

AMENDMENTS TO ASSEMBLY BILL NO. 2095

Amendment 1

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

Medi-Cal.

Amendment 2

On page 1, before line 1, insert:

SECTION 1. The Legislative Analyst's Office shall conduct or cause to be conducted a study comparing the purchase or administration of brand name prescription medications through the Medi-Cal program to the purchase or administration of biosimilars through the Medi-Cal program. The study shall cover the 2013-14 and 2014-15 fiscal years and shall be completed on or before January 1, 2018. The study shall breakdown the information by the age, ethnicity, and gender of the Medi-Cal recipients who purchase those medications or to whom the medications are administered.

Amendment 3

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



AMENDMENTS TO ASSEMBLY BILL NO. 2097

Amendment 1

In the title, in line 1, strike out "52372 of" and insert:

56601 of, and to add Section 49076.7 to,

Amendment 2

In the title, strike out line 2 and insert:

pupil records.

Amendment 3

On page 1, before line 1, insert:

SECTION 1. Section 49076.7 is added to the Education Code, to read:
49076.7. (a) The Legislature finds and declares both of the following:

(1) Pupil data privacy is a priority because pupils are at risk for identity theft when providing their social security numbers.

(2) A technical brief titled "Data Stewardship: Managing Personally Identifiable Information in Electronic Student Education Records" published by the United States Department of Education states that social security numbers are the single most misused piece of information by criminals perpetrating identity thefts.

(b) A school district shall not collect or solicit social security numbers or the last four digits of social security numbers from pupils or their parents or guardians unless otherwise required to do so by state or federal law.

(c) The department may additionally prohibit the collection and solicitation of other personally identifiable information, as recommended by the Superintendent and approved by the state board.

SEC. 2. Section 56601 of the Education Code is amended to read:

56601. (a) Each special education local plan area shall submit to the superintendent at least annually information, in a form and manner prescribed by the superintendent and developed in consultation with the special education local plan areas, in order for the superintendent to carry out the evaluation responsibilities pursuant to Section 56602. This information shall include other statistical data, program information, and fiscal information that the superintendent may require. The superintendent shall use this information to answer questions from the Legislature and other state and federal agencies on program, policy, and fiscal issues of statewide interest.

(b) In order to assist the state in evaluating the effectiveness of special education programs, including transition and work experience programs, the superintendent is authorized to collect and utilize social security numbers of individuals with exceptional needs as pupil identification numbers beginning in the 1993-94 fiscal year and phased in over a two-year period. In a situation where a social security number is not available,



~~the superintendent shall assign another~~ shall, commencing with the 2017-18 fiscal year and phased in over a two-year period, assign a student identification number to individuals with exceptional needs for purposes of evaluating special education programs and related services. The superintendent shall not disclose personally identifiable, individual pupil records to any person, institution, agency, or organization except as authorized by Section 1232g of Title 20 of the United States Code and Part 99 of Title 34 of the Code of Federal Regulations.

Amendment 4

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

AMENDMENTS TO ASSEMBLY BILL NO. 2100

Amendment 1

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

to add and repeal Section 718 to the Public Utilities Code,

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 718 is added to the Public Utilities Code, to read:

718. (a) The Legislature finds and declares that as a result of increased investments from public utilities, including Southern California Edison Company's twelve billion dollar (\$12,000,000,000) investment over three years to modernize the electric distribution grid, Pacific Gas and Electric Company's six hundred fifty-four million dollar (\$654,000,000) proposal in 2015 to build 25,100 electric vehicle charging stations, and San Diego Gas and Electric Company's vehicle grid integration program, which will spend forty-five million dollars (\$45,000,000) to deploy 3,500 electric vehicle charging stations, there is significant public interest in ensuring that substantial utility investments made with ratepayer moneys are spent in a responsible manner and encourage the use of modern, low-cost renewable technologies while ensuring local safety and grid reliability.

(b) It is the intent of the Legislature to promote the proliferation and adoption of 21st century infrastructure, including, but not limited to, electric vehicle charging stations, renewable energy generation facilities, distributed energy resources, smart grid technologies and services, microgrids, and demand response programs.

(c) In order to promote the proliferation and adoption of 21st century infrastructure, the commission, the Energy Commission, the Independent System Operator, and the State Air Resources Board shall review and evaluate their policies and plans for the expansion of 21st century infrastructure, and shall do all of the following:

(1) Develop an interagency permitting committee to institute reforms and modernize infrastructure permitting and reviews.

(2) Strengthen dispute resolution mechanisms to quickly resolve conflicts and ensure that interagency disputes do not delay projects that are consistent with existing state policy priorities.

(3) Identify duplicative, burdensome, or unnecessary requirements, permits, or processes and evaluate whether they can be minimized or eliminated in a manner that would not jeopardize safety or grid reliability.

(d) 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.



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Substantive

Amendment 3

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

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AMENDMENTS TO ASSEMBLY BILL NO. 2103

Amendment 1

In the title, in line 1, strike out "827 of the Welfare and Institutions" and insert:
49077 of the Education

Amendment 2

In the title, in line 2, strike out "juveniles." and insert:
pupil records.

Amendment 3

On page 1, before line 1, insert:

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

- (1) The state has a compelling interest in protecting the welfare of its children.
- (2) Under Section 13 of Article V of the California Constitution, the Attorney General has the duty and broad authority to ensure that the laws of the state are uniformly and adequately enforced for the protection of public rights and interests.
- (3) The Attorney General is the chief law officer of the state and head of the Department of Justice.
- (4) The Attorney General possesses *parens patriae* standing to bring legal actions for violations of any laws that affect the health and welfare of the state's citizens.
- (5) Absent a legislative restriction, the Attorney General may file any civil action or proceeding directly involving the rights and interests of the state, or which is deemed necessary for the enforcement of the laws of the state, the preservation of order, and the protection of public rights and interests.
- (6) The Bureau of Children's Justice is a section within the Department of Justice, created to ensure that state laws and regulations enacted to protect children are consistently and effectively enforced.
- (7) The mission of the Bureau of Children's Justice is to protect the rights of children and focus the attention and resources of law enforcement and policymakers on the importance of safeguarding every child so they can meet their full potential.
- (8) The Bureau of Children's Justice utilizes the Department of Justice's criminal and civil law enforcement powers to oversee and monitor laws that affect children, including education, civil rights, consumer protection, nonprofit charities, child welfare, privacy and identity fraud, and fraud.
- (9) The Attorney General's jurisdiction to enforce state laws relating to children is concurrent to and independent from the jurisdiction of other state agencies that oversee and monitor laws that affect the health, education, and welfare of the state's children.
- (10) The Family Educational Rights and Privacy Act (20 U.S.C. Sec. 1232g) is a federal law that protects the privacy of pupil educational records.



(11) The United States Department of Education has implemented regulations pursuant to the federal Family Educational Rights and Privacy Act. Section 99.31(a)(9) of Title 34 of the Code of Federal Regulations sets forth conditions when disclosure to comply with a judicial order or lawfully issued subpoena is required but does not require an educational agency or institution to make a reasonable effort to notify the parent or eligible pupil of the order or subpoena in advance of compliance where the disclosure is in compliance with (A) a federal grand jury subpoena and the court has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed or (B) any other subpoena issued for a law enforcement purpose and the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed.

(12) Article 5 (commencing with Section 49073) of Chapter 6.5 of Part 27 of Division 4 of Title 2 of the Education Code provides for the privacy protection of pupil records.

(13) Section 49077 of the Education Code sets forth conditions for disclosure of pupil information in compliance with a court order or lawfully issued subpoena and requires a school district to make a reasonable effort to notify the parent or legal guardian and the pupil in advance of compliance with a lawfully issued subpoena and, in the case of compliance with a court order, if lawfully possible within the requirements of the order.

(14) The conditions for disclosure of pupil information in compliance with a lawfully issued subpoena set forth in the Education Code are not consistent with the federal Family Educational Rights and Privacy Act and its implementing regulations.

(b) Therefore, it is the intent of the Legislature to amend California state law to be consistent with federal law and regulations and the above findings and declarations.

SEC. 2. Section 49077 of the Education Code is amended to read:

49077. (a) Information concerning a ~~student~~ pupil shall be furnished in compliance with a court order or a lawfully issued subpoena. ~~The school district educational agency or institution~~ shall make a reasonable effort to notify the parent or legal guardian and the pupil in advance of compliance with a lawfully issued subpoena and, in the case of compliance with a court order, if lawfully possible within the requirements of the order.

(b) Consistent with Section 99.31(a)(9)(ii) of Title 34 of the Code of Federal Regulations, the notification required pursuant to subdivision (a) shall not apply if the disclosure is in compliance with either of the following:

(1) A subpoena issued by a grand jury and the court has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed.

(2) Any other subpoena issued for a law enforcement purpose and the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because this act implements a federal law or regulation and results only in costs mandated by the federal government, within the meaning of Section 17556 of the Government Code.

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Substantive

Amendment 4

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

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AMENDMENTS TO ASSEMBLY BILL NO. 2104

Amendment 1

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

An act to amend Section 15432 of the Government Code, and to amend Sections 129005, 129010, 129020, 129090, and 129173 of the Health and Safety Code, relating to health facilities, and making an appropriation therefor.

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 15432 of the Government Code is amended to read:
15432. As used in this part, the following words and terms shall have the following meanings, unless the context clearly indicates or requires another or different meaning or intent:

(a) "Act" means the California Health Facilities Financing Authority Act.

(b) "Authority" means the California Health Facilities Financing Authority created by this part or any board, body, commission, department, or officer succeeding to the principal functions thereof or to which the powers conferred upon the authority by this part shall be given by law.

(c) "Cost," as applied to a project or portion of a project financed under this part, means and includes all or any part of the cost of construction and acquisition of all lands, structures, real or personal property, rights, rights-of-way, franchises, easements, and interests acquired or used for a project, the cost of demolishing or removing any buildings or structures on land so acquired, including the cost of acquiring any lands to which those buildings or structures may be moved, the cost of all machinery and equipment, financing charges, interest prior to, during, and for a period not to exceed the later of one year or one year following completion of construction, as determined by the authority, the cost of insurance during construction, the cost of funding or financing noncapital expenses, reserves for principal and interest and for extensions, enlargements, additions, replacements, renovations and improvements, the cost of engineering, service contracts, reasonable financial and legal services, plans, specifications, studies, surveys, estimates, administrative expenses, and other expenses of funding or financing, that are necessary or incident to determining the feasibility of constructing any project, or that are incident to the construction, acquisition, or financing of any project.

(d) "Health facility" means a facility, place, or building that is licensed, accredited, or certified and organized, maintained, and operated for the diagnosis, care, prevention, and treatment of human illness, or physical, mental, or developmental disability, including convalescence and rehabilitation and including care during and after pregnancy, or for any one or more of these purposes, for one or more persons, and includes, but is not limited to, all of the following types:

(1) A general acute care hospital that is a health facility having a duly constituted governing body with overall administrative and professional responsibility and an



organized medical staff that provides 24-hour inpatient care, including the following basic services: medical, nursing, surgical, anesthesia, laboratory, radiology, pharmacy, and dietary services.

(2) An acute psychiatric hospital that is a health facility having a duly constituted governing body with overall administrative and professional responsibility and an organized medical staff that provides 24-hour inpatient care for mentally disordered, incompetent, or other patients referred to in Division 5 (commencing with Section 5000) or Division 6 (commencing with Section 6000) of the Welfare and Institutions Code, including the following basic services: medical, nursing, rehabilitative, pharmacy, and dietary services.

(3) A skilled nursing facility that is a health facility that provides the following basic services: skilled nursing care and supportive care to patients whose primary need is for availability or skilled nursing care on an extended basis.

(4) An intermediate care facility that is a health facility that provides the following basic services: inpatient care to ambulatory or semiambulatory patients who have recurring need for skilled nursing supervision and need supportive care, but who do not require availability or continuous skilled nursing care.

(5) A special health care facility that is a health facility having a duly constituted governing body with overall administrative and professional responsibility and an organized medical or dental staff that provides inpatient or outpatient, acute or nonacute care, including, but not limited to, medical, nursing, rehabilitation, dental, or maternity.

(6) A clinic that is operated by a tax-exempt nonprofit corporation that is licensed pursuant to Section 1204 or 1204.1 of the Health and Safety Code or a clinic exempt from licensure pursuant to subdivision (b) or (c) of Section 1206 of the Health and Safety Code.

(7) An adult day health center that is a facility, as defined under subdivision (b) of Section 1570.7 of the Health and Safety Code, that provides adult day health care, as defined under subdivision (a) of Section 1570.7 of the Health and Safety Code.

(8) A facility owned or operated by a local jurisdiction for the provision of county health services.

(9) A multilevel facility is an institutional arrangement where a residential facility for the elderly is operated as a part of, or in conjunction with, an intermediate care facility, a skilled nursing facility, or a general acute care hospital. "Elderly," for the purposes of this paragraph, means a person 62 years of age or older.

(10) A child day care facility operated in conjunction with a health facility. A child day care facility is a facility, as defined in Section 1596.750 of the Health and Safety Code. For purposes of this paragraph, "child" means a minor from birth to 18 years of age.

(11) An intermediate care facility/developmentally disabled habilitative that is a health facility, as defined under subdivision (e) of Section 1250 of the Health and Safety Code.

(12) An intermediate care facility/developmentally disabled-nursing that is a health facility, as defined under subdivision (h) of Section 1250 of the Health and Safety Code.

(13) A community care facility that is a facility, as defined under subdivision (a) of Section 1502 of the Health and Safety Code, that provides care, habilitation,

rehabilitation, or treatment services to developmentally disabled or mentally impaired persons.

(14) A nonprofit community care facility, as defined in subdivision (a) of Section 1502 of the Health and Safety Code, other than a facility that, as defined in that subdivision, is a residential facility for the elderly, a foster family agency, a foster family home, a full service adoption agency, or a noncustodial adoption agency.

(15) A nonprofit accredited community work activity program, as specified in subdivision (e) of Section 4851 and Section 4856 of the Welfare and Institutions Code.

(16) A community mental health center, as defined in paragraph (3) of subdivision (b) of Section 5667 of the Welfare and Institutions Code.

(17) A nonprofit speech and hearing center, as defined in Section 1201.5 of the Health and Safety Code.

(18) A blood bank, as defined in Section 1600.2 of the Health and Safety Code, licensed pursuant to Section 1602.5 of the Health and Safety Code, and exempt from federal income taxation pursuant to Section 501(c)(3) of the Internal Revenue Code.

(19) A residential facility for persons with developmental disabilities, as defined in Sections 4688.5 and 4688.6 of the Welfare and Institutions Code, which includes, but is not limited to, a community care facility licensed pursuant to Section 1502 of the Health and Safety Code and a family teaching home as defined in Section 4689.1 of the Welfare and Institutions Code.

(20) A nonpublic school that provides educational services in conjunction with a health facility, as defined in paragraphs (1) to (19), inclusive, that otherwise qualifies for financing pursuant to this part, if the nonpublic school is certified pursuant to Sections 56366 and 56366.1 of the Education Code as meeting standards relating to the required special education and specified related services and facilities for individuals with physical, mental, or developmental disabilities.

"Health facility" includes a clinic that is described in subdivision (I) of Section 1206 of the Health and Safety Code.

"Health facility" includes information systems equipment and the following facilities, if the equipment and facility is operated in conjunction with or to support the services provided in one or more of the facilities specified in paragraphs (1) to (20), inclusive, of this subdivision: a laboratory, laundry, a nurses or interns residence, housing for staff or employees and their families or patients or relatives of patients, a physicians' facility, an administration building, a research facility, a maintenance, storage, or utility facility, an information systems facility, all structures or facilities related to any of the foregoing facilities or required or useful for the operation of a health facility and the necessary and usual attendant and related facilities and equipment, and parking and supportive service facilities or structures required or useful for the orderly conduct of the health facility.

"Health facility" does not include any institution, place, or building used or to be used primarily for sectarian instruction or study or as a place for devotional activities or religious worship.

(e) "Participating health institution" means a city, city and county, or county, a district hospital, or a private nonprofit corporation or association, or a limited liability company whose sole member is a nonprofit corporation or association authorized by the laws of this state to provide or operate a health facility or a nonprofit corporation that controls or manages, is controlled or managed by, is under common control or

management with, or is affiliated with any of the foregoing, or a for-profit corporation or association when at least 60 percent of its patients are Medi-Cal beneficiaries, and that, pursuant to this part, undertakes the financing or refinancing of the construction or acquisition of a project or of working capital as provided in this part. "Participating health institution" also includes, for purposes of the California Health Facilities Revenue Bonds (UCSF-Stanford Health Care) 1998 Series A, the Regents of the University of California.

(f) "Project" means construction, expansion, remodeling, renovation, furnishing, or equipping, or funding, financing, or refinancing of a health facility or acquisition of a health facility to be financed or refinanced with funds provided in whole or in part pursuant to this part. "Project" may include reimbursement for the costs of construction, expansion, remodeling, renovation, furnishing, or equipping, or funding, financing, or refinancing of a health facility or acquisition of a health facility. "Project" may include any combination of one or more of the foregoing undertaken jointly by any participating health institution with one or more other participating health institutions.

(g) "Revenue bond" or "bond" means a bond, warrant, note, lease, or installment sale obligation that is evidenced by a certificate of participation or other evidence of indebtedness issued by the authority.

(h) "Working capital" means moneys to be used by, or on behalf of, a participating health institution to pay or prepay maintenance or operation expenses or any other costs that would be treated as an expense item, under generally accepted accounting principles, in connection with the ownership or operation of a health facility, including, but not limited to, reserves for maintenance or operation expenses, interest for not to exceed one year on any loan for working capital made pursuant to this part, and reserves for debt service with respect to, and any costs necessary or incidental to, that financing.

SEC. 2. Section 129005 of the Health and Safety Code is amended to read:

129005. The purpose of this chapter is to provide, without cost to the state, an insurance program for health facility construction, improvement, and expansion loans in order to stimulate the flow of private capital into health facilities construction, improvement, and expansion and in order to rationally meet the need for new, ~~expanded~~ expanded, and modernized ~~public~~ public, eligible for-profit, and nonprofit health facilities necessary to protect the health of all the people of this state. The provisions of this chapter are to be liberally construed to achieve this purpose.

SEC. 3. Section 129010 of the Health and Safety Code is amended to read:

129010. Unless the context otherwise requires, the definitions in this section govern the construction of this chapter and of Section 32127.2.

(a) "Bondholder" means the legal owner of a bond or other evidence of indebtedness issued by a political subdivision or a nonprofit corporation.

(b) "Borrower" means a political subdivision or nonprofit corporation that has secured or intends to secure a loan for the construction of a health facility.

(c) "Construction, improvement, or expansion" or "construction, improvement, and expansion" includes construction of new buildings, expansion, modernization, renovation, remodeling and alteration of existing buildings, acquisition of existing buildings or health facilities, and initial or additional equipping of any of these buildings.

In connection therewith, "construction, improvement, or expansion" or "construction, improvement, and expansion" includes the cost of construction or

acquisition of all structures, including parking facilities, real or personal property, rights, rights-of-way, the cost of demolishing or removing any buildings or structures on land so acquired, including the cost of acquiring any land where the buildings or structures may be moved, the cost of all machinery and equipment, financing charges, interest (prior to, ~~during~~ during, and for a period after completion of the construction), provisions for working capital, reserves for principal and interest and for extensions, enlargements, additions, replacements, renovations and improvements, cost of engineering, financial and legal services, plans, specifications, studies, surveys, estimates of cost and of revenues, administrative expenses, expenses necessary or incident to determining the feasibility or practicability of constructing or incident to the construction; or the financing of the construction or acquisition.

(d) "Committee" means the Advisory Loan Insurance Committee.

(e) "Debenture" means any form of written evidence of indebtedness issued by the State Treasurer pursuant to this chapter, as authorized by Section 4 of Article XVI of the California Constitution.

(f) "Fund" means the Health Facility Construction Loan Insurance Fund.

(g) "Health facility" means any facility providing or designed to provide services for the acute, convalescent, and chronically ill and impaired, including, but not limited to, public health centers, community mental health centers, facilities for the developmentally disabled, nonprofit community care facilities that provide care, habilitation, rehabilitation or treatment to developmentally disabled persons, facilities for the treatment of chemical dependency, including a community care facility, licensed pursuant to Chapter 3 (commencing with Section 1500) of Division 2, a clinic, as defined pursuant to Chapter 1 (commencing with Section 1200) of Division 2, an alcoholism recovery facility, defined pursuant to former Section 11834.11, and a structure located adjacent or attached to another type of health facility and that is used for storage of materials used in the treatment of chemical dependency, and general tuberculosis, mental, and other types of hospitals and related facilities, such as laboratories, outpatient departments, extended care, nurses' home and training facilities, offices and central service facilities operated in connection with hospitals, diagnostic or treatment centers, extended care facilities, nursing homes, and rehabilitation facilities. "Health facility" also means an adult day health center and a multilevel facility. Except for facilities for the developmentally disabled, facilities for the treatment of chemical dependency, or a multilevel facility, or as otherwise provided in this subdivision, "health facility" does not include any institution furnishing primarily domiciliary care.

"Health facility" also means accredited nonprofit work activity programs as defined in subdivision (e) of Section ~~19352 and Section 19355~~ 4851 of the Welfare and Institutions Code, and nonprofit community care facilities as defined in Section 1502, excluding foster family homes, foster family agencies, adoption agencies, and residential care facilities for the elderly.

Unless the context dictates otherwise, "health facility" includes a political subdivision of the state or nonprofit corporation that operates a facility included within the definition set forth in this subdivision.

Unless the context dictates otherwise, "health facility" includes a for-profit corporation when at least 60 percent of its patients are Medi-Cal beneficiaries and that operates a facility included within the definition set forth in this subdivision.

(h) "Office" means the Office of Statewide Health Planning and Development.

(i) "Lender" means the provider of a loan and its successors and assigns.

(j) "Loan" means money or credit advanced for the costs of construction or expansion of the health facility, and includes both initial loans and loans secured upon refinancing and may include both interim, or short-term loans, and long-term loans. A duly authorized bond or bond issue, or an installment sale agreement, may constitute a "loan."

(k) "Maturity date" means the date that the loan indebtedness would be extinguished if paid in accordance with periodic payments provided for by the terms of the loan.

(l) "Mortgage" means a first mortgage on real estate. "Mortgage" includes a first deed of trust.

(m) "Mortgagee" includes a lender whose loan is secured by a mortgage. "Mortgagee" includes a beneficiary of a deed of trust.

(n) "Mortgagor" includes a borrower, a loan to whom is secured by a mortgage, and the trustor of a deed of trust.

(o) "Nonprofit corporation" means any corporation formed under or subject to the Nonprofit Public Benefit Corporation Law (Part 2 (commencing with Section 5110) of Division 2 of Title 1 of the Corporations Code) that is organized for the purpose of owning and operating a health facility and that also meets the requirements of Section 501(c)(3) of the Internal Revenue Code.

(p) "Political subdivision" means any city, county, joint powers entity, local hospital district, or the California Health Facilities Authority.

(q) "Project property" means the real property where the health facility is, or is to be, constructed, improved, or expanded, and also means the health facility and the initial equipment in that health facility.

(r) "Public health facility" means any health facility that is or will be constructed for and operated and maintained by any city, county, or local hospital district.

(s) "Adult day health center" means a facility defined under subdivision (b) of Section 1570.7, that provides adult day health care, as defined under subdivision (a) of Section 1570.7.

(t) "Multilevel facility" means an institutional arrangement where a residential facility for the elderly is operated as a part of, or in conjunction with, an intermediate care facility, a skilled nursing facility, or a general acute care hospital. "Elderly," for the purposes of this subdivision, means a person 60 years of age or older.

(u) "State plan" means the plan described in Section 129020.

SEC. 4. Section 129020 of the Health and Safety Code is amended to read:

129020. (a) The office shall implement the loan insurance program for the construction, improvement, and expansion of ~~public~~ public, eligible for-profit, and nonprofit corporation health facilities so that, in conjunction with all other existing facilities, the necessary physical facilities for furnishing adequate health facility services will be available to all the people of the state.

~~Every~~

(b) Every odd-numbered year the office shall develop a state plan for use under this chapter. The plan shall include an overview of the changes in the health care industry, an overview of the financial status of the fund and the loan insurance program implemented by the office, a statement of the guiding principles of the loan insurance program, an evaluation of the program's success in meeting its mission as outlined in

Section 129005, a discussion of administrative, procedural, or statutory changes that may be needed to improve management of program risks or to ensure the program effectively addresses the health needs of Californians, and the priority needs to be addressed by the loan insurance program.

~~The~~

(c) The health facility construction loan insurance program shall provide for health facility distribution throughout the state in a manner that will make all types of health facility services reasonably accessible to all persons in the state according to the state plan.

SEC. 5. Section 129090 of the Health and Safety Code is amended to read:

129090. (a) Pursuant to this chapter, ~~political subdivisions~~ subdivisions, eligible for-profit corporations, and nonprofit corporations may apply for state insurance of needed construction, improvement, or expansion loans for construction, remodeling, or acquisition of health facilities to be or already owned, established, and operated by them as provided in this chapter. Applications shall be submitted to the office by the ~~nonprofit corporation~~ corporation, eligible for-profit corporation, or political subdivision authorized to construct and operate a health facility. ~~Each~~

(b) Each application shall conform to the requirements of the office, shall be submitted in the manner and form prescribed by the office, and shall be accompanied by an application fee of one-half of 1 percent of the amount of the loan applied for, but in no case shall the application fee exceed five hundred dollars (\$500). The fees shall be deposited by the office in the fund and used to defray the office's expenditures in the administration of this chapter.

SEC. 6. Section 129173 of the Health and Safety Code is amended to read:

129173. (a) In fulfilling the purposes of this article, as set forth in Section 129005, and upon making a determination that the financial status of a borrower may jeopardize a borrower's ability to fulfill its obligations under any insured loan transaction so as to threaten the economic interest of the office in the borrower or to jeopardize the borrower's ability to continue to provide needed health care services in its community, including, but not limited to, a declaration of default under any contract related to the transaction, the borrower missing any payment to its lender, or the borrower's accounts payable exceeding three months, the office may assume or direct managerial or financial control of the borrower in any or all of the following ways:

(1) The office may supervise and prescribe the activities of the borrower in the manner and under the terms and conditions as the office may stipulate in any contract with the borrower.

(2) Notwithstanding the provisions of the articles of incorporation or other documents of organization of a nonprofit corporation borrower, this control may be exercised through the removal and appointment by the office of members of the governing body of the borrower sufficient so that the new members constitute a voting majority of the governing body.

(3) In the event the borrower is a ~~nonprofit corporation~~ corporation, an eligible for-profit corporation, or a political subdivision, the office may request the Secretary of the California Health and Human Services Agency to appoint a trustee. The trustee shall have full and complete authority of the borrower over the insured project, including all property on which the office holds a security interest. ~~No A trustee shall not be~~ appointed unless approved by the office. A trustee appointed by the secretary pursuant

to this subdivision may exercise all the powers of the officers and directors of the borrower, including the filing of a petition for bankruptcy. ~~No An~~ action at law or in equity ~~may shall not~~ be maintained by any party against the office or a trustee by reason of their exercising the powers of the officers and directors of a borrower pursuant to the direction of, or with the approval of, the secretary.

(4) The office may institute any action or proceeding, or the office may request the Attorney General to institute any action or proceeding against any borrower, to obtain injunctive or other equitable relief, including the appointment of a receiver for the borrower or the borrower's assets, in the superior court in and for the county in which the assets or a substantial portion of the assets are located. The proceeding under this section for injunctive relief shall conform with the requirements of Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of the Code of Civil Procedure, except that the office shall not be required to allege facts necessary to show lack of adequate remedy at law, or to show irreparable loss or damage. Injunctive relief may compel the borrower, its officers, agents, or employees to perform each and every provision contained in any regulatory agreement, contract of insurance, or any other loan closing document to which the borrower is a party, or any obligation imposed on the borrower by law, and require the carrying out of any and all covenants and agreements and the fulfillment of all duties imposed on the borrower by law or those documents.

A receiver may be appointed pursuant to Chapter 5 (commencing with Section 564) of Title 7 of Part 2 of the Code of Civil Procedure. In cooperation with the Attorney General, the office shall develop and maintain a list of receivers who have demonstrated experience both in the health care field and as a receiver. Upon a proper showing, the court shall grant the relief provided by law and requested by the office or the Attorney General. No receiver shall be appointed unless approved by the office. The office shall establish reporting requirements for receivers to ensure that the office is fully apprised of all costs incurred and progress made by the receiver. A receiver appointed by the superior court pursuant to this subdivision and Section 564 of the Code of Civil Procedure may, with the approval of the court, exercise all of the powers of the officers and directors of the borrower, including the filing of a petition for bankruptcy. ~~No An~~ action at law or in equity ~~may shall not~~ be maintained by any party against the office, the Attorney General, or a receiver by reason of their exercising the powers of the officers and directors of a borrower pursuant to the order of, or with the approval of, the superior court.

(5) The borrower shall inform the office in advance of all meetings of its governing body. The borrower shall not exclude the office from attending any meeting of the borrower's governing body.

(b) Other than the loan insured under this chapter, the office shall not be liable for any debt of a borrower, or to a borrower, as a result of the office asserting its legal remedies against a borrower insured under this chapter.

(c) It is the intent of the Legislature that this section is remedial in nature, and is applicable retroactively to any health facility construction loans in existence at the time of its enactment, to the extent that the application of this section does not unlawfully impair existing contract rights.

09843

03/02/16 04:16 PM
RN 16 08653 PAGE 9
Substantive

Amendment 3

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

- 0 -

AMENDMENTS TO ASSEMBLY BILL NO. 2114

Amendment 1

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

prisoners, and making an appropriation therefor.

Amendment 2

On page 3, below line 2, insert:

SEC. 2. (a) The sum of one million five hundred thousand dollars (\$1,500,000) is hereby appropriated from the General Fund to the Department of Corrections and Rehabilitation for allocation in the manner, and for the purposes, described in subdivisions (b) and (c), respectively.

(b) The funds appropriated pursuant to subdivision (a) shall be allocated to each of the following five counties: Alameda, Coachella, Los Angeles, Monterey, and Santa Clara.

(c) Funds allocated pursuant to this section shall be used to create pilot programs in each county to provide reentry services and support to persons who are, or who are scheduled to be, released from a county jail. Each pilot program that receives funding pursuant to this section shall include all of the following components:

(1) Support services for recipients who are parents.

(2) A mentorship program that employs a culturally relevant, population-specific approach that has been employed by nonprofit organizations such as the National Compadres Network and the Brotherhood of Elders.

(3) The establishment of a collaborative body of training and technical advisors.

(4) The establishment of a Youth Advisory Council to help inform and guide program leaders.

(5) Leadership opportunities, particularly for youth.

(6) Services to address mental health issues, including mental health issues relating to sexual exploitation, racial and ethnic disparities, and trauma.

(7) An advisory committee in each county to oversee the establishment and implementation of the pilot program in the county.

(d) A pilot program shall be eligible to receive funding pursuant to this section only if the service providers meet all of the following criteria:

(1) Each provider has a proven track record of providing meaningful, culturally based programming, including the support of gender specific and gender fluid approaches.

(2) Each provider offers services that support culturally based family strengthening, character development, and community mobilization.

(3) Each provider offers services both before and after the recipient's release from a county jail.



19165

03/09/16 11:25 AM
RN 16 09332 PAGE 1
Substantive

AMENDMENT TO ASSEMBLY BILL NO. 2115

Amendment 1

On page 2, in line 36, strike out "Insurance" and insert:

Insurance, the State Department of Health Care Services,

- 0 -



RN1609332

Bill Referral Digest

BILL NUMBER: AB 2120

REFER TO:

U. & C.

AUTHOR: Weber

DATE REFERRED:

03/17/2016

RELATING TO: Public Utilities Commission: proceedings: intervenor fees: customers.

An act to amend Section 1802 of the Public Utilities Code, relating to public utilities.

LEGISLATIVE COUNSEL DIGEST

Under existing law, the Public Utilities Commission has broad regulatory authority pursuant to the California Constitution and the Public Utilities Act over public utilities, as defined. Existing law provides compensation for reasonable advocate's fees, reasonable expert witness fees, and other reasonable costs to public utility customers and representatives of customers for participation or intervention in formal proceedings of the commission involving electrical, gas, water, telegraph, and telephone public utilities, but does not provide that compensation for local government agencies.

This bill would make legislative findings and declarations relating to local educational agency involvement in commission proceedings. The bill would authorize compensation for participation or intervention in the proceedings described above for a county office of education, on behalf of any of the local educational agencies in whole or part within the county or on behalf of itself, or for a community college district.

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

AB 2120

AMENDMENTS TO ASSEMBLY BILL NO. 2124

Amendment 1

In the title, in line 1, strike out "amend Section 44260 of" and insert:
add Section 38087 to

Amendment 2

In the title, strike out line 2 and insert:
school facilities.

Amendment 3

On page 1, before line 1, insert:

SECTION 1. Section 38087 is added to the Education Code, to read:

38087. (a) The department shall establish, by regulation, a grant program for local educational agencies to install new water filler stations on school campuses.

(b) Grant recipients may use grant funds only to install new water filling stations on school campuses or to replace existing water fountains on school campuses with new water filling stations.

(c) For purposes of this section, "local educational agencies" include school districts, charter schools, and county offices of education.

(d) This section shall not be implemented unless funding is provided for its purposes in the annual Budget Act or another statute.

Amendment 4

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



Bill Referral Digest

BILL NUMBER: AB 2126

REFER TO:

TRANS.

AUTHOR: Mullin

DATE REFERRED:

03/17/2016

RELATING TO: Public contracts: Construction Manager/General Contractor contracts.

An act to amend Section 6701 of the Public Contract Code, relating to public contracts.

LEGISLATIVE COUNSEL DIGEST

Existing law authorizes the Department of Transportation to use the Construction Manager/General Contractor method on no more than 6 projects, and requires 4 out of the 6 projects to use department employees or consultants under contract with the department to perform all project design and engineering services, as specified. Existing law requires specified information provided to the department pursuant to these provisions to be verified under oath.

This bill would authorize the department to use this method on 12 projects and would require 8 out of the 12 projects to use department employees or consultants under contract with the department to perform all project design and engineering services. By expanding this authorization, the bill would expand the scope of the crime of perjury, thus imposing 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.

AB 2126

AMENDMENTS TO ASSEMBLY BILL NO. 2130

Amendment 1

On page 2, between lines 25 and 26, insert:

(5) The Broadband Build-Out Completion Account.

Amendment 2

On page 3, between lines 17 and 18, insert:

(e) Notwithstanding subdivision (d), on or after January 1, 2017, the commission may collect an additional sum not to exceed one hundred million dollars (\$100,000,000), for deposit in the Broadband Build-Out Completion Account. The commission may collect the additional sum beginning with the calendar year 2017 and continuing through the 2020 calendar year, in an amount not to exceed twenty-five million dollars (\$25,000,000) per year, unless the commission determines that collecting a higher amount in any year will not result in an increase in the total amount of all surcharges collected from telephone customers that year.

Amendment 3

On page 3, in line 18, strike out "(e)" and insert:

(f)

Amendment 4

On page 4, in line 29, strike out "(f)" and insert:

(g)

Amendment 5

On page 5, in line 1, strike out "(g)" and insert:

(h)

Amendment 6

On page 5, in line 6, strike out "(h)" and insert:

(i)



Amendment 7

On page 7, below line 7, insert:

(j) (1) Moneys in the Broadband Build-Out Completion Account shall be disbursed pursuant to a multiple-round, fair and open competitive bidding process for infrastructure projects to provide broadband access to unserved areas of California. The bidding process shall include all of the following:

(A) Criteria for determining eligible areas for Broadband Build-Out Completion Account funding by utilizing available information as to those areas that are unserved and that are not eligible for funding pursuant to Phase II of the Connect America Fund, because of the limitations in Section 54.310 of Title 47 of the Code of Federal Regulations, or similar programs distributing federal Connect America Fund support.

(B) Publicizing and making publicly available material program requirements in advance of the deadline for bid submission, including terms for the service commitments described in paragraph (2). Program requirements shall be technologically neutral.

(C) Establishing a reserve price for each eligible area after considering the model used for the distribution of Phase II of the Connect America Fund or similar programs for distributing federal Connect America Fund support.

(D) Awarding funds with the objective of serving the maximum number of unserved households. Bidders shall be allowed to determine the amount of capital and operating expenses to include in the bid and shall not be required to share this information with the commission.

(2) Recipients of Broadband Build-Out Completion Account support shall offer access to the Internet at speeds of at least 10 megabits per second (Mbps) downstream and 1 Mbps upstream and shall offer a voice service that meets all of the following requirements for the term specified by the commission:

(A) It provides voice grade access to the public switched telephone network or its replacement voice communications network.

(B) It enables real time, two-way voice communications.

(C) It provides the ability to call and connect to the local emergency telephone systems described in the Warren-911-Emergency Assistance Act (Article 6 (commencing with Section 53100) of Chapter 1 of Part 1 of Division 2 of Title 5 of the Government Code).

(3) The commission shall conduct a fair and open competitive bidding process and shall award funds from the Broadband Build-Out Completion Account no later than January 1, 2020.

(4) If funds remain in the Broadband Build-Out Completion Account after the first award of funds, the commission shall promptly conduct additional competitive bidding rounds to distribute the balance of available funds in the account.

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

26402

03/07/16 01:54 PM
RN 16 08760 PAGE 3
Substantive

the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

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AMENDMENTS TO ASSEMBLY BILL NO. 2133

Amendment 1

In the title, in line 1, strike out "amend Section 89000 of" and insert:

add Sections 8221.6 and 8221.7 to

Amendment 2

In the title, strike out line 2 and insert:

child care and development.

Amendment 3

On page 1, before line 1, insert:

SECTION 1. It is the intent of the Legislature to do all of the following:

(a) To ensure that parents eligible for child care subsidies through the alternative payment program, also known as the contractor, receive accurate and reliable information as to their eligibility for services and their right to choose the appropriate early education program for their child, and that eligible providers are able to care for subsidized children in accordance with state statute.

(b) To ensure that the providers of care receive appropriate referrals and accurate and timely payment for their services.

(c) To establish appeals processes to ensure that parents and providers have administrative remedies when they have reason to believe that a decision by an alternative payment program is incorrect.

SEC. 2. Section 8221.6 is added to the Education Code, to read:

8221.6. The department shall establish a two-step appeals process for parents who receive subsidies that includes a first step within the alternative payment program agency with the hearing officer being an administrative employee other than the employee who made the decision that is being appealed, and a second step within the department's early education and support division. The department's decision shall be final.

SEC. 3. Section 8221.7 is added to the Education Code, to read:

8221.7. The department shall establish a two-step appeals process for licensed and license-exempt family child care providers who receive subsidy payments through an alternative payment program. The first step shall be within the alternative payment program agency with the hearing officer being an administrative employee other than the employee who made the decision that is being appealed, and a second step within the department's early education and support division. The department's decision shall be final.



94260

03/07/16 08:40 PM
RN 16 08708 PAGE 2
Substantive

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

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AMENDMENTS TO ASSEMBLY BILL NO. 2144

Amendment 1

On page 5, in line 9, after the period insert:

The health facility shall require each patient to acknowledge in writing that the patient has received this information.

Amendment 2

On page 5, below line 15, insert:

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.

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AMENDMENTS TO ASSEMBLY BILL NO. 2167

Amendment 1

In the title, in line 1, strike out "90 of the Streets and Highways Code," strike out line 2 and insert:

22513.1 of the Vehicle Code, relating to vehicles.

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 22513.1 of the Vehicle Code is amended to read:

22513.1. (a) A business taking possession of a vehicle from a tow truck shall document the name, address, and telephone number of the towing company, the name and driver's license number of the tow truck operator, the make, model, and license plate or Vehicle Identification Number, and the date and time that possession was taken of the vehicle. If the vehicle was dropped off after hours, the business shall obtain the information from the towing company on the next business day.

(b) The information required in this section shall be maintained for three years and shall be available for inspection and copying within 48 hours of a written request by any officer or agent of a police department, sheriff's department, the Department of the California Highway Patrol, the Attorney General's office, the Bureau of Automotive Repair, a district attorney's office, or a city attorney's office.

(c) A person who willfully violates this section is guilty of a misdemeanor, and is punishable by a fine of not more than two thousand five hundred dollars (\$2,500), or by imprisonment in a county jail for not more than three months, or by both that fine and imprisonment.

Amendment 3

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



AMENDMENTS TO ASSEMBLY BILL NO. 2174

Amendment 1

In the title, in line 1, strike out "amend Section 130301 of" and insert:
add Section 103876 to

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 103876 is added to the Health and Safety Code, to read:
103876. (a) Prior to any researcher contacting a person whose name appears
on the Ken Maddy California Cancer Registry, for any purpose, the department shall
ensure that the person to be contacted has received notice of the following information:

(1) A description of the cancer registry, as provided in subdivisions (a) and (b)
of Section 103885.

(2) An explanation of how the department obtains all records that would identify
cases of cancer and the type of information collected by the department, as described
in subdivision (f) of Section 103885.

(3) The purpose for which the information obtained by the department is collected
and intended to be used, as described in subdivision (g) of Section 103885.

(4) The authority of the department to release confidential patient information
to any person with a valid scientific interest, other states' cancer registries, federal
cancer control agencies, local health officers, or health researchers, pursuant to
subdivision (g) of Section 103885.

(5) The discretion of a patient to refuse to participate in any research study and
to request that his or her contact information be withheld.

(6) The benefits of participating in cancer research, including, but not limited
to, the opportunity to contribute to the discovery of improved treatments and survival
rates for cancer patients.

(b) (1) All notifications to the patient required pursuant to this section shall be
distributed in a cost-effective manner, including, but not limited to, by email.

(2) All notifications pursuant to this section shall be at no cost to the person
receiving them.

(c) The department shall adopt regulations as it determines are necessary for the
implementation of this section in accordance with the Administrative Procedure Act
(Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 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. 2175

Amendment 1

In the title, in line 1, strike out "17010" and insert:

8352.6

Amendment 2

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

fuel taxes.

Amendment 3

On page 1, before line 1, insert:

SECTION 1. Section 8352.6 of the Revenue and Taxation Code is amended to read:

8352.6. (a) (1) Subject to Section 8352.1, and except as otherwise provided in ~~paragraphs (2) and (3), paragraph (2),~~ on the first day of every month, there shall be transferred from moneys deposited to the credit of the Motor Vehicle Fuel Account to the Off-Highway Vehicle Trust Fund created by Section 38225 of the Vehicle Code an amount attributable to taxes imposed upon distributions of motor vehicle fuel used in the operation of motor vehicles off highway and for which a refund has not been claimed. Transfers made pursuant to this section shall be made prior to transfers pursuant to Section 8352.2.

(2) Commencing July 1, 2012, the revenues attributable to the taxes imposed pursuant to subdivision (b) of Section 7360 and Section 7361.1 and otherwise to be deposited in the Off-Highway Vehicle Trust Fund pursuant to paragraph (1) shall instead be transferred to the General Fund. The revenues attributable to the taxes imposed pursuant to subdivision (b) of Section 7360 and Section 7361.1 that were deposited in the Off-Highway Vehicle Trust Fund in the 2010-11 and 2011-12 fiscal years shall be transferred to the General Fund.

~~(3) The Controller shall withhold eight hundred thirty-three thousand dollars (\$833,000) from the monthly transfer to the Off-Highway Vehicle Trust Fund pursuant to paragraph (1), and transfer that amount to the General Fund.~~

(b) The amount transferred to the Off-Highway Vehicle Trust Fund pursuant to paragraph (1) of subdivision (a), as a percentage of the Motor Vehicle Fuel Account, shall be equal to the percentage transferred in the 2006-07 fiscal year. Every five years, starting in the 2013-14 fiscal year, the percentage transferred may be adjusted by the Department of Transportation in cooperation with the Department of Parks and Recreation and the Department of Motor Vehicles. Adjustments shall be based on, but not limited to, the changes in the following factors since the 2006-07 fiscal year or the last adjustment, whichever is more recent:



(1) The number of vehicles registered as off-highway motor vehicles as required by Division 16.5 (commencing with Section 38000) of the Vehicle Code.

(2) The number of registered street-legal vehicles that are anticipated to be used off highway, including four-wheel drive vehicles, all-wheel drive vehicles, and dual-sport motorcycles.

(3) Attendance at the state vehicular recreation areas.

(4) Off-highway recreation use on federal lands as indicated by the United States Forest Service's National Visitor Use Monitoring and the United States Bureau of Land Management's Recreation Management Information System.

(c) It is the intent of the Legislature that transfers from the Motor Vehicle Fuel Account to the Off-Highway Vehicle Trust Fund should reflect the full range of motorized vehicle use off highway for both motorized recreation and motorized off-road access to other recreation opportunities. Therefore, the Legislature finds that the fuel tax baseline established in subdivision (b), attributable to off-highway estimates of use as of the 2006–07 fiscal year, accounts for the three categories of vehicles that have been found over the years to be users of fuel for off-highway motorized recreation or motorized access to nonmotorized recreational pursuits. These three categories are registered off-highway motorized vehicles, registered street-legal motorized vehicles used off highway, and unregistered off-highway motorized vehicles.

(d) It is the intent of the Legislature that the off-highway motor vehicle recreational use to be determined by the Department of Transportation pursuant to paragraph (2) of subdivision (b) be that usage by vehicles subject to registration under Division 3 (commencing with Section 4000) of the Vehicle Code, for recreation or the pursuit of recreation on surfaces where the use of vehicles registered under Division 16.5 (commencing with Section 38000) of the Vehicle Code may occur.

(e) In the 2014–15 fiscal year, the Department of Transportation, in consultation with the Department of Parks and Recreation and the Department of Motor Vehicles, shall undertake a study to determine the appropriate adjustment to the amount transferred pursuant to subdivision (b) and to update the estimate of the amount attributable to taxes imposed upon distributions of motor vehicle fuel used in the operation of motor vehicles off highway and for which a refund has not been claimed. The department shall provide a copy of this study to the Legislature no later than January 1, 2016.

Amendment 4

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

AMENDMENTS TO ASSEMBLY BILL NO. 2177

Amendment 1

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

to add Section 13835.9 to the Penal Code,

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 13835.9 is added to the Penal Code, to read:

13835.9. (a) The Office of Emergency Services shall seek the recommendation of the Victims of Crime Act Funding Advisory Committee, established by this section, regarding the distribution of funds received by the state pursuant to the federal Victims of Crime Act, also known as VOCA, before make a distribution, of any kind, of those funds.

(b) (1) The Victims of Crime Act Funding Advisory Committee is hereby established within the Office of Emergency Services and shall be composed of the following 17 members who are appointed by, and serve at the pleasure of, the Governor:

(A) One member who represents law enforcement.

(B) Eight members who have been a victim of a crime.

(C) Eight members who represent the interests of organizations that specialize in providing services to the victims of crime.

(2) The committee shall elect a chairperson from its membership.

(3) The members shall serve without compensation.

(4) The committee shall comply with the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code).

Amendment 3

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



AMENDMENTS TO ASSEMBLY BILL NO. 2185

Amendment 1

In the title, in line 1, strike out "amend Section 14400 of" and insert:
add Sections 31124 and 31125 to

Amendment 2

In the title, in line 2, strike out "conservation." and insert:
coastal resources.

Amendment 3

On page 1, before line 1, insert:

SECTION 1. Section 31124 is added to the Public Resources Code, to read:
31124. (a) The conservancy shall develop, subject to the availability of funding, a program to assist, by loan or grant, private low-cost coastal accommodations to meet their operation and maintenance needs in exchange for an easement or other legally binding instrument that protects the public benefit of the facility continuing to provide low-cost coastal accommodations.

(b) The Low-Cost Accommodations Program Account is hereby created in the State Coastal Conservancy Fund. Moneys in the account shall accrue interest and be available, upon appropriation by the Legislature, to fund the program developed pursuant to this section. The conservancy may accept and deposit in the account funds from public and private sources.

SEC. 2. Section 31125 is added to the Public Resources Code, to read:

31125. (a) The conservancy, in consultation with the commission, the Department of Parks and Recreation, and other relevant coastal public landholders, shall develop a document containing a list of potential low-cost accommodations projects in each region of the coast and information on grant or loan programs. The document shall include, but not be limited to, the following:

(1) Specific projects that will increase low-cost accommodations at state parks in the coastal zone consistent with recommendations by the Parks Forward Commission.

(2) Information on grant programs at the conservancy that assist public agencies and nonprofits in providing low-cost accommodations in the coastal zone.

(3) Information on the program developed pursuant to Section 31124.

(b) The conservancy shall provide the document developed pursuant to subdivision (a) to the commission. The commission shall refer to the list of potential low-cost accommodations projects as options for mitigation when considering coastal development permits that impact the availability of low-cost accommodations and when considering how to expend prior commitments of "in-lieu" public access fees. The commission shall provide the document to local governments with local coastal programs.



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RN 16 08218 PAGE 2
Substantive

Amendment 4

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

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AMENDMENTS TO ASSEMBLY BILL NO. 2188

Amendment 1

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

add

Amendment 2

In the title, in line 1, strike out "290 of" and insert:

15030 to

Amendment 3

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

Government

Amendment 4

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

human trafficking.

Amendment 5

On page 1, before line 1, insert:

SECTION 1. Section 15030 is added to the Government Code, to read:

15030. (a) On or before January 1, 2018, the Department of Justice shall expand its shared gang database, as defined in Section 186.34 of the Penal Code, in order to provide accurate, timely, and electronically generated data of statewide human trafficking intelligence information. The purpose of this expansion shall be to allow law enforcement agencies in California to collaborate in reducing the incidence of human trafficking.

(b) The department may promulgate regulations to implement this section.

(c) For purposes of this section, "human trafficking" has the same meaning as defined in Section 236.1 of the Penal Code.

Amendment 6

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



AMENDMENTS TO ASSEMBLY BILL NO. 2200

Amendment 1

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

to add Chapter 12 (commencing with Section 51520) to Part 3 of Division 31 of the Health and Safety Code, relating to housing, and making an appropriation therefor.

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Chapter 12 (commencing with Section 51520) is added to Part 3 of Division 31 of the Health and Safety Code, to read:

CHAPTER 12. SCHOOL EMPLOYEE HOUSING ASSISTANCE GRANT PROGRAM

51520. For purposes of this chapter, a "qualified school district" means a school district that satisfies all of the following:

(a) Has acquired and designated surplus land from any of the following:

- (1) A school district.
- (2) A special district.
- (3) A city.

(b) Has a high average cost for the recruitment of teachers.

(c) Has a low retention rate.

(d) Has 60 percent of its students participating in the National School Lunch Program.

51521. (a) The agency shall administer a grant program to provide development financing assistance to qualified school districts for the creation of affordable rental housing for school district employees, including teachers. The agency shall do all of the following:

(1) Be responsible for overseeing the grant program.

(2) Award grants to qualified school districts.

(3) Determine the predevelopment grant amount and the development grant amount for each qualified school district pursuant to Section 51523.

(4) Publish deadlines and written procedures for a qualified school district to apply for grants.

(5) Provide technical assistance to a qualified school district that is not eligible to receive a development grant in applying for additional public funds.

(b) A qualified school district seeking a grant shall do both of the following:

(1) Apply for a grant in the form and manner prescribed by the agency.

(2) Submit both of the following to the agency:

(A) An eligible basis certification pursuant to Section 10322 of Division 17 of Title 4 of the California Code of Regulations, as it read on January 1, 2017.



(B) An itemized list of funds from state and federal programs and private funds used to cover projects costs.

51522. (a) There is hereby transferred from the General Fund to the School Employee Housing Assistance Grant Fund, which is hereby created in the State Treasury, the sum of one hundred million dollars (\$100,000,000).

(b) (1) Notwithstanding Section 13340 of the Government Code, all moneys in the fund shall be continuously appropriated to the agency for the purposes of this chapter.

(2) The agency shall use 5 percent of the moneys appropriated to it pursuant to this section for predevelopment grants.

51523. (a) The agency shall determine both of the following for each qualified school district to be awarded a grant:

(1) (A) The predevelopment grant amount, which shall be equal to the predevelopment costs of the project excluding any costs related to the acquisition of the land.

(B) In order to be eligible to receive a predevelopment grant, the qualified school district must show a measurable degree of incapacity to fund the predevelopment project costs.

(2) The development grant amount, which shall be the difference between the eligible basis as specified in the eligible basis certification, excluding any costs related to the acquisition of the land and any predevelopment project costs, and the total amount of any public and private funds received for the development of the project.

(b) In order to be eligible to receive a development grant, the qualified school district must show that the project is not eligible for additional public funds as described in its eligible basis certification and that the project is subject to a project labor agreement and prevailing wage requirements.

Amendment 3

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

AMENDMENTS TO ASSEMBLY BILL NO. 2213

Amendment 1

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

to add Section 14179 to the Welfare and Institutions Code,

Amendment 2

On page 2, before line 1, insert:

SECTION 1. Section 14179 is added to the Welfare and Institutions Code, to read:

14179. (a) The department, in collaboration with the Office of Statewide Health Planning and Development, shall administer and implement a demonstration under which the audits of nondesignated public hospitals for reporting periods beginning on and after July 1, 2016, are evaluated to determine the reimbursement relevancy of cost report data.

(b) In order to determine the reimbursement relevancy of existing data collected and what additional data would be useful, the demonstration under this section shall include an evaluation of all of the following:

(1) Data currently being collected through the Office of Statewide Health Planning and Development.

(2) Annual and quarterly financial and utilization data.

(3) Annual report of hospitals and other relevant reports.

(4) Data currently being collected by the department through the annual Medi-Cal cost report.

(c) Goals for the demonstration shall include all of the following:

(1) Design a combined reporting form to collect relevant and useful data for policymaking purposes.

(2) Eliminate the data report audit function, if appropriate, and utilize desk audits to ensure that reported data is as accurate as possible.

(3) Determine the appropriate agency to administer the reporting and data collection function.

(d) Upon the attainment of the goals described in subdivision (c), nondesignated public hospitals may participate in a three-year demonstration project for the purpose of evaluating whether the goals under the initial demonstration are met.

(e) (1) The department, in collaboration with the Office of Statewide Health Planning and Development, shall, within one year of the completion date of the three-year demonstration project described in subdivision (d), prepare and submit a report to the Legislature that includes an evaluation regarding the effectiveness of the three-year demonstration project and recommendations regarding the continuation and expansion of the demonstration project to all hospitals.

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



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RN 16 08506 PAGE 2
Substantive

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

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AMENDMENTS TO ASSEMBLY BILL NO. 2221

Amendment 1

In the title, in line 1, strike out "186.11" and insert:

836

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 836 of the Penal Code is amended to read:

836. (a) A peace officer may arrest a person in obedience to a ~~warrant~~, warrant or, pursuant to the authority granted to him or her by Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, without a ~~warrant~~, warrant may arrest a person whenever any of the following circumstances occur:

(1) The officer has probable cause to believe that the person to be arrested has committed a public offense in the officer's presence.

(2) The person arrested has committed a felony, although not in the officer's presence.

(3) The officer has probable cause to believe that the person to be arrested has committed a felony, whether or not a felony, in fact, has been committed.

(b) Any time a peace officer is called out on a domestic violence call, it shall be mandatory that the officer make a good faith effort to inform the victim of his or her right to make a citizen's arrest, unless the peace officer makes an arrest for a violation of paragraph (1) of subdivision (e) of Section 243 or 273.5. This information shall include advising the victim how to safely execute the arrest.

(c) (1) When a peace officer is responding to a call alleging a violation of a domestic violence protective or restraining order issued under Section 527.6 of the Code of Civil Procedure, the Family Code, Section 136.2, 646.91, or paragraph (2) of subdivision (a) of Section 1203.097 of this code, Section 213.5 or 15657.03 of the Welfare and Institutions Code, or of a domestic violence protective or restraining order issued by the court of another state, tribe, or territory and the peace officer has probable cause to believe that the person against whom the order is issued has notice of the order and has committed an act in violation of the order, the officer shall, consistent with subdivision (b) of Section 13701, make a lawful arrest of the person without a warrant and take that person into custody whether or not the violation occurred in the presence of the arresting officer. The officer shall, as soon as possible after the arrest, confirm with the appropriate authorities or the Domestic Violence Protection Order Registry maintained pursuant to Section 6380 of the Family Code that a true copy of the protective order has been registered, unless the victim provides the officer with a copy of the protective order.

(2) The person against whom a protective order has been issued shall be deemed to have notice of the order if the victim presents to the officer proof of service of the order, the officer confirms with the appropriate authorities that a true copy of the proof of service is on file, or the person against whom the protective order was issued was



present at the protective order hearing or was informed by a peace officer of the contents of the protective order.

(3) In situations where mutual protective orders have been issued under Division 10 (commencing with Section 6200) of the Family Code, liability for arrest under this subdivision applies only to those persons who are reasonably believed to have been the dominant aggressor. In those situations, prior to making an arrest under this subdivision, the peace officer shall make reasonable efforts to identify, and may arrest, the dominant aggressor involved in the incident. The dominant aggressor is the person determined to be the most significant, rather than the first, aggressor. In identifying the dominant aggressor, an officer shall consider (A) the intent of the law to protect victims of domestic violence from continuing abuse, (B) the threats creating fear of physical injury, (C) the history of domestic violence between the persons involved, and (D) whether either person involved acted in self-defense.

(d) Notwithstanding paragraph (1) of subdivision (a), if a suspect commits an assault or battery upon a current or former spouse, fiancé, fiancée, a current or former cohabitant as defined in Section 6209 of the Family Code, a person with whom the suspect currently is having or has previously had an engagement or dating relationship, as defined in paragraph (10) of subdivision (f) of Section 243, a person with whom the suspect has parented a child, or is presumed to have parented a child pursuant to the Uniform Parentage Act (Part 3 (commencing with Section 7600) of Division 12 of the Family Code), a child of the suspect, a child whose parentage by the suspect is the subject of an action under the Uniform Parentage Act, a child of a person in one of the above categories, any other person related to the suspect by consanguinity or affinity within the second degree, or any person who is 65 years of age or older and who is related to the suspect by blood or legal guardianship, a peace officer may arrest the suspect without a warrant ~~where~~ when both of the following circumstances apply:

(1) The peace officer has probable cause to believe that the person to be arrested has committed the assault or battery, whether or not it has in fact been committed.

(2) The peace officer makes the arrest as soon as probable cause arises to believe that the person to be arrested has committed the assault or battery, whether or not it has in fact been committed.

(e) In addition to the authority to make an arrest without a warrant pursuant to paragraphs (1) and (3) of subdivision (a), a peace officer may, without a warrant, arrest a person for a violation of Section 25400 when all of the following apply:

(1) The officer has reasonable cause to believe that the person to be arrested has committed the violation of Section 25400.

(2) The violation of Section 25400 occurred within an airport, as defined in Section 21013 of the Public Utilities Code, in an area to which access is controlled by the inspection of persons and property.

(3) The peace officer makes the arrest as soon as reasonable cause arises to believe that the person to be arrested has committed the violation of Section 25400.

(f) In addition to the authority to make an arrest without a warrant pursuant to subdivision (a), a peace officer may, without a warrant, arrest a person if the officer has probable cause to believe that the person to be arrested has violated subdivision (m) of Section 647, although not in the presence of the officer.

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Substantive

Amendment 3

On page 1, strike out lines 1 to 8, inclusive, and strike out pages 2 to 12, inclusive

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AMENDMENTS TO ASSEMBLY BILL NO. 2228

Amendment 1

In the title, in line 1, strike out "amend Section 829.5 of the Penal Code" and insert:

add Chapter 20 (commencing with Section 26205) to Division 20 of the Health and Safety Code

Amendment 2

On page 1, before line 1, insert:

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

(1) There is statewide interest in preventing homes, neighborhoods, commercial properties, and public ways from deteriorating and falling into disrepair creating blight conditions.

(2) Blight adversely impacts community quality-of-life issues, creates hazards and unsafe conditions that endanger the public, causes citizen dissatisfaction, and leads to dangerous buildings, increased crime, and reduced property values.

(3) Setting the standards, minimum requirements, and ongoing educational requirements for local code enforcement officers who elect to attain the Certified Code Enforcement Officer title helps local agencies identify, select, and train qualified public officers to enforce laws and codes necessary to help preserve safe, well-ordered communities.

(4) Public officers who perform code enforcement functions require a unique skill set that is not available through traditional vocational offerings.

(b) It is the intent of the Legislature in enacting this measure to protect human safety, preserve property values, reduce crime, and abate public nuisances by helping to regulate the standard of training and certification for local code enforcement officers that public agencies may rely on. The municipal code enforcement function is sufficiently important to justify having a standard by public authority, with the title Certified Code Enforcement Officer having a legally defined meaning.

(c) It is the intent of the Legislature that compliance with this measure be voluntary and not to mandate local agencies or employers to require their code enforcement officers to become certified. The voluntary program created pursuant to this measure will ensure that individuals who are Certified Code Enforcement Officers have met prescribed education, training, and experience requirements and have passed a comprehensive examination reflective of the demands encountered in the code enforcement profession.

(d) It is the intent of the Legislature to recognize the California Association of Code Enforcement Officers professional development and credentialing program by establishing a Certified Code Enforcement Officer title to help local agencies define, standardize, and regulate this important function.

SEC. 2. Chapter 20 (commencing with Section 26205) is added to Division 20 of the Health and Safety Code, to read:



CHAPTER 20. CERTIFIED CODE ENFORCEMENT OFFICERS

26205. This chapter shall be known and may be cited as the Code Enforcement Officer Standards Act.

26206. For purposes of this chapter, the following terms have the following meanings:

(a) "Board" means the duly elected Board of Directors of the California Association of Code Enforcement Officers.

(b) "CACEO" means the California Association of Code Enforcement Officers, a public benefit corporation domiciled in California.

(c) "Certified Code Enforcement Officer" or "CCEO" means a person registered or certified as described in this chapter.

(d) "Code enforcement officer" has the same meaning as defined in Section 829.5 of the Penal Code.

26207. (a) The board shall develop and maintain standards for the various classes of CCEOs that it designates. The standards for education, training, and certification shall be adopted by administrative rule of the board, and they shall be no less than as described in this chapter. CCEOs shall not have the power of arrest except as authorized by the city, county, or city and county charter, code, or regulation in which they operate. CCEOs shall not have access to summary criminal history information pursuant to this section, but persons regularly employed by a city, county, or city and county designated pursuant to this subdivision may be furnished state summary criminal history information upon a showing of compelling need pursuant to subdivision (c) of Section 11105 of the Penal Code if the criteria specified in that section is otherwise met. A person may not be designated or certified as a CCEO under this section if that person is disqualified pursuant to the criteria set forth in Section 1029 of the Government Code.

(b) The board shall review all applications from cities, counties, cities and counties, and accredited educational institutions who seek to develop and provide education designed to qualify their students, participants, or employees as CCEOs. All applications that are submitted on approved forms that, subject to the board's review and approval, demonstrate the equivalency of the standards adopted under the rules of the board shall qualify as Certified Code Enforcement Officer Education Program Providers (program providers). All program providers are subject to ongoing program review and evaluation under the board's administrative rules. A program provider shall renew its program provider application and obtain approval under the board's administrative rules no later than 36 months from the date of the last approval or else it shall lapse and be subject to renewal under the board's administrative rules. All students, participants, or employees who successfully pass the minimum education and certification requirements of the program providers approved curriculum shall, subject to the same fees as other registered CCEOs under the board's administrative rules, be granted status as CCEOs in an equivalent manner as applicants who attained certification or registration status through the CACEO educational and certification programs and academies.

(c) The development and perpetual advancement of code enforcement officer professional standards and actively providing related educational offerings that lead

to increased professional competence and ethical behavior shall be the highest priority for the board in its licensing, certification, and disciplinary functions. Whenever the advancement of code enforcement officer professional standards and the provision of related educational offerings is inconsistent with other interests sought to be promoted, the former shall be paramount.

26208. The board's administrative rules shall designate minimum training, qualifications and experience requirements for applicants to qualify for the CCEO designation, including, but not limited to, training and competency requirements in the areas of land use and zoning laws, health and housing codes, building and fire codes, environmental regulations, sign standards, public nuisance laws, applicable constitutional law, investigation and enforcement techniques, application of remedies, officer safety, and community engagement. The board may, by administrative rule, designate additional classes of certifications to help meet its mission.

26209. The board shall conspicuously and continually publish its list of CCEOs on the CACEO Internet Web site, containing the registrant's full name, summary status as to individual disciplinary concerns, active or inactive status, date of active CCEO expiration, and business address, unless the business address is a residence, which shall be treated as confidential.

26210. A CCEO shall hold a valid certificate designating the person as a CCEO issued by the CACEO, shall at all times remain a member in good standing of the CACEO, and shall be subject to ongoing continuing education and registration requirements as designated by the board's administrative rules.

26211. Failure to maintain the continuing education requirements shall cause the certification status to lapse, subject to redemption as specified by the board's administrative rules. Once a certification lapses, the certification status shall automatically convert to inactive CCEO status unless it is redeemed. The rights, privileges, and procedures or limitations on redemption of inactive CCEOs shall be specified in the board's administrative rules.

26212. The board shall annually set fees in amounts that are reasonably related and necessary to cover the cost of administering this chapter. The fees shall be set by the board and published on the CACEO Internet Web site and maintained at the CACEO's headquarters.

26213. The board shall maintain a register of each application for a certificate of registration under this chapter. The register shall include all of the following:

(a) The name, residence, date of birth, social security number, and driver's license number (including state or country of origin) of the applicant.

(b) The name and address of the employer or business of the applicant.

(c) The date of the application.

(d) The education and experience qualifications of the applicant.

(e) The action taken by the board regarding the application and the date of the action.

(f) The serial number of any certificate of registration issued to an applicant.

(g) Any other information required by board rule.

26214. A person may not hold himself or herself out to be a Certified Code Enforcement Officer in this state or use the title "Certified Code Enforcement Officer" in this state unless the person holds a certificate of registration pursuant to this chapter.

26215. The board shall, by administrative rule, create a process to timely consider and review all applicants who hold certification from any other agency, and allow them to seek review and potential approval of the qualifications to potentially be recognized as a CCEO in this state. A denial of full recognition as a CCEO shall be accompanied by written justification and a list of required steps that may be required for the individual applicant to complete the registration and certification process. Recognition fees shall be set as described in Section 26212.

26216. (a) The board shall adopt administrative rules to process information, investigate allegations or suspicions of applicants or licensees providing false information, failing to disclose material information on the registration application, or not providing any information that may, either before or during the certification process, disqualify the applicant or certificant under subdivision (a) of Section 26207. The board shall adopt procedures and guidelines to impose any discipline, revocation of certification, or sanction, for cause, against any applicant, registrant, or certificant.

(b) The administrative rules shall provide the application or registrant with adequate and fair notice and hearing opportunities prior to the board taking any adverse action against the applicant or certificant.

(c) Any factual finding after a hearing that the board concludes is cause for revocation, suspension, or other disciplinary or administrative action against a registration or certification shall result in an order after hearing that meets the fair notification requirements of this section.

(d) All orders after hearing shall be deemed final under the board's authority and procedures and may be appealed as provided for in Sections 1094.5 and 1094.6 of the Code of Civil Procedure.

26217. This chapter does not interfere with regulation or certification requirements for building inspectors as defined by Chapter 7 (commencing with Section 18949.25) of Part 2.5 of Division 13.

Amendment 3

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

AMENDMENTS TO ASSEMBLY BILL NO. 2229

Amendment 1

In the title, in line 1, strike out "Section 27500" and insert:

Sections 26805, 26815, 27540, and 28220

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 26805 of the Penal Code is amended to read:

26805. (a) Except as provided in subdivisions (b) and (c), the business of a licensee shall be conducted only in the buildings designated in the license.

(b) (1) A person licensed pursuant to Sections 26700 and 26705 may take possession of firearms and commence preparation of registers for the sale, delivery, or transfer of firearms at any gun show or event, as defined in Section 478.100 of Title 27 of the Code of Federal Regulations, or its successor, if the gun show or event is not conducted from any motorized or towed vehicle. A person conducting business pursuant to this subdivision shall be entitled to conduct business as authorized herein at any gun show or event in the state, without regard to the jurisdiction within this state that issued the license pursuant to Sections 26700 and 26705, provided the person complies with all applicable laws, including, but not limited to, the waiting period specified in ~~subdivision (a)~~ of Section 26815, and all applicable local laws, regulations, and fees, if any.

(2) A person conducting business pursuant to this subdivision shall publicly display the person's license issued pursuant to Sections 26700 and 26705, or a facsimile thereof, at any gun show or event, as specified in this subdivision.

(c) (1) A person licensed pursuant to Sections 26700 and 26705 may engage in the sale and transfer of firearms other than handguns, at events specified in Sections 26955, 27655, 27900, and 27905, subject to the prohibitions and restrictions contained in those sections.

(2) A person licensed pursuant to Sections 26700 and 26705 may also accept delivery of firearms other than handguns, outside the building designated in the license, provided the firearm is being donated for the purpose of sale or transfer at an auction or similar event specified in Section 27900.

(d) The firearm may be delivered to the purchaser, transferee, or person being loaned the firearm at one of the following places:

(1) The building designated in the license.

(2) The places specified in subdivision (b) or (c).

(3) The place of residence of, the fixed place of business of, or on private property owned or lawfully possessed by, the purchaser, transferee, or person being loaned the firearm.

SEC. 2. Section 26815 of the Penal Code is amended to read:

26815. ~~No~~ (a) A firearm shall not be delivered:

(a)



(1) Within 10 days of the application to purchase, or, after notice by the department pursuant to Section 28220, within 10 days of the submission to the department of any correction to the application, or within 10 days of the submission to the department of any fee required pursuant to Section 28225, whichever is later.

(b)

(2) Unless unloaded and securely wrapped or unloaded and in a locked container.

(c)

(3) Unless the purchaser, transferee, or person being loaned the firearm presents clear evidence of the person's identity and age to the dealer.

(d)

(4) Whenever the dealer is notified by the Department of Justice that the person is prohibited by state or federal law from processing, owning, purchasing, or receiving a firearm. The dealer shall make available to the person in the prohibited class a prohibited notice and transfer form, provided by the department, stating that the person is prohibited from owning or possessing a firearm, and that the person may obtain from the department the reason for the prohibition.

(b) Notwithstanding paragraph (1) of subdivision (a), if the department determines, pursuant to Section 28220, that the person is not prohibited from possessing, receiving, owning, or purchasing a firearm and if the sale, delivery, loan, or transfer of the firearm is to a person who satisfies one of the following conditions, the dealer shall immediately release the firearm to the person:

(1) The person holds a valid license to carry a concealed firearm issued pursuant to Section 26150 or 26155.

(2) The person holds a valid certificate of eligibility from the Department of Justice issued pursuant to Section 26710.

(3) The person has a firearm registered to him or her in the Automated Firearms System or other Department of Justice database.

SEC. 3. Section 27540 of the Penal Code is amended to read:

27540. (a) A dealer, whether or not acting pursuant to Chapter 5 (commencing with Section 28050), shall not deliver a firearm to a person, as follows:

(a)

(1) Within 10 days of the application to purchase, or, after notice by the department pursuant to Section 28220, within 10 days of the submission to the department of any correction to the application, or within 10 days of the submission to the department of any fee required pursuant to Section 28225, whichever is later.

(b)

(2) Unless unloaded and securely wrapped or unloaded and in a locked container.

(c)

(3) Unless the purchaser, transferee, or person being loaned the firearm presents clear evidence of the person's identity and age to the dealer.

(d)

(4) Whenever the dealer is notified by the Department of Justice that the person is prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm.

(e)

(5) A handgun shall not be delivered unless the purchaser, transferee, or person being loaned the handgun presents a handgun safety certificate. Commencing January

1, 2015, any firearm, including a handgun, shall not be delivered unless the purchaser, transferee, or person being loaned the firearm presents a firearm safety certificate to the dealer, except that in the case of a handgun, an unexpired handgun safety certificate may be presented.

(f)

(6) A handgun shall not be delivered whenever the dealer is notified by the Department of Justice that within the preceding 30-day period the purchaser has made another application to purchase a handgun and that the previous application to purchase ~~involved none did not involve any~~ of the entities or circumstances specified in subdivision (b) of Section 27535.

(b) Notwithstanding paragraph (1) of subdivision (a), if the department determines, pursuant to Section 28220, that the person is not prohibited from possessing, receiving, owning, or purchasing a firearm, and if the sale, delivery, loan, or transfer of the firearm is to a person who satisfies one of the following conditions, the dealer shall immediately release the firearm to the person:

(1) The person holds a valid license to carry a concealed firearm issued pursuant to Section 26150 or 26155.

(2) The person holds a valid certificate of eligibility from the Department of Justice issued pursuant to Section 26710.

(3) The person has a firearm registered to him or her in the Automated Firearms System or other Department of Justice database.

SEC. 4. Section 28220 of the Penal Code is amended to read:

28220. (a) Upon submission of firearm purchaser information, the Department of Justice shall examine its records, as well as those records that it is authorized to request from the State Department of State Hospitals pursuant to Section 8104 of the Welfare and Institutions Code, in order to determine if the purchaser is a person described in subdivision (a) of Section 27535, or is prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm.

(b) To the extent that funding is available, the Department of Justice may participate in the National Instant Criminal Background Check System (NICS), as described in subsection (t) of Section 922 of Title 18 of the United States Code, and, if that participation is implemented, shall notify the dealer and the chief of the police department of the city or city and county in which the sale was made, or if the sale was made in a district in which there is no municipal police department, the sheriff of the county in which the sale was made, that the purchaser is a person prohibited from acquiring a firearm under federal law.

(c) If the department determines that the purchaser is prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm or is a person described in subdivision (a) of Section 27535, it shall immediately notify the dealer and the chief of the police department of the city or city and county in which the sale was made, or if the sale was made in a district in which there is no municipal police department, the sheriff of the county in which the sale was made, of that fact.

(d) If the department determines, pursuant to this section, that the person is not a person described in subdivision (a) of Section 27535 and is not prohibited from possessing, receiving, owning, or purchasing a firearm, and if the sale, delivery, loan, or transfer of the firearm is to a person who satisfies one of the following conditions, the dealer shall immediately release the firearm to the person:

(1) The person holds a valid license to carry a concealed firearm issued pursuant to Section 26150 or 26155.

(2) The person holds a valid certificate of eligibility from the Department of Justice issued pursuant to Section 26710.

(3) The person has a firearm registered to him or her in the Automated Firearms System or other Department of Justice database.

(d)

(e) If the department determines that the copies of the register submitted to it pursuant to subdivision (d) of Section 28210 contain any blank spaces or inaccurate, illegible, or incomplete information, preventing identification of the purchaser or the handgun or other firearm to be purchased, or if any fee required pursuant to Section 28225 is not submitted by the dealer in conjunction with submission of copies of the register, the department may notify the dealer of that fact. Upon notification by the department, the dealer shall submit corrected copies of the register to the department, or shall submit any fee required pursuant to Section 28225, or both, as appropriate and, if notification by the department is received by the dealer at any time prior to delivery of the firearm to be purchased, the dealer shall withhold delivery until the conclusion of the waiting period described in Sections 26815 and 27540.

(e)

(f) If the department determines that the information transmitted to it pursuant to Section 28215 contains inaccurate or incomplete information preventing identification of the purchaser or the handgun or other firearm to be purchased, or if the fee required pursuant to Section 28225 is not transmitted by the dealer in conjunction with transmission of the electronic or telephonic record, the department may notify the dealer of that fact. Upon notification by the department, the dealer shall transmit corrections to the record of electronic or telephonic transfer to the department, or shall transmit any fee required pursuant to Section 28225, or both, as appropriate, and if notification by the department is received by the dealer at any time prior to delivery of the firearm to be purchased, the dealer shall withhold delivery until the conclusion of the waiting period described in Sections 26815 and 27540.

(f)

(g) (i) (A) The department shall immediately notify the dealer to delay the transfer of the firearm to the purchaser if the records of the department, or the records available to the department in the National Instant Criminal Background Check System, indicate one of the following:

(i) The purchaser has been taken into custody and placed in a facility for mental health treatment or evaluation and may be a person described in Section 8100 or 8103 of the Welfare and Institutions Code and the department is unable to ascertain whether the purchaser is a person who is prohibited from possessing, receiving, owning, or purchasing a firearm, pursuant to Section 8100 or 8103 of the Welfare and Institutions Code, prior to the conclusion of the waiting period described in Sections 26815 and 27540.

(ii) The purchaser has been arrested for, or charged with, a crime that would make him or her, if convicted, a person who is prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm, and the department is unable to ascertain whether the purchaser was convicted of that offense prior to the conclusion of the waiting period described in Sections 26815 and 27540.

(iii) The purchaser may be a person described in subdivision (a) of Section 27535, and the department is unable to ascertain whether the purchaser, in fact, is a person described in subdivision (a) of Section 27535, prior to the conclusion of the waiting period described in Sections 26815 and 27540.

(B) The dealer shall provide the purchaser with information about the manner in which he or she may contact the department regarding the delay described in subparagraph (A).

(2) The department shall notify the purchaser by mail regarding the delay and explain the process by which the purchaser may obtain a copy of the criminal or mental health record the department has on file for the purchaser. Upon receipt of that criminal or mental health record, the purchaser shall report any inaccuracies or incompleteness to the department on an approved form.

(3) If the department ascertains the final disposition of the arrest or criminal charge, or the outcome of the mental health treatment or evaluation, or the purchaser's eligibility to purchase a firearm, as described in paragraph (1), after the waiting period described in Sections 26815 and 27540, but within 30 days of the dealer's original submission of the purchaser information to the department pursuant to this section, the department shall do the following:

(A) If the purchaser is not a person described in subdivision (a) of Section 27535, and is not prohibited by state or federal law, including, but not limited to, Section 8100 or 8103 of the Welfare and Institutions Code, from possessing, receiving, owning, or purchasing a firearm, the department shall immediately notify the dealer of that fact and the dealer may then immediately transfer the firearm to the purchaser, upon the dealer's recording on the register or record of electronic transfer the date that the firearm is transferred, the dealer signing the register or record of electronic transfer indicating delivery of the firearm to that purchaser, and the purchaser signing the register or record of electronic transfer acknowledging the receipt of the firearm on the date that the firearm is delivered to him or her.

(B) If the purchaser is a person described in subdivision (a) of Section 27535, or is prohibited by state or federal law, including, but not limited to, Section 8100 or 8103 of the Welfare and Institutions Code, from possessing, receiving, owning, or purchasing a firearm, the department shall immediately notify the dealer and the chief of the police department in the city or city and county in which the sale was made, or if the sale was made in a district in which there is no municipal police department, the sheriff of the county in which the sale was made, of that fact in compliance with subdivision (c) of Section 28220. (c).

(4) If the department is unable to ascertain the final disposition of the arrest or criminal charge, or the outcome of the mental health treatment or evaluation, or the purchaser's eligibility to purchase a firearm, as described in paragraph (1), within 30 days of the dealer's original submission of purchaser information to the department pursuant to this section, the department shall immediately notify the dealer and the dealer may then immediately transfer the firearm to the purchaser, upon the dealer's recording on the register or record of electronic transfer the date that the firearm is transferred, the dealer signing the register or record of electronic transfer indicating delivery of the firearm to that purchaser, and the purchaser signing the register or record of electronic transfer acknowledging the receipt of the firearm on the date that the firearm is delivered to him or her.

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RN 16 08628 PAGE 6
Substantive

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. 2237

Amendment 1

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

to add Article 14 (commencing with Section 33480) to Chapter 3 of Part 20 of Division 2 of Title 2 of the Education Code,

Amendment 2

In the title, in line 1, strike out "elementary and secondary education." and insert:
partnership academies.

Amendment 3

On page 1, before line 1, insert:

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

(a) All young people should be prepared to think deeply and critically so that they can become innovators, educators, researchers, and leaders capable of solving the most pressing challenges facing our nation and world, both today and tomorrow. However, currently, not enough of our youth have access to quality science, technology, engineering, and math (STEM) learning opportunities, and too few students see these disciplines as springboards to their careers.

(b) Only 81 percent of Asian American high school pupils and 71 percent of white high school pupils attend high schools where the full range of mathematics and science courses, namely Algebra I, Geometry, Algebra II, Calculus, Biology, Chemistry, and Physics, are offered. Access to these courses for American Indian, Native Alaskan, black, and Hispanic high school pupils is significantly worse. A child's race, ZIP code, or socioeconomic status should never determine his or her STEM fluency. Children must be provided with the opportunity to be career- and college-ready in order to thrive in a modern STEM economy.

(c) Only 16 percent of American high school seniors are proficient in mathematics and interested in a STEM career. Even among those who do go on to pursue a college or university major in STEM fields, only about half choose to work in a STEM-related career. In 2014, California's K-12 public education system ranked 43rd in the nation. Surveys reveal that only 29 percent of Americans rated our nation's K-12 education system in STEM subjects as above average or the best in the world. In our competitive global economy, these statistics are unacceptable.

(d) Partnership academies provide smaller learning communities with a career-focused theme. Academy components include rigorous academics and career technical education, a committed team of teachers, and active business and postsecondary partnerships.

(e) Therefore, the Legislature needs to provide more opportunities for pupils in our state's public schools to access high-quality STEM preparation through a variety



of opportunities, including additional funding for establishing STEM-related partnership academies.

SEC. 2. Article 14 (commencing with Section 33480) is added to Chapter 3 of Part 20 of Division 2 of Title 2 of the Education Code, to read:

Article 14. Science, Technology, Engineering, and Mathematics Partnership Academies Act

33480. This article shall be known, and may be cited as, Science, Technology, Engineering, and Mathematics Partnership Academies.

33481. (a) Science, Technology, Engineering, and Mathematics Partnership Academies is hereby established. Commencing with the 2016–17 school year, the department, in coordination with the Superintendent shall, with funds appropriated in the annual Budget Act, issue grants for the establishment of 100 partnership academies dedicated to training young people in science, technology, engineering, and mathematics (STEM) occupations, including, but not limited to, application software developer, computer user support specialist, computer programmer, computer hardware engineer, industrial engineer, civil engineer, architectural engineer, aerospace engineer, dietetic technician, medical scientist, microbiologist, general medical practitioner, dental services provider, and chemist.

(b) (1) The selection of school districts to establish STEM partnership academies, and the planning and development of these academies, shall be conducted pursuant to the procedures and requirements established as specified in Section 54691. Planning and development grants under this article shall be made available for up to 100 partnership academies in addition to the total number of grants established pursuant to Section 54691.

(2) A school district applying to convert an existing school program into a partnership academy that meets the criteria for a partnership academy pursuant to Section 54692 and paragraph (3) may receive first-year implementation funds, as appropriate, in accordance with this article.

(3) To be eligible for funding pursuant to this article, each proposed partnership academy shall satisfy both of the following requirements:

(A) (i) Coursework and internship or preapprenticeship programs of the proposed academy shall focus significant time on the use of emerging technologies and state-of-the-art equipment.

(ii) The proposed partnership academy shall demonstrate compliance with clause (i) through its efforts to obtain input from industry and professional trade organizations.

(B) Staff development opportunities shall be included in the proposed partnership academy plan to ensure that teaching staff has the opportunity to be trained in the use of emerging technologies and become familiar with new equipment and current practices in STEM fields.

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RN 16 08693 PAGE 3
Substantive

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

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AMENDMENTS TO ASSEMBLY BILL NO. 2242

Amendment 1

In the title, in line 1, strike out "33004" and insert:

47604

Amendment 2

In the title, strike out line 2 and insert:

charter schools.

Amendment 3

On page 1, before line 1, insert:

SECTION 1. Section 47604 of the Education Code is amended to read:

47604. (a) ~~Charter schools~~ (1) A charter school may elect to operate as, or be operated by, a nonprofit public benefit corporation, formed and organized pursuant to the Nonprofit Public Benefit Corporation Law (Part 2 (commencing with Section 5110) of Division 2 of Title 4) 1 of the Corporations Code).

(2) Notwithstanding any other law, a nonprofit public benefit corporation that operates as, or operates, a charter school, shall not do any of the following:

(A) Operate or organize in any manner inconsistent with the accountability requirements that all charter schools, including those operating as, or that are operated by, a nonprofit public benefit corporation, owe to the public.

(B) Have members, as defined in Section 5056 of the Corporations Code.

(C) Be a subsidiary of any other corporation.

(D) Be affiliated with another corporation or equivalent legal entity that has the power to control, or otherwise exert control over, either directly or indirectly, the decision making or governance of the charter school, including, but not limited to, fiscal, operational, and educational decisions.

(b) ~~The governing board of a school district~~ An authority that grants a charter for the establishment of a charter school formed and organized pursuant to this section shall be entitled to a single representative on the board of directors of the nonprofit public benefit corporation.

(c) An authority that grants a charter to a charter school to be operated by, or as, a nonprofit public benefit corporation is not liable for the debts or obligations of the charter school, or for claims arising from the performance of acts, errors, or omissions by the charter school, if the authority has complied with all oversight responsibilities required by law, including, but not limited to, those required by Section 47604.32 and subdivision (m) of Section 47605.

(d) A charter school shall not be operated as, or be operated by, a for-profit corporation.



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RN 16 08131 PAGE 2
Substantive

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

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AMENDMENTS TO ASSEMBLY BILL NO. 2253

Amendment 1

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

add

Amendment 2

In the title, in line 1, strike out "5004 of" and insert:

5076 to

Amendment 3

On page 1, before line 1, insert:

SECTION 1. The Legislature finds and declares that a specialty license plate design constitutes government speech, pursuant to the United States Supreme Court's decision in *Walker v. Texas Div., Sons of Confederate Veterans, Inc.* (2015) 135 S.Ct. 2239, and the Legislature's consideration of this act does not implicate the free speech rights of private persons.

SEC. 2. Section 5076 is added to the Vehicle Code, to read:

5076. (a) Notwithstanding Section 5060.1, the department, in consultation with In God We Trust — America, Inc., shall design and make available for issuance, pursuant to this article, special interest license plates.

(b) In addition to the regular fees for an original registration or renewal of registration, the following additional fees shall be paid for the issuance, renewal, or transfer of the special interest license plates authorized pursuant to this section:

- (1) For the original issuance of the plates, fifty dollars (\$50).
- (2) For a renewal of registration with the plates, forty dollars (\$40).
- (3) For transfer of the plates to another vehicle, fifteen dollars (\$15).
- (4) For each substitute replacement plate, thirty-five dollars (\$35).

(5) In addition, for the issuance of environmental license plates, as defined in Section 5103, the additional fees prescribed in Sections 5106 and 5108. The additional fees prescribed in Sections 5106 and 5108 shall be deposited in the California Environmental License Plate Fund.

Amendment 4

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



Bill Lusk

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03/09/16 01:26 PM
RN 16 09460 PAGE 1
Substantive

AMENDMENTS TO ASSEMBLY BILL NO. 2271

Amendment 1

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

An act to add Section 713 to the Public Utilities Code, relating to electricity.

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 713 is added to the Public Utilities Code, to read:

713. (a) For purposes of this section, "research programs" means programs for the development of novel and innovative processes that are proposed by electrical corporations for approval by the commission and that would be funded through the rates of ratepayers of the electrical corporations. Research programs do not include programs that are funded pursuant to the Public Interest Energy Research, Demonstration, and Development Program (Chapter 7.1 (commencing with Section 25620) of Division 15 of the Public Resources Code) or the Electric Program Investment Charge program developed pursuant to Section 25711.5 of the Public Resources Code.

(b) The commission shall establish a procedure for independent peer review of research programs proposed by an electrical corporation. The independent peer review shall be conducted in accordance with the procedure upon the commission's receipt of a proposed research program.

(c) The commission shall make available to the public on its Internet Web site the results of the review upon the approval of the research program.

Amendment 3

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

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AMENDMENTS TO ASSEMBLY BILL NO. 2281

Amendment 1

On page 1, before line 1, insert:

SECTION 1. The Legislature finds and declares the following:

(a) According to the United States census, the home ownership rate fell to 63.4 percent of the population in the second quarter of 2015, marking the lowest rate of home ownership since 1967.

(b) California's rate of home ownership has declined dramatically since 2008, dropping nearly seven percentage points since its peak year of 2006.

(c) According to a recent report, the share of renters paying more than 30 percent of their income on rent has held at near-record highs. In 2013, almost one-half of all renters fell into that category. The share of cost-burdened renters is growing among people with moderate incomes, those who earn from \$30,000 to \$75,000 a year, the report said. As rents continue to rise, increasing the percentage of income people are spending on rent, it becomes more and more difficult for individuals and families to save for a downpayment on a home.

(d) It is the intent of the Legislature to provide monetary and nonmonetary incentives to boost home ownership to ensure that low- and moderate-income residents of California have an opportunity to compete in the real estate market.

SEC. 2. (a) On or before January 1, 2018, the Department of Business Oversight, in coordination with the Bureau of Real Estate, shall develop and implement a program that provides nonmonetary incentives to sellers of single-family dwellings to sell to buyers who will occupy them. The goal of the program shall be, to the extent feasible, to make home buyers with preapproved loans as appealing as cash buyers of homes.

(b) On or before January 1, 2018, the Department of Business Oversight, in coordination with the Bureau of Real Estate and the California Housing Finance Agency, contingent upon appropriation by the Legislature, shall establish the Families Compete Program that shall provide low- to moderate-income families downpayment assistance to enable them to compete in the real estate marketplace.

Amendment 2

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



AMENDMENTS TO ASSEMBLY BILL NO. 2287

Amendment 1

On page 2, in line 6, after "horsemen" insert:

and horsewomen

Amendment 2

On page 2, in line 9, after "thoroughbred" insert:

racing

Amendment 3

On page 2, in line 12, after "thoroughbred" insert:

racing

Amendment 4

On page 2, in line 14, after the second comma insert:

except for the first Saturday in November when this time shall be 6:30 p.m., Pacific standard time,

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Bill Referral Digest

BILL NUMBER: AB 2294

REFER TO:

HIGHER ED.

AUTHOR: Gomez

DATE REFERRED:

03/17/2016

RELATING TO: The California State University; employees: leaves of absence without loss of compensation.

An act to add Section 89511 to the Education Code, relating to the California State University.

LEGISLATIVE COUNSEL DIGEST

Existing law establishes the California State University, under the administration of the Board of Trustees of the California State University, as one of the 3 segments of public postsecondary education in California. Existing law requires the trustees to provide by rule for the government of their appointees and employees, and authorizes the trustees to grant a leave of absence without compensation to any nonacademic employee.

This bill would require the trustees to grant to any employee, upon request, a leave of absence without loss of compensation, including retirement fund contributions, for the purpose of enabling the employee to serve as an elected officer of any California State University campus public employee organization, or of any statewide or national public employee organization with which the university campus organization is affiliated. The bill would require the university or campus of the university to be reimbursed by the employee organization for all compensation paid during the leave of absence. The bill also would provide that the leave of absence without loss of compensation provided by these provisions would be in addition to the released time without loss of compensation granted to representatives of an exclusive representative for purposes of meeting and conferring or for the processing of grievances.

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

AB 2294

AMENDMENTS TO ASSEMBLY BILL NO. 2296

Amendment 1

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

to amend Section 1633.2 of the Civil Code, and to amend Section 16.5 of the Government Code,

Amendment 2

On page 2, in lines 29 and 30, strike out "enact legislation that would"

Amendment 3

On page 2, below line 34, insert:

SEC. 2. Section 1633.2 of the Civil Code is amended to read:

1633.2. In this title the following terms have the following definitions:

(a) "Agreement" means the bargain of the parties in fact, as found in their language or inferred from other circumstances and from rules, regulations, and procedures given the effect of agreements under laws otherwise applicable to a particular transaction.

(b) "Automated transaction" means a transaction conducted or performed, in whole or in part, by electronic means or electronic records, in which the acts or records of one or both parties are not reviewed by an individual in the ordinary course in forming a contract, performing under an existing contract, or fulfilling an obligation required by the transaction.

(c) "Computer program" means a set of statements or instructions to be used directly or indirectly in an information processing system in order to bring about a certain result.

(d) "Contract" means the total legal obligation resulting from the parties' agreement as affected by this title and other applicable law.

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

(f) "Electronic agent" means a computer program or an electronic or other automated means used independently to initiate an action or respond to electronic records or performances in whole or in part, without review by an individual.

(g) "Electronic record" means a record created, generated, sent, communicated, received, or stored by electronic means.

(h) "Electronic signature" means an electronic sound, symbol, or process attached to or logically associated with an electronic record and executed or adopted by a person with the intent to sign the electronic record. For purposes of this title, a "digital signature" as defined in subdivision (d) of Section 16.5 of the Government Code is a type of electronic signature.



(i) "Governmental agency" means an executive, legislative, or judicial agency, department, board, commission, authority, institution, or instrumentality of the federal government or of a state or of a county, municipality, or other political subdivision of a state.

(j) "Information" means data, text, images, sounds, codes, computer programs, software, data bases, or the like.

(k) "Information processing system" means an electronic system for creating, generating, sending, receiving, storing, displaying, or processing information.

(l) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, governmental agency, public corporation, or any other legal or commercial entity.

(m) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(n) "Security procedure" means a procedure employed for the purpose of verifying that an electronic signature, record, or performance is that of a specific person or for detecting changes or errors in the information in an electronic record. The term includes a procedure that requires the use of algorithms or other codes, identifying words or numbers, encryption, or callback or other acknowledgment procedures.

(o) "Transaction" means an action or set of actions occurring between two or more persons relating to the conduct of business, commercial, or governmental affairs.

SEC. 3. Section 16.5 of the Government Code is amended to read:

16.5. (a) In any written communication with a public entity, as defined in Section 811.2, in which a signature is required or used, any party to the communication may affix a signature by use of a digital signature that complies with the requirements of this section. The use of a digital signature shall have the same force and effect as the use of a manual signature if and only if it embodies all of the following attributes:

- (1) It is unique to the person using it.
- (2) It is capable of verification.
- (3) It is under the sole control of the person using it.
- (4) It is linked to data in such a manner that if the data are changed, the digital signature is invalidated.

(5) It conforms to regulations adopted by the Secretary of State. Initial regulations shall be adopted no later than January 1, 1997. In developing these regulations, the secretary shall seek the advice of public and private entities, including, but not limited to, the Department of Information Technology, the California Environmental Protection Agency, and the Department of General Services. Before the secretary adopts the regulations, he or she shall hold at least one public hearing to receive comments.

(b) The use or acceptance of a digital signature shall be at the option of the parties. Nothing in this section shall require a public entity to use or permit the use of a digital signature.

(c) Digital signatures employed pursuant to Section 71066 of the Public Resources Code are exempted from this section.

(d) "Digital signature" means an electronic identifier, created by computer, intended by the party using it to have the same force and effect as the use of a manual

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Substantive

signature. For purposes of this section, a digital signature is a type of “electronic signature” as defined in subdivision (h) of Section 1633.1 of the Civil Code.

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AMENDMENTS TO ASSEMBLY BILL NO. 2298

Amendment 1

In the title, strike out line 1 and insert:

An act to amend Section 13956 of the Government Code, and to amend Section 186.34 of, and to add Section 186.35 to, the Penal Code, relating to criminal gangs.

Amendment 2

On page 2, before line 1, insert:

SECTION 1. Section 13956 of the Government Code is amended to read:
13956. Notwithstanding Section 13955, a person shall not be eligible for compensation under the following conditions:

(a) An application may be denied, in whole or in part, if the board finds that denial is appropriate because of the nature of the victim's or other applicant's involvement in the events leading to the crime, or the involvement of the person whose injury or death gives rise to the application.

(1) Factors that may be considered in determining whether the victim or derivative victim was involved in the events leading to the qualifying crime include, but are not limited to:

(A) The victim or derivative victim initiated the qualifying crime, or provoked or aggravated the suspect into initiating the qualifying crime.

(B) The qualifying crime was a reasonably foreseeable consequence of the conduct of the victim or derivative victim.

(C) The victim or derivative victim was committing a crime that could be charged as a felony and reasonably lead to him or her being victimized. However, committing a crime shall not be considered involvement if the victim's injury or death occurred as a direct result of a crime committed in violation of Section 261, 262, or 273.5 of, or for a crime of unlawful sexual intercourse with a minor in violation of subdivision (d) of Section 261.5 of, the Penal Code.

(2) If the victim is determined to have been involved in the events leading to the qualifying crime, factors that may be considered to mitigate or overcome involvement include, but are not limited to:

(A) The victim's injuries were significantly more serious than reasonably could have been expected based on the victim's level of involvement.

(B) A third party interfered in a manner not reasonably foreseeable by the victim or derivative victim.

(C) The board shall consider the victim's age, physical condition, and psychological state, as well as any compelling health and safety concerns, in determining whether the application should be denied pursuant to this section. The application of a derivative victim of domestic violence under 18 years of age or derivative victim of trafficking under 18 years of age shall not be denied on the basis of the denial of the victim's application under this subdivision.



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(b) (1) An application shall be denied if the board finds that the victim or, if compensation is sought by, or on behalf of, a derivative victim, either the victim or derivative victim failed to cooperate reasonably with a law enforcement agency in the apprehension and conviction of a criminal committing the crime. In determining whether cooperation has been reasonable, the board shall consider the victim's or derivative victim's age, physical condition, and psychological state, cultural or linguistic barriers, any compelling health and safety concerns, including, but not limited to, a reasonable fear of retaliation or harm that would jeopardize the well-being of the victim or the victim's family or the derivative victim or the derivative victim's family, and giving due consideration to the degree of cooperation of which the victim or derivative victim is capable in light of the presence of any of these factors. A victim of domestic violence shall not be determined to have failed to cooperate based on his or her conduct with law enforcement at the scene of the crime. Lack of cooperation shall also not be found solely because a victim of sexual assault, domestic violence, or human trafficking delayed reporting the qualifying crime.

(2) An application for a claim based on domestic violence shall not be denied solely because a police report was not made by the victim. The board shall adopt guidelines that allow the board to consider and approve applications for assistance based on domestic violence relying upon evidence other than a police report to establish that a domestic violence crime has occurred. Factors evidencing that a domestic violence crime has occurred may include, but are not limited to, medical records documenting injuries consistent with allegations of domestic violence, mental health records, or that the victim has obtained a permanent restraining order.

(3) An application for a claim based on a sexual assault shall not be denied solely because a police report was not made by the victim. The board shall adopt guidelines that allow it to consider and approve applications for assistance based on a sexual assault relying upon evidence other than a police report to establish that a sexual assault crime has occurred. Factors evidencing that a sexual assault crime has occurred may include, but are not limited to, medical records documenting injuries consistent with allegations of sexual assault, mental health records, or that the victim received a sexual assault examination.

(4) An application for a claim based on human trafficking as defined in Section 236.1 of the Penal Code shall not be denied solely because no police report was made by the victim. The board shall adopt guidelines that allow the board to consider and approve applications for assistance based on human trafficking relying upon evidence other than a police report to establish that a human trafficking crime as defined in Section 236.1 of the Penal Code has occurred. That evidence may include any reliable corroborating information approved by the board, including, but not limited to, the following:

(A) A Law Enforcement Agency ~~Endorsement~~ endorsement issued pursuant to Section ~~236.2~~ 236.5 of the Penal Code.

(B) A human trafficking caseworker, as identified in Section 1038.2 of the Evidence Code, has attested by affidavit that the individual was a victim of human trafficking.

(5) (A) An application for a claim by a military personnel victim based on a sexual assault by another military personnel shall not be denied solely because it was not reported to a superior officer or law enforcement at the time of the crime.

(B) Factors that the board shall consider for purposes of determining if a claim qualifies for compensation include, but are not limited to, the evidence of the following:

(i) Restricted or unrestricted reports to a military victim advocate, sexual assault response coordinator, chaplain, attorney, or other military personnel.

(ii) Medical or physical evidence consistent with sexual assault.

(iii) A written or oral report from military law enforcement or a civilian law enforcement agency concluding that a sexual assault crime was committed against the victim.

(iv) A letter or other written statement from a sexual assault counselor, as defined in Section 1035.2 of the Evidence Code, licensed therapist, or mental health counselor, stating that the victim is seeking services related to the allegation of sexual assault.

(v) A credible witness to whom the victim disclosed the details that a sexual assault crime occurred.

(vi) A restraining order from a military or civilian court against the perpetrator of the sexual assault.

(vii) Other behavior by the victim consistent with sexual assault.

(C) For purposes of this subdivision, the sexual assault at issue shall have occurred during military service, including deployment.

(D) For purposes of this subdivision, the sexual assault may have been committed off base.

(E) For purposes of this subdivision, a "perpetrator" means an individual who is any of the following at the time of the sexual assault:

(i) An active duty military personnel from the United States Army, Navy, Marine Corps, Air Force, or Coast Guard.

(ii) A civilian employee of any military branch specified in clause (i), military base, or military deployment.

(iii) A contractor or agent of a private military or private security company.

(iv) A member of the California National Guard.

(F) For purposes of this subdivision, "sexual assault" means an offense included in Section 261, 262, 264.1, 286, 288a, or 289 of the Penal Code, as of the date the act that added this paragraph was enacted.

(c) (1) Notwithstanding Section 13955, no person who is convicted of a violent felony listed in subdivision (c) of Section 667.5 of the Penal Code may be granted compensation until that person has been discharged from probation or has been released from a correctional institution and has been discharged from parole, or has been discharged from postrelease community supervision or mandatory supervision, if any, for that violent crime. In no case shall compensation be granted to an applicant pursuant to this chapter during any period of time the applicant is held in a correctional institution, or while an applicant is required to register as a sex offender pursuant to Section 290 of the Penal Code.

(2) A person who has been convicted of a violent felony listed in subdivision (c) of Section 667.5 of the Penal Code may apply for compensation pursuant to this chapter at any time, but the award of that compensation may not be considered until the applicant meets the requirements for compensation set forth in paragraph (1).

(d) The board shall not deny an application for compensation on the basis of the applicant's membership or applicant's family member's membership in, association with, or affiliation with, a gang, or on the basis of the applicant's designation or

applicant's family member's designation as a suspected gang member, associate, or affiliate in a shared gang database as defined in Section 186.34 of the Penal Code.

SEC. 2. Section 186.34 of the Penal Code is amended to read:

186.34. (a) (1) For purposes of this section, "shared gang database" shall mean any database that satisfies all of the following:

(A) Allows access for any local law enforcement agency.

(B) Contains personal, identifying information in which a person may be designated as a suspected gang member, associate, or affiliate, or for which entry of a person in the database reflects a designation of that person as a suspected gang member, associate, or affiliate.

(C) Is subject to Part 23 of Title 28 of the Code of Federal Regulations. If federal funding is no longer available to a database through the federal Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. Sec. 3711 et seq.), a database shall not have to satisfy this subparagraph to meet the definition of a "shared gang database."

(2) A "shared gang database" does not include dispatch operator reports, information used for the administration of jail or custodial facilities, criminal investigative reports, probation reports, or information required to be collected pursuant to Section 186.30.

(3) Notwithstanding subparagraph (C) of paragraph (1), a "shared gang database" includes the CalGang system, operated pursuant to Part 23 of Title 28 of the Code of Federal Regulations.

(b) Notwithstanding subparagraph (C) of paragraph (1) of subdivision (a), a shared gang database, as defined in this section, shall retain records related to the gang activity of the individuals in the database consistent with the provisions contained in Section 23.20(h) of Title 28 of the Code of Federal Regulations.

(c) (1) Commencing December 1, 2017, and annually on December 1 thereafter, any law enforcement agency that elects to utilize a shared gang database, as defined in subdivision (a), shall submit a report to the Department of Justice that contains, by ZIP Code, referring agency, race, gender, and age, the following information:

(A) The number of persons included in the database on the day of reporting.

(B) The number of persons added to the database during the immediately preceding 12 months.

(C) The number of requests for removal of a person from the database received during the immediately preceding 12 months.

(D) The number of requests for removal of a person from the database that were granted during the immediately preceding 12 months.

(E) The number of persons automatically removed from the database during the immediately preceding 12 months.

(2) Commencing January 1, 2018, and annually on December 1 thereafter, the Department of Justice shall submit a report to the CalGang Executive Board and to the Legislature that contains the information collected pursuant to paragraph (1).

(3) A report submitted to the Legislature pursuant to subdivision (a) shall comply with Section 9795 of the Government Code.

~~(b)~~

(d) (1) To the extent a local law enforcement agency elects to utilize a shared gang database, as defined in subdivision (a), prior to a local law enforcement agency designating a person as a suspected gang member, associate, or affiliate in a shared

gang database, or submitting a document to the Attorney General's office for the purpose of designating a person in a shared gang database, or otherwise identifying the person in a shared gang database, the local law enforcement agency shall provide written notice to the person, and shall, if the person is under 18 years of age, provide written notice to the person and his or her parent or guardian of the designation and the basis for the designation, unless providing that notification would compromise an active criminal investigation or compromise the health or safety of the minor.

(2) The notice described in paragraph (1) shall describe the process for the person, or if the person is under 18 years of age, for his or her parent or guardian, or an attorney working on behalf of the person, to contest the designation of the person in the database. The notice shall also inform the person of the reason for his or her designation in the database.

(e) (1) (A) A person, or, if the person is under 18 years of age, his or her parent or guardian, or an attorney working on behalf of the person may request information of any law enforcement agency as to whether the person is designated as a suspected gang member, associate, or affiliate in a shared gang database accessible by that law enforcement agency and what law enforcement agency made the designation. A request pursuant to this paragraph shall be in writing.

(B) If a person about whom information is requested pursuant to subparagraph (A) is designated as a suspected gang member, associate, or affiliate in a shared gang database by that law enforcement agency, the person making the request may also request information as to the reason for the designation for the purpose of contesting the designation as described in subdivision (f).

(2) The law enforcement agency shall provide information requested under paragraph (1), unless doing so would compromise an active criminal investigation or compromise the health or safety of the person if the person is under 18 years of age.

(3) The law enforcement agency shall respond to a valid request pursuant to paragraph (1) in writing to the person making the request within 30 calendar days of receipt of the request.

(e)

(f) Subsequent to the notice described in ~~subdivision (b)~~, subdivision (d), the person to be designated as a suspected gang member, associate, or affiliate, or his or her parent or guardian, may submit written documentation to the local law enforcement agency contesting the designation. The local law enforcement agency shall review the documentation, and if the agency determines that the person is not a suspected gang member, associate, or affiliate, the agency shall remove the person from the shared gang database. The local law enforcement agency shall provide the person and his or her parent or guardian with written verification of the agency's decision within ~~60~~ 30 days of submission of the written documentation contesting the designation. If the law enforcement agency denies the request for removal, the notice of its determination shall state the reason for the denial. The person may appeal the denial pursuant to Section 186.35.

(d) The person to be designated as a suspected gang member, associate, or affiliate, or his or her parent or guardian, shall be able to request information as to whether the person has been designated as a suspected gang member, associate, or affiliate, and the local law enforcement agency shall provide that information, unless

~~doing so would compromise an active criminal investigation or compromise the health or safety of the minor.~~

~~(e) The local law enforcement agency shall not disclose the location of the~~

~~(g) A person to be designated as a suspected gang member, associate, or affiliate to his or her parent or guardian if in a shared gang database who has not been convicted of a violation of Section 186.22 within three years of the agency determines there is credible evidence that initial designation shall be removed from the information would endanger the health or safety of the minor. database.~~

~~(f) A shared gang database, as defined in this section, shall retain records related to the gang activity of the individuals in the database consistent with the provisions contained in Section 23.20(h) of Title 28 of the Code of Federal Regulations.~~

~~(g)~~

~~(h) Nothing in this section shall require a local law enforcement agency to disclose any information protected under Section 1040 or 1041 of the Evidence Code or Section 6254 of the Government Code.~~

SEC. 3. Section 186.35 is added to the Penal Code, to read:

186.35. (a) A person who is listed by a law enforcement agency in a shared gang database or is subject to a gang injunction as a gang member, suspected gang member, associate, or affiliate may contest that designation or being subject to the gang injunction pursuant to this section. The person may contest the designation initially pursuant to this section, or other a denial as specified in subdivision (f) of Section 186.34.

(b) The person may request an administrative hearing to review the designation decision or applicability of the injunction. A person may challenge both a designation and gang injunction in one proceeding.

(c) An administrative hearing shall be held within 90 calendar days following the receipt of a request for an administrative hearing. The person requesting the hearing may request one continuance, not to exceed 21 calendar days.

(d) The administrative hearing shall be conducted in accordance with written procedures established by the agency. The hearing shall provide an independent, objective, fair, and impartial review of a contested designation.

(e) The agency shall appoint or contract with qualified examiners or administrative hearing providers that employ qualified examiners to conduct the administrative hearings. Examiners shall demonstrate those qualifications, training, and objectivity necessary to conduct a fair and impartial review.

(f) The examiner's decision following the administrative hearing may be personally delivered to the person by the examiner or sent by first-class mail, and, if the designation is not canceled, shall include a written reason for that denial.

(g) Within 30 calendar days after the mailing or personal delivery of the examiner's decision, the person may seek review by filing an appeal to be heard by the superior court where the appeal shall be heard de novo. A copy of the notice of appeal shall be served in person or by first-class mail upon the agency by the person. For purposes of computing the 30-calendar-day period, Section 1013 of the Code of Civil Procedure shall be applicable.

(h) The fee for filing the notice of appeal is as provided in Section 70615 of the Government Code. The court shall notify the person of the appearance date by mail or personal delivery. The court shall retain the fee under Section 70615 of the Government

Code regardless of the outcome of the appeal. If the court finds in favor of the person, the amount of the fee shall be reimbursed to the person by the agency.

(i) The law enforcement agency has the burden of demonstrating active gang membership, associate status, or affiliate status to the court by clear and convincing evidence.

(j) A successful challenge to the designation shall result in the removal of the person from the shared gang database or the contestant not being subject to the injunction, or both.

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 2, strike out lines 1 to 5, inclusive

AMENDMENTS TO ASSEMBLY BILL NO. 2300

Amendment 1

In the title, in line 2, after "to" insert:

medical

Amendment 2

On page 2, in line 5, strike out "place where" and insert:

location at which

Amendment 3

On page 2, in line 5, strike out "law." and insert:

law or prohibited by a landlord pursuant to Section 1947.5 of the Civil Code.

Amendment 4

On page 2, in line 8, strike out "A city council or board of supervisors may increase this" and strike out line 9

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Substantive

AMENDMENTS TO ASSEMBLY BILL NO. 2301

Amendment 1

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

Services, the

Amendment 2

On page 3, in line 4, after the comma insert:

and the local law enforcement agency

Amendment 3

On page 5, below line 29, insert:

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

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AMENDMENTS TO ASSEMBLY BILL NO. 2305

Amendment 1

In the title, in line 1, strike out "to amend Section 2863 of the Fish and Game Code,"

Amendment 2

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

fish.

Amendment 3

On page 1, before line 1, insert:

SECTION 1. (a) The Department of Fish and Wildlife shall conduct a study of native steelhead trout. The department shall do all of the following in the study:

(1) Identify which subspecies of native steelhead trout is best suited for adaptation to warming seas due to climate change.

(2) Identify areas of the state where the subspecies of native steelhead trout identified in paragraph (1) is found.

(3) Describe the current level of sustainability, current population condition, and population needs of the subspecies of native steelhead trout identified in paragraph (1).

(4) Identify subspecies of native steelhead trout that are most at risk of extinction due to climate change.

(b) (1) The department shall submit the study to the Legislature by January 1, 2018.

(2) The study submitted pursuant to this subdivision shall be submitted in compliance with Section 9795 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. 2312

Amendment 1

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

to add Section 1167.2 to the Code of Civil Procedure,

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 1167.2 is added to the Code of Civil Procedure, to read:
1167.2. (a) If a defendant is represented by an attorney in an action for unlawful detainer brought under subdivision (2) of Section 1161 in which the plaintiff is seeking past due rent from a defendant who is in possession, the defendant shall deliver an amount equal to the monthly rent to his or her attorney each month after the filing of the summons and complaint as the rent would otherwise become due and payable under the lease or rental agreement until one of the following conditions is satisfied:

- (1) The plaintiff regains possession of the property.
- (2) The court enters judgment in favor of the defendant in the unlawful detainer action.

(b) An attorney who receives rent pursuant to this section shall do all of the following:

- (1) Deposit all rent received from the defendant pursuant to subdivision (a) into a trust account separate from the attorney's own funds.
- (2) Within four days of receipt of the rent, send a letter to the plaintiff, or his or her counsel, confirming receipt of the rent.
- (3) Release the rent as directed by the court or pursuant to a written agreement between the parties.

Amendment 3

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



AMENDMENTS TO ASSEMBLY BILL NO. 2320

Amendment 1

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

to amend Sections 273.6, 402, 646.9, and 4573.5 of, and to add Section 290.97 to, the Penal Code,

Amendment 2

On page 1, before line 1, insert:

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

(1) The Federal Aviation Act of 1958 established the Federal Aviation Administration (FAA) and made the FAA responsible for the control and use of navigable airspace within the United States.

(2) The FAA regulates unmanned aircraft systems, also known as drones.

(3) Public entities, including law enforcement agencies, firefighter units, border and port patrols, disaster relief workers, search and rescue personnel, qualifying public universities, military training facilities, and other government operational mission units, may operate unmanned aircraft systems by applying for a Certificate of Waiver or Authorization from the FAA.

(4) The FAA is in the process of developing rules that are intended to safely integrate small unmanned aircraft systems into the national airspace system and that, following issuance of a Notice of Proposed Rulemaking and public comment period, are expected to be released in 2016 or 2017.

(5) The small unmanned aircraft system rules are anticipated to be similar to the current hobbyist rules for operations of model unmanned aircraft systems that limit the area of operation to low-risk and controlled environments and the size of the system to less than 55 pounds.

(6) While the FAA is developing the small unmanned aircraft system rules, private commercial entities on a company-by-company basis may apply to the FAA for a Section 333 exemption from the current rules for manned aircraft by showing that the entity operates with at least an equivalent level of safety. The FAA has granted over 1,900 Section 333 exemptions to date for the commercial operation of unmanned aircraft systems in the photography, film, utilities, energy, infrastructure, real estate, agricultural, and construction industries.

(7) In addition to being used in military training and operations and public safety areas, unmanned aircraft systems may be used in a wide variety of activities, including oil and natural gas pipeline inspection, transportation, natural disaster aid, search and rescue, precision agriculture, natural resource and environmental protection, bridge and infrastructure inspection, public utility support, construction and building inspection, surveying, golf course marketing, wind turbine inspection, realtor marketing photography, and prison monitoring.

(8) While the public has expressed concerns with the operation of unmanned aircraft systems, including privacy and safety issues, there are benefits that may be



realized by the state, including the state's various industry sectors, from conducting research on unmanned aircraft systems in the state and developing, manufacturing, and operating unmanned aircraft systems in the state.

(9) The FAA has warned that a "patchwork quilt" of inconsistent regulation raises substantial safety concerns, impedes innovation, and makes it virtually impossible for end-users to understand the rules for operating unmanned aircraft systems.

(b) (1) It is the intent of the Legislature that a person be prohibited from, without the owner or business operator's written consent, operating or using an unmanned aircraft system to knowingly and intentionally fly within 250 feet of the perimeter of any critical infrastructure facility for the purpose of conducting surveillance of the facility, gathering evidence or collecting information about the facility, or photographically or electronically recording critical infrastructure data.

(2) For purposes of this subdivision, "critical infrastructure facility" means an airport, an electrical power generation system, a petroleum refinery, a manufacturing facility that utilizes any combustible chemicals either in storage or in the process of manufacturing, a chemical or rubber manufacturing facility, or a petroleum or chemical storage facility.

SEC. 2. Section 273.6 of the Penal Code is amended to read:

273.6. (a) Any intentional and knowing violation of a protective order, as defined in Section 6218 of the Family Code, or of an order issued pursuant to Section 527.6, 527.8, or 527.85 of the Code of Civil Procedure, or Section 15657.03 of the Welfare and Institutions Code, is a misdemeanor punishable by a fine of not more than one thousand dollars (\$1,000), or by imprisonment in a county jail for not more than one year, or by both that fine and imprisonment.

(b) ~~In the event of a~~ A violation of subdivision (a) that results in physical injury, ~~the person~~ shall be punished by a fine of not more than two thousand dollars (\$2,000), or by imprisonment in a county jail for not less than 30 days nor more than one year, or by both that fine and imprisonment. However, if the person is imprisoned in a county jail for at least 48 hours, the court may, in the interest of justice and for reasons stated on the record, reduce or eliminate the 30-day minimum imprisonment required by this subdivision. In determining whether to reduce or eliminate the minimum imprisonment pursuant to this subdivision, the court shall consider the seriousness of the facts before the court, whether there are additional allegations of a violation of the order during the pendency of the case before the court, the probability of future violations, the safety of the victim, and whether the defendant has successfully completed or is making progress with counseling.

(c) Subdivisions (a) and (b) shall apply to the following court orders:

(1) Any order issued pursuant to Section 6320 or 6389 of the Family Code.

(2) An order excluding one party from the family dwelling or from the dwelling of the other.

(3) An order enjoining a party from specified behavior that the court determined was necessary to effectuate the order described in subdivision (a).

(4) Any order issued by another state that is recognized under Part 5 (commencing with Section 6400) of Division 10 of the Family Code.

(d) A subsequent conviction for a violation of an order described in subdivision (a), occurring within seven years of a prior conviction for a violation of an order described in subdivision (a) and involving an act of violence or "a credible threat" of

violence, as defined in subdivision (c) of Section 139, is punishable by imprisonment in a county jail not to exceed one year, or pursuant to subdivision (h) of Section 1170.

(e) ~~In the event of a~~ subsequent conviction for a violation of an order described in subdivision (a) for an act occurring within one year of a prior conviction for a violation of an order described in subdivision (a) that results in physical injury to a victim, ~~the person~~ shall be punished by a fine of not more than two thousand dollars (\$2,000), or by imprisonment in a county jail for not less than six months nor more than one year, by both that fine and imprisonment, or by imprisonment pursuant to subdivision (h) of Section 1170. However, if the person is imprisoned in a county jail for at least 30 days, the court may, in the interest of justice and for reasons stated in the record, reduce or eliminate the six-month minimum imprisonment required by this subdivision. In determining whether to reduce or eliminate the minimum imprisonment pursuant to this subdivision, the court shall consider the seriousness of the facts before the court, whether there are additional allegations of a violation of the order during the pendency of the case before the court, the probability of future violations, the safety of the victim, and whether the defendant has successfully completed or is making progress with counseling.

(f) The prosecuting agency of each county shall have the primary responsibility for the enforcement of orders described in subdivisions (a), (b), (d), and (e).

(g) (1) ~~Every~~ A person who owns, possesses, purchases, or receives a firearm knowing he or she is prohibited from doing so by the provisions of a protective order as defined in Section 136.2 of this code, Section 6218 of the Family Code, or Section 527.6, 527.8, or 527.85 of the Code of Civil Procedure, or Section 15657.03 of the Welfare and Institutions Code, shall be punished under Section 29825.

(2) ~~Every~~ A person subject to a protective order described in paragraph (1) shall not be prosecuted under this section for owning, possessing, purchasing, or receiving a firearm to the extent that firearm is granted an exemption pursuant to subdivision (f) of Section 527.9 of the Code of Civil Procedure, or subdivision (h) of Section 6389 of the Family Code.

(h) If probation is granted upon conviction of a violation of subdivision (a), (b), (c), (d), or (e), the court shall impose probation consistent with Section 1203.097, and the conditions of probation may include, in lieu of a fine, one or both of the following requirements:

(1) That the defendant make payments to a battered women's shelter or to a shelter for abused elder persons or dependent adults, up to a maximum of five thousand dollars (\$5,000), pursuant to Section 1203.097.

(2) That the defendant reimburse the victim for reasonable costs of counseling and other reasonable expenses that the court finds are the direct result of the defendant's offense.

(i) For any order to pay a fine, make payments to a battered women's shelter, or pay restitution as a condition of probation under subdivision (e), the court shall make a determination of the defendant's ability to pay. ~~In no event shall any~~ An order to make payments to a battered women's shelter shall not be made if it would impair the ability of the defendant to pay direct restitution to the victim or court-ordered child support. ~~Where~~ If the injury to a married person is caused in whole or in part by the criminal acts of his or her spouse in violation of this section, the community property may not be used to discharge the liability of the offending spouse for restitution to the

injured spouse, required by Section 1203.04, as operative on or before August 2, 1995, or Section 1202.4, or to a shelter for costs with regard to the injured spouse and dependents, required by this section, until all separate property of the offending spouse is exhausted.

(j) (1) This subdivision applies to a person who is both of the following:

(A) The person is subject to a protective order, as defined in Section 6218 of the Family Code, or a protective order issued pursuant to this code, Section 527.6, 527.8, or 527.85 of the Code of Civil Procedure, or Section 15657.03 of the Welfare and Institutions Code.

(B) The person is prohibited by the protective order described in subparagraph (A) from coming within a specified distance of another person.

(2) A person described in paragraph (1) shall not do either of the following:

(A) Operate an unmanned aircraft system in a way that causes an unmanned aircraft to fly within the prohibited distance of the other person.

(B) Capture images of the other person by using an unmanned aircraft system.

(3) A violation of paragraph (2) is a violation of the protective order.

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

(A) "Unmanned aircraft" means an aircraft that is operated without the possibility of direct human intervention from within or on the aircraft.

(B) "Unmanned aircraft system" means an unmanned aircraft and associated elements, including, but not limited to, communication links and the components that control the unmanned aircraft that are required for the pilot in command to operate safely and efficiently in the national airspace system.

SEC. 3. Section 290.97 is added to the Penal Code, to read:

290.97. (a) A person required to register pursuant to this chapter for an offense committed on or after January 1, 2017, shall not operate an unmanned aircraft system.

(b) For purposes of this section, both of the following definitions apply:

(1) "Unmanned aircraft" means an aircraft that is operated without the possibility of direct human intervention from within or on the aircraft.

(2) "Unmanned aircraft system" means an unmanned aircraft and associated elements, including, but not limited to, communication links and the components that control the unmanned aircraft that are required for the pilot in command to operate safely and efficiently in the national airspace system.

SEC. 4. Section 402 of the Penal Code is amended to read:

402. (a) ~~Every~~ (1) A person who goes to the scene of an emergency, or stops at the scene of an emergency, for the purpose of viewing the scene or the activities of police officers, firefighters, emergency medical, or other emergency personnel, or military personnel coping with the emergency in the course of their duties during the time it is necessary for emergency vehicles or those personnel to be at the scene of the emergency or to be moving to or from the scene of the emergency for the purpose of protecting lives or property, unless it is part of the duties of that person's employment to view that scene or activities, and thereby impedes police officers, firefighters, emergency medical, or other emergency personnel or military personnel, in the performance of their duties in coping with the emergency, is guilty of a misdemeanor.

(2) For purposes of this subdivision, a person includes a person who operates or uses an unmanned aircraft system. For purposes of this paragraph, both of the following definitions apply:

(A) "Unmanned aircraft" means an aircraft that is operated without the possibility of direct human intervention from within or on the aircraft.

(B) "Unmanned aircraft system" means an unmanned aircraft and associated elements, including, but not limited to, communication links and the components that control the unmanned aircraft that are required for the pilot in command to operate safely and efficiently in the national airspace system.

(b) Every ~~A~~ person who knowingly resists or interferes with the lawful efforts of a lifeguard in the discharge or attempted discharge of an official duty in an emergency situation, when the person knows or reasonably should know that the lifeguard is engaged in the performance of his or her official duty, is guilty of a misdemeanor.

(c) For the purposes of this section, an emergency includes a condition or situation involving injury to persons, damage to property, or peril to the safety of persons or property, which results from a fire, an explosion, an airplane crash, flooding, windstorm damage, a railroad accident, a traffic accident, a power plant accident, a toxic chemical or biological spill, or any other natural or human-caused event.

SEC. 5. Section 646.9 of the Penal Code is amended to read:

646.9. (a) ~~Any~~ (1) A person who willfully, maliciously, and repeatedly follows or willfully and maliciously harasses another person and who makes a credible threat with the intent to place that person in reasonable fear for his or her safety, or the safety of his or her immediate family is guilty of the crime of stalking, punishable by imprisonment in a county jail for not more than one year, or by a fine of not more than one thousand dollars (\$1,000), or by both that fine and imprisonment, or by imprisonment in the state prison.

(2) For purposes of this subdivision, a person includes a person who operates or uses an unmanned aircraft system. For purposes of this paragraph, both of the following definitions apply:

(A) "Unmanned aircraft" means an aircraft that is operated without the possibility of direct human intervention from within or on the aircraft.

(B) "Unmanned aircraft system" means an unmanned aircraft and associated elements, including, but not limited to, communication links and the components that control the unmanned aircraft that are required for the pilot in command to operate safely and efficiently in the national airspace system.

(b) Any person who violates subdivision (a) when there is a temporary restraining order, injunction, or any other court order in effect prohibiting the behavior described in subdivision (a) against the same party, shall be punished by imprisonment in the state prison for two, three, or four years.

(c) (1) Every person who, after having been convicted of a felony under Section 273.5, 273.6, or 422, commits a violation of subdivision (a) shall be punished by imprisonment in a county jail for not more than one year, or by a fine of not more than one thousand dollars (\$1,000), or by both that fine and imprisonment, or by imprisonment in the state prison for two, three, or five years.

(2) Every person who, after having been convicted of a felony under subdivision (a), commits a violation of this section shall be punished by imprisonment in the state prison for two, three, or five years.

(d) In addition to the penalties provided in this section, the sentencing court may order a person convicted of a felony under this section to register as a sex offender pursuant to Section 290.006.

(e) For the purposes of this section, "harasses" means engages in a knowing and willful course of conduct directed at a specific person that seriously alarms, annoys, torments, or terrorizes the person, and that serves no legitimate purpose.

(f) For the purposes of this section, "course of conduct" means two or more acts occurring over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of "course of conduct."

(g) For the purposes of this section, "credible threat" means a verbal or written threat, including that performed through the use of an electronic communication device, or a threat implied by a pattern of conduct or a combination of verbal, written, or electronically communicated statements and conduct, made with the intent to place the person that is the target of the threat in reasonable fear for his or her safety or the safety of his or her family, and made with the apparent ability to carry out the threat so as to cause the person who is the target of the threat to reasonably fear for his or her safety or the safety of his or her family. It is not necessary to prove that the defendant had the intent to actually carry out the threat. The present incarceration of a person making the threat shall not be a bar to prosecution under this section. Constitutionally protected activity is not included within the meaning of "credible threat."

(h) For purposes of this section, the term "electronic communication device" includes, but is not limited to, telephones, cellular phones, computers, video recorders, fax machines, or pagers. "Electronic communication" has the same meaning as the term defined in Subsection 12 of Section 2510 of Title 18 of the United States Code.

(i) This section shall not apply to conduct that occurs during labor picketing.

(j) If probation is granted, or the execution or imposition of a sentence is suspended, for any person convicted under this section, it shall be a condition of probation that the person participate in counseling, as designated by the court. However, the court, upon a showing of good cause, may find that the counseling requirement shall not be imposed.

(k) (1) The sentencing court also shall consider issuing an order restraining the defendant from any contact with the victim, that may be valid for up to 10 years, as determined by the court. It is the intent of the Legislature that the length of any restraining order be based upon the seriousness of the facts before the court, the probability of future violations, and the safety of the victim and his or her immediate family.

(2) This protective order may be issued by the court whether the defendant is sentenced to state prison, county jail, or if imposition of sentence is suspended and the defendant is placed on probation.

(l) For purposes of this section, "immediate family" means any spouse, parent, child, any person related by consanguinity or affinity within the second degree, or any other person who regularly resides in the household, or who, within the prior six months, regularly resided in the household.

(m) The court shall consider whether the defendant would benefit from treatment pursuant to Section 2684. If it is determined to be appropriate, the court shall recommend that the Department of Corrections and Rehabilitation make a certification as provided in Section 2684. Upon the certification, the defendant shall be evaluated and transferred to the appropriate hospital for treatment pursuant to Section 2684.

SEC. 6. Section 4573.5 of the Penal Code is amended to read:

4573.5. ~~Any~~ (a) (1) A person who knowingly brings into any state prison or other institution under the jurisdiction of the Department of Corrections, or into any prison camp, prison farm, or any other place where prisoners or inmates of these institutions are located under the custody of prison or institution officials, officers, or employees, or into any county, city and county, or city jail, road camp, farm or any other institution or place where prisoners or inmates are being held under the custody of any sheriff, chief of police, peace officer, probation officer, or employees, or within the grounds belonging to any institution or place, any alcoholic beverage, any drugs, other than controlled substances, in any manner, shape, form, dispenser, or container, or any device, contrivance, instrument, or paraphernalia intended to be used for unlawfully injecting or consuming any drug other than controlled substances, without having authority so to do by the rules of the Department of Corrections, the rules of the prison, institution, camp, farm, place, or jail, or by the specific authorization of the warden, superintendent, jailer, or other person in charge of the prison, jail, institution, camp, farm, or place, is guilty of a felony.

~~The~~

(2) For purposes of this subdivision, a person includes a person who operates or uses an unmanned aircraft system. For purposes of this paragraph, both of the following definitions apply:

(A) "Unmanned aircraft" means an aircraft that is operated without the possibility of direct human intervention from within or on the aircraft.

(B) "Unmanned aircraft system" means an unmanned aircraft and associated elements, including, but not limited to, communication links and the components that control the unmanned aircraft that are required for the pilot in command to operate safely and efficiently in the national airspace system.

(b) The prohibitions and sanctions addressed in this section shall be clearly and prominently posted outside of, and at the entrance to, the grounds of all detention facilities under the jurisdiction of, or operated by, the state or any city, county, or city and county.

SEC. 7. 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 and 2

AMENDMENTS TO ASSEMBLY BILL NO. 2323

Amendment 1

In the title, in line 1, strike out "amend Section 39600 of the Health and Safety Code,"; strike out line 2 and insert:

add Section 740.13 to the Public Utilities Code, relating to energy.

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 740.13 is added to the Public Utilities Code, to read:

740.13. An electrical corporation that offers time-of-use rates, critical peak pricing, real-time pricing, or peak time rebates for the charging of electric vehicles, as part of a program to encourage transportation electrification, shall offer similar rates to low-carbon fuel production facilities and public and private fueling stations dedicated to providing low-carbon fuels for transportation purposes. Nothing in this section requires an electrical corporation to offer time-of-use rates, critical peak pricing, real-time pricing, or peak time rebates to low-carbon fuel production facilities or low-carbon fueling stations that do not offer special electric service rates designed to encourage the use of electric vehicles.

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

Amendment 3

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



AMENDMENTS TO ASSEMBLY BILL NO. 2335

Amendment 1

In the title, in line 1, strike out "amend Section 13260 of" and insert:
add and repeal Section 13172.6 of

Amendment 2

In the title, in line 1, strike out "water", strike out line 2 and insert:
dredging.

Amendment 3

On page 1, before line 1, insert:

SECTION 1. Section 13172.6 is added to the Water Code, to read:

13172.6. (a) On or before June 1, 2017, the state board and the Department of Fish and Wildlife shall report to the Legislature on the status of the suction dredge permitting program established by Chapter 680 of the Statutes of 2015 and include at least all of the following information:

- (1) The number or amount of permits issued statewide.
- (2) The cost of permits and associated fees.
- (3) The requirements and process for an individual to proceed with obtaining waste discharge requirements or a waiver of waste discharge requirements pursuant to Section 13172.5 and a permit pursuant to Section 5653 of the Fish and Game Code.
- (4) A discussion of the public workshops conducted pursuant to subdivision (c) of Section 13172.5.

(b) (1) A report to be submitted pursuant to subdivision (a) shall be submitted in compliance with Section 9795 of the Government Code.

(2) Pursuant to Section 10231.5 of the Government Code, this section is repealed on June 1, 2021.

Amendment 4

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



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Substantive

AMENDMENT TO ASSEMBLY BILL NO. 2337

Amendment 1

On page 3, below line 28, insert:

(h) Employers shall inform each employee of his or her rights established under this section by providing that information in writing to new employees upon hire and to other employees upon request.

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AMENDMENTS TO ASSEMBLY BILL NO. 2342

Amendment 1

In the title, in line 1, strike out "65401" and insert:

8625

Amendment 2

In the title, strike out line 2 and insert:

state government.

Amendment 3

On page 1, before line 1, insert:

SECTION 1. Section 8625 of the Government Code is amended to read:

8625. (a) The Governor is hereby empowered to proclaim a state of emergency in an area affected or likely to be affected thereby ~~when:~~

~~(a) He when he or she~~ finds that circumstances described in subdivision (b) of Section 8558 ~~exist; exist,~~ and either of the following is true:

~~(b)~~

(1) He or she is requested to do so in the case of a city by the mayor or chief executive, ~~(2) or~~ in the case of a county by the chairman of the board of supervisors or the county administrative officer; ~~or~~

~~(c)~~

(2) He or she finds that local authority is inadequate to cope with the emergency.

(b) The Governor shall approve or deny a request received pursuant to paragraph (1) of subdivision (a) within 60 days of receiving the request, except if the Governor has requested either federal emergency assistance or a federal declaration of a major disaster.

Amendment 4

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



AMENDMENTS TO ASSEMBLY BILL NO. 2345

Amendment 1

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

to add Chapter 6 (commencing with Section 127650) to Part 2 of Division 107 of the Health and Safety Code,

Amendment 2

On page 2, before line 1, insert:

SECTION 1. Chapter 6 (commencing with Section 127650) is added to Part 2 of Division 107 of the Health and Safety Code, to read:

CHAPTER 6. COMMISSION ON HEALTH CARE COST REVIEW

127650. The Commission on Health Care Cost Review is hereby created.

127651. (a) The commission shall consist of five members. Three members shall be appointed by the Governor, one member shall be appointed by the Senate Committee on Rules, and one member shall be appointed by the Speaker of the Assembly. Each member shall serve a term of four years.

(b) Members of the commission shall not receive compensation. The commission may conduct virtual meetings.

127652. (a) The commission shall study and analyze public policies affecting health care costs and access to health care coverage in California.

(b) (1) The commission shall report its findings to the Assembly and Senate Committees on Health every two years.

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

127653. (a) The Department of Managed Health Care may accept voluntary contributions to pay for the costs of operation of the commission established under this chapter. These voluntary contributions shall be deposited into the Health Care Affordability Fund, which is hereby created in the State Treasury. The moneys in the Health Care Affordability Fund shall be available, upon appropriation by the Legislature, for purposes of funding the costs of the operation of the commission. No state funds shall be used to fund the operation of the commission established under this chapter.

(b) The implementation of this chapter shall be contingent upon a determination by the Department of Managed Health Care that sufficient voluntary contributions exist or will exist in the Health Care Affordability Fund. Upon making this determination the Department of Managed Health Care shall notify the Legislature that sufficient voluntary contributions exist or will exist in the Health Care Affordability Fund.



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RN 16 08964 PAGE 2
Substantive

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

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AMENDMENTS TO ASSEMBLY BILL NO. 2347

Amendment 1

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

to amend Section 10248 of the Government Code,

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 10248 of the Government Code is amended to read:
10248. (a) The Legislative Counsel shall, with the advice of the Assembly Committee on Rules and the Senate Committee on Rules, make all of the following information available to the public in electronic form:

(1) The legislative calendar, the schedule of legislative committee hearings, a list of matters pending on the floors of both houses of the Legislature, and a list of the committees of the Legislature and their members.

(2) The text of each bill introduced in each current legislative session, including each amended, enrolled, and chaptered form of each bill.

(3) The bill history of each bill introduced and amended in each current legislative session.

(4) The bill status of each bill introduced and amended in each current legislative session.

(5) All bill analyses prepared by legislative committees in connection with each bill in each current legislative session.

(6) All vote information concerning each bill in each current legislative session.

(7) Any veto message concerning a bill in each current legislative session.

(8) Information described in paragraphs (2) to (7), inclusive, for each legislative session after final adjournment of the session, commencing with the 1993–1994 Regular Session of the Legislature.

~~(8)~~

~~(9)~~ The California Codes.

~~(9)~~

~~(10)~~ The California Constitution.

~~(10)~~

~~(11)~~ All statutes enacted on or after January 1, 1993.

(b) The information identified in subdivision (a) shall be made available to the public by means of access by way of the largest nonproprietary, nonprofit cooperative public computer network. The information shall be made available in one or more formats and by one or more means in order to provide the greatest feasible access to the general public in this state. Any person who accesses the information may access all or any part of the information. The information may also be made available by any other means of access that would facilitate public access to the information. The information that is maintained in the legislative information system that is operated and maintained by the Legislative Counsel shall be made available in the shortest



feasible time after the information is available in the information system. The information that is not maintained in the information system shall be made available in the shortest feasible time after it is available to the Legislative Counsel.

(c) Any documentation that describes the electronic digital formats of the information identified in subdivision (a) and is available to the public shall be made available by means of access by way of the computer network specified in subdivision (b).

(d) Personal information concerning a person who accesses the information may be maintained only for the purpose of providing service to the person.

(e) No fee or other charge may be imposed by the Legislative Counsel as a condition of accessing the information that is accessible by way of the computer network specified in subdivision (b).

(f) The electronic public access provided by way of the computer network specified in subdivision (b) shall be in addition to other electronic or print distribution of the information.

(g) No action taken pursuant to this section shall be deemed to alter or relinquish any copyright or other proprietary interest or entitlement of the State of California relating to any of the information made available pursuant to this section.

Amendment 3

On page 1, strike out lines 1 and 2

AMENDMENTS TO ASSEMBLY BILL NO. 2349

Amendment 1

In the title, in line 1, strike out "Section 298" and insert:

Sections 7620 and 7962

Amendment 2

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

assisted reproduction.

Amendment 3

On page 1, before line 1, insert:

SECTION 1. Section 7620 of the Family Code is amended to read:

7620. (a) A person who has sexual intercourse or causes conception with the intent to become a legal parent by assisted reproduction in this state, or who enters into an assisted reproduction agreement for gestational carriers in this state, thereby submits to the jurisdiction of the courts of this state as to an action brought under this part with respect to a child who may have been conceived by that act of intercourse or assisted reproduction.

(b) If a child is conceived pursuant to an assisted reproduction agreement for gestational carriers, as defined in Section 7960 and as described in Section 7962, the courts of this state shall have jurisdiction over a proceeding to determine parentage of the child if any of the following conditions is satisfied:

(1) One or more of the parties to the assisted reproduction agreement for gestational carriers resides in this state, or resided in this state at the time the assisted reproduction agreement for gestational carriers was executed.

(2) The medical procedures leading to conception, including in vitro fertilization or embryo transfer, or both, were carried out in this state.

(3) The child is born in this state.

~~(b)~~

(c) An action under this part shall be brought in one of the following:

(1) The county in which the child resides or is found.

(2) If the child is the subject of a pending or proposed adoption, any county in which a licensed California adoption agency to which the child has been relinquished or is proposed to be relinquished maintains an office.

(3) If the child is the subject of a pending or proposed adoption, the county in which an office of the department or a public adoption agency investigating the petition is located.

(4) If the parent is deceased, the county in which proceedings for probate of the estate of the parent of the child have been or could be commenced.



(5) If the child was conceived pursuant to an assisted reproduction agreement for gestational carriers, any county described in subdivision (e) of Section 7962.

SEC. 2. Section 7962 of the Family Code is amended to read:

7962. (a) An assisted reproduction agreement for gestational carriers shall contain, but shall not be limited to, all of the following information:

(1) The date on which the assisted reproduction agreement for gestational carriers was executed.

(2) The persons from which the gametes originated, ~~unless anonymously donated; donated gametes were used, in which case the assisted reproduction agreement does not need to specify the name of the donor but shall specify whether the donated gamete or gametes were eggs, sperm, or embryos, or all.~~

(3) The identity of the intended parent or parents.

(4) Disclosure of how the intended parents will cover the medical expenses of the gestational carrier and of the newborn or newborns. If health care coverage is used to cover those medical expenses, the disclosure shall include a review of the health care policy provisions related to coverage for surrogate pregnancy, including any possible liability of the gestational carrier, third-party liability liens or other insurance coverage, and any notice requirements that could affect coverage or liability of the gestational carrier. The review and disclosure do not constitute legal advice. If coverage of liability is uncertain, a statement of that fact shall be sufficient to meet the requirements of this section.

(b) Prior to executing the written assisted reproduction agreement for gestational carriers, a surrogate and the intended parent or intended parents shall be represented by separate independent licensed attorneys of their choosing.

(c) The assisted reproduction agreement for gestational carriers shall be executed by the parties and the signatures on the assisted reproduction agreement for gestational carriers shall be notarized or witnessed by an equivalent method of affirmation as required in the jurisdiction where the assisted reproduction agreement for gestational carriers is executed.

(d) The parties to an assisted reproduction agreement for gestational carriers shall not undergo an embryo transfer procedure, or commence injectable medication in preparation for an embryo transfer for assisted reproduction purposes, until the assisted reproduction agreement for gestational carriers has been fully executed as required by subdivisions (b) and (c) of this section.

(e) An action to establish the parent-child relationship between the intended parent or parents and the child as to a child conceived pursuant to an assisted reproduction agreement for gestational carriers may be filed before the child's birth and may be filed in the county where the child is anticipated to be born, the county where the intended parent or intended parents reside, the county where the surrogate resides, the county where the assisted reproduction agreement for gestational carriers is executed, or the county where medical procedures pursuant to the agreement are to be performed. A copy of the assisted reproduction agreement for gestational carriers shall be lodged in the court action filed for the purpose of establishing the parent-child relationship. The parties to the assisted reproduction agreement for gestational carriers shall attest, under penalty of perjury, and to the best of their knowledge and belief, as to the parties' compliance with this section in entering into the assisted reproduction agreement for gestational carriers. Submitting those declarations shall not constitute

a waiver, under Section 912 of the Evidence Code, of the lawyer-client privilege described in Article 3 (commencing with Section 950) of Chapter 4 of Division 8 of the Evidence Code.

(f) (1) A notarized assisted reproduction agreement for gestational carriers signed by all the parties, with the attached declarations of independent attorneys, and lodged with the superior court in accordance with this section, shall rebut any presumptions contained within Part 2 (commencing with Section 7540), subdivision (b) of Section 7610, and Sections 7611 and 7613, as to the gestational carrier surrogate, her spouse, or partner being a parent of the child or children.

(2) Upon petition of any party to a properly executed assisted reproduction agreement for gestational carriers, the court shall issue a judgment or order establishing a parent-child relationship, whether pursuant to Section 7630 or otherwise. The judgment or order may be issued before or after the child's or children's birth subject to the limitations of Section 7633. Subject to proof of compliance with this section, the judgment or order shall establish the parent-child relationship of the intended parent or intended parents identified in the surrogacy agreement and shall establish that the surrogate, her spouse, or partner is not a parent of, and has no parental rights or duties with respect to, the child or children. The judgment or order shall terminate any parental rights of the surrogate and her spouse or partner without further hearing or evidence, unless the court or a party to the assisted reproduction agreement for gestational carriers has a good faith, reasonable belief that the assisted reproduction agreement for gestational carriers or attorney declarations were not executed in accordance with this section. Upon motion by a party to the assisted reproduction agreement for gestational carriers, the matter shall be scheduled for hearing before a judgment or order is issued. Nothing in this section shall be construed to prevent a court from finding and declaring that the intended parent is or intended parents are the parent or parents of the child where compliance with this section has not been met; however, the court shall require sufficient proof entitling the parties to the relief sought.

(g) The petition, relinquishment or consent, agreement, order, report to the court from any investigating agency, and any power of attorney and deposition filed in the office of the clerk of the court pursuant to this part shall not be open to inspection by any person other than the parties to the proceeding and their attorneys and the State Department of Social Services, except upon the written authority of a judge of the superior court. A judge of the superior court shall not authorize anyone to inspect the petition, relinquishment or consent, agreement, order, report to the court from any investigating agency, or power of attorney or deposition, or any portion of those documents, except in exceptional circumstances and where necessary. The petitioner may be required to pay the expense of preparing the copies of the documents to be inspected.

(h) Upon the written request of any party to the proceeding and the order of any judge of the superior court, the clerk of the court shall not provide any documents referred to in subdivision (g) for inspection or copying to any other person, unless the name of the gestational carrier or any information tending to identify the gestational carrier is deleted from the documents or copies thereof.

(i) An assisted reproduction agreement for gestational carriers executed in accordance with this section is presumptively valid and shall not be rescinded or revoked without a court order. For purposes of this part, any failure to comply with the

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Substantive

requirements of this section shall rebut the presumption of the validity of the assisted reproduction agreement for gestational carriers.

Amendment 4

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

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RN 16 08524 PAGE 1
Substantive

AMENDMENT TO ASSEMBLY BILL NO. 2357

Amendment 1

On page 1, in line 4, strike out "2016," and insert:

2018,

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RN 16 09312 PAGE 1
Substantive

AMENDMENTS TO ASSEMBLY BILL NO. 2362

Amendment 1

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

to add Section 4777 to the Civil Code,

Amendment 2

On page 1, before line 1, insert:

SECTION 1. The Legislature finds and declares the following:

(a) Existing law, Section 1940.8.5 of the Civil Code, requires a landlord or his or her agent who applies pesticide in certain ways to a dwelling unit or common area without a licensed pest control operator to provide to tenants of potentially affected units written notification that includes the pest to be targeted, the pesticide to be used, the frequency of its use, and a health and safety statement prior to the pesticide application.

(b) It is the intent of this bill, therefore, that when pesticides are about to be applied to the separate interests or to the common areas of a common interest development either by the homeowner association or by one of its agents rather than by a licensed pest control operator, that the occupants of the separate interests, whether owners or tenants, and occupants of adjacent separate units that could reasonably be impacted by the pesticide be provided with substantially the same written notification that they would have received under existing law had the pesticides been applied by a licensed pest control operator.

SEC. 2. Section 4777 is added to the Civil Code, to read:

4777. (a) For the purposes of this section:

(1) "Adjacent separate interest" means a separate interest that is directly beside, above, or below a particular separate interest or the common area.

(2) "Authorized agent" means an individual, organization, or other entity that has entered into an agreement with the association to act on the association's behalf.

(3) "Broadcast application" means spreading pesticide over an area greater than two square feet.

(4) "Electronic delivery" means delivery of a document by electronic means to the electronic address at, or through which, an owner of a separate interest has authorized electronic delivery.

(5) "Licensed pest control operator" means anyone licensed by the state to apply pesticides.

(6) "Pest" means a living organism that causes damage to property or economic loss, or transmits or produces diseases.

(7) "Pesticide" means any substance, or mixture of substances, that is intended to be used for controlling, destroying, repelling, or mitigating any pest or organism, excluding antimicrobial pesticides as defined by the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. Sec. 136(mm)).



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(b) (1) An association or its authorized agent that applies any pesticide to a separate interest or to the common area without a licensed pest control operator shall provide the owner or the tenant of an affected separate interest and, if making broadcast applications, or using total release foggers or aerosol sprays, the owner or tenant in an adjacent separate interest that could reasonably be impacted by the pesticide use with written notice that contains the following statements and information using words with common and everyday meaning:

- (A) The pest or pests to be controlled.
- (B) The name and brand of the pesticide product proposed to be used.
- (C) "State law requires that you be given the following information:

CAUTION – PESTICIDES ARE TOXIC CHEMICALS. The California Department of Pesticide Regulation and the United States Environmental Protection Agency allow the unlicensed use of certain pesticides based on existing scientific evidence that there are no appreciable risks if proper use conditions are followed or that the risks are outweighed by the benefits. The degree of risk depends upon the degree of exposure, so exposure should be minimized.

If within 24 hours following application of a pesticide, a person experiences symptoms similar to common seasonal illness comparable to influenza, the person should contact a physician, appropriate licensed health care provider, or the California Poison Control System (1-800-222-1222).

For further information, contact any of the following: for Health Questions – the County Health Department (telephone number) and for Regulatory Information – the Department of Pesticide Regulation (916-324-4100)."

(D) The approximate date, time, and frequency with which the pesticide will be applied.

(E) The following notification:

"The approximate date, time, and frequency of this pesticide application is subject to change."

(2) At least 48 hours prior to application of the pesticide to a separate interest, the association or its authorized agent shall provide individual notice to the owner of the separate interest as well as notice to any tenant of the separate interest, as well as any owner or tenant occupying any adjacent separate interest that is required to be notified pursuant to paragraph (1). Notice to tenants of separate interests shall be provided, in at least one of the following ways:

- (A) First-class mail.
- (B) Personal delivery to an occupant 18 years of age or older.
- (C) Electronic delivery, if an electronic mailing address has been provided by the tenant.

(3) (A) Upon receipt of written notification, the owner of the separate interest or the tenant may agree in writing or, if notification was delivered electronically, the tenant may agree through electronic delivery, to allow the association or authorized agent to apply a pesticide immediately or at an agreed upon time.

(B) (i) Prior to receipt of written notification, the association or authorized agent may agree orally to an immediate pesticide application if the owner or occupant requests

that the pesticide be applied before the 48-hour of the pesticide product proposed to be used.

(ii) With respect to an owner or occupant entering into an oral agreement for immediate pesticide application, the association or authorized agent, no later than the time of pesticide application, shall leave the written notice specified in paragraph (1) in a conspicuous place in the separate interest or at the entrance of the separate interest in a manner in which a reasonable person would discover the notice.

(iii) If any owner of a separate interest or occupant in an adjacent separate interest is also required to be notified pursuant to this subparagraph, the association or authorized agent shall provide that person with this notice as soon as practicable after the oral agreement is made authorizing immediate pesticide application, but in no case later than commencement of application of the pesticide.

(4) A copy of a written notice provided pursuant paragraph (1) shall be attached to the minutes of the board meeting immediately subsequent the application of the pesticide.

Amendment 3

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

AMENDMENTS TO ASSEMBLY BILL NO. 2365

Amendment 1

In the title, strike out line 1 and insert:

An act to add Section 6010.15 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Amendment 2

On page 2, before line 1, insert:

SECTION 1. Section 6010.15 is added to the Revenue and Taxation Code, to read:

6010.15. (a) "Sale" and "purchase" for the purposes of this part do not include the transfer of title to vested property by a pawnbroker to a person who pledged the property to the pawnbroker as security for a loan and from whom title to the property transferred to the pawnbroker pursuant to Section 21201 of the Financial Code, if both of the following requirements are met:

(1) The transfer occurs no more than six months after title to the property transferred to the pawnbroker from the person pursuant to Section 21201 of the Financial Code.

(2) As consideration for the transfer of the property, the person is required to pay the pawnbroker only the remaining unpaid balance of the amount borrowed under the loan as of the date the pawnbroker becomes vested with title to the property, together with one of the following:

(A) For an original loan amount not exceeding two thousand four hundred ninety-nine dollars and ninety-nine cents (\$2,499.99), charges and interest due under the loan pursuant to Chapter 2 (commencing with Section 21200) of Division 8 of the Financial Code, from the date the pawnbroker is vested with title to the property to the date of the transfer to the person who pledged the property.

(B) For an original loan amount of two thousand five hundred dollars (\$2,500) or more, charges and interest due in accordance with the last monthly contractual interest rate, from the date the pawnbroker is vested with title to the property until the date of the transfer to the person who pledged the property.

(b) As used in this section:

(1) "Pawnbroker" has the meaning described in Section 21000 of the Financial Code.

(2) "Vested property" has the meaning described in subdivision (b) of Section 21002 of the Financial Code.

SEC. 2. Notwithstanding Section 2230 of the Revenue and Taxation Code, no appropriation is made by this act and the state shall not reimburse cities and counties for any sales and use tax revenues lost by them under this act.

SEC. 3. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect.



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Substantive

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

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Bill Referral Digest

BILL NUMBER: AB 2370

REFER TO: L. & E.

AUTHOR: Wagner

DATE REFERRED: 03/17/2016

RELATING TO: Industrial Welfare Commission: wage orders: hours worked.
An act to amend Section 516 of the Labor Code, relating to employment.

LEGISLATIVE COUNSEL DIGEST

Existing law provides it is the continuing duty of the Industrial Welfare Commission to ascertain the wages paid to all employees in this state, to ascertain the hours and conditions of labor and employment in the various occupations, trades, and industries in which employees are employed in this state, and to investigate the health, safety, and welfare of those employees. Existing law establishes the Division of Labor Standards Enforcement in the Department of Industrial Relations for the enforcement of labor laws, including orders of the commission. Existing law, except as specified, authorizes the commission to adopt or amend working condition orders with respect to break periods, meal periods, and days of rest for any workers in California consistent with the health and welfare of those workers. Existing law requires the commission, by July 1, 2000, to adopt wage, hours, and working condition orders necessary to ensure fairness in the establishment of employee workweek schedules. Existing law further requires the commission, by July 1, 2000, to conduct reviews of wages, hours, and working conditions in specified industries and to adopt or modify regulations necessary to protect the health, safety, and welfare of workers in those industries. An existing wage order of the commission provides that "hours worked," within the health care industry, means the time during which an employee is suffered or permitted to work for the employer, whether or not required to do so, as interpreted in accordance with the provisions of the federal Fair Labor Standards Act.

This bill would declare that the definition of "hours worked" as it pertains to the health care industry, in that existing wage order, was valid and enforceable on and after October 1, 2000, and continues to be valid and enforceable. The bill would state that the bill is declarative of, and clarifies, existing law.

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

AMENDMENTS TO ASSEMBLY BILL NO. 2371

Amendment 1

In the title, in line 1, strike out "amend Section 18871" and insert:

add and repeal Article 2 (commencing with Section 18706) of Chapter 3 of Part 10.2 of Division 2

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Article 2 (commencing with Section 18706) is added to Chapter 3 of Part 10.2 of Division 2 of the Revenue and Taxation Code, to read:

Article 2. Special Olympics Fund

18706. (a) Any individual may designate on the tax return that a contribution in excess of the tax liability, if any, be made to the Special Olympics Fund established by Section 18707 to be used by the Special Olympics Northern California and the Special Olympics Southern California.

(b) The contribution shall be in full dollar amounts and may be made individually by each signatory on the joint return.

(c) A designation under subdivision (a) shall be made for any taxable year on the initial return for that taxable year, and once made shall be irrevocable. If payments and credits reported on the return, together with any other credits associated with the individual's account, do not exceed the individual's tax liability, the return shall be treated as though no designation has been made.

(d) (1) The Franchise Tax Board shall revise the form of the return to include a space labeled "Special Olympics Fund" to allow for the designation permitted under subdivision (a). The form shall also include in the instructions information that the contribution may be in the amount of one dollar (\$1) or more and that the contribution shall be used to conduct the activities of the Special Olympics Northern California and the Special Olympics Southern California.

(2) Notwithstanding paragraph (1), a voluntary contribution designation for the Special Olympics Fund shall not be added on the tax return until another voluntary contribution designation is removed or space is available, whichever occurs first.

(e) A deduction shall be allowed under Article 6 (commencing with Section 17201) of Chapter 3 of Part 10 for any contribution made pursuant to subdivision (a).

18707. There is hereby established in the State Treasury the Special Olympics Fund to receive contributions made pursuant to Section 18706. The Franchise Tax Board shall notify the Controller of both the amount of money paid by taxpayers in excess of their tax liability and the amount of refund money that taxpayers have designated pursuant to Section 18706 to be transferred to the Special Olympics Fund. The Controller shall transfer from the Personal Income Tax Fund to the Special



Olympics Fund an amount not in excess of the sum of the amounts designated by individuals pursuant to Section 18706 for payment into that fund.

18708. All moneys transferred to the Special Olympics Fund pursuant to Section 18707, upon appropriation by the Legislature, shall be allocated as follows:

(a) To the Franchise Tax Board and the Controller for reimbursement of all costs incurred by the Franchise Tax Board and the Controller in connection with their duties under this article.

(b) The balance shall be divided between the Special Olympics Northern California and Special Olympics Southern California based on the amount of donations provided by taxpayers in each organization's jurisdiction based on the county of the taxpayer contributing, for the purpose of supporting children and adults with intellectual disabilities.

18709. (a) Except as otherwise provided in paragraph (2) of subdivision (b), this article shall remain in effect only until January 1 of the fifth taxable year following the first appearance of the Special Olympics Fund on the personal income tax return, and is repealed as of December 1 of that year.

(b) (1) By September 1 of the second calendar year and each subsequent calendar year that the Special Olympics Fund appears on the tax return, the Franchise Tax Board shall do both of the following:

(A) Determine the minimum contribution amount required to be received during the next calendar year for the fund to appear on the tax return for the taxable year that includes that next calendar year.

(B) Determine whether the amount of contributions estimated to be received during the calendar year will equal or exceed the minimum contribution amount determined by the Franchise Tax Board for the calendar year pursuant to subparagraph (A). The Franchise Tax Board shall estimate the amount of contributions to be received by using the actual amounts received and an estimate of the contributions that will be received by the end of that calendar year.

(2) If the Franchise Tax Board determines that the amount of the contributions estimated to be received during a calendar year will not at least equal the minimum contribution amount for the calendar year, this article shall be inoperative with respect to taxable years beginning on or after January 1 of that calendar year and shall be repealed on December 1 of that year.

(3) For purposes of this section, the minimum contribution amount for a calendar year means two hundred fifty thousand dollars (\$250,000) for the second calendar year after the first appearance of the Special Olympics Fund on the personal income tax return or the minimum contribution amount as adjusted pursuant to subdivision (c).

(c) For each calendar year, beginning with the third calendar year after the first appearance of the Special Olympics Fund on the personal income tax return, the Franchise Tax Board shall adjust, on or before September 1 of that calendar year, the minimum contribution amount specified in subdivision (b) as follows:

(1) The minimum estimated contribution amount for the calendar year shall be an amount equal to the product of the minimum estimated contribution amount for the calendar year multiplied by the inflation factor adjustment as specified in subparagraph (A) of paragraph (2) of subdivision (h) of Section 17041, rounded off to the nearest dollar.

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Substantive

(2) The inflation factor adjustment used for the calendar year shall be based on the figures for the percentage change in the California Consumer Price Index for all items received on or before August 1 of the calendar year pursuant to paragraph (1) of subdivision (h) of Section 17041.

(d) Notwithstanding the repeal of this article, any contribution amounts designated pursuant to this article prior to its repeal shall continue to be transferred and disbursed in accordance with this article as in effect immediately prior to that repeal.

Amendment 3

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

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AMENDMENTS TO ASSEMBLY BILL NO. 2385

Amendment 1

In the title, strike out line 1 and insert:

An act to amend Section 19320 of the Business and Professions Code, relating to marijuana.

Amendment 2

On page 2, before line 1, insert:

SECTION 1. Section 19320 of the Business and Professions Code, as added by Section 4 of Chapter 689 of the Statutes of 2015, is amended to read:

19320. (a) (1) Licensing authorities administering this chapter may issue state licenses only to qualified applicants engaging in commercial cannabis activity pursuant to this chapter. Upon the date of implementation of regulations by the licensing authority, no person shall engage in commercial cannabis activity without possessing both a state license and a local permit, license, or other authorization. A licensee shall not commence activity under the authority of a state license until the applicant has obtained, in addition to the state license, a license or permit from the local jurisdiction in which he or she proposes to operate, following the requirements of the applicable local ordinance.

(2) (A) Notwithstanding any other provision of this article, with regard to commercial cannabis activity in the City of Los Angeles, the licensing authorities shall not require a local license, permit, or other authorization and shall issue a state license to engage in commercial cannabis activity only if the licensing authorities determine the applicant satisfies all of the requirements of this act and demonstrates that it meets all of the following criteria established by Measure D, approved by the voters of the City of Los Angeles at the May 21, 2013, general election:

(i) The applicant was operating in the City of Los Angeles as a medical marijuana business by September 14, 2007, as evidenced by a business tax registration certificate issued by the City of Los Angeles on or before November 13, 2007.

(ii) The applicant registered with the City of Los Angeles city clerk by November 13, 2007, in accordance with all of the requirements of the City of Los Angeles' Interim Control Ordinance.

(iii) The applicant obtained a City of Los Angeles business tax registration for taxation as a medical marijuana collective (class L050).

(B) A state license issued pursuant to this paragraph for commercial cannabis activity shall have the same force and effect and shall confer the same benefits and responsibilities as licenses issued to licensees outside the City of Los Angeles that obtain a license, permit, or other authorization from the local jurisdiction.

(b) Revocation of a local license, permit, or other authorization shall terminate the ability of a medical cannabis business to operate within that local jurisdiction until the local jurisdiction reinstates or reissues the local license, permit, or other required



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authorization. Local authorities shall notify the bureau upon revocation of a local license. The bureau shall inform relevant licensing authorities.

(c) Revocation of a state license shall terminate the ability of a medical cannabis licensee to operate within California until the licensing authority reinstates or reissues the state license. Each licensee shall obtain a separate license for each location where it engages in commercial medical cannabis activity. However, transporters only need to obtain licenses for each physical location where the licensee conducts business while not in transport, or any equipment that is not currently transporting medical cannabis or medical cannabis products, permanently resides.

(d) In addition to the provisions of this chapter, local jurisdictions retain the power to assess fees and taxes, as applicable, on facilities that are licensed pursuant to this chapter and the business activities of those licensees.

(e) Nothing in this chapter shall be construed to supersede or limit state agencies, including the State Water Resources Control Board and Department of Fish and Wildlife, from establishing fees to support their medical cannabis regulatory programs.

SEC. 2. Section 19320 of the Business and Professions Code, as added by Section 8 of Chapter 719 of the Statutes of 2015, is amended to read:

19320. (a) (1) Licensing authorities administering this chapter may issue state licenses only to qualified applicants engaging in commercial cannabis activity pursuant to this chapter. Upon the date of implementation of regulations by the licensing authority, no person shall engage in commercial cannabis activity without possessing both a state license and a local permit, license, or other authorization. A licensee shall not commence activity under the authority of a state license until the applicant has obtained, in addition to the state license, a license or permit from the local jurisdiction in which he or she proposes to operate, following the requirements of the applicable local ordinance.

(2) (A) Notwithstanding any other provision of this article, with regard to commercial cannabis activity in the City of Los Angeles, the licensing authorities shall not require a local license, permit, or other authorization and shall issue a state license to engage in commercial cannabis activity only if the licensing authorities determine the applicant satisfies all of the requirements of this act and demonstrates that it meets all of the following criteria established by Measure D, approved by the voters of the City of Los Angeles at the May 21, 2013, general election:

(i) The applicant was operating in the City of Los Angeles as a medical marijuana business by September 14, 2007, as evidenced by a business tax registration certificate issued by the City of Los Angeles on or before November 13, 2007.

(ii) The applicant registered with the City of Los Angeles city clerk by November 13, 2007, in accordance with all of the requirements of the City of Los Angeles' Interim Control Ordinance.

(iii) The applicant obtained a City of Los Angeles business tax registration for taxation as a medical marijuana collective (class L050).

(B) A state license issued pursuant to this paragraph for commercial cannabis activity shall have the same force and effect and shall confer the same benefits and responsibilities as licenses issued to licensees outside the City of Los Angeles that obtain a license, permit, or other authorization from the local jurisdiction.

(b) Revocation of a local license, permit, or other authorization shall terminate the ability of a medical cannabis business to operate within that local jurisdiction until

the local jurisdiction reinstates or reissues the local license, permit, or other required authorization. Local authorities shall notify the bureau upon revocation of a local license. The bureau shall inform relevant licensing authorities.

(c) Revocation of a state license shall terminate the ability of a medical cannabis licensee to operate within California until the licensing authority reinstates or reissues the state license. Each licensee shall obtain a separate license for each location where it engages in commercial medical cannabis activity. However, transporters only need to obtain licenses for each physical location where the licensee conducts business while not in transport, or any equipment that is not currently transporting medical cannabis or medical cannabis products, permanently resides.

(d) In addition to the provisions of this chapter, local jurisdictions retain the power to assess fees and taxes, as applicable, on facilities that are licensed pursuant to this chapter and the business activities of those licensees.

(e) Nothing in this chapter shall be construed to supersede or limit state agencies, including the State Water Resources Control Board and Department of Fish and Wildlife, from establishing fees to support their medical cannabis regulatory programs.

Amendment 3

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

AMENDMENTS TO ASSEMBLY BILL NO. 2395

Amendment 1

In the title, in line 1, strike out "amend Section 372 of" and insert:
add Section 711 to

Amendment 2

In the title, strike out line 2 and insert:
telecommunications.

Amendment 3

On page 1, before line 1, insert:

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

(a) California continues to be the world's advanced technology leader, the center of the innovation economy, and a pioneer in clean and sustainable technology. The state must adopt a strategy to build our digital infrastructure while retiring outdated technology. The transition from 20th century traditional circuit-switched and other legacy telephone services to 21st century next-generation Internet Protocol (IP) networks and services is taking place at an extraordinary pace. A significant majority of Californians have already transitioned to upgraded communications services such as high-speed Internet, Voice over Internet Protocol (VoIP), and mobile telephony services.

(b) Between 1999 and 2015, California witnessed an estimated 85 percent decline in landlines providing legacy telephone services and relying on dated technology. At the same time, consumer adoption of advanced services over IP-based networks has continued to grow. Californians have quickly adopted new technologies to communicate. More than 9 out of 10 Californians use a smartphone or other mobile devices, 86 percent use the Internet, and there are over 5.7 million VoIP subscriptions. As of 2014, approximately 6 percent of Californians resided in households with only a landline, a 44 percent decline from 2010.

(c) So many California consumers have made this transition so quickly because IP-based services offer greater functionality than legacy phone service. The gap will only widen with the continuing integration of IP networks with cloud computing and the Internet of Things. The policy of the state is to help all Californians transition to advanced and clean technologies and services so that everyone, including low-income, senior, and rural communities, can benefit from and participate fully in 21st century modern life.

(d) The legacy telephone network is outdated, underutilized, and carbon-unfriendly when compared to the IP network. Vital economic, educational, health, and civic opportunities, including online learning, telemedicine, remote working, e-government services, and public safety, are not optimized on the outdated network. The transition from older, dated technologies to newer, more advanced technologies



is nearly complete, and at some point in the not-too-distant future it will no longer be economically viable or environmentally sound to maintain legacy networks and services. The consumer demand will not be there, the economics will not support it, and the associated environmental burden will be disproportionate to its long past benefits.

(e) Recent studies show that transitioning from a legacy switched network to an all IP network can reduce energy costs by as much as 70 percent, reduce water use for cooling by as much as 70 percent, and reduce emissions of greenhouse gases by as much as 40 percent. IP services themselves provide even further benefits, including reduced fuel and electricity use through smart logistics and telematics for efficient traffic and route management, and automated monitoring of energy use related to lighting and climate control. IP-based technologies, including remote water leakage detection and control and smart irrigation solutions for agriculture, may also serve to enable efficient use of water by consumers.

(f) (1) This act will provide a path for the telecommunications industry to make significant contributions toward the state's goals for energy use and emissions of greenhouse gases, as set forth in the California Global Warming Solutions Act of 2006 (Division 25.5 (commencing with Section 38500) of the Health and Safety Code) and the Clean Energy and Pollution Reduction Act of 2015 (Chapter 547 of the Statutes of 2015).

(2) This act will establish state policy for a clearly communicated, planned, and orderly transition from outdated technology to cleaner advanced technologies, so that continuity of service for consumers and businesses is ensured, while maintaining safeguards to preserve universal connectivity.

(3) This act will ensure that the advanced services replacing legacy services provide quality voice service and access to emergency communications as part of a 21st century policy framework.

(4) This act will ensure that advanced services are available to replace legacy services before the transition, so that all Californians are able to benefit from the opportunities presented by advanced technologies and services.

SEC. 2. Section 711 is added to the Public Utilities Code, to read:

711. (a) A telephone corporation transitioning to IP-enabled services and networks shall complete a customer education and outreach program explaining the IP transition, its benefits and advantages, including the environmental benefits and advantages, and a description of the advanced services available to consumers. The customer education and outreach program shall also include information regarding the projected timeframes for the transition, including the fact that the withdrawal of any voice grade single-line telephone service will not take place prior to January 1, 2020.

(b) A telephone corporation planning to discontinue any voice grade single-line telephone service shall first give prior notice to the commission certifying both of the following:

(1) The telephone corporation has completed the education and outreach program prescribed in subdivision (a).

(2) An alternative voice service is available for the affected customers in the affected area.

(c) Upon receipt of the notice to withdraw, the commission shall conduct a technical review to confirm that the alternative service has all of the following elements:

(1) Voice grade access to the public switched telephone network or its successor.

(2) Real-time, two-way voice communications.

(3) Access for end users of those services to the local emergency telephone systems described in the Warren-911-Emergency Assistance Act (Article 6 (commencing with Section 53100) of Chapter 1 of Part 1 of Division 2 of Title 5 of the Government Code), and where available, enhanced 911 access.

(4) Alternative services that require a residential power supply to operate shall also provide backup-battery capability consistent with the standard established by the Federal Communications Commission.

(d) The commission's technical review shall be limited to the determination of whether the alternative service has the elements set forth in subdivision (c) and shall be completed within 120 days from receipt of notice from the telephone corporation pursuant to subdivision (b). If the commission fails to complete its technical review within 120 days from receipt of notice, the telephone corporation will be conclusively presumed to have complied with the requirements of subdivisions (b) and (c).

(e) Upon completion of the requirements of subdivisions (b), (c), and (d) for voice grade single-line services, but no sooner than January 1, 2020, a telephone corporation may elect to discontinue any legacy telephone service, upon giving no less than 90-days' prior notice to the affected customers and to the commission. If the discontinuance of legacy telephone service includes voice grade single-line services, the notice shall include information regarding the availability of an alternative service as verified by the commission in the technical review, how to petition the commission for review of the availability of the alternative service at the customer's location, and any environmental benefit that will come with the discontinuance of legacy services and the migration to alternative services. During the notice period, the telephone corporation shall continue to provide the legacy telephone service to the affected customers, except a customer that disconnects or changes the features of the service, but shall have no obligation to provide the legacy telephone service to any new customers in the affected area.

(f) Notwithstanding Section 710, within 30 days after receipt of a telephone corporation's notice of withdrawal of legacy voice service, a customer may petition the commission to review the availability of the alternative service at the customer's location. The commission shall issue an order disposing of the petition not later than 60 days after the filing of the petition. If the commission determines after an investigation that no alternative service is available to the customer at the customer's location, the commission shall attempt to identify a willing provider of voice service to serve the customer. If no willing provider is identified, the commission may order the withdrawing telephone corporation to provide voice service to the customer at the customer's location for a period no longer than 12 months after withdrawal. The willing provider or the withdrawing telephone corporation may utilize any technology or service arrangement to provide the voice services as long as it meets the requirements of subdivision (c).

(g) By September 1, 2019, the commission shall establish a universal connectivity program to ensure that those customers for whom the commission has ordered the withdrawing telephone corporation to provide voice services for the 12-month period in subdivision (f) will continue to receive voice service.

(h) Nothing in this section grants the commission jurisdiction or control over an alternative service except as specifically set forth in this section.

(i) Nothing in this section affects a telephone corporation's ability to withdraw services under any other law.

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 pages 2 to 5, inclusive

AMENDMENTS TO ASSEMBLY BILL NO. 2398

Amendment 1

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

to amend Section 75 of the Streets and Highways Code,

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 75 of the Streets and Highways Code is amended to read:

75. (a) Except as otherwise provided by law, the commission at any time and from time to time may:

(a)

(1) Select, adopt, and determine the location for ~~State~~ state highways on routes authorized by law.

(b)

(2) Allocate, from the funds available therefor, moneys for the construction, ~~improvement~~ improvement, or maintenance of the various highways or portions thereof under the jurisdiction of the department. The commission may determine in each case the maximum sum of money that shall be made available therefor.

(c)

(3) Authorize preliminary surveys to determine the advisability of including in or excluding from the ~~State~~ state highway system any highway or portion thereof.

(b) Every five years, the commission shall report to the Speaker of the Assembly, the President pro Tempore of the Senate, and the chairs of the Assembly Committee on Transportation and the Senate Committee on Transportation and Housing, or the successor committees with jurisdiction over transportation, both of the following:

(1) The number of selections, adoptions, and location determinations for state highways that were undertaken pursuant to paragraph (1) of subdivision (a).

(2) The amount of moneys, pursuant to paragraph (2) of subdivision (a), allocated for the construction, improvement, or maintenance of the various highways or portions thereof under the jurisdiction of the department.

Amendment 3

On page 1, strike out lines 1 and 2



AMENDMENTS TO ASSEMBLY BILL NO. 2405

Amendment 1

In the title, in line 1, strike out "226" and insert:

230.8

Amendment 2

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

employment.

Amendment 3

On page 1, before line 1, insert:

SECTION 1. Section 230.8 of the Labor Code is amended to read:

230.8. (a) (1) An employer who employs 25 or more employees working at the same location shall not discharge or in any way discriminate against an employee who is a parent of one or more children of the age to attend kindergarten or grades 1 to 12, inclusive, or a licensed child care provider, for taking off up to 40 hours each year, for the purpose of either of the following child-related activities:

(A) To find, enroll, or reenroll his or her child in a school or with a licensed child care provider, or to participate in activities of the school or licensed child care provider of his or her child, if the employee, prior to taking the time off, gives reasonable notice to the employer of the planned absence of the employee. Time off pursuant to this subparagraph shall not exceed eight hours in any calendar month of the year.

(B) To address a child care provider or school emergency, if the employee gives notice to the employer.

(2) If more than one parent of a child is employed by the same employer at the same worksite, the entitlement under paragraph (1) of a planned absence as to that child applies, at any one time, only to the parent who first gives notice to the employer, such that another parent may take a planned absence simultaneously as to that same child under the conditions described in paragraph (1) only if he or she obtains the employer's approval for the requested time off.

(b) (1) The employee ~~shall~~ may utilize existing vacation, personal leave, or compensatory time off for purposes of the planned absence authorized by this section, unless otherwise provided by a collective bargaining agreement entered into before January 1, 1995, and in effect on that date. An employee also may utilize time off without pay for this purpose, to the extent made available by his or her employer. ~~The~~

(2) The employee shall annually be provided at least 24 hours of paid time off for the purposes of the planned absence authorized by this section, unless otherwise provided in a collective bargaining agreement entered into before January 1, 2017.



(3) Except as set forth in paragraph (2), the entitlement of any employee under this section shall not be diminished by any collective bargaining agreement term or condition that is agreed to on or after January 1, 1995.

(2)

(4) Notwithstanding paragraph (1), in the event that all permanent, full-time employees of an employer are accorded vacation during the same period of time in the calendar year, an employee of that employer may not utilize that accrued vacation benefit at any other time for purposes of the planned absence authorized by this section.

(c) The employee, if requested by the employer, shall provide documentation from the school or licensed child care provider as proof that he or she engaged in child-related activities permitted in subdivision (a) on a specific date and at a particular time. For purposes of this subdivision, "documentation" means whatever written verification of parental participation the school or licensed child care provider deems appropriate and reasonable.

(d) Any employee who is denied time off under this section, discharged, threatened with discharge, demoted, suspended, or in any other manner discriminated or retaliated against in terms and conditions of employment by his or her employer because the employee has taken or requested time off to engage in child-related activities permitted in subdivision (a) shall be entitled to reinstatement and reimbursement for lost wages and work benefits caused by the acts of the ~~employer~~ employer, and appropriate equitable relief. Any employer who willfully refuses to rehire, promote, or otherwise restore an employee or former employee who has been determined to be eligible for rehiring or promotion by a grievance procedure, arbitration, or hearing authorized by law shall be subject to a civil penalty in an amount equal to three times the amount of the employee's lost wages and work benefits.

(e) An employee who is discharged, threatened with discharge, demoted, suspended, or in any other manner discriminated or retaliated against in the terms and conditions of employment by his or her employer because the employee has exercised his or her rights as set forth in subdivision (a) may file a complaint with the Division of Labor Standards Enforcement of the Department of Industrial Relations pursuant to Section 98.7.

(f) In each workplace of the employer, the employer shall display a poster in a conspicuous place containing all the information specified in paragraph (2) of subdivision (a). The Labor Commissioner shall create a poster containing this information and make it available to employers. The poster shall state all of the following:

(1) An employee is entitled to accrue, request, and use 24 hours of paid time off for their child's school-related activities.

(2) That retaliation or discrimination against an employee who requests paid time off or uses time off, or both, is prohibited and that an employee has the right under this article to file a complaint with the Labor Commissioner against an employer who retaliates or discriminates against the employee.

(e)

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

(1) "Parent" means a parent, guardian, stepparent, foster parent, or grandparent of, or a person who stands in loco parentis to, a child.

(2) "Child care provider or school emergency" means that an employee's child cannot remain in a school or with a child care provider due to one of the following:

(A) The school or child care provider has requested that the child be picked up, or has an attendance policy, excluding planned holidays, that prohibits the child from attending or requires the child to be picked up from the school or child care provider.

(B) Behavioral or discipline problems.

(C) Closure or unexpected unavailability of the school or child care provider, excluding planned holidays.

(D) A natural disaster, including, but not limited to, fire, earthquake, or flood.

Amendment 4

On page 1, strike out lines 1 to 11, inclusive, and strike out pages 2 to 4, inclusive

AMENDMENTS TO ASSEMBLY BILL NO. 2408

Amendment 1

In the title, in line 1, strike out "12087.5 of the Government" and insert:

39712 of the Health and Safety

Amendment 2

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

greenhouse gases.

Amendment 3

On page 1, before line 1, insert:

SECTION 1. Section 39712 of the Health and Safety Code is amended to read:
39712. (a) (1) It is the intent of the Legislature that moneys shall be appropriated from the fund only in a manner consistent with the requirements of this chapter and Article 9.7 (commencing with Section 16428.8) of Chapter 2 of Part 2 of Division 4 of Title 2 of the Government Code.

(2) The state shall not approve allocations for a measure or program using moneys appropriated from the fund except after determining, based on the available evidence, that the use of those moneys furthers the regulatory purposes of Division 25.5 (commencing with Section 38500) and is consistent with law. If any expenditure of moneys from the fund for any measure or project is determined by a court to be inconsistent with law, the allocations for the remaining measures or projects shall be severable and shall not be affected.

(b) Moneys shall be used to facilitate the achievement of reductions of greenhouse gas emissions in this state consistent with Division 25.5 (commencing with Section 38500) and, where applicable and to the extent feasible:

(1) Maximize economic, environmental, and public health benefits to the state.

(2) Foster job creation by promoting in-state greenhouse gas emissions reduction projects carried out by California workers and businesses.

(3) Complement efforts to improve air quality.

(4) Direct investment toward the most disadvantaged communities and households in the state.

(5) Provide opportunities for businesses, public agencies, nonprofits, and other community institutions to participate in and benefit from statewide efforts to reduce greenhouse gas emissions.

(6) Lessen the impacts and effects of climate change on the state's communities, economy, and environment.

(c) Moneys appropriated from the fund may be allocated, consistent with subdivision (a), for the purpose of reducing greenhouse gas emissions in this state through investments that may include, but are not limited to, any of the following:



(1) Funding to reduce greenhouse gas emissions through energy efficiency, clean and renewable energy generation, distributed renewable energy generation, transmission and storage, and other related actions, including, but not limited to, at public universities, state and local public buildings, and industrial and manufacturing facilities.

(2) Funding to reduce greenhouse gas emissions through the development of state-of-the-art systems to move goods and freight, advanced technology vehicles and vehicle infrastructure, advanced biofuels, and low-carbon and efficient public transportation.

(3) Funding to reduce greenhouse gas emissions associated with water use and supply, land and natural resource conservation and management, forestry, and sustainable agriculture.

(4) Funding to reduce greenhouse gas emissions through strategic planning and development of sustainable infrastructure projects, including, but not limited to, transportation and housing.

(5) Funding to reduce greenhouse gas emissions through increased in-state diversion of municipal solid waste from disposal through waste reduction, diversion, and reuse.

(6) Funding to reduce greenhouse gas emissions through investments in programs implemented by local and regional agencies, local and regional collaboratives, and nonprofit organizations coordinating with local governments.

(7) Funding research, development, and deployment of innovative technologies, measures, and practices related to programs and projects funded pursuant to this chapter.

(8) Funding to maximize the delivery of integrated greenhouse gas reduction projects, including, but not limited to, advanced clean vehicles, carsharing and vanpools, low-income rooftop solar, energy efficiency and weatherization, organic waste diversion and compost development, and drought-tolerant lawn, park, and urban greening projects, for households in low-income and disadvantaged communities.

(d) (1) For purposes of this subdivision, "grant program" means a program receiving an allocation from the fund that provides grants to entities implementing programs to provide benefits to eligible members of the public.

(2) State agencies administering grant programs shall update their program guidelines to promote coordination of grantees implementing regional and neighborhood programs with other grantees of grant programs, including those administered by other state agencies, to encourage both of the following:

(A) The use of a single or coordinated application by grantees to determine the eligibility of a member of the public for benefits provided by the regional and neighborhood programs.

(B) The use of a single mechanism by grantees to report to the granting agencies on the efficacy of their programs, to the extent feasible.

(3) State agencies administering grant programs shall update their guidelines to authorize the use of a percentage of the grant moneys to provide technical assistance to members of the public in applying for benefits under the grantee's program.

(e) In evaluating projects receiving an allocation from the fund, state agencies shall give priority to projects that demonstrate one or more of the following characteristics:

(1) Coordination with applicants of grant programs, including grant programs administered by other state agencies, to maximize the benefits to the public.

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- (2) The ability to leverage additional public and private funding.
- (3) The potential for multibenefits.
- (4) The potential for replication of the project.
- (5) The use of existing regional infrastructure and institutions.
- (6) The utilization of the services of a state-certified community conservation corps.

Amendment 4

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

- 0 -

AMENDMENTS TO ASSEMBLY BILL NO. 2412

Amendment 1

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

to add Article 4 (commencing with Section 78050) to Chapter 1 of Part 48 of Division 7 of Title 3 of the Education Code,

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Article 4 (commencing with Section 78050) is added to Chapter 1 of Part 48 of Division 7 of Title 3 of the Education Code, to read:

Article 4. Incentive Grant Program for Completion of Industry-Recognized Credentials

78050. (a) An incentive grant program is established, to be administered by the Office of the Chancellor of the California Community Colleges, for the completion of industry-recognized credentials in specified occupational areas by students enrolled at participating campuses of the California Community Colleges. These grants shall be awarded by the chancellor's office beginning in the 2017–18 academic year and for each academic year thereafter.

(b) The Office of the Chancellor of the California Community Colleges shall provide each campus of the California Community Colleges that participates in the program with one thousand dollars (\$1,000) in grants for each eligible industry-recognized credential in specified occupational areas earned by a community college student.

(c) As used in this article, "industry-recognized credential" means a certification that a student receives from an independent, third-party, certifying entity using predetermined standards for knowledge, skills, and competencies, resulting in the award of a credential that is nationally recognized and addresses a critical local or statewide economic need.

78051. (a) Each campus of the California Community Colleges that participates in the program created under this article shall maintain documentation of student attainment of industry-recognized credentials that are eligible for incentive grants, and report that data to the Chancellor of the California Community Colleges. The Office of the Chancellor of the California Community Colleges shall verify compliance with this requirement on an annual basis. If it is found that a participating campus failed to comply with the documentation requirement or intentionally provided incorrect data regarding the amount of credentials earned, all incentive grant funds received by that campus for that academic year shall be refunded to the state.

(b) The Office of the Chancellor of the California Community Colleges shall distribute the grants and establish procedures and timelines for participating campuses to report earned credentials.



78052. (a) A campus of the California Community Colleges that receives incentive grants under this article shall use those funds to improve its workforce development and career technical education programs. Funds may be used for equipment upgrades, supply purchases, program expansion, or any other use that would improve campus workforce education and career technical education programs. Incentive grant funds shall not be used to fund the salaries or benefits of personnel in these departments in which students are earning industry-recognized credentials.

(b) The Office of the Chancellor of the California Community Colleges shall work with local workforce boards, businesses, industry, the Employment Development Department, and the California Workforce Development Board to identify industry-recognized credentials that are in high demand based on regional and statewide needs and employment projections. The chancellor's office and this working group shall prioritize all of the following criteria when selecting industry-recognized credentials that shall be eligible for funding under this article:

(1) The relevance of the certificate to the labor market needs of the state and relevant region's competitive industry sectors and industry clusters.

(2) The relevance to the state's need to fill skills gaps and skills shortages in the economy, including those at the state and regional level.

(3) The projected wages and rates of employment placement for students entering the labor market.

(c) The criteria referenced in subdivision (b) shall be prioritized by the Office of the Chancellor of the California Community Colleges annually and updated each year thereafter to reflect changing and new workforce needs. The updated criteria shall be posted on the Internet Web site of the chancellor's office and distributed to instructors and students in career technical education classes.

78053. The Office of the Chancellor of the California Community Colleges shall submit, pursuant to Section 9795 of the Government Code, a report to the Legislature on or before December 1, 2018, and on or before December 1 every three years thereafter. The report required by this section shall include, but not necessarily be limited to, the amount of funds allocated through under this article and a list of the industries for which the funds were allocated.

Amendment 3

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

AMENDMENTS TO ASSEMBLY BILL NO. 2426

Amendment 1

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

add and repeal Chapter 10 (commencing with Section 39950) of Part 2 of Division 26

Amendment 2

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

vehicular air pollution.

Amendment 3

On page 2, before line 1, insert:

SECTION 1. Chapter 10 (commencing with Section 39950) is added to Part 2 of Division 26 of the Health and Safety Code, to read:

CHAPTER 10. WORKPLACE CHARGING STATIONS GRANT PROGRAM

39950. For purposes of this chapter, the following definitions apply:

(a) "Eligible applicant" means a commercial property owner or lessee providing parking facilities for employees and visitors.

(b) "Program" means the Workplace Charging Stations Grant Program established pursuant to Section 39951.

39951. (a) The state board, until January, 1, 2021, shall establish and implement the Workplace Charging Stations Grant Program to award grants to eligible applicants for the installation of electric vehicle charging stations in their parking facilities.

(b) (1) The state board may award to an eligible applicant two thousand five hundred dollars (\$2,500) for the first Level 2 charging port installed and an additional five hundred dollars (\$500) for each additional Level 2 charging port installed.

(2) The maximum grant that may be awarded to an eligible applicant pursuant to the program is six thousand dollars (\$6,000) per facility.

39952. (a) In considering an application for a grant, the state board shall consider the cost effectiveness of the proposed installation, the potential for timely completion and operation of the electric vehicle charging station, and the overall economic benefits to California of the proposed installation.

(b) The state board shall give priority to proposed installations that meet one or more of the following criteria:

(1) The eligible applicant has made a binding commitment to make the electric vehicle charging stations readily available to employees and the public at no fee for charging for at least the first three years of the operation of the stations.



(2) The charging stations are available to employees and other members of the public 24 hours a day, seven days a week.

(3) The charging stations are installed in disadvantaged communities, as identified pursuant to Section 39711.

(4) The charging stations are located at or near a major traffic corridor.

39953. (a) Eligible applicants receiving grants pursuant to this chapter shall report annually to the state board on the following:

(1) The number of charging sessions delivered for each charging station for which a grant was awarded.

(2) The amount electricity delivered for each charging session.

(3) The total amount of time an electric vehicle is plugged in for each charging session.

(4) The amount of downtime of each charging station for maintenance and repair.

(5) The maintenance or repair events of each charging station.

(b) (1) On or before July 1, 2018, and annually thereafter, until July 1, 2020, the state board shall submit a report to the Legislature providing a survey of the data submitted pursuant to subdivision (a) for the prior calendar year, identifying the benefits and problems with the program, and recommending improvements to the program.

(2) On or before July 1, 2021, the state board shall submit to the Legislature a final report providing an overall survey of the program and identifying the benefits accrued from the program.

(3) The reports required pursuant to paragraph (1) or (2) shall be submitted in accordance with Section 9795 of the Government Code.

39954. This chapter shall remain in effect only until January 1, 2022, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2022, deletes or extends that date.

Amendment 4

On page 2, strike out lines 1 to 37, inclusive, and strike out page 3

AMENDMENTS TO ASSEMBLY BILL NO. 2428

Amendment 1

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

An act to amend Section 104.16 of the Streets and Highways Code, relating to state highways.

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 104.16 of the Streets and Highways Code is amended to read:

104.16. (a) Any airspace under a freeway, or real property acquired for highway purposes, in the City and County of San Francisco, ~~which that~~ is not excess property, may be leased by the department to the city and county or another political subdivision or a state agency for purposes of an emergency shelter or feeding ~~program. program.~~ or for park, recreational, or open-space purposes.

(b) The lease shall be for one dollar (\$1) per month. The lease amount may be paid in advance of the term covered in order to reduce the administrative costs associated with the payment of the monthly rental fee. The lease shall require the payment of an administrative fee not to exceed five hundred dollars (\$500) per year, unless the department determines that a higher administrative fee is necessary, for the department's cost of administering the lease.

(c) In the case of a lease for park, recreational, or open-space purposes, the lease shall require the lessee to fund and construct all associated infrastructure, and to accept full responsibility for liability related to those uses. The lease shall require the lessee to be responsible for all maintenance costs associated with those uses, except as otherwise provided in the lease. The lease shall authorize the lessee to subsidize its associated maintenance costs through generation of revenue under a limited revenue generation model, such as from limited parking facilities located on the leased property, if any revenues generated that exceed the associated maintenance costs are shared with the state, at a rate not less than 50 percent of those excess revenues, with that amount to be deposited in the State Highway Account.

(e)

(d) The Legislature finds and declares that the lease of real property pursuant to this section serves a public purpose.

Amendment 3

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



AMENDMENTS TO ASSEMBLY BILL NO. 2429

Amendment 1

In the title, in line 1, strike out "Section 15103" and insert:

Sections 15102, 15106, 15268, and 15270

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 15102 of the Education Code is amended to read:

15102. The total amount of bonds issued pursuant to this chapter and Chapter 1.5 (commencing with Section 15264) shall not exceed ~~4.25~~ 2 percent of the taxable property of the school district or community college district, or the school facilities improvement district, if applicable, as shown by the last equalized assessment of the county or counties in which the district is located. For purposes of this section, the taxable property of a district for any fiscal year shall be calculated to include, but not be limited to, the assessed value of all unitary and operating nonunitary property of the district, which shall be derived by dividing the gross assessed value of the unitary and operating nonunitary property within the district for the 1987-88 fiscal year by the gross assessed value of all unitary and operating nonunitary property within the county in which the district is located for the 1987-88 fiscal year, and multiplying that result by the gross assessed value of all unitary and operating nonunitary property of the county on the last equalized assessment roll.

SEC. 2. Section 15106 of the Education Code is amended to read:

15106. (a) A unified school district or community college district may issue bonds that, in aggregation with bonds issued pursuant to Section 15270, shall not exceed ~~2.5~~ 4 percent of the taxable property of the school district or community college district, or the school facilities improvement district, if applicable, as shown by the last equalized assessment of the county or counties in which the district is located.

~~In~~

(b) ~~In~~ computing the outstanding bonded indebtedness of a unified school district or community college district for all purposes of this section, any outstanding bonds shall be deemed to have been issued for elementary school purposes, high school purposes, and community college purposes, respectively, in the respective amounts that the proceeds of the sale of those outstanding bonds, excluding any premium and accrued interest received on that sale, were or have been allocated by the governing board of the unified school district or community college district to each of those purposes respectively.

(a)

(c) For the purposes of the State School Building Aid Law of 1952 (Chapter 6 (commencing with Section 16000)) with respect to applications for apportionments and apportionments filed or made ~~prior to before~~ September 15, 1961, and to the repayment thereof, Chapter 4 (commencing with Section 15700), inclusive, only, a unified school district shall be considered to have a bonding capacity in the amount



permitted by law for an elementary school district and a bonding capacity in the amount permitted by law for a high school district.

(b)

(d) For purposes of this section, the taxable property of a district for a fiscal year shall be calculated to include, but not be limited to, the assessed value of all unitary and operating nonunitary property of the district, which shall be derived by dividing the gross assessed value of the unitary and operating nonunitary property within the district for the 1987–88 fiscal year by the gross assessed value of all unitary and operating nonunitary property within the county in which the district is located for the 1987–88 fiscal year, and multiplying the result by the gross assessed value of all unitary and operating nonunitary property of the county on the last equalized assessment roll. In the event of the unification of two or more school districts or community college districts subsequent to the 1987–88 fiscal year, the assessed value of all unitary and operating nonunitary property of the unified district or community college district shall be deemed to be the total of the assessed value of the taxable property of each of the unifying districts as that assessed value would be determined under Section 15102.

SEC. 3. Section 15268 of the Education Code is amended to read:

15268. The total amount of bonds issued, including bonds issued pursuant to Chapter 1 (commencing with Section 15100), shall not exceed ~~1.25~~ 2 percent of the taxable property of the district as shown by the last equalized assessment of the county or counties in which the district is located. The bonds may only be issued if the tax rate levied to meet the requirements of Section 18 of Article XVI of the California Constitution in the case of indebtedness incurred by a school district pursuant to this chapter, at a single election, would not exceed thirty dollars (\$30) per year per one hundred thousand dollars (\$100,000) of taxable property when assessed valuation is projected by the district to increase in accordance with Article XIII A of the California Constitution. For purposes of this section, the taxable property of a district for any fiscal year shall be calculated to include, but not be limited to, the assessed value of all unitary and operating nonunitary property of the district, which shall be derived by dividing the gross assessed value of the unitary and operating nonunitary property within the district for the 1987–88 fiscal year by the gross assessed value of all unitary and operating nonunitary property within the county in which the district is located for the 1987–88 fiscal year, and multiplying that result by the gross assessed value of all unitary and operating nonunitary property of the county on the last equalized assessment roll.

SEC. 4. Section 15270 of the Education Code is amended to read:

15270. (a) Notwithstanding Sections 15102 and 15268, any unified school district may issue bonds pursuant to this article that, in aggregation with bonds issued pursuant to Chapter 1 (commencing with Section 15100), may not exceed ~~2.5~~ 4 percent of the taxable property of the district as shown by the last equalized assessment of the county or counties in which the district is located. The bonds may only be issued if the tax rate levied to meet the requirements of Section 18 of Article XVI of the California Constitution in the case of indebtedness incurred pursuant to this chapter at a single election, by a unified school district, would not exceed sixty dollars (\$60) per year per one hundred thousand dollars (\$100,000) of taxable property when assessed valuation is projected by the district to increase in accordance with Article XIII A of the California Constitution.

(b) Notwithstanding Sections 15102 and 15268, any community college district may issue bonds pursuant to this article that, in aggregation with bonds issued pursuant to Chapter 1 (commencing with Section 15100), may not exceed ~~2.5~~ 4 percent of the taxable property of the district as shown by the last equalized assessment of the county or counties in which the district is located. The bonds may only be issued if the tax rate levied to meet the requirements of Section 18 of Article XVI of the California Constitution in the case of indebtedness incurred pursuant to this chapter at a single election, by a community college district, would not exceed twenty-five dollars (\$25) per year per one hundred thousand dollars (\$100,000) of taxable property when assessed valuation is projected by the district to increase in accordance with Article XIII A of the California Constitution.

(c) In computing the outstanding bonded indebtedness of any unified school district or community college district for all purposes of this section, any outstanding bonds shall be deemed to have been issued for elementary school purposes, high school purposes, and community college purposes, respectively, in the respective amounts that the proceeds of the sale of those outstanding bonds, excluding any premium and accrued interest received on that sale, were or have been allocated by the governing board of the unified school district or community college district to each of those purposes respectively.

(d) For purposes of this section, the taxable property of a district for any fiscal year shall be calculated to include, but not be limited to, the assessed value of all unitary and operating nonunitary property of the district, which shall be derived by dividing the gross assessed value of the unitary and operating nonunitary property within the district for the 1987-88 fiscal year by the gross assessed value of all unitary and operating nonunitary property within the county in which the district is located for the 1987-88 fiscal year, and multiplying the result by the gross assessed value of all unitary and operating nonunitary property of the county on the last equalized assessment roll. In the event of the unification of two or more school districts subsequent to the 1987-88 fiscal year, the assessed value of all unitary and operating nonunitary property of the unified district shall be deemed to be the total of the assessed value of the taxable property of each of the unifying districts as that assessed value would be determined under Section 15268.

(e) For the purposes of this article, "general obligation bonds," as that term is used in Section 18 of Article XVI of the California Constitution, means bonds of a school district or community college district the repayment of which is provided for by this chapter and Chapter 1 (commencing with Section 15100) of Part 10, and includes bonds of a school facilities improvement district the repayment of which is provided for by this chapter and Chapter 2 (commencing with Section 15300).

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

Amendment 1

add and repeal Article 7.5 (commencing with Section 18781) of Chapter 3 of Part 10.2 of Division 2

On page 1, before line 1, insert:

Article 7.5. Juvenile Diabetes Research Fund

18782. There is hereby established in the State Treasury the Juvenile Diabetes Research Fund to receive contributions made pursuant to Section 18781. The Franchise Tax Board shall notify the Controller of both the amount of money paid by taxpayers in excess of their tax liability and the amount of refund money that taxpayers have designated pursuant to Section 18781 to be transferred to the Juvenile Diabetes Research Fund. The Controller shall transfer from the Personal Income Tax Fund to the Juvenile



Diabetes Research Fund an amount not in excess of the sum of the amounts designated by individuals pursuant to Section 18781 for payment into that fund.

18783. All moneys transferred to the Juvenile Diabetes Research Fund pursuant to Section 18782, upon appropriation by the Legislature, shall be allocated as follows:

(a) To the Franchise Tax Board and the Controller for reimbursement of all costs incurred by the Franchise Tax Board and the Controller in connection with their duties under this article.

(b) The balance for the purpose of fighting type 1 diabetes.

18784. (a) Except as otherwise provided in paragraph (2) of subdivision (b), this article shall remain in effect only until January 1 of the fifth taxable year following the first appearance of the Juvenile Diabetes Research Fund on the personal income tax return, and is repealed as of December 1 of that year.

(b) (1) By September 1 of the second calendar year and each subsequent calendar year that the Juvenile Diabetes Research Fund appears on the tax return, the Franchise Tax Board shall do both of the following:

(A) Determine the minimum contribution amount required to be received during the next calendar year for the fund to appear on the tax return for the taxable year that includes that next calendar year.

(B) Determine whether the amount of contributions estimated to be received during the calendar year will equal or exceed the minimum contribution amount determined by the Franchise Tax Board for the calendar year pursuant to subparagraph (A). The Franchise Tax Board shall estimate the amount of contributions to be received by using the actual amounts received and an estimate of the contributions that will be received by the end of that calendar year.

(2) If the Franchise Tax Board determines that the amount of the contributions estimated to be received during a calendar year will not at least equal the minimum contribution amount for the calendar year, this article shall be inoperative with respect to taxable years beginning on or after January 1 of that calendar year and shall be repealed on December 1 of that year.

(3) For purposes of this section, the minimum contribution amount for a calendar year means two hundred fifty thousand dollars (\$250,000) for the second calendar year after the first appearance of the Juvenile Diabetes Research Fund on the personal income tax return or the minimum contribution amount as adjusted pursuant to subdivision (c).

(c) For each calendar year, beginning with the third calendar year after the first appearance of the Juvenile Diabetes Research Fund on the personal income tax return, the Franchise Tax Board shall adjust, on or before September 1 of that calendar year, the minimum contribution amount specified in subdivision (b) as follows:

(1) The minimum estimated contribution amount for the calendar year shall be an amount equal to the product of the minimum estimated contribution amount for the calendar year multiplied by the inflation factor adjustment as specified in subparagraph (A) of paragraph (2) of subdivision (h) of Section 17041, rounded off to the nearest dollar.

(2) The inflation factor adjustment used for the calendar year shall be based on the figures for the percentage change in the California Consumer Price Index for all items received on or before August 1 of the calendar year pursuant to paragraph (1) of subdivision (h) of Section 17041.

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Substantive

(d) Notwithstanding the repeal of this article, any contribution amounts designated pursuant to this article prior to its repeal shall continue to be transferred and disbursed in accordance with this article as in effect immediately prior to that repeal.

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

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AMENDMENTS TO ASSEMBLY BILL NO. 2440

Amendment 1

In the title, in line 1, strike out "amend Section 1524 of the Penal Code," and insert:

amend Section 76104.6 of, and to add Section 76104.8 to, the Government Code,

Amendment 2

In the title, in line 1, strike out "criminal", strike out line 2 and insert:
public safety.

Amendment 3

On page 1, before line 1, insert:

SECTION 1. Section 76104.6 of the Government Code is amended to read:

76104.6. (a) (1) Except as otherwise provided in this section, for the purpose of implementing the DNA Fingerprint, Unsolved Crime and Innocence Protection Act (Proposition 69), as approved by the voters at the November 2, 2004, statewide general election, there shall be levied an additional penalty of one dollar (\$1) for every ten dollars (\$10), or part of ten dollars (\$10), in each county upon every fine, penalty, or forfeiture imposed and collected by the ~~courts~~ court for all criminal offenses, including all offenses involving a violation of the Vehicle Code or a local ordinance adopted pursuant to the Vehicle Code.

(2) The penalty imposed by this section shall be collected together with and in the same manner as the amounts established by Section 1464 of the Penal Code. The moneys shall be taken from fines and forfeitures deposited with the county treasurer prior to any division pursuant to Section 1463 of the Penal Code. The board of supervisors shall establish in the county treasury a DNA Identification Fund into which shall be deposited the moneys collected pursuant to this section. ~~The Except as otherwise provided in Section 76104.8, the moneys of the fund shall be allocated pursuant to~~ subdivision (b).

(3) The additional penalty does not apply to the following:

- (A) A restitution fine.
- (B) A penalty authorized by Section 1464 of the Penal Code or this chapter.
- (C) A 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 of the Penal Code.

(b) (1) The fund moneys described in subdivision (a), together with any interest earned thereon, shall be held by the county treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. Deposits to the fund may continue through and including the 20th year after the initial calendar year in which the surcharge is collected, or longer if and as necessary to make payments upon



any lease or leaseback arrangement utilized to finance any of the projects specified herein.

(2) ~~On~~ Except as otherwise provided in Section 76104.8, on the last day of each calendar quarter of the year specified in this subdivision, the county treasurer shall transfer fund moneys in the county's DNA Identification Fund to the Controller for credit to the state's DNA Identification Fund, which is hereby established in the State Treasury, as follows:

(A) In the first two calendar years following the effective date of this section, 70 percent of the amounts collected, including interest earned thereon.

(B) In the third calendar year following the effective date of this section, 50 percent of the amounts collected, including interest earned thereon.

(C) In the fourth calendar year following the effective date of this section and in each calendar year thereafter, 25 percent of the amounts collected, including interest earned thereon.

(3) ~~Funds~~ Except as otherwise provided in Section 76104.8, funds remaining in the county's DNA Identification Fund shall be used only for the following purposes:

(A) To reimburse local sheriff or other law enforcement agencies for the collection of DNA specimens, samples, and print impressions pursuant to this chapter.

(B) For expenditures and administrative costs made or incurred to comply with the requirements of paragraph (5) of subdivision (b) of Section 298 of the Penal Code, including the procurement of equipment and software integral to confirming that a person qualifies for entry into the Department of Justice DNA and Forensic Identification Database and Data Bank Program.

(C) To reimburse local sheriff, police, district attorney, and regional state crime laboratories for expenditures and administrative costs made or incurred in connection with the processing, analysis, tracking, and storage of DNA crime scene samples from cases in which DNA evidence would be useful in identifying or prosecuting suspects, including the procurement of equipment and software for the processing, analysis, tracking, and storage of DNA crime scene samples from unsolved cases.

(D) (i) If authorized by a resolution of the board of supervisors, and after the distributions provided in subparagraphs (A), (B), and (C), a local sheriff or police department, or the district attorney's office, may use remaining funds, either independently or in combination with remaining funds from another county, to provide supplemental funding to a qualified local or regional state forensic laboratory for expenditures and administrative costs made or incurred in connection with the processing, analysis, and comparison of DNA crime scene samples and forensic identification samples, and testimony related to that analysis. This subparagraph shall apply only to those counties that do not have a local public law enforcement laboratory, and does not authorize any transfer that will interfere with the operation of subparagraph (A). Any supplemental funding provided pursuant to this subparagraph shall not be used to supplant funds already allocated to a qualified local or regional state forensic laboratory by the state's DNA Identification Fund.

(ii) For purposes of this subparagraph, a qualified local or regional state forensic laboratory is a Department of Justice regional forensic laboratory or a local law enforcement agency forensic laboratory that meets state and federal requirements for contributing DNA profiles for inclusion in California's DNA databank, including the FBI Quality Assurance Standards and accreditation requirements, and shall be accredited

by an organization approved by the National DNA Index System (NDIS) Procedures Board.

(4) The state's DNA Identification Fund shall be administered by the Department of Justice. Funds in the state's DNA Identification Fund, upon appropriation by the Legislature, shall be used by the Attorney General only to support DNA testing in the state and to offset the impacts of increased testing and shall be allocated as follows:

(A) Of the amount transferred pursuant to subparagraph (A) of paragraph (2) of subdivision (b), 90 percent to the Department of Justice DNA Laboratory, first, to comply with the requirements of Section 298.3 of the Penal Code and, second, for expenditures and administrative costs made or incurred in connection with the processing, analysis, tracking, and storage of DNA specimens and samples including the procurement of equipment and software for the processing, analysis, tracking, and storage of DNA samples and specimens obtained pursuant to the DNA and Forensic Identification Database and Data Bank Act of 1998, as amended by Chapter 6 (commencing with Section 295) of Title 9 of Part 1 of the Penal Code, and 10 percent to the Department of Justice Information Bureau Criminal History Unit for expenditures and administrative costs that have been approved by the Chief of the Department of Justice Bureau of Forensic Services made or incurred to update equipment and software to facilitate compliance with the requirements of subdivision (e) of Section 299.5 of the Penal Code.

(B) Of the amount transferred pursuant to subparagraph (B) of paragraph (2) of subdivision (b), funds shall be allocated by the Department of Justice DNA Laboratory, first, to comply with the requirements of Section 298.3 of the Penal Code and, second, for expenditures and administrative costs made or incurred in connection with the processing, analysis, tracking, and storage of DNA specimens and samples including the procurement of equipment and software for the processing, analysis, tracking, and storage of DNA samples and specimens obtained pursuant to the DNA and Forensic Identification Database and Data Bank Act of 1998, as amended.

(C) Of the amount transferred pursuant to subparagraph (C) of paragraph (2) of subdivision (b), funds shall be allocated by the Department of Justice to the DNA Laboratory to comply with the requirements of Section 298.3 of the Penal Code and for expenditures and administrative costs made or incurred in connection with the processing, analysis, tracking, and storage of DNA specimens and samples including the procurement of equipment and software for the processing, analysis, tracking, and storage of DNA samples and specimens obtained pursuant to the DNA and Forensic Identification Database and Data Bank Act of 1998, as amended.

(c) On or before April 1 in the year following adoption of this section, and annually thereafter, the board of supervisors of each county shall submit a report to the Legislature and the Department of Justice. The report shall include the total amount of fines collected and allocated pursuant to this section, and the amounts expended by the county for each program authorized pursuant to paragraph (3) of subdivision (b). The Department of Justice shall make the reports publicly available on the department's Internet Web site.

(d) All requirements imposed on the Department of Justice pursuant to the DNA Fingerprint, Unsolved Crime and Innocence Protection Act are contingent upon the availability of funding and are limited by revenue, on a fiscal year basis, received by

the Department of Justice pursuant to this section and any additional appropriation approved by the Legislature for purposes related to implementing this act.

(e) Upon approval of the DNA Fingerprint, Unsolved Crime and Innocence Protection Act, the Legislature shall lend the Department of Justice General Fund in the amount of seven million dollars (\$7,000,000) for purposes of implementing the act. The loan shall be repaid with interest calculated at the rate earned by the Pooled Money Investment Account at the time the loan is made. Principal and interest on the loan shall be repaid in full no later than four years from the date the loan was made and shall be repaid from revenue generated pursuant to this section.

(f) Notwithstanding any other law, the Controller may use the state's DNA Identification Fund, created pursuant to paragraph (2) of subdivision (b), for loans to the General Fund as provided in Sections 16310 and 16381. Any such loan shall be repaid from the General Fund with interest computed at 110 percent of the Pooled Money Investment Account rate, with the interest commencing to accrue on the date the loan is made from the fund. This subdivision does not authorize any transfer that will interfere with the carrying out of the object for which the state's DNA Identification Fund was created.

SEC. 2. Section 76104.8 is added to the Government Code, to read:

76104.8. (a) Except as otherwise provided in this section, in addition to the penalties levied pursuant to Sections 76104.6 and 76104.7, there shall be levied an additional penalty of four dollars (\$4) for every ten dollars (\$10), or part of ten dollars (\$10), in each county upon every fine, penalty, or forfeiture imposed and collected by the court for all of the following offenses:

- (1) A misdemeanor or felony offense.
- (2) A misdemeanor violation of any city, county, or city and county ordinance.
- (3) A violation of the Penal Code initially charged as a misdemeanor and reduced to an infraction.
- (4) A traffic violation of the Vehicle Code initially charged as a felony or misdemeanor and reduced to an infraction.
- (5) A violation of subdivision (b) of Section 11357 of the Health and Safety Code.

(b) The penalty shall be collected together with, and in the same manner as, the amounts established by Section 1464 of the Penal Code. These funds shall be deposited into the county treasury DNA Identification Fund by the county treasurer, who shall clearly distinguish moneys collected under this section from moneys collected under Section 76104.6, and shall be disbursed upon a resolution by the board of supervisors. The objective and intent of the resolution shall be to assist the county sheriff, district attorney, and other local law enforcement agencies with the investigations of cases described in subdivision (d).

(c) The penalty does not apply to the following:

- (1) A restitution fine.
- (2) A penalty authorized by this chapter or by Section 1464 of the Penal Code.
- (3) A parking offense subject to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code.
- (4) The state surcharge authorized by Section 1465.7 of the Penal Code.

(d) Funds collected pursuant to this section shall only be used for the following purposes:

(1) To assist law enforcement agencies within the county, including local sheriff and district attorney agencies, with the identification, review, and investigation of unsolved serious or violent cold cases to determine if biological evidence exists that could provide a DNA investigative lead to law enforcement, including, but not limited to, the DNA profile of a putative suspect that could be uploaded into national, state, local, or other law enforcement DNA databases, and when more than three years have elapsed since the date of violation of the cold case crime.

(2) To assist law enforcement agencies within the county, including local sheriff and district attorney agencies, with the investigation of cases where crime scene biological evidence has been collected and analyzed and a DNA profile that could provide an investigative lead to law enforcement agencies, including, but not limited to, the DNA profile of a putative suspect, has been generated and uploaded into national, state, local, or other law enforcement DNA databases and a DNA match has resulted in the identification of a putative suspect or a match to a DNA profile from another crime scene.

(e) The district attorney shall publicize on its Internet Web site and notify the local media every time an investigation that receives funding from the penalty assessment described in subdivision (a) results in a solved case.

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 4

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

AMENDMENTS TO ASSEMBLY BILL NO. 2441

Amendment 1

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

An act to add Chapter 17 (commencing with Section 50897) to Part 2 of Division 31 of the Health and Safety Code, relating to housing.

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Chapter 17 (commencing with Section 50897) is added to Part 2 of Division 31 of the Health and Safety Code, to read:

CHAPTER 17. WORKFORCE HOUSING IN HIGH-COST AREAS PILOT PROGRAM

50897. It is the intent of the Legislature in enacting this chapter to ensure that funds allocated to cities and administered by the Department of Housing and Community Development be of maximum benefit in meeting the needs of persons and families of low or moderate income. It is the intent of the Legislature to support Californians residing in high-cost areas where housing prices have risen to levels that are unaffordable for those individuals whose income is above 60 percent of area median income. The Legislature intends that these funds be provided to eligible cities in high-cost areas that are experiencing a rise in home prices and rental prices so that they may assist individuals who are not able to live where they work.

50897.1. As used in this chapter:

(a) "Eligible city or city and county" means a city that resides within a county that is defined by the United States Department of Housing and Urban Development as a "high-cost" county.

(b) "Notice of funding availability" or "NOFA" means a public announcement that an estimated amount of funding will be awarded by a department program according to specified criteria and schedules.

(c) "Persons and families of low or moderate income" means persons and families whose income exceeds 60 percent of the area median income, adjusted for family size, but no higher than 120 percent of area median income.

(d) "Department" means the Department of Housing and Community Development.

50897.2. (a) There is hereby established the Workforce Housing in High-Cost Areas Pilot Program.

(b) Subject to the availability of funding, the department shall award grant funding pursuant to the issuance of a notice of funding availability (NOFA) to eligible cities or cities and counties that apply for financing. The department shall determine the appropriate amount of the grant for the purposes of accomplishing the intent of the Legislature.



(c) An eligible city or city and county shall do all of the following:

(1) Use the grant funds awarded to it for the predevelopment costs, acquisition, construction, or rehabilitation of rental housing projects or units within rental housing projects. The affordability of all units assisted shall be restricted for a period of at least 55 years.

(2) Hold a public hearing to discuss and describe the project that will be financed pursuant to this chapter. The meeting shall be held pursuant to the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code).

(3) File periodic reports with the department regarding the use of funds provided pursuant to this chapter.

(d) On or before December 31 of each year in which funds are awarded pursuant to this chapter, the department shall provide a report to the Legislature regarding the number of grants awarded, a description of the projects funded, the number of units funded, and the amount of matching funds received.

(e) The program shall operate until all appropriated funds have been awarded.

(f) (1) Upon the depletion of appropriated funds and the termination of the pilot program pursuant to subdivision (e), the department shall submit a report to the Assembly and Senate committees on appropriations. The report shall evaluate the need for housing of persons and families of low and moderate income in cities or cities and counties that received funds pursuant to this chapter. The report shall also include, but not be limited to, a recommendation on whether the pilot program should continue.

(2) The requirement for submitting a report imposed under this subdivision is inoperative four years after the report becomes due.

(g) The reports to be submitted pursuant to subdivisions (d) and (f) shall be submitted in compliance with Section 9795 of the Government Code.

Amendment 3

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

AMENDMENTS TO ASSEMBLY BILL NO. 2444

Amendment 1

In the title, strike out line 1 and insert:

An act to add Chapter 14 (commencing with Section 5880) to Division 5 of the Public Resources Code, relating to a water, climate, and coastal protection and outdoor access for all program, by providing the funds necessary therefor through an election for the issuance and sale of bonds of the State of California and for the handling and disposition of those funds, and declaring the urgency thereof, to take effect immediately.

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Chapter 14 (commencing with Section 5880) is added to Division 5 of the Public Resources Code, to read:

CHAPTER 14. CALIFORNIA WATER, CLIMATE, AND COASTAL PROTECTION AND OUTDOOR
ACCESS FOR ALL ACT OF 2016

Article 1. General Provisions

5880. (a) The people of California find and declare all of the following:

(1) From California's beautiful rivers, streams, coastal shorelines, and other waterways, to our federal, state, local, and regional parks and outdoor settings, to our vast network of trails connecting people with natural landscapes, Californians value the rich diversity of outdoor experiences afforded to this state and its citizens.

(2) There has not been a "true" park and outdoors bond approved by the voters of this state since 2002.

(3) Demand for local parks has exceeded available funding by a factor of 8 to 1, with particularly high demand in urban, disadvantaged communities.

(4) Many Californians across the state lack access to safe parks, trails, and recreation areas, which limits their ability to experience the outdoors, improve their physical and emotional health, exercise, and connect with their communities.

(5) Investments to create and improve parks and recreation areas, and to create trail networks that provide access from neighborhoods to parks and recreational opportunities, will help ensure all Californians have access to safe places to exercise and enjoy recreational activities.

(6) The California Center for Public Health Advocacy estimates that inactivity and obesity cost California over forty billion dollars (\$40,000,000,000) annually, through increased health care costs and lost productivity due to obesity-related illnesses, and that even modest increases in physical activity would result in significant savings. Investments in infrastructure improvements such as biking and walking trails and



pathways, whether in urban or natural areas, are cost-effective ways to promote physical activity.

(7) Continued investments in the state's parks, trails, and natural resources, and greening urban areas will mitigate the effects of climate change, making cities more livable, and will protect California's natural resources for future generations.

(8) California's outdoor recreation economy represents an eighty-seven-billion-dollar (\$87,000,000,000) industry, providing over 700,000 jobs and billions of dollars in local and state revenues.

(9) California's state, local, and regional park system infrastructure and national park system infrastructure is aging out and a significant infusion of capital is required to protect this investment.

(10) There has been a historic underinvestment in parks, trails, and outdoor infrastructure in disadvantaged areas and many communities throughout California.

(11) Tourism is a growing industry in California and remains an economic driver for the more rural parts of the state.

(b) It is the intent of the people of California that all of the following shall occur in the implementation of this chapter:

(1) The investment of public funds pursuant to this chapter will result in public benefits that address the most critical statewide needs and priorities for public funding.

(2) In the appropriation and expenditure of funding authorized by this chapter, priority will be given to projects that leverage private, federal, or local funding or produce the greatest public benefit.

(3) The funding authorized by this chapter will support implementation of the recommendations contained in the Parks Forward Commission Plan released in February 2015.

(4) To the extent practicable, a project that receives moneys pursuant to this chapter will include signage informing the public that the project received funds from the California Water, Climate, and Coastal Protection and Outdoor Access For All Act of 2016.

5880.01. The following definitions govern the construction of this chapter:

(a) "Committee" means the California Water, Climate, Coastal Protection, and Outdoor Access For All Finance Committee created by Section 5887.02.

(b) "Department" means the Department of Parks and Recreation.

(c) "Disadvantaged community" has the same meaning set forth in subdivision (g) of Section 75005.

(d) "Fund" means the California Water, Climate, and Coastal Protection and Outdoor Access For All Fund, created by Section 5880.08.

(e) "Severely disadvantaged community" has the same meaning set forth in subdivision (g) of Section 75005.

5880.02. An amount that equals not more than 5 percent of the funds allocated for a grant program pursuant to this chapter may be used to pay the administrative costs of that program.

5880.03. (a) Except as provided in subdivision (b), up to 10 percent of funds allocated for each program funded by this chapter may be expended for planning and monitoring necessary for the successful design, selection, and implementation of the projects authorized under that program. This section shall not otherwise restrict funds ordinarily used by an agency for "preliminary plans," "working drawings," and

“construction” as defined in the annual Budget Act for a capital outlay project or grant project.

(b) Funds used for planning projects that benefit disadvantaged communities may exceed 10 percent of the funds allocated if the state agency administering the moneys determines that there is a need for the additional funding.

5880.04. (a) At least 10 percent of the funds available pursuant to each article of this chapter shall be allocated for projects serving severely disadvantaged communities.

(b) Except as provided in subdivision (c), up to 10 percent of the funds available pursuant to each article of this chapter may be allocated for technical assistance to disadvantaged communities. The agency administering the moneys shall operate a multidisciplinary technical assistance program for small disadvantaged communities.

(c) Funds used for providing technical assistance to disadvantaged communities may exceed 10 percent of the funds allocated if the state agency administering the moneys determines that there is a need for the additional funding.

5880.05. Before disbursing grants pursuant to this chapter, each state agency that receives funding to administer a competitive grant program under this chapter shall do the following:

(a) Develop and adopt project solicitation and evaluation guidelines. The guidelines shall include monitoring and reporting requirements and may include a limitation on the dollar amount of grants to be awarded. If the state agency has previously developed and adopted project solicitation and evaluation guidelines that comply with the requirements of this subdivision, it may use those guidelines.

(b) Conduct three public meetings to consider public comments before finalizing the guidelines. The state agency shall publish the draft solicitation and evaluation guidelines on its Internet Web site at least 30 days before the public meetings. One meeting shall be conducted at a location in northern California, one meeting shall be conducted at a location in the central valley of California, and one meeting shall be conducted at a location in southern California.

(c) Submit the guidelines to the Secretary of the Natural Resources Agency. The Secretary of the Natural Resources Agency shall verify that the guidelines are consistent with applicable statutes and for all the purposes enumerated in this chapter. The Secretary of the Natural Resources Agency shall post an electronic form of the guidelines submitted by state agencies and the subsequent verifications on the Natural Resources Agency's Internet Web site.

(d) Upon adoption, transmit copies of the guidelines to the fiscal committees and the appropriate policy committees of the Legislature.

5880.06. (a) The Department of Finance shall provide for an independent audit of expenditures pursuant to this chapter. The Secretary of the Natural Resources Agency shall publish a list of all program and project expenditures pursuant to this chapter not less than annually, in written form, and shall post an electronic form of the list on the agency's Internet Web site.

(b) If an audit, required by statute, of any entity that receives funding authorized by this chapter is conducted pursuant to state law and reveals any impropriety, the California State Auditor or the Controller may conduct a full audit of any or all of the activities of that entity.

(c) The state agency issuing any grant with funding authorized by this chapter shall require adequate reporting of the expenditures of the funding from the grant.

5880.07. A project whose application includes the use of services of the California Conservation Corps or certified community conservation corps, as defined in Section 14507.5, may be given preference for receipt of a grant under this chapter.

5880.08. The proceeds of bonds issued and sold pursuant to this chapter shall be deposited in the California Water, Climate, and Coastal Protection and Outdoor Access For All Fund, which is hereby created in the State Treasury.

5880.09. The Legislature may enact legislation necessary to implement programs funded by this chapter.

Article 2. Investments in Environmental and Social Equity, Enhancing California's Disadvantaged Communities

5881. (a) The sum of _____ dollars (\$_____) shall be available to the department, upon appropriation by the Legislature, for the creation and expansion of safe neighborhood parks in park-poor neighborhoods in accordance with the Statewide Park Development and Community Revitalization Act of 2008's competitive grant program described in Chapter 3.3 (commencing with Section 5640).

(b) When developing or revising criteria or guidelines for the grant program, the department may consider the population densities of an applicant in relation to countywide populations, comparative income levels, and other poverty-related factors that are relative to regionwide statistics.

Article 3. Investments in Protecting, Enhancing, and Accessing California's Local and Regional Outdoor Spaces

5882. (a) The sum of _____ dollars (\$_____) shall be available to the department, upon appropriation by the Legislature, for local park rehabilitation and improvement grants to local governments on a per capita basis. Grant recipients shall be encouraged to utilize awards to rehabilitate existing infrastructure and to address deficiencies in neighborhoods lacking access to the outdoors.

(b) Unless the entity has been identified as a disadvantaged community, an entity that receives an award pursuant to this section shall be required to provide a match of 20 percent as a local share.

(c) Grants available to cities and special districts other than regional park districts shall be in an amount not less than _____ dollars (\$_____) per grant. Grants available to counties and regional park districts shall be in an amount not less than _____ dollars (\$_____) per grant.

5882.02. The sum of _____ dollars (\$_____) shall be available to the department, upon appropriation by the Legislature, for grants to regional park districts, counties, open-space districts, open-space authorities, and eligible nonprofit organizations on a competitive grant basis to expand, rehabilitate, and restore facilities, including trails, that facilitate new or enhanced use and enhanced user experiences.

Article 4. Restoring California's Natural, Historic, and Cultural Legacy

5883. (a) The sum of _____ dollars (\$_____) shall be available to the department, upon appropriation by the Legislature, for restoration and preservation of existing state park facilities and units to preserve and increase public access to those facilities and units and to protect the natural, cultural, and historic resources of those facilities and units.

(b) Of the amount made available pursuant to this section, not less than 80 percent shall be available for capital improvements that address the department's backlog of deferred maintenance.

Article 5. Trails and Waterfront Greenway Investment

5884. (a) The sum of _____ dollars (\$_____) shall be available to the Natural Resources Agency, upon appropriation by the Legislature, for competitive grants to local agencies, state conservancies, federally recognized Native American tribes, nonfederally recognized California Native American tribes listed on the California Tribal Consultation List maintained by the Native American Heritage Commission, and nonprofit organizations to provide nonmotorized infrastructure development and enhancements that promote new or alternate access to waterways, outdoor recreational pursuits, and forested or other natural environments to encourage health-related commuting and opportunities for Californians to reconnect with nature.

(b) Of the amount made available pursuant to this section, up to 25 percent may be made available to communities for innovative transportation programs that provide new and expanded outdoor experiences to disadvantaged youth.

(c) Alignment, development, and improvement of nonmotorized infrastructure and trails that lead to safer interconnectivity between parks, waterways, and natural areas shall be encouraged.

(d) The Natural Resources Agency is encouraged, when designing guidelines, for grants awarded under this article, to utilize existing program guidelines including, if applicable, guidelines that have been established for the California Recreational Trails Act (Article 6 (commencing with Section 5070) of Chapter 1), the California River Parkways Act of 2004 (Chapter 3.8 (commencing with Section 5750)), and the Active Transportation Program (Chapter 8 (commencing with Section 2380) of Division 3 of the Streets and Highway Code).

Article 6. Rural Recreation, Tourism, and Economic Enrichment Investment

5885. (a) The sum of _____ dollars (\$_____) shall be available to the department, upon appropriation by the Legislature, to administer a competitive grant program for cities, counties, and districts in nonurbanized areas, as defined in subdivision (e) of Section 5621, that are eligible for a grant under the Roberti-Z'berg-Harris Urban Open-Space and Recreation Program Act (Chapter 3.2 (commencing with Section 5620)). In awarding the grants, the department may consider the following factors:

(1) Whether the project proposes to acquire and develop lands to enhance residential recreation while promoting the quality of tourism experiences and the economic vitality of the community. These enhancements may include trails, bikeways, regional or destination-oriented recreational amenities, and visitor centers.

(2) Whether the project would provide new recreational opportunities in rural communities that have demonstrated deficiencies and lack of outdoor infrastructure in support of economic and health-related goals.

(b) Unless the entity has been identified as a disadvantaged community, an entity that receives an award under this article shall be required to provide a match of 20 percent.

Article 7. California Clean Water, Coastal, and Watershed Cobenefit Program

5886. (a) The sum of one hundred _____ dollars (\$ _____) shall be available to the Natural Resources Agency, upon appropriation by the Legislature, for grants pursuant to the California River Parkway Act of 2004 (Chapter 3.8 (commencing with Section 5750)).

(b) Unless the entity has been identified as a disadvantaged community, an entity that receives an award under this article shall be required to provide a match of 20 percent.

(c) To maximize cooperation and leverage resources, the Natural Resources Agency may give priority to projects that include partnerships among federal, state, and local agencies and to projects proposed by nonprofit organizations within the local land trust communities.

Article 7.5. State Conservancy Funding

5886.02. The sum of _____ dollars (\$ _____) shall be available, upon appropriation by the Legislature, in accordance with the following schedule, to fulfill the purposes of the specified entity:

- (a) Baldwin Hills Conservancy, _____ dollars (\$ _____).
- (b) California Tahoe Conservancy, _____ dollars (\$ _____).
- (c) Coachella Mountains Conservancy, _____ dollars (\$ _____).
- (d) Sacramento-San Joaquin Delta Conservancy, _____ dollars (\$ _____).
- (e) Salton Sea Authority, _____ dollars (\$ _____).
- (f) San Diego River Conservancy, _____ dollars (\$ _____).
- (g) San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy, _____ dollars (\$ _____).
- (h) San Joaquin River Conservancy, _____ dollars (\$ _____).
- (i) Santa Monica Mountains Conservancy, _____ dollars (\$ _____).
- (j) Sierra Nevada Conservancy, _____ dollars (\$ _____).
- (k) State Coastal Conservancy, _____ dollars (\$ _____). Of this amount, not less than 40 percent shall go toward the San Francisco Bay Area Conservancy Program (Chapter 4.5 (commencing with Section 31160) of Division 21).

5886.04. The Legislature shall strive to consider population size, land mass, and natural resource significance as factors when determining the amount of any other funds to be given to an entity described in Section 5886.02.

Article 8. Climate and Habitat Resiliency

5886.5. The sum of _____ dollars (\$ _____) shall be available to the Wildlife Conservation Board for grants for the protection and expansion of wildlife corridors, including projects to improve connectivity between habitat areas, for projects to improve climate adaptation and resilience of natural systems, and for projects to protect and improve existing open space corridors and trail linkages related to utility or transportation infrastructure that provide habitat connectivity and public access or trails.

Article 9. Fiscal Provisions

5887. (a) Bonds in the total amount of _____ dollars (\$ _____), not including the amount of any refunding bonds issued in accordance with Section 5887.12, may be issued and sold to provide a fund to be used for carrying out the purposes expressed in this chapter and to reimburse the General Obligation Bond Expense Revolving Fund pursuant to Section 16724.5 of the Government Code. The bonds, when sold, shall be and constitute a valid and binding obligation of the State of California, and the full faith and credit of the State of California is hereby pledged for the punctual payment of both the principal of, and interest on, the bonds as the principal and interest become due and payable.

(b) The Treasurer shall sell the bonds authorized by the committee pursuant to this section. The bonds shall be sold upon the terms and conditions specified in a resolution to be adopted by the committee pursuant to Section 16731 of the Government Code.

5887.01. The bonds authorized by this chapter shall be prepared, executed, issued, sold, paid, and redeemed as provided in the State General Obligation Bond Law (Chapter 4 (commencing with Section 16720) of Part 3 of Division 4 of Title 2 of the Government Code), and all of the provisions of that law apply to the bonds and to this chapter.

5887.02. (a) Solely for the purpose of authorizing the issuance and sale, pursuant to the State General Obligation Bond Law (Chapter 4 (commencing with Section 16720) of Part 3 of Division 4 of Title 2 of the Government Code), of the bonds authorized by this chapter, the California Water, Climate, and Coastal Protection and Outdoor Access For All Finance Committee is hereby created. For purposes of this chapter, the California Water, Climate, and Coastal Protection and Outdoor Access For All Finance Committee is the "committee" as that term is used in the State General Obligation Bond Law.

(b) The committee consists of the Director of Finance, the Treasurer, and the Controller. Notwithstanding any other provision of law, any member may designate a representative to act as that member in his or her place for all purposes, as though the member were personally present.

(c) The Treasurer shall serve as the chair of the committee.

(d) A majority of the committee may act for the committee.

5887.03. The committee shall determine whether or not it is necessary or desirable to issue bonds authorized by this chapter in order to carry out the actions specified in this chapter and, if so, the amount of bonds to be issued and sold. Successive issues of bonds may be authorized and sold to carry out those actions progressively,

and it is not necessary that all of the bonds authorized to be issued be sold at any one time.

5887.04. For purposes of the State General Obligation Bond Law, "board," as defined in Section 16722 of the Government Code, means the Secretary of the Natural Resources Agency.

5887.05. There shall be collected each year and in the same manner and at the same time as other state revenue is collected, in addition to the ordinary revenues of the state, a sum in an amount required to pay the principal of, and interest on, the bonds each year. It is the duty of all officers charged by law with any duty in regard to the collection of the revenue to do and perform each and every act that is necessary to collect that additional sum.

5887.06. Notwithstanding Section 13340 of the Government Code, there is hereby appropriated from the General Fund in the State Treasury, for the purposes of this chapter, an amount that will equal the total of the following:

(a) The sum annually necessary to pay the principal of, and interest on, bonds issued and sold pursuant to this chapter, as the principal and interest become due and payable.

(b) The sum that is necessary to carry out the provisions of Section 5887.09, appropriated without regard to fiscal years.

5887.07. The board may request the Pooled Money Investment Board to make a loan from the Pooled Money Investment Account in accordance with Section 16312 of the Government Code for the purpose of carrying out this chapter less any amount withdrawn pursuant to Section 5887.09. The amount of the request shall not exceed the amount of the unsold bonds that the committee has, by resolution, authorized to be sold for the purpose of carrying out this chapter. The board shall execute those documents required by the Pooled Money Investment Board to obtain and repay the loan. Any amounts loaned shall be deposited in the fund to be allocated in accordance with this chapter.

5887.08. Notwithstanding any other provision of this chapter, or of the State General Obligation Bond Law, if the Treasurer sells bonds that include a bond counsel opinion to the effect that the interest on the bonds is excluded from gross income for federal tax purposes under designated conditions or is otherwise entitled to any federal tax advantage, the Treasurer may maintain separate accounts for the bond proceeds invested and for the investment earnings on those proceeds, and may use or direct the use of those proceeds or earnings to pay any rebate, penalty, or other payment required under federal law or take any other action with respect to the investment and use of those bond proceeds, as may be required or desirable under federal law in order to maintain the tax-exempt status of those bonds and to obtain any other advantage under federal law on behalf of the funds of this state.

5887.09. For the purposes of carrying out this chapter, the Director of Finance may authorize the withdrawal from the General Fund of an amount or amounts not to exceed the amount of the unsold bonds that have been authorized by the committee to be sold for the purpose of carrying out this chapter less any amount borrowed pursuant to Section 5887.07. Any amounts withdrawn shall be deposited in the fund. Any moneys made available under this section shall be returned to the General Fund, with interest at the rate earned by the moneys in the Pooled Money Investment Account, from proceeds received from the sale of bonds for the purpose of carrying out this chapter.

5887.10. All moneys deposited in the fund that are derived from premium and accrued interest on bonds sold pursuant to this chapter shall be reserved in the fund and shall be available for transfer to the General Fund as a credit to expenditures for bond interest, except that amounts derived from premiums may be reserved and used to pay the cost of bond issuance prior to any transfer to the General Fund.

5887.11. Pursuant to Chapter 4 (commencing with Section 16720) of Part 3 of Division 4 of Title 2 of the Government Code, the cost of bond issuance shall be paid out of the bond proceeds, including premiums, if any. To the extent the cost of bond issuance is not paid from premiums received from the sale of bonds, these costs shall be shared proportionately by each program funded through this chapter by the applicable bond sale.

5887.12. The bonds issued and sold pursuant to this chapter may be refunded in accordance with Article 6 (commencing with Section 16780) of Chapter 4 of Part 3 of Division 4 of Title 2 of the Government Code, which is a part of the State General Obligation Bond Law. Approval by the voters of the state for the issuance of the bonds under this chapter shall include approval of the issuance of any bonds issued to refund any bonds originally issued under this chapter or any previously issued refunding bonds.

5887.13. The proceeds from the sale of bonds authorized by this chapter are not "proceeds of taxes" as that term is used in Article XIII B of the California Constitution, and the disbursement of these proceeds is not subject to the limitations imposed by that article.

SEC. 2. (a) Notwithstanding the requirements of Sections 9040, 9043, 9044, 9061, and 9082 of the Elections Code, or any other law, the Secretary of State shall submit this act to the voters at the November 8, 2016, statewide general election.

(b) The Secretary of State shall include in the ballot pamphlets mailed pursuant to Section 9094 of the Elections Code the information specified in Section 9084 of the Elections Code regarding the bond act contained in this act. If that inclusion is not possible, the Secretary of State shall publish a supplemental ballot pamphlet regarding this act to be mailed with the ballot pamphlet. If the supplemental ballot pamphlet cannot be mailed with the ballot pamphlet, the supplemental ballot pamphlet shall be mailed separately.

(c) Notwithstanding Section 9054 of the Elections Code or any other law, the translations of the ballot title and the condensed statement of the ballot title required pursuant to Section 9054 of the Elections Code may be made available for public examination at a later date than the start of the public examination period for the ballot pamphlet, provided that the translations of the ballot title and the condensed statement of the ballot title must remain available for public examination for eight days.

(d) Notwithstanding Section 13282 of the Elections Code or any other law, the public shall be permitted to examine the condensed statement of the ballot title for not more than eight days. Any voter may seek a writ of mandate for the purpose of requiring the condensed statement of the ballot title, or portion thereof, to be amended or deleted only within that eight-day period.

SEC. 3. This act shall take effect upon approval by the voters of the California Water, Climate, and Coastal Protection and Outdoor Access For All Act, as set forth in Section 1 of this act.

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Substantive

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to fund a water, climate, and coastal protection and outdoor access for all program at the earliest possible date, it is necessary that this act take effect immediately.

Amendment 3

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

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AMENDMENTS TO ASSEMBLY BILL NO. 2446

Amendment 1

In the title, strike out line 1 and insert:

An act to amend Section 116700 of the Health and Safety Code, and to amend Sections 13321, 13330, and 13361 of the Water Code, relating to the State Water Resources Control Board.

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 116700 of the Health and Safety Code is amended to read:

116700. (a) Within 30 days after service of a copy of an order issued by the department, any state board, an aggrieved party may file with the superior court a petition for a writ of mandate for review thereof. ~~Failure to file an action shall not preclude a party from challenging the reasonableness and validity of a decision or order of the department in any judicial proceedings brought to enforce the decision or order or for any civil or criminal remedy authorized by this chapter. order.~~

(b) ~~The evidence before the court shall consist of all relevant evidence that, in the judgment of the court, should be considered to effectuate and implement the provisions of this chapter. In every case, the court shall exercise its independent judgment on the evidence.~~

(c) Except as otherwise provided in this section, subdivisions (e) and (f) of Section 1094.5 of the Code of Civil Procedure shall govern proceedings pursuant to this section.

(d) If no aggrieved party petitions for a writ of mandate within the time provided by this section, the decision or order of the state board is not subject to review by any court.

SEC. 2. Section 13321 of the Water Code is amended to read:

13321. (a) In the case of a review by the state board under Section ~~13320, 13320~~ or review by the state board of a decision or order issued under authority delegated to an officer or employee of the state board where the state board by regulation has authorized a petition for reconsideration, the state board, upon notice and hearing, if a hearing is requested, may stay in whole or in part the effect of the decision and or order of a regional board or of the state board.

(b) Within 30 days of any order of the state board issuing or denying a stay, any aggrieved party may file with the superior court a petition for writ of mandate.

(c) If the state board or the superior court grants a stay under this section, the stay may be made effective as of the effective date of the regional board or state board decision or order.

~~(b)~~

(d) If a petition is filed with the superior court to review a decision of the state board, under Section 13330, any stay in effect at the time of the filing of the petition



shall remain in effect by operation of law for a period of 20 days from the date of the filing of that petition.

~~(e) If the superior court grants a stay pursuant to a petition for review of a decision of the state board denying a request for a stay with respect to waste discharge requirements, the stay may be made effective as of the effective date of the waste discharge requirements.~~

SEC. 3. Section 13330 of the Water Code is amended to read:

13330. (a) Not later than 30 days from the date of service of a copy of a decision or order issued by the state board under this division, other than a decision or order issued pursuant to Article 7 (commencing with Section 13550) of Chapter 7, any aggrieved party may file with the superior court a petition for writ of mandate for review ~~thereof, of the decision or order.~~ An aggrieved party must file a petition for reconsideration with the state board to exhaust that party's administrative remedies only if the initial decision or order is issued under authority delegated to an officer or employee of the state board and the state board by regulation has authorized a petition for reconsideration.

(b) A party aggrieved by a final decision or order of a regional board subject to review under Section 13320 may obtain review of the decision or order of the regional board in the superior court by filing in the court a petition for writ of mandate not later than 30 days from the date on which the state board denies review.

(c) The time for filing an action or proceeding subject to Section 21167 of the Public Resources Code for a person who seeks review of the regional board's decision or order under Section 13320, or who seeks reconsideration under a state board regulation authorizing a petition for reconsideration, shall commence upon the state board's completion of that review or reconsideration.

(d) If no aggrieved party petitions for writ of mandate within the time provided by this section, a decision or order of the state board or a regional board shall not be subject to review by any court.

(e) Except as ~~otherwise provided herein, in this section,~~ Section 1094.5 of the Code of Civil Procedure shall govern proceedings for which petitions are filed pursuant to this section. For the purposes of subdivision (c) of Section 1094.5 of the Code of Civil Procedure, the court shall exercise its independent judgment on the evidence in any case involving the judicial review of a decision or order of the state board issued under Section 13320, or a decision or order of a regional board for which the state board denies review under Section 13320, other than a decision or order issued under Section 13323.

(f) Except as provided in this section, no legal or equitable process shall issue in any proceeding in any court against the state board, a regional board, or any officer of the state board or a regional board to review, prevent, or enjoin any adjudicative proceeding under this division. Except as provided in this section and Section 13321, no legal or equitable process shall issue in any proceeding in any court against the state board, a regional board, or any officer of the state board or a regional board to review, prevent, or enjoin a decision or order by the state board or a regional board before a decision or order is issued and the procedures for administrative review of that decision or order have been exhausted.

(f)

(g) A party aggrieved by a decision or order issued by the state board under Article 7 (commencing with Section 13550) of Chapter 7 may petition for reconsideration or judicial review in accordance with Chapter 4 (commencing with Section 1120) of Part 1 of Division 2.

(g)
(h) For purposes of this section, a decision or order includes a final action in an adjudicative proceeding and an action subject to Section 11352 of the Government Code, but does not include an action subject to Section 11353 of the Government Code or the adoption, amendment, or repeal of a regulation under Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

SEC. 4. Section 13361 of the Water Code is amended to read:

13361. (a) Every civil action brought under the provisions of this division at the request of a regional board or the state board shall be brought by the Attorney General in the name of the people of the State of California and any such of those actions relating to the same discharge may be joined or consolidated.

(b) Any civil action brought pursuant to this division shall be brought in a county in which the discharge is made, or proposed to be made. However, any action by or against a city, city and county, county, or other public agency shall, upon motion of either party, be transferred to a county or city and county not a party to the action or to a county or city and county other than that in which the city or public agency is located.

(c) In any civil action brought pursuant to this division in which a regional board or the state board seeks a temporary restraining order, preliminary injunction, or permanent injunction ~~is sought, injunction~~, it shall not be necessary to allege or prove at any stage of the proceeding that irreparable damage will occur should the temporary restraining order, preliminary injunction, or permanent injunction not be issued, or that the remedy at law is inadequate, and the temporary restraining order, preliminary injunction, or permanent injunction shall issue without ~~such those~~ allegations and ~~without such~~ proof.

Amendment 3

On page 1, strike out lines 1 and 2

AMENDMENTS TO ASSEMBLY BILL NO. 2455

Amendment 1

In the title, in line 1, strike out "Section 70900 of the Education Code, relating to", strike out line 2 and insert:

Sections 2100 and 2102 of, to add Chapter 4.6 (commencing with Section 2280) to, and to repeal Article 3.5 (commencing with Section 2145) of Chapter 2 of Division 2 of, the Elections Code, relating to elections.

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 2100 of the Elections Code is amended to read:

2100. A person shall not be registered except as provided in this ~~chapter or Chapter 4.5, chapter, Chapter 4.5 (commencing with Section 2260), and Chapter 4.6 (commencing with Section 2280)~~, except upon the production and filing of a certified copy of a judgment of the superior court directing registration to be made.

SEC. 2. Section 2102 of the Elections Code, as amended by Section 3.5 of Chapter 736 of the Statutes of 2015, is amended to read:

2102. (a) Except as provided in ~~Chapter 4.5, 4.5 (commencing with Section 2260) and Chapter 4.6 (commencing with Section 2280)~~, a person shall not be registered as a voter except by affidavit of registration. The affidavit of registration shall be mailed or delivered to the county elections official and shall set forth all of the facts required to be shown by this chapter. A properly executed affidavit of registration shall be deemed effective upon receipt of the affidavit by the county elections official if received on or before the 15th day before an election to be held in the registrant's precinct. A properly executed affidavit of registration shall also be deemed effective upon receipt of the affidavit by the county elections official if any of the following apply:

(1) The affidavit is postmarked on or before the 15th day before the election and received by mail by the county elections official.

(2) The affidavit is submitted to the Department of Motor Vehicles or accepted by any other public agency designated as a voter registration agency pursuant to the federal National Voter Registration Act of 1993 (52 U.S.C. Sec. 20501 et seq.) on or before the 15th day before the election.

(3) The affidavit is delivered to the county elections official by means other than those described in paragraphs (1) and (2) on or before the 15th day before the election.

(4) The affidavit is submitted electronically on the Internet Web site of the Secretary of State pursuant to Section 2196 on or before the 15th day before the election.

(b) For purposes of verifying a signature on a recall, initiative, or referendum petition or a signature on a nomination paper or any other election petition or election paper, a properly executed affidavit of registration shall be deemed effective for verification purposes if both of the following conditions are satisfied:

(1) The affidavit is signed on the same date or a date before the signing of the petition or paper.



(2) The affidavit is received by the county elections official on or before the date on which the petition or paper is filed.

(c) Notwithstanding any other law to the contrary, the affidavit of registration required under this chapter shall not be taken under sworn oath, but the content of the affidavit shall be certified as to its truthfulness and correctness, under penalty of perjury, by the signature of the affiant.

(d) A person who is at least 16 years of age and otherwise meets all eligibility requirements to vote may submit his or her affidavit of registration as prescribed by this section. A properly executed affidavit of registration made pursuant to this subdivision shall be deemed effective as of the date the affiant will be 18 years of age, if the information in the affidavit of registration is still current at that time. If the information provided by the affiant in the affidavit of registration is not current at the time that the affidavit of registration would otherwise become effective, for his or her registration to become effective, the affiant shall provide the current information to the proper county elections official as prescribed by this chapter.

(e) An individual with a disability who is otherwise qualified to vote may complete an affidavit of registration with reasonable accommodations as needed.

(f) An individual with a disability who is under a conservatorship may be registered to vote if he or she has not been disqualified from voting.

SEC. 3. Article 3.5 (commencing with Section 2145) of Chapter 2 of Division 2 of the Elections Code is repealed.

SEC. 4. Chapter 4.6 (commencing with Section 2280) is added to Division 2 of the Elections Code, to read:

CHAPTER 4.6. AUTOMATIC STUDENT VOTER REGISTRATION PROGRAM

2280. This chapter shall be known and may be cited as the Automatic Student Voter Registration Program.

2281. (a) The Legislature finds and declares that voter registration is one of the biggest barriers to participation in our democracy.

(b) It is the intent of the Legislature to enact the Automatic Student Voter Registration Program to provide California citizens enrolled at the University of California, California State University, and California Community College campuses additional opportunities to participate in democracy through the exercise of their fundamental right to vote.

2282. (a) The Secretary of State, in coordination with the California State University and the California Community College systems, shall establish the Automatic Student Voter Registration Program for the purpose of increasing opportunities for voter registration by any person who is qualified to be a voter under Section 2 of Article II of the California Constitution. The University of California is encouraged to coordinate with the Secretary of State pursuant to this subdivision.

(b) This chapter shall not be construed as requiring the University of California, California State University, or California Community College system to determine eligibility for voter registration and voting. The Secretary of State is solely responsible for determining eligibility for voter registration and voting.

2283. (a) The California State University and the California Community College systems, in consultation with the Secretary of State, shall establish a schedule and method to electronically provide to the Secretary of State the records specified in this section in a format that can be reviewed by election officials and uploaded onto the computerized statewide voter registration database.

(b) (1) The California State University and California Community College systems shall provide to the Secretary of State, in a manner and method to be determined in consultation with the Secretary of State, the following information associated with each person who enrolls at a university or community college campus:

- (A) Legal name.
 - (B) Date of birth.
 - (C) Either or both of the following, as contained in the system's records:
 - (i) Residence address.
 - (ii) Mailing address.
 - (D) Digitized signature.
 - (E) Telephone number, if available.
 - (F) Email address, if available.
 - (G) Language preference.
 - (H) Political party preference, if available.
 - (I) Whether the person chooses to become a permanent vote-by-mail voter.
 - (J) Whether the person affirmatively declined to become registered to vote during an enrollment transaction with the university or campus system.
 - (K) A notation that the applicant has attested that he or she meets all voter eligibility requirements, including United States citizenship, specified in Section 2101.
 - (L) Other information specified in regulations implementing this chapter.
- (2) The California State University or California Community College system shall, with respect to any individual disclosing information to the university or community college that may be relied upon to determine eligibility to register to vote in state elections:

(A) Notify the individual that such information will be transferred in accordance with subdivision (a).

(B) Provide the individual the opportunity to opt out of automatic voter registration during their enrollment transactions with the university or community college.

(3) (A) The California State University or California Community College system may provide the records described in paragraph (1) to the Secretary of State before the Secretary of State certifies that all of the conditions set forth in subdivision (c) have been satisfied. Records provided pursuant to this paragraph shall only be used for the purposes of outreach and education to eligible voters conducted by the Secretary of State.

(B) The Secretary of State shall provide materials created for purposes of outreach and education as described in this paragraph in languages other than English, as required by the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10503).

(4) (A) The Secretary of State shall not sell, transfer or allow any third party access to the information acquired pursuant to this chapter without approval of the California State University or California Community College system, except as permitted by this chapter and Section 2194.

(B) The California State University or California Community College system shall not electronically provide the Secretary of State with records of a person who enrolls at a community college or university campus but is unable to submit satisfactory proof that his or her presence in the United States is authorized under federal law.

(c) The California State University and California Community College systems shall commence implementation of this section no later than one year after the Secretary of State certifies all of the following:

(1) The State has a statewide voter registration database that complies with the requirements of the federal Help America Vote Act of 2002 (52 U.S.C. Section 20901 et seq.).

(2) The Legislature has appropriated the funds necessary for the implementation and maintenance of the Automatic Student Voter Registration Program.

(3) The regulations required by Section 2290 have been adopted.

(d) The University of California is encouraged to comply with this section.

2284. (a) Upon receiving an individual's identifying information specified in subdivision (a) of Section 2283, the Secretary of State shall issue a notification to the individual containing both of the following:

(1) A statement informing the individual that unless he or she informs the election official that he or she declines to be registered to vote within 21 days of the date the notification was issued, the individual shall be considered to have completed and submitted an affidavit of voter registration for purposes of this chapter.

(2) A description of the process by which the individual may decline to be registered to vote.

(b) If an individual does not decline to be registered to vote 21 days after the Secretary of State issues the notification described in subdivision (a), an individual's records shall constitute a completed affidavit of registration and the Secretary of State shall register the individual to vote in elections held in the state unless either of the following conditions is satisfied:

(1) The Secretary of State determines that the individual does not meet the eligibility requirements for registering to vote in such elections.

(2) The person's records do not reflect that he or she has attested to meeting all voter eligibility requirements specified in Section 2101.

(c) (1) If a person who is registered to vote pursuant to this chapter does not provide a party preference, his or her party preference shall be designated as "Unknown" and he or she shall be treated as a "No Party Preference" voter.

(2) A person whose party preference is designated as "Unknown" pursuant to this subdivision shall not be counted for purposes of determining the total number of voters registered on the specified day preceding an election, as required by subdivision (b) of Section 5100 and subdivision (c) of Section 5151.

(d) If the information transferred under Section 2283 reflects an individual already included on the voter registration list, and if the information reliably indicates a more recent change to the name or address of the individual, the Secretary of State shall ensure that the records of the individual on the voter registration list are updated accordingly.

2285. (a) A person registered to vote under this chapter may cancel his or her voter registration at any time by any method available to any other registered voter.

(b) This section does not preclude a person who previously declined voter registration from subsequently registering.

2286. (a) The Secretary of State shall establish procedures to protect the confidentiality of the information acquired pursuant to this chapter. The disclosure of this information shall be governed by the Information Practices Act of 1977 (Chapter 1 (commencing with Section 1798) of Title 1.8 of Part 4 of Division 3 of the Civil Code), and the Secretary of State shall account for any disclosures, including those due to security breaches, in accordance with that act.

(b) The Secretary of State, in consultation with the University of California, California State University, and California Community College systems, shall set forth safeguards to protect the privacy and security of the personal information provided to the state in the data transfer process. These safeguards shall do all of the following:

(1) Prohibit public disclosure of certain voter information, including the source of a voter's registration and any information not necessary for purposes of voter registration.

(2) Protect against public disclosure of Social Security numbers and digits, driver's license numbers, and signatures.

(3) Prohibit public disclosure of an individual's decision not to register to vote.

(4) Prohibit agencies from transmitting to election officials information other than that which is required for voter registration or specified information relevant to the administration of elections, including language preference and demographic information.

(5) Prohibit the disclosure of information relating to persons in categories designated confidential by federal or state law.

(c) This section does not prevent the Secretary of State or the University of California, California State University, or California Community College system from establishing and enforcing additional security measures to protect the confidentiality and integrity of interagency data transfers.

(d) The University of California is encouraged to comply with this section.

2287. The willful, unauthorized disclosure of information obtained from a community college or university system pursuant to this chapter to any person, the use of any false representation to obtain any of that information, or the use of any of that information for a purpose other than as stated in Section 2283 is a misdemeanor punishable by a fine not exceeding five thousand dollars (\$5,000) or imprisonment in the county jail not exceeding one year, or both fine and imprisonment.

2288. This chapter does not affect the confidentiality of a person's voter registration information, which remains confidential pursuant to Section 2194 and Section 6254.4 of the Government Code and for all of the following persons:

(a) A victim of domestic violence, sexual assault, or stalking pursuant to Section 2166.5.

(b) A reproductive health care service provider, employee, volunteer, or patient pursuant to Section 2166.5.

(c) A public safety officer pursuant to Section 2166.7.

(d) A person with a life-threatening circumstance upon court order pursuant to Section 2166.

2289. (a) If a person who is ineligible to vote becomes registered to vote pursuant to this chapter in the absence of a violation by that person of Section 18100,

that person's registration shall be presumed to have been effected with official authorization and not the fault of that person.

(b) If a person who is ineligible to vote becomes registered to vote pursuant to this chapter and votes or attempts to vote in an election held after the effective date of the person's registration, that person shall be presumed to have acted with official authorization and shall not be guilty of fraudulently voting or attempting to vote pursuant to Section 18560, unless that person willfully votes or attempts to vote knowing that he or she is not entitled to vote.

2290. The Secretary of State shall adopt regulations to implement this chapter, including regulations addressing both of the following:

(a) A process for canceling the registration of a person who is ineligible to vote, but became registered under the Automatic Student Voter Registration Program in the absence of any violation by that person of Section 18100.

(b) An education and outreach campaign informing voters about the Automatic Student Voter Registration Program that the Secretary of State will conduct to implement this chapter. The Secretary of State may use any public and private funds available for this and shall provide materials created for this outreach and education campaign in languages other than English, as required by the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10503).

SEC. 5. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because, in that regard, this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

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

Amendment 3

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

Ken Cooley

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Substantive

AMENDMENTS TO ASSEMBLY BILL NO. 2456

Amendment 1

On page 2, in line 8, strike out "It is the intent of the Legislature" and insert:

In order

Amendment 2

On page 2, in line 11, strike out "contributions by investing surplus", strike out line 12, in line 13, strike out "administered by" and insert:

contributions,

Amendment 3

On page 2, in line 14, strike out "System." and insert:

System shall develop, establish, and administer the California Employers' Pension Prefunding Trust Program.

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RN1608727

AMENDMENTS TO ASSEMBLY BILL NO. 2460

Amendment 1

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

An act to amend Sections 2861, 2863, 2864, 2865, 2866, 2867, and 2867.3 of, to amend and renumber Section 2862 of, to repeal Sections 2860, 2867.1, and 2867.2 of, and to repeal and add Section 2867.4 of, the Public Utilities Code, relating to energy.

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 2860 of the Public Utilities Code is repealed.
~~2860. This article shall be known, and may be cited, as the Solar Water Heating and Efficiency Act of 2007.~~

SEC. 2. Section 2861 of the Public Utilities Code is amended to read:

2861. As used in this article, the following terms have the following meanings:

(a) "Disadvantaged community" means a community identified by the California Environmental Protection Agency pursuant to Section 39711 of the Health and Safety Code.

(a)

(b) "Gas customer" includes both "core" and "noncore" customers, as those terms are used in Chapter 2.2 (commencing with Section 328) of Part 1, that receive retail end-use gas service within the service territory of a gas corporation.

(b)

(c) "kW_{th}" or "kilowatts thermal" means the kilowatt unit of measure of the equivalent thermal capacity of a solar water heating system, measured consistent with the standard established by the SRCC, system that is calculated by multiplying the aperture area of the solar collector area of the system, expressed in square meters, by a conversion factor of 0.7.

(c)

(d) "kW_{th}" means kilowatthours thermal as measured by the number of kilowatts thermal generated, or displaced, in an hour.

(d)

(e) "Low-income residential housing" means either of the following:

(1) Residential housing financed with low-income housing tax credits, tax-exempt mortgage revenue bonds, general obligation bonds, or local, state, or federal loans or grants, and for which the rents of the occupants who are lower income households, as defined in Section 50079.5 of the Health and Safety Code, do not exceed those prescribed by deed restrictions or regulatory agreements pursuant to the terms of the financing or financial assistance.

(2) A residential complex in which at least 20 percent of the total units are sold or rented to lower income households, as defined in Section 50079.5 of the Health and Safety Code, and the housing units targeted for lower income households are subject



to a deed restriction or affordability covenant with a public entity that ensures that the units will be available at an affordable housing cost meeting the requirements of Section 50052.5 of the Health and Safety Code, or at an affordable rent meeting the requirements of Section 50053 of the Health and Safety Code, for a period of not less than 30 years.

(e)

(f) "New Solar Homes Partnership" means the 10-year program, administered by the Energy Commission, encouraging solar energy systems in new home construction.

(f)

(g) "Solar heating collector" means a device that is used to collect or capture heat from the sun and that is generally, but need not be, located on a roof.

(g)

(h) "Solar water heating system" means a solar energy device that has the primary purpose of reducing demand for natural gas through water heating, space heating, or other methods of capturing energy from the sun to reduce natural gas consumption in a home, business, or any building or facility receiving natural gas that is subject to the surcharge established pursuant to subdivision (b) of Section 2863, or exempt from the surcharge pursuant to subdivision (c) of Section 2863, and that meets or exceeds the eligibility criteria established pursuant to Section 2864. "Solar water heating systems" include multifamily residential, governmental, educational, and nonprofit solar pool heating systems, but do not include single-family residential solar pool heating systems.

(h) "SRCC" means the Solar Rating and Certification Corporation.

SEC. 3. Section 2862 of the Public Utilities Code is amended and renumbered to read:

~~2862.—The~~

~~2860. (a) Legislature finds and declares all of the following:~~

(a)

~~(1) California is heavily dependent on natural gas, importing more than 80 percent of the natural gas it consumes. gas.~~

~~(b) Rising worldwide demand for natural gas and a shrinking supply create rising and unstable prices that can harm California consumers and the economy.~~

~~(2) The storage and delivery of natural gas relies on aging infrastructure that is prone to leaks that can damage the environment and imperil public health.~~

(c)

~~(3) Natural gas is a fossil fuel and a major source of global warming pollution and the pollutants that cause air pollution, including smog.~~

(d)

~~(4) California's growing population and economy will put a strain on energy supplies and threaten the ability of the state to meet its global warming goals unless specific steps are taken to reduce demand and generate energy cleanly and efficiently.~~

(e)

~~(5) Water heating for domestic and industrial use relies almost entirely on natural gas and accounts for a significant percentage of the state's natural gas consumption.~~

(f)

~~(6) Solar water heating systems represent the largest major untapped natural gas saving potential remaining in California.~~

(g)

(7) In addition to financial and energy savings, solar water heating systems can help protect against future gas and electricity shortages and reduce our dependence on foreign sources of energy.

(h)

(8) Solar water heating systems can also help preserve the environment and protect public health by reducing air pollution, including carbon dioxide, a leading global warming gas, and nitrogen oxide, a precursor to smog.

(i)

(9) Growing demand for these technologies will create jobs in California as well as promote greater energy independence, protect consumers from rising energy costs, and result in cleaner air.

(10) Installing solar water heating systems in disadvantaged communities can provide local economic benefits while advancing the state's clean energy goals and policies to reduce the emissions of greenhouse gases.

(j)

(11) It is in the interest of the State of California to promote solar water heating systems and other technologies that directly reduce demand for natural gas in homes and businesses.

(k)

~~(b) It is the intent of the Legislature to build a mainstream market for solar water heating systems that directly reduces demand for natural gas in homes, businesses, schools, nonprofit, and nonprofit and government buildings. Toward that end, it is the goal of this article to install at least 200,000 solar water heating systems on homes, businesses, and other buildings or facilities of eligible customer classes throughout the state by 2017, thereby lowering prices and creating a self-sufficient market that will sustain itself beyond the life of this program.~~

(l)

~~(c) It is the intent of the Legislature that the solar water heating system incentives created by this article should be a cost-effective investment by gas customers. Gas customers will recoup the cost of their investment through lower prices energy bills as a result of avoiding purchases of natural gas.~~

~~(m) It is the intent of the Legislature that this article will encourage the cost-effective deployment of solar heating systems in both residential and commercial markets and in each end-use application sector in a balanced manner. It is the intent of the Legislature that the commission monitor and adjust incentives created by this article so that they are cost-effective investments sufficient to significantly increase markets and promote market transformation. It is the intent of the Legislature that the commission ensure that increased, uniform growth in each market sector is achieved through program incentives or structure adjustments that prevent overutilization of program resources by any single sector.~~

SEC. 4. Section 2863 of the Public Utilities Code is amended to read:

2863. (a) If, after a public hearing, the commission determines that a solar water heating program is cost effective for ratepayers and in the public interest, the By July 31, 2017, the commission shall do all of the following:

(1) Design and implement a ~~Implement changes to the program as authorized pursuant to this section on December 31, 2016,~~ applicable to the service territories of a gas corporation, to achieve the goal of the Legislature to promote the installation of

200,000 corporation to promote the installation of solar water heating systems in homes, businesses, and buildings or facilities of eligible customer classes receiving natural gas service throughout the state by 2017, state. Eligible customer classes shall include single-family and multifamily residential, commercial, industrial, governmental, nonprofit, and primary, secondary, and postsecondary educational customers. The commission shall implement program changes in phases, if necessary, to enable seamless continuation of the availability of rebates as of January 1, 2017.

(2) The program shall be administered by gas corporations or third-party administrators, as determined by the commission, and subject to the supervision of the commission.

(3) The commission shall coordinate the program with the Energy Commission's programs and initiatives, including, but not limited to, the New Solar Homes Partnership Partnership, to achieve the goal of building zero-energy homes.

~~(4) The commission shall determine an appropriate division of funds between solar water heating systems that are and are not solar pool heating systems.~~

(b) (1) The commission shall fund the program through the use of a surcharge applied to gas customers based upon the amount of natural gas consumed. The surcharge shall be in addition to any other charges for natural gas sold or transported for consumption in this state.

(2) ~~The commission shall impose the surcharge at a level that is necessary to meet the goal of installing 200,000 solar water heating systems, or the equivalent output of 200,000 solar water heating systems, on homes, businesses, and buildings or facilities of eligible customer classes receiving natural gas service in California by 2017. Funding for the program established by this article shall not, for the collective service territories of all gas corporations, exceed two hundred fifty million dollars (\$250,000,000) one billion dollars (\$1,000,000,000) over the course of the 10-year program period from January 1, 2017, to July 31, 2027, inclusive.~~

(3) Fifty percent of the total program budget shall be reserved for the installation of solar water heating systems in low-income residential housing or in buildings in disadvantaged communities. The commission may revise the percentage if the budget for other types of customers becomes depleted.

~~(3)~~

(4) The commission shall annually establish a surcharge rate for each class of gas customers. Any gas customer participating in the California Alternate Rates for Energy (CARE) or Family Electric Rate Assistance (FERA) programs shall be exempt from paying any surcharge imposed to fund the program designed and implemented pursuant to this article.

~~(4)~~

(5) Any surcharge imposed to fund the program designed and implemented pursuant to this article shall not be imposed upon the portion of any gas customer's procurement of natural gas that is used or employed for a purpose that Section 896 excludes from being categorized as the consumption of natural gas.

~~(5)~~

(6) The gas corporation or other person or entity providing revenue cycle services, as defined in Section 328.1, shall be responsible for collecting the surcharge.

(c) Funds shall be allocated for the benefit of gas customers in the form of customer rebates to promote utilization of solar water heating systems.

(1) On and after January 1, 2017, the rebate amount shall be consistent with the amount the commission established for the calendar year 2016 until revised by the commission pursuant to paragraph (2).

(2) Beginning in 2017, and every two years thereafter, the commission shall consider revisions to the rebate amount, taking into account the cost of installing solar water heating systems and the price of natural gas to end-use customers.

(3) The commission shall ensure that a cap on the maximum rebate amount does not unreasonably impair the ability of industrial customers to participate in the program.

(d) In designing and implementing the program required by this article, no moneys shall be diverted from any existing programs for low-income ratepayers or cost-effective energy efficiency programs.

SEC. 5. Section 2864 of the Public Utilities Code is amended to read:

2864. (a) The commission, in consultation with the Energy Commission and interested members of the public, shall establish eligibility criteria for solar water heating systems receiving gas customer funded incentives pursuant to this article. The criteria should specify and include all of the following:

(1) Design, installation, and energy output or displacement standards. To be eligible for rebate funding, a residential solar water heating system shall be certified by an accredited listing agency in accordance with standards adopted by the commission. Solar collectors used in systems for multifamily residential, commercial, government, nonprofit, educational, or industrial water heating shall be certified by an accredited listing agency in accordance with standards adopted by the commission. Energy output of collectors and systems shall be determined in accordance with procedures set forth by the listing agency, and shall be based on testing results from accredited testing laboratories.

(2) ~~Require A requirement~~ that solar water heating system components are new and unused, and have not previously been placed in service in any other location or for any other application.

(3) ~~Require A requirement~~ that solar water heating collectors have a warranty of not less than 10 years to protect against defects and undue degradation.

(4) ~~Require A requirement~~ that solar water heating systems are in buildings or facilities connected to a natural gas utility's distribution system within the state.

(5) ~~Require A requirement~~ that solar water heating systems have meters or other kWh_{th} measuring devices in place to monitor and measure the system's performance and the quantity of energy generated or displaced by the system. ~~The criteria shall require meters for systems with a capacity for displacing over 30 kW_{th}. The criteria may require meters for systems with a capacity of 30 kW_{th} or smaller. The cost of monitoring the system shall not exceed 2 percent of the system cost.~~

(6) ~~Require A requirement~~ that solar water heating systems are installed in conformity with the manufacturer's specifications and all applicable codes and standards.

(b) Gas customer funded incentives shall not be made for a solar water heating system that does not meet the eligibility criteria.

(c) The commission may adopt consensus solar standards applicable to products or systems as developed by accredited standards developers.

SEC. 6. Section 2865 of the Public Utilities Code is amended to read:

2865. (a) The commission shall establish conditions on gas customer funded incentives pursuant to this article. The conditions shall require both of the following:

(1) Appropriate siting and high-quality installation of the solar water heating system based on installation guidelines that maximize the performance of the system and prevent qualified systems from being inefficiently or inappropriately installed. The conditions shall not impact housing designs or densities presently authorized by a city, county, or city and county. The goal of this paragraph is to achieve efficient installation of solar water heating systems and promote the greatest energy production or displacement per gas customer dollar.

(2) Appropriate energy efficiency improvements in the new or existing home or facility where the solar water heating system is installed.

(b) The commission shall set rating standards for equipment, components, and systems to ensure reasonable performance and shall develop ~~standards~~ procedures that provide for compliance with the minimum ratings.

SEC. 7. Section 2866 of the Public Utilities Code is amended to read:

~~2866. (a) The commission shall provide not less than 10 percent of the overall funds for installation of solar water heating systems on low-income residential housing.~~

~~(b)~~

2866. (a) The commission may establish a grant program or a revolving loan or loan guarantee program for low-income residential housing consistent with the requirements of Chapter 5.3 (commencing with Section 25425) of Division 15 of the Public Resources Code. ~~All~~ Notwithstanding Section 2867.4, all loans outstanding as of August 1, ~~2018, 2027~~, shall continue to be repaid in a manner that is consistent with the terms and conditions of the program adopted and implemented by the commission pursuant to this subdivision, until repaid in full.

~~(e)~~

(b) The commission may extend eligibility for funding pursuant to this section to include residential housing occupied by ratepayers participating in a commission approved and supervised gas corporation Low-Income Energy Efficiency (LIEE) program and who either:

(1) Occupy a single-family home.

(2) Occupy at least 50 percent of all units in a multifamily dwelling structure.

~~(d)~~

(c) The commission shall ensure that lower income households, as defined in Section 50079.5 of the Health and Safety Code, and, if the commission expands the program pursuant to subdivision ~~(e)~~, (b), ratepayers participating in a LIEE program, that receive gas service at residential housing with a solar water heating system receiving incentives pursuant to subdivision (a), benefit from the installation of the solar water heating systems through reduced or lowered energy costs.

~~(e) No later than January 1, 2010, the~~

(d) The commission shall do all of the following to implement the requirements of this section:

(1) Maximize incentives to properties that are committed to continuously serving the needs of lower income households, as defined in Section 50079.5 of the Health and Safety Code, and, if the commission expands the program pursuant to subdivision ~~(e)~~, (b), ratepayers participating in a LIEE program.

(2) Establish conditions on the installation of solar water heating systems that ensure properties on which solar water heating systems are installed under subdivision (a) remain low-income residential properties for at least 10 years from the time of installation, including property ownership restrictions and income rental protections, and appropriate enforcement of these conditions.

(f) ~~All moneys set aside for the purpose of funding the installation of solar water heating systems on low-income residential housing that are unexpended and unencumbered on August 1, 2018, and all moneys thereafter repaid pursuant to subdivision (b), except to the extent that those moneys are encumbered pursuant to this section, shall be utilized to augment cost-effective energy efficiency measures in low-income residential housing that benefit ratepayers.~~

SEC. 8. Section 2867 of the Public Utilities Code is amended to read:

2867. (a) ~~The~~ Consistent with subdivision (c) of Section 2863, the commission shall consider reductions over time in rebates provided through this program shall decline over time. They the program. The rebate shall be structured so as to drive down the cost of the solar water heating technologies, and be paid out on a performance-based incentive basis so that incentives are earned based on the actual energy savings, or on predicted energy savings as established by the commission.

(b) The commission shall consider federal tax credits and other incentives available for this technology when determining the appropriate rebate amount.

(c) The commission shall consider the impact of rebates for solar water heating systems pursuant to this article on existing incentive programs for energy efficiency technology.

(d) In coordination with the commission, the Energy Commission shall consider, when appropriate, coupling rebates for solar water heating systems with complementary energy efficiency technologies, including, but not limited to, efficient hot water heating tanks and tankless or on demand hot water systems that can be installed in addition to the solar water heating system.

SEC. 9. Section 2867.1 of the Public Utilities Code is repealed.

2867.1. (a) ~~Not later than July 1, 2010, the commission shall report to the Legislature as to the effectiveness of the program and make recommendations as to any changes that should be made to the program. This report shall include justification for the size of the rebate program in terms of total available incentive moneys as well as the anticipated benefits of the program in its entirety. To facilitate the understanding of how solar water heating systems compare with other clean energy and energy efficiency technologies, all documents related to and rebates provided by this program shall be measured in both kWh_{th} and therms of natural gas saved.~~

(b) ~~Not later than February 1, 2014, the commission shall complete a review of whether the rebate levels established by the commission will be sufficient to spur investment to reach the program goal of installing 200,000 solar water heating systems in homes, businesses, and other buildings or facilities receiving natural gas service throughout the state by 2017, and shall report to the Legislature on the results of its review. The report submitted pursuant to this subdivision shall be submitted in compliance with Section 9795 of the Government Code.~~

SEC. 10. Section 2867.2 of the Public Utilities Code is repealed.

2867.2. ~~Except for the Solar Water Heating Pilot Program in San Diego, solar water heating technologies shall not be eligible for California Solar Initiative (CSI)~~

~~funds, pursuant to Section 2851, unless they also displace electricity, in which case only the electricity displacing portion of the technology may be eligible under the CSI program, as determined by the commission:~~

SEC. 11. Section 2867.3 of the Public Utilities Code is amended to read:

~~2867.3. In order to further the state goal of encouraging the installation of 200,000 solar water heaters by 2017, the~~ The governing body of each publicly owned utility providing gas service to retail end-use gas customers shall, after a public proceeding, adopt, implement, and finance a solar water heating system incentive program that does all the following:

(a) Ensures that any solar water heating system receiving monetary incentives complies with eligibility criteria adopted by the governing body. The eligibility criteria shall include those elements contained in paragraphs (1) to (6), inclusive, of subdivision (a) of Section 2864.

(b) Includes minimum ratings and standards for equipment, components, and systems to ensure reasonable performance and compliance with the minimum ratings and standards.

(c) Includes an element that addresses the installation of solar water heating systems on low-income residential housing. If deemed appropriate in consultation with the California Tax Credit Allocation Committee, the governing board may establish a grant program or a revolving loan or loan guarantee program for low-income residential housing consistent with the requirements of Chapter 5.3 (commencing with Section 25425) of Division 15 of the Public Resources Code.

SEC. 12. Section 2867.4 of the Public Utilities Code is repealed.

~~2867.4. This article shall remain in effect only until August 1, 2018, and as of that date is repealed, unless a later enacted statute, that is enacted before August 1, 2018, deletes or extends that date.~~

SEC. 13. Section 2867.4 is added to the Public Utilities Code, to read:

2867.4. This article shall become inoperative on August 1, 2027, and, as of January 1, 2028, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2028, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 14. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act or because costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

Amendment 3

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

AMENDMENTS TO ASSEMBLY BILL NO. 2469

Amendment 1

In the title, in line 1, strike out "11402" and insert:

5156.7

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 5156.7 of the Vehicle Code is amended to read:

5156.7. (a) (1) The State Department of Health Care Services shall apply to the department, pursuant to Section 5156, to sponsor a breast cancer awareness license plate program. The department shall issue specialized license plates for that program if the State Department of Health Care Services complies with the requirements of Section 5156.

(2) Notwithstanding paragraph (2) of subdivision (b) of Section 5156, the State Department of Health Care Services, by July 1, 2017, may contact the department and indicate its intent to undertake collection of additional applications and fees or deposits for an additional period not to exceed 12 months in order to obtain the minimum 7,500 applications for a license plate it is sponsoring.

(b) The State Department of Health Care Services may accept and use donated artwork from California artists for the license plate.

(c) Notwithstanding subdivision (c) of Section 5157, the additional fees prescribed by Section 5157 for the issuance, renewal, or transfer of the specialized license plates shall be deposited, after the department deducts its administrative costs, in the Breast Cancer Control Account in the Breast Cancer Fund established pursuant to Section 30461.6 of the Revenue and Taxation Code.

(d) It is the intent of the Legislature that the department, in consultation with the State Department of Health Care Services, will design and make available for issuance pursuant to this article special breast cancer awareness license plates. Specifically, it is the intent of the Legislature that the license plates issued pursuant to this section consist of a pink breast cancer awareness ribbon to the left of the numerical series and a breast cancer awareness message, such as, "Early Detection Saves Lives," below the numerical series.

Amendment 3

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



AMENDMENTS TO ASSEMBLY BILL NO. 2470

Amendment 1

In the title, in line 1, strike out "amend Section 13201 of" and insert:

add Section 71611.5 to

Amendment 2

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

water.

Amendment 3

On page 1, before line 1, insert:

SECTION 1. Section 71611.5 is added to the Water Code, to read:

71611.5. (a) Notwithstanding any other law, upon the request of an Indian tribe, a district shall provide permanent or temporary service of water at the same terms available to the current customers of the district to an Indian tribe's lands that are not within a municipal water district but are contiguous with at least two municipal water districts and lie within the special study area of at least one municipal water district, if at least 75 percent of the Indian tribe's total Indian lands are currently within the boundaries of one or more municipal water districts.

(b) Division 13 (commencing with Section 21000) of the Public Resources Code does not apply to the provision of water service pursuant to this section.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

Amendment 4

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



AMENDMENTS TO ASSEMBLY BILL NO. 2472

Amendment 1

In the title, in line 1, strike out "amend Section 23400 of the Revenue and Taxation Code," strike out line 2 and insert:

add and repeal Section 17059.50 of 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. The Legislature finds and declares all of the following:

(a) California is home to a large population of war veterans, comprised of service men and women who have honorably served in the line of duty.

(b) It is not uncommon for veterans, after experiencing the horrors of war, to suffer from physical or mental health challenges, or both.

(c) Common conditions war veterans are afflicted with include post-traumatic stress disorder, traumatic brain injury, and heightened anxiety.

(d) Trained animals are often used to assist disabled veterans in their rehabilitation. An animal can greatly contribute to the veteran's sense of normalcy by providing support and companionship.

(e) The purpose of Section 17059.50 of the Revenue and Taxation Code, as proposed to be added by this act, is to create an income tax credit for disabled veterans, as determined by a disability rating promulgated by the United States Department of Veterans Affairs, who incur costs associated with ownership of a service dog.

SEC. 2. Section 17059.50 is added to the Revenue and Taxation Code, to read:

17059.50. (a) For each taxable year beginning on or after January 1, 2017, and before January 1, 2022, there shall be allowed a credit against the "net tax," as defined by Section 17039, an amount equal to 50 percent of the qualified costs of a qualified disabled veteran, not to exceed two thousand dollars (\$2,000) for a taxable year.

(b) For the purposes of this section, the following definitions shall apply:

(1) "Qualified animal" means a guide dog, signal dog, or service dog as defined in subparagraph (C) of paragraph (6) of subdivision (b) of Section 54.1 of the Civil Code.

(2) "Qualified costs" mean the amounts paid or incurred during the taxable year by a qualified disabled veteran for the ownership and maintenance of a qualified animal, including, but not limited to, the amount paid as local fees for animal licenses; veterinary care and medical-related expenses, such as vaccinations, annual check-ups, and drug prescriptions; pet insurance coverage expenses; expenses for speciality equipment, such as vests, leads, and harnesses; grooming expenses; and food expenses.

(3) "Qualified disabled veteran" means an individual who meets both of the following conditions:

(A) Has served on active duty with the Armed Forces of the United States and received an honorable discharge for all periods of active service.



(B) Has a service-connected disability as determined by a disability rating promulgated by the United States Department of Veterans Affairs and is assisted with that disability by a qualified animal.

(c) In the case where the credit allowed by this section exceeds the "net tax" the excess may be carried over to reduce the "net tax," in the following year, and succeeding years if necessary, until the credit is exhausted.

(d) Section 41 does not apply to the credit allowed by this section.

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

SEC. 3. 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 5, inclusive, and strike out page 2

AMENDMENTS TO ASSEMBLY BILL NO. 2475

Amendment 1

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

to add Chapter 7 (commencing with Section 63090) to Division 1 of Title 6.7 to the Government Code,

Amendment 2

On page 2, before line 1, insert:

SECTION 1. Chapter 7 (commencing with Section 63090) is added to Division 1 of Title 6.7 of the Government Code, to read:

CHAPTER 7. LOCAL GOVERNMENT AFFORDABLE HOUSING FORGIVABLE LOAN PROGRAM

63090. There is within the bank the Local Government Affordable Housing Forgivable Loan Program.

63090.5. For purposes of this chapter, 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) "Loan program" means the Local Government Affordable Housing Forgivable Loan Program established by this chapter.

(c) "Local government" means a city, county, or city and county.

63090.10. The bank shall develop and administer the loan program to make loans to a local government for the development of affordable housing by the local government on terms and conditions the bank deems in the best interests of the state.

63090.15. A local government shall not be required to repay a loan made pursuant to the loan program, as follows:

(a) A local government shall not be required to repay one-half of the principal of, and accrued interest on, a loan made pursuant to the loan program if all of the following requirements have been satisfied by the local government to the satisfaction of the board:

(1) The affordable housing financed with the loan proceeds is compatible with the strategy required by Section 65080.

(2) The affordable housing financed with the loan proceeds contributes to the reduction of greenhouse gases pursuant to the strategy required by Section 65080.

(3) Each dwelling of affordable housing financed with the loan proceeds is restricted by deed to remain affordable housing for 55 years from the completion of the dwelling.



(4) At least 75 percent of the dwellings in an affordable housing development financed with the loan proceeds are affordable to 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, at either an affordable housing cost, as defined in Section 50052.5 of the Health and Safety Code or an affordable rent, as defined in Section 50053 of the Health and Safety Code.

(5) The local government contributed to development of the affordable housing financed with the loan proceeds in an amount of funds that are equal to, or infrastructure improvements that are equal in value to, the amount of the loan.

(b) A local government shall not be required to repay any amount of a loan made pursuant to the loan program if all of the following requirements have been satisfied by the local government to the satisfaction of the board:

(1) All the requirements in subdivision (a).

(2) The local government waived at least 50 percent of any development or permitting fees it could have imposed on a developer in the ordinary course of approving the development of the affordable housing financed with the loan proceeds.

(3) The affordable housing development financed with the loan proceeds includes onsite access to services needed by the residents of the affordable housing, including, but not limited to, social services and medical services.

63090.20. (a) The board shall determine whether a local government is excused from repaying half or all of a loan pursuant to Section 63090.15 after the completion of the development of the affordable housing financed with the loan proceeds.

(b) The board shall make a determination pursuant to subdivision (a) only after consulting with the Strategic Growth Council and the California Housing Finance Agency regarding whether the local government met the requirements of Section 63090.15. The Strategic Growth Council and the California Housing Finance Agency shall respond to a request for consultation from the board within a reasonable time.

(c) The board shall establish a process for a local government to apply for a reduction in loan repayment pursuant to Section 63090.15.

Amendment 3

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

AMENDMENTS TO ASSEMBLY BILL NO. 2480

Amendment 1

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

to, and to add Chapter 3.3 (commencing with Section 12835) to Part 6 of Division 6 of,

Amendment 2

On page 2, below line 8, insert:

SEC. 2. Chapter 3.3 (commencing with Section 12835) is added to Part 6 of Division 6 of the Water Code, to read:

CHAPTER 3.3. WATERSHED INVESTMENT PLANS

12835. On or before December 31, 2017, the board, in consultation with the department, shall develop investment plans that prioritize actions for restoration and conservation to improve watershed function in the watersheds that flow into the Shasta Reservoir and the Oroville Reservoir.

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AMENDMENTS TO ASSEMBLY BILL NO. 2488

Amendment 1

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

of, and to add Section 2081.10 to,

Amendment 2

On page 1, before line 1, insert:

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

(a) The Foothill Feeder below Castaic Dam in the County of Los Angeles is the primary conduit for water from the State Water Project for the Southern California region served by the Metropolitan Water District of Southern California. The Metropolitan Water District of Southern California is a public agency comprised of 26 member public agencies – 14 cities, 11 municipal water districts, and one county water authority – and provides water to more than 19 million people in the Counties of Los Angeles, Orange, Riverside, San Bernardino, San Diego, and Ventura.

(b) Water supplies from the State Water Project are a critical part of Southern California's water supply portfolio, and any interruption of that supply must be minimized to ensure delivery of clean and reliable water supplies for municipal and industrial uses, including health and human safety, and to water agencies and cities that rely upon water supply deliveries from the Metropolitan Water District of Southern California.

(c) Periodic dewatering, inspection, maintenance, modification, or repair, including emergency repairs, require that all or a portion of the Foothill Feeder be dewatered into the Santa Clara River and certain of its tributaries where unarmored threespine stickleback (*Gasterosteus aculeatus williamsoni*) may be present during these activities. Thus, the incidental take of unarmored threespine stickleback must be permitted for the periodic dewatering, inspection, maintenance, modification, or repair of the Foothill Feeder to protect Southern California water supplies.

SEC. 2. Section 2081.10 is added to the Fish and Game Code, to read:

2081.10. (a) The department may authorize, under this chapter, the incidental take of unarmored threespine stickleback (*Gasterosteus aculeatus williamsoni*) attributable to the periodic dewatering, inspection, maintenance, modification, or repair of the Metropolitan Water District of Southern California's Foothill Feeder water supply facility from Castaic Dam to the Joseph Jensen Treatment Plant in the County of Los Angeles, contingent upon the fulfillment of the following conditions:

(1) The department has determined that the requirements of subdivisions (b) and (c) of Section 2081 are satisfied for the take of the unarmored threespine stickleback.

(2) The department ensures that all further measures necessary to contribute to conservation as defined in subdivision (d) of Section 2805 are incorporated into the project.

(3) The take authorization provides for the development and implementation, in cooperation with the department, of an adaptive management process for monitoring



the effectiveness of, and adjusting as necessary, the measures to minimize and fully mitigate the impacts of the authorized take. The adjusted measures are subject to Section 2052.1.

(b) The take authorization shall cover any incidental take of unarmored threespine stickleback attributable to the periodic dewatering, inspection, maintenance, modification, or repair of the Foothill Feeder that may occur in the following locations:

(1) _____.

(2) _____.

(c) This section shall not be construed to exempt from any other law the periodic dewatering, inspection, maintenance, modification, or repair of the Foothill Feeder.

Amendment 3

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

SEC. 3.

Amendment 4

On page 1, in line 4, after the second comma insert:

Section 2081.10,

AMENDMENTS TO ASSEMBLY BILL NO. 2515

Amendment 1

In the title, strike out line 1 and insert:

An act to amend Section 1058.5 of the Water Code, relating to water.

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 1058.5 of the Water Code is amended to read:

1058.5. (a) This section applies to any emergency regulation adopted by the board for which the board makes both of the following findings:

(1) The emergency regulation is adopted to prevent the waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion, of water, to promote water recycling or water conservation, to require curtailment of diversions when water is not available under the diverter's priority of right, or in furtherance of any of the foregoing, to require reporting of diversion or use or the preparation of monitoring reports.

(2) The emergency regulation is adopted in response to conditions which exist, or are threatened, in a critically dry year immediately preceded by two or more consecutive below normal, dry, or critically dry years or during a period for which the Governor has issued a proclamation of a state of emergency under the California Emergency Services Act (Chapter 7 (commencing with Section 8550) of Division 1 of Title 2 of the Government Code) based on drought conditions.

(b) Notwithstanding Sections 11346.1 and 11349.6 of the Government Code, any findings of emergency adopted by the board, in connection with the adoption of an emergency regulation under this section, are not subject to review by the Office of Administrative Law.

(c) An emergency regulation adopted by the board under this section may remain in effect for up to 270 days, as determined by the board, and is deemed repealed immediately upon a finding by the board that due to changed conditions it is no longer necessary for the regulation to remain in effect. An emergency regulation adopted by the board under this section may be renewed if the board determines that the conditions specified in paragraph (2) of subdivision (a) are still in effect.

(d) In addition to any other applicable civil or criminal penalties, any person or entity who violates a regulation adopted by the board pursuant to this section is guilty of an infraction punishable by a fine of up to five hundred dollars (\$500) for each day in which the violation occurs.

(e) (1) Notwithstanding subdivision (b) of Section 1551, subdivision (d) of Section 1845, and subdivision (f) of Section 1846, a civil liability imposed under Chapter 12 (commencing with Section 1825) of Part 2 of Division 2 by the board or a court for a violation of an emergency conservation regulation adopted pursuant to this section shall be deposited, and separately accounted for, in the Water Rights Fund.



Funds deposited in accordance with this subdivision shall be available, upon appropriation, for water conservation activities and programs.

(2) An emergency conservation regulation to conserve water adopted by the board shall be applicable on a county-by-county basis in order to give specific consideration to the facts and circumstances prevailing within each county.

(2)

(3) For purposes of this subdivision, an "emergency conservation regulation" means an emergency regulation that requires an end user of water, a water retailer, or a water wholesaler to conserve water or report to the board on water conservation. Water conservation includes restrictions or limitations on particular uses of water or a reduction in the amount of water used or served, but does not include curtailment of diversions when water is not available under the diverter's priority of right or reporting requirements related to curtailments.

Amendment 3

On page 1, strike out lines 1 to 12, inclusive, and strike out page 2

AMENDMENTS TO ASSEMBLY BILL NO. 2521

Amendment 1

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

to add Article 4 (commencing with Section 78050) to Chapter 1 of Part 48 of Division 7 of Title 3 of the Education Code,

Amendment 2

On page 1, before line 1, insert:

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

(a) Providing comprehensive support services to special needs students empowers them to advocate for themselves, master the skills needed to live independently, and make daily life decisions. In doing so, these students also develop rewarding and appropriate relationships with peers and adults.

(b) With coaching from an independent living skills instructor, special needs students can learn to use public transportation, manage their money, pay bills, shop for groceries, prepare meals, clean their apartments, and do their laundry. These individualized supports complement these students' higher education goals and prepares them to transition confidently to independent living, employment, and adulthood.

SEC. 2. Article 4 (commencing with Section 78050) is added to Chapter 1 of Part 48 of Division 7 of Title 3 of the Education Code, to read:

Article 4. Los Rios Community College Pilot Program to Support Special Needs Students

78050. This article shall be known, and may be cited, as the Los Rios Community College Pilot Program to Support Special Needs Students.

78051. The Los Rios Community College Pilot Program to Support Special Needs Students may be established by the Los Rios Community College District to provide access to learning supports for students with special needs, such as autism spectrum disorders, including Asperger Syndrome, social and emotional maturation issues, and other related disabilities. As part of the pilot program, the district may contract with public or private programs that provide a network of comprehensive services, including the support of resident advisors, tutors, mentors, psychologists, academic liaisons, site directors, and others to help special needs students become more self-sufficient, independent, confident, and successful in their academic endeavors.

78052. The pilot program shall provide special needs students with all of the following:

(a) Comprehensive academic support that includes helping them apply to community college and register and enroll in community college classes.

(b) An independent living skills instructor and encouragement and support in seeking apartments near campus with one or more roommates.



(c) An individually assigned mentor, ideally a graduate student in psychology, to provide additional academic and personal support.

(d) (1) Additional support provided by a dedicated team that includes the program's director, a psychologist, additional tutors and mentors, and a resident assistant, as appropriate.

(2) Individuals who provide support pursuant to subdivisions (b) to (d), inclusive, shall submit progress reports for their special needs students participating in the pilot program to the Los Rios Community College District. The district shall compile the information in these reports and post it on the district's Internet Web site for parents and teachers to access.

(3) The information posted pursuant to paragraph (2) shall be posted in a manner that provides appropriate protections for the privacy of students involved consistent with the federal Family Educational Rights and Privacy Act (20 U.S.C. Sec. 1232g).

78053. The pilot program shall allow special needs students who have not completed high school to simultaneously earn a high school diploma, or its equivalent, and college credits at community colleges within the district.

78054. Funding for the pilot program may be derived from any source, including, but not limited to, state and nonstate funding sources.

Amendment 3

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

AMENDMENTS TO ASSEMBLY BILL NO. 2522

Amendment 1

In the title, in line 1, strike out "65850" and insert:

65589.4

Amendment 2

In the title, strike out line 2 and insert:

housing.

Amendment 3

On page 1, before line 1, insert:

SECTION 1. Section 65589.4 of the Government Code is amended to read:

65589.4. (a) An attached housing development shall be a permitted use ~~not~~ subject to a conditional use permit on any parcel zoned for an attached housing development by right, as defined in subdivision (i) of Section 65583.2, if local law so provides or if it satisfies the requirements of subdivision (b) and either of the following:

(1) The attached housing development satisfies the criteria of Section 21159.22, 21159.23, or 21159.24 of the Public Resources Code.

(2) The attached housing development meets all of the following criteria:

(A) The attached housing development is either:

(i) Located on a site that is identified in the jurisdiction's inventory of land suitable for residential development described in paragraph (3) of subdivision (a) of Section 65583.

(A) The attached housing development is subject to

(ii) Located on a discretionary decision other than a conditional use permit and a negative declaration or mitigated negative declaration site that has been adopted for the attached housing development under the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code). If no public hearing is held with respect or will be rezoned pursuant to the discretionary decision, then program identified in the negative declaration or mitigated negative declaration for the attached jurisdiction's housing development may be adopted only after a public hearing to receive comments on element, as required by subdivision (c) of Section 65583, and either the negative declaration rezoning has been completed or mitigated negative declaration, three years have passed following the date that the jurisdiction's housing element was adopted.

(B) The attached housing development is consistent with both the jurisdiction's zoning ordinance and general plan as it existed on the date the application was deemed complete, except that an attached housing development shall not be deemed does not contain more dwelling units than were projected by the jurisdiction to be inconsistent with accommodated on the zoning designation for the site if that zoning designation



is inconsistent with the general plan only because sites described in subparagraph (A) of paragraph (2) of subdivision (a) plus any density bonus units for which the attached housing development site has not been rezoned is eligible pursuant to conform with the most recent adopted general plan. Section 65915.

(C) The attached housing development is located in an area that is covered by one of the following documents that has been adopted by the jurisdiction within five years of the date the application for the complies with applicable general plan and zoning standards and criteria, including, but not limited to, design standards, in effect when the attached housing development was deemed complete; determined to be complete.

(i) A general plan.

(ii) A revision or update to the general plan that includes at least the land use and circulation elements.

(iii) An applicable community plan.

(iv) An applicable specific plan.

(D) The attached housing development consists of not more than 100 residential units with a minimum density of not less than 12 units per acre or a minimum density of not less than eight units per acre if the attached housing development consists of four or fewer units. element is either:

(E) The attached housing development is located

(i) Located in an urbanized area as defined in Section 21071 of the Public Resources Code or within a census-defined place with a population density of at least 5,000 persons per square mile or, if the attached housing development consists of 50 or fewer units, within an incorporated city with a population density of at least 2,500 persons per square mile and a total population of at least 25,000 persons.

(F) The attached housing development is located

(ii) Located on an infill site as defined in Section ~~21061.0.5~~ 21061.3 of the Public Resources Code.

(b) At least 10 percent of the units of the attached housing development shall be available at affordable housing cost to very low income households, as defined in Section 50105 of the Health and Safety Code, or at least 20 percent of the units of the attached housing development shall be available at affordable housing cost to lower income households, as defined in Section 50079.5 of the Health and Safety Code, or at least 50 percent of the units of the attached housing development available at affordable housing cost to moderate-income households, consistent with Section 50052.5 of the Health and Safety Code. The jurisdiction shall require the developer of the attached housing development shall to provide sufficient legal commitments to the local agency to ensure the continued availability and use of the housing units for very low, low-, or moderate-income households for a period of at least 30 years.

(c) Nothing in this section shall prohibit a local agency from applying design and site review standards in existence on the date the application was deemed complete.

(d)

(c) The provisions of this section are independent of any obligation of a jurisdiction pursuant to subdivision (c) of Section 65583 to identify multifamily sites developable by right.

(e)

(d) This section does not apply to the issuance of coastal development permits pursuant to the California Coastal Act (Division 20 (commencing with Section 30000) of the Public Resources Code).

(f)

(e) This section does not relieve a public agency from complying with the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) or relieve an applicant or public agency from complying with the Subdivision Map Act (Division 2 (commencing with Section ~~66473~~)). 66410)).

(g)

(f) This section is applicable to all cities and counties, including charter cities, because the Legislature finds that the lack of affordable housing is of vital statewide importance, and thus a matter of statewide concern.

(h)

(g) For purposes of this section, "attached housing development" means a newly constructed or substantially rehabilitated structure containing two or more dwelling units ~~and consisting only of residential units, that is a housing development project, as defined by paragraph (2) of subdivision (h) of Section 65589.5,~~ but does not include a second unit, as defined by paragraph (4) of subdivision ~~(h)~~ (i) of Section 65852.2, or the conversion of an existing structure to condominiums.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

Amendment 4

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

AMENDMENTS TO ASSEMBLY BILL NO. 2523

Amendment 1

In the title, strike out line 1 and insert:

An act to add Part 7 (commencing with Section 10800) to Division 10 of, and to repeal Sections 10003, 10202, and 10544 of, the Elections Code, relating to elections.

Amendment 2

On page 2, before line 1, insert:

SECTION 1. Section 10003 of the Elections Code is repealed.

~~10003. A county may by ordinance or resolution limit campaign contributions in county elections:~~

SEC. 2. Section 10202 of the Elections Code is repealed.

~~10202. A city may, by ordinance or resolution, limit campaign contributions in municipal elections:~~

SEC. 3. Section 10544 of the Elections Code is repealed.

~~10544. A governing body of a district may, by resolution, limit campaign contributions in elections to district offices:~~

SEC. 4. Part 7 (commencing with Section 10800) is added to Division 10 of the Elections Code, to read:

PART 7. LOCAL LIMITATIONS ON CONTRIBUTIONS

10800. For purposes of this part, the following terms have the following meanings:

(a) "Candidate" has the same meaning as set forth in Section 82007 of the Government Code.

(b) "City" has the same meaning as set forth in Section 82008 of the Government Code.

(c) "Contribution" has the same meaning as set forth in Section 82015 of the Government Code.

(d) "County" has the same meaning as set forth in Section 82017 of the Government Code.

(e) "Election" means a primary, general, special, runoff, or recall election in a county, city, special district, or school district. Primary, general, special, and runoff elections are each a separate election for purposes of this part.

(f) "Local elective office" means a county, city, special district, or school district office that is filled at an election.

(g) "Local government" means a county, city, special district, or school district that has a local elective office.

(h) "Person" has the same meaning as set forth in Section 82047 of the Government Code.

(i) "School district" includes a community college district.



(j) "Special district" has the same meaning as set forth in Section 82048.5 of the Government Code.

10801. (a) A person shall not make to a candidate for local elective office, and a candidate for local elective office shall not accept from a person, a contribution totaling more than the amount set forth in subdivision (a) of Section 85301 of the Government Code, as that amount is adjusted by the Fair Political Practices Commission pursuant to Section 83124 of the Government Code.

(b) A contribution shall not be deemed received for purposes of this part if it is returned to the contributor within 14 days of receipt.

(c) This section does not apply to a candidate's contributions of his or her personal funds to his or her own campaign.

10802. (a) Except as provided in subdivision (b) of this section and subdivision (a) of Section 85703 of the Government Code, a local government may, by ordinance or resolution, impose a limitation on contributions to a candidate for local elective office that is equal to or lower than the limitation set forth in Section 10801. The limitation may also be imposed by means of a local initiative measure.

(b) A local government shall not impose additional requirements on a person pursuant to subdivision (a) if the requirements prevent the person from complying with this part or the Political Reform Act of 1974 (Title 9 (commencing with Section 81000) of the Government Code).

10803. (a) A person who intentionally or negligently violates Section 10801 shall be subject to a civil fine for an amount up to five thousand dollars (\$5,000) or three times the amount that was contributed or accepted in excess of the contribution limitation, whichever is greater.

(b) In addition to the penalty set forth in subsection (a), a person who knowingly or willfully violates Section 10801 is guilty of a misdemeanor.

(c) The district attorney of the county in which a violation occurs is responsible for enforcing the civil and criminal penalties in this section.

(d) Whether a violation of Section 10801 is inadvertent, negligent, or deliberate, and the presence or absence of good faith, shall be considered in applying the penalties in this section.

(e) A civil action for, or a criminal prosecution for, violation of Section 10801 must be commenced within four years after the date on which the violation occurred.

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 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 2, strike out lines 1 to 3, inclusive

AMENDMENTS TO ASSEMBLY BILL NO. 2526

Amendment 1

In the title, in line 1, strike out "1793.22" and insert:

1793.2

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 1793.2 of the Civil Code is amended to read:

1793.2. (a) Every manufacturer of consumer goods sold in this state and for which the manufacturer has made an express warranty shall:

(1) (A) Maintain in this state sufficient service and repair facilities reasonably close to all areas where its consumer goods are sold to carry out the terms of those warranties or designate and authorize in this state as service and repair facilities independent repair or service facilities reasonably close to all areas where its consumer goods are sold to carry out the terms of the warranties.

(B) As a means of complying with this paragraph, a manufacturer may enter into warranty service contracts with independent service and repair facilities. The warranty service contracts may provide for a fixed schedule of rates to be charged for warranty service or warranty repair work. However, the rates fixed by those contracts shall be in conformity with the requirements of subdivision (c) of Section 1793.3. The rates established pursuant to subdivision (c) of Section 1793.3, between the manufacturer and the independent service and repair facility, do not preclude a good faith discount that is reasonably related to reduced credit and general overhead cost factors arising from the manufacturer's payment of warranty charges direct to the independent service and repair facility. The warranty service contracts authorized by this paragraph may not be executed to cover a period of time in excess of one year, and may be renewed only by a separate, new contract or letter of agreement between the manufacturer and the independent service and repair facility.

(2) In the event of a failure to comply with paragraph (1) of this subdivision, be subject to Section 1793.5.

(3) Make available to authorized service and repair facilities sufficient service literature and replacement parts to effect repairs during the express warranty period.

(b) Where those service and repair facilities are maintained in this state and service or repair of the goods is necessary because they do not conform with the applicable express warranties, service and repair shall be commenced within a reasonable time by the manufacturer or its representative in this state. Unless the buyer agrees in writing to the contrary, the goods shall be serviced or repaired so as to conform to the applicable warranties within 30 days. Delay caused by conditions beyond the control of the manufacturer or its representatives shall serve to extend this 30-day requirement. Where delay arises, conforming goods shall be tendered as soon as possible following termination of the condition giving rise to the delay.



(c) The buyer shall deliver nonconforming goods to the manufacturer's service and repair facility within this state, unless, due to reasons of size and weight, or method of attachment, or method of installation, or nature of the nonconformity, delivery cannot reasonably be accomplished. If the buyer cannot return the nonconforming goods for any of these reasons, he or she shall notify the manufacturer or its nearest service and repair facility within the state. Written notice of nonconformity to the manufacturer or its service and repair facility shall constitute return of the goods for purposes of this section. Upon receipt of that notice of nonconformity, the manufacturer shall, at its option, service or repair the goods at the buyer's residence, or pick up the goods for service and repair, or arrange for transporting the goods to its service and repair facility. All reasonable costs of transporting the goods when a buyer cannot return them for any of the above reasons shall be at the manufacturer's expense. The reasonable costs of transporting nonconforming goods after delivery to the service and repair facility until return of the goods to the buyer shall be at the manufacturer's expense.

(d) (1) Except as provided in paragraph (2), if the manufacturer or its representative in this state does not service or repair the goods to conform to the applicable express warranties after a reasonable number of attempts, the manufacturer shall either replace the goods or reimburse the buyer in an amount equal to the purchase price paid by the buyer, less that amount directly attributable to use by the buyer prior to the discovery of the nonconformity.

(2) If the manufacturer or its representative in this state is unable to service or repair a new motor vehicle, as that term is defined in paragraph (2) of subdivision (e) of Section 1793.22, to conform to the applicable express warranties after a reasonable number of attempts, the manufacturer shall either promptly replace the new motor vehicle in accordance with subparagraph (A) or promptly make restitution to the buyer in accordance with subparagraph (B). However, the buyer shall be free to elect restitution in lieu of replacement, and in no event shall the buyer be required by the manufacturer to accept a replacement vehicle.

(A) In the case of replacement, the manufacturer shall replace the buyer's vehicle with a new motor vehicle substantially identical to the vehicle replaced. The replacement vehicle shall be accompanied by all express and implied warranties that normally accompany new motor vehicles of that specific kind. The manufacturer also shall pay for, or to, the buyer the amount of any sales or use tax, license fees, registration fees, and other official fees which the buyer is obligated to pay in connection with the replacement, plus any incidental damages to which the buyer is entitled under Section 1794, including, but not limited to, the lesser of reasonable repair, towing, and rental car costs and those costs actually incurred by the buyer.

(B) In the case of restitution, the manufacturer shall make restitution in an amount equal to the actual price paid or payable by the buyer, including any charges for transportation and manufacturer-installed options, but excluding nonmanufacturer items installed by a dealer or the buyer, and including any collateral charges such as sales or use tax, license fees, registration fees, and other official fees, plus any incidental damages to which the buyer is entitled under Section 1794, including, but not limited to, reasonable repair, towing, and rental car costs actually incurred by the buyer.

(C) When the manufacturer replaces the new motor vehicle pursuant to subparagraph (A), the buyer shall only be liable to pay the manufacturer an amount directly attributable to use by the buyer of the replaced vehicle prior to the time the

buyer first delivered the vehicle to the manufacturer or distributor, or its authorized service and repair facility for correction of the problem that gave rise to the nonconformity. When restitution is made pursuant to subparagraph (B), the amount to be paid by the manufacturer to the buyer may be reduced by the manufacturer by that amount directly attributable to use by the buyer prior to the time the buyer first delivered the vehicle to the manufacturer or distributor, or its authorized service and repair facility for correction of the problem that gave rise to the nonconformity. The amount directly attributable to use by the buyer shall be determined by multiplying the actual price of the new motor vehicle paid or payable by the buyer, including any charges for transportation and manufacturer-installed options, by a fraction having as its denominator 120,000 and having as its numerator the number of miles traveled by the new motor vehicle prior to the time the buyer first delivered the vehicle to the manufacturer or distributor, or its authorized service and repair facility for correction of the problem that gave rise to the nonconformity. Nothing in this paragraph shall in any way limit the rights or remedies available to the buyer under any other law.

(D) Pursuant to Section 1795.4, a buyer of a new motor vehicle shall also include a lessee of a new motor vehicle.

(e) (1) If the goods cannot practicably be serviced or repaired by the manufacturer or its representative to conform to the applicable express warranties because of the method of installation or because the goods have become so affixed to real property as to become a part thereof, the manufacturer shall either replace and install the goods or reimburse the buyer in an amount equal to the purchase price paid by the buyer, including installation costs, less that amount directly attributable to use by the buyer prior to the discovery of the nonconformity.

(2) With respect to claims arising out of deficiencies in the construction of a new residential dwelling, paragraph (1) shall not apply to either of the following:

(A) A product that is not a manufactured product, as defined in subdivision (g) of Section 896.

(B) A claim against a person or entity that is not the manufacturer that originally made the express warranty for that manufactured product.

Amendment 3

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

AMENDMENTS TO ASSEMBLY BILL NO. 2534

Amendment 1

In the title, in line 1, strike out "relating to the Los Angeles River." and insert:
to add Section 33213.5 to the Public Resources Code, relating to the Santa Monica Mountains Conservancy.

Amendment 2

On page 1, before line 1, insert:

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

(a) The Los Angeles River Greenway Trail system in the San Fernando Valley continues to expand and provides an unprecedented opportunity to establish a green, natural open space, with recreational, environmental, and economic amenities, that can serve all residents of the San Fernando Valley and other areas in Los Angeles County, as well as visitors from around the world.

(b) River restoration and revitalization efforts throughout the United States have successfully reunited urban rivers with both the natural environment, surrounding communities, and area businesses and have served to establish vibrant, regional, visitor-serving resources that contribute to the quality of life, public health, and regional economic sustainability.

(c) There are hundreds of visitor-serving businesses adjacent to and in the vicinity of the Los Angeles River in the San Fernando Valley, but these businesses primarily face away from the river with limited or no established connection to the river or visitors to the river.

(d) A planned regional bicycle network is being implemented that includes the Los Angeles River, wherein the river is intended to serve as the backbone of the network, and a plan is needed to ensure that businesses adjacent to and in the vicinity of the river are bicycle friendly and able to attract and serve visitors to the river.

SEC. 2. It is the intent of the Legislature to accomplish all of the following:

(a) Advance the revitalization of the Los Angeles River in the San Fernando Valley by addressing the need for regional public access to the river and connectivity between businesses adjacent to and in the vicinity of the Los Angeles River with the Los Angeles River Greenway, river trails, and bicycle networks.

(b) Enhance both the economic sustainability of businesses adjacent to and in the vicinity of the Los Angeles River Greenway in the San Fernando Valley and the experience visitors to the Los Angeles River by linking those businesses with the Los Angeles River Greenway.

(c) Identify the needs, opportunities, and constraints related to regional public access and the establishment of permanent connections between area businesses and the Los Angeles River Greenway in the San Fernando Valley.

SEC. 3. Section 33213.5 is added to the Public Resources Code, to read:

33213.5. (a) The conservancy shall establish the Los Angeles River Regional Access and Economic Sustainability Working Group.



(b) The working group shall focus its efforts on the geographic area from the headwaters of the Los Angeles River at the confluence of Bell and Calabasas Creeks to Griffith Park and its southern boundary along Ventura Boulevard in the San Fernando Valley.

(c) The working group shall do all of the following:

(1) Review and evaluate the integration needs, opportunities, and constraints with respect to regional public access and the connectivity among businesses along and in the vicinity of the river, visitors to the river, and the Los Angeles River Greenway, river trails, and bicycle networks, including the use of the public parking garage located at _____ Ventura Boulevard and adjacent to the river.

(2) Develop practical recommendations for establishing permanent connectivity between area businesses, bicycle networks, and the river.

(3) Prepare a report of its findings and recommendations for implementation by the conservancy, including geographic scope, financing, and specific projects.

(d) To assist the working group in carrying out its duties, the conservancy shall do both of the following.

(1) Retain experts to conduct necessary technical economic and other studies and analyses, as requested by the working group.

(2) Provide necessary staffing for the working group.

Amendment 3

On page 1, strike out lines 1 and 2

AMENDMENTS TO ASSEMBLY BILL NO. 2538

Amendment 1

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

An act to amend Sections 16720 and 16727 of the Business and Professions Code, relating to business regulation.

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 16720 of the Business and Professions Code is amended to read:

16720. A trust is a combination of capital, ~~skill~~ skill, or acts by two or more persons for any of the following purposes:

(a) To create or carry out restrictions in trade or commerce.
(b) To limit or reduce the production, or increase the price of merchandise or of any commodity.

(c) To prevent competition in manufacturing, making, transportation, ~~sale~~ sale, or purchase of merchandise, ~~produce~~ produce, or any commodity.

(d) To fix at any standard or figure, whereby its price to the public or consumer shall be in any manner controlled or established, any article or commodity of merchandise, ~~produce~~ produce, or commerce intended for sale, barter, ~~use~~ use, or consumption in this State.

(e) To make or enter into or execute or carry out any contracts, ~~obligations~~ obligations, or agreements of any kind or description, by which they do all or any or any combination of the following:

(1) Bind themselves not to sell, dispose ~~of of~~, or transport any article or any commodity or any article of trade, use, merchandise, ~~commerce~~ commerce, or consumption below a common standard figure, or fixed value.

(2) Agree in any manner to keep the price of ~~such an~~ such an article, ~~commodity~~ commodity, or transportation at a fixed or graduated figure.

(3) Establish or settle the price of any article, ~~commodity~~ commodity, or transportation between them or themselves and others, so as directly or indirectly to preclude a free and unrestricted competition among themselves, or any purchasers or consumers in the sale or transportation of ~~any such an~~ any such an article or commodity.

(4) Agree to pool, ~~combine~~ combine, or directly or indirectly unite any interests that they may have connected with the sale or transportation of ~~any such an~~ any such an article or commodity, that its price might in any manner be affected.

(f) Include in any outlet center lease for a retail establishment between a lessor and lessee a radius restriction prohibiting the lessee from opening or operating the same retail establishment in a separate outlet center located 10 miles or more in distance from the leased retail establishment.

SEC. 2. Section 16727 of the Business and Professions Code is amended to read:



16727. ~~It shall be unlawful for any person to lease~~ It shall be unlawful for any person to do either of the following:

(a) Lease or make a sale or contract for the sale of goods, merchandise, machinery, supplies, or commodities for use within the State, or to fix a price charged therefor, or discount from, or rebate upon, ~~such the~~ price, on the condition, ~~agreement~~ agreement, or understanding that the lessee or purchaser ~~thereof~~ shall not use or deal in the goods, merchandise, machinery, supplies, commodities, or services of a competitor or competitors of the lessor or seller, where the effect of ~~such the~~ lease, sale, or contract for sale or ~~such the~~ condition, ~~agreement~~ agreement, or understanding may be to substantially lessen competition or tend to create a monopoly in any line of trade or commerce in any section of the State.

(b) Include in any outlet center lease for a retail establishment between a lessor and lessee a radius restriction prohibiting the lessee from opening or operating the same retail establishment in a separate outlet center located 10 miles or more in distance from the leased retail establishment.

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 3

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

AMENDMENTS TO ASSEMBLY BILL NO. 2545

Amendment 1

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

to add Article 18 (commencing with Section 19370) to Chapter 3.5 of Division 8 of the Business and Professions Code,

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Article 18 (commencing with Section 19370) is added to Chapter 3.5 of Division 8 of the Business and Professions Code, to read:

Article 18. Agreements with Tribal Governments

19370. (a) The Governor may enter into agreements concerning medical cannabis with federally recognized sovereign Indian tribes. For purposes of this section, "federally recognized sovereign Indian tribe" is defined as any Indian tribe, band, nation, or community wholly or partially located within the geographical boundaries of the State of California that the Secretary of the Interior acknowledges to exist as an Indian tribe pursuant to the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a).

(b) Agreements made pursuant to subdivision (a) may include provisions regulating activities between licensees operating on and off the land of a federally recognized sovereign Indian tribe.

(c) The Governor may delegate to the chief of the bureau authority to negotiate agreements made pursuant to subdivision (a).

Amendment 3

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



AMENDMENTS TO ASSEMBLY BILL NO. 2546

Amendment 1

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

to amend Section 70003 of the Financial Code,

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 70003 of the Financial Code is amended to read:

70003. ~~The~~ On or before July 1, 2017, the Controller may shall convene one or more meetings of a financial literacy advisory committee to provide additional oversight of the fund and develop strategies to improve financial literacy. ~~If convened, the~~ The committee shall comply with the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code).

Amendment 3

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



AMENDMENTS TO ASSEMBLY BILL NO. 2556

Amendment 1

In the title, strike out line 1 and insert:

An act to amend Section 65915 of the Government Code, relating to housing.

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 65915 of the Government Code is amended to read:

65915. (a) When an applicant seeks a density bonus for a housing development within, or for the donation of land for housing within, the jurisdiction of a city, county, or city and county, that local government shall provide the applicant with incentives or concessions for the production of housing units and child care facilities as prescribed in this section. All cities, counties, or cities and counties shall adopt an ordinance that specifies how compliance with this section will be implemented. Failure to adopt an ordinance shall not relieve a city, county, or city and county from complying with this section.

(b) (1) A city, county, or city and county shall grant one density bonus, the amount of which shall be as specified in subdivision (f), and incentives or concessions, as described in subdivision (d), when an applicant for a housing development seeks and agrees to construct a housing development, excluding any units permitted by the density bonus awarded pursuant to this section, that will contain at least any one of the following:

(A) Ten percent of the total units of a housing development for lower income households, as defined in Section 50079.5 of the Health and Safety Code.

(B) Five percent of the total units of a housing development for very low income households, as defined in Section 50105 of the Health and Safety Code.

(C) A senior citizen housing development, as defined in Sections 51.3 and 51.12 of the Civil Code, or a mobilehome park that limits residency based on age requirements for housing for older persons pursuant to Section 798.76 or 799.5 of the Civil Code.

(D) Ten percent of the total dwelling units in a common interest development, as defined in Section 4100 of the Civil Code, for persons and families of moderate income, as defined in Section 50093 of the Health and Safety Code, provided that all units in the development are offered to the public for purchase.

(2) For purposes of calculating the amount of the density bonus pursuant to subdivision (f), an applicant who requests a density bonus pursuant to this subdivision shall elect whether the bonus shall be awarded on the basis of subparagraph (A), (B), (C), or (D) of paragraph (1).

(3) For the purposes of this section, "total units" or "total dwelling units" does not include units added by a density bonus awarded pursuant to this section or any local law granting a greater density bonus.

(c) (1) An applicant shall agree to, and the city, county, or city and county shall ensure, the continued affordability of all very low and low-income rental units that



qualified the applicant for the award of the density bonus for 55 years or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program. Rents for the lower income density bonus units shall be set at an affordable rent as defined in Section 50053 of the Health and Safety Code.

(2) An applicant shall agree to, and the city, county, or city and county shall ensure that, the initial occupant of all for-sale units that qualified the applicant for the award of the density bonus are persons and families of very low, low, or moderate income, as required, and that the units are offered at an affordable housing cost, as that cost is defined in Section 50052.5 of the Health and Safety Code. The local government shall enforce an equity sharing agreement, unless it is in conflict with the requirements of another public funding source or law. The following apply to the equity sharing agreement:

(A) Upon resale, the seller of the unit shall retain the value of any improvements, the downpayment, and the seller's proportionate share of appreciation. The local government shall recapture any initial subsidy, as defined in subparagraph (B), and its proportionate share of appreciation, as defined in subparagraph (C), which amount shall be used within five years for any of the purposes described in subdivision (e) of Section 33334.2 of the Health and Safety Code that promote home ownership.

(B) For purposes of this subdivision, the local government's initial subsidy shall be equal to the fair market value of the home at the time of initial sale minus the initial sale price to the moderate-income household, plus the amount of any downpayment assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, then the value at the time of the resale shall be used as the initial market value.

(C) For purposes of this subdivision, the local government's proportionate share of appreciation shall be equal to the ratio of the local government's initial subsidy to the fair market value of the home at the time of initial sale.

(3) (A) An applicant shall be ineligible for a density bonus or any other incentives or concessions under this section if the housing development is proposed on any property that includes a parcel or parcels on which rental dwelling units are or, if the dwelling units have been vacated or demolished in the five-year period preceding the application, have been subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income; subject to any other form of rent or price control through a public entity's valid exercise of its police power; or occupied by lower or very low income households, unless the proposed housing development replaces those units, and either of the following applies:

(i) The proposed housing development, inclusive of the units replaced pursuant to this paragraph, contains affordable units at the percentages set forth in subdivision (b).

(ii) Each unit in the development, exclusive of a manager's unit or units, is affordable to, and occupied by, either a lower or very low income household.

(B) For the purposes of this paragraph, "replace" shall mean ~~either~~ any of the following:

(i) If any dwelling units described in subparagraph (A) are occupied on the date of application, the proposed housing development shall provide at least the same number of units of equivalent size or type, or both, to be made available at affordable rent or

affordable housing cost to, and occupied by, persons and families in the same or lower income category as those households in occupancy. For unoccupied dwelling units described in subparagraph (A) in a development with occupied units, the proposed housing development shall provide units of equivalent size or type, or both, to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category in the same proportion of affordability as the occupied units. All replacement calculations resulting in fractional units shall be rounded up to the next whole number. If the replacement units will be rental dwelling units, these units shall be subject to a recorded affordability restriction for at least 55 years. If the proposed development is for-sale units, the units replaced shall be subject to paragraph (2).

(ii) If all dwelling units described in subparagraph (A) have been vacated or demolished within the five-year period preceding the application, the proposed housing development shall provide at least the same number of units of equivalent size or type, or both, as existed at the highpoint of those units in the five-year period preceding the application to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category as those persons and families in occupancy at that time, if known. If the incomes of the persons and families in occupancy at the highpoint is not known, then one-half of the required units shall be made available at affordable rent or affordable housing cost to, and occupied by, very low income persons and families and one-half of the required units shall be made available for rent at affordable housing costs to, and occupied by, low-income persons and families. All replacement calculations resulting in fractional units shall be rounded up to the next whole number. If the replacement units will be rental dwelling units, these units shall be subject to a recorded affordability restriction for at least 55 years. If the proposed development is for-sale units, the units replaced shall be subject to paragraph (2).

(iii) If the property described in subparagraph (A) is or was subject to a form of rent or price control through a local government's valid exercise of its police power and is or was occupied by a person or family with an income above lower income, the dwelling units on that property in the proposed housing development are made available, at the discretion of the city, county, or city and county, at affordable rent or affordable housing cost to, and are occupied by, a low-income person or family.

~~(C) Paragraph (3) of subdivision (c) Subparagraph (A) does not apply to an applicant seeking a density bonus for a proposed housing development if his or her application was submitted to, or processed by, a city, county, or city and county before January 1, 2015.~~

(d) (1) An applicant for a density bonus pursuant to subdivision (b) may submit to a city, county, or city and county a proposal for the specific incentives or concessions that the applicant requests pursuant to this section, and may request a meeting with the city, county, or city and county. The city, county, or city and county shall grant the concession or incentive requested by the applicant unless the city, county, or city and county makes a written finding, based upon substantial evidence, of any of the following:

(A) The concession or incentive is not required in order to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c).

(B) The concession or incentive would have a ~~specific~~ specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the ~~specific~~ specific, adverse impact without rendering the development unaffordable to low- and moderate-income households.

(C) The concession or incentive would be contrary to state or federal law.

(2) The applicant shall receive the following number of incentives or concessions:

(A) One incentive or concession for projects that include at least 10 percent of the total units for lower income households, at least 5 percent for very low income households, or at least 10 percent for persons and families of moderate income in a common interest development.

(B) Two incentives or concessions for projects that include at least 20 percent of the total units for lower income households, at least 10 percent for very low income households, or at least 20 percent for persons and families of moderate income in a common interest development.

(C) Three incentives or concessions for projects that include at least 30 percent of the total units for lower income households, at least 15 percent for very low income households, or at least 30 percent for persons and families of moderate income in a common interest development.

(3) The applicant may initiate judicial proceedings if the city, county, or city and county refuses to grant a requested density bonus, incentive, or concession. If a court finds that the refusal to grant a requested density bonus, incentive, or concession is in violation of this section, the court shall award the plaintiff reasonable attorney's fees and costs of suit. Nothing in this subdivision shall be interpreted to require a local government to grant an incentive or concession that has a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. Nothing in this subdivision shall be interpreted to require a local government to grant an incentive or concession that would have an adverse impact on any real property that is listed in the California Register of Historical Resources. The city, county, or city and county shall establish procedures for carrying out this section, that shall include legislative body approval of the means of compliance with this section.

(e) (1) In no case may a city, county, or city and county apply any development standard that will have the effect of physically precluding the construction of a development meeting the criteria of subdivision (b) at the densities or with the concessions or incentives permitted by this section. An applicant may submit to a city, county, or city and county a proposal for the waiver or reduction of development standards that will have the effect of physically precluding the construction of a development meeting the criteria of subdivision (b) at the densities or with the concessions or incentives permitted under this section, and may request a meeting with the city, county, or city and county. If a court finds that the refusal to grant a waiver or reduction of development standards is in violation of this section, the court shall award the plaintiff reasonable attorney's fees and costs of suit. Nothing in this subdivision shall be interpreted to require a local government to waive or reduce development standards if the waiver or reduction would have a specific, adverse impact,

as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. Nothing in this subdivision shall be interpreted to require a local government to waive or reduce development standards that would have an adverse impact on any real property that is listed in the California Register of Historical Resources, or to grant any waiver or reduction that would be contrary to state or federal law.

(2) A proposal for the waiver or reduction of development standards pursuant to this subdivision shall neither reduce nor increase the number of incentives or concessions to which the applicant is entitled pursuant to subdivision (d).

(f) For the purposes of this chapter, "density bonus" means a density increase over the otherwise maximum allowable residential density as of the date of application by the applicant to the city, county, or city and county. The applicant may elect to accept a lesser percentage of density bonus. The amount of density bonus to which the applicant is entitled shall vary according to the amount by which the percentage of affordable housing units exceeds the percentage established in subdivision (b).

(1) For housing developments meeting the criteria of subparagraph (A) of paragraph (1) of subdivision (b), the density bonus shall be calculated as follows:

Percentage Low-Income Units	Percentage Density Bonus
10	20
11	21.5
12	23
13	24.5
14	26
15	27.5
17	30.5
18	32
19	33.5
20	35

(2) For housing developments meeting the criteria of subparagraph (B) of paragraph (1) of subdivision (b), the density bonus shall be calculated as follows:

Percentage Very Low Income Units	Percentage Density Bonus
5	20
6	22.5
7	25
8	27.5
9	30
10	32.5
11	35

(3) For housing developments meeting the criteria of subparagraph (C) of paragraph (1) of subdivision (b), the density bonus shall be 20 percent of the number of senior housing units.

(4) For housing developments meeting the criteria of subparagraph (D) of paragraph (1) of subdivision (b), the density bonus shall be calculated as follows:

Percentage Moderate-Income Units	Percentage Density Bonus
10	5
11	6
12	7
13	8
14	9
15	10
16	11
17	12
18	13
19	14
20	15
21	16
22	17
23	18
24	19
25	20
26	21
27	22
28	23
29	24
30	25
31	26
32	27
33	28
34	29
35	30
36	31
37	32
38	33
39	34
40	35

(5) All density calculations resulting in fractional units shall be rounded up to the next whole number. The granting of a density bonus shall not be interpreted, in and of itself, to require a general plan amendment, local coastal plan amendment, zoning change, or other discretionary approval.

(g) (1) When an applicant for a tentative subdivision map, parcel map, or other residential development approval donates land to a city, county, or city and county in

accordance with this subdivision, the applicant shall be entitled to a 15-percent increase above the otherwise maximum allowable residential density for the entire development, as follows:

Percentage Very Low Income	Percentage Density Bonus
10	15
11	16
12	17
13	18
14	19
15	20
16	21
17	22
18	23
19	24
20	25
21	26
22	27
23	28
24	29
25	30
26	31
27	32
28	33
29	34
30	35

(2) This increase shall be in addition to any increase in density mandated by subdivision (b), up to a maximum combined mandated density increase of 35 percent if an applicant seeks an increase pursuant to both this subdivision and subdivision (b). All density calculations resulting in fractional units shall be rounded up to the next whole number. Nothing in this subdivision shall be construed to enlarge or diminish the authority of a city, county, or city and county to require a developer to donate land as a condition of development. An applicant shall be eligible for the increased density bonus described in this subdivision if all of the following conditions are met:

(A) The applicant donates and transfers the land no later than the date of approval of the final subdivision map, parcel map, or residential development application.

(B) The developable acreage and zoning classification of the land being transferred are sufficient to permit construction of units affordable to very low income households in an amount not less than 10 percent of the number of residential units of the proposed development.

(C) The transferred land is at least one acre in size or of sufficient size to permit development of at least 40 units, has the appropriate general plan designation, is appropriately zoned with appropriate development standards for development at the density described in paragraph (3) of subdivision (c) of Section 65583.2, and is or will be served by adequate public facilities and infrastructure.

(D) The transferred land shall have all of the permits and approvals, other than building permits, necessary for the development of the very low income housing units on the transferred land, not later than the date of approval of the final subdivision map, parcel map, or residential development application, except that the local government may subject the proposed development to subsequent design review to the extent authorized by subdivision (i) of Section 65583.2 if the design is not reviewed by the local government prior to the time of transfer.

(E) The transferred land and the affordable units shall be subject to a deed restriction ensuring continued affordability of the units consistent with paragraphs (1) and (2) of subdivision (c), which shall be recorded on the property at the time of the transfer.

(F) The land is transferred to the local agency or to a housing developer approved by the local agency. The local agency may require the applicant to identify and transfer the land to the developer.

(G) The transferred land shall be within the boundary of the proposed development or, if the local agency agrees, within one-quarter mile of the boundary of the proposed development.

(H) A proposed source of funding for the very low income units shall be identified not later than the date of approval of the final subdivision map, parcel map, or residential development application.

(h) (1) When an applicant proposes to construct a housing development that conforms to the requirements of subdivision (b) and includes a child care facility that will be located on the premises of, as part of, or adjacent to, the project, the city, county, or city and county shall grant either of the following:

(A) An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the child care facility.

(B) An additional concession or incentive that contributes significantly to the economic feasibility of the construction of the child care facility.

(2) The city, county, or city and county shall require, as a condition of approving the housing development, that the following occur:

(A) The child care facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the density bonus units are required to remain affordable pursuant to subdivision (c).

(B) Of the children who attend the child care facility, the children of very low income households, lower income households, or families of moderate income shall equal a percentage that is equal to or greater than the percentage of dwelling units that are required for very low income households, lower income households, or families of moderate income pursuant to subdivision (b).

(3) Notwithstanding any requirement of this subdivision, a city, county, or city and county shall not be required to provide a density bonus or concession for a child care facility if it finds, based upon substantial evidence, that the community has adequate child care facilities.

(4) "Child care facility," as used in this section, means a child day care facility other than a family day care home, including, but not limited to, infant centers, preschools, extended day care facilities, and schoolage child care centers.

(i) "Housing development," as used in this section, means a development project for five or more residential units. For the purposes of this section, "housing

development" also includes a subdivision or common interest development, as defined in Section 4100 of the Civil Code, approved by a city, county, or city and county and consists of residential units or unimproved residential lots and either a project to substantially rehabilitate and convert an existing commercial building to residential use or the substantial rehabilitation of an existing multifamily dwelling, as defined in subdivision (d) of Section 65863.4, where the result of the rehabilitation would be a net increase in available residential units. For the purpose of calculating a density bonus, the residential units shall be on contiguous sites that are the subject of one development application, but do not have to be based upon individual subdivision maps or parcels. The density bonus shall be permitted in geographic areas of the housing development other than the areas where the units for the lower income households are located.

(j) (1) The granting of a concession or incentive shall not be interpreted, in and of itself, to require a general plan amendment, local coastal plan amendment, zoning change, or other discretionary approval. This provision is declaratory of existing law.

(2) Except as provided in subdivisions (d) and (e), the granting of a density bonus shall not be interpreted to require the waiver of a local ordinance or provisions of a local ordinance unrelated to development standards.

(k) For the purposes of this chapter, concession or incentive means any of the following:

(1) A reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission as provided in Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code, including, but not limited to, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required that results in identifiable, financially sufficient, and actual cost reductions.

(2) Approval of mixed-use zoning in conjunction with the housing project if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located.

(3) Other regulatory incentives or concessions proposed by the developer or the city, county, or city and county that result in identifiable, financially sufficient, and actual cost reductions.

(l) Subdivision (k) does not limit or require the provision of direct financial incentives for the housing development, including the provision of publicly owned land, by the city, county, or city and county, or the waiver of fees or dedication requirements.

(m) This section does not supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code).

(n) If permitted by local ordinance, nothing in this section shall be construed to prohibit a city, county, or city and county from granting a density bonus greater than what is described in this section for a development that meets the requirements of this section or from granting a proportionately lower density bonus than what is required by this section for developments that do not meet the requirements of this section.

(o) For purposes of this section, the following definitions shall apply:

(1) "Development standard" includes a site or construction condition, including, but not limited to, a height limitation, a setback requirement, a floor area ratio, an onsite open-space requirement, or a parking ratio that applies to a residential development pursuant to any ordinance, general plan element, specific plan, charter, or other local condition, law, policy, resolution, or regulation.

(2) "Maximum allowable residential density" means the density allowed under the zoning ordinance and land use element of the general plan, or if a range of density is permitted, means the maximum allowable density for the specific zoning range and land use element of the general plan applicable to the project. Where the density allowed under the zoning ordinance is inconsistent with the density allowed under the land use element of the general plan, the general plan density shall prevail.

(p) (1) Except as provided in paragraphs (2) and (3), upon the request of the developer, a city, county, or city and county shall not require a vehicular parking ratio, inclusive of handicapped and guest parking, of a development meeting the criteria of subdivisions (b) and (c), that exceeds the following ratios:

(A) Zero to one bedroom: one onsite parking space.

(B) Two to three bedrooms: two onsite parking spaces.

(C) Four and more bedrooms: two and one-half parking spaces.

(2) Notwithstanding paragraph (1), if a development includes the maximum percentage of low- or very low income units provided for in paragraphs (1) and (2) of subdivision (f) and is located within one-half mile of a major transit stop, as defined in subdivision (b) of Section 21155 of the Public Resources Code, and there is unobstructed access to the major transit stop from the development, then, upon the request of the developer, a city, county, or city and county shall not impose a vehicular parking ratio, inclusive of handicapped and guest parking, that exceeds 0.5 spaces per bedroom. For purposes of this subdivision, a development shall have unobstructed access to a major transit stop if a resident is able to access the major transit stop without encountering natural or constructed impediments.

(3) Notwithstanding paragraph (1), if a development consists solely of rental units, exclusive of a manager's unit or units, with an affordable housing cost to lower income families, as provided in Section 50052.5 of the Health and Safety Code, then, upon the request of the developer, a city, county, or city and county shall not impose a vehicular parking ratio, inclusive of handicapped and guest parking, that exceeds the following ratios:

(A) If the development is located within one-half mile of a major transit stop, as defined in subdivision (b) of Section 21155 of the Public Resources Code, and there is unobstructed access to the major transit stop from the development, the ratio shall not exceed 0.5 spaces per unit.

(B) If the development is a for-rent housing development for individuals who are 62 years of age or older that complies with Sections 51.2 and 51.3 of the Civil Code, the ratio shall not exceed 0.5 spaces per unit. The development shall have either paratransit service or unobstructed access, within one-half mile, to fixed bus route service that operates at least eight times per day.

(C) If the development is a special needs housing development, as defined in Section 51312 of the Health and Safety Code, the ratio shall not exceed 0.3 spaces per unit. The development shall have either paratransit service or unobstructed access,

within one-half mile, to fixed bus route service that operates at least eight times per day.

(4) If the total number of parking spaces required for a development is other than a whole number, the number shall be rounded up to the next whole number. For purposes of this subdivision, a development may provide on-site parking through tandem parking or uncovered parking, but not through on-street parking.

(5) This subdivision shall apply to a development that meets the requirements of subdivisions (b) and (c), but only at the request of the applicant. An applicant may request parking incentives or concessions beyond those provided in this subdivision pursuant to subdivision (d).

(6) This subdivision does not preclude a city, county, or city and county from reducing or eliminating a parking requirement for development projects of any type in any location.

(7) Notwithstanding paragraphs (2) and (3), if a city, county, city and county, or an independent consultant has conducted an areawide or jurisdictionwide parking study in the last seven years, then the city, county, or city and county may impose a higher vehicular parking ratio not to exceed the ratio described in paragraph (1), based upon substantial evidence found in the parking study, that includes, but is not limited to, an analysis of parking availability, differing levels of transit access, walkability access to transit services, the potential for shared parking, the effect of parking requirements on the cost of market-rate and subsidized developments, and the lower rates of car ownership for low- and very low income individuals, including seniors and special needs individuals. The city, county, or city and county shall pay the costs of any new study. The city, county, or city and county shall make findings, based on a parking study completed in conformity with this paragraph, supporting the need for the higher parking ratio.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

Amendment 3

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

body concludes that the public interest will be served by issuing fixed rate bonds to refinance the outstanding variable rate bonds. In connection with an issuance of refunding bonds under this chapter, the legislative body may direct that an amendment to the document required by subdivision (d) of Section 5898.24 be recorded to reflect the revised contractual assessment installment schedule.

(f) With the prior written approval of the owner of nonresidential property or residential property with ~~four~~ five or more units, and notwithstanding any other law, a public agency may issue bonds pursuant to this chapter to refinance outstanding bonds payable from contractual assessments levied pursuant to this chapter without complying with subdivision (e). The final maturity date of the refunding bonds issued pursuant to this subdivision may be later than the final maturity date of the bonds being refunded as long as the final maturity date of the refunding bonds does not extend beyond the useful life of the financed improvements.

SEC. 4. Section 5898.30 of the Streets and Highways Code is amended to read:
5898.30. Assessments levied pursuant to this chapter, and the interest and any penalties thereon shall constitute a lien against the lots and parcels of land on which they are made, until they are paid. Division 10 (commencing with Section 8500), insofar as those provisions are not in conflict with this chapter, Article 13 (commencing with Section 53930) of, and Article 13.5 (commencing with Section 53938) of, Chapter 4 of Part 1 of Division 2 of Title 5 of the Government Code shall only apply to the ~~imposition and~~ collection of assessments contracted for pursuant to this chapter, ~~including, but not limited to, provisions related to lien priority, the collection of assessments which may be collected~~ in the same manner and at the same time as the general taxes of the city or county on real property, ~~unless another procedure has been authorized by the legislative body or by statute, and any penalties and remedies in the event of delinquency and default.~~ property. Any assessment levied pursuant to this chapter shall have the force, effect, and priority of a judgment lien as established by the date of its recordation.

Amendment 4

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

AMENDMENTS TO ASSEMBLY BILL NO. 2696

Amendment 1

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

An act to add Article 1 (commencing with Section 104250) to Chapter 4 of Part 1 of Division 103 of the Health and Safety Code, relating to diabetes.

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Article 1 (commencing with Section 104250) is added to Chapter 4 of Part 1 of Division 103 of the Health and Safety Code, to read:

Article 1. Diabetes.

104250. The Legislature finds and declares all of the following:

(a) It is reported that one in seven adult Californians has diabetes, and the numbers are rising rapidly. The actual number of those whose lives are affected by diabetes is unknown and stands to be much higher when factoring in the incidence of type 1 diabetes and undiagnosed gestational diabetes.

(b) California has the greatest number of annual new cases of diabetes in the United States.

(c) The incidence of diabetes amongst all Californians has increased 32 percent over the past decade.

(d) Over 11.4 million people in California have prediabetes, a condition that is a precursor to full onset type 2 diabetes. This suggests that the total population of those diagnosed will continue to rise in the absence of interventions.

(e) The prevalence of diagnosed gestational diabetes in California has increased 60 percent in just seven years, from 3.3 percent of hospital deliveries in 1998 to 5.3 percent of hospital deliveries in 2005, with the federal Centers for Disease Control and Prevention stating that the diagnosis rate could run as high as 18.3 percent.

(f) The fiscal impact to the State of California, including total health care and related costs for the treatment of diabetes, was over \$35.9 billion in 2010.

(g) There is a disproportionate prevalence of type 2 diabetes among Californians who are Black, Hispanic, or of Asian origin compared to the general population. As of 2010, the incidence of diabetes among Black and Hispanic people was nearly double that among non-Hispanic Whites at approximately 14 percent. Asians and Pacific Islanders, in the aggregate, experience higher rates of diabetes than other populations. Certain groups within the Asian and Pacific Islander population experience the highest prevalence and risk overall, including Filipino, South Asians, and Pacific Islanders, who suffer from diabetes at rates of 15 percent, 16 percent, and more than 18 percent, respectively.



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(h) A recent study of a large state with a sizable diabetes population found that the rate of diagnosed diabetes in that state's Medicaid population is nearly double that of its general population.

(i) There is no cure for any type of diabetes; however, there is evidence that diabetes can be prevented or delayed in onset through lifestyle changes and medical intervention.

(j) Diabetes when left untreated can lead to serious and costly complications and a reduced lifespan.

(k) Many of these serious complications can be delayed or avoided with timely diagnosis, effective patient self-care, and improved social awareness.

(l) It is the intent of the Legislature to require the State Department of Public Health to provide to the Legislature information, including the annual federal Centers for Disease Control and Prevention progress report, on diabetes prevention and management activities conducted by the State Department of Public Health and expenditures associated with diabetes prevention and management activities. These activities are set forth by the State Department of Public Health in the California Wellness Plan 2014 and the report dated September 2014 entitled "Burden of Diabetes in California."

104251. (a) The State Department of Public Health shall submit a report to the Legislature on or before January 1, 2018, that includes a summary and compilation of recommendations on diabetes prevention and management, if any, from all of the following sources:

- (1) The University of California.
- (2) The federal Centers for Disease Control and Prevention.
- (3) The California Wellness Plan.
- (4) Other statewide diabetes stakeholder groups.
- (5) Other entities identified by the department as having relevant findings and recommendations.

(b) The department shall include in the report any recommendations from those institutions on all of the following items:

- (1) Evidence-based strategies to prevent or manage diabetes.
- (2) An analysis of the financial impact diabetes and its complications have on the state.

- (3) Policy recommendations for the prevention and management of diabetes.

(c) The department shall also include in the report a description of the existing level of coordination between state departments with regard to programmatic activities and the provision of information to the public regarding managing and preventing diabetes and its complications.

(d) Commencing July 1, 2017, the department shall annually post all of the following information on its Internet Web site:

- (1) A summary of the amount and source of any funding directed to the department for programs and activities aimed at preventing or managing diabetes.
- (2) A summary of the expenditures by the department on programs and activities aimed at preventing or managing diabetes.

(e) (1) The requirement for submitting a report imposed under subdivision (a) is inoperative on January 1, 2024.

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Substantive

(2) The report submitted to the Legislature pursuant to this section shall be submitted in compliance with Section 9795 of the Government Code.

Amendment 3

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

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AMENDMENTS TO ASSEMBLY BILL NO. 2698

Amendment 1

In the title, in line 1, strike out "amend Section 52060" and insert:

add Chapter 6.5 (commencing with Section 52080) to Part 28 of Division 4 of Title 2

Amendment 2

On page 1, before line 1, insert:

SECTION 1. (a) It is the intent of the Legislature to improve pupil academic outcomes at low-performing schools by improving school climates to provide a strong foundation for academic improvement efforts.

(b) The Legislature finds and declares all of the following relating to school climate:

(1) A school's climate is a social justice issue, as the state loses generations of pupils from poor and underserved communities with few options but to enroll in low-performing schools.

(2) Over 20 years of research has confirmed that a positive school climate is directly related to pupil academic achievement and that school climate is the single most dominant predictor we now have of pupil academic achievement levels.

(3) The United States Department of Education recommends school climate reform as an evidence-based strategy to prevent school violence.

(4) The federal Centers for Disease Control and Prevention recommends school climate reform as a scientifically sound strategy that promotes healthy relationships, school connectedness, and pupil retention.

(5) The federal Institute of Education Sciences includes school climate as a strategy for dropout prevention.

(6) Perceptions about school climate impact teacher morale and pupil achievement. A positive school climate benefits pupils, teachers, school administrators, school personnel, and parents; teachers are motivated to teach and pupils are motivated to learn.

(7) Without school climate assessments, educators and education leaders lack a comprehensive understanding of the tools and steps needed to address low pupil achievement levels, pupil dropout rates, pupil suspensions, and pupil chronic absenteeism.

(8) School climate assessments are an effective data-driven strategy that engage pupils, teachers, school administrators, school personnel, and parents working together to create safe, supportive, engaging, and successful schools.

(9) Positive school climates are stable over time absent any systematic effort to change climate components.

(10) The meaningful input and perspectives of pupils, commonly absent in school decisionmaking, are essential components of school climate assessments to improve pupil emotional and social well-being.



(11) No instances of successful turnaround schools, which are schools that transformed low-performing, high-poverty schools into high-performing schools, have been found that did not address school climate.

(12) Factors affecting a school's climate that recognize the social, emotional, and academic aspects of K–12 pupil learning can be accurately measured and assessed.

(c) The Legislature finds and declares all of the following regarding restorative justice:

(1) California K–12 schools issued more than half a million suspensions in the 2013–14 school year, with pupils of color disproportionately subjected to out-of-school suspensions.

(2) African American pupils are three times more likely to be suspended than all other pupils, and studies show that pupils of color are disciplined more harshly than other pupils, resulting in serious, negative educational consequences.

(3) A recent UCLA study concluded that African American pupils who are expelled from school have a 90-percent likelihood of being placed in a state correctional institution.

(4) Exclusionary school removals cause a number of correlated negative educational, economic, and social problems, including school avoidance, an increased likelihood of dropping out, and engagement with the juvenile justice system. This civil rights crisis has come to be known as the school-to-prison pipeline.

(5) The American Academy of Pediatrics has found that suspension can increase stress and may predispose pupils to antisocial behavior and suicidal ideation.

(6) Psychologists have found that disciplinary exclusion can increase pupil shame, alienation, rejection, and the breaking of healthy adult bonds, thereby exacerbating negative mental health outcomes for young people.

(7) Restorative justice programs are a healing practice that focus on repairing harm and preventing their recurrence.

(8) Restorative practice, which builds upon restorative justice, is used to build a sense of school community and restore positive relationships through the use of restorative circles where pupils and educators work together to set academic goals, develop classroom core values, and resolve conflicts.

(9) A 2011–14 study prepared for the United States Department for Education's Office for Civil Rights on restorative justice in the Oakland Unified School District (OUSD) concluded that (A) the discipline gap between white and African American pupils decreased significantly for OUSD pupils who participated in restorative justice programs, but remained unchanged for pupils who did not participate in these programs, (B) that there was a 128-percent increase in the reading levels of 9th grade pupils at OUSD schools with restorative justice programs, compared to an 11-percent increase in schools without such programs, and (C) four-year graduation rates increased by 60 percent at OUSD restorative justice schools compared to 7 percent for nonrestorative justice schools.

SEC. 2. Chapter 6.5 (commencing with Section 52080) is added to Part 28 of Division 4 of Title 2 of the Education Code, to read:

CHAPTER 6.5. SCHOOL CLIMATE AND RESTORATIVE JUSTICE ACT

52080. This chapter shall be known, and may be cited, as the School Climate and Restorative Justice Act.

52081. (a) The Legislature finds that a sustainable, positive school climate fosters youth development; higher pupil achievement; lower dropout, suspension, and absenteeism rates; decreased incidences of violence; and increased teacher retention and includes the following factors that directly impact K–12 pupils, teachers, school administrators, school personnel, and parents:

- (1) Whether pupils, educators, school administrators, school personnel, and parents are engaged and respected.
- (2) Whether individuals feel socially, emotionally, and physically safe and whether relations and relationships with and among youth are prioritized.
- (3) Whether pupils, educators, school administrators, school personnel, and parents work together to develop and contribute to a shared school vision.
- (4) Whether educators and school administrators, incorporating the views of pupils, model and nurture attitudes that emphasize the benefits and satisfaction gained from learning based on high academic expectations.
- (5) Whether each individual contributes to the operations and climate of the school.
- (6) Whether disciplinary practices are assessed and an effort is made to utilize practices that promote positive interventions.
- (7) Whether collaboration and cooperation replace a school climate of confrontation and mistrust, and inclusiveness becomes the norm.

(b) The Legislature finds that restorative justice programs and practices foster all of the following:

- (1) Positive relationships among pupils, educators, school administrators, school personnel, and parents.
- (2) A school community based on trust, respect, and inclusion.
- (3) A reduction in pupil disciplinary actions, expulsions, suspensions, and chronic absenteeism and the lowering of stress and antisocial behavior.
- (4) Improved mental health and pupil academic outcomes.

52082. For purposes of this chapter, the following terms have the following meanings:

(a) (1) “Low-performing school” means a low-performing school, as designated by the department, which shall incorporate chronic absenteeism rates, suspension rates, expulsion rates, and dropout rates in making its designations.

(2) A low-performing school could be a school operated by a school district, a school operated by a county office of education, or a charter school.

(b) “School climate” means the quality, culture, and character of school life, based on the patterns of pupils’, school personnel’s, and parents’ school life perceptions and experiences, and reflects a school’s norms, goals, values, expectations for behavior, interpersonal relationships, teaching and learning practices, safety, and organizational structures. School climate is a learning environment created through the interaction of personal relationships, physical setting, and psychological conditions.

(c) "School climate assessment" means an evaluation of a school's climate to assess existing school climate and culture to inform school academic improvements, and that incorporates the use of pupil, teacher, school administrator, school personnel, and parent individual and group surveys, interviews, school data, and direct observations.

(d) "Restorative justice" means a set of ethical principles and practices grounded in the values of showing respect, taking responsibility, and strengthening pupil relationships that prevent, respond to, and repair harmful pupil behaviors, enabling school personnel to intervene more effectively by increasing pupil support without compromising accountability.

52083. (a) On or before September 1, 2017, low-performing schools shall conduct a school climate assessment, consistent with the provisions of this chapter.

(b) (1) Every assessed school shall take steps to ensure that responses to school climate assessments remain anonymous and that no individual is identified. These schools shall publish the results of the assessment on their Internet Web sites, provided that personally identifiable information or information that can reasonably lead a reader to identify an individual shall not be shared.

(2) Outcomes resulting from a school climate assessment shall be shared through meaningful engagement and collaboration with pupils, parents, faculty, and staff to develop corrective action recommendations that address the assessment outcomes.

(A) The recommendations shall be incorporated and implemented by the school no later than one year after completion of the assessment.

(B) If the recommendations are not implemented, the school shall provide a report to the department explaining its reasons for not executing corrective actions.

(c) On or before January 1, 2022, the Legislative Analyst's Office shall compile data of changes in pupil academic achievement levels at low-performing schools, including a breakdown by pupil ethnicity, and provide a report to the department, the Governor, and the appropriate legislative budget and policy committees.

52084. (a) (1) The department shall oversee the establishment of specific professional development activities and workshops that result in professional development support programs and a network of trainers to expand restorative justice programs, pupil social and emotional support, trauma-informed practices, and cultural competency in regions of the state with identified low-performing schools.

(2) The department shall convene an advisory committee comprised of stakeholders and professionals who have participated in the development and expansion of these programs to assist in the professional development planning and implementation.

(3) Low-performing schools designated by the department shall provide identified professional development programs on or before September 1, 2018.

(b) In the development of these programs, the department shall take into account the following:

(1) Linking research-based strategies with local control and accountability plans and local control funding formula apportionments, specifically with respect to school climate and meaningful pupil engagement.

(2) Stipends for release time for school personnel attending identified professional development programs.

(3) Collecting best practices of existing districtwide, countywide, or charterwide programs and ensuring these best practices are widely disseminated.

(4) Developing a network of educators who have effectively implemented these best practices and can provide training to other schools and school districts, county offices of education, and charter schools.

(5) Developing evaluation tools to measure the effectiveness of research-based strategies.

(c) On or before January 1, 2022, the Legislative Analyst's Office shall compile data of the chronic absenteeism, suspension, expulsion, and dropout rates of the targeted schools and provide a report to the department, the Governor, and the appropriate legislative budget and policy committees. The report shall also compile a list of best practices used to accomplish improvements in academic outcomes and a reduction in disciplinary actions.

52085. This chapter shall not be implemented unless funding is provided for its purposes in the annual Budget Act or another enacted statute.

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

Amendment 3

On page 1, strike out lines 1 to 9, inclusive, and strike out pages 2 to 4, inclusive

AMENDMENTS TO ASSEMBLY BILL NO. 2700

Amendment 1

In the title, in line 1, strike out "454.51" and insert:

399.13

Amendment 2

On page 2, before line 1, insert:

SECTION 1. Section 399.13 of the Public Utilities Code is amended to read:

399.13. (a) (1) The commission shall direct each electrical corporation to annually prepare a renewable energy procurement plan that includes the matter in paragraph (5), to satisfy its obligations under the renewables portfolio standard. To the extent feasible, this procurement plan shall be proposed, reviewed, and adopted by the commission as part of, and pursuant to, a general procurement plan process. The commission shall require each electrical corporation to review and update its renewable energy procurement plan as it determines to be necessary. The commission shall require all other retail sellers to prepare and submit renewable energy procurement plans that address the requirements identified in paragraph (5).

(2) Every electrical corporation that owns electrical transmission facilities shall annually prepare, as part of the Federal Energy Regulatory Commission Order 890 process, and submit to the commission, a report identifying any electrical transmission facility, upgrade, or enhancement that is reasonably necessary to achieve the renewables portfolio standard procurement requirements of this article. Each report shall look forward at least five years and, to ensure that adequate investments are made in a timely manner, shall include a preliminary schedule when an application for a certificate of public convenience and necessity will be made, pursuant to Chapter 5 (commencing with Section 1001), for any electrical transmission facility identified as being reasonably necessary to achieve the renewable energy resources procurement requirements of this article. Each electrical corporation that owns electrical transmission facilities shall ensure that project-specific interconnection studies are completed in a timely manner.

(3) The commission shall direct each retail seller to prepare and submit an annual compliance report that includes all of the following:

(A) The current status and progress made during the prior year toward procurement of eligible renewable energy resources as a percentage of retail sales, including, if applicable, the status of any necessary siting and permitting approvals from federal, state, and local agencies for those eligible renewable energy resources procured by the retail seller, and the current status of compliance with the portfolio content requirements of subdivision (c) of Section 399.16, including procurement of eligible renewable energy resources located outside the state and within the WECC and unbundled renewable energy credits.

(B) If the retail seller is an electrical corporation, the current status and progress made during the prior year toward construction of, and upgrades to, transmission and distribution facilities and other electrical system components it owns to interconnect



eligible renewable energy resources and to supply the electricity generated by those resources to load, including the status of planning, siting, and permitting transmission facilities by federal, state, and local agencies.

(C) Recommendations to remove impediments to making progress toward achieving the renewable energy resources procurement requirements established pursuant to this article.

(4) The commission shall adopt, by rulemaking, all of the following:

(A) A process that provides criteria for the rank ordering and selection of least-cost and best-fit eligible renewable energy resources to comply with the California Renewables Portfolio Standard Program obligations on a total cost and best-fit basis. This process shall take into account all of the following:

(i) Estimates of indirect costs associated with needed transmission investments.

(ii) The cost impact of procuring the eligible renewable energy resources on the electrical corporation's electricity portfolio.

(iii) The viability of the project to construct and reliably operate the eligible renewable energy resource, including the developer's experience, the feasibility of the technology used to generate electricity, and the risk that the facility will not be built, or that construction will be delayed, with the result that electricity will not be supplied as required by the contract.

(iv) Workforce recruitment, training, and retention efforts, including jobs retained associated with contracting for existing eligible renewable energy resources, the employment growth associated with the construction and operation of eligible renewable energy resources, and goals for recruitment and training of women, minorities, and disabled veterans.

(v) (I) Estimates of electrical corporation expenses resulting from integrating and operating eligible renewable energy resources, including, but not limited to, any additional wholesale energy and capacity costs associated with integrating each eligible renewable resource.

(II) No later than December 31, 2015, the commission shall approve a methodology for determining the integration costs described in subclause (I).

(vi) Consideration of any statewide greenhouse gas emissions limit established pursuant to the California Global Warming Solutions Act of 2006 (Division 25.5 (commencing with Section 38500) of the Health and Safety Code).

(vii) Consideration of capacity and system reliability of the eligible renewable energy resource to ensure grid reliability.

(B) Rules permitting retail sellers to accumulate, beginning January 1, 2011, excess procurement in one compliance period to be applied to any subsequent compliance period. The rules shall apply equally to all retail sellers. In determining the quantity of excess procurement for the applicable compliance period, the commission shall retain the rules adopted by the commission and in effect as of January 1, 2015, for the compliance period specified in subparagraphs (A) to (C), inclusive, of paragraph (1) of subdivision (b) of Section 399.15. For any subsequent compliance period, the rules shall allow the following:

(i) For electricity products meeting the portfolio content requirements of paragraph (1) of subdivision (b) of Section 399.16, contracts of any duration may count as excess procurement.

(ii) Electricity products meeting the portfolio content requirements of paragraph (2) or (3) of subdivision (b) of Section 399.16 shall not be counted as excess procurement. Contracts of any duration for electricity products meeting the portfolio content requirements of paragraph (2) or (3) of subdivision (b) of Section 399.16 that are credited towards a compliance period shall not be deducted from a retail seller's procurement for purposes of calculating excess procurement.

(iii) If a retail seller notifies the commission that it will comply with the provisions of subdivision (b) for the compliance period beginning January 1, 2017, the provisions of clauses (i) and (ii) shall take effect for that retail seller for that compliance period.

(C) Standard terms and conditions to be used by all electrical corporations in contracting for eligible renewable energy resources, including performance requirements for renewable generators. A contract for the purchase of electricity generated by an eligible renewable energy resource, at a minimum, shall include the renewable energy credits associated with all electricity generation specified under the contract. The standard terms and conditions shall include the requirement that, no later than six months after the commission's approval of an electricity purchase agreement entered into pursuant to this article, the following information about the agreement shall be disclosed by the commission: party names, resource type, project location, and project capacity.

(D) An appropriate minimum margin of procurement above the minimum procurement level necessary to comply with the renewables portfolio standard to mitigate the risk that renewable projects planned or under contract are delayed or canceled. This paragraph does not preclude an electrical corporation from voluntarily proposing a margin of procurement above the appropriate minimum margin established by the commission.

(5) Consistent with the goal of increasing California's reliance on eligible renewable energy resources, the renewable energy procurement plan shall include all of the following:

(A) An assessment of annual or multiyear portfolio supplies and demand to determine the optimal mix of eligible renewable energy resources with deliverability characteristics that may include peaking, dispatchable, baseload, firm, and as-available capacity.

(B) Potential compliance delays related to the conditions described in paragraph (5) of subdivision (b) of Section 399.15.

(C) A bid solicitation setting forth the need for eligible renewable energy resources of each deliverability characteristic, required online dates, and locational preferences, if any.

(D) A status update on the development schedule of all eligible renewable energy resources currently under contract.

(E) Consideration of mechanisms for price adjustments associated with the costs of key components for eligible renewable energy resource projects with online dates more than 24 months after the date of contract execution.

(F) An assessment of the risk that an eligible renewable energy resource will not be built, or that construction will be delayed, with the result that electricity will not be delivered as required by the contract.

(6) In soliciting and procuring eligible renewable energy resources, each electrical corporation shall offer contracts of no less than 10 years duration, unless the commission approves of a contract of shorter duration.

(7) In soliciting and procuring eligible renewable energy resources for California-based projects, each electrical corporation shall give preference to renewable energy projects that provide environmental and economic benefits to communities afflicted with poverty or high unemployment, or that suffer from high emission levels of toxic air contaminants, criteria air pollutants, and greenhouse gases.

(8) In soliciting and procuring eligible renewable energy resources, each retail seller shall consider the best-fit attributes of resource types that ensure a balanced resource mix to maintain the reliability of the electrical grid.

(b) A retail seller may enter into a combination of long- and short-term contracts for electricity and associated renewable energy credits. Beginning January 1, 2021, at least 65 percent of the procurement a retail seller counts toward the renewables portfolio standard requirement of each compliance period shall be from its contracts of 10 years or more in duration or in its ownership or ownership agreements for eligible renewable energy resources.

(c) The commission shall review and accept, modify, or reject each electrical corporation's renewable energy resource procurement plan prior to the commencement of renewable energy procurement pursuant to this article by an electrical corporation. The commission shall assess adherence to the approved renewable energy resource procurement plans in determining compliance with the obligations of this article.

(d) Unless previously preapproved by the commission, an electrical corporation shall submit a contract for the generation of an eligible renewable energy resource to the commission for review and approval consistent with an approved renewable energy resource procurement plan. If the commission determines that the bid prices are elevated due to a lack of effective competition among the bidders, the commission shall direct the electrical corporation to renegotiate the contracts or conduct a new solicitation.

(e) If an electrical corporation fails to comply with a commission order adopting a renewable energy resource procurement plan, the commission shall exercise its authority to require compliance.

(f) (1) The commission may authorize a procurement entity to enter into contracts on behalf of customers of a retail seller for electricity products from eligible renewable energy resources to satisfy the retail seller's renewables portfolio standard procurement requirements. The commission shall not require any person or corporation to act as a procurement entity or require any party to purchase eligible renewable energy resources from a procurement entity.

(2) Subject to review and approval by the commission, the procurement entity shall be permitted to recover reasonable administrative and procurement costs through the retail rates of end-use customers that are served by the procurement entity and are directly benefiting from the procurement of eligible renewable energy resources.

(g) Procurement and administrative costs associated with contracts entered into by an electrical corporation for eligible renewable energy resources pursuant to this article and approved by the commission are reasonable and prudent and shall be recoverable in rates.

(h) Construction, alteration, demolition, installation, and repair work on an eligible renewable energy resource that receives production incentives pursuant to

Section 25742 of the Public Resources Code, including work performed to qualify, receive, or maintain production incentives, are "public works" for the purposes of Chapter 1 (commencing with Section 1720) of Part 7 of Division 2 of the Labor Code.

SEC. 2. By July 1, 2017, the commission shall update the criteria for the rank ordering and selection of least-cost and best-fit eligible renewable energy resources adopted pursuant to subparagraph (A) of paragraph (4) of subdivision (a) of Section 399.13 to identify the value of maintaining existing baseload resources to achieve the goal of a balanced portfolio of eligible renewable energy resources.

Amendment 3

On page 2, strike out lines 1 to 29, inclusive, and strike out page 3

AMENDMENTS TO ASSEMBLY BILL NO. 2702

Amendment 1

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

to add Section 39733 to the Health and Safety Code,

Amendment 2

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

Amendment 3

On page 2, in line 3, strike out "(1)" and insert:

(a)

Amendment 4

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

legislation,

Amendment 5

On page 2, in line 8, strike out "2015)" and insert:

2015),

Amendment 6

On page 2, in line 10, strike out "technologies" and insert:

technologies,

Amendment 7

On page 2, in line 12, strike out "(2)" and insert:

(b)



Amendment 8

On page 2, in line 12, strike out "Brown," and insert:

Edmund G. Brown Jr.,

Amendment 9

On page 2, in line 18, strike out "(3)" and insert:

(c)

Amendment 10

On page 2, in line 21, strike out "(4)" and insert:

(d)

Amendment 11

On page 2, in line 27, strike out "(5)" and insert:

(e)

Amendment 12

On page 2, in line 29, strike out "(6)" and insert:

(f)

Amendment 13

On page 3, strike out lines 5 to 12, inclusive, and insert:

SEC. 2. Section 39733 is added to the Health and Safety Code, to read:

39733. No later than July 1, 2018, the state board shall conduct a study that outlines best practices and policies for meeting state goals to reduce greenhouse gas emissions. In conducting the study, the state board may collaborate with districts.