page 10 |
| 5. SCR 109 (Lara) | Relative to National STD Awareness Month and National Youth HIV & AIDS Awareness... | Page 15 |
| 6. SCR 118 (Anderson) | Relative to Military sacrifice: remembrance. | Page 20 |
| 7. SCR 126 (Fuller) | Relative to Adrenoleukodystrophy Awareness Month. | Page 25 |

Request to Add Urgency Clause

- | | | |
|------------------|-----------------------------------|-------------------------|
| 8. SB 718 (Roth) | Relative to economic development. | Page 30 |
|------------------|-----------------------------------|-------------------------|



STATE CAPITOL
P.O. BOX 942849
SACRAMENTO, CA 94249-0124
(916) 319-2800
FAX (916) 319-2810

Assembly
California Legislature
Committee on Rules
RICHARD S. GORDON
CHAIR

VICE CHAIR
SCOTT WILK
MEMBERS
CHERYL R. BROWN
ROCKY J. CHÁVEZ
MATTHEW M. DABABNEH
LORENA GONZALEZ
CURT HAGMAN
ADRIN NAZARIAN
BILL QUIRK
SEBASTIAN RIDLEY-THOMAS
MARIE WALDRON
FRANK BIGELOW (R-ALT.)
KEN COOLEY (D-ALT.)

Memo

To: Rules Committee Members
From: Mukhtar Ali, Bill Referral Consultant
Date: 8/6/14
Re: Consent Bill Referrals

Since you received the preliminary AJR 50 has been added.



Printed on Recycled Paper

REFERRAL OF BILLS TO COMMITTEE

08/07/2014

Pursuant to the Assembly Rules, the following bills were referred to committee:

Assembly Bill No.

[ACR 168](#)

[ACR 169](#)

[ACR 170](#)

[AJR 50](#)

[HR 49](#)

[HR 52](#)

[SCR 131](#)

[SCR 132](#)

[SCR 134](#)

Committee:

A.,E.,S.,T. & I. M.

RLS.

TRANS.

JUD.

HIGHER ED.

RLS.

RLS.

RLS.

RLS.

Introduced by Senator Knight

(Principal coauthors: Assembly Members Gorell, Holden, and Muratsuchi)

(Coauthors: Senators Anderson, Berryhill, and Fuller)

(Coauthors: Assembly Members Gatto and Grove)

March 17, 2014

Senate Concurrent Resolution No. 100—Relative to California Aerospace Week.

LEGISLATIVE COUNSEL’S DIGEST

SCR 100, as introduced, Knight. California Aerospace Week.

This measure would recognize the contributions of the aerospace industry to the history, economy, security, and educational system of California, its communities, and its citizens by proclaiming the week of March 24, 2014, through March 28, 2014, as California Aerospace Week.

Fiscal committee: no.

- 1 WHEREAS, The California aerospace industry is a powerful,
2 reliable source of employment, innovation, and export income,
3 directly employing more than 162,000 people in California and
4 supporting more than 640,000 jobs in related fields for a total
5 payroll estimated at \$15.3 billion annually and resulting in \$500
6 million in annual state income taxes; and
7 WHEREAS, The California aerospace industry leads the United
8 States in aerospace and defense services, including the design and
9 manufacture of aircraft, spacecraft, and commercial satellites, as
10 well as a myriad of systems and instruments for search, detection,

1 navigation, guidance, and radio and television broadcast and
2 wireless communication systems; and

3 WHEREAS, California is home to many superb sites of air and
4 space activity, including Vandenberg Air Force Base, two Federal
5 Aviation Administration-licensed launch sites, the Mojave Air and
6 Spaceport, more than 20 astronomical observatories, multiple
7 international airports, many important defense aerospace bases,
8 and hundreds of business and general aviation airfields; and

9 WHEREAS, California is also home to three National
10 Aeronautics and Space Administration (NASA) research and
11 engineering centers. These centers are recognized as the Ames
12 Research Center, the NASA Neil A. Armstrong Flight Research
13 Center, formerly known as the Dryden Flight Research Center,
14 and the Jet Propulsion Laboratory (JPL); and

15 WHEREAS, California has led the nation in aeronautical firsts
16 and California's aerospace industry produced many of the
17 significant and record-breaking aircraft that are now represented
18 in The Smithsonian Institution's National Air and Space Museum.
19 The Spirit of St. Louis, which in 1927 performed the first solo
20 nonstop transatlantic flight from New York to Paris, was designed
21 and built in California by Ryan Airlines and made Charles
22 Lindbergh an international hero. The Douglas DC-3, recognized
23 as the most successful airliner in history, dominating both
24 commercial and military air transportation from its introduction
25 in 1935 until after World War II, was designed and built in
26 California by the Douglas Aircraft Company. The Space Shuttle
27 was designed, built, assembled, and tested in California. California
28 is home to Edwards Air Force Base, the site of five test flights of
29 the Shuttle Enterprise, the landing site of 54 Space Shuttle
30 missions, and the site of the 199 X-15 missions; and

31 WHEREAS, Edwards Air Force Base, known for its notable
32 aeronautical achievements, was the location of many first flights
33 of American aircraft, shuttles, and jets flown from Rogers Dry
34 Lake in the Mojave Desert of Kern County. America's first jet,
35 XP-59A, was first flown in California. General Charles "Chuck"
36 Yeager made world history in California on October 14, 1947,
37 when he became the first man to fly Mach 1, faster than the speed
38 of sound, while piloting the Bell X-1 rocket plane. The rocket
39 powered X-15, flown by former State Senator William J. "Pete"
40 Knight, attained a speed of Mach 6.7 (4,520 miles per hour), a

1 speed that remains, to this day, the highest ever attained in an
2 airplane. The Rutan Model 76 Voyager was the first aircraft to fly
3 around the world without stopping or refueling; and

4 WHEREAS, California has led the nation in firsts in human
5 space exploration, including the manufacture of the Apollo 11
6 command module that carried the first humans to the surface of
7 our moon; the manufacture and landing of the Space Shuttle
8 orbiters, the first reusable space vehicles, which include the
9 Endeavour, on display at the California Science Center; and the
10 manufacture and recovery of the SpaceX Dragon capsule and
11 Falcon launch vehicle, the first privately funded space exploration
12 system; and

13 WHEREAS, California has led the nation in firsts in robotic
14 space exploration, including the Explorer 1 Earth observation
15 satellite as America's first successful spacecraft, the Mariner 2 as
16 the first spacecraft to explore another planet, the Viking landers
17 as the first spacecrafts to perform experiments on another planet,
18 and the development of the Pioneer 10 spacecraft as the first to
19 exit our solar system; and

20 WHEREAS, Californians, through NASA and JPL, build,
21 manage, and operate the majority of the spacecraft exploring our
22 solar system, including the most recent Mars Science Laboratory
23 "Curiosity," and those spacecraft exploring other solar systems,
24 like the Kepler exoplanet discovery mission, as well as the SOFIA,
25 the Stratospheric Observatory for Infrared Astronomy, that
26 administers the Airborne Astronomy Ambassadors program for
27 educators who have inspired the dreams of California youth; and

28 WHEREAS, California aerospace industries assemble the
29 legendary Boeing C-17 Globemaster III, build the impressive
30 Northrop Grumman Global Hawk Unmanned Aircraft Systems,
31 engineer radical new aircraft at the famous Lockheed Martin
32 "Skunk Works" Advanced Development Programs facility, and
33 create systems that assist and protect members of the United States
34 Armed Forces through military communications, situational
35 awareness, satellite-guided ordnance, and technologies yet to be
36 dreamed of; and

37 WHEREAS, California will continue to lead in aerospace
38 education, through its superb Science, Technology, Engineering
39 and Mathematics (STEM) education programs and at its
40 world-class research universities, and thus will continue to lead

1 the world with the innovation that enabled advanced meteorological
2 forecasting, the Global Positioning System, NextGen tools for air
3 traffic management, green aviation, sophisticated wind tunnels
4 and test facilities, and advanced supercomputing and robotics; and

5 WHEREAS, The American Institute of Aeronautics and
6 Astronautics (AIAA), in conjunction with NASA, is sponsoring a
7 month of events to highlight the contributions of the aerospace
8 community to California, including panel discussions, educational
9 displays, tours, and the “AIAA Policy Symposium: Civilian
10 Applications of Unmanned Aerial Vehicles (UAVs) - A California
11 Perspective,” during March 2014; now, therefore, be it

12 *Resolved by the Senate of the State of California, the Assembly*
13 *thereof concurring*, That the California Legislature recognizes the
14 contributions of the aerospace industry to the history, economy,
15 security, and educational system of California, its communities,
16 and its citizens by proclaiming the week of March 24, 2014,
17 through March 28, 2014, as California Aerospace Week; and be
18 it further

19 *Resolved*, That the Secretary of the Senate transmit copies of
20 this resolution to the author for appropriate distribution.

O

Date of Hearing: August 7, 2014

ASSEMBLY COMMITTEE ON RULES

Richard S. Gordon, Chair

SCR 100 (Knight) – As Introduced: March 17, 2014

SENATE VOTE: 34-0

SUBJECT: California Aerospace Week.

SUMMARY: Proclaims the week of March 24, 2014, through March 28, 2014, as California Aerospace Week and recognizes the contributions of the aerospace industry to the history, economy, security, and educational system of California. Specifically, this resolution makes the following legislative findings:

- 1) The California aerospace industry is a powerful, reliable source of employment, innovation, and export income, directly employing more than 162,000 people in California and supporting more than 640,000 jobs in related fields for a total payroll estimated at \$15.3 billion annually and resulting in \$500 million in annual state income taxes.
- 2) The California aerospace industry leads the United States in aerospace and defense services, including the design and manufacture of aircraft, spacecraft, and commercial satellites, as well as a myriad of systems and instruments for search, detection, navigation, guidance, and radio and television broadcast and wireless communication systems.
- 3) California has led the nation in many aeronautical firsts and California's aerospace industry produced many of the significant and record-breaking aircraft that are now represented in The Smithsonian Institution's National Air and Space Museum; and, California has led the nation in firsts in human space exploration, including the manufacture of Apollo 11 and the Space Shuttle orbiters. California also led the nation in firsts in robotic space exploration, including the Explorer 1 Earth observation satellite, the Mariner 2, the Viking landers, and the development of Pioneer 10 spacecraft.

- 4) California will continue to lead in aerospace education, through its superb Science, Technology, Engineering and Mathematics (STEM) education programs and at its world-class research universities, and thus will continue to lead the world with the innovations that enabled advanced meteorological forecasting, the Global Positioning System, NextGen tools for air traffic management, green aviation, sophisticated wind tunnels and test facilities, and advanced supercomputing and robotics.

FISCAL EFFECT: None

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file.

Analysis Prepared by: Nicole Willis / RLS. / (916) 319-2800

AMENDED IN ASSEMBLY AUGUST 4, 2014

AMENDED IN ASSEMBLY JUNE 2, 2014

Senate Concurrent Resolution

No. 101

Introduced by Senator Gaines

**(Coauthors: Senators Block, Cannella, Correa, De León, Evans,
Fuller, Huff, Monning, Padilla, Steinberg, Vidak, and Wolk)**

March 24, 2014

Senate Concurrent Resolution No. 101—Relative to Prostate Cancer Awareness Month.

LEGISLATIVE COUNSEL'S DIGEST

SCR 101, as amended, Gaines. Prostate Cancer Awareness Month.

This measure would designate September 2014 as Prostate Cancer Awareness Month in the State of California.

Fiscal committee: no.

1 WHEREAS, Prostate cancer is the most frequently diagnosed
2 cancer in men aside from skin cancer, and is the second leading
3 cause of cancer death in men aside from lung cancer; and

4 WHEREAS, The American Cancer Society estimates that one
5 in seven men will develop prostate cancer in their lifetime with an
6 estimated 233,000 new cases of the disease in the United States
7 during 2014, resulting in an estimated 29,480 deaths; and

8 WHEREAS, ~~In California, prostate~~ Prostate cancer is the most
9 common cancer among men in most racial and ethnic groups.
10 Incidence rates are about 60 percent higher in African American
11 men than in non-Hispanic white men; and

12 WHEREAS, In California, approximately 22,080 men are
13 predicted to be diagnosed with prostate cancer in 2014, and, of

1 this number, approximately 3,065 California men are predicted to
2 die of this disease; and

3 WHEREAS, The survival rate approaches 100 percent when
4 prostate cancer is diagnosed and treated early, but drops to 28
5 percent when the disease spreads to other parts of the body; and

6 WHEREAS, Early stages of prostate cancer usually do not have
7 symptoms and genetic predisposition may be responsible for 5 to
8 10 percent of prostate cancer cases; and

9 WHEREAS, Recent studies suggest that a diet high in processed
10 meat or dairy foods may increase the risk of prostate cancer, while
11 obesity may contribute to an increased risk of more aggressive
12 forms of the disease; and

13 WHEREAS, Obesity and smoking are associated with an
14 increased risk of dying from prostate cancer; and

15 WHEREAS, The American Cancer Society recommends that
16 all men be given sufficient information on both the benefits and
17 limitations of early detection and testing for prostate cancer to
18 allow each man to make a decision based on his personal values
19 and preferences; now, therefore, be it

20 *Resolved by the Senate of the State of California, the Assembly*
21 *thereof concurring*, That the Legislature designates September
22 2014 as Prostate Cancer Awareness Month in the State of
23 California and encourages public officials and citizens of California
24 to observe the month with appropriate activities and programs;
25 and be it further

26 *Resolved*, That the Legislature joins communities across our
27 nation to increase awareness of the importance of each man making
28 an informed decision with his health care provider with regard to
29 early detection and testing for prostate cancer; and be it further

30 *Resolved*, That the Secretary of the Senate transmit copies of
31 this resolution to the author for appropriate distribution.

O

Date of Hearing: August 7, 2014

ASSEMBLY COMMITTEE ON RULES

Richard S. Gordon, Chair

SCR 101 (Gaines) – As Amended: August 4, 2014

SENATE VOTE: 36-0

SUBJECT: Prostate Cancer Awareness Month.

SUMMARY: Designates September 2014 as Prostate Cancer Awareness Month in California and encourage public officials and citizens of California to observe the month with appropriate activities and programs. Specifically, this resolution makes the following legislative findings:

- 1) Prostate cancer is the most frequently diagnosed cancer in men aside from skin cancer and the second leading cause of cancer death in men aside from lung cancer.
- 2) The American Cancer Society estimates that one in six men will develop prostate cancer in his lifetime with an estimated 233,000 new cases of the disease in the United States predicted for 2014, which would result in an estimated 29,480 deaths.
- 3) In California, prostate cancer is the most common cancer among men in most racial and ethnic groups with African American men being 60 percent more likely to develop the disease than non-Hispanic white men.
- 4) In California, approximately 20,080 men are predicted to be diagnosed with prostate cancer in 2014, and, of this number approximately 3,065 men are predicted to die of this disease. Survival rates approach 100 percent when prostate cancer is diagnosed and treated early, but drops to 28 percent when the disease has already spread to other parts of the body.

- 5) The American Cancer Society recommends that all men be given sufficient information on both the benefits and limitations of early detection and testing for prostate cancer to allow each man to make a decision based on personal values and preferences.

FISCAL EFFECT: None

REGISTERED SUPPORT / OPPOSITION:

Support

California Prostate Cancer Coalition (CPCC)

Opposition

None on file

Analysis Prepared by: Nicole Willis / RLS. / (916) 319-2800



CALIFORNIA
**Prostate
Cancer**
COALITION

Merel Grey Nissenberg, Esq., *President*
Arthur Lurvey, MD, FACP, FACE, *Vice President*
Earl H. Jones, Jr., *Treasurer*
Stan Mikkelsen, *Secretary*
Larry L. Barman
Barry Chauser, MD
Murray Corwin
Bill Doss
Joe Ferrara
Manouchehr Lalehzarian, MD, FACS
Carol Marcusen, MSW, LCSW, BCD
John D. Milikowsky, Esq.
Joan Mueller
Erlinda Pasillas-Patterson
Stan Rosenfeld
Joseph E. Scherger, MD, MPH
Westley Sholes
Sam Wells
Miles Welter

Honorary Board Members

Ernie Bodai, MD
John Claster
Glen Harrington[†]
Larry Lucchino
Lew Musgrove[†]
Harry Pinchot[†]
Peter Scardino, MD
[†]Director Emeritus

Advisory Council

Stephanie Baker
Ralph W. de Vere White, MD
Jeffrey Kaufman, MD, FACS
Jonathan E. McDermed, Pharm D
Mack Roach, MD
Eric Small, MD

7825 Fay Avenue, Suite 200
La Jolla, CA 92037
Tel: (707) 786-7009
Email: cpcc@prostatecalif.org
CPCC www.prostatecalif.org
CPCC-A www.cpcc-a.org

Assembly Member Richard Gordon
Chair of Assembly Rules Committee
State Capitol, Room 3016
Sacramento, California 95814
916.319.2800 phone
916.319.2810 fax

May 12, 2014

Ref: SCR 101

Dear Assemblyman Gordon:

The California Prostate Cancer Coalition (CPCC) would be happy to be officially listed as supporting SCR 101; which is the California Senate's Concurrent Resolution designating September 2014 as Prostate Cancer Awareness Month.

We are pleased that Senator Gaines has again this year introduced a Concurrent Resolution designating September as Prostate Cancer Awareness Month. We would like to thank Senator Gaines and you for letting CPCC be a part of the process to bring awareness about this deadly disease to the attention of everyone residing in California.

Thank you for the opportunity for CPCC to be officially listed as supporting SCR 101.

Best Regards,

Bill Doss
Board Member
California Prostate Cancer Coalition
4909 Moonshadow Court
Rocklin, CA 95677
Phone: 916-772-2222
Fax: 916-772-2220
wdoss@surewest.net

cc: Merel Nissenberg, Esq, President CPCC

Introduced by Senator Lara

April 9, 2014

Senate Concurrent Resolution No. 109—Relative to National STD Awareness Month and National Youth HIV & AIDS Awareness Day.

LEGISLATIVE COUNSEL’S DIGEST

SCR 109, as introduced, Lara. National STD Awareness Month and National Youth HIV & AIDS Awareness Day.

This measure would provide that the Legislature recognizes April 2014 as National STD Awareness Month, and recognizes April 10, 2014, as National Youth HIV & AIDS Awareness Day.

Fiscal committee: no.

1 WHEREAS, Sexually transmitted diseases (STDs) are a
2 significant health challenge facing the United States. New data
3 from the federal Centers for Disease Control and Prevention (CDC)
4 suggest that there are more than 110 million total new and existing
5 infections among men and women across the nation; and
6 WHEREAS, According to the CDC, there are an estimated 20
7 million new infections of STDs annually; and
8 WHEREAS, STDs place a significant economic strain on the
9 United States’ health care system. The CDC conservatively
10 estimates that the lifetime cost of treating eight of the most
11 common STDs contracted in just one year is \$15.6 billion; and
12 WHEREAS, Many infections go undetected because they often
13 have no symptoms, but even STDs that do not have symptoms can
14 have serious health consequences. Undiagnosed and untreated
15 infections cause 24,000 women to become infertile each year; and

1 WHEREAS, Young people are disproportionately at risk of
2 infection. In 2013, Americans 15 to 24 years of age, inclusive,
3 made up just 27 percent of the sexually active population, but
4 accounted for 50 percent of the 20 million new STDs in the United
5 States that year; and

6 WHEREAS, Stigma, inconsistent or incorrect condom use,
7 limited access to health care, and a combination of other factors
8 contribute to high rates of STDs among teens and young adults.
9 In the United States, almost 40 percent of new HIV infections are
10 young people 13 to 29 years of age, inclusive; and

11 WHEREAS, Some school districts provide condoms free of
12 charge to students through condom availability programs. Condoms
13 are a proven method for reducing transmission of STDs, including
14 HIV; and

15 WHEREAS, Consistent and correct use of male latex condoms
16 can reduce, though not eliminate, the risk of STD transmission.
17 Other effective strategies for reducing STD risk include abstinence
18 from sex, mutual monogamy, reducing the number of sexual
19 partners, and vaccination for certain diseases; and

20 WHEREAS, For all individuals who are sexually active,
21 particularly young people, STD screening and prompt treatment,
22 if infected, are critical to protect a person's health and prevent
23 transmission to others; now, therefore, be it

24 *Resolved by the Senate of the State of California, the Assembly*
25 *thereof concurring*, That the Legislature recognizes April as
26 National STD Awareness Month; and be it further

27 *Resolved*, That the Legislature recognizes April 10, 2014, as
28 National Youth HIV & AIDS Awareness Day; and be it further

29 *Resolved*, That the Secretary of the Senate transmit copies of
30 this resolution to the author for appropriate distribution.

O

Date of Hearing: August 7, 2014

ASSEMBLY COMMITTEE ON RULES

Richard S. Gordon, Chair

SCR 109 (Lara) – As Introduced: April 9, 2014

SENATE VOTE: 30-0

SUBJECT: National STD Awareness Month and National Youth HIV & AIDS Awareness Day.

SUMMARY: Recognizes April 2014 as National STD Awareness Month, and recognizes April 10, 2014, as National Youth HIV & AIDS Awareness Day. Specifically, this resolution makes the following legislative findings:

1. Sexually transmitted diseases (STDs) are a significant health challenge facing the United States and new data from the federal Centers for Disease Control and Prevention (CDC) suggest that there are more than 110 million total new and existing infections among men and women across the nation.
2. According to the CDC, there are an estimated 20 million new infections of STDs annually which places a significant economic strain on the United States' health care system. The CDC conservatively estimates that the lifetime cost of treating eight of the most common STDs contracted in just one year is \$15.6 billion.
3. Young people are disproportionately at risk of infection and in 2013; Americans 15 to 24 years of age made up just 27 percent of the sexually active population, but accounted for 50 percent of the 20 million new STDs in the U.S. that year. Almost 40 percent of new HIV infections are young people 13 to 29 years of age.
4. Some school districts provide condoms free of charge to students through condom availability programs; and, condoms are a proven method for reducing transmission of STDs, including HIV.

FISCAL EFFECT: None

REGISTERED SUPPORT / OPPOSITION:

Support

California Association of School Health Educators

Opposition

None on file

Analysis Prepared by: Nicole Willis / RLS. / (916) 319-2800

California Association of School Health Educators

Ric Loya – Executive Vice President

3312 Hill Street - Huntington Park - 90255

CASHEric@aol.com

August 1, 2014

The Honorable Richard Gordon
Chair, Assembly Rules Committee
California State Assembly
State Capitol, Room 3016
Sacramento 95814

RE: SCR No. 109 (Lara)

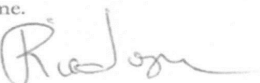
Dear Assembly Member Gordon:

The California Association of School Health Educators would like to express its strong support for Senate Concurrent Resolution No. 109 (Lara) in the Assembly. We feel SCR 109 is quite vital and timely. The prevention of STDs in teens has been shown to be extremely cost saving to medical care after the fact.

We are the ones who work as health teachers in middle schools and high schools throughout the state albeit most of our members are from the Los Angeles – Orange County area. As health teachers we find it's not always easy teaching about STD-HIV prevention and any support mechanism that can have impact we will use. It is always a package deal when providing instruction on a sensitive issue. We can show a DVD, have a speaker, textbook work, some other class activities but it sure helps to then have posted on the wall a State Resolution saying it all matters!

We thank you for your support in advance and look forward to swift concurrence of SCR No. 109 (Lara) in the Assembly. Should you wish further information on STD prevention please feel free to contact me.

Ric Loya



CASHE Executive Vice President;
Former Health Teacher at Huntington Park High

PS: I am now finishing up about ten years of running the condom availability program (CAP) for the Los Angeles Unified School District. The condom language albeit not a mandate is very important to have. Sometimes it's like pulling teeth to get some folks to maintain a CAP and even harder to implement a new CAP. SCR No. 109 will be heavily cited!

On a more personal note, I was born and was raised a Methodist attending the Hollywood United Methodist Church which is famous for its BIG red AIDS ribbon. Maybe you know Pastor Ed Hansen or Pastor Charlie Clark (Lynwood UMC) from a "few" years back!

Introduced by Senator Anderson

May 5, 2014

Senate Concurrent Resolution No. 118—Relative to military sacrifice.

LEGISLATIVE COUNSEL’S DIGEST

SCR 118, as introduced, Anderson. Military sacrifice: remembrance.

This measure would encourage the people of California to honor our war dead on the 21st day of each month by flying the flag of the United States at half-staff in remembrance and in honor of all those who have given their lives in military service in war and pausing for a moment of silence for 21 seconds to honor our fallen heroes.

Fiscal committee: no.

1 WHEREAS, Some 1.4 million American veterans have given
2 their lives in the various wars in defense of freedom; and
3 WHEREAS, California and the nation should honor their service
4 and sacrifice in perpetuity; and
5 WHEREAS, The highest salute our nation can bestow on our
6 military or public officials, including the President of the United
7 States, is formally known as the “21 Gun Salute,” and taking a 21
8 second moment of silence is an appropriate way to honor our fallen
9 soldiers; and
10 WHEREAS, Out of the 31,536,000 seconds in a calendar year,
11 252 seconds of each year shall be utilized to honor Americans who
12 have given their lives defending freedom for a 21 second moment
13 of silence each month, which would help this and future
14 generations to understand and respect the sacrifice made by
15 veterans who have given their lives; now, therefore, be it

1 *Resolved by the Senate of the State of California, the Assembly*
2 *thereof concurring,* That the Legislature encourages the people of
3 California to honor our war dead on the 21st day of each month
4 by flying the flag of the United States at half-staff in remembrance
5 and in honor of all those who have given their lives in military
6 service in war and by pausing for a moment of silence for 21
7 seconds to honor our fallen heroes; and be it further
8 *Resolved,* That the Secretary of the Senate transmit copies of
9 this resolution to the author for appropriate distribution.

O

Date of Hearing: August 7, 2014

ASSEMBLY COMMITTEE ON RULES

Richard S. Gordon, Chair

SCR 118 (Anderson) – As Introduced: May 5, 2014

SENATE VOTE: 34-0

SUBJECT: Military sacrifice.

SUMMARY: This resolution encourages the people of California to honor our war dead on the 21st day of each month by flying the flag of the United States at half-staff in remembrance and in honor of all those who have given their lives in military service in war and to pause for a moment of silence for 21 seconds to honor our fallen heroes. Specifically, this resolution makes the following legislative findings:

1. Some 1.4 million American veterans have given their lives in the various wars in defense of freedom.
2. The highest salute our nation can bestow on our military or public officials, including the President of the United States, is formally known as the "21 Gun Salute," and taking a 21 second moment of silence is an appropriate way to honor our fallen soldiers.
3. Out of the 31,536,000 seconds in a calendar year, 252 seconds of each year shall be utilized to honor Americans who have given their lives defending freedom. A 21 second moment of silence each month would help this and future generations to understand and respect the sacrifice made by veterans who have given their lives.

FISCAL EFFECT: None

REGISTERED SUPPORT / OPPOSITION:

Support

American Legion, Department of California

Opposition

None on file

Analysis Prepared by: Nicole Willis / RLS. / (916) 319-2800

PETE CONATY & ASSOCIATES
GOVERNMENTAL RELATIONS

June 30, 2014

The Honorable Richard Gordon, Chair
Assembly Rules Committee
State Capitol Building
Sacramento, CA 95814

RE: SCR118 – SUPPORT

Dear Assemblyman Gordon:

On behalf of my client, the **American Legion, Department of California**, I am writing in support of Senate Concurrent Resolution 118, by Senator Anderson, which encourages the people of California to honor our war dead on the 21st day of each month by flying the flag of the United States at half-staff in remembrance and in honor of all those who have given their lives in military service in war and pausing for a moment of silence for 21 seconds to honor our fallen heroes.

We support your efforts to bring to the attention of the people of California, the sacrifices of our military and to honor that sacrifice monthly.

The **American Legion**, founded in 1919, is an organization of veterans of the United States Armed Forces who served in wartime. The **American Legion** is active in supporting the interests of veterans and lobbying on their behalf. Members are kept informed on legislation at the federal and state levels which impacts veterans. **The American Legion, Department of California** has over 91,000 members and represents the interests of California's 2.2 million veterans and their families.

Sincerely,



Pete Conaty

cc: The Honorable Joel Anderson

1107 9th Street, Suite 530 • Sacramento, CA 95814 • (916) 492-0550 • (916) 492-8957 fax

Introduced by Senator Fuller

June 3, 2014

Senate Concurrent Resolution No. 126—Relative to X-linked adrenoleukodystrophy.

LEGISLATIVE COUNSEL'S DIGEST

SCR 126, as introduced, Fuller. Adrenoleukodystrophy Awareness Month.

This measure would memorialize the month of November 2014 as Adrenoleukodystrophy Awareness Month.

Fiscal committee: no.

1 WHEREAS, X-linked adrenoleukodystrophy (X-ALD) is one
2 of a group of genetic disorders called the leukodystrophies that
3 cause damage to the myelin sheath, an insulating membrane that
4 surrounds nerve cells in the brain; and

5 WHEREAS, Women have two X chromosomes and are the
6 carriers of the disease, but men are most severely affected because
7 men only have one X chromosome and lack the protection provided
8 by an extra X chromosome; and

9 WHEREAS, The loss of myelin and the progressive dysfunction
10 of the adrenal gland are the primary characteristics of X-ALD; and

11 WHEREAS, X-ALD affects an estimated one in every 20,000
12 boys, which is roughly 13,600 people in the United States,
13 including boys like Jeremy Hill Jr. of Bakersfield; and

14 WHEREAS, While nearly all patients with X-ALD suffer from
15 adrenal insufficiency, also known as Addison's disease, the
16 neurological symptoms can begin either in childhood or adulthood;
17 and

1 WHEREAS, The childhood cerebral form is the most severe,
2 with onset between ages four and 10; and

3 WHEREAS, The most common symptoms are behavioral
4 changes, including abnormal withdrawal or aggression, poor
5 memory, and poor school performance; and

6 WHEREAS, Other symptoms include visual loss, learning
7 disabilities, seizures, poorly articulated speech, difficulty
8 swallowing, deafness, disturbances of gait and coordination,
9 fatigue, intermittent vomiting, increased skin pigmentation, and
10 progressive dementia; and

11 WHEREAS, The milder adult-onset form is known as
12 adrenomyeloneuropathy (AMN), which typically begins between
13 21 and 35 years of age, and has symptoms that include progressive
14 stiffness, weakness or paralysis of the lower limbs, and ataxia; and

15 WHEREAS, Almost one-half the women who are carriers of
16 X-ALD will develop a milder form of AMN, but almost never will
17 develop symptoms seen in boys with X-ALD; and

18 WHEREAS, Treatment with adrenal hormones can be lifesaving,
19 and symptomatic and supportive treatments for X-ALD include
20 physical therapy, psychological support, and special education;
21 and

22 WHEREAS, Newborn screening is effective in catching and
23 preventing the negative effects of X-ALD and is relatively
24 inexpensive; and

25 WHEREAS, The prognosis for patients with childhood cerebral
26 X-ALD is generally poor due to progressive neurological
27 deterioration, unless bone marrow transplantation is performed
28 early; and

29 WHEREAS, Recent evidence suggests that a mixture of oleic
30 acid and erucic acid, known as “Lorenzo’s Oil,” administered to
31 boys with X-ALD prior to the onset of symptoms can prevent or
32 delay, but not stop, the appearance of the childhood cerebral form
33 of X-ALD; and

34 WHEREAS, Death usually occurs between one and 10 years
35 after the onset of symptoms of childhood cerebral X-ALD, and in
36 adult-onset AMN deterioration will progress over decades; and

37 WHEREAS, November, the month of Jeremy Hill Jr.’s birthday,
38 was chosen to acknowledge the struggles of Jeremy Hill Jr., his
39 parents, Jeremy and Debra Hill, and his sister, Meagan Hill, in
40 fighting X-ALD; now, therefore, be it

1 *Resolved by the Senate of the State of California, the Assembly*
2 *thereof concurring*, That the Legislature does hereby proclaim the
3 month of November 2014 as Adrenoleukodystrophy Awareness
4 Month; and be it further
5 *Resolved*, That the Secretary of the Senate transmit copies of
6 this resolution to the author for appropriate distribution.

O

Date of Hearing: August 7, 2014

ASSEMBLY COMMITTEE ON RULES

Richard S. Gordon, Chair

SCR 126 (Fuller) – As Introduced: June 3, 2014

SENATE VOTE: 35-0

SUBJECT: Adrenoleukodystrophy Awareness Month.

SUMMARY: Memorializes the month of November 2014 as Adrenoleukodystrophy Awareness Month. Specifically, this resolution makes the following legislative findings:

- 1) X-linked adrenoleukodystrophy (X-ALD) is one of a group of genetic disorders called the leukodystrophies that cause damage to the myelin sheath. An insulating membrane that surrounds the nerve cells in the brain; and, X-ALD affects an estimated one in 20,000 boys, which is roughly 13,600 people in the United States, including boys like Jeremy Hill Jr. of Bakersfield.
- 2) Women have two X chromosomes and are the carriers of the disease, but men are most severely affected because men only have one X chromosome and lack the protection provided by the extra X chromosome.
- 3) Nearly all patients with X-ALD suffer from adrenal insufficiency, also known as Addison's Disease, the neurological symptoms can begin in childhood or adulthood. The childhood cerebral form is the most severe, with onset between ages four and ten.
- 4) Common symptoms are behavioral changes, including abnormal withdrawal or aggression, poor memory, and poor school performance; and, additional symptoms include visual loss, learning disabilities, seizures, poorly articulated speech, difficulty swallowing, deafness, disturbances in gait and coordination, fatigue, intermittent vomiting, increased skin pigmentation, and progressive dementia.

- 5) Newborn screening is effective in catching and preventing the negative effects of X-ALD and is relatively inexpensive; and, treatment with adrenal hormones can be lifesaving, and symptomatic and supportive treatments for X-ALD include physical therapy, psychological support, and special education.
- 6) Evidence suggests that a mixture of oleic acid and erucic acid, known as "Lorenzo's Oil," administered to boys with X-ALD prior to the onset of symptoms can prevent or delay, but not stop, the appearance of the childhood cerebral form of X-ALD.
- 7) The prognosis for patients with childhood cerebral X-ALD is generally poor due to progressive neurological deterioration, unless a bone marrow transplantation is performed early; and, death usually occurs between one and 10 years after the onset of symptoms.

FISCAL EFFECT: None

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

Analysis Prepared by: Nicole Willis / RLS. / (916) 319-2800

[Back to Agenda](#)

AMENDED IN ASSEMBLY SEPTEMBER 3, 2013

AMENDED IN ASSEMBLY JUNE 20, 2013

AMENDED IN SENATE MAY 15, 2013

AMENDED IN SENATE APRIL 4, 2013

SENATE BILL

No. 718

Introduced by Senator Yee

February 22, 2013

An act to add Section 6401.8 to the Labor Code, relating to employment safety.

LEGISLATIVE COUNSEL'S DIGEST

SB 718, as amended, Yee. Hospitals: workplace violence prevention ~~plan~~. *plan*.

Existing law regulates the operation of health facilities, including hospitals.

Existing law, the California Occupational Safety and Health Act of 1973, imposes safety responsibilities on employers and employees, including the requirement that an employer establish, implement, and maintain an effective injury prevention program, and makes specified violation of these provisions a crime.

~~This bill would require a hospital, as specified, as a part of its injury prevention program and in conjunction with affected employees, to adopt a workplace violence prevention plan designed to protect health care workers, other facility personnel, patients, and visitors from aggressive or violent behavior. As part of that plan, the bill would require a hospital to adopt safety and security policies, including, among others, a system for the reporting to the Division of Occupational Safety and Health of any violent incident, as defined, against a hospital~~

employee, as specified. The bill would further require all medical staff and health care workers who provide direct care to patients to receive, at least annually, workplace violence prevention education and training, as specified. The bill would prohibit a hospital, *as specified*, from preventing an employee from, or taking punitive or retaliatory action against an employee for, seeking assistance and intervention from local emergency services or law enforcement for a violent incident. The bill would also require a hospital to provide evaluation and treatment, as specified, for an employee who is injured or is otherwise a victim of a violent incident.

The bill would require a hospital to document and keep for 5 years a written record of all violent incidents against a hospital employee, as defined, and to report to the division any violent incident, as specified. The bill would also authorize the division to assess a civil penalty against a hospital for failure to report a violent incident, as specified. The bill would further require the division to post on its Internet Web site a report regarding violent incidents at hospitals, as specified, and to adopt regulations implementing these provisions by January 1, 2015.

Because this bill would expand the scope of a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 6401.8 is added to the Labor Code, to
2 read:
3 ~~6401.8. (a) Except as provided in subdivision (n), as a part of~~
4 ~~its injury prevention program required pursuant to Section 6401.7,~~
5 ~~a hospital described in subdivision (a), (b), or (f) of Section 1250~~
6 ~~of the Health and Safety Code shall adopt a workplace violence~~
7 ~~prevention plan designed to protect health care workers, other~~
8 ~~facility personnel, patients, and visitors from aggressive or violent~~
9 ~~behavior. The plan shall include, but not be limited to, security~~
10 ~~considerations relating to all of the following:~~

1 ~~(1) Physical layout.~~

2 ~~(2) Staffing, including staffing patterns and patient classification~~
3 ~~systems that contribute to the risk of violence or are insufficient~~
4 ~~to address the risk of violence.~~

5 ~~(3) The adequacy of facility security systems, protocols, and~~
6 ~~policies, including, but not limited to, security personnel~~
7 ~~availability and employee alarm systems.~~

8 ~~(4) Potential security risks associated with specific units or areas~~
9 ~~within the facility where there is a greater likelihood that a patient~~
10 ~~or other person may exhibit violent behavior.~~

11 ~~(5) Uncontrolled public access to any part of the facility.~~

12 ~~(6) Potential security risks related to working late night or early~~
13 ~~morning hours.~~

14 ~~(7) Employee security in areas surrounding the facility,~~
15 ~~including, but not limited to, employee parking areas.~~

16 ~~(8) The use of a trained response team that can assist employees~~
17 ~~in violent situations.~~

18 ~~(9) Policy and training related to appropriate responses to violent~~
19 ~~acts.~~

20 ~~(10) Efforts to cooperate with local law enforcement regarding~~
21 ~~violent acts in the facility.~~

22 ~~(b) As part of its workplace violence prevention plan, a hospital~~
23 ~~shall adopt safety and security policies, including, but not limited~~
24 ~~to, all of the following:~~

25 ~~(1) Personnel training policies designed to protect personnel,~~
26 ~~patients, and visitors from aggressive or violent behavior, including~~
27 ~~education on how to recognize the potential for violence, how and~~
28 ~~when to seek assistance to prevent or respond to violence, and how~~
29 ~~to report violent incidents to the appropriate law enforcement~~
30 ~~officials.~~

31 ~~(2) A system for responding to violent incidents and situations~~
32 ~~involving violence or the risk of violence, including, but not limited~~
33 ~~to, procedures for rapid response by which an employee is provided~~
34 ~~with immediate assistance if the threat of violence against that~~
35 ~~employee appears to be imminent, or if a violent act has occurred~~
36 ~~or is occurring.~~

37 ~~(3) A system for investigating violent incidents and situations~~
38 ~~involving violence or the risk of violence. When investigating~~
39 ~~these incidents, the hospital shall interview any employee involved~~
40 ~~in the incident or situation.~~

1 ~~(4) A system for reporting, monitoring, and recordkeeping of~~
2 ~~violent incidents and situations involving the risk of violence.~~

3 ~~(5) A system for reporting violent incidents to the division~~
4 ~~pursuant to subdivision (h).~~

5 ~~(6) Modifications to job design, staffing, security, equipment,~~
6 ~~or facilities as determined necessary to prevent or address violence~~
7 ~~against hospital employees.~~

8 ~~(c) The plan shall be developed in conjunction with affected~~
9 ~~employees, including their recognized collective bargaining agents,~~
10 ~~if any. Individuals or members of a hospital committee responsible~~
11 ~~for developing the security plan shall be familiar with hospital~~
12 ~~safety and security issues, as well as the identification of aggressive~~
13 ~~and violent predicting factors. In developing the workplace~~
14 ~~violence prevention plan, the hospital shall consider guidelines or~~
15 ~~standards on violence in health care facilities issued by the division,~~
16 ~~the federal Occupational Safety and Health Administration, and,~~
17 ~~if available, the State Department of Public Health.~~

18 ~~(d) All medical staff and health care workers who provide direct~~
19 ~~care to patients shall, at least annually, receive workplace violence~~
20 ~~prevention education and training that is designed in such a way~~
21 ~~as to provide an opportunity for interactive questions and answers~~
22 ~~with a person knowledgeable about the workplace violence~~
23 ~~prevention plan, and that includes, but is not limited to, the~~
24 ~~following topics:~~

25 ~~(1) General safety measures.~~

26 ~~(2) Personal safety measures.~~

27 ~~(3) The assault cycle.~~

28 ~~(4) Aggression and violence predicting factors.~~

29 ~~(5) Obtaining patient history from a patient with violent~~
30 ~~behavior.~~

31 ~~(6) Characteristics of aggressive and violent patients and victims.~~

32 ~~(7) Verbal and physical maneuvers to diffuse and avoid violent~~
33 ~~behavior.~~

34 ~~(8) Strategies to avoid physical harm.~~

35 ~~(9) Restraining techniques.~~

36 ~~(10) Appropriate use of medications as chemical restraints.~~

37 ~~(11) Any resources available to employees for coping with~~
38 ~~violent incidents, including, by way of example, critical incident~~
39 ~~stress debriefing or employee assistance programs.~~

1 ~~(e) All temporary personnel shall be oriented to the workplace~~
2 ~~violence prevention plan.~~

3 ~~(f) A hospital shall provide evaluation and treatment for an~~
4 ~~employee who is injured or is otherwise a victim of a violent~~
5 ~~incident and shall, upon the request of the employee, provide access~~
6 ~~to followup counseling to address trauma or distress experienced~~
7 ~~by the employee, including, but not limited to, individual crisis~~
8 ~~counseling, support group counseling, peer assistance, and~~
9 ~~professional referrals.~~

10 ~~(g)~~
11 6401.8. (a) A hospital described in subdivision (a), (b), or (f)
12 of Section 1250 of the Health and Safety Code shall not prohibit
13 an employee from, or take punitive or retaliatory action against an
14 employee for, seeking assistance and intervention from local
15 emergency services or law enforcement when a violent incident
16 occurs.

17 ~~(h)~~
18 (b) (1) In addition to the reports required by Section 6409.1, a
19 hospital shall document and keep for a period of five years a written
20 record of any violent incident against a hospital employee
21 immediately after the incident is reported by that employee or any
22 other employee to a manager, supervisor, or other hospital
23 administrator. The hospital shall document and keep a written
24 record of all violent incidents, regardless of whether the employee
25 sustains an injury. This record shall include, but not be limited to,
26 the date and time of the incident, the unit in which the incident
27 occurred, a description of the circumstances surrounding the
28 incident, and the hospital's response to the incident.

29 (2) A hospital shall report to the division within 72 hours the
30 information recorded pursuant to paragraph (1) regarding a violent
31 incident. If the incident results in physical injury, involves the use
32 of a firearm or other dangerous weapon, or presents an urgent or
33 emergent threat to the welfare, health, or safety of hospital
34 personnel, the hospital shall report the incident to the division
35 within 24 hours.

36 (3) If a hospital fails to report a violent incident pursuant to
37 paragraph (2), the division may assess a civil penalty against the
38 hospital in an amount not to exceed one hundred dollars (\$100)
39 per day for each day that the incident is not reported following the

1 initial 72-hour or 24-hour period, as applicable pursuant to
2 paragraph (2).

3 ~~(i)~~

4 (c) The division may, at its discretion, conduct an inspection
5 for any violent incident reported pursuant to subdivision ~~(h)~~ (b).

6 ~~(j)~~

7 (d) Nothing in this section requiring recordkeeping and reporting
8 by an employer relieves the employer of the requirements of
9 Section 6410.

10 ~~(k)~~

11 (e) By January 1, 2015, and annually thereafter, the division
12 shall, in a manner that protects patient and employee
13 confidentiality, post a report on its Internet Web site containing
14 information regarding violent incidents at hospitals, that includes,
15 but is not limited to, the total number of reports and which specific
16 hospitals filed reports pursuant to subdivision ~~(h)~~, (b), the outcome
17 of any related inspection or investigation, citations levied against
18 a hospital based on a violent incident, and recommendations on
19 how to prevent violent incidents at hospitals.

20 ~~(l)~~

21 (f) By January 1, 2015, the division shall adopt regulations to
22 implement the provisions of this section.

23 ~~(m)~~

24 (g) For purposes of this section, “violent incident” shall include,
25 but not be limited to, the following:

26 (1) The use of physical force against a hospital employee by a
27 patient or a person accompanying a patient that results in or has a
28 high likelihood of resulting in injury, psychological trauma, or
29 stress, regardless of whether the employee sustains an injury.

30 (2) An incident involving the use of a firearm or other dangerous
31 weapon, regardless of whether the employee sustains an injury.

32 ~~(n)~~

33 (h) This section shall not apply to a hospital operated by the
34 State Department of State Hospitals, the State Department of
35 Developmental Services, or the Department of Corrections and
36 Rehabilitation.

37 SEC. 2. No reimbursement is required by this act pursuant to
38 Section 6 of Article XIII B of the California Constitution because
39 the only costs that may be incurred by a local agency or school
40 district will be incurred because this act creates a new crime or

1 infraction, eliminates a crime or infraction, or changes the penalty
2 for a crime or infraction, within the meaning of Section 17556 of
3 the Government Code, or changes the definition of a crime within
4 the meaning of Section 6 of Article XIII B of the California
5 Constitution.

O

AMENDMENTS TO SENATE BILL NO. 718
AS AMENDED IN ASSEMBLY SEPTEMBER 3, 2013

Amendment 1

In the heading, in line 1, strike out "Senator Yee" and insert:

Senators Roth and Knight

Amendment 2

In the heading, below line 1, insert:

(Principal Coauthors: Assembly Members Cooley, Fox, Medina, Muratsuchi, Quirk-Silva, and Salas)

(Coauthors: Senators Anderson, Berryhill, Block, Cannella, Fuller, Gaines, Hill, Huff, Morrell, Nielsen, Padilla, Vidak, Walters, and Wyland)

(Coauthors: Assembly Members Achadjian, Alejo, Atkins, Bloom, Bocanegra, Ian Calderon, Chau, Dickinson, Gorell, Gray, Grove, Hall, Harkey, Roger Hernández, Linder, Maienschein, Nazarian, Nestande, Olsen, Pan, V. Manuel Pérez, Waldron, and Wilk)

Amendment 3

In the title, in lines 1 and 2, strike out "add Section 6401.8 to the Labor Code, relating to employment safety" and insert:

amend Section 51298 of the Government Code, and to amend Section 23636 of the Revenue and Taxation Code, relating to economic development, and declaring the urgency thereof, to take effect immediately

Amendment 4

On page 2, before line 1, insert:

SECTION 1. Section 51298 of the Government Code, as amended by Section 1 of Chapter 116 of the Statutes of 2014, is amended to read:

51298. It is the intent of the Legislature in enacting this chapter to provide local governments with opportunities to attract large manufacturing facilities to invest in their communities and to encourage industries, such as high technology, aerospace, automotive, biotechnology, software, environmental sources, and others, to locate and invest in those facilities in California.

(a) Commencing in the 1998–99 fiscal year, the governing body of a county, city and county, or city, may, by means of an ordinance or resolution approved by a majority of its entire membership, elect to establish a capital investment incentive program. In any county, city and county, or city in which the governing body has so elected, the county, city and county, or city shall, upon the approval by a majority of the entire membership of its governing body of a written request therefor, pay a capital



RN1420816

investment incentive amount to the proponent of a qualified manufacturing facility for up to 15 consecutive fiscal years. A request for the payment of capital investment incentive amounts shall be filed by a proponent in writing with the governing body of an electing county, city and county, or city in the time and manner specified in procedures adopted by that governing body. In the case in which the governing body of an electing county, city and county, or city approves a request for the payment of capital investment incentive amounts, both of the following conditions shall apply:

(1) The consecutive fiscal years during which a capital investment incentive amount is to be paid shall commence with the first fiscal year commencing after the date upon which the qualified manufacturing facility is certified for occupancy or, if no certification is issued, the first fiscal year commencing after the date upon which the qualified manufacturing facility commences operation.

(2) In accordance with paragraph (4) of subdivision (d), the annual payment to a proponent of each capital investment incentive amount shall be contingent upon the proponent's payment of a community services fee.

(b) For purposes of this section:

(1) "Qualified manufacturing facility" means a proposed manufacturing facility that meets all of the following criteria:

(A) The proponent's initial investment in that facility, in real and personal property, necessary for the full and normal operation of that facility, made pursuant to the capital investment incentive program, that comprises any portion of that facility or has its situs at that facility, exceeds one hundred fifty million dollars (\$150,000,000). Compliance with this subparagraph shall be certified by the Governor's Office of Business and Economic Development upon the director's approval of a proponent's application for certification of a qualified manufacturing facility. An application for certification shall be submitted by a proponent to the Governor's Office of Business and Economic Development in writing in the time and manner as specified by the director.

(B) The facility is to be located within the jurisdiction of the electing county, city and county, or city to which the request is made for payment of capital investment incentive amounts.

(C) The facility is operated by any of the following:

(i) A business described within Code 3359 or 3364 of the 2012 North American Industry Classification System (NAICS) Manual published by the United States Office of Management and Budget.

(ii) A business engaged in the recovery of minerals from geothermal resources, including the proportional amount of a geothermal electric generating plant that is integral to the recovery process by providing electricity for it.

(iii) A business engaged in the manufacturing of parts or components related to the production of electricity using solar, wind, biomass, hydropower, or geothermal resources on or after July 1, 2010.

(D) The proponent is currently engaged in any of the following:

(i) Commercial production.

(ii) The perfection of the manufacturing process.

(iii) The perfection of a product intended to be manufactured.

(2) "Proponent" means a party or parties that meet all of the following criteria:

(A) The party is named in the application to the county, city and county, or city within which the qualified manufacturing facility would be located for a permit to construct a qualified manufacturing facility.

(B) The party will be the fee owner, lessee, or occupant under a government-owned contractor operator enhanced use lease agreement of the qualified manufacturing facility upon the completion of that facility. Notwithstanding the previous sentence, the party may enter into a sale-leaseback transaction and nevertheless be considered the proponent.

(C) If a proponent that is receiving capital investment incentive amounts subsequently leases the subject qualified manufacturing facility to another party, the lease may provide for the payment to that lessee of any portion of a capital investment incentive amount. Any lessee receiving any portion of a capital investment incentive amount shall also be considered a proponent for the purposes of subdivision (d).

(3) "Capital investment incentive amount" means, with respect to a qualified manufacturing facility for a relevant fiscal year, an amount up to or equal to the amount of ad valorem property tax revenue ~~derived by~~ allocated to the participating local agency, which excludes the revenue transfers required by Sections 97.2 and 97.3 of the Revenue and Taxation Code, from the taxation of that portion of the total assessed value of that real and personal property described in subparagraph (A) of paragraph (1) that is in excess of twenty-five million dollars (\$25,000,000).

(4) "Manufacturing" means the activity of converting or conditioning property by changing the form, composition, quality, or character of the property for ultimate sale at retail or use in the manufacturing of a product to be ultimately sold at retail. Manufacturing includes any improvements to tangible personal property that result in a greater service life or greater functionality than that of the original property.

(c) A city or special district may, upon the approval by a majority of the entire membership of its governing body, pay to the county, city and county, or city an amount equal to the amount of ad valorem property tax revenue allocated to that city or special district, but not the actual allocation, derived from the taxation of that portion of the total assessed value of that real and personal property described in subparagraph (A) of paragraph (1) of subdivision (b) that is in excess of twenty-five million dollars (\$25,000,000).

(d) A proponent whose request for the payment of capital investment incentive amounts is approved by an electing county, city and county, or city shall enter into a community services agreement with that county, city and county, or city that includes, but is not limited to, all of the following provisions:

(1) A provision requiring that a community services fee be remitted by the proponent to the county, city and county, or city, in each fiscal year, in an amount that is equal to 25 percent of the capital investment incentive amount calculated for that proponent for that fiscal year, except that in no fiscal year shall the amount of the community services fee exceed two million dollars (\$2,000,000).

(2) A provision specifying the dates in each relevant fiscal year upon which payment of the community services fee is due and delinquent, and the rate of interest to be charged to a proponent for any delinquent portion of the community services fee amount.

(3) A provision specifying the procedures and rules for the determination of underpayments or overpayments of a community services fee, for the appeal of

determinations of any underpayment, and for the refunding or crediting of any overpayment.

(4) A provision specifying that a proponent is ineligible to receive a capital investment incentive amount if that proponent is currently delinquent in the payment of any portion of a community services fee amount, if the qualified manufacturing facility is constructed in a manner materially different from the facility as described in building permit application materials, or if the facility is no longer operated as a qualified manufacturing facility meeting the requirements of paragraph (1) of subdivision (b). If a proponent becomes ineligible to receive a capital investment incentive amount as a result of an agreement provision included pursuant to this subparagraph, the running of the number of consecutive fiscal years specified in an agreement made pursuant to subdivision (a) is not tolled during the period in which the proponent is ineligible.

(5) A provision that sets forth a job creation plan with respect to the relevant qualified manufacturing facility. The plan shall specify the number of jobs to be created by that facility, and the types of jobs and compensation ranges to be created thereby. The plan shall also specify that for the entire term of the community services agreement, both of the following shall apply:

(A) All of the employees working at the qualified manufacturing facility shall be covered by an employer-sponsored health benefits plan, with the exception of any employee who was offered but declined coverage due to other available group coverage.

(B) The average weekly wage, exclusive of overtime, paid to all of the employees working at the qualified manufacturing facility, who are not management or supervisory employees, shall be not less than the state average weekly wage.

For the purpose of this subdivision, "state average weekly wage" means the average weekly wage paid by employers to employees covered by unemployment insurance, as reported to the Employment Development Department for the four calendar quarters ending June 30 of the preceding calendar year.

(6) (A) In the case in which the proponent fails to operate the qualified manufacturing facility as required by the community services agreement, a provision that requires the recapture of any portion of any capital investment incentive amounts previously paid to the proponent equal to the lesser of the following:

(i) All of the capital investment incentive amounts paid to the proponent, less all of the community services fees received from the proponent, and less any capital investment incentive amounts previously recaptured.

(ii) The last capital investment incentive amount paid to the proponent, less the last community services fee received from the proponent, multiplied by 40 percent of the number of years remaining in the community services agreement, but not to exceed 10 years, and less any capital investment incentive amounts previously recaptured.

(B) If the proponent fails to operate the qualified manufacturing facility as required by the community services agreement, the county, city and county, or city may, upon a finding that good cause exists, waive any portion of the recapture of any capital investment incentive amount due under this subdivision. For the purpose of this subdivision, good cause includes, but is not limited to, the following:

(i) The proponent has sold or leased the property to a person who has entered into an agreement with the county, city and county, or city to assume all of the responsibilities of the proponent under the community services agreement.

(ii) The qualified manufacturing facility has been rendered inoperable and beyond repair as a result of an act of God, civil disorder, failure of power, riots, insurrections, war, acts of terrorism, or any other causes, whether the kind herein enumerated or otherwise, not within the control of the qualified manufacturing facility claiming good cause, which restrict or interfere with a qualified manufacturing facility's ability to timely perform, and which by the exercise of reasonable due diligence, such party is or would have been unable to prevent or overcome.

(C) For purposes of this subdivision, failure to operate a qualified manufacturing facility as required by the community services agreement includes, but is not limited to, failure to establish the number of jobs specified in the jobs creation plan created pursuant to paragraph (5).

(e) (1) Each county, city and county, or city that elects to establish a capital investment incentive program shall notify the Governor's Office of Business and Economic Development of its election to do so no later than June 30th of the fiscal year in which the election was made.

(2) In addition to the information required to be reported pursuant to paragraph (1), each county, city and county, or city that has elected to establish a capital investment incentive program shall notify the Governor's Office of Business and Economic Development each fiscal year no later than June 30th of the amount of any capital investment incentive payments made and the proponent of the qualified manufacturing facility to whom the payments were made during that fiscal year.

(3) The Governor's Office of Business and Economic Development shall compile the information submitted by each county, city and county, and city pursuant to paragraphs (1) and (2) and submit a report to the Legislature containing this information no later than October 1, every two years commencing October 1, 2000.

(f) This section shall become inoperative on July 1, 2015.

(g) A capital investment incentive program established pursuant to this section before the effective date of the act adding this subdivision may remain in effect for the full term of that program.

(h) This section is repealed on January 1, 2016.

SEC. 2. Section 51298 of the Government Code, as added by Section 2 of Chapter 116 of the Statutes of 2014, is amended to read:

51298. It is the intent of the Legislature in enacting this chapter to provide local governments with opportunities to attract large manufacturing facilities to invest in their communities and to encourage industries, such as high technology, aerospace, automotive, biotechnology, software, environmental sources, and others, to locate and invest in those facilities in California.

(a) Commencing in the 1998–99 fiscal year, the governing body of a county, city and county, or city, may, by means of an ordinance or resolution approved by a majority of its entire membership, elect to establish a capital investment incentive program. In any county, city and county, or city in which the governing body has so elected, the county, city and county, or city shall, upon the approval by a majority of the entire membership of its governing body of a written request therefor, pay a capital investment incentive amount to the proponent of a qualified manufacturing facility for up to 15 consecutive fiscal years. A request for the payment of capital investment incentive amounts shall be filed by a proponent in writing with the governing body of an electing county, city and county, or city in the time and manner specified in

procedures adopted by that governing body. In the case in which the governing body of an electing county, city and county, or city approves a request for the payment of capital investment incentive amounts, both of the following conditions shall apply:

(1) The consecutive fiscal years during which a capital investment incentive amount is to be paid shall commence with the first fiscal year commencing after the date upon which the qualified manufacturing facility is certified for occupancy or, if no certification is issued, the first fiscal year commencing after the date upon which the qualified manufacturing facility commences operation.

(2) In accordance with paragraph (4) of subdivision (d), the annual payment to a proponent of each capital investment incentive amount shall be contingent upon the proponent's payment of a community services fee.

(b) For purposes of this section:

(1) "Qualified manufacturing facility" means a proposed manufacturing facility that meets all of the following criteria:

(A) The proponent's initial investment in that facility, in real and personal property, necessary for the full and normal operation of that facility, made pursuant to the capital investment incentive program, that comprises any portion of that facility or has its situs at that facility, exceeds one hundred fifty million dollars (\$150,000,000). Compliance with this subparagraph shall be certified by the Governor's Office of Business and Economic Development upon the director's approval of a proponent's application for certification of a qualified manufacturing facility. An application for certification shall be submitted by a proponent to the Governor's Office of Business and Economic Development in writing in the time and manner as specified by the director.

(B) The facility is to be located within the jurisdiction of the electing county, city and county, or city to which the request is made for payment of capital investment incentive amounts.

(C) The facility is operated by any of the following:

(i) A business described in Codes 3321 to 3399, inclusive, or Codes 541711 or 541712 of the 2012 North American Industry Classification System (NAICS) Manual published by the United States Office of Management and Budget.

(ii) A business engaged in the recovery of minerals from geothermal resources, including the proportional amount of a geothermal electric generating plant that is integral to the recovery process by providing electricity for it.

(iii) A business engaged in the manufacturing of parts or components related to the production of electricity using solar, wind, biomass, hydropower, or geothermal resources on or after July 1, 2010.

(D) The proponent is currently engaged in any of the following:

(i) Commercial production.

(ii) The perfection of the manufacturing process.

(iii) The perfection of a product intended to be manufactured.

(2) "Proponent" means a party or parties that meet all of the following criteria:

(A) The party is named in the application to the county, city and county, or city within which the qualified manufacturing facility would be located for a permit to construct a qualified manufacturing facility.

(B) The party will be the fee owner of the qualified manufacturing facility upon the completion of that facility. Notwithstanding the previous sentence, the party may enter into a sale-leaseback transaction and nevertheless be considered the proponent.

(C) If a proponent that is receiving capital investment incentive amounts subsequently leases the subject qualified manufacturing facility to another party, the lease may provide for the payment to that lessee of any portion of a capital investment incentive amount. Any lessee receiving any portion of a capital investment incentive amount shall also be considered a proponent for the purposes of subdivision (d).

(3) "Capital investment incentive amount" means, with respect to a qualified manufacturing facility for a relevant fiscal year, an amount up to or equal to the amount of ad valorem property tax revenue ~~derived by~~ allocated to the participating local agency, which excludes the revenue transfers required by Sections 97.2 and 97.3 of the Revenue and Taxation Code, from the taxation of that portion of the total assessed value of that real and personal property described in subparagraph (A) of paragraph (1) that is in excess of one hundred fifty million dollars (\$150,000,000).

(4) "Manufacturing" means the activity of converting or conditioning property by changing the form, composition, quality, or character of the property for ultimate sale at retail or use in the manufacturing of a product to be ultimately sold at retail. Manufacturing includes any improvements to tangible personal property that result in a greater service life or greater functionality than that of the original property.

(c) A city or special district may, upon the approval by a majority of the entire membership of its governing body, pay to the county, city and county, or city an amount equal to the amount of ad valorem property tax revenue allocated to that city or special district, but not the actual allocation, derived from the taxation of that portion of the total assessed value of that real and personal property described in subparagraph (A) of paragraph (1) of subdivision (b) that is in excess of one hundred fifty million dollars (\$150,000,000).

(d) A proponent whose request for the payment of capital investment incentive amounts is approved by an electing county, city and county, or city shall enter into a community services agreement with that county, city and county, or city that includes, but is not limited to, all of the following provisions:

(1) A provision requiring that a community services fee be remitted by the proponent to the county, city and county, or city, in each fiscal year, in an amount that is equal to 25 percent of the capital investment incentive amount calculated for that proponent for that fiscal year, except that in no fiscal year shall the amount of the community services fee exceed two million dollars (\$2,000,000).

(2) A provision specifying the dates in each relevant fiscal year upon which payment of the community services fee is due and delinquent, and the rate of interest to be charged to a proponent for any delinquent portion of the community services fee amount.

(3) A provision specifying the procedures and rules for the determination of underpayments or overpayments of a community services fee, for the appeal of determinations of any underpayment, and for the refunding or crediting of any overpayment.

(4) A provision specifying that a proponent is ineligible to receive a capital investment incentive amount if that proponent is currently delinquent in the payment of any portion of a community services fee amount, if the qualified manufacturing

facility is constructed in a manner materially different from the facility as described in building permit application materials, or if the facility is no longer operated as a qualified manufacturing facility meeting the requirements of paragraph (1) of subdivision (b). If a proponent becomes ineligible to receive a capital investment incentive amount as a result of an agreement provision included pursuant to this subparagraph, the running of the number of consecutive fiscal years specified in an agreement made pursuant to subdivision (a) is not tolled during the period in which the proponent is ineligible.

(5) A provision that sets forth a job creation plan with respect to the relevant qualified manufacturing facility. The plan shall specify the number of jobs to be created by that facility, and the types of jobs and compensation ranges to be created thereby. The plan shall also specify that for the entire term of the community services agreement, both of the following shall apply:

(A) All of the employees working at the qualified manufacturing facility shall be covered by an employer-sponsored health benefits plan, with the exception of any employee who was offered but declined coverage due to other available group coverage.

(B) The average weekly wage, exclusive of overtime, paid to all of the employees working at the qualified manufacturing facility, who are not management or supervisory employees, shall be not less than the state average weekly wage. For the purpose of this subdivision, "state average weekly wage" means the average weekly wage paid by employers to employees covered by unemployment insurance, as reported to the Employment Development Department for the four calendar quarters ending June 30 of the preceding calendar year.

(6) (A) In the case in which the proponent fails to operate the qualified manufacturing facility as required by the community services agreement, a provision that requires the recapture of any portion of any capital investment incentive amounts previously paid to the proponent equal to the lesser of the following:

(i) All of the capital investment incentive amounts paid to the proponent, less all of the community services fees received from the proponent, and less any capital investment incentive amounts previously recaptured.

(ii) The last capital investment incentive amount paid to the proponent, less the last community services fee received from the proponent, multiplied by 40 percent of the number of years remaining in the community services agreement, but not to exceed 10 years, and less any capital investment incentive amounts previously recaptured.

(B) If the proponent fails to operate the qualified manufacturing facility as required by the community services agreement, the county, city and county, or city may, upon a finding that good cause exists, waive any portion of the recapture of any capital investment incentive amount due under this subdivision. For the purpose of this subdivision, good cause includes, but is not limited to, the following:

(i) The proponent has sold or leased the property to a person who has entered into an agreement with the county, city and county, or city to assume all of the responsibilities of the proponent under the community services agreement.

(ii) The qualified manufacturing facility has been rendered inoperable and beyond repair as a result of an act of God, civil disorder, failure of power, riots, insurrections, war, acts of terrorism, or any other causes, whether the kind herein enumerated or otherwise, not within the control of the qualified manufacturing facility claiming good cause, which restrict or interfere with a qualified manufacturing facility's ability to

timely perform, and which by the exercise of reasonable due diligence, such party is or would have been unable to prevent or overcome.

(C) For purposes of this subdivision, failure to operate a qualified manufacturing facility as required by the community services agreement includes, but is not limited to, failure to establish the number of jobs specified in the jobs creation plan created pursuant to paragraph (5).

(e) (1) Each county, city and county, or city that elects to establish a capital investment incentive program shall notify the Governor's Office of Business and Economic Development of its election to do so no later than June 30th of the fiscal year in which the election was made.

(2) In addition to the information required to be reported pursuant to paragraph (1), each county, city and county, or city that has elected to establish a capital investment incentive program shall notify the Governor's Office of Business and Economic Development each fiscal year no later than June 30th of the amount of any capital investment incentive payments made and the proponent of the qualified manufacturing facility to whom the payments were made during that fiscal year.

(3) The Governor's Office of Business and Economic Development shall compile the information submitted by each county, city and county, and city pursuant to paragraphs (1) and (2) and submit a report to the Legislature containing this information no later than October 1, every two years commencing October 1, 2016.

(f) This section shall become operative on July 1, 2015.

SEC. 3. Section 23636 of the Revenue and Taxation Code is amended to read:

23636. (a) For each taxable year beginning on or after January 1, 2015, and before January 1, 2030, a qualified taxpayer shall be allowed a credit against the "tax," as defined in Section 23036, in an amount equal to 17 ½ percent of qualified wages paid or incurred by the qualified taxpayer during the taxable year to qualified full-time ~~employees multiplied by the annual full-time equivalent ratio: employees, subject to the limitations under subdivision (c).~~

(b) For purposes of this section:

(1) "Annual full-time equivalent" means either of the following:

(A) In the case of a qualified full-time employee paid hourly qualified wages, "annual full-time equivalent" means the total number of hours worked for the qualified taxpayer by the qualified full-time employee, not to exceed 2,000 hours per employee, divided by 2,000.

(B) In the case of a salaried qualified full-time employee, "annual full-time equivalent" means the total number of weeks worked for the qualified taxpayer by the qualified employee divided by 52.

(2) ~~"Annual full-time equivalent ratio" means a ratio, the numerator of which is 1,100 and the denominator of which is the number of a qualified taxpayer's qualified full-time employees computed on an annual full-time equivalent basis for the taxable year. The annual full-time equivalent ratio may not be greater than one.~~

~~(3)~~

(2) "Qualified full-time employee" means an individual that is employed in this state by the qualified taxpayer and satisfies both of the following:

(A) The individual's services for the qualified taxpayer are performed in this state and are at least 80 percent directly related to the qualified taxpayer's prime contract

or subcontract to design, test, manufacture property, or otherwise support production of property for ultimate use in or as a component of a new advanced strategic aircraft for the United States Air Force.

(B) The individual is paid compensation from the qualified taxpayer that satisfies either of the following conditions:

(i) Is paid qualified wages ~~paid~~ by the qualified taxpayer for services not less than an average of 35 hours per week.

(ii) Is paid a salary ~~paid~~ by the qualified taxpayer as compensation during the taxable year for full-time employment, within the meaning of Section 515 of the Labor Code.

~~(4)~~

~~(3)~~ “Qualified taxpayer” means any taxpayer that is either a prime contractor awarded a prime contract or a major first-tier subcontractor awarded a subcontract to manufacture property for ultimate use in or as a component of a new advanced strategic aircraft for the United States Air Force. For purposes of this paragraph, the term “prime contractor” means a contractor that was awarded a prime contract for the manufacturing of a new advanced strategic aircraft for the United States Air Force. For purposes of this paragraph, the term “major first-tier subcontractor” means a subcontractor that was awarded a subcontract in an amount of at least 35 percent of the amount of the initial prime contract awarded for the manufacturing of a new advanced strategic aircraft for the United States Air Force.

~~(5)~~

~~(4)~~ “Qualified wages” means wages paid or incurred by the qualified taxpayer during the taxable year with respect to qualified full-time employees that are direct labor costs, within the meaning of Section 263A of the Internal Revenue Code, relating to capitalization and inclusion in inventory costs of certain expenses, allocable to property manufactured in this state by the qualified taxpayer for ultimate use in or as a component of a new advanced strategic aircraft for the United States Air Force.

~~(6)~~

~~(5)~~ “New advanced strategic aircraft for the United States Air Force” means a new advanced strategic aircraft developed and produced for the United States Air Force under the New Advanced Strategic Aircraft Program.

~~(7)~~

~~(6)~~ “New Advanced Strategic Aircraft Program” means the project ~~designed~~ to design, test, manufacture, or otherwise support production of a new advanced strategic aircraft for the United States Air Force under a contract that is expected to be awarded in the first or second calendar quarter of 2015. “New Advanced Strategic Aircraft Program” does not include any contract awarded prior to August 1, 2014, and does not include a program to upgrade, modernize, sustain, or otherwise modify a current United States Air Force bomber program, including, but not limited to, the B-52, B-1, or B-2 programs.

~~(7)~~ “Total annual full-time equivalents” means the number of a qualified taxpayer’s qualified full-time employees computed on an annual full-time equivalent basis for the taxable year.

(c) (1) The total aggregate amount of the credit that may be allowed to all qualified taxpayers pursuant to this section shall be as follows:

(A) In years one through five of the credit, the total aggregate amount of the credit that may be allowed to all qualified taxpayers pursuant to this section shall not exceed twenty-five million dollars (\$25,000,000) per calendar year.

(B) In years 6 through 10 of the credit, the total aggregate amount of the credit that may be allowed to all qualified taxpayers pursuant to this section shall not exceed twenty-eight million dollars (\$28,000,000) per calendar year.

(C) In years 11 through 15 of the credit, the total aggregate amount of the credit that may be allowed to all qualified taxpayers pursuant to this section shall not exceed thirty-one million dollars (\$31,000,000) per calendar year.

(2) The aggregate number of total annual full-time equivalents of all qualified taxpayers with respect to which a credit amount may be allowed under this section for a calendar year shall not exceed 1,100.

~~(2)~~

(3) (A) The Franchise Tax Board shall allocate the credit to the qualified taxpayers on a first-come-first-served basis. basis, determined by the date the qualified taxpayer's timely filed original tax return is received by the Franchise Tax Board. If the returns of two or more qualified taxpayers are received on the same day and the amount of credit remaining to be allocated is insufficient to be allocated fully to each, the credit remaining shall be allocated to those qualified taxpayers on a pro-rata basis.

(B) For purposes of this paragraph, the date a return is received shall be determined by the Franchise Tax Board. The determination of the Franchise Tax Board as to the date a return is received and whether a return has been timely filed for purposes of this paragraph may not be reviewed in any administrative or judicial proceeding.

(C) Any disallowance of a credit claimed due to the limitations specified in this subdivision shall be treated as a mathematical error appearing on the return. Any amount of tax resulting from that disallowance may be assessed by the Franchise Tax Board in the same manner as provided in Section 19051.

~~(3)~~

(4) The credit allowed under this section must be claimed on a timely filed original return.

(d) In the case where the credit allowed by this section exceeds the "tax," the excess may be carried over to reduce the "tax" in the following year, and the seven succeeding years if necessary, until the credit is exhausted.

(e) A credit shall not be allowed unless the credit was reflected within the bid upon which the qualified taxpayer's prime contract or subcontract to manufacture property for ultimate use in or as a component of a New Advanced Strategic Aircraft Program is based by reducing the amount of the bid by a good faith estimate of the amount of the credit allowable under this section.

(f) All references to the credit and ultimate cost reductions incorporated into any successful bid that was awarded a prime contract or subcontract and for which a qualified taxpayer is making a claim shall be made available to the Franchise Tax Board upon request.

(g) If the qualified taxpayer is allowed a credit pursuant to this section for qualified wages paid or incurred, only one credit shall be allowed to the taxpayer under this part with respect to any wage consisting in whole or in part of those qualified wages.

(h) (1) The Franchise Tax Board may prescribe regulations necessary or appropriate to carry out the purposes of this section.

(2) The Franchise Tax Board may also prescribe rules, guidelines, or procedures necessary or appropriate to carry out the purposes of this section. Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code shall not apply to any rule, guideline, or procedure prescribed by the Franchise Tax Board pursuant to this section.

(i) This section shall remain in effect only until December 1, 2030, and as of that date is repealed.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to, as soon as possible, further promote economic development in California related to the manufacture of property to be used for a new advanced strategic aircraft for the United States Air Force, and to authorize a local government to pay a related capital investment amount to a specified lessee or occupant of the qualified manufacturing facility upon the completion of that facility, it is necessary that this act take effect immediately.

Amendment 5

On page 2, strike out lines 1 and 2 and strike out pages 3 to 7, inclusive

- 0 -