# AMENDMENTS TO ASSEMBLY BILL NO. 1912

Amendment 1

In the title, in line 1, strike out "20831 of the Government Code, relating to", strike out line 2 and insert:

6508.1 of, to add Sections 6508.2, 20461.1, 20574.1, and 20575.1 to, and to repeal and add Section 20577.5 of, the Government Code, and to amend Section 366.2 of the Public Utilities Code, relating to public agencies, and making an appropriation therefor.

Amendment 2

On page 1, before line 1, insert:

SECTION 1. The Legislature finds and declares as follows:

(a) Retirement security is important to families, workers, and communities, as well as to the local, regional, and statewide economies, and provides financial security and dignity to those who retire.

(b) A defined benefit plan offers, among other types of retirement plans, a guarantee of financial security in retirement.

(c) A Joint Power Authority (JPA) created pursuant to the Joint Exercise of Powers Act (Chapter 5 (commencing with Section 6500) of Division 7 of Title 1 of the Government Code) provides important services and benefits to its geographical areas and communities.

(d) A JPA may offer a defined benefit plan to attract, recruit, and retain highly skilled employees toward providing services and fulfilling its purpose.

(e) Employees who have been promised a retirement allowance and the other benefits of a defined benefit plan by their employer should be provided those benefits after reaching the requisite age, based on years of service and an established benefit formula, as promised by that employer.

(f) Further, an employee who accepts employment with a JPA employer that promises a defined benefit plan may detrimentally rely on the retirement benefit, as committed by the employer, during his or her employment and retirement from that employer.

(g) Moreover, a JPA might have limited sources of revenue, and an inability to increase, or secure additional sources of revenue, that may lead to financial distress or insolvency of the JPA, absent the financial surety of its member agencies and for the retirement benefits of the JPA's employees.

(h) Additionally, employees who rely on a promise by a JPA employer to provide retirement benefits by accepting and maintaining employment with the employer based partly on the employer's promise may do so to their own retirement detriment.

(i) Thus, member agencies of a JPA should not be permitted to absolve themselves of financial liability, in whole or in part, of the financial distress or insolvency of a JPA that results in reductions in a defined benefit plan retirement allowance of a retired JPA employee, of which the agencies are members.

(j) Therefore, in order to ensure that the Board of Administration of the Public Employees' Retirement System is meeting its fiduciary duties and responsibilities to its members and the system, the board should be permitted to seek legal redress on behalf of its members as a result of the financial insolvency of a JPA that contracts with the retirement system if the financial distress or insolvency of the JPA may result in a reduction of retirement benefits to its members.

(k) Further, to ensure that the board is meeting its fiduciary duties and responsibilities, both current and future contracts with the retirement system by a JPA must include joint and several liability provisions that apply to all agencies under the agreement in order to protect the members of the retirement system against financial insolvency.

SEC. 2. Section 6508.1 of the Government Code is amended to read:

6508.1. If the agency is not one or more of the parties to the agreement but is a public entity, commission, or board constituted pursuant to the agreement, the debts, liabilities, and obligations of the agency shall be debts, liabilities, and obligations of the parties to the ~~agreement, unless the agreement specifies otherwise.~~ agreement.

~~A party to the agreement may separately contract for, or assume responsibility for, specific debts, liabilities, or obligations of the agency.~~

SEC. 3. Section 6508.2 is added to the Government Code, to read:

6508.2. (a) Notwithstanding Section 6508.1, if the agency participates in a public retirement system, all parties, both current and former, to the agreement, including all amendments thereto, shall be jointly and severally liable for all obligations to the retirement system.

(b) Notwithstanding any other law, if a judgment is rendered against an agency or a party to the agreement for a breach to its obligations to the public retirement system, the time within which a claim for injury may be presented or an action commenced against any other party that is subject to the liability determined by the judgment begins to run when the judgment is rendered.

(c) This section shall apply retroactively to all parties, both current and former, to the agreement.

SEC. 4. Section 20461.1 is added to the Government Code, to read:

20461.1. (a) The board shall not contract with any public agency formed by an agreement under Chapter 5 (commencing with Section 6500) of Division 7 of Title 1 unless all the parties to that agreement, including all amendments thereto, are jointly and severally liable for all of the public agency's obligations to this system.

(b) This section shall apply retroactively to all parties, both current and former, to the agreement. Any current agreement forming a public agency under Chapter 5 (commencing with Section 6500) of Division 7 of Title 1 that does not meet the requirements set forth in this section shall be reopened to include a provision holding all member agencies party to the agreement jointly and severally liable for all of the public agency's obligations to this system.

SEC. 5. Section 20574.1 is added to the Government Code, to read:

20574.1. In lieu of the procedure set forth in Section 20574, all parties to a terminating agency that was formed by an agreement under Chapter 5 (commencing with Section 6500) of Division 7 of Title 1 shall be jointly and severally liable to the system for any deficit in funding for earned benefits, as determined pursuant to Section 20577, interest at the actuarial rate from the date of termination to the date the agency

pays the system, and reasonable and necessary costs of collection, including attorneys' fees. The board shall have a lien on the assets of a terminated contracting agency and on the assets of all parties to the terminating contracting agency, subject only to a prior lien for wages, in an amount equal to the actuarially determined deficit in funding for earned benefits of the employee members of the agency, interest, and collection costs. The assets shall also be available to pay actual costs, including attorney's fees, necessarily expended for collection of the lien.

SEC. 6. Section 20575.1 is added to the Government Code, to read:

20575.1. (a) Notwithstanding any other provision of this part to the contrary, upon request of a terminating agency formed by an agreement under Chapter 5 (commencing with Section 6500) of Division 7 of Title 1 or of any member agency to the agreement, the board shall enter into an agreement with the governing body of a terminating agency or the governing body of the member agency in order to ensure that (1) the final compensation used in the calculation of benefits of its employees shall be calculated in the same manner as the benefits of employees of agencies that are not terminating, regardless of whether they retire directly from employment with the terminating agency or continue in other public service; and (2) related necessary adjustments in the employer's contribution rate are made, from time to time, by the board prior to the date of termination to ensure that benefits are adequately funded or any other actuarially sound payment technique, including a lump-sum payment at termination, is agreed to by the governing body of the terminating agency and the board.

(b) A terminating agency formed by an agreement under Chapter 5 (commencing with Section 6500) of Division 7 of Title 1 that will cease to exist or its member agency shall notify the board not sooner than three years nor later than one year prior to the terminating agency's termination date of its intention to enter into agreement pursuant to this section. The terms of the agreement shall be reflected in an amendment to the agency's contract with the board.

(c) If the board, itself, determines that it is not in the best interests of the system, it may choose not to enter into an agreement pursuant to this section.

(d) If the governing body of a terminating agency formed by an agreement under Chapter 5 (commencing with Section 6500) of Division 7 of Title 1 or the governing bodies of its member agencies do not enter into an agreement pursuant to this section, the member agencies shall assume the retirement obligations on their retirement systems. The board shall apportion the obligations among the member agencies in an equitable manner.

SEC. 7. Section 20577.5 of the Government Code is repealed.

~~20577.5. Notwithstanding Section 20577, the board may elect not to impose a reduction, or to impose a lesser reduction, on a plan that has been terminated pursuant to Section 20572 if (a) the board has made all reasonable efforts to collect the amount necessary to fully fund the liabilities of the plan and (b) the board finds that not reducing the benefits, or imposing a lesser reduction, will not impact the actuarial soundness of the terminated agency pool.~~

SEC. 8. Section 20577.5 is added to the Government Code, to read:

20577.5. The board shall bring a civil action against any and all of the member agencies that are parties to a terminated agency formed by an agreement under Chapter 5 (commencing with Section 6500) of Division 7 of Title 1 to compel payment of the

terminated agency's pension obligations, and shall be entitled to reasonable attorneys' fees in addition to other costs.

SEC. 9. Section 366.2 of the Public Utilities Code is amended to read:

366.2. (a) (1) Customers shall be entitled to aggregate their electric loads as members of their local community with community choice aggregators.

(2) Customers may aggregate their loads through a public process with community choice aggregators, if each customer is given an opportunity to opt out of his or her community's aggregation program.

(3) If a customer opts out of a community choice aggregator's program, or has no community choice aggregation program available, that customer shall have the right to continue to be served by the existing electrical corporation or its successor in interest.

(4) The implementation of a community choice aggregation program shall not result in a shifting of costs between the customers of the community choice aggregator and the bundled service customers of an electrical corporation.

(5) A community choice aggregator shall be solely responsible for all generation procurement activities on behalf of the community choice aggregator's customers, except where other generation procurement arrangements are expressly authorized by statute.

(b) If a public agency seeks to serve as a community choice aggregator, it shall offer the opportunity to purchase electricity to all residential customers within its jurisdiction.

(c) (1) Notwithstanding Section 366, a community choice aggregator is hereby authorized to aggregate the electrical load of interested electricity consumers within its boundaries to reduce transaction costs to consumers, provide consumer protections, and leverage the negotiation of contracts. However, the community choice aggregator may not aggregate electrical load if that load is served by a local publicly owned electric utility. A community choice aggregator may group retail electricity customers to solicit bids, broker, and contract for electricity and energy services for those customers. The community choice aggregator may enter into agreements for services to facilitate the sale and purchase of electricity and other related services. Those service agreements may be entered into by an entity authorized to be a community choice aggregator, as defined in Section 331.1.

(2) Under community choice aggregation, customer participation may not require a positive written declaration, but each customer shall be informed of his or her right to opt out of the community choice aggregation program. If no negative declaration is made by a customer, that customer shall be served through the community choice aggregation program. If an existing customer moves the location of his or her electric service within the jurisdiction of the community choice aggregator, the customer shall retain the same subscriber status as prior to the move, unless the customer affirmatively changes his or her subscriber status. If the customer is moving from outside to inside the jurisdiction of the community choice aggregator, customer participation shall not require a positive written declaration, but the customer shall be informed of his or her right to elect not to receive service through the community choice aggregator.

(3) A community choice aggregator establishing electrical load aggregation pursuant to this section shall develop an implementation plan detailing the process and consequences of aggregation. The implementation plan, and any subsequent changes

to it, shall be considered and adopted at a duly noticed public hearing. The implementation plan shall contain all of the following:

(A) An organizational structure of the program, its operations, and its funding.

(B) Ratesetting and other costs to participants.

(C) Provisions for disclosure and due process in setting rates and allocating costs among participants.

(D) The methods for entering and terminating agreements with other entities.

(E) The rights and responsibilities of program participants, including, but not limited to, consumer protection procedures, credit issues, and shutoff procedures.

(F) Termination of the program.

(G) A description of the third parties that will be supplying electricity under the program, including, but not limited to, information about financial, technical, and operational capabilities.

(4) A community choice aggregator establishing electrical load aggregation shall prepare a statement of intent with the implementation plan. Any community choice load aggregation established pursuant to this section shall provide for the following:

(A) Universal access.

(B) Reliability.

(C) Equitable treatment of all classes of customers.

(D) Any requirements established by state law or by the commission concerning aggregated service, including those rules adopted by the commission pursuant to paragraph (3) of subdivision (b) of Section 8341 for the application of the greenhouse gases emission performance standard to community choice aggregators.

(5) In order to determine the cost-recovery mechanism to be imposed on the community choice aggregator pursuant to subdivisions (d), (e), and (f) that shall be paid by the customers of the community choice aggregator to prevent shifting of costs, the community choice aggregator shall file the implementation plan with the commission, and any other information requested by the commission that the commission determines is necessary to develop the cost-recovery mechanism in subdivisions (d), (e), and (f).

(6) The commission shall notify any electrical corporation serving the customers proposed for aggregation that an implementation plan initiating community choice aggregation has been filed, within 10 days of the filing.

(7) Within 90 days after the community choice aggregator establishing load aggregation files its implementation plan, the commission shall certify that it has received the implementation plan, including any additional information necessary to determine a cost-recovery mechanism. After certification of receipt of the implementation plan and any additional information requested, the commission shall then provide the community choice aggregator with its findings regarding any cost recovery that must be paid by customers of the community choice aggregator to prevent a shifting of costs as provided for in subdivisions (d), (e), and (f).

(8) No entity proposing community choice aggregation shall act to furnish electricity to electricity consumers within its boundaries until the commission determines the cost recovery that must be paid by the customers of that proposed community choice aggregation program, as provided for in subdivisions (d), (e), and (f). The commission shall designate the earliest possible effective date for implementation of a community choice aggregation program, taking into consideration the impact on any

annual procurement plan of the electrical corporation that has been approved by the commission.

(9) All electrical corporations shall cooperate fully with any community choice aggregators that investigate, pursue, or implement community choice aggregation programs. Cooperation shall include providing the entities with appropriate billing and electrical load data, including, but not limited to, electrical consumption data as defined in Section 8380 and other data detailing electricity needs and patterns of usage, as determined by the commission, and in accordance with procedures established by the commission. The commission shall exercise its authority pursuant to Chapter 11 (commencing with Section 2100) to enforce the requirements of this paragraph when it finds that the requirements of this paragraph have been violated. Electrical corporations shall continue to provide all metering, billing, collection, and customer service to retail customers that participate in community choice aggregation programs. Bills sent by the electrical corporation to retail customers shall identify the community choice aggregator as providing the electrical energy component of the bill. The commission shall determine the terms and conditions under which the electrical corporation provides services to community choice aggregators and retail customers.

(10) If the commission finds that an electrical corporation has violated this section, the commission shall consider the impact of the violation upon community choice aggregators.

(11) The commission shall proactively expedite the complaint process for disputes regarding an electrical corporation's violation of its obligations pursuant to this section in order to provide for timely resolution of complaints made by community choice aggregation programs, so that all complaints are resolved in no more than 180 days following the filing of a complaint by a community choice aggregation program concerning the actions of the incumbent electrical corporation. This deadline may only be extended under either of the following circumstances:

(A) Upon agreement of all of the parties to the complaint.

(B) The commission makes a written determination that the deadline cannot be met, including findings for the reason for this determination, and issues an order extending the deadline. A single order pursuant to this subparagraph shall not extend the deadline for more than 60 days.

(12) (A) An entity authorized to be a community choice aggregator, as defined in Section 331.1, that elects to implement a community choice aggregation program within its jurisdiction pursuant to this chapter, shall do so by ordinance. A city, county, or city and county may request, by affirmative resolution of its governing council or board, that another entity authorized to be a community choice aggregator act as the community choice aggregator on its behalf. If a city, county, or city and county, by resolution, requests another authorized entity be the community choice aggregator for the city, county, or city and county, that authorized entity shall be responsible for adopting the ordinance to implement the community choice aggregation program on behalf of the city, county, or city and county.

(B) Two or more entities authorized to be a community choice aggregator, as defined in Section 331.1, may participate as a group in a community choice aggregation program pursuant to this chapter, through a joint powers agency established pursuant to Chapter 5 (commencing with Section 6500) of Division 7 of Title 1 of the Government Code, if each entity adopts an ordinance pursuant to subparagraph (A).

~~Pursuant to Section 6508.1 of the Government Code, members of a joint powers agency that is a community choice aggregator may specify in their joint powers agreement that, unless otherwise agreed by the members of the agency, the debts, liabilities, and obligations of the agency shall not be the debts, liabilities, and obligations, either jointly or severally, of the members of the agency. The commission shall not, as a condition of registration or otherwise, require an agency's members to voluntarily assume the debts, liabilities, and obligations of the agency to the electrical corporation unless the commission finds that the agreement by the agency's members is the only reasonable means by which the agency may establish its creditworthiness under the electrical corporation's tariff to pay charges to the electrical corporation under the tariff.~~

(13) Following adoption of aggregation through the ordinance described in paragraph (12), the program shall allow any retail customer to opt out and to continue to be served as a bundled service customer by the existing electrical corporation, or its successor in interest. Delivery services shall be provided at the same rates, terms, and conditions, as approved by the commission, for community choice aggregation customers and customers that have entered into a direct transaction where applicable, as determined by the commission. Once enrolled in the aggregated entity, any ratepayer that chooses to opt out within 60 days or two billing cycles of the date of enrollment may do so without penalty and shall be entitled to receive default service pursuant to paragraph (3) of subdivision (a). Customers that return to the electrical corporation for procurement services shall be subject to the same terms and conditions as are applicable to other returning direct access customers from the same class, as determined by the commission, as authorized by the commission pursuant to this code or any other provision of law, except that those customers shall be subject to no more than a 12-month stay requirement with the electrical corporation. Any reentry fees to be imposed after the opt-out period specified in this paragraph, shall be approved by the commission and shall reflect the cost of reentry. The commission shall exclude any amounts previously determined and paid pursuant to subdivisions (d), (e), and (f) from the cost of reentry.

(14) Nothing in this section shall be construed as authorizing any city or any community choice retail load aggregator to restrict the ability of retail electricity customers to obtain or receive service from any authorized electric service provider in a manner consistent with law.

(15) (A) The community choice aggregator shall fully inform participating customers at least twice within two calendar months, or 60 days, in advance of the date of commencing automatic enrollment. Notifications may occur concurrently with billing cycles. Following enrollment, the aggregated entity shall fully inform participating customers for not less than two consecutive billing cycles. Notification may include, but is not limited to, direct mailings to customers, or inserts in water, sewer, or other utility bills. Any notification shall inform customers of both of the following:

(i) That they are to be automatically enrolled and that the customer has the right to opt out of the community choice aggregator without penalty.

(ii) The terms and conditions of the services offered.

(B) The community choice aggregator may request the commission to approve and order the electrical corporation to provide the notification required in subparagraph (A). If the commission orders the electrical corporation to send one or more of the

notifications required pursuant to subparagraph (A) in the electrical corporation's normally scheduled monthly billing process, the electrical corporation shall be entitled to recover from the community choice aggregator all reasonable incremental costs it incurs related to the notification or notifications. The electrical corporation shall fully cooperate with the community choice aggregator in determining the feasibility and costs associated with using the electrical corporation's normally scheduled monthly billing process to provide one or more of the notifications required pursuant to subparagraph (A).

(C) Each notification shall also include a mechanism by which a ratepayer may opt out of community choice aggregated service. The opt out may take the form of a self-addressed return postcard indicating the customer's election to remain with, or return to, electrical energy service provided by the electrical corporation, or another straightforward means by which the customer may elect to derive electrical energy service through the electrical corporation providing service in the area.

(16) A community choice aggregator shall have an operating service agreement with the electrical corporation prior to furnishing electric service to consumers within its jurisdiction. The service agreement shall include performance standards that govern the business and operational relationship between the community choice aggregator and the electrical corporation. The commission shall ensure that any service agreement between the community choice aggregator and the electrical corporation includes equitable responsibilities and remedies for all parties. The parties may negotiate specific terms of the service agreement, provided that the service agreement is consistent with this chapter.

(17) The community choice aggregator shall register with the commission, which may require additional information to ensure compliance with basic consumer protection rules and other procedural matters.

(18) Once the community choice aggregator's contract is signed, the community choice aggregator shall notify the applicable electrical corporation that community choice service will commence within 30 days.

(19) Once notified of a community choice aggregator program, the electrical corporation shall transfer all applicable accounts to the new supplier within a 30-day period from the date of the close of the electrical corporation's normally scheduled monthly metering and billing process.

(20) An electrical corporation shall recover from the community choice aggregator any costs reasonably attributable to the community choice aggregator, as determined by the commission, of implementing this section, including, but not limited to, all business and information system changes, except for transaction-based costs as described in this paragraph. Any costs not reasonably attributable to a community choice aggregator shall be recovered from ratepayers, as determined by the commission. All reasonable transaction-based costs of notices, billing, metering, collections, and customer communications or other services provided to an aggregator or its customers shall be recovered from the aggregator or its customers on terms and at rates to be approved by the commission.

(21) At the request and expense of any community choice aggregator, electrical corporations shall install, maintain, and calibrate metering devices at mutually agreeable locations within or adjacent to the community choice aggregator's political boundaries. The electrical corporation shall read the metering devices and provide the data collected

to the community choice aggregator at the aggregator's expense. To the extent that the community choice aggregator requests a metering location that would require alteration or modification of a circuit, the electrical corporation shall only be required to alter or modify a circuit if such alteration or modification does not compromise the safety, reliability, or operational flexibility of the electrical corporation's facilities. All costs incurred to modify circuits pursuant to this paragraph, shall be borne by the community choice aggregator.

(d) (1) It is the intent of the Legislature that each retail end-use customer that has purchased power from an electrical corporation on or after February 1, 2001, should bear a fair share of the Department of Water Resources' electricity purchase costs, as well as electricity purchase contract obligations incurred as of the effective date of the act adding this section, that are recoverable from electrical corporation customers in commission-approved rates. It is further the intent of the Legislature to prevent any shifting of recoverable costs between customers.

(2) The Legislature finds and declares that this subdivision is consistent with the requirements of Division 27 (commencing with Section 80000) of the Water Code and Section 360.5 of this code, and is therefore declaratory of existing law.

(e) A retail end-use customer that purchases electricity from a community choice aggregator pursuant to this section shall pay both of the following:

(1) A charge equivalent to the charges that would otherwise be imposed on the customer by the commission to recover bond-related costs pursuant to any agreement between the commission and the Department of Water Resources pursuant to Section 80110 of the Water Code, which charge shall be payable until any obligations of the Department of Water Resources pursuant to Division 27 (commencing with Section 80000) of the Water Code are fully paid or otherwise discharged.

(2) Any additional costs of the Department of Water Resources, equal to the customer's proportionate share of the Department of Water Resources' estimated net unavoidable electricity purchase contract costs as determined by the commission, for the period commencing with the customer's purchases of electricity from the community choice aggregator, through the expiration of all then existing electricity purchase contracts entered into by the Department of Water Resources.

(f) A retail end-use customer purchasing electricity from a community choice aggregator pursuant to this section shall reimburse the electrical corporation that previously served the customer for all of the following:

(1) The electrical corporation's unrecovered past undercollections for electricity purchases, including any financing costs, attributable to that customer, that the commission lawfully determines may be recovered in rates.

(2) Any additional costs of the electrical corporation recoverable in commission-approved rates, equal to the share of the electrical corporation's estimated net unavoidable electricity purchase contract costs attributable to the customer, as determined by the commission, for the period commencing with the customer's purchases of electricity from the community choice aggregator, through the expiration of all then existing electricity purchase contracts entered into by the electrical corporation.

(g) Estimated net unavoidable electricity costs paid by the customers of a community choice aggregator shall be reduced by the value of any benefits that remain

with bundled service customers, unless the customers of the community choice aggregator are allocated a fair and equitable share of those benefits.

(h) (1) Any charges imposed pursuant to subdivision (e) shall be the property of the Department of Water Resources. Any charges imposed pursuant to subdivision (f) shall be the property of the electrical corporation. The commission shall establish mechanisms, including agreements with, or orders with respect to, electrical corporations necessary to ensure that charges payable pursuant to this section shall be promptly remitted to the party entitled to payment.

(2) Charges imposed pursuant to subdivisions (d), (e), and (f) shall be nonbypassable.

(i) The commission shall authorize community choice aggregation only if the commission imposes a cost-recovery mechanism pursuant to subdivisions (d), (e), (f), and (h). Except as provided by this subdivision, this section shall not alter the suspension by the commission of direct purchases of electricity from alternate providers other than by community choice aggregators, pursuant to Section 365.1.

(j) (1) The commission shall not authorize community choice aggregation until it implements a cost-recovery mechanism, consistent with subdivisions (d), (e), and (f), that is applicable to customers that elected to purchase electricity from an alternate provider between February 1, 2001, and January 1, 2003.

(2) The commission shall not authorize community choice aggregation until it has adopted rules for implementing community choice aggregation.

(k) (1) Except for nonbypassable charges imposed by the commission pursuant to subdivisions (d), (e), (f), and (h), and programs authorized by the commission to provide broader statewide or regional benefits to all customers, electric service customers of a community choice aggregator shall not be required to pay nonbypassable charges for goods, services, or programs that do not benefit either, or where applicable, both, the customer and the community choice aggregator serving the customer.

(2) The commission, Energy Commission, electrical corporation, or third-party administrator shall administer any program funded through a nonbypassable charge on a nondiscriminatory basis so that the electric service customers of a community choice aggregator may participate in the program on an equal basis with the customers of an electrical corporation.

(3) Nothing in this subdivision is intended to modify, or prohibit the use of, charges funding programs for the benefit of low-income customers.

(*l*) (1) An electrical corporation shall not terminate the services of a community choice aggregator unless authorized by a vote of the full commission. The commission shall ensure that prior to authorizing a termination of service, that the community choice aggregator has been provided adequate notice and a reasonable opportunity to be heard regarding any electrical corporation contentions in support of termination. If the contentions made by the electrical corporation in favor of termination include factual claims, the community choice aggregator shall be afforded an opportunity to address those claims in an evidentiary hearing.

(2) Notwithstanding paragraph (1), if the Independent System Operator has transferred the community choice aggregator's scheduling coordination responsibilities to the incumbent electrical corporation, an administrative law judge or assigned commissioner, after providing the aggregator with notice and an opportunity to respond,

may suspend the aggregator's service to customers pending a full vote of the commission.

(m) Any meeting of an entity authorized to be a community choice aggregator, as defined in Section 331.1, for the purpose of developing, implementing, or administering a program of community choice aggregation shall be conducted in the manner prescribed by the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code).

Amendment 3
On page 1, strike out lines 1 to 5, inclusive, and strike out page 2

AMENDMENTS TO ASSEMBLY BILL NO. 1945

Amendment 1

In the title, in line 1, after "act" insert:

to add Section 16428.87 to the Government Code, and

Amendment 2

On page 2, before line 1, insert:

SECTION 1. The Legislature finds and declares all of the following:

(a) It is important for the state to prioritize climate investments in areas of most need, or where there is the most opportunity for cobenefits, and to continuously learn and evaluate the state's spending to ensure it is reaching the intended targets.

(b) Specifically for the California-Mexico border region, where there are an average of 60,000 individuals crossing into the Counties of Imperial and San Diego each day, there need to be special adjustments to ensure that region can achieve its emission reduction goals.

SEC. 2. Section 16428.87 is added to the Government Code, to read:

16428.87. The State Air Resources Board shall work with state agencies administering grant programs that allocate moneys from the Greenhouse Gas Reduction Fund to ensure all of the following:

(a) The addition of the following cobenefits:

(1) Public and community access.

(2) Food access.

(3) Access to services.

(4) Partnerships with multiple jurisdictions.

(5) Improved community resiliency.

(6) Avoided emissions.

(7) Benefits to the California-Mexico border region.

(b) Communities identified for community emission reduction programs pursuant to Section 44391.2 of the Health and Safety Code are given preferential points during grant application scoring.

(c) Applicants from the Counties of Imperial and San Diego are allowed to include daytime population numbers in grant applications.

Amendment 3

On page 2, in line 1, strike out "SECTION 1." and insert:

SEC. 3.

Amendment 4

On page 2, between lines 32 and 33, insert:

(5) Report on the applications received for each grant program allocating moneys from the fund, including, but not limited to, all of the following:

(A) Locations of projects proposed.

(B) Amount of moneys requested for each project.

(C) Name of lead applicants.

(D) Whether the projects were funded in whole or in part with moneys from the fund.

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AMENDMENTS TO ASSEMBLY BILL NO. 1949

Amendment 1

In the title, in line 1, strike out "Section 1569.698 to" and insert:

Sections 12750, 12755, and 12761 of

Amendment 2

In the title, in line 2, strike out "care facilities." and insert:

explosives.

Amendment 3

On page 1, before line 1, insert:

SECTION 1. Section 12750 of the Health and Safety Code is amended to read:

12750. For purposes of this part, the following definitions shall apply:

(a) "Flamethrowing device" means any nonstationary and transportable device designed or intended to emit or propel a burning stream of combustible or flammable gas or liquid a distance of at least ~~10~~ two feet.

(b) "Permitholder" means a person who holds a flamethrowing device permit issued pursuant to this part.

SEC. 2. Section 12755 of the Health and Safety Code is amended to read:

12755. (a) No person shall use or possess a flamethrowing device, and no seller of a flamethrowing device shall sell the device to a person in the state, without a valid flamethrowing device permit issued by the State Fire Marshal pursuant to this part.

(b) As of January 1, 2018, a manufacturer of a flamethrowing device sold in this state, whose product is used to perpetuate negligent property damage or bodily harm or death, shall be held strictly liable for costs incurred by the local or state governments or damages sought by victims or family members of victims, in addition to any other damages available under existing law.

SEC. 3. Section 12761 of the Health and Safety Code is amended to read:

12761. Any person who uses or possesses any flamethrowing device, and any seller of a flamethrowing device who sells the device to a person in the state, without a valid flamethrowing device permit issued pursuant to this part is guilty of a public offense and, upon conviction, shall be punished by imprisonment in the county jail for a term not to exceed one year, or in the state prison, or by a fine not to exceed ten thousand dollars ($10,000), or by both imprisonment and fine.

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes

the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

Amendment 4
On page 1, strike out lines 1 to 5, inclusive, and strike out pages 2 to 4, inclusive

AMENDMENTS TO ASSEMBLY BILL NO. 2175

Amendment 1

In the title, in line 1, strike out "Section 523" and insert:

Sections 523 and 655

Amendment 2

On page 1, in line 6, strike out "remove," and insert:

remove a vessel from,

Amendment 3

On page 1, in line 6, strike out "from" and insert:

from,

Amendment 4

On page 2, below line 25, insert:

(c) (1) A peace officer, as described in Section 663, or marine safety officer employed by a city, county, or district, while engaged in the performance of official duties, may remove a vessel from, and, if necessary, store a vessel removed from, public property within the territorial limits in which the officer may act, in either of the following circumstances:

(A) When any vessel is found upon the public property and the officer has probable cause to believe the vessel was used in the commission of a crime.

(B) When a vessel is found upon public property and an officer has probable cause to believe that the vessel itself provides evidence that a crime was committed or the vessel contains evidence of a possible crime that was committed and the evidence cannot be easily removed from the vessel.

(2) Notwithstanding Section 3068 of the Civil Code, or Section 22851 of the Vehicle Code, no lien shall attach to a vessel removed under this subdivision unless it is determined that the vessel was used in the commission of a crime with the express or implied consent of the owner of the vessel.

(3) In any prosecution of a crime for which a vessel was removed and impounded under this subdivision, a court may order a person convicted of a crime involving the use of a vessel to pay the costs of towing and storage of the vessel and any administrative charges imposed in connection with the removal, impoundment, storage, or release of the vessel.

SEC. 2. Section 655 of the Harbors and Navigation Code is amended to read:

655. (a) (1) No person shall use any vessel or manipulate water skis, an aquaplane, or a similar device in a reckless or negligent manner so as to endanger the

life, limb, or property of any person. The department shall adopt regulations for the use of vessels, water skis, aquaplanes, or similar devices in a manner that will minimize the danger to life, limb, or property consistent with reasonable use of the equipment for the purpose for which it was designed.

(2) Notwithstanding subdivision (b) of Section 668, any person convicted of using a vessel or manipulating water skis, an aquaplane, or a similar device in a reckless or negligent manner that causes great bodily injury to another person shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code or by imprisonment in a county jail for not more than six months.

(b) No person shall operate any vessel or manipulate water skis, an aquaplane, or a similar device while under the influence of an alcoholic beverage, any drug, or the combined influence of an alcoholic beverage and any drug.

(c) No person shall operate any recreational vessel or manipulate any water skis, aquaplane, or similar device if the person has an alcohol concentration of 0.08 percent or more in his or her blood.

(d) No person shall operate any vessel other than a recreational vessel if the person has an alcohol concentration of 0.04 percent or more in his or her blood.

(e) No person shall operate any vessel, or manipulate water skis, an aquaplane, or a similar device who is addicted to the use of any drug. This subdivision does not apply to a person who is participating in a narcotic treatment program approved pursuant to Article 3 (commencing with Section 11875) of Chapter 1 of Part 3 of Division 10.5 of the Health and Safety Code.

(f) No person shall operate any vessel or manipulate water skis, an aquaplane, or a similar device while under the influence of an alcoholic beverage, any drug, or under the combined influence of an alcoholic beverage and any drug, and while so operating, do any act forbidden by law, or neglect any duty imposed by law in the use of the vessel, water skis, aquaplane, or similar device, which act or neglect proximately causes bodily injury to any person other than himself or herself.

(g) Notwithstanding any other provision of law, information, verbal or otherwise, which is obtained from a commissioned, warrant, or petty officer of the United States Coast Guard who directly observed the offense may be used as the sole basis for establishing the necessary reasonable cause for a peace officer of this state to make an arrest pursuant to the United States Constitution, the California Constitution, and Section 836 of the Penal Code for violations of subdivisions (b), (c), (d), and (e) of this section.

(h) In any prosecution under subdivision (c), it is a rebuttable presumption that the person had 0.08 percent or more, by weight, of alcohol in his or her blood at the time of operation of a recreational vessel if the person had an alcohol concentration of 0.08 percent or more in his or her blood at the time of the performance of a chemical test within three hours after the operation.

(i) In any prosecution under subdivision (d), it is a rebuttable presumption that the person had 0.04 percent or more, by weight, of alcohol in his or her blood at the time of operation of a vessel other than a recreational vessel if the person had an alcohol concentration of 0.04 percent or more in his or her blood at the time of the performance of a chemical test within three hours after the operation.

(j) Upon the trial of any criminal action, or preliminary proceeding in a criminal action, arising out of acts alleged to have been committed by any person who was

operating a vessel or manipulating water skis, an aquaplane, or a similar device while under the influence of an alcoholic beverage in violation of subdivision (b) or (f), the amount of alcohol in the person's blood at the time of the test, as shown by a chemical test of that person's blood, breath, or urine, shall give rise to the following presumptions affecting the burden of proof:

(1) If there was at that time less than 0.05 percent, by weight, of alcohol in the person's blood, it shall be presumed that the person was not under the influence of an alcoholic beverage at the time of the alleged offense.

(2) If there was at that time 0.05 percent or more, but less than 0.08 percent, by weight, of alcohol in the person's blood, that fact shall not give rise to any presumption that the person was or was not under the influence of an alcoholic beverage, but the fact may be considered with other competent evidence in determining whether the person was under the influence of an alcoholic beverage at the time of the alleged offense.

(3) If there was at that time 0.08 percent or more, by weight, of alcohol in the person's blood, it shall be presumed that the person was under the influence of an alcoholic beverage at the time of the alleged offense.

(k) This section does not limit the introduction of any other competent evidence bearing upon the question whether the person ingested any alcoholic beverage or was under the influence of an alcoholic beverage at the time of the alleged offense.

(*l*) This section applies to foreign vessels using waters subject to state jurisdiction.

(m) Nothing in this section shall preclude prosecution under any other law.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

AMENDMENTS TO ASSEMBLY BILL NO. 1952

Amendment 1
In the heading, strike out line 2 and insert:

**(Principal coauthor: Assembly Member Aguiar-Curry)**
**(Coauthors: Assembly Members Acosta, Baker, and Mathis)**
(Coauthors: Senators Dodd and Wiener)

Amendment 2
In the title, in line 1, after "act" insert:

to add Section 10001.5 to the Welfare and Institutions Code,

Amendment 3
On page 3, strike out lines 29 to 39, inclusive, strike out pages 4 and 5 and insert:

SEC. 3. Section 10001.5 is added to the Welfare and Institutions Code, to read:

10001.5. The department, the State Department of Public Health, the State Department of Education, and the Department of Food and Agriculture, in consultation with a robust stakeholder group, shall jointly develop a plan to end hunger. The plan shall be distributed to the Legislature no later than January 1, 2020, in accordance with Section 9795 of the Government Code. The plan shall, at a minimum, do all of the following:

(a) Identify food deserts, as defined by the United States Department of Agriculture, and make maps of food deserts available online.

(b) Identify barriers in bringing retailers to certain locations, such as those in food deserts. These barriers may include, but are not limited to, certain city zoning ordinances, restrictive covenants, the requirements imposed by the California Environmental Quality Act (CEQA) process, the limitations of the public transportation system, and other restrictions imposed in order to protect public safety.

(c) Identify infrastructure needs to develop food hubs and consult with the Department of General Services in order to conduct an inventory of state-owned property that would be suitable for food hub locations.

(d) Explore methods to use new and existing resources to develop a food hub infrastructure and to utilize county fairgrounds as food hub locations.

(e) Establish a budget of ____ dollars ($____), contingent on an appropriation in the annual Budget Act or another measure, for the Department of Food and Agriculture to identify grant opportunities, with a priority given to regional planning connection strategy models between rural and urban areas demonstrating economic development, job benefits, and greenhouse gas emission reductions. The Department of Food and Agriculture is authorized to use these funds to support other local food hub efforts, taking into consideration the need in the community and geographic diversity.

(f) Identify and facilitate stakeholder engagement, including representatives from impacted communities.

(g) Make recommendations for improving food access, including funding.

(h) Include a plan, which shall be presented to the director by May 1, 2019, to encourage the use of an electronic benefits transfer (EBT) system at farmers' markets and retailers in a food desert, or a retailer that can ship to a food desert, for the purchase of fruits and vegetables.

(i) Include a plan, which shall be presented to the Legislature by May 1, 2019, for statewide universal school feeding programs, prioritizing schools with the neediest populations, including a summer lunch EBT program serving children in food deserts who cannot access feeding sites in the event the federal government does not act. The plan shall be submitted in compliance with Section 9795 of the Government Code. The plan shall identify a system for measuring outcomes that include, but are not limited to, all of the following:

(1) Increased time spent in school through enrollment, attendance, and reduced dropout rates.

(2) Increased cognition and improved learning.

(3) Improved healthcare outcomes and fewer days of school missed due to illness.

(j) (1) Request the Regents of the University of California, and direct the Trustees of the California State University and the Board of Governors of the California Community Colleges, to develop systems that allow EBT cards to be used on their respective campuses, and prepare and present to the Assembly Select Committee on Campus Climate a report on the progress that has been made, by March 1, 2019.

(2) The requirement to submit a report under this subdivision shall be inoperative on January 1, 2023.

# AMENDMENTS TO ASSEMBLY BILL NO. 1970

Amendment 1

In the title, strike out lines 1 and 2 and insert:

An act to add Section 39730.9 to the Health and Safety Code, relating to greenhouse gases.

Amendment 2

On page 1, before line 1, insert:

SECTION 1. The Legislature finds and declares all of the following:

(a) California has dedicated significant funding to the development of low-carbon fuels.

(b) The development of low-carbon fuels has significant benefits for the transportation and energy sectors, which collectively contributed over one-half of California's emission of greenhouse gases in 2015, as well as significant cobenefits for communities across the state that see new jobs and reduced exposure to harmful copollutants.

(c) California's low-carbon fuel standards created a global model for reducing the carbon intensity of fuels.

(d) California's short-lived climate pollutant strategy requires methane mitigation from multiple sources across the state, most of which results in the production of renewable gas.

(e) While it is important to displace the demand for conventional fuels, the Legislature also believes that development of new technologies is an important contribution California can and should make to facilitate emissions reductions here and around the world.

SEC. 2. Section 39730.9 is added to the Health and Safety Code, to read:

39730.9. The state board, the State Energy Resources Conservation and Development Commission, the Department of Resources Recycling and Recovery, and the Department of Food and Agriculture shall allocate ____ percent of moneys for fuels and methane mitigation appropriated by the Legislature to those agencies for the development of innovative low-carbon fuels.

Amendment 3

On page 1, strike out lines 1 to 4, inclusive, and strike out page 2

AMENDMENTS TO ASSEMBLY BILL NO. 1971

Amendment 1
In the title, strike out lines 1 and 2 and insert:

An act to amend Section 1799.111 of the Health and Safety Code, and to amend Sections 5008, 5250, and 5350 of the Welfare and Institutions Code, relating to mental health.

Amendment 2
On page 1, before line 1, insert:

SECTION 1. Section 1799.111 of the Health and Safety Code is amended to read:

1799.111. (a) Subject to subdivision (b), a licensed general acute care hospital, as defined in subdivision (a) of Section 1250, that is not a county-designated facility pursuant to Section 5150 of the Welfare and Institutions Code, a licensed acute psychiatric hospital, as defined in subdivision (b) of Section 1250, that is not a county-designated facility pursuant to Section 5150 of the Welfare and Institutions Code, licensed professional staff of those hospitals, or any physician and surgeon, providing emergency medical services in any department of those hospitals to a person at the hospital ~~shall~~ is not ~~be~~ civilly or criminally liable for detaining a person if all of the following conditions exist during the detention:

(1) The person cannot be safely released from the hospital because, in the opinion of the treating physician and surgeon, or a clinical psychologist with the medical staff privileges, clinical privileges, or professional responsibilities provided in Section 1316.5, the person, as a result of a mental health disorder, presents a danger to himself or herself, or others, or is gravely disabled. For purposes of this paragraph, "gravely disabled" means an inability to provide for his or her basic personal needs for food, clothing, ~~or shelter.~~ shelter, or medical treatment, if the lack of, or failure to receive, that treatment may result in substantial physical harm or death.

(2) The hospital staff, treating physician and surgeon, or appropriate licensed mental health professional, have made, and documented, repeated unsuccessful efforts to find appropriate mental health treatment for the person.

(A) Telephone calls or other contacts required pursuant to this paragraph shall commence at the earliest possible time when the treating physician and surgeon has determined the time at which the person will be medically stable for transfer.

(B) In no case shall the contacts required pursuant to this paragraph begin after the time when the person becomes medically stable for transfer.

(3) The person is not detained beyond 24 hours.

(4) There is probable cause for the detention.

(b) If the person is detained pursuant to subdivision (a) beyond eight hours, but less than 24 hours, both of the following additional conditions shall be met:

(1) A discharge or transfer for appropriate evaluation or treatment for the person has been delayed because of the need for continuous and ongoing care, observation, or treatment that the hospital is providing.

(2) In the opinion of the treating physician and surgeon, or a clinical psychologist with the medical staff privileges or professional responsibilities provided for in Section 1316.5, the person, as a result of a mental health disorder, is still a danger to himself or herself, or others, or is gravely disabled, as defined in paragraph (1) of subdivision (a).

(c) In addition to the immunities set forth in subdivision (a), a licensed general acute care hospital, as defined in subdivision (a) of Section 1250 that is not a county-designated facility pursuant to Section 5150 of the Welfare and Institutions Code, a licensed acute psychiatric hospital as defined by subdivision (b) of Section 1250 that is not a county-designated facility pursuant to Section 5150 of the Welfare and Institutions Code, licensed professional staff of those hospitals, or any physician and surgeon, providing emergency medical services in any department of those hospitals to a person at the hospital shall not be civilly or criminally liable for the actions of a person detained up to 24 hours in those hospitals who is subject to detention pursuant to subdivision (a) after that person's release from the detention at the hospital, if all of the following conditions exist during the detention:

(1) The person has not been admitted to a licensed general acute care hospital or a licensed acute psychiatric hospital for evaluation and treatment pursuant to Section 5150 of the Welfare and Institutions Code.

(2) The release from the licensed general acute care hospital or the licensed acute psychiatric hospital is authorized by a physician and surgeon or a clinical psychologist with the medical staff privileges or professional responsibilities provided for in Section 1316.5, who determines, based on a face-to-face examination of the person detained, that the person does not present a danger to himself or herself or others and is not gravely disabled, as defined in paragraph (1) of subdivision (a). In order for this paragraph to apply to a clinical psychologist, the clinical psychologist shall have a collaborative treatment relationship with the physician and surgeon. The clinical psychologist may authorize the release of the person from the detention, but only after he or she has consulted with the physician and surgeon. In the event of a clinical or professional disagreement regarding the release of a person subject to the detention, the detention shall be maintained unless the hospital's medical director overrules the decision of the physician and surgeon opposing the release. Both the physician and surgeon and the clinical psychologist shall enter their findings, concerns, or objections in the person's medical record.

(d) ~~Nothing in this section shall~~ This section does not affect the responsibility of a general acute care hospital or an acute psychiatric hospital to comply with all state laws and regulations pertaining to the use of seclusion and restraint and psychiatric medications for psychiatric patients. Persons detained under this section shall retain their legal rights regarding consent for medical treatment.

(e) A person detained under this section shall be credited for the time detained, up to 24 hours, in the event he or she is placed on a subsequent 72-hour hold pursuant to Section 5150 of the Welfare and Institutions Code.

(f) The amendments to this section made by the act adding this subdivision shall not be construed to limit any existing duties for psychotherapists contained in Section 43.92 of the Civil Code.

(g) ~~Nothing in this section is intended to~~ This section does not expand the scope of licensure of clinical psychologists.

SEC. 2. Section 5008 of the Welfare and Institutions Code is amended to read:

5008. Unless the context otherwise requires, the following definitions shall govern the construction of this part:

(a) "Evaluation" consists of multidisciplinary professional analyses of a person's medical, psychological, educational, social, financial, and legal conditions as may appear to constitute a problem. Persons providing evaluation services shall be properly qualified professionals and may be full-time employees of an agency providing face-to-face, which includes telehealth, evaluation services or may be part-time employees or may be employed on a contractual basis.

(b) "Court-ordered evaluation" means an evaluation ordered by a superior court pursuant to Article 2 (commencing with Section 5200) or by a superior court pursuant to Article 3 (commencing with Section 5225) of Chapter 2.

(c) "Intensive treatment" consists of ~~such~~ hospital and other services as may be indicated. Intensive treatment shall be provided by properly qualified professionals and carried out in facilities qualifying for reimbursement under the California Medical Assistance Program (Medi-Cal) set forth in Chapter 7 (commencing with Section 14000) of Part 3 of Division 9, or under Title XVIII of the federal Social Security Act and regulations thereunder. Intensive treatment may be provided in hospitals of the United States government by properly qualified professionals. This part does not prohibit an intensive treatment facility from also providing 72-hour evaluation and treatment.

(d) "Referral" is referral of persons by each agency or facility providing assessment, evaluation, crisis intervention, or treatment services to other agencies or individuals. The purpose of referral shall be to provide for continuity of care, and may include, but need not be limited to, informing the person of available services, making appointments on the person's behalf, discussing the person's problem with the agency or individual to which the person has been referred, appraising the outcome of referrals, and arranging for personal escort and transportation when necessary. Referral shall be considered complete when the agency or individual to whom the person has been referred accepts responsibility for providing the necessary services. All persons shall be advised of available precare services that prevent initial recourse to hospital treatment or aftercare services that support adjustment to community living following hospital treatment. These services may be provided through county or city mental health departments, state hospitals under the jurisdiction of the State Department of State Hospitals, regional centers under contract with the State Department of Developmental Services, or other public or private entities.

Each agency or facility providing evaluation services shall maintain a current and comprehensive file of all community services, both public and private. These files shall contain current agreements with agencies or individuals accepting referrals, as well as appraisals of the results of past referrals.

(e) "Crisis intervention" consists of an interview or series of interviews within a brief period of time, conducted by qualified professionals, and designed to alleviate personal or family situations which present a serious and imminent threat to the health or stability of the person or the family. The interview or interviews may be conducted in the home of the person or family, or on an inpatient or outpatient basis with such therapy, or other services, as may be appropriate. The interview or interviews may include family members, significant support persons, providers, or other entities or

individuals, as appropriate and as authorized by law. Crisis intervention may, as appropriate, include suicide prevention, psychiatric, welfare, psychological, legal, or other social services.

(f) "Prepetition screening" is a screening of all petitions for court-ordered evaluation as provided in Article 2 (commencing with Section 5200) of Chapter 2, consisting of a professional review of all petitions; an interview with the petitioner and, whenever possible, the person alleged, as a result of a mental health disorder, to be a danger to others, or to himself or herself, or to be gravely disabled, to assess the problem and explain the petition; when indicated, efforts to persuade the person to receive, on a voluntary basis, comprehensive evaluation, crisis intervention, referral, and other services specified in this part.

(g) "Conservatorship investigation" means investigation by an agency appointed or designated by the governing body of cases in which conservatorship is recommended pursuant to Chapter 3 (commencing with Section 5350).

(h) (1) For purposes of Article 1 (commencing with Section 5150), Article 2 (commencing with Section 5200), and Article 4 (commencing with Section 5250) of Chapter 2, and for the purposes of Chapter 3 (commencing with Section 5350), "gravely disabled" means either of the following:

(A) A condition in which a person, as a result of a mental health disorder, is unable to provide for his or her basic personal needs for food, clothing, ~~or shelter.~~ shelter, or medical treatment, if the lack of, or failure to receive, that treatment may result in substantial physical harm or death

(B) A condition in which a person, has been found mentally incompetent under Section 1370 of the Penal Code and all of the following facts exist:

(i) The complaint, indictment, or information pending against the person at the time of commitment charges a felony involving death, great bodily harm, or a serious threat to the physical well-being of another person.

(ii) There has been a finding of probable cause on a complaint pursuant to paragraph (2) of subdivision (a) of Section 1368.1 of the Penal Code, a preliminary examination pursuant to Section 859b of the Penal Code, or a grand jury indictment, and the complaint, indictment, or information has not been dismissed.

(iii) As a result of a mental health disorder, the person is unable to understand the nature and purpose of the proceedings taken against him or her and to assist counsel in the conduct of his or her defense in a rational manner.

(iv) The person represents a substantial danger of physical harm to others by reason of a mental disease, defect, or disorder.

(2) For purposes of Article 3 (commencing with Section 5225) and Article 4 (commencing with Section 5250), of Chapter 2, and for the purposes of Chapter 3 (commencing with Section 5350), "gravely disabled" means a condition in which a person, as a result of impairment by chronic alcoholism, is unable to provide for his or her basic personal needs for food, clothing, or shelter.

(3) The term "gravely disabled" does not include persons with intellectual disabilities by reason of that disability alone.

(i) "Peace officer" means a duly sworn peace officer as that term is defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code who has completed the basic training course established by the Commission on Peace Officer Standards and Training, or any parole officer or probation officer specified in Section

830.5 of the Penal Code when acting in relation to cases for which he or she has a legally mandated responsibility.

(j) "Postcertification treatment" means an additional period of treatment pursuant to Article 6 (commencing with Section 5300) of Chapter 2.

(k) "Court," unless otherwise specified, means a court of record.

(*l*) "Antipsychotic medication" means any medication customarily prescribed for the treatment of symptoms of psychoses and other severe mental and emotional disorders.

(m) "Emergency" means a situation in which action to impose treatment over the person's objection is immediately necessary for the preservation of life or the prevention of serious bodily harm to the patient or others, and it is impracticable to first gain consent. It is not necessary for harm to take place or become unavoidable prior to treatment.

(n) "Designated facility" or "facility designated by the county for evaluation and treatment" means a facility that is licensed or certified as a mental health treatment facility or a hospital, as defined in subdivision (a) or (b) of Section 1250 of the Health and Safety Code, by the State Department of Public Health, and may include, but is not limited to, a licensed psychiatric hospital, a licensed psychiatric health facility, and a certified crisis stabilization unit.

SEC. 3. Section 5250 of the Welfare and Institutions Code is amended to read:

5250. If a person is detained for 72 hours under the provisions of Article 1 (commencing with Section 5150), or under court order for evaluation pursuant to Article 2 (commencing with Section 5200) or Article 3 (commencing with Section 5225) and has received an evaluation, he or she may be certified for not more than 14 days of intensive treatment related to the mental health disorder or impairment by chronic alcoholism, under the following conditions:

(a) The professional staff of the agency or facility providing evaluation services has analyzed the person's condition and has found the person is, as a result of a mental health disorder or impairment by chronic alcoholism, a danger to others, or to himself or herself, or gravely disabled.

(b) The facility providing intensive treatment is designated by the county to provide intensive treatment, and agrees to admit the person. No facility shall be designated to provide intensive treatment unless it complies with the certification review hearing required by this article. The procedures shall be described in the county Short-Doyle plan as required by Section 5651.3.

(c) The person has been advised of the need for, but has not been willing or able to accept, treatment on a voluntary basis.

(d) (1) Notwithstanding paragraph (1) of subdivision (h) of Section 5008, a person is not "gravely disabled" if that person can survive safely without involuntary detention with the help of responsible family, friends, or others who are both willing and able to help provide for the person's basic personal needs for food, clothing, or ~~shelter.~~ shelter, or medical treatment.

(2) However, unless they specifically indicate in writing their willingness and ability to help, family, friends, or others shall not be considered willing or able to provide this help.

(3) The purpose of this subdivision is to avoid the necessity for, and the harmful effects of, requiring family, friends, and others to publicly state, and requiring the

certification review officer to publicly find, that no one is willing or able to assist a person with a mental health disorder in providing for the person's basic needs for food, clothing, or ~~shelter.~~ shelter, or medical treatment.

SEC. 4. Section 5350 of the Welfare and Institutions Code is amended to read:

5350. A conservator of the person, of the estate, or of the person and the estate may be appointed for a person who is gravely disabled as a result of a mental health disorder or impairment by chronic alcoholism.

The procedure for establishing, administering, and terminating a conservatorship under this chapter shall be the same as that provided in Division 4 (commencing with Section 1400) of the Probate Code, except as follows:

(a) A conservator may be appointed for a gravely disabled minor.

(b) (1) Appointment of a conservator under this part, including the appointment of a conservator for a person who is gravely disabled, as defined in subparagraph (A) of paragraph (1) of subdivision (h) of Section 5008, shall be subject to the list of priorities in Section 1812 of the Probate Code unless the officer providing conservatorship investigation recommends otherwise to the superior court.

(2) In appointing a conservator, as defined in subparagraph (B) of paragraph (1) of subdivision (h) of Section 5008, the court shall consider the purposes of protection of the public and the treatment of the conservatee. Notwithstanding any other provision of this section, the court shall not appoint the proposed conservator if the court determines that appointment of the proposed conservator will not result in adequate protection of the public.

(c) No conservatorship of the estate pursuant to this chapter shall be established if a conservatorship or guardianship of the estate exists under the Probate Code. When a gravely disabled person already has a guardian or conservator of the person appointed under the Probate Code, the proceedings under this chapter shall not terminate the prior proceedings but shall be concurrent with and superior thereto. The superior court may appoint the existing guardian or conservator of the person or another person as conservator of the person under this chapter.

(d) (1) The person for whom conservatorship is sought shall have the right to demand a court or jury trial on the issue of whether he or she is gravely disabled. Demand for court or jury trial shall be made within five days following the hearing on the conservatorship petition. If the proposed conservatee demands a court or jury trial before the date of the hearing as provided for in Section 5365, the demand shall constitute a waiver of the hearing.

(2) Court or jury trial shall commence within 10 days of the date of the demand, except that the court shall continue the trial date for a period not to exceed 15 days upon the request of counsel for the proposed conservatee.

(3) This right shall also apply in subsequent proceedings to reestablish conservatorship.

(e) (1) Notwithstanding subparagraph (A) of paragraph (1) of subdivision (h) of Section 5008, a person is not "gravely disabled" if that person can survive safely without involuntary detention with the help of responsible family, friends, or others who are both willing and able to help provide for the person's basic personal needs for food, clothing, or ~~shelter.~~ shelter, or medical treatment.

(2) However, unless they specifically indicate in writing their willingness and ability to help, family, friends, or others shall not be considered willing or able to provide this help.

(3) The purpose of this subdivision is to avoid the necessity for, and the harmful effects of, requiring family, friends, and others to publicly state, and requiring the court to publicly find, that no one is willing or able to assist a person with a mental health disorder in providing for the person's basic needs for food, clothing, or ~~shelter.~~ shelter, or medical treatment.

(4) This subdivision does not apply to a person who is gravely disabled, as defined in subparagraph (B) of paragraph (1) of subdivision (h) of Section 5008.

(f) Conservatorship investigation shall be conducted pursuant to this part and shall not be subject to Section 1826 or Chapter 2 (commencing with Section 1850) of Part 3 of Division 4 of the Probate Code.

(g) Notice of proceedings under this chapter shall be given to a guardian or conservator of the person or estate of the proposed conservatee appointed under the Probate Code.

(h) As otherwise provided in this chapter.

SEC. 5. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

Amendment 3

On page 1, strike out lines 1 to 8, inclusive, and strike out page 2

AMENDMENTS TO ASSEMBLY BILL NO. 1981

Amendment 1
On page 2, in line 5, strike out "and"

Amendment 2
On page 2, in line 6, after the comma insert:

and the Department of Forestry and Fire Protection,

Amendment 3
On page 2, in line 10, strike out "state." and insert:

state to improve the state's soil organic matter.

Amendment 4
On page 2, in line 18, strike out "Agriculture" and insert:

Agriculture, the Department of Forestry and Fire Protection, and the Tree Mortality Task Force

Amendment 5
On page 2, in line 24, after the comma insert:

the Department of Forestry and Fire Protection,

Amendment 6
On page 2, in line 25, strike out "Board" and insert:

Board,

Amendment 7
On page 2, in line 35, after the first comma insert:

agricultural land managers,

Amendment 8

On page 2, in line 37, strike out "infrastructure." and insert:

infrastructure, both centralized and distributed.

Amendment 9

On page 3, between lines 8 and 9, insert:

(5) Promote watershed health, reduce fire risk, and improve postfire recovery by implementing projects that use woody biomass from forests and working lands and that promote the highest and best use of woody biomass through onsite wood chip application and integration with other organic waste streams for the purpose of creating compost.

(6) Support postfire recovery efforts to reduce erosion and stabilize fire-damaged land through the application of compost to restore soil aggregation, increase water infiltration, reduce runoff, prevent erosion, and support plant growth.

AMENDMENTS TO ASSEMBLY BILL NO. 1989

Amendment 1

In the title, in line 1, strike out "to amend Section 116555 of the Health and Safety Code,"

Amendment 2

In the title, in line 2, strike out "drinking water." and insert:

water, and making an appropriation therefor.

Amendment 3

On page 1, before line 1, insert:

SECTION 1. The sum of fifty million dollars ($50,000,000) is hereby appropriated from the General Fund to the State Water Resources Control Board for the Water and Wastewater Loan and Grant Program established pursuant to Chapter 6.6 (commencing with Section 13486) of Division 7 of the Water Code.

Amendment 4

On page 1, strike out lines 1 to 6, inclusive, and strike out page 2

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AMENDMENTS TO ASSEMBLY BILL NO. 1991

Amendment 1

In the title, in line 1, strike out "116760" and insert:

116760.30

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 116760.30 of the Health and Safety Code is amended to read:

116760.30. (a) There is hereby created in the State Treasury the Safe Drinking Water State Revolving Fund for the purpose of implementing this chapter, and, notwithstanding Section 13340 of the Government Code, moneys in the fund are hereby continuously appropriated, without regard to fiscal years, to the board for expenditure in accordance with this chapter.

(b) Notwithstanding Section 10231.5 of the Government Code, the board shall, at least ~~once every two years;~~ annually, post information on its Internet Web site and send a link of the Internet Web site to the policy and budget committees of the Legislature regarding the implementation of this chapter and expenditures from the fund. The information posted on the board's Internet Web site shall describe the numbers and types of projects funded, the reduction in risks to public health from contaminants in drinking water provided through the funding of the projects, and the criteria used by the board to determine funding priorities. The Internet Web site posting shall include the results of the United States Environmental Protection Agency's most recent survey of the infrastructure needs of California's public water systems, the amount of money available through the fund to finance those needs, the total dollar amount of all funding agreements executed pursuant to this chapter since the date of the previous report or Internet Web site post, the fund utilization rate, the amount of unliquidated obligations, and the total dollar amount paid to funding recipients since the previous report or Internet Web site post.

~~(c) This section shall become operative on July 1, 2014.~~

Amendment 3

On page 1, strike out lines 1 to 5, inclusive



AMENDMENTS TO ASSEMBLY BILL NO. 2022

Amendment 1

In the title, in line 1, after "act" insert:

to add Section 49428 to the Education Code,

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 49428 is added to the Education Code, to read:

49428. (a) On or before December 31, 2021, a school of a school district or county office of education and a charter school shall have at least one mental health professional for every 600 pupils generally accessible to pupils on campus during school hours. On or before December 31, 2021, a school of a school district or county office of education and a charter school with fewer than 600 pupils shall have at least one mental health professional generally accessible to pupils on campus during school hours.

(b) The mental health professional shall be employed by the school, the school district, the county office of education, a private or public mental health entity, child welfare agency, family-based mental health entity, trauma network, or other community-based entity who employs mental health professionals that will provide on-campus services.

(c) If the mental health professional is not employed by the school, the school district, or the county office of education, the school, the school district, or the county office of education shall form a community partnership with and enter into a memorandum of understanding with the entity that employs the mental health professional that clearly specifies all of the following:

(1) The responsibilities of each partner with respect to the activities to be carried out.

(2) How each partner will be accountable for carrying out its responsibilities.

(3) The amount of nonfederal, nonstate funding or in-kind contributions that each partner will contribute to sustain the program.

(d) The role of an on-campus mental health professional required pursuant to this section shall include, but is not limited to, all of the following:

(1) Providing individual and small group counseling supports to individual pupils as well as pupil groups to address social-emotional and mental health concerns.

(2) Facilitating collaboration and coordination between school and community providers to support pupils and their families by assisting families in identifying and accessing additional mental health services within the community as needed.

(3) Promoting school climate and culture through evidence-informed strategies and programs by collaborating with school staff to develop best practices for behavioral health management and classroom climate.

(4) Providing professional development to staff in diverse areas, including, but not limited to, behavior management strategies, mental health support training, trauma-informed practices, and professional self-care.

(e) Funding to comply with this section may be derived from, but is not limited to, any of the following sources, if applicable:

(1) Student Support and Academic Enrichment grants created by the federal Every Student Succeeds Act (Public Law 114-95).

(2) Funds generated by the Control, Regulate and Tax Adult Use of Marijuana Act, as approved by the voters at the November 8, 2016, statewide general election as Proposition 64.

(3) The School-Based Medi-Cal Administrative Activities program.

(4) Local Educational Agency Medi-Cal Billing Option Program reimbursement for school services delivered to pupils eligible for Medi-Cal.

(5) Early and Periodic Screening, Diagnosis, and Treatment Program funds for children who are eligible for Medi-Cal benefits.

(6) Prevention and early intervention funds under the Mental Health Services Act, as approved by the voters at the November 2, 2004, statewide general election as Proposition 63.

(f) For purposes of this section, the following terms have the following meanings:

(1) "Community mental health workers" or "cultural brokers," known as "promotores de salud" in Spanish, means frontline public health workers with behavioral health training who work for pay or as volunteers in association with the local health care systems and usually share ethnicity, language, socioeconomic status, or life experiences with the pupils they serve. Community mental health workers sometimes offer interpretation and translation services and culturally appropriate health education and information, assist pupils and family members in receiving the care they need, and give, to the extent permitted by law, informal counseling and guidance.

(2) "Mental health professionals" includes state-licensed or state certified school psychologists, state-licensed or state certified school social workers, peer providers, and community mental health workers or cultural brokers.

(3) "Peer provider" means a person who draws on lived experience with mental illness or a substance use disorder and recovery, bolstered by specialized training, to deliver valuable support services in a mental health setting. Peer providers may include people who have lived experience as clients, family members, or caretakers of individuals living with mental illness. Peer providers offer culturally competent services that promote engagement, socialization, recovery, self-sufficiency, self-advocacy, development of natural supports, identification of strengths, and maintenance of skills learned in other support services. Services provided by peer providers include, but are not limited to, support, coaching, facilitation, or education that is individualized to the pupil.

SEC. 2. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

Amendment 3
On page 1, strike out lines 1 to 3, inclusive

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AMENDMENTS TO ASSEMBLY BILL NO. 2042

Amendment 1

In the title, in line 1, after "act" insert:

to add and repeal Section 17053.37 of the Revenue and Taxation Code,

Amendment 2

In the title, in line 1, strike out "water." and insert:

taxation, to take effect immediately, tax levy.

Amendment 3

On page 1, before line 1, after the colon insert:

SECTION 1. Section 17053.37 is added to the Revenue and Taxation Code, to read:

Amendment 4

On page 1, before line 1, after the period insert:

(a) Subject to subdivisions (h) and (i), for each taxable year beginning on or after January 1, 2019, and ending before January 1, 2024, a credit shall be allowed against the taxes imposed by this part for each resident who is not a dependent of another taxpayer for installing a residential graywater reuse system during the taxable year in the taxpayer's residence located in this state.

(b) The credit allowed under this section shall be in an amount equal to 25 percent of the cost of the residential graywater reuse system and shall not exceed one thousand dollars ($1,000) as evidenced by the receipt issued by the Franchise Tax Board pursuant to subdivision (h). The person who provides the residential graywater reuse system shall furnish the taxpayer with an accounting of the cost to the taxpayer. A taxpayer may claim the credit under this section only once in a taxable year and shall not cumulate over different taxable years tax credits under this section exceeding, in the aggregate, one thousand dollars ($1,000) for the same residence.

(c) In the case where the credit allowed under this section exceeds the "net tax," as defined by Section 17039, for a taxable year, the excess credit may be carried over to reduce the "net tax" in the following taxable year, and succeeding five taxable years, if necessary, until the credit has been exhausted.

(d) Taxpayers who file separate returns for a taxable year in which they could have filed a joint return may each claim only one-half of the tax credit that would have been allowed for a joint return.

(e) The credit allowed under this section is in lieu of any depreciation deduction for exhaustion or wear and tear of the residential graywater reuse system under Section 167 of the Internal Revenue Code, relating to depreciation.

(f) To qualify for the credit under this section a residential graywater reuse system and its installation shall comply with rules that are adopted by the State Water Resources Control Board and that relate to the recovery and disposal of graywater.

(g) A graywater stub out that was installed by the builder of a house or dwelling unit before title was conveyed to the taxpayer does not qualify for a credit under this section.

(h) Beginning on and after January 1, 2019, the Franchise Tax Board shall receive and evaluate applications that are submitted by taxpayers to receive a residential graywater reuse system credit under this section. A taxpayer shall apply for the credit to the Franchise Tax Board on a form prescribed by the Franchise Tax Board. The application shall be filed with the Franchise Tax Board and the Franchise Tax Board shall issue a receipt to the applicant. The application shall include all of the following:

(1) The name, address, and social security number or federal employer identification number of the applicant.

(2) The amount of the cost of the residential graywater reuse system and the amount for which the credit is claimed.

(3) Any additional information that the Franchise Tax Board requires.

(i) The Franchise Tax Board shall review each application under subdivision (h) and certify to the taxpayer the amount of the credit that is authorized. The Franchise Tax Board shall not certify tax credits under this subdivision exceeding the sum of two hundred fifty thousand dollars ($250,000) for any calendar year. If qualifying applications exceed the limit of two hundred fifty thousand dollars ($250,000), the Franchise Tax Board shall authorize credits in the order of the date that the applications are received by the Franchise Tax Board. If an application is received that, if authorized, would require the Franchise Tax Board to exceed the two hundred fifty thousand dollar ($250,000) limit, the Franchise Tax Board shall grant the applicant only the remaining credit amount that would not exceed the limit. After the Franchise Tax Board authorizes two hundred fifty thousand dollars ($250,000) in tax credits, the Franchise Tax Board shall deny any subsequent applications that are received in that calendar year. The Franchise Tax Board shall not authorize any additional tax credits that exceed the two hundred fifty thousand dollar ($250,000) limit even if the amounts that have been certified to any taxpayer were not claimed or a taxpayer otherwise fails to meet the requirements to claim the additional credit.

(j) The Franchise Tax Board may verify that a residential graywater reuse system has been installed in the taxpayer's residence.

(k) For the purposes of this section, "residential graywater reuse system" means a system or a series of components or mechanisms that are designed to provide for the collection of residential graywater and includes a system that is capable of storing residential graywater for future use and reusing the collected water for the same residential property.

(*l*) This section shall remain in effect only until December 1, 2024, and as of that date is repealed.

Amendment 5

On page 1, before line 1, insert:

SEC. 2. For the purposes of complying with Section 41 of the Revenue and Taxation Code, the Legislature finds and declares that the following applies to Section 17053.37 of the Revenue and Taxation Code:

(a) The specific goals, purposes, and objectives of the tax credit are to increase residential use of graywater reuse systems and to decrease the total water use of households throughout California.

(b) The performance indicators for the tax credit are increasing numbers of residential graywater reuse systems installed and the resident's self-reported decreasing amounts of household water use at those residences.

(c) The specific data to be used to determine whether the tax credit is effective at meeting the goals described in subdivision (a) are the number of households that claim the tax credit to subsidize the installation of residential graywater reuse systems and the households' change in water consumption. The Legislative Analyst's Office shall collect and remit the data to the Legislature.

SEC. 3. This act provides for a tax levy within the meaning of Article IV of the California Constitution and shall go into immediate effect.

Amendment 6

On page 1, strike out lines 1 and 2 and strike out page 2

LEGISLATIVE COUNSEL'S DIGEST

AB 2043, as amended, Arambula. Foster youth: family urgent response system.

Existing law, commonly known as Continuum of Care Reform (CCR), states the intent of the Legislature in adopting CCR to improve California's child welfare system and its outcomes by using comprehensive initial child assessments, increasing the use of home-based family care and the provision of services and supports to home-based family care, reducing the use of congregate care placement settings, and creating faster paths to permanency resulting in shorter durations of involvement in the child welfare and juvenile justice systems. Existing law, as part of CCR, requires the State Department of Social Services to implement a resource family approval process, which replaces the multiple processes for licensing foster family homes, certifying foster homes by foster family agencies, approving relatives and nonrelative extended family members as foster care providers, and approving guardians and adoptive families.

~~This bill would state the intent of the Legislature to enact legislation that would build upon the current CCR implementation effort by establishing a response system, as specified, for caregivers of current or former foster youth who are experiencing emotional, behavioral, or other needs that require immediate support. The bill would state the intent of the Legislature to include a statewide hotline in the response system to provide triage and, as appropriate, deploy a mobile and coordinated in-home response.~~

This bill would make legislative findings and declarations, stating the intent of the Legislature in adopting this bill to build upon the current CCR implementation effort. The bill would require the department to establish a statewide hotline, operational no later than January 1, 2020, as the entry point for a state-based Family Urgent Response System, as defined, to respond to calls from caregivers or current or former foster youth when a crisis arises, as specified. The bill would require the hotline to include, among other things, referrals to the county, as specified, for further support and in-person response. The bill would require the department to ensure that data are collected regarding individuals served through the hotline and to publish a report on the department's Internet Web site on January 1, 2021, and annually thereafter, including specified information.

This bill would require, no later than January 1, 2020, county child welfare, probation, and behavioral health agencies, in each county, to establish a county-based Family Urgent Response System that includes a mobile response and stabilization team to provide stabilization services for caregivers or current or former foster youth who

are experiencing a crisis. The bill would require those agencies to submit a single, coordinated plan to the department, no later than November 1, 2019, describing how the system would meet specified requirements. The bill would authorize those agencies to implement these provisions on a per-county basis or by collaborating with other counties to establish regional, cross-county Family Urgent Response Systems. By creating new duties for county officials relating to foster care services, this bill would impose a state-mandated local program.

This bill would require the department, in collaboration with the State Department of Health Care Services, no later than March 1, 2019, to issue all necessary guidance for county-based Family Urgent Response Systems established pursuant to this bill.

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: ~~no~~ yes. State-mandated local program: ~~no~~ yes.

[AMENDED IN...]

CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

**ASSEMBLY BILL** **No. 2043**

**Introduced by Assembly Member Arambula**

[Date introduced]

[Title will go here]

LEGISLATIVE COUNSEL'S DIGEST

AB 2043, as introduced, Arambula. Foster youth: *family urgent* response system.

[Text of Legislative Counsel's Digest will go here]

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

AMENDMENTS TO ASSEMBLY BILL NO. 2049

Amendment 1
In the title, strike out lines 1 and 2 and insert:

An act to amend Sections 45168 and 88167 of the Education Code, relating to school and community college employees.

Amendment 2
On page 1, before line 1, insert:

SECTION 1. Section 45168 of the Education Code is amended to read:

45168. (a) (1) Except as provided in subdivision (b), the governing board of each school district when drawing an order for the salary or wage payment due to a classified employee of the school district ~~may,~~ shall, without charge, reduce the order by the amount ~~which~~ that it has been requested in a revocable written authorization by ~~the employee~~ an employee who is a member of the bargaining unit to deduct for the payment of dues in, or for any other service provided by, any bona fide employee organization, ~~of which he is a member,~~ whose membership consists, in whole or in part, of employees of ~~such~~ that school district, and ~~which~~ that has as one of its objectives improvements in the terms or conditions of employment for the advancement of the welfare of ~~such~~ those employees.

~~The~~

(2) The revocable written authorization shall remain in effect until expressly revoked in writing by the ~~employee.~~ employee in accordance with the terms of the authorization. Whenever there is an increase in the amount required for ~~such~~ the payment to the employee organization, the employee organization shall provide the employee with adequate and necessary data on ~~such~~ the increase at a time sufficiently ~~prior to~~ before the effective date of the increase to allow the employee an opportunity to revoke the written authorization, if ~~desired.~~ desired and if permitted by the authorization. The employee organization shall provide the ~~public~~ school ~~employer~~ district with notification of the increase at a time sufficiently ~~prior to~~ before the effective date of the increase to allow the employer an opportunity to make the necessary changes and with a copy of the notification of the increase ~~which~~ that has been sent to all concerned employees.

~~Upon~~

(3) Upon receipt of a properly signed authorization for payroll deductions by a classified employee pursuant to this section, the governing board of the school district shall reduce ~~such~~ the employee's pay warrant by the designated amount in the next pay period following the closing date for receipt of changes in pay warrants.

~~The~~

(4) The governing board of the school district shall, on the same designated date of each month, draw its order upon the funds of the school district in favor of the employee organization designated by the employee for an amount equal to the total of

the respective deductions made with respect to ~~such~~ the employee organization during the pay period.

~~The~~

(5) The governing board of the school district shall not require the completion of a new deduction authorization when a dues increase has been effected or at any other time without the express approval of the concerned employee organization.

(6) (A) Revocability of an authorization described in this section shall be determined by the terms of the authorization.

(B) Before processing a revocation request, the school district shall either provide a copy of the request to the employee organization or confirm that the employee has sent it a revocation request, and shall provide the employee organization five days in which to advise the school district whether the revocation request is in conformity with the authorization. The school district may rely on an employee organization's statement that a revocation request is not in conformity with an authorization, and the employee organization shall indemnify and defend the school district against any claim made by an employee for deductions based on the statement.

(b) The governing board of each school district when drawing an order for the salary or wage payment due to a classified employee of the school district may, without charge, reduce the order for the payment of dues to, or for any other service provided by, the certified or recognized employee organization of which the classified employee is a member, or for the payment of service fees to the certified or recognized employee organization as required by an organizational security arrangement between the exclusive representative and a public school employer as provided under Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code. However, the organizational security arrangement shall provide that any employee may pay service fees directly to the certified or recognized employee organization in lieu of having ~~such~~ the service fees deducted from the salary or wage order.

(c) This section shall apply to school districts that have adopted the merit system in the same manner and effect as if it were a part of Article 6 (commencing with Section ~~45240) of this chapter.~~ 45240).

SEC. 2. Section 88167 of the Education Code is amended to read:

88167. (a) (1) Except as provided in subdivision (b), the governing board of each community college district, when drawing an order for the salary or wage payment due to a classified employee of the community college district, ~~may,~~ shall, without charge, reduce the order by the amount ~~which~~ that it has been requested in a revocable written authorization by ~~the employee~~ an employee who is a member of the bargaining unit to deduct for the payment of dues in, or for any other service provided by, any bona fide employee organization, ~~of which the employee is a member,~~ whose membership consists, in whole or in part, of employees of that community college district, and ~~which~~ that has, as one of its objectives, improvements in the terms or conditions of employment for the advancement of the welfare of those employees.

~~The~~

(2) The revocable written authorization shall remain in effect until expressly revoked in writing by the ~~employee.~~ employee in accordance with the terms of the authorization. Whenever there is an increase in the amount required for ~~such a~~ the payment to the employee organization, the employee organization shall provide the employee with adequate and necessary data on the increase at a time sufficiently ~~prior~~

~~to~~ before the effective date of the increase to allow the employee an opportunity to revoke the written authorization, if ~~desired.~~ desired and if permitted by the authorization. The employee organization shall provide the ~~public school employer~~ community college district with notification of the increase at a time sufficiently ~~prior to~~ before the effective date of the increase to allow the employer an opportunity to make the necessary changes and with a copy of the notification of the increase ~~which~~ that has been sent to all concerned employees.

~~Upon~~

(3) Upon receipt of a properly signed authorization for payroll deductions by a classified employee pursuant to this section, the governing board of the community college district shall reduce the employee's pay warrant by the designated amount in the next pay period following the closing date for receipt of changes in pay warrants.

~~The governing board,~~

(4) The governing board of the community college district, on the same designated date of each month, shall draw its order upon the funds of the community college district in favor of the employee organization designated by the employee for an amount equal to the total of the respective deductions made with respect to ~~such~~ the employee organization during the pay period.

~~The~~

(5) The governing board of the community college district shall not require the completion of a new deduction authorization when a dues increase has been effected or at any other time without the express approval of the concerned employee organization.

(6) (A) Revocability of an authorization described in this section shall be determined by the terms of the authorization.

(B) Before processing a revocation request, the community college district shall either provide a copy of the request to the employee organization or confirm that the employee has sent it a revocation request, and shall provide the employee organization five days in which to advise the community college district whether the revocation request is in conformity with the authorization. The community college district may rely on an employee organization's statement that a revocation request is not in conformity with an authorization, and the employee organization shall indemnify and defend the community college district against any claim made by an employee for deductions based on the statement.

(b) The governing board of each community college district, when drawing an order for the salary or wage payment due to a classified employee of the community college district may, without charge, reduce the order for the payment of dues to, or for any other service provided by, the certified or recognized employee organization of which the classified employee is a member, or for the payment of service fees to the certified or recognized organization as required in an organizational security arrangement between the exclusive representative and a community college district employer as provided under Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code. However, the organizational security arrangement shall provide that any employee may pay service fees directly to the certified or recognized employee organization in lieu of having the service fees deducted from the salary or wage order.

(c) This section shall apply to community college districts that have adopted the merit system in the same manner and effect as if it were a part of Article 3 (commencing with Section 88060).

SEC. 3. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

Amendment 3
On page 1, strike out lines 1 to 5, inclusive, and strike out page 2

AMENDMENTS TO ASSEMBLY BILL NO. 2053

Amendment 1

In the title, strike out lines 1 to 3, inclusive, and insert:

An act to add Section 13182 to the Water Code, relating to water quality.

Amendment 2

On page 2, before line 1, insert:

SECTION 1. The Legislature finds and declares both of the following:

(a) Cyanobacteria are small microbes that live in nearly every habitat on land and in the water. They have existed for millions of years as essential components of freshwater ecosystems and form the foundation of most aquatic food chains. However, when environmental conditions favor cyanobacteria growth, they can multiply very rapidly, creating nuisance blooms. When these nuisance blooms are dominated by toxin-producing cyanobacteria, they are referred to as harmful algal blooms. In recent years, harmful algal blooms are increasing in incidence, duration, and toxicity statewide and, as a result, health impacts on humans, domestic animals, dogs and livestock in particular, and wildlife are increasing in prevalence.

(b) Increased prevalence of harmful algal blooms has been attributed to various anthropogenic factors, the most significant of which include degradation of watersheds, nutrient loading, hydrologic alteration, and impacts from climate change. Toxins from harmful algal blooms, both benthic and planktonic, can accumulate in recreational and drinking bodies of water and can be transported hundreds of miles from freshwater to estuarine and marine environments where they accumulate in marine shellfish.

SEC. 2. Section 13182 is added to the Water Code, to read:

13182. To protect water quality and public health from harmful algal blooms formed by cyanobacteria, the state board shall establish a Freshwater and Estuarine Harmful Algal Bloom Program and, in consultation with the Office of Environmental Health Hazard Assessment, State Department of Public Health, Department of Water Resources, Department of Fish and Wildlife, Department of Parks and Recreation, other appropriate state and federal agencies, and California Native American tribes, as defined in Section 21073 of the Public Resources Code, shall do all of the following:

(a) Coordinate immediate and long-term event incident response, including notification to state and local decisionmakers and the public regarding where harmful algal blooms are occurring, waters at risk of developing harmful algal blooms, and threats posed by harmful algal blooms.

(b) Conduct and support field assessment and ambient monitoring to evaluate harmful algal bloom extent, status, and trends at the state, regional, watershed, and site-specific waterbody scales.

(c) Determine the regions, watersheds, or waterbodies experiencing or at risk of experiencing harmful algal blooms to prioritize those regions, watersheds, or waterbodies for assessment, monitoring, remediation, and risk management.

(d) Conduct applied research and develop tools for decision-support.

(e) Provide outreach and education, and maintain a centralized Internet Web site for information and data related to harmful algal blooms.

Amendment 3
On page 2, strike out lines 1 to 23, inclusive, and strike out pages 3 and 4

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# AMENDMENTS TO ASSEMBLY BILL NO. 2057

Amendment 1
In the title, strike out lines 1 and 2 and insert:

An act to add Section 21080.23.5 to the Public Resources Code, relating to environmental quality.

Amendment 2
On page 1, before line 1, insert:

SECTION 1. Section 21080.23.5 is added to the Public Resources Code, to read:

21080.23.5. (a) For purposes of Section 21080.23, "pipeline" also means a pipeline located in the County of Fresno, Kern, Kings, or Tulare, that is used to transport biogas, and meeting the requirements of Section 21080.23 and all local, state, and federal laws.

(b) For purposes of this section, "biogas" means natural gas that meets the requirements of Section 2292.5 of Title 13 of the California Code of Regulations and is derived from anaerobic digestion of dairy animal waste.

SEC. 2. The Legislature finds and declares that a special statute is necessary and that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique circumstances concerning the delivery of biogas in the Counties of Fresno, Kern, Kings, and Tulare.

No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

Amendment 3
On page 1, strike out lines 1 to 8, inclusive, and strike out page 2

AMENDMENTS TO ASSEMBLY BILL NO. 2066

Amendment 1

In the title, in line 2, strike out "taxation." and insert:

taxation, to take effect immediately, tax levy.

Amendment 2

On page 1, before line 1, insert:

SECTION 1. The Legislature finds and declares all of the following:

(a) One in five Californians live in poverty, and millions of working families in California are unable to meet basic needs. According to the United States Census Bureau Supplemental Poverty Measure, which factors in cost of living, California has the highest poverty rate in the nation.

(b) The federal Earned Income Tax Credit (EITC) is the nation's largest and most successful antipoverty program. The EITC compensates low-income workers and reduces economic hardship by allowing low-income working families to keep more of their earnings.

(c) Research shows that the EITC improves child and maternal health, spurs local economic growth, and builds long-term economic security by increasing future earnings. Children in families that receive the EITC perform better academically in both the short and long term and achieve higher test scores, higher high school graduation rates, and higher college attendance rates.

(d) The California Earned Income Tax Credit (CalEITC) was enacted in 2015 to build on the success of the EITC and designed the credit to target working households living in poverty.

(e) A working parent with two children can receive a CalEITC of up to $2,467.

(f) California has the opportunity to ensure that the CalEITC reaches all low-income working Californians who file taxes by removing exclusions to the CalEITC based on age and immigration status.

(g) Currently, the CalEITC follows EITC eligibility rules and excludes certain populations of working Californians who pay taxes and file their tax returns.

(h) Working Californians who are currently excluded from the CalEITC face particular risk of poverty and economic hardship.

(i) Young adults experience poverty at higher rates than any other adult age group. Nationally, young adult workers today earn $10,000 less than young adults in 1989, a decline of 20 percent.

(j) Poverty among California residents age 65 and older has increased over the past two decades. Statewide, the number of impoverished residents age 65 and older increased by 85 percent to roughly 520,000 between 1999 and 2014. More than 740,000 California residents between the ages of 65 and 74 are employed or looking for work, roughly double the number from 15 years ago.

(k) Immigrants contribute about one-third of the state's gross domestic product, yet per capita income for immigrant-headed households is a quarter less than overall per capita income in the state.

SEC. 2. Section 17052 of the Revenue and Taxation Code is amended to read:

17052. (a) (1) For each taxable year beginning on or after January 1, 2015, there shall be allowed against the "net tax," as defined by Section 17039, an earned income tax credit in an amount equal to an amount determined in accordance with Section 32 of the Internal Revenue Code, relating to earned income, as applicable for federal income tax purposes for the taxable year, except as otherwise provided in this section.

(2) (A) The amount of the credit determined under Section 32 of the Internal Revenue Code, relating to earned income, as modified by this section, shall be multiplied by the earned income tax credit adjustment factor for the taxable year.

(B) Unless otherwise specified in the annual Budget Act, the earned income tax credit adjustment factor for a taxable year beginning on or after January 1, 2015, shall be 0 percent.

(C) The earned income tax credit authorized by this section shall only be operative for taxable years for which resources are authorized in the annual Budget Act for the Franchise Tax Board to oversee and audit returns associated with the credit.

(b) (1) In lieu of the table prescribed in Section 32(b)(1) of the Internal Revenue Code, relating to percentages, the credit percentage and the phaseout percentage shall be determined as follows:

| In the case of an eligible individual with: | The credit percentage is: | The phaseout percentage is: |
|---|---|---|
| No qualifying children | 7.65% | 7.65% |
| 1 qualifying child | 34% | 34% |
| 2 qualifying children | 40% | 40% |
| 3 or more qualifying children | 45% | 45% |

(2) (A) In lieu of the table prescribed in Section 32(b)(2)(A) of the Internal Revenue Code, the earned income amount and the phaseout amount shall be determined as follows:

| In the case of an eligible individual with: | The earned income amount is: | The phaseout amount is: |
|---|---|---|
| No qualifying children | $3,290 | $3,290 |
| 1 qualifying child | $4,940 | $4,940 |
| 2 or more qualifying children | $6,935 | $6,935 |

(B) Section 32(b)(2)(B) of the Internal Revenue Code, relating to joint returns, shall not apply.

(c) (1) Section 32(c)(1)(A)(ii)(I) of the Internal Revenue Code is modified by substituting "this state" for "the United States."

(2) Section 32(c)(1)(A)(ii)(II) of the Internal Revenue Code is modified by deleting "25 but not attained age 65" and inserting in lieu thereof the following: "18."

~~(2)~~

(3) Section 32(c)(2)(A) of the Internal Revenue Code is modified as follows:

(A) Section 32(c)(2)(A)(i) of the Internal Revenue Code is modified by deleting "plus" and inserting in lieu thereof the following: "and only if such amounts are subject to withholding pursuant to Division 6 (commencing with Section 13000) of the Unemployment Insurance Code."

(B) Section 32(c)(2)(A)(ii) of the Internal Revenue Code shall not apply.

~~(3)~~

(4) For taxable years beginning on or after January 1, 2017, paragraph ~~(2)~~ (3) shall not apply and in lieu thereof Section 32(c)(2)(A) of the Internal Revenue Code is modified as follows:

(A) Section 32(c)(2)(A)(i) of the Internal Revenue Code is modified by deleting "plus" and inserting in lieu thereof the following: "and only if such amounts are subject to withholding pursuant to Division 6 (commencing with Section 13000) of the Unemployment Insurance Code, plus."

(B) Section 32(c)(2)(A)(ii) of the Internal Revenue Code shall apply.

~~(4)~~

(5) Section 32(c)(3)(C) of the Internal Revenue Code, relating to place of abode, is modified by substituting "this state" for "the United States."

(d) Section 32(i)(1) of the Internal Revenue Code is modified by substituting "$3,400" for "$2,200."

(e) In lieu of Section 32(j) of the Internal Revenue Code, relating to inflation adjustments, for taxable years beginning on or after January 1, 2016, the amounts specified in paragraph (2) of subdivision (b) and in subdivision (d) shall be recomputed annually in the same manner as the recomputation of income tax brackets under subdivision (h) of Section 17041.

(f) Section 32(m) of the Internal Revenue Code, relating to identification numbers, is modified by substituting "federal individual taxpayer identification number or a social security number" for "social security number" and deleting "(other than a social security number issued pursuant to clause (II) (or that portion of clause (III) that relates to clause (II)) of section 205(c)(2)(B)(i) of the Social Security Act)."

~~(f)~~

(g) (1) If the amount allowable as a credit under this section exceeds the tax liability computed under this part for the taxable year, the excess shall be credited against other amounts due, if any, and the balance, if any, shall be paid from the Tax Relief and Refund Account and refunded to the taxpayer.

(2) If the amount allowable as a credit pursuant to the changes made to this section by the act adding this paragraph exceeds the tax liability computed under this part for the taxable year, the excess shall be credited against other amounts due, if any, and the balance, if any, shall be paid, upon appropriation by the Legislature, from the Tax Relief and Refund Account and refunded to the taxpayer.

~~(g)~~

(h) (1) The Franchise Tax Board may 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.

(2) (A) The Franchise Tax Board may prescribe any regulations necessary or appropriate to carry out the purposes of this section, including any regulations to prevent improper claims from being filed or improper payments from being made with respect to net earnings from self-employment.

(B) The adoption of any regulations pursuant to subparagraph (A) may be adopted as emergency regulations in accordance with the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code) and shall be deemed an emergency and necessary for the immediate preservation of the public peace, health and safety, or general welfare. Notwithstanding Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, these emergency regulations shall not be subject to the review and approval of the Office of Administrative Law. The regulations shall become effective immediately upon filing with the Secretary of State, and shall remain in effect until revised or repealed by the Franchise Tax Board.

~~(h)~~

(i) Notwithstanding any other law, amounts refunded pursuant to this section shall be treated in the same manner as the federal earned income refund for the purpose of determining eligibility to receive benefits under Division 9 (commencing with Section 10000) of the Welfare and Institutions Code or amounts of those benefits.

~~(i)~~

(j) (1) For the purpose of implementing the credit allowed by this section for the 2015 taxable year, the Franchise Tax Board shall be exempt from the following:

(A) Special Project Report requirements under State Administrative Manual Sections 4819.36, 4945, and 4945.2.

(B) Special Project Report requirements under Statewide Information Management Manual Section 30.

(C) Section 11.00 of the 2015 Budget Act.

(D) Sections 12101, 12101.5, 12102, and 12102.1 of the Public Contract Code.

(2) The Franchise Tax Board shall formally incorporate the scope, costs, and schedule changes associated with the implementation of the credit allowed by this section in its next anticipated Special Project Report for its Enterprise Data to Revenue Project.

~~(j)~~

(k) (1) In accordance with Section 41 of the Revenue and Taxation Code, the purpose of the California Earned Income Tax Credit is to reduce poverty among California's poorest working families and individuals. To measure whether the credit achieves its intended purpose, the Franchise Tax Board shall annually prepare a written report on the following:

(A) The number of tax returns claiming the credit.

(B) The number of individuals represented on tax returns claiming the credit.

(C) The average credit amount on tax returns claiming the credit.

(D) The distribution of credits by number of dependents and income ranges. The income ranges shall encompass the phase-in and phaseout ranges of the credit.

(E) Using data from tax returns claiming the credit, including an estimate of the federal tax credit determined under Section 32 of the Internal Revenue Code, relating to earned income, an estimate of the number of families who are lifted out of deep poverty by the credit and an estimate of the number of families who are lifted out of

deep poverty by the combination of the credit and the federal tax credit. For the purposes of this subdivision, a family is in "deep poverty" if the income of the family is less than 50 percent of the federal poverty threshold.

(2) The Franchise Tax Board shall provide the written report to the Senate Committee on Budget and Fiscal Review, the Assembly Committee on Budget, the Senate and Assembly Committees on Appropriations, the Senate Committee on Governance and Finance, the Assembly Committee on Revenue and Taxation, and the Senate and Assembly Committees on Human Services.

~~(k)~~

(l) The tax credit allowed by this section shall be known as the California Earned Income Tax Credit.

~~(l)~~

(m) The amendments made to this section by Chapter 722 of the Statutes of 2016 shall apply to taxable years beginning on or after January 1, 2016.

~~(m)~~

(n) (1) For each taxable year beginning on or after January 1, 2017, if the amount of credit computed pursuant to subdivisions (a) and (b) is less than or equal to one hundred dollars ($100) multiplied by the ratio of the earned income tax credit adjustment factor for that taxable year divided by 0.85 for an eligible individual with no qualifying children, or less than or equal to two hundred fifty dollars ($250) multiplied by the ratio of the earned income tax credit adjustment factor for that taxable year divided by 0.85 for an eligible individual with one or more qualifying children, and the earned income amount is greater than or equal to the corresponding amount in the table set forth in paragraph (2) below, then in lieu of the table prescribed in paragraph (1) of subdivision (b), the credit percentage and the phaseout percentage shall be determined as follows:

| In the case of an eligible individual with: | The credit percentage is: | The phaseout percentage is: |
|---|---|---|
| No qualifying children | 2.20% | 1.22% |
| 1 qualifying child | 3.10% | 2.29% |
| 2 qualifying children | 2.13% | 3.45% |
| 3 or more qualifying children | 2.12% | 3.49% |

(2) For each taxable year beginning on or after January 1, 2017, if the amount of credit computed pursuant to subdivisions (a) and (b) is less than or equal to one hundred dollars ($100) multiplied by the ratio of the earned income tax credit adjustment factor for that taxable year divided by 0.85 for an eligible individual with no qualifying children, or less than or equal to two hundred fifty dollars ($250) multiplied by the ratio of the earned income tax credit adjustment factor for that taxable year divided by 0.85 for an eligible individual with one or more qualifying children, then in lieu of the table prescribed in subparagraph (A) of paragraph (2) of subdivision (b), the earned income amount and the phaseout amount shall be determined as follows:

| In the case of an eligible individual with: | The earned income amount is: | The phaseout amount is: |
|---|---|---|
| No qualifying children | $5,354 | $5,354 |
| 1 qualifying child | $9,484 | $9,484 |
| 2 qualifying children | $13,794 | $13,794 |
| 3 or more qualifying children | $13,875 | $13,875 |

(3) For taxable years beginning on or after January 1, 2018, the amounts in paragraphs (1) and (2) shall be recomputed annually in the same manner as the recomputation of income tax brackets under subdivision (h) of Section 17041.

SEC. 3. This act provides for a tax levy within the meaning of Article IV of the California Constitution and shall go into immediate effect.

Amendment 3

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

Ken Cooley

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Substantive

AMENDMENTS TO ASSEMBLY BILL NO. 2083

Amendment 1

In the title, in line 1, after "act" insert:

to add Section 16521.6 to the Welfare and Institutions Code,

Amendment 2

On page 2, before line 1, insert:

SECTION 1. It is the intent of the Legislature in adopting this act to build upon the current Continuum of Care Reform implementation effort by developing a coordinated, timely, and trauma-informed system-of-care approach for foster children and youth who have experienced severe trauma, implementing related memoranda of understanding on the county level, and establishing a joint interagency resolution team on the state level to assist counties in serving those children and youth.

SEC. 2. Section 16521.6 is added to the Welfare and Institutions Code, to read:

16521.6. To ensure that coordinated, timely, and trauma-informed services are provided to children and youth in foster care who have experienced severe trauma, all of the following shall be met:

(a) (1) Each county shall develop and implement a memorandum of understanding setting forth the roles and responsibilities of agencies and other entities that serve children and youth in foster care who have experienced severe trauma. Participants in the development and implementation of the memorandum of understanding shall include, but not be limited to, all of the following:

(A) The county child welfare agency.

(B) The county probation department.

(C) The county behavioral health departments.

(D) The county office of education.

(E) The regional center or centers that serve children and youth with developmental disabilities in the county.

(2) The memorandum of understanding shall include, at a minimum, provisions addressing all of the following:

(A) Establishment and operation of an interagency leadership team.

(B) Establishment and operation of an interagency placement committee.

(C) Commitment to implementation of an integrated core practice model.

(D) Processes for screening, assessment, and entry to care.

(E) Processes for child and family teaming and universal service planning.

(F) Alignment and coordination of transportation and other foster youth services.

(G) Recruitment and management of resource families and delivery of therapeutic foster care services.

(H) Information and data sharing agreements.

(I) Staff recruitment, training, and coaching.

(J) Financial resource management and cost sharing.

(K) Dispute resolution.

Amendment 3
On page 2, strike out lines 1 to 30, inclusive

AMENDMENTS TO ASSEMBLY BILL NO. 2098

Amendment 1

In the title, in line 1, strike out "amend Section 66010" and insert:

add and repeal Article 22 (commencing with Section 8460) of Chapter 2 of Part 6 of Division 1 of Title 1

Amendment 2

In the title, strike out line 2 and insert:

after school programs.

Amendment 3

On page 1, before line 1, insert:

SECTION 1. Article 22 (commencing with Section 8460) is added to Chapter 2 of Part 6 of Division 1 of Title 1 of the Education Code, to read:

Article 22. After School Kids Code Grant Program

8460. (a) Subject to moneys appropriated by the Legislature for the purposes of this section, the department shall administer the After School Kids Code Grant Program. Under the grant program, the department shall provide one-time grant funds to eligible after school education and safety programs established pursuant to Article 22.5 (commencing with Section 8482) that focus on computer coding as part of their program curriculum.

(b) The department, in consultation with interested stakeholders, shall develop an application process and criteria for determining eligible grant recipients consistent with the purpose of promoting computer coding education. The department shall determine the amount and number of grants to be awarded under the program based on the after school program site enrollment and in consideration of the overall funding appropriated for this grant program in the 2018–19 annual Budget Act or other statute.

8461. This article shall remain in effect only until January 1, 2023, and as of that date is repealed.

Amendment 4

On page 1, strike out lines 1 and 2 and strike out page 2

AMENDMENTS TO ASSEMBLY BILL NO. 2110

Amendment 1

In the title, in line 1, strike out "Section 6501.1 of the Public Resources Code,", strike out line 2 and insert:

and renumber the heading of Chapter 8.6 (commencing with Section 42490) of, and to add Chapter 8.6 (commencing with Section 42488) to, Part 3 of Division 30 of the Public Resources Code, relating to public resources.

Amendment 2

On page 1, before line 1, insert:

SECTION 1. (a) The Legislature finds and declares all of the following:

(1) Electronic waste (e-waste) generation globally was approximately 44.7 metric tons in 2016, with an expected annual growth rate of 3 to 4 percent. The United States alone generated 6.3 million tons of e-waste in 2016, but only collected 22 percent of that total amount.

(2) Reducing the cost and difficulty of repairing electronics is critical to reducing the generation of e-waste.

(3) Consumers should have the right to repair at a competitive price every product that they purchase.

(4) Lack of competition in the electronics repair industry creates high costs for consumers, businesses, and governments.

(b) It is therefore the intent of the Legislature to support the adoption of policies that meaningfully address the growing quantity of e-waste that is generated in the state, and to support the reuse, repair, redistribution, and refurbishing of electronics.

SEC. 2. The heading of Chapter 8.6 (commencing with Section 42490) of Part 3 of Division 30 of the Public Resources Code is amended and renumbered to read:

CHAPTER ~~8.6.~~8.7. CELL PHONE RECYCLING ACT OF 2004

SEC. 3. Chapter 8.6 (commencing with Section 42488) is added to Part 3 of Division 30 of the Public Resources Code, to read:

CHAPTER 8.6. THE RIGHT TO REPAIR ACT

42488. This act shall be known, and may be cited, as the Right to Repair Act.

42488.1. It is the intent of the Legislature to provide a fair marketplace for the repair of electronic equipment and to prohibit intentional barriers and limitations to third-party repair.

42488.2. For purposes of this chapter, the following definitions apply:

(a) "Authorized repair provider" means either of the following:

(1) A person or business that has an arrangement for a definite or indefinite period with an OEM in which the OEM grants to the person or business a license to use a trade name, service mark, or related characteristic for purposes of offering repair services under the name of the OEM.

(2) A person or business retained by the OEM to provide refurbishing services for the OEM's product or products.

(b) "Documentation" means a manual, schematic diagram, reporting output, or service code description provided to the authorized repair provider for purposes of effecting repair.

(c) "Embedded software" means any programmable instructions provided on firmware delivered with equipment for the purposes of equipment operation, including all relevant patches and fixes made by the OEM for that purpose, including, but not limited to, a basic internal operating system, internal operating system, machine code, assembly code, root code, or microcode.

(d) "Equipment" means electronic equipment, or a part of electronic equipment, originally manufactured for distribution and sale in the United States.

(e) "Fair and reasonable terms" means an equitable price in light of relevant factors. "Fair and reasonable terms," with regard to diagnostic and repair information, includes, but is not limited to, all of the following:

(1) The net cost to the authorized repair provider for similar information obtained from the OEM, excluding any discounts, rebates, or other incentive programs.

(2) The cost to the OEM for preparing and distributing the information, excluding any research and development costs incurred in designing and implementing, upgrading, or altering the product, but including amortized capital costs for the preparation and distribution of the information.

(3) The price charged by other OEMs for similar information.

(4) The price charged by other OEMs for similar information prior to the launch of OEM Internet Web sites.

(5) The ability of aftermarket technicians or shops to afford the information.

(6) The means by which the information is distributed.

(7) The extent to which the information is used, including the number of users, and frequency, duration, and volume of use.

(8) Inflation.

(f) "Independent repair provider" means a person or business operating in the state that is not affiliated with an OEM or an OEM's authorized repair provider, that is engaged in the diagnosis, service, maintenance, or repair of equipment, except that an OEM shall be considered an "independent repair provider" if the OEM engages in the diagnosis, service, maintenance, or repair of equipment that is not affiliated with that OEM.

(g) "Medical device" has the same definition as provided in the federal Food, Drug, and Cosmetic Act (21 U.S.C. Sec. 321(h)).

(h) "Motor vehicle" has the same definition as provided in Section 415 of the Vehicle Code, except that "motor vehicle" does not include a motorcycle or a recreational vehicle or manufactured home equipped for habitation.

(i) "Motor vehicle dealer" has the same definition as provided in Section 285 of the Vehicle Code.

(j) "Motor vehicle manufacturer" has the same definition as provided in Section 672 of the Vehicle Code.

(k) "Original equipment manufacturer" or "OEM" means a person or business that, in the ordinary course of business, is engaged in the business of selling or leasing new equipment or parts of equipment to any person or business, and is engaged in the diagnosis, service, maintenance, or repair of equipment or parts of that equipment. "Original equipment manufacturer" does not include a motor vehicle dealer or the manufacturer of a motor vehicle or a motor vehicle part.

(*l*) "Owner" means a person or business that owns or leases equipment purchased or used in the state.

(m) "Part" or "service part" means a replacement part, either new or used, made available by the OEM to the authorized repair provider for purposes of effecting repair.

(n) "Remote diagnostics" means a remote data transfer function between equipment and the provider of repair services, including settings controls and location identification.

42488.3. (a) The original equipment manufacturer of equipment or parts sold and used in the state shall do both of the following:

(1) Make available, in a timely manner, to independent repair providers or owners of equipment manufactured by the OEM the same diagnostic and repair information that the OEM provides to authorized repair providers, including to refurbishment facilities for subcontract repairs. The information shall be provided at no charge or for the same charge that the OEM charges to, and in the same format that the OEM makes the information available to, authorized repair providers and refurbishment facilities for subcontract repair. The information shall include repair technical updates, schematic diagrams, updates, corrections to embedded software, and safety and security patches.

(2) (A) Except as provided in subparagraph (B), make available for purchase by the owner, the owner's authorized agent, or an independent repair provider, equipment or service parts, including any updates to the embedded software of the equipment or parts, subject to fair and reasonable terms.

(B) Nothing in this chapter requires an OEM to sell equipment or service parts if the parts are no longer available to the OEM or the authorized repair provider of the OEM.

(b) An OEM that sells diagnostic, service, or repair documentation to an independent repair provider or to an owner in a format that is standardized with other OEMs, and on terms and conditions more favorable than the manner, terms, and conditions that an authorized repair provider receives for the same diagnostic, service, or repair documentation, shall be prohibited from requiring an authorized repair provider to continue purchasing diagnostic, service, or repair documentation in a proprietary format, unless the proprietary format includes diagnostic, service, or repair documentation or functionality that is not available in the standardized format.

(c) (1) An OEM of equipment sold or used in this state shall make available for purchase by owners and independent repair providers, subject to fair and reasonable terms, all diagnostic repair tools incorporating the same diagnostic, repair, and remote communications capabilities that the OEM makes available to its own repair or engineering staff or an authorized repair provider.

(2) An OEM that provides diagnostic repair documentation to aftermarket diagnostic tool manufacturers, diagnostics providers, and third-party service information

publications and systems shall have fully satisfied its obligations under this chapter and shall not be responsible for the content and functionality of those aftermarket diagnostic tools, diagnostics, or service information publications or systems.

(d) OEM equipment or parts sold or used in this state for the purpose of providing security-related functions shall include diagnostic, service, and repair information necessary to reset a security-related electronic function from information provided to owners and independent repair facilities. If not required to be included under this subdivision, the information necessary to reset an immobilizer system or security-related electronic module shall be obtained by owners and independent repair facilities through the appropriate secure data release systems.

42488.4. (a) Notwithstanding any other law, nothing in this chapter shall be construed to affect the terms of any agreement executed and in force between an authorized repair provider and an original equipment manufacturer, including, but not limited to, the performance or provision of warranty or recall repair work by an authorized repair provider on behalf of an OEM pursuant to an authorized repair agreement, except that a provision in an agreement that purports to waive, avoid, restrict, or limit an OEM's compliance with this chapter shall be void and unenforceable.

(b) Nothing in this chapter shall be construed to require an OEM or authorized repair provider to provide an owner or independent repair provider access to information that is not diagnostic and repair information that an OEM provides to an authorized repair provider pursuant to the terms of the agreement between the OEM and authorized repair provider.

(c) Nothing in this chapter applies to a motor vehicle manufacturer, a product or service of a motor vehicle manufacturer, or a motor vehicle dealer.

(d) Nothing in this chapter requires a manufacturer of a medical device to implement a provision of this chapter that is prohibited pursuant to the federal Food, Drug, and Cosmetic Act (21 U.S.C. Sec. 301 et seq.) or any other federal law to the extent that law preempts this chapter.

42488.5. (a) A city, county, city and county, or the state may impose civil liability on a person or entity that knowingly violated this chapter, or reasonably should have known that it violated this chapter, in the amount of one thousand dollars ($1,000) per day for the first violation, two thousand dollars ($2,000) per day for the second violation, and five thousand dollars ($5,000) per day for the third and subsequent violations.

(b) A civil penalty collected pursuant to subdivision (a) shall be paid to the city attorney, city prosecutor, or district attorney, or Attorney General that brought the action, or to the state if the Attorney General brought the action. The penalties collected pursuant to this section by the Attorney General may be expended by the Attorney General, upon appropriation by the Legislature, to enforce this chapter.

42488.6. This chapter shall apply for equipment or parts that are no longer manufactured for five years after the date the OEM ceased to manufacture the equipment or parts. An OEM may continue to comply with this chapter beyond five years for equipment or parts the OEM no longer manufactures, at the discretion of the OEM.

Amendment 3
On page 1, strike out lines 1 to 7, inclusive

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AMENDMENTS TO ASSEMBLY BILL NO. 2118

Amendment 1
In the title, in line 1, strike out "14105.94" and insert:

14129

Amendment 2
On page 2, before line 1, insert:

SECTION 1. Section 14129 of the Welfare and Institutions Code is amended to read:

14129. For purposes of this article, the following definitions apply:

(a) "Annual quality assurance fee rate" means the quality assurance fee assessed on each emergency medical transport during each applicable state fiscal year.

(b) "Aggregate fee schedule increase amount" means the product of the quotient described in ~~paragraph (2) of~~ subdivision (a) of Section 14129.3 and the Medi-Cal emergency medical transports, including both fee-for-service transports paid by the department and managed care transports paid by Medi-Cal managed care health plans, utilizing the billing codes for emergency medical transport for the state fiscal year.

(c) "Available fee amount" shall be calculated as the sum of the following:

(1) The amount deposited in the Medi-Cal Emergency Medical Transport Fund established under Section 14129.2 during the applicable state fiscal year, less the amounts described in subparagraphs (A) and (B) of paragraph (2) of subdivision (f) of Section 14129.2.

(2) Any federal financial participation obtained as a result of the deposit of the amount described in paragraph (1) in the Medi-Cal Emergency Medical Transport Fund, created pursuant to Section 14129.2, for the applicable state fiscal year.

(d) "Department" means the State Department of Health Care Services.

(e) "Director" means the Director of Health Care Services.

(f) "Effective state medical assistance percentage" means a ratio of the aggregate expenditures from state-only sources for the Medi-Cal program divided by the aggregate expenditures from state and federal sources for the Medi-Cal program for a state fiscal year.

(g) "Emergency medical transport" means the act of transporting an individual from any point of origin to the nearest medical facility capable of meeting the emergency medical needs of the patient by an ambulance licensed, operated, and equipped in accordance with applicable state or local statutes, ordinances, or regulations that are billed with billing codes A0429 BLS Emergency, A0427 ALS Emergency, and A0433 ALS2, and any equivalent, predecessor, or successor billing codes as may be determined by the director. "Emergency medical transports" ~~shall~~ does not include transportation of beneficiaries by passenger car, taxicabs, litter vans, wheelchair vans, or other forms of public or private conveyances, nor shall it include transportation by an air ambulance provider. An "emergency medical transport" does not occur when, following evaluation of a patient, a transport is not provided.

(h) "Gross receipts" means gross payments received as patient care revenue for emergency medical transports, determined on a cash basis of accounting. "Gross receipts" ~~shall include~~ includes all payments received as patient care revenue for emergency medical transports, including payments for billing codes A0429 BLS Emergency, A0427 ALS Emergency, and A0433 ALS2, and any equivalent, predecessor, or successor billing codes as may be determined by the director, and any other ancillary billing codes associated with emergency medical transport as may be determined by the director. "Gross receipts" ~~shall~~ does not include supplemental amounts received pursuant to Section 14105.94.

(i) "Emergency medical transport provider" means any provider of emergency medical ~~transports.~~ transports, except for local agencies, as defined in subdivision (a) of Section 6252 of the Government Code.

(j) "Emergency medical transport provider subject to the fee" means all emergency medical transport providers that bill and receive patient care revenue from the provision of emergency medical transports, except emergency medical transport providers that are exempt pursuant to subdivision (c) of Section 14129.6.

(k) "Medi-Cal managed care health plan" means a "managed health care plan" as that term is defined in subdivision (ab) of Section 14169.51.

Amendment 3

On page 2, strike out lines 1 to 38, inclusive, and strike out pages 3 to 5, inclusive

# LEGISLATIVE COUNSEL'S DIGEST

AB 2118, as amended, Cooley. Medi-Cal: ground emergency medical transportation services.

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services, and under which qualified low-income individuals receive health care services. The Medi-Cal program is, in part, governed and funded by federal Medicaid Program provisions. Existing law authorizes certain ground emergency medical transportation providers to receive supplemental Medi-Cal reimbursement in addition to the rate of payment the provider would otherwise receive for those services. Existing law defines an "emergency medical transport provider" to mean any provider of emergency medical transports. Existing law requires the department to develop a modified supplemental reimbursement program, with necessary federal approvals, that would seek to increase the reimbursement to certain ground emergency medical transportation providers, as specified. Existing law states the Legislature's intent in enacting these provisions to provide the supplemental reimbursement without any expenditure from the General Fund.

This bill would ~~make a technical, nonsubstantive change to the statement of the Legislature's intent.~~ exclude from the definition of an "emergency medical transport provider" a county, city, city and county, school district, municipal corporation, district, or political subdivision, or other local agency, as defined.

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

AMENDMENTS TO ASSEMBLY BILL NO. 2125

Amendment 1
In the title, strike out lines 1 and 2 and insert:

An act to amend and repeal Section 15360, and to add Article 5.5 (commencing with Section 15365) to Chapter 4 of Division 15, of the Elections Code, relating to elections.

Amendment 2
On page 1, before line 1, insert:

SECTION 1. The Legislature finds and declares all of the following:

(a) Transparent, publicly observable auditing of election results is necessary to ensure effective election administration and justifiable public confidence in elections.

(b) Risk-limiting audits provide efficient and cost-effective scientific quality control for election results.

(c) By definition, a risk-limiting audit strictly limits the probability that an incorrect electoral outcome will pass the audit without being corrected.

SEC. 2. Section 15360 of the Elections Code is amended to read:

15360. (a) During the official canvass of every election in which a voting system is used, the official conducting the election shall conduct a public manual tally of the ballots tabulated by those devices, including vote by mail ballots, using either of the following methods:

(1) (A) A public manual tally of the ballots canvassed in the semifinal official canvass, including vote by mail ballots but not including provisional ballots, cast in 1 percent of the precincts chosen at random by the elections official. If 1 percent of the precincts is less than one whole precinct, the tally shall be conducted in one precinct chosen at random by the elections official.

(B) (i) In addition to the 1 percent manual tally, the elections official shall, for each race not included in the initial group of precincts, count one additional precinct. The manual tally shall apply only to the race not previously counted.

(ii) The elections official may, at his or her discretion, select additional precincts for the manual tally, which may include vote by mail and provisional ballots.

(2) A two-part public manual tally, which includes both of the following:

(A) A public manual tally of the ballots canvassed in the semifinal official canvass, not including vote by mail or provisional ballots, cast in 1 percent of the precincts chosen at random by the elections official and conducted pursuant to paragraph (1).

(B) (i) A public manual tally of not less than 1 percent of the vote by mail ballots canvassed in the semifinal official canvass. Batches of vote by mail ballots shall be chosen at random by the elections official.

(ii) For purposes of this section, a "batch" means a set of ballots tabulated by the voting system devices, for which the voting system can produce a report of the votes cast.

(iii) (I) In addition to the 1 percent manual tally of the vote by mail ballots, the elections official shall, for each race not included in the initial 1 percent manual tally of vote by mail ballots, count one additional batch of vote by mail ballots. The manual tally shall apply only to the race not previously counted.

(II) The elections official may, at his or her discretion, select additional batches for the manual tally, which may include vote by mail and provisional ballots.

(b) If vote by mail ballots are cast on a direct recording electronic voting system at the office of an elections official or at a satellite location of the office of an elections official pursuant to Section 3018, the official conducting the election shall either include those ballots in the manual tally conducted pursuant to paragraph (1) or (2) of subdivision (a), or conduct a public manual tally of those ballots cast on no fewer than 1 percent of all the direct recording electronic voting machines used in that election chosen at random by the elections official.

(c) The elections official shall use either a random number generator or other method specified in regulations that shall be adopted by the Secretary of State to randomly choose the initial precincts, batches of vote by mail ballots, or direct recording electronic voting machines subject to the public manual tally.

(d) The elections official shall not randomly choose the initial precincts or select an additional precinct for the manual tally until after the close of the polls on election day.

(e) The manual tally shall be a public process, with the official conducting the election providing at least a five-day public notice of the time and place of the manual tally and of the time and place of the selection of the precincts, batches, or direct recording electronic voting machines subject to the public manual tally before conducting the selection and tally.

(f) The official conducting the election shall include a report on the results of the 1 percent manual tally in the certification of the official canvass of the vote. This report shall identify any discrepancies between the machine count and the manual tally and a description of how each of these discrepancies was resolved. In resolving a discrepancy involving a vote recorded by means of a punchcard voting system or by electronic or electromechanical vote tabulating devices, the voter verified paper audit trail shall govern if there is a discrepancy between it and the electronic record.

(g) (1) Ballot images may be used in place of ballots for purposes of the manual tally required by this section.

(2) The elections official shall choose at random a percentage of precincts to compare ballot images to paper ballots. The percentage shall be prescribed and publicly noticed by the Secretary of State.

(3) As used in this section, "ballot image" means an electronic copy or digital representation of a voted ballot that is an image of the ballot scanned or created independent from the tally or ballot marking system and can be matched back to the original ballot.

(h) This section shall remain in effect until March 5, 2024.

SEC. 3. Article 5.5 (commencing with Section 15365) is added to Chapter 4 of Division 15 of the Elections Code, to read:

Article 5.5. Risk-Limiting Audits

15365. As used in this article, "risk-limiting audit" means a procedure that ensures a large, predetermined minimum chance of requiring a full manual tally whenever a full manual tally would show an electoral outcome that differs from the outcome reported by the voting system for an audited contest.

15366. (a) (1) Commencing with the statewide primary election held on March 3, 2020, the elections official conducting an election may conduct a risk-limiting audit in place of the one percent manual tally required by Section 15360 during the official canvass of any election in accordance with the requirements of this article.

(2) Commencing with the statewide primary election held on March 5, 2024, and each election thereafter, if a voting system is used that was purchased using state funds, the elections official conducting the election shall conduct a risk-limiting audit in place of the one percent manual tally.

(3) An elections official conducting a risk-limiting audit shall conduct the audit on at least one countywide and at least one statewide contest, until all counties have transitioned to risk-limiting audits. For the purposes of this paragraph, "countywide" means an elective office wholly within the county that is voted on throughout the county.

(b) (1) The Secretary of State, in consultation with recognized statistical experts, equipment vendors, and local elections officials, shall adopt regulations to implement and administer this article.

(2) The regulations shall do all of the following:

(A) Establish threshold limits for risk-limiting audits.

(B) Require the creation of an audit board by the local elections official to govern risk-limiting audits.

(C) Establish criteria for public education on risk-limiting audits.

(D) Ensure the security of the ballots and documentation that those procedures were followed.

(E) Ensure the accuracy of ballot manifests produced by counties.

(F) Establish rules governing the format of ballot manifests, cast vote records, and other data involved in risk-limiting audits.

(G) Establish procedures for the random selection of ballots to be inspected manually during each audit.

(H) Establish the calculations and other methods to be used in the audit and to determine whether and when the audit of each contest is complete.

(I) Establish procedures and requirements for testing any software used to conduct risk-limiting audits under this article, and for disclosing the source code of that software.

(c) (1) Ballot images may be used in place of ballots for purposes of risk-limiting audits under this article.

(2) The elections official shall choose at random a percentage of precincts to compare ballot images to paper ballots. The percentage shall be prescribed and publicly noticed by the Secretary of State.

(3) As used in this section, "ballot image" means an electronic copy or digital representation of a voted ballot that is an image of the ballot scanned or created independent from the tally or ballot marking system and can be matched back to the original ballot.

(d) The risk-limiting audit shall be a public process, with the official conducting the election providing at least a five-day public notice of the time and place of the

risk-limiting audit and of the time and place of the selection of the precincts, batches, or direct recording electronic voting machines subject to the public risk-limiting audit before conducting the selection and tally. As used in this subdivision, "direct recording electronic voting machine" means a system described in subdivision (d) of Section 301.

(e) The official conducting the election shall include a report on the results of the risk-limiting audit in the certification of the official canvass of the vote. This report shall identify any discrepancies between the machine count and the risk-limiting audit and a description of how each of these discrepancies was resolved. In resolving a discrepancy involving a vote recorded by electronic or electromechanical vote tabulating devices, the voter verified paper audit trail shall govern if there is a discrepancy between it and the electronic record.

SEC. 4. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

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

AMENDMENTS TO ASSEMBLY BILL NO. 2126

Amendment 1

In the title, in line 1, strike out "amend Section 14001" and insert:

add Chapter 4 (commencing with Section 14410) to Division 12

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Chapter 4 (commencing with Section 14410) is added to Division 12 of the Public Resources Code, to read:

CHAPTER 4. FORESTRY CORPS PROGRAM

14410. No later than July 1, 2019, the director shall establish a forestry corps program.

14411. (a) The forestry corps program shall accomplish all of the following objectives:

(1) Develop and implement forest health projects, pursuant to Section 14412.

(2) Establish forestry corps crews, pursuant to Section 14413.

(3) Provide assistance to corps members in obtaining forestry and forest technician degrees and certificates.

(4) Train corps members to operate equipment in forestry and related fields.

(5) Create pathways from the corps to degree programs and jobs.

(b) The director may partner with community colleges, trade associations, forest and timber industries, vocational educational institutions, and apprenticeship programs to provide training and experience to corps members.

14412. Forest health projects may include, but are not limited to, all of the following:

(a) Fuels reduction and hazardous fuels removal.

(b) Seedling and tree planting.

(c) Cone and seed collection.

(d) Tree mortality and tree felling.

(e) Tree nursery and arborist training.

(f) Forestry and conservation awareness and educational outreach.

(g) Participation in forestry pilot programs.

(h) Wildlands forest firefighting training.

14413. No later than January 1, 2020, the director shall establish two forestry corps crews, one to be based at the Delta Center and the other at the Inland Empire Center.

SEC. 2. The Legislature finds and declares that a special statute is necessary and that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the geographic proximity of

forested areas to, and partnership opportunities that exist in, the Delta Center and the Inland Empire Center of the California Conservation Corps.

Amendment 3
On page 1, strike out lines 1 to 6, inclusive

# AMENDMENTS TO ASSEMBLY BILL NO. 2144

Amendment 1

In the title, in line 1, after "act" insert:

to add Article 3.7 (commencing with Section 5049.1) to Chapter 1 of Division 5 of the Public Resources Code,

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Article 3.7 (commencing with Section 5049.1) is added to Chapter 1 of Division 5 of the Public Resources Code, to read:

Article 3.7. Chino Hills State Park Wild fire Management Plan

5049.1. No later than January 1, 2022, the department, in consultation with the cities of Chino Hills, Yorba Linda, Corona, and Brea, as well as the Orange County Fire Authority, Chino Valley Fire District, and the Corona Fire Department, shall develop and implement a wildfire management plan for Chino Hills State Park.

5049.2. The wild fire management plan described in Section 5049.1 shall do all of the following:

(a) Reinforce the commitment that firefighter and public safety is the first priority.

(b) Describe wildland fire management objectives that are derived from land, natural, and cultural resource management plans.

(c) Create of a multi-coordination effort from local cities and surrounding communities that utilizes their plans for handling wildfires.

(d) Address all potential wildland fire occurrences and consider the full range of wildland fire management actions.

(e) Promote an interagency approach to managing fires on an ecosystem basis across agency boundaries and in conformance with the natural ecological processes and conditions characteristic of the ecosystem.

(f) Include a description of rehabilitation techniques and standards that comply with resource management plan objectives and mitigate immediate safety threats.

(g) Include a wildland fire prevention analysis and plan.

(h) Include a fuels management analysis and plan.

(i) Include procedures for short and long-term monitoring to document that overall programmatic objectives are being met and undesired effects are not occurring.

(j) Address public health issues and values to be protected.

SEC. 2. The Legislature finds and declares that a special statute is necessary and that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique location of Chino Hills State Park in relation to private residences and the risk for wildfire.

Amendment 3
On page 1, strike out lines 1 to 3, inclusive

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AMENDMENTS TO ASSEMBLY BILL NO. 2152

Amendment 1

In the title, strike out lines 1 and 2 and insert:

An act to add Section 18926.3 to the Welfare and Institutions Code, relating to CalFresh.

Amendment 2

On page 2, before line 1, insert:

SECTION 1. The act shall be known, and may be cited, as the You Can't Work If You're Hungry Act of 2018.

SEC. 2. Section 18926.3 is added to the Welfare and Institutions Code, to read:

18926.3. (a) To the extent permitted by federal law and guidance, a person who experiences food insecurity, as defined by the United States Department of Agriculture, Economic Research Service, shall be considered "unfit for employment" for purposes of determining whether a person is exempt from the federal able-bodied adult without dependents (ABAWD) time limit specified in Section 273.24 of Title 7 of the Code of Federal Regulations.

(b) The department, in consultation with public health officials familiar with hunger and malnutrition among adults, county human services agencies, CalFresh advocates, and experts in job readiness, shall issue guidance to county human services agencies establishing the minimum number of days of food insecurity that is to be experienced by a person in order for the person to be considered "unfit for employment" pursuant to subdivision (a). The guidance shall include instructions for verifying when a person is "unfit for employment" due to experiencing food insecurity.

SEC. 3. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

Amendment 3

On page 2, strike out lines 1 to 37, inclusive, and strike out pages 3 and 4

AMENDMENTS TO ASSEMBLY BILL NO. 2174

Amendment 1

In the title, in line 1, strike out "amend Section 1367.005" and insert:

add and repeal Article 5 (commencing with Section 11774) of Chapter 1 of Part 2 of Division 10.5

Amendment 2

In the title, in line 2, strike out "health care coverage." and insert:

drug abuse.

Amendment 3

On page 1, before line 1, insert:

SECTION 1. This act shall be known, and may be cited, as the "HOPE Act."

SEC. 2. Article 5 (commencing with Section 11774) is added to Chapter 1 of Part 2 of Division 10.5 of the Health and Safety Code, to read:

Article 5. Heroin and Opioid Public Education (HOPE)

11774. The Legislature finds and declares all of the following:

(a) There is an epidemic in this state stemming from the use of heroin and the abuse of opioid medications.

(b) Prescription drug overdoses now kill more people than car accidents.

(c) Every day, 2,500 children 12 to 17, inclusive, years of age abuse a prescription painkiller for the first time, and more people are becoming addicted to prescription drugs.

(d) Data from the federal Centers for Disease Control and Prevention suggests that the nonmedical use of prescription painkillers costs public and private health insurers seventy-two billion eight hundred million dollars ($72,800,000,000) annually.

(e) In order for the state to combat this epidemic, citizens in all walks of life shall be alerted to the problem, and shall be armed with information that will allow them to recognize, and undertake appropriate actions, when they or their loved ones are at risk of, or are succumbing to, a heroin or opioid medication addiction.

(f) The widespread dissemination of information necessary to combat the state's heroin and opioid medication epidemic could be successfully achieved through the institution and maintenance of a multicultural statewide public awareness campaign, which would be carefully coordinated through all available multimedia channels to reach a wide variety of audiences, including drug users, their family members and friends, medical practitioners and nurses, emergency personnel, and employers.

11774.1. (a) The State Department of Public Health, upon appropriation by the Legislature or receipt of adequate state or federal grant funding, and in consultation

with stakeholders, as appropriate, shall develop, coordinate, implement, and oversee a comprehensive multicultural public awareness campaign, to be known as "Heroin and Opioid Public Education (HOPE)," which shall allow for the coordinated and widespread dissemination of information designed to combat the growing heroin and opioid medication epidemic in the state.

(b) Using the means described in subdivision (c), HOPE shall provide for the coordinated and widespread public dissemination of individual case stories and other generalized information that focuses on any of the following:

(1) Identifying the pathways that can lead to opioid medication abuse and heroin use, and the reasons why opioid medication abuse may evolve into heroin use.

(2) Showing the many faces of heroin and opioid medication addiction and rebutting the commonly accepted myths and stereotypes about heroin users and opioid medication abusers.

(3) Educating the public on the negative impact of abuse and diversion of opioid medication, while recognizing the legitimate use of those same opioid drugs as medications.

(4) Describing the effects and warning signs of heroin use and opioid medication abuse, so as to better enable members of the public to determine when help is needed.

(5) Showing the link that exists between heroin and opioid medication addiction and suicidal behavior.

(6) Identifying the pathways that are available for individuals to seek help in association with their own, or another person's, heroin or opioid medication addiction, and indicating the various telephone hotline systems that exist in the state for persons who wish to report a case of drug abuse or engage in substance abuse treatment.

(7) Highlighting the availability of naloxone hydrochloride as a means to avert death from a heroin or opioid medication overdose, identifying pathways for members of the public to obtain a prescription for naloxone hydrochloride and training in the emergency administration of naloxone hydrochloride, and promoting the proper use of naloxone hydrochloride in crisis situations.

(8) Highlighting the benefits of substance abuse treatment and the potential for treatment to allow for the reclaiming of lives that have been upset by addiction, and underscoring the fact that relapses occur not because treatment is ineffective, but because of the nature of addiction, which is a recurring and relapsing disorder.

(9) Highlighting the benefits of medication-assisted therapy using medications approved by the federal Food and Drug Administration, such as methadone, buprenorphine, extended-release injectable naltrexone, or other similar drugs, and destigmatizing the use of that medication-assisted therapy.

(10) Identifying the methods that can be used by an individual to help finance the costs of substance abuse treatment.

(11) Identifying the steps that individuals can take to prevent and deter family members, friends, students, patients, coworkers, and others from first experimenting with inappropriately obtained opioid medications, and from misusing or mismanaging lawful opioid medications.

(12) Identifying the proper methods for safeguarding, and for safely disposing of, legitimate opioid medications.

(13) Addressing any other issues that the department may deem appropriate and necessary to proactively educate the public about the state's heroin and opioid

medication epidemic and the actions that can be taken by members of the public to reduce the likelihood of heroin or opioid medication addiction, or to otherwise respond to, or mitigate the effects of, heroin or opioid medication addiction in cases in which it is present.

(c) (1) The HOPE program shall effectuate the dissemination of information described in subdivision (b) by using appropriate types of media to achieve the goal efficiently and effectively, including new technologies in media, print media, television and radio, and Internet and social media.

(2) In disseminating the information described in subdivision (b), the HOPE program shall employ a variety of complementary educational themes and messages that shall be tailored to appeal to different target audiences in the state. At a minimum, the HOPE program shall incorporate all of the following:

(A) At least one message that is directed at, and is tailored to influence and resonate with, individuals who are personally at risk of heroin use or opioid medication abuse or who have already started down a pathway to addiction.

(B) At least one message that is directed at, and is tailored to influence and resonate with, the family members and friends of addicted persons, teachers, school nurses, medical practitioners, and employers.

(C) At least one message that is directed at the dangers of teen drug pilfering from the household medicine cabinet and how this could be avoided through the use of safe storage products.

(3) Information under the HOPE program shall be disseminated using culturally and linguistically appropriate means, in a manner that demonstrates respect for individual dignity and cultural differences. Where feasible and appropriate, the information shall be made available in a variety of languages.

(4) The department may enter into public-private partnerships with pharmaceutical or health care insurance companies, nonprofit social services organizations, mental health services providers and clinics, law enforcement, health care agencies, and school districts, that provide services in the state in order to facilitate the dissemination of information under the HOPE program.

11774.2. (a) The department shall submit to the Governor and the Legislature on at least an annual basis, a report that summarizes the actions that have been undertaken by the department to implement this article and includes an assessment of the effectiveness of the program, including, but not limited to, effects on the rate of new opioid and heroin addictions by populations, mitigation of the effects of opioid or heroin addiction, crime rates, hospitalization rates, death rates, and other calculable results as determined by the department. The report shall provide any recommendations for legislative or executive action that may be necessary to facilitate the ongoing success of the program.

(b) A report to be submitted to the Legislature pursuant to this section shall be submitted in compliance with Section 9795 of the Government Code.

11774.3. The department may adopt regulations in accordance with the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code) as necessary to implement this article.

11774.4. This article shall remain in effect only until January 1, 2023, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2023, deletes or extends that date.

Amendment 4
On page 1, strike out lines 1 and 2 and strike out pages 2 to 7, inclusive

AMENDMENTS TO ASSEMBLY BILL NO. 2175

Amendment 1

In the title, in line 1, strike out "Section 523" and insert:

Sections 523 and 655

Amendment 2

On page 1, in line 6, strike out "remove," and insert:

remove a vessel from,

Amendment 3

On page 1, in line 6, strike out "from" and insert:

from,

Amendment 4

On page 2, below line 25, insert:

(c) (1) A peace officer, as described in Section 663, or marine safety officer employed by a city, county, or district, while engaged in the performance of official duties, may remove a vessel from, and, if necessary, store a vessel removed from, public property within the territorial limits in which the officer may act, in either of the following circumstances:

(A) When any vessel is found upon the public property and the officer has probable cause to believe the vessel was used in the commission of a crime.

(B) When a vessel is found upon public property and an officer has probable cause to believe that the vessel itself provides evidence that a crime was committed or the vessel contains evidence of a possible crime that was committed and the evidence cannot be easily removed from the vessel.

(2) Notwithstanding Section 3068 of the Civil Code, or Section 22851 of the Vehicle Code, no lien shall attach to a vessel removed under this subdivision unless it is determined that the vessel was used in the commission of a crime with the express or implied consent of the owner of the vessel.

(3) In any prosecution of a crime for which a vessel was removed and impounded under this subdivision, a court may order a person convicted of a crime involving the use of a vessel to pay the costs of towing and storage of the vessel and any administrative charges imposed in connection with the removal, impoundment, storage, or release of the vessel.

SEC. 2. Section 655 of the Harbors and Navigation Code is amended to read:

655. (a) (1) No person shall use any vessel or manipulate water skis, an aquaplane, or a similar device in a reckless or negligent manner so as to endanger the

life, limb, or property of any person. The department shall adopt regulations for the use of vessels, water skis, aquaplanes, or similar devices in a manner that will minimize the danger to life, limb, or property consistent with reasonable use of the equipment for the purpose for which it was designed.

(2) Notwithstanding subdivision (b) of Section 668, any person convicted of using a vessel or manipulating water skis, an aquaplane, or a similar device in a reckless or negligent manner that causes great bodily injury to another person shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code or by imprisonment in a county jail for not more than six months.

(b) No person shall operate any vessel or manipulate water skis, an aquaplane, or a similar device while under the influence of an alcoholic beverage, any drug, or the combined influence of an alcoholic beverage and any drug.

(c) No person shall operate any recreational vessel or manipulate any water skis, aquaplane, or similar device if the person has an alcohol concentration of 0.08 percent or more in his or her blood.

(d) No person shall operate any vessel other than a recreational vessel if the person has an alcohol concentration of 0.04 percent or more in his or her blood.

(e) No person shall operate any vessel, or manipulate water skis, an aquaplane, or a similar device who is addicted to the use of any drug. This subdivision does not apply to a person who is participating in a narcotic treatment program approved pursuant to Article 3 (commencing with Section 11875) of Chapter 1 of Part 3 of Division 10.5 of the Health and Safety Code.

(f) No person shall operate any vessel or manipulate water skis, an aquaplane, or a similar device while under the influence of an alcoholic beverage, any drug, or under the combined influence of an alcoholic beverage and any drug, and while so operating, do any act forbidden by law, or neglect any duty imposed by law in the use of the vessel, water skis, aquaplane, or similar device, which act or neglect proximately causes bodily injury to any person other than himself or herself.

(g) Notwithstanding any other provision of law, information, verbal or otherwise, which is obtained from a commissioned, warrant, or petty officer of the United States Coast Guard who directly observed the offense may be used as the sole basis for establishing the necessary reasonable cause for a peace officer of this state to make an arrest pursuant to the United States Constitution, the California Constitution, and Section 836 of the Penal Code for violations of subdivisions (b), (c), (d), and (e) of this section.

(h) In any prosecution under subdivision (c), it is a rebuttable presumption that the person had 0.08 percent or more, by weight, of alcohol in his or her blood at the time of operation of a recreational vessel if the person had an alcohol concentration of 0.08 percent or more in his or her blood at the time of the performance of a chemical test within three hours after the operation.

(i) In any prosecution under subdivision (d), it is a rebuttable presumption that the person had 0.04 percent or more, by weight, of alcohol in his or her blood at the time of operation of a vessel other than a recreational vessel if the person had an alcohol concentration of 0.04 percent or more in his or her blood at the time of the performance of a chemical test within three hours after the operation.

(j) Upon the trial of any criminal action, or preliminary proceeding in a criminal action, arising out of acts alleged to have been committed by any person who was

operating a vessel or manipulating water skis, an aquaplane, or a similar device while under the influence of an alcoholic beverage in violation of subdivision (b) or (f), the amount of alcohol in the person's blood at the time of the test, as shown by a chemical test of that person's blood, breath, or urine, shall give rise to the following presumptions affecting the burden of proof:

(1) If there was at that time less than 0.05 percent, by weight, of alcohol in the person's blood, it shall be presumed that the person was not under the influence of an alcoholic beverage at the time of the alleged offense.

(2) If there was at that time 0.05 percent or more, but less than 0.08 percent, by weight, of alcohol in the person's blood, that fact shall not give rise to any presumption that the person was or was not under the influence of an alcoholic beverage, but the fact may be considered with other competent evidence in determining whether the person was under the influence of an alcoholic beverage at the time of the alleged offense.

(3) If there was at that time 0.08 percent or more, by weight, of alcohol in the person's blood, it shall be presumed that the person was under the influence of an alcoholic beverage at the time of the alleged offense.

(k) This section does not limit the introduction of any other competent evidence bearing upon the question whether the person ingested any alcoholic beverage or was under the influence of an alcoholic beverage at the time of the alleged offense.

(*l*) This section applies to foreign vessels using waters subject to state jurisdiction.

(m) Nothing in this section shall preclude prosecution under any other law.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

AMENDMENTS TO ASSEMBLY BILL NO. 2182

Amendment 1

In the title, in line 1, after "act" insert:

to amend Section 1798.81.5 of the Civil Code, and to add Section 12804.1 to the Government Code,

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 1798.81.5 of the Civil Code is amended to read:

1798.81.5. (a) (1) It is the intent of the Legislature to ensure that personal information about California residents is protected. To that end, the purpose of this section is to encourage businesses that own, license, or maintain personal information about Californians to provide reasonable security for that information.

(2) It is the intent of the Legislature to ensure that personal information can be removed from the database of an edge provider, defined as any individual or entity in California that provides any content, application, or service over the Internet, and any individual or entity in California that provides a device used for accessing any content, application, or service over the Internet, when a user chooses not to continue to be a customer of that edge provider.

~~(2)~~

(3) For the purpose of this section, the terms "own" and "license" include personal information that a business retains as part of the business' internal customer account or for the purpose of using that information in transactions with the person to whom the information relates. The term "maintain" includes personal information that a business maintains but does not own or license.

(b) A business that owns, licenses, or maintains personal information about a California resident shall implement and maintain reasonable security procedures and practices appropriate to the nature of the information, to protect the personal information from unauthorized access, destruction, use, modification, or disclosure.

(c) A business that discloses personal information about a California resident pursuant to a contract with a nonaffiliated third party that is not subject to subdivision (b) shall require by contract that the third party implement and maintain reasonable security procedures and practices appropriate to the nature of the information, to protect the personal information from unauthorized access, destruction, use, modification, or disclosure. That business shall also, in plain language, state in a privacy policy or user agreement that it may disclose personal information to a nonaffiliated third party.

(d) For purposes of this section, the following terms have the following meanings:

(1) "Personal information" means either of the following:

(A) An individual's first name or first initial and his or her last name in combination with any one or more of the following data elements, when either the name or the data elements are not encrypted or redacted:

(i) Social security number.

(ii) Driver's license number or California identification card number.

(iii) Account number, credit or debit card number, in combination with any required security code, access code, or password that would permit access to an individual's financial account.

(iv) Medical information.

(v) Health insurance information.

(B) A username or email address in combination with a password or security question and answer that would permit access to an online account.

(2) "Medical information" means any individually identifiable information, in electronic or physical form, regarding the individual's medical history or medical treatment or diagnosis by a health care professional.

(3) "Health insurance information" means an individual's insurance policy number or subscriber identification number, any unique identifier used by a health insurer to identify the individual, or any information in an individual's application and claims history, including any appeals records.

(4) "Personal information" does not include publicly available information that is lawfully made available to the general public from federal, state, or local government records.

(e) The provisions of this section do not apply to any of the following:

(1) A provider of health care, health care service plan, or contractor regulated by the Confidentiality of Medical Information Act (Part 2.6 (commencing with Section 56) of Division 1).

(2) A financial institution as defined in Section 4052 of the Financial Code and subject to the California Financial Information Privacy Act (Division 1.2 (commencing with Section 4050) of the Financial Code).

(3) A covered entity governed by the medical privacy and security rules issued by the federal Department of Health and Human Services, Parts 160 and 164 of Title 45 of the Code of Federal Regulations, established pursuant to the Health Insurance Portability and Availability Act of 1996 (HIPAA).

(4) An entity that obtains information under an agreement pursuant to Article 3 (commencing with Section 1800) of Chapter 1 of Division 2 of the Vehicle Code and is subject to the confidentiality requirements of the Vehicle Code.

(5) A business that is regulated by state or federal law providing greater protection to personal information than that provided by this section in regard to the subjects addressed by this section. Compliance with that state or federal law shall be deemed compliance with this section with regard to those ~~subjects.~~ subjects provided that the Data Protection Authority determines, at least every five years, that the state or federal law provides greater protection to personal information than this section. This paragraph does not relieve a business from a duty to comply with any other requirements of other state and federal law regarding the protection and privacy of personal information.

SEC. 2. Section 12804.1 is added to the Government Code, to read:

12804.1. (a) The Department of Consumer Affairs shall establish the California Data Protection Authority to adopt regulations as necessary to protect California residents including, but not limited to, all of the following:

(1) Regulations to standardize online user agreements to help users clearly understand what permission a user gives to a company regarding the use and dissemination of his or her personal information.

(2) Regulations to facilitate the removal of personal information, as defined in subdivision (e) of Section 1798.80, from an edge provider database when a user chooses not to continue to be a customer of that edge provider.

(3) Regulations to prohibit edge provider Internet Web sites from conducting potentially harmful experiments on nonconsenting users.

(b) The authority shall evaluate the sufficiency of state and federal personal information protection laws in comparison to the protections provided in Section 1798.81.5 of the Civil Code to determine whether a business that is regulated by those laws shall be deemed in compliance with Section 1798.81.5 of the Civil Code because they provide greater protection to personal information.

(c) For purposes of this section, "edge provider" means any individual or entity in California that provides any content, application, or service over the Internet, and any individual or entity in California that provides a device used for accessing any content, application, or service over the Internet.

Amendment 3

On page 1, strike out lines 1 to 4, inclusive

AMENDMENTS TO ASSEMBLY BILL NO. 2185

Amendment 1

In the title, in line 1, strike out "amend Section 3275 of the Civil Code, relating to civil law." and insert:

add Section 422.41 to the Code of Civil Procedure, relating to civil actions.

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 422.41 is added to the Code of Civil Procedure, to read:

422.41. (a) A plaintiff who legitimately fears that revealing his or her true identity would subject him or her to imminent action resulting in either his or her removal from the United States or the long-term restraint of his or her freedom may use a fictitious name to commence and pursue an action, including an action in which the plaintiff requests the appointment of, or seeks to act as, a guardian ad litem.

(b) Within 60 days of service of the summons, a defendant to an action commenced by a plaintiff using a fictitious name may challenge the use of the fictitious name by a motion seeking injunctive relief prohibiting the plaintiff from using a fictitious name and that shows, by clear and convincing evidence, either of the following:

(1) The plaintiff's privacy interest in concealing his or her true identity is outweighed by prejudice to the defendant's or the public's interest in knowing the plaintiff's true identity.

(2) The plaintiff's fear relates solely to an imminent and legitimate criminal prosecution that would survive a preliminary hearing in a criminal action.

(c) An appeal may be taken from an order granting or denying a motion filed pursuant to subdivision (b).

Amendment 3

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



AMENDMENTS TO ASSEMBLY BILL NO. 2189

Amendment 1

In the title, in line 1, strike out "Section 25200.4 of" and insert:

Section 25173.6 of, and to add Section 25173.8 to,

Amendment 2

In the title, in line 1, after "Code," insert:

and to amend Section 2 of Chapter 10 of the Statutes of 2016,

Amendment 3

In the title, in line 2, strike out "waste." and insert:

substances, and making an appropriation therefor.

Amendment 4

On page 1, before line 1, insert:

SECTION 1. Section 2 of Chapter 10 of the Statutes of 2016 is amended to read:

Sec. 2. The sum of one hundred seventy-six million six hundred thousand dollars ($176,600,000) is hereby appropriated from the Toxic Substances Control Account to the Department of Toxic Substances Control and shall be available for expenditure through June 30, ~~2018.~~ 2021. These moneys shall be available for any of the following:

(a) Activities related to the cleanup and investigation of properties contaminated with lead in the communities surrounding the Exide Technologies facility in the City of Vernon, California.

(b) Notwithstanding Section 25173.6 of the Health and Safety Code, job training activities related to the cleanup and investigation of the properties contaminated with lead in the communities surrounding the Exide Technologies facility in the City of Vernon, California.

(c) Actions taken to pursue all available remedies against potentially responsible parties, including, but not limited to, cost recovery actions against entities that are potentially responsible, for the costs related to the cleanup and investigation of properties contaminated with lead in the communities surrounding the Exide Technologies facility in the City of Vernon, California.

SEC. 2. Section 25173.6 of the Health and Safety Code is amended to read:

25173.6. (a) There is in the General Fund the Toxic Substances Control Account, which shall be administered by the director. In addition to any other money that may

be appropriated by the Legislature to the Toxic Substances Control Account, all of the following shall be deposited in the account:

(1) The fees collected pursuant to Section 25205.6.

(2) The fees collected pursuant to Section 25187.2, to the extent that those fees are for oversight of a removal or remedial action taken under Chapter 6.8 (commencing with Section 25300) or Chapter 6.86 (commencing with Section 25396).

(3) Fines or penalties collected pursuant to this chapter, Chapter 6.8 (commencing with Section 25300) or Chapter 6.86 (commencing with Section 25396), except as directed otherwise by Section 25192.

(4) Interest earned upon money deposited in the Toxic Substances Control Account.

(5) All money recovered pursuant to Section 25360, except any amount recovered on or before June 30, 2006, that was paid from the Hazardous Substance Cleanup Fund.

(6) All money recovered pursuant to Section 25380.

(7) All penalties recovered pursuant to Section 25214.3, except as provided by Section 25192.

(8) All penalties recovered pursuant to Section 25214.22.1, except as provided by Section 25192.

(9) All penalties recovered pursuant to Section 25215.7, except as provided by Section 25192.

(10) Reimbursements for funds expended from the Toxic Substances Control Account for services provided by the department, including, but not limited to, reimbursements required pursuant to Sections 25201.9 and 25343.

(11) Money received from the federal government pursuant to the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (42 U.S.C. Sec. 9601 et seq.).

(12) Money received from responsible parties for remedial action or removal at a specific site, except as otherwise provided by law.

(b) The funds deposited in the Toxic Substances Control Account may be appropriated to the department for the following purposes:

(1) The administration and implementation of the following:

(A) Chapter 6.8 (commencing with Section 25300), except that funds shall not be expended from the Toxic Substances Control Account for purposes of Section 25354.5.

(B) Chapter 6.86 (commencing with Section 25396).

(C) Article 10 (commencing with Section 7710) of Chapter 1 of Division 4 of the Public Utilities Code, to the extent the department has been delegated responsibilities by the ~~secretary~~ Secretary for Environmental Protection for implementing that article.

(D) Activities of the department related to pollution prevention and technology development, authorized pursuant to this chapter.

(E) Section 25173.8.

(2) The administration of the following units, and successor organizations of those units, within the department, and the implementation of programs administered by those units or successor organizations:

(A) The Human and Ecological Risk ~~Division.~~ Office.

(B) The Environmental Chemistry Laboratory.

(C) The Office of Pollution Prevention and Technology Development.

(3) For allocation to the Office of Environmental Health Hazard Assessment, pursuant to an interagency agreement, to assist the department as needed in administering the programs described in subparagraphs (A) and (B) of paragraph (1).

(4) For allocation to the ~~State Board of Equalization~~ California Department of Tax and Fee Administration to pay refunds of fees collected pursuant to Section 43054 of the Revenue and Taxation Code.

(5) For the state share mandated pursuant to paragraph (3) of subsection (c) of Section 104 of the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (42 U.S.C. Sec. 9604(c)(3)).

(6) For the purchase by the state, or by a local agency with the prior approval of the director, of hazardous substance response equipment and other preparations for response to a release of hazardous substances. However, all equipment shall be purchased in a cost-effective manner after consideration of the adequacy of existing equipment owned by the state or the local agency, and the availability of equipment owned by private contractors.

(7) For payment of all costs of removal and remedial action incurred by the state, or by a local agency with the approval of the director, in response to a release or threatened release of a hazardous substance, to the extent the costs are not reimbursed by the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (42 U.S.C. Sec. 9601 et seq.).

(8) For payment of all costs of actions taken pursuant to subdivision (b) of Section 25358.3, to the extent that these costs are not paid by the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (42 U.S.C. Sec. 9601 et seq.).

(9) For all costs incurred by the department in cooperation with the Agency for Toxic Substances and Disease Registry established pursuant to subsection (i) of Section 104 of the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (42 U.S.C. Sec. 9604(i)) and all costs of health effects studies undertaken regarding specific sites or specific substances at specific sites. Funds appropriated for this purpose shall not exceed five hundred thousand dollars ($500,000) in a single fiscal year. However, these actions shall not duplicate reasonably available federal actions and studies.

(10) For repayment of the principal of, and interest on, bonds sold pursuant to Article 7.5 (commencing with Section 25385) of Chapter 6.8.

(11) Direct site remediation costs.

(12) For the department's expenses for staff to perform oversight of investigations, characterizations, removals, remediations, or long-term operation and maintenance.

(13) For the administration and collection of the fees imposed pursuant to Section 25205.6.

(14) For allocation to the office of the Attorney General, pursuant to an interagency agreement or similar mechanism, for the support of the Toxic Substance Enforcement Program in the office of the Attorney General, in carrying out the purposes of Chapter 6.8 (commencing with Section 25300) and Chapter 6.86 (commencing with Section 25396).

(15) For funding the California Environmental Contaminant Biomonitoring Program established pursuant to Chapter 8 (commencing with Section 105440) of Part 5 of Division 103.

(16) As provided in Sections 25214.3 and 25215.7 and, with regard to penalties recovered pursuant to Section 25214.22.1, to implement and enforce Article 10.4 (commencing with Section 25214.11).

(17) (A) Commencing July 1, 2015, for the administration and implementation of this chapter as it applies to metal recycling facilities, which includes, but is not limited to, the following:

(i) Conducting inspections and investigations of metal recycling facilities.

(ii) Pursuing administrative, civil, or criminal enforcement actions, or some combination of those actions, against metal recycling facilities.

(iii) Developing interim industry operating standards to use in enforcement actions, in part by collecting and analyzing data to identify the various types, locations, types and scale of activities, and regulatory histories of metal recycling facilities.

(iv) Conducting outreach efforts with the metal recycling facility industry and the communities surrounding metal recycling facilities.

(v) Developing and adopting industry-specific regulations.

(vi) Collecting samples at or within the vicinity of metal recycling facilities and analyzing those samples.

(B) (i) For purposes of this section only, "metal recycling facility" includes any facility receiving and handling discarded manufactured metal objects and other metal-containing wastes for the purpose of extracting the ferrous and nonferrous constituents or for the purpose of processing discarded manufactured metal objects and other metal-containing wastes in preparation for extracting the ferrous and nonferrous constituents.

(ii) For purposes of this section only, "metal recycling facility" does not include a metal shredding facility that has been issued a nonhazardous waste determination by the department pursuant to subdivision (f) of Section 66260.200~~ of Article 3 of Chapter 10 of Division 4.5~~ of Title 22 of the California Code of Regulations and is continuing to operate under the terms and conditions of that determination.

(C) This paragraph shall remain operative only until June 30, 2018.

~~(18) (A) Commencing July 1, 2015, for review of the department's enforcement of this chapter and the regulations implementing this chapter. This review shall include an assessment of the enforcement program, including, but not limited to, the following:~~

~~(i) Evaluation of workload and processes for hazardous waste inspection, investigation, and enforcement activities.~~

~~(ii) Development, revision, and standardization of policies and guidance documents for enforcement staff.~~

~~(iii) Evaluation of statutory and regulatory provisions governing the enforcement program.~~

~~(B) This paragraph shall remain operative only until June 30, 2017.~~

(c) The funds deposited in the Toxic Substances Control Account may be appropriated by the Legislature to the Office of Environmental Health Hazard Assessment and the State Department of Public Health for the purposes of carrying out their duties pursuant to the California Environmental Contaminant Biomonitoring Program (Chapter 8 (commencing with Section 105440) of Part 5 of Division 103).

(d) The director shall expend federal funds in the Toxic Substances Control Account consistent with the requirements specified in Section 114 of the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (42 U.S.C. Sec. 9614), upon appropriation by the Legislature, for the purposes for which they were provided to the state.

(e) Money in the Toxic Substances Control Account shall not be expended to conduct removal or remedial actions if a significant portion of the hazardous substances to be removed or remedied originated from a source outside the state.

(f) The Director of Finance, upon request of the director, may make a loan from the General Fund to the Toxic Substances Control Account to meet cash needs. The loan shall be subject to the repayment provisions of Section 16351 of the Government Code and the interest provisions of Section 16314 of the Government Code.

(g) The Toxic Substances Control Account established pursuant to subdivision (a) is the successor fund of all of the following:

(1) The Hazardous Substance Account established pursuant to Section 25330, as that section read on June 30, 2006.

(2) The Hazardous Substance Clearing Account established pursuant to Section 25334, as that section read on June 30, 2006.

(3) The Hazardous Substance Cleanup Fund established pursuant to Section 25385.3, as that section read on June 30, 2006.

(4) The Superfund Bond Trust Fund established pursuant to Section 25385.8, as that section read on June 30, 2006.

(h) On and after July 1, 2006, all assets, liabilities, and surplus of the accounts and funds listed in subdivision (g), shall be transferred to, and become a part of, the Toxic Substances Control Account, as provided by Section 16346 of the Government Code. All existing appropriations from these accounts, to the extent encumbered, shall continue to be available for the same purposes and periods from the Toxic Substances Control Account.

(i) Notwithstanding Section 10231.5 of the Government Code, the department, on or before February 1 of each year, shall report to the Governor and the Legislature on the prior fiscal year's expenditure of funds within the Toxic Substances Control Account for the purposes specified in subdivision (b).

SEC. 3. Section 25173.8 is added to the Health and Safety Code, to read:

25173.8. (a) The sum of twelve million dollars ($12,000,000) is hereby appropriated from the Toxic Substances Control Account to the department for any of the following:

(1) (A) Lead sampling and testing of public parkways in the communities surrounding the Exide Technologies facility in the City of Vernon, California. Lead sampling and testing pursuant to this paragraph shall be completed on or before July 1, 2019.

(B) The department shall post on its Internet Web site the number of properties sampled and tested pursuant to this paragraph and shall update these numbers on the department's Internet Web site at least twice per month until July 1, 2019.

(2) Interim removal or remedial action measures in those public parkways in the communities surrounding the Exide Technologies facility in the City of Vernon, California, with lead levels that could pose a substantial danger to human health or the environment.

(3) Actions taken to pursue all available remedies against potentially responsible parties, including, but not limited to, cost recovery actions, for the costs related to the cleanup and investigation of properties contaminated with lead in the communities surrounding the Exide Technologies facility in the City of Vernon, California.

(b) The County of Los Angeles shall, to the extent feasible, use any lead-based paint remediation federal funding, consistent with federal law, or grant funding that it receives for lead-based paint remediation to provide to residents in the communities surrounding the Exide Technologies facility in the City of Vernon, California, wraparound services, including, but not limited to, the following:

(1) The abatement of lead-based paint hazards on residential properties, including single-family and multifamily residential properties.

(2) The production of a survey to residents to determine which, if any, county resources and programs are being accessed and used by households during the period of lead remediation.

(3) Ongoing blood-lead level testing of residents to document any changes in blood-lead levels over time.

(4) Providing to affected residents educational literature and resources on the dangers of lead and providing information on the health, safety, and remediation resources that are available to households in the affected area.

(c) It is the intent of the Legislature that the state and the County of Los Angeles undertake an immediate review of their lead content exposure remediation guidelines, especially in areas of major public health concern, to more appropriately conform to those maintained and suggested by the federal Centers for Disease Control.

SEC. 4. The Legislature finds and declares that a special statute is necessary and that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique lead cleanup and remediation needs of communities surrounding the Exide Technologies facility in the County of Los Angeles.

SEC. 5. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

Amendment 5

On page 1, strike out lines 1 to 5, inclusive, and strike out page 2

AMENDMENTS TO ASSEMBLY BILL NO. 2192

Amendment 1

In the title, in line 1, strike out "Section 66010.6 of the Education Code, relating to", strike out line 2 and insert:

Sections 13989.2, 13989.4, and 13989.6 of, and to repeal Section 13989.8 of, the Government Code, relating to state-funded research.

Amendment 2

On page 2, before line 1, insert:

SECTION 1. Section 13989.2 of the Government Code is amended to read:

13989.2. For the purposes of this chapter the following definitions shall apply:

~~(a) "Department" means the State Department of Public Health.~~

~~(b)~~

(a) "Peer-reviewed manuscript" means a manuscript after it has been peer reviewed and in the form in which it has been accepted for publication in a scientific journal.

~~(c)~~

(b) "Research grant" means a grant to a researcher that is provided in whole or in part by ~~the State Department of Public Health.~~ a state agency.

(c) "State agency" means an entity within the executive branch, including, but not limited to, all departments, boards, bureaus, commissions, councils, and offices.

SEC. 2. Section 13989.4 of the Government Code is amended to read:

13989.4. The Legislature finds and declares all of the following:

(a) The state is home to many of the world's top research universities, national laboratories, and leading-edge high-technology companies that generate significant intellectual property.

(b) It is in the interest of the state to ensure that the results of health sciences research funded by ~~the department~~ a state agency are promptly developed and protected and to ensure free public Internet access to the results, where appropriate.

(c) The expansion of innovation with the investment of taxpayer dollars in the form of publicly funded grants could generate public benefit, including, but not limited to, reinvestment in research, development of new innovations, and jobs created from these types of research.

SEC. 3. Section 13989.6 of the Government Code is amended to read:

13989.6. (a) (1) A grantee that receives funding, in whole or in part, in the form of a research grant from ~~the department~~ a state agency shall provide for free public access to any publication of ~~a department-funded invention or department-funded technology,~~ a state-agency-funded invention or state-agency-funded technology, as provided in this section.

(2) ~~When the department~~ A state agency that provides funding, in whole or in part, in the form of a research grant, the research grant shall include the following

terms and conditions that are required to be adhered to by the grantee as a condition of receiving the research grant:

(A) Grantees are responsible for ensuring that any publishing or copyright agreements concerning submitted manuscripts fully comply with this section.

(B) Grantees shall report to the ~~department~~ state agency the final disposition of the research grant, including, but not limited to, if it was published, when it was published, where it was published, when the ~~12-month~~ six-month time period expires, and where the manuscript will be available for open access.

(C) The ~~department~~ state agency shall retain information regarding all issued research grants that resulted in published works.

(b) For a manuscript that is accepted for publication in a peer-reviewed journal, pursuant to the terms and conditions of the research grant, the grantee shall ensure that an electronic version of the peer-reviewed manuscript is available to the ~~department~~ state agency and on an appropriate publicly accessible database approved by the ~~department,~~ state agency, including, but not limited to, the University of California's eScholarship Repository at the California Digital Library, PubMed Central, or the California Digital Open Source Library, to be made publicly available not later than ~~12~~ six months after the official date of publication. Manuscripts submitted to the California Digital Open Source Library shall be exempt from the requirements in subdivision (b) of Section 66408 of the Education Code. The grantee shall make reasonable efforts to comply with this requirement by ensuring that ~~their~~ his or her manuscript is accessible on an approved publicly accessible database, including notifying the ~~department~~ state agency that the manuscript is available on ~~a department-approved~~ a state-agency-approved database. If the grantee is unable to ensure that ~~their~~ his or her manuscript is accessible on an ~~approved~~ approved, publicly accessible database, the grantee may comply by providing the manuscript to the ~~department~~ state agency not later than ~~12~~ six months after the official date of publication.

(c) For publications other than those described in subdivision (b), including meeting abstracts, the grantee shall comply by providing the manuscript to the ~~department~~ state agency not later than ~~12~~ six months after the official date of publication.

(d) (1) Grantees are responsible for ensuring that publishing or copyright agreements concerning submitted articles fully comply with this section.

(2) Nothing in this chapter shall be construed to authorize use of a peer-reviewed manuscript that would constitute an infringement of copyright under the federal copyright law described in Section 101 of Title 17 of the United States Code and following.

(e) Grantees are authorized to use grant money for publication costs, including fees charged by a publisher for color and page charges, or fees for digital distribution.

(f) This chapter shall not apply to a grantee that receives funding for which there is an existing publication requirement that meets or exceeds the requirements of this section, on or before the effective date of this chapter.

(g) This chapter shall not apply to research grants issued prior to January 1, ~~2015.~~ 2015, for the State Department of Public Health, or to research grants issued prior to January 1, 2019, for any other state agency.

SEC. 4. Section 13989.8 of the Government Code is repealed.

~~13989.8. This chapter shall remain in effect only until January 1, 2020, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2020, deletes or extends that date.~~

Amendment 3
On page 2, strike out lines 1 to 38, inclusive, and strike out page 3

AMENDMENTS TO ASSEMBLY BILL NO. 2195

Amendment 1

In the title, in line 1, strike out "71152 of the Public Resources Code, relating", strike out line 2 and insert:

39607.4 of the Health and Safety Code, relating to greenhouse gases.

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 39607.4 of the Health and Safety Code is amended to read:

39607.4. ~~On and after January 1, 2007, as~~ (a) As part of its responsibilities under Section 39607, and in order to streamline, consolidate, and unify the inventory of air emissions under one agency in state government, the state board shall prepare, adopt, and update the inventory formerly required to be adopted and updated by the State Energy Resources Conservation and Development Commission pursuant to Chapter 8.5 (commencing with Section 25730) of Division 15 of the Public Resources Code.

(b) Commencing January 1, 2019, the state board, based on the best available science and information, shall quantify and report in the inventory required pursuant to subdivision (a) the amount of greenhouse gas emissions from natural gas leakage and venting during the production, processing, and transporting of natural gas imported into the state from out-of-state sources.

Amendment 3

On page 1, strike out lines 1 to 5, inclusive, and strike out page 2

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