AMENDMENTS TO ASSEMBLY BILL NO. 2364

Amendment 1

In the title, in line 1, strike out "Section 65915" and insert:

Sections 7060.2, 7060.4, and 7060.7

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 7060.2 of the Government Code is amended to read:

7060.2. If a public entity, by valid exercise of its police power, has in effect any control or system of control on the price at which accommodations may be offered for rent or lease, that entity may, notwithstanding any provision of this chapter, provide by statute or ordinance, or by regulation as specified in Section 7060.5, that any accommodations which have been offered for rent or lease and which were subject to that control or system of control at the time the accommodations were withdrawn from rent or lease, shall be subject to the following:

(a) (1) For all tenancies commenced during the time periods described in paragraph (2), the accommodations shall be offered and rented or leased at the lawful rent in effect at the time any notice of intent to withdraw the accommodations is filed with the public entity, plus annual adjustments available under the system of control. The term "lawful rent" includes the last rent paid by the most recent bonafide tenant if the unit is vacant at the time the notice to withdraw is filed.

(2) The provisions of paragraph (1) shall apply to all tenancies commenced during either of the following time periods:

(A) The ~~five-year~~ 10-year period after any notice of intent to withdraw the accommodations is filed with the public entity, whether or not the notice of intent is rescinded or the withdrawal of the accommodations is completed pursuant to the notice of intent.

(B) The ~~five-year~~ 10-year period after the accommodations are withdrawn.10

(3) This subdivision shall prevail over any conflicting provision of law authorizing the landlord to establish the rental rate upon the initial hiring of the accommodations.

(b) If the accommodations are offered again for rent or lease for residential purposes within ~~two~~ five years of the date the accommodations were withdrawn from rent or lease, the following provisions shall govern:

(1) The owner of the accommodations shall be liable to any tenant or lessee who was displaced from the property by that action for actual and exemplary damages. Any action by a tenant or lessee pursuant to this paragraph shall be brought within three years of the withdrawal of the accommodations from rent or lease. ~~However, nothing in this paragraph precludes a tenant from pursuing any alternative remedy available under the law.~~

(2) A public entity which has acted pursuant to this section may institute a civil proceeding against any owner who has again offered accommodations for rent or lease subject to this subdivision, for exemplary damages for displacement of tenants or

lessees. Any action by a public entity pursuant to this paragraph shall be brought within three years of the withdrawal of the accommodations from rent or lease.

(3) Any owner who offers accommodations again for rent or lease shall first offer the unit for rent or lease to the tenant or lessee displaced from that unit by the withdrawal pursuant to this chapter, if the tenant has advised the owner in writing within 30 days of the displacement of his or her desire to consider an offer to renew the tenancy and has furnished the owner with an address to which that offer is to be directed. That tenant, lessee, or former tenant or lessee may advise the owner at any time during the eligibility of a change of address to which an offer is to be directed.

If the owner again offers the accommodations for rent or lease pursuant to this subdivision, and the tenant or lessee has advised the owner pursuant to this subdivision of a desire to consider an offer to renew the tenancy, then the owner shall offer to reinstitute a rental agreement or lease on terms permitted by law to that displaced tenant or lessee.

This offer shall be deposited in the United States mail, by registered or certified mail with postage prepaid, addressed to the displaced tenant or lessee at the address furnished to the owner as provided in this subdivision, and shall describe the terms of the offer. The displaced tenant or lessee shall have 30 days from the deposit of the offer in the mail to accept the offer by personal delivery of that acceptance or by deposit of the acceptance in the United States mail by registered or certified mail with postage prepaid.

(4) Nothing in this section precludes a tenant or public entity from pursuing any alternative remedy available under the law.

(c) A public entity which has acted pursuant to this section, may require by statute or ordinance, or by regulation as specified in Section 7060.5, that an owner who offers accommodations again for rent or lease within a period not exceeding 10 years from the date on which they are withdrawn, and which are subject to this subdivision, shall first offer the unit to the tenant or lessee displaced from that unit by the withdrawal, if that tenant or lessee ~~requests the offer in writing within 30 days after the owner has notified the public entity of an intention to offer the accommodations again for residential rent or lease pursuant to a requirement adopted by the public entity under subdivision (e) of Section 7060.4.~~ has advised the owner pursuant to paragraph (3) of subdivision (b) of a desire to consider an offer to renew the tenancy. The owner shall offer to reinstitute the agreement or lease on the same terms and at the same rent in effect at the time of displacement to that displaced tenant or lessee. The owner of the accommodations shall be liable to any tenant or lessee who was displaced by that action for failure to comply with this paragraph, for punitive ~~damages in an amount which does not exceed the contract rent for six months.~~ damages. Nothing in this subdivision precludes a tenant or public entity from pursuing any alternative remedy available under the law.

(d) If the accommodations are demolished, and new accommodations are constructed on the same property, and offered for rent or lease within five years of the date the accommodations were withdrawn from rent or lease, the newly constructed accommodations shall be subject to any system of controls on the price at which they would be offered on the basis of a fair and reasonable return on the newly constructed accommodations, notwithstanding any exemption from the system of controls for newly constructed accommodations.

(e) The amendments to this section enacted by the act adding this subdivision shall apply to all new tenancies created after December 31, 2002. If a new tenancy was lawfully created prior to January 1, 2003, after a lawful withdrawal of the unit under this chapter, the amendments to this section enacted by the act adding this subdivision may not apply to new tenancies created after that date.

SEC. 2. Section 7060.4 of the Government Code is amended to read:

7060.4. (a) Any public entity which, by a valid exercise of its police power, has in effect any control or system of control on the price at which accommodations are offered for rent or lease, may require by statute or ordinance, or by regulation as specified in Section 7060.5, that the owner notify the entity of an intention to withdraw those accommodations from rent or lease and may require that the notice contain statements, under penalty of perjury, providing information on the number of accommodations, the address or location of those accommodations, the name or names of the tenants or lessees of the accommodations, and the rent applicable to each residential rental unit.

Information respecting the name or names of the tenants, the rent applicable to any residential rental unit, or the total number of accommodations, is confidential information and for purposes of this chapter shall be treated as confidential information by any public entity for purposes of the Information Practices Act of 1977 (Chapter 1 (commencing with Section 1798) of Title 1.8 of Part 4 of Division 3 of the Civil Code). A public entity shall, to the extent required by the preceding sentence, be considered an "agency," as defined by subdivision (d) of Section 1798.3 of the Civil Code.

(b) The statute, ordinance, or regulation of the public entity may require that the owner record with the county recorder a memorandum summarizing the provisions, other than the confidential provisions, of the notice in a form which shall be prescribed by the statute, ordinance, or regulation, and require a certification with that notice that actions have been initiated as required by law to terminate any existing tenancies. In that situation, the date on which the accommodations are withdrawn from rent or lease for purposes of this chapter is 120 days from the delivery in person or by first-class mail of that notice to the public entity. However, if the tenant or lessee is at least 62 years of age or disabled, and has lived in his or her ~~accommodations~~ unit for at least one year prior to the date of delivery to the public entity of the notice of intent to withdraw pursuant to subdivision (a), then the ~~date of withdrawal of the accommodations~~ tenancy of that tenant or lessee shall be extended to one year after the date of delivery of that notice to the public entity, provided that the tenant or lessee gives written notice of his or her entitlement to an extension to the owner within 60 days of the date of delivery to the public entity of the notice of intent to withdraw. In that situation, the following provisions shall apply:

(1) The tenancy shall be continued on the same terms and conditions as existed on the date of delivery to the public entity of the notice of intent to withdraw, subject to any adjustments otherwise available under the system of control.

(2) No party shall be relieved of the duty to perform any obligation under the lease or rental agreement.

(3) The owner may elect to extend the ~~date of withdrawal~~ tenancy on any other ~~accommodations~~ unit up to one year after date of delivery to the public entity of the notice of intent to withdraw, subject to paragraphs (1) and (2).

(4) Within 30 days of the notification by the tenant or lessee to the owner of his or her entitlement to an extension, the owner shall give written notice to the public entity of the claim that the tenant or lessee is entitled to stay in their ~~accommodations~~ unit for one year after date of delivery to the public entity of the notice of intent to withdraw.

(5) Within 90 days of date of delivery to the public entity of the notice of intent to withdraw, the owner shall give written notice to the public entity and the affected tenant or lessee of the owner's election to extend the ~~date of withdrawal~~ tenancy and the new date of withdrawal under paragraph (3).

(6) The date of withdraw for the accommodations as a whole for the purposes of calculating the time periods in Section 7060.2 shall be the last date of withdrawal of any extended tenancy.

(c) The statute, ordinance, or regulation of the public entity adopted pursuant to subdivision (a) may also require the owner to notify any tenant or lessee displaced pursuant to this chapter of the following:

(1) That the public entity has been notified pursuant to subdivision (a).

(2) That the notice to the public entity specified the name and the amount of rent paid by the tenant or lessee as an occupant of the accommodations.

(3) The amount of rent the owner specified in the notice to the public entity.

(4) Notice to the tenant or lessee of his or her rights under paragraph (3) of subdivision (b) of Section 7060.2.

(5) Notice to the tenant or lessee of the following:

(A) If the tenant or lessee is at least 62 years of age or disabled, and has lived in his or her accommodations for at least one year prior to the date of delivery to the public entity of the notice of intent to withdraw, then tenancy shall be extended to one year after date of delivery to the public entity of the notice of intent to withdraw, provided that the tenant or lessee gives written notice of his or her entitlement to the owner within 60 days of date of delivery to the public entity of the notice of intent to withdraw.

(B) The extended tenancy shall be continued on the same terms and conditions as existed on date of delivery to the public entity of the notice of intent to withdraw, subject to any adjustments otherwise available under the system of control.

(C) No party shall be relieved of the duty to perform any obligation under the lease or rental agreement during the extended tenancy.

(d) The statute, ordinance, or regulation of the public entity adopted pursuant to subdivision (a) may also require the owner to notify the public entity in writing of an intention to again offer the accommodations for rent or lease.

SEC. 3. Section 7060.7 of the Government Code is amended to read:

7060.7. It is the intent of the Legislature in enacting this chapter to supersede any holding or portion of any holding in Nash v. City of Santa Monica, 37 Cal.3d 97 to the extent that the holding, or portion of the holding, conflicts with this chapter, so as to permit landlords to go out of business. However, this act is not otherwise intended to do any of the following:

(a) Interfere with local governmental authority over land use, including regulation of the conversion of existing housing to condominiums or other subdivided interests or to other nonresidential use following its withdrawal from rent or lease under this chapter.

(b) Preempt local or municipal environmental or land use regulations, procedures, or controls that govern the demolition and redevelopment of residential property.

(c) Override procedural protections designed to prevent abuse of the right to evict tenants.

(d) Permit an owner to withdraw from rent or ~~lease~~ lease, or a return to the rental market, less than all of the accommodations, as defined by paragraph (1) or (2) of subdivision (b) of Section 7060.

(e) Grant to any public entity any power which it does not possess independent of this chapter to control or establish a system of control on the price at which accommodations may be offered for rent or lease, or to diminish any such power which that public entity may possess, except as specifically provided in this chapter.

(f) Alter in any way either Section 65863.7 relating to the withdrawal of accommodations which comprise a mobilehome park from rent or lease or subdivision (f) of Section 798.56 of the Civil Code relating to a change of use of a mobilehome park.

Amendment 3

On page 1, strike out lines 1 to 6, inclusive, and strike out pages 2 to 18, inclusive

AMENDMENTS TO ASSEMBLY BILL NO. 2365

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

add

Amendment 2
In the title, in line 1, strike out "43018 of" and insert:

43018.1 to

Amendment 3
On page 1, before line 1, insert:

SECTION 1. Section 43018.1 is added to the Health and Safety Code, to read:
43018.1. The state board shall exempt from any regulation requiring the installation of air pollution control technology pursuant to this part the engines used to power a crane that is part of a fleet of 25 or less cranes.

Amendment 4
On page 1, strike out lines 1 to 8, inclusive, and strike out pages 2 and 3

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AMENDMENTS TO ASSEMBLY BILL NO. 2368

Amendment 1

In the title, in line 1, strike out "amend Section 8200 of" and insert:

add Section 1181.1 to the Civil Code, to add the heading of Article 1 (commencing with Section 8200) to, and to add Article 2 (commencing with Section 8231) to Chapter 3 of Division 1 of Title 2 of,

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 1181.1 is added to the Civil Code, to read:

1181.1. Section 1181 shall not be construed to authorize any person other than an online notary public authorized by the Secretary of State to perform online notarizations pursuant to Article 2 (commencing with Section 8231) of Chapter 3 of Division 1 of Title 2 of the Government Code, to take proofs or acknowledgments by means of appearances using two-way audio and video communication technology.

SEC. 2. The heading of Article 1 (commencing with Section 8200) is added to Chapter 3 of Division 1 of Title 2 of the Government Code, to read:

Article 1. Notaries Public

SEC. 3. Article 2 (commencing with Section 8231) is added to Chapter 3 of Division 1 of Title 2 of the Government Code, to read:

Article 2. California Online Notary Act of 2018

8231. This act shall be known, and may be cited as, the California Online Notary Act of 2018.

8231.1. As used in this article, the following terms have the following meanings:

(a) "Credential" means a record evidencing an individual's identity.

(b) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

(c) "Electronic document" means a record that is created, generated, sent, communicated, received, or stored by electronic means.

(d) "Electronic notarial certificate" means the portion of a notarized electronic document that is completed by an online notary public and contains all of the following:

(1) The online notary public's electronic signature, electronic seal, title, and commission expiration date.

(2) Other required information concerning the date and type of the online notarization.

(3) The facts attested to or certified by the online notary public in the particular notarization.

(e) "Electronic seal" means information within a notarized electronic document that confirms the online notary public's name, jurisdiction, sequential identifying number, and commission expiration date, and generally corresponds to information in notary seals used on paper documents.

(f) "Electronic signature" means an electronic sound, symbol, or process attaching to or logically associated with an electronic document and executed or adopted by a person with the intent to sign the electronic document.

(g) "Notarial act" means the performance of a duty authorized by Section 8205.

(h) "Online notarization" means a notarial act performed by means of two-way video and audio conference technology that meets the standards adopted pursuant to this article.

(i) "Online notary public" means a notary public who has been authorized by the Secretary of State to perform online notarizations pursuant to this article.

(j) "Principal" means an individual whose electronic signature is notarized in an online notarization, or the individual taking an oath or affirmation from the online notary public, but not in the capacity of a witness for the online notarization.

(k) "Remote presentation" means transmission to the online notary public through communication technology of an image of a government-issued identification credential that is of sufficient quality to enable the online notary public to identify the individual seeking the online notary public's services and to perform credential analysis.

8231.2. This article applies to online notarizations. To the extent that a provision of this article conflicts with Article 1 (commencing with Section 8200), this article controls with respect to an online notarization.

8231.3. The Secretary of State shall adopt rules necessary to implement this article. The rules shall set and maintain standards for online notarizations, including standards for remote presentation, credential analysis, and identity proofing. The rules may also address the form and content requirements for an online notary's electronic journal. The Secretary of State may confer with other departments or agencies on matters relating to equipment, security, and technological aspects of the online notarization standards.

8231.4. (a) An online notary public is a notary public for purposes of Article 1 (commencing with Section 8200) and is subject to Article 1 to the same extent as a notary public appointed and commissioned under Article 1, unless otherwise expressly provided in this article.

(b) An online notary public may perform notarial acts provided by Article 1 (commencing with Section 8200) in addition to online notarizations by means provided in this article.

(c) An online notary public may perform a notarial act by means of two-way audio and video communication.

(d) A requirement that an individual appear before or in the presence of a notary public may be satisfied by means of two-way audio and video communication with an online notary public that meets the requirements of this article and any of the rules adopted by the Secretary of State.

8231.5. (a) An online notary public shall keep a secure electronic journal with each notarial act performed by the online notary public if the notarial act is an online notarization pursuant to this article.

(b) An online notary public shall immediately notify an appropriate law enforcement agency and the Secretary of State of the loss, compromise, theft, vandalism, or use by another person of the online notary public's electronic journal.

8231.6. An online notary public physically located in this state may perform an online notarization that meets the requirements of this article and the rules adopted by the Secretary of State pursuant to this article for a principal who is located:

(a) In this state.

(b) Outside this state but within the United States.

(c) Outside the United States if the online notary public has no actual knowledge that the act is prohibited in the jurisdiction in which the principal is physically located at the time of the act.

8231.7. (a) Except as provided by subdivision (b), an online notary public whose commission terminates shall destroy the coding, disk, certificate, card, software, or password that enables electronic affixation of the online notary public's official electronic signature or seal. The online notary public shall certify compliance with this subdivision to the Secretary of State.

(b) A former online notary public whose commission terminated for a reason other than revocation or a denial of renewal is not required to destroy the items described by subdivision (a) if the former online notary public is recommissioned as an online notary public with the same electronic signature and seal within three months after the former online notary public's former commission terminated.

8231.8. A person who, without authorization, knowingly obtains, conceals, damages, or destroys the certificate, disk, coding, card, program, software, or hardware enabling an online notary public to affix an official electronic signature or electronic seal is guilty of a misdemeanor.

8231.9. This article shall become operative on July 1, 2019.

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 3

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

AMENDMENTS TO ASSEMBLY BILL NO. 2371

Amendment 1

In the title, strike out line 1 and insert:

An act to add Sections 7065.06 and 7195.5 to the Business and Professions Code, to amend Sections 53391, 53481, 53482, and 83483 of the Food and Agricultural Code, to amend Section 11011.29 of, and to add Sections 11011.30, 11011.31, and 11011.32 to, the Government Code, and to add Chapter 9 (commencing with Section 10609) to Part 2.55 of Division 6 of the Water Code, relating to water use efficiency.

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 7065.06 is added to the Business and Professions Code, to read:

7065.06. (a) Before the board revises the Landscaping Contractors License Examination (C-27), the board shall confer with the Department of Water Resources and the California Landscape Contractors Association to determine whether any updates or revisions to the examination are needed to reflect new and emerging landscape irrigation efficiency practices.

(b) The board shall ensure that the examination includes questions that are specific to water use efficiency and sustainable practices to help ensure that the state's water efficiency needs identified in the California Water Plan, described in Section 10004 of the Water Code, are sufficiently supported.

(c) The board shall ensure that the reference study material for the examination continues to include the most current version of the Model Water Efficient Landscape Ordinance (23 Cal. Code Regs. 490, et. seq.) and shall add other collateral material specific to water use efficiency and sustainability.

SEC. 2. Section 7195.5 is added to the Business and Professions Code, to read:

7195.5. (a) For purposes of improving landscape water use and irrigation efficiency, commencing January 1, 2020, a home inspection report on a dwelling unit prepared pursuant to this chapter on a parcel containing an in-ground landscaping irrigation system, the operation of which is under the exclusive control of the owner or occupant of the dwelling, shall include all of the following:

(1) Examination of the irrigation system controller, if present, noting material defects in installation or operation, or both.

(2) Activation of each zone or circuit providing irrigation water to turf grass, noting material defects observed in the operation of each of the following:

(A) The irrigation valve.

(B) Visible irrigation supply piping.

(C) Sprinkler heads and stems.

(3) During activation of the system pursuant to paragraph (2), observation of any of the following:

(A) Irrigation spray being directed to hardscape.

(B) Irrigation water leaving the irrigated area as surface runoff.

(C) Ponding of irrigation water on the surface of the irrigated area.

(4) Notation whether inspection is limited due to snow, ice, or other site conditions that impede an inspection.

(b) This section does not apply to any of the following:

(1) An inspection performed by a city, county, city and county, or public water supplier.

(2) An inspection performed at the direction of any court.

(3) An appraisal for the purpose of preparing a report containing an estimated market value of a dwelling.

SEC. 3. Section 53391 of the Food and Agricultural Code is amended to read:

53391. (a) The ~~director~~ secretary may adopt regulations ~~which~~ that may be necessary to carry into effect the purposes of this chapter and each section of it, and may issue in relation to this chapter explanatory data and charts.

(b) On or before June 30, 2019, the secretary shall adopt regulations to implement Sections 53481, 53482, and 53483.

SEC. 4. Section 53481 of the Food and Agricultural Code is amended to read:

53481. When nursery stock is sold, it shall be labeled plainly and legibly as to the grade size, if so required by regulations, and as to the correct name and water use classification as follows:

(a) The correct name for ornamentals, except roses, fruit trees, and annual or herbaceous perennial ornamental plants, shall be the botanical name. For purposes of this section, ornamentals include any subspecies, hybrid, cultivar, or variety, if any, of the ornamental.

(b) The correct name for fruit trees shall be the recognized common name and cultivar.

(c) The correct name for turf shall be the kind and cultivar.

(d) The correct name for roses, annual or herbaceous perennial ornamental plants, dormant bulbs, tubers, roots, corms, rhizomes, pips, and other kinds of nursery stock shall be the cultivar ~~name,~~ name and botanical name, if available, except that the recognized common ~~name~~ name, if any, shall be required whenever no cultivar name has been given or can be determined.

(e) The correct water use classification, as identified by most current version of the Water Use Classification of Landscape Species, for any taxa listed in that publication. For purposes of this subdivision, the Water Use Classification of Landscape Species is the publication by that same name as published by the University of California Division of Agriculture and Natural Resources.

SEC. 5. Section 53482 of the Food and Agricultural Code is amended to read:

53482. In order to identify nursery stock properly, whenever it is shipped, delivered, or transported to any purchaser, each plant shall be individually labeled as to the correct ~~name.~~ name and water use classification. The director may create exceptions to this section by ~~regulation.~~ regulation, which shall be consistent with the need to correctly identify plants that are subject to inspection after installation of a landscape subject to the Model Water Efficient Landscape Ordinance (23 Cal. Code Regs. 490, et. seq.) or any local landscape ordinance.

SEC. 6. Section 53483 of the Food and Agricultural Code is amended to read:

53483. Nursery stock on display for sale at retail ~~may be labeled by a sign on any block of stock of the same kind and species.~~ shall be individually labeled, except that plants of the same taxa that are packaged inseparably together may be identified by a single label on each package. Turf shall be labeled by a sign showing the required correct name and water use classification of the stock on display.

SEC. 7. Section 11011.29 of the Government Code is amended to read:

11011.29. (a) When a state agency builds upon state-owned real property, purchases real property, or replaces landscaping or irrigation, the state agency shall reduce water consumption and increase water efficiencies for that property, where feasible, through any or all of the following measures:

(1) Replacement of landscaping with drought-tolerant plants with an emphasis on native plant species.

(2) Replacement of irrigation timers to permit efficient watering schedules.

(3) Replacement of existing irrigation with drip irrigation, bubblers, or low precipitation spray nozzles, or a combination of these irrigation methods.

(4) Implementation of recycled water irrigation or rainwater capture irrigation or both.

(5) Installation of irrigation submeters.

(6) Use of on-site water recycling.

(7) Implementation of stormwater capture.

(b) (1) A state agency landscape design project that commences on and after January 1, 2025, shall, to the maximum extent practicable, implement the watershed approach through eliminating supplemental portable irrigation onsite and maximizing nonpotable water sources where cost effective, rainwater infiltration, and onsite reuse.

(2) The Department of General Services shall establish an interim target that 50 percent of new facilities designed on and after January 1, 2020, be targeted to achieve a goal to only use reclaimed water for supplemental irrigation or a goal consistent with the LEED v4 Outdoor Water Use Reduction, Option 1, which requires a demonstration that the landscape does not require a permanent irrigation system beyond the maximum two-year establishment period.

(3) Where practicable and feasible, a project described in paragraph (1) shall include demonstration gardens, including appropriate educational signage.

~~(b)~~

(c) This section shall not apply to state-owned real property that is leased to a private party for agricultural ~~purposes.~~ purposes or to a registered historical site.

~~(c)~~

(d) For purposes of this section, "feasible" means that the water efficiency measures may be accomplished in a cost-effective manner within a reasonable period of time, taking into account life-cycle cost analyses and technological factors, as determined by the state agency.

SEC. 8. Section 11011.30 is added to the Government Code, to read:

11011.30. (a) For state-owned real property that is not covered by Section 11011.29, the Department of General Services shall do all of the following:

(1) On or before June 30, 2023, comply with the Model Water Efficient Landscape Ordinance (23 Cal. Code Regs. 490, et. seq.), including the maximum applied water allowance for existing landscapes pursuant to Section 493.1 of Title 23

of the California Code of Regulations. This shall include rainwater, or stormwater, capture where site conditions permit.

(2) Begin transition of all buildings owned, leased, or operated by the Department of General Services from traditional ornamental turf to sustainable landscaping at a rate of 10 percent of the total number of buildings per year, with a goal of complete transition before January 1, 2029. The Department of General Services shall give priority to customer service buildings.

(3) Install demonstration or educational signage at a customer service building that is owned, leased, or operated by the Department of General Services to identify sustainable landscaping at the building and the resulting water savings.

(b) For purposes of this section, "customer service building" means a building operated by the state agency that is open to the public and that customers of the agency commonly visit.

SEC. 9. Section 11011.31 is added to the Government Code, to read:

11011.31. A state agency shall do all of the following:

(a) Employ or contract with, or both, sufficiently trained landscape design professionals and managers to help ensure that an investment in landscape upgrades or new landscaping is sufficiently designed and maintained to protect the aesthetic benefits of sustainable landscaping.

(b) Implement mandatory educational training for job classifications that serve in the capacity of state-employed landscape managers.

(c) For all new facilities that are owned, leased, or operated by the state, use landscape design templates that are accessible to new building developers.

SEC. 10. Section 11011.32 is added to the Government Code, to read:

11011.32. (a) On or before January 1, 2020, the Department of General Services, in consultation with the Department of Water Resources, shall establish a landscape and irrigation system water efficiency building protocol for landscape and irrigation systems of state-owned facilities. The protocol shall include procedures to ensure the proper installation of landscape and irrigation systems and the education of landscape maintenance staff of those procedures.

(b) (1) On or before January 1, 2020, the Green Action Team, shall update the Green Building Action Plan, State Administrative Manual, and management memorandums, as necessary, to minimize or eliminate supplemental irrigation in new state-owned buildings and major renovations of state-owned buildings where water use efficiency standards are applicable.

(2) The Governor is encouraged to update Executive Order No. B-18-12 to be consistent with paragraph (1).

SEC. 11. Chapter 9 (commencing with Section 10609) is added to Part 2.55 of Division 6 of the Water Code, to read:

CHAPTER 9. LANDSCAPE WATER USE

10609. (a) On or before June 30, 2019, and at least every three years thereafter, the department shall collaborate with the University of California Division of Agriculture and Natural Resources for the review and revision of the publication "Water

Use Classification of Landscape Species" and its associated database to consider the addition of unlisted plant taxa and to correct errors in existing listings.

(b) (1) The University of California Division of Agriculture and Natural Resources, commencing July 1, 2019, is encouraged to include the following additional information for each listed plant taxa in the Water Use Classification of Landscape Species database:

(A) A photograph of the plant.

(B) A narrative description of the plant.

(C) Key cultural information about the plant.

(2) The University of California Division of Agriculture and Natural Resources is encouraged to add the additional information specified by this subdivision, for plant taxa listed in the database before July 1, 2019, to the publication before July 1, 2024, at a rate of not less than 20 percent of total entries per year.

SEC. 12. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because, in that regard, 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.

However, if the Commission on State Mandates determines that this act contains other 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. 2380

Amendment 1

In the title, in line 1, strike out "amend Section 13050" and insert:

add Part 4.5 (commencing with Section 14865) to Division 12

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Part 4.5 (commencing with Section 14865) is added to Division 12 of the Health and Safety Code, to read:

PART 4.5. USE OF PRIVATELY CONTRACTED PRIVATE FIRE PREVENTION RESOURCES

14865. It is the intent of the Legislature to provide for the highest level of safety for firefighters and the communities they protect by regulating the use of privately contracted private fire prevention resources. Nothing in this part shall be construed or otherwise interpreted to authorize public agencies to contract for firefighting services or other first response services. The Legislature finds and declares that firefighting and fire protection services are a municipal function and a public good to be provided by public agencies and their employees.

14866. For purposes of this part, the following terms have the following meanings:

(a) "Department" means the Department of Forestry and Fire Protection.

(b) "Office" means the Governor's Office of Emergency Services.

14867. (a) The office, in collaboration with the department, shall develop standards and regulations for any privately contracted private fire prevention resources operating in California.

(b) (1) In developing standards and regulations, the office shall consider private resource utilization guidelines developed by the FIRESCOPE Program, pursuant to Chapter 3 (commencing with Section 13070) of Part 1.

(2) Regulations developed pursuant to subdivision (a) shall include, but not be limited to, the following requirements:

(A) A privately contracted private fire prevention resource shall heed all evacuation warnings and leave the evacuation area when prompted.

(B) A privately contracted private fire prevention resource shall register with incident command or the local fire department before entering an area.

(C) A privately contracted private fire prevention resource shall be equipped with Global Positioning System (GPS) tracking device so incident command can locate the resource in the event of an evacuation.

(D) A privately contracted private fire prevention resource shall have a liaison at incident command that is available to incident command at all times and can contact the privately contracted private fire prevention resource at any time.

(E) (i) A privately contracted private fire prevention resource shall monitor incident command radio frequencies.

(ii) The regulations shall include a prohibition on a privately contracted private fire prevention resource from communicating on incident command radio frequencies.

(F) A privately contracted private fire prevention resource shall, whenever possible, focus on prefire treatment activities and pretreatment of values-at-risk and other nonemergency activities outside of a restricted area to ensure safety, clear command and control, and minimize potential liability issues.

14868. (a) The office, in collaboration with the department, shall develop regulations to govern the use of equipment used by privately contracted private fire prevention resources. The regulations shall include, but not be limited to, the following:

(1) All equipment shall be clearly labeled nonemergency.

(2) Emergency vehicles shall not use lights or sirens.

(3) Emergency vehicles shall not have any labeling that indicates emergency personnel or fire department.

(b) The office may consult with both private sector entities that provide privately contracted private fire prevention resources and public sector fire agencies before developing the regulations as required by this section.

14869. (a) For any violation of this part or regulations adopted pursuant to this part, the office may, after appropriate notice and opportunity for hearing, by administrative order, levy a fine not to exceed five thousand dollars ($5,000) per violation. Fines received pursuant to this section shall be deposited into the General Fund.

(b) The office shall adopt regulations establishing procedures for notices, appeals, and hearings.

Amendment 3

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

LEGISLATIVE COUNSEL'S DIGEST

AB 2380, as amended, Aguiar-Curry. Fire protection: ~~fire equipment.~~ privately contracted private fire prevention resources.

Existing law provides that fire companies in unincorporated and incorporated towns may be organized, as provided, and be subject to specified provisions and requirements. Existing law provides that the city council of an incorporated city may, by ordinance, regulate the formation and continued existence of fire companies providing service within its city. Existing law establishes in state government, within the office of the Governor, the Office of Emergency Services. Existing law requires the office to be responsible for the state's emergency and disaster response services for natural, technological, or manmade disasters and emergencies, including responsibility for activities necessary to prevent, respond to, recover from, and mitigate the effects of emergencies and disasters to people and property.

This bill would require the office, in collaboration with the Department of Forestry and Fire Protection, to develop standards and regulations for any privately contracted private fire prevention resources operating in the state, and to develop regulations to govern the use of equipment used by privately contracted private fire prevention resources, as provided. The bill would authorize the office to levy a fine not to exceed $5,000 for any violation of the above provisions or regulations adopted thereto, as provided.

~~Existing law authorizes the apparatus, equipment, and firefighting force of any public entity to be used for the purpose of providing fire protection or firefighting services, as provided.~~

~~This bill would make nonsubstantive changes to this law.~~

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

AMENDMENTS TO ASSEMBLY BILL NO. 2407

Amendment 1

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

to add and repeal Article 3 (commencing with Section 42450.5) of Chapter 8 of Part 3 of Division 30 of the Public Resources Code,

Amendment 2

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

recycling.

Amendment 3

On page 2, before line 1, insert:

SECTION 1. Article 3 (commencing with Section 42450.5) is added to Chapter 8 of Part 3 of Division 30 of the Public Resources Code, to read:

Article 3. Lithium-Ion Batteries

42450.5. (a) For purposes of this section, the following definitions apply:

(1) "Automobile dismantler" has the same definition as in Section 220 of the Vehicle Code.

(2) "Motor vehicle" has the same definition as in Section 415 of the Vehicle Code.

(3) "Vehicle manufacturer" has the same definition as in Section 672 of the Vehicle Code.

(b) On or before April 1, 2019, the Secretary for Environmental Protection shall convene the Lithium-Ion Car Battery Recycling Advisory Group to review, and advise the Legislature on, policies pertaining to the recovery and recycling of lithium-ion vehicle batteries sold with motor vehicles in the state. Until April 1, 2020, the advisory group shall meet at least quarterly. The advisory group shall consult with universities and research institutions that have conducted research in the area of battery recycling, manufacturers of electric and hybrid vehicles, and the recycling industry. The Secretary for Environmental Protection shall appoint at least one member to the advisory group from each of the following:

(1) The Department of Resources Recycling and Recovery.

(2) The Department of Toxic Substances Control.

(3) A vehicle manufacturer or an organization that represents one or more vehicle manufacturers.

(4) An electronic waste recycler or an organization that represents one or more electronic waste recyclers.

(5) An automobile dismantler or an organization that represents one or more motor vehicle dismantlers.

(6) An environmental organization that specializes in waste reduction and recycling.

(c) On or before April 1, 2020, the Lithium-Ion Car Battery Recycling Advisory Group shall submit policy recommendations to the Legislature, in compliance with Section 9795 of the Government Code, aimed at ensuring that 90 percent of end-of-life lithium-ion vehicle batteries discarded in the state are recycled in a safe and cost-effective manner in the state.

(d) This section shall remain in effect only until January 1 2022, and as of that date is repealed.

Amendment 4

On page 2, strike out lines 1 and 2

AMENDMENTS TO ASSEMBLY BILL NO. 2409

Amendment 1

In the title, in line 1, strike out "amend Section 101.6 of" and insert:

add Section 37 to

Amendment 2

On page 1, before line 1, insert:

SECTION 1. This act may be known as the "Occupational Opportunity Act."

SEC. 2. The Legislature finds and declares all of the following:

(a) Each individual has the right to pursue a chosen profession and vocation, free from arbitrary or excessive government interference.

(b) The freedom to earn an honest living traditionally has provided the surest means for economic mobility.

(c) In recent years, many regulations of entry into professions and vocations have exceeded legitimate public purposes and have had the effect of arbitrarily limiting entry and reducing competition.

(d) The burden of excessive regulation is borne most heavily by individuals outside the economic mainstream, for whom opportunities for economic advancement are curtailed.

(e) It is in the public interest to do all of the following:

(1) Ensure the right of all individuals to pursue legitimate entrepreneurial and professional opportunities to the limits of their talent and ambition.

(2) Provide the means for the vindication of this right.

(3) Ensure that regulations of entry into professions and vocations are demonstrably necessary and narrowly tailored to fulfill legitimate health, safety, and welfare objectives.

SEC. 3. Section 37 is added to the Business and Professions Code, to read:

37. (a) (1) Notwithstanding Section 480 or any other law, a person has a right to engage in a lawful profession or vocation without being subject to an occupational regulation that imposes a substantial burden on that right. To achieve this purpose, each occupational regulation shall be limited to what is demonstrably necessary and shall be narrowly tailored to fulfill a legitimate public health, safety, or welfare objective.

(2) Notwithstanding any other law, the right set forth in paragraph (1) includes the right of a person with a criminal record to obtain a license to engage in a profession or vocation, and the right to not have a board use the person's criminal record as an automatic or mandatory permanent bar to engaging in a lawful profession or vocation.

(3) Notwithstanding any other law, the right set forth in paragraph (1) also includes the right of a person who is behind on his or her taxes or student loans to obtain a license to engage in a profession or vocation, and the right to not have the board use the person's status with respect to his or her taxes or student loans as an automatic or mandatory permanent bar to engaging in a lawful profession or vocation.

(b) (1) (A) A person denied a license may file a petition and appeal to the board.

(B) If the person has a criminal record, the person shall include in the petition a copy of his or her criminal record or shall authorize the board to obtain a copy that record. The person may additionally include information about his or her current circumstances, including, but not limited to, the time passed since the offense, completion of the criminal sentence, other evidence of rehabilitation, testimonials, employment history, and employment aspirations.

(C) Notwithstanding any other law, the board may find that the person's criminal record disqualifies that person from obtaining a license only if the person's criminal record includes a conviction for a felony or a violent misdemeanor and the board concludes that the state has an important interest in protecting public safety that is superior to the person's individual right. The board may make this conclusion only if it determines, by clear and convincing evidence at the time of the petition, all of the following:

(i) The specific offense for which the person was convicted is substantially related to the qualifications, functions, or duties of the profession or vocation for which application was denied.

(ii) The person, based on the nature of the specific offense for which he or she was convicted and his or her current circumstances, would be put in a position in which that person is more likely to reoffend by having the license than if the person did not obtain that license.

(iii) A reoffense by the person would cause greater harm than it would if the person did not have a license and was not put in a position in which the person is more likely to reoffend.

(2) Within 90 days of a petition filed pursuant to paragraph (1), the board shall make a determination on the appeal, based on the standards set forth in subdivision (a).

(c) (1) Following the response to an administrative petition pursuant to paragraph (2) of subdivision (b), a person may file an appeal to a court of general jurisdiction for a declaratory judgment or injunctive relief or other equitable relief for a violation of subdivision (a).

(2) In such an action, the board bears the burden of proving by preponderance of the evidence that the challenged occupational regulation meets the criteria set forth in paragraph (1) of subdivision (a).

(3) If the board fails to meet the burden of proof and the court finds by a preponderance of evidence that the challenged occupational regulation fails to meet the criteria set forth in paragraph (1) of subdivision (a), the court shall enjoin further enforcement of the occupational regulation and shall award reasonable attorney's fees and costs to the plaintiff.

(4) A court shall liberally construe this section to protect the rights established in paragraph (1) of subdivision (a).

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

(1) "Board" has the same meaning as set forth in Section 22.

(2) "License" has the same meaning as set forth in Section 23.7.

(3) "Occupational regulation" means a regulation, rule, policy, condition, test, permit, administrative practice, or other state government-prescribed requirement for a person to engage in a lawful profession or vocation.

Amendment 3
On page 1, strike out lines 1 to 6, inclusive, and strike out page 2

- 0 -

AMENDMENTS TO ASSEMBLY BILL NO. 2422

Amendment 1

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

An act to amend Section 12978.7 of the Food and Agricultural Code, relating to pesticides.

Amendment 2

On page 1, before line 1, insert:

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

(1) Wildlife, including birds of prey, mountain lions, bobcats, fishers, foxes, coyotes, and endangered species such as the northern spotted owl, pacific fisher, and San Joaquin kit fox, are an irreplaceable part of California's natural ecosystems. As predators of small mammals, they play an important role in regulating and controlling the population of rodents throughout the state to improve public health and welfare.

(2) Millions of people annually visit California for the purposes of viewing and photographing wildlife, and these visits contribute millions of dollars to California's economy.

(3) Urban areas are increasingly being used by predatory mammals and birds of prey and the public enjoys seeing them and values these animals and the ecosystem services they provide.

(4) The ecosystem services provided by native wildlife predators are a public trust, just like clean air and water. We, as California residents, are obligated to conserve these wildlife populations for future generations of Californians.

(5) Scientific research and state studies have found rodenticides in over 75 percent of animals tested. These rodenticides lead to direct mortality and chronic long-term health impacts for natural predators, nontarget organisms, and endangered species and further steps are needed to reduce rodenticide exposure in nontarget animals.

(6) Rodenticides can be counterproductive to rodent control by poisoning, harming, and killing natural predators that help regulate rodent populations throughout California.

(b) It is the intent of the Legislature in enacting this act to ensure that aquatic, terrestrial, and avian wildlife species remain a fully functional component of the ecosystems they inhabit and move through in California.

(c) This act shall be known, and may be cited, as the California Natural Predator Protection Act of 2018.

SEC. 2. Section 12978.7 of the Food and Agricultural Code is amended to read:

12978.7. (a) Except as provided in ~~subdivision~~ subdivisions (c), (d), and (e), the use of any pesticide that contains ~~one or more of the following anticoagulants~~ an anticoagulant is prohibited in ~~a wildlife habitat area:~~ this state. Anticoagulants include, but are not limited to, the following:

(1) Brodifacoum.

(2) Bromadiolone.

(3) ~~Difenacoum.~~ Chlorophacinone.
(4) ~~Difethialone.~~ Difenacoum.
(5) Difethialone.
~~(b)~~
(6) ~~As used in subdivision (a), a "wildlife habitat area" means any state park, state wildlife refuge, or state conservancy.~~ Diphacinone.
(7) Warfarin.
~~(c)~~
(b) State agencies are directed to encourage federal agencies to comply with subdivision (a).
(c) (1) A qualified applicator licensed pursuant to Chapter 8 (commencing with Section 12201) of Division 6 may submit an application to the department pursuant to this subdivision to use a pesticide that contains an anticoagulant described in paragraphs (1) to (7), inclusive, of subdivision (a) for a particular pest infestation.
(2) The department may approve an application only if the qualified applicator satisfies the requirement described in paragraph (3) and the use of the pesticide is required as a final treatment for the pest infestation. The qualified applicator shall only use the pesticide authorized for use by the department for the pest infestation described in the application.
(3) To be eligible for an exemption pursuant to this subdivision, a qualified applicator shall demonstrate to the department that he or she exhausted all of the following alternatives to the use of a pesticide that contains an anticoagulant described in paragraphs (1) to (7), inclusive, of subdivision (a) to control the pest infestation:
(A) Using trash containers and dumpsters that are tightly sealed and using locks on the dumpsters if unauthorized access is a problem.
(B) Cleaning up any spillage in trash areas daily.
(C) Sealing all access holes in buildings or under foundations.
(D) Trapping and removing the rodents.
(E) Cleaning up rodent waste.
(F) Finding and sealing access ways to inside the building.
(G) Removing all food sources, including, but not limited to, pet food and bird feeders, and using sealed containers for any edible material stored outside such as horse feed.
(H) Removing susceptible rodent habitat and food sources such as ivy, wood piles, and fruit dropped from trees and removing tree limbs touching and overhanging buildings.
(d) This section does not apply to the use of a pesticide that contains an anticoagulant described in paragraphs (1) to (7), inclusive, of subdivision (a) if the State Department of Public Health determines that there is a public health emergency due to a pest infestation and the Department of Pesticide Regulation determines that controlling or eradicating the pest infestation requires the use of a pesticide that contains an anticoagulant described in paragraphs (1) to (7), inclusive, of subdivision (a).
~~(d)~~
(e) (1) This section does not apply to the use of pesticides for agricultural activities, as defined in Section 564.
(2) For purposes of paragraph (1), "agricultural activities" include activities conducted in any of the following locations:

(A) Warehouses used to store foods for human or animal consumption.

(B) Agricultural food production sites, including, but not limited to, slaughterhouses and canneries.

(C) Factories, breweries, wineries, or any other location where rodent or pest populations need to be controlled for food safety or agricultural purposes.

~~(c)~~

(f) This section does not preempt or supersede any federal statute or the authority of any federal agency.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because, in that regard, 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.

However, if the Commission on State Mandates determines that this act contains other 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 pages 2 and 3

AMENDMENTS TO ASSEMBLY BILL NO. 2440

Amendment 1

In the title, in line 1, strike out "amend Section 1431.2 of the Civil Code, relating to tort", strike out line 2 and insert:

add Section 1788.19 to the Civil Code, relating to debt collection.

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 1788.19 is added to the Civil Code, to read:

1788.19. (a) If a debt collector who is also the original creditor makes a determination that an alleged debt is not due and owing from a person for any reason other than identity theft, the debt collector shall:

(1) Terminate debt collection activities based on its determination that the alleged debt is not due and owing from the person.

(2) Upon request from the person subject to the alleged debt, provide written notification confirming to that person that the alleged debt is not due and owing within 30 calendar days after making its determination.

(3) If the debt collector has furnished adverse information about the person to a consumer credit reporting agency, the debt collector, no later than 10 business days after making its determination, shall notify the agency to correct and update that information.

(4) Notify any debt collector that may have purchased the alleged debt or that has contracted with the original creditor to collect the alleged debt, no later than 10 business days after making its determination that the alleged debt is not due and owing.

(b) (1) A debt collector that has purchased the alleged debt described in subdivision (a), or that has contracted with the original creditor to collect the alleged debt described in subdivision (a), shall, within 10 business days of being notified pursuant to paragraph (4) of subdivision (a) that the debt is not due and owing, terminate collection activities of that alleged debt.

(2) If the debt collector has furnished adverse information to a consumer credit reporting agency, the debt collector, no later than 10 business days after making its determination, shall notify the agency to correct and update that information.

Amendment 3

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

AMENDMENTS TO ASSEMBLY BILL NO. 2442

Amendment 1
In the title, in line 1, strike out "5001" and insert:

5150

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

SECTION 1. Section 5150 of the Welfare and Institutions Code is amended to read:

5150. (a) When a person, as a result of a mental health disorder, is a danger to others, or to himself or herself, or gravely disabled, a peace officer, professional person in charge of a facility designated by the county for evaluation and treatment, member of the attending staff, as defined by regulation, of a facility designated by the county for evaluation and treatment, designated ~~members~~ member of a mobile crisis team, or professional person designated by the county may, upon probable cause, take, or cause to be taken, the person into custody for a period of up to 72 hours for assessment, evaluation, and crisis intervention, or placement for evaluation and treatment in a facility designated by the county for evaluation and treatment and approved by the State Department of Health Care Services. At a minimum, assessment, as defined in Section 5150.4, and evaluation, as defined in subdivision (a) of Section 5008, shall be conducted and provided on an ongoing basis. Crisis intervention, as defined in subdivision (e) of Section 5008, may be provided concurrently with assessment, evaluation, or any other service.

(b) When determining if a person should be taken into custody pursuant to subdivision (a), the individual making that determination shall apply the provisions of Section 5150.05, and shall not be limited to consideration of the danger of imminent harm.

(c) The professional person in charge of a facility designated by the county for evaluation and treatment, member of the attending staff, or professional person designated by the county shall assess the person to determine whether he or she ~~can~~ may be properly served without being detained. If, in the judgment of the professional person in charge of the facility designated by the county for evaluation and treatment, member of the attending staff, or professional person designated by the county, the person ~~can~~ may be properly served without being detained, he or she shall be provided evaluation, crisis intervention, or other inpatient or outpatient services on a voluntary basis. ~~Nothing in this~~ If a determination is made that a person may be properly served without being detained, and if the person is experiencing homelessness, he or she shall also be provided written information about local housing options, employment opportunities, and available public social services. This subdivision ~~shall be interpreted to~~ does not prevent a peace officer from delivering individuals to a designated facility for assessment under this section. Furthermore, the assessment requirement of this

subdivision shall not be interpreted to require peace officers to perform any additional duties other than those specified in Sections 5150.1 and 5150.2.

(d) Whenever a person is evaluated by a professional person in charge of a facility designated by the county for evaluation or treatment, member of the attending staff, or professional person designated by the county and is found to be in need of mental health services, but is not admitted to the facility, all available alternative services provided pursuant to subdivision (c) shall be offered as determined by the county mental health director.

(e) If, in the judgment of the professional person in charge of the facility designated by the county for evaluation and treatment, member of the attending staff, or the professional person designated by the county, the person ~~cannot~~ may not be properly served without being detained, the admitting facility shall require an application in writing stating the circumstances under which the person's condition was called to the attention of the peace officer, professional person in charge of the facility designated by the county for evaluation and treatment, member of the attending staff, or professional person designated by the county, and stating that the peace officer, professional person in charge of the facility designated by the county for evaluation and treatment, member of the attending staff, or professional person designated by the county has probable cause to believe that the person is, as a result of a mental health disorder, a danger to others, or to himself or herself, or gravely disabled. The application shall also record whether the historical course of the person's mental disorder was considered in the determination, pursuant to Section 5150.05. If the probable cause is based on the statement of a person other than the peace officer, professional person in charge of the facility designated by the county for evaluation and treatment, member of the attending staff, or professional person designated by the county, the person shall be liable in a civil action for intentionally giving a statement that he or she knows to be false.

(f) At the time a person is taken into custody for evaluation, or within a reasonable time thereafter, unless a responsible relative or the guardian or conservator of the person is in possession of the person's personal property, the person taking him or her into custody shall take reasonable precautions to preserve and safeguard the personal property in the possession of or on the premises occupied by the person. The person taking him or her into custody shall then furnish to the court a report generally describing the person's property so preserved and safeguarded and its disposition, in substantially the form set forth in Section 5211, except that if a responsible relative or the guardian or conservator of the person is in possession of the person's property, the report shall include only the name of the relative or guardian or conservator and the location of the property, whereupon responsibility of the person taking him or her into custody for that property shall terminate. As used in this section, "responsible relative" includes the spouse, parent, adult child, domestic partner, grandparent, grandchild, or adult brother or sister of the person.

(g) (1) Each person, at the time he or she is first taken into custody under this section, shall be provided, by the person who takes him or her into custody, the following information orally in a language or modality accessible to the person. If the person cannot understand an oral advisement, the information shall be provided in writing. The information shall be in substantially the following form:

My name is _____.
I am a _____.
(peace officer/mental health professional)
with _____.
(name of agency)
You are not under criminal arrest, but I am taking you for an examination by mental health professionals at _____.

_____
(name of facility)
You will be told your rights by the mental health staff.

(2) If taken into custody at his or her own residence, the person shall also be provided the following information:

You may bring a few personal items with you, which I will have to approve. Please inform me if you need assistance turning off any appliance or water. You may make a phone call and leave a note to tell your friends or family where you have been taken.

(h) The designated facility shall keep, for each patient evaluated, a record of the advisement given pursuant to subdivision (g) which shall include all of the following:
(1) The name of the person detained for evaluation.
(2) The name and position of the peace officer or mental health professional taking the person into custody.
(3) The date the advisement was completed.
(4) Whether the advisement was completed.
(5) The language or modality used to give the advisement.
(6) If the advisement was not completed, a statement of good cause, as defined by regulations of the State Department of Health Care Services.
(i) (1) Each person admitted to a facility designated by the county for evaluation and treatment shall be given the following information by admission staff of the facility. The information shall be given orally and in writing and in a language or modality accessible to the person. The written information shall be available to the person in English and in the language that is the person's primary means of communication. Accommodations for other disabilities that may affect communication shall also be provided. The information shall be in substantially the following form:

My name is _____.
My position here is _____.
You are being placed into this psychiatric facility because it is our professional opinion that, as a result of a mental health disorder, you are likely to (check applicable):
□ Harm yourself.
□ Harm someone else.
□ Be unable to take care of your own food, clothing, and housing needs.
We believe this is true because

_____

(list of the facts upon which the allegation of dangerous or gravely disabled due to mental health disorder is based, including pertinent facts arising from the admission interview).

You will be held for a period up to 72 hours. During the 72 hours you may also be transferred to another facility. You may request to be evaluated or treated at a facility of your choice. You may request to be evaluated or treated by a mental health professional of your choice. We cannot guarantee the facility or mental health professional you choose will be available, but we will honor your choice if we can.

During these 72 hours you will be evaluated by the facility staff, and you may be given treatment, including medications. It is possible for you to be released before the end of the 72 hours. But if the staff decides that you need continued treatment you can be held for a longer period of time. If you are held longer than 72 hours, you have the right to a lawyer and a qualified interpreter and a hearing before a judge. If you are unable to pay for the lawyer, then one will be provided to you free of charge.

If you have questions about your legal rights, you may contact the county Patients' Rights Advocate at _____

(phone number for the county Patients' Rights Advocacy office)

_____.

Your 72-hour period began _____.

(date/time)

(2) If the notice is given in a county where weekends and holidays are excluded from the 72-hour period, the patient shall be informed of this fact.

(j) For each patient admitted for evaluation and treatment, the facility shall keep with the patient's medical record a record of the advisement given pursuant to subdivision (i), which shall include all of the following:

(1) The name of the person performing the advisement.

(2) The date of the advisement.

(3) Whether the advisement was completed.

(4) The language or modality used to communicate the advisement.

(5) If the advisement was not completed, a statement of good cause.

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 2, strike out lines 1 to 28, inclusive

AMENDMENTS TO ASSEMBLY BILL NO. 2456

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

An act to amend Section 8753 of the Government Code, relating to state government.

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

SECTION 1. Section 8753 of the Government Code is amended to read:
8753. The council shall:
(a) Encourage artistic awareness, participation and expression.
(b) Help independent local groups develop their own art programs.
(c) Promote the employment of artists and those skilled in crafts in both the public and private sector.
(d) Provide for the exhibition of art works in public buildings throughout California.
(e) Enlist the aid of all state agencies in the task of ensuring the fullest expression of our artistic potential.
(f) Adopt regulations in accordance with the provisions of the Administrative Procedure Act necessary for proper execution of the powers and duties granted to the council by this chapter.
(g) Employ such administrative, technical, and other personnel as may be necessary.
(h) Fix the salaries of the personnel employed pursuant to this chapter which salaries shall be fixed as nearly as possible to conform to the salaries established by the State Personnel Board for classes of positions in the state civil service involving comparable duties and responsibilities.
(i) Appoint advisory committees whenever necessary. Members of an advisory committee shall serve without compensation, but each may be reimbursed for necessary traveling and other expenses incurred in the performance of official duties.
(j) Request and obtain from any department, division, board, bureau, commission, or other agency of the state such assistance and data as will enable it properly to carry on its power and duties.
(k) Hold hearings, execute agreements, and perform any acts necessary and proper to carry out the purposes of this chapter.
(*l*) Accept federal grants, for any of the purposes of this chapter.
(m) Accept only unrestricted gifts, donations, bequests, or grants of funds from private sources and public agencies, for any of the purposes of this chapter. However, the council shall give careful consideration to any donor requests concerning specific dispositions.
(n) Establish grant application criteria and procedure.
(o) Award prizes or direct grants to individuals or organizations in accordance with such regulations as the council may prescribe. In awarding prizes or directing

grants, the council shall notify the offices of the legislators in whose district the recipient resides.

(p) Have the authority to appoint peer review panels whenever necessary. Each member of a peer review panel may, at the discretion of the council, receive a per diem and honorarium for each day of service and be reimbursed for necessary travel and other expenses incurred in the performance of official duties.

Amendment 3
On page 1, strike out lines 1 to 9, inclusive, and strike out pages 2 and 3

AMENDMENTS TO ASSEMBLY BILL NO. 2468

Amendment 1
In the title, in line 1, strike out "Section 29043" and insert:

Sections 29042, 29045, 29046, 29070, 29070.5, and 29074

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

SECTION 1. Section 29042 of the Food and Agricultural Code is amended to read:

29042. Every person who moves bees into the state or otherwise comes into possession of an apiary that is located within the state after the first day of January, shall register the ~~number~~ name of the owner, number, and location of colonies moved into the state or so acquired within 30 days after coming into possession of the apiary.

SEC. 2. Section 29045 of the Food and Agricultural Code is amended to read:

29045. ~~No person shall~~ It is unlawful for a person to maintain any apiary ~~which~~ that is not registered pursuant to this article. Each registration is valid until January 1 of the following year.

SEC. 3. Section 29046 of the Food and Agricultural Code is amended to read:

29046. (a) No person shall maintain an apiary on premises other than that of his or her residence unless the apiary is identified as follows:

(1) By a sign that is prominently displayed on the entrance side of the apiary or stenciled on the hive, that states in dark letters not less than one inch in height on a background of contrasting color, the name of the owner or person responsible for the apiary, his or her address and telephone number, or if he or she has no telephone, a statement to that effect.

(2) If the governing body of the county or city in which the apiary is located has provided by ordinance for the identification of apiaries, in the manner ~~which~~ that is prescribed in the ordinance.

(b) No person shall locate or maintain an apiary on private land not owned or leased by the person unless the person has approval from the owner of record, or an authorized agent ~~thereof,~~ of the owner of record, and can establish approval upon demand of the ~~director~~ secretary or commissioner. The approval shall include the name and phone number of the person granting approval.

(c) (1) No person shall locate or maintain an apiary on any public land without the expressed oral or written approval of the entity ~~which~~ that owns, leases, controls, or occupies the land, and can establish this approval upon demand of the ~~director~~ secretary or the commissioner. The approval shall include the name and telephone number of the person granting the approval. During the citrus bloom period, as established by the commissioner, including 72 hours ~~prior to~~ before the declaration of the bloom period until 48 hours after the conclusion of the bloom period, the apiary operator shall obtain written permission to place bees on public land, and shall make it available to the ~~director~~ secretary or the commissioner upon demand. Any apiary

located or maintained on public land without lawful consent is a public nuisance and may be subject to seizure by the ~~director~~ secretary or the commissioner.

(2) The ~~director~~ secretary or commissioner may commence proceedings in the superior court of the county or city and county in which the seizure is made petitioning the court for judgment forfeiting the apiary. Upon the filing of the petition, the clerk of the court shall fix a time for a hearing and cause notices to be posted for 14 days in at least three public places in the place where the court is held, if the person owning the apiary is unknown, setting forth the substance of the petition and the time and place fixed for its hearing. At that time, the court shall hear and determine the proceeding and upon proof that the apiary was located or maintained on public lands without approval of the entity, may order the apiary forfeited. Any apiary so forfeited shall be sold or destroyed by the ~~director~~ secretary or the commissioner. The proceeds from all sales shall be used in accordance with Section 29032.

SEC. 4. Section 29070 of the Food and Agricultural Code is amended to read:

29070. (a) Any person relocating a colony of bees from a registered apiary in one county to another county, where the apiary is not registered for the current calendar year, shall notify the destination commissioner ~~by telephone within five days~~ within 72 hours of the first movement. The notification shall include all of the following:

(1) The name and address of the apiary operator or his or her designated representative.

(2) A telephone number where the apiary operator or his or her designated representative may be reached.

(b) The apiary operator or his or her designated representative shall provide locations of each colony upon request by the commissioner of any county.

(c) Subsequent movement into the destination county shall not require further notification to the commissioner if, when the apiary operator removes the last colony from the county, he or she notifies the commissioner of that final movement within 72 hours.

SEC. 5. Section 29070.5 of the Food and Agricultural Code is amended to read:

29070.5. ~~(a)~~ Any apiary operator or his or her designated representative relocating a colony of bees within a county where the apiary is currently registered ~~is not required to~~ shall notify the commissioner of the movement.

~~(b) The apiary operator or his or her designated representative shall provide the commissioner with all locations of colonies upon request.~~

SEC. 6. Section 29074 of the Food and Agricultural Code is amended to read:

29074. The ~~director~~ secretary, by written permit, subject to conditions the ~~director~~ secretary may determine are necessary to protect the beekeeping industry of this state, may authorize federal and state agencies to transport and maintain within the state diseased bees, comb, hives, appliances, or colonies for the purpose of studying methods of eradicating and controlling bee diseases.

SEC. 7. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because, in that regard, 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.

However, if the Commission on State Mandates determines that this act contains other 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. 2471

Amendment 1

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

to add Article 3.5 (commencing with Section 49445) to Chapter 9 of Part 27 of Division 4 of Title 2 of the Education Code,

Amendment 2

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

health, and making an appropriation therefor.

Amendment 3

On page 1, below line 3, insert:

SEC. 2. Article 3.5 (commencing with Section 49445) is added to Chapter 9 of Part 27 of Division 4 of Title 2 of the Education Code, to read:

Article 3.5. School-Based Pupil Support Services Program

49445. (a) This article shall be known, and may cited, as the School-Based Pupil Support Services Program Act.

(b) As used in this article:

(1) "LEA" or "local educational agency" means a school district or a county office of education.

(2) "Lead agency" means the State Department of Education.

(3) "Qualifying school" includes any of the following:

(A) An LEA in which 50 percent or more of the enrolled pupils are either of the following:

(i) From families that receive benefits from CalWORKS or any successor program, or have limited English proficiency, or both.

(ii) Are eligible to receive free or reduced-price meals.

(B) An LEA which has higher-than-average dropout rates.

(C) A school that does not satisfy the criteria set forth in subparagraphs (A) and (B), but demonstrates other factors that warrant its consideration, including, but not necessarily limited to, fulfilling an exceptional need or providing service to a particular target population.

(4) "School health professional" means a state-licensed school nurse, psychologist, social worker, counselor, or other state-licensed, state-certified health professional qualified under state law to provide support services to pupils.

49445.3. (a) (1) For purposes of implementing this article, moneys from the Youth Education, Prevention, Early Intervention and Treatment Account established by paragraph (1) of subdivision (f) of Section 34019 of the Revenue and Taxation Code

shall be appropriated to the State Department of Health Care Services, for transfer to the lead agency for purposes of awarding grants pursuant to this article, for each fiscal year beginning with the 2019–20 fiscal year. Any funds that are not fully expended in a single fiscal year shall be available for purposes of implementing this article in any one of, or across one or more of, subsequent fiscal years.

(2) The State Department of Health Care Services shall transfer the funds appropriated in paragraph (1) to the lead agency upon determining that the grants to be awarded under this article shall be used for purposes for which the use of moneys from the Youth Education, Prevention, Early Intervention and Treatment Account is authorized.

(b) All grants awarded under this article shall be matched by the participating LEA with one dollar ($1) for each four dollars ($4) awarded. The lead agency may waive the match requirement upon verifying that the LEA made a substantial effort to secure a match but was unable to secure the required matching funds.

49445.5. The State Department of Health Care Services shall establish an interagency agreement with the lead agency to implement this article in accordance with the pertinent provisions of the Control, Regulate and Tax Adult Use of Marijuana Act (Proposition 64, as approved by the voters at the November 8, 2016, statewide general election), and in accordance with a determination made pursuant to paragraph (2) of subdivision (a) of Section 49445.3 that the use of the funds for these purposes is authorized, with the State Department of Education as the lead agency. The lead agency may integrate or redirect existing resources to perform its duties under this article. These duties include, but are not necessarily limited to, all of the following:

(a) Developing, promoting, and implementing policy supporting the program.

(b) Reviewing grant applications and awarding grants.

(c) Soliciting input regarding program policy and direction from individuals and entities with experience in the integration of children's services.

(d) Ensuring that programs funded through grants are designed to educate about and prevent substance abuse disorders and harm that may come from substance use.

(e) Ensuring that programs funded through grants provide accurate education to school employees, youth, and caregivers about substance use, mental health stigma, and physical health.

(f) Ensuring that the programs funded through grants provide effective prevention as well as early intervention of substance use, behavioral health issues, and physical health issues.

(g) Ensuring that the programs funded through grants provide timely treatment of youth and their families and caregivers, as needed.

(h) At the request of the Superintendent, assisting the LEA or consortium in planning and implementing this program, including assisting with local technical assistance, and developing interagency collaboration.

49445.7. (a) A qualifying school shall first receive a planning grant that will pay the costs of planning and coordination activities, on behalf of one or more qualifying schools within the LEA, relating to programs that provide support services that will include programs designed to educate pupils and prevent substance use disorders from affecting pupils and their families at or near the school. Upon completion of the planning phase, the LEA or consortium shall be eligible to apply for, and may receive, an

operational grant. No grant awarded under this article shall exceed ____ dollars ($____) in any fiscal year, for a maximum of ____ fiscal years.

(b) A recipient of a planning grant under this section shall, at a minimum, comply with all of the following requirements:

(1) Implementing a school climate assessment that includes information from multiple stakeholders, including school staff, pupils, and families, that is used to inform the selection of strategies and behavioral health, as well as substance abuse, and interventions that reflect the culture and goals of the school.

(2) Committing to leverage school and community resources to offer comprehensive multitiered services on a sustainable basis, which can include community and faith-based organizations, foster care providers, juvenile and family courts, and others, who recognize the early signs of substance use, behavioral health issues, physical health, and other barriers to academic success.

(3) Developing strategies and practices that ensure parent engagement with the school and provide parents with access to resources that support their children's educational success.

(4) Developing strategies and practices that prevent and reduce dropping out of school.

(5) Creating and maintaining a mechanism, described in writing, to coordinate services provided to individual pupils among school staff and school health center staff while maintaining the confidentiality and privacy of health information consistent with applicable state and federal law.

49445.9. (a) A qualifying school may receive an operational grant once it has demonstrated readiness to begin operation of a program or to expand existing support services programs. An operational grant awarded under this section shall supplement, and not supplant, existing services and funds. An operational grant awarded under this section shall not exceed ____ dollars ($____) in any fiscal year, for a maximum of ____ fiscal years.

(b) A recipient of an operational grant under this section shall, at a minimum, comply with all of the following requirements:

(1) Increase the presence of school health professionals in its schools.

(2) Provide programs that prevent and reduce substance abuse among its pupils.

(3) Establish a coordination-of-services team that considers referrals for services, oversees schoolwide efforts, and uses data-informed processes to identify struggling pupils who require early interventions. This team may include existing staff.

(4) Provide comprehensive professional development opportunities for school employees, including teachers, that enable school employees to recognize and respond to a child's unique needs, including the ability to provide referrals to professionals in the school who can provide the needed support service. Nothing in this paragraph shall be construed to require teachers to provide mental health services to pupils.

49446. Each recipient of a grant under this article shall annually report each of the following to the lead agency:

(a) The number of school health professionals employed with grant funds.

(b) The ratio of newly hired health professionals to pupils.

(c) Information indicating an increase in the level of evidence-based programming for pupil support services.

(d) Changes in dropout rates in school over the span of the operational grant.

(e) An evaluation of the impact of the School-Based Pupil Support Services Program. This includes a comparison of data from before the grant was awarded and after. This can include discipline referrals, attendance, suspensions, and other relevant data that can be used to assess impact.

AMENDMENTS TO ASSEMBLY BILL NO. 2473

Amendment 1

In the title, in line 1, strike out "2100" and insert:

485

Amendment 2

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

state highways.

Amendment 3

On page 1, before line 1, insert:

SECTION 1. Section 485 of the Streets and Highways Code is amended to read:

485. (a) Route 185 is from Route 92 in Hayward to Route 77 in Oakland.

(b) The relinquished former portions of Route 185 within the City of Hayward and within the unincorporated area of the County of Alameda are not a state highway and are not eligible for adoption under Section 81. For the relinquished former portions of Route 185, the City of Hayward and the County of Alameda shall maintain within their respective jurisdictions signs directing motorists to the continuation of Route 185 or to the state highway system, as applicable.

(c) (1) The commission may relinquish to the City of ~~Hayward~~ Hayward, to the City of San Leandro, or to the County of Alameda all or any portion of Route 185 located within the city limits of ~~that city~~ those cities or within the unincorporated area of the County of Alameda, as applicable, upon terms and conditions the commission finds to be in the best interests of the state, if the department and ~~the city~~ either of those cities or ~~county enter~~ the County of Alameda enters into an agreement providing for that relinquishment.

(2) A relinquishment under this subdivision shall become effective immediately after the county recorder's recordation of the relinquishment resolution containing the commission's approval of the terms and conditions of the relinquishment.

(3) On and after the effective date of the relinquishment, both of the following shall occur:

(A) The portion of Route 185 relinquished shall cease to be a state highway.

(B) The portion of Route 185 relinquished shall be ineligible for future adoption under Section 81.

(4) For relinquished portions of Route 185, the City of ~~Hayward and~~ Hayward, the City of San Leandro, or the County of Alameda shall maintain signs within their respective jurisdictions directing motorists to the continuation of Route 185 or to the state highway system, as applicable.

(d) For purposes of this section:

(1) The jurisdiction of the City of Hayward shall refer to all relinquished portions of Route 185 within the City of Hayward.

(2) The jurisdiction of the City of San Leandro shall refer to all relinquished portions of Route 185 within the City of San Leandro.

~~(2)~~

(3) The jurisdiction of the County of Alameda shall refer to all relinquished portions of Route 185 in the unincorporated area of the County of Alameda.

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

AMENDMENTS TO ASSEMBLY BILL NO. 2475

Amendment 1

In the title, in line 1, strike out "relating to building standards." and insert:

to add Section 11011.30 to the Government Code, relating to state-owned property.

Amendment 2

On page 2, before line 1, insert:

SECTION 1. Section 11011.30 is added to the Government Code, to read:

11011.30. The Department of General Services shall review the SITES v2 Rating System published by Green Business Certification, Inc. in 2014 to determine appropriate sustainability recommendations for use when installing or renovating a landscape of more than 5,000 square feet on state-owned real property and adopt regulations consistent with those sustainability recommendations in order to promote sustainable practices for landscapes on state-owned real property.

Amendment 3

On page 2, strike out lines 1 and 2

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AMENDMENTS TO ASSEMBLY BILL NO. 2486

Amendment 1
In the heading, in line 1, strike out "Member McCarty" and insert:

Members McCarty and Gallagher

Amendment 2
In the title, in line 1, strike out "amend Section 11999.2 of the Health and Safety Code,", strike out line 2 and insert:

add Article 3.3 (commencing with Section 14124.50) to Chapter 7 of Part 3 of Division 9 of the Welfare and Institutions Code, relating to Medi-Cal.

Amendment 3
On page 1, before line 1, insert:

SECTION 1. Article 3.3 (commencing with Section 14124.50) is added to Chapter 7 of Part 3 of Division 9 of the Welfare and Institutions Code, to read:

Article 3.3. Medi-Cal Opioid Prevention and Rehabilitation Act

14124.50. This article shall be known, and may be cited, as the Medi-Cal Opioid Addiction Prevention and Rehabilitation Act.

14124.51. For purposes of this article, the following definitions shall apply:

(a) "State rebate" shall have the same meaning as provided in Section 14105.31.

(b) "Manufacturer" shall have the same meaning as provided in Section 14105.31.

(c) "Single-source drug" shall have the same meaning as provided in Section 14105.31.

(d) "Multiple-source drug" shall have the same meaning as applied to the term in Section 14105.33.

(e) "Active opioid ingredient" means that portion of a product that is an opioid.

(f) "Opioid" means an opiate or any synthetic or semisynthetic narcotic that has opiate-like activities but is not derived from opium and has effects similar to natural opium alkaloids, and any derivatives thereof.

(g) "Opiate" means the dried, condensed juice of a poppy, Papaver somniferum, that has a narcotic, soporific, analgesic, and astringent effect.

14124.52. (a) On and after January 1, 2020, except as specified in subdivision (f), a contract entered into by the department and a manufacturer of single-source or multiple-source drugs under the Medi-Cal program pursuant to Section 14105.33, that includes a prescription drug that contains an active opioid ingredient, shall provide for a state rebate as described in subdivision (b), in addition to rebates pursuant to other provisions of state or federal law.

(b) The manufacturer described in subdivision (a) shall make a state rebate payment to the department proportional to the utilization of prescription drugs provided by the manufacturer that contain active opioid ingredients, at a rate of one cent ($0.01) per milligram of active opioid ingredient.

(c) Determination of prescription drug utilization shall be based on the utilization data that the department prepares for purposes of the state rebate described in Section 14105.33.

(d) The department may adopt any regulations necessary or appropriate to carry out the purposes of this article.

(e) All state rebate amounts collected pursuant to this section, less refunds and the department's administrative costs, shall be deposited into the Medi-Cal Opioid Prevention and Rehabilitation Program Fund established pursuant to Section 14124.53.

(f) Notwithstanding subdivision (a), the department may enter into a contract with a manufacturer without providing for the state rebate described in this section, in which case the manufacturer's prescription drug that contains an active opioid ingredient shall be made available only through prior authorization, to the extent that the prior authorization requirements are consistent with federal Medicaid Program provisions.

(g) This section shall apply only to new contracts, and renewals of existing contracts, entered into by the department and a manufacturer pursuant to Section 14105.33, on or after January 1, 2020.

(h) This article shall be implemented only to the extent that any necessary federal approvals are obtained.

14124.53. (a) There is hereby created in the State Treasury the Medi-Cal Opioid Prevention and Rehabilitation Program Fund.

(b) (1) The department, in consultation with the State Department of Public Health, shall, subject to appropriation by the Legislature, distribute moneys in the fund to counties, on an annual basis pursuant to paragraph (2), for purposes of opioid prevention and rehabilitation programs.

(2) Distribution of moneys in the fund to counties shall be based on county needs, using the most recent data of only the following information, as provided by the State Department of Public Health:

(A) The ratio of opioid overdose deaths per county population.

(B) The ratio of opioid overdose emergency department visits per county population.

(C) The ratio of opioid overdose hospitalizations per county population.

Amendment 4

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

AMENDMENTS TO ASSEMBLY BILL NO. 2488

Amendment 1

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

to add and repeal Article 3.1 (commencing with Section 20118.5) to Chapter 1 of Part 3 of Division 2 of the Public Contract Code,

Amendment 2

On page 2, before line 1, insert:

SECTION 1. Article 3.1 (commencing with Section 20118.5) is added to Chapter 1 of Part 3 of Division 2 of the Public Contract Code, to read:

Article 3.1. Task Order Contracting for School Districts

20118.5. (a) It is the intent of the Legislature to enable school districts to use cost-effective options for renovating and repairing school facilities and grounds.

(b) It is the intent of the Legislature to provide an optional alternative procedure for bidding on these projects. It is the intent of the Legislature that the task order procurement method improve contract efficiencies and reduce the general fund impact to school districts by reducing contract delays producing a savings in both contract costs and administration.

(c) It is the intent of the Legislature that task order contracts be competitively bid for and awarded to the bidders providing the most qualified responsive bids.

20118.6. (a) Notwithstanding any other provisions of this chapter, the governing board of a school district may award multiple task order procurement contracts for the repair and renovation of school buildings and grounds, each not exceeding three million dollars ($3,000,000) through a single request for bid. For purposes of this article, task order procurement contracts may include, but are not limited to, services, repairs, including maintenance, and construction as authorized in Section 20111. The contracts shall be awarded to the lowest responsible bidder, and shall be based primarily on plans and specifications for typical work.

(b) For purposes of this section, "school district" means the Los Angeles Unified School District.

(c) Prior to entering into a contract under this section, a school district shall ensure that it is in compliance with Section 45103.1 of the Education Code.

(d) Task order procurement contracts may only be awarded to supplement existing personnel and shall not be used to supplant existing personnel.

(e) A school district may utilize task order procurement contracting pursuant to this article only if the school district has entered into a project labor agreement or agreements that meet the requirements of Section 2500 for all its public works projects.

20118.7. (a) (1) A school district that uses the task order procurement contracting method pursuant to this article shall, no later than January 15, 2023, submit to the appropriate policy and fiscal committees of the Legislature a report on the use of the

task order procurement contracting method. The report shall be prepared by an independent third party and the school district shall pay for the cost of the report.

(2) The report shall include, but is not limited to, the following information:

(A) A description of the projects awarded using the task order procurement contracting method.

(B) The contract award amounts.

(C) The task order contractors awarded the projects.

(D) A description of any written protests concerning any aspect of the solicitation, bid, or award of the task order procurement contracts, including the resolution of the protests.

(E) A description of the prequalification process.

(F) If a project awarded under this article has been completed, an assessment of the project performance, including, but not limited to, a summary of any delays or cost increases.

(b) Pursuant to Section 10231.5 of the Government Code, this section is inoperative on January 1, 2024.

20118.8. Except as otherwise provided in this article, the task order procurement contracting method is not intended to change any guideline, criterion, procedure, or requirement of the governing board of the school district to let a contract for a project to the lowest responsible bidder or else reject all bids.

20118.9. This article shall remain in effect only until January 1, 2024, and as of that date is repealed, unless a later enacted statute that is enacted before January 1, 2024, deletes or extends that date.

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 need to establish a pilot project for the Los Angeles Unified School District to determine the potential benefits and consequences of using task order procurement contracting to facilitate infrastructure improvements and ease fiscal impacts.

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 8, inclusive

AMENDMENTS TO ASSEMBLY BILL NO. 2493

Amendment 1

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

An act to amend Section 14585 of, to amend, repeal, and add Section 14509.4 of, and to add Section 14536.2 to, the Public Resources Code, relating to recycling.

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 14509.4 of the Public Resources Code is amended to read:

14509.4. (a) "Convenience zone" means either of the following:

~~(a)~~

(1) The area within a one-half mile radius of a supermarket.

~~(b)~~

(2) The area designated by the department pursuant to Section 14571.5.

(b) This section shall become inoperative on the operative date of the regulations adopted pursuant to Section 14536.2 and as of that date is repealed.

SEC. 2. Section 14509.4 is added to the Public Resources Code, to read:

14509.4. (a) "Convenience zone" means an area designated by the department pursuant to regulations adopted pursuant to Section 14536.2.

(b) This section shall become operative on the operative date of the regulations adopted pursuant to Section 14536.2.

SEC. 3. Section 14536.2 is added to the Public Resources Code, to read:

14536.2. On or before December 1, 2020, the department shall adopt regulations to define "convenience zone."

SEC. 4. Section 14585 of the Public Resources Code is amended to read:

14585. (a) The department shall adopt guidelines and methods for paying handling fees to supermarket sites, nonprofit convenience zone recyclers, or rural region recyclers to provide an incentive for the redemption of empty beverage containers in convenience zones. The guidelines shall include, but not be limited to, all of the following:

(1) Handling fees shall be paid on a monthly basis, in the form and manner adopted by the department. The department shall require that claims for the handling fee be filed with the department not later than the first day of the second month following the month for which the handling fee is claimed as a condition of receiving any handling fee.

(2) The department shall determine the number of eligible containers per site for which a handling fee will be paid in the following manner:

(A) Each eligible site's combined monthly volume of glass and plastic beverage containers shall be divided by the site's total monthly volume of all empty beverage container types.

(B) If the quotient determined pursuant to subparagraph (A) is equal to, or more than, 10 percent, the total monthly volume of the site shall be the maximum volume which is eligible for a handling fee for that month.

(C) If the quotient determined pursuant to subparagraph (A) is less than 10 percent, the department shall divide the volume of glass and plastic beverage containers by 10 percent. That quotient shall be the maximum volume that is eligible for a handling fee for that month.

~~(3) (A) On and after the effective date of the act amending this section during the 2011–12 Regular Session, and until March 1, 2013, the department shall pay a handling fee per eligible container in the amount determined pursuant to subdivisions (f) and (g).~~

~~(B) On and after July 1, 2014, the~~

(3) The department shall pay a handling fee per eligible container in the amount determined pursuant to subdivision (f).

(4) If the eligible volume in any given month would result in handling fee payments that exceed the allocation of funds for that month, as provided in subdivision (b), sites with higher eligible monthly volumes shall receive handling fees for their entire eligible monthly volume before sites with lower eligible monthly volumes receive any handling fees.

(5) (A) If a dealer where a supermarket site, nonprofit convenience zone recycler, or rural region recycler is located ceases operation for remodeling or for a change of ownership, the operator of that supermarket ~~site~~ site, nonprofit convenience zone recycler, or rural region recycler shall be eligible to apply for handling fees for that site for a period of three months following the date of the closure of the dealer.

(B) Every supermarket site operator, nonprofit convenience zone recycler, or rural region recycler shall promptly notify the department of the closure of the dealer where the supermarket site, nonprofit convenience zone recycler, or rural region recycler is located.

(C) Notwithstanding subparagraph (A), any operator who fails to provide notification to the department pursuant to subparagraph (B) shall not be eligible to apply for handling fees.

(b) The department may allocate the amount authorized for expenditure for the payment of handling fees pursuant to paragraph (1) of subdivision (a) of Section 14581 on a monthly basis and may carry over any unexpended monthly allocation to a subsequent month or months. However, unexpended monthly allocations shall not be carried over to a subsequent fiscal year for the purpose of paying handling fees but may be carried over for any other purpose pursuant to Section 14581.

(c) (1) The department shall not make handling fee payments to more than one certified recycling center in a convenience zone. If a dealer is located in more than one convenience zone, the department shall offer a single handling fee payment to a supermarket site located at that dealer. This handling fee payment shall not be split between the affected zones. The department shall stop making handling fee payments if another recycling center certifies to operate within the convenience zone without receiving payments pursuant to this section, if the department monitors the performance of the other recycling center for 60 days and determines that the recycling center is in compliance with this division. Any recycling center that locates in a convenience zone, thereby causing a preexisting recycling center to become ineligible to receive handling

fee payments, is ineligible to receive any handling fee payments in that convenience zone.

(2) The department shall offer a single handling fee payment to a rural region recycler located anywhere inside a convenience zone, if that convenience zone is not served by another certified recycling center and the rural region recycler does either of the following:

(A) Operates a minimum of 30 hours per week in one convenience zone.

(B) Serves two or more convenience zones, and meets all of the following criteria:

(i) Is the only certified recycler within each convenience zone.

(ii) Is open and operating at least eight hours per week in each convenience zone and is certified at each location.

(iii) Operates at least 30 hours per week in total for all convenience zones served.

(d) The department may require the operator of a supermarket ~~site~~ site, or the operator of a rural region ~~recycler~~ recycler, receiving handling fees to maintain records for each location where beverage containers are redeemed, and may require the supermarket site or rural region recycler to take any other action necessary for the department to determine that the supermarket site or rural region recycler does not receive an excessive handling fee.

(e) The department may determine and utilize a standard container per pound rate, for each material type, for the purpose of calculating volumes and making handling fee payments.

(f) (1) On or before January 1, 2008, and every two years thereafter, the department shall conduct a survey pursuant to this subdivision of a statistically significant sample of certified recycling centers that receive handling fee payments to determine the actual cost incurred for the redemption of empty beverage containers by those certified recycling centers. The department shall conduct these cost surveys in conjunction with the cost surveys performed by the department pursuant to subdivision (b) of Section 14575 to determine processing payments and processing fees. The department shall include, in determining the actual costs, only those allowable costs contained in the regulations adopted pursuant to this division that are used by the department to conduct cost surveys pursuant to subdivision (b) of Section 14575.

(2) Using the information obtained pursuant to paragraph (1), the department shall then determine the statewide weighted average cost incurred for the redemption of empty beverage containers, per empty beverage container, at recycling centers that receive handling fees.

(3) ~~Except as provided in subdivision (g), the~~ The department shall determine the amount of the handling fee to be paid for each empty beverage container by subtracting the amount of the statewide weighted average cost per container to redeem empty beverage containers by recycling centers that do not receive handling fees from the amount of the statewide weighted average cost per container determined pursuant to paragraph (2).

(4) The department shall adjust the statewide average cost determined pursuant to paragraph (2) for each beverage container annually to reflect changes in the cost of living, as measured by the Bureau of Labor Statistics of the United States Department of Labor or a successor agency of the United States government.

(5) The cost information collected pursuant to this section at recycling centers that receive handling fees shall not be used in the calculation of the processing payments determined pursuant to Section 14575.

~~(g) (1) On and after the effective date of the act amending this section during the 2011–12 Regular Session, and until March 1, 2013, the per-container handling fee shall not be less than the amount of the per-container handling fee that was in effect on July 1, 2011.~~

~~(2)~~

(g) The department may update the methodology and scrap values used for calculating the handling fee from the most recent cost survey if it finds that the handling fee resulting from the most recent cost survey does not accurately represent the actual cost incurred for the redemption of empty beverage containers by those certified recycling centers.

(h) Notwithstanding the regulations adopted pursuant to Section 14536.2 defining convenience zone, a recycling center that received a handling fee for the reporting period immediately before the adoption of those regulations shall remain eligible to receive handling fee payments pursuant to this section if it meets all of the requirements that were applicable to eligible recycling centers in convenience zones immediately before the adoption of those regulations.

Amendment 3

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

AMENDMENTS TO ASSEMBLY BILL NO. 2494

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

An act to add Chapter 8 (commencing with Section 16560) to Part 1 of Division 7 of the Business and Professions Code, relating to business.

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

SECTION 1. Chapter 8 (commencing with Section 16560) is added to Part 1 of Division 7 of the Business and Professions Code, to read:

CHAPTER 8. DELIVERY NETWORK COMPANY DRIVERS: BUSINESS LICENSES

16560. It is the intent of the Legislature to limit any requirement for a business license imposed by a local jurisdiction on a participating driver for a delivery network company to a single business license, regardless of the number of local jurisdictions in which the participating driver operates as a driver for a delivery network company.

16560.1. For purposes of this chapter, the following definitions apply:

(a) "Business license" includes any license, certificate, fee, or equivalent payment that is required or collected by a local jurisdiction annually, or on some other fixed cycle, as a condition of providing prearranged delivery services in the local jurisdiction.

(b) "Driver" means any person who uses a vehicle in connection with a delivery network company's online-enabled application or platform to connect with consumers.

(c) "Local jurisdiction" means a city, county, or city and county, including charter cities.

(d) "Personally identifiable information" means individually identifiable information about an individual driver collected by the local jurisdiction from that individual, including, but not limited to, all of the following:

(1) A first and last name.

(2) A residential address, including a street and city name.

(3) An email address.

(4) A telephone number.

(5) A social security number.

(6) Driver income or tax information.

(e) "Delivery network company" means an organization, including, but not limited to, a corporation, limited liability company, partnership, sole proprietor, or any other entity, operating in California that provides, arranges, or in any way facilitates prearranged delivery as an act of enrichment, financial or otherwise, of goods or services using an online-enabled application or platform to connect consumers with goods or service and to have those goods or services delivered directly to the consumer.

16560.2. (a) A local jurisdiction that requires a driver to obtain a business license to operate as a driver for a delivery network company shall only require that driver to obtain a single business license, regardless of the number of local jurisdictions in which the driver operates as a driver for a delivery network company.

(b) A driver for a delivery network company shall obtain a business license in the local jurisdiction in which the driver is domiciled. If the local jurisdiction does not require a business license to operate as a driver for a delivery network company, the driver shall not be required to obtain a business license for any other jurisdiction.

(c) A local jurisdiction shall not require a driver for a delivery network company to obtain a business license if either of the following applies:

(1) The driver is compliant with subdivision (b).

(2) The driver has not operated as a driver for more than 30 days in the preceding fiscal year.

(d) Each delivery network company shall notify its drivers of the obligations set forth in this chapter.

(e) Notwithstanding any other law, a business license issued to a driver for a delivery network company by a local jurisdiction pursuant to this chapter shall be valid for the period of time determined by the local jurisdiction by law or regulation, except that the local jurisdiction shall not require a driver to obtain a business license that applies for a period before January 1, 2019, or that imposes any penalty or fee on a driver related to the driver's failure to obtain a business license for providing delivery network services for a period before January 1, 2019.

(f) Personally identifiable information submitted to a local jurisdiction pursuant to this chapter shall not be disclosed on a publicly accessible Internet Web site.

(g) This chapter does not preclude the sharing of business license data among local jurisdictions.

(h) The Legislature finds and declares that allowing the free operation of drivers for delivery network companies across local jurisdictions is a matter of statewide concern and is not a municipal affair as that term is used in subdivision (a) of Section 5 of Article XI of the California Constitution.

Amendment 3
On page 1, strike out lines 1 to 9, inclusive, and strike out page 2

AMENDMENTS TO ASSEMBLY BILL NO. 2504

Amendment 1

In the title, in line 1, strike out "amend Section 662 of" and insert:

add Section 13519.41 to

Amendment 2

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

peace officer training.

Amendment 3

On page 1, before line 1, insert:

SECTION 1. Section 13519.41 is added to the Penal Code, immediately following Section 13619.4, to read:

13519.41. (a) The commission shall develop and implement, on or before January 1, 2020, a course of training regarding sexual orientation and gender identity minority groups in this state. In developing the training, the commission shall consult with sexual orientation and gender identity minority members of law enforcement and the community who have expertise in the area of sexual orientation and gender identity, including at least one male, one female, and one transgender person.

(b) (1) The course of training for officers and dispatchers described in subdivision (a) shall be incorporated into the course or courses of basic training for law enforcement officers and dispatchers on or before January 1, 2020, and shall include, but not be limited to, the following:

(A) The difference between sexual orientation and gender identity and how these two aspects of identity relate to each other and to race, culture, and religion.

(B) The terminology used to identify and describe sexual orientation and gender identity.

(C) How to create an inclusive workplace within law enforcement for sexual orientation and gender identity minorities.

(D) Important moments in history related to sexual orientation and gender identity minorities and law enforcement.

(E) How law enforcement can respond effectively to domestic violence and hate crimes involving sexual orientation and gender identity minorities.

(2) The training described in paragraph (1) shall be interactive using methodologies other than exclusively video media.

(c) Law enforcement officers, administrators, executives, and dispatchers who complete basic training prior to January 1, 2020, shall participate in supplementary training that includes all of the topics described in this section. The supplementary training shall be completed on or before December 31, 2022. Further training courses to update this instruction shall be established as deemed necessary by the commission.

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 4
On page 1, strike out lines 1 to 5, inclusive

AMENDMENTS TO ASSEMBLY BILL NO. 2508

Amendment 1

In the title, in line 1, strike out "5872 of the Government Code," and insert:

2611.6 of the Revenue and Taxation Code,

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 2611.6 of the Revenue and Taxation Code is amended to read:

2611.6. The following information shall be included in each county tax bill, whether mailed or electronically transmitted, or in a separate statement accompanying the bill:

(a) The full value of locally assessed property, including assessments made for irrigation district purposes in accordance with Section 26625.1 of the Water Code.

(b) The tax rate required by Article XIII A of the California Constitution.

(c) The rate or dollar amount of taxes levied in excess of the 1-percent limitation to pay for voter-approved indebtedness incurred before July 1, 1978, or bonded indebtedness for the acquisition or improvement of real property approved by two-thirds of the voters on or after June 4, 1986.

(d) The amount of any special taxes and special assessments levied.

(e) The amount of any tax rate reduction pursuant to Section 96.8, with the notation: "Tax reduction by (name of jurisdiction)."

(f) The amount of any exemptions. Exemptions reimbursable by the state shall be shown separately.

(g) The total taxes due and payable on the property covered by the bill.

(h) Instructions on tendering payment, including the name and mailing address of the tax collector.

(i) The billing of any special purpose parcel tax as required by paragraph (2) of subdivision (b) of Section 53087.4 of the Government Code, or any successor to that paragraph.

(j) Information specifying all of the following:

(1) That if the taxpayer disagrees with the assessed value as shown on the tax bill, the taxpayer has the right to an informal assessment review by contacting the assessor's office.

(2) That if the taxpayer and the assessor are unable to agree on a proper assessed value pursuant to an informal assessment review, the taxpayer has the right to file an application for reduction in assessment for the following year with the county board of equalization or the assessment appeals board, as applicable, and the time period during which the application will be accepted.

(3) The address of the clerk of the county board of equalization or the assessment appeals board, as applicable, at which forms for an application for reduction in assessment may be obtained.

(4) That if an informal or formal assessment review is requested, relief from penalties shall apply only to the difference between the county assessor's final determination of value and the value on the assessment roll for the fiscal year covered.

(k) All of the following debt and financial data of the county:

(1) The total debt.

(2) The annual operating expenses.

(3) The total unfunded pension liability.

(4) Payments made for retirement pensions earned in the current fiscal year.

(5) The total unfunded liability for health care benefits for retirees.

(6) Payments made for health care benefits for retirees earned in the current fiscal year.

(7) The total debt for pension obligation.

(8) Payments made for all other debt.

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 and 2 and strike out page 2

AMENDMENTS TO ASSEMBLY BILL NO. 2521

Amendment 1
In the title, in line 1, strike out "1050" and insert:

800

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

the military.

Amendment 3
On page 1, before line 1, insert:

SECTION 1. Section 800 of the Military and Veterans Code is amended to read:

800. (a) Subject to subdivision (b), in addition to any other benefits provided by law and to the extent permitted by federal law, a reservist who is called to active duty may defer payments on any of the following obligations while serving on active duty:

(1) An obligation secured by a mortgage or deed of trust.

(2) Credit card, as defined in Section 1747.02 of the Civil Code.

(3) Retail installment contract, as defined in Section 1802.6 of the Civil Code.

(4) Retail installment account, installment account, or revolving account, as defined in Section 1802.7 of the Civil Code.

(5) Up to two vehicle loans. For purposes of this chapter, "vehicle" means a vehicle as defined in Section 670 of the Vehicle Code.

(6) A payment of property tax or any special assessment of in-lieu property tax imposed on real property that is assessed on residential property owned by the reservist and used as that reservist's primary place of residence on the date the reservist was ordered to active duty.

(7) An obligation owed to a utility company.

(b) (1) In order for an obligation or liability of a reservist to be subject to the provisions of this chapter, the reservist or the reservist's designee shall deliver to the obligor both of the following:

(A) A ~~letter signed~~ written request by the ~~reservist, under penalty of perjury, requesting~~ reservist for a deferment of financial obligations. For purposes of this subparagraph, "written request" includes an electronic communication.

(B) A copy of the reservist's activation or deployment order and any other information that substantiates the duration of the service member's military service.

(2) If required by a financial institution, proof that the reservist's employer does not provide continuing income to the reservist while the reservist is on active military

duty, including the reservist's military pay, of more than 90 percent of the reservist's monthly salary and wage income earned before the call to active duty.

(c) Upon request of the reservist or the reservist's dependent or designee and within five working days of that request, if applicable, the employer of a reservist shall furnish the letter or other comparable evidence showing that the employer's compensation policy does not provide continuing income to the reservist, including the reservist's military pay, of more than 90 percent of the reservist's monthly salary and wage income earned before the call to active duty.

(d) The deferral period on financial obligations shall be the lesser of 180 days or the period of active duty plus 60 calendar days and shall apply only to those payments due subsequent to the notice provided to a lender as provided in subdivision (b). In addition, the total period of the deferment shall not exceed 180 days within a 365-day period.

(e) If a lender defers payments on a closed end credit obligation or an open-end credit obligation with a maturity date, pursuant to this chapter, the lender shall extend the term of the obligation by the amount of months the obligation was deferred.

(f) If a lender defers payments on an open-end credit obligation pursuant to this chapter, the lender may restrict the availability of additional credit with respect to that obligation during the term of the deferral.

Amendment 4

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

AMENDMENTS TO ASSEMBLY BILL NO. 2523

Amendment 1

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

to amend Section 60605.4 of the Education Code,

Amendment 2

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

computer science.

Amendment 3

On page 1, before line 1, insert:

SECTION 1. Section 60605.4 of the Education Code is amended to read:

60605.4. (a) On or before July 31, 2019, the Instructional Quality Commission shall consider developing and recommending to the state board computer science content standards for kindergarten and grades 1 to 12, inclusive, pursuant to recommendations developed by a group of computer science experts. The Instructional Quality Commission shall consider existing computer science content standards, which include, but are not limited to, the national K–12 computer science content standards developed by the Computer Science Teachers Association, and consider content standards that include, but are not necessarily limited to, standards for teaching ~~coding.~~ coding and digital literacy. For purposes of this section, "coding" is the process of converting a program design into an accurate and detailed representation of that program in a suitable language. For purposes of this section, "digital literacy" means the skills associated with using technology to enable users to find, evaluate, organize, create, and communicate information.

(b) (1) The Superintendent, in consultation with the state board, shall consider convening the group of experts referenced in subdivision (a), and shall ensure that the members of the group include, but are not necessarily limited to, all of the following:

(A) Teachers who teach computer science, including mathematics and science teachers, in kindergarten and grades 1 to 12, inclusive.

(B) Schoolsite principals.

(C) School district or county office of education administrators.

(D) University professors.

(E) Representatives of private sector business or industry.

(2) The Superintendent, in consultation with the state board, shall ensure that one-half of the members of the group are teachers as described in subparagraph (A) of paragraph (1).

(c) The computer science content standards may be used by school districts to develop computer science programs and course assessments but are not mandatory.

(d) The operation of this section is subject to an appropriation being made for purposes of this section in the annual Budget Act or another statute.

Amendment 4
On page 1, strike out lines 1 to 6, inclusive, and strike out page 2

AMENDMENTS TO ASSEMBLY BILL NO. 2536

Amendment 1

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

to add Title 12.7 (commencing with Section 14260) to Part 4 of the Penal Code,

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Title 12.7 (commencing with Section 14260) is added to Part 4 of the Penal Code, to read:

TITLE 12.7. ORANGE COUNTY PROPERTY CRIME TASK FORCE

14260. (a) The Orange County Property Crime Task Force is hereby established. The mission of the Orange County Property Crime Task Force is to identify, arrest, and prosecute the criminals who participate in property crime, and to also increase prevention methods and diversion.

(b) The task force shall be comprised of the following representatives:

(1) One representative selected by each of the following:

(A) The Orange County Sheriff.

(B) The Orange County District Attorney.

(C) The Orange County Public Defender.

(D) The Orange County Peace Officers Association.

(2) A representative from a crime victims' association.

(3) A representative from a nonprofit, community-based property crime prevention organization.

(c) The members of the task force shall serve at the pleasure of their appointing authority.

(d) The task force shall do all of the following:

(1) Work together to assess problems with property crime in Orange County.

(2) Jointly develop prevention and diversion methods.

(3) Jointly share information and resources that lead to the prosecution of individuals who participate in property crime.

(4) Coordinate interagency action to implement those prevention methods.

(e) The task force shall issue a report to the Legislature on or before January 1, 2020, with specific recommendations for local efforts addressing at least the following five points:

(1) How to identify local, collaborative partners and define their respective roles in preventing and intervening in property crime.

(2) How to identify data to utilize in analyzing property crime in Orange County.

(3) How to identify effective messages and channels for communicating those messages to the public.

(4) How to identify specific strategies for all members of the local partnership, whether they be law enforcement, social services, or others, in response to criminals who continue to participate in property crime.

(5) How to identify specific community referrals for youth participating in property crime activities including, but not limited to, alternative activities, recreation, job training, after school and mentoring programs, substance abuse treatment programs, anger management, and other constructive social programs.

(f) (1) The report required in subdivision (e) shall be issued in compliance with Section 9795 of the Government Code.

(2) The requirement for the report imposed by subdivision (d) is inoperative on January 1, 2023, pursuant to Section 10231.5 of the Government Code.

14262. This title shall be implemented only to the extent that funding is provided for it by an appropriation in the Budget Act.

Amendment 3

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

AMENDMENTS TO ASSEMBLY BILL NO. 2538

Amendment 1

In the title, in line 1, strike out "amend Section 13383.5 of" and insert:

add Section 13185 to

Amendment 2

On page 1, before line 1, insert:

SECTION 1. (a) The Legislature finds and declares as follows:

(1) On November 24, 2014, the federal Environmental Protection Agency, Office of Enforcement and Compliance Assurance, announced it had adopted a refined financial capability assessment framework to aid in negotiating schedules for compliance with the municipal federal Clean Water Act requirements and in developing integrated management plans.

(2) The financial capability assessment framework does not alter or waive water quality standards, but offers alternative compliance pathways to municipal separate storm sewer system permittees and achievable schedules for compliance for disadvantaged communities.

(3) A financial capability assessment is necessary to set achievable schedules for water quality objectives in water quality control plans under the Porter-Cologne Water Quality Control Act (Division 7 (commencing with Section 13000) of the Water Code) and to develop integrated regional water management plans.

(b) It is the intent of the Legislature in enacting this measure to do all of the following:

(1) Comply with the federal Clean Water Act (33 U.S.C. Sec. 1251 et seq.).

(2) Help local governments that are making a good faith effort to be stewards of the environment but lack a dedicated revenue source for stormwater.

(3) Find solutions and share the cost of compliance for local governments that are participating in a watershed management program or an enhanced watershed management program.

(4) Not weaken environmental protections for lower income communities but rather to provide funding to achieve the same protections for all communities.

(5) Help the State Water Resources Control Board, the California regional water quality control boards, and local governments to prioritize the many competing requirements faced by communities dealing with funding drinking water, groundwater, sanitary sewer, flood protection, and stormwater improvements.

(6) Give communities time to apply for grants to overcome the financial constraints of local government without fear of fines and third-party litigation.

SEC. 2. Section 13185 is added to the Water Code, to read:

13185. (a) By ____, the state board shall establish financial capability assessment guidelines for municipal separate storm sewer system permittees that are adequate and consistent when considering the costs to local jurisdictions, including costs incurred in previous years. In developing the guidelines, the state board shall document any

source it uses to develop an estimate of local costs and the overall cost of stormwater management. The state board shall consider, but is not limited to considering, both of the following United States Environmental Protection Agency policies in drafting the financial capability assessment guidelines:

(1) Combined Sewer Overflows—Guidance for Financial Capability Assessment and Schedule Development, dated February 1997.

(2) Affordability Criteria for Small Drinking Water Systems: An EPA Science Advisory Board Report, dated December 2002.

(b) The regional board for the Los Angeles region shall use the guidelines developed by the state board in a pilot project conducted to assess if a financial capability analysis can be effectively used to help municipalities to implement a municipal separate storm sewer system permit. The state board shall oversee the use of the guidelines and, upon completion of the pilot project, shall make statewide recommendations or site-specific recommendations based on feasibility and the need to address the most prominent pollutants.

Amendment 3
On page 1, strike out lines 1 to 10, inclusive, and strike out pages 2 and 3

AMENDMENTS TO ASSEMBLY BILL NO. 2553

Amendment 1

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

to add Chapter 2.100 (commencing with Section 53398.100) to Part 1 of Division 2 of Title 5 of the Government Code,

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Chapter 2.100 (commencing with Section 53398.100) is added to Part 1 of Division 2 of Title 5 of the Government Code, to read:

CHAPTER 2.100. VERTICAL HOUSING ZONES AND DISTRICTS

53398.100. (a) The Legislature finds and declares that with the dissolution of redevelopment agencies, public benefits will accrue if local agencies, excluding schools, are able to finance multifamily housing projects near high-transit areas through tax increment financing.

(b) The financing of multifamily housing projects near high-transit areas serves a public purpose by incentivizing and supporting the development of housing to alleviate the state's housing crisis, reducing greenhouse gases emissions by locating housing near transit and thereby reducing travel times, and activating underused land near high-transit areas and revitalizing surrounding neighborhoods.

53398.101. Unless the context otherwise requires, the definitions contained in this section shall govern the construction of this chapter.

(a) "Affected taxing entity" means any governmental taxing agency that levied or had levied on its behalf a property tax on all or a portion of the property located in the proposed district in the fiscal year prior to the designation of the district, but not including any county office of education, school district, or community college district.

(b) "County" means a county or a city and county.

(c) (1) "District" means a vertical housing district.

(2) A vertical housing district is a district within the meaning of Section 1 of Article XIII A of the California Constitution

(d) "High-transit area" means an area located within one-half mile of a major transit stop, as defined by Section 21064.3 of the Public Resources Code, or a high-quality transit corridor, as defined by Section 21155 of the Public Resources Code.

(e) "Legislative body" means the city council, board of supervisors, or governing body of an affected taxing entity.

(f) "Landowner" means any person shown as the owner of land on the last equalized assessment roll or otherwise known to be the owner of the land by the legislative body. The legislative body has no obligation to obtain other information as

to the ownership of land, and its determination of ownership shall be final and conclusive for the purposes of this chapter. A public agency is not a landowner or owner of land for purposes of this chapter, unless the public agency owns all of the land to be included within the proposed district.

(g) "Multifamily housing project" means a project in a vertical housing zone where 70 percent of the gross floor area is developed as residential housing.

(h) "Parcel" means that unit of land identified on a recorded subdivision map or assigned an assessor's parcel number by the county assessor of the county in which the unit of land is located.

(i) "Public financing authority" means the governing board of the district established pursuant to this chapter.

(j) "Vertical housing district" means a legally constituted governmental entity separate and distinct from the city or county that established it pursuant to this chapter for the sole purpose of financing multifamily housing projects in a high-transit area as authorized by this chapter. A vertical housing district shall be a local agency for purposes of Chapter 9 (commencing with Section 54950).

53398.102. (a) A district may be established by a city or county and another affected taxing entity or entities located within that city or county by a resolution adopted by the legislative body of the city or county and the governing body of each of the other entities at a noticed public hearing held pursuant to Chapter 9 (commencing with Section 54950).

(b) In forming a district, the legislative body shall do all of the following:

(1) State that a vertical housing district is proposed to be established pursuant to this chapter and describe the boundaries of the proposed district, which may be accomplished by reference to a map on file in the office of the clerk of the city or in the office of the recorder of the county, as applicable.

(2) State that portions of the vertical housing district are within a high-transit area.

(3) Attach a map identifying high-transit areas in the established district.

(4) State that incremental property tax revenue from the city or county and any other participating affected taxing entities within the district may be used, pursuant to Section 53398.107, to finance multifamily housing projects within the district.

(5) State the need for the district and the goals the district proposes to achieve.

(c) Upon the creation of a district, the legislative body of the establishing city or county shall direct the city clerk or county recorder, as applicable, to mail a copy of the resolution creating the district to each landowner within the district.

53398.103. (a) The public financing authority shall have a membership consisting of either of the following:

(1) If a district has only one participating affected taxing entity, the public financing authority's membership shall consist of three members of the legislative body of the participating entity, and two members of the public chosen by the legislative body. The appointment of the public members shall be subject to the provisions of Section 54974.

(2) If a district has two or more participating affected taxing entities, the public financing authority's membership shall consist of three members from the legislative bodies of the participating entities, and a minimum of two members of the public

chosen by the legislative bodies of the participating entities. The appointment of the public members shall be subject to the provisions of Section 54974.

(b) Members of the public financing authority established pursuant to this chapter shall not receive compensation but may receive reimbursement for actual and necessary expenses incurred in the performance of official duties pursuant to Article 2.3 (commencing with Section 53232) of Chapter 2.

(c) Members of the public financing authority are subject to Article 2.4 (commencing with Section 53234) of Chapter 2.

(d) The public financing authority created pursuant to this chapter shall be a local public agency subject to the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950)), the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1), and the Political Reform Act of 1974 (Title 9 (commencing with Section 81000)).

53398.104. (a) The public financing authority may, by a majority vote, designate areas as vertical housing zones within the district.

(b) The resolution to create a vertical housing zone shall include all of the following:

(1) (A) A statement that the entirety of the vertical housing zone or zones is within a high-transit area.

(B) Where at least 51 percent of the area of a parcel is located within a high-transit area, that parcel may also be included in a vertical housing zone.

(2) A statement that the vertical housing zone will incentivize the development of denser and taller housing projects in that area.

(3) A map and legal description of the vertical housing zone or zones.

(4) (A) A statement that incremental property tax revenue from the city or county and any other participating affected taxing entities may, pursuant to Section 53398.107, be used to finance multifamily housing projects within vertical housing zones.

(B) Specify the maximum portion of the incremental property tax revenue of the city or county and of each affected taxing entity proposed to be committed to a project located in a vertical housing zone for each year during which the district will receive incremental tax revenue for each vertical housing zone project. The portion need not be the same for all affected taxing entities. The portion may change over time.

(C) A projection of the amount of tax revenues expected to be received by the district in each year during which the district will receive tax revenues, including an estimate of the amount of tax revenues attributable to each affected taxing entity for each year.

(c) The public housing authority shall notify nonparticipating taxing entities that levy property taxes on property within a vertical housing zone of the creation of the vertical housing zone.

(d) Upon the creation of a vertical housing zone, the public financing authority shall direct the city clerk or county recorder, as applicable, to mail a copy of the resolution to create the vertical housing zone to each landowner within the district.

53398.105. (a) (1) The receipt of property tax revenue by district taxing entities from a vertical housing zone project pursuant to this section shall be divided as follows:

(A) That portion of the taxes that would be produced by the rate upon which the tax is levied each year by or for each of the affected taxing entities upon the total sum of the assessed value of the taxable property in the district as shown upon the assessment

roll used in connection with the taxation of the property by the affected taxing entity, last equalized prior to the effective date of the resolution adopted pursuant to Section 53398.107 to create the project, shall be allocated to, and when collected shall be paid to, the respective affected taxing entities as taxes by or for the affected taxing entities on all other property are paid.

(B) That portion of the levied taxes each year specified for the city, county, or other affected taxing entity that has agreed to participate pursuant to Section 53398.102 in excess of the amount specified in subparagraph (A) shall be allocated to, and when collected shall be paid into, a project fund of the district. Unless and until the total assessed valuation of the taxable property in a district exceeds the total assessed value of the taxable property in the district as shown by the last equalized assessment roll referred to in subparagraph (A), all of the taxes levied and collected upon the taxable property in the district shall be paid to the respective affected taxing entities. When the term of the vertical housing zone project is completed, all moneys thereafter received from taxes upon the taxable property in the district shall be paid to the respective affected taxing entities as taxes on all other property are paid.

(C) That portion of any ad valorem property tax revenue annually allocated to a city or county pursuant to Section 97.70 of the Revenue and Taxation Code for the city, county, or other affected taxing entity that has agreed to participate pursuant to Section 53398.102, and that corresponds to the increase in the assessed valuation of taxable property shall be allocated to, and, when collected, shall be apportioned to, a project fund of the district for all lawful purposes of the district.

(2) When the term of the vertical housing zone project is completed, the revenues described in this subdivision shall be allocated to, and when collected, shall be apportioned to, the respective city, county, or affected taxing entity.

(b) A multifamily housing project within a vertical housing zone is eligible to receive incremental property tax revenue from the district, pursuant to subdivision (a), if the following requirements are satisfied:

(1) The land of the proposed multifamily housing project is completely within a vertical housing zone of a district.

(2) The multifamily project is entitled by the proper land use authority, legislative body, or otherwise, to develop the fully allowable residential density, including, but not limited to, any height limits, floor area ratio, and unit limit consistent with any applicable building code.

(3) If a local jurisdiction has an inclusionary housing program in place at the time of the application, the developer shall do one of the following:

(A) Participate in the local inclusionary housing program.

(B) Provide 20 percent of the units of the project as workforce housing for 60 years at rental rates calculated as follows:

(i) The workforce set-aside rent shall be not more than 90 percent of the current market rent of the non-set-aside units in the project.

(ii) Multiply the workforce set-aside rent by 12. Divide the result by a 30-percent United States Department of Housing and Urban Development housing cost ratio standard. The resulting amount shall be divided by the area median income. The resulting amount shall be applied to the workforce set-aside rent for a period of 60 years.

(4) The multifamily housing project complies with Section 53398.106.

(c) (1) A vertical housing zone project that satisfies the requirements of this section and is approved pursuant to Section 53398.107 shall receive incremental property taxes collected on the project for 15 years, except as provided in paragraph (3), beginning with the year the project is deemed completed.

(2) A vertical housing zone project is deemed completed when a certificate of occupancy has been issued by a building official for the city or county in which the project is located.

(3) (A) A vertical housing zone project that provides workforce housing or complies with local inclusionary housing requirements pursuant to paragraph (3) of subdivision (b) shall receive incremental property taxes for 20 years.

(B) A vertical housing zone project that is not subject to local inclusionary housing requirements may elect to provide workforce housing pursuant to subparagraph (B) of paragraph (3) of subdivision (b). A vertical housing zone project that elects to provide workforce housing pursuant to this subparagraph shall receive incremental property taxes for 20 years.

(d) A developer seeking a vertical housing zone project designation for a multifamily housing project may request a waiver from project permitting fees and impact fees from the permitting agency of the city or county belonging to the district.

53398.106. If the vertical housing zone project requires the demolition of housing that meets any of the following, a developer shall provide on-site housing as a replacement for units demolished at levels of affordability at the time of last occupancy prior to demolition:

(a) The housing is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.

(b) The housing is subject to any form of rent or price control through a public entity's valid exercise of its police power.

(c) The housing has been occupied by tenants within the past 10 years.

53398.107. (a) A developer of a multifamily housing project within a vertical housing zone of a district may apply for a vertical housing zone project designation by filing an application with the public financing authority. The application shall include all of the following:

(1) A project description packet, including proposed construction, current state of the site, the number of units at both affordable and market rates, and nonresidential uses proposed for the site.

(2) All applicable and necessary entitlements demonstrating that the project is entitled to build the full height and density as described in paragraph (2) of subdivision (b) of Section 53398.105.

(3) A statement that any affordable units on site will remain affordable for 60 years by recordation of a covenant.

(b) (1) The public financing authority shall approve applications for vertical housing zone project designations by majority vote.

(2) Prior to voting on whether to approve an application pursuant to paragraph (1), the public financing authority shall direct the city clerk or county assessor to notify landowners within a 150-foot radius of the multifamily housing project 20 days prior, by mail, of the initial public meeting to consider the designation of a vertical housing zone project.

(c) Upon approval, the developer and the public financing authority shall execute a binding agreement that includes both of the following:

(1) A commitment by the public financing authority to provide a property tax increment to the vertical housing zone project, upon completion, for a period of 15 or 20 years, as provided in Sections 53398.105 and 53398.108.

(2) A commitment by the developer that it will do all of the following:

(A) Develop the project fully as entitled.

(B) Comply with Section 53398.106.

(C) Comply with subparagraph (3) of subdivision (b) of Section 53398.105, as applicable.

(D) Not seek additional public funding in the form of grants, loans, or other aid.

53398.108. Following the receipt of property tax increment proceeds pursuant to Section 53398.105, the district shall annually disburse the funds to completed vertical housing zone projects pursuant to any agreements entered into pursuant to subdivision (c) of Section 53398.107.

Amendment 3

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

AMENDMENTS TO ASSEMBLY BILL NO. 2558

Amendment 1

In the title, in line 1, strike out "Section 24301" and insert:

Sections 24300.5, 24301, 24304.2, 26885, 26980, and 26981

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 24300.5 of the Government Code is amended to read:

24300.5. (a) (1) In addition to the duties of the county offices ~~which~~ that may be consolidated under the provisions of Section 24300, the board of supervisors may by ordinance consolidate the offices of auditor, controller, treasurer, tax collector, and director of finance.

(2) The board of supervisors shall not consolidate an elective office with an appointed office pursuant to subdivision (a), except through an election that complies with subdivision (b) of Section 24009 and subdivision (b) of Section 26980.

(b) Any person elected or appointed to the combined office of auditor-controller-treasurer-tax collector-director of finance shall meet the qualifications set forth in Sections 26945 and Section 27000.7.

Amendment 3

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

SEC. 2.

Amendment 4

On page 1, in line 3, strike out "If" and insert:

(a) Except as provided in subdivision (b), if

Amendment 5

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

reconsolidating

Amendment 6

On page 2, below line 4, insert:

(b) If the duties of the offices of auditor, controller, treasurer, tax collector, and director of finance are consolidated pursuant to Section 24300.5, the board of supervisors shall only separate those offices through an election that complies with subdivision (b) of Section 24009 and subdivision (b) of Section 26980.

SEC. 3. Section 24304.2 of the Government Code is amended to read:

24304.2. (a) Notwithstanding Section 24300, ~~in Mendocino County, Santa Cruz County, Sonoma County, Trinity County, and Tulare County,~~ the counties of Mendocino, Santa Cruz, Sonoma, Trinity, and Tulare, the board of supervisors, by ordinance, may consolidate the duties of the offices of ~~Auditor-Controller~~ auditor-controller and ~~Treasurer-Tax Collector~~ treasurer-tax collector into the elected office of ~~Auditor-Controller-Treasurer-Tax Collector.~~ auditor-controller-treasurer-tax collector.

(b) Notwithstanding Section 24300, in the counties of Mendocino, Santa Cruz, Sonoma, Trinity, and Tulare, the duties of the offices of auditor-controller, treasurer-tax collector, and director of finance may be consolidated into the elected office of auditor-controller-treasurer-tax collector-director of finance by through an election that complies with subdivision (b) of Section 24009 and subdivision (b) of Section 26980.

SEC. 4. Section 26885 of the Government Code is amended to read:

26885. (a) The provisions of this chapter shall become operative only upon their adoption by a resolution passed by a unanimous vote of the board of supervisors at a regular meeting at which all members are present. ~~Any~~

(b) (1) If the office of auditor-controller is appointive, a resolution adopted pursuant to this section may be repealed by the board of supervisors at any time by a three-fifths vote.

(2) If the office of auditor controller is elective, a resolution adopted pursuant to this section may be repealed by the voters at any primary or general election.

SEC. 5. Section 26980 of the Government Code is amended to read:

26980. The board of supervisors of any county may establish the office of director of finance.

(a) The board of supervisors shall submit to the electors of the county the question of whether the office of director of finance shall be established. If a majority of the voters voting on the question at that election favor the establishment of the office, the board of supervisors shall, by ordinance, create the office.

(b) (1) The board of supervisors at that election ~~may~~ shall also submit to the voters the question of whether the office, if so established, shall be elective, or appointed by the board of supervisors. ~~If~~ The ballot label for this question shall read as follows:

"If the office of director of finance is established, shall the office be elected by the voters or be appointed by the board of supervisors?"

The ballot label shall be followed by the words "Elected" and "Appointed," from which the person voting may cast their choice as to whether the office shall be elective or appointive.

(2) If a majority of the voters voting on the question favor making the office elective, the board of supervisors shall, in the ordinance creating the office, make it an elective one.

(c) Any person may be appointed by the board of supervisors, or be a candidate for election, to the office of director of finance, consolidated from other offices pursuant to this chapter, if he or she meets the qualifications set forth in Section 26945 or Section 27000.7.

SEC. 6. Section 26981 of the Government Code is amended to read:

26981. (a) The office of director of finance shall be consolidated with the offices of auditor, controller, tax collector, and treasurer and the director of finance shall have all the powers and duties of ~~such~~ the offices so consolidated together with ~~such~~ any other powers and duties as the board of supervisors may provide.

(b) Any person elected or appointed to the combined office of auditor-controller-treasurer-tax collector-director of finance shall meet the qualifications set forth in Sections 26945 and Section 27000.7.

AMENDMENTS TO ASSEMBLY BILL NO. 2560

Amendment 1

In the title, in line 1, strike out "relating to corrections." and insert:

to add Part 28 (commencing with Section 53001) to Division 2 of the Revenue and Taxation Code, relating to taxation, and making an appropriation therefor.

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Part 28 (commencing with Section 53001) is added to Division 2 of the Revenue and Taxation Code, to read:

PART 28. STATE INCARCERATION PREVENTION TAX

CHAPTER 1. GENERAL PROVISIONS

53001. For the purposes of this part, the following terms shall have the following meanings:

(a) "Department" means the Department of Corrections and Rehabilitation.

(b) "Final contract price" means a mutually agreed upon total amount that the department pays to a vendor on completion of the contract, in accordance with contract terms and conditions and their subsequent modifications, for goods, services, or both.

(c) (1) Except as specified in paragraph (2), "person" means an individual, trust firm, joint stock company, business concern, corporation, including, but not limited to, a government corporation, partnership, limited liability company, and association.

(2) "Person" shall not include organizations that are exempt from income tax pursuant to Section 23701 of the Revenue and Taxation Code and state and local agencies.

(d) "Vendor" means a person who contracts with a department to provide a state prison with goods, services, or both.

53002. For contracts entered into on or after January 1, 2019, for the privilege of contracting with the department to provide a state prison with goods, services, or both, except for health care contracts and contracts with private prison vendors, a tax is hereby imposed upon all vendors as follows:

(a) Ten percent on the portion of the contract value exceeding fifty million dollars ($50,000,000).

(b) Nine percent on the portion of the contract value exceeding twenty-five million dollars ($25,000,000) and less than or equal to fifty million dollars ($50,000,000).

(c) Eight percent on the portion of the contract value exceeding ten million dollars ($10,000,000) and less than or equal to twenty-five million dollars ($25,000,000).

(d) Seven percent on the portion of the contract value exceeding five million dollars ($5,000,000) and less than or equal to ten million dollars ($10,000,000).

(e) Six percent on the portion of the contract value exceeding one million dollars ($1,000,000) and less than or equal to five million dollars ($5,000,000).

(f) There is no tax on the portion of the contract less than or equal to one million dollars ($1,000,000).

53004. (a) (1) The tax imposed pursuant to Section 53002 shall be collected annually by the board pursuant to the Fee Collection Procedures Law (Part 30 (commencing with Section 55001)). For the purposes of this part, the references in the Fee Collection Procedures Law to "fee" shall include the tax imposed by this part, and references to "feepayer" shall include any vendor.

(2) Notwithstanding the appeal provisions in the Fee Collection Procedures Law, a determination by the department that a person is required to pay the tax, or a determination by the department regarding the amount of that tax, is subject to review pursuant to Section 53006 and is not subject to a petition for redetermination by the board.

(3) (A) Notwithstanding the refund provisions in the Fee Collection Procedures Law, the board shall not accept any claim for refund that is based on the assertion that a determination by the department improperly or erroneously calculated the amount of the tax, or incorrectly determined that the person is subject to that tax, unless that determination has been set aside by the department or a court reviewing the determination of the department.

(B) If it is determined by the department or a reviewing court that a person is entitled to a refund of all or part of the state incarceration prevention tax, the vendor shall make a claim to the board pursuant to Chapter 5 (commencing with Section 55221) of Part 30 of Division 2 of the Revenue and Taxation Code.

(b) (1) On or before each January 1, the department shall annually transmit to the board the name and address of each person who is liable for the tax and the amount of the tax to be assessed. The department also shall provide the board a department contact telephone number to be printed on the bill to respond to questions about the tax.

(2) The board shall assess and collect the tax annually on or before April 1 of each year.

53005. 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 standard, criterion, procedure, determination, rule, notice, or guideline established or issued by the board or the Attorney General to implement the purposes of this part.

53006. (a) The State Incarceration Prevention Fund is hereby created in the State Treasury.

(b) The board shall transmit the payments, less refunds, to the State Treasury to be deposited into the State Incarceration Prevention Fund.

(c) Notwithstanding Section 13340 of the Government Code, all amounts deposited into the State Incarceration Prevention Fund shall be continuously appropriated without regard to fiscal years to the following:

(1) The board and the Attorney General for reimbursement of their costs for administering this part, and for administering a publicly accessible database where

contractors, contract values, a summary of the contract, and annual payout for the contracts are listed.

(2) The remainder to the State Department of Education to administer grants for preschool and after school programs for the purposes of providing services to prevent people from being incarcerated and providing early intervention programs.

53008. (a) The tax imposed by this part shall not be passed through to the state by way of higher prices for the goods or services in the contract.

(b) A vendor shall certify in the contract under penalty of perjury that the tax imposed by this part was not passed through to the state by way of higher prices for the goods and services in the contract.

(c) The Attorney General shall enforce this section and may monitor and, if necessary, investigate any instance where a vendor has passed or attempted to pass the tax through to the state.

(d) Any vendor that fails to comply with this section shall pay a penalty in an amount not to exceed 1 percent of the final contract price for each instance the vendor fails to comply with this section.

CHAPTER 2. APPEALS PROCESS

53010. A person from whom the tax under this part is determined to be due may petition for a redetermination of whether this part applies to that person within 30 days after service upon him or her of a notice of determination. If a petition for redetermination is not filed within the 30-day period, the amount determined to be due becomes final at the expiration of the 30-day period.

53011. A petition for redetermination of the application of this part shall be in writing and be sent to the department or its designee. The petition shall state the specific grounds upon which the petition is founded and include supporting documentation. The petition may be amended to state additional grounds or provide additional documentation at any time prior to the date that the department issues its order or decision with regard to the petition for redetermination.

53012. If a petition for redetermination of the application of this part is filed within the 30-day period, the department shall reconsider whether the tax is due and make its decision in writing. The department may eliminate the imposition of the tax based on its determination that this part does not apply to the person who filed the petition.

53013. If a timely petition for redetermination has been filed pursuant to Section 53010, all action to collect the tax shall be stayed pending the final decision of the department pursuant to Section 53015.

53014. Notice of the decision of the department pursuant to Section 53012 shall be served on the same date to the board and the person who filed the petition.

53015. The order or decision of the department upon a petition for redetermination of the tax shall become final 30 days after service upon the petitioner of notice of its decision.

53016. The tax determined to be due by the department pursuant to this article is due and payable at the time the notice pursuant to Section 53015 becomes final, and

if it is not paid when due, the penalty imposed pursuant to Section 55086 shall be applied.

53017. Written notice required by this article shall be served as follows:

(a) The notice shall be placed in a sealed envelope, with postage paid, addressed to the petitioner at his or her address as it appears in the records of the department. The giving of notice shall be deemed complete at the time of the deposit of the notice in a United States Post Office, or a mailbox, sub-post office, substation, mail chute, or other facility regularly maintained or provided by the United States Postal Service without extension of time for any reason.

(b) In lieu of mailing, a notice may be served personally by delivering it to the person to be served and service shall be deemed complete at the time of delivery. Personal service to a corporation may be made by delivery of a notice to any person designated in the Code of Civil Procedure to be served for the corporation with summons and complaint in a civil action.

53018. A dispute regarding the tax imposed by this part shall be resolved pursuant to this article only.

53019. If the department determines that a person is entitled to a refund of all or part of the tax paid pursuant to this part, the person shall make a claim to the board pursuant to Chapter 5 (commencing with Section 55221).

SEC. 2. 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 3

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

AMENDMENTS TO ASSEMBLY BILL NO. 2568

Amendment 1

In the title, in line 1, strike out "amend Section 851.6 of the Penal Code, relating to", strike out line 2 and insert:

add Section 4001.2 to the Penal Code, relating to jails.

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 4001.2 is added to the Penal Code, to read:

4001.2. (a) Each county jail shall, upon detention of a person, perform a case summary that includes, but is not limited to, checking if the person has served in the United States military.

(b) The county jail shall make this case summary available to the person, his or her counsel, and the district attorney.

(c) This section shall become operative on January 1, 2020.

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 6, inclusive, and strike out page 2

AMENDMENTS TO ASSEMBLY BILL NO. 2574

Amendment 1

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

Bloom

Amendment 2

In the title, in line 1, strike out "401" and insert:

23036

Amendment 3

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

taxation, to take effect immediately, tax levy.

Amendment 4

On page 1, before line 1, insert:

SECTION 1. Section 23036 of the Revenue and Taxation Code is amended to read:

23036. (a) (1) The term "tax" includes any of the following:

(A) The tax imposed under Chapter 2 (commencing with Section 23101).

(B) The tax imposed under Chapter 3 (commencing with Section 23501).

(C) The tax on unrelated business taxable income, imposed under Section 23731.

(D) The tax on "S" corporations imposed under Section 23802.

(2) The term "tax" does not include any amount imposed under paragraph (1) of subdivision (e) of Section 24667 or paragraph (2) of subdivision (f) of Section 24667.

(b) For purposes of Article 5 (commencing with Section 18661) of Chapter 2, Article 3 (commencing with Section 19031) of Chapter 4, Article 6 (commencing with Section 19101) of Chapter 4, and Chapter 7 (commencing with Section 19501) of Part 10.2, and for purposes of Sections 18601, 19001, and 19005, the term "tax" also includes all of the following:

(1) The tax on limited partnerships, imposed under Section 17935, the tax on limited liability companies, imposed under Section 17941, and the tax on registered limited liability partnerships and foreign limited liability partnerships imposed under Section 17948.

(2) The alternative minimum tax imposed under Chapter 2.5 (commencing with Section 23400).

(3) The tax on built-in gains of "S" corporations, imposed under Section 23809.

(4) The tax on excess passive investment income of "S" corporations, imposed under Section 23811.

(c) For each taxable year beginning on or after January 1, 2019, for purposes of Section 23609, the term "tax" shall also include the alternative minimum tax imposed under Chapter 2.5 (commencing with Section 23400).

~~(c)~~

(d) Notwithstanding any other provision of this part, credits are allowed against the "tax" in the following order:

(1) Credits that do not contain carryover provisions.

(2) Credits that, when the credit exceeds the "tax," allow the excess to be carried over to offset the "tax" in succeeding taxable years, except for those credits that are allowed to reduce the "tax" below the tentative minimum tax, as defined by Section 23455. The order of credits within this paragraph shall be determined by the Franchise Tax Board.

(3) The minimum tax credit allowed by Section 23453.

(4) Credits that are allowed to reduce the "tax" below the tentative minimum tax, as defined by Section 23455.

(5) Credits for taxes withheld under Section 18662.

~~(d)~~

(e) Notwithstanding any other provision of this part, each of the following applies:

(1) A credit may not reduce the "tax" below the tentative minimum tax (as defined by paragraph (1) of subdivision (a) of Section 23455), except the following credits:

(A) The credit allowed by former Section 23601 (relating to solar energy).

(B) The credit allowed by former Section 23601.4 (relating to solar energy).

(C) The credit allowed by former Section 23601.5 (relating to solar energy).

(D) The credit allowed by Section 23609 (relating to research expenditures).

(E) The credit allowed by former Section 23609.5 (relating to clinical testing expenses).

(F) The credit allowed by Section 23610.5 (relating to low-income housing).

(G) The credit allowed by former Section 23612 (relating to sales and use tax credit).

(H) The credit allowed by Section 23612.2 (relating to enterprise zone sales or use tax credit).

(I) The credit allowed by former Section 23612.6 (relating to Los Angeles Revitalization Zone sales tax credit).

(J) The credit allowed by former Section 23622 (relating to enterprise zone hiring credit).

(K) The credit allowed by Section 23622.7 (relating to enterprise zone hiring credit).

(L) The credit allowed by former Section 23623 (relating to program area hiring credit).

(M) The credit allowed by former Section 23623.5 (relating to Los Angeles Revitalization Zone hiring credit).

(N) The credit allowed by former Section 23625 (relating to Los Angeles Revitalization Zone hiring credit).

(O) The credit allowed by Section 23633 (relating to targeted tax area sales or use tax credit).

(P) The credit allowed by Section 23634 (relating to targeted tax area hiring credit).

(Q) The credit allowed by former Section 23649 (relating to qualified property).

(R) For taxable years beginning on or after January 1, 2011, the credit allowed by Section 23685 (relating to qualified motion pictures).

(S) For taxable years beginning on or after January 1, 2014, the credit allowed by Section 23689 (relating to GO-Biz California Competes Credit).

(T) For taxable years beginning on or after January 1, 2016, the credit allowed by Section 23695 (relating to qualified motion pictures).

(U) For taxable years beginning on or after January 1, 2014, the credit allowed by Section 23686 (relating to the College Access Tax Credit Fund).

(V) For taxable years beginning on or after January 1, 2017, the credit allowed by Section 23687 (relating to the College Access Tax Credit Fund).

(2) A credit against the tax may not reduce the minimum franchise tax imposed under Chapter 2 (commencing with Section 23101).

~~(e)~~

(f) Any credit which is partially or totally denied under subdivision ~~(d)~~ (e) is allowed to be carried over to reduce the "tax" in the following year, and succeeding years if necessary, if the provisions relating to that credit include a provision to allow a carryover of the unused portion of that credit.

~~(f)~~

(g) Unless otherwise provided, any remaining carryover from a credit that has been repealed or made inoperative is allowed to be carried over under the provisions of that section as it read immediately prior to being repealed or becoming inoperative.

~~(g)~~

(h) Unless otherwise provided, if two or more taxpayers share in costs that would be eligible for a tax credit allowed under this part, each taxpayer is eligible to receive the tax credit in proportion to his or her respective share of the costs paid or incurred.

~~(h)~~

(i) Unless otherwise provided, in the case of an "S" corporation, any credit allowed by this part is computed at the "S" corporation level, and any limitation on the expenses qualifying for the credit or limitation upon the amount of the credit applies to the "S" corporation and to each shareholder.

~~(i)~~

(j) (1) With respect to any taxpayer that directly or indirectly owns an interest in a business entity that is disregarded for tax purposes pursuant to Section 23038 and any regulations thereunder, the amount of any credit or credit carryforward allowable for any taxable year attributable to the disregarded business entity is limited in accordance with paragraphs (2) and (3).

(2) The amount of any credit otherwise allowed under this part, including any credit carryover from prior years, that may be applied to reduce the taxpayer's "tax," as defined in subdivision (a), for the taxable year is limited to an amount equal to the excess of the taxpayer's regular ~~tax (as~~ tax, as defined in Section ~~23455),~~ 23455, determined by including income attributable to the disregarded business entity that generated the credit or credit carryover, over the taxpayer's regular ~~tax (as~~ tax, as defined in Section ~~23455),~~ 23455, determined by excluding the income attributable to that disregarded business entity. A credit is not allowed if the taxpayer's regular ~~tax (as~~ tax, as defined in Section ~~23455),~~ 23455, determined by including the income attributable to the disregarded business entity is less than the taxpayer's regular ~~tax (as~~

tax, as defined in Section ~~23455),~~ 23455, determined by excluding the income attributable to the disregarded business entity.

(3) If the amount of a credit allowed pursuant to the section establishing the credit exceeds the amount allowable under this subdivision in any taxable year, the excess amount may be carried over to subsequent taxable years pursuant to subdivisions ~~(d), (e), and (f).~~ (e), (f), and (g).

~~(j)~~

(k) (1) Unless otherwise specifically provided, in the case of a taxpayer that is a partner or shareholder of an eligible ~~pass-thru~~ passthrough entity described in paragraph (2), any credit passed through to the taxpayer in the taxpayer's first taxable year beginning on or after the date the credit is no longer operative may be claimed by the taxpayer in that taxable year, notwithstanding the repeal of the statute authorizing the credit prior to the close of that taxable year.

(2) For purposes of this subdivision, "eligible ~~pass-thru~~ passthrough entity" means any partnership or "S" corporation that files its return on a fiscal year basis pursuant to Section 18566, and that is entitled to a credit pursuant to this part for the taxable year that begins during the last year a credit is operative.

(3) This subdivision applies to credits that become inoperative on or after the operative date of ~~the act adding this subdivision.~~ Chapter 920 of the Statutes of 2001.

SEC. 2. This act provides for a tax levy within the meaning of Article IV of the California Constitution and shall go into immediate effect.

Amendment 5

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

AMENDMENTS TO ASSEMBLY BILL NO. 2578

Amendment 1
In the heading, below line 2, insert:

(Coauthor: Assembly Member Ting)

Amendment 2
In the title, in line 1, strike out "Section 53395.8 of the Government Code," and insert:

Sections 53395.2, 53395.3, 53395.8, and 53396 of, and to repeal Section 53395.81 of, the Government Code, and to amend Section 96.1 of the Revenue and Taxation Code,

Amendment 3
On page 1, before line 1, insert:

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

(a) The California Legislature formed the Board of State Harbor Commissioners to create a deep water port in San Francisco.

(b) From 1878 to 1916, the Board of State Harbor Commissioners oversaw the construction of the San Francisco Seawall (hereafter seawall). The seawall stretches three miles from Fisherman's Wharf to Mission Creek, and is a contributing resource to the Embarcadero Historic District, which is listed on the National Register of Historic Places and includes the Ferry Building and the historic finger piers that are pile-supported structures with ornamental bulkhead buildings constructed on top of the seawall and the marginal wharf.

(c) Areas of San Francisco, including portions of the San Francisco waterfront, are characterized by deteriorating conditions that cannot be remedied by private investment alone, and require the use of public financing mechanisms to finance the rectification of deteriorating conditions.

(d) The San Francisco waterfront, including the Embarcadero Historic District, is a valuable public trust asset of the state and provides special maritime, navigational, recreational, cultural, emergency response, and historical benefits to the people of the region and the state. Under the Burton Act and the Burton Act transfer agreement, in 1969, the state conveyed the San Francisco waterfront to the City and County of San Francisco, through the Port of San Francisco (hereafter port), in trust for the public and Burton Act trust purposes, subject to the obligation on the part of the City and County of San Francisco to assume $55,000,000 in state debt obligations then existing relating to the waterfront properties. Under the San Francisco Charter, the people of San Francisco charged the port with administration of the San Francisco waterfront and the responsibility for discharging the preexisting debt obligations. Since 1969, these preexisting debt obligations have limited the port's ability to finance substantial

investment in public trust facilities within its jurisdiction, resulting in deteriorating conditions along the San Francisco waterfront.

(e) The seawall and the structures that comprise the Embarcadero Historic District were built before the adoption of seismic construction standards in the 1955 edition of the Uniform Building Code and the 1956 edition of the San Francisco Building Code, and are constructed on bay fill or bay mud in locations designated by the United States Geological Survey as seismic hazard areas. While several structures have been seismically retrofit, many port facilities may be unsafe during a large seismic event due to the lack of seismic standards governing their construction and the liquefaction risk associated with port property.

(f) There is a 72 percent chance of a 6.7 or greater magnitude earthquake striking the Bay Area in the next 26 years, according to the United States Geological Survey (USGS 2014 Working Group on California Earthquake Probabilities). The two most hazardous faults in the region are the Hayward-Rodgers Creek fault system and the San Andreas fault. An earthquake of that size could prove devastating to life, property, and the Bay Area regional economy.

(g) In 2016, the port's Chief Harbor Engineer completed an earthquake vulnerability study that indicated that most of the waterfront is highly susceptible to earthquake damage associated with liquefaction and the resultant seawall movement and localized failure of the bulkheads. Such damage would impact critical infrastructure, including emergency response facilities, evacuation routes, critical utilities, and transportation infrastructure.

(h) Currently, there are areas of the San Francisco waterfront that flood during high tides and major storms. Sea level rise will increase waterfront-wide flood risks over time. San Francisco is planning for a sea level rise of 12 inches by 2030, 24 inches by 2050, and a possible 66 inches by 2100. A real problem exists today: a 100 year flood is projected to flood the MUNI light rail tunnel along the Embarcadero, posing serious risk to MUNI and BART.

(i) The City and County of San Francisco wants to establish one or more infrastructure financing districts to finance public facilities along the San Francisco waterfront through its port. Due to the extraordinary capital needs of the port to repair and reinforce the seawall, it is the intent of the Legislature to provide the City and County of San Francisco and its port the widest latitude, within the framework of the infrastructure financing district law, to create and operate infrastructure financing districts in the manner that provides the optimal financing options to construct needed public facilities on public trust waterfront lands in order to meet the stated goals of statewide significance. Therefore, it is necessary to adapt Chapter 2.8 (commencing with Section 53395) of Part 1 of Division 2 of Title 5 of the Government Code, relating to infrastructure financing districts, to these unique circumstances.

SEC. 2. Section 53395.2 of the Government Code is amended to read:

53395.2. (a) The revenues available pursuant to Article 3 (commencing with Section 53396) may be used directly for work allowed pursuant to Section 53395.3, may be accumulated for a period not to exceed five years to provide a fund for that work, may be pledged to pay the principal of, and interest on, bonds issued pursuant to Article 4 (commencing with Section 53397.1), or may be pledged to pay the principal of, and interest on, bonds issued pursuant to the Improvement Bond Act of 1915 (Division 10 (commencing with Section 8500) of the Streets and Highways Code) or

the Mello-Roos Community Facilities Act of 1982 (Chapter 2.5 (commencing with Section 53311)), ~~the~~ to the extent that the proceeds of which have been or will be used ~~entirely~~ for allowable purposes of the district. The revenue of the district may also be advanced for allowable purposes of the district to an Integrated Financing District established pursuant to Chapter 1.5 (commencing with Section 53175), in which case the district may be party to a reimbursement agreement established pursuant to that chapter. The revenues of the district may also be committed to paying for any completed public facility acquired pursuant to Section 53395.3 over a period of time, including the payment of a rate of interest not to exceed the bond buyer index rate on the day that the agreement to repay is entered into by the city or county.

(b) The legislative body may enter into an agreement with any affected taxing entity providing for the construction of, or assistance in, financing public facilities.

SEC. 3. Section 53395.3 of the Government Code is amended to read:

53395.3. (a) A district may finance (1) the purchase, construction, expansion, improvement, seismic retrofit, or rehabilitation of any real or other tangible property with an estimated useful life of 15 years or longer which satisfies the requirements of subdivision (b), (2) may finance ~~planning~~ planning, permitting, and design work which is directly related to the purchase, construction, expansion, or rehabilitation of that property and (3) the costs described in Sections 53395.5, and 53396.5. A district may only finance the purchase of facilities for which construction has been completed, as determined by the legislative body. The facilities need not be physically located within the boundaries of the district. A district may not finance routine maintenance, repair work, or the costs of ongoing operation or providing services of any kind.

(b) The district shall finance only public capital facilities of communitywide significance, which provide significant benefits to an area larger than the area of the district, including, but not limited to, all of the following:

(1) Highways, interchanges, ramps and bridges, arterial streets, parking facilities, bike and pedestrian facilities, and transit and mobility facilities.

(2) Sewage treatment and water reclamation plants and interceptor ~~pipes.~~ pipes and pumps.

(3) Facilities for the collection and treatment of water for urban ~~uses.~~ uses or environmental polishing.

(4) Flood control ~~levees~~ levees, barriers, and dams, ~~retention basins;~~ breakwaters, retention boxes, and basins, pump structures, grading, railings, platforms, and drainage channels.

(5) Child care facilities.

(6) Libraries.

(7) Parks, recreational facilities, and open space.

(8) Facilities for the transfer and disposal of solid waste, including transfer stations and vehicles.

(c) Any district which constructs dwelling units shall set aside not less than 20 percent of those units to increase and improve the community's supply of low- and moderate-income housing available at an affordable housing cost, as defined by Section 50052.5 of the Health and Safety Code, to persons and families of low- and moderate-income, as defined in Section 50093 of the Health and Safety Code.

SEC. 4. Section 53395.8 of the Government Code is amended to read:

53395.8. (a) This section applies only to the City and County of San Francisco, and to any waterfront district.

(b) In addition to the findings and declarations in Section 53395, the Legislature further finds and declares that providing the ability to capture property tax increment revenues to finance needed public facilities in waterfront lands in San Francisco that are subject to the public trust to the public agencies with the responsibility to administer those areas will further the objectives of the public trust and enjoyment of those trust lands by the people of the state.

(c) For purposes of this section, the following terms have the following meanings except as otherwise provided:

(1) "Affected taxing entity" means any governmental taxing agency, except San Francisco and its local educational agencies, that levied or had levied on its behalf a property tax on all or a portion of the land located in the proposed district in the fiscal year prior to the designation of the district, all or a portion of which the district proposes to collect in the future under its infrastructure financing plan, except as provided in subdivision (h).

(2) "Base year" means the fiscal year in which the assessed value of taxable property in the district was last equalized prior to the effective date of the ordinance adopted to create the district, or a subsequent fiscal year specified in the infrastructure financing plan for the district.

(3) "Board" means the Board of Supervisors of the City and County of San Francisco, which shall be the legislative body for any district formed under this section.

(4) "Debt" means loans, advances, or other forms of indebtedness and financial obligations, including, but not limited to, commercial paper, variable rate demand notes, all moneys payable in relation to the debt, and all debt service coverage requirements in any debt instrument, in addition to the obligations specified in the definition of "debt" in Section 53395.1.

(5) "District" means any district created under this chapter, including any project area within a district.

(6) "ERAF" means the Educational Revenue Augmentation Fund.

(7) "ERAF-secured debt" means debt incurred to finance ~~a~~ either of the following:

(A) A Pier 70 district subject to a Pier 70 enhanced financing plan that is secured by and will be repaid from the ERAF share.

(B) A shoreline protection district subject to a shoreline protection enhanced financing plan that is secured by and will be repaid from the ERAF share.

(8) "ERAF share" means the county ERAF portion of incremental tax revenue committed to a Pier 70 district under a Pier 70 enhanced financing ~~plan.~~ plan or a shoreline protection district under a shoreline protection enhanced financing plan.

(9) "Local educational agencies" means, collectively, the San Francisco Unified School District, the San Francisco Community College District, and the San Francisco County Office of Education.

(10) "Mirant site" means the San Francisco waterfront land owned by Mirant Corporation, on which it or its affiliate formerly operated a coal gasification powerplant.

(11) "Pier 70 district" means a waterfront district that includes ~~65~~ 72 acres of waterfront land in the area near Pier 70.

(12) "Pier 70 enhanced financing plan" means an infrastructure district financing plan for a Pier 70 district that contains a provision authorized under subparagraph (D) of paragraph (3) of subdivision (g).

(13) "Port" means the Port of San Francisco.

(14) "Project area" means a defined area designated for development within a waterfront district formed under this chapter in accordance with subdivision (g).

(15) "Public facilities" means facilities and, where the context requires, related services, authorized to be financed in whole or in part by a district formed under this chapter in accordance with subdivision (g). Public facilities may be publicly owned or privately owned utility infrastructure if they are available to or serve the general public. "Public facilities" includes any capital facility fees used to pay for public facilities.

(16) "San Francisco" means the City and County of San Francisco. For purposes of applying this chapter, San Francisco is a city.

(17) "Shoreline protection district" means a waterfront district in which the ERAF share is used to finance structural repairs and improvements to and acquisition, construction or replacement of seawalls or other improvements for the purposes of strengthening the port's shoreline to withstand a seismic event, liquefaction or lateral spreading or to protect against flood risks in waterfront lands in San Francisco.

(18) "Shoreline protection enhanced financing plan" means an infrastructure district financing plan for a shoreline protection district that contains a provision authorized under subparagraph (E) of paragraph (3) of subdivision (g).

~~(17)~~

(19) "Waterfront district" means a district formed under this chapter on land under port jurisdiction along the San Francisco ~~waterfront and any special waterfront district as defined in Section 53395.81.~~ waterfront.

~~(18)~~

(20) "Waterfront set-aside" means the restricted funds required to be set aside under clause (ii) of subparagraph (C) of paragraph (3) of subdivision (g).

~~(19)~~

(21) "County tax collector" means the county auditor-controller, tax collector, or other officer responsible for the payment of property taxes into the funds of taxing entities.

(d) In addition to the facilities and services authorized by Section 53395.3, a waterfront district may finance any of the following:

(1) Remediation of hazardous materials in, on, under, or around any real or tangible property.

(2) Seismic and life-safety improvements to existing ~~buildings.~~ and real property.

(3) Rehabilitation, restoration, and preservation of structures, buildings, or other facilities having special historical, architectural, or aesthetic interest or value and that are listed on the National Register of Historic Places, are eligible for listing on the National Register of Historic Places individually or because of their location within an eligible registered historic district, or are listed on a state or local register of historic landmarks.

(4) Structural repairs and improvements ~~to~~ to, and acquisition, construction, and replacement of, piers, seawalls, and wharves, and installation of piles.

(5) Removal of bay ~~fill.~~ fill and installation of new bay fill to the extent permitted by the San Francisco Bay Conservation and Development Commission and the San

Francisco Bay Regional Water Quality Control Board for the purposes of strengthening the Port's shoreline to withstand a seismic event, liquefaction or lateral spreading or to protect San Francisco from flooding.

(6) Stormwater management facilities, other utility infrastructure, or public open-space improvements.

(7) Shoreline ~~restoration.~~ restoration and enhancements to bay habitat.

(8) Other repairs and improvements to maritime facilities.

(9) Planning and design work that is directly related to any public facilities authorized to be financed by a waterfront district.

~~(10) Reimbursement payments made to the California Infrastructure and Economic Development Bank in accordance with paragraph (5) of subdivision (e) of Section 53395.81.~~

~~(11)~~

(10) Improvements, which may be publicly owned, to protect against potential sea level ~~rise.~~ and other flood risks.

(11) Required environmental mitigation, including living shorelines, habitat enhancement, and public access facilities.

(12) Port or harbor infrastructure as defined by Section 1698 of the Harbors and Navigation Code.

(13) Creek daylighting.

(14) Auxiliary water supply systems.

(15) Emergency response facilities.

(16) Waterproofing and dryproofing.

(e) A waterfront district may include, and finance public facilities on, tidelands and submerged lands, including filled or unfilled lands, subject to the public trust for commerce, navigation, and fisheries, and the applicable statutory trust grant or grants. Public facilities located on tidelands and submerged lands shall serve and promote uses and purposes consistent with the public trust and applicable statutory trust grants. Public facilities that increase access to, or the use or enjoyment of, public trust lands will be deemed to be facilities of communitywide significance that provide significant benefits to an area larger than the area of the district.

(f) Public facilities financed by a waterfront district shall be public trust assets subject to the administration and control of the district, except for the following:

(1) Utility infrastructure and public transportation facilities, except maritime transportation facilities that are administered and controlled by another entity under an agreement with the port.

(2) Public facilities on land located in a previously formed waterfront district that the port subsequently leases, sells, or otherwise transfers to any person free of the public trust, the Burton Act trust, and any additional restrictions on use or alienability created by the Burton Act transfer agreement, provided that the State Lands Commission has concurred in the lifting of trust restrictions on the transferred land and that the transferred land will remain in and subject to the district.

(g) For a waterfront district, the requirements of this subdivision supplant and replace ~~the provisions of~~ Sections 53395.10 to 53395.25, inclusive. The board may adopt or amend one or more infrastructure financing plans for districts along the San Francisco waterfront according to the procedures in this section. Except as ~~provided otherwise in this subdivision or in Section 53395.81, the provisions of subdivisions~~

~~(a) and (b)~~ otherwise provided in this subdivision, subdivision (a) of Section 53395.4 shall not apply to a waterfront district. The limitation on the accumulation of revenues available pursuant to Article 3 (commencing with Section 53396) for a period not to exceed five years set forth in Section 53395.2 shall not apply to a waterfront district. The revenues available pursuant to Article 3 (commencing with Section 53396) may be pledged to pay the principal of, and interest on, debt issued by the San Francisco Port Commission, to the extent that the proceeds of such debt have been or will be used for allowable purposes of the waterfront district. A waterfront district may be formed and become effective at any time. A district may be divided into project areas, each of which may be subject to distinct limitations established under this subdivision. ~~Within a district, one or more project areas may be a special waterfront district as defined in Section 53395.81.~~

(1) The board shall initiate proceedings for the establishment of a district by adopting a resolution of intention to establish the proposed district that does all of the following:

(A) States an infrastructure financing district is proposed to be established and describes the boundaries of the proposed district. The boundaries may be described by reference to a map on file in the office of the clerk of the board.

(B) States the type of public facilities proposed to be financed by the district.

(C) States that incremental property tax revenue from San Francisco and some or all affected taxing entities within the district, but none of the local educational agencies, except as provided in subdivision (h) or as a result of the allocation of the ERAF share, may be used to finance these public facilities. The incremental property tax revenue from San Francisco may include that portion of any ad valorem property tax revenue annually allocated to San Francisco pursuant to Section 97.70 of the Revenue and Taxation Code that corresponds to the increase in the assessed valuation of taxable property within the boundaries of the waterfront district.

(D) Directs the executive director of the port, or an appropriate official designated by the executive director, to prepare a proposed infrastructure financing plan.

(2) The board shall direct the city clerk to mail a copy of the resolution of intention to any affected taxing entities.

(3) The proposed infrastructure financing plan shall be consistent with the general plan of San Francisco, as amended from time to time, and shall include all of the following:

(A) A map and legal description of the proposed district, which may include all or a portion of the district designated by the board in its resolution of intention.

(B) A description of the public facilities required to serve the development proposed in the district, including those to be provided by the private sector, those to be provided by governmental entities without assistance under this chapter, those public facilities to be financed with assistance from the proposed district, and those to be provided jointly. The description shall include the proposed location, timing, and projected costs of the public facilities. The description may consist of a reference to the capital plan for the territory in the district that is approved by the board, as amended from time to time.

(C) A financing section that shall contain all of the following:

(i) A provision that specifies the maximum portion of the incremental tax revenue of San Francisco and of any affected taxing entity proposed to be committed to the

district, and affirms that the plan will not allocate any portion of the incremental tax revenue of the local educational agencies to the district.

(ii) Limitations on the use of levied taxes allocated to and collected by the district that provide that, except as provided by this ~~section or Section 53395.81,~~ section, incremental tax revenues allocated to a district must be used within the district for purposes authorized under this section, and that not less than 20 percent of the amount allocated to a district shall be set aside to be expended solely on seismic and life-safety improvements to existing buildings and real property, improvements to protect against potential sea level rise and other flood risks, shoreline restoration, removal of bay fill, or waterfront public access to or environmental remediation of the San Francisco waterfront.

(iii) A projection of the amount of incremental tax revenues expected to be received by the district, assuming a district receives incremental tax revenues for a period no later than 45 years after San Francisco projects that the district will have received one hundred thousand dollars ($100,000) in incremental tax revenues under this chapter.

(iv) Projected sources of financing for the public facilities to be assisted by the district, including debt to be repaid with incremental tax revenues, projected revenues from future leases, sales, or other transfers of any interest in land within the district, and any other legally available sources of funds. The projection may refer to the capital plan for the territory in the district that is approved by the board, as amended from time to time.

(v) A limitation on the aggregate number of dollars of levied taxes that may be divided and allocated to the district. Taxes shall not be divided or be allocated to the district beyond this limitation, except by amendment of the infrastructure financing plan pursuant to the procedures in this subdivision. In the event San Francisco divides a district into project areas, the project areas may share this limit and the limit may be divided among the project areas or a separate limit may be established for a project area.

(vi) A date on which the effectiveness of the infrastructure financing plan and all tax allocations to the district will end and a date on which the district's authority to repay indebtedness with incremental tax revenues received under this chapter will end, not to exceed 45 years from the date the district has actually received one hundred thousand dollars ($100,000) in incremental tax revenues under this chapter. After the time limits established under this subparagraph, a district shall not receive incremental tax revenues under this chapter.

(vii) An analysis of the costs to San Francisco for providing facilities and services to the district while the district is being developed and after the district is developed, and of the taxes, fees, charges, and other revenues expected to be received by San Francisco as a result of expected development in the district.

(viii) An analysis of the projected fiscal impact of the district and the associated development upon any affected taxing entity. If no affected taxing entities exist within the district because the plan does not provide for collection by the district of any portion of property tax revenues allocated to any taxing entity other than San Francisco, the district has no obligation to any other taxing entity under this subdivision.

(ix) A statement that the district will maintain accounting procedures in accordance, and otherwise comply, with Section 6306 of the Public Resources Code for the term of the plan.

(D) For a Pier 70 district only, the Pier 70 enhanced financing plan may contain a provision meeting the requirements of Section 53396 that allocates a portion of the incremental tax revenue of San Francisco and of other designated affected taxing entities to the Pier 70 district.

The portion of incremental tax revenue of San Francisco to be allocated to the Pier 70 ~~district~~ district, not including the ad valorem property tax revenue annually allocated to San Francisco pursuant to Section 97.70 of the Revenue and Taxation Code, must be equal to the portion of the incremental tax revenue of the county ERAF proposed to be committed to the Pier 70 district. In addition to all other requirements under this section, a Pier 70 district shall also be subject to the following additional limitations:

(i) A Pier 70 district subject to a Pier 70 enhanced financing plan shall not be formed and become effective prior to January 1, 2014.

(ii) Any Pier 70 enhanced financing plan shall contain all of the following:

(I) A time limit on the issuance of new ERAF-secured debt to finance the district, which may not exceed 20 fiscal years from the fiscal year in which any Pier 70 district subject to a Pier 70 enhanced financing plan first issues debt. The ERAF-secured debt may be repaid over the period of time ending on the time limit established under clause (vi) of subparagraph (C). This time limit on the issuance of new ERAF-secured debt shall not prevent a Pier 70 district from subsequently refinancing, refunding, or restructuring ERAF-secured debt if all of the following conditions are met: the time during which the debt is to be repaid is not extended beyond the time limit established under clause (vi) of subparagraph (C); in the case of a refinancing or refunding to achieve savings, the total interest cost to maturity on the new debt plus the principal amount of the new debt does not exceed the total interest cost to maturity on the debt to be refunded plus the principal of the debt to be refunded; and the principal amount of the new debt does not exceed the amount required to defease the debt to be refunded, refinanced, or restructured, to establish customary debt service reserves and to pay related costs of issuance. If these conditions are satisfied, the initial principal amount of the new debt may be greater than the outstanding principal amount of the debt to be refunded, refinanced, or restructured.

(II) A statement that the Pier 70 district shall be subject to a limitation on the number of dollars of the ERAF share that may be divided and allocated to the Pier 70 district pursuant to the Pier 70 enhanced financing plan, including any amendments to the plan, which shall be established in consultation with the county tax collector. This limitation and a schedule specifying the amount of the ERAF share that must be divided and allocated to the district in each succeeding fiscal year until all ERAF-secured debt has been paid shall be included in the statement of indebtedness that the Pier 70 district files for the 19th fiscal year after the fiscal year in which any ERAF-secured debt is first issued. The ERAF share shall not be divided and shall not be allocated to the Pier 70 district beyond that limitation.

(III) The limitations established by subclauses (I) and (II) may be amended only by amendment of this section. When the ERAF-secured debt, if any, has been paid, all moneys thereafter allocated to the ERAF share shall be paid into ERAF as taxes on all

other property are paid. In addition, beginning in the 21st fiscal year after the fiscal year in which ERAF-secured debt is first issued, any portion of the ERAF share in excess of the amount required to meet the Pier 70 district's ERAF-secured debt service obligations shall be paid into ERAF.

(E) For a shoreline protection district only, the shoreline protection enhanced financing plan may contain a provision meeting the requirements of Section 53396 that allocates a portion of the incremental tax revenue of San Francisco and of other designated affected taxing entities to the shoreline protection district.

The portion of incremental tax revenue of San Francisco to be allocated to the shoreline protection district, not including the ad valorem property tax revenue annually allocated to San Francisco pursuant to Section 97.70 of the Revenue and Taxation Code, must be equal to the portion of the incremental tax revenue of the county ERAF proposed to be committed to the shoreline protection district. In addition to all other requirements under this section, a shoreline protection district shall also be subject to the following additional limitations:

(i) A shoreline protection district subject to a shoreline protection enhanced financing plan shall not be formed and become effective prior to January 1, 2019.

(ii) Any shoreline protection enhanced financing plan shall contain all of the following:

(I) A statement that the shoreline protection district shall be subject to a limitation on the number of dollars of the ERAF share that may be divided and allocated to the shoreline protection district pursuant to the shoreline protection enhanced financing plan, including any amendments to the plan, which shall be established in consultation with the county tax collector. This limitation and a schedule specifying the amount of the ERAF share that must be divided and allocated to the district in each succeeding fiscal year until all ERAF-secured debt has been paid shall be included in the statement of indebtedness that the shoreline protection district files. The ERAF share shall not be divided and shall not be allocated to the shoreline protection district beyond that limitation.

(II) The limitation established by subclause (I) may be amended only by amendment of this section. When the ERAF-secured debt, if any, has been paid, all moneys thereafter allocated to the ERAF share shall be paid into ERAF as taxes on all other property are paid.

(4) The proposed infrastructure financing plan shall be mailed to each affected taxing entity for review, together with, to the extent available, any report required by the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) that pertains to the proposed public facilities and any proposed development project for which the public facilities are needed, and shall be made available for public inspection. The report also shall be sent to the San Francisco Planning Department and the board. The proposed infrastructure financing plan for a shoreline protection district shall also be mailed to the Director of Finance and the Secretary of the Natural Resources Agency.

(5) Except as provided in subdivision (h) and except as a result of an ERAF share allocation, the board shall not enact a resolution proposing formation of a district and providing for the division of taxes of any affected taxing entities for use in ~~the~~ a Pier 70 district or shoreline protection district as set forth in the proposed infrastructure financing plan unless a resolution approving the plan has been adopted by the governing

body of each affected taxing entity that is proposed to be subject to division of taxes as set forth in the proposed infrastructure financing plan, and that resolution has been filed with the board at or prior to the time of the hearing. A resolution approving the plan adopted by the governing body of an affected taxing entity shall be deemed the affected taxing entity's agreement to participate in the plan for the purposes of Section 53395.19.

(6) If the governing body of an affected taxing entity has not approved the infrastructure financing plan before the board considers the plan, the board may amend the infrastructure financing plan to remove the allocation of the tax revenues of the nonconsenting affected taxing entity. If a plan is so amended, the plan also shall be amended to provide that San Francisco will allocate to the Pier 70 district or a shoreline protection district funds equal on a dollar-for-dollar basis to the tax revenues that the Pier 70 district or shoreline protection district would have received from the allocation of tax revenues of the affected taxing entity that is removed from the plan.

(7) The board shall hold a public hearing regarding the infrastructure financing plan that shall be scheduled on a date no earlier than 60 days after the plan has been sent to each affected taxing entity, or in the absence of any affected taxing entities, no earlier than 30 days after the plan has been lodged with the clerk of the board. Notice of the public hearing must be published not less than once a week for four successive weeks in a newspaper designated by the board for the publication of official notices in San Francisco, or if the board no longer designates a newspaper for the publication of official notices, a newspaper of general circulation serving primarily San Francisco residents. The notice shall state that the district will be established to finance public facilities, briefly describe the public facilities and the proposed financial arrangements, including the proposed commitment of incremental tax revenue, describe the boundaries of the proposed district, and state the day, hour, and place when and where any persons having any objections to the proposed infrastructure financing plan, or the regularity of any of the previous proceedings, may appear before the board and object to the adoption of the proposed infrastructure financing plan by the board.

(8) At the hour set in the required notices, the board shall proceed to hear and pass upon all written and oral objections. The hearing may be continued from time to time. The board shall consider any recommendations of affected taxing entities, and all evidence and testimony for and against the adoption of the infrastructure financing plan.

(9) No election will be required to form the district, and at the conclusion of the hearing, the board may adopt an ordinance adopting the infrastructure financing plan, as drafted or as modified by the board, or it may abandon the proceedings.

(10) Any public or private owner of land that is not within an existing district, but that has any boundary line contiguous to a boundary of the waterfront district, may petition the board for inclusion of the land in the waterfront district without an election. The annexation shall take effect on the effective date of the ordinance of the board's annexation approval. As a condition to inclusion of its land in the waterfront district, the petitioning landowner shall acknowledge and agree that any portion of the land within 100 feet of the San Francisco Bay Conservation and Development Commission shoreline (shoreline band) will include contiguous public access along the length of the shoreline band, improved and maintained to standards equal to adjacent waterfront public access ways on public land, as certified by the San Francisco Bay Conservation

and Development Commission. Nothing in this section is intended to affect or limit the authority of the San Francisco Bay Conservation and Development Commission pursuant to Chapter 1 (commencing with Section 66600) of Title 7.2, or any other law. This procedure will apply to any petition to include the Mirant site in the Pier 70 district, but the board may amend the Pier 70 financing plan to include the Mirant site in the Pier 70 district only after the Director of Finance's approval.

(11) The ordinance creating a district and adopting or amending an infrastructure financing plan shall establish the base year for the district. The base year of land annexed into a district shall be the fiscal year in which the assessed value of the annexed land was last equalized prior to the effective date of the annexation, or a subsequent fiscal year specified in the ordinance of the board approving the annexation. The board may amend an infrastructure financing plan by ordinance for any purpose, including, but not limited to, dividing an established district into one or more project areas, reducing the district area, ~~or~~ expanding a waterfront district to include the petitioning landowner's land in the district in accordance with the board's established ~~procedures.~~ procedures, or for a waterfront district established prior to January 1, 2019, and after mailing the proposed amendment to the Director of Finance and the Secretary of the Natural Resources Agency at least 60 days prior to introduction of the ordinance, providing for the infrastructure financing plan to be a shoreline protection district enhanced financing plan. Any ordinance adopting or amending an infrastructure financing plan will be deemed an ordinance adopted for the purposes of Section 53395.23.

(12) With respect to a waterfront district, San Francisco may enter into an agreement for the construction of discrete portions or phases of public facilities. The agreement may include any provisions that San Francisco determines are necessary or convenient, but shall do all of the following:

(A) Identify the specific public facilities or discrete portions or phases of public facilities to be constructed and purchased. San Francisco may agree to purchase discrete portions or phases of public facilities if the portions or phases are capable of serviceable use as determined by San Francisco.

(B) Notwithstanding subparagraph (A), when the purchase value of a public facility exceeds one million dollars ($1,000,000), San Francisco may agree to purchase discrete portions or phases of the partially completed public facility.

(C) Identify procedures to ensure that the public facilities are constructed pursuant to plans, standards, specifications, and other requirements as determined by San Francisco.

(D) Specify a price or a method to determine a price for each public facility or discrete portion or phase of a public facility. The price may include an amount reflecting the interim cost of financing cash payments that must be made during construction of the project, at the discretion of San Francisco.

(E) Specify procedures for final inspection and approval of public facilities or discrete portions or phases of public facilities, for approval of payment and for acceptance and conveyance.

(h) (1) All the amounts calculated under this subdivision shall be calculated after deducting the waterfront set-aside required under clause (ii) of subparagraph (C) of paragraph (3) of subdivision (g) ~~of this section or the set-aside required for a special waterfront district under paragraph (3) of subdivision (e) of Section 53395.81, as applicable,~~ from the total amount of tax increment funds allocated to a district in the

applicable fiscal year. The payments made by the county tax collector under this subdivision to the affected taxing entities shall be allocated among the affected taxing entities in proportion to the percentage share of property taxes each affected taxing entity receives during the fiscal year the funds are allocated. The percentage share shall be determined without regard to any amounts allocated to a city, county, or city and county under Sections 97.68 and 97.70 of the Revenue and Taxation ~~Code.~~ Code, except to the extent allocated to the waterfront district.

(2) (A) Prior to incurring any debt, except loans or advances from San Francisco, a district may subordinate to the debt the amount required to be paid by the county tax collector to an affected taxing entity under this subdivision, if any, provided the affected taxing entity has approved these subordinations as provided in this paragraph.

(B) At the time the district requests an affected taxing entity to subordinate the amount to be paid by the county tax collector to it, the district shall provide the affected taxing entity with substantial evidence that sufficient tax increment funds will be available to pay when due both the debt service on the debt and the payments by the county tax collector to the affected taxing entity required under this subdivision.

(C) Within 45 days after receipt of the district's request, the affected taxing entity shall approve or disapprove the request for subordination. An affected taxing entity may disapprove a request for subordination only if it finds, based upon substantial evidence, that the tax increment funds will be insufficient to pay when due the debt payments and the amount required to be paid by the county tax collector to the affected taxing entity. If the affected taxing entity does not act within 45 days after receipt of the district's request, the request to subordinate shall be deemed approved and its deemed approval shall be final and conclusive.

(D) For the purpose of this paragraph only, "affected taxing entity" shall mean any governmental agency that levied, or had levied on its behalf, a property tax on all or a portion of the land located in the proposed district in the fiscal year prior to the designation of the waterfront district.

(3) The Legislature finds and declares all of the following:

(A) The payments to be made under this subdivision are necessary in order to alleviate the financial burden and detriment that affected taxing entities may incur as a result of the adoption of an infrastructure financing plan, and payments made under this subdivision will benefit the district.

(B) The payments to be made under this subdivision are the exclusive payments that are required to be made by a district to affected taxing entities during the term of an infrastructure financing plan.

(4) Nothing in this section requires a district, either directly or indirectly, as a measure to mitigate a significant environmental effect or as part of any settlement agreement or judgment brought in any action to contest the validity of a district under Section 53395.6, to make any other payments to affected taxing entities, or to pay for public facilities that will be owned or leased to an affected taxing entity.

(i) ~~The portion~~(1) Both of the following shall apply to the allocation of taxes under a duly adopted infrastructure financing plan:

(A) The portion of taxes required to be allocated to the Pier 70 district ~~under a duly adopted infrastructure financing plan~~ shall be allocated and paid to the district by the county tax collector under the procedure contained in this subdivision. If the approved plan allocates to the Pier 70 district 100 percent of the incremental tax revenue

of San Francisco that is available under applicable law to be allocated to the Pier 70 ~~district,~~ district not including the ad valorem property tax revenue annually allocated to San Francisco pursuant to Section 97.70 of the Revenue and Taxation Code, then the district shall not make a payment to ERAF, but if the plan allocates less than 100 percent of the incremental tax revenue of San Francisco that is available under applicable law to be allocated to the Pier 70 ~~district,~~ district not including the ad valorem property tax revenue annually allocated to San Francisco pursuant to Section 97.70 of the Revenue and Taxation Code, then the district shall pay a proportionate share of incremental tax revenue into ERAF.

(B) The portion of taxes required to be allocated to the shoreline protection district shall be allocated and paid to the district by the county tax collector under the procedure contained in this subdivision. If the approved plan allocates to the shoreline protection district 100 percent of the incremental tax revenue of San Francisco that is available under applicable law to be allocated to the shoreline protection district not including the ad valorem property tax revenue annually allocated to San Francisco pursuant to Section 97.70 of the Revenue and Taxation Code, then the district shall not make a payment to ERAF, but if the plan allocates less than 100 percent of the incremental tax revenue of San Francisco that is available under applicable law to be allocated to the shoreline protection district not including the ad valorem property tax revenue annually allocated to San Francisco pursuant to Section 97.70 of the Revenue and Taxation Code, then the district shall pay a proportionate share of incremental tax revenue into ERAF.

~~(1)~~

(2) No later than October 1 of each year, for each district for which the infrastructure financing plan provides for the division of taxes, the district shall file with the county tax collector a statement of indebtedness and a reconciliation statement for the previous fiscal year certified by the chief financial officer of the district.

~~(2)~~

(3) Each statement of indebtedness shall contain all of the following:

(A) For each debt the district has incurred or entered into, all of the following:

(i) The date the district incurred or entered into the debt.

(ii) The principal amount, term, purpose, interest rate, and total interest payable over the term of the debt.

(iii) The principal amount and interest due in the fiscal year in which the statement is filed.

(iv) The total amount of principal and interest remaining to be paid over the term of the debt.

(B) The sum of the principal and interest due on all debts in the fiscal year in which the statement is filed.

(C) The sum of principal and interest remaining to be paid on all debts.

(D) The available revenues as of the end of the previous fiscal year.

~~(3)~~

(4) The district may estimate the amount of principal or interest, the interest rate, or term of any debt if the nature of the debt is such that the amount of principal or interest, the interest rate, or term cannot be precisely determined. The district may list on a statement of indebtedness any debt incurred or entered into on or before the date the statement is filed.

~~(4)~~

(5) Each reconciliation statement shall include all of the following:

(A) A list of all debts listed on the previous year's statement of indebtedness, if any.

(B) A list of all debts not listed on the previous year's statement of indebtedness, but incurred or entered into in the previous year and paid in whole or in part from incremental tax revenue received by the district. This listing may aggregate into a single item debts incurred or entered into in the previous year for a particular purpose, such as relocation expenses, administrative expenses, consultant expenses, or remediation of hazardous materials.

(C) For each debt described in subparagraph (A) or (B), all of the following shall be included:

(i) The total amount of principal and interest remaining to be paid as of the later of the beginning of the previous year or the date the debt was incurred or entered into.

(ii) Any increases or additions to the debt occurring during the previous year.

(iii) The amount paid on the debt in the previous year from incremental tax revenue received by the district.

(iv) The amount paid on the debt in the previous year from revenue other than incremental tax revenue received by the district.

(v) The total amount of principal and interest remaining to be paid as of the end of the previous fiscal year.

(D) The available revenues of the district as of the beginning of the previous fiscal year.

(E) The amount of incremental tax revenue received by the district in the previous fiscal year.

(F) The amount of available revenue received by the district in the previous fiscal year other than incremental tax revenue.

(G) The sum of the amounts paid on all debts from sources other than incremental tax revenue, to the extent that the amounts are not included as available revenues under subparagraph (F).

(H) The sum of the amounts specified in subparagraphs (D) to (G), inclusive.

(I) The sum of the amounts specified in clauses (iii) and (iv) of subparagraph ~~(C) of paragraph (4).~~ (C).

(J) The amount determined by subtracting the amount determined under subparagraph (I) from the amount determined under subparagraph (H). The amount determined under this paragraph shall be the available revenues as of the end of the previous fiscal year to be reported in the statement of indebtedness.

~~(5)~~

(6) For the purposes of this paragraph, available revenues shall include all cash or cash equivalents held by the district that were received by the district under subparagraph (D) of paragraph (3) of subdivision (g) and all cash or cash equivalents held by the district that are irrevocably pledged or restricted to payment of a debt that the district has listed on a statement of indebtedness. In no event shall available revenues include funds allocated to the waterfront set-aside.

~~(6)~~

(7) For the purposes of this subdivision: (A) the amount a district is required to deposit into the waterfront set-aside shall constitute an indebtedness of the district, (B)

no debt that a district intends to pay from the waterfront set-aside shall be listed on a statement of indebtedness or reconciliation statement as a debt of the district, and (C) any statutorily authorized deficit in or borrowing from funds in the waterfront set-aside shall constitute an indebtedness of the district.

~~(7)~~

(8) The county tax collector shall allocate and pay, at the same time or times as the payment of taxes into the funds of the respective taxing agencies of the county, the portion of incremental tax revenues allocated to each district under the infrastructure financing plan. The amount allocated and paid shall not exceed the amount of the district's remaining debt obligations, as determined under subparagraph (C) of paragraph ~~(2)~~, (3), minus the amount of available revenues as of the end of the previous fiscal year, as determined under subparagraph (D) of paragraph ~~(2)~~. (3).

~~(8)~~

(9) The statement of indebtedness constitutes prima facie evidence of the debts of the district.

(A) If the county tax collector disputes the amount of the district's debts as shown on the statement of indebtedness, the county tax collector, within 30 days after receipt of the statement, shall give written notice to the district thereof.

(B) The district, within 30 days after receipt of notice under subparagraph (A), shall submit any further information it deems appropriate to substantiate the amount of any debt that has been disputed. If the county tax collector still disputes the amount of debt, final written notice of that dispute shall be given to the district, and the amount disputed may be withheld from allocation and payment to the district as otherwise required by paragraph ~~(7)~~. (8). In that event, the county tax collector shall bring an action in the superior court for declaratory relief to determine the matter no later than 90 days after the date of the final notice.

(C) In any court action brought under this paragraph, the issue shall involve only the amount of debt, and not the validity of any contract or debt instrument or any expenditures pursuant thereto. Payments to a trustee under a bond resolution or indenture of any kind or payments to a public agency in connection with payments by that public agency under a lease or bond issue shall not be disputed in any action under this paragraph. The matter shall be set for trial at the earliest possible date and shall take precedence over all other cases except older matters of the same character. Unless an action is brought within the time provided for herein, the county tax collector shall allocate and pay the amount shown on the statement of indebtedness as provided in paragraph ~~(7)~~. (8).

(D) Nothing in this subdivision shall be construed to permit a challenge to or attack on matters precluded from challenge or attack by reason of Sections 53395.6 and 53395.7. However, nothing in this subdivision shall be construed to deny a remedy against the district otherwise provided by law.

(E) The Controller shall prescribe uniform forms consistent with this subdivision for a district's statement of indebtedness and reconciliation statement. In preparing these forms, the Controller shall obtain the input of the San Francisco City Controller, the San Francisco Tax Collector, and the district.

(F) For the purposes of this subdivision, a fiscal year shall be a year that begins on July 1 and ends the following June 30.

(j) (1) Prior to the adoption by the board of an infrastructure financing plan providing for tax increment financing under subparagraph (D) of paragraph (3) of subdivision (g), any affected taxing entity may elect to be allocated, and every local educational agency shall be allocated, all or any portion of the tax revenues allocated to the district under subparagraph (D) of paragraph (3) of subdivision (g) attributable to increases in the rate of tax imposed for the benefit of the taxing entity which levy occurs after the tax year in which the ordinance adopting the infrastructure financing plan becomes effective.

(2) The governing body of any affected taxing entity electing to receive allocation of taxes under this subdivision shall adopt a resolution to that effect and transmit the same, prior to the adoption of the infrastructure financing plan, to (A) the board, (B) the district, and (C) the county tax collector. Upon receipt by the county tax collector of the resolution, allocation of taxes under this section to the affected taxing entity shall be made at the time or times allocations are made under subdivision (a) of Section 33670 of the Health and Safety Code.

(3) An affected taxing entity, at any time after the adoption of the resolution, may elect not to receive all or any portion of the additional allocation of taxes under this section by rescinding the resolution or by amending the same, as the case may be, and giving notice thereof to the board, the district, and the county tax collector. After receipt of a notice by the county tax collector that an affected taxing entity has elected not to receive all or a portion of the additional allocation of taxes by rescission or amendment of the resolution, any allocation of taxes to the affected taxing entity required to be made under this section shall not thereafter be made, but shall be allocated to the district. After receipt of a notice by the county tax collector that an affected taxing entity has elected to receive additional tax revenues attributable to only a portion of the increases in the rate of tax, only that portion of the tax revenues shall thereafter be allocated to the affected taxing entity, and the remaining portion thereof shall be allocated to the district.

(k) This section implements and fulfills the intent of Article 2 (commencing with Section 53395.10) and of Article XIII B and is consistent with the conclusion of California courts that tax increment revenues are not "proceeds of taxes" for purposes of the latter. The allocation and payment to a district of the portion of taxes specified in this section for the purpose of paying principal of, or interest on, loans, advances, or indebtedness incurred for facilities or the cost of acquisition and construction of facilities under this section shall not be deemed the receipt by a district of proceeds of taxes levied by or on behalf of the district within the meaning or for the purposes of Article XIII B of the California Constitution, nor shall this portion of taxes be deemed receipt of proceeds of taxes by, or an appropriation subject to limitation of, any other public body within the meaning or for purposes of Article XIII B of the California Constitution or any statutory provision enacted in implementation of Article XIII B. The allocation and payment to a district of this portion of taxes shall not be deemed the appropriation by a district of proceeds of taxes levied by or on behalf of a district within the meaning or for purposes of Article XIII B of the California Constitution.

SEC. 5. Section 53395.81 of the Government Code is repealed.

~~53395.81. (a) This section shall apply only to a special waterfront district.~~

~~(b) A special waterfront district may be created as a waterfront district pursuant to, and shall be subject to, all applicable requirements of Sections 53395.3 and 53395.8, except as provided in this section.~~

~~(c) (1) The special waterfront district ERAF share produced in a Port America's Cup district with a special waterfront district enhanced financing plan shall be used only to finance the following:~~

~~(A) Construction of the port's maritime facilities at Pier 27.~~

~~(B) Planning and design work that is directly related to the port's maritime facilities at Pier 27.~~

~~(C) Planning, design, and acquisition and construction of improvements to publicly owned waterfront lands held by trustee agencies, such as the National Park Service, the California State Parks, and departments of San Francisco, and used as public spectator viewing sites for America's Cup-related events, including portions of the San Francisco Bay Trail under the jurisdiction of those trustee agencies. Any improvements authorized under this subparagraph shall not be required to be in the district.~~

~~(D) Future installations of shoreside power facilities on port maritime facilities.~~

~~(2) A special waterfront district enhanced financing plan for a Port America's Cup district shall provide that the proceeds of special waterfront district ERAF-secured debt are restricted for use to finance directly, reimburse the port for its costs related to, or refinance other debt incurred in, the construction of the port's maritime facilities at Pier 27, including public access and public open-space improvements, and for any other purposes for which the ERAF share can be used, subject to the set-aside requirements of paragraph (3).~~

~~(3) Twenty percent in the aggregate of the special waterfront district ERAF share allocated to a Port America's Cup district under this section shall be set aside to finance costs of planning, design, acquisition, and construction of improvements to waterfront lands owned by federal, state, or local trustee agencies, such as the National Park Service or the California State Parks as provided in subparagraph (C) of paragraph (1). Any improvements authorized under this paragraph are not required to be located in the district.~~

~~(4) The 20 percent set-aside requirements applicable to a special waterfront district set forth in paragraph (3) are in lieu of the set-aside requirement set forth in clause (ii) of subparagraph (C) of paragraph (3) of subdivision (g) of Section 53395.8.~~

~~(5) All improvements authorized by this section in a Port America's Cup district shall be deemed to be public facilities of communitywide significance, which provide significant benefits to an area larger than the area of the district.~~

~~(d) If any portion of the 20-percent set-aside funds described in paragraph (3) of subdivision (c) is allocated to a federal or state trustee agency, both of the following shall apply:~~

~~(1) The special waterfront district enhanced financing plan for the Port America's Cup district shall specify the portion of the 20-percent set-aside funds described in paragraph (3) of subdivision (c) that is allocated to any federal or state trustee agency. However, the trustee agency's proposed use of the 20-percent set-aside funds does not need to be described in the special waterfront district enhanced financing plan pursuant to subparagraph (B) of paragraph (3) of subdivision (g) of Section 53395.8.~~

~~(2) San Francisco shall direct the county tax collector to pay the 20-percent set-aside funds allocated to the federal or state trustee agency directly to such trustee agency.~~

~~(c) (1) Before adopting the resolution authorizing the first debt issuance by a Port America's Cup district with a special waterfront district enhanced financing plan authorized by this section, the board of supervisors shall submit a fiscal analysis to the California Infrastructure and Economic Development Bank for review and approval.~~

~~(2) The bank may circulate the fiscal analysis to other state agencies, including, but not limited to, the Department of Finance, the Department of Housing and Community Development, and the Office of Planning and Research, and solicit their comments and recommendations. After considering the comments and recommendations of other state agencies, if any, the bank shall take one of the following actions:~~

~~(A) Approve the fiscal analysis if the bank makes the finding required pursuant to paragraph (4).~~

~~(B) Return the fiscal analysis to the board of supervisors with specific recommendations for changes that would allow the bank to approve the fiscal analysis.~~

~~(3) The bank shall have 90 days from the receipt of the fiscal analysis to act pursuant to this subdivision. If the bank does not act within 90 days, the fiscal analysis shall be deemed approved.~~

~~(4) For bank approval, the fiscal analysis shall demonstrate to the bank's reasonable satisfaction a reasonable probability that the economic activity proposed to occur as a result of hosting the America's Cup event in California would result in an amount of revenue to the General Fund with a net present value that is greater than the net present value of the amount of property tax increment revenues that would be diverted from ERAF over the term of the Port America's Cup district, taking into consideration all pertinent data. In reviewing the board's fiscal analysis, the bank shall consider only those General Fund revenues that would occur because of economic activity proposed to occur as a result of hosting the America's Cup event in California. The bank shall not consider those General Fund revenues that would have occurred if the America's Cup event were not held in California.~~

~~(5) The legislative body shall reimburse the bank for the reasonable cost of the review and approval of the fiscal analysis.~~

~~(f) The county tax collector shall allocate and pay to a special waterfront district the portion of taxes required to be allocated pursuant to an approved special waterfront district enhanced financing plan. If the plan allocates 100 percent of the incremental tax revenue of San Francisco that is available under applicable law to be allocated to the special waterfront district, then the special waterfront district shall not make a payment to ERAF, but if the plan allocates less than 100 percent of the incremental tax revenue of San Francisco that is available under applicable law to be allocated to a special waterfront district then the special waterfront district shall pay a proportionate share of incremental tax revenue into ERAF. The special waterfront district shall file a statement of indebtedness and a reconciliation statement annually in the same manner as described in subdivision (i) of Section 53395.8. It is the intent of this subdivision that any special waterfront district shall be deemed to be a district formed pursuant to subparagraph (D) of paragraph (3) of subdivision (g) of Section 53395.8 for purposes of allocation and payment of taxes by the county tax collector as set forth in subdivision (i) of Section 53395.8.~~

~~(g) This section implements and fulfills the intent of Article 2 (commencing with Section 53395.10) and of Article XIII B and is consistent with the conclusion of California courts that tax increment revenues are not "proceeds of taxes" for purposes of the latter. The allocation and payment to a special waterfront district of the special waterfront district ERAF share for the purpose of paying principal of, or interest on, loans, advances, or indebtedness incurred for facilities or the cost of acquisition and construction of facilities under this section shall not be deemed the receipt by the special waterfront district of proceeds of taxes levied by or on behalf of the special waterfront district within the meaning or for the purposes of Article XIII B of the California Constitution, nor shall this portion of taxes be deemed the receipt of proceeds of taxes by, or an appropriation subject to limitation of, any other public body within the meaning or for purposes of Article XIII B of the California Constitution or any statutory provision enacted in implementation of Article XIII B. The allocation and payment to a special waterfront district of this portion of taxes shall not be deemed the appropriation by a special waterfront district of proceeds of taxes levied by or on behalf of a district within the meaning or for purposes of Article XIII B of the California Constitution.~~

~~(h) For purposes of this section, the meanings set forth in subdivision (e) of Section 53395.8 shall apply as appropriate, and the following terms have the following meanings, except as otherwise provided:~~

~~(1) "Port America's Cup district" means a special waterfront district in the City and County of San Francisco that includes one or more of Seawall Lot 330, Pier 19, Pier 23, and Pier 29.~~

~~(2) "Special waterfront district" means a waterfront district in San Francisco that may comprise some or all of the America's Cup venues or potential venues.~~

~~(3) "Special waterfront district enhanced financing plan" means an infrastructure financing plan for a special waterfront district that contains a provision substantially similar to that authorized for a Pier 70 district under subparagraph (D) of paragraph (3) of subdivision (g) of Section 53395.8, with only those changes deemed necessary by the legislative body of the special waterfront district to implement the financing of the improvements described in paragraph (1) of subdivision (e).~~

~~(4) "Special waterfront district ERAF-secured debt" means debt incurred in accordance with a special waterfront district enhanced financing plan that is secured by and will be repaid from the special waterfront district ERAF share. For a Port America's Cup district, special waterfront district ERAF-secured debt includes the portion of any debt that is payable from the special waterfront district ERAF share as long as the same percentage of debt proceeds will be used for the purposes authorized by paragraph (2) of subdivision (e).~~

~~(5) (A) "Special waterfront ERAF share" means the county ERAF portion of incremental tax revenue committed, as applicable, to a special waterfront district under a special waterfront district enhanced financing plan.~~

~~(B) Notwithstanding any other provision of this chapter, the maximum amount of the county ERAF portion of incremental tax revenues committed to a special waterfront district under this section shall not exceed one million dollars ($1,000,000) in any fiscal year.~~

SEC. 6. Section 53396 of the Government Code is amended to read:

53396. Any infrastructure financing plan may contain a provision that taxes, if any, levied upon taxable property in the area included within the infrastructure

financing district each year by or for the benefit of the State of California, or any affected taxing entity after the effective date of the ordinance adopted pursuant to Section 53395.23 to create the district, shall be divided, subject to the provisions of Section 53993, as follows:

(a) That portion of the taxes which would be produced by the rate upon which the tax is levied each year by or for each of the affected taxing entities upon the total sum of the assessed value of the taxable property in the district as shown upon the assessment roll used in connection with the taxation of the property by the affected taxing entity, last equalized prior to the effective date of the ordinance adopted pursuant to Section 53395.23 to create the district, shall be allocated to, and when collected shall be paid to, the respective affected taxing entities as taxes by or for the affected taxing entities on all other property are paid.

(b) That portion of the levied taxes each year specified in the adopted infrastructure financing plan for the city or county and each affected taxing entity which has agreed to participate pursuant to ~~Section~~ Sections 53395.19 or 53395.8, as applicable, in excess of the amount specified in subdivision (a) shall be allocated to, and when collected shall be paid into a special fund of, the district for all lawful purposes of the district. Unless and until the total assessed valuation of the taxable property in a district exceeds the total assessed value of the taxable property in the district as shown by the last equalized assessment roll referred to in subdivision (a), all of the taxes levied and collected upon the taxable property in the district shall be paid to the respective affected taxing entities. When the district ceases to exist pursuant to the adopted infrastructure financing plan, all moneys thereafter received from taxes upon the taxable property in the district shall be paid to the respective affected taxing entities as taxes on all other property are paid.

(c) That portion of any ad valorem property tax revenue annually allocated to a city or county pursuant to Section 97.70 of the Revenue and Taxation Code that is specified in the adopted infrastructure financing plan for the city or county that has agreed to participate pursuant to Sections 53395.19 or 53395.8, as applicable, and that corresponds to the increase in the assessed valuation of taxable property shall be allocated to, and, when collected, shall be apportioned to, a special fund of the district for all lawful purposes of the district.

SEC. 7. Section 96.1 of the Revenue and Taxation Code is amended to read:

96.1. (a) Except as otherwise provided in Article 3 (commencing with Section 97), and in Article 4 (commencing with Section 98), for the 1980–81 fiscal year and each fiscal year thereafter, property tax revenues shall be apportioned to each jurisdiction pursuant to this section and Section 96.2 by the county auditor, subject to allocation and payment of funds as provided for in subdivision (b) of Section 33670 of the Health and Safety Code and ~~subparagraph (D)~~ subparagraphs (D) and (E) of paragraph (3) of subdivision (g) of Section 53395.8 of the Government Code, to each jurisdiction in the following manner:

(1) For each tax rate area, each jurisdiction shall be allocated an amount of property tax revenue equal to the amount of property tax revenue allocated pursuant to this chapter to each jurisdiction in the prior fiscal year, modified by any adjustments required by Section 99 or 99.02.

(2) The difference between the total amount of property tax revenue and the amounts allocated pursuant to paragraph (1) shall be allocated pursuant to Section 96.5, and shall be known as the "annual tax increment."

(3) For purposes of this section, the amount of property tax revenue referred to in paragraph (1) shall not include amounts generated by the increased assessments under Chapter 3.5 (commencing with Section 75).

(b) Any allocation of property tax revenue that was subjected to a prior completed audit by the Controller, pursuant to the requirements of Section 12468 of the Government Code, where all findings have been resolved, shall be deemed correct.

(c) (1) Guidelines for legislation implementation issued and determined necessary by the State Association of County Auditors, and when adopted as regulations by either the Controller or the Department of Finance pursuant to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, shall be considered an authoritative source deemed correct until some future clarification by legislation or court decision.

(2) If a county auditor knowingly does not follow the guidelines referred to in paragraph (1), that county auditor shall inform the Controller of the reason or reasons for not following the guidelines. If the Controller disagrees with the stated reason or reasons for not following the guidelines, the provisions of paragraph (3) do not apply.

(3) If, by audit begun on or after July 1, 2001, or discovery by an entity on or after July 1, 2001, it is determined that an allocation method is required to be adjusted and a reallocation is required for previous fiscal years, the cumulative reallocation or adjustment may not exceed 1 percent of the total amount levied at a 1-percent rate of the current year's original secured tax roll. The reallocation shall be completed in equal increments within the following three fiscal years, or as negotiated with the Controller in the case of reallocation to the Educational Revenue Augmentation Fund or school entities.

(4) If it is determined that an allocation method is required to be adjusted as provided in paragraph (3), the county auditor shall, in the fiscal year following the fiscal year in which this determination is made, correct the allocation method in accordance with statute.

SEC. 8. 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 relating to the establishment of one or more infrastructure financing districts by the City and County of San Francisco to finance public facilities along the San Francisco waterfront through its port.

Amendment 4

On page 1, strike out lines 1 to 4, inclusive, and strike out pages 2 to 19, inclusive

AMENDMENTS TO ASSEMBLY BILL NO. 2589

Amendment 1

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

An act to amend Section 11056 of the Health and Safety Code, relating to controlled substances.

Amendment 2

On page 2, before line 1, insert:

SECTION 1. Section 11056 of the Health and Safety Code is amended to read:

11056. (a) The controlled substances listed in this section are included in Schedule III.

(b) Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation ~~which~~ that contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers (whether optical, position, or geometric), and salts of those isomers whenever the existence of those salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Those compounds, mixtures, or preparations in dosage unit form containing any stimulant substances listed in Schedule II which compounds, mixtures, or preparations were listed on August 25, 1971, as excepted compounds under Section 1308.32 of Title 21 of the Code of Federal Regulations, and any other drug of the quantitative composition shown in that list for those drugs or ~~which~~ that is the same except that it contains a lesser quantity of controlled substances.

(2) Benzphetamine.

(3) Chlorphentermine.

(4) Clortermine.

(5) Mazindol.

(6) Phendimetrazine.

(c) Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation ~~which~~ that contains any quantity of the following substances having a depressant effect on the central nervous system:

(1) Any compound, mixture, or preparation containing any of the following:

(A) Amobarbital

(B) Secobarbital

(C) Pentobarbital

or any salt thereof and one or more other active medicinal ingredients ~~which~~ that are not listed in any schedule.

(2) Any suppository dosage form containing any of the following:

(A) Amobarbital

(B) Secobarbital

(C) Pentobarbital

or any salt of any of these drugs and approved by the federal Food and Drug Administration for marketing only as a suppository.

(3) Any substance ~~which~~ that contains any quantity of a derivative of barbituric acid or any salt thereof.

(4) Chlorhexadol.

(5) Lysergic acid.

(6) Lysergic acid amide.

(7) Methyprylon.

(8) Sulfondiethylmethane.

(9) Sulfonethylmethane.

(10) Sulfonmethane.

(11) Gamma hydroxybutyric acid, and its salts, isomers and salts of isomers, contained in a drug product for which an application has been approved under Section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. Sec. 355).

(d) Nalorphine.

(e) Narcotic drugs. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:

(1) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium.

(2) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

(3) Not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not more than 15 milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium.

(4) Not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active nonnarcotic ingredients in recognized therapeutic amounts. Additionally, oral liquid preparations of dihydrocodeinone containing the above specified amounts may not contain as its nonnarcotic ingredients two or more antihistamines in combination with each other.

(5) Not more than 1.8 grams of dihydrocodeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active nonnarcotic ingredients in recognized therapeutic amounts.

(6) Not more than 300 milligrams of ethylmorphine per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

(7) Not more than 500 milligrams of opium per 100 milliliters or per 100 grams or not more than 25 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

(8) Not more than 50 milligrams of morphine per 100 milliliters or per 100 grams, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

(f) Anabolic steroids and chorionic gonadotropin. Any material, compound, mixture, or preparation containing chorionic gonadotropin or an anabolic steroid

(excluding anabolic steroid products listed in the "Table of Exempt Anabolic Steroid Products" (Section 1308.34 of Title 21 of the Code of Federal Regulations), as exempt from the federal Controlled Substances Act (Section 801 and following of Title 21 of the United States Code)), including, but not limited to, the following:

(1) Androisoxazole.
(2) Androstenediol.
(3) Bolandiol.
(4) Bolasterone.
(5) Boldenone.
(6) Chlormethandienone.
(7) Clostebol.
(8) Dihydromesterone.
(9) Ethylestrenol.
(10) Fluoxymesterone.
(11) Formyldienolone.
(12) 4-Hydroxy-19-nortestosterone.
(13) Mesterolone.
(14) Methandriol.
(15) Methandrostenolone.
(16) Methenolone.
(17) 17-Methyltestosterone.
(18) Methyltrienolone.
(19) Nandrolone.
(20) Norbolethone.
(21) Norethandrolone.
(22) Normethandrolone.
(23) Oxandrolone.
(24) Oxymestrone.
(25) Oxymetholone.
(26) Quinbolone.
(27) Stanolone.
(28) Stanozolol.
(29) Stenbolone.
(30) Testosterone.
(31) Trenbolone.
(32) ~~Chorionic Gonadotropin (HGC).~~ Human chorionic gonadotropin (hCG). Except when possessed, sold, purchased, transferred, or administered with the express intention and purpose of injection or implantation into cattle or any other nonhuman species, if that use is approved by the federal Food and Drug Administration.

(g) Ketamine. Any material, compound, mixture, or preparation containing ketamine.

(h) Hallucinogenic substances. Any of the following hallucinogenic substances: dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a drug product approved by the federal Food and Drug Administration.

Amendment 3
On page 2, strike out lines 1 to 36, inclusive, and strike out page 3

Bill Dodd

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Substantive

AMENDMENTS TO ASSEMBLY BILL NO. 2598

Amendment 1

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

Sections 25132 and

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 25132 of the Government Code is amended to read:

25132. (a) Violation of a county ordinance is a misdemeanor unless by ordinance it is made an infraction. The violation of a county ordinance may be prosecuted by county authorities in the name of the people of the State of California, or redressed by civil action.

(b) Every violation that is an infraction is punishable by the following:

(1) A fine not exceeding one hundred thirty dollars ~~($100)~~ ($130) for a first violation.

(2) A fine not exceeding ~~two~~ three hundred dollars ~~($200)~~ ($300) for a second violation of the same ordinance within one year of the first violation.

(3) A fine not exceeding ~~five~~ eight hundred dollars ~~($500)~~ ($800) for each additional violation of the same ordinance within one year of the first violation.

(c) Notwithstanding any other law, a violation of local building and safety codes that is an infraction is punishable by the following:

(1) A fine not exceeding one hundred thirty dollars ~~($100)~~ ($130) for a first violation.

(2) A fine not exceeding ~~five~~ seven hundred dollars ~~($500)~~ ($700) for a second violation of the same ordinance within one year of the first violation.

(3) (A) A fine not exceeding one thousand three hundred dollars ~~($1,000)~~ ($1,300) for each additional violation of the same ordinance within one year of the first violation.

(B) A fine not exceeding two thousand five hundred dollars ($2,500) for each additional violation of the same ordinance within two years of the first violation if the property is a commercial property and the violation is due to failure by the owner to remove visible refuse or failure to prohibit unauthorized use of the property.

(d) A county levying a fine pursuant to paragraphs (2) and (3) of subdivisions (b) and (c) shall establish a process for granting a hardship waiver to reduce the amount of the fine upon a showing by the responsible party that the responsible party has made a bona fide effort to comply after the first violation and that payment of the full amount of the fine would impose an undue financial burden on the responsible party.

~~(d)~~

(e) (1) Notwithstanding any other law, including subdivisions (b) and (c), a violation of an event permit requirement that is an infraction is punishable by the following:

(A) A fine not exceeding one hundred fifty dollars ($150) for the first violation of an event permit requirement.

(B) A fine not exceeding seven hundred dollars ($700) for a second occurrence of the same violation of an event permit requirement by the same owner or operator within three years of the first violation.

(C) A fine not exceeding two thousand five hundred dollars ($2,500) for each additional occurrence of the same violation of an event permit requirement by the same owner or operator within three years of the first violation.

(2) (A) For purposes of this subdivision, "violation of an event permit requirement" means failure to obtain a permit required for a professionally organized special event on private property that is commercial in nature, or from which the owner or operator derives a commercial benefit.

(B) For purposes of this paragraph, the following definitions apply:

(i) "Commercial in nature" means that a primary purpose of the special event is to derive an economic benefit resulting from the holding of the event through admission charges or sales of merchandise that occur as part of the event.

(ii) "Commercial benefit" means any remuneration received in exchange for allowing the property on which the event occurs to be used for the event, including any remuneration that results from the rental of the property for a term of less than 31 consecutive days.

Amendment 3

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

SEC. 2.

Amendment 4

On page 2, in line 3, strike out "fifty" and insert:

thirty

Amendment 5

On page 2, in line 3, strike out "($150)" and insert:

($130)

Amendment 6

On page 2, in line 5, strike out "two" and insert:

three

Amendment 7
On page 2, in line 5, strike out "($200)" and insert:

($300)

Amendment 8
On page 2, in line 7, strike out "five" and insert:

eight

Amendment 9
On page 2, in line 7, strike out "($500)" and insert:

($800)

Amendment 10
On page 2, in line 12, after "hundred" insert:

thirty

Amendment 11
On page 2, in line 12, strike out "($100)" and insert:

($130)

Amendment 12
On page 2, in line 14, strike out "five" and insert:

seven

Amendment 13
On page 2, in line 14, strike out "($500)" and insert:

($700)

Amendment 14
On page 2, in line 16, after "(3)" insert:

(A)

AMENDMENTS TO ASSEMBLY BILL NO. 2611

Amendment 1

In the title, in line 1, strike out "amend Section 12744 of" and insert:

add Section 676.11 to

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 676.11 is added to the Insurance Code, immediately following Sections 676.10, to read:

676.11. (a) (1) An insured or applicant for a policy of residential property insurance who disagrees with a determination made by an insurer using a wildfire risk model, including, but not limited to, a determination whether to insure residential property or the amount of a premium for a policy of residential property insurance, may appeal the determination directly with the insurer.

(2) The insurer shall respond to an appeal filed pursuant to paragraph (1) within 30 calendar days. An insurer shall not make an adverse underwriting decision, as defined in Section 791.02, against its insured during the pendency of the appeal, including, but not limited to, cancellation, nonrenewal, or charging a premium increase on the policy.

(3) (A) If the appeal results in an adverse underwriting decision, as defined in Section 791.02, the insurer shall provide notice to the insured or applicant giving the specific reasons for the decision, including, but not limited to, each factual and legal basis known at that time by the insurer for the adverse underwriting decision. The notice shall also advise the insured or applicant that he or she may seek review by the department of the adverse underwriting decision and the notice shall include the mailing address, Internet Web site address, and telephone number of the unit within the department that performs this review function.

(B) The commissioner shall issue a bulletin to insurers providing the contact information of the unit within the department that performs the review function, as described in subparagraph (A), and issue updated information, as necessary.

(b) For purposes of this section:

(1) "Policy of residential property insurance" shall have the same meaning as defined in Section 10087.

(2) "Wildfire risk model" means a computer-based, map-based, or other measurement or simulation tool used by an insurer to rate, underwrite, or otherwise assess or evaluate the risk of wildfire or consequence of wildfire to residential structures.

Amendment 3
On page 1, strike out lines 1 to 6, inclusive, and strike out page 2

- 0 -

AMENDMENTS TO ASSEMBLY BILL NO. 2619

Amendment 1

In the title, in line 1, strike out "to amend Section 5878.1 of the Welfare and Institutions Code,"

Amendment 2

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

services, and making an appropriation therefor.

Amendment 3

On page 1, before line 1, insert:

SECTION 1. The sum of ten million dollars ($10,000,000) is hereby appropriated from the General Fund to the State Department of Health Care Services. The department shall allocate the appropriated funds to county mental health programs for the purpose of funding innovative programs, consistent with Section 5830 of the Welfare and Institutions Code, to provide mental health services to California's homeless population.

Amendment 4

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

AMENDMENTS TO ASSEMBLY BILL NO. 2620

Amendment 1

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

to amend Sections 10500 and 10855 of the Vehicle Code,

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 10500 of the Vehicle Code is amended to read:

10500. (a) Every peace officer, upon receiving a report based on reliable information that any vehicle registered under this code has been stolen, taken, or driven in violation of Section 10851, or that a leased or rented vehicle has not been returned within ~~five~~ three days after its owner has made written demand for its return, by certified or registered mail, following the expiration of the lease or rental agreement, or that license plates for any vehicle have been lost or stolen, shall, immediately after receiving that information, report the information to the Department of Justice Stolen Vehicle System. An officer, upon receiving information of the recovery of any vehicle described in this subdivision, or of the recovery of plates which have been previously reported as lost or stolen, shall immediately report the fact of the recovery to the Department of Justice Stolen Vehicle System. At the same time, the recovering officer shall advise the Department of Justice Stolen Vehicle System and the original reporting police agency of the location and condition of the vehicle or license plates recovered. The original reporting police agency, upon receipt of the information from the recovering officer, shall, immediately attempt to notify the reporting party by telephone, if the telephone number of the reporting party is available or readily accessible, of the location and condition of the recovered vehicle. If the reporting party's telephone number is unknown, or notification attempts were unsuccessful, the original reporting police agency shall notify the reporting party by placing, in the mail, a notice providing the location and condition of the recovered vehicle. This written notice shall be mailed within 24 hours of the original reporting police agency's receipt of the information of the recovery of the vehicle, excluding holidays and weekends.

(b) If the recovered vehicle is subject to parking or storage charges, Section 10652.5 applies.

SEC. 2. Section 10855 of the Vehicle Code is amended to read:

10855. Whenever any person who has leased or rented a vehicle wilfully and intentionally fails to return the vehicle to its owner within ~~five~~ three days after the lease or rental agreement has expired, that person shall be presumed to have embezzled the vehicle.

Amendment 3
On page 1, strike out lines 1 and 2

- 0 -

AMENDMENTS TO ASSEMBLY BILL NO. 2625

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

An act to amend Section 1050 of the Penal Code, relating to criminal procedure.

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

SECTION 1. Section 1050 of the Penal Code is amended to read:

1050. (a) The welfare of the people of the State of California requires that all proceedings in criminal cases ~~shall~~ be set for trial and heard and determined at the earliest possible time. To this end, the Legislature finds that the criminal courts are becoming increasingly ~~congested with~~ congested, resulting in adverse consequences to the welfare of the people and the defendant. Excessive continuances contribute substantially to this congestion and cause substantial hardship to victims and other witnesses. Continuances also lead to longer periods of presentence confinement for those defendants in custody and the concomitant overcrowding and increased expenses of local jails. It is therefore recognized that the people, the defendant, and the victims and other witnesses have the right to an expeditious disposition, ~~and~~ and, to that ~~end~~ end, it shall be the duty of all courts and judicial officers and of all counsel, both for the prosecution and the defense, to expedite these proceedings to the greatest degree that is consistent with the ends of justice. In accordance with this policy, criminal cases shall be given precedence over, and set for trial and heard without regard to the pendency of, ~~any~~ civil matters or proceedings. In further accordance with this policy, death penalty cases in which both the prosecution and the defense have informed the court that they are prepared to proceed to trial shall be given precedence over, and set for trial and heard without regard to the pendency of, other criminal cases and ~~any~~ civil matters or proceedings, unless the court finds in the interest of justice that it is not appropriate.

(b) To continue ~~any~~ a hearing in a criminal proceeding, including the trial, (1) a written notice shall be filed and served on all parties to the proceeding at least two court days before the hearing sought to be continued, together with affidavits or declarations detailing specific facts showing that a continuance is necessary and (2) within two court days of learning that he or she has a conflict in the scheduling of ~~any~~ a court hearing, including a trial, an attorney shall notify the calendar clerk of each court involved, in writing, indicating which hearing was set first. A party shall not be deemed to have been served within the meaning of this section until that party actually has received a copy of the documents to be served, unless the party, after receiving actual notice of the request for continuance, waives the right to have the documents served in a timely manner. Regardless of the proponent of the motion, the prosecuting attorney shall notify the people's witnesses and the defense attorney shall notify the defense's witnesses of the notice of motion, the date of the hearing, and the witnesses' right to be heard by the court.

(c) Notwithstanding subdivision (b), a party may make a motion for a continuance without complying with the requirements of that subdivision. However, unless the moving party shows good cause for the failure to comply with those requirements, the court may impose sanctions as provided in Section 1050.5.

(d) When a party makes a motion for a continuance without complying with the requirements of subdivision (b), the court shall hold a hearing on whether there is good cause for the failure to comply with those requirements. At the conclusion of the hearing, the court shall make a finding whether good cause has been shown and, if it finds that there is good cause, shall state on the record the facts proved that justify its finding. A statement of the finding and a statement of facts proved shall be entered in the minutes. If the moving party is unable to show good cause for the failure to give notice, the motion for continuance shall not be granted.

(e) Continuances shall be granted only upon a showing of good cause. Neither the convenience of the parties nor a stipulation of the parties ~~is~~ is, in and of ~~itself~~ itself, good cause.

(f) At the conclusion of the motion for continuance, the court shall make a finding whether good cause has been shown and, if it finds that there is good cause, shall state on the record the facts proved that justify its finding. A statement of facts proved shall be entered in the minutes.

(g) (1) When deciding whether or not good cause for a continuance has been shown, the court shall consider the general convenience and prior commitments of all witnesses, including peace officers. Both the general convenience and prior commitments of each witness also shall be considered in selecting a continuance date if the motion is granted. The facts as to inconvenience or prior commitments may be offered by the witness or by a party to the case.

(2) (A) For purposes of this section, "good cause" includes, but is not limited to, cases that meet both of the following criteria:

(i) The case involves one or more of the following:

(I) Murder, as defined in subdivision (a) of Section 187.

(II) An allegation of stalking, as defined in Section 646.9.

(III) A violation of one or more of the sections specified in subdivision (a) of Section 11165.1 or Section 11165.6.

(IV) Domestic violence, as defined in subdivision (b) of Section 13700.

(V) A case being handled under the California Career Criminal Prosecution Program pursuant to Sections 999b to 999h, inclusive.

(VI) A hate crime, as defined in Title 11.6 (commencing with Section 422.55) of Part 1.

(VII) Human trafficking, as defined in Section 236.1.

~~(2) For purposes of this section, "good cause" includes, but is not limited to, those cases involving murder, as defined in subdivision (a) of Section 187, allegations that stalking, as defined in Section 646.9, a violation of one or more of the sections specified in subdivision (a) of Section 11165.1 or Section 11165.6, or domestic violence as defined in Section 13700, or a case being handled in the Career Criminal Prosecution Program pursuant to Sections 999b through 999h, or a hate crime, as defined in Title 11.6 (commencing with Section 422.6) of Part 1, has occurred and the~~

(ii) The prosecuting attorney assigned to the case has another trial, preliminary hearing, or motion to suppress in progress in that court or another court. ~~A continuance under this paragraph shall be limited to a maximum of 10 additional court days.~~

(B) A continuance under this paragraph shall be limited to a maximum of 10 additional court days.

(3) Only one continuance per case may be granted to the people under this subdivision for cases involving stalking, hate crimes, or cases handled under the California Career Criminal Prosecution Program. ~~Any~~ A continuance granted to the people in a case involving stalking or handled under the California Career Criminal Prosecution Program shall be for the shortest time possible, not to exceed 10 court days.

(h) Upon a showing that the attorney of record at the time of the defendant's first appearance in the superior court on an indictment or information is a Member of the Legislature of this state and that the Legislature is in session or that a legislative interim committee of which the attorney is a duly appointed member is meeting or is to meet within the next seven days, the defendant shall be entitled to a reasonable continuance not to exceed 30 days.

(i) A continuance shall be granted only for that period of time shown to be necessary by the evidence considered at the hearing on the motion. Whenever ~~any~~ a continuance is granted, the court shall state on the record the facts proved that justify the length of the continuance, and those facts shall be entered in the minutes.

(j) Whenever it ~~shall appear~~ appears that ~~any~~ a court may be required, because of the condition of its calendar, to dismiss an action pursuant to Section 1382, the court ~~must~~ shall immediately notify the Chair of the Judicial Council.

(k) This section ~~shall~~ does not apply when the preliminary examination is set on a date less than 10 court days from the date of the defendant's arraignment on the complaint, and the prosecution or the defendant moves to continue the preliminary examination to a date not more than 10 court days from the date of the defendant's arraignment on the complaint.

(*l*) This section is directory only and does not mandate dismissal of an action by its terms.

Amendment 3
On page 1, strike out lines 1 and 2 and strike out page 2

AMENDMENTS TO ASSEMBLY BILL NO. 2638

Amendment 1
In the title, in line 1, strike out "38755" and insert:

38750

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

SECTION 1. Section 38750 of the Vehicle Code is amended to read:

38750. (a) For purposes of this division, the following definitions apply:

(1) "Autonomous technology" means technology that has the capability to drive a vehicle without the active physical control or monitoring by a human operator.

(2) (A) "Autonomous vehicle" means any vehicle equipped with autonomous technology that has been integrated into that vehicle.

(B) An autonomous vehicle does not include a vehicle that is equipped with one or more collision avoidance systems, including, but not limited to, electronic blind spot assistance, automated emergency braking systems, park assist, adaptive cruise control, lane keep assist, lane departure warning, traffic jam and queuing assist, or other similar systems that enhance safety or provide driver assistance, but are not capable, collectively or singularly, of driving the vehicle without the active control or monitoring of a human operator.

(3) "Department" means the Department of Motor Vehicles.

(4) An "operator" of an autonomous vehicle is the person who is seated in the driver's seat, or, if there is no person in the driver's seat, causes the autonomous technology to engage.

(5) A "manufacturer" of autonomous technology is the person as defined in Section 470 that originally manufactures a vehicle and equips autonomous technology on the originally completed vehicle or, in the case of a vehicle not originally equipped with autonomous technology by the vehicle manufacturer, the person that modifies the vehicle by installing autonomous technology to convert it to an autonomous vehicle after the vehicle was originally manufactured.

(b) An autonomous vehicle may be operated on public roads for testing purposes by a driver who possesses the proper class of license for the type of vehicle being operated if all of the following requirements are met:

(1) The autonomous vehicle is being operated on roads in this state solely by employees, contractors, or other persons designated by the manufacturer of the autonomous technology.

(2) The driver shall be seated in the driver's seat, monitoring the safe operation of the autonomous vehicle, and capable of taking over immediate manual control of the autonomous vehicle in the event of an autonomous technology failure or other emergency.

(3) Prior to the start of testing in this state, the manufacturer performing the testing shall obtain an instrument of insurance, surety bond, or proof of self-insurance

in the amount of five million dollars ($5,000,000), and shall provide evidence of the insurance, surety bond, or self-insurance to the department in the form and manner required by the department pursuant to the regulations adopted pursuant to subdivision (d).

(c) Except as provided in subdivision (b), an autonomous vehicle shall not be operated on public roads until the manufacturer submits an application to the department, and that application is approved by the department pursuant to the regulations adopted pursuant to subdivision (d). The application shall contain, at a minimum, all of the following certifications:

(1) A certification by the manufacturer that the autonomous technology satisfies all of the following requirements:

(A) The autonomous vehicle has a mechanism to engage and disengage the autonomous technology that is easily accessible to the operator.

(B) The autonomous vehicle has a visual indicator inside the cabin to indicate when the autonomous technology is engaged.

(C) The autonomous vehicle has a system to safely alert the operator if an autonomous technology failure is detected while the autonomous technology is engaged, and when an alert is given, the system shall do either of the following:

(i) Require the operator to take control of the autonomous vehicle.

(ii) If the operator does not or is unable to take control of the autonomous vehicle, the autonomous vehicle shall be capable of coming to a complete stop.

(D) The autonomous vehicle shall allow the operator to take control in multiple manners, including, without limitation, through the use of the brake, the accelerator pedal, or the steering wheel, and it shall alert the operator that the autonomous technology has been disengaged.

(E) The autonomous vehicle's autonomous technology meets Federal Motor Vehicle Safety Standards for the vehicle's model year and all other applicable safety standards and performance requirements set forth in state and federal law and the regulations promulgated pursuant to those laws.

(F) The autonomous technology does not make inoperative any Federal Motor Vehicle Safety Standards for the vehicle's model year and all other applicable safety standards and performance requirements set forth in state and federal law and the regulations promulgated pursuant to those laws.

(G) The autonomous vehicle has a separate mechanism, in addition to, and separate from, any other mechanism required by law, to capture and store the autonomous technology sensor data for at least 30 seconds before a collision occurs between the autonomous vehicle and another vehicle, object, or natural person while the vehicle is operating in autonomous mode. The autonomous technology sensor data shall be captured and stored in a read-only format by the mechanism so that the data is retained until extracted from the mechanism by an external device capable of downloading and storing the data. The data shall be preserved for three years after the date of the collision.

(2) A certification that the manufacturer has tested the autonomous technology on public roads and has complied with the testing standards, if any, established by the department pursuant to subdivision (d).

(3) A certification that the manufacturer will maintain, an instrument of insurance, a surety bond, or proof of self-insurance as specified in regulations adopted by the

department pursuant to subdivision (d), in an amount of five million dollars ($5,000,000).

(d) (1) As soon as practicable, but no later than January 1, 2015, the department shall adopt regulations setting forth requirements for the submission of evidence of insurance, surety bond, or self-insurance required by subdivision (b), and the submission and approval of an application to operate an autonomous vehicle pursuant to subdivision (c).

(2) The regulations shall include any testing, equipment, and performance standards, in addition to those established for purposes of subdivision (b), that the department concludes are necessary to ensure the safe operation of autonomous vehicles on public roads, with or without the presence of a driver inside the vehicle. In developing these regulations, the department may consult with the Department of the California Highway Patrol, the Institute of Transportation Studies at the University of California, or any other entity identified by the department that has expertise in automotive technology, automotive safety, and autonomous system design.

(3) The department may establish additional requirements by the adoption of regulations, which it determines, in consultation with the Department of the California Highway Patrol, are necessary to ensure the safe operation of autonomous vehicles on public roads, including, but not limited to, regulations regarding the aggregate number of deployments of autonomous vehicles on public roads, special rules for the registration of autonomous vehicles, new license requirements for operators of autonomous vehicles, and rules for revocation, suspension, or denial of any license or any approval issued pursuant to this division.

(4) The department shall hold public hearings on the adoption of any regulation applicable to the operation of an autonomous vehicle without the presence of a driver inside the vehicle.

(5) (A) Notwithstanding paragraph (3), for purposes of any regulatory requirement to report incidents of disengagement, the roads located within the boundaries of the Castle Commerce Center in the County of Merced are not public roads.

(B) For purposes of this paragraph, "disengagement" means a deactivation of the autonomous mode when a failure of the autonomous technology is detected or when the safe operation of the vehicle required disengagement from the autonomous mode.

(e) (1) The department shall approve an application submitted by a manufacturer pursuant to subdivision (c) if it finds that the applicant has submitted all information and completed testing necessary to satisfy the department that the autonomous vehicles are safe to operate on public roads and the applicant has complied with all requirements specified in the regulations adopted by the department pursuant to subdivision (d).

(2) Notwithstanding paragraph (1), if the application seeks approval for autonomous vehicles capable of operating without the presence of a driver inside the vehicle, the department may impose additional requirements it deems necessary to ensure the safe operation of those vehicles, and may require the presence of a driver in the driver's seat of the vehicle if it determines, based on its review pursuant to paragraph (1), that such a requirement is necessary to ensure the safe operation of those vehicles on public roads.

(f) The department shall post a public notice on its Internet Web site when it adopts the regulations required by subdivision (d). The department shall not approve

an application submitted pursuant to the regulations until 30 days after the public notice is provided.

(g) Federal regulations promulgated by the National Highway Traffic Safety Administration shall supersede the provisions of this division when found to be in conflict with any other state law or regulation.

(h) The manufacturer of the autonomous technology installed on a vehicle shall provide a written disclosure to the purchaser of an autonomous vehicle that describes what information is collected by the autonomous technology equipped on the vehicle. The department may promulgate regulations to assess a fee upon a manufacturer that submits an application pursuant to subdivision (c) to operate autonomous vehicles on public roads in an amount necessary to recover all costs reasonably incurred by the department.

Amendment 3

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

AMENDMENTS TO ASSEMBLY BILL NO. 2642

Amendment 1

In the title, in line 1, strike out "amend Section 1455 of" and insert:

add and repeal Section 2104.1 of

Amendment 2

In the title, strike out line 2 and insert:

guardianship.

Amendment 3

On page 1, before line 1, insert:

SECTION 1. The Legislature finds and declares the following:

(a) California law grants the superior courts jurisdiction to make judicial determinations regarding the custody and care of children, including the juvenile, probate, and family court divisions of the superior court. These courts are also empowered to make the findings necessary for a child to petition the United States Citizenship and Immigration Services for classification as a special immigrant juvenile under federal immigration law.

(b) Special immigrant juvenile status, under the federal Immigration and Nationality Act, offers relief from deportation and a path to permanent residence to undocumented immigrant children under 21 years of age, if a state juvenile court has made specific findings.

(c) The findings necessary for a child to petition for classification as a special immigrant juvenile include, among others, a finding that reunification with one or both parents is not viable due to abuse, neglect, abandonment, or a similar basis under state law, and a finding that it is not in the child's best interest to be returned to his or her country of origin.

(d) Despite recent changes to law that eliminate ambiguity regarding the jurisdiction of superior courts to make the findings necessary to petition for special immigrant juvenile status, misalignment between state and federal law continues to exist.

(e) Children who enter the United States without a parent or legal guardian and without immigration documentation are placed in the custody of the federal Department of Health and Human Services, Office of Refugee Resettlement. While most unaccompanied immigrant children are released to family members or other adult caretakers with whom they can seek a legal guardianship, there are a small number of children who have no appropriate caregiver in the United States and therefore remain in Office of Refugee Resettlement custody. Some of these children remain in the shelter system and some are transferred to a federal foster care program that is administered

by the Office of Refugee Resettlement. In either case, the minor may need to seek a state court order regarding their eligibility for special immigrant juvenile status.

(f) Minors in some Office of Refugee Resettlement placements in California are currently able to obtain the necessary state court order through entity guardianship proceedings pursuant to Section 2104 of the Probate Code. However, current law limits entity guardianships to entities that are incorporated in California. Some Office of Refugee Resettlement programs in California are part of national agencies that are incorporated in another state, although the programs are licensed in California. These national agencies, despite their extensive experience in providing care for unaccompanied immigrant children, cannot currently petition for entity guardianship of those children, denying the children the opportunity to be in the legal care and custody of these care providers, and to petition for special immigrant juvenile findings which could protect them from deportation.

(g) Given the recent influx of unaccompanied immigrant children arriving in the United States, many of whom have experienced parental abuse, neglect, or abandonment, it is necessary to provide an avenue for these unaccompanied children to petition the probate courts to have an entity guardian appointed regardless of which agency they are placed with. This is particularly necessary in light of the vulnerability of this class of unaccompanied youth, who have been found to have no available caretaker in the United States and who require a stable placement and services to recover from the trauma of abuse, neglect or abandonment.

(h) It is the intent of the Legislature to ensure unaccompanied minors are treated with equity and are able to receive underlying state court orders the children need to apply for special immigrant juvenile status. It is the intent of the Legislature to give the probate court jurisdiction to appoint an entity guardian, regardless of where the entity is incorporated, as long as that entity is contracted by the federal Department of Health and Human Services, Office of Refugee Resettlement to provide care for and custody of the minor, and that minor needs to request findings from the probate court necessary to enable them to petition the United States Citizenship and Immigration Services for classification as a special immigrant juvenile.

SEC. 2. Section 2104.1 is added to the Probate Code, to read:

2104.1. (a) A nonprofit charitable corporation not incorporated in this state may be appointed as the guardian of a minor if all of the following requirements are met:

(1) The articles of incorporation specifically authorize the nonprofit charitable corporation to accept appointments as a guardian.

(2) The nonprofit charitable corporation is contracted by the federal Department of Health and Human Services, Office of Refugee Resettlement, or its successor federal government entity, to provide care and custody of the minor.

(3) The petition for guardianship is filed in connection with a petition to make the necessary findings regarding special immigrant juvenile status pursuant to subdivision (b) of Section 155 of the Code of Civil Procedure.

(b) (1) The petition for appointment of a nonprofit charitable corporation described in this section as a guardian shall include in the caption the name of a responsible corporate officer who shall act for the nonprofit charitable corporation for the purposes of this division.

(2) If, for any reason, the officer so named ceases to act as the responsible corporate officer for the purposes of this division, the nonprofit charitable corporation shall file with the court, as soon as practicable, a notice containing the name of the successor responsible corporate officer and the date the successor responsible corporate officer becomes the responsible corporate officer.

(c) If a nonprofit charitable corporation described in this section is appointed as a guardian, the nonprofit charitable corporation's compensation as guardian and any fee allowed for an attorney for the nonprofit charitable corporation shall be allowed only for services actually rendered.

(d) This section shall remain in effect only until January 1, 2022, and as of that date is repealed.

Amendment 4
On page 1, strike out lines 1 to 6, inclusive, and strike out page 2