

## AMENDMENTS TO ASSEMBLY BILL NO. 2509

## Amendment 1

In the title, in line 1, strike out "2852" and insert:

512

## Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 512 of the Labor Code is amended to read:

512. (a) ~~(1)~~ An employer may not employ an employee for a work period of more than five hours per day without providing the employee with a meal period of not less than 30 minutes, except that if the total work period per day of the employee is no more than six hours, the meal period may be waived by mutual consent of both the employer and employee. An employer may not employ an employee for a work period of more than 10 hours per day without providing the employee with a second meal period of not less than 30 minutes, except that if the total hours worked is no more than 12 hours, the second meal period may be waived by mutual consent of the employer and the employee only if the first meal period was not waived.

(2) An employee may request in writing to take an on-duty meal period in order to reduce the employee's work shift that day by not less than 30 minutes, as long as the total hours worked does not exceed eight hours and the employer approves. An employer is prohibited from encouraging or otherwise soliciting an employee to take an on-duty meal period pursuant to this section.

(b) Notwithstanding subdivision (a), the Industrial Welfare Commission may adopt a working condition order permitting a meal period to commence after six hours of work if the commission determines that the order is consistent with the health and welfare of the affected employees.

(c) Subdivision (a) does not apply to an employee in the wholesale baking industry who is subject to an Industrial Welfare Commission wage order and who is covered by a valid collective bargaining agreement that provides for a 35-hour workweek consisting of five 7-hour days, payment of one and one-half times the regular rate of pay for time worked in excess of seven hours per day, and a rest period of not less than 10 minutes every two hours.

(d) If an employee in the motion picture industry or the broadcasting industry, as those industries are defined in Industrial Welfare Commission Wage Order Numbers 11 and 12, is covered by a valid collective bargaining agreement that provides for meal periods and includes a monetary remedy if the employee does not receive a meal period required by the agreement, then the terms, conditions, and remedies of the agreement pertaining to meal periods apply in lieu of the applicable provisions pertaining to meal periods of subdivision (a) of this section, Section 226.7, and Industrial Welfare Commission Wage Order Numbers 11 and 12.

(e) Subdivisions (a) and (b) do not apply to an employee specified in subdivision (f) if both of the following conditions are satisfied:



(1) The employee is covered by a valid collective bargaining agreement.  
(2) The valid collective bargaining agreement expressly provides for the wages, hours of work, and working conditions of employees, and expressly provides for meal periods for those employees, final and binding arbitration of disputes concerning application of its meal period provisions, premium wage rates for all overtime hours worked, and a regular hourly rate of pay of not less than 30 percent more than the state minimum wage rate.

(f) Subdivision (e) applies to each of the following employees:

(1) An employee employed in a construction occupation.  
(2) An employee employed as a commercial driver.  
(3) An employee employed in the security services industry as a security officer who is registered pursuant to Chapter 11.5 (commencing with Section 7580) of Division 3 of the Business and Professions Code, and who is employed by a private patrol operator registered pursuant to that chapter.

(4) An employee employed by an electrical corporation, a gas corporation, or a local publicly owned electric utility.

(g) The following definitions apply for the purposes of this section:

(1) "Commercial driver" means an employee who operates a vehicle described in Section 260 or 462 of, or subdivision (b) of Section 15210 of, the Vehicle Code.

(2) "Construction occupation" means all job classifications associated with construction by Article 2 (commencing with Section 7025) of Chapter 9 of Division 3 of the Business and Professions Code, including work involving alteration, demolition, building, excavation, renovation, remodeling, maintenance, improvement, and repair, and any other similar or related occupation or trade.

(3) "Electrical corporation" has the same meaning as provided in Section 218 of the Public Utilities Code.

(4) "Gas corporation" has the same meaning as provided in Section 222 of the Public Utilities Code.

(5) "Local publicly owned electric utility" has the same meaning as provided in Section 224.3 of the Public Utilities Code.

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 6, inclusive

## AMENDMENTS TO ASSEMBLY BILL NO. 2522

## Amendment 1

In the title, in line 1, after the first "to" insert:

amend Sections 95014 and 95020 of the Government Code, and to amend Sections 4512 and 4648 of, and to repeal Sections 4648.5 and 4783 of, the Welfare and Institutions Code,

## Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 95014 of the Government Code is amended to read:

95014. (a) The term "~~eligible infant or toddler~~ toddler," for the purposes of ~~this title~~ this title, means infants and toddlers from birth through two years of ~~age~~ age for whom a need for early intervention services, as specified in the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1431 et seq.) and applicable regulations, is documented by means of assessment and evaluation as required in Sections 95016 and ~~95018~~ 95018, and who meet one of the following criteria:

(1) Infants and toddlers with a developmental delay in one or more of the following five areas: cognitive development; physical and motor development, including vision and hearing; communication development; social or emotional development; or adaptive development. Developmentally delayed infants and toddlers are those who are determined to have a ~~significant~~ difference between the expected level of development for their age and their current level of functioning. This determination shall be made by qualified personnel who are recognized by, or part of, a multidisciplinary team, including the parents. ~~A significant difference is defined as a 33-percent delay in one or more developmental areas.~~

(2) Infants and toddlers with established risk conditions, who are infants and toddlers with conditions of known etiology or conditions with established harmful developmental consequences. The conditions shall be diagnosed by qualified personnel recognized by, or part of, a multidisciplinary team, including the parents. The condition shall be certified as having a high probability of leading to developmental delay if the delay is not evident at the time of diagnosis.

(3) Infants and toddlers who are at high risk of having substantial developmental disability due to a combination of biomedical risk factors, the presence of which are diagnosed by qualified personnel recognized by, or part of, a multidisciplinary team, including the parents.

(b) Regional centers and local educational agencies shall be responsible for ensuring that eligible infants and toddlers are served as follows:

(1) The State Department of Developmental Services and regional centers shall be responsible for the provision of appropriate early intervention services that are required for California's participation in Part C of the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1431 et seq.) for all infants eligible under this section, except for those infants with solely a visual, hearing, or severe orthopedic



impairment, or any combination of those impairments, who meet the criteria in Sections 56026 and 56026.5 of the Education Code, and in Section 3030(a) or (b) of, and Section 3031 of, Title 5 of the California Code of Regulations.

(2) The State Department of Education and local educational agencies shall be responsible for the provision of appropriate early intervention services in accordance with Part C of the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1431 et seq.) for infants with solely a visual, hearing, or severe orthopedic impairment, or any combination of those impairments, who meet the criteria in Sections 56026 and 56026.5 of the Education Code, and in Section 3030(a) or (b) of, and Section 3031 of, Title 5 of the California Code of Regulations, and who are not eligible for services under the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code).

(3) The transfer procedures and timelines, as provided under subdivision (d) of Section 4643.5 of the Welfare and Institutions Code, shall apply if the circumstances pertaining to an eligible infant or toddler are that the child (A) has an order for foster care placement, is awaiting foster care placement, or is placed in out-of-home care through voluntary ~~placement~~ placement, as defined in subdivision (o) of Section 11400 of the Welfare and Institutions Code, and (B) transfers between regional centers.

(c) For infants and toddlers and their families who are eligible to receive services from both a regional center and a local educational agency, the regional center shall be the agency responsible for providing or purchasing appropriate early intervention services that are beyond the mandated responsibilities of local educational agencies and that are required for California's participation in Part C of the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1431 et seq.). The local educational agency shall provide special education services up to its funded program capacity as established annually by the State Department of Education in consultation with the State Department of Developmental Services and the Department of Finance.

(d) An agency or multidisciplinary team, including any agency listed in Section 95012, shall not presume or determine eligibility, including eligibility for medical services, for any other agency. However, regional centers and local educational agencies shall coordinate intake, evaluation, assessment, and individualized family service plans for infants and toddlers and their families who are served by an agency.

(e) Upon termination of the program pursuant to Section 95003, the State Department of Developmental Services shall be responsible for the payment of services pursuant to this title.

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

SEC. 2. Section 95020 of the Government Code is amended to read:

95020. (a) An eligible infant or toddler shall have an individualized family service plan. The individualized family service plan shall be used in place of an individualized education program required pursuant to Sections 4646 and 4646.5 of the Welfare and Institutions Code, the individualized program plan required pursuant to Section 56340 of the Education Code, or any other applicable service plan.

(b) For an infant or toddler who has been evaluated for the first time, a meeting to share the results of the evaluation, to determine eligibility and, for children who are eligible, to develop the initial individualized family service plan shall be conducted within 45 calendar days of receipt of the written referral. Evaluation results and determination of eligibility may be shared in a meeting with the family prior to the



individualized family service plan. Written parent consent to evaluate and assess shall be obtained within the 45-day timeline. A regional center, local educational agency, or the designee of one of those entities shall initiate and conduct this meeting. Families shall be afforded the opportunity to participate in all decisions regarding eligibility and services. During intake and assessment, but no later than the individualized family service plan meeting, the parents, legal guardian, or conservator shall provide copies of any health benefit cards under which the consumer is eligible to receive health benefits, including, but not limited to, private health insurance, a health care service plan, Medi-Cal, Medicare, and TRICARE. If the individual, or, ~~where~~ when appropriate, the parents, legal guardians, or conservators, have no such benefits, the regional center shall not use that fact to negatively impact the services that the individual may or may not receive from the regional center.

(c) Parents shall be fully informed of their rights, including the right to invite another person, including a family member or an advocate or peer parent, or any or all of them, to accompany them to any or all individualized family service plan meetings. With parental consent, a referral shall be made to the local family resource center or network.

(d) The individualized family service plan shall be in writing and shall address all of the following:

(1) A statement of the infant's or toddler's present levels of physical development including vision, hearing, and health status, cognitive development, communication development, social and emotional development, and adaptive developments.

(2) With the concurrence of the family, a statement of the family's concerns, priorities, and resources related to meeting the special developmental needs of the eligible infant or toddler.

(3) A statement of the major outcomes expected to be achieved for the infant or toddler and family where services for the family are related to meeting the special developmental needs of the eligible infant or toddler.

(4) The criteria, procedures, and timelines used to determine the degree to which progress toward achieving the outcomes is being made and whether modifications or revisions are necessary.

(5) (A) A statement of the specific early intervention services necessary to meet the unique needs of the infant or toddler as identified in paragraph (3), including, but not limited to, the frequency, intensity, location, duration, and method of delivering the services, and ways of providing services in natural generic environments, including group training for parents on behavioral intervention techniques in lieu of some or all of the in-home parent training component of the behavior intervention services, and purchase of neighborhood preschool services and needed qualified personnel in lieu of infant development programs.

(B) Effective July 1, 2009, at the time of development, review, or modification of an infant's or toddler's individualized family service plan, the regional center shall consider both of the following:

(i) The use of group training for parents on behavior intervention techniques, in lieu of some or all of the in-home parent training component of the behavior intervention services.

(ii) The purchase of neighborhood preschool services and needed qualified personnel, in lieu of infant development programs.

(6) A statement of the agency responsible for providing the identified services.

(7) The name of the service coordinator who shall be responsible for facilitating implementation of the plan and coordinating with other agencies and persons.

(8) The steps to be taken to ensure transition of the infant or toddler upon reaching three years of age to other appropriate services. These may include, as appropriate, special education or other services offered in natural environments.

(9) The projected dates for the initiation of services in paragraph (5) and the anticipated duration of those services.

(e) Each service identified on the individualized family service plan shall be designated as one of three types:

(1) An early intervention service, as defined in subsection (4) of Section 1432 of Title 20 of the United States Code, and applicable regulations, that is provided or purchased through the regional center, local educational agency, or other participating agency. The State Department of Health Care Services and the State Department of Social Services shall provide services in accordance with state and federal law and applicable regulations, and up to the level of funding as appropriated by the Legislature. Early intervention services identified on an individualized family service plan that exceed the funding, statutory, and regulatory requirements of these departments shall be provided or purchased by regional centers or local educational agencies under subdivisions (b) and (c) of Section 95014. The State Department of Health Care Services and the State Department of Social Services shall not be required to provide early intervention services over their existing funding, statutory, and regulatory requirements.

(2) Another service, other than those specified in paragraph (1), ~~which that~~ the eligible infant or toddler or his or her family may receive from other state programs, subject to the eligibility standards of those programs.

(3) A referral to a nonrequired service that may be provided to an eligible infant or toddler or his or her family. Nonrequired services are those services that are not defined as early intervention services or do not relate to meeting the special developmental needs of an eligible infant or toddler related to the disability, but that may be helpful to the family. The granting or denial of nonrequired services by a public or private agency is not subject to appeal under this title. ~~Notwithstanding any other provision of law or regulation to the contrary, effective July 1, 2009, with the exception of durable medical equipment, regional centers shall not purchase nonrequired services, but may refer a family to a nonrequired service that may be available to an eligible infant or toddler or his or her family.~~

(f) An annual review, and other periodic reviews, of the individualized family service plan for an infant or toddler and the infant's or toddler's family shall be conducted to determine the degree of progress that is being made in achieving the outcomes specified in the plan and whether modification or revision of the outcomes or services is necessary. The frequency, participants, purpose, and required processes for annual and periodic reviews shall be consistent with the statutes and regulations under Part C of the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.) and this title, and shall be specified in regulations adopted pursuant to Section 95028. At the time of the review, the parents, legal guardian, or conservator shall provide copies of any health benefit cards under which the consumer is eligible to receive health benefits, including, but not limited to, private health insurance, a health care service plan, Medi-Cal, Medicare, and TRICARE. If the parents, legal

guardian, or conservator have no such benefit cards, the regional center shall not use that fact to negatively impact the services that the individual may or may not receive from the regional center.

(g) (1) A regional center shall communicate and provide written materials in the family's native language during the assessment, evaluation, and planning process for the individualized family service plan, as required by Part C of the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.) and implementing regulations, and as required by Sections 11135 to 11139.7, inclusive, and implementing regulations, including providing alternative communication services pursuant to Sections ~~98210 to 98211, inclusive, 11161 and 11162~~ of Title ~~22~~ 2 of the California Code of Regulations.

(2) The family's native language shall be documented in the individualized family service plan.

SEC. 3. Section 4512 of the Welfare and Institutions Code is amended to read: 4512. As used in this division:

(a) "Developmental disability" means a disability that originates before an individual attains 18 years of ~~age; age and~~ continues, or can be expected to continue, ~~indefinitely; and constitutes a substantial disability for that individual. indefinitely.~~ As defined by the Director of Developmental Services, in consultation with the Superintendent of Public Instruction, this term shall include intellectual disability, cerebral palsy, epilepsy, and autism. This term shall also include disabling conditions found to be closely related to intellectual disability or to require treatment similar to that required for individuals with an intellectual disability, but shall not include other handicapping conditions that are solely physical in nature.

(b) "Services and supports for persons with developmental disabilities" means specialized services and supports or special adaptations of generic services and supports directed toward the alleviation of a developmental disability or toward the social, personal, physical, or economic habilitation or rehabilitation of an individual with a developmental disability, or toward the achievement and maintenance of independent, productive, and normal lives. The determination of which services and supports are necessary for each consumer shall be made through the individual program plan process. The determination shall be made on the basis of the needs and preferences of the consumer or, when appropriate, the consumer's family, and shall include consideration of a range of service options proposed by individual program plan participants, the effectiveness of each option in meeting the goals stated in the individual program plan, and the cost-effectiveness of each option. Services and supports listed in the individual program plan may include, but are not limited to, diagnosis, evaluation, treatment, personal care, day care, domiciliary care, special living arrangements, physical, occupational, and speech therapy, training, education, supported and sheltered employment, mental health services, recreation, counseling of the individual with a developmental disability and of his or her family, protective and other social and sociolegal services, information and referral services, follow-along services, adaptive equipment and supplies, advocacy assistance, including self-advocacy training, facilitation and peer advocates, assessment, assistance in locating a home, child care, behavior training and behavior modification programs, camping, community integration services, community support, daily living skills training, emergency and crisis intervention, facilitating circles of support, habilitation, homemaker services, infant

stimulation programs, paid roommates, paid neighbors, respite, short-term out-of-home care, social skills training, specialized medical and dental care, telehealth services and supports, as defined in Section 2290.5 of the Business and Professions Code, supported living arrangements, technical and financial assistance, travel training, training for parents of children with developmental disabilities, training for parents with developmental disabilities, vouchers, and transportation services necessary to ensure delivery of services to persons with developmental disabilities. ~~Nothing in this~~ This subdivision is intended to does not expand or authorize a new or different service or support for any consumer unless that service or support is contained in his or her individual program plan.

(c) Notwithstanding subdivisions (a) and (b), for any organization or agency receiving federal financial participation under the federal Developmental Disabilities Assistance and Bill of Rights Act of 2000, Chapter 144 (commencing with Section 15001) of Title 42 of the United States Code, as amended, "developmental disability" and "services for persons with developmental disabilities" mean the terms as defined in the federal act to the extent required by federal law.

(d) "Consumer" means a person who has a disability that meets the definition of developmental disability set forth in subdivision (a).

(e) "Natural supports" means personal associations and relationships typically developed in the community that enhance the quality and security of life for people, including, but not limited to, family relationships, friendships reflecting the diversity of the neighborhood and the community, associations with fellow students or employees in regular classrooms and workplaces, and associations developed through participation in clubs, organizations, and other civic activities.

(f) "Circle of support" means a committed group of community members, who may include family members, meeting regularly with an individual with developmental disabilities in order to share experiences, promote autonomy and community involvement, and assist the individual in establishing and maintaining natural supports. A circle of support generally includes a plurality of members who neither provide nor receive services or supports for persons with developmental disabilities and who do not receive payment for participation in the circle of support.

(g) "Facilitation" means the use of modified or adapted materials, special instructions, equipment, or personal assistance by an individual, such as assistance with communications, that will enable a consumer to understand and participate to the maximum extent possible in the decisions and choices that affect his or her life.

(h) "Family support services" means services and supports that are provided to a child with developmental disabilities or his or her family and that contribute to the ability of the family to reside together.

(i) "Voucher" means any authorized alternative form of service delivery in which the consumer or family member is provided with a payment, coupon, chit, or other form of authorization that enables the consumer or family member to choose his or her own service provider.

(j) "Planning team" means the individual with developmental disabilities, the parents or legally appointed guardian of a minor consumer or the legally appointed conservator of an adult consumer, the authorized representative, including those appointed pursuant to subdivision (d) of Section 4548 and subdivision (e) of Section 4705, one or more regional center representatives, including the designated regional



center service coordinator pursuant to subdivision (b) of Section 4640.7, any individual, including a service provider, invited by the consumer, the parents or legally appointed guardian of a minor consumer or the legally appointed conservator of an adult consumer, or the authorized representative, including those appointed pursuant to subdivision (d) of Section 4548 and subdivision (e) of Section 4705, and including a minor's, dependent's, or ward's court-appointed developmental services decisionmaker appointed pursuant to Section 319, 361, or 726.

(k) "Stakeholder organizations" means statewide organizations representing the interests of consumers, family members, service providers, and statewide advocacy organizations.

~~(l) (1) "Substantial disability" means the existence of significant functional limitations in three or more of the following areas of major life activity, as determined by a regional center, and as appropriate to the age of the person:~~

- ~~(A) Self-care.~~
- ~~(B) Receptive and expressive language.~~
- ~~(C) Learning.~~
- ~~(D) Mobility.~~
- ~~(E) Self-direction.~~
- ~~(F) Capacity for independent living.~~
- ~~(G) Economic self-sufficiency.~~

~~(2) A reassessment of substantial disability for purposes of continuing eligibility shall utilize the same criteria under which the individual was originally made eligible.~~

~~(m)~~

~~(n) "Native language" means the language normally used or the preferred language identified by the individual and, when appropriate, his or her parent, legal guardian or conservator, or authorized representative.~~

SEC. 4. Section 4648 of the Welfare and Institutions Code is amended to read:  
4648. In order to achieve the stated objectives of a consumer's individual program plan, the regional center shall conduct activities, including, but not limited to, all of the following:

(a) Securing needed services and supports.

(1) It is the intent of the Legislature that services and supports assist individuals with developmental disabilities ~~in achieving to achieve~~ the greatest self-sufficiency possible and ~~in exercising to exercise~~ personal choices. The regional center shall secure services and supports that meet the needs of the consumer, as determined in the consumer's individual program plan, and within the context of the individual program plan, the planning team shall give highest preference to those services and supports ~~which that~~ would allow minors with developmental disabilities to live with their families, adult persons with developmental disabilities to live as independently as possible in the community, and that allow all consumers to interact with persons without disabilities in positive, meaningful ways.

(2) In implementing individual program plans, regional centers, through the planning team, shall first consider services and supports in natural community, home, work, and recreational settings. Services and supports shall be flexible and individually tailored to the consumer and, where appropriate, his or her family.

(3) A regional center may, pursuant to vendorization or a contract, purchase services or supports for a consumer from ~~any an~~ individual or agency that the regional



center and consumer or, when appropriate, his or her parents, legal guardian, or conservator, or authorized representatives, determines will best accomplish all or ~~any~~ part of that consumer's program plan.

(A) Vendorization or contracting is the process for identification, selection, and utilization of service vendors or contractors, based on the qualifications and other requirements necessary in order to provide the service.

(B) A regional center may reimburse an individual or agency for services or supports provided to a regional center consumer if the individual or agency has a rate of payment for vendored or contracted services established by the department, pursuant to this division, and is providing services pursuant to an emergency vendorization or has completed the vendorization procedures or has entered into a contract with the regional center and continues to comply with the vendorization or contracting requirements. The director shall adopt regulations governing the vendorization process to be utilized by the department, regional centers, vendors, and the individual or agency requesting vendorization.

(C) Regulations shall include, but not be limited to: the vendor application process, and the basis for accepting or denying an application; the qualification and requirements for each category of services that may be provided to a regional center consumer through a vendor; requirements for emergency vendorization; procedures for termination of vendorization; and the procedure for an individual or an agency to appeal ~~any~~ a vendorization decision made by the department or regional center.

(D) A regional center may vendorize a licensed facility for exclusive services to persons with developmental disabilities at a capacity equal to or less than the facility's licensed capacity. A facility already licensed on January 1, 1999, shall continue to be vendorized at their full licensed capacity until the facility agrees to vendorization at a reduced capacity.

(E) Effective July 1, 2009, notwithstanding any other law or regulation, a regional center shall not newly vendor a State Department of Social Services licensed 24-hour residential care facility with a licensed capacity of 16 or more beds, unless the facility qualifies for receipt of federal funds under the Medicaid Program.

(4) Notwithstanding subparagraph (B) of paragraph (3), a regional center may contract or issue a voucher for services and supports provided to a consumer or family at a cost not to exceed the maximum rate of payment for that service or support established by the department. If a rate has not been established by the department, the regional center may, for an interim period, contract for a specified service or support with, and establish a rate of payment for, ~~any~~ a provider of the service or support necessary to implement a consumer's individual program plan. Contracts may be negotiated for a period of up to three years, with annual review and subject to the availability of funds.

(5) In order to ensure the maximum flexibility and availability of appropriate services and supports for persons with developmental disabilities, the department shall establish and maintain an equitable system of payment to providers of services and supports identified as necessary to the implementation of a consumer's individual program plan. The system of payment shall include a provision for a rate to ensure that the provider can meet the special needs of consumers and provide quality services and supports in the least restrictive setting as required by law.

(6) The regional center and the consumer, or when appropriate, his or her parents, legal guardian, conservator, or authorized representative, including those appointed pursuant to subdivision (a) of Section 4541, subdivision (b) of Section 4701.6, or subdivision (e) of Section 4705, shall, pursuant to the individual program plan, consider all of the following when selecting a provider of consumer services and supports:

(A) A provider's ability to deliver quality services or supports that can accomplish all or part of the consumer's individual program plan.

(B) A provider's success in achieving the objectives set forth in the individual program plan.

(C) Where appropriate, the existence of licensing, accreditation, or professional certification.

(D) The cost of providing services or supports of comparable quality by different providers, if available, shall be reviewed, and the least costly available provider of comparable service, including the cost of transportation, who is able to accomplish all or part of the consumer's individual program plan, consistent with the particular needs of the consumer and family as identified in the individual program plan, shall be selected. In determining the least costly provider, the availability of federal financial participation shall be considered. The consumer shall not be required to use the least costly provider if it will result in the consumer moving from an existing provider of services or supports to more restrictive or less integrated services or supports.

(E) The consumer's choice of providers, or, when appropriate, the consumer's parent's, legal guardian's, authorized representative's, or conservator's choice of providers.

(7) ~~No~~ A service or support provided by ~~any~~ an agency or individual shall not be continued unless the consumer or, when appropriate, his or her parents, legal guardian, or conservator, or authorized representative, including those appointed pursuant to subdivision (a) of Section 4541, subdivision (b) of Section 4701.6, or subdivision (e) of Section 4705, is satisfied and the regional center and the consumer or, when appropriate, the person's parents or legal guardian or conservator agree that planned services and supports have been provided, and reasonable progress toward objectives have been made.

(8) Regional center funds shall not be used to supplant the budget of ~~any~~ an agency that has a legal responsibility to serve all members of the general public and is receiving public funds for providing those services.

(9) (A) A regional center may, directly or through an agency acting on behalf of the center, provide placement in, purchase of, or follow-along services to persons with developmental disabilities in, appropriate community living arrangements, including, but not limited to, support service for consumers in homes they own or lease, foster family placements, health care facilities, and licensed community care facilities. In considering appropriate placement alternatives for children with developmental disabilities, approval by the child's parent or guardian shall be obtained before placement is made.

(B) Effective July 1, 2012, notwithstanding any other law or regulation, a regional center shall not purchase residential services from a State Department of Social Services licensed 24-hour residential care facility with a licensed capacity of 16 or more beds. This prohibition on regional center purchase of residential services ~~shall~~ does not apply to either of the following:

(i) A residential facility with a licensed capacity of 16 or more beds that has been approved to participate in the department's Home and Community Based Services Waiver or another existing waiver program or certified to participate in the Medi-Cal program.

(ii) A residential facility licensed as a mental health rehabilitation center by the State Department of Health Care Services under any of the following circumstances:

(I) The facility is eligible for Medicaid reimbursement and the individual's planning team determines that there are no less restrictive placements appropriate for the individual.

(II) There is an emergency circumstance in which the regional center determines that it cannot locate alternate federally eligible services to meet the consumer's needs. Under such an emergency circumstance, an assessment shall be completed by the regional center as soon as possible and within 30 days of admission. An individual program plan meeting shall be convened immediately following the assessment to determine the services and supports needed for stabilization and to develop a plan to transition the consumer from the facility into the community. If transition is not expected within 90 days of admission, an individual program plan meeting shall be held to discuss the status of transition and to determine if the consumer is still in need of placement in the facility. Commencing October 1, 2012, this determination shall be made after also considering resource options identified by the statewide specialized resource service. If it is determined that emergency services continue to be necessary, the regional center shall submit an updated transition plan that can cover a period of up to 90 days. In no event shall placements under these emergency circumstances exceed 180 days.

(III) The clients' rights advocate shall be notified of each admission and individual program planning meeting pursuant to this clause and may participate in all individual program planning meetings unless the consumer objects on his or her own behalf. For purposes of this subclause, notification to the clients' rights advocate shall include a copy of the most recent comprehensive assessment or updated assessment and the time, date, and location of the meeting, and shall be provided as soon as practicable, but not less than seven calendar days ~~prior to~~ before the meeting.

(IV) If a consumer is placed in a mental health rehabilitation center by another entity, the mental health rehabilitation center shall inform the regional center of the placement within five days of the date the consumer is admitted. If an individual's records indicate that he or she is a regional center consumer, the mental health rehabilitation center shall make every effort to contact the local regional center or the department to determine which regional center to provide notice. As soon as possible within 30 days of admission to a mental health rehabilitation center due to an emergency pursuant to subclause II, or within 30 days of notification of admission to a mental health rehabilitation center by an entity other than a regional center, an assessment shall be completed by the regional center.

(C) (i) Effective July 1, 2012, notwithstanding any other law or regulation, a regional center shall not purchase new residential services from, or place a consumer in, institutions for mental disease, as described in Part 5 (commencing with Section 5900) of Division 5, for which federal Medicaid funding is not available. Effective July 1, 2013, this prohibition applies regardless of the availability of federal funding.

(ii) The prohibition described in clause (i) shall not apply to emergencies, as determined by the regional center, when a regional center cannot locate alternate services to meet the consumer's needs. As soon as possible within 30 days of admission due to an emergency, an assessment shall be completed by the regional center. An individual program plan meeting shall be convened immediately following the assessment, to determine the services and supports needed for stabilization and to develop a plan to transition the consumer from the facility to the community. If transition is not expected within 90 days of admission, an emergency program plan meeting shall be held to discuss the status of the transition and to determine if the consumer is still in need of placement in the facility. If emergency services continue to be necessary, the regional center shall submit an updated transition plan to the department for an extension of up to 90 days. Placement shall not exceed 180 days.

(iii) To the extent feasible, ~~prior to~~ before any admission, the regional center shall consider resource options identified by the statewide specialized resource service established pursuant to subdivision (b) of Section 4418.25.

(iv) The clients' rights advocate shall be notified of each admission and individual program planning meeting pursuant to this subparagraph and may participate in all individual program planning meetings unless the consumer objects on his or her own behalf. For purposes of this clause, notification to the clients' rights advocate shall include a copy of the most recent comprehensive assessment or updated assessment and the time, date, and location of the meeting, and shall be provided as soon as practicable, but not less than seven calendar days ~~prior to~~ before the meeting.

(v) If a consumer is placed in an institution for mental disease by another entity, the institution for mental disease shall inform the regional center of the placement within five days of the date the consumer is admitted. If an individual's records indicate that he or she is a regional center consumer, the institution for mental disease shall make every effort to contact the local regional center or department to determine which regional center to provide notice. As soon as possible within 30 days of admission to an institution for mental disease due to an emergency pursuant to clause (ii), or within 30 days of notification of admission to an institution for mental disease by an entity other than a regional center, an assessment shall be completed by the regional center.

(vi) Regional centers shall complete a comprehensive assessment of ~~any a~~ a consumer residing in an institution for mental disease as of July 1, 2012, for which federal Medicaid funding is not available, and for ~~any a~~ a consumer residing in an institution for mental disease as of July 1, 2013, without regard to federal funding. The comprehensive assessment shall be completed ~~prior to~~ before the consumer's next scheduled individual program plan meeting and shall include identification of the services and supports needed and the timeline for identifying or developing those services needed to transition the consumer back to the community. Effective October 1, 2012, the regional center shall also consider resource options identified by the statewide specialized resource service. For each individual program plan meeting convened pursuant to this subparagraph, the clients' rights advocate for the regional center shall be notified of the meeting and may participate in the meeting unless the consumer objects on his or her own behalf. For purposes of this clause, notification to the clients' rights advocate shall include the time, date, and location of the meeting, and shall be provided as soon as practicable, but not less than seven calendar days ~~prior to~~ before the meeting.



(D) (i) The transition process from a mental health rehabilitation center or institution for mental disease shall be based upon the individual's needs, developed through the individual program plan process, and shall ensure that needed services and supports will be in place at the time the individual moves. Individual supports and services shall include, when appropriate for the individual, wraparound services through intensive individualized support services. The transition shall be to a community living arrangement that is in the least restrictive environment appropriate to the needs of the individual and most protective of the individual's rights to dignity, freedom, and choice as described in subdivision (a).

(ii) Regional centers, through the individual program plan process, shall coordinate for the benefit of the regional center consumers residing in an institution for mental disease, pretransition planning, transition, and access to followup services to help ensure a smooth transition to the community. Individual support services shall include, but shall not be limited to, both of the following:

(I) Defined regional center contacts and visits with consumers and service providers during the 12 months following the consumer's movement date.

(II) Identification of issues that need resolution and an individualized support plan to address these issues.

(E) A person with developmental disabilities placed by the regional center in a community living arrangement shall have the rights specified in this division. These rights shall be brought to the person's attention by any means necessary to reasonably communicate these rights to each resident, provided that, at a minimum, the Director of Developmental Services prepare, provide, and require to be clearly posted in all residential facilities and day programs a poster using simplified language and pictures that is designed to be more understandable by persons with intellectual disabilities and that the rights information shall also be available through the regional center to each residential facility and day program in alternative formats, including, but not limited to, other languages, braille, and audiotapes, when necessary to meet the communication needs of consumers.

(F) Consumers are eligible to receive supplemental services including, but not limited to, additional staffing, pursuant to the process described in subdivision (d) of Section 4646. Necessary additional staffing that is not specifically included in the rates paid to the service provider may be purchased by the regional center if the additional staff are in excess of the amount required by regulation and the individual's planning team determines the additional services are consistent with the provisions of the individual program plan. Additional staff should be periodically reviewed by the planning team for consistency with the individual program plan objectives in order to determine if continued use of the additional staff is necessary and appropriate and if the service is producing outcomes consistent with the individual program plan. Regional centers shall monitor programs to ensure that the additional staff is being provided and utilized appropriately.

(10) Emergency and crisis intervention services including, but not limited to, mental health services and behavior modification services, may be provided, as needed, to maintain persons with developmental disabilities in the living arrangement of their own choice. Crisis services shall first be provided without disrupting a person's living arrangement. If crisis intervention services are unsuccessful, emergency housing shall be available in the person's home community. If dislocation cannot be avoided, every



effort shall be made to return the person to his or her living arrangement of choice, with all necessary supports, as soon as possible.

(11) Among other service and support options, planning teams shall consider the use of paid roommates or neighbors, personal assistance, technical and financial assistance, and all other service and support options ~~which that~~ would result in greater self-sufficiency for the consumer and cost-effectiveness to the state.

(12) When facilitation as specified in an individual program plan requires the services of an individual, the facilitator shall be of the consumer's choosing.

(13) The community support may be provided to assist individuals with developmental disabilities to fully participate in community and civic life, including, but not limited to, programs, services, work opportunities, business, and activities available to persons without disabilities. This facilitation shall include, but not be limited to, any of the following:

(A) Outreach and education to programs and services within the community.

(B) Direct support to individuals that would enable them to more fully participate in their community.

(C) Developing unpaid natural supports when possible.

(14) When feasible and recommended by the individual program planning team, for purposes of facilitating better and cost-effective services for consumers or family members, technology, including telecommunication technology, may be used in conjunction with other services and supports. Technology in lieu of a consumer's in-person appearances at judicial proceedings or administrative due process hearings may be used only if the consumer or, when appropriate, the consumer's parent, legal guardian, conservator, or authorized representative, gives informed consent. Technology may be used in lieu of, or in conjunction with, in-person training for providers, as appropriate.

(15) Other services and supports may be provided as set forth in Sections 4685, 4686, 4687, 4688, and 4689, when necessary.

~~(16) Notwithstanding any other law or regulation, effective July 1, 2009, regional centers shall not purchase experimental treatments, therapeutic services, or devices that have not been clinically determined or scientifically proven to be effective or safe or for which risks and complications are unknown. Experimental treatments or therapeutic services include experimental medical or nutritional therapy when the use of the product for that purpose is not a general physician practice. For regional center consumers receiving these services as part of their individual program plan (IPP) or individualized family service plan (IFSP) on July 1, 2009, this prohibition shall apply on August 1, 2009.~~

(b) (1) Advocacy for, and protection of, the civil, legal, and service rights of persons with developmental disabilities as established in this division.

(2) Whenever the advocacy efforts of a regional center to secure or protect the civil, legal, or service rights of ~~any of its consumers~~ a consumer prove ineffective, the regional center or the person with developmental disabilities or his or her parents, legal guardian, or other representative may request advocacy assistance from the state council.

(c) The regional center may assist consumers and families directly, or through a provider, in identifying and building circles of support within the community.

(d) In order to increase the quality of community services and protect consumers, the regional center shall, when appropriate, take either of the following actions:

(1) Identify services and supports that are ineffective or of poor quality and provide or secure consultation, training, or technical assistance services for ~~any~~ an agency or individual provider to assist that agency or individual provider in upgrading the quality of services or supports.

(2) Identify providers of services or supports that may not be in compliance with local, state, and federal statutes and regulations and notify the appropriate licensing or regulatory authority to investigate the possible noncompliance.

(e) When necessary to expand the availability of needed services of good quality, a regional center may take actions that include, but are not limited to, the following:

(1) Soliciting an individual or agency by requests for proposals or other means, to provide needed services or supports not presently available.

(2) Requesting funds from the Program Development Fund, pursuant to Section 4677, or community placement plan funds designated from that fund, to reimburse the startup costs needed to initiate a new program of services and supports.

(3) Using creative and innovative service delivery models, including, but not limited to, natural supports.

(f) Except in emergency situations, a regional center shall not provide direct treatment and therapeutic services, but shall utilize appropriate public and private community agencies and service providers to obtain those services for its consumers.

(g) When there are identified gaps in the system of services and supports ~~or when there are identified~~ consumers for whom no provider will provide services and supports contained in his or her individual program plan, the department may provide the services and supports directly.

(h) At least annually, regional centers shall provide the consumer, his or her parents, legal guardian, conservator, or authorized representative a statement of services and supports the regional center purchased for the purpose of ensuring that they are delivered. The statement shall include the type, unit, month, and cost of services and supports purchased.

SEC. 5. Section 4648.5 of the Welfare and Institutions Code is repealed.

~~4648.5. (a) Notwithstanding any other provision of law or regulations to the contrary, effective July 1, 2009, a regional centers' authority to purchase the following services shall be suspended pending implementation of the Individual Choice Budget and certification by the Director of Developmental Services that the Individual Choice Budget has been implemented and will result in state budget savings sufficient to offset the costs of providing the following services:~~

~~(1) Camping services and associated travel expenses.~~

~~(2) Social recreation activities, except for those activities vendored as community-based day programs.~~

~~(3) Educational services for children three to 17, inclusive, years of age.~~

~~(4) Nonmedical therapies, including, but not limited to, specialized recreation; art, dance, and music.~~

~~(b) For regional center consumers receiving services described in subdivision (a) as part of their individual program plan (IPP) or individualized family service plan (IFSP), the prohibition in subdivision (a) shall take effect on August 1, 2009.~~

~~(c) An exemption may be granted on an individual basis in extraordinary circumstances to permit purchase of a service identified in subdivision (a) when the regional center determines that the service is a primary or critical means for ameliorating~~

the physical, cognitive, or psychosocial effects of the consumer's developmental disability, or the service is necessary to enable the consumer to remain in his or her home and no alternative service is available to meet the consumer's needs:

SEC. 6. Section 4783 of the Welfare and Institutions Code is repealed.

4783. (a) (1) The Family Cost Participation Program is hereby created in the State Department of Developmental Services for the purpose of assessing a cost participation to parents, as defined in Section 50215 of Title 17 of the California Code of Regulations, who have a child to whom all of the following applies:

(A) The child has a developmental disability or is eligible for services under the California Early Intervention Services Act (Title 14 (commencing with Section 95000) of the Government Code):

(B) The child is zero years of age through 17 years of age:

(C) The child lives in the parents' home:

(D) The child receives services and supports purchased through the regional center:

(E) The child is not eligible for Medi-Cal.

(2) Notwithstanding any other provision of law, a parent described in subdivision (a) shall participate in the Family Cost Participation Program established pursuant to this section:

(3) Application of this section to children zero through two years of age, inclusive, shall be contingent upon approval by the United States Department of Education:

(b) (1) The department shall develop and establish a Family Cost Participation Schedule that shall be used by regional centers to assess the parents' cost participation. The schedule shall consist of a sliding scale for families with an annual gross income not less than 400 percent of the federal poverty guideline, and be adjusted for the level of annual gross income and the number of persons living in the family home:

(2) The schedule established pursuant to this section shall be exempt from the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code):

(c) Family cost participation assessments shall only be applied to respite, day care, and camping services that are included in the child's individual program plan or individualized family service plan for children zero through two years of age:

(d) If there is more than one minor child living in the parents' home and receiving services or supports paid for by the regional center, or living in a 24-hour out-of-home facility, including a developmental center, the assessed amount shall be adjusted as follows:

(1) A parent that meets the criteria specified in subdivision (b) with two children shall be assessed at 75 percent of the respite, day care, and camping services in each child's individual program plan or individualized family service plan for each child living at home:

(2) A parent that meets the criteria specified in subdivision (b) with three children shall be assessed at 50 percent of the respite, day care, and camping services included in each child's individual program plan or individualized family service plan for each child living at home:

(3) A parent that meets the criteria specified in subdivision (b) with four children shall be assessed 25 percent of the respite, day care, and camping services included in

each child's individual program plan or individualized family service plan for each child living at home:

(4) A parent that meets the criteria specified in subdivision (b) with more than four children shall be exempt from participation in the Family Cost Participation Program.

(e) For each child, the amount of cost participation shall be less than the amount of the parental fee that the parent would pay if the child lived in a 24-hour, out-of-home facility.

(f) Commencing January 1, 2005, each regional center shall be responsible for administering the Family Cost Participation Program.

(g) Family cost participation assessments or reassessments shall be conducted as follows:

(1) (A) A regional center shall assess the cost participation for all parents of current consumers who meet the criteria specified in this section. A regional center shall use the most recent individual program plan or individualized family service plan for this purpose.

(B) A regional center shall assess the cost participation for parents of newly identified consumers at the time of the initial individual program plan or the individualized family service plan.

(C) Reassessments for cost participation shall be conducted as part of the individual program plan or individual family service plan review pursuant to subdivision (b) of Section 4646 of this code or subdivision (f) of Section 95020 of the Government Code.

(D) The parents are responsible for notifying the regional center when a change in family income occurs that would result in a change in the assessed amount of cost participation.

(2) Parents shall self-certify their gross annual income to the regional center by providing copies of W-2 Wage Earners Statements, payroll stubs, a copy of the prior year's state income tax return, or other documents and proof of other income.

(3) A regional center shall notify parents of the parents' assessed cost participation within 10 working days of receipt of the parents' complete income documentation.

(4) Parents who have not provided copies of income documentation pursuant to paragraph (2) shall be assessed the maximum cost participation based on the highest income level adjusted for family size until such time as the appropriate income documentation is provided. Parents who subsequently provide income documentation that results in a reduction in their cost participation shall be reimbursed for the actual cost difference incurred for services identified in the individual program plan or individualized family service plan for respite, day care, and camping services, for 90 calendar days preceding the reassessment. The actual cost difference is the difference between the maximum cost participation originally assessed and the reassessed amount using the parents' complete income documentation, that is substantiated with receipts showing that the services have been purchased by the parents.

(5) The executive director of the regional center may grant a cost participation adjustment for parents who incur an unavoidable and uninsured catastrophic loss with direct economic impact on the family or who substantiate, with receipts, significant unreimbursed medical costs associated with care for a child who is a regional center



consumer. A redetermination of the cost participation adjustment shall be made at least annually.

(h) A provider of respite, day care, or camping services shall not charge a rate for the parents' share of cost that is higher than the rate paid by the regional center for its share of cost.

(i) The department shall develop, and regional centers shall use, all forms and documents necessary to administer the program established pursuant to this section. The forms and documents shall be posted on the department's Internet Web site. A regional center shall provide appropriate materials to parents at the initial individual program plan or individualized family service plan meeting and subsequent individual program plan or individualized family service plan review meetings. These materials shall include a description of the Family Cost Participation Program.

(j) The department shall include an audit of the Family Cost Participation Program during its audit of a regional center.

(k) (1) Parents of children ages three through 17 years of age may appeal an error in the amount of the parents' cost participation to the executive director of the regional center within 30 days of notification of the amount of the assessed cost participation. The parents may appeal to the Director of Developmental Services, or his or her designee, any decision by the executive director made pursuant to this subdivision within 15 days of receipt of the written decision of the executive director.

(2) Parents of children ages three through 17 years of age who dispute the decision of the executive director pursuant to paragraph (5) of subdivision (g) shall have a right to a fair hearing as described in, and the regional center shall provide notice pursuant to, Chapter 7 (commencing with Section 4700). This paragraph shall become inoperative on July 1, 2006.

(3) On and after July 1, 2006, a parent described in paragraph (2) shall have the right to appeal the decision of the executive director to the Director of Developmental Services, or his or her designee, within 15 days of receipt of the written decision of the executive director.

(l) For parents of children ages zero through two years of age, inclusive, the complaint, mediation, and due process procedures set forth in Sections 52170 to 52174, inclusive, of Title 17 of the California Code of Regulations shall be used to resolve disputes regarding this section.

(m) The department may adopt emergency regulations to implement this section. The adoption, amendment, repeal, or reoption of a regulation authorized by this section is deemed to be necessary for the immediate preservation of the public peace, health and safety, or general welfare, for purposes of Sections 11346.1 and 11349.6 of the Government Code, and the department is hereby exempted from the requirement that it describe specific facts showing the need for immediate action. A certificate of compliance for these implementing regulations shall be filed within 24 months following the adoption of the first emergency regulations filed pursuant to this subdivision.

(n) By April 1, 2005, and annually thereafter, the department shall report to the appropriate fiscal and policy committees of the Legislature on the status of the implementation of the Family Cost Participation Program established under this section. On and after April 1, 2006, the report shall contain all of the following:

(1) The annual total purchase of services savings attributable to the program per regional center.



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~~(2) The annual costs to the department and each regional center to administer the program.~~

~~(3) The number of families assessed a cost participation per regional center.~~

~~(4) The number of cost participation adjustments granted pursuant to paragraph (5) of subdivision (g) per regional center.~~

~~(5) The number of appeals filed pursuant to subdivision (k) and the number of those appeals granted, modified, or denied.~~

Amendment 3

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

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## AMENDMENTS TO ASSEMBLY BILL NO. 2529

## Amendment 1

In the title, in line 1, strike out "Section 53 of" and insert:

Sections 17035, 17222, 18662, 19002, 19355, 19361, 19709, and 23036 of, and to add Section 18662.5 to,

## Amendment 2

On page 1, before line 1, insert:

SECTION 1. It is the intent of the Legislature to require tax withholding for properties in which the gain or loss from the property exchange was not recognized for income tax purposes because of Section 1031 of the Internal Revenue Code in order to address the avoidance of income taxes otherwise due and payable to the state when the gain or loss from the property is recognized in a property outside of California.

SEC. 2. Section 17035 of the Revenue and Taxation Code is amended to read:  
17035. The term "withholding agent" means any person required to deduct and withhold any tax under ~~Section 18662~~. Sections 18662 and 18662.5.

SEC. 3. Section 17222 of the Revenue and Taxation Code is amended to read:  
17222. No deduction shall be allowed for the tax deducted and withheld under ~~Section 18662~~ Sections 18662 and 18662.5 of this code and Section 13020 of the Unemployment Insurance Code either to the employer or to the recipient of the income in computing taxable income under this part.

SEC. 4. Section 18662 of the Revenue and Taxation Code is amended to read:  
18662. (a) The Franchise Tax Board may, by regulation, require any person, in whatever capacity acting, including lessees or mortgagors of real or personal property, fiduciaries, employers, and any officer or department of the state, or any political subdivision or agency of the state, or any city organized under a freeholder's charter, or any political body not a subdivision or agency of the state, having the control, receipt, custody, disposal, or payment of items of income specified in subdivision (b), to withhold an amount, determined by the Franchise Tax Board to reasonably represent the amount of tax due when the items of income are included with other income of the taxpayer, and to transmit the amount withheld to the Franchise Tax Board at the time as it may designate.

(b) The items of income referred to in subdivision (a) are interest, dividends, rents, prizes and winnings, premiums, annuities, emoluments, compensation for services, including bonuses, partnership income or gains, and other fixed or determinable annual or periodical gains, profits, and income.

(c) The Franchise Tax Board may authorize the tax under subdivision (a) to be deducted and withheld from the interest upon any securities the owners of which are not known to the withholding agent.

(d) Any person that fails to withhold from any payments any amounts required to be withheld by this section or fails to remit the taxes withheld is liable for the amount specified in Section 18668.



(e) (1) This subdivision applies to any disposition of a California real property interest by:

(A) Any person, other than either of the following:

(i) Except as otherwise provided in this subdivision, a corporation, including an entity classified for tax purposes as a corporation under Part 11 (commencing with Section 23001).

(ii) Except as otherwise provided in this subdivision, a partnership, as determined in accordance with Subchapter K of Chapter 1 of Subtitle A of the Internal Revenue Code, including an entity classified as a partnership for tax purposes under Part 10 (commencing with Section 17001).

(B) A corporation or partnership, if that corporation or partnership immediately after the transfer of the title to the California real property has no permanent place of business in California. For purposes of this subdivision, a corporation or partnership has no permanent place of business in California if all of the following apply:

(i) It is not organized and existing under the laws of California.

(ii) It does not qualify with the office of the Secretary of State to transact business in California.

(iii) It does not maintain and staff a permanent office in California.

(2) (A) Except as provided in subparagraph (B), in the case of any disposition of a California real property interest by a transferor described in paragraph (1), the transferee, including for this purpose any intermediary or accommodator in a deferred exchange, is required to withhold an amount equal to  $3 \frac{1}{3}$  percent of the sales price of the California real property conveyed.

(B) If the transferor makes an election under this subparagraph, the transferee, including any intermediary or accommodator in a deferred exchange, is required to withhold an amount equal to an amount certified by the transferor in writing under penalty of perjury. The amount certified shall not be less than the gain required to be recognized under Part 10 (commencing with Section 17001) and Part 11 (commencing with Section 23001) on the disposition of the California real property multiplied by the rate specified in either Section 23151 or Section 23186, as applicable, for transferors that are corporations, or the highest rate specified in Section 17041 for transferors other than corporations. For purposes of applying the previous sentence, the following shall apply:

(i) The highest rate specified in Section 17041 is determined without regard to any other tax rate specified under Part 10 (commencing with Section 17001) irrespective of whether the applicable statute provides that tax shall be treated as if imposed under Section 17041.

(ii) For corporations that are "S" corporations subject to the modified tax rate specified in Section 23802, the rate shall be the sum of the rate specified in subdivision (b) of Section 23802 and the highest rate specified in Section 17041, as described in clause (i).

(C) (i) The written certification required by subparagraph (B) shall be in a form, as prescribed by the Franchise Tax Board. The form shall provide as follows:

"Title and escrow persons and exchange accommodators are not authorized to provide legal or accounting advice for purposes of determining withholding amounts.

Transferors are strongly encouraged to consult with a competent tax professional for this purpose.”

(ii) The Franchise Tax Board shall make this form available electronically on its Web site in a format that allows a transferor to complete and print the form. The Franchise Tax Board shall also provide electronic means to enable the transferor to estimate the amount of gain required to be recognized by the transferor in the transaction. Any form or worksheet, electronic or otherwise, developed for this purpose shall provide as follows:

“Title and escrow persons and exchange accommodators are not authorized to provide legal or accounting advice for purposes of determining withholding amounts. Transferors are strongly encouraged to consult with a competent tax professional for this purpose.”

(3) Notwithstanding any other provision of this subdivision, all of the following shall apply:

(A) No transferee is required to withhold any amount under this subdivision unless the sales price of the California real property conveyed exceeds one hundred thousand dollars (\$100,000).

(B) No transferee, other than an intermediary or an accommodator in a deferred exchange, is required to withhold any amount under this subdivision unless written notification of the withholding requirements of this subdivision has been provided by the real estate escrow person.

(C) (i) No transferee, trustee under a deed of trust, or mortgagee under a mortgage with a power of sale is required to withhold under this subdivision when the transferee has acquired California real property at a sale pursuant to a power of sale under a mortgage or deed of trust or a sale pursuant to a decree of foreclosure or has acquired the property by a deed in lieu of foreclosure.

(ii) No transferee is required to withhold under this subdivision when the transferor is a bank acting as trustee other than a trustee of a deed of trust.

(D) No transferee, including for this purpose any intermediary or accommodator in a deferred exchange, is required to withhold any amount under this subdivision if the transferee, in good faith and based on all the information of which he or she has knowledge, relies on a written certificate executed by the transferor, certifying, under penalty of perjury, one of the following:

(i) (I) The California real property being conveyed is the seller's or decedent's principal residence, within the meaning of Section 121 of the Internal Revenue Code.

(II) The last use of the property being conveyed was use by the transferor as the transferor's principal residence within the meaning of Section 121 of the Internal Revenue Code.

(ii) (I) The California real property being conveyed is being exchanged, or will be exchanged, for property of like kind, within the meaning of Section 1031 of the Internal Revenue Code, but only to the extent of the amount of the gain not required to be recognized for California income or franchise tax purposes under Section 1031 of the Internal Revenue Code. On and after January 1, 2019, this subclause shall only apply to property located within the state.

(II) Subclause (I) may not apply if an exchange does not qualify for nonrecognition treatment for California income or franchise tax purposes under Section 1031 of the Internal Revenue Code, in whole or in part, due to the failure of the

transaction to comply with the provisions of Section 1031(a)(3) of the Internal Revenue Code, relating to the requirement that property be identified and that the exchange be completed not more than 180 days after the transfer of the exchanged property.

(III) In any case where clause (ii) applies, the transferee, including for this purpose any intermediary or accommodator in a deferred exchange, is required to notify the Franchise Tax Board in writing within 10 days of the expiration of the statutory periods specified in Section 1031(a)(3) of the Internal Revenue Code and thereafter remit the applicable withholding amounts determined under this subdivision in accordance with paragraph (4).

(iii) The California real property has been compulsorily or involuntarily converted, within the meaning of Section 1033 of the Internal Revenue Code, and the transferor intends to acquire property similar or related in service or use so as to be eligible for nonrecognition of gain for California income tax purposes under Section 1033 of the Internal Revenue Code.

(iv) The transaction will result in either a net loss or a net gain not required to be recognized for California income or franchise tax purposes.

(v) The transferor is a corporation with a permanent place of business in California.

(E) (i) In the case of any transaction otherwise subject to this subdivision that qualifies as an "installment sale," within the meaning of Section 453(b) of the Internal Revenue Code, for California income tax purposes, the provisions of this subdivision shall be separately applied to each principal payment to be made under the terms of the installment sale agreement between the parties.

(ii) For purposes of clause (i), subparagraph (A) of paragraph (3) does not apply to each individual payment to be received under the terms of the installment sale agreement.

(4) (A) Amounts withheld and payments made in accordance with this subdivision shall be reported and remitted to the Franchise Tax Board in the form and manner and at the time specified by the Franchise Tax Board. Notwithstanding the foregoing, funds withheld on individual transactions by real estate escrow persons may, at the option of the real estate escrow person, be remitted by the 20th day of the month following the close of escrow for the individual transaction, or may be remitted on a monthly basis in combination with other transactions closed during that month.

(B) The transferor shall submit a copy of the written certificate and supporting documentation for the reduced withholding specified in subparagraph (B) of paragraph (2) or subparagraph (D) of paragraph (3), executed by the transferor, to the Franchise Tax Board upon request.

(5) For purposes of this subdivision, "California real property interest" means an interest in real property located in California and defined in Section 897(c)(1)(A)(i) of the Internal Revenue Code.

(6) For purposes of this subdivision, "real estate escrow person" means any of the following persons involved in the real estate transaction:

(A) The person, including any attorney, escrow company, or title company, responsible for closing the transaction.

(B) If no person described in subparagraph (A) is responsible for closing the transaction, then any other person who receives and disburses the consideration or value for the interest or property conveyed.



(7) (A) Unless the real estate escrow person provides "assistance," it shall be unlawful for any real estate escrow person to charge any customer for complying with the requirements of this subdivision.

(B) For purposes of this paragraph, "assistance" includes, but is not limited to, helping the parties clarify with the Franchise Tax Board the issue of whether withholding is required under this subdivision or, upon request of the parties, withholding an amount under this subdivision and remitting that amount to the Franchise Tax Board.

(C) For purposes of this paragraph, "assistance" does not include providing the written notification of the withholding requirements of this subdivision.

(D) In a case where the real estate escrow person provides "assistance" in complying with the withholding requirements of this subdivision, it shall be unlawful for the real estate escrow person to charge any customer a fee that exceeds forty-five dollars (\$45).

(8) For purposes of this subdivision, "sales price" means the sum of all of the following:

(A) The cash paid, or to be paid, but excluding for this purpose any stated or unstated interest or original issue discount, as determined under Sections 1271 through 1275, inclusive, of the Internal Revenue Code.

(B) The fair market value of other property transferred, or to be transferred.

(C) The outstanding amount of any liability assumed by the transferee or to which the California real property interest is subject immediately before and after the transfer.

(9) The Franchise Tax Board may prescribe, by forms, instructions, published notices, or regulations, any requirements necessary for the efficient administration of this subdivision relating to the treatment of "de minimis" amounts otherwise required under this section.

(f) Withholding is not required under this section with respect to wages, salaries, fees, or other compensation paid by a corporation for services performed in California for that corporation to a nonresident corporate director for director services, including attendance at a board of directors' meeting.

(g) In the case of any payment described in subdivision (f), the person making the payment shall do each of the following:

(1) File a return with the Franchise Tax Board at the time and in the form and manner specified by the Franchise Tax Board.

(2) Provide the payee with a statement at the time and in the form and manner specified by the Franchise Tax Board.

(h) (1) The amendments to this section made by Chapter 488 of the Statutes of 2002 apply to dispositions of California real property interests that occur on or after January 1, 2003.

(2) In the case of any payments received on or after January 1, 2003, pursuant to an installment sale agreement relating to a disposition occurring before January 1, 2003, the amendments to this section made by Chapter 488 of the Statutes of 2002 do not apply to those payments.

(i) (1) The amendments made to this section by the act adding this subdivision shall apply to dispositions of California real property interests that occur on or after January 1, 2009.

(2) In the case of any payments received on or after January 1, 2009, pursuant to an installment sale agreement relating to a disposition occurring before January 1, 2009, the amendments made to this section by the act adding this subdivision do not apply to those payments.

SEC. 5. Section 18662.5 is added to the Revenue and Taxation Code, to read:

18662.5. On and after January 1, 2019, in the case of any disposition of a California real property interest by a transferor where the gain or loss from the exchange of the property is not recognized for California income or franchise tax purposes under Section 18031 of this code, because of Section 1031 of the Internal Revenue Code, for a taxable year and the property acquired in that exchange that is located outside of this state, the transferee shall withhold, an amount equal to  $3\frac{1}{3}$  percent of the sales price of the California real property conveyed.

SEC. 6. Section 19002 of the Revenue and Taxation Code is amended to read:

19002. (a) The amount withheld under Article 5 (commencing with Section 18661) of Chapter 2 or Section 13020 of the Unemployment Insurance Code during any calendar year shall be allowed to the recipient of the income as a credit against the tax for the taxable year with respect to which the amount was withheld.

(b) In the case of a partnership, limited liability company classified as a partnership for California income tax purposes, or S corporation filing a group return as agent for electing nonresident partners or shareholders in accordance with Section 18535, for purposes of this part, the amount withheld under Article 5 (commencing with Section 18661) of Chapter 2 during any taxable year shall be allowed as a credit attributable to the partnership, limited liability company, or S corporation on the group return for the taxable year with respect to which that amount was withheld.

(c) Notwithstanding subdivision (a) or (b), the amount withheld pursuant to Section 18662.5 for the exchange of property of like kind, within the meaning of Section 1031 of the Internal Revenue Code, located outside of this state shall be allowed to the recipient of the income as a credit against the tax for the taxable year in which the gain or loss from that exchange is recognized.

(e)

(d) (1) For purposes of Section 19306, any tax actually deducted and withheld during any calendar year under Article 5 (commencing with Section 18661) of Chapter 2 or Section 13020 of the Unemployment Insurance Code shall, in respect of the recipient of the income, be deemed to have been paid on the last day prescribed for filing the return under Article 1 (commencing with Section 18501) or Article 2 (commencing with Section 18601) of Chapter 2 (without regard to any extension of time for filing the return), with respect to which the tax is allowable as a credit under subdivision (a) or (b).

(2) For purposes of Sections 19306 and 19340, any amount paid as estimated tax under Section 19025 or 19136 of this code or Section 13043 of the Unemployment Insurance Code for any taxable year shall be deemed to have been paid on the last day prescribed for filing the return under Article 1 (commencing with Section 18501) or Article 2 (commencing with Section 18601) of Chapter 2 (without regard to any extension of time for filing the return).

(d)

(e) Notwithstanding subdivision (b) or ~~(e)~~, (d), for purposes of Section 19306 with respect to any tax deducted and withheld under Article 5 (commencing with Section 18661) of Chapter 2 or Section 13020 of the Unemployment Insurance Code both of the following shall apply:

(1) If a return is filed before the due date for that return, the return shall be considered filed on the due date.

(2) If a tax with respect to an amount paid is paid before the due date for that return, the tax shall be considered paid on the due date.

~~(e)~~

(f) If any overpayment of income tax is claimed as a credit against estimated tax for the succeeding taxable year, that amount shall be considered as a payment of estimated tax in accordance with Section 19007, for the succeeding taxable year, and no claim for credit or refund of the overpayment shall be allowed for the taxable year in which the overpayment arises.

SEC. 7. Section 19355 of the Revenue and Taxation Code is amended to read:

19355. Any action of the Franchise Tax Board in refunding the excess of tax withheld under Section ~~18662~~ 18662, 18662.5, or 18666 or estimated tax paid pursuant to Section 19136 or any action of the Employment Development Department in refunding to the employer the excess tax withheld under Section 13020 of the Unemployment Insurance Code shall not constitute a determination of the correctness of the return of the taxpayer for purposes of this part.

SEC. 8. Section 19361 of the Revenue and Taxation Code is amended to read:

19361. In the case of an overpayment of tax imposed by Section ~~18662~~ 18662, 18662.5, or 18666, refund or credit shall be made to the employer or to the withholding agent, as the case may be, only to the extent that the amount of the overpayment was not deducted and withheld by the employer or withholding agent. No interest shall be allowed on the overpayment.

SEC. 9. Section 19709 of the Revenue and Taxation Code is amended to read:

19709. Any person who, with or without intent to evade, fails to withhold, pursuant to Section ~~18662~~ 18662, 18662.5, or 18666, or pay over any tax withheld, is guilty of a misdemeanor, and, upon conviction be fined an amount not to exceed one thousand dollars (\$1,000) or imprisoned for not more than one year, or both, at the discretion of the court.

SEC. 10. 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) 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~~ Sections 18662 and 18662.5.

(d) 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) Any credit which is partially or totally denied under subdivision (d) 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) 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) 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) 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) (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 defined in Section 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 defined in Section 23455), determined by excluding the income attributable to that disregarded business entity. A credit is not allowed if the taxpayer's regular tax (as defined in Section 23455), determined by including the income attributable to the disregarded business entity is less than the taxpayer's regular tax (as defined in Section 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).

(j) (1) Unless otherwise specifically provided, in the case of a taxpayer that is a partner or shareholder of an eligible pass-thru 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 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.

SEC. 11. 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, and strike out page 2

## AMENDMENTS TO ASSEMBLY BILL NO. 2533

## Amendment 1

In the title, in line 1, strike out "amend Section 4380 of the Welfare and Institutions Code," strike out line 2 and insert:

amend Section 5007.5 of, and to add Section 5007.7 to, the Penal Code, relating to inmates.

## Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 5007.5 of the Penal Code is amended to read:

5007.5. (a) ~~The Director of Corrections~~ Secretary of the Department of Corrections and Rehabilitation is authorized to charge a fee in the amount of five dollars (\$5) for each inmate-initiated medical visit of an inmate confined in the state prison.

(b) The fee shall be charged to the prison account of the inmate. If the inmate has no money in his or her personal account, or is indigent pursuant to Section 5007.7, there shall be no charge for the medical visit.

(c) An inmate shall not be denied medical care because of a lack of funds in his or her prison account.

(d) The medical provider may waive the fee for any inmate-initiated treatment and shall waive the fee in any life-threatening or emergency situation, defined as those health services required for alleviation of severe pain or for immediate diagnosis and treatment of unforeseen medical conditions that if not immediately diagnosed and treated could lead to disability or death.

(e) Followup medical visits at the direction of the medical staff shall not be charged to the inmate.

(f) All moneys received by the ~~Director of Corrections~~ secretary pursuant to this section shall, upon appropriation by the Legislature, be expended to reimburse the ~~Department of Corrections~~ department for direct provision of inmate health care services.

SEC. 2. Section 5007.7 is added to the Penal Code, to read:

5007.7. An inmate who has maintained an inmate trust account with twenty-five dollars (\$25) or less for 30 consecutive days shall be deemed indigent. An indigent inmate shall receive basic supplies necessary for maintaining personal hygiene and is exempt from medical, dental, and mental health copayments. An indigent inmate shall be provided with sufficient resources to communicate with and access the courts, including, but not limited to, stamps, writing materials, envelopes, and paper.



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Substantive

Amendment 3

On page 1, strike out lines 1 to 6, inclusive, and strike out pages 2 to 5, inclusive

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## AMENDMENTS TO ASSEMBLY BILL NO. 2534

## Amendment 1

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

An act to add Chapter 1.26 (commencing with Section 5090.75) to Division 5 of the Public Resources Code, relating to parks.

## Amendment 2

On page 1, before line 1, insert:

SECTION 1. Chapter 1.26 (commencing with Section 5090.75) is added to Division 5 of the Public Resources Code, to read:

## CHAPTER 1.26. OUTDOOR EQUITY GRANTS PROGRAM

5090.75. (a) On or before May 1, 2019, the director shall establish the Outdoor Equity Grants Program to increase the ability of underserved and at-risk populations to participate in outdoor environmental educational experiences at state parks and other public lands where outdoor environmental education programs take place. The program shall award grants to public organizations, including local governments and local education agencies, joint powers authorities, open-space authorities, regional open-space districts, other relevant public agencies, or nonprofit organizations, with a focus on funding transportation, logistical, and program operations and capacity costs associated with reaching historically underserved communities.

(b) In developing the program, the director shall do both of the following:

(1) Develop criteria, procedures, and accountability measures as may be necessary to implement the program.

(2) Administer the program to ensure that priority is given to underserved populations, including both urban and rural areas and low-income communities, where participation in outdoor environmental education and recreation programs has been limited.

(c) The director shall give priority for funding to outdoor environmental education programs that primarily provide outreach to and serve students who are eligible for free or reduced-price meals, foster youth, or pupils of limited English proficiency, as these terms are defined in Section 42238.01 of the Education Code, and have one or more of the following attributes:

(1) Have a curriculum that is aligned to the content standards for California public schools adopted by the State Board of Education, including, but not limited to, the Next Generation Science standards, or the California History-Social Science standards.

(2) Foster stewardship of the environment and include, when available, curriculum established pursuant to Part 4 (commencing with Section 71300) of Division 34.



(3) Integrate instruction in science, technology, engineering, arts, and mathematics.

(d) The director may give additional consideration to programs that do any of the following:

- (1) Maximize the number of participants that can be served.
- (2) Demonstrate partnerships between public, private, and nonprofit entities.
- (3) Contribute to healthy lifestyles, sound nutritional habits, and improved outdoor educational and recreational experiences.

(4) Include service learning and community outreach components for purposes of building partnerships between participants and local communities.

(e) In implementing this program, the department's Partnerships Office may partner with state conservancies, joint powers authorities, regional open-space districts, open-space authorities, county offices of education, local education agencies, other relevant public agencies, and nonprofit organizations in order to promote and implement the program in a manner that effectively reaches a wide geography throughout the state and ensures that regions in northern, central, and southern California, including both urban and rural areas, are adequately considered.

5090.76. (a) Except as authorized by the Legislature, the department shall not allocate for the purposes of the program any general fund moneys appropriated by the Legislature to the department in the annual Budget Act.

(b) The director may accept private donations made for the support of the program. The director may solicit and accept private funding to help offset the costs of the program. These funding sources may include, but are not limited to, foundations, corporate funding, crowd funding resources, donation drives, or any other funding sources that may be available.

(c) All moneys received pursuant to this section or appropriated by the Legislature for the purpose of this program shall be deposited in the California Outdoor Equity Account, which is hereby created within the State Parks and Recreation Fund.

5090.77. (a) The department shall gather information from applicants each award year for purposes of evaluating the effectiveness of outdoor environmental education programs in achieving the objectives of the grant program. Notwithstanding Section 10231.5 of the Government Code, the department shall annually summarize and report this information for the previous award year, commencing on or before January 1, 2020, to the appropriate budget and fiscal committees of the Legislature. The information in the annual report shall include the total number of children served, the total number and types of entities that received grant awards, appropriate recommendations to improve the grant program, partnerships formed, educational objectives achieved, the total number of applications received, and the total number of children who would have been served had all applicants for the award year received grant awards.

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

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Substantive

Amendment 3

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

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Substantive

AMENDMENTS TO ASSEMBLY BILL NO. 2540

Amendment 1

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

Sections 12283 and

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 12283 of the Elections Code is amended to read:

12283. (a) For purposes of this section, "public building" means a building owned or controlled by a city, county, or other local governmental agency.

~~(a)~~

(b) The governing body having jurisdiction over school buildings or other public buildings may authorize the use of its buildings for polling places, or for vote centers, as described in Section 4005, beginning up to ten days before the election and continuing through election day, and it may also authorize the use of its buildings, without cost, for the storage of voting machines and other vote-tabulating devices. However, if a city or county elections official specifically requests the use of a school building or public building for polling places, or vote centers beginning up to ten days before the election and continuing through election day, as well as during key dates necessary for drop-off, set-up, and pick-up of election materials, as determined by the elections official, the governing body having jurisdiction over the particular school building or public building shall allow its use for the purpose requested. When allowing use of a school building for polling places, places or vote centers, the governing body may, but is not required to, do any of the following:

(1) Continue school in session, provided that if the governing body shall identify identifies to the elections official making the request the specific areas of the school buildings not occupied by school activities that will be allowed for use as polling places: places or vote centers.

(2) Designate the day for staff training and development.

(3) Close the school to students and nonclassified employees. Classified employees are those so defined by Section 41401 of the Education Code. certificated employees.

~~(b)~~

(c) (1) An elections official making a request for requesting the use of a school building pursuant to subdivision ~~(a)~~ (b) shall include in his or her request a list of the schools from which the use of a building for polling places or vote centers is needed. Requests must be made within sufficient time in advance of the school year for the governing body to determine, on a school-by-school or districtwide basis, whether to keep the affected schools in session, designate the schoolday for staff training and development, or close the school to students and nonclassified employees before school calendars are printed and distributed to parents.



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(2) An elections official requesting the use of a public building pursuant to subdivision (b) shall include in his or her request a list of the buildings from which the use of a building for polling places or vote centers is needed. Requests shall be made sufficiently before election day for the governing body of the city, county, or other local governmental agency to adequately plan for the public building's use as a polling place or vote center.

(e)

(d) Once a governing body has approved the use of a school building or public building as a polling place, place or vote center, the governing body shall instruct the school district or other public administrator to provide the elections official a site with an adequate amount of space that will allow the precinct board or vote center to perform its duties in a manner that will not impede, interfere, or interrupt the normal process of voting and to make a telephone line for Internet access available for use by local elections officials, if requested by those officials. requested. Beginning ten days before the election and continuing through election day, if requested by the elections official, the district administrator shall make building parking available at no charge to the precinct or vote center board and voters.

(d)

(e) The school district or other public administrator shall also make a reasonable effort to ensure that the site area used for polling places or vote centers is accessible to the handicapped or adaptable to mitigation allowing for accessibility.

Amendment 3

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

SEC. 2.

AMENDMENTS TO ASSEMBLY BILL NO. 2541

Amendment 1

In the title, in line 1, strike out "13000" and insert:

116760.50

Amendment 2

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

Health and Safety

Amendment 3

On page 1, before line 1, insert:

SECTION 1. Section 116760.50 of the Health and Safety Code is amended to read:

116760.50. (a) The board shall establish eligibility criteria for project financing pursuant to this chapter that shall be consistent with federal requirements.

(b) To the extent permitted by federal law, the board may provide up to 100 percent grant funding, and principal forgiveness and 0 percent financing on loans, from the Safe Drinking Water State Revolving Fund to a project for a water system ~~with a service area that qualifies as that serves~~ a severely disadvantaged ~~community if the water system demonstrates that repaying a Safe Drinking Water State Revolving Fund loan with interest would result in unaffordable water rates.~~ community.

(c) ~~For purposes of this section, "unaffordable water rates" means an average water bill that is at least 1.5 percent of the median household income of the service area or other percentage that the board determines is appropriate to reflect funding priorities.~~

Amendment 4

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



## AMENDMENTS TO ASSEMBLY BILL NO. 2547

## Amendment 1

In the title, in line 1, strike out "amend Section 65000 of the Government" and insert:

add Chapter 3.9 (commencing with Section 44795) to Part 25 of Division 3 of Title 2 of the Education

## Amendment 2

In the title, strike out line 2 and insert:

teachers.

## Amendment 3

On page 1, before line 1, insert:

SECTION 1. Chapter 3.9 (commencing with Section 44795) is added to Part 25 of Division 3 of Title 2 of the Education Code, to read:

## CHAPTER 3.9. CALIFORNIA TEACHER CORPS ACT OF 2018

44795. This act shall be known, and may be cited, as the California Teacher Corps Act of 2018.

44795.5. The Legislature finds and declares all of the following:

(a) The shortage of qualified teachers in California is reaching critical levels in a number of teaching areas.

(b) Education experts agree that shortages of effective teachers in high-poverty schools and in specific teaching fields create a need for high-quality teachers who will enter, stay in, and be effective in these areas.

(c) At least 30 percent of new teachers leave the profession in the first five years, and the proportions are generally higher in low-income communities.

(d) Teacher shortages and high teacher turnover rates have a negative impact on pupil achievement and the quality of education.

(e) Successful teacher preparation programs, and providing ongoing support, can make novice teachers effective more rapidly and can reduce teacher attrition.

(f) Many new teachers lack such support, and, as a result, leave the profession.

(g) Teacher candidates must see expert practices modeled, and must then practice them with ongoing mentoring support. Teacher preparation often lacks adequate or sufficient opportunities to learn under the direct supervision of expert teachers working in schools that effectively serve high-need pupils.

(h) It is critical to develop programs that increase the probability that recruits will succeed and stay in the high-need classrooms where they are needed. Because



many teacher candidates choose to teach where they grew up or went to college, it is important to have strong programs in hard-to-staff urban and rural locations. Teacher residency programs effectively build teacher supply, since they recruit and prepare candidates in the school districts that sponsor them, in partnership with local preparation programs. Teacher residency programs have demonstrated the capacity to recruit, prepare, retain, and provide effective support for teachers in hard-to-staff schools.

44796. For purposes of this chapter, the following terms have the following meanings:

(a) "Experienced mentor teacher" means a teacher who meets all of the following requirements:

(1) Has at least three years of teaching experience and a clear teaching credential in the field in which he or she will be mentoring.

(2) Has taught in a hard-to-staff school.

(3) Has a record of successful teaching.

(4) Receives specific training for the mentor teacher role, and engages in ongoing professional learning and networking with other mentors. Compensation shall be ongoing as long as the mentor continues to serve in the role prescribed by the program.

(5) Receives compensation or appropriate release time, or both, to serve as a mentor in the initial preparation or induction component of the teacher residency program.

(b) "Hard-to-staff schools" shall be determined by the governing board or body of the local educational agency.

(c) "Local educational agency" includes, but is not necessarily limited to, a school district, county office of education, charter school, or charter management organization.

(d) (1) "Teacher residency program" means a school-based teacher preparation program that is accredited by the Commission on Teacher Credentialing and in which a prospective teacher does all of the following:

(A) Teaches at least one-half time alongside a teacher of record, who is designated as the mentor teacher, for at least one full academic year while engaging in initial preparation coursework.

(B) Receives instruction in all of the following:

(i) The teaching of the content area or areas in which the teacher will become certified to teach.

(ii) Planning, curriculum development, and assessment.

(iii) Learning and child development.

(iv) Management of the classroom environment.

(v) The use of culturally responsive practices, supports for language development, and supports for serving pupils with disabilities.

(vi) Professional responsibilities, including interaction with families and colleagues.

(C) Receives financial assistance and provides a stipend.

(D) Attains a preliminary teaching credential upon completion of the program.

(E) Receives mentoring and induction support following the completion of the initial credential program necessary to obtain a clear credential and ongoing professional development and networking opportunities during his or her first years of teaching.



(F) Has the option of completing a master's degree before completion of the program.

(2) A "teacher residency program" does all of the following:

(A) Seeks out individuals who meet the California Teaching Performance Expectations of the Commission on Teacher Credentialing and meet hiring needs of the local educational agency for difficult-to-fill areas, such as chronic teacher shortage areas, including special education, mathematics, science, and bilingual teachers, and hard-to-staff schools.

(B) Produces culturally responsive teachers who address specific pupil populations, local district initiatives and priorities, and teacher preparation emphasis while maintaining high state-established standards for credentials.

(C) Allows residents to learn to teach in the same local educational agency in which they will work, learning the instructional initiatives and curriculum of the local educational agency.

(D) Groups teacher candidates in cohorts to facilitate professional collaboration among residents, and places them in teaching schools or professional development programs that are organized to support a high-quality teacher learning experience in a supportive work environment.

(E) Assigns a high priority to the recruiting of mid-career professionals, military veterans, and recent college graduates as prospective participants in the teacher residency program.

(F) Builds coursework for residents and mentors around the classroom experience in ways that are aligned to pupil needs.

(G) Offers structured feedback and coaching systems organized around the California Standards for the Teaching Profession to ensure that participants engage in a meaningful classroom teaching experience.

(H) Ensures that candidates are prepared to pass a teacher performance assessment if that is required by the state as a condition of the initial license.

(I) Maintains a program evaluation system that focuses on continual improvement for residents, mentors, teacher education faculty, and the teacher residency program itself.

(J) Is developed collaboratively with the certified exclusive bargaining representative, or, if none exists, teacher representatives within the local educational agency.

44796.5. The operation of this chapter, for the 2018–19, 2019–20, and 2020–21 fiscal years, is subject to the enactment, in the annual Budget Acts or other statutes, of appropriations from the General Fund to the Superintendent to make grants to local educational agencies or consortia of local educational agencies to assist those agencies to establish, maintain, or expand teacher residency programs, with first priority given to local educational agencies or consortia of local educational agencies with programs that target chronic teacher shortage areas, including special education, mathematics, science, and bilingual teachers. Preference may also be given to local educational agencies or consortia of local educational agencies on the basis of their per pupil allocation of funds pursuant to Part A of Title II of the federal Every Student Succeeds Act (Public Law 114-95) for the most recent school year. These local educational agencies shall work with one or more institutions of higher education providing teacher preparation, and may work with other community partners or nonprofit organizations

to develop and implement teacher residency programs of preparation and mentoring for prospective teachers who will be supported through teacher residency program funds and subsequently employed by the sponsoring local educational agency.

44797. (a) To be eligible to participate in a teacher residency program under this chapter, a prospective participant shall become enrolled in a teacher credentialing program in a university or college that satisfies either of the following conditions:

(1) It has entered into a written agreement relating to that program with the local educational agency or consortia of local educational agencies that is the recipient of a grant under this chapter.

(2) It has been determined to meet the requirements of Article 7 (commencing with Section 44320) of Chapter 2 by the Commission on Teacher Credentialing.

(b) A participant in a teacher residency program under this chapter shall complete, under the supervision of an experienced mentor teacher, not fewer than nine months of teaching a class or set of classes in a school chosen by the local educational agency that is the recipient of a grant under this chapter.

(c) (1) A participant in a teacher residency program under this chapter shall agree in writing to be placed as a teacher of record in a school within the local educational agency after successfully completing the initial year of preparation.

(2) Placement under this subdivision shall be for a period of at least four school years beginning with the school year that begins after the participant successfully completes the initial year of preparation and obtains a preliminary teaching credential. Once licensed, a participant shall be eligible to be hired as a teacher in a hard-to-staff, underserved area or in a difficult-to-fill subject area. A participant who fails to complete the period of the placement, or the first four school years of the placement if the period is more than four school years, is required to pay back the cost of the training on a pro rata basis, relative to the amount of time served in proportion to the total pledged. A participant shall have five school years to complete the four-school-year teaching commitment.

(d) If a participant is unable to complete a school year of teaching, that school year may still be counted toward the required four complete and consecutive school years if any of the following occur:

(1) The participant has completed at least one-half of the school year.

(2) The employer deems the participant to have fulfilled his or her contract requirements for the school year for the purposes of salary increases, tenure, and retirement.

(3) The participant was not able to teach due to the financial circumstances of the local educational agency, including a decision to not reelect the employee for the next succeeding school year.

(4) The participant has a condition covered under the federal Family and Medical Leave Act of 1993 (29 U.S.C. Sec. 2601 et seq.) or similar state law.

(5) The participant was called or ordered to active duty status for more than 30 days as a member of a reserve component of the Armed Forces of the United States.

44797.5. (a) A grant under this chapter shall be in an amount of twenty thousand dollars (\$20,000) per resident of the jurisdiction of the local educational agency, as matched by that local educational agency. Funding may be applied to expenditures for any of the following in accordance with any relevant collective bargaining agreement: master teachers' stipends, stipends and tuition assistance for residents, teacher residency

program management, and costs of mentoring and induction following initial preparation.

(b) The Superintendent may make grants under this chapter each fiscal year, commencing with the 2018–19 fiscal year until the 2020–21 fiscal year. A local educational agency or consortia of local educational agencies shall not receive more than one award for an application under this chapter in any fiscal year, unless sufficient funds remain after awarding all other qualified applicants.

(c) To receive a grant under this chapter, a local educational agency or consortia of local educational agencies shall submit to the Superintendent an application at a time, in a manner, and containing information, prescribed by the Superintendent.

(d) The Superintendent shall award grants under this chapter on a competitive basis, with first priority given to applicants that target chronic teacher shortage areas, including special education, mathematics, science, and bilingual teachers. Preferences may also be given to local educational agencies or consortia of local educational agencies on the basis of their per pupil allocation of funds pursuant to Part A of Title II of the federal Every Student Succeeds Act (Public Law 114-95) for the most recent school year.

(e) The Superintendent shall conduct an evaluation of the program established under this chapter to determine its effectiveness in recruiting and retaining high-quality teachers in chronic teacher shortage areas, including special education, mathematics, science, and bilingual teachers, and hard-to-staff schools.

(f) A local educational agency or consortia of local educational agencies that receives a grant under this chapter shall provide matching funds in an amount equal to 100 percent of grant funds provided to the local educational agency under this chapter to carry out the activities supported by the grant, which may be provided by community partners, institutions of higher education, or others.

#### Amendment 4

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

AMENDMENTS TO ASSEMBLY BILL NO. 2559

Amendment 1

In the title, in line 1, strike out "relating to the Political Reform Act of 1974." and insert:

to amend Section 7216 of the Elections Code, relating to elections.

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 7216 of the Elections Code is amended to read:  
7216. Whenever ~~any~~ a person is appointed to fill a vacancy on a committee, the chairperson of the committee shall file notices of the appointment with the elections official and the chairperson of the state central committee within 30 days after it is made. The notices shall contain the ~~name~~ name, phone number, and address of the person appointed and the name of the person replaced, and shall indicate the date of the appointment.

Amendment 3

On page 1, strike out lines 1 and 2

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## AMENDMENTS TO ASSEMBLY BILL NO. 2567

## Amendment 1

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

lands in the San Joaquin River, and making an appropriation therefor.

## Amendment 2

On page 2, before line 1, insert:

SECTION 1. It is the intent of the Legislature to enact a new uncodified grant of tidelands and submerged lands situated in the San Joaquin River, as described in this act, to the Port of Stockton for purposes of commerce, navigation, fisheries, and other purposes consistent with the public trust, subject to specified conditions.

SEC. 2. For purposes of this act, the following definitions shall apply:

(a) "Act" means the Port of Stockton Trust Lands Grant Act as provided in Sections 2 to 11, inclusive, of the act enacting this section.

(b) "Commission" means the State Lands Commission.

(c) "Port" means the Port of Stockton, acting by and through the Board of Commissioners.

(d) "Public trust doctrine" means the common law doctrine, as enunciated by the court in *National Audubon Society v. Superior Court* (1983) 33 Cal.3d 419 and other relevant judicial decisions, specifying the state's authority as sovereign to exercise continuous supervision and control over the navigable waters of the state, the lands underlying those waters, and nonnavigable tributaries to navigable waters, including the protection of maritime or water-dependent commerce, navigation, and fisheries, and the preservation of the lands in their natural state for scientific study, open space, wildlife habitat, and water-oriented recreation.

(e) "State" means the State of California.

(f) "Trustee" means the Port of Stockton, a special district under Section 6240.3 of the Harbors and Navigation Code.

(g) "Trust lands" means certain ungranted tidelands and submerged lands within portions of the San Joaquin River, the Deep Water Ship Channel, and Burns Cut-Off, situated in the County of San Joaquin, as further described in Section 3 of this act.

(h) "Trust revenues" means all revenues received from trust lands and trust assets.

(i) "Trust lands use plan" or "plan" means the trust lands use plan required to be submitted by the trustee to the commission pursuant to Section 4 of this act.

(j) "Trust lands use report" means the report of the trustee's utilization of the trust lands required to be submitted by the trustee pursuant to Section 5 of this act.

SEC. 3. (a) There is hereby granted in trust to the Port of Stockton and to its successors, all of the rights, title, and interest of the state, held by the state by virtue of its sovereignty, in lands situated in the County of San Joaquin, State of California, and described as follows:

Parcel No. 1. A strip of tide and submerged land in the Deep Water Ship Channel of the San Joaquin River approximately 125 feet in width measured from the northerly



boundary of Assessor Parcel Numbers (APNs) 131-230-01, 131-230-02, 131-380-02, 131-380-03, 131-380-04, 162-030-07, and 145-020-04 and extending to the southerly boundary of the federal navigational channel. Parcel 1 begins at the northwestern boundary of APN 131-230-01 and terminates at the northeastern boundary of APN 145-020-04.

Parcel No. 2. All that certain tide and submerged land in the San Joaquin River beginning from the point where the San Joaquin River converges with the Deep Water Ship Channel of the San Joaquin River and terminating at the easternmost boundary of property owned by the Port and identified as APN 145-030-11.

Parcel No. 3. All that certain tide and submerged land situated in Burns Cut-Off adjacent to property owned by the Port and identified as APN 162-030-07, beginning from the southeastern point of origination at the Deep Water Ship Channel of the San Joaquin River to its northwestern terminus at the San Joaquin River.

Parcel No. 4. All that certain tide and submerged land in the Deep Water Ship Channel of the San Joaquin River approximately 125 feet in width measured from the northerly boundary of APN 131-220-07 and extending to the southerly boundary of the federal navigational channel. Parcel 4 begins at the northwestern boundary of APN 131-220-07 and terminates at the northeastern boundary of APN 131-220-07.

(b) The trust grant specified in subdivision (a) is subject to all of the following express conditions:

(1) The lands shall be held by the trustee and its successors in trust for the benefit of all the people of the state for purposes of improvement and operation of a harbor, including the construction, maintenance, and operation thereon of wharves, docks, piers, slips, quays, and other utilities, structures, facilities, and appliances necessary or convenient for the promotion and accommodation of commerce and navigation and for other public purposes, including, but not limited to, fisheries, preservation of the lands in their natural state for scientific study, open space, wildlife habitat, and recreational uses, as more particularly provided in this act.

(2) On and after January 1, 2022, the use of the trust lands shall conform to an approved trust lands use plan, as required by Section 4 of this act.

(3) The trustee shall not, at any time, grant, convey, give, or otherwise alienate or hypothecate the trust lands, or any part of the trust lands, to any person, firm, entity, or corporation for any purposes whatsoever.

(4) The trustee may lease the trust lands, or any part of the trust lands, for limited periods, not exceeding 50 years, for purposes consistent with the trust upon which those lands are held, as specified in paragraph (1). The trustee may collect and retain rents and other trust revenues from those leases, under rules and regulations adopted in accordance with subdivision (d) of Section 4 of this act, and in accordance with all of the following requirements:

(A) On and after January 1, 2022, all leases or agreements proposed or entered into by the trustee shall be consistent with the trust lands use plan approved by the Commission, as required by Section 4 of this act. Any leases entered into prior to January 1, 2022, shall be consistent with the public trust doctrine and the terms of subdivision (a).

(B) The lease rental rates shall be for a fair annual rent.

(C) The lease shall be in the best interest of the state.

(5) When managing, conducting, operating, or controlling the trust lands or an improvement, betterment, or structure on the trust lands, the trustee shall not discriminate in rates, tolls, or charges for any use or service in connection with those actions and shall not discriminate against or unlawfully segregate any person or group of persons because of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status, in accordance with Article 1 (commencing with Section 12940) of Chapter 6 of Part 2.8 of Division 3 of Title 2 of the Government Code and other state antidiscrimination laws, for any use or service in connection with those actions.

(6) The state shall have the right to use, without charge, a transportation, landing, or storage improvement, betterment, or structure constructed upon the trust lands for a vessel or other watercraft or railroad owned or operated by, or under contract to, the state.

(7) The trust lands are subject to the express reservation and condition that the state may, at any time in the future, use those lands or any portion of those lands for highway purposes without compensation to the trustee or a person, firm, or public or private corporation claiming a right to those lands, except, if improvements have been placed with legal authority upon the property taken by the state for highway purposes, compensation shall be made to the person entitled to the value of the interest in the improvements taken or the damages to that interest.

(8) There is reserved to the people of the state the right to fish in the waters over the trust lands, with the right of convenient access to those waters over the trust lands for this purpose.

(9) There is excepted and reserved to the state all remains or artifacts of archaeological or historical significance and all deposits of minerals in the trust lands, including, but not limited to, all substances specified in Section 6407 of the Public Resources Code, and the right to prospect for, mine, and remove those deposits from the lands.

(10) The trustee shall reimburse the commission for all expenses incurred in the administration of this act, including periodic audits or investigations.

SEC. 4. (a) On or before January 1, 2022, the trustee shall submit to the commission a trust lands use plan describing any proposed development, preservation, or other use of the trust lands. The trustee shall thereafter submit to the commission for approval all changes or amendments to, or extensions of, the trust lands use plan. The trustee may apply to the commission for, and the commission may approve, reasonable extensions of time to meet this deadline.

(b) The commission shall review with reasonable promptness the trust lands use plan submitted by the trustee and any changes or amendments to determine whether they are consistent with the public trust doctrine and the requirements of this act. Based upon its review, the commission shall either approve or disapprove the plan. If the commission disapproves the plan, the commission shall notify the trustee and the trustee shall submit a revised plan to the commission no later than 180 days after the date of notice of disapproval. If the commission determines the revised plan is inconsistent with the public trust doctrine or the requirements of this act, all rights, title, and interest of the trustee in and to the trust lands and improvements on the trust lands shall revert to the state.

(c) The trust lands use plan shall consist of a plan, program, or other document that includes all of the following:

(1) A general description of the type of uses planned or proposed for the trust lands. The location of these land uses shall be shown on a map or aerial photograph.

(2) The projected statewide benefit to be derived from the planned or proposed uses of the trust lands, including, but not limited to, financial benefit.

(3) The proposed method of financing the planned or proposed uses of the trust lands, including estimated capital costs, annual operating costs, and anticipated annual trust revenues.

(4) An estimated timetable for implementation of the trust lands use plan or each phase of the plan.

(5) A description of how the trustee proposes to protect and preserve natural and artificial resources and facilities located on trust lands and operated in connection with the use of the trust lands, including, but not limited to, addressing impacts from sea level rise.

(d) The governing body of the trustee shall also submit to the commission, as part of the trust lands use plan, for its approval, procedures, rules, and regulations to govern the use of or development of the trust lands. These rules and regulations shall include, but are not limited to, lease rates, the basis upon which the rates are established, lease terms and conditions, provisions for renegotiation of rates and terms and assignments, and any other information as may be required by the commission.

(e) Upon request, the trustee shall submit to the commission a copy of all leases and agreements entered into, renewed, or renegotiated, which relate to uses of the trust lands.

SEC. 5. (a) On or before September 30, 2022, and on or before September 30 of every succeeding fifth year, the trustee shall submit to the commission a report of its utilization of the trust lands for each immediately preceding five-calendar-year period ending with June 30 of the calendar year in which the report is required to be submitted.

(b) The report required by this section shall include all of the following:

(1) A general description of the uses to which the trust lands have been placed during the period covered by the report.

(2) A list of the holders of leases or permits that have been granted or issued by the trustee. The list shall specify all of the following, as to each holder:

(A) The use to which the trust lands have been placed by the owner or holder.

(B) The consideration provided for in each lease or permit and the consideration actually received by the trustee for the lease or permit granted or issued.

(C) An enumeration of the restrictions that the trustee has placed on the use of the trust lands, and each area of the trust lands, for the period covered by the report.

(c) A report shall not be required if the utilization of the trust lands within the immediately preceding five-calendar-year period is identical to the utilization of the trust lands as stated in a previously submitted report. If a new report is not submitted, the trustee shall submit a letter to the commission stating that its utilization of the trust lands has not changed during the immediately preceding five-calendar-year period. The letter required in this section shall also include the name and date of the utilization report that contains the applicable uses of the trust lands.



SEC. 6. (a) The trustee shall demonstrate good faith in carrying out the provisions of its trust lands use plan and amending it when necessary in accordance with subdivision (a) of Section 4 of this act.

(b) (1) If the commission determines that the trustee has substantially failed to improve, restore, preserve, or maintain the trust lands, as required by the trust lands use plan, or has unreasonably delayed implementation of the trust lands use plan, the commission shall notify the trustee of the violation.

(2) The trustee shall have 60 days from receipt of a notice of violation to respond to the commission. If the commission determines that the trustee's response is inadequate, the commission may bring an action to enforce the rights of the state and people as settlor and beneficiary of the trust.

(3) The Attorney General shall represent the state and people in all actions or proceedings taken pursuant to this section. If the judgment is given against the state in the action or proceeding, no costs shall be recovered from the state and people.

SEC. 7. (a) (1) The trustee shall establish and maintain accounting procedures, in accordance with generally accepted accounting principles, providing accurate records of all revenues received from the trust lands and trust assets and of all expenditures of those revenues.

(2) All trust revenues received from trust lands and trust assets shall be expended only for those uses and purposes consistent with this act. The trustee shall provide for the segregation of funds derived from the use of the trust lands by the trustee from other port funds, so as to ensure that trust revenues are only expended to enhance or maintain the trust lands in accordance with the uses and purposes for which the trust lands are held.

(3) Trust revenues may be expended to acquire appropriate upland properties to benefit and enhance the trust, subject to a determination by the commission that this acquisition is consistent with this act and in the best interests of the state. Property acquired with these trust revenues shall be considered an asset of the trust and subject to the terms and conditions of this act.

(b) The trustee shall comply with Section 6306 of the Public Resources Code.

(c) On June 30, 2019, and at the end of every fiscal year thereafter, 10 percent of all gross revenue generated from the trust lands during the preceding 12-month period shall be transmitted to the commission. Of this amount transmitted, the commission shall allocate 80 percent to the Treasurer for deposit in the General Fund and 20 percent to the Treasurer for deposit in the Land Bank Fund for expenditure pursuant to Division 7 (commencing with Section 8600) of the Public Resources Code for management of the commission's granted lands program.

(d) The commission may, from time to time, institute a formal inquiry to determine that the terms and conditions of this act, and amendments to this act, have been complied with and that all other applicable provisions of law concerning the trust lands are being complied with in good faith.

(e) The commission shall approve in advance of expenditure any reimbursement for expenditures of nontrust revenues for improvements made to the trust or, if not approved, those expenditures shall be deemed a gift to the trust.

SEC. 8. (a) If the commission finds that the trustee has violated the terms of its trust grant or any other obligation under this act or the public trust doctrine, the commission shall notify the trustee of the violation.



(b) The trustee shall have 60 days from receipt of a notice of violation to conform to the terms of its grant and the principles of law under the public trust doctrine. If the trustee fails or refuses to take those actions, the commission may bring an action to enforce the rights of the state and people as settlor and beneficiary of the trust.

(c) The Attorney General shall represent the state and people in all actions or proceedings taken pursuant to this section. If the judgment is given against the state in the action or proceeding, no costs shall be recovered from the state and people.

SEC. 9. (a) On or before January 1, 2022, the commission shall survey, monument, and record a plat and a metes and bounds description of the trust lands in the office of the county recorder in the county or counties in which the lands are located. Upon recordation, the survey, monuments, plat, and metes and bounds description shall be binding upon the state, the grantee, and their successors in interest.

(b) The cost of the survey and recordation shall be paid by the trustee.

(c) The requirements of Section 6359 of the Public Resources Code do not apply to the trust lands granted pursuant to this act.

SEC. 10. The commission, at the request of the port, shall grant an extension of time, not to exceed 60 calendar days, for filing any report or statement required by this act which was not filed due to mistake or inadvertence.

SEC. 11. 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 of the Port of Stockton.

SEC. 12. 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 are the result of a program for which legislative authority was requested by that local agency or school district, within the meaning of Section 17556 of the Government Code and Section 6 of Article XIII B of the California Constitution.

Amendment 3

On page 2, strike out lines 1 to 13, inclusive

AMENDMENTS TO ASSEMBLY BILL NO. 2580

Amendment 1

In the title, in line 1, strike out "11502" and insert:

56505

Amendment 2

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

Education

Amendment 3

In the title, strike out line 2 and insert:

special education.

Amendment 4

On page 1, before line 1, insert:

SECTION 1. Section 56505 of the Education Code is amended to read:

56505. (a) The state hearing shall be conducted in accordance with regulations adopted by the board.

(b) The hearing shall be held at a time and place reasonably convenient to the parent or guardian and the pupil.

(c) (1) The hearing shall be conducted by a person who, at a minimum, shall possess knowledge of, and the ability to understand, the provisions of this part and related state statutes and implementing regulations, the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.), federal regulations pertaining to the act, and legal interpretations of this part and the federal law by federal and state courts, and who has satisfactorily completed training pursuant to this subdivision. The Superintendent shall establish standards for the training of hearing officers, the degree of specialization of the hearing officers, and the quality control mechanisms to be used to ensure that the hearings are fair and the decisions are accurate.

(2) The hearing officer shall possess the knowledge and ability to conduct hearings in accordance with appropriate, standard legal practice.

(3) The hearing officer shall possess the knowledge and ability to render and write decisions in accordance with appropriate, standard legal practice.

(4) A due process hearing shall not be conducted by an individual listed in Section 1415(f)(3)(A)(i) of Title 20 of the United States Code. Pursuant to Section 300.511(c)(2) of Title 34 of the Code of Federal Regulations, a person who is qualified to conduct a hearing is not an employee of the agency solely because he or she is paid by the agency



to serve as a hearing officer. The hearing officer shall encourage the parties to a hearing to consider the option of mediation as an alternative to a hearing.

(d) Pursuant to Section 300.518(a) of Title 34 of the Code of Federal Regulations, during the pendency of the hearing proceedings, including the actual state-level hearing, or judicial proceeding regarding a due process hearing, the pupil shall remain in his or her present placement, except as provided in Section 300.533 of Title 34 of the Code of Federal Regulations, unless the public agency and the ~~parent or guardian~~ agree otherwise. A pupil applying for initial admission to a public school, with the consent of his or her ~~parent or guardian~~, parent, shall be placed in the public school program until all proceedings have been completed. As provided in Section 300.518(d) of Title 34 of the Code of Federal Regulations, if the decision of a hearing officer in a due process hearing or a state review official in an administrative appeal agrees with the ~~parent or guardian~~ of the pupil that a change of placement is appropriate, that placement shall be treated as an agreement between the state or local educational agency and the ~~parent or guardian~~. parent. In accordance with Section 300.518(c) of Title 34 of the Code of Federal Regulations, if a due process hearing request involves an application for initial services from a child who is transitioning from an early education program under Chapter 4.4 (commencing with Section 56425) to a special education program serving individuals with exceptional needs between the ages of three to five years, inclusive, under Chapter 4.45 (commencing with Section 56440), and is no longer eligible for early education services because the child has turned three years of age, the local educational agency is not required to provide early education services that the child had been receiving. If the child is found eligible for special education and related services for children age three years of age and older, and the ~~parent or guardian~~ consents to the initial provision of special education and related services under Section 300.300(b) of Title 34 of the Code of Federal Regulations, the local educational agency shall provide those special education and related services that are not in dispute between the ~~parent or guardian~~ and the local educational agency.

(e) A party to the hearing held pursuant to this section shall be afforded the following rights consistent with state and federal statutes and regulations:

(1) The right to be accompanied and advised by counsel and by individuals with special knowledge or training relating to the problems of individuals with exceptional needs.

(2) The right to present evidence, written arguments, and oral arguments.

(3) The right to confront, cross-examine, and compel the attendance of, witnesses.

(4) The right to a written, or, at the option of the ~~parents or guardians~~, parent, electronic verbatim record of the hearing.

(5) The right to written, or, at the option of the ~~parent or guardian~~, parent, electronic findings of fact and decisions. The record of the hearing and the findings of fact and decisions shall be provided at no cost to ~~parents or guardians~~ in accordance with Section 300.512(c)(3) of Title 34 of the Code of Federal Regulations. The findings and decisions shall be made available to the public after any personally identifiable information has been deleted consistent with the confidentiality requirements of Section 1417(c) of Title 20 of the United States Code and shall also be transmitted to the Advisory Commission on Special Education pursuant to Section 1415(h)(4) of Title 20 of the United States Code.

(6) The right to be informed by the other parties to the hearing, at least 10 days ~~prior to~~ before the hearing, as to what those parties believe are the issues to be decided at the hearing and their proposed resolution of those issues. Upon the request of a parent who is not represented by an attorney, the agency responsible for conducting hearings shall provide a mediator to assist the parent in identifying the issues and the proposed resolution of the issues.

(7) The right to receive from other parties to the hearing, at least five business days ~~prior to~~ before the hearing, a copy of all documents and a list of all witnesses and their general area of testimony that the parties intend to present at the hearing. Included in the material to be disclosed to all parties at least five business days ~~prior to~~ before a hearing shall be all assessments completed by that date and recommendations based on the assessments that the parties intend to use at the hearing.

(8) The right, pursuant to Section 300.512(a)(3) of Title 34 of the Code of Federal Regulations, to prohibit the introduction of any evidence at the hearing that has not been disclosed to that party at least five business days before the hearing.

(f) (1) In accordance with Section 1415(f)(3)(E) of Title 20 of the United States Code, the decision of a due process hearing officer shall be made on substantive grounds based on a determination of whether the child received a free appropriate public education.

(2) In matters alleging a procedural violation, a due process hearing officer may find that a child did not receive a free appropriate public education only if the procedural violation did any of the following:

(A) Impeded the right of the child to a free appropriate public education.

(B) Significantly impeded the opportunity of the ~~parents~~ parent to participate in the decisionmaking process regarding the provision of a free appropriate public education to the child of the ~~parents~~ parent.

(C) Caused a deprivation of educational benefits.

(3) ~~(A)~~ The hearing conducted pursuant to this section shall be completed and a written, reasoned decision, including the reasons for a nonpublic, nonsectarian school placement, the provision of nonpublic, nonsectarian agency services, or the reimbursement for the placement or services, taking into account the requirements of subdivision (a) of Section 56365, shall be mailed to all parties to the hearing not later than 45 days after the expiration of the 30-day period pursuant to subdivision (c) of Section 56501.5. Either party to the hearing may request the hearing officer to grant an extension. The extension shall be granted upon a showing of good cause. An extension shall extend the time for rendering a final administrative decision only for a period ~~only~~ equal to the length of the extension.

(B) For purposes of this paragraph, good cause includes, but is not limited to, either of the following:

(i) When all parties submit a stipulation to the hearing officer that an extension is necessary to resolve the matter by settlement.

(ii) When a material witness is absent due to the hearing date being set on a day that the relevant school is not in session.

(C) A hearing officer shall only be required to grant an extension once for each of the purposes set forth in clause (i) or (ii) of subparagraph (B). A second or subsequent extension may be granted for either of those purposes at the discretion of the hearing officer.

(4) This subdivision does not preclude a due process hearing officer from ordering a local educational agency to comply with procedural requirements under this chapter.

(g) Subdivision (f) does not alter the burden of proof required in a due process hearing, or prevent a hearing officer from ordering a compensatory remedy for an individual with exceptional needs.

(h) The hearing conducted pursuant to this section shall be the final administrative determination and binding on all parties.

(i) In decisions relating to the placement of individuals with exceptional needs, the person conducting the state hearing shall consider cost, in addition to all other factors that are considered.

(j) In a hearing conducted pursuant to this section, the hearing officer shall not base a decision solely on nonsubstantive procedural errors, unless the hearing officer finds that the nonsubstantive procedural errors resulted in the loss of an educational opportunity to the pupil or interfered with the opportunity of the parent or guardian of the pupil to participate in the formulation process of the individualized education program.

(k) This chapter does not preclude a party aggrieved by the findings and decisions in a hearing under this section from exercising the right to appeal the decision to a state court of competent jurisdiction. An aggrieved party also may exercise the right to bring a civil action in a district court of the United States without regard to the amount in controversy, pursuant to Section 300.516 of Title 34 of the Code of Federal Regulations. An appeal shall be made within 90 days of receipt of the hearing decision. During the pendency of an administrative or judicial proceeding conducted pursuant to Chapter 5 (commencing with Section 56500), the child involved in the hearing shall remain in his or her present educational placement, unless the public agency and the parent or guardian of the child agree otherwise. An action brought under this subdivision shall adhere to Section 300.516(c) of Title 34 of the Code of Federal Regulations.

(l) A request for a due process hearing arising under subdivision (a) of Section 56501 shall be filed within two years from the date the party initiating the request knew or had reason to know of the facts underlying the basis for the request. In accordance with Section 1415(f)(3)(D) of Title 20 of the United States Code, the time period specified in this subdivision does not apply to a parent if the parent was prevented from requesting the due process hearing due to either of the following:

(1) Specific misrepresentations by the local educational agency that it had solved the problem forming the basis of the due process hearing request.

(2) The withholding of information by the local educational agency from the parent that was required under this part to be provided to the parent.

(m) Pursuant to Section 300.511(c) of Title 34 of the Code of Federal Regulations, each public agency shall keep a list of the persons who serve as due process hearing officers, in accordance with Section 56504.5, and the list shall include a statement of the qualifications of each of those persons. The list of hearing officers shall be provided to the public agencies by the organization or entity under contract with the department to conduct due process hearings.

(n) A party who filed for a due process hearing ~~prior to~~ before the effective date of this section is not bound by the two-year statute of limitations time period in subdivision (l) if the party filed a request within the three-year statute of limitations



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provision pursuant to subdivision ~~(l)~~ as it read prior to (l), as that subdivision read before October 9, 2006.

~~(e) This section shall become operative October 9, 2006.~~

Amendment 5

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

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## AMENDMENTS TO ASSEMBLY BILL NO. 2592

## Amendment 1

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

An act to amend Section 10 of, and to add Section 9088.5 to, the Elections code, and to add Section 12172.6 to the Government Code, relating to the Secretary of State.

## Amendment 2

On page 1, before line 1, insert:

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

(1) Section 2 of Article 1 of the United States Constitution requires an enumeration of the population of the United States every 10 years, which is known as the federal decennial census.

(2) The federal decennial census is important because census figures affect congressional representation, state redistricting, federal formula grant allocations, state funding to local governments, local programs, and planning activities for the next 10 years.

(3) A complete and accurate count of all California residents in the 2020 federal decennial census is vital to ensure fair political representation and distribution of funding in California.

(4) Historically, it has been more difficult to reach and enumerate certain groups as part of the federal decennial census, including lower income individuals, homeless persons, children, and immigrants.

(5) California is home to 10 of the nation's 50 hardest-to-count counties, including Los Angeles County, the single hardest-to-count county in the nation.

(b) It is the intent of the legislature, in enacting this chapter, to use existing governmental outreach and education efforts to facilitate a complete count of California residents for each federal decennial census.

SEC. 2. Section 10 of the Elections Code is amended to read:

10. (a) The Secretary of State is the chief elections officer of the state, and has the powers and duties specified in this code and Section 12172.5 of the Government Code.

(b) (1) The Secretary of State shall make reasonable efforts to do all of the following:

(A) Promote voter registration to eligible voters.

(B) Encourage eligible voters to vote.

(C) Promote pre-registration to eligible citizens.

(D) Promote civic learning and engagement to prepare students and new citizens to register to vote and to vote.

(E) Beginning in the year before the federal decennial census and continuing through the completion of the enumeration activities for that census, incorporate messages into public election materials produced by the Secretary of State that promote awareness of, and encourage participation in, the census.



(2) In undertaking these efforts, the Secretary of State shall prioritize communities that have been historically underrepresented in voter registration or voting.

SEC. 3. Section 9088.5 is added to the Elections Code, to read:

9088.5. For any statewide election that is held less than one year before the federal decennial census, the state voter information guide shall contain information that promotes awareness of, and participation in, the federal decennial census.

SEC. 4. Section 12172.6 is added to the Government Code, to read:

12172.6. Beginning in the year before the federal decennial census and continuing through the completion of the enumeration activities for that census, the Secretary of State shall include on the secretary's Internet Web site information designed to educate the public regarding, and encourage participation in, the federal decennial census.

Amendment 3

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

AMENDMENTS TO ASSEMBLY BILL NO. 2597

Amendment 1

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

California, and making an appropriation therefor.

Amendment 2

On page 1, before line 1, insert:

SECTION 1. (a) For purposes of this section, "PRIME" means Programs in Medical Education at the University of California.

(b) The sum of nine million three hundred fifty thousand dollars (\$9,350,000) is hereby appropriated from the General Fund to the regents for allocation to the University of California to support PRIME. As a condition of receipt of this appropriation, the university shall fully fund, at minimum, the 2018–19 level of full-time student enrollment in PRIME for the 2019–20 academic year.

(c) Upon appropriation by the Legislature of moneys to expand enrollment of full-time students in PRIME in subsequent years, the University of California shall, as a condition of receipt of the moneys, expand enrollment of full-time students in PRIME as follows:

- (1) By 25 percent for the 2020–21 academic year.
- (2) By 50 percent for the 2021–22 academic year.
- (3) By 100 percent for the 2022–23 academic year.

(d) PRIME enrollment for the 2018–19 academic year shall be the baseline from which the university increases PRIME enrollment pursuant to subdivision (c).

Amendment 3

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



## AMENDMENTS TO ASSEMBLY BILL NO. 2599

## Amendment 1

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

to amend Sections 851.91 and 1203 of the Penal Code,

## Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 851.91 of the Penal Code is amended to read:

851.91. (a) A person who has suffered an arrest that did not result in a conviction may petition the court to have his or her arrest and related records sealed, as described in Section 851.92.

(1) For purposes of this section, an arrest did not result in a conviction if any of the following are true:

(A) The statute of limitations has run on every offense upon which the arrest was based and the prosecuting attorney of the city or county that would have had jurisdiction over the offense or offenses upon which the arrest was based has not filed an accusatory pleading based on the arrest.

(B) The prosecuting attorney filed an accusatory pleading based on the arrest, but, with respect to all charges, one or more of the following has occurred:

(i) No conviction occurred, the charge has been dismissed, and the charge may not be refiled.

(ii) No conviction occurred and the arrestee has been acquitted of the charges.

(iii) A conviction occurred, but has been vacated or reversed on appeal, all appellate remedies have been exhausted, and the charge may not be refiled.

(2) A person is not eligible for relief under this section in any of the following circumstances:

(A) He or she may still be charged with any of the offenses upon which the arrest was based.

(B) Any of the arrest charges, as specified by the law enforcement agency that conducted the arrest, or any of the charges in the accusatory pleading based on the arrest, if filed, is a charge of murder or any other offense for which there is no statute of limitations, except when the person has been acquitted or found factually innocent of the charge.

(C) The petitioner intentionally evaded law enforcement efforts to prosecute the arrest, including by absconding from the jurisdiction in which the arrest ~~took place~~ occurred. The existence of bench warrants or failures to appear that were adjudicated before the case closed with no conviction ~~do~~ does not establish intentional evasion.

(D) The petitioner intentionally evaded law enforcement efforts to prosecute the arrest by engaging in identity fraud and was subsequently charged with a crime for that act of identity fraud.

(b) (1) A petition to seal an arrest shall:

(A) Be verified.





(B) Be filed in the court in which the accusatory pleading based on the arrest was filed or, if no accusatory pleading was filed, in a court with criminal jurisdiction in the city or county in which the arrest occurred.

(C) Be filed at least 15 days prior to the hearing on the petition.

(D) Be served, by copy, upon the prosecuting attorney of the city or county in which the arrest occurred and upon the law enforcement agency that made the arrest at least 15 days prior to the hearing on the petition.

(E) Include all of the following information:

(i) The petitioner's name and date of birth.

(ii) The date of the arrest for which sealing is sought.

(iii) The city and county where the arrest took place.

(iv) The law enforcement agency that made the arrest.

(v) Any other information identifying the arrest that is available from the law enforcement agency that conducted the arrest or from the court in which the accusatory pleading, if any, based on the arrest was filed, including, but not limited to, the case number for the police investigative report documenting the arrest, and the court number under which the arrest was reviewed by the prosecuting attorney or under which the prosecuting attorney filed an accusatory pleading.

(vi) The offenses upon which the arrest was based or, if an accusatory pleading was filed based on the arrest, the charges in the accusatory pleading.

(vii) A statement that the petitioner is entitled to have his or her arrest sealed as a matter of right or, if the petitioner is requesting to have his or her arrest sealed in the interests of justice, how the interests of justice would be served by granting the petition, accompanied by declarations made directly and verified by the petitioner, his or her supporting declarants, or both.

(2) The court may deny a petition for failing to meet any of the requirements described in paragraph (1).

(3) (A) The Judicial Council shall furnish forms to be utilized by a person applying to have his or her arrest sealed pursuant to this section. The petition form shall include all of the information required to be included in the petition by paragraph (1) of subdivision (b), shall be available in English, Spanish, Chinese, Vietnamese, and Korean, and shall include a statement that the petition form is available in additional languages and the Internet Web site where the form is available in alternative languages. The forms shall include notice of other means to address arrest records, including a determination of factual innocence under Section 851.8 and deeming an arrest a detention under Section 849.5.

(B) (i) A facility at which an arrestee is detained shall, at the request of an arrestee upon release, provide the forms furnished by Judicial Council pursuant to subparagraph (A) to the arrestee.

(ii) A facility at which an arrestee is detained shall post a sign containing the following information: "A person who has been arrested but not convicted may petition the court to have his or her arrest and related records sealed. The petition form is available on the Internet or upon request in this facility."

(c) A petition to seal an arrest record pursuant to this section may be granted as a matter of right or in the interests of justice.

(1) A petitioner who is eligible for relief under subdivision (a) is entitled to have his or her arrest sealed as a matter of right unless he or she is subject to paragraph (2).

(2) (A) (i) A petitioner may have his or her arrest sealed only upon a showing that the sealing would serve the interests of justice if any of the offenses upon which the arrest was based, as specified by the law enforcement agency that made the arrest, or, if an accusatory pleading was filed, any of the charges in the accusatory pleading, was one of the following:

(I) Domestic violence, if the petitioner's record demonstrates a pattern of domestic violence arrests, convictions, or both.

(II) Child abuse, if the petitioner's record demonstrates a pattern of child abuse arrests, convictions, or both.

(III) Elder abuse, if the petitioner's record demonstrates a pattern of elder abuse arrests, convictions, or both.

(ii) For purposes of this subparagraph, "pattern" means two or more convictions, or five or more arrests, for separate offenses occurring on separate occasions within three years from at least one of the other convictions or arrests.

(B) In determining whether the interests of justice would be served by sealing an arrest record pursuant to this section, the court may consider any relevant factors, including, but not limited to, any of the following:

(i) Hardship to the petitioner caused by the arrest that is the subject of the petition.

(ii) Declarations or evidence regarding the petitioner's good character.

(iii) Declarations or evidence regarding the arrest.

(iv) The petitioner's record of convictions.

(d) (1) At a hearing on a petition under this section, the petitioner, the prosecuting attorney, and, through the prosecuting attorney, the arresting agency may present evidence to the court. Notwithstanding Section 1538.5 or 1539, the hearing may be heard and determined upon declarations, affidavits, police investigative reports, copies of state summary criminal history information and local summary criminal history information, or any other evidence submitted by the parties that is material, relevant, and reliable.

(2) The petitioner has the initial burden of proof to show that he or she is entitled to have his or her arrest sealed as a matter of right or that sealing would serve the interests of justice. If the court finds that petitioner has satisfied his or her burden of proof, then the burden of proof shall shift to the respondent prosecuting attorney.

(e) If the court grants a petition pursuant to this section, the court shall do all of the following:

(1) Furnish a disposition report to the Department of Justice, pursuant to Section 13151, stating that relief was granted under this section.

(2) (A) Issue a written ruling and order to the petitioner, the prosecuting attorney, and to the law enforcement agency that made the arrest that states all of the following:

(B) The record of arrest has been sealed as to petitioner, the arrest is deemed not to have occurred, the petitioner may answer any question relating to the sealed arrest accordingly, and the petitioner is released from all penalties and disabilities resulting from the arrest, except as provided in Section 851.92 and as follows:

(i) The sealed arrest may be pleaded and proved in any subsequent prosecution of the petitioner for any other offense, and shall have the same effect as if it had not been sealed.

(ii) The sealing of an arrest pursuant to this section does not relieve the petitioner of the obligation to disclose the arrest, if otherwise required by law, in response to any

direct question contained in a questionnaire or application for public office, for employment as a peace officer, for licensure by any state or local agency, or for contracting with the California State Lottery Commission.

(iii) The sealing of an arrest pursuant to this section does not affect petitioner's authorization to own, possess, or have in his or her custody or control any firearm, or his or her susceptibility to conviction under Chapter 2 (commencing with Section 29800) of Division 9 of Title 4 of Part 6, if the arrest would otherwise affect this authorization or susceptibility.

(iv) The sealing of an arrest pursuant to this section does not affect any prohibition from holding public office that would otherwise apply under law as a result of the arrest.

SEC. 2. Section 1203 of the Penal Code is amended to read:

1203. (a) As used in this code, "probation" means the suspension of the imposition or execution of a sentence and the order of conditional and revocable release in the community under the supervision of a probation officer. As used in this code, "conditional sentence" means the suspension of the imposition or execution of a sentence and the order of revocable release in the community subject to conditions established by the court without the supervision of a probation officer. It is the intent of the Legislature that both conditional sentence and probation are authorized whenever probation is authorized in any code as a sentencing option for infractions or misdemeanors.

(b) (1) Except as provided in subdivision (j), if a person is convicted of a felony and is eligible for probation, before judgment is pronounced, the court shall immediately refer the matter to a probation officer to investigate and report to the court, at a specified time, upon the circumstances surrounding the crime and the prior history and record of the person, which may be considered either in aggravation or mitigation of the punishment.

(2) (A) The probation officer shall immediately investigate and make a written report to the court of his or her findings and recommendations, including his or her recommendations as to the granting or denying of probation and the conditions of probation, if granted.

(B) Pursuant to Section 828 of the Welfare and Institutions Code, the probation officer shall include in his or her report any information gathered by a law enforcement agency relating to the taking of the defendant into custody as a minor, which shall be considered for purposes of determining whether adjudications of commissions of crimes as a juvenile warrant a finding that there are circumstances in aggravation pursuant to Section 1170 or to deny probation.

(C) If the person was convicted of an offense that requires him or her to register as a sex offender pursuant to Sections 290 to 290.023, inclusive, or if the probation report recommends that registration be ordered at sentencing pursuant to Section 290.006, the probation officer's report shall include the results of the State-Authorized Risk Assessment Tool for Sex Offenders (SARATSO) administered pursuant to Sections 290.04 to 290.06, inclusive, if applicable.

(D) The probation officer may also include in the report his or her recommendation of both of the following:

(i) The amount the defendant should be required to pay as a restitution fine pursuant to subdivision (b) of Section 1202.4.

(ii) Whether the court shall require, as a condition of probation, restitution to the victim or to the Restitution Fund and the amount thereof.

(E) The probation officer shall also include in the report the requirements of probation necessary to qualify the defendant for a dismissal of their conviction under section 1203.4.

~~(E)~~

(F) The report shall be made available to the court and the prosecuting and defense attorneys at least five days, or upon request of the defendant or prosecuting attorney nine days, prior to the time fixed by the court for the hearing and determination of the report, and shall be filed with the clerk of the court as a record in the case at the time of the hearing. The time within which the report shall be made available and filed may be waived by written stipulation of the prosecuting and defense attorneys that is filed with the court or an oral stipulation in open court that is made and entered upon the minutes of the court.

(3) At a time fixed by the court, the court shall hear and determine the application, if one has been made, or, in any case, the suitability of probation in the particular case. At the hearing, the court shall consider any report of the probation officer, including the results of the SARATSO, if applicable, and shall make a statement that it has considered the report, which shall be filed with the clerk of the court as a record in the case. If the court determines that there are circumstances in mitigation of the punishment prescribed by law or that the ends of justice would be served by granting probation to the person, it may place the person on probation. If probation is denied, the clerk of the court shall immediately send a copy of the report to the Department of Corrections and Rehabilitation at the prison or other institution to which the person is delivered.

(4) The preparation of the report or the consideration of the report by the court may be waived only by a written stipulation of the prosecuting and defense attorneys that is filed with the court or an oral stipulation in open court that is made and entered upon the minutes of the court, except that a waiver shall not be allowed unless the court consents thereto. However, if the defendant is ultimately sentenced and committed to the state prison, a probation report shall be completed pursuant to Section 1203c.

(c) If a defendant is not represented by an attorney, the court shall order the probation officer who makes the probation report to discuss its contents with the defendant.

(d) If a person is convicted of a misdemeanor, the court may either refer the matter to the probation officer for an investigation and a report or summarily pronounce a conditional sentence. If the person was convicted of an offense that requires him or her to register as a sex offender pursuant to Sections 290 to 290.023, inclusive, or if the probation officer recommends that the court, at sentencing, order the offender to register as a sex offender pursuant to Section 290.006, the court shall refer the matter to the probation officer for the purpose of obtaining a report on the results of the State-Authorized Risk Assessment Tool for Sex Offenders administered pursuant to Sections 290.04 to 290.06, inclusive, if applicable, which the court shall consider. If the case is not referred to the probation officer, in sentencing the person, the court may consider any information concerning the person that could have been included in a probation report. The court shall inform the person of the information to be considered and permit him or her to answer or controvert the information. For this purpose, upon



the request of the person, the court shall grant a continuance before the judgment is pronounced.

(e) Except in unusual cases where the interests of justice would best be served if the person is granted probation, probation shall not be granted to any of the following persons:

(1) Unless the person had a lawful right to carry a deadly weapon, other than a firearm, at the time of the perpetration of the crime or his or her arrest, any person who has been convicted of arson, robbery, carjacking, burglary, burglary with explosives, rape with force or violence, torture, aggravated mayhem, murder, attempt to commit murder, trainwrecking, kidnapping, escape from the state prison, or a conspiracy to commit one or more of those crimes and who was armed with the weapon at either of those times.

(2) Any person who used, or attempted to use, a deadly weapon upon a human being in connection with the perpetration of the crime of which he or she has been convicted.

(3) Any person who willfully inflicted great bodily injury or torture in the perpetration of the crime of which he or she has been convicted.

(4) Any person who has been previously convicted twice in this state of a felony or in any other place of a public offense which, if committed in this state, would have been punishable as a felony.

(5) Unless the person has never been previously convicted once in this state of a felony or in any other place of a public offense which, if committed in this state, would have been punishable as a felony, any person who has been convicted of burglary with explosives, rape with force or violence, torture, aggravated mayhem, murder, attempt to commit murder, trainwrecking, extortion, kidnapping, escape from the state prison, a violation of Section 286, 288, 288a, or 288.5, or a conspiracy to commit one or more of those crimes.

(6) Any person who has been previously convicted once in this state of a felony or in any other place of a public offense which, if committed in this state, would have been punishable as a felony, if he or she committed any of the following acts:

(A) Unless the person had a lawful right to carry a deadly weapon at the time of the perpetration of the previous crime or his or her arrest for the previous crime, he or she was armed with a weapon at either of those times.

(B) The person used, or attempted to use, a deadly weapon upon a human being in connection with the perpetration of the previous crime.

(C) The person willfully inflicted great bodily injury or torture in the perpetration of the previous crime.

(7) Any public official or peace officer of this state or any city, county, or other political subdivision who, in the discharge of the duties of his or her public office or employment, accepted or gave or offered to accept or give any bribe, embezzled public money, or was guilty of extortion.

(8) Any person who knowingly furnishes or gives away phencyclidine.

(9) Any person who intentionally inflicted great bodily injury in the commission of arson under subdivision (a) of Section 451 or who intentionally set fire to, burned, or caused the burning of, an inhabited structure or inhabited property in violation of subdivision (b) of Section 451.



(10) Any person who, in the commission of a felony, inflicts great bodily injury or causes the death of a human being by the discharge of a firearm from or at an occupied motor vehicle proceeding on a public street or highway.

(11) Any person who possesses a short-barreled rifle or a short-barreled shotgun under Section 33215, a machinegun under Section 32625, or a silencer under Section 33410.

(12) Any person who is convicted of violating Section 8101 of the Welfare and Institutions Code.

(13) Any person who is described in subdivision (b) or (c) of Section 27590.

(f) When probation is granted in a case which comes within subdivision (e), the court shall specify on the record and shall enter on the minutes the circumstances indicating that the interests of justice would best be served by that disposition.

(g) If a person is not eligible for probation, the judge shall refer the matter to the probation officer for an investigation of the facts relevant to determination of the amount of a restitution fine pursuant to subdivision (b) of Section 1202.4 in all cases where the determination is applicable. The judge, in his or her discretion, may direct the probation officer to investigate all facts relevant to the sentencing of the person. Upon that referral, the probation officer shall immediately investigate the circumstances surrounding the crime and the prior record and history of the person and make a written report to the court of his or her findings. The findings shall include a recommendation of the amount of the restitution fine as provided in subdivision (b) of Section 1202.4.

(h) If a defendant is convicted of a felony and a probation report is prepared pursuant to subdivision (b) or (g), the probation officer may obtain and include in the report a statement of the comments of the victim concerning the offense. The court may direct the probation officer not to obtain a statement if the victim has in fact testified at any of the court proceedings concerning the offense.

(i) A probationer shall not be released to enter another state unless his or her case has been referred to the Administrator of the Interstate Probation and Parole Compacts, pursuant to the Uniform Act for Out-of-State Probationer or Parolee Supervision (Article 3 (commencing with Section 11175) of Chapter 2 of Title 1 of Part 4) and the probationer has reimbursed the county that has jurisdiction over his or her probation case the reasonable costs of processing his or her request for interstate compact supervision. The amount and method of reimbursement shall be in accordance with Section 1203.1b.

(j) In any court where a county financial evaluation officer is available, in addition to referring the matter to the probation officer, the court may order the defendant to appear before the county financial evaluation officer for a financial evaluation of the defendant's ability to pay restitution, in which case the county financial evaluation officer shall report his or her findings regarding restitution and other court-related costs to the probation officer on the question of the defendant's ability to pay those costs.

Any order made pursuant to this subdivision may be enforced as a violation of the terms and conditions of probation upon willful failure to pay and at the discretion of the court, may be enforced in the same manner as a judgment in a civil action, if any balance remains unpaid at the end of the defendant's probationary period.

(k) Probation shall not be granted to, nor shall the execution of, or imposition of sentence be suspended for, any person who is convicted of a violent felony, as defined in subdivision (c) of Section 667.5, or a serious felony, as defined in subdivision

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(c) of Section 1192.7, and who was on probation for a felony offense at the time of the commission of the new felony offense.

(l) For any person granted probation prior to January 1, 2021, at the time the court imposes probation, the court may take a waiver from the defendant permitting flash incarceration by the probation officer, pursuant to Section 1203.35.

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

Amendment 3

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

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## AMENDMENTS TO ASSEMBLY BILL NO. 2603

## Amendment 1

In the title, in line 1, strike out "Section 7574.10" and insert:

Sections 7583.6, 7583.10, and 7583.23

## Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 7583.6 of the Business and Professions Code is amended to read:

7583.6. (a) A person entering the employ of a licensee to perform the functions of a security guard or a security patrolperson shall complete a course in the exercise of the power to arrest prior to being assigned to a duty location.

(b) Except for a registrant who has completed the course of training required by Section 7583.45, a person registered pursuant to this chapter shall complete not less than 32 hours of training in security officer skills within six months from the date the registration card is issued. Sixteen of the 32 hours shall be completed within 30 days from the date the registration card is issued.

(c) A course provider shall issue a certificate to a security guard upon satisfactory completion of a required course, conducted in accordance with the department's requirements. A private patrol operator may provide training programs and courses in addition to the training required in this section. A registrant who is unable to provide his or her employing licensee the certificate of satisfactory completion required by this subdivision shall complete 16 hours of the training required by subdivision (b) within 30 days of the date of his or her employment and shall complete the 16 remaining hours within six months of his or her employment date.

(d) The department shall develop and approve by regulation a standard course and curriculum for the skills training required by subdivision (b) to promote and protect the safety of persons and the security of property. For this purpose, the department shall consult with consumers, labor organizations representing private security officers, private patrol operators, educators, and subject matter experts.

(e) The course of training required by subdivision (b) may be administered, tested, and certified by any licensee, ~~or by any organization or by a school~~ approved by the department. The department may approve any ~~person or~~ school to teach the course.

(f) (1) On and after January 1, 2005, a licensee shall annually provide each employee registered pursuant to this chapter with eight hours of specifically dedicated review or practice of security officer skills prescribed in either course required in Section 7583.6 or 7583.7.

(2) A licensee shall maintain at the principal place of business or branch office a record verifying completion of the review or practice training for a period of not less than two years. The records shall be available for inspection by the bureau upon request.



(g) This section does not apply to a peace officer as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code who has successfully completed a course of study in the exercise of the power to arrest approved by the Commission on Peace Officer Standards and Training, or a federal qualified law enforcement officer, as defined in Section 926B of Title 18 of the United States Code, who has successfully completed a course of study in the exercise of the power to arrest. This section does not apply to armored vehicle guards.

SEC. 2. Section 7583.10 of the Business and Professions Code is amended to read:

7583.10. The application shall be verified and shall include all of the following:

(a) The full name, residence address, telephone number, and date of birth of the ~~employee~~ applicant.

(b) The name, address, telephone number, and license number of the employer and the date the employment commenced.

(c) The signature of the ~~employee applicant~~ and the ~~employer's licensee's or instructor's~~ certification that the ~~employee applicant~~ has received a course in the exercise of the power to arrest.

(d) A statement as to whether the ~~employee applicant~~ has been convicted of a misdemeanor, excluding minor traffic violations.

(e) A statement as to whether the ~~employee applicant~~ has been convicted of a felony.

(f) The application fee provided for in this chapter or the regulations adopted pursuant thereto, except as provided in Section 7583.9.

SEC. 3. Section 7583.23 of the Business and Professions Code is amended to read:

7583.23. The bureau shall issue a firearms permit when all of the following conditions are satisfied:

(a) The applicant is a licensee, a qualified manager of a licensee, or a registered security guard subject to the following:

(1) The firearms permit may only be associated with the following:

(A) A sole owner of a sole ownership licensee, pursuant to Section 7582.7 or 7525.1.

(B) A partner of a partnership licensee, pursuant to Section 7582.7 or 7525.1.

(C) A qualified manager of a licensee, pursuant to Section 7536 or 7582.22.

(D) A security guard registrant.

(2) If the firearms permit is associated with a security guard registration, he or she is subject to the provisions of Section 7583.47, regardless of any other license possessed or associated with the firearms permit.

(b) ~~(1)~~ A certified firearms training instructor has certified that the applicant has successfully completed a written examination prepared by the bureau and training course in the carrying and use of firearms approved by the bureau.

(2) A certified firearms training instructor who maintains a firearms permit is prohibited from self-certifying or requalifying himself or herself as having successfully completed the exam and course described in paragraph (1). To recertify or requalify, a firearms training instructor shall attend an exposed firearm class or requalification by another certified firearms training instructor and successfully complete a written

examination prepared by the bureau as well as a training course in the carrying and use of firearms approved by the bureau.

(c) The applicant has filed with the bureau a classifiable fingerprint card, a completed application for a firearms permit on a form prescribed by the director, dated and signed by the applicant, certifying under penalty of perjury that the information in the application is true and correct. In lieu of a classifiable fingerprint card, the applicant may submit fingerprints into an electronic fingerprinting system administered by the Department of Justice. An applicant who submits his or her fingerprints by electronic means shall have his or her fingerprints entered into the system through a terminal operated by a law enforcement agency or other facility authorized by the Department of Justice to conduct electronic fingerprinting. The terminal operator may charge a fee sufficient to reimburse it for the costs incurred in providing this service.

(d) The bureau has determined, after investigation, that the carrying and use of a firearm by the applicant, in the course of his or her duties, presents no apparent threat to the public safety, or that the carrying and use of a firearm by the applicant is not in violation of the Penal Code.

(e) The applicant has produced evidence to the firearm training facility that he or she is a citizen of the United States or has permanent legal alien status in the United States. Evidence of citizenship or permanent legal alien status shall be that deemed sufficient by the bureau to ensure compliance with federal laws prohibiting possession of firearms by persons unlawfully in the United States and may include, but not be limited to, United States Department of Justice, Immigration and Naturalization Service Form I-151 or I-551, Alien Registration Receipt Card, naturalization documents, or birth certificates evidencing lawful residence or status in the United States.

(f) The application is accompanied by the application fees prescribed in this chapter.

(g) Beginning January 1, 2018, or on a date to be determined by the bureau, but no later than July 1, 2018, the applicant is a registered security guard and he or she has been found capable of exercising appropriate judgment, restraint, and self-control, for the purposes of carrying and using a firearm during the course of his or her duties, pursuant to Section 7583.47.

Amendment 3

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



## AMENDMENTS TO ASSEMBLY BILL NO. 2608

## Amendment 1

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

An act to amend Sections 4984.75 and 4996.65 of the Business and Professions Code, and to add Section 128455 to the Health and Safety Code, relating to health professions.

## Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 4984.75 of the Business and Professions Code, as added by Section 4 of Chapter 557 of the Statutes of 2017, is amended to read:

4984.75. (a) In addition to the fees charged pursuant to Section 4984.7 for the biennial renewal of a license pursuant to Section 4984, the board shall collect an additional fee of twenty dollars (\$20) at the time of renewal. The board shall transfer this amount to the Controller who shall deposit the funds in the Mental Health Practitioner Education Fund.

(b) Commencing on January 1, 2019, in addition to the fees charged pursuant to Section 4984.7 for the biennial renewal of a license, and in addition to the fee charged pursuant to subdivision (a), the board shall collect an additional fee of ten dollars (\$10) at the time of renewal. The board shall transfer this amount to the Controller who shall deposit the funds in the Mental Health Practitioner Education Fund.

~~(b)~~

(c) This section shall become operative on July 1, 2018.

SEC. 2. Section 4996.65 of the Business and Professions Code, as added by Section 6 of Chapter 557 of the Statutes of 2017, is amended to read:

4996.65. (a) In addition to the fees charged pursuant to Section 4996.3 for the biennial renewal of a license pursuant to Section 4996.6, the board shall collect an additional fee of twenty dollars (\$20) at the time of renewal. The board shall transfer this amount to the Controller who shall deposit the funds in the Mental Health Practitioner Education Fund.

(b) Commencing on January 1, 2019, in addition to the fees charged pursuant to Section 4996.3 for the biennial renewal of a license pursuant to Section 4996.6, and in addition to the fee charged pursuant to subdivision (a), the board shall collect an additional fee of ten dollars (\$10) at the time of renewal. The board shall transfer this amount to the Controller who shall deposit the funds in the Mental Health Practitioner Education Fund.

~~(b)~~

(c) This section shall become operative on July 1, 2018.

SEC. 3. Section 128455 is added to the Health and Safety Code, to read:

128455. (a) (1) The moneys deposited in the Mental Health Practitioner Education Fund pursuant to subdivision (b) of Section 4984.75 of, and subdivision (b) of Section 4996.65 of, the Business and Professions Code shall be used solely to fund



grants, consistent with this article, to repay educational loans for applicants who meet all of the following requirements:

(A) Commit to provide direct patient care in a publicly funded facility or a mental health professional shortage area for up to 24 months.

(B) Are marriage and family therapists, associate marriage and family therapists, licensed clinical social workers, or associate clinical social workers.

(C) Were formerly in California's foster youth care system.

(2) A grant provided to an applicant pursuant to paragraph (1) may be combined with other grants provided to the applicant under this article to provide a total of up to twenty thousand dollars (\$20,000) in grant funding per applicant.

(b) An applicant for a grant under this article, from the moneys deposited in the Mental Health Practitioner Education Fund pursuant to subdivision (a) of Section 4984.75 of, and subdivision (a) of Section 4996.65 of, the Business and Professions Code, who is a marriage and family therapist, associate marriage and family therapist, licensed clinical social worker, or an associate clinical social worker and who was formerly in California's foster youth care system shall be given priority over other grant applicants within the corresponding licensed provider group.

#### Amendment 3

On page 1, strike out lines 1 to 8, inclusive, and strike out pages 2 to 5, inclusive

## AMENDMENTS TO ASSEMBLY BILL NO. 2610

## Amendment 1

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

Sections

## Amendment 2

In the title, in line 1, after "226.2" insert:

and 512

## Amendment 3

On page 11, below line 13, insert:

SEC. 3. Section 512 of the Labor Code is amended to read:

512. (a) An employer ~~may~~ shall not employ an employee for a work period of more than five hours per day without providing the employee with a meal period of not less than 30 minutes, except that if the total work period per day of the employee is no more than six hours, the meal period may be waived by mutual consent of both the employer and employee. An employer ~~may~~ shall not employ an employee for a work period of more than 10 hours per day without providing the employee with a second meal period of not less than 30 minutes, except that if the total hours worked is no more than 12 hours, the second meal period may be waived by mutual consent of the employer and the employee only if the first meal period was not waived.

(b) (1) Notwithstanding subdivision (a), the Industrial Welfare Commission may adopt a working condition order permitting a meal period to commence after six hours of work if the commission determines that the order is consistent with the health and welfare of the affected employees.

(2) Notwithstanding paragraph (1), a commercial driver employed by a motor carrier transporting nutrients and byproducts from a commercial feed manufacturer subject to Section 15051 of the Food and Agricultural Code to a customer located in a remote rural location may commence a meal period after six hours of work, if the regular rate of pay of the driver is no less than one and one-half times the state minimum wage and the driver receives overtime compensation in accordance with Section 510.

(c) Subdivision (a) does not apply to an employee in the wholesale baking industry who is subject to an Industrial Welfare Commission wage order and who is covered by a valid collective bargaining agreement that provides for a 35-hour workweek consisting of five 7-hour days, payment of one and one-half times the regular rate of pay for time worked in excess of seven hours per day, and a rest period of not less than 10 minutes every two hours.

(d) If an employee in the motion picture industry or the broadcasting industry, as those industries are defined in Industrial Welfare Commission Wage Order Numbers 11 and 12, is covered by a valid collective bargaining agreement that provides for meal



periods and includes a monetary remedy if the employee does not receive a meal period required by the agreement, then the terms, conditions, and remedies of the agreement pertaining to meal periods apply in lieu of the applicable provisions pertaining to meal periods of subdivision (a) of this section, Section 226.7, and Industrial Welfare Commission Wage Order Numbers 11 and 12.

(e) Subdivisions (a) and (b) do not apply to an employee specified in subdivision (f) if both of the following conditions are satisfied:

(1) The employee is covered by a valid collective bargaining agreement.

(2) The valid collective bargaining agreement expressly provides for the wages, hours of work, and working conditions of employees, and expressly provides for meal periods for those employees, final and binding arbitration of disputes concerning application of its meal period provisions, premium wage rates for all overtime hours worked, and a regular hourly rate of pay of not less than 30 percent more than the state minimum wage rate.

(f) Subdivision (e) applies to each of the following employees:

(1) An employee employed in a construction occupation.

(2) An employee employed as a commercial driver.

(3) An employee employed in the security services industry as a security officer who is registered pursuant to Chapter 11.5 (commencing with Section 7580) of Division 3 of the Business and Professions Code, and who is employed by a private patrol operator registered pursuant to that chapter.

(4) An employee employed by an electrical corporation, a gas corporation, or a local publicly owned electric utility.

(g) The following definitions apply for the purposes of this section:

(1) "Commercial driver" means an employee who operates a vehicle described in Section 260 or 462 of, or subdivision (b) of Section 15210 of, the Vehicle Code.

(2) "Construction occupation" means all job classifications associated with construction by Article 2 (commencing with Section 7025) of Chapter 9 of Division 3 of the Business and Professions Code, including work involving alteration, demolition, building, excavation, renovation, remodeling, maintenance, improvement, and repair, and any other similar or related occupation or trade.

(3) "Electrical corporation" has the same meaning as provided in Section 218 of the Public Utilities Code.

(4) "Gas corporation" has the same meaning as provided in Section 222 of the Public Utilities Code.

(5) "Local publicly owned electric utility" has the same meaning as provided in Section 224.3 of the Public Utilities Code.

AMENDMENTS TO ASSEMBLY BILL NO. 2628

Amendment 1

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

An act relating to state employees.

Amendment 2

On page 1, before line 1, insert:

SECTION 1. The Legislature finds and declares that the purpose of this act is to approve an agreement pursuant to Section 3517.5 of the Government Code entered into by the state employer and a recognized employee organization.

SEC. 2. The provisions of the memorandum of understanding prepared pursuant to Section 3517.5 of the Government Code and entered into by the state employer and State Bargaining Unit 6, dated \_\_\_\_\_, and that require the expenditure of funds, are hereby approved for the purposes of subdivision (b) of Section 3517.6 of the Government Code.

SEC. 3. The provisions of the memorandum of understanding approved by Section 2 of this act that require the expenditure of funds shall not take effect unless funds for these provisions are specifically appropriated by the Legislature. If funds for these provisions are not specifically appropriated by the Legislature, the state employer and the affected employee organization shall meet and confer to renegotiate the affected provisions.

SEC. 4. Notwithstanding Section 3517.6 of the Government Code, the provisions of the memorandum of understanding included in Section 2 that require the expenditure of funds shall become effective even if the provisions of the memorandum of understanding are approved by the Legislature in legislation other than the annual Budget Act.

Amendment 3

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







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AMENDMENTS TO ASSEMBLY BILL NO. 2662

Amendment 1

In the title, in line 1, strike out "amend Section 33132 of the Education Code, relating to", strike out line 2 and insert:

add Section 65040.16 to the Government Code, relating to state government, and making an appropriation therefor.

Amendment 2

On page 1, before line 1, insert:

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

(a) Little research has been conducted on digital addiction, distraction, well-being, and problematic technology use to examine the positive and negative aspects of the digital technology revolution, and to explore the effects of feeling pressured to remain connected and current technology design practices.

(b) The rapid rise of technology and digital device use among children and adolescents has created a pressing need to expand research into the health consequences of digital addiction and problematic technology use.

(c) Today, 98 percent of children under eight years of age in America have access to a mobile device at home, a rapid increase from just over 50 percent in 2011. The average amount of time children under eight years of age spend with mobile devices each day has tripled twice in the same time period, and 78 percent of teens check their digital devices at least hourly.

(d) The very features that capture children's attention are taking a toll on their physical and mental health and their role as vibrant digital citizens. Studies report that 48 percent of teens who spend more than five hours a day on electronic devices report at least one suicide-related outcome, cyberbullying affects up to an estimated 40 percent of children, 50 percent of teens feel addicted to their mobile device, and that the brains of youth diagnosed with Internet addiction show significantly less gray matter density, associated with planning, decisionmaking, and impulse control. A study of two-year-old children also found that body mass index (BMI) increases for every hour per week of media consumed.

(e) There are serious concerns that devices can significantly disrupt parent-child interactions that are critical to healthy child development.

(f) A study from the University of Missouri reported that measurable increases in stress can be recorded when people have their smartphones taken away and other studies have demonstrated that the presence of a smartphone, even when off, can reduce cognitive capacity and tax an individual's attention (Ward, Duke, Gneezy & Bos, 2017).

(g) The Diagnostic and Statistical Manual of Mental Disorders, or DSM-5, identified Internet Gaming Disorder, which includes compulsive and personally harmful uses of technology, as a condition of interest warranting additional research.

SEC. 2. Section 65040.16 is added to the Government Code, to read:



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65040.16. (a) It is the intent of the Legislature to authorize funding for the establishment of a program to study the role and impact of electronic media in the development of children. Specifically, the Office of Planning and Research, through grant programs, shall do both of the following as provided in this section:

(1) Examine the role and impact of electronic media in children's and adolescents' cognitive, social, emotional, physical, and behavioral development.

(2) Provide for a report or reports to the Legislature containing the empirical evidence and other results produced by the research funded through grants under this section.

(b) The Office of Planning and Research shall enter into appropriate arrangements with relevant state agencies to establish an independent panel of experts to review, synthesize, and report on research, theory, and applications in the social, behavioral, and biological sciences and to establish research priorities regarding the positive and negative roles and impacts of electronic media use, including television, motion pictures, DVDs, augmented and virtual reality, interactive video games, artificial intelligence, mobile devices or cell phones, and the Internet, including social media, and exposure to that content and medium on youth, in the following core areas of child and adolescent development:

(1) The role and impact of media use and exposure in the development of children and adolescents within cognitive areas including, but not limited to, language development, executive functioning, attention problem solving skills such as the ability to conduct multiple tasks or to multitask, critical thinking, visual and spatial skills, literacy, and other learning abilities.

(2) The role and impact of media use and exposure on children's and adolescents' physical development and health behaviors, including diet, exercise, sleeping and eating routines, and other areas of physical development.

(3) The influence of media on children's and adolescents' social-emotional competencies, including self-awareness, self-management, social awareness, relationship skills, and decisionmaking, as well as outcomes such as depression and anxiety.

(c) During the first year in which the panel is implementing subdivision (b), the office shall provide for the conduct of initial pilot projects to supplement and inform the panel in its work. The pilot projects shall consider the role of media exposure on cognitive and social-emotional development during infancy and early childhood, and on the development of childhood and adolescent sleep patterns and obesity, particularly as a function of media advertising and sedentary lifestyles when paired with heavy media use and other excessive use of digital technologies, or the pilot projects shall instead consider the adverse impact of platform development and excessive media consumption on incidents of addiction, depression, social-emotional development, and bullying and harassment.

(d) The office shall develop and implement a grant program that funds additional research determined to be necessary by the panel concerning the role and impact of electronic media in the cognitive, physical, and social-emotional development of children and adolescents with a particular focus on the impact of factors such as media content, format, platform development, length of exposure, the age of a child or adolescent, and the nature of parental involvement. The grant program shall include extramural and intramural research and shall support collaborative efforts to link the research to other research investigations of early child health and development.

(e) In order to be eligible to receive any grant funds that are made available by the office for the purposes of funding research pursuant to subdivision (d), an entity shall prepare and submit an application at the time, and in the manner and containing that information, as the office may require, and agree to use amounts received under the grant pursuant to guidelines developed by the office pursuant to its consultations with experts to carry out activities that establish or implement a research program relating to the effects of media on children and adolescents in the areas of:

- (1) Television.
- (2) Motion pictures.
- (3) DVDs.
- (4) Interactive video games.
- (5) Virtual and augmented reality.
- (6) The Internet.
- (7) Social media.
- (8) Mobile devices and cell phones.

(f) On or before December 31, 2022, the panel established by office pursuant to subdivision (b) shall prepare and submit a report or reports to the Legislature that does all of the following:

(1) Summarizes the empirical evidence and other results produced by the research performed pursuant to this section in a manner that can be understood by the general public.

(2) Places the evidence in context with other evidence and knowledge generated by the scientific community that address the same or related topics.

(3) Discusses the implications of the collective body of scientific evidence and knowledge regarding the role and impact of electronic media on children and adolescents.

(4) Makes recommendations on how scientific evidence and knowledge may be used to improve the healthy developmental and learning capacities of children and adolescents.

(g) (1) The requirement for submitting a report imposed under subdivision (f) is inoperative on December 31, 2026, pursuant to Section 10231.5.

(2) A report to be submitted pursuant to subdivision (f) shall be submitted in compliance with Section 9795.

SEC. 3. Contingent upon receipt by the Office of Planning and Research of five million dollars (\$5,000,000) in contributions for the purpose of implementing these provisions from philanthropic organizations, companies, or private donors, which shall be deposited in a special account in the General Fund, the sum of five million dollars (\$5,000,000) is, notwithstanding Section 13340 of the Government Code, hereby continuously appropriated from that account to the office for the purpose of implementing these provisions from July 1, 2019, to June 30, 2022, inclusive.

#### Amendment 3

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

## AMENDMENTS TO ASSEMBLY BILL NO. 2670

## Amendment 1

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

to amend Section 3040 of the Fish and Game Code, relating to hunting.

## Amendment 2

On page 2, before line 1, insert:

SECTION 1. Section 3040 of the Fish and Game Code is amended to read:

3040. (a) Notwithstanding Section 3031, the director ~~may shall, no later than~~ July 1, 2019, designate two days per year as "Free Hunting Days." One free hunting day ~~may shall~~ be established during the fall hunting season, and the other free hunting day ~~may shall~~ be established during the ~~winter~~ spring hunting season. The department shall publish the exact dates of the free hunting days in annual publications of the department regarding current hunting regulations.

(b) During a free hunting day, a California resident may hunt if accompanied by a hunter who holds a valid hunting license issued by the State of California, has held a valid hunting license for at least the last three consecutive years, is at least 21 years of age, and accompanies only one unlicensed hunter in the field at a time. An unlicensed hunter shall participate in the free hunting days for only one license year and shall complete a hunter education course approved by the department and register with the department, or an agent of the department, ~~prior to~~ before participating in a free hunting day. While engaged in hunting activities, ~~the an~~ unlicensed hunter shall remain in close visual and verbal contact with the licensed hunter at all times so that the licensed hunter is able to provide adequate direction and immediately assume control of a firearm from the unlicensed hunter at any time.

(c) An unlicensed hunter who participates in a free hunting day shall have in his or her possession all of the following:

(1) A certificate of completion of a course in hunter education as required in paragraph (3) of subdivision (a) of Section 3050.

(2) Any required tags or report cards.

(3) Any required federal entitlements.

(4) Any required entry permits.

(d) Unlicensed hunters participating in free hunting days shall not take any species that requires a draw or lottery to obtain a tag.

(e) An unlicensed hunter hunting pursuant to this section is subject to all of the limitations, restrictions, conditions, statutes, rules, and regulations applicable to the holder of a valid hunting license, except the requirement to possess a valid hunting license.

(f) The department may adopt additional minimum requirements and restrictions for a licensed hunter or unlicensed hunter participating in a free hunting day pursuant to this section.



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Substantive

~~(g) This section shall not be implemented until the department's Automated License Data System is fully operational for at least one year.~~

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

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AMENDMENTS TO ASSEMBLY BILL NO. 2910

Amendment 1

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

add

Amendment 2

In the title, in line 1, strike out "2889.3" and insert:

910.8

Amendment 3

On page 1, before line 1, insert:

SECTION 1. Section 910.8 is added to the Public Utilities Code, to read:  
910.8. (a) For purposes of this section, "telecommunications service" has the same meaning as defined in Section 2892.1.

(b) The commission shall annually submit a report to the Legislature on telecommunications service providers' efforts, and resources used, to restore telecommunications service outages caused by, and to repair or replace related network infrastructure or facilities that were damaged by, a natural disaster for which the Governor declared either a state of emergency or a local emergency, as described in Section 8558 of the Government Code, in that reporting year.

(c) The report shall include all of the following:

(1) The extent of any damage to telecommunications network infrastructure or facilities caused by a natural disaster.

(2) The number of people in California who experienced a telecommunications service outage caused by a natural disaster.

(3) The duration of each telecommunications service outage caused by a natural disaster.

(4) Any specific data on 911 emergency system outages caused by a natural disaster.

(5) The types of infrastructure or facilities used to restore telecommunications service outages caused by, or to repair or replace related network infrastructure or facilities damaged by, a natural disaster.

(6) The long-term plans for fully restoring any telecommunications service outages or repairing or replacing any related network infrastructure or facilities necessitated by a natural disaster, including specifically identifying areas where wireless facilities would replace wireline facilities.

(d) The commission shall provide this report as part of its annual report published pursuant to Section 910 and by posting it in a conspicuous area of its Internet Web site.



(e) For purposes of this section, the commission may require a telecommunications service provider to collect and forward to the commission any relevant information.

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 4

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

AMENDMENTS TO ASSEMBLY BILL NO. 2976

Amendment 1

In the title, in line 1, strike out "14132.015 to the Welfare and Institutions Code,"  
strike out line 2 and insert:

105286 to the Health and Safety Code, relating to public health.

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 105286 is added to the Health and Safety Code, to read:  
105286. The department shall coordinate with the state entities, including the  
State Department of Health Care Services, that are responsible for administering the  
publicly funded programs for low-income children identified in Section 37020 of Title  
17 of the California Code of Regulations to gather data to determine whether children  
are being screened for lead poisoning as required by Section 37100 of Title 17 of the  
California Code of Regulations.

Amendment 3

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



AMENDMENTS TO ASSEMBLY BILL NO. 3189

Amendment 1

In the title, in lines 1 and 2, strike out “amend Section 400 of the Family Code, relating to marriages” and insert:

add Section 6930 to the Family Code, relating to minors

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 6930 is added to the Family Code, to read:

6930. (a) A minor who is 12 years of age or older and who states he or she is injured as a result of intimate partner violence may consent or decline to consent to medical care related to the diagnosis or treatment of the injury and the collection of medical evidence with regard to the alleged intimate partner violence.

(b) (1) For purposes of this section, “intimate partner violence” means physical or mental violence, including strangulation, psychological aggression, stalking, or coercive acts, by a current or former partner. A partner may include a current or former spouse, boyfriend or girlfriend, dating partner, or sexual partner. Intimate partner violence can occur between heterosexual or same-sex partners and does not require sexual intimacy.

(2) For purposes of this section, “intimate partner violence” does not include rape, as described in Section 6927, or sexual assault, as described in Section 6928.

Amendment 3

On page 1, strike out lines 1 and 2 and strike out pages 2 and 3

