AMENDMENTS TO ASSEMBLY BILL NO. 1555

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

gases, and making an appropriation therefor.

Amendment 2
On page 2, in line 1, strike out "It is the intent of the Legislature to enact future", strike out line 2, in line 3, strike out "dollars ($1,700,000,000)" and insert:

(a) For the 2016–17 fiscal year, eight hundred million dollars ($800,000,000)

Amendment 3
On page 2, in lines 5 and 6, strike out "to be allocated, in amounts to be determined in that future legislation" and insert:

is hereby appropriated

Amendment 4
On page 2, in line 7, strike out "(a) For" and insert:

(1) To the State Air Resources Board for

Amendment 5
On page 2, in line 8, strike out "(1)" and insert:

(A)

Amendment 6
On page 2, in lines 8 and 9, strike out "____ dollars ($____) to the California Air Resources Board" and insert:

two hundred ninety million dollars ($290,000,000)

Amendment 7
On page 2, in line 11, strike out "(2)" and insert:

(B)

Amendment 8
On page 2, in line 11, strike out "____ dollars ($____)" and insert:

ten million dollars ($10,000,000)

Amendment 9
On page 2, in lines 11 and 12, strike out "Active Transportation" and insert:

active transportation

Amendment 10
On page 2, in line 13, strike out "(b)" and insert:

(2)

Amendment 11
On page 2, in line 14, strike out "(1)" and insert:

(A)

Amendment 12
On page 2, in line 14, strike out "____ dollars ($____)" and insert:

one hundred million dollars ($100,000,000)

Amendment 13
On page 2, in lines 14 and 15, strike out "Community Service"

Amendment 14
On page 2, in line 15, after "Department" insert:

of Community Services and Development

Amendment 15
On page 2, in line 20, strike out "(2)" and insert:

(B)

Amendment 16
On page 2, in line 20, strike out "____ dollars ($____)" and insert:

one hundred million dollars ($100,000,000)

Amendment 17
On page 2, in line 20, strike out "California" and insert:

State

Amendment 18
On page 2, in line 20, after "Energy" insert:

Resources Conservation and Development

Amendment 19
On page 2, in line 21, after "for" insert:

equipment and other

Amendment 20
On page 2, in line 23, strike out "(3)" and insert:

(C)

Amendment 21
On page 2, in line 23, strike out "____ dollars ($____)" and insert:

ten million dollars ($10,000,000)

Amendment 22
On page 2, strike out lines 26 and 27, in line 28, strike out "(5)" and insert:

(D)

Amendment 23
On page 2, in line 28, strike out "____ dollars ($____)" and insert:

five million dollars ($5,000,000)

Amendment 24
On page 2, in line 29, strike out "____ dollars ($____)" and insert:

fifteen million dollars ($15,000,000)

Amendment 25
On page 2, in line 30, strike out "CalRecycle," and insert:

the Department of Resources Recycling and Recovery,

Amendment 26
On page 2, in line 33, strike out "(6)" and insert:

(E)

Amendment 27
On page 2, in line 33, strike out "____ dollars ($____)" and insert:

ten million dollars ($10,000,000)

Amendment 28
On page 2, strike out lines 36 and 37, on page 3, in line 1, strike out "(1)" and insert:

(3)

Amendment 29
On page 3, in line 1, strike out "____ dollars ($____)" and insert:

one hundred million dollars ($100,000,000)

Amendment 30
On page 3, strike out lines 4 to 6, inclusive, and insert:

(4) The amount of eighty-five million dollars ($85,000,000) to the California Coastal Conservancy for wetland and watershed restoration, and carbon sequestration.

Amendment 31
On page 3, in line 7, strike out "(3)" and insert:

(5)

Amendment 32
On page 3, in line 7, strike out "____ dollars ($____)" and insert:

fifteen millions dollars ($15,000,000)

Amendment 33
On page 3, in line 9, strike out "(4)" and insert:

(6)

Amendment 34
On page 3, in line 9, strike out "____ dollars ($____)" and insert:

twenty-five million dollars ($25,000,000) to the Natural Resources Agency

Amendment 35
On page 3, in line 12, strike out "(5)" and insert:

(7)

Amendment 36
On page 3, in line 12, strike out "____ dollars ($____)" and insert:

ten million dollars ($10,000,000) to the Natural Resources Agency

Amendment 37
On page 3, in line 14, strike out "(6)" and insert:

(8)

Amendment 38
On page 3, in line 14, strike out "____ dollars ($____)" and insert:

twenty-five million dollars ($25,000,000)

Amendment 39
On page 3, strike out line 16 and insert:

(b) It is the intent of the Legislature to set aside and reserve one hundred fifty million dollars ($150,000,000) to fund future legislative priorities.

Bill Referral Digest

BILL NUMBER: AB 1565 REFER TO: HUM. S.

AUTHOR: Lackey DATE REFERRED: 03/17/2016

RELATING TO: Developmental services: funding.
An act to amend Sections 4629.7, 4681.1, 4681.6, 4689.8, 4691.9, and 4860 of, and to add Sections 4519.8, 4681.2, 4690.7, 4793, and 4794 to, the Welfare and Institutions Code, relating to developmental services, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL DIGEST

The Lanterman Developmental Disabilities Services Act requires the State Department of Developmental Services to contract with regional centers to provide services and supports to individuals with developmental disabilities. Under existing law, the regional centers purchase needed services for individuals with developmental disabilities through approved service providers or arrange for those services through other publicly funded agencies.

This bill would require the department to submit a plan to the Legislature by August 1, 2017, to ensure the sustainability, quality, and transparency of community-based services for individuals with developmental disabilities. The bill would require the department to regularly consult with stakeholders in developing the plan and would require the plan to address specified topics, including, among others, recommendations for a comprehensive approach to funding regional center operations in a sustainable and transparent manner that enables regional centers to deliver high-quality services to consumers.

Existing law requires that contracts or agreements between regional centers and service providers in which the rates between the regional center and the service provider are determined through negotiations to ensure that not more than 15% of regional center funds be spent on administrative costs, as described.

This bill would instead provide that the percentage of the funds that may be spent on administrative costs varies depending on the total value, annually, of the payments received by a service provider from all regional centers.

Existing law establishes specified rates to be paid to certain service providers and the rates to be paid for certain developmental services. Existing law requires that rates to be paid to other developmental service providers either be set by the department or negotiated between the regional center and the service provider. Existing law prohibits certain provider rate increases, but authorizes increases to those rates as necessary to adjust employee wages to meet the state minimum wage law.

This bill would increase the rates established by existing law, as specified, and would require an increase to the rates set by the department and the rates negotiated between regional centers and service providers, as specified. The bill would also require the department, when setting rates for community care facilities serving people with developmental disabilities, to ensure that the rates permit the viability of those facilities by establishing different rates for each facility size, as determined by the number of beds available, that reflect reasonable differences in the cost structure of facilities with differing numbers of beds. The bill would require the department to adopt emergency regulations implementing that provision.

Existing law requires each regional center to submit, on or before August 1 of each year, to the department and the State Council on Developmental Disabilities a program budget plan for the subsequent budget year. Existing law provides that, to the extent feasible, all funds appropriated for developmental disabilities programs be allocated to those programs by August 1 of each year and designates the department as the agency responsible for the processing, audit, and payment of funds made available to regional centers.

This bill would require the department to increase the funding paid to a regional center for the regional center's operating budget, beginning July 1, 2016, by 10% above the amount the regional center otherwise would have received under the department's core staffing formula, and, beginning July 1, 2017, by 10% above the amount the regional center otherwise would have received under the department's core staffing formula, plus a percentage equal to the percentage of any increase in the California Consumer Price Index since July 1, 2016. The bill would also require the department to increase the funding provided to a regional center to enable the regional center and the regional center's purchase-of-service vendors to fund certain costs related to minimum wage requirements.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

AMENDMENTS TO ASSEMBLY BILL NO. 1576

Amendment 1

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

to add and repeal Section 1367.020 of the Health and Safety Code,

Amendment 2

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

mental

Amendment 3

On page 1, before line 1, insert:

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

(1) Despite the importance of and emphasis on mental health parity, management of mental illness within a system of care is far more difficult than most types of physical illness. There are significant differences between the delivery systems for the Medi-Cal population and the delivery systems for those covered by private insurance, and there are unique problems associated with each system. While changes are needed in both, there is an immediate need to look for ways to better serve the insured population.

(2) The limited number of providers, the lack of facilities for treatment, and the difficulties of arranging for and coordinating ancillary services have made it extremely difficult for health insurers to meet the needs of enrollees facing significant mental health issues.

(3) Attempts to develop truly accessible provider networks that can link with the array of administrative and ancillary services that the mentally ill need to manage their disease and to improve will take an investment of time and resources.

(4) Systems of care known as Early Diagnosis and Psychosis Treatment (EDAPT) programs may hold the key to these problems. These integrated systems of care provide early intervention, assessment, diagnosis, a treatment plan, and the services necessary to implement that plan. EDAPT programs have interdisciplinary teams of physicians, clinicians, advocates, and staff that coordinate care on an outpatient basis.

(5) EDAPT programs do not yet exist in sufficient number to allow them to meet the provider network requirements health insurers must meet. While it is possible under existing law for health insurers to contract with existing EDAPT programs, there are a number of regulatory and practical issues that stand in the way of directing patients to them so that the patients' conditions can be effectively managed. If insurers could designate an EDAPT program as an exclusive provider for their enrollees, an assessment can be made of the overall efficacy of the model.

(b) Therefore, it is the intent of the Legislature to establish a demonstration project or projects in geographic areas of the state where EDAPT programs exist to

allow health insurers to opt in to utilizing the EDAPT programs as exclusive provider networks for the insurers' enrollees in need of these services.

SEC. 2. Section 1367.020 is added to the Health and Safety Code, to read:

1367.020. (a) Notwithstanding any other law, commencing July 1, 2017, a health care service plan that offers health care services on an individual or group basis in the greater Sacramento area may require enrollees seeking services for a mental health condition to participate in a Mental Health Delivery Demonstration Project through an Early Diagnosis and Psychosis Treatment Program.

(b) If a plan chooses to require its enrollees to participate in the project, it shall develop clinical guidelines for those enrollees and make those guidelines available as part of its evidence of coverage. The plan shall also make those guidelines available to all primary care providers and specialty mental health providers in its contracted network.

(c) An enrollee directed to a Mental Health Delivery Demonstration Project site for services shall be able to opt out of those services if a psychiatrist notifies the plan that the enrollee is under his or her care.

(d) For purposes of this section, "Early Diagnosis and Psychosis Treatment Program" means a mental health service program that provides early intervention, diagnosis, treatment, and necessary support through interdisciplinary teams of physicians, mental health professionals, social workers, and advocates on an outpatient basis and through a single point of entry.

(e) This section shall remain in effect only until January 1, 2020, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2020, deletes or extends that date.

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

Amendment 4

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

AMENDMENTS TO ASSEMBLY BILL NO. 1646

Amendment 1
In the title, in line 1, strike out "15001" and insert:

6402.2

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

Business and Professions

Amendment 3
In the title, in line 1, strike out "trusts." and insert:

professions.

Amendment 4
On page 1, before line 1, insert:

SECTION 1. Section 6402.2 of the Business and Professions Code is amended to read:

6402.2. To be eligible to renew registration under this chapter, ~~the registrant~~ a legal document assistant shall complete 15 hours of continuing legal education courses, which meet the requirements of Section 6070, during the two-year period preceding renewal.

Amendment 5
On page 1, strike out lines 1 to 9, inclusive, and strike out page 2

AMENDMENTS TO ASSEMBLY BILL NO. 1649

Amendment 1

In the heading, in line 2, after "Gray," insert:

Olsen,

Amendment 2

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

to amend Section 79759 of the Water Code,

Amendment 3

On page 2, in line 3, strike out "states drought" and insert:

States Drought

Amendment 4

On page 3, strike out lines 15 to 20, inclusive, and insert:

SEC. 2. Section 79759 of the Water Code is amended to read:

79759. (a) The funds allocated for the design, acquisition, and construction of surface storage projects identified in the CALFED Bay-Delta Program Record of Decision, dated August 28, 2000, pursuant to this chapter may be provided for those purposes to local joint powers authorities formed by irrigation districts and other local water districts and local governments within the applicable hydrologic region to design, acquire, and construct those projects.

(b) The joint powers authorities described in subdivision (a) may include in their membership governmental partners that are not located within their respective hydrologic regions in financing the surface storage projects, including, as appropriate, cost share participation or equity participation. Notwithstanding Section 6525 of the Government Code, the joint powers agencies described in subdivision (a) shall not include in their membership any for-profit corporation or any mutual water company whose shareholders and members include a for-profit corporation or any other private entity. The department shall be an ex officio member of each joint powers authority subject to this section, but the department shall not control the governance, management, or operation of the surface water storage projects.

(c) A joint powers authority subject to this section shall own, govern, manage, and operate a surface water storage project, subject to the requirement that the ownership, governance, management, and operation of the surface water storage project shall advance the purposes set forth in this chapter.

(d) As local joint powers authorities described in this section form to address critical water storage needs and apply for funding under this chapter, the commission

shall prioritize the funding of the local joint powers authorities surface storage projects and shall move expediently to dispense project funds.

SEC. 3. Section 2 of this act would modify the single object or work of a general obligation bond act previously submitted to the voters by the Legislature pursuant to Section 1 of Article XVI of the California Constitution, and subsequently approved by the voters as Proposition 1 at the November 4, 2014, statewide general election. Accordingly, Section 2 of this act shall become effective only upon approval by the voters. The Secretary of State shall submit Section 2 of this act to the voters on the ballot of the next statewide election.

AMENDMENTS TO ASSEMBLY BILL NO. 1671

Amendment 1

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

to amend Section 632 of the Penal Code,

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 632 of the Penal Code is amended to read:

632. (a) ~~Every~~ A person who, intentionally and without the consent of all parties to a confidential ~~communication, by~~ communication, does any of the following shall be punished pursuant to subdivision (b):

(1) By means of any electronic amplifying or recording device, eavesdrops upon or records the confidential communication, whether the communication is carried on among the parties in the presence of one another or by means of a telegraph, telephone, or other device, except a ~~radio,~~ radio.

(2) Uses, attempts to use, discloses, or attempts to disclose, in any manner, or for any purpose, the contents of any confidential communication knowing or having reason to know the information was obtained in violation of paragraph (1).

(3) Aids, employs, or conspires with any person or persons to unlawfully do, permit, or cause to be done any of the acts described in this subdivision.

(b) A violation of subdivision (a) shall be punished by a fine not exceeding two thousand five hundred dollars ~~($2,500),~~ ($2,500) per violation, or imprisonment in ~~the~~ a county jail not exceeding one year, or in the state prison, or by both that fine and imprisonment. If the person has previously been convicted of a violation of this section or Section 631, 632.5, 632.6, 632.7, or 636, the person shall be punished by a fine not exceeding ten thousand dollars ~~($10,000),~~ ($10,000) per violation, by imprisonment in ~~the~~ a county jail not exceeding one year, or in the state prison, or by both that fine and imprisonment.

~~(b) The term "person" includes~~

(c) For the purposes of this section, "person" means an individual, business association, partnership, corporation, limited liability company, or other legal entity, and an individual acting or purporting to act for or on behalf of any government or subdivision thereof, whether federal, state, or local, but excludes an individual known by all parties to a confidential communication to be overhearing or recording the communication.

~~(c) The term "confidential communication" includes~~

(d) For the purposes of this section, "confidential communication" means any communication carried on in circumstances as may reasonably indicate that any party to the communication desires it to be confined to the parties thereto, but excludes a communication made in a public gathering or in any legislative, judicial, executive or administrative proceeding open to the public, or in any other circumstance in which

the parties to the communication may reasonably expect that the communication may be overheard or recorded.

~~(d)~~

(e) Except as proof in an action or prosecution for violation of this section, no evidence obtained as a result of eavesdropping upon or recording a confidential communication in violation of this section shall be admissible in any judicial, administrative, legislative, or other proceeding.

~~(e)~~

(f) This section does not apply (1) to any public utility engaged in the business of providing communications services and facilities, or to the officers, employees or agents thereof, where the acts otherwise prohibited by this section are for the purpose of construction, maintenance, conduct or operation of the services and facilities of the public utility, or (2) to the use of any instrument, equipment, facility, or service furnished and used pursuant to the tariffs of a public utility, or (3) to any telephonic communication system used for communication exclusively within a state, county, city and county, or city correctional facility.

~~(f)~~

(g) This section does not apply to the use of hearing aids and similar devices, by persons afflicted with impaired hearing, for the purpose of overcoming the impairment to permit the hearing of sounds ordinarily audible to the human ear.

(h) Paragraph (2) of subdivision (a) does not apply to any member of the media who uses, attempts to use, discloses, or attempts to disclose, a confidential communication if all of the following are true:

(1) The communication is truthful and regarding a matter of public concern.

(2) The communication was obtained lawfully by the member of the media and not obtained by him or her in violation of paragraph (1) of subdivision (a).

(3) The person did not know who was responsible for obtaining the information.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

Amendment 3

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

AMENDMENTS TO ASSEMBLY BILL NO. 1685

Amendment 1

On page 2, in lines 1 and 2, strike out "It is the intent of the Legislature to enact legislation that would" and insert:

The State Air Resources Board shall

Amendment 2

On page 2, in line 5, strike out "State Air Resources", strike out line 6 and insert:

state board.

- 0 -

AMENDMENTS TO ASSEMBLY BILL NO. 1686

Amendment 1

In the title, in line 1, strike out "Section 1002 of the Financial Code, relating to", strike out line 2 and insert:

Section 158 of the Corporations Code, relating to corporations.

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 158 of the Corporations Code is amended to read:

158. (a) "Close corporation" means a corporation, including a close social purpose corporation, whose articles contain, in addition to the provisions required by Section 202, a provision that all of the corporation's issued shares of all classes shall be held of record by not more than a specified number of persons, not exceeding ~~35,~~ 40, and a statement "This corporation is a close corporation."

(b) The special provisions referred to in subdivision (a) may be included in the articles by amendment, but if such amendment is adopted after the issuance of shares only by the affirmative vote of all of the issued and outstanding shares of all classes.

(c) The special provisions referred to in subdivision (a) may be deleted from the articles by amendment, or the number of shareholders specified may be changed by amendment, but if such amendment is adopted after the issuance of shares only by the affirmative vote of at least two-thirds of each class of the outstanding shares; provided, however, that the articles may provide for a lesser vote, but not less than a majority of the outstanding shares, or may deny a vote to any class, or both.

(d) In determining the number of shareholders for the purposes of the provision in the articles authorized by this section, a husband and wife and the personal representative of either shall be counted as one regardless of how shares may be held by either or both of them, a trust or personal representative of a decedent holding shares shall be counted as one regardless of the number of trustees or beneficiaries and a partnership or corporation or business association holding shares shall be counted as one (except that any such trust or entity the primary purpose of which was the acquisition or voting of the shares shall be counted according to the number of beneficial interests therein).

(e) A corporation shall cease to be a close corporation upon the filing of an amendment to its articles pursuant to subdivision (c) or if it shall have more than the maximum number of holders of record of its shares specified in its articles as a result of an inter vivos transfer of shares which is not void under subdivision (d) of Section 418, the transfer of shares on distribution by will or pursuant to the laws of descent and distribution, the dissolution of a partnership or corporation or business association or the termination of a trust which holds shares, by court decree upon dissolution of a marriage or otherwise by operation of law. Promptly upon acquiring more than the specified number of holders of record of its shares, a close corporation shall execute and file an amendment to its articles deleting the special provisions referred to in

subdivision (a) and deleting any other provisions not permissible for a corporation which is not a close corporation, which amendment shall be promptly approved and filed by the board and need not be approved by the outstanding shares.

(f) Nothing contained in this section shall invalidate any agreement among the shareholders to vote for the deletion from the articles of the special provisions referred to in subdivision (a) upon the lapse of a specified period of time or upon the occurrence of a certain event or condition or otherwise.

(g) The following sections contain specific references to close corporations: Sections 186, 202, 204, 300, 418, 421, 1111, 1201, 1800, and 1904.

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

AMENDMENTS TO ASSEMBLY BILL NO. 1717

Amendment 1
In the title, in line 1, strike out "44270.3" and insert:

39719

Amendment 2
In the title, in line 2, strike out "vehicular air pollution." and insert:

greenhouse gases, and making an appropriation therefor.

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

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

(a) According to the American Lung Association's 2015 State of the Air report, "Southern California remains home to some of the most polluted air in the United States. Emissions from the transportation sector are the leading source of pollution in the region, bringing significant lung health burdens."

(b) Senate Bill No. 535 (Chapter 830, Statutes of 2012) requires that 25 percent of funds generated by the state's cap-and-trade program must benefit disadvantaged communities. Disadvantaged communities include "areas disproportionately affected by environmental pollution" and "areas with concentrations of people that are of low income, high unemployment, low levels of homeownership, high rent burden, sensitive populations, or low levels of educational attainment."

(c) More than 50 percent of the most disadvantaged census tracts identified by the California Environmental Protection Agency are located in southern California.

(d) Less than 5 percent of disadvantaged census tracts are located in the nine San Francisco Bay Area counties.

(e) Senate Bill No. 862 (Chapter 36, Statutes of 2014) continuously appropriates 25 percent of cap-and-trade funds for the high-speed rail program. Prior to obtaining this funding, the High-Speed Rail Authority committed in a June 14, 2014, letter to Senator Fran Pavley "to accelerate reductions in greenhouse gas emissions (GHG) and put new emphasis on improvements in urban areas utilizing the funding that would be provided through the ongoing commitment of cap and trade proceeds, as contained in Senate Bill (SB) 862.... At the same time, with cap and trade funds we would accelerate work on the segment from Burbank to Palmdale, so that we would be building the initial operating segment from two directions, north to south, and south to north. The Burbank-Palmdale segment, which potentially could become an operating segment on its own, would accelerate benefits to the Los Angeles region."

(f) The High-Speed Rail Authority further committed to this approach through adoption of Board Resolution #14-19 declaring "The Authority Board concurs with the priority to move forward with the approach outlined in the CEO's letter to State

Senator Fran Pavley, including the prioritization of the Palmdale to Burbank project section for expenditure of cap and trade proceeds as they become available and in accordance with provisions of the law."

(g) The Legislature approved cap-and-trade funds for high-speed rail only for purposes consistent with this commitment. SB 862 establishes that the first operating high-speed rail segment must reach southern California, "as described in the 2012 business plan."

(h) SB 862 specifies that any subsequent decision by the High-Speed Rail Authority to deprioritize southern California and direct construction funding for an alternative route would not be eligible for funding.

(i) SB 862 requires that any redirection of cap-and-trade investments away from some of the state's most disadvantaged communities in southern California would require reauthorization by the Legislature.

(j) It is the intent of the Legislature to establish conditions for use of any cap-and-trade funds voluntarily forfeited by the High-Speed Rail Authority. Nothing in this act shall be interpreted to alter or in any way affect the conditions of funding eligibility established by SB 862.

SEC. 2. Section 39719 of the Health and Safety Code is amended to read:

39719. (a) The Legislature shall appropriate the annual proceeds of the fund for the purpose of reducing greenhouse gas emissions in this state in accordance with the requirements of Section 39712.

(b) To carry out a portion of the requirements of subdivision (a), annual proceeds are continuously appropriated for the following:

(1) Beginning in the 2015–16 fiscal year, and notwithstanding Section 13340 of the Government Code, 35 percent of annual proceeds are continuously appropriated, without regard to fiscal years, for transit, affordable housing, and sustainable communities programs as following:

(A) Ten percent of the annual proceeds of the fund is hereby continuously appropriated to the Transportation Agency for the Transit and Intercity Rail Capital Program created by Part 2 (commencing with Section 75220) of Division 44 of the Public Resources Code.

(B) Five percent of the annual proceeds of the fund is hereby continuously appropriated to the Low Carbon Transit Operations Program created by Part 3 (commencing with Section 75230) of Division 44 of the Public Resources Code. Funds shall be allocated by the Controller, according to requirements of the program, and pursuant to the distribution formula in subdivision (b) or (c) of Section 99312 of, and Sections 99313 and 99314 of, the Public Utilities Code.

(C) Twenty percent of the annual proceeds of the fund is hereby continuously appropriated to the Strategic Growth Council for the Affordable Housing and Sustainable Communities Program created by Part 1 (commencing with Section 75200) of Division 44 of the Public Resources Code. Of the amount appropriated in this subparagraph, no less than 10 percent of the annual proceeds, shall be expended for affordable housing, consistent with the provisions of that program.

(2) Beginning in the 2015–16 fiscal year, notwithstanding Section 13340 of the Government Code, 25 percent of the annual proceeds of the fund is hereby continuously appropriated to the High-Speed Rail Authority for the following components of the

initial operating segment and Phase I Blended System as described in the 2012 business plan adopted pursuant to Section 185033 of the Public Utilities Code:

(A) Acquisition and construction costs of the project.

(B) Environmental review and design costs of the project.

(C) Other capital costs of the project.

(D) Repayment of any loans made to the authority to fund the project.

(c) If the high-speed rail project becomes ineligible for funding under paragraph (2) of subdivision (b) due to selection by the High-Speed Rail Authority of an alternative initial operating segment that is not as described in the authority's 2012 business plan, the proceeds in paragraph (2) of subdivision (b) shall instead be continuously appropriated to the Transportation Agency for the Transit and Intercity Rail Capital Program created by Part 2 (commencing with Section 75220) of Division 44 of the Public Resources Code.

~~(c)~~

(d) In determining the amount of annual proceeds of the fund for purposes of the calculation in subdivision (b), the funds subject to Section 39719.1 shall not be included.

Amendment 4

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

AMENDMENTS TO ASSEMBLY BILL NO. 1727

Amendment 1
In the heading, below line 1, insert:

(Coauthor: Senator Allen)

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

An act to add Chapter 4.8 (commencing with Section 1080) to Part 3 of Division 2 of the Labor Code, relating to employment.

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

SECTION 1. Chapter 4.8 (commencing with Section 1080) is added to Part 3 of Division 2 of the Labor Code, to read:

CHAPTER 4.8. HOSTING PLATFORMS

1080. As used in this chapter:

(a) "Group activity" means to self-organize, to negotiate as a group with one or more hosting platforms, or to engage together in other activities for the purpose of group negotiations or other mutual aid or protection, which activity includes, but is not limited, to the following:

(1) Communicating with each other and with hosting platforms, customers, and the public through any medium, including, but not limited to, social media and other electronic modes of communication.

(2) Withholding or restricting the amount of work done through a hosting platform at any time and for any duration. This paragraph does not apply to an independent contractor who performs "supportive services," as defined in Section 12300.1 of the Welfare and Institutions Code.

(3) Boycotting or critiquing a hosting platform's business practices.

(4) Reporting to law enforcement authorities or making public practices of a hosting platform which an independent contractor reasonably believes violate local, state, or federal law and adversely affect either workers or clients, or both.

(b) "Hosting platform" is a facility for connecting people or entities seeking to hire people for work with people seeking to perform that work, using any medium of facilitation, including, but not limited to, a dispatch service, an Internet Web site, or other Internet-based site. "Hosting platform" does not include a service provider if that entity provides only listings of goods or services that are contracted directly between

buyers and sellers without the involvement of the provider and receives no income related to the price of the transaction.

1081. (a) An independent contractor who is not treated by a hosting platform as an employee and who does not employ his or her own employees shall have the right to engage in group activity with respect to one or more hosting platforms.

(b) Work by an independent contractor, including the use of equipment or goods supplied as part of the work performed by the independent contractor, is labor within the meaning of Section 16703 of the Business and Professions Code and group activity by independent contractors shall not be subject to any statutory or common law prohibition or limitation on combinations in restraint of trade, including, but not limited to, Chapter 2 (commencing with Section 16700) of Part 2 of Division 7 of the Business and Professions Code.

(c) Group activity is a "labor dispute" within the meaning of Section 527.3 of the Code of Civil Procedure and Section 1138.1, provided that a court may issue injunctive relief to remedy violations of this chapter pursuant to Sections ____ and ____.

(d) (1) A hosting platform shall meet at reasonable times and negotiate in good faith about allowed subjects for negotiation with any group of independent contractors constituting at least 10 of the independent contractors using the platform on an average of at least once per week. As used in this paragraph, "allowed subjects for negotiation" are pricing, division of revenue, priority for assignments or listings, advertising by independent contractors on the hosting platform, insurance, acceptance and termination of independent contractor participation on the hosting platform, acceptance or refusal of services by independent contractors or customers, and responsibility for nonpayment by customers.

(2) An individual or organization that represents independent contractors in negotiations with a hosting platform regarding the allowed subjects of negotiation pursuant to this section shall not be funded directly or indirectly by a hosting platform.

(3) Participation in the group shall be evidenced by an electronic communication from an independent contractor using the same address the independent contractor uses to communicate with the hosting platform, or a physical document signed by the independent contractor, sent to either the hosting platform or to one or more other members of the group accepting participation in the group and agreeing to be bound contractually by the outcome of any negotiations between the group and the hosting platform. An independent contractor shall not be bound by the outcome of any negotiations between a group and a hosting platform unless the independent contractor has given that authorization.

(4) At the request of the group, a written contract for independent contractor services, entered into on or after the date of the conclusion of negotiations conducted in accordance with paragraph (1), between the hosting platform and a member of that group, shall incorporate any agreement reached in those negotiations.

(e) The State Mediation and Conciliation Service shall facilitate the performance of the obligation of a hosting platform under subdivision (d). The State Mediation and Conciliation Service shall provide meeting space for negotiations unless the hosting platform and the group make other arrangements that are mutually agreeable. The State Mediation and Conciliation Service shall provide mediation services at the request of either the hosting platform or the group. The State Mediation and Conciliation Service

shall investigate any complaint by a group claiming a violation of subdivision (d), and, if it finds that there is probable cause to believe a violation has occurred, bring an action in the Superior Court of the State of California for the City and County of San Francisco for injunctive and other appropriate equitable relief to remedy the violation. The court shall award reasonable attorney's fees and costs to the State Mediation and Conciliation Service if it prevails in any enforcement action.

(f) A person shall not terminate, discriminate against, or otherwise penalize or retaliate against any independent contractor for exercising any rights established in this chapter or for making a complaint, participating in any enforcement proceedings under this chapter, using any civil remedies to enforce his or her rights, or otherwise asserting his or her rights under this chapter or demonstrating his or her support for the policies of this chapter. A person terminating or taking any other adverse action against any independent contractor who has engaged in any of the foregoing activities within one year preceding the termination or other adverse action shall provide to the independent contractor at or before the time of the termination or other adverse action a detailed written statement of the reason or reasons for the termination or other adverse action, including all the facts substantiating the reason or reasons and all facts known to the person that contradict the substantiating facts.

(g) An independent contractor or a representative of one or more independent contractors claiming a violation of this chapter may bring an action in superior court and shall be entitled to all remedies available under the law or in equity appropriate to remedy that violation, including, but not limited to, injunctive relief or other equitable relief, including reinstatement to participation in a hosting platform and compensatory damages. For a willful violation of subdivision (d), the amount of damages attributable to lost income due to the violation shall be trebled.

1082. The provisions of this chapter are severable. If any provision of this chapter or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

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

AMENDMENTS TO ASSEMBLY BILL NO. 1740

Amendment 1

In the title, in line 1, strike out "amend Section 8169 of" and insert:

add Section 8924.7 to, and to add Chapter 1.5 (commencing with Section 8050) to Division 1 of Title 2 of,

Amendment 2

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

government.

Amendment 3

On page 1, before line 1, insert:

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

(a) California has the eighth largest economy in the world, and its laws have a far-reaching impact on individuals, entities, and organizations within the state and throughout the world.

(b) Because of its extraordinary economic impact and leadership on timely issues, California's statutory framework and legal structures have a national and global impact.

(c) Rapid technological and societal advances require the development of public policy in new and evolving areas.

(d) State government officials must make informed policy decisions about issues that have increasingly complex and interrelated legal components.

(e) California is home to some of the world's most prestigious universities and law schools.

(f) California is currently facing one of the largest surpluses of recent law school graduates in the nation, and the unique education and training of these skilled graduates could greatly assist the state government in its work.

(g) Only approximately 5 percent of attorneys nationwide work for state governments, meaning that the nation's state governments derive insufficient benefit from those attorneys' legal training and expertise.

(h) Approximately 36 percent of attorneys working for the State of California are 55 years of age or older; therefore, California must encourage attorneys to enter public service to fill vacancies as those attorneys retire.

(i) The establishment of a law fellowship program in California will enable the state to capitalize on the experience of its law school graduates for the betterment of its government.

SEC. 2. Chapter 1.5 (commencing with Section 8050) is added to Division 1 of Title 2 of the Government Code, to read:

CHAPTER 1.5. CALIFORNIA LAW FELLOWSHIP PROGRAM

8050. (a) The California Law Fellowship Program is hereby established.

(b) The purpose of the program is to offer licensed attorneys and other qualifying law school graduates limited-term placements in public sector positions within state government.

(c) The program shall provide each California Law Fellow with the opportunity to work in the public sector and shall encourage each participant to seek permanent public-sector employment at the conclusion of the fellowship.

(d) The Legislature requests that The University of the Pacific McGeorge School of Law, in consultation with California law schools accredited by the American Bar Association, and with any other appropriate person or entity, do all of the following with respect to the California Law Fellowship Program:

(1) Create the program to provide law graduates a post-graduate educational experience and provide the Legislature and other governmental entities with legal assistance and advice.

(2) House and administer the program, including managing funding and processing applications.

(3) Give preference to applicants who are either of the following:

(A) Current members of the United States military.

(B) Former members of the United States military who were honorably discharged.

(e) A California Law Fellow's placement with a state agency shall be contingent on that agency's acceptance of the fellow, according to criteria adopted by the participating state agency for purposes of the program.

(f) (1) It is the intent of the Legislature that participation in the program by an attorney or other qualifying law school graduate, by a state agency, or by a public official within a state agency shall not constitute a gift of public money or thing of value for purposes of Section 6 of Article XVI of the California Constitution, a gift for purposes of the Political Reform Act of 1974 (Title 9 (commencing with Section 81000)), or a gift, bequest, or favor for purposes of the Code of Judicial Ethics adopted pursuant to subdivision (m) of Section 18 of Article VI of the California Constitution.

(2) To the extent feasible, the program shall be designed and administered to accomplish the Legislature's intent as specified in this subdivision.

(g) State funds shall not be used to administer the program.

(h) For purposes of this section:

(1) "California Law Fellow" means a participant in the program.

(2) "Program" means the California Law Fellowship Program.

(3) "Qualifying law school graduate" means a recipient of a law degree from a law school accredited by the American Bar Association.

8924.7. (a) The Legislature finds and declares that the California Law Fellowship Program, established pursuant to Chapter 1.5 (commencing with Section 8050) of Division 1, establishes a formal fellowship program that provides substantial public benefits to the Legislature as a participating state agency.

(b) The services of a participant in the California Law Fellowship Program California Law Fellow , whose placement with the Legislature is accepted duly

authorized by the Senate Committee on Rules, the Assembly Committee on Rules, or the Joint Committee on Rules, as appropriate, are not compensation, a reward, or a gift to a Member of the Legislature for purposes of paragraph (4) of subdivision (b) of Section 8920.

(c) A participant in the California Law Fellowship Program California Law Fellow , whose placement with the Legislature is accepted duly authorized by the Senate Committee on Rules, the Assembly Committee on Rules, or the Joint Committee on Rules, as appropriate, is not an employee of either house of the Legislature for purposes of this article.

(d) For purposes of this section, a California Law Fellow is "duly authorized by the Senate Committee on Rules, the Assembly Committee on Rules, or the Joint Committee on Rules" only if both of the following requirements are satisfied:

(1) The California Law Fellow has been selected according to criteria, and pursuant to a process, approved by the Senate Committee on Rules, the Assembly Committee on Rules, or the Joint Committee on Rules.

(2) The program has executed an agreement with the Senate Committee on Rules, the Assembly Committee on Rules, or the Joint Committee on Rules whereby the California Law Fellow is bound to abide by standards of conduct, economic interest disclosure requisites, and other requirements specified by the Senate Committee on Rules, the Assembly Committee on Rules, or the Joint Committee on Rules.

Amendment 4

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

AMENDMENTS TO ASSEMBLY BILL NO. 1748

Amendment 1

In the title, in line 1, strike out "amend Section 48913 of" and insert:

add Section 4119.8 to the Business and Professions Code, and to add Section 49414.3 to

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 4119.8 is added to the Business and Professions Code, to read:

4119.8. (a) Notwithstanding any other law, a pharmacy may furnish naloxone hydrochloride or another opioid antagonist to a school district, county office of education, or charter school pursuant to Section 49414.3 of the Education Code if all of the following are met:

(1) The naloxone hydrochloride or another opioid antagonist is furnished exclusively for use at a school district schoolsite, county office of education schoolsite, or charter school.

(2) A physician and surgeon provides a written order that specifies the quantity of naloxone hydrochloride or another opioid antagonist to be furnished.

(b) Records regarding the acquisition and disposition of naloxone hydrochloride or another opioid antagonist furnished pursuant to subdivision (a) shall be maintained by the school district, county office of education, or charter school for a period of three years from the date the records were created. The school district, county office of education, or charter school shall be responsible for monitoring the supply of naloxone hydrochloride or another opioid antagonist and ensuring the destruction of expired naloxone hydrochloride or another opioid antagonist.

SEC. 2. Section 49414.3 is added to the Education Code, to read:

49414.3. (a) School districts, county offices of education, and charter schools may provide emergency naloxone hydrochloride or another opioid antagonist to school nurses or trained personnel who have volunteered pursuant to subdivision (d), and school nurses or trained personnel may use naloxone hydrochloride or another opioid antagonist to provide emergency medical aid to persons suffering, or reasonably believed to be suffering, from an opioid overdose. Any school district, county office of education, or charter school choosing to exercise the authority provided under this subdivision shall not receive state funds specifically for purposes of this subdivision.

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

(1) "Authorizing physician and surgeon" may include, but is not limited to, a physician and surgeon employed by, or contracting with, a local educational agency, a medical director of the local health department, or a local emergency medical services director.

(2) "Opioid antangonist" means naloxone hydrochloride or another drug approved by the federal Food and Drug Administration that, when administered, negates or

neutralizes in whole or in part the pharmacological effects of an opioid in the body, and has been approved for the treatment of an opioid overdose.

(3) "Qualified supervisor of health" may include, but is not limited to, a school nurse.

(4) "Volunteer" or "trained personnel" means an employee who has volunteered to administer naloxone hydrochloride or another opioid antagonist to a person if the person is suffering, or reasonably believed to be suffering, from an opioid overdose, has been designated by a school, and has received training pursuant to subdivision (d).

(c) Each private elementary and secondary school in the state may voluntarily determine whether or not to make emergency naloxone hydrochloride or another opioid antagonist and trained personnel available at its school. In making this determination, a private school shall evaluate the emergency medical response time to the school and determine whether initiating emergency medical services is an acceptable alternative to naloxone hydrochloride or another opioid antagonist and trained personnel. A private elementary or secondary school choosing to exercise the authority provided under this subdivision shall not receive state funds specifically for purposes of this subdivision.

(d) Each public and private elementary and secondary school in the state may designate one or more volunteers to receive initial and annual refresher training, based on the standards developed pursuant to subdivision (e), regarding the storage and emergency use of naloxone hydrochloride or another opioid antagonist from the school nurse or other qualified person designated by an authorizing physician and surgeon. Any school choosing to exercise the authority provided under this subdivision shall not receive state funds specifically for purposes of this subdivision.

(e) (1) The Superintendent shall establish minimum standards of training for the administration of naloxone hydrochloride or another opioid antagonist that satisfies the requirements of paragraph (2). Every five years, or sooner as deemed necessary by the Superintendent, the Superintendent shall review minimum standards of training for the administration of naloxone hydrochloride or other opioid antagonists that satisfy the requirements of paragraph (2). For purposes of this subdivision, the Superintendent shall consult with organizations and providers with expertise in administering naloxone hydrochloride or another opioid antagonist and administering medication in a school environment, including, but not limited to, the State Department of Public Health, the Emergency Medical Services Authority, the California School Nurses Organization, the California Medical Association, the American Academy of Pediatrics, and others.

(2) Training established pursuant to this subdivision shall include all of the following:

(A) Techniques for recognizing symptoms of an opioid overdose.

(B) Standards and procedures for the storage, restocking, and emergency use of naloxone hydrochloride or another opioid antagonist.

(C) Emergency followup procedures, including calling the emergency 911 telephone number and contacting, if possible, the pupil's parent and physician.

(D) Recommendations on the necessity of instruction and certification in cardiopulmonary resuscitation.

(E) Written materials covering the information required under this subdivision.

(3) Training established pursuant to this subdivision shall be consistent with the most recent guidelines for medication administration issued by the department.

(4) A school shall retain for reference the written materials prepared under subparagraph (E) of paragraph (2).

(f) Any school district, county office of education, or charter school electing to utilize naloxone hydrochloride or another opioid antagonist for emergency aid shall distribute a notice at least once per school year to all staff that contains the following information:

(1) A description of the volunteer request stating that the request is for volunteers to be trained to administer naloxone hydrochloride or another opioid antagonist to a person if the person is suffering, or reasonably believed to be suffering, from an opioid overdose.

(2) A description of the training that the volunteer will receive pursuant to subdivision (d).

(g) (1) A qualified supervisor of health at a school district, county office of education, or charter school electing to utilize naloxone hydrochloride or another opioid antagonist for emergency aid shall obtain from an authorizing physician and surgeon a prescription for each school for naloxone hydrochloride or another opioid antagonist. A qualified supervisor of health at a school district, county office of education, or charter school shall be responsible for stocking the naloxone hydrochloride or another opioid antagonist and restocking it if it is used.

(2) If a school district, county office of education, or charter school does not have a qualified supervisor of health, an administrator at the school district, county office of education, or charter school shall carry out the duties specified in paragraph (1).

(3) A prescription pursuant to this subdivision may be filled by local or mail order pharmacies or naloxone hydrochloride or another opioid antagonist manufacturers.

(4) An authorizing physician and surgeon shall not be subject to professional review, be liable in a civil action, or be subject to criminal prosecution for the issuance of a prescription or order pursuant to this section, unless the physician and surgeon's issuance of the prescription or order constitutes gross negligence or willful or malicious conduct.

(h) A school nurse or, if the school does not have a school nurse or the school nurse is not onsite or available, a volunteer may administer naloxone hydrochloride or another opioid antagonist to a person exhibiting potentially life-threatening symptoms of an opioid overdose at school or a school activity when a physician is not immediately available. If the naloxone hydrochloride or another opioid antagonist is used it shall be restocked as soon as reasonably possible, but no later than two weeks after it is used. Naloxone hydrochloride or another opioid antagonist shall be restocked before their expiration date.

(i) A volunteer shall initiate emergency medical services or other appropriate medical followup in accordance with the training materials retained pursuant to paragraph (4) of subdivision (e).

(j) A school district, county office of education, or charter school electing to utilize naloxone hydrochloride or another opioid antagonist for emergency aid shall ensure that each employee who volunteers under this section will be provided defense and indemnification by the school district, county office of education, or charter school for any and all civil liability, in accordance with, but not limited to, that provided in Division 3.6 (commencing with Section 810) of Title 1 of the Government Code. This

information shall be reduced to writing, provided to the volunteer, and retained in the volunteer's personnel file.

(k) Notwithstanding any other law, a person trained as required under subdivision (d), who acts with reasonable care in administering naloxone hydrochloride or another opioid antagonist, in good faith, to a person who is experiencing or is suspected of experiencing an opioid overdose shall not be subject to professional review, be liable in a civil action, or be subject to criminal prosecution for this administration.

(*l*) A state agency, the department, or a public school may accept gifts, grants, and donations from any source for the support of the public school carrying out the provisions of this section, including, but not limited to, the acceptance of naloxone hydrochloride or another opioid antagonist from a manufacturer or wholesaler.

Amendment 3

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

AMENDMENTS TO ASSEMBLY BILL NO. 1757

Amendment 1

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

An act to amend Section 20351 of the Public Contract Code, and to amend Sections 125107 and 125220 of the Public Utilities Code, relating to transit.

Amendment 2

On page 1, before line 1, insert:

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

20351. Contracts for the construction in excess of ~~ten~~ fifty thousand dollars ~~($10,000)~~ ($50,000) shall be awarded to the lowest responsible bidder after competitive bidding, except in an emergency declared by the vote of two-thirds of the membership of the board.

SEC. 2. Section 125107 of the Public Utilities Code is amended to read:

125107. ~~(a)~~ Each member of the board, including ~~the~~ an alternate ~~members~~ member appointed pursuant to Section ~~125051,~~ 125051 when acting on behalf of the member, shall be paid ~~seventy-five dollars ($75)~~ one hundred fifty dollars ($150) for each ~~day~~ meeting of the board or other meeting of a governmental entity the member or alternate ~~attends meetings of the board,~~ attends, but not to exceed ~~three hundred dollars ($300)~~ seven hundred fifty dollars ($750) in any month, and ~~his~~ the necessary and reasonable expenses in performing ~~his~~ the duties as a board member.

~~(b) In addition to the compensation prescribed by subdivision (a), the board may, by resolution, authorize and designate members and alternates to be compensated for representing the board at specified meetings of other governmental entities and public agencies. Compensation may be seventy-five dollars ($75) for each day the designated member or alternate attends specified meetings, not to exceed three hundred dollars ($300) in any month.~~

SEC. 3. Section 125220 of the Public Utilities Code is amended to read:

125220. The district may make contracts and enter into stipulations of any nature whatsoever, either in connection with eminent domain proceedings or otherwise, including, but not limited to, contracts and stipulations to indemnify and save harmless, to employ labor, to contract with a private patrol operator licensed pursuant to ~~Chapter 11~~ Article 4 (commencing with Section ~~7500)~~ 7583) of Chapter 11.5 of Division 3 of the Business and Professions Code, the county sheriff and municipal police departments within the areas described in Section 125052, and other transit development boards for security, police, and related services, and to do all acts necessary and convenient for the full exercise of the powers granted in this division.

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

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

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AMENDMENTS TO ASSEMBLY BILL NO. 1764

Amendment 1
In the title, in line 1, strike out "5346" and insert:

5348

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

SECTION 1. Section 5348 of the Welfare and Institutions Code is amended to read:

5348. (a) For purposes of subdivision (e) of Section 5346, a county that chooses to provide assisted outpatient treatment services pursuant to this article shall offer assisted outpatient treatment services including, but not limited to, all of the following:

(1) Community-based, mobile, multidisciplinary, highly trained mental health teams that use high staff-to-client ratios of no more than 10 clients per team member for those subject to court-ordered services pursuant to Section 5346.

(2) A service planning and delivery process that includes the following:

(A) Determination of the numbers of persons to be served and the programs and services that will be provided to meet their needs. The local director of mental health shall consult with the sheriff, the police chief, the probation officer, the mental health board, contract agencies, and family, client, ethnic, and citizen constituency groups as determined by the director.

(B) Plans for services, including outreach to families whose severely mentally ill adult is living with them, design of mental health services, coordination and access to medications, psychiatric and psychological services, substance abuse services, supportive housing or other housing assistance, vocational rehabilitation, and veterans' services. Plans shall also contain evaluation strategies, which shall consider cultural, linguistic, gender, age, and special needs of minorities and those based on any characteristic listed or defined in Section 11135 of the Government Code in the target populations. Provision shall be made for staff with the cultural background and linguistic skills necessary to remove barriers to mental health services as a result of having limited-English-speaking ability and cultural differences. Recipients of outreach services may include families, the public, primary care physicians, and others who are likely to come into contact with individuals who may be suffering from an untreated severe mental illness who would be likely to become homeless if the illness continued to be untreated for a substantial period of time. Outreach to adults may include adults voluntarily or involuntarily hospitalized as a result of a severe mental illness.

(C) Provision for services to meet the needs of persons who are physically disabled.

(D) Provision for services to meet the special needs of older adults.

(E) Provision for family support and consultation services, parenting support and consultation services, and peer support or self-help group support, where appropriate.

(F) Provision for services to be client-directed and that employ psychosocial rehabilitation and recovery principles.

(G) Provision for psychiatric and psychological services that are integrated with other services and for psychiatric and psychological collaboration in overall service planning.

(H) Provision for services specifically directed to seriously mentally ill young adults 25 years of age or younger who are homeless or at significant risk of becoming homeless. These provisions may include continuation of services that still would be received through other funds had eligibility not been terminated as a result of age.

(I) Services reflecting special needs of women from diverse cultural backgrounds, including supportive housing that accepts children, personal services coordinator therapeutic treatment, and substance treatment programs that address gender-specific trauma and abuse in the lives of persons with mental illness, and vocational rehabilitation programs that offer job training programs free of gender bias and sensitive to the needs of women.

(J) Provision for housing for clients that is immediate, transitional, permanent, or all of these.

(K) Provision for clients who have been suffering from an untreated severe mental illness for less than one year, and who do not require the full range of services, but are at risk of becoming homeless unless a comprehensive individual and family support services plan is implemented. These clients shall be served in a manner that is designed to meet their needs.

(3) Each client shall have a clearly designated mental health personal services coordinator who may be part of a multidisciplinary treatment team who is responsible for providing or assuring needed services. Responsibilities include complete assessment of the client's needs, development of the client's personal services plan, linkage with all appropriate community services, monitoring of the quality and followthrough of services, and necessary advocacy to ensure each client receives those services that are agreed to in the personal services plan. Each client shall participate in the development of his or her personal services plan, and responsible staff shall consult with the designated conservator, if one has been appointed, and, with the consent of the client, shall consult with the family and other significant persons as appropriate.

(4) The individual personal services plan shall ensure that persons subject to assisted outpatient treatment programs receive age-appropriate, gender-appropriate, and culturally appropriate services, to the extent feasible, that are designed to enable recipients to:

(A) Live in the most independent, least restrictive housing feasible in the local community, and, for clients with children, to live in a supportive housing environment that strives for reunification with their children or assists clients in maintaining custody of their children as is appropriate.

(B) Engage in the highest level of work or productive activity appropriate to their abilities and experience.

(C) Create and maintain a support system consisting of friends, family, and participation in community activities.

(D) Access an appropriate level of academic education or vocational training.

(E) Obtain an adequate income.

(F) Self-manage their illnesses and exert as much control as possible over both the day-to-day and long-term decisions that affect their lives.

(G) Access necessary physical health care and maintain the best possible physical health.

(H) Reduce or eliminate serious antisocial or criminal behavior, and thereby reduce or eliminate their contact with the criminal justice system.

(I) Reduce or eliminate the distress caused by the symptoms of mental illness.

(J) Have freedom from dangerous addictive substances.

(5) The individual personal services plan shall describe the service array that meets the requirements of paragraph (4), and to the extent applicable to the individual, the requirements of paragraph (2).

(b) A county that provides assisted outpatient treatment services pursuant to this article also shall offer the same services on a voluntary basis.

(c) Counties that authorize the application of this article pursuant to Section 5349 may agree to act jointly to offer, or to contract with each other to offer, assisted outpatient treatment services pursuant to this article, subject to the approval of the State Department of Health Care Services. The agreement may include all or a portion of the assisted outpatient treatment services offered pursuant to this article. A county that is a party to the agreement shall separately offer assisted outpatient treatment services that are not included in the agreement, in accordance with this article.

~~(c)~~

(d) Involuntary medication shall not be allowed absent a separate order by the court pursuant to Sections 5332 to 5336, inclusive.

~~(d)~~

(e) A county that operates an assisted outpatient treatment program pursuant to this article shall provide data to the State Department of Health Care Services and, based on the data, the department shall report to the Legislature on or before May 1 of each year in which the county provides services pursuant to this article. The report shall include, at a minimum, an evaluation of the effectiveness of the strategies employed by each program operated pursuant to this article in reducing homelessness and hospitalization of persons in the program and in reducing involvement with local law enforcement by persons in the program. The evaluation and report shall also include any other measures identified by the department regarding persons in the program and all of the following, based on information that is available:

(1) The number of persons served by the program and, of those, the number who are able to maintain housing and the number who maintain contact with the treatment system.

(2) The number of persons in the program with contacts with local law enforcement, and the extent to which local and state incarceration of persons in the program has been reduced or avoided.

(3) The number of persons in the program participating in employment services programs, including competitive employment.

(4) The days of hospitalization of persons in the program that have been reduced or avoided.

(5) Adherence to prescribed treatment by persons in the program.

(6) Other indicators of successful engagement, if any, by persons in the program.

(7) Victimization of persons in the program.

(8) Violent behavior of persons in the program.
(9) Substance abuse by persons in the program.
(10) Type, intensity, and frequency of treatment of persons in the program.
(11) Extent to which enforcement mechanisms are used by the program, when applicable.
(12) Social functioning of persons in the program.
(13) Skills in independent living of persons in the program.
(14) Satisfaction with program services both by those receiving them and by their families, when relevant.

Amendment 3
On page 2, strike out lines 1 to 31, inclusive, and strike out pages 3 to 9, inclusive

AMENDMENTS TO ASSEMBLY BILL NO. 1767

Amendment 1
In the title, in line 1, strike out "12012.68" and insert:

25503.6

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

Business and Professions

Amendment 3
In the title, in line 2, strike out "tribal gaming." and insert:

alcoholic beverages.

Amendment 4
On page 1, before line 1, insert:

SECTION 1. Section 25503.6 of the Business and Professions Code is amended to read:

25503.6. (a) Notwithstanding any other provision of this chapter, a beer manufacturer, the holder of a winegrower's license, a distilled spirits rectifier, a distilled spirits manufacturer, or distilled spirits manufacturer's agent may purchase advertising space and time from, or on behalf of, an on-sale retail licensee subject to all of the following conditions:

(1) The on-sale licensee is the owner, manager, agent of the owner, assignee of the owner's advertising rights, or the major tenant of the owner of any of the following:

(A) An outdoor stadium or a fully enclosed arena with a fixed seating capacity in excess of 10,000 seats located in Sacramento County or Alameda County.

(B) A fully enclosed arena with a fixed seating capacity in excess of 18,000 seats located in Orange County or Los Angeles County.

(C) An outdoor stadium or fully enclosed arena with a fixed seating capacity in excess of 8,500 seats located in Kern County.

(D) An exposition park of not less than 50 acres that includes an outdoor stadium with a fixed seating capacity in excess of 8,000 seats and a fully enclosed arena with an attendance capacity in excess of 4,500 people, located in San Bernardino County.

(E) An outdoor stadium with a fixed seating capacity in excess of 10,000 seats located in Yolo County.

(F) An outdoor stadium and a fully enclosed arena with fixed seating capacities in excess of 10,000 seats located in Fresno County.

(G) An athletic and entertainment complex of not less than 50 acres that includes within its boundaries an outdoor stadium with a fixed seating capacity of at least 8,000 seats and a second outdoor stadium with a fixed seating capacity of at least 3,500 seats located in Riverside County.

(H) An outdoor stadium with a fixed seating capacity in excess of 1,500 seats located in Tulare County.

(I) A motorsports entertainment complex of not less than 50 acres that includes within its boundaries an outdoor speedway with a fixed seating capacity of at least 50,000 seats, located in San Bernardino County.

(J) An exposition park, owned or operated by a bona fide nonprofit organization, of not less than 400 acres with facilities including a grandstand with a seating capacity of at least 8,000 people, at least one exhibition hall greater than 100,000 square feet, and at least four exhibition halls, each greater than 30,000 square feet, located in the City of Pomona or the City of La Verne in Los Angeles County.

(K) An outdoor soccer stadium with a fixed seating capacity of at least 25,000 seats, an outdoor tennis stadium with a fixed capacity of at least 7,000 seats, an outdoor track and field facility with a fixed seating capacity of at least 7,000 seats, and an indoor velodrome with a fixed seating capacity of at least 2,000 seats, all located within a sports and athletic complex built before January 1, 2005, in the City of Carson in Los Angeles County.

(L) An outdoor professional sports facility with a fixed seating capacity of at least 4,200 seats located in San Joaquin County.

(M) A fully enclosed arena with a fixed seating capacity in excess of 13,000 seats in the City of Inglewood.

(N) (i) An outdoor stadium with a fixed seating capacity of at least 68,000 seats located in the City of Santa Clara.

(ii) A beer manufacturer, the holder of a winegrower's license, a distilled spirits rectifier, a distilled spirits manufacturer, or distilled spirits manufacturer's agent may purchase advertising space and time from, or on behalf of, a major tenant of an outdoor stadium described in clause (i), provided the major tenant does not hold a retail license, and the advertising may include the placement of advertising in an on-sale licensed premises operated at the outdoor stadium.

(O) A complex of not more than 50 acres located on the campus of, and owned by, Sonoma State University dedicated to presenting live artistic, musical, sports, food, beverage, culinary, lifestyle, or other cultural and entertainment events and performances with venues that include a concert hall with a seating capacity of approximately 1,500 seats, a second concert hall with a seating capacity of up to 300 seats, an outdoor area with a seating capacity of up to 5,000 seats, and a further outdoor area with a seating capacity of up to 10,000 seats. With respect to this complex, advertising space and time may also be purchased from or on behalf of the owner of the complex, a long-term tenant or licensee of the venue, whether or not the owner, long-term tenant, or licensee holds an on-sale license.

(P) A fairgrounds with a horse racetrack and equestrian and sports facilities located in San Diego County.

(2) The outdoor stadium or fully enclosed arena described in paragraph (1) is not owned by a community college district.

(3) The advertising space or time is purchased only in connection with the events to be held on the premises of the exposition park, stadium, or arena owned or leased by the on-sale licensee. With respect to an exposition park as described in subparagraph (J) of paragraph (1) that includes at least one hotel, the advertising space or time shall not be displayed on or in any hotel located in the exposition park, or purchased in connection with the operation of any hotel located in the exposition park. With respect to the complex described in subparagraph (O) of paragraph (1), the advertising space or time shall be purchased only in connection with live artistic, musical, sports, food, beverage, culinary, lifestyle, or other cultural and entertainment events and performances to be held on the premises of the complex.

(4) The on-sale licensee serves other brands of beer distributed by a competing beer wholesaler in addition to the brand manufactured or marketed by the beer manufacturer, other brands of wine distributed by a competing wine wholesaler in addition to the brand produced by the winegrower, and other brands of distilled spirits distributed by a competing distilled spirits wholesaler in addition to the brand manufactured or marketed by the distilled spirits rectifier, the distilled spirits manufacturer, or the distilled spirits manufacturer's agent that purchased the advertising space or time.

(b) Any purchase of advertising space or time pursuant to subdivision (a) shall be conducted pursuant to a written contract entered into by the beer manufacturer, the holder of the winegrower's license, the distilled spirits rectifier, the distilled spirits manufacturer, or the distilled spirits manufacturer's agent and any of the following:

(1) The on-sale licensee.

(2) With respect to clause (ii) of subparagraph (N) of paragraph (1) of subdivision (a), the major tenant of the outdoor stadium.

(3) With respect to subparagraph (O) of paragraph (1) of subdivision (a), the owner, a long-term tenant of the complex, or licensee of the complex, whether or not the owner, long-term tenant, or licensee holds an on-sale license.

(c) Any beer manufacturer or holder of a winegrower's license, any distilled spirits rectifier, any distilled spirits manufacturer, or any distilled spirits manufacturer's agent who, through coercion or other illegal means, induces, directly or indirectly, a holder of a wholesaler's license to fulfill all or part of those contractual obligations entered into pursuant to subdivision (a) or (b) shall be guilty of a misdemeanor and shall be punished by imprisonment in the county jail not exceeding six months, or by a fine in an amount equal to the entire value of the advertising space, time, or costs involved in the contract, whichever is greater, plus ten thousand dollars ($10,000), or by both imprisonment and fine. The person shall also be subject to license revocation pursuant to Section 24200.

(d) Any on-sale retail licensee, as described in subdivision (a), who, directly or indirectly, solicits or coerces a holder of a wholesaler's license to solicit a beer manufacturer, a holder of a winegrower's license, a distilled spirits rectifier, a distilled spirits manufacturer, or a distilled spirits manufacturer's agent to purchase advertising space or time pursuant to subdivision (a) or (b) shall be guilty of a misdemeanor and shall be punished by imprisonment in the county jail not exceeding six months, or by a fine in an amount equal to the entire value of the advertising space or time involved in the contract, whichever is greater, plus ten thousand dollars ($10,000), or by both

imprisonment and fine. The person shall also be subject to license revocation pursuant to Section 24200.

(e) For the purposes of this section, "beer manufacturer" includes any holder of a beer manufacturer's license, any holder of an out-of-state beer manufacturer's certificate, or any holder of a beer and wine importer's general license.

(f) The Legislature finds that it is necessary and proper to require a separation among manufacturing interests, wholesale interests, and retail interests in the production and distribution of alcoholic beverages in order to prevent suppliers from dominating local markets through vertical integration and to prevent excessive sales of alcoholic beverages produced by overly aggressive marketing techniques. The Legislature further finds that the exceptions established by this section to the general prohibition against tied interests shall be limited to their express terms so as not to undermine the general prohibition and intends that this section be construed accordingly.

Amendment 5

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

AMENDMENTS TO ASSEMBLY BILL NO. 1770

Amendment 1
On page 2, in line 23, strike out the first "or"

Amendment 2
On page 2, in line 25, strike out "96-422)." and insert:

96-422), or if the person is otherwise lawfully present in the United States.

Amendment 3
On page 3, below line 33, insert:

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

- 0 -

Bill Referral Digest

BILL NUMBER:	AB 1773	REFER TO:	U. & C. L. GOV.
AUTHOR:	Obernolte	DATE REFERRED:	03/17/2016

RELATING TO: Local government renewable energy self-generation program. An act to amend Section 2830 of the Public Utilities Code, relating to renewable energy.

LEGISLATIVE COUNSEL DIGEST

Under existing law, the Public Utilities Commission is vested with regulatory authority over public utilities. Existing law authorizes a local governmental entity, except a joint powers authority, to receive a bill credit to a designated benefiting account, for electricity exported to the electrical grid by an eligible renewable generating facility and requires the commission to adopt a rate tariff for the benefiting account.

This bill would include as a local governmental entity for this purpose a joint powers authority.

Under existing law, a violation of the Public Utilities Act or an order or direction of the commission is a crime. Because the provisions of this bill would require an order or other action of the commission to implement and a violation of that order or action would be a crime, the bill would impose a state-mandated local program by creating a new crime.

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.

AMENDMENTS TO ASSEMBLY BILL NO. 1775

Amendment 1

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

An act to amend Sections 17941, 18601, 18633, 19021, 23224, and 23281 of the Revenue and Taxation Code, relating to taxation.

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 17941 of the Revenue and Taxation Code is amended to read:

17941. (a) For each taxable year beginning on or after January 1, 1997, a limited liability company doing business in this state (as defined in Section 23101) shall pay annually to this state a tax for the privilege of doing business in this state in an amount equal to the applicable amount specified in subdivision (d) of Section 23153 for the taxable year.

(b) (1) In addition to any limited liability company that is doing business in this state and is therefore subject to the tax imposed by subdivision (a), for each taxable year beginning on or after January 1, 1997, a limited liability company shall pay annually the tax prescribed in subdivision (a) if articles of organization have been accepted, or a certificate of registration has been issued, by the office of the Secretary of State. The tax shall be paid for each taxable year, or part thereof, until a certificate of cancellation of registration or of articles of organization is filed on behalf of the limited liability company with the office of the Secretary of State.

(2) If a taxpayer files a return with the Franchise Tax Board that is designated as its final return, the Franchise Tax Board shall notify the taxpayer that the annual tax shall continue to be due annually until a certificate of dissolution is filed with the Secretary of State pursuant to Section 17707.08 of the Corporations Code or a certificate of cancellation is filed with the Secretary of State pursuant to Section 17708.06 of the Corporations Code.

(c) ~~The~~ (1) For taxable years beginning before January 1, 2016, the tax assessed under this section shall be due and payable on or before the 15th day of the fourth month of the taxable year.

(2) For taxable years beginning on or after January 1, 2016, the tax assessed under this section shall be due and payable on or before the 15th day of the third month of the taxable year.

(d) For purposes of this section, "limited liability company" means an organization, other than a limited liability company that is exempt from the tax and fees imposed under this chapter pursuant to Section 23701h or Section 23701x, that is formed by one or more persons under the law of this state, any other country, or any other state, as a "limited liability company" and that is not taxable as a corporation for California tax purposes.

(e) Notwithstanding anything in this section to the contrary, if the office of the Secretary of State files a certificate of cancellation pursuant to Section 17707.02 of the Corporations Code for any limited liability company, then paragraph (1) of subdivision (f) of Section 23153 shall apply to that limited liability company as if the limited liability company were properly treated as a corporation for that limited purpose only, and paragraph (2) of subdivision (f) of Section 23153 shall not apply. Nothing in this subdivision entitles a limited liability company to receive a reimbursement for any annual taxes or fees already paid.

(f) (1) Notwithstanding any provision of this section to the contrary, a limited liability company that is a small business solely owned by a deployed member of the United States Armed Forces shall not be subject to the tax imposed under this section for any taxable year the owner is deployed and the limited liability company operates at a loss or ceases operation.

(2) The Franchise Tax Board may promulgate regulations as necessary or appropriate to carry out the purposes of this subdivision, including a definition for "ceases operation."

(3) For the purposes of this subdivision, all of the following definitions apply:

(A) "Deployed" means being called to active duty or active service during a period when a Presidential Executive order specifies that the United States is engaged in combat or homeland defense. "Deployed" does not include either of the following:

(i) Temporary duty for the sole purpose of training or processing.

(ii) A permanent change of station.

(B) "Operates at a loss" means a limited liability company's expenses exceed its receipts.

(C) "Small business" means a limited liability company with total income from all sources derived from, or attributable, to the state of two hundred fifty thousand dollars ($250,000) or less.

(4) This subdivision shall become inoperative for taxable years beginning on or after January 1, 2018.

SEC. 2. Section 18601 of the Revenue and Taxation Code is amended to read:

18601. (a) ~~Except~~ (1) For taxable years beginning before January 1, 2016, as provided in subdivision (b) or (c), every taxpayer subject to the tax imposed by Part 11 (commencing with Section 23001) shall, on or before the 15th day of the third month following the close of its taxable year, transmit to the Franchise Tax Board a return in a form prescribed by it, specifying for the taxable year, all the facts as it may by rule, or otherwise, require in order to carry out this part. A tax return, disclosing net income for any taxable year, filed pursuant to Chapter 2 (commencing with Section 23101) or Chapter 3 (commencing with Section 23501) of Part 11 shall be deemed filed pursuant to the proper chapter of Part 11 for the same taxable period, if the chapter under which the return is filed is determined erroneous.

(2) (A) (i) For taxable years beginning on or after January 1, 2016, as provided in subdivision (b) or (c), every taxpayer subject to the tax imposed by Part 11 (commencing with Section 23001) that is a "C" corporation shall, on or before the 15th day of the fourth month following the close of its taxable year, transmit to the Franchise Tax Board a return in a form prescribed by it, specifying for the taxable year, all the facts as it may by rule, or otherwise, require in order to carry out this part. A tax return, disclosing net income for any taxable year, filed pursuant to Chapter 2 (commencing

with Section 23101) or Chapter 3 (commencing with Section 23501) of Part 11 shall be deemed filed pursuant to the proper chapter of Part 11 for the same taxable period, if the chapter under which the return is filed is determined erroneous.

(ii) In the case of a "C" corporation with a fiscal year ending on June 30, the amendments made by clause (i) shall apply to returns for taxable years beginning on or after January 1, 2026.

(B) For taxable years beginning on or after January 1, 2016, as provided in subdivision (b) or (c), every taxpayer subject to the tax imposed by Part 11 (commencing with Section 23001) that is an "S" corporation shall, on or before the 15th day of the third month following the close of its taxable year, transmit to the Franchise Tax Board a return in a form prescribed by it, specifying for the taxable year, all the facts as it may by rule, or otherwise, require in order to carry out this part. A tax return, disclosing net income for any taxable year, filed pursuant to Chapter 2 (commencing with Section 23101) or Chapter 3 (commencing with Section 23501) of Part 11 shall be deemed filed pursuant to the proper chapter of Part 11 for the same taxable period, if the chapter under which the return is filed is determined erroneous.

(b) In the case of cooperative associations described in Section 24404, returns shall be filed on or before the 15th day of the ninth month following the close of its taxable year.

(c) In the case of taxpayers required to file a return for a short period under Section 24634, the due date for the short period return shall be the same as the due date of the federal tax return that includes the net income of the taxpayer for that short period, or the due date specified in subdivision (a) if no federal return is required to be filed that would include the net income for that short period.

(d) For taxable years beginning on or after January 1, 1997, each ~~"S corporation"~~ "S" corporation required to file a return under subdivision (a) for any taxable year shall, on or before the day on which the return for the taxable year was filed, furnish each person who is a shareholder at any time during the taxable year a copy of the information shown on the return.

(e) For taxable years beginning on or after January 1, 1997:

(1) A shareholder of an ~~"S corporation"~~ "S" corporation shall, on the shareholder's return, treat a Subchapter S item in a manner that is consistent with the treatment of the item on the corporate return.

(2) (A) In the case of any Subchapter S item, paragraph (1) shall not apply to that item if both of the following occur:

(i) Either of the following occurs:

(I) The corporation has filed a return, but the shareholder's treatment of the item on the shareholder's return is, or may be, inconsistent with the treatment of the item on the corporate return.

(II) The corporation has not filed a return.

(ii) The shareholder files with the Franchise Tax Board a statement identifying the inconsistency.

(B) A shareholder shall be treated as having complied with clause (ii) of subparagraph (A) with respect to a Subchapter S item if the shareholder does both of the following:

(i) Demonstrates to the satisfaction of the Franchise Tax Board that the treatment of the Subchapter S item on the shareholder's return is consistent with the treatment of the item on the schedule furnished to the shareholder by the corporation.

(ii) Elects to have this paragraph apply with respect to that item.

(3) In any case described in subclause (I) of clause (i) of subparagraph (A) of paragraph (2), and in which the shareholder does not comply with clause (ii) of subparagraph (A) of paragraph (2), any adjustment required to make the treatment of the items by the shareholder consistent with the treatment of the items on the corporate return shall be treated as arising out of a mathematical error and assessed and collected under Section 19051.

(4) For purposes of this subdivision, "Subchapter S item" means any item of an ~~"S corporation"~~ "S" corporation to the extent provided by regulations that, for purposes of Part 10 (commencing with Section 17001) or this part, the item is more appropriately determined at the corporation level than at the shareholder level.

(5) The penalties imposed under Article 7 (commencing with Section 19131) of Chapter 4 shall apply in the case of a shareholder's negligence in connection with, or disregard of, the requirements of this section.

SEC. 3. Section 18633 of the Revenue and Taxation Code is amended to read:

18633. (a) (1) ~~Every~~ (A) For taxable years beginning before January 1, 2016, every partnership, on or before the 15th day of the fourth month following the close of its taxable year, shall make a return for that taxable year, stating specifically the items of gross income and the deductions allowed by Part 10 (commencing with Section 17001). Except as otherwise provided in Section 18621.5, the return shall include the names, addresses, and taxpayer identification numbers of the persons, whether residents or nonresidents, who would be entitled to share in the net income if distributed and the amount of the distributive share of each person. The return shall contain or be verified by a written declaration that it is made under penalty of perjury, signed by one of the partners.

~~(2)~~

(B) In addition to returns required by ~~paragraph (1),~~ subparagraph (A), every limited partnership subject to the tax imposed by subdivision (b) of Section 17935, on or before the 15th day of the fourth month following the close of its taxable year, shall make a return for that taxable year, containing the information identified in ~~paragraph (1).~~ subparagraph (A). In the case of a limited partnership not doing business in this state, the Franchise Tax Board shall prescribe the manner and extent to which the information identified in ~~paragraph (1)~~ subparagraph (A) shall be included with the return required by this ~~paragraph.~~ subparagraph.

(2) (A) For taxable years beginning on or after January 1, 2016, every partnership, on or before the 15th day of the third month following the close of its taxable year, shall make a return for that taxable year, stating specifically the items of gross income and the deductions allowed by Part 10 (commencing with Section 17001). Except as otherwise provided in Section 18621.5, the return shall include the names, addresses, and taxpayer identification numbers of the persons, whether residents or nonresidents, who would be entitled to share in the net income if distributed and the amount of the distributive share of each person. The return shall contain or be verified by a written declaration that it is made under penalty of perjury, signed by one of the partners.

(B) In addition to returns required by subparagraph (A), every limited partnership subject to the tax imposed by subdivision (b) of Section 17935, on or before the 15th day of the third month following the close of its taxable year, shall make a return for that taxable year, containing the information identified in subparagraph (A). In the case of a limited partnership not doing business in this state, the Franchise Tax Board shall prescribe the manner and extent to which the information identified in subparagraph (A) shall be included with the return required by this subparagraph.

(b) Each partnership required to file a return under subdivision (a) for any taxable year shall (on or before the day on which the return for that taxable year was required to be filed) furnish to each person who is a partner or who holds an interest in that partnership as a nominee for another person at any time during that taxable year a copy of the information required to be shown on that return as may be required by regulations.

(c) Any person who holds an interest in a partnership as a nominee for another person shall do both of the following:

(1) Furnish to the partnership, in the manner prescribed by the Franchise Tax Board, the name, address, and taxpayer identification number of that other person, and any other information for that taxable year as the Franchise Tax Board may by form and regulation prescribe.

(2) Furnish to that other person, in the manner prescribed by the Franchise Tax Board, the information provided by that partnership under subdivision (b).

(d) The provisions of Section 6031(d) of the Internal Revenue Code, relating to ~~the~~ separate statement of items of unrelated business taxable income, shall apply.

(e) The provisions of Section 6031(f) of the Internal Revenue Code, relating to electing investment partnerships, shall apply, except as otherwise provided.

SEC. 4. Section 19021 of the Revenue and Taxation Code is amended to read:

19021. ~~In~~ (a) For taxable years beginning before January 1, 2016, the case of taxpayers subject to the tax imposed by Article 3 (commencing with Section 23181) of Chapter 2 of Part 11, there shall be due and payable on or before the 15th day of the third month following the close of the preceding year from each taxpayer a percentage of its net income as disclosed by its return which is equal to the rate applicable to corporations subject to the tax imposed by Article 2 (commencing with Section 23151) of Chapter 2 of Part 11 plus the personal property tax rate equivalent included in the bank and financial corporation tax rate determination by the Franchise Tax Board pursuant to Sections 23186 and 23186.1. The payment required by this section shall not be less than the minimum tax specified in Section 23153.

(b) (1) (A) For taxable years beginning on or after January 1, 2016, in the case of taxpayers that are "C" corporations subject to the tax imposed by Article 3 (commencing with Section 23181) of Chapter 2 of Part 11, there shall be due and payable on or before the 15th day of the fourth month following the close of the preceding year from each taxpayer a percentage of its net income as disclosed by its return which is equal to the rate applicable to corporations subject to the tax imposed by Article 2 (commencing with Section 23151) of Chapter 2 of Part 11 plus the personal property tax rate equivalent included in the bank and financial corporation tax rate determination by the Franchise Tax Board pursuant to Section 23186. The payment required by this section shall not be less than the minimum tax specified in Section 23153.

(B) In the case of a "C" corporation with a fiscal year ending on June 30, the amendments made by subparagraph (A) shall apply to returns for taxable years beginning on or after January 1, 2026.

(2) For taxable years beginning on or after January 1, 2016, in the case of taxpayers that are "S" corporations subject to the tax imposed by Article 3 (commencing with Section 23181) of Chapter 2 of Part 11, there shall be due and payable on or before the 15th day of the fourth month following the close of the preceding year from each taxpayer a percentage of its net income as disclosed by its return which is equal to the rate applicable to corporations subject to the tax imposed by Article 2 (commencing with Section 23151) of Chapter 2 of Part 11 plus the personal property tax rate equivalent included in the bank and financial corporation tax rate determination by the Franchise Tax Board pursuant to Section 23186. The payment required by this section shall not be less than the minimum tax specified in Section 23153.

SEC. 5. Section 23224 of the Revenue and Taxation Code is amended to read:

23224. (a) Notwithstanding the provisions of Section 23222 and Section 23223, if a corporation, which has been subject to the provisions of Chapter 3 (commencing with section 23501) commences to do business in this state, its tax shall be computed as follows:

(1) Such corporation shall pay a tax under Chapter 3 (commencing with Section 23501) for the whole of the year it commences to do such business;

(2) Such corporation shall, for the taxable year succeeding the year it commences to do business in this state, pay a tax under this chapter measured by its income for that taxable year;

(3) Such corporation shall, for its third taxable year, pay a tax, under this chapter, measured by its income for its second taxable year;

(4) (A) Notwithstanding any other provisions of this part, for taxable years beginning before January 1, 2016, such corporation shall file its return for such second and third taxable years on or before the 15th day of the third month following the close of its second taxable year.

(B) (i) (I) Notwithstanding any other provisions of this part, for taxable years beginning on or after January 1, 2016, such corporation that is a "C" corporation shall file its return for such second and third taxable years on or before the 15th day of the fourth month following the close of its second taxable year.

(II) In the case of a "C" corporation with a fiscal year ending on June 30, the amendments made by subclause (I) shall apply to returns for taxable years beginning on or after January 1, 2026.

(ii) Notwithstanding any other provisions of this part, for taxable years beginning on or after January 1, 2016, such corporation that is a "S" corporation shall file its return for such second and third taxable years on or before the 15th day of the third month following the close of its second taxable year.

(b) The provisions of subdivision (a) shall be applicable only if a taxpayer commenced doing business in this state before January 1, 1972.

SEC. 6. Section 23281 of the Revenue and Taxation Code is amended to read:

23281. (a) (1) When a taxpayer ceases to do business within the state during any taxable year and does not dissolve or withdraw from the state during that year, and does not resume doing business during the succeeding taxable year, its tax for the

taxable year in which it resumes doing business prior to January 1, 2000, shall be the greater of the following:

(A) The tax computed upon the basis of the net income of the income year in which it ceased doing business, except where the income has already been included in the measure of a tax imposed by this chapter.

(B) The minimum tax prescribed in Section 23153.

(2) When a taxpayer ceases to do business within the state during any taxable year and does not dissolve or withdraw from the state during that year, and does not resume doing business during the succeeding taxable year, its tax for the taxable year in which it resumes doing business, on or after January 1, 2000, shall be according to or measured by its net income for the taxable year in which it resumes doing business.

(b) ~~The~~ (1) For taxable years beginning before January 1, 2016, the tax shall be due and payable at the time the corporation resumes doing business, or on or before the 15th day of the third month following the close of its taxable year, whichever is later. All the provisions of this part relating to delinquent taxes shall be applicable to the tax if it is not paid on or before its due date.

(2) (A) (i) For taxable years beginning on or after January 1, 2016, the tax shall be due and payable at the time the "C" corporation resumes doing business, or on or before the 15th day of the fourth month following the close of its taxable year, whichever is later. All the provisions of this part relating to delinquent taxes shall be applicable to the tax if it is not paid on or before its due date.

(ii) In the case of a "C" corporation with a fiscal year ending on June 30, the amendments made by clause (i) shall apply to returns for taxable years beginning on or after January 1, 2026.

(B) For taxable years beginning on or after January 1, 2016, the tax shall be due and payable at the time the "S" corporation resumes doing business, or on or before the 15th day of the third month following the close of its taxable year, whichever is later. All the provisions of this part relating to delinquent taxes shall be applicable to the tax if it is not paid on or before its due date.

(c) This section does not apply to a corporation which became subject to Chapter 3 (commencing with Section 23501) after it discontinued doing business in this state (see Section 23224.5).

Amendment 3

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

AMENDMENTS TO ASSEMBLY BILL NO. 1781

Amendment 1

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

add

Amendment 2

In the title, in line 1, strike out "70900 of" and insert:

66061 to

Amendment 3

In the title, strike out line 2 and insert:

public postsecondary education.

Amendment 4

On page 1, before line 1, insert:

SECTION 1. Section 66061 is added to the Education Code, to read:

66061. (a) Child development programs established by the California Community Colleges, the California State University, and the University of California pursuant to Section 66060 shall give priority to children of students who are active duty members of the California National Guard.

(b) Priority pursuant to subdivision (a) shall not exceed other priorities established, as of January 1, 2017, by the public postsecondary educational institution or the Superintendent of Public Instruction for the program.

Amendment 5

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

AMENDMENTS TO ASSEMBLY BILL NO. 1791

Amendment 1

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

An act to add Section 17132.9 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 17132.9 is added to the Revenue and Taxation Code, to read:

17132.9. (a) For each taxable year beginning on or after January 1, 2016, gross income shall not include retirement pay received by a taxpayer from the federal government for military service performed in the Armed Forces of the United States, the reserve component of the Armed Forces of the United States, or the National Guard.

(b) For each taxable year beginning on or after January 1, 2016, gross income shall not include survivor benefits received by a taxpayer from the federal government pursuant to Chapter 73 of Title 10 of the United States Code.

SEC. 2. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect.

Amendment 3

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

AMENDMENTS TO ASSEMBLY BILL NO. 1794

Amendment 1

In the title, in line 1, strike out "amend Section 71250" and insert:

add Chapter 1.6 (commencing with Section 71265) to Part 3 of Division 20

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Chapter 1.6 (commencing with Section 71265) is added to Part 3 of Division 20 of the Water Code, to read:

CHAPTER 1.6. CENTRAL BASIN MUNICIPAL WATER DISTRICT

71265. For the purposes of this chapter:

(a) "District" means the Central Basin Municipal Water District.

(b) "Large water purveyor" means one of the top five purveyors of water as measured by the total purchase of water from the district for the three prior fiscal years.

71266. (a) Except as provided in subdivision (b) and notwithstanding any other provision of this division, the board of the district shall be composed of seven directors as follows:

(1) Four directors, one director elected for each division established pursuant to subdivision (c) by the voters of the division. Each director shall be a resident of the division from which he or she is elected.

(2) Three directors appointed by the water purveyors of the district in accordance with Section 71267.

(b) Until the directors elected at the November 6, 2018, election take office, the board of the district shall be composed of eight directors as follows:

(1) Five directors in accordance with Section 71250.

(2) Three directors appointed by the water purveyors of the district pursuant to Section 71267.

(c) The board of the district shall divide the district into four divisions in a manner as to equalize, as nearly as practicable, the population in the respective divisions pursuant to Section 71540.

71267. (a) The executive director of the district shall notify each water purveyor of the district and provide a 60-day period during which the district will accept nominations for appointment of individuals to the board of the district.

(b) Individuals nominated for appointment to the board of directors shall demonstrate eligibility and relevant technical expertise.

(c) (1) The three directors appointed by the water purveyors shall be selected by the water purveyors of the district every four years as follows:

(A) One director shall be selected by all large water purveyors from the nominees of large water purveyors. Each large water purveyor shall have one vote.

(B) One director shall be selected by all cities that are water purveyors of the district from the nominees of cities. Each city shall have one vote.

(C) One director shall be selected by all of the water purveyors of the district from any nominee. The vote of each purveyor shall be weighted to reflect the number of service connections of that water purveyor.

(2) Each nominee for director who receives the highest number of votes cast for each office described in paragraph (1) is appointed as a director to the board of the district and shall take office in accordance with Section 71512. The district shall collect the votes and report the results to the water purveyors. Votes for an appointed director are public records.

(d) Each appointed director shall live or work within the district.

(e) In order to ensure continuity of knowledge, the directors appointed at the first purveyor selection shall classify themselves by lot so that two of them shall hold office until the selection of their successors at the first succeeding purveyor selection and one of them shall hold office until the selection of his or her successor at the second succeeding purveyor selection.

(f) (1) The term of a director appointed pursuant to subparagraph (A) of paragraph (1) of subdivision (c) is terminated if the appointed director no longer is employed by or a representative of a large water purveyor.

(2) The term of a director appointed pursuant to subparagraph (B) of paragraph (1) of subdivision (c) is terminated if the appointed director no longer is employed by or a representative of a city.

(3) The term of a director appointed pursuant to subparagraph (C) of paragraph (1) of subdivision (c) is terminated if the appointed director no longer is employed by or a representative of a water purveyor.

(g) An appointed director shall not do either of the following:

(1) Hold an elected office.

(2) Be a president, vice president, chief financial officer, or shareholder of a private company that purchases water from the district.

(h) A vacancy in an office of appointed director shall be filled in accordance with the selection process described in subdivisions (a) to (c), inclusive.

71268. (a) (1) The district shall establish a technical advisory committee composed of the representatives of five water purveyors selected before December 31, 2016, and every two years thereafter, as follows:

(A) One position shall be selected by the large water purveyors from nominated large water purveyors, each large water purveyor having one vote.

(B) One position shall be selected by the cities that are water purveyors of the district from nominated cities, each city having one vote.

(C) Three positions shall be selected by all water purveyors of the district from nominated water purveyors with the vote of each purveyor weighted to reflect the number of service connections of that water purveyor.

(2) Each nominated water purveyor that receives the highest number of votes cast for each position described in paragraph (1) is selected to the position. The district shall collect the votes and report the results to the water purveyors. Votes for a position on the technical advisory committee are public records.

(b) In composing the technical advisory committee, a person and an alternate from each water purveyor selected to a position pursuant to subdivision (a) shall serve

on the technical advisory committee. A purveyor may change the person or alternate that serves on the technical advisory committee at any time. Those selected shall demonstrate eligibility and relevant technical expertise.

(c) The executive director of the district shall notify each water purveyor of the district and provide a 60-day period during which the district will accept nominations to serve on the technical advisory committee.

(d) (1) To be eligible to serve on the technical advisory committee, a water purveyor shall not have an individual employed by or representing that water purveyor on the board of the district.

(2) A water purveyor shall not hold more than one technical advisory committee seat.

(3) No person selected to represent a water purveyor on the committee shall be a president, vice president, chief financial officer, or shareholder of a private company that purchases water from the district.

71269. (a) The technical advisory committee shall meet on a quarterly basis for the following purposes:

(1) To review the district's budget and projects for the purpose of providing nonbinding advice to the district's general manager.

(2) To review and approve proposed changes to the administrative code relating to ethics, director compensation, and benefits.

(3) To review and approve proposed changes relating to procurement.

(b) The board of the district shall not make a change described in paragraph (2) or (3) of subdivision (a) unless the technical advisory committee approves the change by majority vote before the change comes to a vote of the board of the directors.

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

Amendment 3

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

AMENDMENTS TO ASSEMBLY BILL NO. 1826

Amendment 1

In the title, in line 1, strike out "amend Section 46000" and insert:

repeal and add Chapter 10 (commencing with Section 46000) of Division 17

Amendment 2

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

and to amend Sections 110810, 110812, 110860, 110920, and 110925 of, to repeal Section 110870 of, and to repeal and add Sections 110815, 110875, and 110958 of, the Health and Safety Code,

Amendment 3

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

products.

Amendment 4

On page 1, before line 1, insert:

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

(a) The state organic program was first established under the California Organic Products Act of 1990 and amended in the California Organic Products Act of 2003. The state organic program was developed before and during the development of federal organic standards. Today, a robust federal organic certification and enforcement program exists.

(b) As a result of the state organic program, California certified organic producers pay more fees, are subject to duplicate registration and extra documentation, and are required to comply with more regulation than producers outside of California to use the same organic label.

(c) As a result of the state organic program, the National Organic Program focuses its enforcement funds outside of California, and it relies on the state organic program's additional fees on California producers to fund enforcement in California.

(d) The purpose of amending the existing law governing the state organic program is to reform fees and paperwork and to create a framework whereby state organic program enforcement activities are designed to supplement National Organic Program-funded enforcement in California.

SEC. 2. Chapter 10 (commencing with Section 46000) of Division 17 of the Food and Agricultural Code is repealed.

SEC. 3. Chapter 10 (commencing with Section 46000) is added to Division 17 of the Food and Agricultural Code, to read:

CHAPTER 10. CALIFORNIA ORGANIC FOOD AND FARMING ACT

Article 1. General Provisions

46000. (a) This chapter and Article 7 (commencing with Section 110810) of Chapter 5 of Part 5 of Division 104 of the Health and Safety Code shall be known and may be cited as the California Organic Food and Farming Act.

(b) The secretary and county agricultural commissioners under the supervision and direction of the secretary shall enforce regulations adopted by the National Organic Program (NOP) (Section 6517 of the federal Organic Foods Production Act of 1990 (7 U.S.C. Sec. 6501 et seq.)), and Article 7 (commencing with Section 110810) of Chapter 5 of Part 5 of Division 104 of the Health and Safety Code and this act applicable to any person selling products as organic.

(c) This chapter shall be interpreted in conjunction with Article 7 (commencing with Section 110810) of Chapter 5 of Part 5 of Division 104 of the Health and Safety Code and regulations adopted by the National Organic Program (Section 6517 of the federal Organic Foods Production Act of 1990 (7 U.S.C. Sec. 6501 et seq.)).

46001. For purposes of this act, the following terms have the following meanings:

(a) "Accredited certification agency" means an entity accredited by the United States Department of Agriculture to certify operations as compliant with the federal organic standards.

(b) "Act" means the California Organic Food and Farming Act.

(c) "Categorical products" means categories of products of like commodity such as apples and salad products, and does not require variety specific information.

(d) "Certified operation" means a producer, handler, or retail food establishment that is certified organic by an accredited certification agency as authorized by the federal Organic Foods Production Act of 1990 (7 U.S.C. Sec. 6501 et seq.) and implemented pursuant to the National Organic Program.

(e) "Data" means the information provided annually by persons registered under the act, including certified organic acreage and gross sales of certified organic products.

(f) "Department" means the State Department of Public Health.

(g) "Director" means the director and State Public Health Officer for the State Department of Public Health.

(h) "Enforcement authority" means the governmental unit with primary enforcement jurisdiction, as provided in Section 46022.

(i) "Exempt handler" means a handling operation that sells agricultural products as "organic" but whose gross agricultural income from organic sales totals five thousand dollars ($5,000) or less annually.

(j) "Exempt operation" means a production or handling operation that sells agricultural products but is exempt from certification under federal organic standards.

(k) "Exempt producer" means a production operation that sells agricultural products as "organic" but whose gross agricultural income from organic sales totals five thousand dollars ($5,000) or less annually.

(*l*) "Federal organic standards" means the federal regulations governing production, labeling, and marketing of organic products as authorized by the federal

Organic Foods Production Act of 1990 (7 U.S.C. Sec. 6501 et seq.) and implemented pursuant to the National Organic Program (7 C.F.R. Sec. 205 et seq.), and any amendments to the federal act or regulations made subsequent to the enactment of this chapter.

(m) "Handle" means to sell, process, or package agricultural products.

(n) "Handler" means any person engaged in the business of handling agricultural products, but does not include final retailers of agricultural products that do not process agricultural products.

(o) "Handling operation" means any operation or portion of an operation, except final retailers of agricultural products that do not process agricultural products that (1) receives or otherwise acquires agricultural products, and (2) processes, packages, or stores agricultural products.

(p) "Inspection" means the act of examining and evaluating a production or handling operation to determine compliance with state and federal law.

(q) "National Organic Program" or "NOP" means the National Organic Program established pursuant to the federal Organic Foods Production Act of 1990 (7 U.S.C. Sec. 6501 et seq.) and the regulations adopted for implementation.

(r) "Person" means any individual, firm, partnership, trust, corporation, limited liability company, company, estate, public or private institution, association, organization, group, city, county, city and county, political subdivision of this state, other governmental agency within the state, and any representative, agent, or agency of any of the foregoing.

(s) "Processing" means cooking, baking, heating, drying, mixing, grinding, churning, separating, extracting, cutting, fermenting, eviscerating, preserving, dehydrating, freezing, or otherwise manufacturing, and includes packaging, canning, jarring, or otherwise enclosing food in a container.

(t) "Producer" means a person who engages in the business of growing or producing food, fiber, feed, and other agricultural-based consumer products.

(u) "Prohibited substance" means a substance the use of which in any aspect of organic production or handling is prohibited or not provided for in state or federal law.

(v) "Residue testing" means an official or validated analytical procedure that detects, identifies, and measures the presence of chemical substances, their metabolites, or degradation products in or on raw or processed agricultural products.

(w) "Retail food establishment" means a restaurant, delicatessen, bakery, grocery store, or any retail outlet with an in-store restaurant, delicatessen, bakery, salad bar, or other eat-in or carry-out service of processed or prepared raw and ready-to-eat-food.

(x) "Secretary" means the Secretary of Food and Agriculture.

(y) "USDA" means the United States Department of Agriculture.

46002. (a) All organic food or product regulations and any amendments to those regulations adopted pursuant to the federal Organic Foods Production Act of 1990 (7 U.S.C. Sec. 6501 et seq.), that are in effect on the date this act is enacted or that are adopted after that date, shall be the organic food and product regulations of this state.

(b) The secretary may, by regulation, prescribe conditions under which organic foods or other products not addressed by the National Organic Program may be sold in this state.

(c) The purpose of the state organic program shall be to do the following:

(1) Supplement the National Organic Program enforcement of federal organic standards.

(2) Promote coordination of federal, state, and local agencies in implementation of the National Organic Program.

(3) Expand, improve, and protect the production of organic products.

(4) Assist operations in achieving organic certification.

(5) Provide technical assistance, education, outreach, and guidance to the organic industry.

(d) The secretary may receive and expend state and federal funds for activities authorized under this act.

Article 2. Administration

46011. (a) The secretary shall establish a memorandum of understanding with the director to assist in the administration of the state organic program and responsibilities authorized under this act.

(b) The secretary may contract with county agricultural commissioners to implement this act.

46012. (a) To the extent that funds are available, the secretary, in consultation with the advisory committee established pursuant to Section 46014, may establish procedures for and conduct the following activities to supplement enforcement of NOP standards in the state:

(1) Receive and investigate complaints filed by any person concerning suspected acts of noncompliance with this act or federal organic standards.

(2) Conduct periodic spot inspections.

(3) Conduct periodic prohibited material testing on products labeled as organic to supplement the Department of Pesticide Regulation residue testing program authorized in Section 12532, the pesticide residue monitoring program on processed foods authorized by Article 1 (commencing with Section 110425) of Chapter 5 of Part 5 of Division 104 of the Health and Safety Code, and annual testing conducted by accredited certification agencies.

(4) Conduct farmers' market inspections to supplement those conducted under the certified farmers' market program pursuant to Chapter 10.5 (commencing with Section 47000).

(b) Investigation, inspection, and prohibited material testing reports shall be forwarded to the secretary or to NOP for any required enforcement action.

(c) The secretary shall coordinate state organic program activities authorized under this section with other county and state licensing, registration, inspection, and fee collection procedures applicable to registrants.

46013. To the extent funds are available, the secretary may, in consultation with the advisory committee, use state organic program funds to conduct the following activities:

(a) Expand, improve, and protect the production of organic products.

(b) Assist operations in achieving organic certification, including transition to organic.

(c) Provide technical assistance, education, outreach, and guidance to the organic industry.

46014. (a) The secretary shall establish an advisory committee, which shall be known as the California Organic Products Advisory Committee, for the purpose of advising the secretary with respect to his or her responsibilities under this act and Article 7 (commencing with Section 110810) of Chapter 5 of Part 5 of Division 104 of the Health and Safety Code.

(b) An advisory committee established under this chapter shall also advise the secretary, the University of California, and the California State University on education, outreach, and technical assistance for organic producers.

(c) The advisory committee shall be comprised of 16 members as follows:

(1) Six members shall be producers, at least one of whom shall be a producer of meat, fowl, fish, dairy products, or eggs.

(2) Two members shall be processors.

(3) One member shall be a wholesale distributor.

(4) One member shall be a representative of an accredited certification agency operating in the state.

(5) One member shall be a consumer representatives.

(6) One member shall be an environmental representative.

(7) Two members shall be technical representatives with scientific credentials related to agriculture or food science.

(8) One member shall be a food retail establishment representative.

(9) One member shall be a representative from the University of California or California State University system.

(d) Except for the accredited certification agency, consumer, environmental, technical, and University of California or California State University system representatives, the members of the advisory committee shall have derived a substantial portion of their business income, wages, or salary as a result of services they provide that directly result in the production, handling, processing, or retailing of products sold as organic for at least three years preceding their appointment to the advisory committee.

(e) The consumer and environmental representatives shall not have a financial interest in the direct sales or marketing of the organic product industry and shall be members or employees of representatives of recognized nonprofit organizations whose principal purpose is the protection of consumer health or protection of the environment.

(f) The technical and University of California or California State University system representatives shall not have a financial interest in the production, handling, processing, or marketing of the organic products industry. The technical and university system representatives may be involved in organic research or technical review providing they have no financial benefit from results of the research project or technical review.

(g) (1) Each member of the committee may have an alternate who satisfies the same requirements as the member.

(2) An alternate member shall serve at an advisory committee meeting only in the absence of, and shall have the same powers and duties as, the category whom he or she is representing as alternate, except for duties and powers as an officer of the committee. The number of alternates present who are not serving in the capacity of a member shall not be considered in determining a quorum.

(3) An alternate member may serve at an advisory committee subcommittee meeting only in the absence of, and shall have the same powers and duties as, the

member whom he or she is designated as alternate, except for duties and powers as a subcommittee chairperson.

(h) The members of the advisory committee and their alternates shall be reimbursed for the reasonable expenses actually incurred in the performance of their duties, as determined by the advisory committee and approved by the secretary. The secretary may authorize payment of per diem to each attendee based on a recommendation of the advisory committee.

(i) The secretary or his or her representative, the director or his or her representative, the director of the Department of Pesticide Regulation or his or her representative, and a county agricultural commissioner may serve as ex officio members of the advisory committee.

(j) The advisory committee shall review and make recommendations to the secretary and the director on the state organic program budget, including all fee revenues and penalties assessed from exempt operations, accredited certification agencies, and retail food establishments, and all expenses of the program.

(k) The advisory committee shall meet at least two times annually and submit an annual report to the secretary that summarizes issues for organic agriculture and food production in the state.

Article 3. Registration

46021. (a) Except as specified in subdivision (b), a person engaged in this state in the production or handling of raw agricultural products sold as organic, and retailers that are engaged in the production of products sold as organic, and retailers that are engaged in the processing, as defined by the NOP, of products sold as organic, shall register with the county agricultural commissioner in the county of principal operation before the first sale of the product. All processors of organic agriculturally derived products that are not required to be registered with the director under Article 7 (commencing with Section 110810) of Chapter 5 of Part 5 of Division 104 of the Health and Safety Code shall register with the secretary. Each registrant shall provide a complete copy of its registration to the county agricultural commissioner in any county in which the registrant operates.

(b) A person certified under the National Organic Program shall be deemed registered and shall not be required to register pursuant to subdivision (a).

(c) The secretary, in consultation with the advisory committee, shall establish procedures for registration and information required for registration.

(d) Registration pursuant to this section shall be valid for one year and shall be renewed annually.

46022. (a) This act shall not apply to the term "natural" when used in the labeling or advertising of a product.

(b) This act also applies to seed, fiber, and horticultural products. The terms "foods" and "raw agricultural commodities" as used in this chapter include seed, fiber, and horticultural products where the context requires to effectuate this section.

(c) Article 14 (commencing with Section 43031) of Chapter 2 applies to any food product that is represented as organically produced by any person who is not registered as required by this chapter or any product that is not in compliance with this chapter or Article 7 (commencing with Section 110810) of Chapter 5 of Part 5 of

Division 104 of the Health and Safety Code. The secretary, county agricultural commissioners, and the director shall be considered enforcing officers for purposes of those provisions of law under their respective jurisdiction.

46023. (a) To the extent feasible, the secretary shall coordinate the registration and fee collection procedures of this section with similar licensing or registration procedures applicable to registrants.

(b) The secretary or county agricultural commissioner shall deny a registration submission that is incomplete or not in compliance with this act.

(c) A registrant shall, within a reasonable time, notify the secretary of any change in the information reported on the registration form and shall pay any additional fee owed if that change results in a higher fee owed than that previously paid.

(d) At the request of any person, the public information sheet for any registrant shall be made available for inspection and copying at the main office of the department and each county agricultural commissioner. Copies of the "public information sheet" shall also be made available by mail, upon written request. The secretary or county agricultural commissioner may charge a reasonable fee for the cost of reproducing a "public information sheet." Except as provided in this subdivision, a registration form is exempt from Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code.

(e) The secretary, in consultation with the California Organic Products Advisory Committee, may suspend the registration program set forth in this section if the secretary determines that income derived from registration fees is insufficient to support a registration enforcement program.

(f) A registration is considered legal and valid until revoked, suspended, or until the expiration of the registration.

(g) The registration revocation process shall be in conjunction with other provisions of this chapter. The secretary or county agricultural commissioner's office may initiate the revocation process for failure to comply with the NOP or this act. Any person against whom the action is being taken shall have the opportunity to appeal the action and be afforded the opportunity to be heard in an administrative appeal. This appeal shall be administered by either the state or county agricultural commissioner's office.

(h) When the registration fee is not paid within 60 days from the expiration date, the account shall be considered closed and the registration voided. A notification shall be sent to the registrant and the certifier, if applicable, notifying them the registrant is no longer able to market products as organic until the account is paid in full.

(i) Any producer, handler, processor, or certification agency subject to this chapter that does not pay the fee within 10 days of the date on which the fee is due and payable shall pay a penalty of 10 percent of the total amount determined to be due plus interest at the rate of 1.5 percent per month on the unpaid balance.

46024. (a) Any certification organization that certifies product in this state sold as organic shall register with the secretary and shall thereafter annually renew the registration, unless the organization is no longer engaged in the activities requiring the registration. Registration shall be on a form provided by the secretary, and shall include a copy of accreditation by the USDA or proof of application, if applicable.

(b) For the purpose of conducting activities authorized under this act, the secretary shall require certifying agents operating in the state to annually submit the information

that it submits to the NOP directly to the state organic program. The secretary shall accept the information in the same format that the certifying agent uses to submit information to the NOP.

(c) Any registration submitted by a certification organization shall be made available to the public for inspection and copying. The secretary may audit the organization's certification procedures and records at any time, but any records of the certification organization not otherwise required to be disclosed shall be kept confidential by the secretary.

(d) The secretary and the county agricultural commissioners under the supervision of the secretary shall, if requested by a sufficient number of persons to cover the costs of the program in a county as determined by the secretary, establish a certification program. This program shall meet all of the requirements of this chapter. In addition, this program shall meet all of the requirements of the federal certification program, including federal accreditation. The secretary shall establish a fee schedule for participants in this program that covers all of the department's reasonable costs of the program. A county agricultural commissioner that conducts a voluntary certification program pursuant to this section shall establish a fee schedule for participants in this program that covers all of the county's reasonable costs of the program. The secretary may not expend funds obtained from registration fees collected under this chapter for the purposes of adopting or administering this program.

(e) The certification fee authorized under subdivision (d) is due and payable on January 1 or may be prorated before the 10th day of the month following the month in which the decision to grant the certification is issued. Any person who does not pay the amount that is due within the required period shall pay the enforcement authority providing the certificate a penalty of 10 percent of the total amount determined to be due, plus interest at the rate of 1.5 percent per month on the unpaid balance.

46025. (a) All products sold as organic in California shall be certified by a federally accredited certifying agent, if they are required to be certified under the federal act.

(b) Product shall be sold as organic only in accordance with this chapter.

(c) A certification organization shall be accredited by the USDA as provided in the NOP.

46026. Materials allowed in organic production and processing are specified in the Federal Organic Standards (7 C.F.R. Sec. 205 et seq.). Organic input materials for organic production are regulated under Chapter 5 (commencing with Section 14501) of Division 7.

Article 4. Fees and Penalties

46031. (a) The secretary, in consultation with the advisory committee, shall establish a registration fee for producers, handlers, and retail food establishments that are exempt from certification under the NOP but who are required to register with the state pursuant to Section 46021. The registration fee shall not exceed the reasonable costs of enforcement activities as authorized under Section 46012 on operations exempt from certification.

(b) The secretary, in consultation with the advisory committee, shall establish a registration fee for certifying agents operating within the state. The registration fee

shall not exceed the reasonable costs of enforcement and monitoring of certifying agents.

(c) The secretary, in consultation with the advisory committee, may establish an annual fee for the purposes of funding the activities authorized under this act. Any fee established shall not exceed the following fee schedule for gross annual organic sales amounts:

Gross Annual Organic Sales	Annual Fee Amount
$ 0 - 250,000	$100
$ 250,001 - 500,000	$450
$ 500,001 - 1,000,000	$750
$ 1,000,001 - 2,500,000	$1,000
$ 2,500,001 - 5,000,000	$1,500
$ 5,000,001 - 15,000,000	$2,000
$ 15,000,001 25,000,000	$2,500
$ 25,000,001 and above	$3,000

46032. (a) The fees and penalties collected by the secretary and county agricultural commissioners pursuant to this chapter shall be deposited in the Department of Food and Agricultural Fund and, upon appropriation by the Legislature, shall be expended solely to fulfill the activities authorized under this chapter.

(b) By regulation, the secretary may establish procedures to allow any fees and penalties collected by a county agricultural commissioner pursuant to Section 46047 and any other penalties collected by a county agricultural commissioner pursuant to this chapter to be paid directly to the county agricultural commissioner and expended to fulfill the responsibilities of the county agricultural commissioner, as specified in this chapter.

(c) Any person subject to this chapter that does not pay the registration fee within 10 days of the date on which the fee is due and payable shall pay a penalty of 10 percent of the total amount determined to be due plus interest at the rate of 1.5 percent per month on the unpaid balance.

46033. (a) Any fee established and collected pursuant to this chapter shall not exceed the department's cost or the county agricultural commissioner's costs, as the case may be, of regulating and enforcing the provisions of this chapter related to the function for which the fee is established.

(b) The fees established and collected pursuant to this chapter may be expended, under the advisement of the advisory committee, for activities authorized under this chapter, including assisting operations in achieving certification, conducting education and outreach, entering research and development partnerships, and addressing production or marketing obstacles to the growth of the organic sector.

Article 5. Enforcement

46041. (a) This chapter shall apply notwithstanding any other law that is inconsistent with this chapter. Nothing in this chapter is intended to repeal any other law consistent with this chapter.

(b) Article 14 (commencing with Section 43031) of Chapter 2 applies to any product that is represented as organically produced by any person who is not registered as required by this chapter or any product that is not in compliance with this chapter or the NOP.

(c) The secretary, county agricultural commissioners, and the director shall be considered enforcing officers for purposes of those provisions of law under their respective jurisdiction.

(d) Any person may file a complaint with the director concerning suspected noncompliance with this chapter or Article 7 (commencing with Section 110810) of Chapter 5 of Part 5 of Division 104 of the Health and Safety Code by a person under the enforcement jurisdiction of the director, as provided in Section 46000.

(e) The director shall, to the extent funds are available, establish procedures for handling complaints, including provision of a written complaint form, and procedures for commencing an investigation within three working days after receiving a complaint regarding fresh food, and within seven working days for other food, and completing an investigation and reporting findings and enforcement action taken, if any, to the complainant within 60 days thereafter.

(f) The director may establish minimum information requirements to determine the verifiability of a complaint, and may provide for rejection of a complaint that does not meet the requirements. The director shall provide written notice of the reasons for rejection to the person filing the complaint.

(g) The director shall carry out the functions and objectives of this chapter and Article 7 (commencing with Section 110810) of Chapter 5 of Part 5 of Division 104 of the Health and Safety Code, to the extent funds are available for those purposes.

46042. At the request of a county agricultural commissioner, the district attorney for that county may bring an action to enforce this act within the enforcement jurisdiction of that commissioner.

46043. (a) Any person may file a complaint with the secretary concerning suspected noncompliance with this act, as provided in regulations adopted by the NOP.

(b) The secretary shall, to the extent funds are available, establish procedures for handling complaints, including provision of a written complaint form, and procedures for commencing an investigation within three working days after receiving a complaint regarding fresh food, and within seven working days for other products, and completing an investigation and reporting findings and enforcement action taken, if any, to the complainant within 60 days thereafter.

(c) The secretary may establish minimum information requirements to determine the verifiability of a complaint, and may provide for rejection of a complaint that does not meet the requirements. The secretary shall provide written notice of the reasons for rejection to the person filing the complaint.

(d) The secretary shall carry out the functions and objectives of this chapter to the extent funds are available for those purposes.

(e) The complaint process in this state must also meet all the complaint process outlined in regulations adopted by the NOP.

46044. (a) A county agricultural commissioner may, at any time, initiate a notice and hearing process to determine whether a violation of these provisions has occurred. The hearing process to determine if a violation has occurred may include a review of the actions or records of all of the following:

(1) The organic registrant.

(2) A family member, employee, or any other person authorized to act on behalf of the registrant.

(3) Any other person whose actions may have resulted in the violation.

(b) The notice of hearing shall be on a form approved by the secretary that contains all of the following:

(1) The reasons why the hearing is being held.

(2) A warning that failure to participate may result in other adverse actions or may be considered to be admission to a possible violation.

(3) A hearing date, time, and location of the hearing.

(4) The secretary or county agricultural commissioner may, upon determination that a violation has been made in accordance with subdivision (a), take any corrective action as specified in this act.

46045. (a) Any person may appeal to the secretary for a hearing if aggrieved by either of the following actions or decisions:

(1) Denial of any registration.

(2) Revocation of any registration.

(b) The appeal shall be submitted to the secretary in writing within 30 days of the date the action, or the letter proposing the action. The secretary's proceeding shall, insofar as practicable, comply with the provisions of the Administrative Procedure Act (Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code), except that a department hearing officer may be used.

46046. As provided for in regulations adopted by the NOP, the action proposed by a NOP accredited certifier against a client may be appealed to the secretary for mediation.

46047. (a) In lieu of prosecution, the secretary or a county agricultural commissioner may levy an administrative penalty against any person under the enforcement jurisdiction of the secretary as provided in Section 46000 who violates this act, or any regulation adopted pursuant thereto or pursuant to this chapter, or regulations adopted by the NOP, in an amount not more than five thousand dollars ($5,000) for each violation. The amount of the penalty assessed for each violation shall be based upon the nature of the violation, the seriousness of the effect of the violation upon effectuation of the purposes and provisions of this chapter and the impact of the penalty on the violator, including the deterrent effect on future violations.

(b) Notwithstanding the penalties prescribed in subdivision (a), if the secretary or county agricultural commissioner finds that a violation was not intentional, the secretary or county agricultural commissioner may levy an administrative penalty of not more than two thousand five hundred dollars ($2,500) for each violation.

(c) For a first offense, in lieu of an administrative penalty as prescribed in subdivision (a) or (b), the secretary or county agricultural commissioner may issue a notice of violation if he or she finds that the violation is minor.

(d) A person against whom an administrative penalty is proposed shall be afforded an opportunity for a hearing before the secretary or county agricultural commissioner, upon request made in writing within 30 days after the issuance of the notice of penalty. At the hearing, the person shall be given the right to review the secretary's or commissioner's evidence of the violation and the right to present evidence on his or

her own behalf. If no hearing is requested, the administrative penalty shall constitute a final and nonreviewable order.

(e) If a hearing is held, review of the final decision of the secretary or county agricultural commissioner may be requested in writing by any person, pursuant to Section 1094.5 of the Code of Civil Procedure within 30 days of the date of the final order of the secretary or county agricultural commissioner.

(f) An administrative penalty levied by the secretary pursuant to this section may be recovered in a civil action brought in the name of the state. An administrative penalty levied by a county agricultural commissioner pursuant to this section may be recovered in a civil action brought in the name of the county. After the exhaustion of the review procedures provided in this section, a county agricultural commissioner, or his or her representative, may file a certified copy of a final decision of the commissioner that directs the payment of an administrative penalty and, if applicable, a copy of any order that denies a petition for a writ of administrative mandamus with the clerk of the superior court of any county. Judgment shall be entered immediately by the clerk in conformity with the decision or order. Pursuant to Section 6103 of the Government Code, no fees shall be charged by the clerk of the superior court for the performance of any official service required in connection with the entry of judgment pursuant to this section.

(g) The secretary shall maintain in a central location, and make publicly available for inspection and copying upon request, a list of all administrative penalties levied by the secretary and by each county agricultural commissioner within the past five years, including the amount of each penalty, the person against whom the penalty was levied, and the nature of the violation. Copies of this list shall also be available by mail, upon written request and payment of a reasonable fee, as set by the secretary.

46048. The secretary and the county agricultural commissioners may conduct a program of spot inspections to determine compliance with this act.

46049. (a) It is unlawful for any person to sell, offer for sale, advertise, or label any product in violation of this act.

(b) Notwithstanding subdivision (a), a person engaged in business as a handler, distributor, or retailer of food who in good faith sells, offers for sale, labels, or advertises any product in reliance on the representations of a producer, processor, or other distributor that the product may be sold as organic, shall not be found to violate this act unless the distributor either:

(1) Knew or should have known that the product could not be sold as organic.

(2) Was engaged in producing or processing the product.

(3) Prescribed or specified the manner in which the product was produced or processed.

46050. (a) It is unlawful for any person to certify any product in violation of this act.

(b) It is unlawful for any person to certify a product or company as organic unless duly registered as a certification organization pursuant to this act.

(c) It is unlawful for any person to willfully make a false statement or representation, or knowingly fail to disclose a fact required to be disclosed, in registration for a certification organization pursuant to this act.

46051. (a) It is unlawful for any person to produce or handle any product sold as organic unless duly registered pursuant to Section 46021.

(b) It is unlawful for any person to willfully make a false statement or representation, or knowingly fail to disclose a fact required to be disclosed, in registration pursuant to Section 46021.

46052. It is unlawful for any person to forge, falsify, fail to retain, fail to obtain, or fail to disclose records pursuant to Section 46055.

46053. (a) It is unlawful for any person to advertise, label, or otherwise represent that any fertilizer or pesticide chemical may be used in connection with the production, processing, or distribution of products sold as organic if that fertilizer or pesticide chemical contains a prohibited material.

(b) It is unlawful for any person to refuse to submit for inspection.

(c) It is unlawful for any person to mislabel any organic product.

(d) It is unlawful for any person to alter any organic registration form.

(e) It is unlawful for any person to alter any certification document.

(f) It is unlawful for any person to falsify any document.

(g) It is unlawful for any person to remove a hold off sale or disposal order from any lot of product.

(h) It is unlawful to use the term "transitional organic" in this state.

46054. No food or product may be advertised or labeled as "organic when available" or similar terminology that leaves in doubt whether the food is being sold as organic.

46055. All persons who produce, handle, or retail products that are sold as organic shall keep accurate and specific records of the following as applicable:

(a) The quantity harvested from each field or management unit, the size of the field or management unit, the field number, and the date of harvest.

(b) Unless the livestock, fowl, or fish was raised or hatched by the producer, the name and address of all suppliers of livestock, fowl, or fish and the date of the transaction.

(c) For each field or management unit, all substances applied to the crop, soil, growing medium, growing area, irrigation or post harvest wash or rinse water, or seed, the quantity of each substance applied, and the date of each application. All substances shall be identified by brand name, if any, and by source.

(d) All substances administered and fed to the animal, including all feed, medication and drugs, and all substances applied in any area in which the animal, milk, or eggs are kept, including the quantity administered or applied, and the date of each application. All substances shall be identified by brand name, if any, and by source.

(e) (1) Invoices, bills of lading or other documents that show transfer of title of certified organic products shall indicate the product is "organic" or "certified organic" and, if applicable, the California registration number of the person transferring the product.

(2) Any person selling product that is exempt or excluded from certification under NOP rules, must follow the requirements of Section 205.101 of Title 7 of the Code of Federal Regulations.

(f) All substances applied to the product or used in or around any area where product is kept including the quantity applied and the date of each application. All pesticide chemicals shall be identified by brand name, if any, and by source.

(g) Except when sold to the consumer, the name and address of all persons, to whom or from whom the product is sold, purchased or otherwise transferred, the quantity of product sold or otherwise transferred, and the date of the transaction.

46056. (a) Notwithstanding any other law, any producer, handler, processor, or retailer of product sold as organic shall immediately make available for inspection by, and shall upon request, within 72 hours of the request, provide a copy to, the secretary, the Attorney General, any prosecuting attorney, any governmental agency responsible for enforcing laws related to the production or handling of products sold as organic, of any record required to be kept under this section for purposes of carrying out this chapter. Records acquired pursuant to this chapter shall not be public records as that term is defined in Section 6252 of the Government Code and shall not be subject to Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code.

(b) Upon written request of any person that establishes cause for the request, the secretary shall obtain and provide to the requesting party within 10 working days of the request a copy of any of the following records required to be kept under this chapter that pertain to a specific product sold or offered for sale, and that identify substances applied, administered, or added to that product, except that financial information about an operation or transaction, information regarding the quantity of a substance administered or applied, the date of each administration or application, information regarding the identity of suppliers or customers, and the quantity or price of supplies purchased or products sold shall be removed before disclosure and shall not be released to any person other than persons and agencies authorized to acquire records under subdivision (a):

(1) Records of a producer, as described in Section 46056.

(2) Records of a handler, as described in Section 46056, records of previous handlers, if any, and producers as described in Section 46056 without identifying the previous handlers or producers, and, if applicable, records obtained as required in this act.

(3) (A) Records of a retailer, as described in Section 46056, records of previous handlers, if any, and producers as described in Section 46056 without identifying the previous processors, handlers, or producers, and, if applicable, records obtained as required in subdivision (d). This subdivision shall be the exclusive means of public access to records required to be kept by producers, processors, handlers, and retailers under this chapter.

(B) A person required to provide records pursuant to a request under this subdivision, may petition the secretary to deny the request based on a finding that the request is of a frivolous or harassing nature. The secretary may, upon the issuance of this finding, waive the information production requirements of this subdivision for the specific request for information that was the subject of the petition.

(c) Information specified in subdivision (b) that is required to be released upon request shall not be considered a "trade secret" under Section 110165, Section 1060 of the Evidence Code, or the Uniform Trade Secrets Act (Title 5 (commencing with Section 3426) of Part 1 of Division 4 of the Civil Code).

(d) The secretary may charge the person requesting records a reasonable fee to reimburse himself or herself or the source of the records for the cost of reproducing the records requested.

(e) The secretary shall not be required to obtain records not in his or her possession in response to a subpoena. Before releasing records required to be kept pursuant to this act in response to a subpoena, the secretary shall delete any information regarding the identity of suppliers or customers and the quantity or price of supplies purchased or products sold.

SEC. 4. Section 110810 of the Health and Safety Code is amended to read:

110810. This article and Chapter 10 (commencing with Section 46000) of Division 17 of the Food and Agricultural Code shall be ~~known,~~ known and may be cited ~~as,~~ as the California Organic ~~Products Act of 2003.~~ Food and Farming Act.

SEC. 5. Section 110812 of the Health and Safety Code is amended to read:

110812. The ~~director~~ director, in consultation with the Secretary of Food and Agriculture, shall enforce regulations promulgated by the National Organic Program (Section 6517 of the federal Organic Foods Production Act of 1990 (7 U.S.C. Sec. 6501 et seq.)), provisions of this article, and Chapter 10 (commencing with Section 46000) of Division 17 of the Food and Agricultural Code.

SEC. 6. Section 110815 of the Health and Safety Code is repealed.

~~110815. Unless otherwise defined pursuant to the National Organic Program, the following words and phrases, when used in this article, shall have the following meanings:~~

~~(a) "Animal food" means any food intended to be fed to any household animal, including, but not limited to, cats, or dogs and other carnivores. It does not include "feed" intended for livestock as defined in Section 205.2 of Title 7 of the Code of Federal Regulations.~~

~~(b) "Director" means the Director of the Department of Health Services.~~

~~(c) "Enforcement authority" means the governmental unit with primary enforcement jurisdiction, as provided in Section 110930.~~

~~(d) "Handle" means to sell, process, or package agricultural products.~~

~~(e) "Handler" means any person engaged in the business of handling agricultural products, but does not include final retailers of agricultural products that do not process agricultural products.~~

~~(f) "Handling operation" means any operation or portion of an operation, except final retailers of agricultural products that do not process agricultural products, that (1) receives or otherwise acquires agricultural products and (2) processes, packages, or stores agricultural products.~~

~~(g) "NOP" means the National Organic Program established pursuant to the Organic Foods Production Act of 1990 (7 U.S.C. Sec. 6501 et seq.) and the regulations adopted for implementation.~~

~~(h) "Processing" means cooking, baking, heating, drying, mixing, grinding, churning, separating, extracting, cutting, fermenting, eviscerating, preserving, dehydrating, freezing, or otherwise manufacturing, and includes packaging, canning, jarring, or otherwise enclosing food in a container.~~

~~(i) "Prohibited materials" means any materials prohibited under regulations adopted by (Section 6517 of the federal Organic Foods Production Act of 1990 (7 U.S.C. Sec. 6501 et seq.)). For products not covered by the National Organic Program, prohibited materials are anything not on the approved list.~~

~~(j) "Secretary" means the Secretary of the California Department of Food and Agriculture.~~

~~(k) "Sold as organic" means any use of the terms "organic," "organically grown," or grammatical variations of those terms, whether orally or in writing, in connection with any product grown, handled, processed, sold, or offered for sale in this state, including, but not limited to, any use of these terms in labeling or advertising of any product and any ingredient in a multi-ingredient product.~~

~~(l) "USDA" means the United States Department of Agriculture.~~

SEC. 7. Section 110815 is added to the Health and Safety Code, to read:

110815. The definitions set forth in Section 46001 of the Food and Agricultural Code shall apply to this article.

SEC. 8. Section 110860 of the Health and Safety Code is amended to read:

~~110860. (a) A registered certification organization shall no less often than, at the end of each calendar quarter, prepare a list by name of all persons whose production or processing of food is certified or pending certification by the certification organization. This list shall be filed with the department or the Department of Food and Agriculture, as applicable, by the certification organization and made publicly available within 30 days after the end of each quarter.~~

~~(b)~~

110860. A registered certification organization or a federally accredited certification organization shall, at least annually, physically inspect the premises where the food to be certified is produced and processed. The inspection shall include an examination of recordkeeping.

SEC. 9. Section 110870 of the Health and Safety Code is repealed.

~~110870. Only products that have been handled and processed in accordance with this article may be certified by a registered certification organization.~~

SEC. 10. Section 110875 of the Health and Safety Code is repealed.

~~110875. (a) Every person engaged in this state in the processing or handling of processed products for human consumption, including dietary supplements, alcoholic beverages, and fish or seafood sold as organic (except for processors and handlers of processed meat, fowl, or dairy products and retailers that are engaged in the processing or handling of products sold as organic), and every person engaged in the processing or handling of animal food and cosmetics sold as organic, shall register with the director, and shall thereafter annually renew the registration unless no longer so engaged. Handlers of processed food products that are registered with the department pursuant to Article 2 (commencing with Section 110460) shall register under this section in conjunction with the annual renewal of their registration pursuant to that article. Handlers of organic products that are required to be registered to manufacture, pack, or hold processed food pursuant to Article 2 (commencing with Section 110460) of Chapter 5 of Part 5 of Division 104, licensed to bottle, vend, haul, or process water pursuant to Article 12 (commencing with Section 11070) of Chapter 5 of Part 5 of Division 104, certified to process or handle fresh or frozen seafood or fresh or frozen raw shellfish pursuant to Chapter 5 (commencing with Section 112150) of Part 6 of Division 104, licensed to operate a cold storage facility pursuant to Chapter 6 (commencing with Section 112350) of Part 6 of Division 104, licensed to process low acid canned foods pursuant to Chapter 8 (commencing with Section 112650) of Part 6 of Division 104, licensed to manufacture olive oil pursuant to Chapter 9 (commencing with Section 112875) of Part 6 of Division 104, and licensed or registered to process or hold pet food in California pursuant to Chapter 10 (commencing with Section~~

~~113025) of Part 6 of Division 104, shall possess a valid registration or license in order to obtain a valid organic registration for the same facility under this section. All others required to register under this subdivision shall register within 30 days of forms being made available for this purpose. Any processor or handler of processed products required to register under this subdivision that does not pay the registration fee required by subdivision (c) within 30 days of the date on which the fee is due and payable shall pay a penalty of 1 ½ percent per month on the unpaid balance.~~

~~(b) Registration shall be on a form provided by the director and shall be valid for a period of one calendar year from the date of validation of the completed registration form. The director shall make registration forms available for this purpose. The information provided on the registration form shall include all of the following:~~

~~(1) The nature of the registrant's business, including the specific commodities and quantities of each commodity that is handled and sold as organic.~~

~~(2) The total current annual organic gross sales, or if not selling the product, the total current gross annual revenue received from processing, packaging, repackaging, labeling, or otherwise handling organic products for others, in dollars.~~

~~(3) The names of all certification organizations and governmental entities, if any, providing certification to the registrant pursuant to this article and the regulations adopted by the NOP.~~

~~(4) Sufficient information, under penalty of perjury, to enable the director to verify the amount of the registration fee to be paid in accordance with subdivision (c).~~

~~(c) To the extent feasible, the director shall coordinate the registration and fee collection procedures of this section with similar licensing or registration procedures applicable to registrants. When coordinating the organic registration with other required registrations or licenses identified in subdivision (a), the expiration date shall be the same expiration date as the valid license or registration. For persons that hold two-year licenses or registrations pursuant to subdivision (a), the organic registration shall be renewed annually using the same expiration month and day as the two-year license or registration.~~

~~(d) A registration form shall be accompanied by payment of a nonrefundable registration fee payable to the department by handlers which shall be based on annual gross sales of organic product or annual revenue received from processing, packaging, repackaging, labeling, or otherwise handling organic product for others, by the registrant in the calendar year that precedes the date of registration. If no sales or revenue were made in the preceding year, then based on the expected sales or revenue during the 12 calendar months following the date of registration. Unless specified elsewhere, the fee is based according to the following schedule:~~

~~:~~

~~Gross Annual Sales or Revenue~~	~~Annual Registration Fee~~
~~$0–$5,000~~	~~$ 50~~
~~$5,001–$50,000~~	~~$100~~
~~$50,001–$125,000~~	~~$200~~
~~$125,001–$250,000~~	~~$300~~
~~$250,001–$500,000~~	~~$400~~

~~Gross Annual Sales or Revenue~~	~~Annual Registration Fee~~
~~$500,001–$1,500,000~~	~~$500~~
~~$1,500,001–$2,500,000~~	~~$600~~
~~$2,500,001–and above~~	~~$700~~

~~(1) Any handler that does not take possession or title of the product but arranges for the sale of the product shall register and pay one hundred dollars ($100) per year.~~

~~(2) Any person that only provides temporary storage for seven days or less, or only provides transportation for organic product and does not handle the processed packaged product, does not have to register.~~

~~(3) Any person that hires any other person to custom pack, repack, or label organic products shall register and pay a fee based on the total annual sales of products custom packed, repacked, or labeled for them as outlined in the chart above.~~

~~(e) Revenue received pursuant to this section shall be deposited in the Food Safety Fund created pursuant to Section 110050.~~

~~(f) The director shall reject a registration submission that is incomplete or not in compliance with this article and regulations promulgated by the NOP.~~

~~(g) The director shall provide a validated certificate to the registrant.~~

~~(h) Registration forms shall be made available to the public for inspection and copying at the main office of the department. Copies of registration forms shall also be made available by mail, upon written request and payment of a reasonable fee, as determined by the director. Registration information regarding quantity of products sold and gross sales volume in dollars shall be deleted prior to public inspection and copying and shall not be released to any person except other employees of the department, the Department of Food and Agriculture, a county agricultural commissioner, the Attorney General, any prosecuting attorney, or any government agency responsible for enforcing laws related to the activities of the person subject to this part.~~

~~(i) A registrant shall immediately notify the director of any change in the information reported on the registration form and shall pay any additional fee owed if that change results in a higher fee owed than previously paid.~~

~~(j) The director in consultation with the California Organic Products Advisory Committee, may suspend the registration program set forth in this section if the director determines that income derived from registration fees is insufficient to support a registration enforcement program.~~

~~(k) A registration is considered legal and valid until revoked, suspended, or until the expiration of the registration.~~

~~(*l*) The registration revocation process must be in conjunction with other provisions of this article. The director can initiate the revocation process for failure to comply with this article or any part of the regulations adopted pursuant to the NOP. Any person against whom the action is being taken shall have the opportunity to appeal the action and be afforded the opportunity to be heard in an administrative appeal. This appeal can be administered by either the state or county agricultural commissioner's office.~~

~~(m) When the registration fee is not paid within 60 days from the expiration date the account may be considered closed and the registration voided. A notification~~

~~will be sent to the registrant and the certifier will notify them that they are no longer able to market products as organic until the account is paid in full.~~

~~(n) Any registration that is more than 60 days late will be considered invalid and it is a violation if product is sold as organic.~~

SEC. 11. Section 110875 is added to the Health and Safety Code, to read:

110875. A person certified under the National Organic Program shall be deemed registered for the purposes of the state organic program, and shall not be required to separately register with the state.

SEC. 12. Section 110920 of the Health and Safety Code is amended to read:

110920. ~~No~~ (a) The department shall use funds appropriated by the Legislature in the annual Budget Act from fees collected pursuant to Section 46031 of the Food and Agricultural Code to fulfill its obligations under this article.

(b) No fee established and collected pursuant to this article shall exceed the department's costs of regulating and enforcing the provisions of this article related to the function for which the fee is established.

SEC. 13. Section 110925 of the Health and Safety Code is amended to read:

110925. Any fees and civil penalties collected pursuant to this article shall be deposited in ~~the General Fund~~ a separate organic food safety subaccount of the Food Safety Account and, upon appropriation by the Legislature, shall be expended to fulfill the responsibilities of the director as specified in this article.

SEC. 14. Section 110958 of the Health and Safety Code is repealed.

~~110958. Annually, the director shall compile and publish and submit to the California Organic Products Advisory Committee a summary of information collected under Section 110875, including, but not limited to, the following:~~

~~(a) The total number of registrations received under this section.~~

~~(b) The total number and quantity of each type of product sold as organic by all registrants combined.~~

~~(c) The total annual organic gross sales volume or revenue of all registrants combined, and the median gross annual organic sales or revenue of all registrants.~~

~~(d) The names of all registrants.~~

~~(e) The number of registrants in each of the following ranges of annual gross sales volume:~~

~~(1) $0–$5,000~~
~~(2) $5,001–$25,000~~
~~(3) $25,001–$50,000~~
~~(4) $50,001–$125,000~~
~~(5) $125,001–$250,000~~
~~(6) $250,001–$500,000~~
~~(7) $500,001–$750,000~~
~~(8) $750,001–$1,000,000~~
~~(9) $1,000,001–$1,500,000~~
~~(10) $1,500,001–$2,500,000~~
~~(11) $2,500,001–$10,000,000~~
~~(12) $10,000,001–$30,000,000~~
~~(13) $30,000,001 and above.~~

~~(f) The report published pursuant to this section shall present the required information in an aggregate form that preserves the confidentiality of the proprietary information of individual registrants.~~

SEC. 15. Section 110958 is added to the Health and Safety Code, to read:

110958. (a) Annually, the department shall compile, publish, and submit to the California Organic Products Advisory Committee a summary of the following information:

(1) Enforcement actions taken by the department in that fiscal year.

(2) Accounting revenues received and expended by the department in implementing this article.

(b) The information shall be presented in an aggregate form that preserves the confidentiality of proprietary information of individual businesses.

SEC. 16. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

Amendment 5

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

AMENDMENTS TO ASSEMBLY BILL NO. 1829

Amendment 1

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

Members Levine and

Amendment 2

On page 1, in line 6, after "(b)" insert:

(1)

Amendment 3

On page 2, strike out lines 7 to 10, inclusive, and insert:

(2) The arrested person shall be advised of all of the following:

(A) A criminal complaint may be filed against him or her for operating a mechanically propelled vessel or manipulating any water skis, aquaplane, or similar device under the influence of an alcoholic beverage or any drug, or under the combined influence of an alcoholic beverage and any drug.

(B) He or she has a right to refuse chemical testing.

(C) An officer has the authority to seek a search warrant compelling the arrested person to submit a blood sample as described in paragraph (16) of subdivision (a) of Section 1524 of the Penal Code.

(D) He or she does not have the right to have an attorney present before stating whether he or she will submit to the chemical testing, before deciding which chemical test or tests to take, or during the administration of the chemical test or tests chosen.

Amendment 4

On page 2, in line 11, strike out "(1)"

Amendment 5

On page 2, in line 21, strike out "(2)" and insert:

(d)

Amendment 6

On page 2, strike out lines 28 to 33, inclusive

Amendment 7

On page 4, in line 7, strike out "informed that a refusal to submit to, or failure", strike out lines 8 to 10, inclusive, and insert:

advised of the information specified in paragraph (2) of subdivision (b).

Amendment 8

On page 4, below line 38, insert:

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

AMENDMENTS TO ASSEMBLY BILL NO. 1837

Amendment 1

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

Members

Amendment 2

In the heading, in line 1, after "Low" insert:

and Eggman

Amendment 3

In the title, strike out line 1 and insert:

An act to add and repeal Article 2.6 (commencing with Section 66010.96) of Chapter 2 of Part 40 of Division 5 of Title 3 of the Education Code, relating to postsecondary education.

Amendment 4

On page 1, before line 1, insert:

SECTION 1. Article 2.6 (commencing with Section 66010.96) is added to Chapter 2 of Part 40 of Division 5 of Title 3 of the Education Code, to read:

Article 2.6. Office of Higher Education Performance and Accountability

66010.96. (a) The Office of Higher Education Performance and Accountability is hereby established as the statewide postsecondary education coordination and planning agency. The office is established in state government within the Governor's office, and is under the direct control of an executive director.

(b) The Governor shall appoint the Executive Director of the Office of Higher Education Performance and Accountability, who shall perform all duties, exercise all powers, assume and discharge all responsibilities, and carry out and effect all purposes vested by law in the office, including contracting for professional or consulting services in connection with the work of the office. The appointment of the executive director is subject to confirmation by the affirmative vote of a majority of the membership of the Senate. The executive director shall appoint persons to any staff positions the Governor may authorize.

(c) The Governor may appoint the executive director at a salary that shall be fixed pursuant to Section 12001 of the Government Code.

(d) (1) An advisory board is hereby established for the purpose of examining and making recommendations to the office regarding the functions and operations of

the office and reviewing and commenting on any recommendations made by the office to the Governor and the Legislature.

(2) The advisory board consists of the Chairperson of the Senate Committee on Education and the Chairperson of the Assembly Committee on Higher Education, who serve as ex officio members, and six public members with experience in postsecondary education, appointed to terms of four years as follows:

(A) Three members of the advisory board appointed by the Senate Committee on Rules.

(B) Three members of the advisory board appointed by the Speaker of the Assembly.

(3) The office shall actively seek input from, and consult with, the advisory board regarding the functions, operations, and recommendations of the office, and provide the advisory board with sufficient time to review and comment.

(4) Advisory board meetings are subject to the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code). Advisory board materials shall be posted on the Internet.

(5) The advisory board shall meet at least quarterly, and shall appoint one of its members to represent the board for purposes of communicating with the Legislature.

(6) The advisory board is responsible for developing an independent annual report on the condition of higher education in California.

(7) The advisory board is responsible for issuing an annual review of the performance of the Executive Director of the Office of Higher Education Performance and Accountability.

(8) Members of the advisory board shall serve without compensation, but shall receive reimbursement for actual and necessary expenses incurred in connection with the performance of their duties as board members.

(e) The office shall consult with the higher education segments and stakeholders, as appropriate, in the conduct of its duties and responsibilities. For purposes of this subdivision, "higher education segments" has the same meaning as in Section 66010.95, and "higher education stakeholders" includes, but is not necessarily limited to, postsecondary faculty and students, K–12 representatives, and representatives of the business community.

66010.962. The Office of Higher Education Performance and Accountability exists for the purpose of advising the Governor, the Legislature, and other appropriate governmental officials and institutions of postsecondary education. The office has the following functions and responsibilities in its capacity as the statewide postsecondary education coordination and planning agency and adviser to the Legislature and the Governor:

(a) It shall, through its use of information and its analytic capacity, inform the identification and periodic revision of state goals and priorities for higher education in a manner that is consistent with the goals outlined in Section 66010.91 and takes into consideration the metrics outlined in Sections 89295 and 92675. It shall, biennially, interpret and evaluate both statewide and institutional performance in relation to these goals and priorities.

(b) It shall review and make recommendations, as necessary, regarding cross-segmental and interagency initiatives and programs in areas that may include,

but are not necessarily limited to, efficiencies in instructional delivery, financial aid, transfer, and workforce coordination.

(c) It shall advise the Legislature and the Governor regarding the need for, and the location of, new institutions and campuses of public higher education.

(d) It shall review proposals by the public segments for new programs, the priorities that guide the public segments, and the degree of coordination between those segments and nearby public, independent, and private postsecondary educational institutions, and shall make recommendations regarding those proposals to the Legislature and the Governor.

(e) (1) It shall act as a clearinghouse for postsecondary education information and as a primary source of information for the Legislature, the Governor, and other agencies. It shall develop and maintain a comprehensive database that does all of the following:

(A) Ensures comparability of data from diverse sources.

(B) Supports longitudinal studies of individual students as they progress through the state's postsecondary educational institutions through the use of a unique student identifier.

(C) Maintains compatibility with California School Information Services and the student information systems developed and maintained by the public segments of higher education, as appropriate.

(D) Provides Internet access to data, as appropriate, to the segments of higher education.

(E) Provides each of the educational segments access to the data made available to the office for purposes of the database, in order to support, most efficiently and effectively, statewide, segmental, and individual campus educational research information needs.

(2) The office, in implementing paragraph (1), shall comply with the federal Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Sec. 1232g) as it relates to the disclosure of personally identifiable information concerning students.

(3) The office shall not make available any personally identifiable information received from a postsecondary educational institution concerning students for any regulatory purpose unless the institution has authorized the office to provide that information on behalf of the institution.

(4) The office shall, following consultation with, and receipt of a recommendation from, the advisory board, provide 30-day notification to the chairpersons of the appropriate policy and budget committees of the Legislature, to the Director of Finance, and to the Governor before making any significant changes to the student information contained in the database.

(f) It shall review all proposals for changes in eligibility pools for admission to public institutions and segments of postsecondary education, and shall make recommendations regarding those proposals to the Legislature, the Governor, and institutions of postsecondary education. In carrying out this subdivision, the office periodically shall conduct a study of the percentages of California public high school graduates estimated to be eligible for admission to the University of California and the California State University.

(g) It shall submit reports to the Legislature in compliance with Section 9795 of the Government Code.

(h) It shall manage data systems and maintain programmatic, policy, and fiscal expertise to receive and aggregate information reported by the institutions of higher education in this state.

66010.964. Notwithstanding any other law, the office may require the governing boards and the institutions of public postsecondary education to submit data to the office on plans and programs, costs, selection and retention of students, enrollments, plant capacities, and other matters pertinent to effective planning, policy development, and articulation and coordination. The office shall furnish information concerning these matters to the Governor and the Legislature as requested by them.

66010.967. (a) On or before December 31 of each year, the office shall report to the Legislature and the Governor regarding its progress in achieving the objectives and responsibilities set forth in subdivision (a) of Section 66010.962.

(b) On or before January 1, 2020, the Legislative Analyst's Office shall review and report to the Legislature regarding the performance of the office in fulfilling its functions and responsibilities as outlined in Section 66010.962.

66010.969. This article shall remain in effect only until January 1, 2021, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or extends that date.

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

Amendment 5

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

AMENDMENTS TO ASSEMBLY BILL NO. 1840

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

An act to amend Section 8546.10 of the Government Code, relating to state government.

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

SECTION 1. Section 8546.10 of the Government Code is amended to read:

8546.10. (a) The California State Auditor may establish a high-risk local government agency audit program for the purpose of identifying, auditing, and issuing reports on any local government agency, including, but not limited to, any city, county, special district, or any publicly created entity, whether created by the California Constitution or otherwise, that the California State Auditor identifies as being at high risk for the potential of waste, fraud, abuse, or mismanagement or that has major challenges associated with its economy, efficiency, or effectiveness.

(b) In addition to identifying a local government agency as high risk on the basis of weaknesses identified in audit and investigative reports produced by the office, the California State Auditor may consult with the Controller, Attorney General, and other state agencies that have oversight responsibilities over any local government agency, in identifying local governments that are at high risk.

(c) The California State Auditor's Office shall be responsible for the state costs associated with the high-risk local government agency audit program, shall conduct the program as funds permit, ~~and~~ shall only conduct the program to the extent that it does not interfere with duties related to mandated audits and requests from the Joint Legislative Audit ~~Committee.~~ Committee, and shall obtain approval from the Joint Legislative Audit Committee to conduct any work at a local government agency.

(d) (1) The California State Auditor shall notify the Joint Legislative Audit Committee whenever he or she identifies a local government as at high risk.

(2) The California State Auditor shall provide the Joint Legislative Audit Committee, at a public hearing of the committee, an annual update of all audits in progress.

(3) If a local government agency has taken significant corrective measures for deficiencies identified by the California State Auditor, that agency shall be removed from the high-risk local government agency audit program.

(e) Notwithstanding the requirements of Section 10231.5, if the California State Auditor establishes the program provided for in this section and the California State Auditor determines that a local agency is at high risk, the California State Auditor shall issue audit reports at least once every two years with recommendations for improvement in such a local government so identified.

(f) ~~Audits~~Audits, onsite assessments, and any other work at a local government agency conducted pursuant to this section shall be approved by the Joint Legislative Audit Committee.

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

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AMENDMENTS TO ASSEMBLY BILL NO. 1851

Amendment 1
In the title, in line 1, strike out "44274 of" and insert:

44258.4 of, and to add Chapter 8.1 (commencing with Section 44257.1) and Chapter 8.8 (commencing with Section 44269) to Part 5 of Division 26 of,

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

to amend Sections 6011 and 6012 of the Revenue and Taxation Code, and to amend Section 5205.5 of the Vehicle Code,

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

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

(a) California is at the forefront of battling climate change, and a main pillar of the state's climate strategy is reducing greenhouse gas emissions to 1990 levels.

(b) To help achieve this greenhouse gas emissions goal, the State Air Resources Board has required large vehicle manufacturers to produce a certain amount of zero-emission vehicles as a percentage of the overall number of vehicles the manufacturer makes for sale in the state. The present mandate is 15.4 percent of new vehicles delivered for sale by 2025.

(c) To reinforce this mandate, Governor Jerry Brown issued Executive Order B-16-2012, which set a long-term target of 1,500,000 zero-emission vehicles on the road by 2025, with the hope and expectation that the market for these vehicles will become mainstream and self-sustaining for individuals, businesses, and public fleets.

(d) The widespread adoption and purchase of zero-emission vehicles can help the environment and further the state's goals by mitigating emissions and easing air pollution.

(e) To be effective in cutting emissions and cleaning up air pollution, zero-emission and partial-zero-emission vehicles must attract consumers who would otherwise choose a traditional gasoline-fueled car.

(f) The current market for zero-emission vehicles has excessive barriers, including the high relative purchase price associated with zero-emission vehicles, limited range capability, inadequate charging infrastructure, resale value, length of commute, and existing low gas prices.

(g) In 2015, California's new car dealers sold over 2,000,000 new vehicles with a combined 3.1 percent of those sales comprising zero-emission vehicles and partial-zero-emission vehicles. That represents a drop in market share for these vehicles, which was 3.2 percent in 2014.

(h) Using last year's 2,000,000 new vehicle sales as an estimate of 2025 vehicle sales by covered manufacturers, the 15.4 percent mandate by the State Air Resources Board would require 308,000 zero-emission vehicles and partial-zero-emission vehicles be delivered for sale in the state that year. If the current 41.5 percent of new vehicle sales will continue to be made up of sport utility vehicles, pickups, and vans, over 25 percent of the remaining 1,201,000 passenger vehicles delivered for sale just nine years from now must be electric or plug-in electric vehicles.

(i) California has long focused on increasing disadvantaged communities' access to environmentally-friendly technologies and green transportation options to benefit the health of residents and to enhance air quality.

(j) Compared to gasoline-fueled vehicles, alternative-fueled vehicles reduce the country's dependence on foreign oil and substantially lower consumers' fuel costs.

(k) Automakers and new car dealers face numerous inherent market challenges when introducing and retailing the alternative-fueled vehicles required by the State Air Resources Board's vehicle mandates, including complex incentives, uncertain policy support, purchase price disparity, lengthy sales transactions, low gasoline prices, poor after-sale electric vehicle infrastructure, and sophisticated, constantly-changing technology.

(*l*) Incentives, such as rebates, tax credits, and high occupancy vehicle lane access for zero- and partial-emission vehicles, are crucial for continuing consumer interest in these vehicles, but greater investments are needed to significantly affect consumer buying behavior and the overall alternative-fueled vehicle marketplace, especially when it comes to economically disadvantaged communities.

(m) Increased incentives have been deployed with great success in other countries and have resulted in a large-scale consumer migration from traditional gas-fueled vehicles to cleaner modes of transportation.

(n) Accordingly, it is the intent of the Legislature in enacting this act to provide more realistic incentives that will move customer demand of zero-emission vehicles and achieve the adoption of alternative-fueled vehicles to meet the state's greenhouse gas emissions goals.

SEC. 2. Chapter 8.1 (commencing with Section 44257.1) is added to Part 5 of Division 26 of the Health and Safety Code, to read:

CHAPTER 8.1. ZERO-EMISSION VEHICLE INCENTIVES

44257.1. For purposes of this chapter, the following terms have the following meanings:

(a) "Battery electric vehicle" means a vehicle that meets the state's super ultra-low emission vehicle standard for exhaust emissions and the federal inherently low-emission vehicle evaporative emission standard, as defined in Part 88 (commencing with Section 88.101-94) of Title 40 of the Code of Federal Regulations, as that part read on January 1, 2016, and is powered entirely by an electric motor drawing current from rechargeable storage batteries.

(b) "Clean Vehicle Rebate Project" has the same meaning as established pursuant to Section 44274.

(c) "Disadvantaged community" means a community identified pursuant to Section 39711.

(d) "Fuel-cell vehicle" means a vehicle that meets the state's super ultra-low emission vehicle standard for exhaust emissions and the federal inherently low-emission vehicle evaporative emission standard, as defined in Part 88 (commencing with Section 88.101-94) of Title 40 of the Code of Federal Regulations, as that part read on January 1, 2016, and is powered by an electric motor drawing current from compressed hydrogen into a fuel cell.

(e) "New motor vehicle dealer" has the same meaning as in Section 426 of the Vehicle Code.

(f) "Plug-in hybrid electric vehicle" means a vehicle that meets the state's enhanced advanced technology partial zero-emission vehicle standard or transitional zero-emission vehicle standard.

44257.3. (a) Beginning January 1, 2017, as part of the Clean Vehicle Rebate Project, the state board shall provide the following incentive amounts:

(1) For a vehicle qualified as a plug-in hybrid electric vehicle, an amount equal to 10 percent of the manufacturer's suggested retail price.

(2) For a vehicle qualified as a battery electric vehicle, an amount equal to 15 percent of the manufacturer's suggested retail price.

(3) For a vehicle qualified as a fuel-cell vehicle, an amount equal to 25 percent of the manufacturer's suggested retail price.

(b) Notwithstanding subdivision (a), beginning January 1, 2017, as part of the Clean Vehicle Rebate Project, the state board shall provide for residents of a disadvantaged community the following incentive amounts:

(1) For a vehicle qualified as a plug-in hybrid electric vehicle, an amount equal to 40 percent of the manufacturer's suggested retail price.

(2) For a vehicle qualified as a battery electric vehicle, an amount equal to 45 percent of the manufacturer's suggested retail price.

(3) For a vehicle qualified as a fuel-cell vehicle, an amount equal to 55 percent of the manufacturer's suggested retail price.

(c) (1) Moneys from the Greenhouse Gas Reduction Fund, created pursuant to Section 16428.8 of the Government Code, shall be available, upon appropriation by the Legislature, for allocation pursuant to subdivision (a).

(2) Moneys available for allocation to disadvantaged communities shall be available, upon appropriation by the Legislature, for allocation pursuant to subdivision (b).

44257.5. In addition to the current criteria and other requirements for the Clean Vehicle Rebate Project, beginning January 1, 2017, the state board shall limit eligible vehicles to those vehicles with a manufacturer's suggested retail price of sixty thousand dollars ($60,000) or less.

44257.7. (a) (1) The state board shall implement a process to allow eligible applicants under the Clean Vehicle Rebate Project to obtain prompt preapproval from the state board prior to purchasing or leasing a vehicle. The process shall provide the applicant a unique identifiable number, which the applicant can present to a new motor vehicle dealer, and shall enable the unique identifiable number to be verified by a new motor vehicle dealer at the time of purchase or lease.

(2) The state board shall implement a process to allow a new motor vehicle dealer to be refunded any Clean Vehicle Rebate Project incentive amount applied to the applicant's conditional sales contract or other vehicle purchase or lease agreement in no fewer than seven days.

(b) Upon the implementation of subdivision (a), a new motor vehicle dealer may apply the Clean Vehicle Rebate Project incentive amount to the applicant's conditional sales contract or other vehicle purchase or lease agreement as a downpayment or amount due at lease signing or delivery.

(c) The state board shall suspend the preapproval process described in paragraph (1) of subdivision (a) if inadequate funding is available to award incentives under the Clean Vehicle Rebate Project. If the state board suspends the preapproval process, it shall provide dealers and consumers no less than 30 days' advance notice.

44257.9. The state board shall adopt regulations implementing this chapter.

SEC. 3. Section 44258.4 of the Health and Safety Code is amended to read:

44258.4. (a) Any moneys utilized ~~by this act~~ pursuant to this chapter from the Greenhouse Gas Reduction Fund, ~~established~~ created pursuant to Section 16428.8 of the Government Code, shall be consistent with the appropriations processes and criteria established by the Greenhouse Gas Reduction Fund Investment Plan and Communities Revitalization Act (Chapter 4.1 (commencing with Section 39710) of Part 2).

(b) The Charge Ahead California Initiative is hereby established and shall be administered by the state board. The goals of this initiative are to place in service at least 1,000,000 zero-emission and near-zero-emission vehicles by January 1, 2023, to establish a self-sustaining California market for zero-emission and near-zero-emission vehicles in which zero-emission and near-zero-emission vehicles are a viable mainstream option for individual vehicle purchasers, businesses, and public fleets, to increase access for disadvantaged, low-income, and moderate-income communities and consumers to zero-emission and near-zero-emission vehicles, and to increase the placement of those vehicles in those communities and with those consumers to enhance the air quality, lower greenhouse gases, and promote overall benefits for those communities and consumers.

(c) The state board, in consultation with the State Energy Resources Conservation and Development Commission, districts, and the public, shall do all of the following:

(1) (A) Include, commencing with the funding plan for the 2016–17 fiscal year of the Air Quality Improvement Program ~~funding plan for the 2016–17 fiscal year,~~ (Article 3 (commencing with Section 44274) of Chapter 8.9), a funding plan that includes the immediate fiscal year and a forecast of estimated funding needs for the subsequent two fiscal years commensurate with meeting the goals of this chapter. Funding needs may be described as a range that identifies the projected high and low funding levels needed for the two-year forecast period to contribute to technology advancement, market readiness, and consumer acceptance of zero- and near-zero-emission vehicle technologies. The funding plan shall include a market and technology assessment for each funded zero- and near-zero-emission vehicle technology to inform the appropriate funding level, incentive type, and incentive amount. The forecast shall include an assessment of when a self-sustaining market is expected and how existing incentives may be modified to recognize expected changes in future market conditions.

(B) Projects included in the forecast may include, but are not limited to, any of the following:

(i) The Clean Vehicle Rebate Project, established pursuant to Section 44274.

(ii) Light-duty zero-emission and near-zero-emission vehicle deployment projects eligible under the Alternative and Renewable Fuel and Vehicle Technology Program, established pursuant to Article 2 (commencing with Section 44272) of Chapter 8.9.

(iii) Programs adopted pursuant to paragraph (4).

(2) Update the plan required pursuant to paragraph (1) at least every three years through January 1, 2023.

~~(3) No later than June 30, 2015, adopt revisions to the criteria and other requirements for the Clean Vehicle Rebate Project, established pursuant to Section 44274, to ensure the following:~~

~~(A) Rebate levels can be phased down in increments based on cumulative sales levels as determined by the state board.~~

~~(B) Eligibility is limited based on income.~~

~~(C) Consideration of the conversion to prequalification and point-of-sale rebates or other methods to increase participation rates.~~

~~(4)~~

(3) (A) Establish programs that further increase access to and direct benefits for disadvantaged, low-income, and moderate-income communities and consumers from electric transportation, including, but not limited to, any of the following:

(i) Financing mechanisms, including, but not limited to, a loan or loan-loss reserve credit enhancement program to increase consumer access to zero-emission and near-zero-emission vehicle financing and leasing options that can help lower expenditures on transportation and prequalification or point-of-sale rebates or other methods to increase participation rates among low- and moderate-income consumers.

(ii) Car sharing programs that serve disadvantaged communities and utilize zero-emission and near-zero-emission vehicles.

(iii) Deployment of charging infrastructure in multiunit dwellings in disadvantaged communities to remove barriers to zero-emission and near-zero-emission vehicle adoption by those who do not live in detached homes. This clause does not preclude the Public Utilities Commission from acting within the scope of its jurisdiction.

(iv) Additional incentives for zero-emission, near-zero-emission, or high-efficiency replacement vehicles or a mobility option available to participants in the enhanced fleet modernization program, established pursuant to Article 11 (commencing with Section 44125) of Chapter 5.

(B) Programs implemented pursuant to this paragraph shall provide adequate outreach to disadvantaged, low-income, and moderate-income communities and consumers, including partnering with community-based organizations.

SEC. 4. Chapter 8.8 (commencing with Section 44269) is added to Part 5 of Division 26 of the Health and Safety Code, to read:

CHAPTER 8.8. ELECTRIC VEHICLE CHARGING STATION REBATES

44269. (a) The state board shall issue a rebate for the installation of an electric vehicle charging station to a property owner or lessee in the following amounts:

(1) Two thousand dollars ($2,000) for the first year of installation.

(2) One thousand five hundred dollars ($1,500) following the first year of installation.

(3) One thousand dollars ($1,000) following the second year of installation.

(b) The property owner or lessee shall first place the electric vehicle charging station in service during the calendar year for which the rebate is claimed.

(c) The property owner or lessee shall maintain the electric vehicle charging station for a minimum period of 60 months. If the property owner or lessee does not maintain the electric vehicle charging station for a minimum period of 60 months, the state board shall seek reimbursement for the entire amount of the rebates previously issued pursuant to subdivision (a) from the property owner or lessee who had received those rebates.

(d) The property owner or lessee may not claim a rebate pursuant to subdivision (a) for the installation of an electric vehicle charging station if an existing electric vehicle charging station has been removed from the property within the preceding 12 months.

(e) (1) The property owner or lessee may receive rebates for the installation of up to two electric vehicle charging stations for use on a residential property.

(2) The property owner or lessee may receive rebates for the installation of up to 10 electric vehicle charging stations for use on a commercial or multifamily property.

(f) The state board shall adopt regulations implementing this chapter.

44269.5. Moneys from the Greenhouse Gas Reduction Fund, created pursuant to Section 16428.8 of the Government Code, shall be available, upon appropriation by the Legislature, for allocation pursuant to this chapter.

SEC. 5. Section 6011 of the Revenue and Taxation Code is amended to read:

6011. (a) "Sales price" means the total amount for which tangible personal property is sold or leased or rented, as the case may be, valued in money, whether paid in money or otherwise, without any deduction on account of any of the following:

(1) The cost of the property sold.

(2) The cost of materials used, labor or service cost, interest charged, losses, or any other expenses.

(3) The cost of transportation of the property, except as excluded by other provisions of this section.

(b) The total amount for which the property is sold or leased or rented includes all of the following:

(1) Any services that are a part of the sale.

(2) Any amount for which credit is given to the purchaser by the seller.

(3) The amount of any tax imposed by the United States upon producers and importers of gasoline and the amount of any tax imposed pursuant to Part 2 (commencing with Section 7301) of this division.

(c) "Sales price" does not include any of the following:

(1) Cash discounts allowed and taken on sales.

(2) The amount charged for property returned by customers when that entire amount is refunded either in cash or credit, but this exclusion shall not apply in any instance when the customer, in order to obtain the refund, is required to purchase other property at a price greater than the amount charged for the property that is returned. For the purpose of this section, refund or credit of the entire amount shall be deemed

to be given when the purchase price less rehandling and restocking costs are refunded or credited to the customer. The amount withheld for rehandling and restocking costs may be a percentage of the sales price determined by the average cost of rehandling and restocking returned merchandise during the previous accounting cycle.

(3) The amount charged for labor or services rendered in installing or applying the property sold.

(4) (A) The amount of any tax (not including, however, any manufacturers' or importers' excise tax, except as provided in subparagraph (B)) imposed by the United States upon or with respect to retail sales whether imposed upon the retailer or the consumer.

(B) The amount of manufacturers' or importers' excise tax imposed pursuant to Section 4081 ~~or 4091~~ of the Internal Revenue Code for which the purchaser certifies that he or she is entitled to either a direct refund or credit against his or her income tax for the federal excise tax paid or for which the purchaser issues a certificate pursuant to Section 6245.5.

(5) The amount of any tax imposed by any city, county, city and county, or rapid transit district within the State of California upon or with respect to retail sales of tangible personal property, measured by a stated percentage of sales price or gross receipts, whether imposed upon the retailer or the consumer.

(6) The amount of any tax imposed by any city, county, city and county, or rapid transit district within the State of California with respect to the storage, use or other consumption in that city, county, city and county, or rapid transit district of tangible personal property measured by a stated percentage of sales price or purchase price, whether the tax is imposed upon the retailer or the consumer.

(7) Separately stated charges for transportation from the retailer's place of business or other point from which shipment is made directly to the purchaser, but the exclusion shall not exceed a reasonable charge for transportation by facilities of the retailer or the cost to the retailer of transportation by other than facilities of the retailer. However, if the transportation is by facilities of the retailer, or the property is sold for a delivered price, this exclusion shall be applicable solely with respect to transportation which occurs after the purchase of the property is made.

(8) Charges for transporting landfill from an excavation site to a site specified by the purchaser, either if the charge is separately stated and does not exceed a reasonable charge or if the entire consideration consists of payment for transportation.

(9) The amount of any motor vehicle, mobilehome, or commercial coach fee or tax imposed by and paid the State of California that has been added to or is measured by a stated percentage of the sales or purchase price of a motor vehicle, mobilehome, or commercial coach.

(10) (A) The amount charged for intangible personal property transferred with tangible personal property in any technology transfer agreement, if the technology transfer agreement separately states a reasonable price for the tangible personal property.

(B) If the technology transfer agreement does not separately state a price for the tangible personal property, and the tangible personal property or like tangible personal property has been previously sold or leased, or offered for sale or lease, to third parties at a separate price, the price at which the tangible personal property was sold, leased, or offered to third parties shall be used to establish the retail fair market value of the

tangible personal property subject to tax. The remaining amount charged under the technology transfer agreement is for the intangible personal property transferred.

(C) If the technology transfer agreement does not separately state a price for the tangible personal property, and the tangible personal property or like tangible personal property has not been previously sold or leased, or offered for sale or lease, to third parties at a separate price, the retail fair market value shall be equal to 200 percent of the cost of materials and labor used to produce the tangible personal property subject to tax. The remaining amount charged under the technology transfer agreement is for the intangible personal property transferred.

(D) For purposes of this paragraph, "technology transfer agreement" means any agreement under which a person who holds a patent or copyright interest assigns or licenses to another person the right to make and sell a product or to use a process that is subject to the patent or copyright interest.

(11) The amount of any tax imposed upon diesel fuel pursuant to Part 31 (commencing with Section 60001).

(12) (A) The amount of tax imposed by any Indian tribe within the State of California with respect to a retail sale of tangible personal property measured by a stated percentage of the sales or purchase price, whether the tax is imposed upon the retailer or the consumer.

(B) The exclusion authorized by subparagraph (A) shall only apply to those retailers who are in substantial compliance with this part.

(13) (A) The value of a motor vehicle traded in for a qualified motor vehicle if the value of the trade-in motor vehicle is separately stated on the qualified motor vehicle invoice or bill of sale or similar document provided to the purchaser.

(B) For purposes of this paragraph, "qualified motor vehicle" means a motor vehicle that meets either of the following:

(i) California's super ultra-low emission vehicle standard for exhaust emissions and the federal inherently low-emission vehicle evaporative emission standard, as defined in Part 88 (commencing with Section 88.101-94) of Title 40 of the Code of Federal Regulations as that part read on January 1, 2016.

(ii) California's enhanced advanced technology partial zero-emission vehicle standard or transitional zero-emission vehicle standard.

(C) Consistent with Section 2230, moneys from the Greenhouse Gas Reduction Fund, created pursuant to Section 16428.8 of the Government Code, shall be available, upon appropriation by the Legislature, for allocation to reimburse counties and cities for any revenue losses resulting from the application of this paragraph.

SEC. 6. Section 6012 of the Revenue and Taxation Code is amended to read:

6012. (a) "Gross receipts" mean the total amount of the sale or lease or rental price, as the case may be, of the retail sales of retailers, valued in money, whether received in money or otherwise, without any deduction on account of any of the following:

(1) The cost of the property sold. However, in accordance with any rules and regulations as the board may prescribe, a deduction may be taken if the retailer has purchased property for some other purpose than resale, has reimbursed his or her vendor for tax which the vendor is required to pay to the state or has paid the use tax with respect to the property, and has resold the property prior to making any use of the property other than retention, demonstration, or display while holding it for sale in the

regular course of business. If that deduction is taken by the retailer, no refund or credit will be allowed to his or her vendor with respect to the sale of the property.

(2) The cost of the materials used, labor or service cost, interest paid, losses, or any other expense.

(3) The cost of transportation of the property, except as excluded by other provisions of this section.

(4) The amount of any tax imposed by the United States upon producers and importers of gasoline and the amount of any tax imposed pursuant to Part 2 (commencing with Section 7301) of this division.

(b) The total amount of the sale or lease or rental price includes all of the following:

(1) Any services that are a part of the sale.

(2) All receipts, cash, credits and property of any kind.

(3) Any amount for which credit is allowed by the seller to the purchaser.

(c) "Gross receipts" do not include any of the following:

(1) Cash discounts allowed and taken on sales.

(2) Sale price of property returned by customers when that entire amount is refunded either in cash or credit, but this exclusion shall not apply in any instance when the customer, in order to obtain the refund, is required to purchase other property at a price greater than the amount charged for the property that is returned. For the purpose of this section, refund or credit of the entire amount shall be deemed to be given when the purchase price less rehandling and restocking costs are refunded or credited to the customer. The amount withheld for rehandling and restocking costs may be a percentage of the sales price determined by the average cost of rehandling and restocking returned merchandise during the previous accounting cycle.

(3) The price received for labor or services used in installing or applying the property sold.

(4) (A) The amount of any tax (not including, however, any manufacturers' or importers' excise tax, except as provided in subparagraph (B)) imposed by the United States upon or with respect to retail sales whether imposed upon the retailer or the consumer.

(B) The amount of manufacturers' or importers' excise tax imposed pursuant to Section 4081 ~~or 4091~~ of the Internal Revenue Code for which the purchaser certifies that he or she is entitled to either a direct refund or credit against his or her income tax for the federal excise tax paid or for which the purchaser issues a certificate pursuant to Section 6245.5.

(5) The amount of any tax imposed by any city, county, city and county, or rapid transit district within the State of California upon or with respect to retail sales of tangible personal property measured by a stated percentage of sales price or gross receipts whether imposed upon the retailer or the consumer.

(6) The amount of any tax imposed by any city, county, city and county, or rapid transit district within the State of California with respect to the storage, use or other consumption in that city, county, city and county, or rapid transit district of tangible personal property measured by a stated percentage of sales price or purchase price, whether the tax is imposed upon the retailer or the consumer.

(7) Separately stated charges for transportation from the retailer's place of business or other point from which shipment is made directly to the purchaser, but the

exclusion shall not exceed a reasonable charge for transportation by facilities of the retailer or the cost to the retailer of transportation by other than facilities of the retailer. However, if the transportation is by facilities of the retailer, or the property is sold for a delivered price, this exclusion shall be applicable solely with respect to transportation which occurs after the sale of the property is made to the purchaser.

(8) Charges for transporting landfill from an excavation site to a site specified by the purchaser, either if the charge is separately stated and does not exceed a reasonable charge or if the entire consideration consists of payment for transportation.

(9) The amount of any motor vehicle, mobilehome, or commercial coach fee or tax imposed by and paid to the State of California that has been added to or is measured by a stated percentage of the sales or purchase price of a motor vehicle, mobilehome, or commercial coach.

(10) (A) The amount charged for intangible personal property transferred with tangible personal property in any technology transfer agreement, if the technology transfer agreement separately states a reasonable price for the tangible personal property.

(B) If the technology transfer agreement does not separately state a price for the tangible personal property, and the tangible personal property or like tangible personal property has been previously sold or leased, or offered for sale or lease, to third parties at a separate price, the price at which the tangible personal property was sold, leased, or offered to third parties shall be used to establish the retail fair market value of the tangible personal property subject to tax. The remaining amount charged under the technology transfer agreement is for the intangible personal property transferred.

(C) If the technology transfer agreement does not separately state a price for the tangible personal property, and the tangible personal property or like tangible personal property has not been previously sold or leased, or offered for sale or lease, to third parties at a separate price, the retail fair market value shall be equal to 200 percent of the cost of materials and labor used to produce the tangible personal property subject to tax. The remaining amount charged under the technology transfer agreement is for the intangible personal property transferred.

(D) For purposes of this paragraph, "technology transfer agreement" means any agreement under which a person who holds a patent or copyright interest assigns or licenses to another person the right to make and sell a product or to use a process that is subject to the patent or copyright interest.

(11) The amount of any tax imposed upon diesel fuel pursuant to Part 31 (commencing with Section 60001).

(12) (A) The amount of tax imposed by any Indian tribe within the State of California with respect to a retail sale of tangible personal property measured by a stated percentage of the sales or purchase price, whether the tax is imposed upon the retailer or the consumer.

(B) The exclusion authorized by subparagraph (A) shall only apply to those retailers who are in substantial compliance with this part.

For purposes of the sales tax, if the retailers establish to the satisfaction of the board that the sales tax has been added to the total amount of the sale price and has not been absorbed by them, the total amount of the sale price shall be deemed to be the amount received exclusive of the tax imposed. Section 1656.1 of the Civil Code shall apply in determining whether or not the retailers have absorbed the sales tax.

(13) (A) The value of a motor vehicle traded in for a qualified motor vehicle if the value of the trade-in motor vehicle is separately stated on the qualified motor vehicle invoice or bill of sale or similar document provided to the purchaser.

(B) For purposes of this paragraph, "qualified motor vehicle" means a motor vehicle that meets either of the following:

(i) California's super ultra-low emission vehicle standard for exhaust emissions and the federal inherently low-emission vehicle evaporative emission standard, as defined in Part 88 (commencing with Section 88.101-94) of Title 40 of the Code of Federal Regulations as that part read on January 1, 2016.

(ii) California's enhanced advanced technology partial zero-emission vehicle standard or transitional zero-emission vehicle standard.

(C) Consistent with Section 2230, moneys from the Greenhouse Gas Reduction Fund, created pursuant to Section 16428.8 of the Government Code, shall be available, upon appropriation by the Legislature, for allocation to reimburse counties and cities for any revenue losses resulting from the application of this paragraph.

SEC. 7. Section 5205.5 of the Vehicle Code is amended to read:

5205.5. (a) For the purposes of implementing Section 21655.9, the department shall make available for issuance, for a fee determined by the department to be sufficient to reimburse the department for the actual costs incurred pursuant to this section, distinctive decals, labels, and other identifiers that clearly distinguish the following vehicles from other vehicles:

(1) A vehicle that meets California's super ultra-low emission vehicle (SULEV) standard for exhaust emissions and the federal inherently low-emission vehicle (ILEV) evaporative emission standard, as defined in Part 88 (commencing with Section 88.101-94) of Title 40 of the Code of Federal Regulations.

(2) A vehicle that was produced during the 2004 model year or earlier and meets California's ultra-low emission vehicle (ULEV) standard for exhaust emissions and the federal ILEV standard.

(3) A vehicle that meets California's enhanced advanced technology partial zero-emission vehicle (enhanced AT PZEV) standard or transitional zero-emission vehicle (TZEV) standard.

(b) The department shall include a summary of the provisions of this section on each motor vehicle registration renewal notice, or on a separate insert, if space is available and the summary can be included without incurring additional printing or postage costs.

(c) The Department of Transportation shall remove individual HOV lanes, or portions of those lanes, during periods of peak congestion from the access provisions provided in subdivision (a), following a finding by the Department of Transportation as follows:

(1) The lane, or portion thereof, exceeds a level of service C, as discussed in subdivision (b) of Section 65089 of the Government Code.

(2) The operation or projected operation of the vehicles described in subdivision (a) in these lanes, or portions thereof, will significantly increase congestion.

(3) The finding shall also demonstrate the infeasibility of alleviating the congestion by other means, including, but not limited to, reducing the use of the lane by noneligible vehicles or further increasing vehicle occupancy.

(d) The State Air Resources Board shall publish and maintain a listing of all vehicles eligible for participation in the programs described in this section. The board shall provide that listing to the department.

(e) (1) For the purposes of subdivision (a), the Department of the California Highway Patrol and the department, in consultation with the Department of Transportation, shall design and specify the placement of the decal, label, or other identifier on the vehicle. Each decal, label, or other identifier issued for a vehicle shall display a unique number, which shall be printed ~~on,~~ on or affixed ~~to,~~ to the vehicle registration.

(2) Decals, labels, or other identifiers designed pursuant to this subdivision for a vehicle described in paragraph (3) of subdivision (a) shall be distinguishable from the decals, labels, or other identifiers that are designed for vehicles described in paragraphs (1) and (2) of subdivision (a).

~~(f) (1) Except as provided in paragraph (2), for purposes of paragraph (3) of subdivision (a), the department shall issue no more than 85,000 distinctive decals, labels, or other identifiers that clearly distinguish a vehicle specified in paragraph (3) of subdivision (a).~~

~~(2) The department may issue a decal, label, or other identifier for a vehicle that satisfies all of the following conditions:~~

~~(A) The vehicle is of a type identified in paragraph (3) of subdivision (a).~~

~~(B) The owner of the vehicle is the owner of a vehicle for which a decal, label, or other identifier described in paragraph (1) was previously issued and that vehicle for which the decal, label, or other identifier was previously issued is determined by the department, on the basis of satisfactory proof submitted by the owner to the department, to be a nonrepairable vehicle or a total loss salvage vehicle.~~

~~(C) The owner of the vehicle applied for a decal, label, or other identifier pursuant to this paragraph within six months of the date on which the vehicle for which a decal, label, or other identifier was previously issued is declared to be a nonrepairable vehicle or a total loss salvage vehicle.~~

(f) [Reserved]

(g) If the Metropolitan Transportation Commission, serving as the Bay Area Toll Authority, grants toll-free and reduced-rate passage on toll bridges under its jurisdiction to a vehicle pursuant to Section 30102.5 of the Streets and Highways Code, it shall also grant the same toll-free and reduced-rate passage to a vehicle displaying an identifier issued by the department pursuant to paragraph (1) or (2) of subdivision (a).

(h) (1) Notwithstanding Section 21655.9, and except as provided in paragraph (2), a vehicle described in subdivision (a) that displays a decal, label, or identifier issued pursuant to this section shall be granted a toll-free or reduced-rate passage in high-occupancy toll lanes as described in Section 149.7 of the Streets and Highways Code unless prohibited by federal law.

(2) (A) Paragraph (1) does not apply to the imposition of a toll imposed for passage on a toll road or toll ~~highway,~~ highway that is not a high-occupancy toll lane as described in Section 149.7 of the Streets and Highways Code.

(B) On or before March 1, 2014, paragraph (1) does not apply to the imposition of a toll imposed for passage in lanes designated for tolls pursuant to the federally supported value pricing and transit development demonstration program operated

pursuant to Section 149.9 of the Streets and Highways Code for State Highway Route 10 or 110.

(C) Paragraph (1) does not apply to the imposition of a toll charged for crossing a state-owned bridge.

(i) If the Director of Transportation determines that federal law does not authorize the state to allow vehicles that are identified by distinctive decals, labels, or other identifiers on vehicles described in subdivision (a) to use highway lanes or highway access ramps for high-occupancy vehicles regardless of vehicle occupancy, the Director of Transportation shall submit a notice of that determination to the Secretary of State.

(j) This section shall become inoperative on January 1, 2019, or the date the federal authorization pursuant to Section 166 of Title 23 of the United States Code expires, or the date the Secretary of State receives the notice described in subdivision (i), whichever occurs first, and, as of January 1, 2019, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2019, deletes or extends the dates on which it becomes inoperative and is repealed.

Amendment 4

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

AMENDMENTS TO ASSEMBLY BILL NO. 1859

Amendment 1

In the title, in line 1, strike out "Section 7506.5" and insert:

Sections 7500.1 and 7507.9

Amendment 2

In the title, in line 2, after "Code," insert:

and to add Section 22651.03 to the Vehicle Code,

Amendment 3

On page 1, before line 1, insert:

SECTION 1. Section 7500.1 of the Business and Professions Code is amended to read:

7500.1. The following terms as used in this chapter have the meaning expressed in this section:

(a) "Advertisement" means any written or printed communication, including a directory listing, except a free telephone directory listing that does not allow space for a license number.

(b) "Assignment" means any written authorization by the legal owner, lienholder, lessor, lessee, registered owner, or the agent of any of them, to repossess any collateral, including, but not limited to, collateral registered under the Vehicle Code that is subject to a security agreement that contains a repossession clause. "Assignment" also means any written authorization by an employer to recover any collateral entrusted to an employee or former employee in possession of the collateral. A photocopy of an assignment, facsimile copy of an assignment, or electronic format of an assignment shall have the same force and effect as an original written assignment.

(c) "Bureau" means the Bureau of Security and Investigative Services.

(d) "Chief" means the Chief of the Bureau of Security and Investigative Services.

(e) "Collateral" means any specific vehicle, trailer, boat, recreational vehicle, motor home, appliance, or other property that is subject to a security agreement.

(f) "Combustibles" means any substances or articles that are capable of undergoing combustion or catching fire, or that are flammable, if retained.

(g) "Dangerous drugs" means any controlled substances as defined in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code.

(h) "Deadly weapon" means and includes any instrument or weapon of the kind commonly known as a blackjack, slungshot, billy, sandclub, sandbag, metal knuckles, dirk, dagger, pistol, or revolver, or any other firearm, any knife having a blade longer than five inches, any razor with an unguarded blade, and any metal pipe or bar used or intended to be used as a club.

(i) "Debtor" means any person obligated under a security agreement.

(j) "Department" means the Department of Consumer Affairs.

(k) "Director" means the Director of Consumer Affairs.

(*l*) "Electronic format" includes, but is not limited to, a text message, email, or Internet posting.

(m) "Health hazard" means any personal effects that if retained would produce an unsanitary or unhealthful condition, or which might damage other personal effects.

(n) "Legal owner" means a person holding a security interest in any collateral that is subject to a security agreement, a lien against any collateral, or an interest in any collateral that is subject to a lease agreement.

(o) "Licensee" means an individual, partnership, limited liability company, or corporation licensed under this chapter as a repossession agency.

(p) "Multiple licensee" means a repossession agency holding more than one repossession license under this chapter, with one fictitious trade style and ownership, conducting repossession business from additional licensed locations other than the location shown on the original license.

(q) "Person" includes any individual, partnership, limited liability company, or corporation.

(r) "Personal effects" means any property that is not the property of the legal owner.

(s) "Private building" means and includes any dwelling, outbuilding, or other enclosed structure.

(t) "Qualified certificate holder" or "qualified manager" is a person who possesses a valid qualification certificate in accordance with the provisions of Article 5 (commencing with Section 7504) and is in active control or management of, and who is a director of, the licensee's place of business.

(u) "Registered owner" means the individual listed in the records of the Department of Motor Vehicles, or on a conditional sales contract, or on a repossession assignment, as the registered owner.

(v) "Registrant" means a person registered under this chapter.

(w) "Repossession" or "repossess" means the locating ~~or~~ and physical recovering of collateral by means of an assignment.

(x) "Secured area" means and includes any fenced and locked area.

(y) "Security agreement" means an obligation, pledge, mortgage, chattel mortgage, lease agreement, deposit, or lien, given by a debtor as security for payment or performance of his or her debt, by furnishing the creditor with a recourse to be used in case of failure in the principal obligation. "Security agreement" also includes a bailment where an employer-employee relationship exists or existed between the bailor and the bailee.

(z) "Services" means any duty or labor to be rendered by one person for another.

(aa) "Violent act" means any act that results in bodily harm or injury to any party involved.

~~(bb)~~

(ab) The amendments made to this section by Chapter 418 of the Statutes of 2006 shall not be deemed to exempt any person from the provisions of this chapter.

SEC. 2. Section 7507.9 of the Business and Professions Code is amended to read:

7507.9. ~~Personal~~ Except as otherwise provided in this section, personal effects shall be removed from the collateral, including any personal effect that is mounted but detachable from the collateral by a release mechanism. A ~~complete and accurate inventory of the personal effects shall be made, and the~~ licensee shall make a good faith effort to inventory the personal effects, but shall not inventory or remove trash of any kind or be held responsible for hidden personal effects. The personal effects shall be labeled and stored by the licensee for a minimum of 60 days in a secure manner, except those personal effects removed by or in the presence of the debtor or the party in possession of the collateral at the time of the repossession. If the licensee or the licensee's agent cannot determine whether the property attached to the collateral is a personal effect or a part of the collateral, then that fact shall be noted on the inventory and the licensee or agent shall not be obligated to remove the item from the collateral, unless the item can be removed without the use of tools, in which case it shall be removed and inventoried. The licensee or the licensee's agent shall notify the debtor that if the debtor takes the position that an item is a personal effect, then the debtor shall contact the legal owner to resolve the issue.

(a) The date and time the inventory is made shall be indicated. The permanent records of the licensee shall indicate the name of the employee or registrant who performed the inventory.

(b) The following items of personal effects are items determined to present a danger or health hazard when recovered by the licensee and shall be disposed of in the following manner:

(1) Deadly weapons and dangerous drugs shall be turned over to any law enforcement agency for retention. These items shall be entered on the inventory and a notation shall be made as to the date, time, and place the deadly weapon or dangerous drug was turned over to the law enforcement agency, and a receipt from the law enforcement agency shall be maintained in the records of the repossession agency.

(2) Combustibles shall be inventoried and noted as "disposed of, dangerous combustible," and the item shall be disposed of in a reasonable and safe manner.

(3) Food and other health hazard items shall be inventoried and noted as "disposed of, health hazard," and disposed of in a reasonable and safe manner.

(c) Personal effects may be disposed of after being held for at least 60 days. The inventory, and adequate information as to how, when, and to whom the personal effects were disposed of, shall be filed in the permanent records of the licensee and retained for four years.

(d) The inventory shall include the name, address, business hours, and telephone number of the repossession agency to contact for recovering the personal effects and an itemization of all personal effects removal and storage charges that will be made by the repossession agency. The inventory shall also include the following statement: "Please be advised that the property listed on this inventory will be disposed of by the repossession agency after being held for 60 days from the date of this notice IF UNCLAIMED."

(e) The inventory shall be provided to a debtor not later than 48 hours after the recovery of the collateral, except that if:

(1) The 48-hour period encompasses a Saturday, Sunday, or postal holiday, the inventory shall be provided no later than 72 hours after the recovery of the collateral.

(2) The 48-hour period encompasses a Saturday or Sunday and a postal holiday, the inventory shall be provided no later than 96 hours after the recovery of the collateral.

(3) Inventory resulting from repossession of a yacht, motor home, or travel trailer is such that it shall take at least four hours to inventory, then the inventory shall be provided no later than 96 hours after the recovery of the collateral. When the 96-hour period encompasses a Saturday, Sunday, or postal holiday, the inventory shall be provided no later than 120 hours after the recovery of the collateral.

(4) The licensee is unable to open a locked compartment that is part of the collateral, the available inventory shall be provided no later than 96 hours after the recovery of the collateral. When the 96-hour period encompasses a Saturday, Sunday, or postal holiday, the inventory shall be provided no later than 120 hours after the recovery of the collateral.

(f) Environmental, Olympic, special interest, or other license plates issued pursuant to Article 8 (commencing with Section 5000), Article 8.4 (commencing with Section 5060), or Article 8.5 (commencing with Section 5100) of Chapter 1 of Division 3 of the Vehicle Code that remain the personal effects of the debtor shall be removed from the collateral and inventoried pursuant to this section. If the plates are not claimed by the debtor within 60 days, they shall either (1) be effectively destroyed and the licensee shall, within 30 days thereafter, notify the Department of Motor Vehicles of their effective destruction on a form promulgated by the chief that has been approved as to form by the Director of the Department of Motor Vehicles; or (2) be retained by the licensee indefinitely to be returned to the debtor upon request, in which case the licensee shall not charge more than 60 days' storage on the plates.

(g) The notice may be given by regular mail addressed to the last known address of the debtor or by personal service at the option of the repossession agency.

(h) (1) With the consent of the licensee, the debtor waives the preparation and presentation of an inventory if the debtor redeems the personal effects or other personal property not covered by a security interest within the time period for the notices required by this section and signs a statement that he or she has received all the property.

(2) A licensee may allow a debtor or a person in possession of the collateral to sign, at the time of repossession or at a later date, a waiver forfeiting personal effects or other personal property not covered by a security agreement and waiving an inventory of those personal effects or other personal property. Once the waiver has been signed, the licensee shall immediately dispose of the personal effects or personal property.

(i) (1) If personal effects or other personal property not covered by a security agreement are to be released to someone other than the debtor, the repossession agency shall request written authorization to do so from the debtor.

(2) A licensee shall not release or conspire or agree to release personal effects or other personal property not covered by a security agreement to anyone other than the debtor.

(j) A licensee shall not sell personal effects or other personal property not covered by a security agreement and remit money from the sale to a third party, including, but not limited to, any lending institution.

(k) The inventory shall be a confidential document. A licensee shall only disclose the contents of the inventory under the following circumstances:

(1) In response to the order of a court having jurisdiction to issue the order.

(2) In compliance with a lawful subpoena issued by a court of competent jurisdiction.

(3) When the debtor has consented in writing to the release and the written consent is signed and dated by the debtor subsequent to the repossession and states the entity or entities to whom the contents of the inventory may be disclosed.

(4) To the debtor.

(*l*) A licensee may store personal effects or personal property inside the collateral until the collateral is no longer in the possession of the licensee. The collateral shall not leave the possession of the licensee until all personal effects or personal property have been removed.

SEC. 3. Section 22651.03 is added to the Vehicle Code, immediately following Section 22651, to read:

22651.03. (a) Notwithstanding Sections 14602.6 and 22651, this section shall apply when collateral is released to a licensed repossessor. For purposes of this section, "licensed repossessor" means a licensed repossessor, licensed repossession agency, or its officers or employees pursuant to Chapter 11 (commencing with Section 7500) of Division 3 of the Business and Professions Code.

(b) Pursuant to Section 4022, a vehicle obtained by a licensed repossessor as a release of collateral is exempt from registration for purposes of the repossessor removing the vehicle to his or her storage facility or the facility of the legal owner. A law enforcement agency, impounding authority, tow yard, storage facility, or any other person in possession of the collateral shall release the vehicle without requiring current registration and pursuant to this section. The law enforcement agency shall be open to issue a release to the legal owner or a licensed repossessor whenever the agency is open to serve the public for nonemergency business.

(c) The law enforcement agency and the impounding agency, including any storage facility acting on behalf of the law enforcement agency or impounding agency, shall comply with this section and shall not be liable to the registered owner for the improper release of the vehicle to the legal owner or a licensed repossessor provided the release complies with this section. A law enforcement agency shall not refuse to issue a release to a legal owner or a licensed repossessor on the grounds that it previously issued a release.

(d) A vehicle removed and seized for any reason shall be released to the legal owner of the vehicle or to a licensed repossessor if all of the following conditions are met:

(1) The legal owner is a motor vehicle dealer, bank, credit union, acceptance corporation, or other licensed financial institution legally operating in this state or is another person, not the registered owner, holding a security interest in the vehicle.

(2) (A) The legal owner or the licensed repossessor pays all towing and storage fees related to the seizure of the vehicle. Any person having possession of the vehicle shall not collect from the legal owner of the type specified in paragraph (1) or a licensed repossessor any administrative charges imposed pursuant to Section 22850.5 unless the legal owner voluntarily requested a poststorage hearing.

(B) A person operating or in charge of a storage facility where vehicles are stored pursuant to this section shall accept a valid bank credit card or cash for payment of towing, storage, and related fees by a legal owner or a licensed repossessor claiming the vehicle. A credit card shall be in the name of the person presenting the card. "Credit

card" means "credit card" as defined in subdivision (a) of Section 1747.02 of the Civil Code, except, for the purposes of this section, credit card does not include a credit card issued by a retail seller.

(C) A person operating or in charge of a storage facility described in subparagraph (B) who violates subparagraph (B) shall be civilly liable to the owner of the vehicle or to the person who tendered the fees for four times the amount of the towing, storage, and related fees, but not to exceed five hundred dollars ($500).

(D) A person operating or in charge of a storage facility described in subparagraph (B) shall have sufficient funds on the premises of the primary storage facility during normal business hours to accommodate, and make change in, a reasonable monetary transaction.

(E) Credit charges for towing and storage services shall comply with Section 1748.1 of the Civil Code. Law enforcement agencies may include the costs of providing for payment by credit when making agreements with towing companies on rates.

(3) The legal owner or licensed repossessor presents a copy of the assignment, as defined in subdivision (b) of Section 7500.1 of the Business and Professions Code; a release from the one responsible governmental agency, only if required by the agency; a government-issued photographic identification card; and any one of the following, as determined by the legal owner or the licensed repossessor: a certificate of repossession for the vehicle, a security agreement for the vehicle, or title, whether paper or electronic, showing proof of legal ownership for the vehicle. Any documents presented may be originals, photocopies, or facsimile copies, or may be transmitted electronically. The law enforcement agency, impounding agency, or any other governmental agency, or any person acting on behalf of those agencies, shall not require any documents to be notarized. The law enforcement agency, impounding agency, or any person acting on behalf of those agencies may require the licensed repossessor to produce a photocopy or facsimile copy of its repossession agency license or registration issued pursuant to Chapter 11 (commencing with Section 7500) of Division 3 of the Business and Professions Code.

No administrative costs authorized under subdivision (a) of Section 22850.5 shall be charged to the legal owner, of the type specified in paragraph (1), who redeems the vehicle unless the legal owner voluntarily requests a poststorage hearing. No city, county, city and county, or state agency shall require a legal owner or a licensed repossessor to request a poststorage hearing as a requirement for release of the vehicle to the legal owner or the licensed repossessor. The law enforcement agency, impounding agency, or other governmental agency, or any person acting on behalf of those agencies, shall not require any documents other than those specified in this paragraph. The law enforcement agency, impounding agency, or other governmental agency, or any person acting on behalf of those agencies, shall not require any documents to be notarized. The legal owner or the licensed repossessor shall be given a copy of any documents he or she is required to sign, except for a vehicle evidentiary hold logbook. The law enforcement agency, impounding agency, or any person acting on behalf of those agencies, or any person in possession of the vehicle may photocopy and retain the copies of any documents presented by the legal owner or licensed repossessor.

(4) A failure by a storage facility to comply with any applicable conditions set forth in this subdivision shall not affect the right of the legal owner or a licensed

repossessor to retrieve the vehicle, provided all conditions required of the legal owner or licensed repossessor under this subdivision are satisfied.

(e) (1) A legal owner or a licensed repossessor that obtains release of a vehicle pursuant to subdivision (d) shall not release the vehicle to the registered owner of the vehicle, the person who was listed as the registered owner when the vehicle was impounded, or any agents of the registered owner, unless the registered owner is a rental car agency.

(2) The legal owner or the licensed repossessor shall not relinquish the vehicle to the registered owner or the person who was listed as the registered owner when the vehicle was impounded until the registered owner or that owner's agent presents his or her valid driver's license or valid temporary driver's license to the legal owner or the licensed repossessor. The legal owner, licensed repossessor, or person in possession of the vehicle shall make every reasonable effort to ensure that the license presented is valid and that possession of the vehicle will not be given to the driver who was involved in the original impoundment proceeding until the expiration of the impoundment period.

(f) The legal owner of collateral shall, by operation of law and without requiring further action, indemnify and hold harmless a law enforcement agency, city, county, city and county, the state, a tow yard, storage facility, or an impounding yard from a claim arising out of the release of the collateral to a licensed repossessor and from any damage to the collateral after its release, including reasonable attorney's fees and costs associated with defending a claim, if the collateral was released in compliance with this section.

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

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

Amendment 4

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

AMENDMENTS TO ASSEMBLY BILL NO. 1860

Amendment 1

In the title, in line 1, strike out "566 of the Penal Code, relating to branded", strike out line 2 and insert:

1464 of, and to add Title 14 (commencing with Section 14400) to Part 4 of, the Penal Code, relating to peace officers, and making an appropriation therefor.

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 1464 of the Penal Code is amended to read:

1464. (a) (1) Subject to Chapter 12 (commencing with Section 76000) of Title 8 of the Government Code, and except as otherwise provided in this section, there shall be levied a state penalty in the amount of ten dollars ($10) for every ten dollars ($10), or part of ten dollars ($10), upon every fine, penalty, or forfeiture imposed and collected by the courts for all criminal offenses, including all offenses, except parking offenses as defined in subdivision (i) of Section 1463, involving a violation of a section of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code.

(2) Any bail schedule adopted pursuant to Section 1269b or bail schedule adopted by the Judicial Council pursuant to Section 40310 of the Vehicle Code may include the necessary amount to pay the penalties established by this section and Chapter 12 (commencing with Section 76000) of Title 8 of the Government Code, and the surcharge authorized by Section 1465.7, for all matters where a personal appearance is not mandatory and the bail is posted primarily to guarantee payment of the fine.

(3) The penalty imposed by this section does not apply to the following:

(A) Any restitution fine.

(B) Any penalty authorized by Chapter 12 (commencing with Section 76000) of Title 8 of the Government Code.

(C) Any parking offense subject to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code.

(D) The state surcharge authorized by Section 1465.7.

(b) Where multiple offenses are involved, the state penalty shall be based upon the total fine or bail for each case. When a fine is suspended, in whole or in part, the state penalty shall be reduced in proportion to the suspension.

(c) When any deposited bail is made for an offense to which this section applies, and for which a court appearance is not mandatory, the person making the deposit shall also deposit a sufficient amount to include the state penalty prescribed by this section for forfeited bail. If bail is returned, the state penalty paid thereon pursuant to this section shall also be returned.

(d) In any case where a person convicted of any offense, to which this section applies, is in prison until the fine is satisfied, the judge may waive all or any part of the state penalty, the payment of which would work a hardship on the person convicted or his or her immediate family.

(e) After a determination by the court of the amount due, the clerk of the court shall collect the penalty and transmit it to the county treasury. The portion thereof attributable to Chapter 12 (commencing with Section 76000) of Title 8 of the Government Code shall be deposited in the appropriate county fund and 70 percent of the balance shall then be transmitted to the State Treasury, to be deposited in the State Penalty Fund, which is hereby created, and 30 percent to remain on deposit in the county general fund. The transmission to the State Treasury shall be carried out in the same manner as fines collected for the state by a county.

(f) The moneys so deposited in the State Penalty Fund shall be distributed as follows:

(1) Once a month there shall be transferred into the Fish and Game Preservation Fund an amount equal to 0.33 percent of the state penalty funds deposited in the State Penalty Fund during the preceding month, except that the total amount shall not be less than the state penalty levied on fines or forfeitures for violation of state laws relating to the protection or propagation of fish and game. These moneys shall be used for the education or training of department employees which fulfills a need consistent with the objectives of the Department of Fish and ~~Game.~~ Wildlife.

(2) Once a month there shall be transferred into the Restitution Fund an amount equal to 32.02 percent of the state penalty funds deposited in the State Penalty Fund during the preceding month. Those funds shall be made available in accordance with Section 13967 of the Government Code.

(3) Once a month there shall be transferred into the Peace Officers' Training Fund an amount equal to 23.99 percent of the state penalty funds deposited in the State Penalty Fund during the preceding month.

(4) Once a month there shall be transferred into the ~~Driver Training Penalty Assessment~~ Body-worn Camera Fund an amount equal to 25.70 percent of the state penalty funds deposited in the State Penalty Fund during the preceding month.

(5) Once a month there shall be transferred into the Corrections Training Fund an amount equal to 7.88 percent of the state penalty funds deposited in the State Penalty Fund during the preceding month. Money in the Corrections Training Fund is not continuously appropriated and shall be appropriated in the Budget Act.

(6) Once a month there shall be transferred into the Local Public Prosecutors and Public Defenders Training Fund established pursuant to Section 11503 an amount equal to 0.78 percent of the state penalty funds deposited in the State Penalty Fund during the preceding month. The amount so transferred shall not exceed the sum of eight hundred fifty thousand dollars ($850,000) in any fiscal year. The remainder in excess of eight hundred fifty thousand dollars ($850,000) shall be transferred to the Restitution Fund.

(7) Once a month there shall be transferred into the Victim-Witness Assistance Fund an amount equal to 8.64 percent of the state penalty funds deposited in the State Penalty Fund during the preceding month.

(8) (A) Once a month there shall be transferred into the Traumatic Brain Injury Fund, created pursuant to Section 4358 of the Welfare and Institutions Code, an amount equal to 0.66 percent of the state penalty funds deposited into the State Penalty Fund during the preceding month. However, the amount of funds transferred into the Traumatic Brain Injury Fund for the 1996–97 fiscal year shall not exceed the amount of five hundred thousand dollars ($500,000). Thereafter, funds shall be transferred

pursuant to the requirements of this section. Notwithstanding any other provision of law, the funds transferred into the Traumatic Brain Injury Fund for the 1997–98, 1998–99, and 1999–2000 fiscal years, may be expended by the State Department of Mental Health, in the current fiscal year or a subsequent fiscal year, to provide additional funding to the existing projects funded by the Traumatic Brain Injury Fund, to support new projects, or to do both.

(B) Any moneys deposited in the State Penalty Fund attributable to the assessments made pursuant to subdivision (i) of Section 27315 of the Vehicle Code on or after the date that Chapter 6.6 (commencing with Section 5564) of Part 1 of Division 5 of the Welfare and Institutions Code is repealed shall be utilized in accordance with paragraphs (1) to (8), inclusive, of this subdivision.

SEC. 2. Title 14 (commencing with Section 14400) is added to Part 4 of the Penal Code, to read:

TITLE 14. BODY-WORN CAMERA GRANT PROGRAM FOR LOCAL LAW ENFORCEMENT

14400. The Board of State and Community Corrections shall develop a grant program for the purpose of making funds available to local law enforcement entities to purchase body-worn cameras and related data storage and equipment, and to hire personnel necessary to operate a local body-worn camera program.

14402. The Body-worn Camera Fund is hereby created. Notwithstanding Section 13340 of the Government Code, all moneys in the fund are continuously appropriated to the Board of State and Community Corrections for the purposes of Section 14400.

14404. If federal funds become available for the purpose of purchasing body-worn cameras and related equipment for local law enforcement, the Board of State and Community Corrections shall adjust the grant program to maximize state and local competitiveness in obtaining federal funds, and the board shall either apply for federal funds on behalf of a local law enforcement agency, or reimburse a local law enforcement agency that has expended funds for federal funds purposes.

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

AMENDMENTS TO ASSEMBLY BILL NO. 1864

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

of, and to add Section 27491.42 to,

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

inquests.

Amendment 3
On page 2, in line 2, strike out "syndrome (SIDS)" and insert:

syndrome, also referred to as SIDS,

Amendment 4
On page 3, in line 12, strike out "No consent" and insert:

Consent

Amendment 5
On page 3, in line 12, after "is" insert:

not

Amendment 6
On page 3, in line 12, strike out "prior to" and insert:

before

Amendment 7
On page 3, below line 13, insert:

SEC. 2. Section 27491.42 is added to the Government Code, to read:
27491.42. (a) For purposes of this article, "sudden unexplained death in childhood" means the sudden death of a child one year of age or older but under 18 years of age that is unexplained by the history of the child and where a thorough postmortem examination fails to demonstrate an adequate cause of death.

(b) The coroner shall notify the parent or responsible adult of a child described in subdivision (a) about the importance of taking tissue samples.

(c) A coroner shall not be liable for damages in a civil action for any act or omission in compliance with this section.

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

AMENDMENTS TO ASSEMBLY BILL NO. 1871

Amendment 1

In the title, in line 1, strike out "amend Section 12947 of the Water Code," and insert:

add Section 30603.2 to the Public Resources Code,

Amendment 2

In the title, strike out line 2 and insert:

coastal resources.

Amendment 3

On page 2, before line 1, insert:

SECTION 1. Section 30603.2 is added to the Public Resources Code, to read:

30603.2. Notwithstanding any other law, if a coastal development permit for a water supply project is to be obtained from the commission pursuant to Section 30601 or an action taken by a local government on a coastal development permit application for a water supply project is on appeal to the commission pursuant to Section 30603, and if the commission is considering the growth-inducing impacts of the water supply project, the commission shall be limited to considering the following growth-inducing impacts:

(a) How the proposed project augments existing water supplies.

(b) How the proposed project increases regional water supply reliability as a response to drought or climate change impacts.

(c) How the proposed project achieves the state policy of reducing reliance on the Sacramento-San Joaquin Delta, as described in Section 85021 of the Water Code.

Amendment 4

On page 2, strike out lines 1 to 27, inclusive

AMENDMENTS TO ASSEMBLY BILL NO. 1873

Amendment 1

In the title, in line 1, strike out "amend Section 51225.35 of the Education Code, relating", strike out line 2 and insert:

add Section 75131 to the Public Resources Code, relating to state government.

Amendment 2

On page 2, before line 1, insert:

SECTION 1. Section 75131 is added to the Public Resources Code, to read:

75131. (a) There is within the council a Board of Infrastructure Planning, Development, and Finance. The board shall consist of the Governor, the Treasurer, the Controller, the Secretary of Transportation, the Director of General Services, one member selected by the President pro Tempore of the Senate, and one member selected by the Speaker of the Assembly.

(b) The board shall categorize and recommend the priority of the state's infrastructure needs and develop funding to finance those projects.

Amendment 3

On page 2, strike out lines 1 to 21, inclusive

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Bill Referral Digest

BILL NUMBER: AB 1879		REFER TO:	HUM. S. JUD.
AUTHOR:	McCarty	DATE REFERRED:	03/17/2016

RELATING TO: Foster youth: permanency.
An act to amend Sections 361.5, 366, 366.21, 366.22, 366.25, 366.26, 366.3, 706.5, 706.6, 727.2, 727.3, 11400, 16501, and 16501.1 of, and to add Section 371 to, the Welfare and Institutions Code, relating to foster youth.

LEGISLATIVE COUNSEL DIGEST

Existing law provides that a minor may be removed from the physical custody of his or her parents if there is a substantial danger to the physical health of the child or the child is suffering severe emotional damage and there are no reasonable means to protect the child without removing him or her. Additionally, a minor who is in wardship proceedings may be removed from the physical custody of his or her parents if the court finds that one of several facts is present, including that the parent or guardian has failed to provide proper maintenance, training, and education for the minor. When a minor is removed from the physical custody of his or her parents in dependency or wardship proceedings, existing law generally requires that reunification services be provided to the minor and his or her family. Existing law also provides for periodic status review hearings, at which the court is required to return a minor to the physical custody of his or her parents unless the court makes specified findings.

Existing law requires, if a minor is not returned to the physical custody of his or her parents, the juvenile court to devise a permanency plan, including, among others things, an order that the child be placed for adoption, an order that a legal guardian be appointed, or an order that the child remain in another planned permanent living arrangement if the child is 16 years of age or older. Existing law requires, prior to ordering a dependent child to remain in another planned permanent living arrangement as his or her permanent plan, the court to make a finding that the child is not a proper subject for adoption and has no one willing to accept legal guardianship.

This bill would require the court to order the provision of child-centered specialized permanency services, as defined, to a child who does not have a permanent plan of adoption and who is not placed with a fit and willing relative, or who is 16 years of age or older and placed in another planned permanent living arrangement. The bill would also authorize the court to order these services for a nonminor dependent in another planned permanent living arrangement. The bill would require the case plan for the child to identify the child-centered specialized permanency services to be provided, and would require the court, to review the child-centered specialized permanency services that have been provided to the child, as specified.

The bill would also require, in any case in which the court has ordered a dependent child or a ward of the juvenile court placed for adoption or has appointed a relative or nonrelative legal guardian, the social worker or probation officer to provide the prospective adoptive family or the guardian or guardians specified mental health treatment information. By expanding the duties of social workers and probation officers with regard to the provision of child welfare services, this bill would impose a state-mandated local program.

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.

AMENDMENTS TO ASSEMBLY BILL NO. 1881

Amendment 1

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

An act to amend Section 11545 of the Government Code, relating to state government.

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 11545 of the Government Code is amended to read:

11545. (a) (1) There is in state government the Department of Technology within the Government Operations Agency. The Director of Technology shall be appointed by, and serve at the pleasure of, the Governor, subject to Senate confirmation. The Director of Technology shall supervise the Department of Technology and report directly to the Governor on issues relating to information technology.

(2) Unless the context clearly requires otherwise, whenever the term "office of the State Chief Information Officer" or "California Technology Agency" appears in any statute, regulation, or contract, or any other code, it shall be construed to refer to the Department of Technology, and whenever the term "State Chief Information Officer" or "Secretary of California Technology" appears in any statute, regulation, or contract, or any other code, it shall be construed to refer to the Director of Technology.

(3) The Director of Technology shall be the State Chief Information Officer.

(b) The duties of the Director of Technology shall include, but are not limited to, all of the following:

(1) Advising the Governor on the strategic management and direction of the state's information technology resources.

(2) Establishing and enforcing state information technology strategic plans, policies, standards, and enterprise architecture. This shall include the periodic review and maintenance of the information technology sections of the State Administrative Manual, except for sections on information technology procurement procedures, and information technology fiscal policy. The Director of Technology shall consult with the Director of General Services, the Director of Finance, and other relevant agencies concerning policies and standards these agencies are responsible to issue as they relate to information technology.

(3) Minimizing overlap, redundancy, and cost in state operations by promoting the efficient and effective use of information technology.

(4) Providing technology direction to agency and department chief information officers to ensure the integration of statewide technology initiatives, compliance with information technology policies and standards, and the promotion of the alignment and effective management of information technology services. Nothing in this paragraph shall be deemed to limit the authority of a constitutional officer, cabinet agency secretary, or department director to establish programmatic priorities and business direction to the respective agency or department chief information officer.

(5) Working to improve organizational maturity and capacity in the effective management of information technology.

(6) Establishing performance management and improvement processes to ensure state information technology systems and services are efficient and effective.

(7) Approving, suspending, terminating, and reinstating information technology projects.

(8) Performing enterprise information technology functions and services, including, but not limited to, implementing Geographic Information Systems (GIS), shared services, applications, and program and project management activities in partnership with the owning agency or department.

(9) Developing and tailoring baseline security controls for the state based on baseline security controls published by the National Institute of Standards and Technology (NIST). The Director of Technology shall review and revise the state baseline security controls whenever the NIST updates its baseline security controls but, in no event, less frequently than once every three years. State agencies shall comply with the state baseline security controls and shall not tailor their individual baseline security controls to fall below the state baseline security controls.

(c) The Director of Technology shall produce an annual information technology strategic plan that shall guide the acquisition, management, and use of information technology. State agencies shall cooperate with the department in the development of this plan, as required by the Director of Technology.

(1) Upon establishment of the information technology strategic plan, the Director of Technology shall take all appropriate and necessary steps to implement the plan, subject to any modifications and adjustments deemed necessary and reasonable.

(2) The information technology strategic plan shall be submitted to the Joint Legislative Budget Committee by January 15 of every year.

(d) The Director of Technology shall produce an annual information technology performance report that shall assess and measure the state's progress toward enhancing information technology human capital management; reducing and avoiding costs and risks associated with the acquisition, development, implementation, management, and operation of information technology assets, infrastructure, and systems; improving energy efficiency in the use of information technology assets; enhancing the security, reliability, and quality of information technology networks, services, and systems; developing, tailoring, and complying with state baseline security controls; and improving the information technology procurement process. The department shall establish those policies and procedures required to improve the performance of the state's information technology program.

(1) The department shall submit an information technology performance management framework to the Joint Legislative Budget Committee by May 15, 2009, accompanied by the most current baseline data for each performance measure or metric contained in the framework. The information technology performance management framework shall include the performance measures and targets that the department will utilize to assess the performance of, and measure the costs and risks avoided by, the state's information technology program. The department shall provide notice to the Joint Legislative Budget Committee within 30 days of making changes to the framework. This notice shall include the rationale for changes in specific measures or metrics.

(2) State agencies shall take all necessary steps to achieve the targets set forth by the department and shall report their progress to the department on a quarterly basis.

(3) Notwithstanding Section 10231.5, the information technology performance report shall be submitted to the Joint Legislative Budget Committee by January 15 of every year. To enhance transparency, the department shall post performance targets and progress toward these targets on its public Internet Web site.

(4) The department shall at least annually report to the Director of Finance cost savings and avoidances achieved through improvements to the way the state acquires, develops, implements, manages, and operates state technology assets, infrastructure, and systems. This report shall be submitted in a timeframe determined by the Department of Finance and shall identify the actual savings achieved by each office, department, and agency. Notwithstanding Section 10231.5, the department shall also, within 30 days, submit a copy of that report to the Joint Legislative Budget Committee, the Senate Committee on Appropriations, the Senate Committee on Budget and Fiscal Review, the Assembly Committee on Appropriations, and the Assembly Committee on Budget.

(e) If the Governor's Reorganization Plan No. 2 of 2012 becomes effective, this section shall prevail over Section 186 of the Governor's Reorganization Plan No. 2 of 2012, regardless of the dates on which this section and that plan take effect, and this section shall become operative on July 1, 2013.

Amendment 3

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

AMENDMENTS TO ASSEMBLY BILL NO. 1885

Amendment 1
In the title, in line 1, strike out "12340.1" and insert:

12389

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

SECTION 1. Section 12389 of the Insurance Code, as added by Section 3 of Chapter 370 of the Statutes of 2015, is amended to read:

12389. (a) On and after July 1, 2016, an underwritten title company as defined in Section 12340.5 that is a stock corporation may, subject to subdivision (b), (1) engage in the business of preparing title searches, title reports, title examinations, or certificates or abstracts of title, upon the basis of which a title insurer writes title policies, and (2) conduct escrow services through business locations, as defined in Section 12340.13, in counties in which the underwritten title company is licensed to conduct escrow services regardless of the location of the real or personal property involved in the transaction.

(b) (1) Only a domestic corporation may be licensed under this section and no underwritten title company, as defined in Section 12340.5, may become licensed under this section, or change the name under which it is licensed or operates, unless it has first complied with Section 881.

(2) (A) Depending upon the county or counties in which the company is licensed to transact business, it shall maintain required minimum net worth and a bond or cash deposit as follows:

Aggregate number of documents recorded and documents filed in the preceding calendar year in all counties where the company is licensed to transact business

Number of documents	Amount of required minimum net worth	Amount of bond or cash deposit
Less than 50,000	$ 75,000	$ 50,000
50,000 to 100,000	120,000	50,000
100,000 to 500,000	200,000	100,000
500,000 to 1,000,000	300,000	100,000
1,000,000 or more	400,000	100,000

(B) "Net worth" for the purposes of this section is defined as the excess of assets over all liabilities and required reserves. The company may carry as an asset the actual cost of its title plant, provided the value ascribed to that asset shall not exceed the aggregate value of all other assets.

(C) If a title plant of an underwritten title company is not currently maintained, the asset value of the plant shall not exceed its asset value as determined in the preceding paragraph as of the date to which that plant is currently maintained, less one-tenth thereof for each succeeding year or part of the succeeding year that the plant is not being currently maintained. For the purposes of this section, a title plant shall be deemed currently maintained so long as it is used in the normal conduct of the business of title insurance, and (i) the owner of the plant continues regularly to obtain and index title record data to the plant or to a continuation thereof in a format other than that previously used, including, but not limited to, computerization of the data, or (ii) the owner of the plant is a participant, in an arrangement for joint use of a title plant system regularly maintained in any format, provided the owner is contractually entitled to receive a copy of the title record data contained in the jointly used title plant system during the period of the owner's participation therein, either periodically or upon termination of that participation, at a cost not to exceed the actual cost of duplication of the title record data.

(D) An underwritten title company shall at all times maintain current assets of at least ten thousand dollars ($10,000) in excess of its current liabilities, as current assets and liabilities may be defined pursuant to regulations made by the commissioner. In making the regulations, the commissioner shall be guided by generally accepted accounting principles followed by certified public accountants in this state.

(3) (A) An underwritten title company shall obtain from the commissioner a license to transact its business. The license shall not be granted until the applicant conforms to the requirements of this section and all other provisions of this code specifically applicable to the applicant. After issuance the holder of the license shall continue to comply with the requirements as to its business set forth in this code, in the applicable rules and regulations of the commissioner, and in the laws of this state.

(B) An underwritten title company that possesses, or is required to possess, a license pursuant to this section shall be subject as if an insurer to the provisions of Article 8 (commencing with Section 820) of Chapter 1 of Part 2 of Division 1 of this code and is deemed to be subject to authorization by the Insurance Commissioner within the meaning of subdivision (e) of Section 25100 of the Corporations Code.

(C) The license may be obtained by filing an application on a form prescribed by the commissioner accompanied by a filing fee of three hundred fifty-four dollars ($354). The license when issued shall be for an indefinite term and shall expire with the termination of the existence of the holder, subject to the annual renewal fee imposed under Sections 12415 and 12416.

(D) An underwritten title company seeking to extend its license to an additional county shall pay a two-hundred-seven-dollar ($207) fee for each additional county, and shall furnish to the commissioner evidence, at least sufficient to meet the minimum net worth requirements of paragraph (2), of its financial ability to expand its business operation to include the additional county or counties.

(4) (A) An underwritten title company shall furnish an audit to the commissioner on the forms provided by the commissioner annually, either on a calendar year basis

on or before March 31 or, if approved in writing by the commissioner in respect to any individual company, on a fiscal year basis on or before 90 days after the end of the fiscal year. The time for furnishing any audit required by this paragraph may be extended, for good cause shown, on written approval of the commissioner for a period, not to exceed ~~60~~ 90 days. Failure to submit an audit on time, or within the extended time that the commissioner may grant, is grounds for an order by the commissioner to accept no new business pursuant to subdivision (d). The audits shall be private, except that a synopsis of the balance sheet on a form prescribed by the commissioner may be made available to the public.

(B) The audits shall be made in accordance with generally accepted auditing standards by an independent certified public accountant or independent licensed public accountant whose certification or license is in good standing at the time of the preparation. The fee for filing the audit shall be three hundred thirteen dollars ($313).

(C) The commissioner may refuse to accept an audit or order a new audit for any of the following reasons:

(i) An adverse result in any proceeding before the California Board of Accountancy affecting the auditor's license.

(ii) The auditor has an affiliation with the underwritten title company or any of its officers or directors that would prevent his or her reports on the company from being reasonably objective.

(iii) The auditor has been convicted of a misdemeanor or felony based on his or her activities as an accountant.

(iv) A judgment adverse to the auditor in any civil action finding him or her guilty of fraud, deceit, or misrepresentation in the practice of his or her profession.

(D) A company that fails to file an audit or other report on or before the date it is due shall pay to the commissioner a penalty fee of one hundred eighteen dollars ($118) and on failure to pay that or another fee or file the audit required by this section shall forfeit the privilege of accepting new business until the delinquency is corrected.

(c) An underwritten title company may engage in the escrow business and act as escrow agent, provided that:

(1) It maintains a record of all receipts and disbursements of escrow funds.

(2) (A) It maintains a bond satisfactory to the commissioner in the amount set forth in subparagraph (A) of paragraph (2) of subdivision (b) of this section. The bond shall run to the state for the use of the state, and for any person who has cause against the obligor of the bond or under the provisions of this chapter.

(B) (i) In lieu of the bond described in subparagraph (A), the company shall maintain a deposit in the amount set forth in subparagraph (A) of paragraph (2) of subdivision (b) of this section, and in a form permitted by Section 12351, with the commissioner, who shall immediately make a special deposit in that amount in the State Treasury. The deposit shall be subject to Sections 12353, 12356, 12357, and 12358. As long as there are no claims against the deposit, all interest and dividends thereon shall be paid to the depositor. The deposit shall be security for the same beneficiaries and purposes as the bond, as set forth in subparagraph (A) and in paragraph (3) of this subdivision. The deposit shall be maintained until four years after all escrows handled by the depositor have been closed.

(ii) The commissioner may release the deposit prior to the passage of the four-year period described in clause (i) upon presentation of evidence satisfactory to the

commissioner of either a statutory merger of the depositor into a licensee subject to the jurisdiction of the commissioner, or a valid assumption agreement under which the liability of the depositor stemming from escrow transactions handled by it is assumed by a licensee subject to the jurisdiction of the commissioner.

(iii) With the foregoing exceptions, the deposit shall be returned to the depositor or lawful successor in interest following the four-year period described in clause (i) upon presentation of evidence satisfactory to the commissioner that there are no claims against the deposit arising out of escrow transactions handled by the depositor. If claims against the deposit are presented to the commissioner, the commissioner may pay a valid claim or claims until the deposit amount is exhausted. If the commissioner has evidence of one or more claims against the depositor, and the depositor is in conservatorship, bankruptcy, or liquidation proceedings, the commissioner may release the deposit to the conservator, trustee, or liquidator. If the depositor is not in conservatorship, bankruptcy or liquidation, the commissioner may interplead the deposit by special endorsement to a court of competent jurisdiction for distribution to claimants on the deposit.

(3) (A) The bond provided by a surety insurer naming the underwritten title company as principal obligor or the letter of credit of an issuing bank shall be subject to the following conditions:

(i) The licensee shall faithfully conform to and abide by the provisions of this chapter and all of the rules made by the commissioner under this chapter concerning the conduct of escrow services.

(ii) The licensee will honestly and faithfully apply all funds received, and will faithfully and honestly perform all obligations and undertakings under this chapter, concerning the conduct of escrow services.

(B) In determining the liability of the principal and the sureties under the bond, any money recovered to restore any deficiency in the trust shall not be considered as an asset of the liquidation subject to the assessment for the cost of the liquidation.

(C) The surety under the bond, or the issuing bank of a letter of credit, may pay the full amount of its liability thereunder to the commissioner as conservator, liquidator, receiver, or anyone appointed by the commissioner as a conservator, liquidator, or receiver in lieu of payment to the state or persons having a cause of action against the principal of a bond or applicant under a letter of credit, and upon such payment the surety on the bond, or the issuing bank under a letter of credit shall be completely released, discharged, and exonerated from further liability under the bond or letter of credit, as applicable. The conservator, liquidator, or receiver may use the proceeds of the bond, or letter of credit, for any purposes, including the funding of the costs of conservatorship, receivership, or liquidation.

(D) If there is no reasonable or adequate admitted market for surety bonds as required by this section, the commissioner may act pursuant to Section 1763.1 or, for good cause shown, may permit a letter of credit in lieu thereof, and in the amount of the bond or deposit required by this section. In that case, the commissioner may fashion the letter of credit requirements as appropriate to the circumstances and cause.

(4) On and after July 1, 2016, the commissioner shall promptly release to the depositor, upon application, all escrow-related deposits previously made pursuant to paragraph (2) of subdivision (c) of former Section 12389 if any of the following occurs:

(A) The underwritten title company has provided to the commissioner bond coverage, a deposit, or an approved irrevocable letter of credit as set forth in this subdivision.

(B) Upon presentation of evidence satisfactory to the commissioner of either a statutory merger of the underwritten title company depositor into a licensee or certificate holder subject to the jurisdiction of the commissioner, or a valid assumption agreement under which all liability of the depositor stemming from escrow transactions handled by it is assumed by a licensee or certificate holder subject to the jurisdiction of the commissioner.

(5) Otherwise the deposit shall be promptly returned to the depositor, its duly appointed trustee in bankruptcy or lawful successor in interest upon application for release following the four-year period specified in paragraph (2) , as that paragraph read on June 30, 2016, unless the commissioner has received claims against the deposit stemming from escrow transactions handled by the depositor. If the commissioner has received one or more claims against the depositor, and the depositor is not in conservatorship, bankruptcy, or liquidation, the commissioner may interplead the deposit by special endorsement to a court of competent jurisdiction for distribution on the basis that claims against the depositor stemming from escrow transactions handled by the depositor have priority in the distribution over other claims against the depositor.

(d) The commissioner shall, whenever it appears necessary, examine the business and affairs of a company licensed under this section. The examination shall be at the expense of the company.

(e) (1) At any time that the commissioner determines, after notice and hearing, that a company licensed under this section has willfully failed to comply with a provision of this section, the commissioner shall make his or her order prohibiting the company from conducting its business for a period of not more than one year.

(2) A company that violates the commissioner's order is subject to seizure under Article 14 (commencing with Section 1010) of Chapter 1 of Part 2 of Division 1, is guilty of a misdemeanor, and may have its license revoked by the commissioner. Any person aiding and abetting any company in a violation of the commissioner's order is guilty of a misdemeanor.

(f) The purpose of this section is to maintain the solvency of the companies subject to this section and to protect the public by preventing fraud and requiring fair dealing. In order to carry out these purposes, the commissioner may make reasonable rules and regulations to govern the conduct of its business of companies subject to this section. The rules and regulations shall be adopted, amended, or repealed in accordance with the procedures provided in Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

(g) The name under which each underwritten title company is licensed shall at all times be an approved name. The fee for filing an application for a change of name shall be one hundred eighteen dollars ($118). Each company shall be subject to the provisions of Article 14 (commencing with Section 1010) and Article 14.5 (commencing with Section 1065.1) of Chapter 1 of Part 2 of Division 1.

(h) This section does not prohibit an underwritten title company from engaging in escrow, settlement, or closing activities on properties located outside this state if those activities do not violate the laws of that other state or country.

(i) This section is operative on July 1, 2016.

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

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AMENDMENTS TO ASSEMBLY BILL NO. 1889

Amendment 1

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

to repeal Division 16 (commencing with Section 160000) of the Public Utilities Code,

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Division 16 (commencing with Section 160000) of the Public Utilities Code is repealed.

Amendment 3

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

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AMENDMENTS TO ASSEMBLY BILL NO. 1911

Amendment 1

In the title, in line 1, strike out "amend Section 241.1" and insert:

repeal and add Section 241.2

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 241.2 of the Welfare and Institutions Code is repealed.

~~241.2. The Judicial Council shall collect and compile all of the data to be collected pursuant to paragraph (4) of subdivision (e) of Section 241.1 and shall prepare an evaluation of the results of the implementation of the protocol authorized in that subdivision for a representative sample of the counties that create a protocol pursuant to that provision. The Judicial Council shall report its findings and any resulting recommendations to the Legislature within two years of the date those counties first deem a child to be a dual status child. The Judicial Council shall review all proposed protocols to ensure that they provide for the collection of adequate, standardized data to perform these evaluations. In order to assist counties with data collection and evaluation, the Judicial Council may prepare model data collection and evaluation provisions that a county must include in their protocol.~~

SEC. 2. Section 241.2 is added to the Welfare and Institutions Code, to read:

241.2. (a) The Judicial Council shall, on or before January 31, 2017, convene a committee comprised of stakeholders involved in serving the needs of dependents or wards of the juvenile court, including, but not limited to, judges, probation officers, social workers, and representatives from the State Department of Social Services. Within one year from the date of its first meeting, the committee shall develop and report to the Legislature its recommendations to facilitate and enhance comprehensive data and outcome tracking for the state's dually involved, crossover, and dual status youth. The committee's recommendations shall include, but not be limited to, all of the following:

(1) A common identifier counties may use to reconcile data across child welfare and probation data systems statewide.

(2) Standardized definitions for terms related to the populations of youth involved in both the child welfare system and the probation system.

(3) Identified and defined outcomes for counties to track for dually involved, crossover, and dual status youth, such as outcomes related to recidivism and education.

(4) Established baselines and goals for the identified and defined outcomes specified in paragraph (3).

(5) An assessment as to the costs and benefits associated with requiring all counties to implement the committee's recommendations.

(b) The State Department of Social Services shall, on or before January 31, 2017, implement a function within the Child Welfare Services/Case Management System (CWS/CMS) that will enable county child welfare agencies and county probation

departments to identify the dually involved youth residing within their counties and shall issue guidance to all counties on how to track joint assessment hearing information completely and consistently for dually involved youth.

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

AMENDMENTS TO ASSEMBLY BILL NO. 1915

Amendment 1

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

to add and repeal Section 11760.7 of the Health and Safety Code,

Amendment 2

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

public social services, and making an appropriation therefor.

Amendment 3

On page 1, before line 1, insert:

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

(1) There are not enough available residential treatment facilities throughout the state to meet the needs of persons suffering from substance use disorders.

(2) The state has an interest in increasing the availability of residential treatment services to help ensure the state is making progress in meeting the goals and terms of the Drug Medi-Cal Organized Delivery System (DMC-ODS) demonstration waiver.

(3) Staffing models and other requirements and the facility costs of providing residential treatment services present challenges for expanding capacity to deliver this level of care in the state.

(4) Funds for capital investments in facility infrastructure and equipment, including the purchase, implementation, and maintenance of electronic health records systems, would enable facilities to increase the number of residential treatment beds within existing licensed and certified Drug Medi-Cal Treatment Program facilities or for new residential treatment facilities.

(b) It is the intent of the Legislature to help ensure that an adequate substance abuse treatment provider network is available to eligible beneficiaries for residential treatment services provided under the Drug Medi-Cal Treatment Program as set forth in Section 14021.35 and Article 3.2 (commencing with Section 14124.20) of Chapter 7 of Part 3 of Division 9 of the Welfare and Institutions Code.

SEC. 2. Section 11760.7 is added to the Health and Safety Code, to read:

11760.7. (a) The department shall establish a program for the purpose of making grants or loans to residential treatment centers that are expanding services or to substance use disorder treatment facilities that are expanding to provide residential treatment services. A loan or grant made pursuant to this section shall be made only to a county or a private nonprofit organization that operates a residential treatment center or a substance use disorder treatment facility.

(b) The Residential Treatment Facility Expansion Fund is hereby established in the State Treasury for the purpose of making grants and loans pursuant to subdivision (a). Notwithstanding Section 13340 of the Government Code, all moneys in the fund

are continuously appropriated, without regard to fiscal years, for the purpose of carrying out the purposes of this section. All loan payments received from previous loans and all future collections shall be deposited in the Residential Treatment Facility Expansion Fund. The Residential Treatment Facility Expansion Fund shall be invested in the Pooled Money Investment Account. Interest earned shall accrue to the Residential Treatment Facility Expansion Fund and may be made available for future residential treatment facility expansion loans or grants.

(c) The department may adopt regulations as are necessary to implement this section.

(d) This section shall remain in effect only until January 1, 2019, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2019, deletes or extends that date.

SEC. 3. The sum of one hundred twenty million dollars ($120,000,000) is hereby transferred from the General Fund in the State Treasury to the Residential Treatment Facility Expansion Fund for the purpose of implementing Section 2 of this act.

Amendment 4

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

AMENDMENTS TO ASSEMBLY BILL NO. 1931

Amendment 1

In the title, in line 1, strike out "Section 1798.200 of" and insert:

Sections 1797.184, 1798.200, 1798.201, and 1798.202 of, and to repeal Section 1799.112 of,

Amendment 2

On page 2, before line 1, insert:

SECTION 1. Section 1797.184 of the Health and Safety Code is amended to read:

1797.184. The authority shall develop and, after approval by the commission pursuant to Section 1799.50, adopt all of the following:

(a) Guidelines for disciplinary orders, temporary suspensions, and conditions of probation for EMT-I and EMT-II certificate holders and EMT-P licenseholders that ~~protects~~ protect the public health and safety.

(b) Regulations for the issuance of EMT-I and EMT-II certificates by a certifying entity that ~~protects~~ protect the public health and safety.

(c) Regulations for the recertification of EMT-I and EMT-II certificate holders that protect the public health and safety.

(d) Regulations for disciplinary processes for EMT-I and EMT-II applicants and certificate holders that protect the public health and safety. These disciplinary processes shall be in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

Amendment 3

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

SEC. 2.

Amendment 4

On page 2, in line 4, strike out "EMT-I or EMT-II" and insert:

EMT-I, EMT-II, or EMT-P

Amendment 5

On page 2, in lines 5 and 6, strike out "EMT-I or EMT-II" and insert:

EMT-I, EMT-II, or EMT-P

Amendment 6
On page 2, in line 7, strike out "medical director", strike out line 8, in line 9, strike out "the alleged violation occurred" and insert:

regulating entity

Amendment 7
On page 2, in line 11, strike out "EMT-I or EMT-II employee" and insert:

EMT-I, EMT-II, or EMT-P

Amendment 8
On page 2, in line 12, strike out "medical director of the local EMS agency that has", strike out line 13, in line 14, strike out "(c) occurred" and insert:

regulating entity

Amendment 9
On page 2, in line 14, strike out "EMT-I or EMT-II" and insert:

EMT-I, EMT-II, or EMT-P

Amendment 10
On page 2, in lines 15 and 16, strike out "EMT-I or EMT-II" and insert:

EMT-I, EMT-II, or EMT-P

Amendment 11
On page 2, in line 18, strike out "EMT-I or EMT-II" and insert:

EMT-I, EMT-II, or EMT-P

Amendment 12
On page 2, in line 20, after the period insert:

The employer of an EMT-P shall provide the regulating entity with all supporting documentation at the time of notification.

Amendment 13
On page 2, in lines 21 and 22, strike out "of an EMT-I or EMT-II"

Amendment 14
On page 2, in line 25, strike out "EMT-I or EMT-II." and insert:

EMT-I, EMT-II, or EMT-P.

Amendment 15
On page 2, in lines 26 and 27, strike out "local EMS agency" and insert:

regulating entity

Amendment 16
On page 2, in line 28, strike out "medical"

Amendment 17
On page 2, in line 29, strike out "of the local EMS agency"

Amendment 18
On page 2, in line 30, after "certificate" insert:

or license

Amendment 19
On page 2, in line 31, strike out "EMT-I or EMT-II" and insert:

EMT-I, EMT-II, or EMT-P

Amendment 20
On page 2, in line 33, strike out "agency" and insert:

agency,

Amendment 21
On page 2, in line 36, strike out "medical"

Amendment 22
On page 2, in line 36, strike out "of a local EMS agency"

Amendment 23
On page 2, in line 38, strike out "EMT-I or EMT-II." and insert:

EMT-I, EMT-II, or EMT-P.

Amendment 24
On page 3, in line 1, strike out "medical"

Amendment 25
On page 3, in line 5, strike out "EMT-I or EMT-II." and insert:

EMT-I, EMT-II, or EMT-P.

Amendment 26
On page 3, in line 5, strike out "medical"

Amendment 27
On page 3, in line 6, after "certificate" insert:

or license

Amendment 28
On page 3, in line 8, strike out "medical"

Amendment 29
On page 3, in line 8, strike out "of the local EMS agency"

Amendment 30
On page 3, in line 12, after "certificate" insert:

or EMT-P license

Amendment 31
On page 3, in line 12, strike out "any" and insert:

an

Amendment 32
On page 3, in line 13, after "holder" insert:

or EMT-P licenseholder

Amendment 33
On page 3, in lines 13 and 14, strike out "that medical" and insert:

the

Amendment 34
On page 3, in line 16, strike out "EMT-I or EMT-II"

Amendment 35
On page 3, in line 18, strike out "medical"

Amendment 36
On page 3, in line 21, after "holder" insert:

or EMT-P licenseholder

Amendment 37
On page 3, in line 22, strike out "certificate." and insert:

holder's certificate or license.

Amendment 38
On page 3, in line 23, strike out "of an EMT-I or EMT-II"

Amendment 39
On page 3, in line 25, strike out "medical"

Amendment 40
On page 3, in line 27, strike out "certificate." and insert:

holder's certificate or license.

Amendment 41
On page 3, in line 28, strike out "medical director of the local EMS agency," and insert:

director,

Amendment 42
On page 3, in line 29, strike out "employer of an EMT-I or EMT-II," and insert:

employer,

Amendment 43
On page 3, in line 30, strike out "any" and insert:

an

Amendment 44
On page 3, in line 31, strike out "certificate or both EMT-I and EMT-II certificates" and insert:

certificate, an EMT-P license, or a combination thereof

Amendment 45
On page 3, in line 33, after "holder" insert:

or licenseholder

Amendment 46
On page 3, strike out line 35 and insert:

certificate or EMT-P license.

Amendment 47
On page 3, in line 36, after "holder" insert:

or licenseholder

Amendment 48
On page 3, in line 37, strike out "certified" and insert:

regulated

Amendment 49
On page 3, in line 39, strike out "medical"

Amendment 50
On page 3, in line 39, strike out "of the local EMS agency"

Amendment 51
On page 3, in line 40, strike out "certificate," and insert:

certificate or license,

Amendment 52
On page 3, in line 40, strike out "local EMS agency" and insert:

regulating entity

Amendment 53
On page 4, in line 1, after "holder" insert:

or licenseholder

Amendment 54
On page 4, in line 1, strike out "EMT-I or EMT-II"

Amendment 55
On page 4, in line 1, after the second "certificate" insert:

or license

Amendment 56
On page 4, in lines 3 and 4, strike out "local EMS agency, the agency" and insert:

regulating entity, the regulating entity

Amendment 57
On page 4, in line 5, strike out "agency" and insert:

regulating entity

Amendment 58
On page 4, in line 7, strike out "agency" and insert:

regulating entity

Amendment 59
On page 4, in line 10, strike out "local EMS agency" and insert:

regulating entity

Amendment 60
On page 4, in line 11, after "holder" insert:

or licenseholder

Amendment 61
On page 4, in line 14, after "holder" insert:

or licenseholder

Amendment 62
On page 4, in line 15, strike out "local EMS agency's" and insert:

regulating entity's

Amendment 63
On page 4, in line 17, strike out "local EMS agency" and insert:

regulating entity

Amendment 64
On page 4, in line 20, strike out "medical"

Amendment 65
On page 4, in line 20, strike out "of the local EMS agency"

Amendment 66
On page 4, in line 22, strike out "EMT-I or EMT-II" and insert:

EMT-I, EMT-II, or EMT-P

Amendment 67
On page 4, strike out lines 25 to 32, inclusive, and insert:

(b) For purposes of this section, the following definitions shall apply:
(1) "Director" means either of the following:
(A) For purposes of EMT-I or EMT-II certificate holders, the medical director of the local EMS agency that has jurisdiction in the county in which the alleged violation occurred.
(B) For purposes of EMT-P licenseholders, the Director of the Emergency Medical Services Authority.
(2) "Regulating entity" means either of the following:
(A) For purposes of EMT-I and EMT-II certificate holders, the local EMS agency that has jurisdiction in the county in which the alleged violation occurred.
(B) For purposes of EMT-P licenseholders, the EMS Authority. When requiring a report or notification regarding an EMT-P, "regulating entity" refers to both the local EMS agency that has jurisdiction in the county in which the alleged violation occurred and the EMS Authority.

Amendment 68
On page 6, in line 12, after "means" insert:

only

Amendment 69
On page 6, in line 13, strike out "act" and insert:

action

Amendment 70
On page 6, below line 15, insert:

(f) The reporting requirements of subdivision (a) do not require or authorize the release of information or records of an EMT-P who is also a peace officer protected by Section 832.7 of the Penal Code.

(g) Proceedings against any EMT-P licenseholder shall be held in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

(h) (1) Pursuant to subdivision (i) of Section 1798.24 of the Civil Code, upon notification to the EMT-P, the EMS Authority may share the results of its investigation pursuant to subdivision (a) with the employer, a prospective employer when requested, in writing, as part of a preemployment background check, or the local EMS agency.

(2) An EMT-P licensee or applicant to whom the information pertains, as set forth in subdivision (a) of Section 1798.24 of the Civil Code, may view the contents of a closed investigation file upon request during the EMS Authority's regular business hours.

SEC. 3. Section 1798.201 of the Health and Safety Code is amended to read:

1798.201. (a) When information comes to the attention of the medical director of the local EMS agency that an EMT-P licenseholder has committed any act or omission that appears to constitute grounds for disciplinary action under this division, the medical director of the local EMS agency may evaluate the information to determine if there is reason to believe that disciplinary action may be necessary.

(b) If the medical director sends a recommendation to the authority for further investigation or discipline of the licenseholder, the ~~recommendation~~ medical director shall also notify, within three days, the EMT-P's employer. The recommendation to the authority and the notification sent to the employer shall include all documentary evidence collected by the medical director in evaluating whether or not to make that recommendation. The recommendation and accompanying evidence shall be deemed in the nature of an investigative communication and be protected by Section 6254 of the Government Code. In deciding what level of disciplinary action is appropriate in the case, the authority shall consult with the medical director of the local EMS agency.

SEC. 4. Section 1798.202 of the Health and Safety Code is amended to read:

1798.202. (a) The director of the authority or the medical director of the local EMS agency, after consultation with the relevant employer, may temporarily suspend, prior to hearing, ~~any~~ an EMT-P license upon a determination that: (1) the licensee has engaged in acts or omissions that constitute grounds for revocation of the EMT-P license; and (2) permitting the licensee to continue to engage in the licensed activity, or permitting the licensee to continue in the licensed activity without restriction, would present an imminent threat to the public health or safety. When the suspension is initiated by the local EMS agency, subdivision (b) shall apply. When the suspension is initiated by the director of the authority, subdivision (c) shall apply.

(b) The local EMS agency shall notify the licensee that his or her EMT-P license is suspended and shall identify the reasons therefor. Within three working days of the initiation of the suspension by the local EMS agency, the agency shall transmit to the ~~authority,~~ authority and the EMT-P's employer, via facsimile transmission or overnight mail, all documentary evidence collected by the local EMS agency relative to the decision to temporarily suspend. Within two working days of receipt of the local EMS agency's documentary evidence, the director of the authority shall determine the need for the licensure action. Part of that determination shall include an evaluation of the need for continuance of the suspension during the licensure action review process. If the director of the authority determines that the temporary suspension order should not continue, the authority shall immediately notify the licensee and his or her employer that the temporary suspension is lifted. If the director of the authority determines that the temporary suspension order should continue, the authority shall immediately notify the licensee and his or her employer of the decision to continue the temporary suspension and shall, within 15 calendar days of receipt of the EMS agency's documentary evidence, serve the licensee with a temporary suspension order and accusation pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

(c) The director of the authority shall initiate a temporary suspension with the filing of a temporary suspension order and accusation pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code and shall notify the director of the local EMS agency, and the relevant employer.

(d) If the licensee files a notice of defense, the hearing shall be held within 30 days of the authority's receipt of the notice of defense. The temporary suspension order shall be deemed vacated if the authority fails to make a final determination on the merits within 15 days after the administrative law judge renders the proposed decision.

SEC. 5. Section 1799.112 of the Health and Safety Code is repealed.

~~1799.112. (a) EMT-P employers shall report in writing to the local EMS agency medical director and the authority and provide all supporting documentation within 30 days of whenever any of the following actions are taken:~~

~~(1) An EMT-P is terminated or suspended for disciplinary cause or reason.~~

~~(2) An EMT-P resigns following notice of an impending investigation based upon evidence indicating disciplinary cause or reason.~~

~~(3) An EMT-P is removed from paramedic duties for disciplinary cause or reason following the completion of an internal investigation.~~

~~(b) The reporting requirements of subdivision (a) do not require or authorize the release of information or records of an EMT-P who is also a peace officer protected by Section 832.7 of the Penal Code.~~

~~(c) For purposes of this section, "disciplinary cause or reason" means only an action that is substantially related to the qualifications, functions, and duties of a paramedic and is considered evidence of a threat to the public health and safety as identified in subdivision (c) of Section 1798.200.~~

~~(d) Pursuant to subdivision (i) of Section 1798.24 of the Civil Code, upon notification to the paramedic, the authority may share the results of its investigation into a paramedic's misconduct with the paramedic's employer, prospective employer when requested in writing as part of a preemployment background check, and the local EMS agency.~~

~~(e) The information reported or disclosed in this section shall be deemed in the nature of an investigative communication and is exempt from disclosure as a public record by subdivision (f) of Section 6254 of the Government Code.~~

~~(f) A paramedic applicant or licensee to whom the information pertains may view the contents, as set forth in subdivision (a) of Section 1798.24 of the Civil Code, of a closed investigation file upon request during the regular business hours of the authority.~~

AMENDMENTS TO ASSEMBLY BILL NO. 1932

Amendment 1

In the title, in line 1, strike out "amend Section 42005 of" and insert:

add Section 42005.2 to

Amendment 2

On page 2, before line 1, insert:

SECTION 1. Section 42005.2 is added to the Vehicle Code, to read:

42005.2. A person ordered or permitted to complete a course of instruction at a licensed traffic violator school pursuant to Section 41501 or 42005 as a result of an offense committed while operating a motorcycle may instead complete an advanced-level motorcyclist safety training course established pursuant to Article 2 (commencing with Section 2930) of Chapter 5 of Division 2. The person's completion of that training course constitutes completion of a course of instruction at a licensed traffic violator school for the purposes of this code.

Amendment 3

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

AMENDMENTS TO ASSEMBLY BILL NO. 1940

Amendment 1

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

to add Section 6254.31 to the Government Code, and to add Section 832.19 to the Penal Code,

Amendment 2

On page 2, before line 1, insert:

SECTION 1. Section 6254.31 is added to the Government Code, to read:

6254.31. (a) A visual or audio recording made by a peace officer's body-worn camera during the performance of his or her duties that depicts use of force resulting in serious injury or death is confidential and shall not be disclosed to any member of the public pursuant to this chapter unless it is determined that the interest in public disclosure outweighs the need to protect the individual right to privacy.

(b) This determination is subject to a judicial order that shall only occur after the adjudication of any civil or criminal proceeding related to the use of force incident involving the peace officer.

SEC. 2. Section 832.19 is added to the Penal Code, to read:

832.19. (a) (1) If a law enforcement agency, department, or entity that employs peace officers uses body-worn cameras for those officers, the agency, department, or entity shall develop a policy relating to the use of body-worn cameras.

(2) The following definitions shall apply to this section:

(A) "Body-worn camera" means a device attached to the uniform or body of a peace officer that records video, audio, or both, in a digital or analog format.

(B) "Peace officer" means any person designated as a peace officer pursuant to this chapter.

(b) (1) The policy shall allow a peace officer to review his or her body-worn camera video and audio recordings before he or she makes a report, is ordered to give an internal affairs statement, or before any criminal or civil proceeding.

(2) A peace officer is not required to review his or her body-worn camera video and audio recordings before making a report, giving an internal affairs statement, or before any criminal or civil proceeding.

(c) The policy shall be developed in accordance with the Meyers-Milias-Brown Act (Chapter 10 (commencing with Section 3500) of Division 4 of Title 1 of the Government Code) and the Ralph C. Dills Act (Chapter 10.3 (commencing with Section 3512) of Division 4 of Title 1 of the Government Code).

(d) In developing the policy, law enforcement agencies, departments, or entities are encouraged to include the following in the policy:

(1) The time, place, circumstances, and duration in which the body-worn camera shall be operational.

(2) Which peace officers shall wear the body-worn camera and when they shall wear it.

(3) Prohibitions against the use of body-worn camera equipment and footage in specified circumstances, such as when the peace officer is off-duty.

(4) The type of training and length of training required for body-worn camera usage.

(5) Public notification of field use of body-worn cameras, including the circumstances in which citizens are to be notified that they are being recorded.

(6) The manner in which to document a citizen's refusal from being recorded under certain circumstances.

(7) The use of body-worn camera video and audio recordings in internal affairs cases.

(8) The use of body-worn camera video and audio recordings in criminal and civil case preparation and testimony.

(9) The transfer and use of body-worn camera video and audio recordings to other law enforcement agencies, including establishing what constitutes a need-to-know basis and what constitutes a right-to-know basis.

(10) The policy may be available to all peace officers in a written form.

(11) The policy may be available to the public for viewing.

SEC. 3. The Legislature finds and declares that Section 1 of this act, which adds Section 6254.31 to the Government Code, imposes a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

The need to protect individual privacy and the credibility and integrity of official ongoing investigations and those persons subject to those investigations from the public disclosure of video and audio recordings captured by a body-worn camera outweighs the interest in the public disclosure of that information.

SEC. 4. The Legislature finds and declares that Section 1 of this act, which adds Section 6254.31 to the Government Code, furthers, within the meaning of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the purposes of that constitutional section as it relates to the right of public access to the meetings of local public bodies or the writings of local public officials and local agencies. Pursuant to paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the Legislature makes the following findings:

Protecting the privacy of a person whose image is captured by a peace officer's body-worn camera enhances public safety, the protection of individual rights, and the credibility and integrity of official ongoing investigations and those persons subject to those investigations, thereby furthering the purposes of Section 3 of Article I of the California Constitution.

SEC. 5. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district under this act would result from a legislative mandate that is within the scope of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution.

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

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AMENDMENTS TO ASSEMBLY BILL NO. 1951

Amendment 1

In the title, in line 1, strike out "Section 26" and insert:

Sections 597, 597.5, and 600.5

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 597 of the Penal Code is amended to read:

597. (a) Except as provided in subdivision (c) of this section or Section 599c, every person who maliciously and intentionally maims, mutilates, tortures, or wounds a living animal, or maliciously and intentionally kills an animal, is guilty of a crime punishable pursuant to subdivision (d).

(b) Except as otherwise provided in subdivision (a) or (c), every person who overdrives, overloads, drives when overloaded, overworks, tortures, torments, deprives of necessary sustenance, drink, or shelter, cruelly beats, mutilates, or cruelly kills any animal, or causes or procures any animal to be so overdriven, overloaded, driven when overloaded, overworked, tortured, tormented, deprived of necessary sustenance, drink, shelter, or to be cruelly beaten, mutilated, or cruelly killed; and whoever, having the charge or custody of any animal, either as owner or otherwise, subjects any animal to needless suffering, or inflicts unnecessary cruelty upon the animal, or in any manner abuses any animal, or fails to provide the animal with proper food, drink, or shelter or protection from the weather, or who drives, rides, or otherwise uses the animal when unfit for labor, is, for each offense, guilty of a crime punishable pursuant to subdivision (d).

(c) Every person who maliciously and intentionally maims, mutilates, or tortures any mammal, bird, reptile, amphibian, or fish, as described in subdivision (e), is guilty of a crime punishable pursuant to subdivision (d).

(d) A violation of subdivision (a), (b), or (c) is punishable as a felony by imprisonment in the state prison or pursuant to subdivision (h) of Section 1170, ~~or~~ by a fine of not more than twenty thousand dollars ($20,000), or by both that fine and imprisonment, or alternatively, as a misdemeanor by imprisonment in a county jail for not more than one year, or by a fine of not more than twenty thousand dollars ($20,000), or by both that fine and imprisonment.

(e) Subdivision (c) applies to any mammal, bird, reptile, amphibian, or fish which is a creature described as follows:

(1) Endangered species or threatened species as described in Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code.

(2) Fully protected birds described in Section 3511 of the Fish and Game Code.

(3) Fully protected mammals described in Chapter 8 (commencing with Section 4700) of Part 3 of Division 4 of the Fish and Game Code.

(4) Fully protected reptiles and amphibians described in Chapter 2 (commencing with Section 5050) of Division 5 of the Fish and Game Code.

(5) Fully protected fish as described in Section 5515 of the Fish and Game Code.

This subdivision does not supersede or affect any provisions of law relating to taking of the described species, including, but not limited to, Section 12008 of the Fish and Game Code.

(f) For the purposes of subdivision (c), each act of malicious and intentional maiming, mutilating, or torturing a separate specimen of a creature described in subdivision (e) is a separate offense. If any person is charged with a violation of subdivision (c), the proceedings shall be subject to Section 12157 of the Fish and Game Code.

(g) (1) Upon the conviction of a person charged with a violation of this section by causing or permitting an act of cruelty, as defined in Section 599b, all animals lawfully seized and impounded with respect to the violation by a peace officer, officer of a humane society, or officer of a pound or animal regulation department of a public agency shall be adjudged by the court to be forfeited and shall thereupon be awarded to the impounding officer for proper disposition. A person convicted of a violation of this section by causing or permitting an act of cruelty, as defined in Section 599b, shall be liable to the impounding officer for all costs of impoundment from the time of seizure to the time of proper disposition.

(2) Mandatory seizure or impoundment shall not apply to animals in properly conducted scientific experiments or investigations performed under the authority of the faculty of a regularly incorporated medical college or university of this state.

(h) Notwithstanding any other provision of law, if a defendant is granted probation for a conviction under this section, the court shall order the defendant to pay for, and successfully complete, counseling, as determined by the court, designed to evaluate and treat behavior or conduct disorders. If the court finds that the defendant is financially unable to pay for that counseling, the court may develop a sliding fee schedule based upon the defendant's ability to pay. An indigent defendant may negotiate a deferred payment schedule, but shall pay a nominal fee if the defendant has the ability to pay the nominal fee. County mental health departments or Medi-Cal shall be responsible for the costs of counseling required by this section only for those persons who meet the medical necessity criteria for mental health managed care pursuant to Section 1830.205 of Title 9 of the California Code of Regulations or the targeted population criteria specified in Section 5600.3 of the Welfare and Institutions Code. The counseling specified in this subdivision shall be in addition to any other terms and conditions of probation, including any term of imprisonment and any fine. This provision specifies a mandatory additional term of probation and is not to be utilized as an alternative in lieu of imprisonment pursuant to subdivision (h) of Section 1170 or county jail when that sentence is otherwise appropriate. If the court does not order custody as a condition of probation for a conviction under this section, the court shall specify on the court record the reason or reasons for not ordering custody. This subdivision shall not apply to cases involving police dogs or horses as described in Section 600.

SEC. 2. Section 597.5 of the Penal Code is amended to read:

597.5. (a) Any person who does any of the following is guilty of a felony and is punishable by imprisonment ~~pursuant to subdivision (h) of Section 1170~~ in the state prison for 16 months, or two or three years, or by a fine not to exceed fifty thousand dollars ($50,000), or by both that fine and imprisonment:

(1) Owns, possesses, keeps, or trains any dog, with the intent that the dog shall be engaged in an exhibition of fighting with another dog.

(2) For amusement or gain, causes any dog to fight with another dog, or causes any dogs to injure each other.

(3) Permits any act in violation of paragraph (1) or (2) to be done on any premises under his or her charge or control, or aids or abets that act.

(b) Any person who is knowingly present, as a spectator, at any place, building, or tenement where preparations are being made for an exhibition of the fighting of dogs, with the intent to be present at those preparations, or is knowingly present at that exhibition or at any other fighting or injuring as described in paragraph (2) of subdivision (a), with the intent to be present at that exhibition, fighting, or injuring, is guilty of an offense punishable by imprisonment in a county jail not to exceed one year, or by a fine not to exceed five thousand dollars ($5,000), or by both that imprisonment and fine.

(c) Nothing in this section shall prohibit any of the following:

(1) The use of dogs in the management of livestock, as defined by Section 14205 of the Food and Agricultural Code, by the owner of the livestock or his or her employees or agents or other persons in lawful custody thereof.

(2) The use of dogs in hunting as permitted by the Fish and Game Code, including, but not limited to, Sections 4002 and 4756, and by the rules and regulations of the Fish and Game Commission.

(3) The training of dogs or the use of equipment in the training of dogs for any purpose not prohibited by law.

SEC. 3. Section 600.5 of the Penal Code is amended to read:

600.5. (a) Any person who intentionally causes injury to or the death of any guide, signal, or service dog, as defined by Section 54.1 of the Civil Code, while the dog is in discharge of its duties, is guilty of a misdemeanor, punishable as a felony by imprisonment in the state prison or pursuant to subdivision (h) of Section 1170, or by a fine of not more than twenty thousand dollars ($20,000), or by both that fine and imprisonment, or alternatively as a misdemeanor by imprisonment in a county jail not exceeding one year, or by a fine not exceeding ~~ten~~ twenty thousand dollars ~~($10,000),~~ ($20,000), or by both a fine and imprisonment. The court shall consider the costs ordered pursuant to subdivision (b) when determining the amount of any fines.

(b) In any case in which a defendant is convicted of a violation of this section, the defendant shall be ordered to make restitution to the person with a disability who has custody or ownership of the dog for any veterinary bills and replacement costs of the dog if it is disabled or killed, or other reasonable costs deemed appropriate by the court. The costs ordered pursuant to this subdivision shall be paid prior to any fines. The person with the disability may apply for compensation by the California Victim Compensation and Government Claims Board pursuant to Chapter 5 (commencing with Section 13950) of Part 4 of Division 3 of Title 2 of the Government Code, in an amount not to exceed ten thousand dollars ($10,000).

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

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

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

AMENDMENTS TO ASSEMBLY BILL NO. 1956

Amendment 1

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

An act to amend Section 18521.5 of, and to add Section 18803 to, the Government Code, relating to public employment.

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 18521.5 of the Government Code is amended to read:

18521.5. ~~"Department"~~ (a) Except as otherwise provided in this section, "department" means the Department of Human Resources.

(b) With respect to any classes of positions created or adjusted pursuant to Section 18803, "department" means the Department of Technology.

SEC. 2. Section 18803 is added to the Government Code, to read:

18803. (a) Notwithstanding any other law, but subject to the approval of the board, the Department of Technology may create and adjust classes of positions under the Department of Technology and prescribe the salary ranges for these classes of positions.

(b) Consistent with the merit principles of subdivision (b) of Section 1 of Article VII of the California Constitution, the Department of Technology may conduct competitive examinations and make appointments to classes of positions created or adjusted pursuant to subdivision (a).

(c) Nothing in this section shall be construed as authorizing the Department of Technology to create or adjust positions for independent contractors.

Amendment 3

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

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Substantive

AMENDMENTS TO ASSEMBLY BILL NO. 1957

Amendment 1

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

to add Section 6254.31 to the Government Code,

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 6254.31 is added to the Government Code, to read:

6254.31. Notwithstanding Section 6254, a state or local law enforcement agency shall make available, upon request pursuant to this chapter, footage from a law enforcement body-worn camera 60 days after the commencement of an investigation into misconduct that uses or involves that footage.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district under this act would result from a legislative mandate that is within the scope of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution.

Amendment 3

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

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AMENDMENTS TO ASSEMBLY BILL NO. 1960

Amendment 1

In the title, in line 1, strike out "471 of" and insert:

34501.12 of, and to add Section 34500.6 to,

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 34500.6 is added to the Vehicle Code, to read:

34500.6. For purposes of this division, an agricultural vehicle is a vehicle or combination of vehicles with a gross combination weight rating or a gross vehicle weight rating of 26,000 pounds or less if all of the following conditions are met:

(a) Is operated by a farmer, an employee of a farmer, or an instructor credentialed in agriculture as part of an instructional program in agriculture at the high school, community college, or university level.

(b) Is used exclusively in the conduct of agricultural operations.

(c) Is not used in the capacity of a for-hire carrier or for compensation.

(d) The towing vehicle has a gross weight rating of 16,000 pounds or less.

SEC. 2. Section 34501.12 of the Vehicle Code is amended to read:

34501.12. (a) Vehicles and the operation thereof, subject to this section, are those described in subdivision (a), (b), (e), (f), (g), (j), or (k) of Section ~~34500.~~ 34500, except an agricultural vehicle as defined in Section 34500.6.

(b) It is unlawful for a motor carrier to operate any vehicle of a type described in subdivision (a) without identifying to the department all terminals, as defined in Section 34515, in this state where vehicles may be inspected by the department pursuant to paragraph (4) of subdivision (a) of Section 34501 and where vehicle inspection and maintenance records and driver records will be made available for inspection. Motor carriers shall make vehicles and records available for inspection upon request by an authorized representative of the department. If a motor carrier fails to provide vehicles and records, an unsatisfactory terminal rating shall be issued by the department.

(1) The number of vehicles that will be selected for inspection by the department at a terminal shall be based on terminal fleet size and applied separately to a terminal fleet of power units and trailers, according to the following schedule:

Fleet Size	Representative Sample
1 or 2	All
3 to 8	3
9 to 15	4
16 to 25	6
26 to 50	9
51 to 90	14

(2) The lessor of any vehicle described in subdivision (a) shall make vehicles available for inspection upon request of an authorized representative of the department in the course of inspecting the terminal of the lessee. This section does not affect whether the lessor or driver provided by the lessor is an employee of the authorized carrier lessee, and compliance with this section and its attendant administrative requirements does not imply an employee-employer relationship.

(c) (1) The department may inspect any terminal, as defined in Section 34515, of a motor carrier who, at any time, operates any vehicle described in subdivision (a).

(2) The department shall adopt rules and regulations establishing a performance-based truck terminal inspection selection priority system. In adopting the system's rules and regulations, the department shall incorporate methodologies consistent with those used by the Federal Motor Carrier Safety Administration, including those related to the quantitative analysis of safety-related motor carrier performance data, collected during the course of inspection or enforcement contact by authorized representatives of the department or any authorized federal, state, or local safety official, in categories, including, but not limited to, driver fatigue, driver fitness, vehicle maintenance, and controlled substances and alcohol use. The department shall also incorporate other safety-related motor carrier performance data in this system, including citations and accident information. The department shall create a database to include all performance-based data specified in this section that shall be updated in a manner to provide real-time information to the department on motor carrier performance. The department shall prioritize for selection those motor carrier terminals never previously inspected by the department, those identified by the inspection priority selection system, and those terminals operating vehicles listed in subdivision (g) of Section 34500. The department is not required to inspect a terminal subject to inspection pursuant to this section more often than once every six years, if a terminal receives a satisfactory compliance rating as the result of a terminal inspection conducted by the department pursuant to this section or Section 34501, or if the department has not received notification by the system of a motor carrier operating while exceeding the threshold of the inspection selection priority system. Any motor carrier that is inspected and receives less than a satisfactory compliance rating, or that falls below the threshold of the selection priority system, shall be subject to periodic inquiries and inspections as outlined in subdivision (f), and these inquiries and inspections shall be based on the severity of the violations.

(3) As used in this section and Section 34505.6, subdivision (f) of Section 34500 includes only those combinations where the gross vehicle weight rating of the towing vehicle exceeds 10,000 pounds, but does not include a pickup truck or any combination never operated in commercial use, and subdivision (g) of Section 34500 includes only those vehicles transporting hazardous material for which the display of placards is required pursuant to Section 27903, a license is required pursuant to Section 32000.5, or for which hazardous waste transporter registration is required pursuant to Section 25163 of the Health and Safety Code. Notwithstanding Section 5014.1, vehicles that display special identification plates in accordance with Section 5011, historical vehicles, as described in Section 5004, implements of husbandry and farm vehicles, as defined in Chapter 1 (commencing with Section 36000) of Division 16, and vehicles owned

or operated by an agency of the federal government are not subject to this section or Section 34505.6.

(d) It is unlawful for a motor carrier to operate, or cause to be operated, any vehicle ~~which~~ that is subject to this section, Section 34520, or Division 14.85 (commencing with Section 34600), unless the motor carrier is knowledgeable of, and in compliance with, all applicable statutes and regulations.

(e) It is unlawful for a motor carrier to contract or subcontract with, or otherwise engage the services of, another motor carrier, subject to this section, unless the contracted motor carrier has complied with subdivision (d). A motor carrier shall not contract or subcontract with, or otherwise engage the services of, another motor carrier until the contracted motor carrier provides certification of compliance with subdivision (d). This certification shall be completed in writing by the contracted motor carrier in a manner prescribed by the department. The certification, or a copy of the certification, shall be maintained by each involved party for the duration of the contract or the period of service plus two years, and shall be presented for inspection immediately upon the request of an authorized employee of the department. The certifications required by this subdivision and subdivision (b) of 34620 may be combined.

(f) (1) An inspected terminal that receives an unsatisfactory compliance rating shall be reinspected by the department within 120 days after the issuance of the unsatisfactory compliance rating.

(2) When a motor carrier's Motor Carrier of Property Permit or Public Utilities Commission operating authority is suspended as a result of an unsatisfactory compliance rating, the department shall not conduct a reinspection for permit or authority reinstatement until requested to do so by the Department of Motor Vehicles or the Public Utilities Commission, as appropriate.

(g) A motor carrier issued an unsatisfactory terminal rating may request a review of the rating within five business days of receipt of the notification of the rating. The department shall conduct and evaluate the review within 10 business days of the request.

(h) The department shall publish performance-based inspection completion data and make the data available for public review.

(i) This section shall be known, and may be cited, as the Basic Inspection of Terminals program or BIT program.

(j) This section shall become operative on January 1, 2016.

Amendment 3

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

AMENDMENTS TO ASSEMBLY BILL NO. 1961

Amendment 1
In the title, in line 1, strike out "69437" and insert:

69432

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

SECTION 1. Section 69432 of the Education Code is amended to read:

69432. (a) Cal Grant Program awards shall be known as "Cal Grant A Entitlement Awards," "Cal Grant B Entitlement Awards," "California Community College Transfer Entitlement Awards," "Competitive Cal Grant A and B Awards," "Cal Grant C Awards," and "Cal Grant T Awards."

(b) Maximum award amounts for students at independent institutions and for Cal Grant C and T awards shall be identified in the annual Budget Act. Maximum award amounts for Cal Grant A and B awards for students attending public institutions shall be referenced in the annual Budget Act.

(c) (1) Notwithstanding subdivision (b), and subdivision (c) of Section 66021.2, commencing with the 2013–14 award year, the maximum tuition award amounts for Cal Grant A and B awards for students attending private for-profit and nonprofit postsecondary educational institutions shall be as follows:

(A) Four thousand dollars ($4,000) for new recipients attending private for-profit postsecondary educational institutions.

(B) For the 2015–16 and 2016–17 award years, nine thousand eighty-four dollars ($9,084) for new recipients attending private nonprofit postsecondary educational institutions. For the 2017–18 award year and each award year thereafter, ~~eight thousand fifty-six dollars ($8,056)~~ no less than ten thousand dollars ($10,000) for new recipients attending private nonprofit postsecondary educational institutions.

(2) The renewal award amount for a student whose initial award is subject to a maximum award amount specified in this subdivision shall be calculated pursuant to paragraph (2) of subdivision (a) of Section 69433.

(3) Notwithstanding subparagraph (A) of paragraph (1), for the 2017–18 award year and each award year thereafter, the maximum tuition award amounts for new recipients attending private for-profit postsecondary educational institutions that are accredited by the Western Association of Schools and Colleges as of July 1, 2012, shall ~~have the same maximum tuition award amounts as are set forth in subparagraph (B) of paragraph (1).~~ be eight thousand fifty-six dollars ($8,056).

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

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AMENDMENTS TO ASSEMBLY BILL NO. 1966

Amendment 1

In the title, in line 1, strike out "2802" and insert:

2805

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 2805 of the Public Utilities Code is amended to read:

2805. "Conventional power source" means power derived from nuclear energy or the operation of a hydropower facility greater than ~~30~~ 35 megawatts or the combustion of fossil fuels, unless cogeneration technology, as defined in Section 25134 of the Public Resources Code, is employed in the production of ~~such~~ that power.

Amendment 3

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

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AMENDMENTS TO ASSEMBLY BILL NO. 1975

Amendment 1

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

to amend Section 11837 of the Health and Safety Code,

Amendment 2

On page 1, before line 1, insert:

SECTION 1. The Legislature finds and declares the following:

(a) Great strides have been made over the last three decades in raising awareness about the dangers of driving under the influence (DUI). Nationwide educational campaigns, extensive policy and statutory changes, and required participation in DUI education and counseling programs for offenders have substantially reduced the alcohol-related traffic fatality rate. However, the latest California DUI report issued by the Department of Motor Vehicles identifies a troubling trend in that alcohol-involved crash fatalities increased by 1.6 percent in 2011 and 7.3 percent in 2012. More needs to be done to address, in particular, the incidence of repeat DUI violators.

(b) To improve public safety and improve health outcomes, additional screening and assessment of both repeat DUI offenders and first-time offenders with extremely high blood alcohol content is necessary to determine if alcohol dependence issues exist. The use of the American Society for Addiction Medicine (ASAM) criteria, a widely used and nationally recognized set of guidelines to assess, place, and discharge persons with addiction and co-occurring conditions, would expand the use of data and science to address alcohol abuse, promote referrals to medically necessary treatment, when appropriate, and reduce fatalities and serious injuries on public roads.

(c) In 2007, the National Highway Traffic Safety Administration (NHTSA), at the request of the California Office of Traffic Safety, conducted an assessment of the state's alcohol- and drug-impaired-driving countermeasures program. The NHTSA's work resulted in identification of key issues of concern around impaired driving and produced dozens of recommendations to improve the state's DUI countermeasures program. Among the recommendations offered in the 2007 Impaired Driving Technical Assessment of the State of California was a recommendation to enact legislation to require all defendants convicted of driving under the influence or reckless driving with alcohol or drugs be screened to determine if a defendant requires treatment for addiction and chemical dependency.

(d) California and the Centers for Medicare and Medicaid Services already require the use of the ASAM in other treatment settings. Under the federally approved Drug Medi-Cal Organized Delivery System waiver, counties will be required to use the ASAM tool with the Drug Medi-Cal population.

SEC. 2. Section 11837 of the Health and Safety Code is amended to read:

11837. (a) Pursuant to the provisions of law relating to suspension of a person's privilege to operate a motor vehicle upon conviction for driving while under the influence of any alcoholic beverage or drug, or under the combined influence of any

alcoholic beverage and any drug, as set forth in paragraph (3) of subdivision (a) of Section 13352 of the Vehicle Code, the Department of Motor Vehicles shall restrict the driving privilege pursuant to Section 13352.5 of the Vehicle Code, if the person convicted of that offense participates for at least 18 months in a driving-under-the-influence program that is licensed pursuant to this chapter.

(b) In determining whether to refer a person, who is ordered to participate in a program pursuant to Section 668 of the Harbors and Navigation Code, in a licensed alcohol and other drug education and counseling services program pursuant to Section 23538 of the Vehicle Code, or, pursuant to Section 23542, 23548, 23552, 23556, 23562, or 23568 of the Vehicle Code, in a licensed 18-month or 30-month program, the court may consider any relevant information about the person made available pursuant to a presentence investigation, that is permitted but not required under Section 23655 of the Vehicle Code, or other screening procedure. That information shall not be furnished, however, by any person who also provides services in a privately operated, licensed program or who has any direct interest in a privately operated, licensed program. In addition, the court shall obtain from the Department of Motor Vehicles a copy of the person's driving record to determine whether the person is eligible to participate in a licensed 18-month or 30-month program pursuant to this chapter. When preparing a presentence report for the court, the probation department may consider the suitability of placing the defendant in a treatment program that includes the administration of nonscheduled nonaddicting medications to ameliorate an alcohol or controlled substance problem. If the probation department recommends that this type of program is a suitable option for the defendant, the defendant who would like the court to consider this option shall obtain from his or her physician a prescription for the medication, and a finding that the treatment is medically suitable for the defendant, prior to consideration of this alternative by the court.

(c) (1) The court shall, as a condition of probation pursuant to Section 23538 or 23556 of the Vehicle Code, refer a first offender whose concentration of alcohol in his or her blood was less than 0.20 percent, by weight, to participate for at least three months or longer, as ordered by the court, in a licensed program that consists of at least 30 hours of program activities, including those education, group counseling, and individual interview sessions described in this chapter.

(2) Notwithstanding any other ~~provision of~~ law, in granting probation to a first offender described in this subdivision whose concentration of alcohol in the person's blood was 0.20 percent or more, by weight, or the person refused to take a chemical test, the court shall order the person to participate, for at least nine months or longer, as ordered by the court, in a licensed program that consists of at least 60 hours of program activities, including those education, group counseling, and individual interview sessions described in this chapter.

(d) (1) The State Department of Health Care Services may specify in regulations the activities required to be provided in the treatment of participants receiving nine months of licensed program services under Section 23538 or 23556 of the Vehicle Code.

(2) Any program licensed pursuant to this chapter may provide treatment services to participants receiving at least six months of licensed program services under Section 23538 or 23556 of the Vehicle Code.

(e) The court may, subject to Section 11837.2, and as a condition of probation, refer a person to a licensed program, even though the person's privilege to operate a motor vehicle is restricted, suspended, or revoked. An 18-month program described in Section 23542 or 23562 of the Vehicle Code or a 30-month program described in Section 23548, 23552, or 23568 of the Vehicle Code may include treatment of family members and significant other persons related to the convicted person with the consent of those family members and others as described in this chapter, if there is no increase in the costs of the program to the convicted person.

(f) The clerk of the court shall indicate the duration of the program in which the judge has ordered the person to participate in the abstract of the record of the court that is forwarded to the department.

(g) The court shall order, as a condition of probation for the following persons, the administration of the American Society for Addiction Medicine (ASAM) criteria to assess alcohol dependence and to inform the development of an individual's comprehensive treatment plan:

(1) A first-time offender whose concentration of alcohol in his or her blood was 0.16 percent or greater.

(2) A person referred to an 18-month program described in Section 23542 or 23562 of the Vehicle Code.

(3) A person referred to a 30-month program described in Section 23548, 23552, or 23568 of the Vehicle Code.

(h) The entity administering the assessment required by subdivision (g) shall advise the person subject to the assessment of all of the following:

(1) That the person should consult with his or her physician to discuss the results of the assessment, including any medically necessary services.

(2) If the person's physician determines that substance use disorder treatment is medically necessary, that the person should be referred to a licensed residential or certified outpatient treatment program.

(3) That there are medications approved by the Federal Drug Administration that can address alcohol dependence.

(i) The goal of the assessment required by subdivision (g) is to assist persons participating in the program to recognize their chemical dependency and to assist them in their recovery.

Amendment 3

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

AMENDMENTS TO ASSEMBLY BILL NO. 1968

Amendment 1

In the title, in line 1, strike out "amend Section 5541.1 of" and insert:

add Section 75214.5 to

Amendment 2

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

greenhouse gases.

Amendment 3

On page 1, before line 1, insert:

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

(a) Having a healthy housing market that provides an adequate supply of homes affordable to Californians at all income levels is critical to the economic prosperity and quality of life in the state.

(b) California's workforce continues to experience longer commute times as persons in the workforce seek affordable housing outside the areas in which they work. If California is unable to support the construction of affordable housing in these areas, congestion problems will strain the state's transportation system and exacerbate the emissions of greenhouse gases.

(c) The lack of sufficient housing impedes economic growth and development by making it difficult for California employers to attract and retain employees.

(d) Infill housing is expensive to build in California and centers around high-density high-rise apartment and condominium buildings. Unfortunately, many cities have enforced building height limitations that reduce the size and scope of projects. While subsidies exist for high-density housing, there are little for medium-density housing of 4 or 5 stories even though the cost per square foot rises exponentially for each story added to a building beyond the third story.

(e) To keep pace with continuing demand, the state should identify and establish a permanent ongoing source or sources of funding dedicated to medium-density housing development with a set-aside for lower income housing.

SEC. 2. Section 75214.5 is added to the Public Resources Code, to read:

75214.5. (a) For purposes of this section, "medium-density residential development" means a development of attached housing that includes a duet, duplex, triplex, fourplex, or a townhouse or condominium of between three and five stories, with an allowable density range of between 8 and 15 residential units per gross developable acre.

(b) (1) Ten percent of the moneys appropriated for the implementation of the program shall be allocated each fiscal year to cities, counties, or a city and county with an ordinance promoting medium-density residential developments to support projects

for medium-density residential developments that meet the requirements of Section 75211.

(2) Of the moneys allocated pursuant to paragraph (1), at least 20 percent shall be allocated to housing projects affordable to lower income households, as defined in Section 50079.5 of the Health and Safety Code.

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

AMENDMENTS TO ASSEMBLY BILL NO. 1969

Amendment 1

In the title, in line 1, strike out "33334.4" and insert:

51451.5

Amendment 2

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

housing, and making an appropriation therefor.

Amendment 3

On page 1, before line 1, insert:

SECTION 1. Section 51451.5 of the Health and Safety Code, as amended by Section 1 of Chapter 553 of the Statutes of 2003, is amended to read:

51451.5. The Homebuyer Down Payment Assistance Program of 2002 is hereby established, to provide assistance in the amount of the applicable school facility fee on affordable housing developments. The Homebuyer Down Payment Assistance Program of 2002 shall, with funds provided by the Housing and Emergency Shelter Trust Fund Act of 2002 (Part 11 (commencing with Section 53500)), provide the following assistance:

(a) Downpayment assistance to the purchaser of any newly constructed residential structure in a development project in an economically distressed area in the amount of school facility fees paid pursuant to Section 65995.5 or 65995.7 of the Government Code, less the amount that would be required pursuant to subdivision (b) of Section 65995 of the Government Code, notwithstanding Sections 65995.5 and 65995.7 of the Government Code, if all of the following conditions are met:

(1) The development project is located in a county with an unemployment rate that equals or exceeds 125 percent of the state unemployment rate.

(2) Five hundred or more residential structures have been constructed in the county during 2001.

(3) A building permit for an eligible residential structure in the development project is issued by the local agency on or after January 1, 2002.

(4) The eligible residential structure is to be owner occupied for at least five years. If a structure is owner occupied for fewer than five years, the recipient of the assistance shall repay the School Facilities Fee Assistance Fund the amount of the assistance, on a prorated basis.

(5) The sales price of the eligible residential structure does not exceed 175 percent of the median sales price of residential structures in the county during the average of the previous five years. However, if the five-year average exceeds the Governmental-Sponsored Enterprises conforming loan limit, the sales price in that

county shall not exceed 100 percent of the median sales price of residential structures in the county during the average of the previous five years.

(6) The development project is located in a city, county, or city and county that reduces developer or impact fees or reduces or removes regulatory barriers to housing construction for the development project. The agency shall identify and shall objectively measure the types of local agency actions or incentives that the agency determines appropriately reduce developer or impact fees or reduce or remove regulatory barriers to housing construction. These actions or incentives may include, but are not limited to, modifications to any or all of the following:

(A) Local design review requirements.

(B) Land use controls.

(C) Building codes and enforcement.

(D) Onsite or offsite improvement requirements.

(E) Project design.

(F) Permit processing.

(G) (i) A 30 percent reduction in the schedule of local fees, charges, and other exactions on local developers within the local agency's jurisdiction within 12 months or more prior to the submission of the application for assistance pursuant to this subdivision. The local agency shall provide verification of the reduction with supporting documents showing successive annual fee schedules to the agency.

(ii) For the purposes of this subparagraph, "local fees, charges, and other exactions" includes, but is not limited to, all of the following:

(I) Planning and zoning fees.

(II) Environmental documentation fees.

(III) Building permit fees.

(IV) Plan check fees.

(V) School fees.

(VI) School mitigation fees.

(VII) Highway, road, traffic, and transit fees.

(VIII) Water, wastewater, sewer, and drainage fees.

(IX) Utility or water connection fees.

(X) Public safety fees.

(XI) Capital facilities fees.

(XII) Affordable housing fees and assessments.

(XIII) Parks and recreation fees.

(XIV) Any other fee that may substitute for the requirements described in subparagraph (D).

(b) Downpayment assistance to the purchaser of any newly constructed residential structure in a development project in the aggregate amount of school facility fees paid pursuant to one, all, or any combination of subdivision (b) of Section 65995, Section 65995.5, or Section 65995.7 of the Government Code for the eligible residential structure if all of the following conditions are met:

(1) The assistance is provided to a qualified first-time homebuyer pursuant to Section 50068.5.

(2) The qualified first-time homebuyer does not exceed the lower or moderate-income requirements in Section 50093.

(3) A building permit for an eligible residential structure in the development project is issued by the local agency on or after January 1, 2002.

(4) The eligible residential structure is to be owner occupied for at least five years. If a structure is owner occupied for fewer than five years, the recipient of the assistance shall repay the School Facilities Fee Assistance Fund the amount of the assistance, on a prorated basis.

SEC. 2. Section 51451.5 of the Health and Safety Code, as amended by Section 2 of Chapter 553 of the Statutes of 2003, is amended to read:

51451.5. The Homebuyer Down Payment Assistance Program of 2002 is hereby established, to provide assistance in the amount of the applicable school facility fee on affordable housing. The Homebuyer Down Payment Assistance Program of 2002 shall, with funds provided by the Kindergarten-University Public Education Facilities Bond Acts of 2002 and 2004 (Part 68.1 (commencing with Section 100600) of the Education Code; and Part 68.2 (commencing with Section 100800) of the Education Code), provide the following assistance:

(a) Downpayment assistance to the purchaser of any newly constructed residential structure in a development project in an economically distressed area in the amount of school facility fees paid pursuant to Section 65995.5 or 65995.7 of the Government Code, less the amount that would be required pursuant to subdivision (b) of Section 65995 of the Government Code, notwithstanding Sections 65995.5 and 65995.7 of the Government Code, if all of the following conditions are met:

(1) The development project is located in a county with an unemployment rate that equals or exceeds 125 percent of the state unemployment rate.

(2) Five hundred or more residential structures have been constructed in the county during 2001.

(3) A building permit for an eligible residential structure in the project is issued by the local agency on or after January 1, 2002.

(4) The eligible residential structure is to be owner occupied for at least five years. If a structure is owner occupied for fewer than five years, the recipient of the assistance shall repay the School Facilities Fee Assistance Fund the amount of the assistance, on a prorated basis.

(5) The sales price of the eligible residential structure does not exceed 175 percent of the median sales price of residential structures in the county during the average of the previous five years. However, if the five-year average exceeds the Governmental-Sponsored Enterprises conforming loan limit, the sales price in that county shall not exceed 100 percent of the median sales price of residential structures in the county during the average of the previous five years.

(6) The development project is located in a city, county, or city and county that reduces developer or impact fees or reduces or removes regulatory barriers to housing construction for the development project. The agency shall identify and shall objectively measure the types of local agency actions or incentives that the agency determines appropriately reduce developer or impact fees or reduce or remove regulatory barriers to housing construction. These actions or incentives may include, but are not limited to, modifications to any or all of the following:

(A) Local design review requirements.

(B) Land use controls.

(C) Building codes and enforcement.

(D) Onsite or offsite improvement requirements.

(E) Project design.

(F) Permit processing.

(G) (i) A 30 percent reduction in the schedule of local fees, charges, and other exactions on local developers within the local agency's jurisdiction within 12 months or more prior to the submission of the application for assistance pursuant to this subdivision. The local agency shall provide verification of the reduction with supporting documents showing successive annual fee schedules to the agency.

(ii) For the purposes of this subparagraph, "local fees, charges, and other exactions" includes, but is not limited to, all of the following:

(I) Planning and zoning fees.

(II) Environmental documentation fees.

(III) Building permit fees.

(IV) Plan check fees.

(V) School fees.

(VI) School mitigation fees.

(VII) Highway, road, traffic, and transit fees.

(VIII) Water, wastewater, sewer, and drainage fees.

(IX) Utility or water connection fees.

(X) Public safety fees.

(XI) Capital facilities fees.

(XII) Affordable housing fees and assessments.

(XIII) Parks and recreation fees.

(XIV) Any other fee that may substitute for the requirements described in subparagraph (D).

(b) Downpayment assistance to the purchaser of any newly constructed residential structure in a development project in the aggregate amount of school facility fees paid pursuant to one, all, or any combination of subdivision (b) of Section 65995, Section 65995.5, or Section 65995.7 of the Government Code for the eligible residential structure if all of the following conditions are met:

(1) The assistance is provided to a qualified first-time home buyer pursuant to Section 50068.5.

(2) The qualified first-time home buyer does not exceed the lower or moderate-income requirements in Section 50093.

(3) A building permit for an eligible residential structure in the project is issued by the local agency on or after January 1, 2002.

(4) The eligible residential structure is to be owner occupied for at least five years. If a structure is owner occupied for fewer than five years, the recipient of the assistance shall repay the School Facilities Fee Assistance Fund the amount of the assistance, on a prorated basis.

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

SEC. 4. The sum of ____ dollars ($____) is hereby appropriated from the General Fund to the California Homebuyer's Downpayment Assistance Program for the purposes set forth in Section 51505 of the Health and Safety Code. After 48 months

of availability, if the California Housing Finance Agency determines that these moneys will not be utilized for the purposes set forth in Section 51505 of the Health and Safety Code, the moneys shall be available for the general use of the California Housing Finance Agency for the purposes of the California Homebuyer's Downpayment Assistance Program, but may also continue to be available for the purposes set forth in Section 51505 of the Health and Safety Code.

Amendment 4
On page 1, strike out lines 1 to 10, inclusive, and strike out pages 2 and 3

AMENDMENTS TO ASSEMBLY BILL NO. 1973

Amendment 1

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

to add Section 17654 to the Education Code, relating to school facilities, and making an appropriation therefor.

Amendment 2

On page 2, before line 1, insert:

SECTION 1. Section 17654 is added to the Education Code, to read:

17654. (a) The sum of ____ dollars ($____) is hereby appropriated from the General Fund to the Santa Clara County Office of Education for allocation to school districts within the county for a pilot program for purposes of energy efficiency projects.

(b) A school district shall be eligible for funds appropriated pursuant to subdivision (a) only if it has received funding pursuant to Proposition 39, an initiative enacted by voters at the November 6, 2012, statewide general election, and does all of the following in connection with the energy efficiency project that it seeks additional funding for:

(1) Partners with an institution of higher education for purposes of providing energy efficiency project-based learning opportunities for pupils enrolled in kindergarten or any of grades 1 to 12, inclusive.

(2) Leverages private investment in addition to funds appropriated pursuant to paragraph (1) of subdivision (a) of Section 26205 of the Public Resources Code.

(3) Utilizes state-approved apprenticeship programs and ensured access to those programs for qualified veterans who were discharged after September 11, 2001.

(c) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the funds appropriated pursuant to this section shall be deemed to be "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202, and included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B," as defined in subdivision (e) of Section 41202.

SEC. 2. The Legislature finds and declares that a special law is necessary and that a general law cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the uniquely proven track record of school districts in Santa Clara County in implementing successful energy efficiency projects that meet the requirements of this act.

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

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

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AMENDMENTS TO ASSEMBLY BILL NO. 1979

Amendment 1

In the title, in line 1, strike out "10610" and insert:

10631

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 10631 of the Water Code is amended to read:

10631. A plan shall be adopted in accordance with this chapter that shall do all of the following:

(a) Describe the service area of the supplier, including current and projected population, climate, and other demographic factors affecting the supplier's water management planning. The projected population estimates shall be based upon data from the state, regional, or local service agency population projections within the service area of the urban water supplier and shall be in five-year increments to ~~20~~ 25 years or as far as data is available.

(b) Identify and quantify, to the extent practicable, the existing and planned sources of water available to the supplier over the same five-year increments described in subdivision (a). If groundwater is identified as an existing or planned source of water available to the supplier, all of the following information shall be included in the plan:

(1) A copy of any groundwater management plan adopted by the urban water supplier, including plans adopted pursuant to Part 2.75 (commencing with Section 10750), or any other specific authorization for groundwater management.

(2) A description of any groundwater basin or basins from which the urban water supplier pumps groundwater. For basins that a court or the board has adjudicated the rights to pump groundwater, a copy of the order or decree adopted by the court or the board and a description of the amount of groundwater the urban water supplier has the legal right to pump under the order or decree. For basins that have not been adjudicated, information as to whether the department has identified the basin or basins as overdrafted or has projected that the basin will become overdrafted if present management conditions continue, in the most current official departmental bulletin that characterizes the condition of the groundwater basin, and a detailed description of the efforts being undertaken by the urban water supplier to eliminate the long-term overdraft condition.

(3) A detailed description and analysis of the location, amount, and sufficiency of groundwater pumped by the urban water supplier for the past five years. The description and analysis shall be based on information that is reasonably available, including, but not limited to, historic use records.

(4) A detailed description and analysis of the amount and location of groundwater that is projected to be pumped by the urban water supplier. The description and analysis shall be based on information that is reasonably available, including, but not limited to, historic use records.

(c) (1) Describe the reliability of the water supply and vulnerability to seasonal or climatic shortage, to the extent practicable, and provide data for each of the following:

(A) An average water year.

(B) A single-dry water year.

(C) Multiple-dry water years.

(2) For any water source that may not be available at a consistent level of use, given specific legal, environmental, water quality, or climatic factors, describe plans to supplement or replace that source with alternative sources or water demand management measures, to the extent practicable.

(d) Describe the opportunities for exchanges or transfers of water on a short-term or long-term basis.

(e) (1) Quantify, to the extent records are available, past and current water use, over the same five-year increments described in subdivision (a), and projected water use, identifying the uses among water use sectors, including, but not necessarily limited to, all of the following uses:

(A) Single-family residential.

(B) Multifamily.

(C) Commercial.

(D) Industrial.

(E) Institutional and governmental.

(F) Landscape.

(G) Sales to other agencies.

(H) Saline water intrusion barriers, groundwater recharge, or conjunctive use, or any combination thereof.

(I) Agricultural.

(J) Distribution system water loss.

(2) The water use projections shall be in the same five-year increments described in subdivision (a).

(3) (A) For the 2015 urban water management plan update, the distribution system water loss shall be quantified for the most recent 12-month period available. For all subsequent updates, the distribution system water loss shall be quantified for each of the five years preceding the plan update.

(B) The distribution system water loss quantification shall be reported in accordance with a worksheet approved or developed by the department through a public process. The water loss quantification worksheet shall be based on the water system balance methodology developed by the American Water Works Association.

(4) (A) If available and applicable to an urban water supplier, water use projections may display and account for the water savings estimated to result from adopted codes, standards, ordinances, or transportation and land use plans identified by the urban water supplier, as applicable to the service area.

(B) To the extent that an urban water supplier reports the information described in subparagraph (A), an urban water supplier shall do both of the following:

(i) Provide citations of the various codes, standards, ordinances, or transportation and land use plans utilized in making the projections.

(ii) Indicate the extent that the water use projections consider savings from codes, standards, ordinances, or transportation and land use plans. Water use projections that do not account for these water savings shall be noted of that fact.

(f) Provide a description of the supplier's water demand management measures. This description shall include all of the following:

(1) (A) For an urban retail water supplier, as defined in Section 10608.12, a narrative description that addresses the nature and extent of each water demand management measure implemented over the past five years. The narrative shall describe the water demand management measures that the supplier plans to implement to achieve its water use targets pursuant to Section 10608.20.

(B) The narrative pursuant to this paragraph shall include descriptions of the following water demand management measures:

(i) Water waste prevention ordinances.

(ii) Metering.

(iii) Conservation pricing.

(iv) Public education and outreach.

(v) Programs to assess and manage distribution system real loss.

(vi) Water conservation program coordination and staffing support.

(vii) Other demand management measures that have a significant impact on water use as measured in gallons per capita per day, including innovative measures, if implemented.

(2) For an urban wholesale water supplier, as defined in Section 10608.12, a narrative description of the items in clauses (ii), (iv), (vi), and (vii) of subparagraph (B) of paragraph (1), and a narrative description of its distribution system asset management and wholesale supplier assistance programs.

(g) Include a description of all water supply projects and water supply programs that may be undertaken by the urban water supplier to meet the total projected water use, as established pursuant to subdivision (a) of Section 10635. The urban water supplier shall include a detailed description of expected future projects and programs that the urban water supplier may implement to increase the amount of the water supply available to the urban water supplier in average, single-dry, and multiple-dry water years. The description shall identify specific projects and include a description of the increase in water supply that is expected to be available from each project. The description shall include an estimate with regard to the implementation timeline for each project or program.

(h) Describe the opportunities for development of desalinated water, including, but not limited to, ocean water, brackish water, and groundwater, as a long-term supply.

(i) For purposes of this part, urban water suppliers that are members of the California Urban Water Conservation Council shall be deemed in compliance with the requirements of subdivision (f) by complying with all the provisions of the "Memorandum of Understanding Regarding Urban Water Conservation in California," dated December 10, 2008, as it may be amended, and by submitting the annual reports required by Section 6.2 of that memorandum.

(j) An urban water supplier that relies upon a wholesale agency for a source of water shall provide the wholesale agency with water use projections from that agency for that source of water in five-year increments to ~~20~~ 25 years or as far as data is available. The wholesale agency shall provide information to the urban water supplier for inclusion in the urban water supplier's plan that identifies and quantifies, to the extent practicable, the existing and planned sources of water as required by subdivision (b), available from the wholesale agency to the urban water supplier over the same

five-year increments, and during various water-year types in accordance with subdivision (c). An urban water supplier may rely upon water supply information provided by the wholesale agency in fulfilling the plan informational requirements of subdivisions (b) and (c).

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

AMENDMENTS TO ASSEMBLY BILL NO. 1991

Amendment 1

In the title, in line 1, strike out "amend Section 10101 of" and insert:

add Section 6103 to

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 6103 is added to the Public Contract Code, to read:

6103. (a) "State agency" means the state, including every state agency, office, department, division, bureau, board, or commission, the California State University, and the University of California.

(b) A state agency subject to this code that seeks to award a contract on a noncompetitive bid basis in an amount of one million dollars ($1,000,000) or more shall notify the appropriate policy and fiscal committees of both houses of the Legislature of that proposed award. The notification shall include information explaining the necessity of contracting on a noncompetitive bid basis and the efforts of the state agency to ascertain that there is only one source capable of fulfilling the contract. The state agency shall not award the contract until 90 days after the date of notification pursuant to this section.

(c) The Legislature may in a case of bona fide emergency waive the 90-day waiting period established in subdivision (b) by adoption of a concurrent resolution.

Amendment 3

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

AMENDMENTS TO ASSEMBLY BILL NO. 2015

Amendment 1
On page 2, in line 9, after "(c)" insert:

(1)

Amendment 2
On page 2, in lines 13 and 14, strike out "To the extent that the information is readily or publicly available, the" and insert:

(2) The

Amendment 3
On page 2, between lines 19 and 20, insert:

(3) The report shall also include reported expenditures for counties that are participating and making claims under the federal Title IV-E waiver, how those counties are maximizing the utilization of funds, and how close counties are to funding the optimum caseload ratios recommended by the evaluation conducted pursuant to Section 10609.5, also known as the California SB 2030 Study.

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AMENDMENTS TO ASSEMBLY BILL NO. 2025

Amendment 1

In the heading, below line 1, insert:

(Coauthors: Assembly Members Chiu and Ting)
(Coauthor: Senator Nguyen)

Amendment 2

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

Sections 7312, 7314, 7362, and 7401 of, to add Section 7396.1 to, and to repeal

Amendment 3

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

of,

Amendment 4

On page 1, before line 1, insert:

SECTION 1. Section 7312 of the Business and Professions Code is amended to read:

7312. The board shall do all of the following:

(a) Make rules and regulations in aid or furtherance of this chapter in accordance with the Administrative Procedure Act.

(b) Conduct and administer examinations of applicants for licensure.

(c) Issue licenses to those applicants that may be entitled thereto.

(d) Discipline persons who have been determined to be in violation of this chapter or the regulations adopted pursuant to this chapter.

(e) Adopt rules governing sanitary conditions and precautions to be employed as are reasonably necessary to protect the public health and safety in establishments, schools approved by the board, and in the practice of any profession provided for in this chapter. The rules shall be adopted in accordance with the Administrative Procedure Act, Chapter 3.5 (commencing with Section 11340) of Title 2 of the Government Code, and shall be submitted to the State Department of Health Services and approved by that department prior to filing with the Secretary of State. A written copy of all those rules shall be furnished to each licensee.

(f) Offer and make available all written materials provided to licensees and applicants in English, Spanish, and Vietnamese.

SEC. 2. Section 7314 of the Business and Professions Code is amended to read:

7314. The board shall keep a record of its proceedings relating to its public meetings, meetings of committees, and records relating to the issuance, refusal, renewal, suspension and revocation of licenses.

The board shall keep a registration record of each licensee containing the name, address, license number and date issued. This record shall also contain any facts that the applicants may have stated in their application for examination for licensure. Beginning January 1, 2018, the board shall collect, through optional questions on the applications for a license issued pursuant to Section 7396.1, the demographic information of each applicant including, but not limited to, her or his spoken and written language preference.

SEC. 3. Section 7347 of the Business and Professions Code is repealed.

~~7347. Any person, firm, or corporation desiring to operate an establishment shall make an application to the bureau for a license accompanied by the fee prescribed by this chapter. The application shall be required whether the person, firm, or corporation is operating a new establishment or obtaining ownership of an existing establishment. If the applicant is obtaining ownership of an existing establishment, the bureau may establish the fee in an amount less than the fee prescribed by this chapter. The applicant, if an individual, or each officer, director, and partner, if the applicant is other than an individual, shall not have committed acts or crimes which are grounds for denial of licensure in effect at the time the new application is submitted pursuant to Section 480. A license issued pursuant to this section shall authorize the operation of the establishment only at the location for which the license is issued. Operation of the establishment at any other location shall be unlawful unless a license for the new location has been obtained upon compliance with this section, applicable to the issuance of a license in the first instance.~~

SEC. 4. Section 7362 of the Business and Professions Code is amended to read:

7362. (a) A school approved by the board is one that is first approved by the board and subsequently approved by the Bureau for Private Postsecondary Education or is a public school in this state, and provides a course of instruction approved by the board. However, notwithstanding any other law, both the board and the Bureau for Private Postsecondary Education may simultaneously process a school's application for approval.

(b) The board shall determine by regulation the required subjects of instruction to be completed in all approved courses, including the minimum hours of technical minimum number of practical operations for each subject, and shall determine how much training is required before a student may begin performing services on paying patrons. The labor laws that pertain to the types of licensees who may work in establishments shall be among the required subjects to be completed.

(c) Notwithstanding any other law, the board may revoke, suspend, or deny approval of a school, in a proceeding that shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, when an owner or employee of the school has engaged in any of the acts specified in paragraphs (1) to (8), inclusive.

(1) Unprofessional conduct which includes, but is not limited to, any of the following:

(A) Incompetence or gross negligence, including repeated failure to comply with generally accepted standards for the practice of barbering, cosmetology, or electrology, or disregard for the health and safety of patrons.

(B) Repeated similar negligent acts.

(C) Conviction of any crime substantially related to the qualifications, functions, or duties of the owner of an approved school, in which case, the records of conviction or a certified copy thereof shall be conclusive evidence of the conviction.

(2) Repeated failure to comply with the rules governing health and safety adopted by the board and approved by the State Department of Public Health, for the regulation of board-approved schools.

(3) Repeated failure to comply with the rules adopted by the board for the regulation of board-approved schools.

(4) Continued practice by a person knowingly having an infectious or contagious disease.

(5) Habitual drunkenness, or habitual use of, or addiction to the use of, any controlled substance.

(6) Obtaining or attempting to obtain practice in any occupation licensed and regulated under this chapter, or money, or compensation in any form, by fraudulent misrepresentation.

(7) Refusal to permit or interference with an inspection authorized under this chapter.

(8) Any action or conduct that would have warranted the denial of a school approval.

SEC. 5. Section 7396.1 is added to the Business and Professions Code, to read:

7396.1. (a) Any person, firm, or corporation desiring to operate an establishment shall make an application to the board for an establishment license accompanied by the fee prescribed by this chapter. The application shall be required whether the person, firm, or corporation is operating a new establishment or obtaining ownership of an existing establishment. If the applicant is obtaining ownership of an existing establishment, the board may establish the fee in an amount less than the fee prescribed by this chapter. A license issued pursuant to this section shall authorize the operation of the establishment only at the location for which the license is issued. Operation of the establishment at any other location shall be unlawful unless a license for the new location has been obtained upon compliance with this section, applicable to the issuance of a license in the first instance.

(b) The board shall require as a condition of licensure pursuant to subdivision (a) that the applicant meets the following requirements:

(1) The applicant, if an individual, or each officer, director, and partner, if the applicant is other than an individual, shall not have committed acts or crimes that are grounds for denial of licensure in effect at the time the new application is submitted pursuant to Section 480.

(2) The applicant has knowledge of basic labor laws that pertain to the types of licensees who may work in the establishment. For purposes of this section, the definition of the term "basic labor laws" shall include, but not be limited to:

(A) Key differences between the legal rights, benefits, and obligations of an employee and an independent contractor.

(B) Wage and hour rights for hourly employees.

(C) Antidiscrimination laws relating to the use of a particular language in the workplace.

(D) Antiretaliation laws relating to a worker's right to file complaints with the Department of Industrial Relations.

(E) How to obtain more information about labor law from the Department of Industrial Relations.

(c) To ensure that applicants for an establishment license have the knowledge of basic labor laws pursuant to paragraph (2) of subdivision (b) the board shall do all of the following:

(1) In consultation with the Department of Industrial Relations, the board shall develop and add questions on basic labor laws to the application.

(2) In consultation with the Department of Industrial Relations and stakeholders, the board shall select or create informational materials on basic labor laws that the board determines to be practical and accessible to applicants.

(3) As part of a complete application, the board shall require a signed acknowledgment that the applicant understands both of the following:

(A) Establishments are responsible for obeying the labor laws of the State of California.

(B) The informational materials on basic labor laws selected or created by the board pursuant to paragraph (2) of subdivision (c).

SEC. 6. Section 7401 of the Business and Professions Code is amended to read:

7401. (a) An individual licensed pursuant to Section 7396 shall report to the board at the time of license renewal, his or her practice status, designated as one of the following:

(1) Full-time practice in California.

(2) Full-time practice outside of California.

(3) Part-time practice in California.

(4) Not working in the industry.

(5) Retired.

(6) Other practice status, as may be further defined by the board.

(b) An individual licensed pursuant to Section 7396 shall, at the time of license renewal, identify himself or herself on the application as one of the following:

(1) Employee.

(2) Independent contractor or booth renter.

(3) Salon owner.

(c) An individual licensed pursuant to Section ~~7347~~ 7396.1 shall report to the board at the time of license renewal, whether either of the following is applicable to him or her:

(1) He or she has a booth renter operating in the establishment.

(2) He or she has an independent contractor operating in the establishment.

Amendment 5

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

AMENDMENTS TO ASSEMBLY BILL NO. 2026

Amendment 1
In the heading, below line 1, insert:

(Coauthor: Assembly Member Baker)

Amendment 2
In the title, in line 1, strike out "amend Section 21001.1 of" and insert:

add Section 21175 to

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

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

(1) The California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) facilitates the maintenance of a quality environment for the people of the state through identification of significant effects on the environment caused by a proposed project, consideration of alternatives, and implementation of feasible mitigation measures to reduce those effects.

(2) The act is premised on transparency in decisionmaking through public dissemination of information about a proposed project's effect on the environment.

(3) The act empowers the public to challenge a project in court for failure to fully comply with the act's exhaustive disclosure and mitigation requirements.

(4) Various entities are increasingly using litigation pursuant to the act for competitive purposes to either frustrate a competitor's project or to extract concessions from a project proponent.

(5) Despite the focus on transparency and public disclosure in the decisionmaking process, shadow groups funded by unknown backers often threaten and bring litigation challenging proposed projects without being required to disclose who is funding the litigation or what financial interests those entities have related to the proposed project.

(6) Project opponents sometimes strategically use litigation to delay a project past its point of economic viability, thereby using litigation to stop projects that could not otherwise be stopped during the decisionmaking process.

(7) California Rules of Court require the disclosure of entities that fund the preparation and submission of amicus briefs to the court.

(8) The state and public have a compelling interest in the disclosure of the identities of entities that fund litigation under the act so they can better understand the identities of those organizations participating in the public decisionmaking process, determine whether the petitioner or plaintiff may be suing for competitive or other nonenvironmental purposes, and protect scarce judicial resources by deterring entities from using lawsuits for competitive or other nonenvironmental purposes.

(9) The courts have a compelling interest in disclosure to determine whether the plaintiff or petitioner is seeking to advance environmental, nonenvironmental, or a mix of environmental and nonenvironmental interests in filing an action pursuant to the act.

(b) It is the intent of the Legislature to require plaintiffs and petitioners bringing an action pursuant to the act to disclose those persons or entities who make contributions to fund the preparation of the petition and subsequent actions or proceedings and any financial interests they may have related to the proposed project.

SEC. 2. Section 21175 is added to the Public Resources Code, to read:

21175. (a) In an action or proceeding to attack, review, set aside, void, or annul any act or decision of a public agency on the grounds of noncompliance with this division, the plaintiff or petitioner shall include an affidavit identifying every person or entity who made a monetary contribution of one thousand dollars ($1,000) or more, or committed to contribute one thousand dollars ($1,000) or more, for the preparation of the petition and subsequent action or proceeding.

(b) The plaintiff or petitioner shall have a continuing obligation throughout the course of the proceeding to identify any person or entity that has made a single or multiple contributions or commitments, the sum of which is $1,000 or more, and that were intended to fund the action or proceeding.

(c) The disclosures required pursuant to subdivisions (a) and (b) shall also include the identity of any pecuniary or business interest that the person or entity has related to the proposed project.

(d) A plaintiff or petitioner may request the court's permission to withhold the public disclosure of a contributor. The court may grant the request if it finds that the public interest in keeping that information confidential clearly outweighs the public interest in disclosure.

(e) A court may, upon its own motion or the motion of any party, take any action necessary to compel compliance with the requirements of this section, up to and including dismissal of the action or proceeding.

(f) An individual contributing funds to file an action or proceeding pursuant to this division in his or her individual capacity, and not as a representative for an organization or association, has the right to limit disclosure of his or her personal information to an in-camera review by the court.

(g) The information disclosed pursuant to this section may be used to enable a court to determine whether the financial burden of private enforcement supports the award of attorneys' fees in actions or proceedings brought to enforce this division.

Amendment 4

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

AMENDMENTS TO ASSEMBLY BILL NO. 2029

Amendment 1

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

of, and to repeal Section 4584.1 of,

Amendment 2

On page 1, before line 1, insert:

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

(a) On October 20, 2015, the Governor issued a proclamation declaring a state of emergency relative to the tree mortality epidemic in California, characterized by all of the following conditions:

(1) The lack of precipitation over the last four years has made many regions of the state susceptible to epidemic infestations of native bark beetles that cause vast tree mortality, with the United States Forest Service estimating that over 22 million trees are dead and tens of millions more are likely to die by the end of 2016.

(2) Recent scientific measurements suggest that the scale of this tree die-off is unprecedented in modern history, and the die-off is of such a scale that it worsens wildfire risk across large regions of the state, presents safety risks for forested communities, and worsens the threat of erosion across watersheds.

(3) Wildfires release thousands of tons of greenhouse gas emissions and other harmful pollutants into the atmosphere.

(b) The thinning of forests is widely known to provide all of the following benefits:

(1) Reduced threat of wildfires by removing fuel from the forests as well as a reduced risk of canopy fire.

(2) Increased water storage by reducing the need for water in forests.

(3) Conditions that favor healthier, better maintained forests.

Amendment 3

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

SEC. 2.

Amendment 4

On page 10, in line 8, strike out "met." and insert:

met, except that, notwithstanding paragraph (5) of subdivision (b) of Section 1038 of Title 14 of the California Code of Regulations, the construction or reconstruction of temporary roads of 600 feet or less shall be allowed.

Amendment 5

On page 10, in line 9, strike out "24" and insert:

28

Amendment 6

On page 11, in lines 5 and 6, strike out "the Sierra Nevada Region as defined in subdivision (f) of Section 33302, in Modoc, Siskiyou, or Trinity" and insert:

Alpine, Amador, Butte, Calaveras, Del Norte, El Dorado, Fresno, Humboldt, Inyo, Kern, Lassen, Madera, Mariposa, Mendocino, Modoc, Mono, Nevada, Placer, Plumas, Shasta, Sierra, Siskiyou, Sonoma, Tehama, Trinity, Tulare, Tuolumne, or Yuba

Amendment 7

On page 11, in line 16, strike out "three years after", strike out lines 17 and 18 and insert:

on January 1, 2023.

Amendment 8

On page 11, below line 22, insert:

SEC. 3. Section 4584.1 of the Public Resources Code is repealed.

~~4584.1. (a) In addition to the areas listed in subparagraph (D) of paragraph (11) of subdivision (j) of Section 4584, the Forest Fire Prevention Pilot Project Exemption may be authorized for activities conducted in the County of Del Norte, Humboldt, Mendocino, or Sonoma, or in any combination of these areas or the areas listed in subparagraph (D) of paragraph (11) of subdivision (j) of Section 4584, if all other conditions for a Forest Fire Prevention Pilot Project Exemption are met.~~

~~(b) The board may adopt emergency regulations in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code for the purposes of implementing this section.~~

Bill Referral Digest

BILL NUMBER: AB 2030 REFER TO: L. GOV.

AUTHOR: Mullin DATE REFERRED: 03/17/2016

RELATING TO: Transportation districts: contracts.
An act to amend Sections 20221 and 20331 of the Public Contract Code, and to amend Section 103222 of the Public Utilities Code, relating to transportation.

LEGISLATIVE COUNSEL DIGEST

(1) Existing law requires contracts of the San Francisco Bay Area Transit District for the purchase of supplies, equipment, and materials to be let to the lowest responsible bidder or to the bidder who submits a proposal that provides best value, as defined, if the amount of the contract exceeds $100,000 and requires the district to obtain a minimum of 3 quotations for those contracts between $2,500 and $100,000. Existing law requires the district, if the contract is for the construction of facilities and works, to let the contract to the lowest responsible bidder if the amount of the contract exceeds $10,000 and to obtain a minimum of 3 quotations for those contracts between $2,500 and $10,000.

This bill would instead impose those bidding requirements with respect to district contracts for the purchase of supplies, equipment, and materials if the amount of the contracts exceeds $150,000 and would require a minimum of 3 quotations for those contracts between $5,000 and $150,000. The bill would also impose those bidding requirements with respect to district contracts for the construction of facilities or equipment if the amount of the contract exceeds $100,000 and would require a minimum of 3 quotations for those contracts between $5,000 and $100,000.

(2) Existing law requires contracts of the San Mateo County Transit District for the purchase of supplies, equipment, and materials to be let to the lowest responsible bidder or to the bidder who submits a proposal that provides best value, as defined, if the amount of the contract exceeds $100,000 and requires the district, to the extent practicable, to obtain a minimum of 3 quotations for those contracts between $2,500 and $100,000.

This bill would instead impose those bidding requirements if the amount of the contracts exceeds $150,000 and would require a minimum of 3 quotations for contracts between $5,000 and $150,000. The bill would require that $5,000 threshold to be adjusted to reflect changes in the Consumer Price Index.

Existing law requires the district, if the contract is for the construction of transit works or transit facilities, to let the contract to the lowest responsible bidder, except as provided, if the amount of the contract exceeds $10,000.

The bill would instead impose that bidding requirement if the amount of the contract exceeds $100,000 and would require that $100,000 threshold to be adjusted to reflect changes in the Consumer Price Index.

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

AMENDMENTS TO ASSEMBLY BILL NO. 2031

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

add Part 1.87 (commencing with Section 34191.30) to Division 24 of the Health and Safety Code,

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

SECTION 1. Part 1.87 (commencing with Section 34191.30) is added to Division 24 of the Health and Safety Code, to read:

PART 1.87. AFFORDABLE HOUSING SPECIAL BENEFICIARY DISTRICT

34191.30 For purposes of this part, the following definitions shall apply:

(a) "Affordable housing" means a dwelling available for purchase or lease by persons and families who qualify as low or moderate income, as defined in Section 50093 of the Health and Safety Code, very low income households, as defined in Section 50105 of the Health and Safety Code, or extremely low income households, as defined in Section 50106 of the Health and Safety Code.

(b) "Beneficiary district" is an affordable housing special beneficiary district established pursuant to this part that exists for a limited duration as a distinct local governmental entity for the purposes of receiving rejected distributions of property tax revenues and providing financing assistance to promote affordable housing within its boundaries.

(c) "Distributions of property tax revenues" means all property tax revenues a city or county would be entitled to receive pursuant to Part 1.85.

34191.35. (a) Commencing when a successor entity receives a finding of completion pursuant to Section 34179.7, there exists, within the same geographical boundaries of the jurisdiction of that successor agency, an affordable housing special beneficiary district.

(b) (1) A beneficiary district ceases to exist on the 90th calendar day after the date the county auditor-controller makes the final transfer of distributed property tax revenues to the beneficiary district. On and after the date a beneficiary district ceases to exist, the beneficiary district shall not have the authority to conduct any business, including, but not limited to, taking any action or making any payment, and any funds of the beneficiary district shall automatically transfer to the city or county that rejected its distributions of property tax revenues pursuant to Section 34191.45 that were thereafter directed to the district.

(2) Notwithstanding Section 34191.40, the terms of the members of the board of a beneficiary district shall expire on the date the beneficiary district ceases to exist.

(3) Any legal right of the beneficiary district on or after the date the beneficiary district ceases to exist, including, but not limited to, the right to repayment pursuant

to a loan made by the beneficiary district, is the right of the city or county that rejected its distributions of property tax revenues pursuant to Section 34191.45 that was thereafter directed to the district.

34191.40. (a) A beneficiary district shall be governed by a board composed of the following five members:

(1) Three members of the city council, if a city formed the redevelopment agency and became the successor agency that received the finding of completion pursuant to Section 34179.7, or three members of the board of supervisors, if a county formed the redevelopment agency and became the successor agency that received the finding of completion pursuant to Section 34179.7. The three members shall be appointed by the city council or board of supervisors, as applicable.

(2) The treasurer of the city or county that formed the redevelopment agency and became the successor agency that received the finding of completion pursuant to Section 34179.7.

(3) One member of the public who lives within the boundaries of the beneficiary district who is appointed by the city council or county board of supervisors of the city or county that formed the redevelopment agency and became the successor agency that has received a finding of completion pursuant to Section 34179.7.

(b) The board shall elect one of its members as the chairperson.

(c) Each member shall serve a term of four years from the date of his or her appointment. Vacancies on the board shall be filled by the appointing authority for a new four-year term. A member may be reappointed.

(d) Each member shall serve without compensation.

34191.45. Notwithstanding any other law, a city or county that formed a redevelopment agency and became the successor agency that received the finding of completion pursuant to Section 34179.7, may by ordinance or resolution reject its distributions of property tax revenues from the trust fund. Except as provided in subdivision (b) of Section 34191.35, on and after the date that a city or county rejects its distributions of property tax revenues, the city or county shall not have any claim to, or control over, the distributions of property tax revenues it may have otherwise received pursuant to Part 1.85, and the county auditor-controller shall transfer all of that distribution of property tax revenues to the beneficiary district.

34191.50. (a) A beneficiary district shall only promote the development of affordable housing within its boundaries.

(b) A beneficiary district may promote the development of affordable housing by doing any of the following:

(1) Issuing bonds to be repaid from the property tax revenues directed to the district.

(2) Providing financial assistance for the development of affordable housing, including, but not limited to, providing loans, grants, and other financial incentives and support.

(3) Taking other actions the board determines will promote the financing of the development of affordable housing within its boundaries.

(c) A beneficiary district shall not undertake any obligation that requires an action after the date it will cease to exist, including, but not limited to, issuing a bond that requires any repayment of the bond obligation after the date the beneficiary district will cease to exist.

34191.55. (1) A beneficiary district shall comply with the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code) and the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code).

(2) When a beneficiary district ceases to exist pursuant to subdivision (b) of Section 34191.35, a public record of the beneficiary district shall be the property of the city or county that rejected its distribution of property tax proceeds pursuant to Section 34191.45.

Amendment 3

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

AMENDMENTS TO ASSEMBLY BILL NO. 2032

Amendment 1

In the title, in line 1, strike out "Section 56770" and insert:

Sections 56770, 56804, 56813, 56816, 57405, 57407, and 57412

Amendment 2

On page 2, in line 5, strike out "the" and insert:

both of the following:

(1) The

Amendment 3

On page 2, between lines 7 and 8, insert:

(2) The intent stated in Section 56816 that all debt and contractual obligations and responsibilities of the city being disincorporated shall be the responsibility of the same territory for repayment.

Amendment 4

On page 2, in line 17, strike out "(e)" and insert:

(e) Existing and projected future revenues of the city to be disincorporated are sufficient to meet all expenditures, debts, and obligations of the former city or, if there are not sufficient revenues, the tax rate upon which the commission conditions its approval for disincorporation shall be sufficient to meet all identified financial shortfalls of the former city.

(f)

Amendment 5

On page 2, below line 20, insert:

(g) The appropriate appointing power of the successor or successors approves the terms of continuing employment or transfer of any employees from employment with the disincorporated city to employment with the successor or successors.

SEC. 2. Section 56804 of the Government Code is amended to read:

56804. (a) For any proposal that includes a disincorporation, the executive officer shall prepare, or cause to be prepared by contract, a comprehensive fiscal analysis that includes an analysis of the former city's most recently completed financial statements audited by a certified public accountant and identifies any concerns raised by the certified public accountant. The executive officer shall obtain written input from

the successor or successors or the petitioners proposed to assume responsibility for the former city's operations during the preparation of the comprehensive fiscal analysis to assist in determining whether revenue shortfalls, if any, will leave unfunded debts or liabilities after disincorporation. This analysis shall become part of the report required pursuant to Section 56665. Data used for the analysis shall be from the most recent fiscal year for which data is available, preceding the issuances of the certificate of filing. When data requested by the executive officer in the notice to affected agencies, pursuant to paragraph (2) of subdivision (b) of Section 56658, is unavailable, the analysis shall document the source and methodology of the data used. The analysis shall review and document each of the following:

~~(a)~~

(1) The direct and indirect costs incurred by the city proposed for disincorporation for providing public services during the three fiscal years immediately preceding the submittal of the proposal for disincorporation.

~~(b)~~

(2) The direct and indirect costs incurred by the city proposed for disincorporation for current and proposed capital improvements, facilities, assets, and infrastructure.

~~(c)~~

(3) The sources of funding, if any, available to the entities proposed to assume the obligations of the city proposed for disincorporation.

~~(d)~~

(4) The anticipated costs, including all direct and indirect costs, to the entities proposed to assume the obligations of the city proposed for disincorporation in the provision of services to the area proposed for disincorporation.

~~(e)~~

(5) When determining costs, the executive officer shall also include all direct and indirect costs of any public services that are proposed to be transferred to state agencies for delivery.

~~(f)~~

(6) The revenues of the city proposed for disincorporation during the three fiscal years immediately preceding the initiation of the disincorporation proposal.

(7) All debt obligations and current and long-term liabilities of the city proposed for disincorporation, including the balance of restricted and unrestricted funds available to extinguish the obligations and liabilities.

(8) The required financing mechanism(s) to address any shortfalls and obligations for those responsibilities identified in this section, including, but not limited to, taxes or assessments.

(9) A determination of the proportion that the amount of property tax revenue derived by the city being disincorporated pursuant to subdivision (b) of Section 93 of the Revenue and Taxation Code bears to the total amount of revenue from all sources available for general purposes received by the city being disincorporated in the prior fiscal year. For purposes of making this determination and the determination required by paragraph (3) of subdivision (c) of Section 56813, "total amount of revenue from all sources available for general purposes" means the total amount of revenue that the city being disincorporated may use on a discretionary basis for any purpose and does not include any of the following:

(A) Revenue that, by statute or ordinance, is required to be used for a specific purpose.

(B) Revenue from fees, charges, or assessments that are levied to specifically offset the cost of particular services and that do not exceed the cost reasonably borne in providing these services.

(C) Revenue received from the federal government that is required to be used for a specific purpose.

~~(g)~~

(10) Any other information and analysis needed to make the findings required by Section 56770.

(b) The executive officer shall provide the successor or successors at least 30 days to review, evaluate, and validate the accuracy and sufficiency of the data used to prepare the comprehensive fiscal analysis.

SEC. 3. Section 56813 of the Government Code is amended to read:

56813. (a) If the proposal includes the disincorporation of a city, as defined in Section 56034, the commission shall determine the amount of property tax revenue to be exchanged by the affected city and any successor or affected local agency pursuant to this section.

(b) The commission shall notify the county auditor of the proposal, the affected local agencies to be extinguished, and the services proposed to be transferred to new jurisdictions, and identify for the auditor the changes to occur.

~~(c) If the proposal would not transfer all of the service responsibilities of the disincorporating city to the affected county or to a single affected agency, the commission and the county auditor shall do all of the following:~~

~~(1) The county auditor shall determine the proportion that the amount of property tax revenue derived by the city being disincorporated pursuant to subdivision (b) of Section 93 of the Revenue and Taxation Code bears to the total amount of revenue from all sources, available for general purposes, received by the city being disincorporated in the prior fiscal year and provide his or her response within 15 days of receiving notification from the commission pursuant to subdivision (b). For purposes of making this determination and the determination required by paragraph (3), "total amount of revenue from all sources available for general purposes" means the total amount of revenue which the city being disincorporated may use on a discretionary basis for any purpose and does not include any of the following:~~

~~(A) Revenue that, by statute or ordinance, is required to be used for a specific purpose.~~

~~(B) Revenue from fees, charges, or assessments that are levied to specifically offset the cost of particular services and that do not exceed the cost reasonably borne in providing these services.~~

~~(C) Revenue received from the federal government that is required to be used for a specific purpose.~~

~~(2)~~

(c) The commission shall determine, based on information ~~submitted~~ certified by the governing body of the city being disincorporated, an amount equal to the total net cost to that city during the prior fiscal year of providing those services that an affected agency will assume within the area subject to the proposal. For purposes of this paragraph, "total net cost" means the total direct and indirect costs that were funded

by general purpose revenues of the city being disincorporated and excludes any portion of the total cost that was funded by any revenues of that agency that are specified in subparagraphs (A), (B), and (C) of ~~paragraph (1).~~ paragraph (9) of subdivision (a) of Section 56804.

~~(3)~~

(d) For the services to be transferred to each affected local agency, the commission shall multiply the amount determined pursuant to ~~paragraph (2)~~ subdivision (c) by the proportion determined pursuant to paragraph ~~(1)~~ (9) of subdivision (a) of Section 56804 to derive the amount of property tax revenue used to provide services by the city being disincorporated during the prior fiscal year within the area subject to the proposal. The county auditor shall adjust the amount so determined by the annual tax increment pursuant to the procedures set forth in Chapter 6 (commencing with Section 95) of Part 0.5 of Division 1 of the Revenue and Taxation Code, to the fiscal year in which the affected agency receives its next allocation of property taxes.

~~(d)~~

(e) If the proposal for disincorporation would transfer all of the service responsibilities of the city proposed for disincorporation, other than those that are proposed to be discontinued, to a single successor, the commission shall request the auditor to determine the property tax revenue allocated to the city being disincorporated by tax rate area, or portion thereof, and transmit that information to the commission.

~~(e)~~

(f) The executive officer shall notify the auditor of the amount determined pursuant to paragraph (9) of subdivision ~~(c) or (d),~~ (a) of Section 56804 or of subdivision (e) of this section, as the case may be, and, where applicable, the period of time within which and the procedure by which the transfer of property tax revenues will be effected pursuant to this section, at the time the executive officer records a certificate of completion pursuant to Section 57203 for any proposal described in subdivision (a), and the auditor shall transfer that amount to the affected agency or agencies that will assume the services as determined by the commission. Any property tax not transferred to an affected agency pursuant to paragraph (9) of subdivision ~~(e)~~ (a) of Section 56804 shall be transferred to the affected county.

~~(f)~~

(g) For purposes of this section, "prior fiscal year" means the most recent fiscal year preceding the issuance of the certificate of filing for which data is available on actual direct and indirect costs and revenues needed to perform the calculations required by this section.

~~(g)~~

(h) Any action brought by a city, county, or district to contest any of the determinations of the county auditor or the commission with regard to the amount of property tax revenue to be exchanged by the affected local agencies pursuant to this section shall be commenced within three years of the effective date of the disincorporation.

SEC. 4. Section 56816 of the Government Code is amended to read:

56816. (a) It is the intent of the Legislature that any proposal that includes the disincorporation of a city result in a determination that the debt or contractual obligations and responsibilities of the city being disincorporated shall be the responsibility of that same territory for repayment. To ascertain this information, the city shall provide a

written statement that is certified by its legislative body and determines ~~and certifies~~ all of the following to the commission prior to the issuance of a certificate of filing for a disincorporation proposal, pursuant to Sections 56651 and 56658:

(1) The indebtedness of the city.

(2) The amount of money in the city's treasury, including an identification of any money that is restricted.

(3) The amount of money in the possession of custodians and trustees and an identification of any money that is restricted.

~~(3)~~

(4) The amount of any tax ~~levy~~ levy, direct assessment, or other obligation due the city that is unpaid or has not been collected.

(5) Current and long-term receivables owed to the city.

(6) A statement of whether there are any pending or potential litigation or claims against the city, including potential liability.

~~(4)~~

(7) The amount of current and future liabilities, both internal debt owed to other special or restricted funds or enterprise funds within the agency and external debt owed to other public agencies or outside lenders or that results from contractual obligations, which may include contracts for goods or services, retirement obligations, actuarially determined unfunded pension liability of all classes in a public retirement system, including any documentation related to the termination of public retirement contract provisions, and the liability for other postemployment benefits. The information required by this paragraph shall include any associated revenue stream for financing that may be or has been committed to that liability, including employee contributions.

(8) The annual amount of voter-approved pensions levied by the city and a determination of unfunded pension tax liability owed to the California Public Employees' Retirement System.

(b) The ~~city shall provide a written statement identifying the~~ successor agency to the city's former redevelopment agency, if any, shall be determined pursuant to Section 34173 of the Health and Safety Code.

SEC. 5. Section 57405 of the Government Code is amended to read:

57405. If a tax or assessment has been levied by the disincorporated city and remains uncollected, the county tax collector shall collect it when due and pay it into the county treasury on behalf of the designated successor agency or county to wind up the affairs of the disincorporated city.

SEC. 6. Section 57407 of the Government Code is amended to read:

57407. (a) All money paid into the county treasury pursuant to this chapter shall be placed to the credit of a special fund established for the purpose of settling the affairs of the disincorporated city.

(b) The successor or successors to the disincorporated city shall not be liable to creditors of the former city, if at all, other than for those amounts actually paid into the special fund established pursuant to subdivision (a). For purposes of this section, creditors include, but are not limited to, employees and bondholders of the disincorporated city.

SEC. 7. Section 57412 of the Government Code is amended to read:

57412. The ~~board of supervisors~~ governing body of the successor shall provide for collection of debts due the city and wind up its affairs. Upon an order by the ~~board~~

~~of supervisors;~~ commission, the appropriate ~~county~~ officer of the successor shall perform any act necessary for winding up the city affairs, with the same effect as if it had been performed by the proper city officer.

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

AMENDMENTS TO ASSEMBLY BILL NO. 2035

Amendment 1
In the title, in line 1, strike out "4171" and insert:

4214

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

fire prevention.

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

SECTION 1. Section 4214 of the Public Resources Code is amended to read:

4214. (a) Fire prevention fees collected pursuant to this chapter shall be expended, upon appropriation by the Legislature, as follows:

(1) The State Board of Equalization shall retain moneys necessary for the payment of refunds pursuant to Section 4228 and reimbursement of the State Board of Equalization for expenses incurred in the collection of the fee.

(2) The moneys collected, other than those retained by the State Board of Equalization pursuant to paragraph (1), shall be deposited into the State Responsibility Area Fire Prevention Fund, which is hereby created in the State Treasury, and shall be available to the board and the department to expend for fire prevention activities specified in subdivision (d) that benefit the owners of habitable structures within a state responsibility area who are required to pay the fire prevention fee. The amount expended to benefit the owners of habitable structures within a state responsibility area shall be commensurate with the amount collected from the owners within that state responsibility area. All moneys in excess of the costs of administration of the board and the department shall be expended only for fire prevention activities in counties with state responsibility areas.

(b) (1) The fund may also be used to cover the costs of administering this chapter.

(2) The fund shall cover all startup costs incurred over a period not to exceed two years.

(c) It is the intent of the Legislature that the moneys in this fund be fully appropriated to the board and the department each year in order to effectuate the purposes of this chapter.

(d) Moneys in the fund shall be used only for the following fire prevention activities, which shall benefit owners of habitable structures within the state responsibility areas who are required to pay the annual fire prevention fee pursuant to this chapter:

(1) Local assistance grants pursuant to subdivision (e).

(2) Grants to Fire Safe Councils, the California Conservation Corps, or certified local conservation corps for fire prevention projects and activities in the state responsibility areas.

(3) Grants to a qualified nonprofit organization with a demonstrated ability to satisfactorily plan, implement, and complete a fire prevention project applicable to the state responsibility areas. The department may establish other qualifying criteria.

(4) Inspections by the department for compliance with defensible space requirements around habitable structures in state responsibility areas as required by Section 4291.

(5) Public education to reduce fire risk in the state responsibility areas.

(6) Fire severity and fire hazard mapping by the department in the state responsibility areas.

(7) Payments to local government entities that carry out fire prevention activities in state responsibility areas pursuant to an agreement with the department.

~~(7)~~

(8) Other fire prevention projects in the state responsibility areas, authorized by the board.

(e) (1) The board shall establish a local assistance grant program for fire prevention activities designed to benefit habitable structures within state responsibility areas, including public education, that are provided by counties and other local agencies, including special districts, with state responsibility areas within their jurisdictions.

(2) In order to ensure an equitable distribution of funds, the amount of each grant shall be based on the number of habitable structures in state responsibility areas for which the applicant is legally responsible and the amount of moneys made available in the annual Budget Act for this local assistance grant program.

(f) By January 31, 2015, and annually thereafter, the board shall submit to the Legislature a written report on the status and uses of the fund pursuant to this chapter. The written report shall also include an evaluation of the benefits received by counties based on the number of habitable structures in state responsibility areas within their jurisdictions, the effectiveness of the board's grant programs, the number of defensible space inspections in the reporting period, the degree of compliance with defensible space requirements, measures to increase compliance, if any, and any recommendations to the Legislature.

(g) (1) The requirement for submitting a report imposed under subdivision (f) is inoperative on January 31, 2017, pursuant to Section 10231.5 of the Government Code.

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

(h) It is essential that this article be implemented without delay. To permit timely implementation, the department may contract for services related to the establishment of the fire prevention fee collection process. For this purpose only, and for a period not to exceed 24 months, the provisions of the Public Contract Code or any other provision of law related to public contracting shall not apply.

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

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AMENDMENTS TO ASSEMBLY BILL NO. 2039

Amendment 1

In the title, strike out line 1 and insert:

An act to amend Section 118286 of the Health and Safety Code, and to repeal and add Article 3.3 (commencing with Section 47115) of Chapter 1 of Part 7 of Division 30 of the Public Resources Code, relating to solid waste.

Amendment 2

On page 2, before line 1, insert:

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

(1) The United States Environmental Protection Agency estimates that about 9 million people in the United States currently use disposable needles (sharps) at home to deliver medications to treat a variety of diseases and conditions, including diabetes, cancer, multiple sclerosis, migraines, and allergies. United States households use more than 3 billion disposable needles and syringes each year.

(2) Since 2008, it has been illegal in California for individuals to throw away home-generated sharps. While the state banned needles from trash disposal in 2008, there is still no consistent, statewide program that is sustainably funded or has high levels of effectiveness in California. As a result, thousands of pounds of illegally disposed sharps enter the municipal waste stream each year, putting many people at risk of injury or infection.

(3) Sharps in the trash pose serious health risks to law enforcement, firefighters, parks and recreation workers, hotel housekeepers, sanitation workers, water treatment facility operators, and the general public. In addition to the immediate risk of a needle stick injury, sharps put individuals at risk of acquiring blood-borne infectious diseases, such as hepatitis or HIV. Individuals who suffer a needle stick injury must receive immediate treatment and followup care, including multiple lab tests and medications.

(4) When sanitation workers encounter sharps, productivity suffers and costs increase. When workers sustain a needle stick injury, the costs of care are borne by the waste management company, the workers' compensation insurer, and ultimately, taxpayers and ratepayers.

(5) The California Legislature has adopted a 50 percent diversion requirement for each local jurisdiction, and a policy goal of the state that 75 percent of solid waste be source reduced, recycled, or composted. Sanitation workers are increasingly hand-sorting solid waste in an effort to meet the diversion requirements. Despite repeated efforts to engineer protective gloves to prevent needle sticks, the absence of a consistent sharps disposal policy in this state is increasing the workplace danger for sanitation workers.

(6) In 2011, Assembly Bill 341 was enacted, declaring the 75 percent statewide policy goal and requiring the Department of Resources Recycling and Recovery to submit a report to the Legislature with regulatory and legislative recommendations for achieving the goal. The report, which was issued in August 2015, contains five priority

strategies. One of the priority strategies identified by the report is "extended producer responsibility," also known as "product stewardship." Additionally, the report identifies hazardous materials, which include sharps, as a problem waste stream and recommends managing this problem product through extended producer responsibility.

(b) It is the intent of the Legislature, in enacting the Safe Home-Generated Sharps Recovery Program, as established by Article 3.3 (commencing with Section 47115) of Chapter 1 of Part 7 of Division 30 of the Public Resources Code, to ensure affordable and convenient sharps collection opportunities, which, in turn, will help prevent the improper management of those sharps.

SEC. 2. Section 118286 of the Health and Safety Code is amended to read:

118286. (a) A person shall not knowingly place home-generated sharps waste in any of the following containers:

(1) Any container used for the collection of solid waste, recyclable materials, or greenwaste.

(2) Any container used for the commercial collection of solid waste or recyclable materials from business establishments.

(3) Any roll-off container used for the collection of solid waste, construction, and demolition debris, greenwaste, or other recyclable materials.

(b) Home-generated sharps waste shall be transported only in a sharps container, or other containers approved by the enforcement agency, and shall only be managed at any of the following:

(1) A household hazardous waste collection facility pursuant to Section 25218.13.

(2) A "home-generated sharps consolidation point" as defined in subdivision (b) of Section 117904.

(3) A medical waste generator's facility pursuant to Section 118147.

(4) A facility through the use of a medical waste mail-back container approved by the United States Postal Service.

(5) A facility or other home-generated sharps collection point operated pursuant to a home-generated sharps stewardship plan approved pursuant to Article 3.3 (commencing with Section 47115) of Chapter 1 of Part 7 of Division 30 of the Public Resources Code.

SEC. 3. Article 3.3 (commencing with Section 47115) of Chapter 1 of Part 7 of Division 30 of the Public Resources Code is repealed.

SEC. 4. Article 3.3 (commencing with Section 47115) is added to Chapter 1 of Part 7 of Division 30 of the Public Resources Code, to read:

Article 3.3. Safe Home-Generated Sharps Recovery Program

47115. For purposes of this article, the following terms have the following meanings:

(a) "Consumer" means a person who purchases or owns home-generated sharps.

(b) "Distributor" means a person that sells sharps or provides sharps for free to the general public for home use, which may include, but is not limited to, a retailer, a veterinarian, or a health clinic, health dispensary, or health facility licensed under Division 2 (commencing with Section 1200) of the Health and Safety Code.

(c) "Home-generated sharps" means hypodermic needles, syringes with needles attached, pen needles, intravenous needles, lancets, or any other similar device intended to self-inject medication at home.

(d) "Home-generated sharps stewardship plan" or "plan" means a plan submitted by an individual producer or by a stewardship organization on behalf of one or more producers.

(e) "Producer" means, with regard to home-generated sharps that are sold, offered for sale, or distributed in the state, one of the following:

(1) The person who manufactures home-generated sharps and who sells, offers for sale, or distributes those home-generated sharps in the state under that person's own name or brand.

(2) If there is no person who is a producer of the home-generated sharps for purposes of paragraph (1), the producer of the home-generated sharps is the owner or licensee of a trademark or brand under which the home-generated sharps are sold or distributed in the state, whether or not the trademark is registered.

(3) If there is no person who is a producer of the sharps for purposes of paragraphs (1) and (2), the producer of those sharps is the person who imports the home-generated sharps into the state for sale or distribution.

(f) "Program" means the program implementing an approved home-generated sharps stewardship plan.

(g) "Retailer" means a person that sells home-generated sharps in the state to a consumer. A sale includes, but is not limited to, a transaction conducted through sales outlets, catalogs, or the Internet or any other similar electronic means.

(h) "Stewardship organization" means a nonprofit organization created by one or more producers the governing board of which includes three additional members, appointed by the director, one representing from each of the following entities:

(1) A local government.

(2) A retailer.

(3) A solid waste hauler.

(i) "Stakeholder" means a person who will be subject to, or participate in, the program that will be implemented by a proposed home-generated sharps stewardship plan, including, but not limited to, consumers, retailers, distributors, and health care providers and facilities.

47115.2. On or before January 1, 2018, the department shall adopt regulations implementing this article.

47115.4. (a) On or before February 1, 2018, the department shall appoint a stakeholder advisory committee to provide specific recommendations and strategic guidance to producers and stewardship organizations. The stakeholder advisory committee shall report annually to the department on the progress of the producers' and stewardship organizations' implementation of this article.

(b) Members of the advisory committee shall include members from the environmental community, solid waste haulers, local governments, retailers, and other key stakeholders.

(c) The stakeholder advisory committee shall be independent of the producers and stewardship organizations. The advisory committee's expenses shall be paid by its members and not the producers or stewardship organizations.

(d) A producer or stewardship organization shall have no control over the stakeholder advisory committee or its activities.

47116. A pharmaceutical manufacturer that sells or distributes a medication in the state that is usually intended to be self-injected at home through the use of a home-generated sharp shall submit, on or before July 1 of each year, to the department, or its successor agency, a plan that describes how the manufacturer supports the safe collection and proper disposal of the home-generated sharps.

47117. (a) On or before July 1, 2018, a producer or a stewardship organization designated by a producer shall submit a home-generated sharps stewardship plan to the department. The home-generated sharps stewardship plan shall also be posted on the Internet Web site of the producer or stewardship organization. The plan shall provide for the implementation of the plan for each calendar year, commencing January 1, 2019.

(b) The producer or stewardship organization shall consult with the stakeholder advisory committee during the development of the home-generated sharps stewardship plan, including soliciting and responding to stakeholder advisory committee comments, and shall document those comments in the plan.

(c) The home-generated sharps stewardship plan shall provide for the development and implementation of a recovery program to reduce the generation of, and manage the end of life of, home-generated sharps in an environmentally sound and medically safe manner, including collecting, transporting, processing, and recycling or disposing. The plan shall include, at a minimum, all of the following elements:

(1) Contact information for all participating producers.

(2) Procedures for calculating the amount, by weight, of the home-generated sharps subject to the plan.

(3) Provisions to meet the minimum collection rate for the home-generated sharps subject to the plan, which shall be determined in the following manner:

(A) On and after January 1, 2020, the minimum collection rate shall be 20 percent of the number of home-generated sharps that are sold in the state during the 2017 calendar year by producers.

(B) On and after January 1, 2021, the minimum collection rate shall be 40 percent of the number of home-generated sharps that are sold in the state during the 2017 calendar year by the producers.

(C) On and after January 1, 2022, the minimum collection rate shall be 60 percent of the number of home-generated sharps that are sold in the state during the 2017 calendar year by the producers.

(D) On and after January 1, 2023, and annually thereafter, the minimum collection rate shall be determined pursuant to Section 47120.

(4) A demonstration of sufficient funding for the home-generated sharps stewardship program proposed by the plan, including a funding mechanism for securing and disbursing funds to cover administrative, operational, and capital costs.

(5) Coordination of the home-generated sharps stewardship program with existing local medical waste collection programs, to the extent this requirement is reasonably feasible and mutually agreeable.

(6) Programs to reduce the number of postconsumer sharps that are illegally disposed of, and to maximize the proper end-of-life management of home-generated

sharps, including the collection of home-generated sharps, as practical, based on current medical waste program information.

(7) Education and outreach efforts for consumers, the medical community, and retailers to promote the collection of home-generated sharps. These efforts may include, but are not limited to, developing, and updating as necessary, educational and other outreach materials aimed at all retailers and distributors of home-generated sharps. These materials shall be made available to those parties and may include, but are not limited to, one or more of the following:

(A) Signage that is prominently displayed and easily visible to the consumer at the point of sale.

(B) Written materials and templates of materials for reproduction by retailers to be provided to the consumer at the point of sale or delivery, or both. These written materials shall include information on the prohibition on the improper disposal of home-generated sharps.

(C) Advertising or other promotional materials, or both, that include references to home-generated sharps collection opportunities and the prohibition on the improper disposal of home-generated sharps.

(8) Methods for demonstrating to the department that the program implemented pursuant to the plan achieves the maximum improvement possible in achieving the minimum collection rate.

(9) The establishment of at least one home-generated sharps collection point in every county in the state, but no less than one home-generated sharps collection point for every 25,000 people in each county.

47118. (a) The department shall review a home-generated sharps stewardship plan submitted pursuant to Section 47117 within 60 days of receipt. The department shall approve the plan if the department determines the plan provides for the establishment of a home-generated sharps stewardship program that meets the requirements of Section 47117. If the department does not approve the plan, the producer or stewardship organization shall resubmit the plan within 60 days after receiving notice of disapproval from the department.

(b) (1) The approved plan shall be a public record, except that financial, production, or sales data reported to the department by the producer or by the stewardship organization is not a public record under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code) and shall not be open to public inspection.

(2) Notwithstanding paragraph (1), the department may release financial, production, or sales data in summary form, if the department does not disclose financial, production, or sales data of individual producers.

(c) On or before January 1, 2019, or three months after a plan is approved pursuant to subdivision (a), whichever is later, but no later than April 1, 2019, the producer or stewardship organization shall implement the home-generated sharps stewardship program described in the approved plan.

47119. A retailer may voluntarily participate as a home-generated sharps collection point pursuant to the home-generated sharps stewardship program.

47120. On or before January 1, 2023, the department shall consult with producers, stewardship organizations, the stakeholder advisory committee, and all other stakeholders regarding the program's performance. The department shall set a

fair and reasonable minimum collection rate for the 2023 calendar year and for each subsequent calendar year to achieve the goal of safely managing home-generated sharps in this state.

47121. Upon the date a plan is approved, the department shall post on its Internet Web site a list of producers covered by the approved plan. The department shall update this posting within 30 days of a change in compliance status of any producer.

47122. On or before April 1, 2020, and on or before April 1 of every year thereafter, each producer or stewardship organization implementing a plan shall prepare and submit to the department an annual report, as prescribed by the department, describing the activities carried out pursuant to the plan during the previous calendar year, commencing with the 2019 calendar year. The report shall include a list of the specific recommendations from the stakeholder advisory committee and an explanation for either accepting or rejecting those recommendations.

47123. (a) The department shall review the annual report or reports submitted pursuant to Section 47122, including, but not limited to, reviewing the accuracy of the list of home-generated sharps collection points that are certified to be established pursuant to the applicable plan.

(b) If an annual report does not demonstrate that the applicable program has achieved the collection rate increase required pursuant to paragraph (3) of subdivision (c) of Section 47117, the department may require the program to take additional actions with regard to improving and increasing the number of home-generated sharps collection points, ensuring accessibility to those points, and providing additional education and outreach activities.

(c) If the department does not disapprove a report within 45 days of receipt, the report shall be deemed approved by the department.

(d) The department shall make a report submitted to the department pursuant to this section available to the public on the department's Internet Web site for one year.

47125. (a) A producer or stewardship organization submitting a plan to the department shall pay the department an annual administrative fee pursuant to subdivision (b).

(b) The department shall impose the annual fee in an amount that is sufficient to cover the department's full costs of administering and enforcing this article, including any program development costs or regulatory costs incurred by the department prior to the submittal of a plan. The department shall deposit the fees in the Safe Sharps Disposal Account, which is hereby established in the Integrated Waste Management Fund. The department may expend the moneys in the Safe Sharps Disposal Account, upon appropriation by the Legislature, to administer and enforce this article.

47126. (a) The department shall enforce this article and may impose an administrative civil penalty on a person who violates this article in an amount of up to one thousand dollars ($1,000) per violation per day.

(b) The department may impose an administrative civil penalty on a person who intentionally, knowingly, or negligently violates this article in an amount of up to ten thousand dollars ($10,000) per violation per day.

(c) (1) The department may either impose the civil penalty specified in subdivision (a) or (b) on a producer or stewardship organization for which the annual report submitted does not demonstrate that the minimum collection rate has been achieved pursuant to paragraph (3) of subdivision (c) of Section 47117, or require the

producer or stewardship organization to take additional actions to comply with this article pursuant to subdivision (b) of Section 47123.

(2) In assessing a penalty pursuant to this subdivision on a producer or stewardship organization, the department shall consider any exigent circumstance that contributed to the producer or stewardship organization not meeting the required minimum collection rate.

(d) The department shall deposit all penalties collected pursuant to this section into the Safe Sharps Disposal Penalty Account, which is hereby created in the Integrated Waste Management Fund. Upon appropriation by the Legislature, moneys deposited into the Safe Sharps Disposal Penalty Account may be expended by the department to enforce this article.

47127. (a) Except as provided in subdivision (c), an action solely to increase the collection of home-generated sharps by a producer, stewardship organization, or retailer that affects the types or quantities being collected, or the cost and structure of any program implementing a stewardship plan, is not a violation of the statutes specified in subdivision (b).

(b) The following statutes are not violated by an action specified in subdivision (a):

(1) The Cartwright Act (Chapter 2 (commencing with Section 16700) of Part 2 of Division 7 of the Business and Professions Code).

(2) The Unfair Practices Act (Chapter 4 (commencing with Section 17000) of Part 2 of Division 7 of the Business and Professions Code).

(c) Subdivision (a) does not apply to an agreement establishing or affecting the price of home-generated sharps or the output or production of home-generated sharps or an agreement restricting the geographic area or customers to which home-generated sharps will be sold.

Amendment 3

On page 2, strike out lines 1 and 2

AMENDMENTS TO ASSEMBLY BILL NO. 2050

Amendment 1

In the title, in line 1, strike out "amend Section 33334.5 of" and insert:

add Section 1367.248 to

Amendment 2

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

and to add Section 10123.208 to the Insurance Code,

Amendment 3

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

health care coverage.

Amendment 4

On page 2, before line 1, insert:

SECTION 1. Section 1367.248 is added to the Health and Safety Code, to read:

1367.248. (a) A health care service plan contract issued, amended, or renewed on or after January 1, 2017, that provides coverage for prescription drug benefits shall implement a synchronization policy for the dispensing of prescription drugs to the plan's enrollees.

(b) For purposes of this section, "synchronization policy" means a procedure for aligning the refill dates of an enrollee's prescription drugs so that prescriptions that are refilled at the same frequency may be refilled concurrently.

SEC. 2. Section 10123.208 is added to the Insurance Code, to read:

10123.208. (a) A health insurance policy issued, amended, or renewed on or after January 1, 2017, that provides coverage for prescription drug benefits shall implement a synchronization policy for the dispensing of prescription drugs to the policy's insured.

(b) For purposes of this section, "synchronization policy" means a procedure for aligning the refill dates of an insured's prescription drugs so that prescriptions that are refilled at the same frequency may be refilled concurrently.

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

Amendment 5
On page 2, strike out lines 1 to 15, inclusive

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AMENDMENTS TO ASSEMBLY BILL NO. 2052

Amendment 1

In the title, in line 1, strike out "amend Section 597 of" and insert:

add Section 597.8 to

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 597.8 is added to the Penal Code, to read:

597.8. Upon conviction pursuant to subdivision (a) or (b) of Section 597 or Section 597a, 597b, 597h, 597j, 597s, or 597.1, but prior to sentencing, the court shall order the person convicted to submit to a psychiatric or psychological examination. All examinations shall be provided and paid for by the court. The results of the examination shall be sent by the examining psychologist or psychiatrist to the court and to the attorneys for the prosecution and the defense. The court shall consider the results of the examination in determining a sentence.

Amendment 3

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

AMENDMENTS TO ASSEMBLY BILL NO. 2072

Amendment 1
In the heading, below line 1, insert:

(Coauthors: Assembly Members Baker, Brough, Chau, and Dodd)
(Coauthor: Senator Runner)

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

to add Article 7 (commencing with Section 51470) to Chapter 3 of Part 28 of Division 4 of Title 2 of the Education Code,

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

SECTION 1. Article 7 (commencing with Section 51470) is added to Chapter 3 of Part 28 of Division 4 of Title 2 of the Education Code, to read:

Article 7. State Seal of STEM

51470. The State Seal of STEM is established to recognize high school graduates who have attained a high level of proficiency in fields of study within the subjects of science, technology, engineering, and mathematics (STEM). The State Seal of STEM shall be awarded by the Superintendent. School district participation in this program is voluntary.

51471. The purposes of the State Seal of STEM are as follows:

(a) To encourage pupils to study science, technology, engineering, and mathematics.

(b) To certify high achievement within the STEM fields.

(c) To provide pupils with a tool to demonstrate STEM competency to employers.

(d) To provide universities with a method to recognize and give academic credit to applicants seeking admission.

(e) To prepare pupils with 21st century skills.

(f) To engage pupils in STEM learning at an early age.

(g) To prepare pupils for a job market increasingly in need of individuals with STEM skills.

51472. The State Seal of STEM certifies attainment of a high level of proficiency by a graduating high school pupil in STEM and certifies that the graduate meets all of the following criteria:

(a) Attained a 3.0 grade point average on a 4.0 scale for STEM courses taken in high school.

(b) Has one of the following:

(1) A score of 3 or higher on an advanced placement examination in science.

(2) A score of 600 or higher on an SAT subject test in science.

(3) A score of 4 or higher on an international baccalaureate examination in science.

(4) A grade of B or higher in a college-level science course taken through concurrent enrollment.

(c) Has one of the following:

(1) A score of 3 or higher on an advanced placement examination in mathematics.

(2) A score of 600 or higher on an SAT subject test in mathematics.

(3) A score of 4 or higher on an international baccalaureate examination in mathematics.

(4) A grade of B or higher in a college level mathematics course taken through concurrent enrollment.

(d) Has one or more of the following:

(1) An extracurricular activity relating to STEM, including, but not limited to, any of the following:

(A) Active participation in a club or organization that meets regularly and either participates in or organizes events relating to the STEM fields.

(B) Participation in STEM based competitions, such as robotics, coding, or engineering.

(C) Internships with organizations or employers who work in the STEM fields such as the health sciences, laboratories, or engineering firms.

(D) Participation in the research of a STEM topic either done independently or in coordination with a STEM professional such as a university professor or biotech researcher.

(E) Participation in a STEM-related career pathway for at least two years, which may include, but is not limited to, engineering, health, energy, or information technology.

(2) A grade of B or higher in a computer, technology, or engineering course taken either at the enrolled high school or through concurrent enrollment at a California community college.

(3) A score of 3 or higher on the advanced placement computer science examination.

51473. The Superintendent shall do both of the following:

(a) Prepare and deliver to participating school districts an appropriate insignia to be affixed to the diploma or transcript of the pupil indicating that the pupil has been awarded a State Seal of STEM by the Superintendent.

(b) Provide other information it deems necessary for school districts to successfully participate in the program.

51474. A school district that participates in the program under this article shall do both of the following:

(a) Maintain appropriate records in order to identify pupils who have earned a State Seal of STEM.

(b) Affix the appropriate insignia to the diploma or transcript of each pupil who earns a State Seal of STEM.

51475. No fee shall be charged to a pupil to receive a State Seal of STEM.

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

AMENDMENTS TO ASSEMBLY BILL NO. 2077

Amendment 1

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

to amend Section 14005.37 of, and to add Section 15927 to, the Welfare and Institutions Code,

Amendment 2

On page 2, in lines 1 and 2, strike out "Legislature to enact legislation that would" and insert:

Legislature, with the enactment of this act, to

Amendment 3

On page 2, below line 6, insert:

SEC. 2. Section 14005.37 of the Welfare and Institutions Code is amended to read:

14005.37. (a) Except as provided in Section 14005.39, a county shall perform redeterminations of eligibility for Medi-Cal beneficiaries every 12 months and shall promptly redetermine eligibility whenever the county receives information about changes in a beneficiary's circumstances that may affect eligibility for Medi-Cal benefits. The procedures for redetermining Medi-Cal eligibility described in this section shall apply to all Medi-Cal beneficiaries.

(b) Loss of eligibility for cash aid under that program shall not result in a redetermination under this section unless the reason for the loss of eligibility is one that would result in the need for a redetermination for a person whose eligibility for Medi-Cal under Section 14005.30 was determined without a concurrent determination of eligibility for cash aid under the CalWORKs program.

(c) A loss of contact, as evidenced by the return of mail marked in such a way as to indicate that it could not be delivered to the intended recipient or that there was no forwarding address, shall require a prompt redetermination according to the procedures set forth in this section.

(d) Except as otherwise provided in this section, Medi-Cal eligibility shall continue during the redetermination process described in this section and a beneficiary's Medi-Cal eligibility shall not be terminated under this section until the county makes a specific determination based on facts clearly demonstrating that the beneficiary is no longer eligible for Medi-Cal benefits under any basis and due process rights guaranteed under this division have been met. For the purposes of this subdivision, for a beneficiary who is subject to the use of MAGI-based financial methods, the determination of whether the beneficiary is eligible for Medi-Cal benefits under any basis shall include, but is not limited to, a determination of eligibility for Medi-Cal

benefits on a basis that is exempt from the use of MAGI-based financial methods only if either of the following occurs:

~~(A)~~

(1) The county assesses the beneficiary as being potentially eligible under a program that is exempt from the use of MAGI-based financial methods, including, but not limited to, on the basis of age, blindness, disability, or the need for long-term care services and supports.

~~(B)~~

(2) The beneficiary requests that the county determine whether he or she is eligible for Medi-Cal benefits on a basis that is exempt from the use of MAGI-based financial methods.

(e) (1) For purposes of acquiring information necessary to conduct the eligibility redeterminations described in this section, a county shall gather information available to the county that is relevant to the beneficiary's Medi-Cal eligibility prior to contacting the beneficiary. Sources for these efforts shall include information contained in the beneficiary's file or other information, including more recent information available to the county, including, but not limited to, Medi-Cal, CalWORKs, and CalFresh case files of the beneficiary or of any of his or her immediate family members, which are open, or were closed within the last 90 days, information accessed through any databases accessed under Sections 435.948, 435.949, and 435.956 of Title 42 of the Code of Federal Regulations, and wherever feasible, other sources of relevant information reasonably available to the county or to the county via the department.

(2) In the case of an annual redetermination, if, based upon information obtained pursuant to paragraph (1), the county is able to make a determination of continued eligibility, the county shall notify the beneficiary of both of the following:

(A) The eligibility determination and the information it is based on.

(B) That the beneficiary is required to inform the county via the Internet, by telephone, by mail, in person, or through other commonly available electronic means, in counties where such electronic communication is available, if any information contained in the notice is inaccurate but that the beneficiary is not required to sign and return the notice if all information provided on the notice is accurate.

(3) The county shall make all reasonable efforts not to send multiple notices during the same time period about eligibility. The notice of eligibility renewal shall contain other related information such as if the beneficiary is in a new Medi-Cal program.

(4) In the case of a redetermination due to a change in circumstances, if a county determines that the change in circumstances does not affect the beneficiary's eligibility status, the county shall not send the beneficiary a notice unless required to do so by federal law.

(f) (1) In the case of an annual eligibility redetermination, if the county is unable to determine continued eligibility based on the information obtained pursuant to paragraph (1) of subdivision (e), the beneficiary shall be so informed and shall be provided with an annual renewal form, at least 60 days before the beneficiary's annual redetermination date, that is prepopulated with information that the county has obtained and that identifies any additional information needed by the county to determine eligibility. The form shall include all of the following:

(A) The requirement that he or she provide any necessary information to the county within 60 days of the date that the form is sent to the beneficiary.

(B) That the beneficiary may respond to the county via the Internet, by mail, by telephone, in person, or through other commonly available electronic means if those means are available in that county.

(C) That if the beneficiary chooses to return the form to the county in person or via mail, the beneficiary shall sign the form in order for it to be considered complete.

(D) The telephone number to call in order to obtain more information.

(2) The county shall attempt to contact the beneficiary via the Internet, by telephone, or through other commonly available electronic means, if those means are available in that county, during the 60-day period after the prepopulated form is mailed to the beneficiary to collect the necessary information if the beneficiary has not responded to the request for additional information or has provided an incomplete response.

(3) If the beneficiary has not provided any response to the written request for information sent pursuant to paragraph (1) within 60 days from the date the form is sent, the county shall terminate his or her eligibility for Medi-Cal benefits following the provision of timely notice.

(4) If the beneficiary responds to the written request for information during the 60-day period pursuant to paragraph (1) but the information provided is not complete, the county shall follow the procedures set forth in paragraph (3) of subdivision (g) to work with the beneficiary to complete the information.

(5) (A) The form required by this subdivision shall be developed by the department in consultation with the counties and representatives of eligibility workers and consumers.

(B) For beneficiaries whose eligibility is not determined using MAGI-based financial methods, the county may use existing renewal forms until the state develops prepopulated renewal forms to provide to beneficiaries. The department shall develop prepopulated renewal forms for use with beneficiaries whose eligibility is not determined using MAGI-based financial methods by January 1, 2015.

(g) (1) In the case of a redetermination due to change in circumstances, if a county cannot obtain sufficient information to redetermine eligibility pursuant to subdivision (e), the county shall send to the beneficiary a form that is prepopulated with the information that the county has obtained and that states the information needed to renew eligibility. The county shall only request information related to the change in circumstances. The county shall not request information or documentation that has been previously provided by the beneficiary, that is not absolutely necessary to complete the eligibility determination, or that is not subject to change. The county shall only request information for nonapplicants necessary to make an eligibility determination or for a purpose directly related to the administration of the state Medicaid plan. The form shall advise the individual to provide any necessary information to the county via the Internet, by telephone, by mail, in person, or through other commonly available electronic means and, if the individual will provide the form by mail or in person, to sign the form. The form shall include a telephone number to call in order to obtain more information. The form shall be developed by the department in consultation with the counties, representatives of consumers, and eligibility workers. A Medi-Cal beneficiary shall have 30 days from the date the form is mailed pursuant to this

subdivision to respond. Except as provided in paragraph (2), failure to respond prior to the end of this 30-day period shall not impact his or her Medi-Cal eligibility.

(2) If the purpose for a redetermination under this section is a loss of contact with the Medi-Cal beneficiary, as evidenced by the return of mail marked in such a way as to indicate that it could not be delivered to the intended recipient or that there was no forwarding address, a return of the form described in this subdivision marked as undeliverable shall result in an immediate notice of action terminating Medi-Cal eligibility.

(3) During the 30-day period after the date of mailing of a form to the Medi-Cal beneficiary pursuant to this subdivision, the county shall attempt to contact the beneficiary by telephone, in writing, or other commonly available electronic means, in counties where such electronic communication is available, to request the necessary information if the beneficiary has not responded to the request for additional information or has provided an incomplete response. If the beneficiary does not supply the necessary information to the county within the 30-day limit, a 10-day notice of termination of Medi-Cal eligibility shall be sent.

(h) Beneficiaries shall be required to report any change in circumstances that may affect their eligibility within 10 calendar days following the date the change occurred.

(i) If within 90 days of termination of a Medi-Cal beneficiary's eligibility or a change in eligibility status pursuant to this section, the beneficiary submits to the county a signed and completed form or otherwise provides the needed information to the county, eligibility shall be redetermined by the county and if the beneficiary is found eligible, or the beneficiary's eligibility status has not changed, whichever applies, the termination shall be rescinded as though the form were submitted in a timely manner.

(j) If the information available to the county pursuant to the redetermination procedures of this section does not indicate a basis of eligibility, Medi-Cal benefits may be terminated so long as due process requirements have otherwise been met.

(k) The department shall, with the counties and representatives of consumers, including those with disabilities, and Medi-Cal eligibility workers, develop a timeframe for redetermination of Medi-Cal eligibility based upon disability, including ex parte review, the redetermination forms described in subdivisions (f) and (g), timeframes for responding to county or state requests for additional information, and the forms and procedures to be used. The forms and procedures shall be as consumer-friendly as possible for people with disabilities. The timeframe shall provide a reasonable and adequate opportunity for the Medi-Cal beneficiary to obtain and submit medical records and other information needed to establish eligibility for Medi-Cal based upon disability.

(*l*) The county shall consider blindness as continuing until the reviewing physician determines that a beneficiary's vision has improved beyond the applicable definition of blindness contained in the plan.

(m) The county shall consider disability as continuing until the review team determines that a beneficiary's disability no longer meets the applicable definition of disability contained in the plan.

(n) In the case of a redetermination due to a change in circumstances, if a county determines that the beneficiary remains eligible for Medi-Cal benefits, the county shall begin a new 12-month eligibility period.

(o) (1) For individuals determined ineligible for Medi-Cal by a county following the redetermination procedures set forth in this section, the county shall determine eligibility for other insurance affordability programs and if the individual is found to be eligible, the county shall, as appropriate, transfer the individual's electronic account to other insurance affordability programs via a secure electronic interface.

(2) If the individual is eligible to enroll in a qualified health plan through the California Health Benefit Exchange established pursuant to Title 22 (commencing with Section 100500) of the Government Code under any insurance affordability program, Medi-Cal benefits shall not be terminated until at least 30 days after the county sends the notice of action terminating Medi-Cal eligibility. The notice of action shall inform the individual of the date by which he or she must select and enroll in a qualified health plan through the Exchange to avoid being uninsured. If the individual has effectuated his or her enrollment in a qualified health plan through the Exchange before the termination date specified in the notice, Medi-Cal eligibility shall be terminated as of the date of enrollment in the qualified health plan.

(p) Any renewal form or notice shall be accessible to persons who are limited-English proficient and persons with disabilities consistent with all federal and state requirements.

(q) The requirements to provide information in subdivisions (e) and (g), and to report changes in circumstances in subdivision (h), may be provided through any of the modes of submission allowed in Section 435.907(a) of Title 42 of the Code of Federal Regulations, including an Internet Web site identified by the department, telephone, mail, in person, and other commonly available electronic means as authorized by the department.

(r) Forms required to be signed by a beneficiary pursuant to this section shall be signed under penalty of perjury. Electronic signatures, telephonic signatures, and handwritten signatures transmitted by electronic transmission shall be accepted.

(s) For purposes of this section, "MAGI-based financial methods" means income calculated using the financial methodologies described in Section 1396a(e)(14) of Title 42 of the United States Code, and as added by the federal Patient Protection and Affordable Care Act (Public Law 111-148), as amended by the federal Health Care and Education Reconciliation Act of 2010 (Public Law 111-152), and any subsequent amendments.

(t) When contacting a beneficiary under paragraphs (2) and (4) of subdivision (f), and paragraph (3) of subdivision (g), a county shall first attempt to use the method of contact identified by the beneficiary as the preferred method of contact, if a method has been identified.

(u) The department shall seek federal approval to extend the annual redetermination date under this section for a three-month period for those Medi-Cal beneficiaries whose annual redeterminations are scheduled to occur between January 1, 2014, and March 31, 2014.

(v) Notwithstanding Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, the department, without taking any further regulatory action, shall implement, interpret, or make specific this section by means of all-county letters, plan letters, plan or provider bulletins, or similar instructions until the time regulations are adopted. The department shall adopt regulations by July 1, 2017, in accordance with the requirements of Chapter 3.5 (commencing with Section

11340) of Part 1 of Division 3 of Title 2 of the Government Code. Beginning six months after the effective date of this section, and notwithstanding Section 10231.5 of the Government Code, the department shall provide a status report to the Legislature on a semiannual basis, in compliance with Section 9795 of the Government Code, until regulations have been adopted.

(w) This section shall be implemented only if and to the extent that federal financial participation is available and any necessary federal approvals have been obtained.

~~(x) This section shall become operative on January 1, 2014.~~

SEC. 3. Section 15927 is added to the Welfare and Institutions Code, immediately following Section 15926, to read:

15927. (a) If an individual enrolled in a qualified health plan through the California Health Benefit Exchange established under Title 22 (commencing with Section 100500) of the Government Code reports a change in circumstances, goes through the renewal process, or is reevaluated for eligibility and there is a change affecting his or her eligibility for any insurance affordability program, the individual's case shall be run through the California Healthcare Eligibility, Enrollment, and Retention System (CalHEERS) developed under Section 15926. If CalHEERS receives information indicating that an individual who has been enrolled in a qualified health plan through the Exchange is newly eligible for Medi-Cal, the individual's case file shall be sent to his or her county of residence within three business days.

(b) (1) If the county of residence receives a case file regarding an individual described in subdivision (a) who is newly eligible for Medi-Cal, the county shall not treat this as a new Medi-Cal application.

(A) Case files received by the county prior to the 15th day of the month shall be processed for final Medi-Cal eligibility by the county by the end of that month.

(B) Case files received by the county after the 15th day of the month shall be processed for final Medi-Cal eligibility by the 15th day of the following month.

(2) For individuals described in subdivision (a) who are newly eligible for Medi-Cal, the county shall issue a notice at least 15 days before the individual's enrollment in a qualified health plan through the Exchange ends that advises the individual of all of the following information:

(A) He or she will be enrolled into Medi-Cal.

(B) Instructions on how to select a Medi-Cal managed care health plan.

(C) His or her right to appeal an action related to the individual's eligibility for or enrollment in an insurance affordability program pursuant to Section 100506.1 of the Government Code.

(D) Instructions on how to request continued enrollment in a qualified health benefit plan pending the outcome of his or her appeal of an action related to the individual's eligibility for or enrollment in an insurance affordability program.

(3) If information is needed by the county to verify income, the county shall follow the procedures set forth in subdivisions (f) and (g) of Section 14005.37 to obtain that information.

(c) An individual described in subdivision (a) who is newly eligible for Medi-Cal shall be enrolled in the Medi-Cal program according to the following procedures:

(1) (A) In a county that provides Medi-Cal services under the two-plan model or the geographic managed care plan model pursuant to Article 2.7 (commencing with

Section 14087.3), Article 2.81 (commencing with Section 14087.96), and Article 2.91 (commencing with Section 14089), the individual shall be enrolled in a Medi-Cal managed care plan according to either of the following:

(i) If the qualified health plan the individual was enrolled in through the Exchange is an available Medi-Cal managed care plan in his or her county and that plan has the same or substantially similar provider network, the individual shall be assigned to that plan.

(ii) The individual shall be assigned to a plan using the usual Medi-Cal managed care default algorithm.

(B) The 15-day notice issued to the individual newly eligible for Medi-Cal shall advise him or her of all of the following information:

(i) The Medi-Cal managed care plan to which he or she will be assigned if the individual does not take any action.

(ii) The individual may choose any available Medi-Cal managed care plan.

(iii) A description of the Medi-Cal managed care plans available in his or her county.

(iv) Instructions on how the individual may change Medi-Cal managed care plans.

(2) In a county that provides Medi-Cal services under a county organized health system pursuant to Article 2.8 (commencing with Section 14087.5), the individual shall be enrolled into the county organized health system plan on the first date of Medi-Cal coverage and shall be sent the provider directory for the managed care plan.

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

AMENDMENTS TO ASSEMBLY BILL NO. 2081

Amendment 1

In the title, in line 1, strike out "amend Section 1367 of" and insert:

add Section 1367.255 to

Amendment 2

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

care coverage.

Amendment 3

On page 1, before line 1, insert:

SECTION 1. Section 1367.255 is added to theHealth and Safety Code, immediately following Section 1367.25, to read:

1367.255. (a) Notwithstanding any other law, a health care service plan is not required to include abortion as a covered benefit. The director shall not deny, suspend, or revoke the license of, or otherwise sanction or discriminate against, a licensee on the basis that the licensee excludes coverage for abortions pursuant to this section.

(b) This section does not require a health care service plan to exclude or restrict coverage for abortions.

Amendment 4

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

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Substantive

AMENDMENTS TO ASSEMBLY BILL NO. 2082

Amendment 1

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

to add Section 23963 to the Business and Professions Code,

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 23963 is added to the Business and Professions Code, to read:

23963. (a) The department may place a license issued pursuant to this division on a six-month probation under the following circumstances:

(1) The license is transferred or sold to an entity or individual and is currently under review by the department for a violation of this division.

(2) The license is transferred or sold to an entity or individual that has been either been convicted of a violation of this division or been subject to disciplinary action by the department because of a violation of this division.

(b) Violation of a condition of probation or of a provision of this division constitutes cause for revocation of the license. Proceedings to revoke a license during the six-month probationary period shall be expedited.

(c) The department may adopt regulations establishing a monitoring program to ensure compliance with any terms or conditions of probation imposed by the department pursuant to subdivision (a). The department may consult with other state agencies that administer licensing within the state with regard to any provision of this section, including the establishment of an expedited license revocation proceeding.

Amendment 3

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

Bill Zenke

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Substantive

AMENDMENTS TO ASSEMBLY BILL NO. 2089

Amendment 1

In the title, in line 1, strike out "3006" and insert:

3019.5

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 3019.5 of the Elections Code is amended to read:

3019.5. (a) A county elections official shall establish a free access system that allows a vote by mail voter to learn if his or her vote by mail ballot was counted and, if not, the reason why the ballot was not counted. For each election, the elections official shall make the free access system available to a vote by mail voter upon completion of the official canvass and for 30 days after completion of the official canvas.

(b) For purposes of establishing the free access system for vote by mail ballots required by subdivision (a), a county elections official may use the free access system for provisional ballots established by the county pursuant to Section 302 of the federal Help America Vote Act of 2002 (52 U.S.C. Sec. 21082).

(c) If a county elections official elects not to mail a sample ballot to a voter pursuant to Section 13305, the elections official shall use any savings achieved to offset the costs associated with establishing the free access system for vote by mail ballots required by subdivision (a).

(d) In addition to establishing a free access system pursuant to subdivision (a), a county elections official shall notify a voter if his or her vote by mail ballot was not counted.

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

Amendment 3

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

AMENDMENTS TO ASSEMBLY BILL NO. 2094

Amendment 1

In the title, in line 1, strike out "8603 of" and insert:

39719 of the Health and Safety Code, and to add Section 7202.1 to

Amendment 2

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

transportation, and making an appropriation therefor.

Amendment 3

On page 1, before line 1, insert:

SECTION 1. The Legislature finds and declares that this act complies with Section 2 of Article XIX A of the California Constitution, and that:

(a) Subdivision (e) of Section 2 of Article XIX A of the California Constitution prohibits loans from the Retail Sales Tax Fund, but does not prohibit transfers or diversions from the Retail Sales Tax Fund.

(b) Pursuant to subdivision (f) of Section 2 of Article XIX A of the California Constitution, the percentage of the sales and use tax imposed pursuant to Section 7202 of the Revenue and Taxation Code allocated to local transportation funds pursuant to this act remains identical to the percentage that was transmitted to those funds during the 2008 calendar year.

SEC. 2. Section 39719 of the Health and Safety Code is amended to read:

39719. (a) The Legislature shall appropriate the annual proceeds of the fund for the purpose of reducing greenhouse gas emissions in this state in accordance with the requirements of Section 39712.

(b) To carry out a portion of the requirements of subdivision (a), annual proceeds are continuously appropriated for the following:

(1) Beginning in the 2015–16 fiscal year, and notwithstanding Section 13340 of the Government Code, 35 percent of annual proceeds are continuously appropriated, without regard to fiscal years, for transit, affordable housing, and sustainable communities programs as following:

(A) Ten percent of the annual proceeds of the fund is hereby continuously appropriated to the Transportation Agency for the Transit and Intercity Rail Capital Program created by Part 2 (commencing with Section 75220) of Division 44 of the Public Resources Code.

(B) Five percent of the annual proceeds of the fund is hereby continuously appropriated to the Low Carbon Transit Operations Program created by Part 3 (commencing with Section 75230) of Division 44 of the Public Resources Code. Funds shall be allocated by the Controller, according to requirements of the program, and

pursuant to the distribution formula in subdivision (b) or (c) of Section 99312 of, and Sections 99313 and 99314 of, the Public Utilities Code.

(C) Twenty percent of the annual proceeds of the fund is hereby continuously appropriated to the Strategic Growth Council for the Affordable Housing and Sustainable Communities Program created by Part 1 (commencing with Section 75200) of Division 44 of the Public Resources Code. Of the amount appropriated in this subparagraph, no less than 10 percent of the annual proceeds, shall be expended for affordable housing, consistent with the provisions of that program.

(2) Beginning in the 2015–16 fiscal year, notwithstanding Section 13340 of the Government Code, 25 percent of the annual proceeds of the fund is hereby continuously appropriated to the High-Speed Rail Authority for the following components of the initial operating segment and Phase I Blended System as described in the 2012 business plan adopted pursuant to Section 185033 of the Public Utilities Code:

(A) Acquisition and construction costs of the project.

(B) Environmental review and design costs of the project.

(C) Other capital costs of the project.

(D) Repayment of any loans made to the authority to fund the project.

(c) Beginning in the 2016–17 fiscal year, one billion dollars ($1,000,000,000) of the annual proceeds of the fund shall be transferred to the Retail Sales Tax Fund if both of the following conditions are met:

(1) The remaining annual proceeds of the fund, after the appropriations in paragraphs (1) and (2) of subdivision (b), equal or exceed one billion dollars ($1,000,000,000).

(2) The amount of revenue collected by the State Board of Equalization for allocation to local transportation funds pursuant to Section 29530 of the Government Code in the applicable fiscal year equals or exceeds one billion dollars ($1,000,000,000).

~~(c)~~

(d) In determining the amount of annual proceeds of the fund for purposes of the calculation in subdivision (b), the funds subject to Section 39719.1 shall not be included.

SEC. 3. Section 7202.1 is added to the Revenue and Taxation Code, to read:

7202.1. (a) In any fiscal year in which funds are transferred to the Retail Sales Tax Fund pursuant to subdivision (c) of Section 39719 of the Health and Safety Code, one billion dollars ($1,000,000,000) of the annual proceeds of the Retail Sales Tax Fund is hereby continuously appropriated, notwithstanding Section 7204 or Section 13340 of the Government Code and without regard to fiscal years, as follows:

(1) Fifty percent to the Department of Transportation for maintenance of the state highway system, or for projects contained in the State Highway Operation and Protection Program prepared pursuant to Section 14526.5 of the Government Code.

(2) Fifty percent to the Controller, for apportionment to cities and counties for local street and road purposes pursuant to the formula contained in subparagraph (C) of paragraph (3) of subdivision (a) of Section 2103 of the Streets and Highways Code.

(b) Funds that are transferred to the Retail Sales Tax Fund pursuant to subdivision (c) of Section 39719 of the Health and Safety Code shall be considered part of the revenues allocated to local transportation funds pursuant to Section 29530 of the Government Code.

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

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