

AMENDMENTS TO ASSEMBLY BILL NO. 3126

Amendment 1

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

An act to amend Sections 7071.17, 7074, and 7091 of, to add Section 7071.4 to, and to repeal Section 7071.12 of, the Business and Professions Code, relating to contractors.

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 7071.4 is added to the Business and Professions Code, to read:

7071.4. (a) Notwithstanding Article 7 (commencing with Section 995.710) of Chapter 2 of Title 14 of Part 2 of the Code of Civil Procedure, each person licensed under the provisions of this chapter and subject to any of the bonding provisions of this article shall maintain the requisite bond as executed by an admitted surety insurer in the appropriate amount. Another method of deposit, including, but not limited to, a certificate of deposit or other undertaking, shall not satisfy a bond requirement under this article.

(b) All existing alternatives in lieu of a bond currently filed with the board shall be replaced for a surety bond by January 1, 2020.

(c) Notwithstanding subdivision (a), this section shall not apply to the bond equivalents described in Section 7159.5 of this chapter.

(d) This section shall be operative on and after January 1, 2019, upon which date the board shall thereafter no longer accept alternatives in lieu of a bond.

SEC. 2. Section 7071.12 of the Business and Professions Code is repealed.

~~7071.12. (a) Instead of the bond provided by this article a deposit may be given pursuant to Article 7 (commencing with Section 995.710) of Chapter 2 of Title 14 of Part 2 of the Code of Civil Procedure.~~

~~(b) If the board is notified, in writing, of a civil action against the deposit authorized under this section, the deposit or any portion thereof shall not be released for any purpose, except as determined by the court.~~

~~(c) If any deposit authorized under this section is insufficient to pay, in full, all claims that have been adjudicated under any action filed in accordance with this section, the sum of the deposit shall be distributed to all claimants in proportion to the amount of their respective claims.~~

~~(d) The following limitations periods apply to deposits in lieu of the bond required by this article:~~

~~(1) Any action, other than an action to recover wages or fringe benefits, against a deposit given in lieu of a contractor's bond or bond of a qualifying individual filed by an active licensee shall be brought within three years after the expiration of the license period during which the act or omission occurred, or within three years of the date the license of the active licensee was inactivated, canceled, or revoked by the board, whichever occurs first.~~



(2) Any action, other than an action to recover wages or fringe benefits, against a deposit given in lieu of a disciplinary bond filed by an active licensee pursuant to Section 7071.8 shall be brought within three years after the expiration of the license period during which the act or omission occurred, or within three years of the date the license of the active licensee was inactivated, canceled, or revoked by the board, or within three years after the last date for which a deposit given in lieu of a disciplinary bond filed pursuant to Section 7071.8 was required, whichever date is first.

(3) A claim to recover wages or fringe benefits shall be brought within six months from the date that the wage or fringe benefit delinquencies were discovered, but in no event shall a civil action thereon be brought later than two years from the date the wage or fringe benefit contributions were due.

(e) In any case in which a claim is filed against a deposit given in lieu of a bond by any employee or by an employee organization on behalf of an employee, concerning wages or fringe benefits based upon the employee's employment, claims for the nonpayment shall be filed with the Labor Commissioner. The Labor Commissioner shall, pursuant to the authority vested by Section 96.5 of the Labor Code, conduct hearings to determine whether or not the wages or fringe benefits should be paid to the complainant. Upon a finding by the commissioner that the wages or fringe benefits should be paid to the complainant, the commissioner shall notify the registrar of the findings. The registrar shall not make payment from the deposit on the basis of findings by the commissioner for a period of 10 days following determination of the findings. If, within the period, the complainant or the contractor files written notice with the registrar and the commissioner of an intention to seek judicial review of the findings pursuant to Section 11523 of the Government Code, the registrar shall not make payment if an action is actually filed, except as determined by the court. If, thereafter, no action is filed within 60 days following determination of findings by the commissioner, the registrar shall make payment from the deposit to the complainant.

(f) Legal fees may not be charged by the board against any deposit posted pursuant to this section.

SEC. 3. Section 7071.17 of the Business and Professions Code is amended to read:

7071.17. (a) Notwithstanding any other provision of law, the board shall require, as a condition precedent to accepting an application for licensure, renewal, reinstatement, or to change officers or other personnel of record, that an applicant, previously found to have failed or refused to pay a contractor, subcontractor, consumer, materials supplier, or employee based on an unsatisfied final judgment, file or have on file with the board a bond sufficient to guarantee payment of an amount equal to the unsatisfied final judgment or judgments. The applicant shall have 90 days from the date of notification by the board to file the bond or the application shall become void and the applicant shall reapply for issuance, reinstatement, or reactivation of a license. The board may not issue, reinstate, or reactivate a license until the bond is filed with the board. The bond required by this section is in addition to the contractor's bond. The bond shall be on file for a minimum of one year, after which the bond may be removed by submitting proof of satisfaction of all debts. The applicant may provide the board with a notarized copy of any accord, reached with any individual holding an unsatisfied final judgment, to satisfy a debt in lieu of filing the bond. The board shall include on the license application for issuance, reinstatement, or reactivation, a

statement, to be made under penalty of perjury, as to whether there are any unsatisfied judgments against the applicant on behalf of contractors, subcontractors, consumers, materials suppliers, or the applicant's employees. Notwithstanding any other provision of law, if it is found that the applicant falsified the statement then the license will be retroactively suspended to the date of issuance and the license will stay suspended until the bond, satisfaction of judgment, or notarized copy of any accord applicable under this section is filed.

(b) (1) Notwithstanding any other provision of law, all licensees shall notify the registrar in writing of any unsatisfied final judgment imposed on the licensee. If the licensee fails to notify the registrar in writing within 90 days, the license shall be automatically suspended on the date that the registrar is informed, or is made aware of the unsatisfied final judgment.

(2) The suspension shall not be removed until proof of satisfaction of the judgment, or in lieu thereof, a notarized copy of an accord is submitted to the registrar.

(3) If the licensee notifies the registrar in writing within 90 days of the imposition of any unsatisfied final judgment, the licensee shall, as a condition to the continual maintenance of the license, file or have on file with the board a bond sufficient to guarantee payment of an amount equal to all unsatisfied judgments applicable under this section.

(4) The licensee has 90 days from date of notification by the board to file the bond or at the end of the 90 days the license shall be automatically suspended. In lieu of filing the bond required by this section, the licensee may provide the board with a notarized copy of any accord reached with any individual holding an unsatisfied final judgment.

(c) By operation of law, failure to maintain the bond or failure to abide by the accord shall result in the automatic suspension of any license to which this section applies.

(d) A license that is suspended for failure to comply with the provisions of this section can only be reinstated when proof of satisfaction of all debts is made, or when a notarized copy of an accord has been filed as set forth under this section.

(e) This section applies only with respect to an unsatisfied final judgment that is substantially related to the construction activities of a licensee licensed under this chapter, or to the qualifications, functions, or duties of the license.

(f) Except as otherwise provided, this section shall not apply to an applicant or licensee when the financial obligation covered by this section has been discharged in a bankruptcy proceeding.

(g) Except as otherwise provided, the bond shall remain in full force in the amount posted until the entire debt is satisfied. If, at the time of renewal, the licensee submits proof of partial satisfaction of the financial obligations covered by this section, the board may authorize the bond to be reduced to the amount of the unsatisfied portion of the outstanding judgment. When the licensee submits proof of satisfaction of all debts, the bond requirement may be removed.

(h) The board shall take the actions required by this section upon notification by any party having knowledge of the outstanding judgment upon a showing of proof of the judgment.

(i) For the purposes of this section, the term "judgment" also includes any final arbitration award where the time to file a petition for a trial de novo or a petition to vacate or correct the arbitration award has expired, and no petition is pending.

(j) (1) If a judgment is entered against a licensee, then a qualifying person or personnel of record of the licensee at the time of the activities on which the judgment is based shall be automatically prohibited from serving as a qualifying individual or other personnel of record on another license until the judgment is satisfied.

(2) The prohibition described in paragraph (1) shall cause the license of any other existing renewable licensed entity with any of the same personnel of record as the judgment debtor licensee to be suspended until the license of the judgment debtor is reinstated or until those same personnel of record disassociate themselves from the renewable licensed entity.

~~(k) For purposes of this section, a cash deposit may be submitted in lieu of the bond.~~

~~(k)~~

(k) Notwithstanding subdivision (f), the failure of a licensee to notify the registrar of an unsatisfied final judgment in accordance with this section is cause for disciplinary action.

SEC. 4. Section 7074 of the Business and Professions Code is amended to read:

7074. (a) Except as otherwise provided by this section, an application for an original license, for an additional classification, or for a change of qualifier shall become void when:

(1) The applicant or the examinee for the applicant has failed to achieve a passing grade in the qualifying examination within 18 months after the application has been deemed acceptable by the board.

(2) The applicant for an original license, after having been notified to do so, fails to pay the initial license fee within 90 days from the date of the notice.

(3) The applicant, after having been notified to do so, fails to file within 90 days from the date of the notice any bond or ~~cash deposit~~ or other documents that may be required for issuance or granting pursuant to this chapter.

(4) After filing, the applicant withdraws the application.

(5) The applicant fails to return the application rejected by the board for insufficiency or incompleteness within 90 days from the date of original notice or rejection.

(6) The application is denied after disciplinary proceedings conducted in accordance with the provisions of this code.

(b) The void date on an application may be extended up to 90 days or one examination may be rescheduled without a fee upon documented evidence by the applicant that the failure to complete the application process or to appear for an examination was due to a medical emergency or other circumstance beyond the control of the applicant.

(c) An application voided pursuant to this section shall remain in the possession of the registrar for the period as he or she deems necessary and shall not be returned to the applicant. Any reapplication for a license shall be accompanied by the fee fixed by this chapter.

SEC. 5. Section 7091 of the Business and Professions Code is amended to read:

7091. (a) (1) A complaint against a licensee alleging commission of any patent acts or omissions that may be grounds for legal action shall be filed in writing with the registrar within four years after the act or omission alleged as the ground for the disciplinary action.

(2) A disciplinary action against a licensee relevant to this subdivision shall be filed or a referral to the arbitration program outlined in Section 7085 shall be referred within four years after the patent act or omission alleged as the ground for disciplinary action or arbitration or within 18 months from the date of the filing of the complaint with the registrar, whichever is later.

(b) (1) A complaint against a licensee alleging commission of any latent acts or omissions that may be grounds for legal action pursuant to subdivision (a) of Section 7109 regarding structural defects, as defined by regulation, shall be filed in writing with the registrar within 10 years after the act or omission alleged as the ground for the disciplinary action.

(2) A disciplinary action against a licensee relevant to this subdivision shall be filed within 10 years after the latent act or omission alleged as the ground for disciplinary action or within 18 months from the date of the filing of the complaint with the registrar, whichever is later. As used in this subdivision "latent act or omission" means an act or omission that is not apparent by reasonable inspection.

(c) A disciplinary action alleging a violation of Section 7112 shall be filed within two years after the discovery by the registrar or by the board of the alleged facts constituting the fraud or misrepresentation prohibited by the section.

(d) With respect to a licensee who has been convicted of a crime and, as a result of that conviction is subject to discipline under Section 7123, the disciplinary action shall be filed within two years after the discovery of the conviction by the registrar or by the board.

(e) A disciplinary action regarding an alleged breach of an express, written warranty issued by the contractor shall be filed not later than 18 months from the expiration of the warranty.

(f) The proceedings under this article shall be conducted in accordance with the provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the registrar shall have all the powers granted therein.

(g) Nothing in this section shall be construed to affect the liability of a surety or the period of limitations prescribed by law for the commencement of actions against ~~a surety or cash deposit.~~ surety.

Amendment 3

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

AMENDMENTS TO ASSEMBLY BILL NO. 3131

Amendment 1

In the title, in line 1, strike out “relating to public safety.” and insert:

to add Chapter 12.8 (commencing with Section 7070) to Division 7 of Title 1 of the Government Code, relating to military equipment.

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Chapter 12.8 (commencing with Section 7070) is added to Division 7 of Title 1 of the Government Code, to read:

CHAPTER 12.8. FUNDING, ACQUISITION, AND USE OF MILITARY EQUIPMENT

7070. The Legislature finds and declares all of the following:

(a) The acquisition of military equipment and its deployment in our communities can adversely impact the public’s safety and welfare, including significant risks to civil rights, civil liberties, and physical and psychological well-being, and incur significant financial costs.

(b) The public has a right to know about any funding, acquisition, or use of military equipment by state or local government officials, as well as a right to participate in any government agency’s decision to fund, acquire, or use such equipment.

(c) Decisions regarding whether and how military equipment is funded, acquired, or used should give strong consideration to the public’s welfare, safety, civil rights, and civil liberties, and should be based on meaningful public input.

(d) Legally enforceable safeguards, including transparency, oversight, and accountability measures, must be in place to protect the public’s welfare, safety, civil rights, and civil liberties before military equipment is funded, acquired, or used.

(e) The lack of a public forum to discuss the acquisition of military equipment jeopardizes the relationship police have with the community, which can be undermined when law enforcement is seen as an occupying force rather than a public safety service.

7071. For purposes of this chapter, the following definitions shall apply:

(a) “Governing body” means the elected body that oversees a law enforcement agency or, if there is no elected body that directly oversees the law enforcement agency, the appointed body that oversees a law enforcement agency. In the case of a law enforcement agency of a county, including a sheriff’s department or a district attorney’s office, “governing body” means the board of supervisors of the county.

(b) “Law enforcement agency” means any of the following:

(1) A police department, including the police department of a transit agency, school district, or any campus of the University of California, the California State University, or California Community Colleges.

(2) A sheriff’s department.



- (3) A district attorney's office.
- (4) A county probation department.
- (5) The Department of the California Highway Patrol.
- (6) The Department of Justice.
- (7) Any other state or local agency authorized to conduct criminal investigations or prosecutions.

(c) "Military equipment" means equipment that is militaristic in nature and includes, but is not limited to, all of the following:

- (1) Powered aircraft with a crew aboard, such as an airplane, that use a fixed wing for lift.
- (2) Powered aircraft with a crew aboard that use a rotary wing for lift, such as a helicopter.
- (3) Unmanned, remotely piloted, powered aerial vehicles.
- (4) Wheeled armored vehicles that are either built or modified to provide ballistic protection to their occupants, including a mine-resistant ambush protected (MRAP) vehicle or an armored personnel carrier.
- (5) Wheeled tactical vehicles that are either built to operate both onroad and offroad in supporting military operations, such as a high mobility multipurpose wheeled vehicle (HMMWV), commonly referred to as a Humvee, a two and one-half-ton truck, a five-ton truck, or have a breaching or entry apparatus attached.
- (6) Tracked armored vehicles that provide ballistic protection to their occupants and utilize a tracked system instead of wheels for forward motion.
- (7) Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
- (8) Weaponized aircraft, vessels, or vehicles of any kind.
- (9) Breaching apparatus designed to provide rapid entry into a building or through a secured doorway, including equipment that is mechanical, such as a battering ram, ballistic, such as a slug, or explosive in nature.
- (10) Firearms of .50 caliber or greater.
- (11) Ammunition of .50 caliber or greater.
- (12) Specialized firearms and ammunition of less than .50 caliber, other than service weapons and ammunition of less than .50 caliber that are issued to officers, agents, or employees of a law enforcement agency.
- (13) Any firearm or firearm accessory that is designed to launch small, explosive projectiles.
- (14) Any large knife designed to be attached to the muzzle of a rifle, shotgun, or long gun for purposes of hand-to-hand combat.
- (15) Explosives and pyrotechnics, including grenades referred to as flashbang grenades and explosive breaching tools.
- (16) Riot batons, riot helmets, and riot shields, but excluding service-issued telescopic or fixed-length straight batons.
- (17) Long-range acoustic devices.
- (18) Camouflage uniforms, other than uniforms with woodland or desert patterns or solid color uniforms.
- (19) Any other equipment as determined by the Attorney General pursuant to Section 7074.

(d) "Military equipment impact statement" means a publicly released, legally enforceable written document that includes, at a minimum, all of the following:

(1) A description of each piece of military equipment, the quantity sought, its capabilities, expected lifespan, intended uses and effects, and how it works, including product descriptions from the manufacturer of the military equipment.

(2) The purposes and reasons for which the law enforcement agency proposes to use each piece of military equipment.

(3) The fiscal impact of each piece of military equipment, including the initial costs of obtaining the equipment, the costs of each proposed use, the costs of potential adverse impacts, and the annual, ongoing costs of the equipment, including operating, training, transportation, storage, maintenance, and upgrade costs.

(4) An assessment specifically identifying any potential impacts that the use of military equipment might have on the welfare, safety, civil rights, and civil liberties of the public, and what specific affirmative measures will be implemented to safeguard the public from potential adverse impacts.

(5) Alternative method or methods by which the law enforcement agency can accomplish the purposes for which the military equipment is proposed to be used, the annual costs of alternative method or methods, and the potential impacts of alternative method or methods on the welfare, safety, civil rights, and civil liberties of the public.

(e) "Military equipment use policy" means a publicly released, legally enforceable written document governing the use of military equipment by a law enforcement agency that addresses, at a minimum, all of the following:

(1) The specific purpose or purposes that each piece of military equipment is intended to achieve.

(2) The specific capabilities and authorized uses of military equipment, the legal and procedural rules that govern each authorized use, and the potential uses of the military equipment that are prohibited.

(3) The course of training that must be completed before any officer, agent, or employee of the law enforcement agency is allowed to use each specific type of military equipment to ensure the full protection of the public's welfare, safety, civil rights, and civil liberties and full adherence to the military equipment use policy.

(4) The mechanisms to ensure compliance with the military equipment use policy, including which independent persons or entities have oversight authority, and what legally enforceable sanctions are put in place for violations of the policy.

(5) The procedures by which members of the public may register complaints or concerns or submit questions about the use of each specific type of military equipment, and how the law enforcement agency will ensure that each complaint, concern, or question receives a response in a timely manner.

7072. (a) (1) A law enforcement agency shall obtain approval of the governing body, by an ordinance adopting a military equipment impact statement and a military equipment use policy at a regular meeting of the governing body held pursuant to the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2) or the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5), as applicable, prior to engaging in any of the following:

(A) Requesting military equipment made available pursuant to Section 2576a of Title 10 of the United States Code.

(B) Seeking funds for military equipment, including, but not limited to, applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.

(C) Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.

(D) Collaborating with another law enforcement agency in the deployment or other use of military equipment within the territorial jurisdiction of the governing body.

(E) Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body pursuant to this chapter.

(F) Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of, military equipment.

(2) No later than May 1, 2019, a law enforcement agency seeking to continue the use of any military equipment that was acquired prior to January 1, 2019, shall commence a governing body approval process in accordance with this section. If the governing body does not approve the continuing use of military equipment, including by adoption pursuant to this subdivision of a military equipment impact statement and military equipment use policy submitted pursuant to subdivision (b), within 180 days of submission of the proposed military equipment impact statement and military equipment use policy to the governing body, the law enforcement agency shall cease its use of the military equipment until it receives the approval of the governing body in accordance with this section.

(b) In seeking the approval of the governing body pursuant to subdivision (a), a law enforcement agency shall submit a proposed military equipment impact statement and military equipment use policy to the governing body and make those documents available on the law enforcement agency's Internet Web site at least 30 days prior to any public hearing concerning the military equipment at issue.

(c) The governing body shall consider a proposed military equipment impact statement as an agenda item for an open session of a regular meeting and provide for public comment in accordance with, the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2) or the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5), as applicable.

(d) (1) The governing body shall only approve a request to fund, acquire, or use military equipment pursuant to this chapter if it determines all of the following:

(A) The military equipment is needed despite available alternatives.

(B) The proposed military equipment impact statement and military equipment use policy will safeguard the public's welfare, safety, civil rights, and civil liberties.

(C) The use of military equipment will not be used based on race, national origin, religion, sexual orientation, gender, gender identity, political viewpoint, or disability, or disproportionately impact any community or group.

(D) The use of military equipment is the most cost-effective option among all available alternatives.

(2) In order to facilitate public participation, any proposed or final military equipment impact statement and military equipment use policy shall be made publicly available on the Internet Web site of the relevant law enforcement agency for as long as the military equipment is available for use.

(3) If the military equipment impact statement identifies a risk of potential adverse impacts on the public's welfare, safety, civil rights, or civil liberties, the approval for the funding, acquisition, or use of military equipment by the governing body pursuant to this section shall not be deemed an acquiescence to those impacts, but instead an acknowledgment of the risk of those impacts and the need to avoid them proactively.

(4) The funding, acquisition, or use of military equipment by a law enforcement agency shall not be permitted without the express approval of the governing body, including adoption of a military equipment impact statement and military equipment use policy submitted pursuant to subdivision (b).

(e) (1) The governing body shall review any ordinance that it has adopted pursuant to this section approving the funding, acquisition, or use of military equipment at least annually and, subject to paragraph (2), vote on whether to renew the ordinance at a regular meeting held pursuant to the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2) or the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5), as applicable.

(2) The governing body shall determine, based on the annual military equipment report submitted pursuant to Section 7073, whether each piece of military equipment identified in that report has complied with the standards for approval set forth in subdivision (d). If the governing body determines that a piece of military equipment identified in that annual military equipment report has not complied with the standards for approval set forth in subdivision (d), the governing body shall either disapprove a renewal of the authorization for that piece of military equipment or require modifications to the military equipment use policy in a manner that will resolve the lack of compliance.

7073. (a) A law enforcement agency that receives approval for the funding, acquisition, or use of military equipment pursuant to Section 7072 shall submit to the governing body an annual military equipment report for each piece of military equipment approved by the governing body within one year of approval, and annually thereafter for as long as the military equipment is available for use. The law enforcement agency shall also make each annual military equipment report required by this section publicly available on its Internet Web site for as long as the military equipment is available for use. The annual military equipment report shall, at a minimum, include the following information for the immediately preceding calendar year for each piece of military equipment:

(1) A summary of how the military equipment was used.

(2) If applicable, a breakdown of where the military equipment was used geographically by individual census tract, as defined in the relevant year by the United States Census Bureau. For each census tract, the law enforcement agency shall report the number of days the military equipment was used and what percentage of those daily reported uses were authorized by warrant and by nonwarrant forms of court authorization.

(3) A summary of any complaints or concerns received concerning the military equipment.

(4) The results of any internal audits, any information about violations of the military equipment use policy, and any actions taken in response.

(5) An analysis of any discriminatory, disparate, any other adverse impacts that the use of military equipment may have had on the public's safety, welfare, civil rights,

and civil liberties and on any community or group, including, but not limited to, those protected by the First, Fourth, and Fourteenth Amendments to the United States Constitution.

(6) The total annual cost for each piece of military equipment, including acquisition, personnel, training, transportation, maintenance, storage, upgrade, and other ongoing costs, and from what source funds will be provided for the military equipment in the calendar year following submission of the annual military equipment report.

(b) Within 30 days of submitting and publicly releasing an annual military equipment report pursuant to this section, the law enforcement agency shall hold at least one well-publicized and conveniently located community engagement meeting, at which the general public may discuss and ask questions regarding the annual military equipment report and the law enforcement agency's funding, acquisition, or use of military equipment.

7074. (a) The Attorney General, by January 31, 2019, shall develop a list of military equipment that warrants public input pursuant to this chapter. The Attorney General shall post this list on his or her Internet Web site and update it at least annually.

(b) The list required by this section shall include, at a minimum, the military equipment expressly listed in paragraphs (1) to (18), inclusive, of subdivision (c) of Section 7071.

(c) The Attorney General shall make available on his or her Internet Web site a form by which members of the public may submit suggestions for equipment to be included as military equipment on the list required by this section.

7075. (a) Notwithstanding any other law, any person may enforce this article by bringing a civil action seeking injunctive relief, declaratory relief, a writ of mandate, or other relief in a court of competent jurisdiction.

(b) In any action brought to enforce this article pursuant to this section, the court shall award costs and reasonable attorneys' fees to a prevailing plaintiff.

7076. The Legislature finds and declares that this chapter addresses a matter of statewide concern rather than a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, this chapter applies to all cities, including charter cities and shall supersede any inconsistent provisions in the charter of any city, county, or city and county.

SEC. 2. The Legislature finds and declares that Section 1 of this act, which adds Chapter 12.8 (commencing with Section 7070) to Division 7 of Title 1 of the Government Code, furthers, within the meaning of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the purposes of that constitutional section as it relates to the right of public access to the meetings of local public bodies or the writings of local public officials and local agencies. Pursuant to paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the Legislature makes the following findings:

Requiring local agencies to hold public meetings prior to the acquisition of military equipment further exposes that activity to public scrutiny and enhances public access to information concerning the conduct of the people's business.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district under this act would result from a legislative mandate

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that is within the scope of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution.

Amendment 3
On page 1, strike out lines 1 to 4, inclusive

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AMENDMENTS TO ASSEMBLY BILL NO. 3135

Amendment 1

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

add

Amendment 2

In the title, in line 1, strike out "185024 of" and insert:

185046 to

Amendment 3

On page 1, before line 1, insert:

SECTION 1. Section 185046 is added to the Public Utilities Code, to read:
185046. The authority may contract with the Department of the California
Highway Patrol to provide any necessary security services for property acquired by
the state as a right-of-way for high-speed rail purposes.

Amendment 4

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



AMENDMENTS TO ASSEMBLY BILL NO. 3136

Amendment 1

In the title, in line 1, strike out “relating to special education.” and insert:

to amend Sections 56836.06, 56836.11, and 56836.145 of, and to add Sections 56836.12 and 56836.146 to, the Education Code, relating to special education funding.

Amendment 2

On page 1, before line 1, insert:

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

(a) Special education is a federal- and state-mandated educational program that entitles children with disabilities to receive a free appropriate public education in the least restrictive environment.

(b) In 2015, the Statewide Special Education Task Force was established by the State Board of Education for the purpose of outlining distinct reforms necessary for a successful special education system, which included a call for additional state funding earmarked for services required by the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.).

(c) The findings contained in the Statewide Special Education Task Force report acknowledge several policy and fiscal challenges faced by local educational agencies (LEAs) and provide recommendations and detail actions to improve the system and pupil outcomes. The report includes all of the following findings:

(1) Special education is underfunded.

(2) The special education local plan area (SELPA) base rates established by Assembly Bill 602 of the 1997–98 Regular Session (Chapter 854 of the Statutes of 1997) (AB 602) are not equitable throughout the state.

(3) The state needs to better support local infant and preschool special education programs.

(4) The census-based funding model of AB 602 has been successful in avoiding incentives to place special education pupils in restrictive educational placements.

(d) The growth in funding for special education does not reflect the actual growth in enrollment of special education pupils.

(e) There is widespread agreement among LEAs that the state should adopt the following recommendations contained in the Statewide Special Education Task Force report:

(1) Retain the AB 602 census-based funding model.

(2) Level up the AB 602 SELPA funding base rates.

(3) Increase state funding for preschoolers with disabilities.

(4) Provide an adequate funding set-aside to assist pupils with severe disabilities.

(5) Adjust the enrollment growth calculation to reflect the actual growth in special education enrollment.

SEC. 2. It is the intent of the Legislature that the funding required to implement the provisions in this act be provided over the course of five years.



SEC. 3. Section 56836.06 of the Education Code is amended to read:

56836.06. For purposes of this article, the following ~~terms or phrases have the following meanings, definitions apply,~~ unless the context clearly requires otherwise:

(a) "Average daily attendance reported for the special education local plan area" means the total of the following:

(1) The total number of units of average daily attendance reported for the second principal apportionment pursuant to Section ~~41601~~ 41601, for the current school year or the prior school year, whichever is greater, for all pupils enrolled in the district or districts that are a part of the special education local plan area.

(2) The total number of units of average daily attendance reported pursuant to subdivisions (a) and (b) of Section ~~41601~~ 41601, for the current school year or the prior school year, whichever is greater, for all pupils enrolled in schools operated by the county office or offices that compose the special education local plan area, or for those county offices that are a part of more than one special education local plan area, that portion of the average daily attendance of pupils enrolled in the schools operated by the county office that are under the jurisdiction of the special education local plan area.

(b) For purposes of computing apportionments pursuant to this chapter for the special education local plan area identified as the Los Angeles County Juvenile Court and Community School/Division of Alternative Education Special Education Local Plan Area, the term "average daily attendance" means the total number of units of average daily attendance reported for the second principal apportionment pursuant to subdivisions (a) and (b) of Section 41601 for all pupils enrolled in districts within Los Angeles County and all schools operated by the Los Angeles County Office of Education and the districts within Los Angeles County.

(c) "Special education local plan area" includes the school district or districts and county office or offices of education composing the special education local plan area.

(d) "The fiscal year in which equalization among special education local plan areas has been achieved" means the first fiscal year in which each special education local plan area is funded at or above the statewide target amount per unit of average daily attendance, as computed pursuant to Section 56836.11.

(e) For a charter school deemed a local educational agency for purposes of special education, an amount equal to the amount computed pursuant to Section 56836.08 for the special education local plan area in which the charter school is included shall be apportioned by the department pursuant to the local allocation plan developed pursuant to subdivision (i) of Section 56195.7 or 56836.05, or both. If the charter school is a participant in a local plan that only includes other charter schools pursuant to subdivision (f) of Section 56195.1, the amount computed pursuant to Section 56836.11 shall be apportioned by the department ~~pursuant~~ for each unit of average daily attendance reported pursuant to subdivision (a).

SEC. 4. Section 56836.11 of the Education Code is amended to read:

56836.11. (a) For the purpose of computing the equalization adjustment for special education local plan areas for the 1998–99 fiscal year, the Superintendent shall make the following computations to determine the statewide target amount per unit of average daily attendance for special education local plan areas:

(1) Total the amount of funding computed for each special education local plan area exclusive of the amount of funding computed for the special education local plan area identified as the Los Angeles County Juvenile Court and Community School/Division of Alternative Education Special Education Local Plan Area, pursuant to Section 56836.09 for the 1997–98 fiscal year.

(2) Total the number of units of average daily attendance reported for each special education local plan area for the 1997–98 fiscal year, exclusive of average daily attendance for absences excused pursuant to subdivision (b) of Section ~~46010~~ 46010, as that section read on July 1, 1996, and exclusive of the units of average daily attendance computed for the special education local plan area identified as the Los Angeles County Juvenile Court and Community School/Division of Alternative Education Special Education Local Plan Area.

(3) Divide the sum computed in paragraph (1) by the sum computed in paragraph (2) to determine the statewide target amount for the 1997–98 fiscal year.

(4) Add the amount computed in paragraph (3) to the inflation adjustment computed pursuant to subdivision (d) of Section 56836.08 for the 1998–99 fiscal year to determine the statewide target amount for the 1998–99 fiscal year.

(b) Commencing with the 1999–2000 fiscal year to the 2004–05 fiscal year, inclusive, to determine the statewide target amount per unit of average daily attendance for special education local plan areas, the Superintendent shall multiply the statewide target amount per unit of average daily attendance computed for the prior fiscal year pursuant to this section by one plus the inflation factor computed pursuant to subdivision (b) of Section 42238.1 for the fiscal year in which the computation is made.

(c) For the 2005–06 fiscal year, the Superintendent shall make the following computation to determine the statewide target amount per unit of average daily attendance to determine the inflation adjustment pursuant to paragraph (2) of subdivision (d) of Section 56836.08 and growth pursuant to subdivision (c) of Section 56836.15, as follows:

(1) The 2004–05 fiscal year statewide target amount per unit of average daily attendance less the sum of the 2004–05 fiscal year total amount of federal funds apportioned pursuant to Schedule (1) in Item 6110-161-0890 of Section 2.00 of the Budget Act of 2004 for purposes of special education for individuals with exceptional needs enrolled in kindergarten and grades 1 to 12, inclusive, divided by the total average daily attendance computed for the 2004–05 fiscal year.

(2) Multiply the amount computed in paragraph (1) by the inflation factor computed pursuant to subdivision (b) of Section 42238.1 for the fiscal year in which the computation is made.

(3) Add the amounts computed in paragraphs (1) and (2).

(d) Commencing with the 2006–07 fiscal year and continuing through the 2012–13 fiscal year, inclusive, the Superintendent shall make the following computation to determine the statewide target amount per unit of average daily attendance for special education local plan areas for the purpose of computing the inflation adjustment pursuant to paragraph (2) of subdivision (d) of Section 56836.08 and growth pursuant to subdivision (c) of Section 56836.15:

(1) The statewide target amount per unit of average daily attendance computed for the prior fiscal year pursuant to this section.

(2) Multiply the amount computed in paragraph (1) by the inflation factor computed pursuant to subdivision (b) of Section 42238.1 for the fiscal year in which the computation is made.

(3) Add the amounts computed in paragraphs (1) and (2).

(e) For the 2013–14 fiscal year, the Superintendent shall make the following computations to determine the statewide target amount per unit of average daily attendance to determine the inflation adjustment pursuant to subdivision (f) of Section 56836.08 and growth pursuant to subdivision (c) of Section 56836.15, as follows:

(1) Total the amount of funding computed for each special education local plan area pursuant to the amount computed in subdivision (b) of Section 56836.08, including the amount of funds appropriated pursuant to Provision 22 of Item 6110-161-0001 of Section 2.00 of the Budget Act of 2013, and excluding the amount of funding computed for the special education local plan area identified as the Los Angeles County Juvenile Court and Community School/Division of Alternative Education Special Education Local Plan Area, for the 2013–14 fiscal year.

(2) Total the number of units of average daily attendance reported for each special education local plan area for the 2012–13 fiscal year, exclusive of the units of average daily attendance computed for the special education local plan area identified as the Los Angeles County Juvenile Court and Community School/Division of Alternative Education Special Education Local Plan Area.

(3) Divide the sum computed in paragraph (1) by the sum computed in paragraph (2).

(f) Commencing with the 2014–15 fiscal year and continuing each fiscal year thereafter, the Superintendent shall make the following computations to determine the statewide target amount per unit of average daily attendance for special education local plan areas for the purpose of computing the inflation adjustment pursuant to subdivision (f) of Section 56836.08 and growth pursuant to subdivision (c) of Section 56836.15:

(1) The statewide target amount per unit of average daily attendance computed for the prior fiscal year pursuant to this section.

(2) Multiply the amount computed in paragraph (1) by the inflation factor computed pursuant to Section 42238.1, as that section read on January 1, 2013, or any successor section of law enacted by the Legislature that specifies the inflation factor contained in Section 42238.1, as that section read on January 1, 2013, for application to the 2014–15 fiscal year and each fiscal year thereafter.

(3) Add the amounts computed in paragraphs (1) and (2).

(g) Following each year in which an equalization appropriation is made pursuant to Section 56836.145, the Superintendent shall make the following computations to determine the statewide target amount per unit of average daily attendance to determine the inflation adjustment pursuant to subdivision (f) of Section 56836.08 and growth pursuant to subdivision (c) of Section 56836.15, as follows:

(1) Total the amount of funding computed for each special education local plan area pursuant to the amount computed in subdivision (b) of Section 56836.08, including the amount of funds appropriated pursuant to Provision 22 of Item 6110-161-0001 of Section 2.00 of the most recent Budget Act, and excluding the amount of funding computed for the special education local plan area identified as the Los Angeles County Juvenile Court and Community School/Division of Alternative Education Special

Education Local Plan Area, for the fiscal year in which the equalization appropriation has been made.

(2) Total the number of units of average daily attendance reported for each special education local plan area for the fiscal year preceding the equalization appropriation, exclusive of the units of average daily attendance computed for the special education local plan area identified as the Los Angeles County Juvenile Court and Community School/Division of Alternative Education Special Education Local Plan Area.

(3) Divide the sum computed in paragraph (1) by the sum computed in paragraph (2).

SEC. 5. Section 56836.12 is added to the Education Code, to read:

56836.12. (a) The high cost service allowance is hereby established for the purpose of providing supplemental funding to a special education local plan area on the basis of the number of pupils with severe disabilities, as defined in Section 56030.5, and the number of pupils with both deafness and blindness, traumatic brain injury, or multiple disabilities.

(b) For the 2018–19 fiscal year, the Superintendent shall make the following computations to determine the high cost service allowance for each special education local plan area:

(1) From the December 2017 pupil count, the number of pupils who have a severe disability, as defined in Section 56030.5, plus the number of pupils with both deafness and blindness, traumatic brain injury, or multiple disabilities.

(2) Multiply the amount computed in paragraph (1) by the statewide target amount per unit of average daily attendance for the 2018–19 fiscal year.

(c) For the 2019–20 fiscal year and each fiscal year thereafter, the Superintendent shall make the following computations to determine the high cost service allowance for each special education local plan area for the fiscal year in which the computation made:

(1) From the prior school year's December pupil count, the number of pupils who have a severe disability, as defined in Section 56030.5, plus the number of pupils with both deafness and blindness, traumatic brain injury, or multiple disabilities.

(2) Multiply the amount computed in paragraph (1) by the statewide target amount per unit of average daily attendance for the fiscal year in which the computation is made.

SEC. 6. Section 56836.145 of the Education Code is amended to read:

56836.145. (a) For the 2013–14 fiscal year, Commencing with the first fiscal year after funds are apportioned pursuant to subdivision (g) of Section 42238.03, and for each fiscal year thereafter in which an appropriation is made for purposes of this section, the Superintendent shall compute an equalization adjustment for each special education local plan area, exclusive of the special education local plan area identified as the Los Angeles County Juvenile Court and Community School/Division of Alternative Education Special Education Local Plan Area, so that the special education funding rate per unit of average daily attendance calculated pursuant to subdivision (c) of Section 56836.10 of a special education local plan area is not less than the special education funding rate per unit of average daily attendance calculated pursuant to subdivision (c) of Section 56836.10 that does not fall below more than 10 percent of the total statewide units of average daily attendance for each special education local plan area.

(b) The Superintendent shall compute an equalization adjustment for each special education local plan area's special education funding rate per unit of average daily attendance, exclusive of the special education local plan area identified as the Los Angeles County Juvenile Court and Community School/Division of Alternative Education Special Education Local Plan Area, as follows:

(1) Multiply the amount computed for each special education local plan area pursuant to subdivision (a) by the average daily attendance used to calculate the special education local plan area's special education funding for the ~~2013-14~~ fiscal year year in which an appropriation is made for purposes of this section.

(2) Divide the amount appropriated for purposes of this section for the ~~2013-14~~ fiscal year in which an appropriation is made by the statewide sum of the amount computed pursuant to paragraph (1).

(3) Multiply the amount computed for the special education local plan area pursuant to subdivision (a) by the amount computed pursuant to paragraph (2).

(c) For purposes of this section, the statewide ~~90th~~ 95th percentile special education funding rate determined pursuant to subdivision (a), and the fraction computed pursuant to paragraph (2) of subdivision (b) for the ~~2012-13~~ second principal apportionment, apportionment of the fiscal year preceding any appropriation made for purposes of this section, shall be final, and shall not be recalculated at subsequent apportionments. The fraction computed pursuant to paragraph (2) of subdivision (b) shall not exceed 1.00.

SEC. 7. Section 56836.146 is added to the Education Code, immediately following Section 56836.145, to read:

56836.146. (a) In order to provide funding for preschool-aged children with special needs, commencing with the first fiscal year after funds are apportioned pursuant to subdivision (g) of Section 42238.03, a special education local plan area that reports serving children three or four years of age who meet the definition in Section 56026 shall, for purposes of calculating units of average daily attendance, count three times all units of average daily attendance generated by children enrolled in kindergarten less those children eligible for transitional kindergarten as defined in subdivision (d) of Section 48000.

(b) Any growth in average daily attendance generated by the adjustment described in subdivision (a) shall be funded at the prevailing statewide target rate, as calculated by subdivision (f) of Section 56836.11.

SEC. 8. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

Amendment 3

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

AMENDMENTS TO ASSEMBLY BILL NO. 3145

Amendment 1

In the title, in line 1, strike out "amend Section 200 of the Labor Code," and insert:

add Section 19885.1 to the Government Code,

Amendment 2

In the title, strike out line 2 and insert:

state employees, and making an appropriation therefor.

Amendment 3

On page 1, before line 1, insert:

SECTION 1. Section 19885.1 is added to the Government Code, to read:
19885.1. (a) Notwithstanding any other law, an employee who is not subject to a memorandum of understanding reached pursuant to Section 3517.5 may elect to participate in the state disability insurance program subject to Chapter 1 (commencing with Section 2601), Chapter 2 (commencing with Section 2625), Chapter 4 (commencing with Section 2901), Chapter 5 (commencing with Section 3001), and Chapter 7 (commencing with Section 3300) of Part 2 of the Unemployment Insurance Code in lieu of the receiving nonindustrial disability benefits provided pursuant to this chapter and Chapter 2.4 (commencing with Section 2781) of Part 2 of the Unemployment Insurance Code.

(b) The employee may make the election described in subdivision (a) at the time of hire and during an annual enrollment period determined by the department.

Amendment 4

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



AMENDMENTS TO ASSEMBLY BILL NO. 3151

Amendment 1

In the title, in line 1, strike out "9101" and insert:

9003

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 9003 of the Elections Code is amended to read:

9003. ~~In the event that the Attorney General is a proponent of a proposed measure,~~ If any of the following conditions are satisfied, the circulating title and summary of the chief purpose and points of the proposed measure, including an estimate or opinion on the financial impact of the measure, shall be prepared by the Legislative Counsel, and the other duties of the Attorney General specified in this chapter with respect to the circulating title and ballot title and summary and an estimate of the financial effect of the measure shall be performed by the Legislative ~~Counsel.~~ Counsel:

(a) The Attorney General is a proponent of a proposed measure.

(b) A proposed measure affects the Attorney General's exercise of authority.

Amendment 3

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



AMENDMENTS TO ASSEMBLY BILL NO. 3153

Amendment 1

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

to amend Sections 69433.5 and 69433.6 of the Education Code,

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 69433.5 of the Education Code is amended to read:

69433.5. (a) Only a resident of California, as determined by the commission pursuant to Part 41 (commencing with Section 68000), is eligible for an initial Cal Grant award. The recipient shall remain eligible for award renewal only if he or she is a California resident, in attendance, and making satisfactory academic progress at a qualifying institution, as determined by the commission.

(b) A part-time student shall not be discriminated against in the selection of Cal Grant Program award recipients, and an award to a part-time student shall be approximately proportional to the time the student spends in the instructional program, as determined by the commission. A first-time Cal Grant Program award recipient who is a part-time student shall be eligible for a full-time renewal award if he or she becomes a full-time student.

(c) Cal Grant Program awards shall be awarded without regard to race, religion, creed, sex, sexual orientation, gender identity, gender expression, or age.

(d) An applicant shall not receive more than one type of Cal Grant Program award concurrently. An applicant shall not:

(1) Receive one or a combination of Cal Grant Program awards in excess of the amount equivalent to the award level for a total of four years of full-time attendance in an undergraduate program, including the equivalent of two summer sessions or terms of full-time attendance, except as provided in Section 69433.6.

(2) Have obtained a baccalaureate degree before receiving a Cal Grant Program award.

(e) A Cal Grant Program award, except as provided in Section 69440, may only be used for educational expenses of a program of study leading directly to an undergraduate degree or certificate, or for expenses of undergraduate coursework in a program of study leading directly to a first professional degree, but for which no baccalaureate degree is awarded.

(f) The commission shall, for students who accelerate college attendance, increase the amount of award proportional to the period of additional attendance resulting from attendance in classes that fulfill requirements or electives for graduation during summer terms, sessions, or quarters. ~~In the aggregate, the total amount a student may receive in a four-year period may not be increased as a result of accelerating his or her progress to a degree by attending summer terms, sessions, or quarters.~~

(g) The commission shall notify Cal Grant award recipients of the availability of funding for the summer term, session, or quarter through prominent notice in financial



aid award letters, materials, guides, electronic information, and other means that may include, but not necessarily be limited to, surveys, newspaper articles, or attachments to communications from the commission and any other published documents.

(h) The commission may require, by the adoption of rules and regulations, the production of reports, accounting, documents, or other necessary statements from the award recipient and the college or university of attendance pertaining to the use or application of the award.

(i) A Cal Grant Program award may be utilized only at a qualifying institution.

(j) A recipient who initially qualified for both a Cal Grant A award and a Cal Grant B award, and received a Cal Grant B award, may be awarded a renewal Cal Grant A award if that recipient subsequently became ineligible for a renewal Cal Grant B award and meets the applicable Cal Grant A financial need and income and asset criteria.

SEC. 2. Section 69433.6 of the Education Code is amended to read:

69433.6. (a) Cal Grant A awards and Cal Grant B awards may be renewed for a total of the equivalent of four years of full-time ~~attendance~~ attendance, including the equivalent of two summer sessions or terms of full-time attendance, in an undergraduate program provided that minimum financial need as defined in paragraph (3) of subdivision (b) of Section 69432.9 continues to exist. Commencing with the 2001–02 academic year, the total number of years of eligibility for grants pursuant to this section shall be based on the student's educational level in his or her course of study as designated by the institution of attendance when the recipient initially receives payment for a grant.

(b) (1) Commencing with the 2014–15 academic year, a recipient who was determined to be ineligible for a renewal award in the 2012–13 or 2013–14 academic year because he or she exceeded the maximum household income or asset level established by subdivision (k) of Section 69432.7, or failed to meet the minimum need threshold established by paragraph (3) of subdivision (b) of Section 69432.9, shall be eligible to receive a renewal award if the recipient meets all program eligibility requirements for the program from which he or she was previously disqualified and the recipient has remaining renewal award eligibility. For purposes of determining a student's remaining renewal award eligibility, an academic year during which a student was ineligible shall reduce his or her renewal award eligibility by one full-time equivalent year.

(2) Commencing with the 2015–16 academic year, a recipient who is determined to be ineligible for a renewal award because, during the immediately preceding academic year, he or she exceeded the maximum household income or asset level established by subdivision (k) of Section 69432.7, or failed to meet the minimum need threshold established by paragraph (3) of subdivision (b) of Section 69432.9, shall be eligible to receive a renewal award if the recipient meets all program eligibility requirements for the program from which he or she was previously disqualified and the recipient has remaining renewal award eligibility. For purposes of determining a student's remaining renewal award eligibility, an academic year during which a student was ineligible shall reduce his or her renewal award eligibility by one full-time equivalent year.

(c) For a student enrolled in an institutionally prescribed five-year undergraduate program, Cal Grant A awards and Cal Grant B awards may be renewed for a total of

five years of full-time attendance, provided that minimum financial need, as defined in paragraph (3) of subdivision (b) of Section 69432.9, continues to exist.

(d) (1) A Cal Grant Program award recipient who has completed a baccalaureate degree, and who has been admitted to and is enrolled in a program of professional teacher preparation at an institution approved by the California Commission on Teacher Credentialing is eligible for, but not entitled to, renewal of a Cal Grant Program award for an additional year of full-time attendance, if minimum financial need, as defined in paragraph (3) of subdivision (b) of Section 69432.9, continues to exist.

(2) Payment for an additional year is limited to only those courses required for an initial teaching authorization. An award made under this subdivision may not be used for other courses.

(3) A student's Cal Grant Program renewal eligibility shall not have lapsed more than 15 months before the payment of an award for purposes of this subdivision.

Amendment 3

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

AMENDMENTS TO ASSEMBLY BILL NO. 3159

Amendment 1

On page 1, in line 4, strike out the first "or"

Amendment 2

On page 2, in line 3, strike out "or"

Amendment 3

On page 2, in line 4, strike out "deer" and insert:

deer, or poultry

Amendment 4

On page 2, in line 12, strike out "cast, with the exception of poultry that may be", strike out line 13 and insert:

cast.

Amendment 5

On page 2, below line 22, insert:

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.



AMENDMENTS TO ASSEMBLY BILL NO. 3160

Amendment 1

In the title, in line 1, strike out "5818.2" and insert:

8561

Amendment 2

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

public lands.

Amendment 3

On page 1, before line 1, insert:

SECTION 1. Section 8561 of the Public Resources Code is amended to read:
8561. This chapter does not apply to ~~the~~ either of the following:

(a) The sale of real property acquired by a federal agency through a foreclosure proceeding.

(b) The sale or lease of surplus or excess real property that is authorized for disposal or realignment by the federal government during the base realignment and closure process pursuant to the Defense Base Closure and Realignment Act of 1990 (Public Law 101-510), as amended, and its implementing regulations.

Amendment 4

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



AMENDMENTS TO ASSEMBLY BILL NO. 3173

Amendment 1

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

to add Section 650 to the Penal Code,

Amendment 2

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

aircraft systems.

Amendment 3

On page 2, before line 1, insert:

SECTION 1. The Legislature declares that the intent of this act is to accomplish the following goals:

- (a) To foster and promote public safety in the use of unmanned aircraft systems.
- (b) To encourage the safe operation of unmanned aircraft systems.
- (c) To explore the development of a balanced approach to a consistent state regulatory framework for unmanned aircraft systems that can work for industry, local government, and law enforcement.

SEC. 2. Section 650 is added to the Penal Code, to read:

650. (a) A person shall not operate an unmanned aircraft system required to be registered by federal law without valid paper or electronic evidence of registration.
- (b) Any peace officer authorized to enforce state and local laws is authorized to demand evidence of registration from a person operating an unmanned aircraft system.
- (c) Any person who operates an unmanned aircraft system while under the influence of intoxicating liquor, any drug, or any combination of any intoxicating liquor and drug, in a condition that he or she is unable to exercise reasonable care and control of the aircraft, is guilty of a misdemeanor.
- (d) A violation of subdivision (a) or (c) is an infraction punishable by a fine not to exceed five hundred dollars (\$500).
- (e) This section does not preclude any administrative, civil, or criminal action under federal law.
- (f) As used in this section, "unmanned aircraft system" means any airborne device that does not carry persons and is piloted from a remote location, whether or not that device contains a camera or other recording equipment. "Unmanned aircraft system" includes those devices commonly referred to as drones, unmanned aerial vehicles, remotely piloted aircraft, or remotely controlled aircraft.

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



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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 2, strike out lines 1 to 3, inclusive

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AMENDMENTS TO ASSEMBLY BILL NO. 3175

Amendment 1

In the title, in line 1, strike out “amend Section 12686 of the Health and Safety Code,”, strike out line 2 and insert:

add Article 5.1 (commencing with Section 124000) to Chapter 3 of Part 2 of Division 106 of the Health and Safety Code, relating to child health.

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Article 5.1 (commencing with Section 124000) is added to Chapter 3 of Part 2 of Division 106 of the Health and Safety Code, to read:

Article 5.1. Child Life Specialist Services

124000. For purposes of this article, “child life specialist” means a person, certified by the Association of Child Life Professionals, who, in the scope of his or her practice, helps infants, children, youth, and families to cope with the stress and uncertainty of acute and chronic illness, injury, trauma, disability, loss, and bereavement, and provides evidence-based, developmentally, and psychologically appropriate interventions, including therapeutic play, preparation for procedures, and education to reduce fear, anxiety, and pain.

124001. (a) This section shall apply to all pediatric and adolescent hospital units, neonatal intensive care units, hospice and palliative care facilities, and outpatient specialty clinics, including, but not limited to, clinics providing diabetes treatment, cystic fibrosis treatment, hematology, oncology, and surgery, whose primary purpose is to serve ill, injured, and dying children and youth, and families with children or youth who are receiving medical services.

(b) The practice settings described in subdivision (a) shall meet all of the following conditions:

(1) Offer child life specialist services, on both weekdays and weekends.

(2) Meet a child life specialist-to-patient ratio of 1-to-15 to 1-to-20, inclusive, for appropriate levels of services, consistent with recommendations by the American Academy of Pediatrics.

(3) Ensure that child life specialist services are part of the core interdisciplinary teams of, and the end-of-life care of, the practice setting.

124002. (a) The California Children’s Service Program (CCS Program), established pursuant to Article 5 (commencing with Section 123800), shall offer child life specialist services.

(b) (1) In accordance with subdivision (b) of, and except as specified in subdivision (c) of, Section 123850, the child life specialist services that are offered under the CCS Program pursuant to subdivision (a) shall be transitioned into the Medi-Cal managed care health plan contract in Whole Child Model counties, pursuant



to Article 2.985 (commencing with Section 14094.4) of Chapter 7 of Part 3 of Division 9 of the Welfare and Institutions Code, for children who are enrolled in the Medi-Cal managed care health plan and the CCS Program.

(2) A child life specialist participating in the Whole Child Model Program shall contribute toward improved care coordination of primary, specialty, and behavioral health services for CSS and non-CCS conditions.

(3) The State Department of Health Care Services shall obtain any necessary federal approvals to implement this subdivision.

(c) A child life specialist shall comply with the provider paneling requirements of the CCS Program in order to participate as a CCS Program provider.

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

Amendment 3

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

AMENDMENTS TO ASSEMBLY BILL NO. 3177

Amendment 1

In the title, strike out line 1 and insert:

An act to amend Section 20351 of the Public Contract Code, and to amend, renumber, and add Sections 125222 and 125224 of, to add Sections 125225 and 125225.1 to, and to repeal Sections 125221 and 125223 of, the Public Utilities Code, relating to transportation.

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 20351 of the Public Contract Code is amended to read:

20351. (a) Contracts for the construction in excess of ten thousand dollars (\$10,000) shall be awarded to the lowest responsible bidder after competitive bidding, except in an emergency declared by the vote of two-thirds of the membership of the board.

(b) Notwithstanding any other law, the North County Transit District may opt in to the Uniform Public Construction Cost Accounting Act (Chapter 2 (commencing with Section 22000) of Part 3 of Division 2).

SEC. 2. Section 125221 of the Public Utilities Code is repealed.

~~125221. Immediately upon holding its first meeting, the board shall proceed to negotiate with the existing municipal transit operators within its area of jurisdiction to acquire the capital transit equipment and facilities of the municipal transit operators.~~

SEC. 3. Section 125222 of the Public Utilities Code is amended and renumbered to read:

~~125222.~~

125221. The district may contract with any department or agency of the ~~United States of America, with federal government,~~ any other public agency, or with any person upon such terms and conditions as the district finds is in its best interest.

SEC. 4. Section 125222 is added to the Public Utilities Code, to read:

125222. (a) The Legislature finds and declares that a compelling interest exists in ensuring all federal, state, local, and private moneys available to the district are captured and used in a timely manner.

(b) In order to maximize the use of federal, state, local, and private funds and to maintain a competitive posture in seeking supplemental federal funds, the board may establish and use a flexible contracting process, consistent with this division, to maximize its efficient use of public funds.

(c) For the acquisition or lease of materials, supplies, or equipment, except in cases where an item of a specified brand or trade name is the only item that will properly meet the needs of the district or in an emergency declared by the vote of two-thirds of all the members of the board, all contracts shall be awarded as follows:

(1) Contracts in an amount of one hundred thousand dollars (\$100,000), or in excess of that amount as authorized by the board, shall be made or entered into with



the lowest responsible bidder that meets the specifications. For purposes of determining the lowest bid, the amount of sales tax shall be excluded from the total amount of the bid.

(2) Contracts when the expected purchase amount of the contract does not exceed one hundred thousand dollars (\$100,000), shall be made or entered into using a district-approved competitive procurement process.

(d) For the acquisition of services that are not within a category of services described in Section 4525 of the Government Code, except in cases of an emergency declared by a vote of two-thirds of the membership of the board, all contracts shall be awarded as follows:

(1) Contracts that exceed one hundred thousand dollars (\$100,000) shall be made and entered into by soliciting bids in writing and awarding the contract using a district-approved competitive procurement process, including, but not limited to, a negotiated procurement that may or may not evaluate price as a consideration.

(2) Contracts when the expected amount of the service contract does not exceed one hundred thousand dollars (\$100,000), shall be made or entered into using a district-approved competitive procurement process.

(e) The board shall award contracts for architectural, landscape architectural, engineering, environmental, and land surveying services, and construction project management services, as those services are described in Section 4525 of the Government Code, that are in excess of one hundred thousand dollars (\$100,000) in accordance with Chapter 10 (commencing with Section 4525) of Division 5 of Title 1 of the Government Code.

(f) Notwithstanding any provision of this chapter, the board may use any approved competitive procurement process authorized for state or local agencies under state or federal law, including, but not limited to, a competitive negotiation process in accordance with Article 7.5 (commencing with Section 20216) of Chapter 1 of Part 3 of Division 2 of the Public Contract Code. The board shall maintain acquisition and contracting guidelines and comply with those guidelines in the procurement of all goods and services.

SEC. 5. Section 125223 of the Public Utilities Code is repealed.

~~125223. Contracts for the purchase of supplies, equipment, and materials in excess of fifty thousand dollars (\$50,000) shall be awarded to the lowest responsible bidder after competitive bidding, except in an emergency declared by the vote of two-thirds of the membership of the board.~~

SEC. 6. Section 125224 of the Public Utilities Code is amended and renumbered to read:

~~125224.~~

125223. (a) If, after rejecting bids received under Section ~~125223~~, 125222, the board determines and declares by a two-thirds vote of all of its members that, in its opinion, the supplies, equipment, or materials may be purchased at a lower price in the open market, the board may proceed to purchase these supplies, equipment, or materials in the open market without further observance of the provisions regarding contracts, bids, or advertisements.

(b) If, after solicitation of bids under Section 125222, the board determines and declares by a majority vote that it has not received a responsive bid, the board may

proceed to purchase the supplies, equipment, or materials in the open market without further complying with any contracting, bidding, or advertising requirements.

SEC. 7. Section 125224 is added to the Public Utilities Code, to read:

125224. (a) Upon determining that an immediate remedial measure to avert or alleviate damage to, or to repair or restore the damaged or destroyed property of, the district is necessary to ensure that the district's facilities are available to serve the transportation needs of the general public, or to comply with any state or federal regulations with respect to the operation of public transportation services, and upon determining that available remedial measures, including procurement in compliance with Sections 125222 and 125223, are inadequate, the executive director may authorize the expenditure of moneys previously appropriated by the board specifically for the direct purchase of goods and services, without complying with Section 125222 or 125223.

(b) The executive director, after the expenditure authorized under subdivision (a) has been made, shall submit to the board a full report explaining the necessity for that action.

SEC. 8. Section 125225 is added to the Public Utilities Code, to read:

125225. Notwithstanding any other provision of this article, and upon a finding by two-thirds of all members of the board that a purchase in compliance with Sections 125222 and 125223 does not constitute a method of procurement adequate for the operation of the district's facilities or equipment, the board may direct the procurement of prototype equipment or modifications in an amount sufficient to conduct and evaluate operational testing without further compliance with any contracting, bidding, or advertising requirements.

SEC. 9. Section 125225.1 is added to the Public Utilities Code, to read:

125225.1. Notwithstanding Section 125222, the board may direct the purchase of any supplies, equipment, or materials without complying with any contracting, bidding, or advertising requirements upon a finding by two-thirds of all members of the board that there is only a single source of procurement and that the purchase is for the sole purpose of duplicating, repairing, or replacing supplies, equipment, or materials that are in use, including upgrades or migrations of proprietary intellectual property.

SEC. 10. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

Amendment 3

On page 1, strike out lines 1 and 2

AMENDMENTS TO ASSEMBLY BILL NO. 3181

Amendment 1

In the title, in line 1, strike out "Section 1694 of" and insert:

Sections 1101, 1154, 1156, 1156.5, 1157.5, 1170.1, 1190, and 1190.1 of, and to add Section 1190.2 to,

Amendment 2

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

bar pilots, and making an appropriation therefor.

Amendment 3

On page 1, before line 1, insert:

SECTION 1. Section 1101 of the Harbors and Navigation Code is amended to read:

1101. The Legislature further finds and declares all of the following:

(a) The maritime industry is necessary for the continued economic well-being and cultural development of all California citizens.

(b) The Bays of San Francisco, San Pablo, and Suisun provide a vital transportation route for the maritime industry.

(c) The increase in vessel size and traffic, and the increase in cargoes carried in bulk, particularly oil and gas and hazardous chemicals, create substantial hazards to the life, property, and values associated with the environment of those waters.

(d) The federal government has long adopted the policy of providing minimum standards that ensure port and waterway safety while encouraging state control over pilot qualifications and licensing.

(e) A program of pilot regulation and licensing is necessary in order to ascertain and guarantee the qualifications, fitness, and reliability of qualified personnel who can provide safe pilotage of vessels entering and using Monterey Bay and the Bays of San Francisco, San Pablo, and Suisun.

(f) The need to ensure safe and pollution-free waterborne commerce requires that pilotage services be employed in the confined, crowded, and environmentally sensitive waters of those bays.

(g) Bar pilotage in the Bays of San Francisco, San Pablo, and Suisun has continuously been regulated by a single-purpose state board since 1850, and that regulation and licensing should be continued.

(h) The individual physical safety and well-being of pilots is of vital importance in providing required pilot services.

(i) The setting of pilotage rates by a state board of pilot commissioners is common to many ports in the United States and such a board is most familiar with, and best able



to serve and balance, the interests of the public, foreign and domestic vessels, and bar pilots in the setting of those rates.

SEC. 2. Section 1154 of the Harbors and Navigation Code is amended to read:

1154. (a) The board is vested with all functions and duties relating to the administration of this division, except those functions and duties vested in the Secretary of ~~Business, Transportation and Housing.~~ Transportation.

(b) The board's vested powers include the power to make and enforce rules and regulations that are reasonably necessary to carry out its provisions and to govern its actions. These rules and regulations shall be adopted in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

SEC. 3. Section 1156 of the Harbors and Navigation Code is amended to read:

1156. (a) The board may appoint, fix the compensation of, and ~~from time to time periodically~~ adjust the compensation of, an executive director who is exempt from the civil service laws, and other employees as may be necessary. The executive director may perform all duties, exercise all powers, discharge all responsibilities, and administer and enforce all laws, rules, and regulations under the jurisdiction of the board, with the approval of the board, including, but not limited to, all of the following:

(1) The administration of personnel employed by the board in accordance with the civil service laws.

(2) To serve as treasurer of the board and keep, maintain, and provide the board with all statements of accounts, records of receipts, and disbursements of the board in accordance with the law.

(3) The issuance and countersigning of licenses that shall also be signed by the president of the board.

(4) The administration of matters and the maintenance of files pertaining to action taken against licenses issued by the board.

(5) The administration of investigations of, and reporting on, a navigational incident or other matter for which a license issued by the board may be revoked or suspended.

(6) To work with board members, staff, and other interested stakeholders to recommend improvements in the pilot training program.

(7) Under the direction of the board, to coordinate with other state and federal agencies charged with protecting the environment and with the oil and hazardous chemical shipping industry.

(8) Any other function, task, or duty as may reasonably be assigned by the president of the board, including, but not limited to, performing research and obtaining documents and other evidence for board activities, including rate hearings.

(b) The Secretary of ~~Business, Transportation and Housing~~ Transportation shall appoint one assistant director to serve in a career executive assignment at the pleasure of the secretary. The assistant director shall have the duties as assigned by the executive director, and shall be responsible to the executive director for the performance of his or her duties.

(c) The board may employ personnel necessary to carry out the purposes of this chapter. All personnel shall be appointed pursuant to the State Civil Service Act (Part 1 (commencing with Section 18000) of Division 5 of Title 2 of the Government Code), except for the executive director and the assistant director, who shall be exempt from

state civil service. The board may fix the compensation of, and from time to time adjust the compensation of, any employees as may be necessary.

(d) All personnel of the board shall be appointed, directed, and controlled by the board, the executive director, or the board's authorized deputies or agents to whom it may delegate its powers.

(e) The board may contract and employ commission investigators. The board shall adopt regulations for the minimum standards for a commission investigator that shall include, but are not limited to, a basic knowledge of investigative techniques and maritime issues.

SEC. 4. Section 1156.5 of the Harbors and Navigation Code is amended to read:

1156.5. (a) The executive director shall serve at the pleasure of the board and shall be under the direct supervision of the board. The term of office to which the executive director is appointed is five years.

(b) The Secretary of ~~Business, Transportation and Housing~~, Transportation, or his or her designee, shall act as the executive director during the absence from the state or other temporary absence, disability, or unavailability of the executive director, or during a vacancy in that position.

SEC. 5. Section 1157.5 of the Harbors and Navigation Code is amended to read:

1157.5. ~~On or before April 15, 2010, and annually thereafter, the~~ The board shall submit to the Secretary of the Senate, the Chief Clerk of the Assembly, and the Secretary of ~~Business, Transportation and Housing~~ Transportation, by April 15 of each year, a report describing the board's activities for the preceding calendar year. The report shall include, but not be limited to, all of the following:

(a) The number of vessel movements across the bar, on the bays, and on the rivers within the board's jurisdiction.

(b) The name of each licensed pilot and pilot trainee, and the status of each person. If a person has had more than one status during the reporting year, each status and the length of time in that status shall be indicated. For the purposes of this section, "status" includes all of the following designations:

- (1) Licensed and fit for duty.
- (2) Licensed and not fit for duty.
- (3) Licensed and on authorized training.
- (4) Licensed and on active military duty.
- (5) Licensed and on leave of absence.
- (6) Licensed but license suspended.

(c) A summary of each report of misconduct or a navigational incident involving a pilot or pilot trainee, or other matters for which a license issued by the board may be revoked or suspended. For those cases that have been closed, the summary shall include a description of findings made by the incident review committee and of the resulting action taken by the board. For those cases that are still under investigation, the summary shall include a description of the reported incident and an estimated completion date for the investigation. For those closed cases involving a pilot who has been involved in a prior incident and a finding of pilot error had been made, the report shall also include a summary of that incident.

SEC. 6. Section 1170.1 of the Harbors and Navigation Code is amended to read:

1170.1. In determining the number of pilots needed, pursuant to Section 1170, the board shall take into consideration the findings and declarations in Sections ~~1100 and 1101~~, 1100, 1101, and 1102, the results of the study required by Section 1196.5, the 1986 manpower study adopted by the board, the results of an audit made pursuant to, and the factors specified in, Section 1203, the industry's current economic trends, fluctuations in the number of vessel calls, the size of vessels, and whether the need for pilotage is increasing or decreasing.

SEC. 7. Section 1190 of the Harbors and Navigation Code is amended to read:

1190. (a) Every vessel spoken inward or outward bound shall pay the following rate of bar pilotage through the Golden Gate and into or out of the Bays of San Francisco, San Pablo, and Suisun:

~~(1) Eight dollars and eleven cents (\$8.11)~~ (A) Ten dollars and twenty-six cents (\$10.26) per draft foot of the vessel's deepest draft and fractions of a foot pro rata, and an additional charge of ~~73.04~~ 92.43 mills per high gross registered ~~ton as changed pursuant to law in effect on December 31, 1999.~~ The mill rates established by this paragraph may be changed as follows: ton.

(A) (i) On and after January 1, 2010, if the number of pilots licensed by the board is 58 or 59 pilots, the mill rate in effect on December 31, 2006, shall be decreased by an incremental amount that is proportionate to one-half of the last audited annual average net income per pilot for each pilot licensed by the board below 60 pilots:

(ii) On and after January 1, 2010, if the number of pilots licensed by the board is fewer than 58 pilots, the mill rate in effect on December 31, 2006, shall be adjusted in accordance with the method described in clause (i) as though there are 58 pilots licensed by the board:

(iii) The incremental mill rate adjustment authorized by this subparagraph shall be calculated using the data reported to the board for the number of gross registered tons handled by pilots licensed under this division during the same 12-month period as the audited annual average net income per pilot. The incremental mill rate adjustment shall become effective at the beginning of the immediately following quarter, commencing January 1, April 1, July 1, or October 1, as directed by the board:

(iv) On and after January 1, 2010, if, during any quarter described in this paragraph, the number of pilots licensed by the board is equal to or greater than 60, clauses (i) to (iii), inclusive, shall become inoperative on the first day of the immediately following quarter:

(B) There shall be an incremental rate of additional mills per high gross registered ton as is necessary and authorized by the board to recover the pilots' costs of obtaining new pilot boats and of funding design and engineering modifications for the purposes of extending the service life of existing pilot boats, excluding costs for repair or maintenance. The incremental mill rate charge authorized by this subparagraph shall be identified as a pilot boat surcharge on the pilots' invoices and separately accounted for in the accounting required by Section 1136. Net proceeds from the sale of existing pilot boats shall be used to reduce the debt on the new pilot boats and any debt associated with the modification of pilot boats under this subparagraph. The board may adjust a pilot boat surcharge to reflect any associated operational savings resulting

from the modification of pilot boats under this subparagraph, including, but not limited to, reduced repair and maintenance expenses.

~~(C) In addition to the incremental rate specified in subparagraph (B), the~~

(B) The mill rate established by this subdivision may be adjusted at the direction of the board if, after a hearing conducted pursuant to Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code, the board determines that there has been a catastrophic cost increase to the pilots that would result in at least a 2-percent increase in the overall annual cost of providing pilot services.

(2) A minimum charge for bar pilotage shall be six hundred sixty-two dollars (\$662) for each vessel piloted.

(3) The vessel's deepest draft shall be the maximum draft attained, on a stillwater basis, at any part of the vessel during the course of such transit inward or outward.

(b) The rate specified in subdivision (a) shall apply only to a pilotage that passes through the Golden Gate to or from the high seas to or from a berth within an area bounded by the Union Pacific Railroad Bridge to the north and Hunter's Point to the south. The rate for pilotage to or from the high seas to or from a point past the Union Pacific Railroad Bridge or Hunter's Point shall include a movement fee in addition to the basic bar pilotage rate as specified by the board pursuant to Section 1191.

(c) The rate established in paragraph (1) of subdivision (a) shall be for a trip from the high seas to dock or from the dock to high seas. The rate specified in Section 1191 shall not be charged by pilots for docking and undocking vessels. ~~This subdivision does not apply to the rates charged by inland pilots for their services.~~

~~(d) The board shall determine the number of pilots to be licensed based on the 1986 manpower study adopted by the board.~~

~~(e) Consistent with the board's May 2002 adoption of rate recommendations, the rates imposed pursuant to paragraph (1) of subdivision (a) that are in effect on December 31, 2002, shall be increased by 4 percent on January 1, 2003; those in effect on December 31, 2003, shall be increased by 4 percent on January 1, 2004; those in effect on December 31, 2004, shall be increased by 3 percent on January 1, 2005; and those in effect on December 31, 2005, shall be increased by 3 percent on January 1, 2006.~~

SEC. 8. Section 1190.1 of the Harbors and Navigation Code is amended to read:

1190.1. Every vessel that uses a pilot under this division while navigating the waters of Monterey Bay shall pay the rate ~~provided by subdivisions (a) and (c)~~ determined pursuant to subdivision (a) of Section 1190.

SEC. 9. Section 1190.2 is added to the Harbors and Navigation Code, to read:

1190.2. There shall be an incremental rate of additional mills per high gross registered ton as is necessary and authorized by the board to recover the pilots' cost of obtaining new pilot boats and of funding design and engineering modifications for the purposes of extending the service life of existing pilot boats, excluding costs for repair or maintenance. The incremental mill rate charged authorized by this section shall be identified as a pilot boat surcharge on the pilots' invoices and separately accounted for in the accounting required by Section 1136. Net proceeds from the sale of an existing pilot boat shall be used to reduce the debt on the new pilot boats and any debt associated with the modification of pilot boats under this section. The board may

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adjust a pilot boat surcharge to reflect any associated operational savings resulting from the modification of pilot boats under this section, including, but not limited to, reduced repair and maintenance expenses.

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

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AMENDMENTS TO ASSEMBLY BILL NO. 3193

Amendment 1

In the title, in line 1, strike out "12101.2 of the Public Contract Code, relating", strike out line 2 and insert:

11549.3 of the Government Code, relating to information security.

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 11549.3 of the Government Code is amended to read:
11549.3. (a) The chief shall establish an information security program. The program responsibilities include, but are not limited to, all of the following:

(1) The creation, updating, and publishing of information security and privacy policies, standards, and procedures for state agencies in the State Administrative Manual.

(2) The creation, issuance, and maintenance of policies, standards, and procedures directing state agencies to effectively manage security and risk for both of the following:

(A) Information technology, which includes, but is not limited to, all electronic technology systems and services, automated information handling, system design and analysis, conversion of data, computer programming, information storage and retrieval, telecommunications, requisite system controls, simulation, electronic commerce, and all related interactions between people and machines.

(B) Information that is identified as mission critical, confidential, sensitive, or personal, as defined and published by the office.

(3) The creation, issuance, and maintenance of policies, standards, and procedures directing state agencies for the collection, tracking, and reporting of information regarding security and privacy incidents.

(4) The creation, issuance, and maintenance of policies, standards, and procedures directing state agencies in the development, maintenance, testing, and filing of each state agency's disaster recovery plan.

(5) Coordination of the activities of state agency information security officers, for purposes of integrating statewide security initiatives and ensuring compliance with information security and privacy policies and standards.

(6) Promotion and enhancement of the state agencies' risk management and privacy programs through education, awareness, collaboration, and consultation.

(7) Representing the state before the federal government, other state agencies, local government entities, and private industry on issues that have statewide impact on information security and privacy.

(b) ~~All state entities defined in Section 11546.1~~ agencies defined in Section 11000 shall implement the policies and procedures issued by the office, including, but not limited to, performing both of the following duties:

(1) Comply with the information security and privacy policies, standards, and procedures issued pursuant to this chapter by the office.



(2) Comply with filing requirements and incident notification by providing timely information and reports as required by the office.

(c) (1) The office may conduct, or require to be conducted, an independent security assessment of every state agency, department, or office. The cost of the independent security assessment shall be funded by the state agency, department, or office being assessed.

(2) In addition to the independent security assessments authorized by paragraph (1), the office, in consultation with the Office of Emergency Services, shall perform all the following duties:

(A) Annually require no fewer than thirty-five (35) state entities to perform an independent security assessment, the cost of which shall be funded by the state agency, department, or office being assessed.

(B) Determine criteria and rank state entities based on an information security risk index that may include, but not be limited to, analysis of the relative amount of the following factors within state agencies:

(i) Personally identifiable information protected by law.

(ii) Health information protected by law.

(iii) Confidential financial data.

(iv) Self-certification of compliance and indicators of unreported noncompliance with security provisions in the following areas:

(I) Information asset management.

(II) Risk management.

(III) Information security program management.

(IV) Information security incident management.

(V) Technology recovery planning.

(C) Determine the basic standards of services to be performed as part of independent security assessments required by this subdivision.

(3) The Military Department may perform an independent security assessment of any state agency, department, or office, the cost of which shall be funded by the state agency, department, or office being assessed.

(d) State agencies and entities required to conduct or receive an independent security assessment pursuant to subdivision (c) shall transmit the complete results of that assessment and recommendations for mitigating system vulnerabilities, if any, to the office and the Office of Emergency Services.

(e) The office shall report to the Department of Technology and the Office of Emergency Services any state entity found to be noncompliant with information security program requirements.

(f) (1) Notwithstanding any other law, during the process of conducting an independent security assessment pursuant to subdivision (c), information and records concerning the independent security assessment are confidential and shall not be disclosed, except that the information and records may be transmitted to state employees and state contractors who have been approved as necessary to receive the information and records to perform that independent security assessment, subsequent remediation activity, or monitoring of remediation activity.

(2) The results of a completed independent security assessment performed pursuant to subdivision (c), and any related information shall be subject to all disclosure and confidentiality provisions pursuant to any state law, including, but not limited to,

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the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1), including, but not limited to, Section 6254.19.

(g) The office may conduct or require to be conducted an audit of information security to ensure program compliance, the cost of which shall be funded by the state agency, department, or office being audited.

(h) The office shall notify the Office of Emergency Services, Department of the California Highway Patrol, and the Department of Justice regarding any criminal or alleged criminal cyber activity affecting any state entity or critical infrastructure of state government.

Amendment 3

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

AMENDMENTS TO ASSEMBLY BILL NO. 3197

Amendment 1

In the heading, below line 1, insert:

(Principal coauthor: Assembly Member Lackey)
(Coauthor: Senator Wilk)

Amendment 2

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

An act to amend Section 242 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Amendment 3

On page 1, before line 1, insert:

SECTION 1. Section 242 of the Revenue and Taxation Code is amended to read:

242. (a) There is exempted from the taxes imposed by this part qualified property for use in space flight.

(b) For purposes of this section:

(1) "Qualified property" means any of the following:

(A) Tangible personal property, whether raw materials, work in process or finished goods, that has, or upon manufacture, assembly, or installation has, space flight capacity, including, but not limited to, an orbital space facility, space propulsion system, space vehicle, launch vehicle, satellite, or space station of any kind, and any component thereof, regardless of whether that property is to be ultimately returned to this state.

(B) Fuel of a quality that is not adaptable for use in ordinary motor vehicles, but is produced, sold, and used exclusively for space flight.

(2) "Space flight" means any flight designed for suborbital, orbital, or interplanetary travel by a space vehicle, satellite, space facility, or space station of any kind.

(c) The exemption established by this section shall not be denied by reason of failure, postponement, or cancellation of a launch of a space vehicle, satellite, space facility, or space station of any kind, or the destruction of any launch vehicle or any component thereof, of a launch vehicle, but the exemption shall not apply to any material that is not intended to be launched into space.

(d) This section shall be operative from the January 1, 2014, lien date to, and including, the ~~January 1, 2024,~~ January 1, ____, lien date, and is inoperative for any lien date thereafter.

(e) A taxpayer shall provide, upon request of the assessor, evidence that the qualified property exempted from the taxes imposed by this part pursuant to this section



has been or will be used as described in subparagraph (A) of paragraph (1) of subdivision (b).

(f) The exemption provided by this section from the taxes imposed by this part shall be limited to taxpayers that have a primary business purpose in space flight activities.

(g) This section shall remain in effect only until ~~July 1, 2025~~, July 1, _____, and as of that date is repealed.

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

SEC. 3. Notwithstanding Section 2229 of the Revenue and Taxation Code, no appropriation is made by this act and the state shall not reimburse any local agency for any property tax revenues lost by it pursuant to this act.

SEC. 4. This act provides for a tax levy within the meaning of Article IV of the California Constitution and shall go into immediate effect.

Amendment 4

On page 1, strike out lines 1 to 7, inclusive, and strike out pages 2 to 5, inclusive

AMENDMENTS TO ASSEMBLY BILL NO. 3201

Amendment 1

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

to amend Section 39719.2 of the Health and Safety Code,

Amendment 2

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

greenhouse gases.

Amendment 3

On page 1, before line 1, insert:

SECTION 1. Section 39719.2 of the Health and Safety Code is amended to read:

39719.2. (a) The California Clean Truck, Bus, and Off-Road Vehicle and Equipment Technology Program is hereby created, to be administered by the state board in conjunction with the State Energy Resources Conservation and Development Commission. The program, from moneys appropriated from the fund for the purposes of the program, shall fund development, demonstration, precommercial pilot, and early commercial deployment of zero- and near-zero-emission truck, bus, and off-road vehicle and equipment technologies. Priority shall be given to projects benefiting disadvantaged communities pursuant to the requirements of Sections 39711 and 39713.

(b) Projects eligible for funding pursuant to this section include, but are not limited to, the following:

(1) Technology development, demonstration, precommercial pilots, and early commercial deployments of zero- and near-zero-emission medium- and heavy-duty truck technology, including projects that help to facilitate clean goods-movement corridors. Until December 31, 2020, no less than 20 percent of funding made available for purposes of this paragraph shall support early commercial deployment of existing zero- and near-zero-emission heavy-duty truck technology.

(2) Zero- and near-zero-emission bus technology development, demonstration, precommercial pilots, ~~and~~ early commercial deployments, including pilots of multiple vehicles at one site or ~~region. region, and large-scale deployments, including~~ deployments that meet current and future regulatory compliance obligations.

(3) Zero- and near-zero-emission off-road vehicle and equipment technology development, demonstration, precommercial pilots, and early commercial deployments, including vehicles and equipment in the port, agricultural, marine, construction, and rail sectors.

(4) Purchase incentives, which may include point-of-sale, for commercially available zero- and near-zero-emission truck, bus, and off-road vehicle and equipment technologies and fueling infrastructure to support early market deployments of



alternative technologies and to increase manufacturer volumes and accelerate market acceptance.

(5) Projects that support greater commercial motor vehicle and equipment freight efficiency and greenhouse gas emissions reductions, including, but not limited to, advanced intelligent transportation systems, autonomous vehicles, and other freight information and operations technologies.

(c) The state board, in consultation with the State Energy Resources Conservation and Development Commission, shall develop guidance through the existing Air Quality Improvement Program funding plan process for the implementation of this section that is consistent with the California Global Warming Solutions Act of 2006 (Division 25.5 (commencing with Section 38500)) and this chapter.

(d) The guidance developed pursuant to subdivision (c) shall do all of the following:

(1) Outline performance criteria and metrics for deployment incentives. The goal shall be to design a simple and predictable structure that provides incentives for truck, bus, and off-road vehicle and equipment technologies that provide significant greenhouse gas reduction and air quality benefits.

(2) Ensure that program investments are coordinated with funding programs developed pursuant to the California Alternative and Renewable Fuel, Vehicle Technology, Clean Air, and Carbon Reduction Act of 2007 (Chapter 8.9 (commencing with Section 44270) of Part 5).

(3) Promote projects that assist the state in reaching its climate goals beyond 2020, consistent with Sections 38550 and 38551.

(4) Promote investments in medium- and heavy-duty trucking, including, but not limited to, vocational trucks, short-haul and long-haul trucks, buses, and off-road vehicles and equipment, including, but not limited to, port equipment, agricultural equipment, marine equipment, and rail equipment.

(5) Implement purchase incentives for eligible technologies to increase the use of the cleanest vehicles in disadvantaged communities.

(6) Allow for remanufactured and retrofitted vehicles to qualify for purchase incentives if those vehicles meet warranty and emissions requirements, as determined by the state board.

(7) Establish a competitive process for the allocation of moneys for projects funded pursuant to this section.

(8) Leverage, to the maximum extent feasible, federal or private funding.

(9) Ensure that the results of emissions reductions or benefits can be measured or quantified.

(10) Ensure that activities undertaken pursuant to this section complement, and do not interfere with, efforts to achieve and maintain federal and state ambient air quality standards and to reduce toxic air contaminants.

(e) In evaluating potential projects to be funded pursuant to this section, the state board shall give priority to projects that demonstrate one or more of the following characteristics:

(1) Benefit disadvantaged communities pursuant to Sections 39711 and 39713.

(2) The ability to leverage additional public and private funding.

(3) The potential for cobenefits or multiple-benefit attributes.

(4) The potential for the project to be replicated.

(5) Regional benefit, with focus on collaboration between multiple entities.
(6) Support for technologies with broad market and emissions reduction potential.
(7) Support for projects addressing technology and market barriers not addressed by other programs.

(8) Support for enabling technologies that benefit multiple technology pathways.

(f) ~~In the implementation of~~ implementing this section, the state board, in consultation with the State Energy Resources Conservation and Development Commission, shall create ~~an annual~~ a five-year framework and plan. The framework and plan shall be developed with public input and may utilize existing investment plan processes and workshops as well as existing state and third-party research and technology roadmaps. The framework and plan shall do all of the following:

(1) Articulate an overarching vision for technology development, demonstration, precommercial pilot, and early commercial deployments, with a focus on moving technologies through the commercialization process.

(2) Outline technology categories and performance criteria for technologies and applications that may be considered for funding pursuant to this section. This shall include technologies for medium- and heavy-duty trucking, including, but not limited to, vocational trucks, short-haul and long-haul trucks, buses, and off-road vehicles and equipment, including, but not limited to, port equipment, agricultural equipment, construction equipment, marine equipment, and rail equipment.

(3) Describe the roles of the relevant agencies and the process for coordination.

(g) For purposes of this section, “zero- and near-zero-emission” means vehicles, fuels, infrastructure, and related technologies that reduce greenhouse gas emissions and improve air quality when compared with conventional or fully commercialized alternatives, as defined by the state board in consultation with the State Energy Resources Conservation and Development Commission. “Zero- and near-zero-emission” may include, but is not limited to, zero-emission technology, enabling technologies that provide a pathway to emissions reductions, advanced or alternative fuel engines for long-haul trucks, and hybrid or alternative fuel technologies for trucks and off-road equipment.

Amendment 4

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

AMENDMENTS TO ASSEMBLY BILL NO. 3207

Amendment 1

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

An act to amend Sections 22004, 22100, and 22602 of the Financial Code, relating to finance lending.

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 22004 of the Financial Code is amended to read:

22004. (a) "Broker" includes any person who is engaged in the business of negotiating or performing any act as broker in connection with loans made by a finance lender, unless otherwise exempt pursuant to Section 22050, including, but not limited to, any of the following acts:

(1) Providing a referral or a lead to one or more finance lenders for compensation or expected compensation if the referral or lead conveys confidential data. For the purposes of this subdivision, a referral or lead is considered to convey confidential data when either of the following occurs:

(A) Confidential data about a referral or lead is transmitted to the finance lender.

(B) The referral or lead is provided pursuant to an agreement under which a finance lender only compensates the referral or lead provider for a referral or lead that both:

(i) Meets certain, agreed-upon criteria involving confidential data.

(ii) Leads to a person obtaining a loan from the finance lender.

(2) Participating in any loan negotiation between a finance lender and prospective borrower.

(3) Counseling, advising, or making recommendations to a borrower about a loan based on a borrower's confidential data.

(4) Participating in the preparation of any loan documents, including loan applications, other than providing a borrower blank copies of loan documents. Transmitting information that is not confidential data at the request of a prospective borrower or loan applicant shall not, by itself, constitute participation in the preparation of loan documents.

(5) Communicating lending decisions or inquiries between a finance lender and a borrower.

(6) Charging any fees to a prospective borrower or applicant for any services related to a prospective borrower's or applicant's application for a loan from a finance lender.

(b) (1) For purposes of this section, "confidential data" means information about a borrower, prospective borrower, or applicant that is nonpublic and sensitive. The term "confidential data" includes, but is not limited to, any of the following:

(A) Bank account number or routing number.

(B) Bank statement.



- (C) Credit or debit card account number.
- (D) Credit score, as defined in subdivision (b) of Section 1785.15.1 of the Civil Code, either self-reported by the person it relates to, or received from a credit reporting agency as part of an official request.
- (E) Social security number, including both a person's full social security number or a partial number.
- (F) Personal or business income information, including information self-reported by the person.
- (G) Driver's license number or government-issued identification number.
- (H) Passport number.
- (I) Personal employment data or history.
- (J) Date of birth.
- (K) Mother's maiden name.
- (L) Medical information.
- (M) Health insurance information.
- (N) Insurance policy number.
- (O) Taxpayer or employer identification number.
- (2) The term "confidential data" does not include any of the following:
- (A) Name.
- (B) Phone number.
- (C) Physical address.
- (D) Email address.
- (E) Desired loan or financing amount.
- (F) Borrower's stated purpose for a loan.
- (G) In connection with a commercial loan, "confidential" data does not include business name, business address, business phone number, or a business's self-reported range of income, in addition to the other information listed in this paragraph.
- (c) A person shall not be deemed a broker if both of the following are met:
- (1) The person only distributes or otherwise disseminates to a prospective borrower or applicant a finance lender's marketing materials or factual information about the finance lender and its loan products, such as the finance lender's interest rates, minimum or maximum loan amounts or loan periods, or a general description of the finance lender's underwriting criteria.
- (2) The person does not engage in any of the other acts specified in subdivision (a).
- (d) This section does not apply to any person who performs the acts described in subdivision (a) five or fewer times in a calendar year.
- SEC. 2. Section 22100 of the Financial Code is amended to read:
22100. (a) ~~No~~ A person shall not engage in the business of a finance lender or broker without obtaining a license from the commissioner.
- (b) Every licensee engaging in the business of making or brokering residential mortgage loans shall require that every mortgage loan originator employed or compensated by that licensee obtains and maintains a mortgage loan originator license from the commissioner under this division or Division 20 (commencing with Section 50000), or has first obtained a license endorsement from the Commissioner of Real Estate pursuant to Article 2.1 (commencing with Section 10166.01) of Chapter 3 of Part 1 of Division 4 of the Business and Professions Code.

(c) Except as provided in subdivision (a) of Section 22602, a finance lender shall not compensate a person for any of the acts described in subdivision (a) of Section 22004 unless that person is a licensed broker pursuant to this division.

(d) A licensee shall not compensate a broker for services related to a loan subject to this division if the broker is known to have committed any violation of Section 22161 in connection with that loan.

(e) A licensee shall not, in connection with any loan subject to this division, directly or indirectly pass through to a borrower the licensee's cost of compensating a broker.

(f) A licensed broker shall not solicit or collect confidential data, as defined in subdivision (b) of Section 22004, unless that information is reasonably necessary to perform the acts described in subdivision (a) of Section 22004.

(g) Before making a referral or lead as described in paragraph (1) of subdivision (a) of Section 22004 in connection with any loan subject to this division, a licensed broker shall provide the prospective borrower a written disclosure that shows in clear and distinct terms the method of compensation provided to the licensed broker, including whether the compensation is based on the size of a loan or contingent on the referral or lead resulting in a consummated loan.

(h) Before consummating a loan subject to this division, a licensed finance lender shall provide the prospective borrower a written disclosure that shows in clear and distinct terms the amount paid to any broker in connection with the loan, and how the compensation was determined, including whether the compensation was based on the size of a loan or contingent on the referral or lead resulting in a consummated loan.

(e)

(i) A finance lender or broker shall not employ a mortgage loan originator whose license or license endorsement has lapsed.

(d)

(j) A finance lender or broker may not make or broker a residential mortgage loan unless that loan is offered by, negotiated by, or applied for through a licensed mortgage loan originator.

(e)

(k) Every licensee engaged in the business of making or brokering residential mortgage loans and every mortgage loan originator licensed under this division shall register with and maintain a valid unique identifier issued by the Nationwide Mortgage Licensing System and Registry.

(f)

(l) An individual shall not engage in the business of a mortgage loan originator with respect to any dwelling located in this state without first obtaining and maintaining annually a license in accordance with the requirements of this division and any rules promulgated by the commissioner under this chapter.

(g)

(m) A registered mortgage loan originator, as defined in subdivision (c) of Section 22013, is exempt from licensure under this section when he or she is employed by:

(1) A depository institution.

(2) A subsidiary of a depository institution that is owned and controlled by a depository institution and regulated by a federal banking agency.

(3) An institution regulated by the Farm Credit Administration.

SEC. 3. Section 22602 of the Financial Code is amended to read:

22602. (a) ~~A licensee that is a finance lender~~ Notwithstanding subdivision (c) of Section 22100, a licensed finance lender may pay compensation to a person that is not licensed pursuant to this division in connection with ~~the a referral or lead as described in paragraph (1) of subdivision (a) of Section 22004~~ of one or more prospective borrowers to the licensee, when all of the following conditions are met:

(1) The referral or lead by the unlicensed person leads to the consummation of a commercial loan, as defined in Section 22502, between the licensee and the prospective borrower referred or lead by the unlicensed person.

(2) The commercial loan contract provides for an annual percentage rate that does not exceed 36 percent.

(3) Before approving the commercial loan, the licensee does both of the following:

(A) Obtains documentation from the prospective borrower documenting the borrower's commercial status. Examples of acceptable forms of documentation include, but are not limited to, a seller's permit, business license, articles of incorporation, income tax returns showing business income, or bank account statements showing business income.

(B) Performs underwriting and obtains documentation to ensure that the prospective borrower will have sufficient monthly gross revenue with which to repay the loan pursuant to the loan terms, and does not make a loan if it determines through its underwriting that the prospective borrower's total monthly expenses, including debt service payments on the loan for which the prospective borrower is being considered, will exceed the prospective borrower's monthly gross revenue. Examples of acceptable forms of documentation for verifying current and projected gross monthly revenue and monthly expenses include, but are not limited to, tax returns, bank statements, merchant financial statements, business plans, business history, and industry-specific knowledge and experience. If the prospective borrower is a sole proprietor or a corporation and the loan will be secured by a personal guarantee provided by the owner of the corporation, a credit report from at least one consumer credit reporting agency that compiles and maintains files on consumers on a nationwide basis shall also be considered.

(4) The licensee maintains records of all compensation paid to unlicensed persons in connection with the referral or lead of borrowers for a period of at least four years.

(5) The licensee annually submits information requested by the commissioner regarding the payment of compensation in the report required pursuant to Section 22159.

(b) An unlicensed person that is paid compensation pursuant to this section shall do the following:

~~(b)~~

(1) Comply with Section 22161.

(2) Not solicit or collect confidential data, as defined in subdivision (b) of Section 22004 unless that information is reasonably necessary to perform the acts described in subdivision (a) of Section 22004.

(3) Before making a referral or lead as described in paragraph (1) of subdivision (a) of Section 22004 in connection with any loan subject to this division, provide the prospective borrower a written disclosure that shows in clear and distinct terms the method of compensation provided to the licensed broker, including whether the

compensation is based on the size of a loan or contingent on the referral or lead resulting in a consummated loan.

~~(c) A licensee that pays compensation to a an unlicensed person that is not licensed pursuant to this division in connection with a referral for a commercial loan made by that licensee to a borrower pursuant to this section shall be liable for any misrepresentation made to that borrower in connection with that loan. known violation of that compensated person of paragraphs (1) to (3), inclusive, of subdivision (b).~~

~~(e) The following activities by an unlicensed person are not authorized by this section:~~

- ~~(1) Participating in any loan negotiation.~~
- ~~(2) Counseling or advising the borrower about a loan.~~
- ~~(3) Participating in the preparation of any loan documents, including credit applications.~~

~~(4) Contacting the licensee on behalf of the borrower other than to refer the borrower.~~

~~(5) Gathering loan documentation from the borrower or delivering the documentation to the licensee.~~

~~(6) Communicating lending decisions or inquiries to the borrower.~~

~~(7) Participating in establishing any sales literature or marketing materials.~~

~~(8) Obtaining the borrower's signature on documents.~~

~~(d) This section does not authorize an unlicensed person to perform any of the activities described in paragraphs (2) to (6), inclusive, of subdivision (a) of Section 22004.~~

~~(d)~~

~~(e) The prohibitions prohibition in subdivision (e) do (d) does not apply if the unlicensed person meets one or more of the following criteria:~~

~~(1) Is exempt from licensure under this division.~~

~~(2) Is exempt from federal income taxes under Section 501(c)(3) of the Internal Revenue Code.~~

~~(3) Is a business assistance organization recognized by the United States Small Business Administration.~~

~~(4) Is engaged in one or more of the activities described in paragraphs (1) to (8), inclusive, of subdivision (e) paragraphs (2) to (6), inclusive, of subdivision (a) of Section 22004 in connection with five or fewer commercial loans in a 12-month period calendar year made by persons licensed under this division.~~

~~(e)~~

~~(f) The commissioner may adopt regulations under this section to impose conditions on the referral or lead activity authorized under this section. The commissioner may classify persons, loans, loan terms, referral or lead methods, and other matters within his or her jurisdiction, and may prescribe different requirements for different classes of loans.~~

~~(f)~~

~~(g) Nothing in this section shall authorize the payment of a referral or lead fee to an unlicensed person for a residential mortgage loan, nor the payment of a referral or lead fee to a person required to be licensed under Section 10131 or 10131.1 of the Business and Professions Code, unless such that person is licensed by the Bureau of~~

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Real Estate pursuant to Division 4 (commencing with Section 10000) of the Business and Professions Code.

~~(g) For the purposes of this section, "referral" means either the introduction of the borrower and the finance lender or the delivery to the finance lender of the borrower's contact information.~~

(h) A licensed finance lender may, pursuant to this section, pay compensation to an unlicensed person to provide services described in subdivision (c) of Section 22004. A licensed finance lender that pays compensation pursuant to this subdivision shall not be subject to the requirements of paragraphs (1) through (5), inclusive, of subdivision (a).

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

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

AMENDMENTS TO ASSEMBLY BILL NO. 3211

Amendment 1

In the title, in line 1, strike out “71050 of the Public Resources Code, relating”, strike out line 2 and insert:

4701 of the Probate Code, relating to health care decisions.

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 4701 of the Probate Code is amended to read:
4701. The statutory advance health care directive form is as follows:

ADVANCE HEALTH CARE DIRECTIVE
(California Probate Code Section 4701)
Explanation

You have the right to give instructions about your own health care. You also have the right to name someone else to make health care decisions for you. This form lets you do either or both of these things. It also lets you express your wishes regarding donation of organs and the designation of your primary physician. If you use this form, you may complete or modify all or any part of it. You are free to use a different form.

Part 1 of this form is a power of attorney for health care. Part 1 lets you name another individual as agent to make health care decisions for you if you become incapable of making your own decisions or if you want someone else to make those decisions for you now even though you are still capable. You may also name an alternate agent to act for you if your first choice is not willing, able, or reasonably available to make decisions for you. (Your agent may not be an operator or employee of a community care facility or a residential care facility where you are receiving care, or your supervising health care provider or employee of the health care institution where you are receiving care, unless your agent is related to you or is a coworker.)

Unless the form you sign limits the authority of your agent, your agent may make all health care decisions for you. This form has a place for you to limit the authority of your agent. You need not limit the authority of your agent if you wish to rely on your agent for all health care decisions that may have to be made. If you choose not to limit the authority of your agent, your agent will have the right to:

- (a) Consent or refuse consent to any care, treatment, service, or procedure to maintain, diagnose, or otherwise affect a physical or mental condition.
- (b) Select or discharge health care providers and institutions.
- (c) Approve or disapprove diagnostic tests, surgical procedures, and programs of medication.
- (d) Direct the provision, withholding, or withdrawal of artificial nutrition and hydration and all other forms of health care, including cardiopulmonary resuscitation.
- (e) Make anatomical gifts, authorize an autopsy, and direct disposition of remains.



Part 2 of this form lets you give specific instructions about any aspect of your health care, whether or not you appoint an agent. Choices are provided for you to express your wishes regarding the provision, withholding, or withdrawal of treatment to keep you alive, as well as the provision of pain relief. Space is also provided for you to add to the choices you have made or for you to write out any additional wishes. If you are satisfied to allow your agent to determine what is best for you in making end-of-life decisions, you need not fill out Part 2 of this form.

Part 3 of this form lets you express an intention to donate your bodily organs and tissues following your death.

Part 4 of this form lets you designate a physician to have primary responsibility for your health care.

After completing this form, sign and date the form at the end. The form must be signed by two qualified witnesses or acknowledged before a notary public. Give a copy of the signed and completed form to your physician, to any other health care providers you may have, to any health care institution at which you are receiving care, and to any health care agents you have named. You should talk to the person you have named as agent to make sure that he or she understands your wishes and is willing to take the responsibility.

You have the right to revoke this advance health care directive or replace this form at any time.

PART 1
POWER OF ATTORNEY FOR HEALTH CARE

(1.1) DESIGNATION OF AGENT: I designate the following individual as my agent to make health care decisions for me:

(name of individual you choose as agent)

(address) (city) (state) (ZIP Code)

(home phone) (work phone)

OPTIONAL: If I revoke my agent's authority or if my agent is not willing, able, or reasonably available to make a health care decision for me, I designate as my first alternate agent:

(name of individual you choose as first alternate agent)

(address) (city) (state) (ZIP Code)

(home phone)

(work phone)

OPTIONAL: If I revoke the authority of my agent and first alternate agent or if neither is willing, able, or reasonably available to make a health care decision for me, I designate as my second alternate agent:

(name of individual you choose as second alternate agent)

(address)

(city)

(state)

(ZIP Code)

(home phone)

(work phone)

(1.2) AGENT'S AUTHORITY: My agent is authorized to make all health care decisions for me, including decisions to provide, withhold, or withdraw artificial nutrition and hydration and all other forms of health care to keep me alive, except as I state here:

(Add additional sheets if needed.)

(1.3) WHEN AGENT'S AUTHORITY BECOMES EFFECTIVE: My agent's authority becomes effective when my primary physician determines that I am unable to make my own health care decisions unless I mark the following box. If I mark this box , my agent's authority to make health care decisions for me takes effect immediately.

(1.4) AGENT'S OBLIGATION: My agent shall make health care decisions for me in accordance with this power of attorney for health care, any instructions I give in Part 2 of this form, and my other wishes to the extent known to my agent. To the extent my wishes are unknown, my agent shall make health care decisions for me in accordance with what my agent determines to be in my best interest. In determining my best interest, my agent shall consider my personal values to the extent known to my agent.

(1.5) AGENT'S POSTDEATH AUTHORITY: My agent is authorized to make anatomical gifts, authorize an autopsy, and direct disposition of my remains, except as I state here or in Part 3 of this form:

(Add additional sheets if needed.)

(1.6) NOMINATION OF CONSERVATOR: If a conservator of my person needs to be appointed for me by a court, I nominate the agent designated in this form. If that agent is not willing, able, or reasonably available to act as conservator, I nominate the alternate agents whom I have named, in the order designated.

PART 2
INSTRUCTIONS FOR HEALTH CARE

If you fill out this part of the form, you may strike any wording you do not want.

(2.1) END-OF-LIFE DECISIONS: I direct that my health care providers and others involved in my care provide, withhold, or withdraw treatment in accordance with the choice I have marked below:

(a) Choice Not To Prolong Life

I do not want my life to be prolonged if (1) I have an incurable and irreversible condition that will result in my death within a relatively short time, (2) I become unconscious and, to a reasonable degree of medical certainty, I will not regain consciousness, or (3) the likely risks and burdens of treatment would outweigh the expected benefits, OR

(b) Choice To Prolong Life

I want my life to be prolonged as long as possible within the limits of generally accepted health care standards.

(2.2) RELIEF FROM PAIN: Except as I state in the following space, I direct that treatment for alleviation of pain or discomfort be provided at all times, even if it hastens my death:

(Add additional sheets if needed.)

(2.3) OTHER WISHES: (If you do not agree with any of the optional choices above and wish to write your own, or if you wish to add to the instructions you have given above, you may do so here.) I direct that:

(Add additional sheets if needed.)

PART 3
DONATION OF ORGANS AT DEATH
(OPTIONAL)

~~(3.1) Upon my death (mark applicable box):~~

~~(a) I give any needed organs, tissues, or parts, OR~~

~~(b) I give the following organs, tissues, or parts only:~~

~~(c) My gift is for the following purposes (strike any of the following you do not want):~~

- ~~_____ (1) Transplant~~
- ~~_____ (2) Therapy~~
- ~~_____ (3) Research~~
- ~~_____ (4) Education~~

(3.1) Upon my death, I give my organs, tissue, and parts for the purposes of transplantation, therapy, research, and education (mark box to indicate yes). If I checked the box above, I consent to the commencement and maintenance of any temporary medical procedure necessary to evaluate, maintain, or preserve my organs or tissues for purposes of donation, including, but not limited to, administration of medication, mechanical respiration, and artificial nutrition and hydration.

If you want to limit your anatomical gifts in some way, please state your restriction on the following lines: _____

My choice not to make a gift in this part is not a refusal to make a gift, and my agent, family, or authorized person(s) may make a gift upon my death.

PART 4
PRIMARY PHYSICIAN
(OPTIONAL)

(4.1) I designate the following physician as my primary physician:

(name of physician)

(address) (city) (state) (ZIP Code)

(phone)

OPTIONAL: If the physician I have designated above is not willing, able, or reasonably available to act as my primary physician, I designate the following physician as my primary physician:

(name of physician)

(address) (city) (state) (ZIP Code)

(phone)

PART 5

(5.1) EFFECT OF COPY: A copy of this form has the same effect as the original.

(5.2) SIGNATURE: Sign and date the form here:

_____	_____
(date)	(sign your name)
_____	_____
(address)	(print your name)

(city) (state)	

(5.3) STATEMENT OF WITNESSES: I declare under penalty of perjury under the laws of California (1) that the individual who signed or acknowledged this advance health care directive is personally known to me, or that the

individual's identity was proven to me by convincing evidence, (2) that the individual signed or acknowledged this advance directive in my presence, (3) that the individual appears to be of sound mind and under no duress, fraud, or undue influence, (4) that I am not a person appointed as agent by this advance directive, and (5) that I am not the individual's health care provider, an employee of the individual's health care provider, the operator of a community care facility, an employee of an operator of a community care facility, the operator of a residential care facility for the elderly, nor an employee of an operator of a residential care facility for the elderly.

First witness	Second witness
_____ (print name)	_____ (print name)
_____ (address)	_____ (address)
_____ (city) (state)	_____ (city) (state)
_____ (signature of witness)	_____ (signature of witness)
_____ (date)	_____ (date)

(5.4) ADDITIONAL STATEMENT OF WITNESSES: At least one of the above witnesses must also sign the following declaration:

I further declare under penalty of perjury under the laws of California that I am not related to the individual executing this advance health care directive by blood, marriage, or adoption, and to the best of my knowledge, I am not entitled to any part of the individual's estate upon his or her death under a will now existing or by operation of law.

_____ (signature of witness)	_____ (signature of witness)
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PART 6
SPECIAL WITNESS REQUIREMENT

(6.1) The following statement is required only if you are a patient in a skilled nursing facility—a health care facility that provides the following basic services: skilled nursing care and supportive care to patients whose primary need is for availability of skilled nursing care on an extended basis. The patient advocate or ombudsman must sign the following statement:

STATEMENT OF PATIENT ADVOCATE OR OMBUDSMAN

I declare under penalty of perjury under the laws of California that I am a patient advocate or ombudsman as designated by the State Department of Aging and that I am serving as a witness as required by Section 4675 of the Probate Code.

_____	_____
(date)	(sign your name)
_____	_____
(address)	(print your name)

(city) (state)	

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

AMENDMENTS TO ASSEMBLY BILL NO. 3212

Amendment 1

In the title, in line 1, strike out "Section 999.5 of" and insert:

Sections 401, 402, 403, 404, 405, 406, 407, 408, 409.1, 409.2, 409.3, 409.4, 800, 803, 811, 821, 822, 823.5, 824, 826, and 827 of, to add Sections 409.15, 813, and 830 to, and to repeal and add Sections 400 and 409 of,

Amendment 2

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

service members.

Amendment 3

On page 1, before line 1, insert:

SECTION 1. Section 400 of the Military and Veterans Code is repealed.

~~400. For purposes of this chapter, the following definitions apply:~~

~~(a) "Service member" means both of the following:~~

~~(1) Officers and enlisted members of the National Guard called or ordered into active state service by the Governor pursuant to the provisions of Section 143 or 146 or into active federal service by the President of the United States pursuant to Title 10 or 32 of the United States Code.~~

~~(2) Reservists of the United States Military Reserve who have been called to full-time active duty.~~

~~(b) "Military service" means full-time active state service or full-time active federal service, as defined in paragraph (1) of subdivision (a), or full-time active duty of a reservist, as defined in paragraph (2) of subdivision (a), for a period in excess of seven days in any 14-day period. For any service member who has been called to active service or duty since September 11, 2001, to engage in homeland defense against terrorism, his or her days of service prior to the effective date of this section shall be credited toward this seven-day period.~~

SEC. 2. Section 400 is added to the Military and Veterans Code, to read:

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

(a) "Armed forces" means the Army, Navy, Air Force, Marine Corps, and Coast Guard.

(b) "Military orders," with respect to a service member, means official military orders, or any notification, certification, or verification from the service member's commanding officer with respect to the service member's current or future military duty status.

(c) "Military service" means, as to a member of the militia, full-time active state service or full-time active federal service. As to a person who is not a member of the



militia, "military service" means full-time active duty for a period in excess of seven days in any 14-day period.

(d) "Service member" means all of the following:

(1) A member of the militia, as defined in Section 120, called or ordered into active state or federal service pursuant to state or federal law.

(2) A member of an active or reserve component of the Armed Forces who is ordered into active duty pursuant to state or federal law.

SEC. 3. Section 401 of the Military and Veterans Code is amended to read:

401. (a) Application by a service member for, or receipt by a service member of, a stay, postponement, or suspension pursuant to this chapter in the payment of any tax, fine, penalty, insurance premium, or other civil obligation or liability of that person shall not itself, without regard to other considerations, provide the basis for any of the following:

(1) A determination by any lender or other person that the service member is unable to pay any civil obligation or liability in accordance with its terms.

(2) With respect to a credit transaction between a creditor and the service member, any of the following:

(A) A denial or revocation of credit by the creditor.

(B) A change by the creditor in the terms of an existing credit arrangement.

(C) A refusal by the creditor to grant credit to the service member in substantially the amount or on substantially the terms requested.

(3) An adverse report relating to the creditworthiness of the service member by or to any person or entity engaged in the practice of assembling or evaluating consumer credit information.

(4) A refusal by an insurer to insure the service member.

(5) An annotation in a service member's record by a creditor or a person engaged in the practice of assembling or evaluating consumer credit information identifying the service member as a member of the National Guard or a reserve component.

(b) A person shall not, in connection with the collection of any obligation, including any debt or payment, falsely claim to be a member or civilian employee of an active reserve component of the Armed Forces or of a component of the active militia, as defined in Section 120, or identify himself or herself through the use of any military rank, rating, or title.

(c) A person shall not, in connection with the collection of any obligation, including any debt or payment, from a member of the active militia, as defined in Section 120, or a member of an active or reserve component of the Armed Forces, contact the member's military unit or chain of command without the written consent of the member given after the obligation becomes due and payable.

~~(b)~~

(d) Any person violating any provision of this section is liable for actual damages, reasonable attorney's fees, and costs incurred by the injured party.

~~(c)~~

(e) Any person violating any provision of this section is guilty of a misdemeanor, and shall be punishable by imprisonment not to exceed one year or by a fine not to exceed one thousand dollars (\$1,000), or both.

SEC. 4. Section 402 of the Military and Veterans Code is amended to read:

402. (a) In any action or proceeding commenced in any court, if there shall be a default of any appearance by the defendant, the plaintiff, before entering judgment shall file in the court a declaration under penalty of perjury setting forth facts showing that the defendant is not in the military service. If unable to file that declaration, the plaintiff shall, in lieu thereof, file a declaration setting forth either that the defendant is in the service or that the plaintiff is not able to determine whether or not the defendant is in the service. If a declaration is not filed showing that the defendant is not in the military service, no judgment shall be entered without first securing an order of court directing that entry, and no order shall be made if the defendant is in the military service until after the court appoints an attorney to represent the defendant and protect his or her interest, and the court shall, on application, make that appointment. If an attorney appointed under this section to represent a service member cannot locate the service member, actions by the attorney in the case shall not waive any defense of the service member or otherwise bind the service member. Unless it appears that the defendant is not in the military service the court may require, as a condition before judgment is entered, that the plaintiff file a bond approved by the court conditioned to indemnify the defendant, if in the military service, against any loss or damage that he or she may suffer by reason of any judgment should the judgment be thereafter set aside in whole or in part. The court may make such other and further order or enter that judgment as in its opinion may be necessary to protect the rights of the defendant under this section.

(b) Any person who shall, for purposes of this section, make or use a declaration declared to be true under penalty of perjury, knowing it to be false, is guilty of a misdemeanor and shall be punishable by imprisonment not to exceed one year or by a fine not to exceed one thousand dollars (\$1,000), or both. ~~That person also is~~ Any person violating any provision of this section is also liable for actual damages, reasonable attorney's fees, and costs incurred by the injured party.

(c) In an action covered by this section in which the defendant is in military service, the court shall grant a stay of proceedings for a minimum period of 90 days under this subdivision upon application of counsel, or on the court's own motion, if the court determines that there may be a defense to the action and a defense cannot be presented without the presence of the defendant, or, after due diligence, counsel has been unable to contact the defendant or otherwise determine if a meritorious defense exists.

(e)

(d) In any action or proceeding in which a service member is a party, if the service member does not personally appear therein or is not represented by an authorized attorney, the court may appoint an attorney to represent him or her. In that case a bond may be required and an order made to protect the rights of the service member. However, no attorney appointed under this chapter to protect a service member shall have the power to waive any right of the person for whom he or she is appointed or bind him or her by his or her acts.

(d)

(e) If any judgment shall be rendered in any action or proceeding governed by this chapter against any service member during the period of that service or within 30 days thereafter, and it appears that the service member was prejudiced by reason of his or her military service in making his or her defense thereto, the judgment may, upon application made by the service member or his or her legal representative not

later than 90 days after the termination of the service, be opened by the court rendering the same and the defendant or his or her legal representative let in to defend; provided the application states a meritorious or legal defense to the action or some part thereof. Vacating, setting aside, or reversing any judgment by reason of this chapter shall not impair any right or title acquired by any bona fide purchaser for value under that judgment.

(f) For purposes of this section and any declaration made under this section, a defendant shall be deemed to be "in the military service" if he or she is either:

(1) Currently in the military service.

(2) Was in the military service within the preceding 120 days.

SEC. 5. Section 403 of the Military and Veterans Code is amended to read:

403. (a) At any stage in any action or proceeding in which a service member is involved, either as plaintiff or defendant, during ~~the~~ a period of military service or within ~~60~~ 120 days thereafter, the court may, in its discretion on its own motion, and shall, on application to it by the service member or some person on his or her behalf, stay the action or proceeding unless, in the opinion of the court, the ability of the plaintiff to prosecute the action or the defendant to conduct his or her defense is not materially affected by reason of his or her military service.

(b) When an action for compliance with the terms of any contract is stayed pursuant to this section, no fine or penalty shall accrue by reason of failure to comply with the terms of the contract during the period of the stay, and in any case where a person fails to perform any obligation and if a fine or penalty for the nonperformance is incurred a court may, on those terms as may be just, provide relief against the enforcement of that fine or penalty if it appears that the person who would suffer by that fine or penalty was in the military service when the penalty was incurred and that by reason of military service the ability of the person to pay or perform was thereby materially impaired.

(c) In any action or proceeding against a service member, before or during the period of the service, or within ~~60~~ 120 days thereafter, the court may, in its discretion on its own motion, or shall, upon application to it by the service member or some person on his or her behalf, unless in the opinion of the court the ability of the defendant to comply with the judgment or order entered or sought is not materially affected by reason of his or her military service, do either of the following:

(1) Stay the execution of any judgment or order entered against a service member.

(2) Vacate or stay any attachment or garnishment of property, money, or debts in the hands of another, whether before or after judgment.

(d) Any stay of any action, proceeding, attachment, or execution ordered by any court under this section may, except as otherwise provided, be ordered for the period of military service and three months thereafter or any part of that period, and subject to those terms as may be just, including terms with respect to payment in installments of those amounts at those times as the court may fix. If the service member is a codefendant with others the plaintiff may nevertheless, by leave of court, proceed against the others.

(e) A service member who is granted a stay of a civil action or proceeding under this section may apply for an additional stay based on continuing material effect of military duty on the service member's ability to appear. If the court refuses to grant

an additional stay of proceedings, it shall appoint counsel to represent the service member in the action or proceeding.

(f) An application for a stay under this section does not constitute an appearance for jurisdictional purposes and does not constitute a waiver of any substantive or procedural defense, including a defense relating to lack of personal jurisdiction.

SEC. 6. Section 404 of the Military and Veterans Code is amended to read:

404. (a) ~~The~~ A period of military service shall not be included in computing any period now or hereafter to be limited by any law, regulation, or order for the bringing of any action or proceeding in any court, board, bureau, commission, department, or other agency of government by or against any service member or by or against his or her heirs, executors, administrators, or assigns, whether the cause of action or the right or privilege to institute the action or proceeding accrued prior to or during the period of service, nor shall any part of the period be included in computing any period now or hereafter provided by any law for the redemption of real property sold or forfeited to enforce any obligation, tax, or assessment.

(b) This section shall not apply with respect to any period of limitation prescribed by or under the federal Internal Revenue Code.

~~(c) Any person violating this section shall be liable for actual damages, reasonable attorney's fees, and costs incurred by the injured party.~~

~~(d) Any person violating any provision of this section is guilty of a misdemeanor, and shall be punishable by imprisonment not to exceed one year or by a fine not to exceed one thousand dollars (\$1,000), or both.~~

SEC. 7. Section 405 of the Military and Veterans Code is amended to read:

405. (a) No obligation or liability bearing interest at a rate in excess of 6 percent per year incurred by a service member before that person's ~~entry into~~ current period of military service shall, except as provided in subdivision (b), bear interest at a rate in excess of 6 percent per year as follows:

(1) For an obligation or liability consisting of a mortgage, trust deed, or other security in the nature of a mortgage, or any student loan, during any part of the period of military service and one year thereafter.

(2) For any other obligation or liability, during any part of the period of military ~~service:~~ service and 120 days thereafter.

(b) Notwithstanding subdivision (a), if in the opinion of a court, upon application thereto by the obligee, the ability of the service member to pay interest upon an obligation or liability at a rate in excess of 6 percent per year is not materially affected by reason of that service, the court may make that order as in its opinion may be just.

(c) As used in this section, "interest" includes service charges, renewal charges, fees, or any other charges, except bona fide insurance, in respect of any obligation or liability.

(d) Interest at a rate in excess of 6 percent per year that would otherwise be incurred but for the prohibition in this section is forgiven. The amount of any periodic payment due from a service member shall be reduced by the amount of the interest forgiven under this section that is allocable to the period for which the payment is made.

~~(d)~~

~~(e) Any person violating this section shall be liable for actual damages, reasonable attorney's fees, and costs incurred by the injured party.~~

SEC. 8. Section 406 of the Military and Veterans Code is amended to read:

406. (a) No eviction or distress shall be made during the period of military service specified in Section 400, ~~during which a service member is called to active state service pursuant to Section 143 or 146 or active federal service pursuant to Title 10 or 32 of the United States Code or active duty, until 30~~ until 120 days after the service member is released from active service or duty if the premises are occupied primarily for dwelling purposes by the spouse, children, or other dependents of a service member, except upon leave of court granted upon application therefor or granted in an action or proceeding affecting the right of possession.

(b) On any application or in any action under this section, the court may on its own motion, and shall, on application, stay the proceedings for the period specified in subdivision (a) or rather than granting a complete stay, the court may require the tenant to make regular partial payments during the service member's period of military service, or the court may make any other order that it finds to be just, unless the court finds that the ability of the tenant to pay the agreed rent is not materially affected by that military service. Where that stay is made by the court, the owner of the premises shall be entitled, upon application therefor, to relief in respect of those premises similar to that granted persons in military service in Sections 407, 408, and 409.1 to that extent and for that period as may appear to the court to be just.

(c) Any person violating this section shall be liable for actual damages, reasonable attorney's fees, and costs incurred by the injured party.

(d) Any person who knowingly takes part in any eviction or distress as provided in this section or who attempts to do so, is guilty of a misdemeanor, and shall be punishable by imprisonment not to exceed one year or by a fine not to exceed one thousand dollars (\$1,000), or both.

SEC. 9. Section 407 of the Military and Veterans Code is amended to read:

407. (a) No person who has received, or whose assignor has received, under a contract for the purchase of real or personal property, a deposit or installment of the purchase price, or a deposit or installment under the contract, from a person or from the assignor of a person who, after the date of payment of the deposit or installment, has entered into a period of military service, shall exercise any right or option under that contract to rescind or terminate the contract or resume possession of the property for nonpayment of any installment due or for any other breach of its terms occurring prior to or during the period of that military service, except by action in a court of competent jurisdiction.

(b) Upon the hearing of that action as provided in subdivision (a), the court may order the repayment of prior installments or deposits or any part, as a condition of terminating the contract and resuming possession of the property, or may, in its discretion, on its own motion, and shall, on application to it by the service member or some person on the service member's behalf, order a stay of proceedings as the court deems just, unless in the opinion of the court, the ability of the defendant to comply with the terms of the contract is not materially affected by reason of the service; or it may make any other disposition of the case as may be equitable to conserve the interests of all parties.

(c) Any person violating this section shall be liable for actual damages, reasonable attorney's fees, and costs incurred by the injured party.

(d) Any person who shall knowingly resume possession of property that is the subject of this section in a manner other than as provided in subdivision (a), or attempts to do so, is guilty of a misdemeanor, and shall be punishable by imprisonment not to exceed one year or by a fine not to exceed one thousand dollars (\$1,000), or both.

SEC. 10. Section 408 of the Military and Veterans Code is amended to read:

408. (a) This section shall apply only to obligations secured by mortgage, trust deed, or other security in the nature of a mortgage upon real or personal property owned by a service member at the commencement of the current period of the military service and still so owned by the service member whose obligations originated prior to the person's current period of military service.

(b) In any proceeding commenced in any court during the period of military service to enforce that obligation as provided in subdivision (a) arising out of nonpayment of any sum due or out of any other breach of the terms of the mortgage, trust deed, or other security occurring prior to or during the current period of the service the court may, after hearing and in its discretion on its own motion, and shall, on application to it by the service member or some person on the defendant's behalf, unless in the opinion of the court the ability of the defendant to comply with the terms of the obligation is not materially affected by reason of the defendant's military service, do either of the following:

(1) Stay the proceedings for any period as the court deems just.

(2) Make any other disposition of the case as may be equitable to conserve the interests of all parties.

(c) No sale, foreclosure, or seizure of property for nonpayment of any sum due under any obligation as provided in subdivision (a), or for any other breach of the terms thereof, whether under a power of sale, under a judgment entered upon warrant of attorney to confess judgment contained therein, or otherwise, shall be valid if made during the period of military service or within ~~nine months~~ one year thereafter, except pursuant to an agreement between the ~~parties~~, parties made after the nonpayment or breach, unless upon an order previously granted by the court and a return thereto made and approved by the court.

(d) Any person violating this section shall be liable for actual damages, reasonable attorney's fees, and costs incurred by the injured party.

(e) Any person who shall knowingly make or cause to be made any sale, foreclosure, or seizure of property, defined as invalid by subdivision (c), or attempts to do so, is guilty of a misdemeanor, and shall be punishable by imprisonment not to exceed one year or by a fine not to exceed one thousand dollars (\$1,000), or both.

SEC. 11. Section 409 of the Military and Veterans Code is repealed.

~~409. (a) This section shall apply to any lease covering premises occupied for dwelling, professional, business, agricultural, or similar purposes in any case in which the lease was executed by or on the behalf of a person who, after the execution of such lease, entered military service, as defined by Section 400.~~

~~(b) Any lease, as provided in subdivision (a), may be terminated by notice in writing delivered to the lessor or to the lessor's agent by the lessee at any time following the date of the beginning of the period of military service. Delivery of this notice may be accomplished by placing it in an envelope properly stamped and duly addressed to the lessor or to the lessor's agent and depositing the notice in the United States mail. Termination of any lease providing for monthly payment of rent shall be effective on~~

~~the last day of the month following notice and in any case, no more than 45 days after notice is provided to the lessor and payable subsequent to the date when the notice is delivered or mailed. In the case of all other leases, termination shall be effected on the last day of the month following the month in which the notice is delivered or mailed and, in that case, any unpaid rent for a period preceding termination shall be prorated and any rent paid in advance for a period succeeding termination shall be refunded by the lessor. Upon application by the lessor to the appropriate court prior to the termination period provided for in the notice, any relief granted in this paragraph shall be subject to any modification or restriction as in the opinion of the court justice and equity may, in the circumstances, require.~~

~~(c) Any person who shall knowingly seize, hold, or detain the personal effects, clothing, furniture, or other property of any person who has lawfully terminated a lease covered by this section, or in any manner interfered with the removal of that property from the premises covered by that lease, for the purpose of subjecting or attempting to subject any of the property to a claim for rent accruing subsequent to the date of termination of the lease, or attempts to do so, is guilty of a misdemeanor, and shall be punishable by imprisonment not to exceed one year or by a fine not to exceed one thousand dollars (\$1,000), or both.~~

SEC. 12. Section 409 is added to the Military and Veterans Code, to read:

409. (a) The lessee on a lease described in subdivision (b) may, at the lessee's option, terminate the lease at any time after the lessee's entry into military service, or the date of the lessee's military orders described in subdivision (b). A lessee's termination of a lease pursuant to this subdivision shall terminate any obligation a dependent of the lessee has under the lease.

(b) This section applies to the following leases:

(1) A lease of premises occupied, or intended to be occupied, by a service member or a service member's dependents for a residential, professional, business, agricultural, or similar purpose if the lease is executed by or on behalf of a person who does either of the following:

(A) During the term of the lease, enters a period of military service.

(B) While in a period of military service, executes the lease and then receives military orders for a permanent change of station or to deploy with a military unit, or as an individual in support of a military operation, for a period of not less than 90 days.

(2) A lease of a motor vehicle used, or intended to be used, by a service member or a service member's dependents for personal or business transportation if the lease is executed by or on behalf of a person who does either of the following:

(A) During the term of the lease, enters a period of military service under a call or order specifying a period of not less than 180 days.

(B) During the term of the lease, enters a period of military service under a call or order specifying a period of less than 180 days, and then receives orders extending the period of military service to a period of not less than 180 days.

(C) While in a period of military service, executes the lease and then receives military orders for a change of permanent station from a location in the continental United States to a location outside the continental United States, or from a location in a state outside the continental United States to any location outside that state, or to deploy with a military unit, or as an individual in support of a military operation, for a period of not less than 180 days.

(c) (1) Termination of a lease under subdivision (a) shall be made by delivery by the lessee of written notice of that termination, and a copy of the service member's military orders, to the lessor or the lessor's grantee, or to the lessor's agent or the agent's grantee, and in the case of a lease of a motor vehicle, by return of the motor vehicle by the lessee to the lessor or the lessor's grantee, or to the lessor's agent or the agent's grantee, not later than 15 days after the date of the delivery of written notice.

(2) Notice under paragraph (1) may be accomplished by hand delivery, private business carrier, or by placing the written notice in an envelope with sufficient postage and with return receipt requested, and addressed as designated by the lessor or the lessor's grantee, or to the lessor's agent or the agent's grantee, and depositing the written notice in the United States mail system.

(d) (1) In the case of a lease described in paragraph (1) of subdivision (b) that provides for monthly payment of rent, termination of the lease under subdivision (a) is effective 30 days after the first date on which the next rental payment is due and payable after the date on which the notice under subdivision (c) is delivered. In the case of any other lease described in paragraph (1) of subdivision (b), termination of the lease under subdivision (a) is effective on the last day of the month following the month in which the notice is delivered.

(2) In the case of a lease described in paragraph (2) of subdivision (b), termination of the lease under subdivision (a) is effective on the day on which the requirements of subdivision (c) are met for that termination.

(e) (1) Rent amounts for a lease described in paragraph (1) of subdivision (b) that are unpaid for the period preceding the effective date of the lease termination shall be paid on a prorated basis. The lessor may not impose an early termination charge, but any taxes, summonses, or other obligations and liabilities of the lessee in accordance with the terms of the lease, including reasonable charges to the lessee for excess wear, that are due and unpaid at the time of termination of the lease, shall be paid by the lessee.

(2) Lease amounts for a lease described in paragraph (2) of subdivision (b) that are unpaid for the period preceding the effective date of the lease termination shall be paid on a prorated basis. The lessor may not impose an early termination charge, but any taxes, summonses, title and registration fees, or other obligations and liabilities of the lessee in accordance with the terms of the lease, including reasonable charges to the lessee for excess wear or use and mileage, that are due and unpaid at the time of termination of the lease, shall be paid by the lessee.

(f) Rents or lease amounts paid in advance for a period after the effective date of the termination of the lease shall be refunded to the lessee by the lessor, or the lessor's assignee or the assignee's agent, within 30 days of the effective date of the termination of the lease.

(g) Upon application by the lessor to a court before the termination date provided in the written notice, relief granted by this section to a service member may be modified as justice and equity require.

(h) Any person who knowingly seizes, holds, or detains the personal effects, clothing, furniture, security deposit, or other property of any person who has lawfully terminated a lease covered by this section, or in any manner interfered with the removal of that property from the premises covered by that lease, for the purpose of subjecting or attempting to subject any of the property to a claim for rent accruing subsequent to

the date of termination of the lease, or attempts to do so, is guilty of a misdemeanor and shall be punishable by imprisonment not to exceed one year or by a fine not to exceed one thousand dollars (\$1,000), or both that fine and imprisonment.

SEC. 13. Section 409.1 of the Military and Veterans Code is amended to read:

409.1. (a) Where any life insurance policy on the life of a service member in military service has been assigned prior to that person's period of military service to secure the payment of any obligation of the person, no assignee of the policy, except the insurer in connection with a policy loan, shall, during the period of military service of the insured or within one year thereafter, except upon the consent in writing of the insured made during that period or when the premiums thereon are due and unpaid or upon the death of the insured, exercise any right or option by virtue of that assignment unless upon leave of court granted upon an application made therefor by the assignee. The court may thereupon refuse to grant that leave unless in the opinion of the court the ability of the obligor to comply with the terms of the obligation is not materially affected by reason of his or her military service.

(b) No person shall exercise any right to foreclose or enforce any lien ~~for storage of household goods, furniture, or on the property or~~ personal effects of a service member member, including liens for storage, repair, or cleaning, during that person's period of military service and for ~~three months~~ 120 days thereafter, except upon an order previously granted by a court upon application therefor and a return thereto made and approved by the court. In a proceeding to foreclose or enforce a lien subject to this section, the court may on its own motion, or if requested by a service member whose ability to comply with the obligation resulting in the proceeding is materially affected by military service, stay the proceeding for a period of time as justice and equity require, or adjust the obligation to preserve the interests of all parties. In that proceeding the court may, after hearing, in its discretion on its own motion, and shall, on petition to it by a service member or some person on his or her behalf, unless in the opinion of the court the ability of the defendant to pay the storage charges due is not materially affected by reason of his or her military service, do either of the following:

(1) Stay the proceedings as provided in this chapter.

(2) Make that other disposition of the case as may be equitable to conserve the interest of all parties. This section shall not be construed in any way as affecting or as limiting the scope of Section 408.

(c) Any person violating this section shall be liable for actual damages, reasonable attorney's fees, and costs incurred by the injured party.

(d) A person violating any provision of this section is guilty of a misdemeanor, and shall be punishable by imprisonment not to exceed one year or by a fine not to exceed one thousand dollars (\$1,000), or both.

SEC. 14. Section 409.2 of the Military and Veterans Code is amended to read:

409.2. (a) This section shall apply when any taxes or assessments, whether general or special, other than taxes on income, whether falling due prior to or during ~~the his or her most current~~ the his or her most current period of military service, in respect of personal property, money, or credits, or real property owned and occupied for dwelling, professional, business, or agricultural purposes by a service member or his or her dependents at the commencement of the service member's most current period of military service and still so occupied by the service member's dependents or employees are not paid.

(b) No sale of this property shall be made to enforce the collection of any tax or assessment, or any proceeding or action commenced for that purpose, except upon leave of court granted upon application made therefor by the collector of taxes or other officer whose duty it is to enforce the collection of taxes or assessments. The court thereupon, unless in its opinion the ability of the service member to pay the taxes or assessments is not materially affected by reason of that service, may stay the proceedings or sale, as provided in this section, for a period extending not more than six months after the termination of the most current period of military service.

(c) When by law this property may be sold or forfeited to enforce the collection of any tax or assessment, the service member shall have the right to redeem or commence an action to redeem that property, at any time not later than six months after the termination of the period of military service.

(d) Whenever any tax or assessment shall not be paid when due, the tax or assessment due and unpaid shall bear interest until paid at the rate of 6 percent per year, and no other penalty or interest shall be incurred by reason of that nonpayment. Any lien for any unpaid taxes or assessment shall also include that interest thereon.

SEC. 15. Section 409.3 of the Military and Veterans Code is amended to read:

409.3. (a) A service member may, at any time during his or her most current period of military service or within six months thereafter, petition a court for relief in respect of any obligation or liability incurred by the service member before the effective date of the orders for his or her most current period of military service or in respect of any tax or assessment whether falling due before or during his or her most current period of military service.

(b) The court shall set a hearing on the petition within 25 days from the date the petition is filed, unless the court shows good cause for extending the date of the hearing. The petition shall be served at least 10 days before the hearing. The respondent shall file and serve a response to the petition at least five days before the hearing.

(c) The court shall not charge a filing fee or court costs for a petition filed pursuant to this section.

(d) If, after notice and hearing, the court finds the ability of the service member to comply with the terms of any such obligation or liability, or to pay any such tax or assessment, has been materially affected by reason of his or her most current period of military service as defined in this chapter, the court may grant the following relief:

(1) In the case of an obligation payable in installments under a contract for the purchase of real estate, or secured by a mortgage or other instrument in the nature of a mortgage upon real estate, a deferment of the payments due on the obligation for a period of time equal to the period of military service, even if the service member requests the relief after the start of his or her current period of military service, subject to subdivision (a), and even if such payments extend beyond the termination of the period of military service. The obligation shall be extended for the period of time that payments were deferred, and the deferred payments shall be paid in equal installments during the combined period at the rate of interest on the unpaid balance as is prescribed in the contract, or other instrument evidencing the obligation, for installments paid when due, and subject to any other terms as may be just. Penalties shall not be imposed on the nonpayment of principal or interest during this period. Interest shall not be charged or accumulated on the principal or interest on which the payment was delayed.

(2) In the case of any other obligation, liability, tax, or assessment, a deferment of any payments on the obligation during the service member's period of military service and, from the date of termination of the period of military service or from the date of application if made after the service, for a period of time equal to the period of military service of the applicant or any part of that period, subject to payment of the balance of principal and accumulated interest due and unpaid at the date of termination of the period of military service or the date of application, as the case may be, in equal periodic installments during the extended period at the rate of interest as may be prescribed for the obligation, liability, tax, or assessment, if paid when due, and subject to any other terms as may be just. Penalties shall not be imposed on the nonpayment of principal or interest during this period. Interest shall not be charged or accumulated on the principal or interest on which the payment was delayed.

(e) (1) When any court has granted a deferment as provided in this section, no fine or penalty shall accrue during the period the terms and conditions of the deferment are complied with by reason of failure to comply with the terms or conditions of the obligation, liability, tax, or assessment in respect of which the deferment was granted, including penalties on the nonpayment of principal or interest during this period. Interest shall not be charged or accumulated on the principal or interest on which the payment was delayed. Foreclosure or repossession of property on which payment has been deferred shall not take place during the period specified in this section.

(2) If a person has charged or accrued a fine or penalty in violation of paragraph (1), that person shall be liable for actual damages, reasonable attorney's fees, and costs incurred by the injured party as a result of the violation.

(f) Notwithstanding subdivision (d), any mortgage payments deferred pursuant to this section are due and payable upon the earlier of the following:

(1) The sale of the property or other event specified in the documents creating the obligation permitting the lender to accelerate the loan, other than a deferment of payments authorized by this section.

(2) Further encumbrance of the property other than for preservation or protection of the property.

(3) The maturity of the obligation, as defined under the terms of the documents creating the obligation, or, if applicable, as extended pursuant to subdivision (d).

(g) This section shall not relieve a service member with a mortgage subject to an impound account for the payment of property taxes, special assessments, mortgage insurance, and hazard insurance from making monthly payments of an amount that is at least sufficient to pay these amounts, unless the borrower and lender agree to a lesser amount.

(h) This section shall not preclude a service member from making payments toward the mortgage payments deferred before the occurrence of any of the events in subdivision (d).

(i) This section shall not permit a service member ordered to military service to obtain a delay, deferment, or stay on an obligation to pay child support. This section shall not preclude a service member ordered to military service from seeking a modification of an order to pay child support due to a reduction in income resulting from the order to service, or from seeking the imposition of the maximum interest rate provided by this chapter on arrearages in child support payments existing before the order to service.

SEC. 16. Section 409.4 of the Military and Veterans Code is amended to read:

409.4. (a) A person who by reason of military service is entitled to the rights and benefits of this chapter shall also be entitled upon release from that current period of military service to reinstatement of any health insurance that was in effect on the day before the current period of service commenced, and was terminated effective on a date during the period of the service.

(b) An exclusion or a waiting period may not be imposed in connection with reinstatement of health insurance coverage of a health or physical condition of a person under subdivision (a), or a health or physical condition of any other person who is covered by the insurance by reason of the coverage of that person, if any of the following apply:

- (1) The condition arose before or during that person's current period of service.
- (2) An exclusion or waiting period would not have been imposed for the condition during a period of coverage resulting from participation by that person in the insurance.
- (3) The condition of the person has not been determined by the Secretary of Veterans Affairs to be a disability incurred or aggravated in the line of duty within the meaning of Section 105 of Title 38 of the United States Code.

(c) Any person violating this section shall be liable for actual damages, reasonable attorney's fees, and costs incurred by the service member or other person entitled to the benefits and protections of this chapter.

SEC. 17. Section 409.15 is added to the Military and Veterans Code, to read:

409.15. (a) Any person who receives a good faith request from a service member for relief pursuant to this chapter and who believes the request is incomplete or otherwise not legally sufficient, or that the service member is not entitled to the relief requested, shall, within 30 days of the request, provide the service member with a written response acknowledging the request, setting forth the person's basis for believing or asserting that the request is incomplete or not legally sufficient, or that the service member is not entitled to the relief requested. The response shall clearly identify the specific information or materials that are missing from the request and that would be required to grant the relief requested, and provide contact information, including a mailing address and telephone number, which the service member can use to contact the person.

(b) If the person fails to make such a response in the timeframe set forth in this section, the person waives any objection to the request, and the service member shall be entitled to the relief requested.

SEC. 18. Section 800 of the Military and Veterans Code is amended to read:

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

- (1) An obligation secured by a mortgage or deed of trust.
- (2) Credit card, as defined in Section 1747.02 of the Civil Code.
- (3) Retail installment contract, as defined in Section 1802.6 of the Civil Code.
- (4) Retail installment account, installment account, or revolving account, as defined in Section 1802.7 of the Civil Code.
- (5) Up to two vehicle loans. For purposes of this chapter, "vehicle" means a vehicle as defined in Section 670 of the Vehicle Code.

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

(7) An obligation owed to a utility company.

(8) A student loan.

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

(A) A letter signed by the ~~reservist, under penalty of perjury, reservist~~ requesting a deferment of financial obligations.

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

(2) If required by a financial institution, proof that the reservist's employer does not provide continuing income to the reservist while the reservist is on active military duty, including the reservist's military pay, of more than 90 percent of the reservist's monthly salary and wage income earned before the call to active duty.

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

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

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

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

SEC. 19. Section 803 of the Military and Veterans Code is amended to read:

803. The following definitions apply for purposes of this chapter:

(a) "Reservist" means either of the following:

(1) A member of the militia, as defined in Section 120, called or ordered into state military service pursuant to ~~Section 143 or Section 146, or in federal or state military service pursuant to Title 10 or Title 32 of the United States Code;~~ state or federal law.

(2) A reservist of the United States Military Reserve who has been ordered to full-time federal active duty by the President of the United States pursuant to Title 10 of the United States Code.

(2) A member of a reserve component of the Armed Forces of the United States, as defined by Section 101 of Title 10 of the United States Code, who is ordered to active duty pursuant to state or federal law.

(b) "Military orders" means, with respect to a service member, official military orders, or any notification, certification, or verification from the service member's commanding officer, with respect to the service member's current or future military duty status.

(b)

(c) "Military service" means either of the following:

(1) Full-time active state service or full-time active federal service of a service member who is a member of the militia, as described in paragraph (1) of subdivision (a).

(2) Full-time active duty of a service member who is a reservist, as described in paragraph (2) of subdivision (a), for a period of no less than 30 consecutive days.

SEC. 20. Section 811 of the Military and Veterans Code is amended to read:

811. (a) The spouse or legal dependent, or both, of a reservist who is called to active duty, shall be entitled to the benefits accorded to a reservist under this chapter, provided that the reservist is eligible for the benefits.

(b) This chapter applies only to an obligation specified in this chapter that was incurred prior to the date that a reservist was called to his or her current period of active duty.

SEC. 21. Section 813 is added to the Military and Veterans Code, to read:

813. (a) Any person who receives a good faith request from a service member for relief pursuant to this chapter and who believes the request is incomplete or otherwise not legally sufficient, or that the service member is not entitled to the relief requested, shall, within 30 days of the request, provide the service member with a written response acknowledging the request, setting forth the person's basis for believing or asserting that the request is incomplete or not legally sufficient, or that the service member is not entitled to the relief requested. The response shall clearly identify the specific information or materials that are missing from the request and that would be required to grant the relief requested, and provide contact information, including a mailing address and telephone number, which the service member can use to contact the person.

(b) If the person fails to make such a response in the timeframe set forth in this section, the person waives any objection to the request, and the service member shall be entitled to the relief requested.

SEC. 22. Section 821 of the Military and Veterans Code is amended to read:

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

(a) "Service member" means either of the following:

(1) A member of the militia, as defined in Section 120, called or ordered into state military service pursuant to Section 143 or 146, ~~or in federal or state military service pursuant to Title 10 or 32 of the United States Code.~~ state or federal law.

~~(2) A reservist of the United States Military Reserve who has been ordered to full-time federal active duty by the President of the United States pursuant to Title 10 of the United States Code.~~

(2) A member of a reserve component of the Armed Forces of the United States, as defined by Section 101 of Title 10 of the United States Code, who is ordered to active duty pursuant to state or federal law.

(b) "Military orders" means, with respect to a service member, official military orders, or any notification, certification, or verification from the service member's commanding officer, with respect to the service member's current or future military duty status.

~~(b)~~

(c) "Military service" means either of the following:

(1) Full-time active state service or full-time active federal service of a service member who is a member of the militia, as described in paragraph (1) of subdivision (a).

(2) Full-time active duty of a service member who is a reservist, as described in paragraph (2) of subdivision (a), for a period of no less than 30 consecutive days.

SEC. 23. Section 822 of the Military and Veterans Code is amended to read:

822. No county recorder in this state may impose a fee for the recordation of a power of attorney to act as the agent for a ~~service member for the period the service member is in military service.~~ member.

SEC. 24. Section 823.5 of the Military and Veterans Code is amended to read:

823.5. (a) No person or entity licensed under the Business and Professions Code, Corporations Code, Financial Code, or Insurance Code shall market financial services or products to a service member or former service member, or the spouse of a service member or former service member, in a misleading or deceptive manner that suggests any of the following:

(1) That the person or entity marketing the financial service or product is acting on behalf of one or more branches of the United States military or the United States Department of Veterans Affairs.

(2) That the person or entity marketing the financial service or product is an affiliate of one or more branches of the United States military or the United States Department of Veterans Affairs.

(3) That the financial service or product is being offered on behalf of one or more branches of the United States military or the United States Department of Veterans Affairs.

(b) If a person who violates this section is licensed under any state licensing law, a violation of this section shall be deemed a violation of the laws under which that person is licensed.

(c) This section shall not apply to either of the following:

(1) Any bank as defined in Section ~~102~~ 103 of the Financial Code.

(2) Any credit union as defined in Section 14002 of the Financial Code.

(d) For purposes of this section:

(1) "Service member" means ~~any of the following:~~ a member of an active duty or reserve component of the Armed Forces of the United States or of the active militia, as defined by Section 120.

~~(A) An active duty member of the Armed Forces of the United States.~~

~~(B) An officer or enlisted member of the National Guard called or ordered into active state service by the Governor pursuant to Section 143 or 146, or into active~~

~~federal service by the President of the United States, pursuant to Title 10 or 32 of the United States Code, for a period of 30 days or more.~~

~~(C) A reservist of the United States Military Reserve who has been called to full-time active duty for a period of 30 days or more.~~

(2) "Former service member" means a veteran as defined by Section 980.

SEC. 25. Section 824 of the Military and Veterans Code is amended to read:

824. (a) An institution shall, upon request, grant an academic leave of absence for military service to any student who is a member of the active militia, as defined by Section 120, or a reserve component of the Armed Forces of the United States, as defined by Section 101 of Title 10 of the United States Code, who is ordered to active duty pursuant to state or federal law.

~~(b)~~

~~(b) If requested by a student granted an academic leave of absence for military service, not later than one year after the student's release from military service, other than a dishonorable release, the institution in which the student is enrolled shall do one of the following, as elected by the student:~~

~~(1) The institution shall make arrangements to reasonably accommodate and assist the student so that he or she is able to meet any and all coursework requirements that he or she may have missed due to military service.~~

~~(2) The institution shall refund the tuition and fees paid by the student for the academic term in which the student is required to report for military service regardless of whether the student was called to military service before the academic term had commenced or after the academic term had commenced. The refund shall equal 100 percent of the tuition and fee charges the student paid the institution for the applicable academic term.~~

~~(b)~~

~~(c) If requested by a student granted an academic leave of absence for military service, not later than one year after the student's release from military service, other than a dishonorable release, the institution shall restore the student to the educational status the student had attained prior to being called to military service without loss of academic credits earned, scholarships or grants awarded, or tuition and other fees paid prior to the commencement of military service.~~

~~(e)~~

~~(d) If an institution fails to comply with this section, the student may bring an action against the institution to enforce its provisions in any court of competent jurisdiction of the county in which the student resides. If the student resides outside of this state, the action shall be brought in the court of the county in which the campus of the institution previously attended by the student is located. The court may award reasonable attorney's fees and expenses if the student prevails in the action.~~

~~(d)~~

~~(e) The Legislature hereby requests that the University of California adopt policies similar to those set forth in this section.~~

~~(e)~~

~~(f) For purposes of this section, "institution" includes any public postsecondary educational institution and any private postsecondary educational institution, as defined in Section 94858 of the Education Code.~~

SEC. 26. Section 826 of the Military and Veterans Code is amended to read:

826. (a) On or after the effective date of the act adding this chapter, any service member who terminates a motor vehicle lease pursuant to the federal Servicemembers Civil Relief Act, or pursuant to Section 409, shall be allowed by the lessor to make payment of any arrearages and other obligations that are due and unpaid at the time of termination of the lease in equal installments over a period equal to at least the period of military service.

(b) Any person who files a notice of lien sale or notice of repossession with the Department of Motor Vehicles shall, as part of that filing, state under penalty of perjury that the lien sale or repossession was conducted in accordance with the requirements of this code, and with the requirements of the Servicemembers Civil Relief Act.

SEC. 27. Section 827 of the Military and Veterans Code is amended to read:

827. (a) A qualified customer may apply for and shall receive shutoff protection from a service provider for a period of 180 days. The service provider may grant extensions after the initial 180-day period.

(b) A qualified customer may apply for shutoff protection for utility service by notifying the service provider that he or she is in need of assistance because of a reduction in household income as the result of a member of a qualified household being called to active duty status in the military.

(c) Notification of the need for assistance shall be submitted in writing and accompanied by a copy of the activation or deployment order of a service member that specifies the duration of the active duty status. The written notification shall also include self-certification that the qualified household of the qualified customer will be occupied by the qualified customer's legal dependent or dependents during the duration of the shutoff protection period.

(d) A qualified customer receiving assistance under this section shall notify the service provider if the active duty status of the service member will be extended.

(e) If the qualified customer moves out of the residence that is receiving shutoff protection, he or she shall provide the service provider a written notice that includes the date of service termination and a forwarding address.

(f) Unless waived by the service provider, the shutoff protection provided under this section shall not void or limit the obligation of the qualified customer to pay for utility services received during the time of assistance.

(g) All service providers shall do the following:

(1) Establish a repayment plan requiring minimum monthly payments that allows the qualified customer to pay any past due amounts over a reasonable time period not to exceed one year after the service member's release from active military duty.

(2) Not charge late payment fees or interest to the qualified customer during the period of military service or the repayment period.

(h) This section shall not affect or amend any rules or orders of the Public Utilities Commission pertaining to billing standards.

(i) If terms and conditions under this section are not followed by the qualified customer, the service provider may follow its procedures and rules on customer standards and billing practices for providing electric, water, and gas residential services.

(j) For public utilities regulated by the Public Utilities Commission, the commission shall allow recovery of reasonable costs incurred to implement this section.

(k) For purposes of this section:

(1) "Service provider" means a provider of utility services, including, but not limited to, public utilities that are subject to the jurisdiction of the Public Utilities Commission, local publicly owned electric utilities, as defined by Section ~~9604~~ 224.3 of the Public Utilities Code, and public water, sewer, or solid waste collection services, or any combination thereof. "Service provider" does not include any corporation described in subdivision (a) of Section 234 of the Public Utilities Code.

(2) "Qualified customer" means the customer of record of a qualified household.

(3) A "qualified household" is a residential household for which the income is reduced because the customer of record, the spouse of the customer of record, or the registered domestic partner of the customer of record, as defined by Section 297.5 of the Family Code, is a service member called to full-time active military service ~~by the President of the United States or the Governor of this state during a time of declared national or state emergency or war.~~ under state or federal law.

SEC. 28. Section 830 is added to the Military and Veterans Code, to read:

830. (a) Any person who receives a good faith request from a service member for relief pursuant to this chapter and who believes the request is incomplete or otherwise not legally sufficient, or that the service member is not entitled to the relief requested, shall, within 30 days of the request, provide the service member with a written response acknowledging the request, setting forth the person's basis for believing or asserting that the request is incomplete or not legally sufficient, or that the service member is not entitled to the relief requested. The response shall clearly identify the specific information or materials that are missing from the request and that would be required to grant the relief requested, and provide contact information, including a mailing address and telephone number, which the service member can use to contact the person.

(b) If the person fails to make such a response in the timeframe set forth in this section, the person waives any objection to the request, and the service member shall be entitled to the relief requested.

SEC. 29. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

Amendment 4

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

AMENDMENTS TO ASSEMBLY BILL NO. 3228

Amendment 1

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

An act to add and repeal Section 17463.5 of the Education Code, relating to school facilities.

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 17463.5 is added to the Education Code, to read:
17463.5. (a) Notwithstanding Sections 17456, 17457, 17462, and 17463, or any other law, a school district that receives an emergency apportionment pursuant to Article 2 (commencing with Section 41320) of Chapter 3 of Part 24 of Division 3 of Title 2, and has an outstanding balance on its emergency apportionment loan, may sell or lease surplus real property, together with any personal property located on the real property, owned by the school district and use the proceeds from the sale or lease to service the debt on the emergency apportionment loan or to reduce or retire the emergency apportionment loan. The sale of real property pursuant to this subdivision is not subject to Section 17459 or 17464.

(b) Notwithstanding any other law, a school district that uses the proceeds from the sale or lease of surplus real property pursuant to subdivision (a) shall not be eligible for financial hardship assistance pursuant to Article 8 (commencing with Section 17075.10) of Chapter 12.5 of Part 10.

(c) This section shall become inoperative on July 1, 2023, and, as of January 1, 2024, is repealed.

Amendment 3

On page 1, strike out lines 1 to 11, inclusive, and strike out page 2

