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CHIEF ADMINISTRATIVE OFFICER
LIA LOPEZ

**Assembly
California Legislature
Committee on Rules**

**BLANCA PACHECO
CHAIR**

VICE CHAIR
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MEMBERS
CERVANTES, SABRINA
FLORA, HEATH
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LOW, EVAN
MAIENSCHN, BRIAN
TING, PHILIP Y.
WALDRON, MARIE

ARAMBULA, JOAQUIN (D-ALT)
DIXON, DIANE (R-ALT)

Monday, April 22, 2024
10 minutes prior to Session
State Capitol, Room 126

CONSENT AGENDA

BILL REFERRALS

1. Bill Referrals

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BILLS

2. AB-2323 (Pacheco)

Native American tribes: ethnohistory: report.

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RESOLUTIONS

3. ACR-133 (Ramos)

Missing and Murdered Indigenous People Awareness Month.

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4. ACR-173 (Bains)

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6. ACR-178 (Jackson)

Child Abuse Prevention Month. (refer/hear)

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7. ACR-180 (Weber)

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REQUESTS TO ADD URGENCY CLAUSE

9. AB 2841 (Waldron)

Controlled substances: Research Advisory Panel: meetings

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10. AB 3227 (Alvarez)

California Environmental Quality Act: exemption: stormwater facilities: routine maintenance

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PHILIP Y. TING
MARIE WALDRON
JOAQUIN ARAMBULA (D-ALT.)
DIANE B. DIXON (R-ALT.)

Memo

To: Rules Committee Members
From: Michael Erke, Bill Referral Consultant
Date: 4/19/2024
Re: Consent Bill Referrals

Since you received your preliminary list of bill referrals, there have been no changes.

REFERRAL OF BILLS TO COMMITTEE

04/22/2024

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

Assembly Bill No.	Committee:
<u>ACR 177</u>	RLS.
<u>ACR 178</u>	RLS.
<u>ACR 179</u>	RLS.
<u>ACR 180</u>	RLS.
<u>HR 94</u>	RLS.
<u>SCR 128</u>	RLS.
<u>SCR 129</u>	RLS.
<u>SCR 130</u>	RLS.

ASSEMBLY BILL

No. 2323

Introduced by Assembly Member Pacheco

February 12, 2024

An act to add Section 5097.941 to the Public Resources Code, relating to Native American tribes, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 2323, as introduced, Pacheco. Native American tribes: ethnohistory: report.

Existing law establishes the Native American Heritage Commission, consisting of 9 members appointed by the Governor subject to Senate confirmation. Existing law, among other things, authorizes the commission to bring an action to prevent severe and irreparable damage to, or assure appropriate access for Native Americans to, a Native American sanctified cemetery, place of worship, religious or ceremonial site, or sacred shrine located on public property.

This bill, no later than January 1, 2027, would require the commission to cause to be prepared a report on the ethnography and ethnohistory of Native American tribes in the Sacramento region, as provided. The bill would require the commission to collaborate with certain Native American tribes in the selection of an entity to prepare the report and in the preparation of the report, as specified, and would require the commission to submit copies of the report to specified entities. The bill would appropriate the sum of \$185,000 from the General Fund for this purpose.

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: no.

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

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

2 (a) Cultures where shared history is commonly transmitted via
3 oral tradition can be at risk of the loss of heritage as senior
4 representatives pass away or decline in numbers.

5 (b) In 1984, a report entitled “American Indians in the
6 Sacramento Area” was completed for the Sacramento Ethnic
7 Communities Survey, Sacramento Museum and History Division,
8 which encompassed a study of native groups originating from the
9 Sacramento area, as well as the 20th century influx of other Native
10 American ancestry from other regions up until the time the report
11 was completed.

12 (c) It is the intent of the Legislature to update and expand the
13 ethnography and ethnohistory of native groups within the
14 Sacramento area and California to carry forward and build upon
15 the 1984 work described in subdivision (b).

16 SEC. 2. Section 5097.941 is added to the Public Resources
17 Code, immediately following Section 5097.94, to read:

18 5097.941. (a) No later than January 1, 2027, the commission
19 shall cause to be prepared an updated report on the ethnography
20 and ethnohistory of Native American tribes in the Sacramento
21 region. The report shall survey events that have been critical to
22 Native American identity and cultural awareness in the Sacramento
23 region, including the following:

24 (1) Tribal perspectives and iterations of their own history,
25 including significant persons.

26 (2) Events that have resulted in federal and state recognitions
27 of tribal entities since 1984.

28 (3) The agency of tribal groups and people in survivance and
29 maintaining their cultural traditions.

30 (4) The enactment of laws and policies that emphasize Native
31 American stewardship and values and government-to-government
32 consultation since 1984.

33 (5) Tribal and Native American affiliations.

34 (6) Identification of sites, places, and landscapes of tribal
35 significance.

36 (b) The commission shall collaborate with Native American
37 tribes that are traditionally and culturally affiliated with the
38 geographic area, as described in Section 21080.3.1, of the

1 Sacramento region in the selection of an entity to prepare the report
2 described in subdivision (a) and in the process to review drafts
3 and approve the publication of the report.

4 (c) Notwithstanding any other law, the selection of the entity
5 to prepare, and preparation of, the report described in subdivision
6 (a) shall be exempt from Chapter 2 (commencing with Section
7 10290) of Part 2 of Division 2 of the Public Contract Code and
8 Chapter 6 (commencing with Section 14825) of Part 5.5 of Division
9 3 of the Government Code.

10 (d) (1) Upon completion of the report described in subdivision
11 (a), the commission shall submit copies of the report to each of
12 the following:

13 (A) The Legislature.

14 (B) The State Office of Historic Preservation.

15 (C) The Department of General Services.

16 (D) The California State Library.

17 (E) The tribes that consulted on the preparation of the report in
18 accordance with subdivision (b).

19 (2) The commission shall maintain a copy of the report described
20 in subdivision (a) in its records.

21 (3) (A) The requirement for submitting a report to the
22 Legislature pursuant to paragraph (1) is inoperative on January 1,
23 2029, pursuant to Section 10231.5 of the Government Code.

24 (B) A report to be submitted to the Legislature pursuant to
25 paragraph (1) shall be submitted in compliance with Section 9795
26 of the Government Code.

27 SEC. 3. The sum of one hundred eighty-five thousand dollars
28 (\$185,000) is hereby appropriated from the General Fund to the
29 Native American Heritage Commission to carry out its duties under
30 Section 5097.941 of the Public Resources Code.

O

Date of Hearing: April 22, 2024

ASSEMBLY COMMITTEE ON RULES
Blanca Pacheco, Chair
AB 2323 (Pacheco) – As Introduced February 12, 2024

SUBJECT: Native American tribes: ethnohistory: report

SUMMARY: Requires the Native American Heritage Commission to prepare an updated report on the ethnography and ethnohistory of Native American tribes in the Sacramento region and California. Specifically, **this bill:**

- 1) Requires the Native American Heritage Commission (“Commission”) to prepare an updated report on the ethnography and ethnohistory of Native American tribes in the Sacramento region no later than January 1, 2027.
- 2) Requires that the report survey events that have been critical to Native American identity and cultural awareness in the Sacramento region, including the following:
 - a) Tribal perspectives and iterations of their own history, including significant persons.
 - b) Events that have resulted in federal and state recognitions of tribal entities since 1984.
 - c) The agency of tribal groups and people in survivance and maintaining their cultural traditions.
 - d) The enactment of laws and policies that emphasize Native American stewardship and values and government-to-government consultation since 1984.
 - e) Tribal and Native American affiliations.
 - f) Identification of sites, places, and landscapes of tribal significance.
- 3) Requires the Commission to collaborate with Native American tribes that are traditionally and culturally affiliated with the geographic area of the Sacramento region in the selection of an entity to prepare the report, and in the process to review drafts and approve the publication of the report.
- 4) Requires the Commission to provide copies of the completed report to specified parties, including the Legislature, the State Office of Historic Preservation, the Department of General Services, and the tribes that consulted on the preparation of the report.
- 5) Appropriates the necessary funding to the Commission to complete the updated report.

EXISTING LAW:

- 1) Establishes the Commission consisting of nine members, at least five of whom shall be elders, traditional people, or spiritual leaders of Native American tribes.
- 2) Provides the Commission with various powers and duties, including the ability to bring an action to prevent severe and irreparable damage to, or assure appropriate access for Native

Americans to, a Native American sanctified cemetery, place of worship, religious or ceremonial site, or sacred shrine located on public property.

- 3) Authorizes the Commission to prepare an inventory of Native American sacred places that are located on public lands.
- 4) Provides that California Native American tribes traditionally and culturally affiliated with a geographic area may have expertise concerning their tribal cultural resources, and outlines a consultation process with Native American tribes affiliated with a geographic area when projects are being undertaken.
- 5) Requires a mural, designed in consultation with the Commission, honoring Native Americans in California in one of the main hearing rooms in the newly constructed State Capitol Building Annex or the restored, rehabilitated, renovated, or reconstructed State Capitol Building Annex.

FISCAL EFFECT: This bill is keyed fiscal by Legislative Counsel. The bill includes an appropriation of \$185,000 from the General Fund to the Native American Heritage Commission to prepare the report.

COMMENTS:

- 1) Purpose of the bill: In support of AB 2323, the author states:

The Sacramento region is home to numerous Native American tribes, whose identity, traditions, and cultural awareness have been shaped by their connection to the Sacramento area and historical events. Many of these Native American tribes consider the Capitol Grounds to be an important Tribal Cultural Resource known as the Landscape of Vesnak. This landscape has a central role in daily life, physical connection to the past, and is a site of ancestral remains.

Cultures in which shared history is transmitted by oral tradition may be at risk of losing fundamental heritage information as senior representatives pass away and decline in numbers. An updated report on the ethnography and ethnohistory of Native American tribes in the Sacramento region is required to identify the events crucial to Native American identity and cultural awareness in the Sacramento region.

- 2) Prior Legislation: AB 52 (Chapter 532, Statutes of 2014) provided that California Native American tribes traditionally and culturally affiliated with a geographic area may have expertise concerning their tribal cultural resources. AB 52 also outlined a consultation process with Native American tribes affiliated with a geographic area when projects are being undertaken.

AB 2667 (Chapter 283, Statutes of 2018) required that any construction, restoration, rehabilitation, renovation or reconstruction of the State Capitol Building Annex incorporate elements complementary to the historic State Capitol, integrate design elements that reflect the Capitol's rich heritage of symbolism, and incorporate symbolic treasures.

AB 338 (Chapter 280, Statutes of 2022) authorized the construction and maintenance of a monument to the California Native people of the Sacramento, California, region on the grounds of the State Capitol.

AB 1459 (Chapter 690, Statutes of 2023) required a mural honoring Native Americans in California in one of the main hearing rooms in the newly constructed State Capitol Building Annex or the restored, rehabilitated, renovated, or reconstructed State Capitol Building Annex. The mural is required to be designed in consultation with the Native American Heritage Commission.

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

Analysis Prepared by: Michael Erke / RLS. / (916) 319-2800

AMENDED IN ASSEMBLY APRIL 4, 2024

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

Assembly Concurrent Resolution

No. 133

Introduced by Assembly Member Ramos

January 24, 2024

Assembly Concurrent Resolution No. 133—Relative to Missing and Murdered Indigenous People Awareness Month.

LEGISLATIVE COUNSEL’S DIGEST

ACR 133, as amended, Ramos. Missing and Murdered Indigenous People Awareness Month.

This measure would designate the month of May 2024 as Missing and Murdered Indigenous People Awareness Month in ~~California~~. *California and urge the Governor to declare a state of emergency due to the crisis of missing and murdered indigenous people.*

Fiscal committee: no.

- 1 WHEREAS, In 2016, 5,712 missing and murdered indigenous
2 cases were reported to the National Crime Information Center;
3 and
4 WHEREAS, According to the federal Centers for Disease
5 Control and Prevention, homicide is the third leading cause of
6 death for indigenous women between ~~the ages of 15 and 24~~; *15*
7 *and 24 years of age*; and
8 WHEREAS, According to a study entitled “Violence Against
9 American Indian and Alaska Native Women and the Criminal
10 Justice Response: What is Known,” conducted on behalf of the
11 United States Department of Justice, in some tribal communities,

1 indigenous women face murder rates 10 times higher than the
2 national average. No such study exists for urban areas; and

3 WHEREAS, Little data exists on the epidemic of missing and
4 murdered indigenous people, and data that is available is
5 incomplete and inadequate; and

6 WHEREAS, The data that does exist on this issue focuses
7 primarily on indigenous women living on reservations, despite
8 approximately 75 percent of native people living in urban cities;
9 and

10 WHEREAS, According to the first report conducted by the
11 Urban Indian Health Institute in 2018 on missing and murdered
12 indigenous women in urban cities:

13 (1) In 27 percent of the missing and murdered indigenous
14 women cases, the victims were 18 years of age or younger.

15 (2) The average age for missing and murdered indigenous
16 women was 29.

17 (3) California has the sixth highest death rate of indigenous
18 women in urban cities; and

19 WHEREAS, According to the most recent census data,
20 California has the largest population of American Indians, more
21 than any other state in the country; and

22 WHEREAS, In 2022, Governor Newsom signed into law ~~AB~~
23 *Assembly Bill* 1314, the Feather Alert, which is a preventative
24 measure that will be utilized to ~~reunify~~ *return* missing and
25 endangered indigenous ~~person~~ *people* to their homes; and

26 WHEREAS, In 2023, Governor Newsom signed into law ~~AB~~
27 *Assembly Bill* 44 which requires the Department of Justice to grant
28 access to the California Law Enforcement Telecommunications
29 System to the law enforcement agency or tribal court of a qualified
30 federally recognized Indian tribe, thus facilitating the exchange
31 and dissemination of information between law enforcement
32 agencies in the state; now, therefore, be it

33 *Resolved by the Assembly of the State of California, the Senate*
34 *thereof concurring*, That the Legislature hereby designates the
35 month of May 2024 as California's Missing and Murdered
36 Indigenous People Awareness Month; and be it further

37 **RESOLVED**, *That the Legislature urges the Governor to declare*
38 *a state of emergency due to the crisis of missing and murdered*
39 *indigenous people as was done by the Yurok Tribe on December*
40 *17, 2021; and be it further*

- 1 *Resolved*, That the Chief Clerk of the Assembly transmit copies
- 2 of this resolution to the author for appropriate distribution.

O

Date of Hearing: April 22, 2024

ASSEMBLY COMMITTEE ON RULES
Blanca Pacheco, Chair
ACR 133 (Ramos) – As Amended April 4, 2024

SUBJECT: Missing and Murdered Indigenous People Awareness Month.

SUMMARY: Designates the month of May 2024 as California’s Missing and Murdered Indigenous People Awareness Month. Specifically, **this resolution** makes the following legislative findings:

- 1) In 2016, 5,712 missing and murdered indigenous cases were reported to the National Crime Information Center.
- 2) According to a study conducted on behalf of the United States Department of Justice, in some tribal communities, indigenous women face murder rates 10 times higher than the national average. No such study exists for urban areas.
- 3) Little data exists on the epidemic of missing and murdered indigenous people, and data that is available is incomplete and inadequate. The data that does exist on this issue focuses primarily on indigenous women living on reservations, despite approximately 75 percent of native people living in urban cities.
- 4) According to the first report conducted by the Urban Indian Health Institute in 2018 on missing and murdered indigenous women in urban cities, the victims were 18 years of age or younger in 27 percent of the cases; and, the average age for missing and murdered indigenous women was 29.
- 5) California has the sixth highest death rate of indigenous women in urban cities.
- 6) According to the most census data, California has the largest population of American Indians, more than any other state in the country.
- 7) In 2022, Governor Newsom signed into law Assembly Bill 1314, the Feather Alert, which is a preventative measure that will be utilized to return missing and endangered indigenous people to their homes.
- 8) In 2023, Governor Newsom signed into law Assembly Bill 44 which requires the Department of Justice to grant access to the California Law Enforcement Telecommunications System to the law enforcement agency or tribal court of a qualified federally recognized Indian tribe, thus facilitating the exchange and dissemination of information between law enforcement agencies in the state.

FISCAL EFFECT: None

REGISTERED SUPPORT / OPPOSITION:

Support

California Tribal Business Alliance

Opposition

None on file

Analysis Prepared by: Michael Erke / RLS. / (916) 319-2800



CALIFORNIA TRIBAL
BUSINESS ALLIANCE

April 16, 2024

The Honorable James Ramos
State Assemblymember
45th Assembly District
1021 O Street, Suite 8310
Sacramento, CA 95814

Dear Assemblymember Ramos:

The California Tribal Business Alliance strongly supports your Assembly Concurrent Resolution (ACR) 133, which will designate the month of May 2024 as Missing and Murdered Indigenous People (MMIP) Awareness Month in California. Furthermore, the Resolution urges the Governor to declare a state of emergency in response to the MMIP crisis in our state.

The statistics you present in ACR 133 paint a grim picture of the reality faced by indigenous communities across California. The staggering number of missing and murdered indigenous cases coupled with the alarming rates of homicide among indigenous people, underscores the urgent need for decisive action.

Despite recent legislative efforts such as Assembly Bill 1314 (Feather Alert) and Assembly Bill 44 (granting access to CLETS), and an appropriation of \$24M in the 2022 and 2023 Budget Acts (Grants to address MMIP), the crisis of MMIP persists, demanding a response that is commensurate with its severity. While these legislative efforts represent important steps forward in addressing the MMIP crisis, they alone are insufficient to confront the systemic challenges underlying the epidemic.

By designating May 2024 as Missing and Murdered Indigenous People Awareness Month, California has an opportunity to raise public awareness, mobilize resources, and advocate for meaningful policy changes to address this crisis comprehensively. Moreover, calling upon the Governor to declare a state of emergency in response to the crisis would signal the state's commitment to prioritizing the safety and well-being of indigenous peoples and may authorize executive powers to address the crisis.

Respectfully,

A handwritten signature in blue ink, appearing to read "Robert Smith", with a large, sweeping flourish at the end.

Robert Smith
Chairman

AMENDED IN ASSEMBLY APRIL 16, 2024

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

Assembly Concurrent Resolution

No. 173

Introduced by Assembly Member Bains

April 9, 2024

Assembly Concurrent Resolution No. 173—Relative to APOL1-Mediated Kidney Disease (AMKD) Awareness Day.

LEGISLATIVE COUNSEL’S DIGEST

ACR 173, as amended, Bains. APOL1-Mediated Kidney Disease (AMKD) Awareness Day.

This measure would encourage each individual in the United States to become better informed and aware of kidney disease and APOL1-mediated kidney disease (AMKD). The measure would encourage people from or with ancestry from Western and Central Africa to consider genetic testing for apolipoprotein L1 (APOL1) gene mutations. The measure would designate the ~~third~~ *last* Tuesday of every April as APOL1-Mediated Kidney Disease (AMKD) Awareness Day.

Fiscal committee: no.

- 1 WHEREAS, Kidney disease affects an estimated 37,000,000
- 2 Americans, and more than 550,000 are on dialysis; and
- 3 WHEREAS, Black people with kidney disease are more likely
- 4 to develop kidney failure than any other racial or ethnic group;
- 5 and
- 6 WHEREAS, The health disparities in kidney failure are
- 7 unsustainable, with Black people making up to 13 percent of the
- 8 United States population but accounting for 35 percent of those
- 9 with kidney failure; and

1 WHEREAS, Kidney failure places enormous physical,
2 emotional, and financial burdens on individuals and costs the
3 Medicare program over \$50 billion annually; and

4 WHEREAS, There are genetic factors that can increase an
5 individual's risk for kidney disease; and

6 WHEREAS, One such genetic factor is having variants
7 (mutations) in the apolipoprotein L1 (APOL1) gene; and

8 WHEREAS, People are more likely to have APOL1 gene
9 variants if they are from Western or Central Africa or have an
10 ancestor who came from these regions; and

11 WHEREAS, These variants can increase susceptibility for
12 APOL1-mediated kidney disease (AMKD), a rapidly progressive
13 form of kidney disease that can lead to kidney failure; and

14 WHEREAS, It is estimated that if a patient has variants in both
15 copies of the APOL1 gene, there is a one in five chance they will
16 go on to develop kidney disease, and an estimated 13 percent of
17 Black Americans have variants in both copies of the APOL1 gene;
18 and

19 WHEREAS, A person with AMKD may not have any symptoms
20 of kidney disease until their kidneys are close to failing; and

21 WHEREAS, Genetic testing can reveal an individual's risk for
22 AMKD, empowering them to take the steps necessary to protect
23 their kidney health before it is too late; and

24 WHEREAS, Individuals who are found to have APOL1 genetic
25 variants can reduce their risk for kidney failure by meeting with
26 their doctor regularly, eating a healthy diet, taking all medications
27 as prescribed, exercising for at least 30 minutes a day, and not
28 smoking or using tobacco; and

29 WHEREAS, Additional awareness and research of APOL1
30 genetic mutations are needed to improve understanding of the
31 kidney disease disparities in this population; and

32 WHEREAS, There are currently no FDA-approved treatments
33 available for AMKD but clinical trials could provide an opportunity
34 for researchers to develop and test safe treatments for AMKD; and

35 WHEREAS, The Governor's office can raise public awareness
36 of AMKD; now, therefore, be it

37 *Resolved by the Assembly of the State of California, the Senate*
38 *thereof concurring,* That the Legislature encourages each individual
39 in the United States to become better informed and aware of kidney
40 disease and AMKD; and be it further

1 *Resolved*, That the Legislature encourages people from or with
2 ancestry from Western and Central Africa to consider genetic
3 testing for APOL1 gene mutations; and be it further

4 *Resolved*, That henceforth the Legislature designates the ~~third~~
5 *last* Tuesday of every April as APOL1-Mediated Kidney Disease
6 (AMKD) Awareness Day; and be it further

7 *Resolved*, That the Chief Clerk of the Assembly transmit copies
8 of this resolution to the author for appropriate distribution.

O

Date of Hearing: April 22, 2024

ASSEMBLY COMMITTEE ON RULES
Blanca Pacheco, Chair
ACR 173 (Bains) – As Amended April 16, 2024

SUBJECT: APOL1-Mediated Kidney Disease (AMKD) Awareness Day.

SUMMARY: Designates the last Tuesday of every April as APOL1-Mediated Kidney Disease (AMKD) Awareness Day, and encourages each individual in the United States to become better informed and aware of kidney disease and AMKD. Specifically, **this resolution** makes the following legislative findings:

- 1) Kidney disease affects an estimated 37 million Americans, and more than 550,000 are on dialysis. Black people with kidney disease are more likely to develop kidney failure than any other racial or ethnic group.
- 2) The health disparities in kidney failure are unsustainable, with Black people making up to 13 percent of the United States population but accounting for 35 percent of those with kidney failure.
- 3) Kidney failure places enormous physical, emotional, and financial burdens on individuals and costs the Medicare program over \$50 billion annually.
- 4) There are genetic factors that can increase an individual's risk for kidney disease. One such genetic factor is having variants (mutations) in the apolipoprotein L1 (APOL1) gene. People are more likely to have APOL1 gene variants if they are from Western or Central Africa or have an ancestor who came from these regions.
- 5) It is estimated that if a patient has variants in both copies of the APOL1 gene, there is a one in five chance they will go on to develop kidney disease, and an estimated 13 percent of Black Americans have variants in both copies of the APOL1 gene.
- 6) Genetic testing can reveal an individual's risk for AMKD, empowering them to take the steps necessary to protect their kidney health before it is too late. Individuals who are found to have APOL1 genetic variants can reduce their risk for kidney failure by meeting with their doctor regularly, eating a healthy diet, taking all medications as prescribed, exercising for at least 30 minutes a day, and not smoking or using tobacco.
- 7) Additional awareness and research of APOL1 genetic mutations are needed to improve understanding of the kidney disease disparities in this population. There are currently no FDA-approved treatments available for AMKD but clinical trials could provide an opportunity for researchers to develop and test safe treatments for AMKD.

FISCAL EFFECT: None

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

Analysis Prepared by: Michael Erke / RLS. / (916) 319-2800

AMENDED IN ASSEMBLY APRIL 17, 2024

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

Assembly Concurrent Resolution

No. 176

**Introduced by Assembly Members Gabriel, Addis, Bauer-Kahan,
Berman, Friedman, Haney, Irwin, Lowenthal, Pellerin,
Blanca Rubio, Ward, and Zbur**

(Principal coauthors: Senators Allen, Becker, Glazer, Newman, Rubio,
Stern, and Wiener)

April 10, 2024

Assembly Concurrent Resolution No. 176—Relative to California
Holocaust Memorial Day.

LEGISLATIVE COUNSEL’S DIGEST

ACR 176, as amended, Gabriel. California Holocaust Memorial Day.

This measure would proclaim May 6, 2024, as California Holocaust
Memorial Day and would urge all Californians to observe this day of
remembrance for the victims of the Holocaust in an appropriate manner.

Fiscal committee: no.

1 WHEREAS, The Holocaust was a tragedy of proportions the
2 world had never before witnessed; and

3 WHEREAS, More than 70 years have passed since the tragic
4 events that we now refer to as the Holocaust transpired, in which
5 the dictatorship of Nazi Germany murdered six million Jews as
6 part of a systematic program of genocide known as “The Final
7 Solution to the Jewish Question”; and

8 WHEREAS, Jews were the primary victims of the Holocaust,
9 but they were not alone. Millions of other people were murdered
10 in Nazi concentration camps as part of a carefully orchestrated,

98

1 state-sponsored program of cultural, social, and political
2 annihilation under the Nazi regime; and

3 WHEREAS, We must recognize the heroism of those who
4 resisted the Nazis and provided assistance to the victims of the
5 Nazi regime, including the many American soldiers who liberated
6 concentration camps and provided comfort to those suffering; and

7 WHEREAS, We must teach our children, and future generations,
8 that the individual and communal acts of heroism during the
9 Holocaust serve as a powerful example of how our nation and its
10 citizens can, and must, respond to acts of hatred and inhumanity;
11 and

12 WHEREAS, We must always remind ourselves of the horrible
13 events of the Holocaust and remain vigilant against antisemitism,
14 racism, hatred, persecution, and tyranny of all forms lest these
15 atrocities be repeated; and

16 WHEREAS, In recent years, public displays of antisemitism
17 and antisemitic violence have increased dramatically in California
18 and around the world, and since the October 7, ~~2024~~, 2023, Hamas
19 attack on Israel, and the resulting war, there has been a staggering
20 proliferation of hate targeting the Jewish community and Jewish
21 community institutions; and

22 WHEREAS, We, the people of California, should actively
23 rededicate ourselves to the principles of equality, human rights,
24 individual freedom, and equal protection under the laws of a just
25 and democratic society; and

26 WHEREAS, Each person in California should set aside moments
27 of their time every year to give remembrance to those who lost
28 their lives in the Holocaust; and

29 WHEREAS, The United States Holocaust Memorial Council
30 recognizes the Days of Remembrance of the Victims of the
31 Holocaust, including Holocaust Remembrance Day, known as
32 ~~Yom Hashoah~~; *HaShoah*; now, therefore, be it

33 *Resolved by the Assembly of the State of California, the Senate*
34 *thereof concurring*, That the Legislature proclaims May 6, 2024,
35 as “California Holocaust Memorial Day” and that Californians are
36 urged to observe this day of remembrance for victims of the
37 Holocaust in an appropriate manner; and be it further

- 1 *Resolved*, That the Chief Clerk of the Assembly transmit
- 2 sufficient copies of this resolution to the author for appropriate
- 3 distribution.

O

Date of Hearing: April 22, 2024

ASSEMBLY COMMITTEE ON RULES
Blanca Pacheco, Chair
ACR 176 (Gabriel) – As Amended April 17, 2024

SUBJECT: California Holocaust Memorial Day.

SUMMARY: Proclaims May 6, 2024, as “California Holocaust Memorial Day,” and urges Californians to observe this day of remembrance for victims of the Holocaust in an appropriate manner. Specifically, **this resolution** makes the following legislative findings:

- 1) More than 70 years have passed since the tragic events that we now refer to as the Holocaust transpired, in which six million Jews and millions of other people were murdered as part of a carefully orchestrated, state-sponsored program of cultural, social, and political annihilation under the Nazi regime.
- 2) We must recognize the heroism of those who resisted the Nazis and provided assistance to the victims of the Nazi regime, including the many American soldiers who liberated concentration camps and provided comfort to those suffering.
- 3) We must teach our children, and future generations, that the individual and communal acts of heroism during the Holocaust serve as a powerful example of how our nation and its citizens can, and must, respond to acts of hatred and inhumanity.
- 4) In recent years, public displays of antisemitism and antisemitic violence have increased dramatically in California and around the world, and since the October 7, 2023, Hamas attack on Israel, and the resulting war, there has been a staggering proliferation of hate targeting the Jewish community and Jewish community institutions.
- 5) The people of California should actively rededicate ourselves to the principles of equality, human rights, individual freedom, and equal protection under the laws of a just and democratic society. Each person in California should set aside moments of their time every year to give remembrance to those who lost their lives in the Holocaust.
- 6) The United States Holocaust Memorial Council recognizes the Days of Remembrance of the Victims of the Holocaust, including Holocaust Remembrance Day, known as Yom HaShoah.

FISCAL EFFECT: None

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

Analysis Prepared by: Michael Erke / RLS. / (916) 319-2800

Assembly Concurrent Resolution

No. 178

Introduced by Assembly Member Jackson

April 17, 2024

Assembly Concurrent Resolution No. 178—Relative to Child Abuse Prevention Month.

LEGISLATIVE COUNSEL’S DIGEST

ACR 178, as introduced, Jackson. Child Abuse Prevention Month.

This measure would acknowledge the month of April 2024 as Child Abuse Prevention Month in California.

Fiscal committee: no.

1 WHEREAS, Preventing child abuse and neglect means
2 strengthening families so that their children can thrive; and

3 WHEREAS, Child abuse and neglect continue to pose serious
4 threats to our nation’s children; and

5 WHEREAS, In 2022, according to the United States Department
6 of Health and Human Services, 50,869 children in California were
7 found to be victims of abuse or neglect; and

8 WHEREAS, In 2022, according to the United States Department
9 of Health and Human Services, 164 children in California died as
10 a result of child abuse and neglect; and

11 WHEREAS, Children who have been abused or neglected have
12 a higher risk of developing various health problems as adults,
13 including alcoholism, depression, drug abuse, eating disorders,
14 obesity, suicide, and certain chronic diseases; and

15 WHEREAS, California’s children deserve to grow up in a safe
16 and nurturing environment free from fear, abuse, and neglect; and

1 WHEREAS, Statewide, child abuse and neglect cases
2 disproportionately involve children of color; and

3 WHEREAS, Effective programs succeed because of partnerships
4 among human service agencies, community-based organizations,
5 schools, faith-based organizations, law enforcement, and the
6 business community; and

7 WHEREAS, Family Resource Centers continue to play a key
8 role in preventing child abuse and neglect in their communities by
9 being a community-based, family-focused, and culturally sensitive
10 collaborative organization that provides programs and services
11 based on the needs of the families; and

12 WHEREAS, Child abuse and neglect have long-term economic
13 and societal costs; and

14 WHEREAS, Maltreated children are 77 percent more likely to
15 require special education than nonmaltreated children; and

16 WHEREAS, Maltreated children are 59 percent more likely to
17 be arrested as juveniles than their nonmaltreated peers; and

18 WHEREAS, Long-term health care costs for adult survivors of
19 childhood physical and sexual abuse were 21 percent higher than
20 for nonvictims; and

21 WHEREAS, Adolescent survivors of child maltreatment were
22 twice as likely to be unemployed as adults than their nonmaltreated
23 peers and are more likely to receive public assistance; and

24 WHEREAS, By one well-respected prevalence estimate, 11.5
25 percent of all children experience child maltreatment in any given
26 year, which implies that the total economic burden in California
27 could be as high as \$284 billion; and

28 WHEREAS, Providing community-based prevention services
29 to families whose children may be at risk of child abuse or neglect
30 is less costly than addressing the emotional and physical damage
31 that can result from child abuse and neglect; and

32 WHEREAS, Providing community-based prevention services
33 to those families can help avoid the costs of protective services,
34 law enforcement, the judicial system, foster care, and the treatment
35 of adults recovering from abuse as children; and

36 WHEREAS, Victims of child abuse, whether the abuse is
37 physical, sexual, or emotional, or any combination of these, should
38 have access to a safe place to live, appropriate medical care, and
39 counseling or mental health services; and

1 WHEREAS, In recent years, Prevent Child Abuse America, the
2 Child Abuse Prevention Center, the California Family Resource
3 Association, and other groups have organized campaigns to
4 increase public awareness of child abuse and to promote ways to
5 prevent child abuse; and

6 WHEREAS, Each year, the President of the United States issues
7 a proclamation announcing April as National Child Abuse
8 Prevention Month; and

9 WHEREAS, Pinwheels are displayed to increase the awareness
10 of child abuse and to focus on the positive message of preventing
11 child abuse and neglect by supporting families and strengthening
12 communities during Child Abuse Prevention Month; now,
13 therefore, be it

14 *Resolved by the Assembly of the State of California, the Senate*
15 *thereof concurring*, That the Legislature does hereby acknowledge
16 the month of April 2024 as Child Abuse Prevention Month and
17 encourages the people of the State of California to work together
18 to support youth-serving child-abuse prevention activities in their
19 communities and schools during that month and throughout the
20 year; and be it further

21 *Resolved*, That the Chief Clerk of the Assembly transmit copies
22 of this resolution to the author for appropriate distribution.

O

Date of Hearing: April 22, 2024

ASSEMBLY COMMITTEE ON RULES
Blanca Pacheco, Chair
ACR 178 (Jackson) – As Introduced April 17, 2024

SUBJECT: Child Abuse Prevention Month.

SUMMARY: Acknowledges the month of April 2024 as Child Abuse Prevention Month, and encourages Californians to work together to support youth-serving child abuse prevention activities in their communities and schools. Specifically, **this resolution** makes the following legislative findings:

- 1) Preventing child abuse and neglect means strengthening families so that their children can thrive. Yet, child abuse and neglect continue to pose serious threats to our nation's children.
- 2) Children who have been abused or neglected have a higher risk of developing various health problems as adults, including alcoholism, depression, drug abuse, eating disorders, obesity, suicide, and certain chronic diseases.
- 3) In 2022, according to the United States Department of Health and Human Services, 50,869 children in California were found to be victims of child abuse or neglect, and 164 children in California died as a result of child abuse or neglect. Statewide, child abuse and neglect cases disproportionately involve children of color.
- 4) California's children deserve to grow up in a safe and nurturing environment free from fear, abuse, and neglect.
- 5) Family Resource Centers continue to play a key role in preventing child abuse and neglect in their communities by being community-based, family-focused, and culturally sensitive collaborative organizations that provide programs and services based on the needs of families.
- 6) Providing community-based prevention services to families whose children may be at risk of child abuse or neglect is less costly than addressing the emotional and physical damage that can result from child abuse and neglect. Providing these prevention services to those families can help avoid the costs of protective services, law enforcement, the judicial system, foster care, and the treatment of adults recovering from abuse as children.
- 7) Pinwheels are displayed to increase the awareness of child abuse and to focus on the positive message of preventing child abuse and neglect by supporting families and strengthening communities during Child Abuse Prevention Month.

FISCAL EFFECT: None

REGISTERED SUPPORT / OPPOSITION:

Support

California Family Resource Association (CFRA)
Child Abuse Prevention Center (CAP Center)

Opposition

None on file

Analysis Prepared by: Michael Erke / RLS. / (916) 319-2800



California Family
Resource Association
Strong Families. Strong Communities.

April 19, 2024

The Honorable Blanca Pacheco
Chair
Assembly Rules Committee
1021 O Street, Suite 6240
Sacramento, CA 95814

RE: ACR 178 (Jackson) – SUPPORT

On behalf of the Child Abuse Prevention Center (CAP Center) and California Family Resource Association (CFRA), we are pleased to support ACR 178 (Jackson) that proclaims April 2024 as Child Abuse Prevention Month in California.

Child abuse is a serious problem that can have lasting and harmful effects on victims. It is estimated that one in four children experience abuse or neglect in the United States affecting not only the victim but also their family, the community, and society at large. According to research by San Francisco-based Safe & Sound, 11.5% of all children experience child maltreatment in any given year that imposes a total economic burden on California as high as \$284 Billion.

California's children deserve to grow up in a safe and nurturing environment free from fear, abuse, and neglect. Effective programs in California are successful as a result of key partnerships among human service agencies, community-based organizations, schools, faith-based organizations, and more. Family resource centers, in particular, play a key role in preventing child abuse in neglect in communities across the state by being community-based, family-focused, culturally sensitive, and ethnically and linguistically representative of the communities they serve in order to provide programs and services based on the needs of children and families to address the stressors that can often lead to child abuse and neglect

Ultimately, providing community-based prevention services to families whose children may be at risk of child abuse or neglect is less costly than addressing the emotional and physical damage that can result from child abuse and neglect. Now more than ever, children and families need our support as they grapple with high costs of living, homelessness, mental health challenges, and much more. Preventing child abuse and neglect means strengthening families so that their children can thrive.

In this regard, we applaud the author's thoughtful and intense focus on supporting children and families in California and appreciate efforts to celebrate the resilience of children and families while highlighting prevention efforts that are key to reducing child abuse and neglect in our state.

If you have any questions regarding our position, please contact the CAP Center's legislative advocate Dawn Koepke with McHugh Koepke Padron at (916) 606-5309 or dkoopke@mchughqr.com.

Sincerely,

Janay Eustace, President/CEO
The Child Abuse Prevention Center
California Family Resource Association

Cc: The Honorable Corey Jackson, Author

Assembly Concurrent Resolution

No. 180

Introduced by Assembly Member Weber

April 18, 2024

Assembly Concurrent Resolution No. 180—Relative to health care coverage.

LEGISLATIVE COUNSEL’S DIGEST

ACR 180, as introduced, Weber. Health for All Week.

This measure would proclaim the week of April 18, 2024, to April 24, 2024, inclusive, as 2024 Health for All Week. The measure would recognize the important role of community health centers and our entire health care system in increasing enrollment in Medi-Cal coverage for all eligible Californians.

Fiscal committee: no.

- 1 WHEREAS, No Californian should endure suffering and pain
2 due to a lack of access to health care services; and
3 WHEREAS, Expanding access and increasing enrollment in
4 comprehensive health care coverage benefits the health and welfare
5 of all Californians; and
6 WHEREAS, Discrimination against people based on national
7 origin or immigration status has no place in our health care system;
8 and
9 WHEREAS, Community members and health care advocates
10 worked for more than a decade to secure access to health care for
11 all Californians regardless of their place of birth or immigration
12 status through full-scope Medi-Cal coverage; and

1 WHEREAS, The Legislature passed the first Health for All
2 legislation in 2015 with the passage of Senate Bill 75 and Senate
3 Bill 4 of the 2015–16 Regular Session to cover all children; and
4 WHEREAS, Over the past decade, the Legislature and Governor
5 have eliminated barriers for undocumented Californians to access
6 full-scope Medi-Cal, ensuring that all Californians now have access
7 to health coverage and care; and
8 WHEREAS, California has achieved the lowest uninsured rate
9 ever, according to the California Health Care Foundation, yet
10 Asian, Black, and Latino Californians are two to three times more
11 likely to be uninsured; and
12 WHEREAS, Education and outreach are needed to increase
13 awareness of the availability of Health for All and make health
14 care a reality for all; now, therefore, be it
15 *Resolved by the Assembly of the State of California, the Senate*
16 *thereof concurring*, That the Legislature proclaims the week of
17 April 18, 2024, to April 24, 2024, inclusive, as 2024 Health for
18 All Week; and be it further
19 *Resolved*, That the Legislature recognizes the important role of
20 community health centers and our entire health care system in
21 increasing enrollment in Medi-Cal coverage for all eligible
22 Californians.

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Date of Hearing: April 22, 2024

ASSEMBLY COMMITTEE ON RULES
Blanca Pacheco, Chair
ACR 180 (Weber) – As Introduced April 18, 2024

SUBJECT: Health for All Week.

SUMMARY: Proclaims the week of April 18, 2024, to April 24, 2024, inclusive, as 2024 Health for All Week. Specifically, **this resolution** makes the following legislative findings:

- 1) No Californian should endure suffering and pain due to a lack of access to health care services. Expanding access and increasing enrollment in comprehensive health care coverage benefits the health and welfare of all Californians.
- 2) Community members and health care advocates worked for more than a decade to secure access to health care for all Californians regardless of their place of birth or immigration status through full-scope Medi-Cal coverage.
- 3) Discrimination against people based on national origin or immigration status has no place in our health care system.
- 4) The Legislature passed the first Health for All legislation in 2015 with the passage of Senate Bill 75 and Senate Bill 4 of the 2015–16 Regular Session to cover all children.
- 5) Over the past decade, the Legislature and Governor have eliminated barriers for undocumented Californians to access full-scope Medi-Cal, ensuring that all Californians now have access to health coverage and care.
- 6) California has achieved the lowest uninsured rate ever, according to the California Health Care Foundation, yet Asian, Black, and Latino Californians are two to three times more likely to be uninsured.
- 7) Education and outreach are needed to increase awareness of the availability of Health for All and make health care a reality for all.

FISCAL EFFECT: None

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

Analysis Prepared by: Michael Erke / RLS. / (916) 319-2800

House Resolution

No. 90

Introduced by Assembly Member Juan Carrillo

April 8, 2024

House Resolution No. 90—Relative to Donate Life Month.

1 WHEREAS, The Legislature has established an official state
2 organ and tissue donor registry that has become the largest in the
3 world, with over 19,000,000 people signed up to save and heal the
4 lives of others after death although there is work to be done with
5 our growing population of over 40,000,000; and

6 WHEREAS, California has the greatest need for transplantation
7 in the nation, with almost 20,000 residents waiting for a second
8 chance at life; and

9 WHEREAS, One thousand nine hundred ninety-one Californians
10 became organ donors in 2023 and over 5,200 life-saving transplants
11 were performed in our state that year. Tragically, more than 1,000
12 people died while waiting due to the shortage of available organs;
13 and

14 WHEREAS, Donate Life California’s vision is that one day all
15 Californians will embrace organ, eye, and tissue donation as their
16 personal responsibility; now, therefore, be it

17 *Resolved by the Assembly of the State of California,* That in
18 recognition of the month of April as National Donate Life Month,
19 the Legislature proclaims the month of April 2024 as Donate Life
20 Month in the State of California; and be it further

21 *Resolved,* That in doing so, the Legislature encourages all
22 Californians to register with the Donate Life California Organ and
23 Tissue Donor Registry by checking “YES!” for organ and tissue
24 donation when applying for or renewing a driver’s license or

1 identification card, or by signing up at
2 www.donateLIFeCalifornia.org or www.doneVIDAcalifornia.org;
3 and be it further

4 *Resolved*, That the Legislature underscores its renewed efforts
5 to save more lives through donor registration and calls on all
6 Members of the Legislature to consider how to share information
7 about the cause and about actions to help their constituents in need;
8 and be it further

9 *Resolved*, That the Chief Clerk of the Assembly transmit copies
10 of this resolution to the author for appropriate distribution.

O

Date of Hearing: April 22, 2024

ASSEMBLY COMMITTEE ON RULES
Blanca Pacheco, Chair
HR 90 (Juan Carrillo) – As Introduced April 8, 2024

SUBJECT: Donate Life Month.

SUMMARY: Proclaims the month of April 2024 as Donate Life Month in the State of California, and encourages all Californians to register with the Donate Life California Organ and Tissue Donor Registry. Specifically, **this resolution** makes the following legislative findings:

- 1) The Legislature has established an official state organ and tissue donor registry that has become the largest in the world, with over 19 million people signed up to save and heal the lives of others after death although there is work to be done with our growing population of over 40 million.
- 2) California has the greatest need for transplantation in the nation, with almost 20,000 residents waiting for a second chance at life.
- 3) 1,991 Californians became organ donors in 2023 and over 5,200 life-saving transplants were performed in our state that year. Tragically, more than 1,000 people died while waiting due to the shortage of available organs.
- 4) Donate Life California’s vision is that one day all Californians will embrace organ, eye, and tissue donation as their personal responsibility.
- 5) All Californians are encouraged to register with the Donate Life California Organ and Tissue Donor Registry by checking “YES!” for organ and tissue donation when applying for or renewing a driver’s license or identification card.

FISCAL EFFECT: None

REGISTERED SUPPORT / OPPOSITION:

Support

Donate Life California (DLC)

Opposition

None on file

Analysis Prepared by: Michael Erke / RLS. / (916) 319-2800



April 17, 2024
The Honorable Blanca Pacheco
Chair, Assembly Rules Committee
1021 O St. Ste 6240
Sacramento, CA 95814

RE: HR 90 (Carrillo) Relative to Donate Life Month. – SPONSOR/SUPPORT

Dear Assemblymember Pacheco:

Donate Life California (DLC) is pleased to support HR 90, relative to Donate Life California Month, which would proclaim the month of April 2024 as Donate Life Month in California and encourage all Californians to register with the Donate Life California Organ and Tissue Donor Registry.

The Donate Life California Registry Organ and Tissue Donor Registry is a private, nonprofit, state-authorized organ and tissue donor registry dedicated to saving the lives of thousands of Californians awaiting life-saving transplants and administered by California's four nonprofit, federally designated organ procurement organizations.

Currently more than 100,000 people are on the national organ transplant waiting list, with 20% of those candidates in California. Since 2005, Californians have had the power to enroll with the Donate Life California Registry to ensure their wish to be an organ donor is honored.

Donate Life California's continued partnership with the Department Motor of Vehicles (DMV) has been crucial to saving lives in California –98% of all donor registrations in California have occurred as a direct result of the DLC/DMV Registry collaboration and the convenience that allows individuals to register as a donor while they apply for a driver's license or I.D. card at the DMV.

Beginning on January 1, 2025, Californians will also have the opportunity to add their name to the Registry through the resident income tax return, when the Franchise Tax Board adds a checkbox to allow a taxpayer to provide written consent to enroll the taxpayer in the organization's organ and tissue donor registry.

However, with over 20,000 Californians waiting on the donor list for a second chance at life, there is still much work to be done. For these reasons, Donate Life California respectfully requests your support of this resolution.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jim Martin".

Jim Martin, CEO
Donate Life California

STATE CAPITOL
P.O. BOX 942849
SACRAMENTO, CA 94249-0075
(916) 319-2075
FAX (916) 319-2175



DISTRICT OFFICE
9820 WILLOW CREEK ROAD, SUITE 240
SAN DIEGO, CA 92131
(858) 566-7538

April 19, 2024

Assemblymember Blanca Pacheco, Chair
Assembly Rules Committee
1021 O Street, Suite 6250
Sacramento, CA 95814

RE: Urgency Clause for AB 2841

Dear Chair Pacheco:

I am writing to request permission to add an urgency clause to my recently amended bill AB 2841.

An urgency clause is needed in order to ensure that the Research Advisory Panel of California (RAPC) is able to conduct its review and approval of research studies that have been on hold. Under this bill, the RAPC is able to hold closed sessions to protect the privacy of subjects, and maintain the confidentiality of proprietary data, trade secrets, and potential intellectual property. All other meetings will be open and made publicly available.

If you have any questions or concerns please do not hesitate to contact my Legislative Director, Belle Castro at 916-319-2075 or belle.castro@asm.ca.gov.

Sincerely,

A handwritten signature in cursive script that reads "Marie Waldron".

Marie Waldron
Assemblymember, District 75

AMENDED IN ASSEMBLY APRIL 18, 2024

AMENDED IN ASSEMBLY APRIL 4, 2024

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 2841

Introduced by Assembly Member Waldron

February 15, 2024

An act to amend Section ~~4125~~ of the Welfare and Institutions Code, relating to mental health; ~~11126~~ of the Government Code, relating to open meetings.

LEGISLATIVE COUNSEL'S DIGEST

AB 2841, as amended, Waldron. ~~State hospitals for persons with mental health disorders; patient funds. Controlled substances: Research Advisory Panel: meetings.~~

Existing law creates a Research Advisory Panel, as specified, to conduct hearings on, and in other ways study, research projects concerning cannabis or hallucinogenic drugs in this state and the treatment of abuse of controlled substances.

Existing law, the Bagley-Keene Open Meeting Act, requires, with specified exceptions, that all meetings of a state body be open and public and all persons be permitted to attend. Existing law authorizes certain state bodies to hold closed session meetings for certain purposes, including allowing the Department of Resources Recycling and Recovery or its auxiliary committees to hold closed sessions for the purpose of discussing trade secrets or confidential or proprietary information.

This bill would authorize the Research Advisory Panel to hold closed sessions for the purpose of discussing, reviewing, and approving research projects that require the sharing of trade secrets, potential

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intellectual property, or proprietary information in its possession, the public disclosure of which is prohibited by law.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

~~Existing law sets forth various functions and duties for the State Department of State Hospitals with respect to the administration of state institutions for the care and treatment of persons with mental health disorders. Existing law authorizes the Director of State Hospitals to deposit funds of patients in trust, as specified. Existing law also authorizes the hospital administrator, with the consent of the patient, to deposit the interest or increment on the funds of the patient in the state hospital in a special fund for each state hospital, designated the "Benefit Fund," and requires the hospital administrator to be the trustee of the fund.~~

~~Existing law authorizes the hospital administrator, with the approval of the Director of State Hospitals, to expend moneys in the fund for the education or entertainment of the patients of the institution. Existing law requires that the hospital administrator take into consideration the recommendations of representatives of patient government and recommendations submitted by patient groups before expending any moneys in the fund.~~

~~This bill would additionally authorize the funds to be expended for the welfare of the patients of the institution. The bill would require the hospital administrator of a state hospital to notify patients, patient governments, and patient groups, in writing, about any newly authorized expenditure options for the benefit fund, when applicable.~~

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

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

- 1 SECTION 1. Section 11126 of the Government Code is
- 2 amended to read:
- 3 11126. (a) (1) Nothing in this article shall be construed to
- 4 prevent a state body from holding closed sessions during a regular
- 5 or special meeting to consider the appointment, employment,

1 evaluation of performance, or dismissal of a public employee or
2 to hear complaints or charges brought against that employee by
3 another person or employee unless the employee requests a public
4 hearing.

5 (2) As a condition to holding a closed session on the complaints
6 or charges to consider disciplinary action or to consider dismissal,
7 the employee shall be given written notice of their right to have a
8 public hearing, rather than a closed session, and that notice shall
9 be delivered to the employee personally or by mail at least 24 hours
10 before the time for holding a regular or special meeting. If notice
11 is not given, any disciplinary or other action taken against any
12 employee at the closed session shall be null and void.

13 (3) The state body also may exclude from any public or closed
14 session, during the examination of a witness, any or all other
15 witnesses in the matter being investigated by the state body.

16 (4) Following the public hearing or closed session, the body
17 may deliberate on the decision to be reached in a closed session.

18 (b) For the purposes of this section, “employee” does not include
19 any person who is elected to, or appointed to a public office by,
20 any state body. However, officers of the California State University
21 who receive compensation for their services, other than per diem
22 and ordinary and necessary expenses, shall, when engaged in that
23 capacity, be considered employees. Furthermore, for purposes of
24 this section, the term employee includes a person exempt from
25 civil service pursuant to subdivision (e) of Section 4 of Article VII
26 of the California Constitution.

27 (c) Nothing in this article shall be construed to do any of the
28 following:

29 (1) Prevent state bodies that administer the licensing of persons
30 engaging in businesses or professions from holding closed sessions
31 to prepare, approve, grade, or administer examinations.

32 (2) Prevent an advisory body of a state body that administers
33 the licensing of persons engaged in businesses or professions from
34 conducting a closed session to discuss matters that the advisory
35 body has found would constitute an unwarranted invasion of the
36 privacy of an individual licensee or applicant if discussed in an
37 open meeting, provided the advisory body does not include a
38 quorum of the members of the state body it advises. Those matters
39 may include review of an applicant’s qualifications for licensure
40 and an inquiry specifically related to the state body’s enforcement

1 program concerning an individual licensee or applicant where the
2 inquiry occurs prior to the filing of a civil, criminal, or
3 administrative disciplinary action against the licensee or applicant
4 by the state body.

5 (3) Prohibit a state body from holding a closed session to
6 deliberate on a decision to be reached in a proceeding required to
7 be conducted pursuant to Chapter 5 (commencing with Section
8 11500) or similar provisions of law.

9 (4) Grant a right to enter any correctional institution or the
10 grounds of a correctional institution where that right is not
11 otherwise granted by law, nor shall anything in this article be
12 construed to prevent a state body from holding a closed session
13 when considering and acting upon the determination of a term,
14 parole, or release of any individual or other disposition of an
15 individual case, or if public disclosure of the subjects under
16 discussion or consideration is expressly prohibited by statute.

17 (5) Prevent any closed session to consider the conferring of
18 honorary degrees, or gifts, donations, and bequests that the donor
19 or proposed donor has requested in writing to be kept confidential.

20 (6) Prevent the Alcoholic Beverage Control Appeals Board or
21 the Cannabis Control Appeals Panel from holding a closed session
22 for the purpose of holding a deliberative conference as provided
23 in Section 11125.

24 (7) (A) Prevent a state body from holding closed sessions with
25 its negotiator prior to the purchase, sale, exchange, or lease of real
26 property by or for the state body to give instructions to its
27 negotiator regarding the price and terms of payment for the
28 purchase, sale, exchange, or lease.

29 (B) However, prior to the closed session, the state body shall
30 hold an open and public session in which it identifies the real
31 property or real properties that the negotiations may concern and
32 the person or persons with whom its negotiator may negotiate.

33 (C) For purposes of this paragraph, the negotiator may be a
34 member of the state body.

35 (D) For purposes of this paragraph, “lease” includes renewal or
36 renegotiation of a lease.

37 (E) Nothing in this paragraph shall preclude a state body from
38 holding a closed session for discussions regarding eminent domain
39 proceedings pursuant to subdivision (e).

1 (8) Prevent the California Postsecondary Education Commission
2 from holding closed sessions to consider matters pertaining to the
3 appointment or termination of the Director of the California
4 Postsecondary Education Commission.

5 (9) Prevent the Council for Private Postsecondary and
6 Vocational Education from holding closed sessions to consider
7 matters pertaining to the appointment or termination of the
8 Executive Director of the Council for Private Postsecondary and
9 Vocational Education.

10 (10) Prevent the Franchise Tax Board from holding closed
11 sessions for the purpose of discussion of confidential tax returns
12 or information the public disclosure of which is prohibited by law,
13 or from considering matters pertaining to the appointment or
14 removal of the Executive Officer of the Franchise Tax Board.

15 (11) Require the Franchise Tax Board to notice or disclose any
16 confidential tax information considered in closed sessions, or
17 documents executed in connection therewith, the public disclosure
18 of which is prohibited pursuant to Article 2 (commencing with
19 Section 19542) of Chapter 7 of Part 10.2 of Division 2 of the
20 Revenue and Taxation Code.

21 (12) Prevent the ~~Corrections Standards Authority~~ *Board of State*
22 *and Community Corrections* from holding closed sessions when
23 considering reports of crime conditions under Section 6027 of the
24 Penal Code.

25 (13) Prevent the State Air Resources Board from holding closed
26 sessions when considering the proprietary specifications and
27 performance data of manufacturers.

28 (14) Prevent the State Board of Education or the Superintendent
29 of Public Instruction, or any committee advising the board or the
30 Superintendent, from holding closed sessions on those portions of
31 its review of assessment instruments pursuant to Chapter 5
32 (commencing with Section 60600) of Part 33 of Division 4 of Title
33 2 of the Education Code during which actual test content is
34 reviewed and discussed. The purpose of this provision is to
35 maintain the confidentiality of the assessments under review.

36 (15) Prevent the Department of Resources Recycling and
37 Recovery or its auxiliary committees from holding closed sessions
38 for the purpose of discussing confidential tax returns, discussing
39 trade secrets or confidential or proprietary information in its

1 possession, or discussing other data, the public disclosure of which
2 is prohibited by law.

3 (16) Prevent a state body that invests retirement, pension, or
4 endowment funds from holding closed sessions when considering
5 investment decisions. For purposes of consideration of shareholder
6 voting on corporate stocks held by the state body, closed sessions
7 for the purposes of voting may be held only with respect to election
8 of corporate directors, election of independent auditors, and other
9 financial issues that could have a material effect on the net income
10 of the corporation. For the purpose of real property investment
11 decisions that may be considered in a closed session pursuant to
12 this paragraph, a state body shall also be exempt from the
13 provisions of paragraph (7) relating to the identification of real
14 properties prior to the closed session.

15 (17) Prevent a state body, or boards, commissions,
16 administrative officers, or other representatives that may properly
17 be designated by law or by a state body, from holding closed
18 sessions with its representatives in discharging its responsibilities
19 under Chapter 10 (commencing with Section 3500), Chapter 10.3
20 (commencing with Section 3512), Chapter 10.5 (commencing with
21 Section 3525), or Chapter 10.7 (commencing with Section 3540)
22 of Division 4 of Title 1 as the sessions relate to salaries, salary
23 schedules, or compensation paid in the form of fringe benefits.
24 For the purposes enumerated in the preceding sentence, a state
25 body may also meet with a state conciliator who has intervened
26 in the proceedings.

27 (18) (A) Prevent a state body from holding closed sessions to
28 consider matters posing a threat or potential threat of criminal or
29 terrorist activity against the personnel, property, buildings,
30 facilities, or equipment, including electronic data, owned, leased,
31 or controlled by the state body, where disclosure of these
32 considerations could compromise or impede the safety or security
33 of the personnel, property, buildings, facilities, or equipment,
34 including electronic data, owned, leased, or controlled by the state
35 body.

36 (B) Notwithstanding any other law, a state body, at any regular
37 or special meeting, may meet in a closed session pursuant to
38 subparagraph (A) upon a two-thirds vote of the members present
39 at the meeting.

1 (C) After meeting in closed session pursuant to subparagraph
2 (A), the state body shall reconvene in open session prior to
3 adjournment and report that a closed session was held pursuant to
4 subparagraph (A), the general nature of the matters considered,
5 and whether any action was taken in closed session.

6 (D) After meeting in closed session pursuant to subparagraph
7 (A), the state body shall submit to the Legislative Analyst written
8 notification stating that it held this closed session, the general
9 reason or reasons for the closed session, the general nature of the
10 matters considered, and whether any action was taken in closed
11 session. The Legislative Analyst shall retain for no less than four
12 years any written notification received from a state body pursuant
13 to this subparagraph.

14 (19) Prevent the California Sex Offender Management Board
15 from holding a closed session for the purpose of discussing matters
16 pertaining to the application of a sex offender treatment provider
17 for certification pursuant to Sections 290.09 and 9003 of the Penal
18 Code. Those matters may include review of an applicant's
19 qualifications for certification.

20 (20) *Prevent the Research Advisory Panel established in*
21 *Sections 11480 and 11481 of the Health and Safety Code from*
22 *holding closed sessions for the purpose of discussing, reviewing,*
23 *and approving research projects that require the sharing of trade*
24 *secrets, potential intellectual property, or proprietary information*
25 *in its possession, the public disclosure of which is prohibited by*
26 *law.*

27 (d) (1) Notwithstanding any other law, any meeting of the
28 Public Utilities Commission at which the rates of entities under
29 the commission's jurisdiction are changed shall be open and public.

30 (2) Nothing in this article shall be construed to prevent the
31 Public Utilities Commission from holding closed sessions to
32 deliberate on the institution of proceedings, or disciplinary actions
33 against any person or entity under the jurisdiction of the
34 commission.

35 (e) (1) Nothing in this article shall be construed to prevent a
36 state body, based on the advice of its legal counsel, from holding
37 a closed session to confer with, or receive advice from, its legal
38 counsel regarding pending litigation when discussion in open
39 session concerning those matters would prejudice the position of
40 the state body in the litigation.

1 (2) For purposes of this article, all expressions of the
2 lawyer-client privilege other than those provided in this subdivision
3 are hereby abrogated. This subdivision is the exclusive expression
4 of the lawyer-client privilege for purposes of conducting closed
5 session meetings pursuant to this article. For purposes of this
6 subdivision, litigation shall be considered pending when any of
7 the following circumstances exist:

8 (A) An adjudicatory proceeding before a court, an administrative
9 body exercising its adjudicatory authority, a hearing officer, or an
10 arbitrator, to which the state body is a party, has been initiated
11 formally.

12 (B) (i) A point has been reached where, in the opinion of the
13 state body on the advice of its legal counsel, based on existing
14 facts and circumstances, there is a significant exposure to litigation
15 against the state body.

16 (ii) Based on existing facts and circumstances, the state body
17 is meeting only to decide whether a closed session is authorized
18 pursuant to clause (i).

19 (C) Based on existing facts and circumstances, the state body
20 has decided to initiate or is deciding whether to initiate litigation.

21 (3) The legal counsel of the state body shall prepare and submit
22 to it a memorandum stating the specific reasons and legal authority
23 for the closed session. If the closed session is pursuant to
24 subparagraph (A) of paragraph (2), the memorandum shall include
25 the title of the litigation. If the closed session is pursuant to
26 subparagraph (B) or (C) of paragraph (2), the memorandum shall
27 include the existing facts and circumstances on which it is based.
28 The legal counsel shall submit the memorandum to the state body
29 prior to the closed session, if feasible, and in any case no later than
30 one week after the closed session. The memorandum shall be
31 exempt from disclosure pursuant to Section 7927.205.

32 (4) For purposes of this subdivision, “litigation” includes any
33 adjudicatory proceeding, including eminent domain, before a court,
34 administrative body exercising its adjudicatory authority, hearing
35 officer, or arbitrator.

36 (5) Disclosure of a memorandum required under this subdivision
37 shall not be deemed as a waiver of the lawyer-client privilege, as
38 provided for under Article 3 (commencing with Section 950) of
39 Chapter 4 of Division 8 of the Evidence Code.

1 (f) In addition to subdivisions (a), (b), and (c), nothing in this
2 article shall be construed to do any of the following:

3 (1) Prevent a state body operating under a joint powers
4 agreement for insurance pooling from holding a closed session to
5 discuss a claim for the payment of tort liability or public liability
6 losses incurred by the state body or any member agency under the
7 joint powers agreement.

8 (2) Prevent the examining committee established by the State
9 Board of Forestry and Fire Protection, pursuant to Section 763 of
10 the Public Resources Code, from conducting a closed session to
11 consider disciplinary action against an individual professional
12 forester prior to the filing of an accusation against the forester
13 pursuant to Section 11503.

14 (3) Prevent the enforcement advisory committee established by
15 the California Board of Accountancy pursuant to Section 5020 of
16 the Business and Professions Code from conducting a closed
17 session to consider disciplinary action against an individual
18 accountant prior to the filing of an accusation against the
19 accountant pursuant to Section 11503. Nothing in this article shall
20 be construed to prevent the qualifications examining committee
21 established by the California Board of Accountancy pursuant to
22 Section 5023 of the Business and Professions Code from
23 conducting a closed hearing to interview an individual applicant
24 or accountant regarding the applicant's qualifications.

25 (4) Prevent a state body, as defined in subdivision (b) of Section
26 11121, from conducting a closed session to consider any matter
27 that properly could be considered in closed session by the state
28 body whose authority it exercises.

29 (5) Prevent a state body, as defined in subdivision (d) of Section
30 11121, from conducting a closed session to consider any matter
31 that properly could be considered in a closed session by the body
32 defined as a state body pursuant to subdivision (a) or (b) of Section
33 11121.

34 (6) Prevent a state body, as defined in subdivision (c) of Section
35 11121, from conducting a closed session to consider any matter
36 that properly could be considered in a closed session by the state
37 body it advises.

38 (7) Prevent the State Board of Equalization from holding closed
39 sessions for either of the following:

1 (A) When considering matters pertaining to the appointment or
2 removal of the Executive Secretary of the State Board of
3 Equalization.

4 (B) For the purpose of hearing confidential taxpayer appeals or
5 data, the public disclosure of which is prohibited by law.

6 (8) Require the State Board of Equalization to disclose any
7 action taken in closed session or documents executed in connection
8 with that action, the public disclosure of which is prohibited by
9 law pursuant to Sections 15619 and 15641 of this code and Sections
10 833, 7056, 8255, 9255, 11655, 30455, 32455, 38705, 38706, 43651,
11 45982, 46751, 50159, 55381, and 60609 of the Revenue and
12 Taxation Code.

13 (9) Prevent the California Earthquake Prediction Evaluation
14 Council, or other body appointed to advise the Director of
15 Emergency Services or the Governor concerning matters relating
16 to volcanic or earthquake predictions, from holding closed sessions
17 when considering the evaluation of possible predictions.

18 (g) This article does not prevent either of the following:

19 (1) The Teachers’ Retirement Board or the Board of
20 Administration of the Public Employees’ Retirement System from
21 holding closed sessions when considering matters pertaining to
22 the recruitment, appointment, employment, or removal of the chief
23 executive officer or when considering matters pertaining to the
24 recruitment or removal of the Chief Investment Officer of the State
25 Teachers’ Retirement System or the Public Employees’ Retirement
26 System.

27 (2) The Commission on Teacher Credentialing from holding
28 closed sessions when considering matters relating to the
29 recruitment, appointment, or removal of its executive director.

30 (h) This article does not prevent the Board of Administration
31 of the Public Employees’ Retirement System from holding closed
32 sessions when considering matters relating to the development of
33 rates and competitive strategy for plans offered pursuant to Chapter
34 15 (commencing with Section 21660) of Part 3 of Division 5 of
35 Title 2.

36 (i) This article does not prevent the Managed Risk Medical
37 Insurance Board from holding closed sessions when considering
38 matters related to the development of rates and contracting strategy
39 for entities contracting or seeking to contract with the board,
40 entities with which the board is considering a contract, or entities

1 with which the board is considering or enters into any other
2 arrangement under which the board provides, receives, or arranges
3 services or reimbursement, pursuant to Part 6.2 (commencing with
4 Section 12693), former Part 6.3 (commencing with Section 12695),
5 former Part 6.4 (commencing with Section 12699.50), former Part
6 6.5 (commencing with Section 12700), *former* Part 6.6
7 (commencing with Section 12739.5), or *former* Part 6.7
8 (commencing with Section 12739.70) of Division 2 of the
9 Insurance Code.

10 (j) Nothing in this article shall be construed to prevent the board
11 of the State Compensation Insurance Fund from holding closed
12 sessions in the following:

13 (1) When considering matters related to claims pursuant to
14 Chapter 1 (commencing with Section 3200) of *Part 1* of Division
15 4 of the Labor Code, to the extent that confidential medical
16 information or other individually identifiable information would
17 be disclosed.

18 (2) To the extent that matters related to audits and investigations
19 that have not been completed would be disclosed.

20 (3) To the extent that an internal audit containing proprietary
21 information would be disclosed.

22 (4) To the extent that the session would address the development
23 of rates, contracting strategy, underwriting, or competitive strategy,
24 pursuant to the powers granted to the board in Chapter 4
25 (commencing with Section 11770) of Part 3 of Division 2 of the
26 Insurance Code, when discussion in open session concerning those
27 matters would prejudice the position of the State Compensation
28 Insurance Fund.

29 (k) The State Compensation Insurance Fund shall comply with
30 the procedures specified in Section 11125.4 of the Government
31 Code with respect to any closed session or meeting authorized by
32 subdivision (j), and in addition shall provide an opportunity for a
33 member of the public to be heard on the issue of the
34 appropriateness of closing the meeting or session.

35 *SEC. 2. The Legislature finds and declares that Section 1 of*
36 *this act, which amends Section 11126 of the Government Code,*
37 *imposes a limitation on the public's right of access to the meetings*
38 *of public bodies or the writings of public officials and agencies*
39 *within the meaning of Section 3 of Article I of the California*
40 *Constitution. Pursuant to that constitutional provision, the*

1 *Legislature makes the following findings to demonstrate the interest*
2 *protected by this limitation and the need for protecting that*
3 *interest:*

4 *In order to allow the Research Advisory Panel to conduct its*
5 *review and approval of research studies in a quick manner, protect*
6 *the privacy of subjects, and maintain the confidentiality of*
7 *proprietary data, trade secrets, potential intellectual property, or*
8 *other information, the public disclosure of which is prohibited by*
9 *state or federal laws, or both, and regulations, it is necessary to*
10 *provide the advisory panel with this limited exemption from the*
11 *Bagley-Keene Open Meeting Act.*

12 ~~SECTION 1. Section 4125 of the Welfare and Institutions Code~~
13 ~~is amended to read:~~

14 ~~4125. (a) The director may deposit any funds of any patient~~
15 ~~in the possession of each hospital administrator of a state hospital~~
16 ~~in trust with the treasurer pursuant to Section 16305.3 of the~~
17 ~~Government Code or, subject to the approval of the Department~~
18 ~~of Finance, may deposit these funds in an interest-bearing bank~~
19 ~~account or invest and reinvest these funds in any security described~~
20 ~~in Article 1 (commencing with Section 16430) of Chapter 3 of~~
21 ~~Part 2 of Division 4 of Title 2 of the Government Code, and for~~
22 ~~the purposes of deposit or investment only may mingle the funds~~
23 ~~of any patient with the funds of any other patient. The hospital~~
24 ~~administrator with the consent of the patient may deposit the~~
25 ~~interest or increment on the funds of a patient in the state hospital~~
26 ~~in a special fund for each state hospital, to be designated the~~
27 ~~“Benefit Fund,” of which the hospital administrator shall be the~~
28 ~~trustee. They may, with the approval of the director, after taking~~
29 ~~into consideration the recommendations of representatives of~~
30 ~~patient government and recommendations submitted by patient~~
31 ~~groups, expend the moneys in this fund for the education, welfare,~~
32 ~~or entertainment of the patients of the institution.~~

33 ~~(b) On and after December 1, 1970:~~

34 ~~(1) The funds of a patient in a state hospital or a patient on leave~~
35 ~~of absence from a state hospital shall not be deposited in~~
36 ~~interest-bearing bank accounts or invested and reinvested pursuant~~
37 ~~to this section except when authorized by the patient.~~

38 ~~(2) Any interest or increment accruing on the funds of a patient~~
39 ~~on leave of absence from a state hospital shall be deposited in their~~
40 ~~account.~~

1 ~~(3) Any interest or increment accruing on the funds of a patient~~
2 ~~in a state hospital shall be deposited in their account, unless the~~
3 ~~patient authorizes their deposit in the state hospital's benefit fund.~~

4 ~~(c) Any state hospital charges for patient care against the funds~~
5 ~~of a patient in the possession of a hospital administrator or~~
6 ~~deposited pursuant to this section and used to pay for that care~~
7 ~~shall be stated in an itemized bill to the patient.~~

8 ~~(d) The hospital administrator of a state hospital shall notify~~
9 ~~patients, patient governments, and patient groups about any newly~~
10 ~~authorized expenditure options for the benefit fund, when~~
11 ~~applicable, as described in subdivision (a) or under any other~~
12 ~~relevant provision of existing law. The notification shall be in~~
13 ~~writing and may be delivered in person or through regular mail,~~
14 ~~electronic means, or any other delivery method.~~

15 ~~(e) No later than August 15 of each year, the director shall~~
16 ~~provide to the Legislature a summary data sheet containing~~
17 ~~information on how the benefit fund at each state hospital was~~
18 ~~expended in the previous fiscal year.~~

O

STATE CAPITOL
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Assembly
California Legislature



DAVID A. ALVAREZ
ASSEMBLYMEMBER, EIGHTIETH DISTRICT

COMMITTEES
CHAIR: BUDGET SUBCOMMITTEE NO. 3 ON
EDUCATION FINANCE
BUDGET
EDUCATION
INSURANCE
MILITARY AND VETERANS AFFAIRS
WATER, PARKS, AND WILDLIFE

April 16, 2024

Assemblymember Blanca Pacheco, Chair
Assembly Rules Committee
1021 O Street, Suite 6250
Sacramento, California 95814

Dear Assemblymember Pacheco,

I am writing to respectfully request permission from the Assembly Rules Committee to add an urgency clause to Assembly Bill 3227, California Environmental Quality Act: exemption: stormwater facilities: routine maintenance.

AB 3227 provides public agencies with specific exemptions to the California Environmental Quality Act for routine maintenance of stormwater facilities that are fully concrete or have conveyance capacity of less than a 100-year storm event if certain conditions are met.

The City of San Diego (sponsor) has requested the urgency due to the immediate need to complete maintenance of storm water channels to prevent catastrophic flooding like the events that occurred in January 2024.

If you have any questions about this request, please contact my office at (916) 498-8580. Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink that reads "David Alvarez".

DAVID ALVAREZ
Assemblymember, 80th District

AMENDED IN ASSEMBLY APRIL 15, 2024

AMENDED IN ASSEMBLY APRIL 1, 2024

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 3227

Introduced by Assembly Member Alvarez

February 16, 2024

An act to ~~amend Section 1603 of the Fish and Game Code, and to amend Sections 21080 and 21151~~ *add and repeal Section 21080.61* of the Public Resources Code, relating to environmental quality.

LEGISLATIVE COUNSEL'S DIGEST

AB 3227, as amended, Alvarez. California Environmental Quality Act: exemption: stormwater facilities: ~~mitigation~~. *routine maintenance*.

The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. ~~Existing law exempts from the requirements of CEQA specific actions necessary to prevent or mitigate an emergency.~~

~~This bill would specify that this exemption includes~~ *would, if certain conditions are met, exempt from the provisions of CEQA the routine maintenance of stormwater facilities that are fully concrete or that have*

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a conveyance capacity of less than a 100-year storm event. *The bill would, if the lead agency determines that a project is not subject to CEQA pursuant to these provisions and determines to approve or carry out the project, require the lead agency to file a notice with the State Clearinghouse in the Office of Planning and Research and with the county clerk in the county in which the project will be located, as provided, thereby imposing a state-mandated local program.* Because a lead agency would be required to determine whether a project qualifies for this exemption, the bill would impose a state-mandated local program.

CEQA provides that if a nonelected decisionmaking body of a local lead agency certifies an environmental impact report, approves a negative declaration or mitigated negative declaration, or determines that a project is not subject to CEQA, that the certification, approval, or determination may be appealed to the agency's elected decisionmaking body.

~~This bill would prohibit the appeal of determinations by a nonelected decisionmaking body of a local lead agency that certain emergency repairs to public service facilities and specified actions necessary to prevent or mitigate an emergency nonelected decisionmaking bodies of cities with a population of at least 1,000,000 that those routine maintenance projects of certain stormwater facilities are exempt from CEQA from being appealed to the agency's elected decisionmaking body.~~

~~Existing law prohibits an entity from substantially diverting or obstructing the natural flow of, or substantially changing or using any material from the bed, channel, or bank of, any river, stream, or lake, or from depositing or disposing of certain material where it may pass into any river, stream, or lake, unless prescribed requirements are met, including written notification to the Department of Fish and Wildlife regarding the proposed activity. Existing law requires the department to determine whether the activity may substantially adversely affect an existing fish and wildlife resource and, if so, to provide a draft lake or streambed alteration agreement to the entity, and prescribes the procedures for entering into a final agreement. Existing law requires the draft agreement to describe the fish and wildlife resources that the department has determined the activity may substantially adversely affect and to include measures to protect those resources.~~

~~This bill would provide that any measures to protect fish and wildlife resources pursuant to those provisions shall supersede, and not be in~~

addition to, any measures previously approved by the entity, including those measures in an environmental impact report.

This bill would repeal these provisions on January 1, 2030.

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

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

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

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

1 ~~SECTION 1. Section 1603 of the Fish and Game Code is~~
2 ~~amended to read:~~
3 ~~1603. (a) After the notification is complete, the department~~
4 ~~shall determine whether the activity may substantially adversely~~
5 ~~affect an existing fish and wildlife resource. If the department~~
6 ~~determines that the activity may have that effect, the department~~
7 ~~shall provide a draft agreement to the entity within 60 days after~~
8 ~~the notification is complete. The draft agreement shall describe~~
9 ~~the fish and wildlife resources that the department has determined~~
10 ~~the activity may substantially adversely affect and include measures~~
11 ~~to protect those resources. The department's description of the~~
12 ~~affected resources shall be specific and detailed, and the department~~
13 ~~shall make available, upon request, the information upon which~~
14 ~~its determination of substantial adverse effect is based. Within 30~~
15 ~~days of the date of receipt of the draft agreement, the entity shall~~
16 ~~notify the department whether the measures to protect fish and~~
17 ~~wildlife resources in that draft agreement are acceptable. If the~~
18 ~~department's measures are not acceptable, the entity shall so notify~~
19 ~~the department in writing and specify the measures that are not~~
20 ~~acceptable. Upon written request, the department shall meet with~~
21 ~~the entity within 14 days of the date the department receives the~~
22 ~~request for the purpose of resolving any disagreement regarding~~
23 ~~those measures. If the entity fails to respond, in writing, within 90~~
24 ~~days of receiving the draft agreement, the department may~~
25 ~~withdraw that agreement, and require the entity to resubmit a~~
26 ~~notification to the department before commencing the activity.~~

1 ~~(b) If mutual agreement is not reached at any meeting held~~
2 ~~pursuant to subdivision (a), the entity may request, in writing, the~~
3 ~~appointment of a panel of arbitrators to resolve the disagreement.~~
4 ~~A panel of arbitrators shall be appointed within 14 days of receipt~~
5 ~~of the written request. The panel of arbitrators shall be comprised~~
6 ~~of three persons, as follows: one representative selected by the~~
7 ~~department; one representative selected by the affected entity; and~~
8 ~~a third person mutually agreed upon by the department and the~~
9 ~~entity, who shall serve as the panel chair. If the department and~~
10 ~~the entity cannot agree on the third person within that 14-day~~
11 ~~period, the third person shall be appointed in the manner provided~~
12 ~~by Section 1281.6 of the Code of Civil Procedure. The third person~~
13 ~~shall have scientific expertise relevant to the fish and wildlife~~
14 ~~resources that may be substantially adversely affected by the~~
15 ~~activity proposed by the entity and to the measures proposed by~~
16 ~~the department to protect those resources. The authority of the~~
17 ~~panel of arbitrators is limited to resolving disagreements regarding~~
18 ~~the measures specified in subdivision (a), and subdivisions (b) and~~
19 ~~(g) of Section 1605, and, in the case of an extension, whether or~~
20 ~~not the agreement needs to be modified to protect fish and wildlife~~
21 ~~resources. Any decision by the panel of arbitrators shall be issued~~
22 ~~within 14 days from the date the panel was established, shall be~~
23 ~~binding on the department and the affected entity, shall be based~~
24 ~~on the best scientific information reasonably available at the time~~
25 ~~of the arbitration, and, except for a decision to extend an agreement~~
26 ~~without modification, shall be made in the form of a final~~
27 ~~agreement. The final agreement issued by the panel shall also~~
28 ~~include, without modification, all measures that were not subject~~
29 ~~to arbitration. Each party shall pay the expenses of their selected~~
30 ~~representative and pay one-half the expenses of the third person.~~

31 ~~(c) Any measures to protect fish and wildlife resources pursuant~~
32 ~~to this section shall supersede, and not be in addition to, any~~
33 ~~measures previously approved by the entity, including those~~
34 ~~measures in an environmental impact report.~~

35 ~~SEC. 2.—Section 21080 of the Public Resources Code is~~
36 ~~amended to read:~~

37 ~~21080.—(a) Except as otherwise provided in this division, this~~
38 ~~division shall apply to discretionary projects proposed to be carried~~
39 ~~out or approved by public agencies, including, but not limited to,~~
40 ~~the enactment and amendment of zoning ordinances, the issuance~~

1 of zoning variances, the issuance of conditional use permits, and
2 the approval of tentative subdivision maps unless the project is
3 exempt from this division.

4 ~~(b) This division does not apply to any of the following~~
5 ~~activities:~~

6 ~~(1) Ministerial projects proposed to be carried out or approved~~
7 ~~by public agencies.~~

8 ~~(2) Emergency repairs to public service facilities necessary to~~
9 ~~maintain service.~~

10 ~~(3) Projects undertaken, carried out, or approved by a public~~
11 ~~agency to maintain, repair, restore, demolish, or replace property~~
12 ~~or facilities damaged or destroyed as a result of a disaster in a~~
13 ~~disaster-stricken area in which a state of emergency has been~~
14 ~~proclaimed by the Governor pursuant to Chapter 7 (commencing~~
15 ~~with Section 8550) of Division 1 of Title 2 of the Government~~
16 ~~Code.~~

17 ~~(4) Specific actions necessary to prevent or mitigate an~~
18 ~~emergency, including routine maintenance of stormwater facilities~~
19 ~~that are fully concrete or that have a conveyance capacity of less~~
20 ~~than a 100-year storm event.~~

21 ~~(5) Projects that a public agency rejects or disapproves.~~

22 ~~(6) Actions undertaken by a public agency relating to any~~
23 ~~thermal powerplant site or facility, including the expenditure,~~
24 ~~obligation, or encumbrance of funds by a public agency for~~
25 ~~planning, engineering, or design purposes, or for the conditional~~
26 ~~sale or purchase of equipment, fuel, water (except groundwater),~~
27 ~~steam, or power for a thermal powerplant, if the powerplant site~~
28 ~~and related facility will be the subject of an environmental impact~~
29 ~~report, negative declaration, or other document, prepared pursuant~~
30 ~~to a regulatory program certified pursuant to Section 21080.5, that~~
31 ~~will be prepared by the State Energy Resources Conservation and~~
32 ~~Development Commission, by the Public Utilities Commission,~~
33 ~~or by the city or county in which the powerplant and related facility~~
34 ~~would be located if the environmental impact report, negative~~
35 ~~declaration, or document includes the environmental impact, if~~
36 ~~any, of the action described in this paragraph.~~

37 ~~(7) Activities or approvals necessary to the bidding for, hosting~~
38 ~~or staging of, and funding or carrying out of, an Olympic games~~
39 ~~under the authority of the International Olympic Committee, except~~
40 ~~for the construction of facilities necessary for the Olympic games.~~

1 ~~(8) The establishment, modification, structuring, restructuring,~~
2 ~~or approval of rates, tolls, fares, or other charges by public agencies~~
3 ~~that the public agency finds are for the purpose of (A) meeting~~
4 ~~operating expenses, including employee wage rates and fringe~~
5 ~~benefits, (B) purchasing or leasing supplies, equipment, or~~
6 ~~materials, (C) meeting financial reserve needs and requirements,~~
7 ~~(D) obtaining funds for capital projects necessary to maintain~~
8 ~~service within existing service areas, or (E) obtaining funds~~
9 ~~necessary to maintain those intracity transfers as are authorized~~
10 ~~by city charter. The public agency shall incorporate written findings~~
11 ~~in the record of any proceeding in which an exemption under this~~
12 ~~paragraph is claimed setting forth with specificity the basis for the~~
13 ~~claim of exemption.~~

14 ~~(9) All classes of projects designated pursuant to Section 21084.~~

15 ~~(10) A project for the institution or increase of passenger or~~
16 ~~commuter services on rail or highway rights-of-way already in~~
17 ~~use, including modernization of existing stations and parking~~
18 ~~facilities. For purposes of this paragraph, "highway" shall have~~
19 ~~the same meaning as defined in Section 360 of the Vehicle Code.~~

20 ~~(11) A project for the institution or increase of passenger or~~
21 ~~commuter service on high-occupancy vehicle lanes already in use,~~
22 ~~including the modernization of existing stations and parking~~
23 ~~facilities.~~

24 ~~(12) Facility extensions not to exceed four miles in length that~~
25 ~~are required for the transfer of passengers from or to exclusive~~
26 ~~public mass transit guideway or busway public transit services.~~

27 ~~(13) A project for the development of a regional transportation~~
28 ~~improvement program, the state transportation improvement~~
29 ~~program, or a congestion management program prepared pursuant~~
30 ~~to Section 65089 of the Government Code.~~

31 ~~(14) A project or portion of a project located in another state~~
32 ~~that will be subject to environmental impact review pursuant to~~
33 ~~the National Environmental Policy Act of 1969 (42 U.S.C. Sec.~~
34 ~~4321 et seq.) or similar state laws of that state. Any emissions or~~
35 ~~discharges that would have a significant effect on the environment~~
36 ~~in this state are subject to this division.~~

37 ~~(15) A project undertaken by a local agency to implement a rule~~
38 ~~or regulation imposed by a state agency, board, or commission~~
39 ~~under a certified regulatory program pursuant to Section 21080.5.~~
40 ~~Any site-specific effect of the project that was not analyzed as a~~

1 significant effect on the environment in the plan or other written
2 documentation required by Section 21080.5 is subject to this
3 division.

4 (c) If a lead agency determines that a proposed project, not
5 otherwise exempt from this division, would not have a significant
6 effect on the environment, the lead agency shall adopt a negative
7 declaration to that effect. The negative declaration shall be prepared
8 for the proposed project in either of the following circumstances:

9 (1) There is no substantial evidence, in light of the whole record
10 before the lead agency, that the project may have a significant
11 effect on the environment.

12 (2) An initial study identifies potentially significant effects on
13 the environment, but (A) revisions in the project plans or proposals
14 made by, or agreed to by, the applicant before the proposed
15 negative declaration and initial study are released for public review
16 would avoid the effects or mitigate the effects to a point where
17 clearly no significant effect on the environment would occur, and
18 (B) there is no substantial evidence, in light of the whole record
19 before the lead agency, that the project, as revised, may have a
20 significant effect on the environment.

21 (d) If there is substantial evidence, in light of the whole record
22 before the lead agency, that the project may have a significant
23 effect on the environment, an environmental impact report shall
24 be prepared.

25 (e) (1) For purposes of this section and this division, substantial
26 evidence includes fact, a reasonable assumption predicated upon
27 fact, or expert opinion supported by fact.

28 (2) Substantial evidence is not argument, speculation,
29 unsubstantiated opinion or narrative, evidence that is clearly
30 inaccurate or erroneous, or evidence of social or economic impacts
31 that do not contribute to, or are not caused by, physical impacts
32 on the environment.

33 (f) As a result of the public review process for a mitigated
34 negative declaration, including administrative decisions and public
35 hearings, the lead agency may conclude that certain mitigation
36 measures identified pursuant to paragraph (2) of subdivision (e)
37 are infeasible or otherwise undesirable. In those circumstances,
38 the lead agency, before approving the project, may delete those
39 mitigation measures and substitute for them other mitigation
40 measures that the lead agency finds, after holding a public hearing

1 on the matter, are equivalent or more effective in mitigating
 2 significant effects on the environment to a less than significant
 3 level and that do not cause any potentially significant effect on the
 4 environment. If those new mitigation measures are made conditions
 5 of project approval or are otherwise made part of the project
 6 approval, the deletion of the former measures and the substitution
 7 of the new mitigation measures shall not constitute an action or
 8 circumstance requiring recirculation of the mitigated negative
 9 declaration.

10 (g) This section does not preclude a project applicant or any
 11 other person from challenging, in an administrative or judicial
 12 proceeding, the legality of a condition of project approval imposed
 13 by the lead agency. If, however, any condition of project approval
 14 set aside by either an administrative body or court was necessary
 15 to avoid or lessen the likelihood of the occurrence of a significant
 16 effect on the environment, the lead agency's approval of the
 17 negative declaration and project shall be invalid and a new
 18 environmental review process shall be conducted before the project
 19 can be reapproved, unless the lead agency substitutes a new
 20 condition that the lead agency finds, after holding a public hearing
 21 on the matter, is equivalent to, or more effective in, lessening or
 22 avoiding significant effects on the environment and that does not
 23 cause any potentially significant effect on the environment.

24 SEC. 3. Section 21151 of the Public Resources Code is
 25 amended to read:

26 21151. (a) All local agencies shall prepare, or cause to be
 27 prepared by contract, and certify the completion of, an
 28 environmental impact report on any project that they intend to
 29 carry out or approve that may have a significant effect on the
 30 environment. When a report is required by Section 65402 of the
 31 Government Code, the environmental impact report may be
 32 submitted as a part of that report.

33 (b) For purposes of this section, any significant effect on the
 34 environment shall be limited to substantial, or potentially
 35 substantial, adverse changes in physical conditions that exist within
 36 the area as defined in Section 21060.5.

37 (c) (1) If a nonelected decisionmaking body of a local lead
 38 agency certifies an environmental impact report, approves a
 39 negative declaration or mitigated negative declaration, or
 40 determines that a project is not subject to this division, that

1 certification, approval, or determination may be appealed to the
2 agency's elected decisionmaking body, if any.

3 ~~(2) A determination that a project is not subject to this division
4 pursuant to paragraph (2) or (4) of subdivision (b) of Section 21080
5 shall not be eligible for appeal to the agency's elected
6 decisionmaking body.~~

7 *SECTION 1. Section 21080.61 is added to the Public Resources
8 Code, to read:*

9 *21080.61. (a) This division does not apply to routine
10 maintenance of public stormwater facilities that are fully concrete
11 or have a conveyance capacity of less than a 100-year storm event
12 if all of the following conditions are met:*

13 *(1) The project does not increase the designed conveyance
14 capacity of the stormwater facility.*

15 *(2) The project is undertaken or approved by a public agency
16 that has adopted, by ordinance, procedures that apply to the project
17 to minimize the impacts of construction equipment, debris,
18 sediment, and other pollutants.*

19 *(3) The project is not likely to result in adverse impacts to tribal
20 cultural resources.*

21 *(b) Notwithstanding subdivision (c) of Section 21151, a
22 determination that a project is not subject to this division pursuant
23 to this section shall not be eligible for appeal to the agency's
24 elected decisionmaking body if the project is approved by the
25 nonelected decisionmaking body of a city with a population of at
26 least 1,000,000.*

27 *(c) If the lead agency determines that a project is not subject
28 to this division pursuant to this section and it determines to approve
29 or carry out the project, the lead agency shall file a notice with
30 the State Clearinghouse in the Office of Planning and Research
31 and with the county clerk in the county in which the project will
32 be located in the manner specified in subdivisions (b), (c), and (d)
33 of Section 21152.*

34 *(d) This section shall remain in effect only until January 1, 2030,
35 and as of that date is repealed.*

36 ~~SEC. 4.~~

37 *SEC. 2. No reimbursement is required by this act pursuant to
38 Section 6 of Article XIII B of the California Constitution because
39 a local agency or school district has the authority to levy service
40 charges, fees, or assessments sufficient to pay for the program or*

- 1 level of service mandated by this act, within the meaning of Section
- 2 17556 of the Government Code.

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