AMENDMENTS TO ASSEMBLY BILL NO. 2703

Amendment 1
On page 2, in line 7, strike out "type." and insert:

type or the electronic equivalent. However, an authorization form provided by a federal government agency need not comply with the font size requirement.

Amendment 2
On page 2, in line 34, strike out "beneficiary or" and insert:

beneficiary,

Amendment 3
On page 2, in line 34, strike out "representative" and insert:

representative, or surviving spouse

Amendment 4
On page 2, strike out line 35 and insert:

patient.

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AMENDMENTS TO ASSEMBLY BILL NO. 2706

Amendment 1

In the title, in line 1, strike out "amend Section 44274.2 of" and insert:

add Section 33133.7 to

Amendment 2

In the title, strike out line 2 and insert:

teachers, and making an appropriation therefor.

Amendment 3

On page 1, before line 1, insert:

SECTION 1. Section 33133.7 is added to the Education Code, to read:

33133.7. (a) Notwithstanding any other law, two million dollars ($2,000,000) shall be appropriated, without regard to fiscal years, from the General Fund to the Superintendent to be allocated to local educational agencies that apply for the purpose of implementing a pilot program to train teachers who teach kindergarten or any of grades 1 to 12, inclusive, to more effectively use technology and digital resources within their instructional day, while also measuring and teaching the critical 21st century skills pupils need to succeed on California's next-generation online assessments, as well as to prepare pupils for college and career objectives.

(b) (1) The Superintendent shall develop an application process for the allocation of funds appropriated pursuant to subdivision (a) that gives priority to applicant local educational agencies that serve a large percentage of pupils eligible for free or reduced-price meals.

(2) Any local educational agency in the state may apply for funding from the Superintendent to implement the pilot program described in subdivision (a), and subject to the requirements of subdivision (c).

(c) The pilot program shall include both of the following:

(1) A focus on teachers who work with underserved populations.

(2) (A) An emphasis on enhancing the ability of participants to measure 21st century skills of teachers and pupils using the international standards defined by the International Society for Technology in Education.

(B) The skills to be measured and enhanced for teachers pursuant to this paragraph shall include, but not necessarily be limited to, all of the following:

(i) Facilitation and inspiration of pupil learning and creativity.

(ii) Design and development of digital age learning experiences and assessments.

(iii) Modeling of digital age work and learning.

(iv) Promotion and modeling of digital citizenship and responsibility.

(v) Engagement in professional growth and leadership.

(C) The skills to be measured and enhanced for pupils pursuant to this paragraph shall include, but not necessarily be limited to, all of the following:

(i) Creativity and innovation.

(ii) Communication and collaboration.

(iii) Research and information fluency.

(iv) Critical thinking and problem solving.

(v) Digital citizenship.

(vi) Technology operations and concepts.

(d) The pilot program shall include training and professional development for teachers to assist them to effectively personalize digital literacy instruction for their pupils.

(e) The pupils participating in the pilot program shall receive digital literacy instruction that will enhance the skills these pupils need to succeed in elementary or secondary school, postsecondary education, and careers.

Amendment 4

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

AMENDMENTS TO ASSEMBLY BILL NO. 2708

Amendment 1

In the title, in line 1, strike out "amend Section 91.2 of the Streets and Highways Code," and insert:

add Section 14131.3 to the Government Code,

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 14131.3 is added to the Government Code, to read:

14131.3. The Department of Transportation shall conduct a study to assess the implementation of the Lean 6-SIGMA program as provided through the Governor's Office of Business and Economic Development and the Government Operations Agency to determine the effectiveness of streamlining the application process for private architectural and engineering firms seeking to provide professional and technical project development services to the department.

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. 2710

Amendment 1

In the title, in line 1, strike out "amend Section 38.5 of" and insert:

amend, renumber, and add Sections 1063.5 and 1063.14 of, and to repeal Sections 1063.45 and 1063.135 of,

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 1063.5 of the Insurance Code is amended and renumbered, to immediately precede Section 1063.5 of the Insurance Code, to read:

~~1063.5.~~

1063.45. (a) (1) Each time an insurer becomes insolvent then, to the extent necessary to secure funds for the association for payment of covered claims of that insolvent insurer and also for payment of reasonable costs of adjusting the claims, the association shall collect premium payments from its member insurers sufficient to discharge its obligations. ~~The~~

(2) The association shall allocate its claim payments and costs, incurred or estimated to be incurred, to one or more of the following categories: ~~(a) workers' compensation claims; (b) homeowners' claims, and automobile claims, which shall include: automobile material damage, automobile liability (both personal injury and death and property damage), medical payments and uninsured motorist claims; and (c) claims other than workers' compensation, homeowners', and automobile, as above defined. Separate~~

(A) Workers' compensation claims.

(B) Homeowners' claims and automobile claims, including all of the following:

(i) Automobile material damage.

(ii) Automobile liability (both personal injury and death and property damage).

(iii) Medical payments.

(iv) Uninsured motorist claims.

(C) Claims other than workers' compensation, homeowners, and automobile, as defined above.

(3) Separate premium payments shall be required for each category. ~~The~~

(4) The premium payments for each category shall be used to pay the claims and costs allocated to that category. ~~The~~

(b) (1) The rate of premium charged shall be a uniform percentage of net direct written premium in the preceding calendar year applicable to that category. ~~The~~

(2) The rate of premium charges to each member insurer in the appropriate categories shall initially be based on the written premium of each insurer as shown in the latest year's annual financial statement on file with the commissioner. ~~The~~

(3) The initial premium shall be adjusted by applying the same rate of premium charge as initially used to each insurer's written premium as shown on the annual

statement for the second year following the year on which the initial premium charge was based. ~~The~~

(4) (A) The difference between the initial premium charge and the adjusted premium charge shall be charged or credited to each member insurer by the association as soon as practical after the filing of the annual statements of the member insurers with the commissioner for the year on which the adjusted premium is based. ~~Any~~

(B) Any credit due in a specific category to a member insurer as a result of the adjusted premium calculation may be refunded to the member insurer at the discretion of the association if the member insurer has agreed with the commissioner to no longer write insurance in that category but has not withdrawn from the state and surrendered its certificate of authority. However, in the case of an insurer that was a member insurer when the initial premium charge was made and that paid the initial assessment but is no longer a member insurer at the time of the adjusted premium charge by reason of its insolvency or its withdrawal from the state and surrender of its certificate of authority to transact insurance in this state, any credit accruing to that insurer shall be refunded to it by the association. ~~"Net~~

(c) (1) For purposes of this section, "net direct written premiums" ~~shall mean~~ means the amount of gross premiums, less return premiums, received in that calendar year upon business done in this state, other than premiums received for reinsurance. ~~In~~

(2) In cases of a dispute as to the amount of the net direct written premium between the association and one of its ~~members~~ member insurers, the written decision of the commissioner shall be final. ~~The~~

(d) (1) The premium charged to any member insurer for any of the three categories or a category established by the association shall not be more than 2 percent of the net direct premium written in that category in this state by that member insurer per year, starting on January 1, 2003, until December 31, 2007, and thereafter shall be 1 percent per year, until January 1, 2015. ~~Commencing~~

(2) Commencing January 1, 2015, the premium charged to any member insurer for any of the three categories or a category established by the association shall not be more than 2 percent of the net direct written premium unless there are bonds outstanding that were issued pursuant to Article 14.25 (commencing with Section 1063.50) or Article 14.26 (commencing with Section 1063.70). ~~If~~

(3) If bonds issued pursuant to either article are outstanding, the premium charged to a member insurer for the category for which the bond proceeds are being used to pay claims and expenses shall not be more than 1 percent of the net direct written premium for that category. ~~The~~

(e) (1) The association may exempt or defer, in whole or in part, the premium charge of any member insurer, if the premium charge would cause the member insurer's financial statement to reflect an amount of capital or surplus less than the minimum amounts required for a certificate of authority by any jurisdiction in which the member insurer is authorized to transact insurance. However, during the period of deferment, no dividends shall be paid to shareholders or policyholders by the company whose premium charge was deferred. ~~Deferred~~

(2) Deferred premium charges shall be paid when the payment will not reduce capital or surplus below required minimums. These payments shall be credited against

future premium charges to those companies receiving larger premium charges by virtue of the deferment. ~~After~~

(f) After all covered claims of the insolvent insurer and expenses of administration have been paid, any unused premiums and any reimbursements or claims dividends from the liquidator remaining in any category shall be retained by the association and applied to reduce future premium charges in the appropriate category. However, an insurer ~~which~~ that ceases to be a member of the association, other than an insurer that has become insolvent or has withdrawn from the state and has surrendered its certificate of authority following an initial assessment that is entitled to a refund based upon an adjusted assessment as provided above in this section, shall have no right to a refund of any premium previously remitted to the association. ~~The~~

(g) The commissioner may suspend or revoke the certificate of authority to transact business in this state of a member insurer ~~which~~ that fails to pay a premium when due and after demand has been made.

~~Interest~~

(h) Interest at a rate equal to the current federal reserve discount rate plus 2 ½ percent per annum shall be added to the premium of any member insurer ~~which~~ that fails to submit the premium requested by the association within 30 days after the mailing request. However, in no event shall the interest rate exceed the legal maximum.

(i) This section shall apply only to premium charges paid prior to January 1, 2017.

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

SEC. 2. Section 1063.5 is added to the Insurance Code, to read:

1063.5. (a) (1) To the extent necessary to secure funds for the association for payment of the administrative expenses of the association, covered claims of insolvent insurers, and for payment of reasonable costs of adjusting the claims, the association shall collect premium payments from its member insurers sufficient to discharge its obligations.

(2) The association shall allocate its claim payments and costs, incurred or estimated to be incurred, to one or more of the following categories:

(A) Workers' compensation claims.

(B) Homeowners' claims and automobile claims, including all of the following:

(i) Automobile material damage.

(ii) Automobile liability (both personal injury and death and property damage).

(iii) Medical payments.

(iv) Uninsured motorist claims.

(C) Claims other than workers' compensation, homeowners', and automobile, as defined above.

(3) Separate premium payments shall be required for each category.

(4) The premium payments for each category shall be used to pay the claims and costs allocated to that category.

(b)(1) The rate of premium charged shall be a uniform percentage of net direct written premium in the preceding calendar year applicable to that category.

(2) (A) The rate of premium charges to each member insurer in the appropriate categories shall be based on the net direct written premium of each member insurer as shown in the latest year's annual financial statement on file with the commissioner.

(B) Any credit due in a specific category to a member insurer may be used as an offset against any subsequent premium charge in that category and may be refunded to the member insurer at the discretion of the association if the member insurer has agreed with the commissioner to no longer write insurance in that category but has not withdrawn from the state and surrendered its certificate of authority. However, in the case of an insurer that was a member insurer when the premium charge was made and that paid the premium charge but is no longer a member insurer by reason of its insolvency or its withdrawal from the state and surrender of its certificate of authority to transact insurance in this state, any credit accruing to that insurer shall be refunded to it by the association.

(c) (1) For purposes of this section, "net direct written premiums" means the amount of gross premiums, less return premiums, received in that calendar year upon business done in this state, other than premiums received for reinsurance.

(2) In cases of a dispute as to the amount of the net direct written premium between the association and one of its member insurers, the written decision of the commissioner shall be final.

(d) In charging premiums to member insurers, the association shall adjust, if necessary, the net direct written premiums shown on a member insurer's annual statement by excluding any premiums written for any lines of insurance or types of coverage not covered by this article under paragraph (3) of subdivision (c) of Section 1063.1.

(e) (1) The premium charged to any member insurer for any of the three categories or a category established by the association shall not be more than 2 percent of the net direct written premium unless there are bonds outstanding that were issued pursuant to Article 14.25 (commencing with Section 1063.50) or Article 14.26 (commencing with Section 1063.70).

(2) If bonds issued pursuant to either article are outstanding, the premium charged to a member insurer for the category for which the bond proceeds are being used to pay claims and expenses shall not be more than 1 percent of the net direct written premium for that category.

(f) (1) The association may exempt or defer, in whole or in part, the premium charge of any member insurer, if the premium charge would cause the member insurer's financial statement to reflect an amount of capital or surplus less than the minimum amounts required for a certificate of authority by any jurisdiction in which the member insurer is authorized to transact insurance. However, during the period of deferment, no dividends shall be paid to shareholders or policyholders by the company whose premium charge was deferred.

(2) Deferred premium charges shall be paid when the payment will not reduce capital or surplus below required minimums.

(g) After all covered claims of insolvent insurers and expenses of administration have been paid, any unused premiums and any reimbursements or claims dividends from liquidators remaining in any category shall be retained by the association and applied to reduce future premium charges in the appropriate category.

(h) The commissioner may suspend or revoke the certificate of authority to transact business in this state of a member insurer that fails to pay a premium when due and after demand has been made.

(i) Interest at a rate equal to the current federal reserve discount rate plus 2 ½ percent per annum shall be added to the premium of any member insurer that fails to submit the premium requested by the association within 30 days after the mailing request. However, in no event shall the interest rate exceed the legal maximum.

(j) This section shall apply only to premium charges paid on or after January 1, 2017.

SEC. 3. Section 1063.14 of the Insurance Code is amended and renumbered, to immediately precede Section 1063.14 of the Insurance Code, to read:

~~1063.14.~~

1063.135. (a) The plan of operation adopted pursuant to subdivision (c) of Section 1063 shall contain provisions whereby each member insurer is required to recoup over a reasonable length of time a sum reasonably calculated to recoup the assessments paid by the member insurer under this article by way of a surcharge on premiums charged for insurance policies to which this article applies. Amounts recouped shall not be considered premiums for any other purpose, including the computation of gross premium tax or agents' commission.

(b) The amount of any surcharge shall be separately stated on either a billing or policy declaration sent to an insured. The association shall determine the rate of the surcharge and the collection period for each category and these shall be mandatory for all member insurers of the association who write business in those categories. Member insurers who collect surcharges in excess of premiums paid pursuant to Section ~~1063.5~~ 1063.45 for an insolvent insurer shall remit the excess to the association as an additional premium within 30 days after the association has determined the amount of the excess recoupment and given notice to the member insurer of that amount. The excess shall be applied to reduce future premium charges in the appropriate category.

(c) The plan of operation may permit a member insurer to omit collection of the surcharge from its insureds when the expense of collecting the surcharge would exceed the amount of the surcharge. However, nothing in this section shall relieve the member insurer of its obligation to recoup the amount of surcharge otherwise collectible.

(d) This section shall apply only to premium charges paid prior to January 1, 2017.

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

SEC. 4. Section 1063.14 is added to the Insurance Code, to read:

1063.14. (a) (1) The plan of operation adopted pursuant to subdivision (c) of Section 1063 shall contain provisions whereby each member insurer is required to recoup in the year following the premium charge a sum calculated to recoup the premium charge paid by the member insurer under this article by way of a surcharge on premiums charged for insurance policies to which this article applies.

(2) Amounts recouped shall not be considered premiums for any other purpose, including the computation of gross premium tax or agents' commission.

(b) (1) The amount of any surcharge shall be separately stated on either a billing or policy declaration sent to an insured. The association shall determine the rate of the surcharge and the collection period for each category, and these shall be mandatory for all member insurers of the association who write business in those categories.

(2) Each member insurer shall file a report in accordance with the provisions of the plan of operation indicating the amount of surcharges it has collected.

(A) Member insurers who collect surcharges in excess of premium charges paid in the preceding year pursuant to Section 1063.5 shall remit the excess to the association as an additional premium within 30 days after the association has determined the amount of the excess recoupment and given notice to the member insurer of that amount. The excess shall be applied to reduce future premium charges in the appropriate category.

(B) Member insurers who report surcharge collections that are less than what they paid in the preceding year's premium charge shall receive reimbursement from the association for the shortfall in surcharge collection.

(c) (1) The plan of operation may permit a member insurer to omit collection of the surcharge from its insureds when the expense of collecting the surcharge would exceed the amount of the surcharge.

(2) A member insurer electing to omit collecting surcharges from any of its insureds shall not be entitled to any reimbursement from the association pursuant to subdivision (b).

(3) However, nothing in this section shall relieve the member insurer of its obligation to recoup the amount of surcharge otherwise collectible.

(d) This section shall apply only to premium charges paid on or after January 1, 2017.

Amendment 3

On page 1, strike out lines 1 to 7, inclusive, and strike out pages 2 to 6, inclusive

AMENDMENTS TO ASSEMBLY BILL NO. 2711

Amendment 1

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

add and repeal

Amendment 2

In the title, in line 1, strike out "127005 of" and insert:

14981 of

Amendment 3

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

Government

Amendment 4

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

pharmaceuticals.

Amendment 5

On page 1, before line 1, insert:

SECTION 1. It is the intent of the Legislature to enact legislation that would include strategies to achieve the greatest savings on prescription drugs with prescription drug manufacturers and wholesalers.

SEC. 2. Section 14981 is added to the Government Code, to read:

14981. (a) On or before February 1, 2017, the department shall submit a report to the appropriate policy and fiscal committees of the Legislature on activities that have been or will be undertaken pursuant to this chapter. The report shall include, but not be limited to, all of the following:

(1) The number and a description of contracts entered into with manufacturers and suppliers of drugs pursuant to Section 14977.1, including any discounts, rebates, or refunds obtained.

(2) The number and a description of entities that elect to participate in the coordinated purchasing program pursuant to Section 14977.5.

(3) Other options and strategies that have been or will be implemented pursuant to Sections 14978 and 14980.

(4) Estimated costs and savings attributable to activities that have been or will be undertaken pursuant to this chapter.

(b) (1) The report in subdivision (a) shall be submitted in compliance with Section 9795.

(2) Pursuant to Section 10231.5, this section is repealed on January 1, 2021.

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

AMENDMENTS TO ASSEMBLY BILL NO. 2712

Amendment 1
In the title, in line 1, strike out "16000" and insert:

4425

Amendment 2
In the title, in line 2, strike out "business regulations." and insert:

pharmacies.

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

SECTION 1. Section 4425 of the Business and Professions Code is amended to read:

4425. (a) As a condition for the participation of a pharmacy in the Medi-Cal program pursuant to Chapter 7 (commencing with Section 14000) of Division 9 of the Welfare and Institutions Code, the pharmacy, upon presentation of a valid prescription for the patient and the patient's Medicare card, shall charge Medicare beneficiaries a price that does not exceed the Medi-Cal reimbursement rate for prescription medicines, and an amount, as set by the State Department of Health Care Services to cover electronic transmission charges. However, Medicare beneficiaries shall not be allowed to use the Medi-Cal reimbursement rate for over-the-counter medications or compounded prescriptions.

(b) The State Department of Health Care Services shall provide a mechanism to calculate and transmit the price to the pharmacy, but shall not apply the Medi-Cal drug utilization review process for purposes of this section.

(c) The State Department of Health Care Services shall monitor pharmacy participation with the requirements of subdivision (a).

(d) The State Department of Health Care Services shall conduct an outreach program to inform Medicare beneficiaries of their right to participate in the program described in subdivision (a), including, but not limited to, the following:

(1) Including on its Internet Web site the Medi-Cal reimbursement rate for, at minimum, 200 of the most commonly prescribed medicines and updating this information monthly.

(2) Providing a sign to participating pharmacies that the pharmacies shall prominently display at the point of service and at the point of sale, reminding the Medicare beneficiaries to ask that the charge for their prescription be the same amount as the Medi-Cal reimbursement rate and providing the department's telephone number, e-mail address, and Internet Web site address to access information about the program.

(e) If prescription drugs are added to the scope of benefits available under the federal Medicare program, the Senate Office of Research shall report that fact to the

appropriate committees of the Legislature. It is the intent of the Legislature to evaluate the need to continue the implementation of this article under those circumstances.

(f) This section shall not apply to a prescription that is covered by insurance.

(g) (1) On or before February 1, 2017, the State Department of Health Care Services shall submit a report to the appropriate policy and fiscal committees of the Legislature on the effectiveness of subdivision (a), with data derived pursuant to subdivisions (b) to (d), inclusive, and other data as the department deems necessary. The department also shall include in the report other options and strategies to achieve the greatest savings on prescription drugs for patients.

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

(3) The requirement for submitting a report imposed under this subdivision is inoperative on February 1, 2021, pursuant to Section 10231.5 of the Government Code.

Amendment 4

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

AMENDMENTS TO ASSEMBLY BILL NO. 2713

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

(Coauthor: Assembly Member Mullin)

Amendment 2
In the title, in line 1, strike out "amend Section 14770 of" and insert:

add Section 65850.8 to

Amendment 3
In the title, strike out line 2 and insert:

local government.

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

SECTION 1. Section 65850.8 is added to the Government Code, to read:

65850.8. (a) The Legislature finds and declares all of the following:

(1) The implementation of consistent statewide standards to achieve the timely and cost-effective installation of advanced energy storage is not a municipal affair, as that term is used in Section 5 of Article XI of the California Constitution, but is instead a matter of statewide concern.

(2) It is the intent of the Legislature that local agencies not adopt ordinances or impose permitting, plan review, or inspection requirements that create unreasonable barriers to the installation of advanced energy storage and not unreasonably restrict the ability of homeowners and agricultural and business concerns to install advanced energy storage.

(3) It is the policy of the state to promote and encourage the installation of advanced energy storage and to limit obstacles to its use in order to increase the reliability, safety, and resilience of the state's electrical system.

(4) It is the intent of the Legislature that local agencies comply not only with the language of this section, but also the legislative intent to encourage the installation of advanced energy storage by removing obstacles to, and minimizing costs of, permitting and inspection of those installations while ensuring they are installed safely and reliably.

(5) It is further the intent of the Legislature that the applicable state agencies, including the Governor's Office of Planning and Research, extend and expand the existing initiative being conducted by the Public Utilities Commission to further note best practices in the safe permitting of advanced energy storage. That effort should

ultimately produce an Advanced Energy Storage Permitting Guidebook, taking advantage of the efforts and lessons learned in creating the streamlined permitting processes and modeling in part after the California Solar Permitting Guidebook.

(b) A city, county, or city and county shall administratively approve an application to install advanced energy storage through the issuance of a building permit or similar nondiscretionary permit, as applicable. Review of the application to install advanced energy storage shall be limited to the building official's review of whether it meets all health and safety requirements of local, state, and federal law. The requirements of local law shall be limited to those standards and regulations necessary to ensure that the advanced energy storage system will not have a specific, adverse impact upon the public health or safety. However, if the building official of the city, county, or city and county makes a finding, based on substantial evidence, that the advanced energy storage project or selected technology could have a specific, adverse impact upon the public health and safety, the city, county, or city and county may require the applicant to apply for a use permit.

(c) A city, county, or city and county shall not deny an application for a use permit to install advanced energy storage unless it makes written findings based upon substantial evidence in the record that the proposed installation would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. The findings shall include the basis for the rejection of potential feasible alternatives of preventing the adverse impact.

(d) The decision of the building official pursuant to subdivisions (b) and (c) may be appealed to the planning commission of the city, county, or city and county.

(e) Any conditions imposed on an application to install advanced energy storage shall be designed to mitigate the specific, adverse impact upon the public health and safety at the lowest cost possible.

(f) (1) Advanced energy storage system installations shall meet applicable health and safety standards and requirements imposed by state and local permitting authorities.

(2) Advanced energy storage installations shall meet all applicable safety and performance standards established by the California Building Standards Code, the California Electrical Code, and accredited testing laboratories, such as Underwriters Laboratories, and, where applicable, regulations of the Public Utilities Commission regarding safety and reliability.

(g) (1) On or before January 31, 2018, every city, county, or city and county with a population of 200,000 or more residents, and on or before June 30, 2018, every city, county, or city and county with a population of less than 200,000 residents, shall, in consultation with the local fire department or district and the utility director, if the city, county, or city and county operates a utility, adopt an ordinance, consistent with the goals and intent of this section, that creates a streamlined permitting and inspection process for advanced energy storage installations. The ordinance shall substantially comply with the California Energy Storage Permitting Guidebook created pursuant to subdivision (k). In developing a streamlined permitting process, the city, county, or city and county shall adopt a checklist of all requirements with which advanced energy storage installations shall comply to be eligible for expedited review. An application that satisfies the information requirements in the checklist, as determined by the city, county, or city and county, shall be deemed complete. Upon confirmation by the city,

county, or city and county of the application and supporting documents being complete and meeting the requirements of the checklist, and consistent with the ordinance, a city, county, or city and county shall, consistent with subdivision (b), approve the application and issue all required permits or authorizations. Upon receipt of an incomplete application, a city, county, or city and county shall issue a written correction notice detailing all deficiencies in the application and any additional information required to be eligible for expedited permit issuance. An application submitted to a city, county, or city and county that owns and operates an electric utility shall demonstrate compliance with the utility's interconnection polices prior to approval.

(2) In developing the ordinance, the city, county, or city and county shall refer to documented best practices in California, including relevant practices or procedures from its own expedited permitting process for rooftop solar pursuant to Section 65850.5 and for electric vehicle charging stations pursuant to Section 65850.7, and applicable safety-related findings published or promoted by the Public Utilities Commission.

(3) In developing the streamlined permitting review and checklist, the city, county, or city and county shall develop a simplified standard plan so that an engineering plan check is unnecessary for standard system configurations, known as an "over-the-counter review." If the expedited review process requires an engineering plan check, this check shall be completed no later than five business days after the application is deemed complete.

(4) The checklist and required permitting documentation shall be published on a publicly accessible Internet Web site, if the city, county, or city and county has an Internet Web site, and the city, county, or city and county shall allow for electronic submittal of a permit application and associated documentation, and shall authorize the electronic signature on all forms, applications, and other documentation in lieu of a wet signature by an applicant. If a city, county, or city and county determines that it is unable to authorize the acceptance of an electronic signature on all forms, applications, and other documents in lieu of a wet signature by an applicant, the city, county, or city and county shall state, in the ordinance required under this subdivision, the reasons for its inability to accept electronic signatures and acceptance of an electronic signature shall not be required.

(h) A city, county, or city and county shall not condition approval for any advanced energy storage installation permit on the approval of the installation by an association, as that term is defined in Section 4080 of the Civil Code.

(i) A city, county, or city and county shall calculate the reasonable cost of executing the process as specified in this section. The details and results of this calculation shall be reported to the Energy Commission upon implementation of the expedited process and the fee charged to each application will be reported to the Energy Commission on an annual basis.

(j) Any fee charged for the permitting or inspection of an advanced energy storage installation shall not be calculated based on the value of the installation or any other factor not directly associated with the cost to issue the permit.

(k) On or before September 30, 2017, the Governor's Office of Planning and Research shall, in consultation with local building officials, the State Fire Marshall, the storage industry, the Public Utilities Commission, and other stakeholders, and through review of any existing streamlined permitting practices used by cities, counties,

or city and counties, create a California Energy Storage Permitting Guidebook modeled substantially on the California Solar Permitting Guidebook.

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

(1) "A feasible method to satisfactorily mitigate or avoid the specific, adverse impact" includes, but is not limited to, any cost-effective method, condition, or mitigation imposed by a city, county, or city and county on another similarly situated application in a prior successful application for a permit.

(2) "Advanced energy storage" means an energy storage system, as defined in Section 2835 of the Public Utilities Code, as well as an energy storage system that is designed to provide backup energy services in the event of a grid outage, that is limited to either of the following:

(A) Electrochemical energy storage in nonventing packages.

(B) Customer sited installations.

(3) "Customer sited" means the system is interconnected to the electrical grid through an existing retail customer interconnection.

(4) "Electronic submittal" means the utilization of one or more of the following:

(A) Email.

(B) The Internet.

(C) Facsimile.

(5) "Specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, and written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

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 5

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

AMENDMENTS TO ASSEMBLY BILL NO. 2720

Amendment 1

On page 1, before line 1, insert:

SECTION 1. Section 11549.41 is added to the Government Code, immediately following Section 11549.4, to read:

11549.41. (a) The office, subject to appropriation of sufficient funds by the Legislature, may establish a Cybersecurity Vulnerability Reporting Reward Program for the purpose of soliciting eligible individuals to identify and report previously unknown vulnerabilities in state computer networks and making a monetary award for an eligible report.

(b) The chief shall have sole discretion, subject to this section, to determine the eligibility of a reported vulnerability and of the individual reporting the vulnerability, and whether to make an award, and, if so, in what amount.

(c) The office shall develop policies, standards, and procedures for the administration of the program, including eligibility and award criteria, subject to the following requirements:

(1) The policies, standards, and procedures shall specify all of the following:

(A) That the priority of the program is to identify vulnerabilities in state networks that could compromise the integrity of user data, circumvent the privacy protections in use to protect user data, or enable unauthorized access to state networks or infrastructure.

(B) Which state agencies and departments are included in the program.

(C) Qualifying and nonqualifying vulnerabilities.

(D) That the minimum award for a qualifying vulnerability shall be one hundred dollars ($100), and the maximum award shall be five thousand dollars ($5,000).

(E) That the determination of the amount of an award made within the range established by subparagraph (D) shall be solely at the discretion of the chief, based upon the sensitivity of the reported vulnerability, the specificity of the report, and any other factor that the chief may deem to be relevant.

(2) A vulnerability report may be eligible for an award only if both of the following requirements are met:

(A) The vulnerability was not previously known or reported to the office.

(B) The report contained all necessary information and is in the required format, as specified by the office.

(3) An individual may receive an award for submitting an eligible vulnerability report only if all of the following requirements are met:

(A) He or she has not attempted to access another person's data, or otherwise has not engaged in any unlawful, disruptive, or damaging activity in the course of investigating the existence of the suspected vulnerability.

(B) He or she is not on any federal sanctions list, or located in a country that is on any federal sanctions list.

(C) He or she submits a vulnerability report that includes, but is not limited to, a description of the vulnerability, the specific risks involved, and at least one valid description of the circumstances under which the vulnerability could be exploited.

(D) He or she is not a state employee or contractor, or the spouse or immediate family member of a state employee or contractor.

(E) He or she does not knowingly make any false, fictitious, or fraudulent statements or representations to the office when submitting information under this section, or knowingly include any false, fictitious, or fraudulent writing, document, statement, or entry therein.

(d) Nothing in this section shall be construed to authorize or immunize the violation of law or agreement in any way, or to otherwise disrupt, damage, or compromise the data or systems of another person.

(e) Any reward that remains unclaimed after a period of 12 months shall be deposited into the General Fund.

Amendment 2

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

AMENDMENTS TO ASSEMBLY BILL NO. 2723

Amendment 1

In the title, in line 1, strike out "602" and insert:

300

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 300 of the Welfare and Institutions Code is amended to read:

300. A child who comes within any of the following descriptions is within the jurisdiction of the juvenile court which may adjudge that person to be a dependent child of the court:

(a) The child has suffered, or there is a substantial risk that the child will suffer, serious physical harm inflicted nonaccidentally upon the child by the child's parent or guardian. For purposes of this subdivision, a court may find there is a substantial risk of serious future injury based on the manner in which a less serious injury was inflicted, a history of repeated inflictions of injuries on the child or the child's siblings, or a combination of these and other actions by the parent or guardian that indicate the child is at risk of serious physical harm. For purposes of this subdivision, "serious physical harm" does not include reasonable and age-appropriate spanking to the buttocks if there is no evidence of serious physical injury.

(b) (1) The child has suffered, or there is a substantial risk that the child will suffer, serious physical harm or illness, as a result of the failure or inability of his or her parent or guardian to adequately supervise or protect the child, or the willful or negligent failure of the child's parent or guardian to adequately supervise or protect the child from the conduct of the custodian with whom the child has been left, or by the willful or negligent failure of the parent or guardian to provide the child with adequate food, clothing, shelter, or medical treatment, or by the inability of the parent or guardian to provide regular care for the child due to the parent's or guardian's mental illness, developmental disability, or substance abuse. A child shall not be found to be a person described by this subdivision solely due to the lack of an emergency shelter for the family. Whenever it is alleged that a child comes within the jurisdiction of the court on the basis of the parent's or guardian's willful failure to provide adequate medical treatment or specific decision to provide spiritual treatment through prayer, the court shall give deference to the parent's or guardian's medical treatment, nontreatment, or spiritual treatment through prayer alone in accordance with the tenets and practices of a recognized church or religious denomination, by an accredited practitioner thereof, and shall not assume jurisdiction unless necessary to protect the child from suffering serious physical harm or illness. In making its determination, the court shall consider (1) the nature of the treatment proposed by the parent or guardian, (2) the risks to the child posed by the course of treatment or nontreatment proposed by the parent or guardian, (3) the risk, if any, of the course of treatment being proposed

by the petitioning agency, and (4) the likely success of the courses of treatment or nontreatment proposed by the parent or guardian and agency. The child shall continue to be a dependent child pursuant to this subdivision only so long as is necessary to protect the child from risk of suffering serious physical harm or illness.

(2) The Legislature finds and declares that a child who is sexually trafficked, as described in Section 236.1 of the Penal Code, or who receives food or shelter in exchange for, or who is paid to perform, sexual acts described in Section 236.1 or 11165.1 of the Penal Code, or who has engaged in the conduct described in subdivision (b) of Section 647 or Section 653.22 of the Penal Code, and whose parent or guardian failed to, or was unable to, protect the child, is within the description of this subdivision, and that this finding is declaratory of existing law. These children shall be known as commercially sexually exploited children.

(c) The child is suffering serious emotional damage, or is at substantial risk of suffering serious emotional damage, evidenced by severe anxiety, depression, withdrawal, or untoward aggressive behavior toward self or others, as a result of the conduct of the parent or guardian or who has no parent or guardian capable of providing appropriate care. A child shall not be found to be a person described by this subdivision if the willful failure of the parent or guardian to provide adequate mental health treatment is based on a sincerely held religious belief and if a less intrusive judicial intervention is available.

(d) The child has been sexually abused, or there is a substantial risk that the child will be sexually abused, as defined in Section 11165.1 of the Penal Code, by his or her parent or guardian or a member of his or her household, or the parent or guardian has failed to adequately protect the child from sexual abuse when the parent or guardian knew or reasonably should have known that the child was in danger of sexual abuse.

(e) The child is under the age of five years and has suffered severe physical abuse by a parent, or by any person known by the parent, if the parent knew or reasonably should have known that the person was physically abusing the child. For the purposes of this subdivision, "severe physical abuse" means any of the following: any single act of abuse which causes physical trauma of sufficient severity that, if left untreated, would cause permanent physical disfigurement, permanent physical disability, or death; any single act of sexual abuse which causes significant bleeding, deep bruising, or significant external or internal swelling; or more than one act of physical abuse, each of which causes bleeding, deep bruising, significant external or internal swelling, bone fracture, or unconsciousness; or the willful, prolonged failure to provide adequate food. A child shall not be removed from the physical custody of his or her parent or guardian on the basis of a finding of severe physical abuse unless the social worker has made an allegation of severe physical abuse pursuant to Section 332.

(f) The child's parent or guardian caused the death of another child through abuse or neglect.

(g) The child has been left without any provision for support; physical custody of the child has been voluntarily surrendered pursuant to Section 1255.7 of the Health and Safety Code and the child has not been reclaimed within the 14-day period specified in subdivision (g) of that section; the child's parent has been incarcerated or institutionalized and cannot arrange for the care of the child; or a relative or other adult custodian with whom the child resides or has been left is unwilling or unable to provide

care or support for the child, the whereabouts of the parent are unknown, and reasonable efforts to locate the parent have been unsuccessful.

(h) The child has been freed for adoption by one or both parents for 12 months by either relinquishment or termination of parental rights or an adoption petition has not been granted.

(i) The child has been subjected to an act or acts of cruelty by the parent or guardian or a member of his or her household, or the parent or guardian has failed to adequately protect the child from an act or acts of cruelty when the parent or guardian knew or reasonably should have known that the child was in danger of being subjected to an act or acts of cruelty.

(j) The child's sibling has been abused or neglected, as defined in subdivision (a), (b), (d), (e), or (i), and there is a substantial risk that the child will be abused or neglected, as defined in those subdivisions. The court shall consider the circumstances surrounding the abuse or neglect of the sibling, the age and gender of each child, the nature of the abuse or neglect of the sibling, the mental condition of the parent or guardian, and any other factors the court considers probative in determining whether there is a substantial risk to the child.

It is the intent of the Legislature that this section not disrupt the family unnecessarily or intrude inappropriately into family life, prohibit the use of reasonable methods of parental discipline, or prescribe a particular method of parenting. Further, this section is not intended to limit the offering of voluntary services to those families in need of assistance but who do not come within the descriptions of this section. To the extent that savings accrue to the state from child welfare services funding obtained as a result of the enactment of the act that enacted this section, those savings shall be used to promote services which support family maintenance and family reunification plans, such as client transportation, out-of-home respite care, parenting training, and the provision of temporary or emergency in-home caretakers and persons teaching and demonstrating homemaking skills. The Legislature further declares that a physical disability, such as blindness or deafness, is no bar to the raising of happy and well-adjusted children and that a court's determination pursuant to this section shall center upon whether a parent's disability prevents him or her from exercising care and control. The Legislature further declares that a child whose parent has been adjudged a dependent child of the court pursuant to this section shall not be considered to be at risk of abuse or neglect solely because of the age, dependent status, or foster care status of the parent.

As used in this section, "guardian" means the legal guardian of the child.

Amendment 3

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

AMENDMENTS TO ASSEMBLY BILL NO. 2724

Amendment 1

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

to add Part 7 (commencing with Section 9570) to Division 4 of the Civil Code,

Amendment 2

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

aircraft.

Amendment 3

On page 2, before line 1, insert:

SECTION 1. Part 7 (commencing with Section 9570) is added to Division 4 of the Civil Code, to read:

PART 7. UNMANNED AIRCRAFT

9570. This part shall be known and may be cited as the Drone Registration Omnibus Negligence Prevention Enactment (DRONE) Act.

9575. As used in this part, "unmanned aircraft" means an aircraft that is operated without the possibility of direct human intervention from within or on the aircraft.

9580. (a) A person who manufactures an unmanned aircraft for sale in this state shall include with the unmanned aircraft both of the following:

(1) A copy of Federal Aviation Administration safety regulations applicable to unmanned aircraft.

(2) If the unmanned aircraft is required to be registered with the Federal Aviation Administration, a notification of that requirement.

(b) An unmanned aircraft equipped with global positioning satellite mapping capabilities shall also be equipped with geofencing technological capabilities that prohibit the unmanned aircraft from flying within five miles of an airport.

9585. The owner of an unmanned aircraft shall procure adequate protection against liability imposed by law on owners of unmanned aircraft, including the payment of damages for personal bodily injuries and death, and for property damage, resulting from the operation of the unmanned aircraft.

9590. This part does not apply to an unmanned aircraft operated pursuant to a current commercial operator exemption issued pursuant to Section 333 of the Federal Aviation Modernization and Reform Act of 2012 (Public Law 112-95 (Feb. 12, 2014) 126 Stat. 11, 75-76).

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

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AMENDMENTS TO ASSEMBLY BILL NO. 2741

Amendment 1

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

An act to amend Section 65071 of the Government Code, relating to transportation.

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 65071 of the Government Code is amended to read:

65071. The department shall update the California Transportation Plan consistent with this chapter. The first update shall be completed by December 31, 2015. The plan shall be approved by the California Transportation Commission and updated every five years thereafter.

Amendment 3

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

AMENDMENTS TO ASSEMBLY BILL NO. 2747

Amendment 1

In the title, in line 1, strike out "amend Section 1569 of" and insert:

add Section 1221.20 to

Amendment 2

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

specialty clinics.

Amendment 3

On page 1, before line 1, insert:

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

(1) New dialysis facilities in California are being required to wait nine months or longer to be licensed by the State Department of Public Health and to receive Medicare certification surveys after they are otherwise ready to serve patients.

(2) The prevalence of dialysis in California is increasing faster than the national average due to the high incidence of diabetes and hypertension, the two major causes of End Stage Renal Disease (ESRD). The growth in the ESRD patient population is causing a burden for patients and families, forcing patients to dialyze on shifts and travel to dialysis centers that are not convenient for a patient who is suffering from a chronic disease.

(3) Prior to a new dialysis center being surveyed, the dialysis center invests significant financial resources to develop a new facility. In addition to the construction cost, the dialysis center must be equipped with state of the art equipment to provide quality care. It also must receive a certificate of occupancy, ensuring that the dialysis center is constructed to meet all local, state, and federal regulations.

(4) Additionally, a dialysis center must be staffed prior to requesting a survey, which means that the center is bearing the cost of staff for nine months or more before it can serve patients.

(5) It would require less than one full-time equivalent staff member to eliminate the current backlog of approximately twenty new dialysis centers that are waiting to receive state licensure and a Medicare certification survey. The same is true for providing timely surveys of new dialysis centers on an annual basis.

(b) It is the intent of the Legislature in enacting this act to require expeditious licensure and Medicare certification surveys for new dialysis clinics in California.

SEC. 2. Section 1221.20 is added to the Health and Safety Code, immediately following Section 1221.19, to read:

1221.20. (a) Within 90 calendar days after the department receives an initial and complete chronic dialysis clinic application, the department shall complete the application paperwork and conduct a licensure survey, if necessary, to inspect the clinic

and evaluate the clinic's compliance with state licensure requirements. The department shall forward its recommendation, if necessary, and all other information, to the federal Centers for Medicare and Medicaid Services within the same 90 calendar days.

(b) (1) For an applicant seeking to receive reimbursement under the Medicare or Medi-Cal programs, the department shall complete the initial application paperwork and conduct an unannounced certification survey, if necessary, within 90 days after the department's receipt of a letter from the chronic dialysis clinic notifying the department of its readiness for the certification survey.

(2) No later than 30 calendar days after the certification survey, the department shall forward the results of its licensure and certification surveys and all other information necessary for certification to the federal Centers for Medicare and Medicaid Services.

Amendment 4
On page 1, strike out lines 1 and 2 and strike out page 2

AMENDMENTS TO ASSEMBLY BILL NO. 2748

Amendment 1

In the title, strike out line 1 and insert:

An act to add Section 3484.5 to the Civil Code, relating to natural gas.

Amendment 2

On page 2, before line 1, insert:

SECTION 1. Section 3484.5 is added to the Civil Code, to read:

3484.5. (a) As used in this section, "Porter Ranch area" has the same meaning as defined in the document titled "SS-25 Incident Aliso Canyon Gas Leak Odorous Emissions Mitigation Plan and Temporary Relocation Plan," dated December 15, 2015, included as Exhibit A in the stipulation and order, filed December 24, 2015, with the superior court of the County of Los Angeles in the People of the State of California v. Southern California Gas Company, Case No. BC602973, and including, but not limited to, the map titled "SoCalGas Complaints and SCAQMD Air Sampling Locations" located in attachment B of the plan document.

(b) Any person owning real property in the Porter Ranch area on October 23, 2015, who suffers a diminution in value of that real property resulting from the leakage of natural gas from the Aliso Canyon Gas Storage Facility during 2015 and 2016 shall have a right of action against Southern California Gas Company for that diminution in value. The cause of action shall accrue when the owner first offers the property for sale or seeks refinancing of the property. The diminution in value shall be calculated by determining the value of the real property on October 22, 2015, identifying similarly priced real property in neighboring communities on that date, then comparing the value of the owner's real property at the time the action accrues to the value of the properties in the neighboring communities that had been similarly priced. The diminution in value shall be the value of the property in the Porter Ranch area on the date the action accrues subtracted from an average value on the date the action accrues of properties in neighboring communities that were priced similarly to the Porter Ranch area property as of October 22, 2015.

(c) This section shall apply only to actions filed on and after January 1, 2017.

SEC. 2. The Legislature finds and declares that a special law is necessary and that a general law cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution in order to achieve just results while reducing court congestion as a result of the unique circumstances involving a major leak of natural gas from the Aliso Canyon Gas Storage Facility during 2015 and 2016.

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

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AMENDMENTS TO ASSEMBLY BILL NO. 2750

Amendment 1
In the title, in line 1, strike out "66000" and insert:

68130.5

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

SECTION 1. Section 68130.5 of the Education Code is amended to read:

68130.5. Notwithstanding any other law:

(a) A student, other than a nonimmigrant alien within the meaning of paragraph (15) of subsection (a) of Section 1101 of Title 8 of the United States Code, who meets all of the following requirements shall be exempt from paying nonresident tuition at the California State University and the California Community Colleges:

(1) Satisfaction of either of the following:

(A) High school attendance in California for three or more years.

(B) Attainment of credits earned in California from a California high school equivalent to three or more years of full-time high school ~~coursework and a total of three or more years of attendance in California elementary schools, California secondary schools, or a combination of those schools.~~ coursework.

(2) Graduation from a California high school or attainment of the equivalent thereof.

(3) Registration as an entering student at, or current enrollment at, an accredited institution of higher education in California not earlier than the fall semester or quarter of the 2001–02 academic year.

(4) Was born after January 1, 1980.

~~(4)~~

(5) In the case of a person without lawful immigration status, the filing of an affidavit with the institution of higher education stating that the student has filed an application to legalize his or her immigration status, or will file an application as soon as he or she is eligible to do so.

(b) A student exempt from nonresident tuition under this section may be reported by a community college district as a full-time equivalent student for apportionment purposes.

(c) The Board of Governors of the California Community Colleges and the Trustees of the California State University shall prescribe rules and regulations for the implementation of this section.

(d) Student information obtained in the implementation of this section is confidential.

SEC. 2. The Regents of the University of California are requested to enact exemptions from requirements to pay nonresident tuition for its students that are equivalent to those applicable to students of the California Community Colleges and

the California State University pursuant to Section 68130.5 of the Education Code, as amended pursuant to this act.

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

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

AMENDMENTS TO ASSEMBLY BILL NO. 2767

Amendment 1

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

to amend Section 16010.4 of the Welfare and Institutions Code,

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 16010.4 of the Welfare and Institutions Code is amended to read:

16010.4. The Legislature finds and declares all of the following:

(a) The State of California is guardian to ~~more than 90,000~~ roughly 60,000 children in foster ~~care, more than any other state in the nation. As of 2002,~~ care. California has a disproportionately high number of children in foster care. While the state is home to 12 percent of the nation's population, it guards over 20 percent of the nation's children in its foster care system. Thirty-five percent of foster children live with relatives.

(b) Foster parents are one of the most important sources of information about the children in their care. Courts, lawyers, and social workers should have the benefit of caregivers' perceptions. Both federal and state law recognize the importance of foster parents' participation in juvenile court proceedings. Federal law requires that foster parents and other caregivers receive expanded opportunities for notice, the right to participate in dependency court review and permanency hearings, and the right to communicate concerns to the courts. State law similarly provides that caregivers may submit their concerns to courts in writing.

(c) It is in the children's best interests that their caregivers are privy to important information about them. This information is necessary to obtain social and health services for children, enroll children in school and extracurricular activities, and update social workers and court personnel about important developments affecting foster children.

(d) Most school districts and extracurricular organizations require proof of age before enrolling a child in their programs. Moreover, caregivers are required to obtain a medical appointment for their foster children within the first month of receiving the children into their homes. It would therefore be in both the children's and the caregivers' best interests to be provided with any available medical information, medications and instructions for use, and identifying information about the children upon receiving the children into their homes.

(e) Caregivers should have certain basic information in order to provide for the needs of children placed in their care, including all of the following:

(1) The name, mailing address, telephone number, ~~and~~ facsimile ~~number~~ number, and email address of the child's social worker and the social worker's supervisor.

(2) The name, mailing address, telephone number, ~~and~~ facsimile ~~number~~ number, and email address of the child's attorney and court-appointed special advocate (CASA), if any.

(3) The name, address, and department number of the juvenile court in which the child's juvenile court case is pending.

(4) The case number assigned to the child's juvenile court case.

(5) A copy of the child's birth certificate, passport, or other identifying documentation of age as may be required for enrollment in school and extracurricular activities.

(6) The child's State Department of Social Services identification number.

(7) The child's Medi-Cal identification number or group health insurance plan number.

(8) Medications or treatments in effect for the child at the time of placement, and instructions for their use.

(9) A plan outlining the child's needs and services, including information on family and sibling visitation.

(f) Caregivers should have knowledge of all of the following:

(1) Their right to receive notice of all review and permanency hearings concerning the child during the placement.

(2) Their right to attend those hearings or submit information they deem relevant to the court in writing.

(3) The "Caregiver Information Form" (Judicial Council Form JV-290), which allows the caregiver to provide information directly to the court.

(4) Information about and referrals to any existing services, including transportation, translation, training, forms, and other available services.

(5) The caregiver's obligation to cooperate with any reunification, concurrent, or permanent planning for the child.

(6) Any known siblings or half-siblings of the child, whether the child has, expects, or desires to have contact or visitation with any or all siblings, and how and when caregivers facilitate the contact or visitation.

(g) Courts should know, at the earliest possible date, the interest of the caretaker in providing legal permanency for the child.

Amendment 3

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

AMENDMENTS TO ASSEMBLY BILL NO. 2782

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

An act to add Chapter 5 (commencing with Section 104895.50) to Part 3 of Division 103 of the Health and Safety Code, relating to public health.

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

SECTION 1. The Legislature finds and declares as follows:

(a) Over 2.3 million California adults report have been diagnosed with diabetes, representing one out of every 12 adult Californians. The vast majority of diabetes cases in California are type II, affecting 1.9 million adults.

(b) According to the State Department of Public Health, diabetes is the seventh leading cause of death in California and has been determined to be the underlying cause of death for almost 8,000 people each year.

(c) Adults with type II diabetes more often have other health problems. Half of adults with type II diabetes also have hypertension. This rate of occurrence is twice as high as for those without diabetes. Adults with diabetes are also twice as likely to have cardiovascular disease than adults without diabetes.

(d) Adults with diabetes are 50 percent more likely to have arthritis than adults without diabetes. Over 40 percent of new cases of kidney failure are attributed to diabetes. New cases of kidney failure declined slightly from 2001 to 2007, but began to increase again after 2007.

(e) Hispanics, African Americans, American Indians, Alaska Natives, Asian Americans, Native Hawaiians, and Pacific Islanders have a higher prevalence of type II diabetes than non-Hispanic whites. Hispanics and African Americans have two times higher prevalence: 7 percent of non-Hispanic Whites have type II diabetes, compared with 12 percent of Latinos, 9 percent of Asian Americans, 14 percent of Pacific Islander Americans, 13 percent of African Americans, and 17.5 percent of American Indian and Alaska Native populations. In some populations, type II diabetes remains undiagnosed. For example, more than half of Asian Americans with type II diabetes, and even more Asian Americans with prediabetes, are undiagnosed. Nationally, the lifetime risk of developing diabetes is now 40 percent, or 2 of every 5 adults, and exceeds 50 percent for Hispanic men and women and non-Hispanic black women. If trends are not reversed, it is predicted that 40 percent of Americans and nearly half of Latino and African American children born in the year 2000 will develop type II diabetes in their lifetime.

(f) The prevalence of obesity in the United States has increased dramatically over the past 30 years. In California, obesity rates have increased even more, rising from 8.9 percent in 1984 to 23.8 percent in 2011. Although no group has escaped the epidemic, low-income populations and communities of color are disproportionately affected.

(g) The rate of children who are overweight has also increased dramatically in recent decades. In 2010, 38 percent of California children in grades 5, 7, and 9 were overweight or obese. Thirty-one of California's 58 counties experienced an increase in childhood obesity from 2005 to 2010.

(h) In 2006, overweight and obesity-related health costs in California were estimated at almost $21 billion. The cost of health care alone for diabetes in California in 2010 is estimated to have been $13 billion.

(i) There is overwhelming evidence of the link between obesity, diabetes, and heart disease and with the consumption of sweetened beverages, including soft drinks, energy drinks, sweet teas, and sports drinks. California adults who drink one or more per day are 27 percent more likely to be overweight or obese, regardless of income or ethnicity.

(j) According to nutritional experts, sweetened beverages, such as soft drinks, energy drinks, sweet teas, and sports drinks, offer little or no nutritional value, but massive quantities of added sugars. A 20-ounce bottle of soda contains the equivalent of approximately 16 teaspoons of sugar, yet the American Heart Association recommends that Americans consume no more than five to nine teaspoons of sugar per day.

(k) Research shows that almost half of the extra calories Americans consume in their diet comes from sugar-sweetened beverages, with the average American drinking nearly 50 gallons of sugar-sweetened beverages a year, the equivalent of 39 pounds of extra sugar every year.

(*l*) Research shows that 41 percent of California children from 2 to 11 years of age, inclusive, and 62 percent of California teens from 12 to 17 years of age, inclusive, drink soda daily, and for every additional serving of sweetened beverage that a child consumes per day, the likelihood of the child becoming obese increases by 60 percent.

(m) Sugary drinks are a unique contributor to excess caloric consumption. A large body of research shows that calories from sugary drinks do not satisfy hunger the way calories from solid food or beverages containing fat or protein do, such as those containing milk and plant-based proteins. As a result, sugary beverages tend to add to the calories people consume rather than replace them.

(n) Dental caries, commonly referred to as tooth decay, is the most common chronic childhood disease, and by third grade tooth decay affects almost two-thirds of the children in California. Twenty-eight percent of elementary school children– some 750,000– have untreated tooth decay. Dental disease caused by tooth decay is linked to broader health problems, including cardiovascular disease, strokes and diabetes. It can lead to serious health, developmental, and social concerns, as well as significantly increased cost of restorative care and reliance on high-cost health care settings like hospital emergency departments.

(o) Research shows that low income and minority populations disproportionately feel the burden of tooth decay, as low-income children suffer twice as much from dental disease as those from higher income families, and their disease is more likely to be untreated. Nationally, 32 percent of Latino children and 28 percent of African American children have untreated tooth decay, compared to only 18 percent of white children. Pain and infection from untreated tooth decay impairs concentration and learning in students and leads to missed schooldays.

(p) Sugar is the primary and necessary factor in the development of tooth decay. In addition to sugar, the acids found in beverages like soda, energy drinks, and juice erode tooth enamel, making sweetened beverage consumption one of the most significant contributors to dental caries in children. Children from families of low socioeconomic status have a significantly higher consumption of soda and other types of sugary beverages.

(q) It is the intent of the Legislature in creating the Healthy California Fund to diminish the human and economic costs of diabetes, obesity, heart disease, and dental disease in California. The fund is intended to create a dedicated revenue source for health, education, and wellness programs designed to prevent and treat obesity, diabetes, and heart and dental disease and to reduce the burden of attendant health conditions that result from the overconsumption of sugar-sweetened beverages.

SEC. 2. Chapter 5 (commencing with Section 104895.50) is added to Part 3 of Division 103 of the Health and Safety Code, to read:

CHAPTER 5. HEALTHY CALIFORNIA FUND

104895.50. The following definitions shall apply for purposes of this chapter:

(a) (1) "Beverage for medical use" means a beverage suitable for human consumption and manufactured for use as an oral nutritional therapy for persons who cannot absorb or metabolize dietary nutrients from food or beverages, or for use as an oral rehydration electrolyte solution for infants and children formulated to prevent or treat dehydration due to illness.

(2) "Beverage for medical use" includes a "medical food." Consistent with Section 5(b)(3) of the Orphan Drug Act (Public Law 97-414; at 21 U.S.C. 360ee(b)(3)), "medical food" means a food that is formulated to be consumed or administered enterally under the supervision of a physician and that is intended for the specific dietary management of a disease or condition for which distinctive nutritional requirements, based on recognized scientific principles, are established by medical evaluation.

(3) "Beverage for medical use" does not include drinks commonly referred to as "sports drinks," or any other derivative or similar terms.

(b) "Board" means the State Board of Equalization.

(c) "Bottle" means any closed or sealed container, regardless of size or shape, including, without limitation, those made of glass, metal, paper, plastic, or any other material or combination of materials.

(d) "Bottled sugar-sweetened beverage" means any sugar-sweetened beverage contained in a bottle that is ready for consumption without further processing, such as dilution or carbonation.

(e) "Caloric sweetener" means any caloric substance suitable for human consumption that humans perceive as sweet, including, but not limited to, sucrose, fructose, glucose, fruit juice concentrate, or other sugars. "Caloric sweetener" excludes noncaloric sweeteners. For purposes of this definition, "caloric" means a substance that adds calories to the diet of a person who consumes that substance.

(f) "Consumer" means a person who purchases a sugar-sweetened beverage for consumption and not for sale to another.

(g) "Distributor" means any person, including a manufacturer or wholesale dealer, who receives, stores, manufactures, bottles, or distributes bottled sugar-sweetened beverages, syrups, or powders for sale to retailers doing business in the state, or any combination of these activities, whether or not that person also sells those products to consumers.

(h) "Fund" means the Healthy California Fund.

(i) "Milk" means natural liquid milk, regardless of animal or plant source or butterfat content, natural milk concentrate, whether or not reconstituted, or dehydrated natural milk, whether or not reconstituted.

(j) "Natural fruit juice" means the original liquid resulting from the pressing of fruits, or the liquid resulting from the dilution with water of dehydrated natural fruit juice.

(k) "Natural vegetable juice" means the original liquid resulting from the pressing of vegetables, or the liquid resulting from the dilution with water of dehydrated natural vegetable juice.

(*l*) "Noncaloric sweetener" means any noncaloric substance suitable for human consumption that humans perceive as sweet, including, but not limited to, aspartame, acesulfame-K, neotame, saccharin, sucralose, and stevia. "Noncaloric sweetener" excludes caloric sweeteners. For purposes of this definition, "noncaloric" means a substance that contains fewer than five calories per serving.

(m) "Person" means a natural person, partnership, cooperative association, limited liability company, corporation, personal representative, receiver, trustee, assignee, or other legal entity.

(n) "Place of business" means any place where sugar-sweetened beverages, syrups, or powders are manufactured or received for sale in the state.

(o) "Powder" means any solid mixture of ingredients used in making, mixing, or compounding sugar-sweetened beverages by mixing the powder with one or more other ingredients, including, but not limited to, water, ice, syrup, simple syrup, fruits, vegetables, fruit juice, vegetable juice, or carbonation or other gas.

(p) "Retailer" means any person who sells or otherwise dispenses in the state a sugar-sweetened beverage to a consumer whether or not that person is also a distributor.

(q) "Sale" means the transfer of title or possession for valuable consideration, regardless of the manner by which the transfer is completed.

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

(s) (1) "Sugar-sweetened beverage" means any nonalcoholic beverage, carbonated or noncarbonated, that is sold for human consumption and contains added caloric sweetener. As used in this subdivision, "nonalcoholic beverage" means any beverage that contains less than one-half of 1 percent alcohol per volume.

(2) "Sugar-sweetened beverage" does not include any of the following:

(A) Bottled sugar-sweetened beverages, syrups, and powders sold to the United States government and American Indian tribal governments.

(B) Bottled sugar-sweetened beverages, syrups, and powders sold by a distributor to another distributor that is registered pursuant to Section 104895.58 if the sales invoice clearly indicates that the sale is exempt. If the sale is to a person who is both a distributor and a retailer, the sale shall also be fee-exempt and the fee shall be paid when the purchasing distributor or retailer resells the product to a retailer or a consumer. This exemption does not apply to any other sale to a retailer.

(C) Beverages sweetened solely with noncaloric sweeteners.

(D) Beverages consisting of 100 percent natural fruit or vegetable juice, with no added caloric sweetener.

(E) Beverages in which milk, or soy, rice, or similar milk substitute, is the primary ingredient or the first listed ingredient on the label of the beverage.

(F) Beverages with fewer than five grams of added sugar or other caloric sweeteners per 12 ounces.

(G) Coffee or tea without added caloric sweetener.

(H) Infant formula.

(I) Beverages for medical use.

(J) Water without any caloric sweetener.

(t) "Syrup" means a liquid mixture of ingredients used in making, mixing, or compounding sugar-sweetened beverages using one or more other ingredients, including, but not limited to, water, ice, powder, simple syrup, fruits, vegetables, fruit juice, vegetable juice, carbonation, or other gas.

(u) "Water" includes nonflavored water, or water flavored with noncaloric "natural fruit essence" or "natural flavor." The source of the water may be artesian, mineral, spring, or well. The type of water may also include carbonated, such as sparkling, club, or seltzer, and still, distilled, or purified, such as demineralized, deionized, or reverse osmosis.

(v) "Culturally and linguistically appropriate" means meeting the requirements of paragraphs (1) and (2) of subdivision (c) of Section 2190.1 of the Business and Professions Code.

104895.51. (a) (1) The Healthy California Fund is hereby established in the State Treasury with the purpose of diminishing the human and economic costs of diabetes, obesity, heart disease, and dental disease in California. The fund shall support culturally and linguistically appropriate programs and interventions that use educational, environmental, policy, and systems change, and other public health approaches to improve access to, and consumption of, healthy and affordable foods and beverages, reduce access to, and consumption of, calorie-dense and nutrient-poor foods, encourage physical activity and decrease sedentary behavior, improve oral health literacy, raise awareness about the importance of nutrition and physical activity in the prevention of obesity and diabetes, and raise awareness of the impact of nutrition and oral health habits on dental disease.

(2) The majority of expenditures shall be directed to support comprehensive policy, systems, and environmental change approaches that promote healthy eating, active living, and improved oral health, including, but not limited to, those recommended by the Institute of Medicine and the federal Centers of Disease Control and Prevention. The fund shall consist of all fees, interest, penalties, and other amounts collected pursuant to this chapter, less refunds and reimbursement for expenses incurred in the administration and collection of the fees.

(b) Fifty-one percent of the moneys in the fund shall be allocated to the State Department of Public Health and distributed for the following purposes:

(1) Twenty-seven percent to develop and administer a regular grant program to all county and city health departments, or their nonprofit designee, seeking to invest in obesity, diabetes, and dental disease prevention activities. Funds shall be distributed

in a reasonable proportion for prevention activities across the three chronic diseases and pursuant to the Target Population Funding Criteria under Section 104895.52.

(2) Twenty-eight percent to develop and administer a competitive grant program for nonprofit and community based organizations seeking to invest in obesity, diabetes, and dental disease prevention activities. At least 15 percent and up to 20 percent of these funds shall be used to support nonprofit organizations working statewide, including those that provide capacity building and technical assistance services. At least 8 percent of these funds shall be used for statewide priority population leadership networks, including African American, Hispanic, American Indian and Alaska Native, Asian American, Native Hawaiian and Pacific Islander and low socioeconomic status populations. Grants to community-based organizations shall be distributed in a reasonable proportion for prevention activities across the three chronic diseases and shall meet the Target Population Funding Criteria pursuant to Section 104895.52.

(3) Twenty-eight percent to develop and administer a competitive grant program for clinics licensed under subdivision (a) of Section 1204 to invest in a comprehensive approach to obesity, diabetes, and dental disease prevention and treatment activities. In addition to direct services, funding shall support programs that use culturally and linguistically appropriate educational and other public health approaches that raise awareness about the importance of nutrition and physical activity in the prevention of childhood obesity, diabetes, and dental disease. Funds shall be distributed in a reasonable proportion for prevention activities across the three chronic diseases and pursuant to the target population funding criteria specified in Section 10895.52.

(4) Seven percent to the department or its nonprofit partners for statewide advertising and media campaigns, including social media initiatives, to change social and cultural norms around risk factors for chronic diseases, including diet and physical activity, and dental disease prevention. The statewide advertising and media campaigns shall be guided by a subcommittee of the Oversight Committee pursuant to Section 104895.53 and ensure that advertising and media campaigns are tailored for the populations most affected, as listed in subdivision (a) of Section 104895.52.

(5) Ten percent to the department, of which no more than 3 percent may be used for administration of the Fund to include technical assistance to potential grantees and its prevention activities; a minimum of 3 percent for independent evaluation; 1 percent subgranted to California-based public universities or nonprofits to strengthen chronic disease surveillance, including measures to track economic, racial, and ethnic disparities and health inequities; and 3 percent to the department's Oral Health Program to support statewide coordination and delivery of preventive dental health programs and to ensure that funding is directed to programs in accordance with the implementation of the Oral Health Program.

(c) Four percent to the Expanded Access to Primary Care, Rural Health Services Development, Health of Seasonal Agricultural Migratory Workers, and Indian Health programs in the State Department of Health Care Services. Funds shall be used to support culturally and linguistically appropriate clinic-based obesity and diabetes prevention and related disease management pursuant to subdivision (v) of Section 104895.50 with no more than 3 percent going towards department administrative costs.

(d) Twenty-five percent to the Department of Education and distributed for the following purposes and pursuant to the Target Population Funding Criteria, under

Section 104895.52, with no more than three percent to be used for department administrative costs:

(1) Twenty-eight percent to administer a competitive grant program for school districts for educational, environmental, policy, and other public health approaches that promote physical activity. The approaches funded pursuant to this paragraph may include improving or constructing school recreational facilities that are used for recess and physical education, joint-use activities during after hours, providing continuing education training for physical education teachers, hiring qualified physical education teachers, and implementing Safe Routes to School programs.

(2) Thirty-one percent to administer a competitive grant program for school districts for educational, environmental, policy, and other public health approaches that promote improved nutrition and access to healthy foods and beverages. The approaches funded pursuant to this paragraph may include improving the quality and nutrition of school breakfasts, lunches, and snacks, increasing access to federal meal programs for underserved populations, and incorporating practical nutrition education into the curriculum.

(3) Fourteen percent to the California Farm to School Program administered by the department.

(4) Twenty-four percent to administer a competitive grant program for school districts for ensuring access to clean drinking water throughout the schoolday, including, but not limited to, drinking fountains and water bottle refilling stations.

(e) Twenty percent to the Department of Food and Agriculture, to be distributed equally for the following purposes, with no more than 3 percent going towards department administrative costs:

(1) To the Office of Farm to Fork, including, but not limited to, consumer incentive programs, pursuant to Section 49001 of the Food and Agricultural Code.

(2) To the Office of Farm to Fork, Chapter 12 (commencing with Section 49001) of Division 17 of the Food and Agricultural Code, to administer a competitive grant program to aide community food producers, as defined under Section 113752, or socially disadvantaged, beginning, military veteran, or limited resource specialty crop producers that improve the health and resilience of their communities by increasing access to any variety of fresh, canned, dried, or frozen whole or cut fruits and vegetables without added sugars, fats or oils, and salt.

104895.52. (a) The target populations described in paragraphs (1) to (5), inclusive, at a minimum, shall be the focus of the campaign implemented pursuant to this chapter, and all moneys in the fund, including those designated for statewide activities, shall be allocated with no less than 60 percent priority given to communities located in zip codes with the highest 30 percentile of type II diabetes, as reported by the California Health Interview Survey (CHIS) conducted by the University of California, Los Angeles Center for Health Policy Research. Departments shall use the most current survey data available in identifying the following populations:

(1) African American, Hispanic, American Indian and Alaska Native, Asian American, Native Hawaiian, and Pacific Islander.

(2) Low socioeconomic status populations.

(3) Zip codes with the top 30th percentile of rates of type II diabetes.

(4) Communities identified as dentally underserved or with high rates of dental disease.

(5) At-risk populations, as determined by the California Health Interview Survey (CHIS) and other data sources.

(b) Pursuant to this chapter, the State Department of Public Health and the State Department of Education shall use the most current survey data available to target all moneys in the fund to address the needs of the identified target populations using the following criteria and methodologies:

(1) For funding to the California Department of Public Health:

(A) (i) Pursuant to the county and local government funding criteria, funding shall be focused and primarily expended on programs and activities with a priority and focus on directly serving communities identified in paragraph (1) of subdivision (a), and where consumption of bottled sugar-sweetened beverages is the highest, in neighborhoods with schools with a high concentration of students who qualify for supplemental and concentration grants, pursuant to Section 2574 of the Education Code, and in neighborhoods with a demonstrated need for services, including a high concentration of Medi-Cal eligible residents.

(ii) The department shall develop a funding formula to provide a minimum base level to all county and city health departments with the additional amount weighted to reflect the number of residents in each jurisdiction living below 150 percent of the federal poverty level. Funding shall be dependent on each local health department submitting an approved implementation plan and maintaining a community coalition to support the objectives of the funding. At least one third of each jurisdiction's funds shall be subgranted to community partners selected through a competitive process with a priority and focus on directly serving communities and populations described in paragraph (1) of subdivision (a).

(B) Grants for nonprofit and community-based organizations, pursuant to paragraph (2) of subdivision (b) of Section 104895.51, shall be reserved for providing activities in communities described in paragraph (1) of subdivision (a) and assisting populations that are no more than 150 percent above the poverty level. Priority shall be given to culturally and linguistically appropriate activities, pursuant to subdivision (v) of Section 104895.50. Those activities shall directly serve communities with a demonstrated need for health care services, including those with high levels of limited–English-Proficient residents.

(2) Funding to the State Department of Education shall be focused and primarily expended on campuses located in neighborhoods and serving children, pursuant to paragraph (1) of subdivision (a), with a high density of students who qualify for the National School Lunch Program or the federal School Breakfast Program, more than 50 percent of students who would qualify for supplemental or concentration grants, pursuant to Section 2574 of the Education Code, and a demonstrated need that may include showing that access to fresh fruits and vegetables is limited in the neighborhood surrounding the school.

104895.53. (a) Upon appropriation by the Legislature, all moneys in the fund shall be expended only for the purposes expressed in this chapter and shall be used only to supplement existing levels of service. Moneys in the fund shall not supplant any federal, state, or local funding for existing levels of service.

(b) The State Public Health Officer, the Secretary of the Department of Food and Agriculture, the Director of Health Care Services, and the Superintendent of Public Instruction may coordinate to establish regulations and procedural measures necessary

to effectuate the purposes of this chapter. The regulations may provide for specific programs to be funded consistent with the allocation of funds as set forth in this chapter. In establishing these regulations, the departments shall give particular consideration to reducing the prevalence of diabetes, as identified by data from the CHIS and other data sources.

(c) The California State Auditor's office shall conduct periodic audits to ensure that the annual allocation to individual programs is awarded by the fund in a timely fashion consistent with the requirements of this chapter. The first audit shall be conducted no later than 24 months after the effective date of this section.

104895.54. (a) The Healthy California Fund Oversight Committee is hereby created in state government. The committee shall advise the State Department of Public Health, the State Department of Health Care Services, the Department of Food and Agriculture, and the State Department of Education with respect to policy development, integration, and evaluation of the state and local programs funded under this chapter, and shall develop a master plan for the future implementation of diabetes, obesity, and dental disease prevention programs.

(b) The committee shall be composed of 13 members to be appointed as follows, with specific consideration to address the needs of the target populations described in Section 104895.52:

(1) Two members representing nonprofit public health organizations dedicated to healthy eating, active living, and diabetes and obesity prevention, appointed by the Speaker of the Assembly.

(2) One member representing an organization that represents the health center community, appointed by the Senate Rules Committee.

(3) One member of a professional education association, such as an association of teachers, appointed by the Senate Rules Committee.

(4) One representative of a professional dental organization, a nonprofit dental health organization, or representing an organization dedicated to dental disease prevention, appointed by Governor.

(5) One member of a university facility with expertise in programs intended to promote healthy eating, active living, and diabetes and obesity prevention, appointed by the Governor.

(6) Two representatives of a target population group, appointed by the Governor.

(7) One representative of the State Department of Public Health, appointed by the Governor.

(8) One representative of the State Department of Health Care Services, appointed by the Governor.

(9) One representative of the Department of Food and Agriculture, appointed by the Governor.

(10) One representative of the State Department of Education, appointed by the Superintendent of Public Instruction.

(11) One representative of local health departments, appointed by the Governor.

(c) Members shall serve for a term of three years, renewable at the option of the appointing authority, with up to two consecutive terms. The initial appointments of members shall be for two or three years, to be drawn by random lot at the first meeting. The committee shall be staffed by the coordinator of the State Department of Public Health programs created pursuant to subdivision (b) of Section 104895.51.

(d) The committee shall meet as often as it deems necessary, but not fewer than four times per year.

(e) The members of the committee shall serve without compensation, but shall be reimbursed for necessary travel expenses incurred in the performance of the duties of the committee.

(f) An equity subcommittee shall be established as part of the Oversight Committee to ensure progress on advancing health equity.

104895.55. The committee shall be advisory to the State Department of Public Health, the State Department of Health Care Services, the Department of Food and Agriculture, and the State Department of Education, for the following purposes:

(a) Evaluating programs and interventions funded under this chapter as necessary in order to assess the overall effectiveness of efforts made by the program to promote healthy eating and active living and to prevent diabetes and obesity. In order to evaluate programs, the committee shall seek the cooperation and assistance of the State Department of Public Health, the State Department of Health Care Services, the Department of Food and Agriculture, the State Department of Education, the University of California, local health departments, local education agencies, administrative representatives, target populations, school officials, nongovernmental organizations, and researchers. A principal measurement of effectiveness shall be the reduction of diabetes and obesity and the increased consumption of healthy foods and levels of physical activity among a given target population.

(b) Facilitating programs directed at promoting healthy eating and active living and preventing diabetes and obesity that are operated jointly by more than one agency or entity. The committee shall propose strategies for the coordination of proposed programs administered by the State Department of Public Health, the State Department of Health Care Services, the Department of Food and Agriculture, and the State Department of Education, and local lead agencies, in order to avoid the duplication of services and to maximize the public benefit of the programs.

(c) Making recommendations to the Department of Public Health, the Department of Health Care Services, the Department of Food and Agriculture, and State Department of Education regarding the most appropriate selection criteria for, and standards of, the operation and the types of programs to be funded under this chapter.

(d) (1) Notwithstanding Section 10231.5 of the Government Code, reporting to the Legislature on or before January 1 of each year on the number and scope of programs funded by the Healthy California Fund created by Section 104895.51, the amount of money in the fund, any moneys previously appropriated to the State Department of Public Health, the State Department of Health Care Services, the Department of Food and Agriculture, and the State Department of Education, but unspent by the departments, a description and assessment of all programs funded under this chapter, and recommendations for any necessary policy changes or improvements for program interventions and strategies.

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

(e) Ensuring that the most current research findings regarding diabetes and obesity prevention are applied in designing the programs administered by the State Department of Public Health, the State Department of Health Care Services, the Department of Food and Agriculture, and the State Department of Education. The

departments shall apply the most current findings and recommendations of research and best practice.

(f) Based on the results of programs supported by this chapter and any other proven methodologies available to the committee, producing a comprehensive master plan for implementing diabetes and obesity prevention programs throughout the state to increase healthy eating and active living, reduce food insecurity, and promote sustainable, healthy, resilient communities. The master plan shall include longitudinal data on obesity prevalence and incidence rates, data on diabetes prevalence and incidence rates, and longitudinal information on sweetened beverage consumption rates across the state population. The master plan shall also include implementation strategies for programs to address the needs of underserved and at-risk target populations throughout this state. The Healthy California Fund Oversight Committee shall submit the master plan to the Legislature biennially, in compliance with Section 9795 of the Government Code. The master plan and its revisions shall include recommendations for administrative arrangements, funding priorities and integration and coordination of approaches by the Department of Public Health, the Department of Health Care Services, the Department of Food and Agriculture, and State Department of Education and their support systems, local lead agencies, and nongovernmental organizations, as well as progress reports relating to the needs of specific target populations.

104895.56. (a) A health impact fee is hereby imposed on every distributor for the privilege of distributing bottled sweetened beverages and concentrate in the state, for deposit into the fund. The fees shall be calculated as follows:

(1) The fee on bottled sweetened beverages distributed in this state shall be two cents ($0.02) per fluid ounce.

(2) The fee on concentrates distributed in the state either as concentrate or as a sweetened beverage derived from that concentrate shall be equal to two cents ($0.02) per fluid ounce of sweetened beverage produced from that concentrate. For purposes of calculating the fee for concentrate, the volume of sweetened beverage to be produced from concentrate shall be the largest volume resulting from use of the concentrate according to any manufacturer's instructions.

(b) In each transaction described in subdivision (a), the distributor shall include the following information on each receipt, invoice, or other form of accounting for the distribution of bottled sweetened beverages or concentrate:

(1) The name and address of the distributor.

(2) The name and address of the purchaser.

(3) The date of sale and invoice number.

(4) The kind, quantity, size, and capacity of packages of bottled sweetened beverages, sweetened beverages, or concentrate sold.

(5) The amount of fees due from the distributor on the sale of the bottled sweetened beverages, sweetened beverages, or concentrate.

(6) Any other information, as required by the board.

(c) The program shall develop reimbursement criteria to enable participating departments to recover administrative costs associated with collecting the charge.

(d) This section shall not preempt a city or county from enacting or enforcing an ordinance related to taxation of sugar-sweetened beverages if the ordinance is more stringent than this section.

104895.57. (a) (1) No later than July 1, 2017, and annually thereafter, the State Department of Public Health, the State Department of Health Care Services, the Department of Food and Agriculture, and the State Department of Education shall commence preparation of a program budget for the following calendar year. The budgets shall include all of the following information:

(A) Anticipated revenues and costs of implementing the program, including related programs, projects, contracts, and administrative expenses.

(B) A recommended funding level sufficient to cover the program's budgeted costs and to operate the program over a multiyear period in a prudent and responsible manner.

(C) The amount of the health impact fees, as described in Section 104895.56, and itemization of costs that the fees cover.

(2) The State Department of Public Health, the State Department of Health Care Services, the Department of Food and Agriculture, and the State Department of Education shall solicit feedback on their proposed budgets from the Healthy California Fund Oversight Committee before adopting a final budget.

(3) The departments shall adopt final program budgets for purposes of this chapter by October 1 of each year.

(b) The fund shall reimburse the State Department of Public Health, the State Department of Health Care Services, the Department of Food and Agriculture, and the State Department of Education for administration and implementation costs the departments incur pursuant to this chapter, as provided in subdivision (c). The reimbursement shall not exceed the departments' direct costs to implement and enforce this chapter.

(c) The State Department of Public Health, the State Department of Health Care Services, the Department of Food and Agriculture, and the State Department of Education shall deposit all moneys submitted for reimbursement costs by the program into the Healthy California Fund Administration Account, which is hereby established within the fund. Upon appropriation by the Legislature, moneys in the account shall be expended by the departments to administer and enforce this chapter and to repay any outstanding loans made from other funds used to finance startup costs of the department's activities pursuant to this chapter.

104895.58. (a) The board shall administer and collect the charges imposed by this chapter pursuant to the Fee Collection Procedures Law (Part 30 (commencing with Section 55001) of Division 2 of the Revenue and Taxation Code). The board may use no more than 3 percent of the revenues generated to cover its administrative costs in collecting the fees imposed under this chapter.

(b) The board may prescribe, adopt, and enforce regulations relating to the administration and enforcement of this chapter, including, but not limited to, collections, reporting, refunds, and appeals.

(c) The board may adopt regulations to implement this chapter. The adoption, amendment, repeal, or readoption of a regulation authorized by this section is deemed to address an emergency, for purposes of Sections 11346.1 and 11349.6 of the Government Code, and the board is hereby exempted for this purpose from the requirements of subdivision (b) of Section 11346.1 of the Government Code.

104895.59. The fees imposed by this chapter are due and payable to the board on or before the last day of the first month following each calendar quarter.

104895.60. (a) On or before the last day of the first month following each calendar quarter, a return for the preceding calendar quarter shall be filed with the board using electronic media.

(b) The board may prescribe those forms and reporting requirements as are necessary to implement the fees, including, but not limited to, information regarding the total amount of bottled sweetened beverages and concentrate sold and the amount due.

(c) Returns shall be authenticated in a form or pursuant to methods prescribed by the board.

104895.61. A distributor required to pay the fees imposed under this chapter shall register with the board. An application for registration shall be made upon a form prescribed by the board and shall set forth the name under which the applicant transacts or intends to transact business, the location or locations of each place of business, and any other information required by the board. An application for an account under this section shall be authenticated in a form, or pursuant to methods, prescribed by the board.

104895.62. The distribution of bottled sweetened beverages or concentrate by a distributor to either of the following persons shall be exempt from the fees imposed by this chapter:

(a) A person when, pursuant to the contract of sale, the bottled sweetened beverages or concentrate shall be shipped, and are shipped, to a point outside of this state by the distributor by means of either of the following:

(1) Facilities operated by the distributor.

(2) Delivery by the distributor to a carrier, customs broker, or forwarding agent, whether hired by the purchaser or not, for shipment to the out-of-state point.

(b) A person who is otherwise exempt from the taxation of that sale, use, or consumption under the Constitution of the United States, federal law or regulation, or the California Constitution.

104895.63. A distributor who has paid a fee, either directly to the state or to another distributor registered under this chapter and makes a subsequent distribution of bottled sweetened beverages or concentrate may claim a credit on the distributor's return for the period in which the subsequent sale or distribution occurs.

Amendment 3
On page 1, strike out lines 1 to 5, inclusive, and strike out page 2

AMENDMENTS TO ASSEMBLY BILL NO. 2785

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

to amend Sections 430, 435, and 444 of, and to add Section 447 to, the Education Code,

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

English language acquisition.

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

SECTION 1. Section 430 of the Education Code is amended to read:

430. (a) This chapter shall be known, and may be cited, as the English Learner and Immigrant Pupil Federal Conformity Act.

(b) The purpose of this chapter is to ensure that instructional services are provided to pupils with limited English proficiency in conformity with federal requirements that are designed to ensure that all pupils have reasonable access to educational opportunities that are necessary in order for the pupils to achieve at high levels in English and in the other core curriculum areas of instruction.

(c) This chapter is intended to be declaratory of Title III of the federal ~~No Child Left Behind Act of 2001~~ Every Student Succeeds Act (20 U.S.C. Sec. 6301 et seq.) and is intended to assist local educational agencies in understanding the requirements and funding formulas to provide allowable services. It is the intent of the Legislature that, to the extent federal law is amended, this chapter will be amended to conform to those changes.

(d) The requirements of this chapter apply only to local educational agencies that receive federal funds pursuant to Title III of the federal ~~No Child Left Behind Act of 2001.~~ Every Student Succeeds Act.

SEC. 2. Section 435 of the Education Code is amended to read:

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

(a) "English learner" or "pupil of limited English proficiency" means a pupil who was not born in the United States or whose native language is a language other than English or who comes from an environment where a language other than English is dominant; and whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual the ability to meet the state's proficient level of achievement on state assessments, the ability to successfully achieve in classrooms where the language of instruction is English, or the opportunity to participate fully in society.

(b) "Immigrant pupil" means a pupil who was born in a country other than the United States and who has attended a kindergarten class or any of grades 1 to 12, inclusive, in a school in the United States for three or fewer years.

(c) "Federal ~~No Child Left Behind Act of 2001"~~ Every Student Succeeds Act" means Public Law Number ~~107-110~~ 114–95 (20 U.S.C. Sec. ~~6801,~~ 6301, et seq.).

SEC. 3. Section 444 of the Education Code is amended to read:

444. In accordance with Section 6826 (c) of Title 20 of the United States Code, a local educational agency that receives a federal subgrant pursuant to Sections 6801 and following of Title 20 of the United States Code shall include in its plan a certification that all teachers in any language instruction education program for limited-English-proficient pupils that is, or will be, funded under Part A of Title III of the federal ~~No Child Left Behind Act of 2001~~ Every Student Succeeds Act are fluent in English and any other language used for instruction, including having written and oral communication skills.

SEC. 4. Section 447 is added to the Education Code, to read:

447. On or before January 1, 2018, the department shall review this chapter for conformity with the federal Every Student Succeeds Act, and shall report any necessary conforming changes to the Legislature pursuant to Section 9795 of the Government Code.

Amendment 4

On page 1, strike out lines 1 and 2

AMENDMENT TO ASSEMBLY BILL NO. 2789

Amendment 1
On page 1, in line 5, strike out "five" and insert:

seven

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AMENDMENTS TO ASSEMBLY BILL NO. 2790

Amendment 1

In the title, strike out line 1 and insert:

An act to amend Sections 101 and 205 of, and to add Chapter 3.7 (commencing with Section 5700) to Division 3 of, the Business and Professions Code, relating to professions and vocations.

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 101 of the Business and Professions Code is amended to read:

101. The department is comprised of the following:

(a) The Dental Board of California.

(b) The Medical Board of California.

(c) The State Board of Optometry.

(d) The California State Board of Pharmacy.

(e) The Veterinary Medical Board.

(f) The California Board of Accountancy.

(g) The California Architects Board.

(h) The Bureau of Barbering and Cosmetology.

(i) The Board for Professional Engineers and Land Surveyors.

(j) The Contractors' State License Board.

(k) The Bureau for Private Postsecondary Education.

(*l*) The Bureau of Electronic and Appliance Repair, Home Furnishings, and Thermal Insulation.

(m) The Board of Registered Nursing.

(n) The Board of Behavioral Sciences.

(o) The State Athletic Commission.

(p) The Cemetery and Funeral Bureau.

(q) The State Board of Guide Dogs for the Blind.

(r) The Bureau of Security and Investigative Services.

(s) The Court Reporters Board of California.

(t) The Board of Vocational Nursing and Psychiatric Technicians.

(u) The Landscape Architects Technical Committee.

(v) The Division of Investigation.

(w) The Bureau of Automotive Repair.

(x) The Respiratory Care Board of California.

(y) The Acupuncture Board.

(z) The Board of Psychology.

(aa) The California Board of Podiatric Medicine.

(ab) The Physical Therapy Board of California.

(ac) The Arbitration Review Program.

(ad) The Physician Assistant Committee.
(ae) The Speech-Language Pathology and Audiology Board.
(af) The California Board of Occupational Therapy.
(ag) The Osteopathic Medical Board of California.
(ah) The Naturopathic Medicine Committee.
(ai) The Dental Hygiene Committee of California.
(aj) The Professional Fiduciaries Bureau.
(ak) The State Board of Chiropractic Examiners.
(al) The Bureau of Real Estate.
(am) The Bureau of Real Estate Appraisers.
(an) The Structural Pest Control Board.
(ao) The Bureau of Medical Marijuana Regulation.
(ap) The Taxicab Commission.
~~(ap)~~
(aq) Any other boards, offices, or officers subject to its jurisdiction by law.

SEC. 2. Section 205 of the Business and Professions Code, as added by Chapter 510 of the Statutes of 2015, is amended to read:

205. (a) There is in the State Treasury the Professions and Vocations Fund. The fund shall consist of the following special funds:
(1) Accountancy Fund.
(2) California Architects Board Fund.
(3) Athletic Commission Fund.
(4) Barbering and Cosmetology Contingent Fund.
(5) Cemetery and Funeral Fund.
(6) Contractors' License Fund.
(7) State Dentistry Fund.
(8) Guide Dogs for the Blind Fund.
(9) Home Furnishings and Thermal Insulation Fund.
(10) California Architects Board-Landscape Architects Fund.
(11) Contingent Fund of the Medical Board of California.
(12) Optometry Fund.
(13) Pharmacy Board Contingent Fund.
(14) Physical Therapy Fund.
(15) Private Investigator Fund.
(16) Professional Engineer's, Land Surveyor's, and Geologist's Fund.
(17) Consumer Affairs Fund.
(18) Behavioral Sciences Fund.
(19) Licensed Midwifery Fund.
(20) Court Reporters' Fund.
(21) Veterinary Medical Board Contingent Fund.
(22) Vocational Nursing and Psychiatric Technicians Fund.
(23) Electronic and Appliance Repair Fund.
(24) Dispensing Opticians Fund.
(25) Acupuncture Fund.
(26) Physician Assistant Fund.
(27) Board of Podiatric Medicine Fund.
(28) Psychology Fund.

(29) Respiratory Care Fund.

(30) Speech-Language Pathology and Audiology and Hearing Aid Dispensers Fund.

(31) Board of Registered Nursing Fund.

(32) Animal Health Technician Examining Committee Fund.

(33) State Dental Hygiene Fund.

(34) State Dental Assistant Fund.

(35) Structural Pest Control Fund.

(36) Structural Pest Control Eradication and Enforcement Fund.

(37) Structural Pest Control Research Fund.

(38) Taxicab Fund.

(b) For accounting and recordkeeping purposes, the Professions and Vocations Fund shall be deemed to be a single special fund, and each of the several special funds therein shall constitute and be deemed to be a separate account in the Professions and Vocations Fund. Each account or fund shall be available for expenditure only for the purposes as are now or may hereafter be provided by law.

(c) This section shall become operative on July 1, 2016.

SEC. 3. Chapter 3.7 (commencing with Section 5700) is added to Division 3 of the Business and Professions Code, to read:

CHAPTER 3.7. TAXICAB DRIVERS

5700. This chapter may be cited as the Taxicab Driver Act.

5702. For the purposes of this chapter, the following definitions shall apply:

(a) "Commission" means the Taxicab Commission.

(b) "Department" means the Department of Consumer Affairs.

(c) "Taxicab" means a passenger vehicle designed for carrying not more than eight persons, excluding the driver, and used to carry passengers for hire. "Taxicab" shall not include a charter-party carrier of passengers within the meaning of Chapter 8 (commencing with Section 5351) of Division 2 of the Public Utilities Code.

5704. (a) The Taxicab Commission is hereby created within the department. The commission shall enforce and administer this chapter. The commission shall be responsible for the licensure and regulation of the profession of taxicab driving. Regulation of the business of providing taxicab transportation services shall remain under the jurisdiction of cities, counties, and cities and counties pursuant to Section 53075.5 of the Government Code.

(b) This section 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. Notwithstanding any other provision of law, the repeal of this section renders the commission subject to review by the appropriate policy committees of the Legislature.

5706. Protection of the public shall be the highest priority for the commission in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount.

5708. (a) (1) The commission shall be composed of nine members. Five members shall be public members, and four members shall be taxicab driver licensees. The Governor shall appoint three of the public members and the four licensee members. The Senate Committee on Rules and the Speaker of the Assembly shall each appoint one public member.

(2) An initial licensee member appointment may be a person who is applying for a license pursuant to this chapter, but who currently maintains a permit in good standing as a taxicab driver in at least one city, county, or city and county in this state and who meets the other requirements of Section 53075.5 of the Government Code. An initial licensee member shall have obtained his or her license by ____.

(b) Members of the commission shall be appointed for a term of four years, except that of the initial members appointed by the Governor, two of the public members and two of the licensee members shall be appointed for an initial term of two years. No commission member may serve longer than two consecutive terms.

5710. (a) The commission may appoint an executive officer who is exempt from civil service. The executive officer shall exercise the powers and perform the duties delegated by the commission and vested in him or her by this chapter. The appointment of the executive officer is subject to the approval of the director.

(b) This section 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.

5712. The commission may also employ examiners, inspectors, and other personnel necessary to carry out the provisions of this chapter.

5714. It shall be unlawful to drive a taxicab in this state unless the driver has been issued a license by the commission.

5716. The commission shall issue a license to a person who meets all of the following requirements:

(a) Has a valid California driver's license.

(b) Participates in a pull-notice system as described in Section 1808.1 of the Vehicle Code. Drivers with convictions for reckless driving, driving under the influence, hit-and-run, or driving with a suspended or revoked license shall not be eligible for licensure as a taxicab driver. An applicant may have a maximum of two points on his or her driving record.

(c) Participates in a mandatory controlled substance and alcohol testing certification program as adopted by the commission consistent with subparagraph (A) of paragraph (3) of subdivision (b) of Section 53075.5 of the Government Code.

5718. A person may apply for a license on a form developed by the commission. The nonrefundable application fee shall be ____ dollars ($0.00) and the amount described in paragraph (4) of subdivision (d) of Section 5716.

5720. (a) A person issued an initial license pursuant to Section 5716 shall pay a license fee to the commission in the amount of ____dollars ($0.00).

(b) A license shall expire in three years. A license may be renewed prior to expiration if the licensee completes a form developed by the board, which demonstrates continued compliance with the requirements of Section 5716, and pays a renewal fee in the amount of ____ dollars ($0.00).

5722. All fees collected pursuant to this chapter shall be deposited in the Taxicab Fund and shall be subject to appropriation by the Legislature.

5724. Any person who violates any of the provisions of this chapter shall be guilty of a misdemeanor, punishable by a fine not exceeding one thousand dollars ($1,000) or imprisonment in a county jail not exceeding six months, or by both.

5726. Nothing in this chapter shall be construed to prohibit a city, county, or city and county from imposing more stringent requirements on taxicab transportation services to the extent not consistent with this chapter.

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

Amendment 3

On page 1, strike out lines 1 and 2

AMENDMENTS TO ASSEMBLY BILL NO. 2792

Amendment 1
In the title, in line 1, strike out "amend Section 7282 of" and insert:

add Chapter 17.2 (commencing with Section 7283) to Division 7 of Title 1 of

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

local

Amendment 3
On page 2, before line 1, insert:

SECTION 1. (a) Transparency and accountability are essential minimum requirements for any collaboration between state and federal agencies.

(b) Recent immigration enforcement programs sponsored by the federal Immigration and Customs Enforcement agency (ICE) have suffered from a lack of transparency and accountability.

(c) For example, a federal judge found that ICE "went out of [its] way to mislead the public about Secure Communities," a deportation program in which ICE collaborated with local law enforcement agencies to identify people for deportation.

(d) The Legislature further found that Secure Communities harmed community policing and shifted the burden of federal immigration enforcement onto local law enforcement agencies.

(e) Although ICE has terminated the Secure Communities program, it continues to promote a number of similar programs, including the Priority Enforcement Program, the 287(g) Program, and the Criminal Alien Program.

(f) The Priority Enforcement Program has many similarities to Secure Communities, including the checking of fingerprints for immigration purposes at the point of arrest; the continued use of immigration detainers, which have been found by the courts to pose constitutional concerns; and the reliance on local law enforcement to assist in immigration enforcement.

(g) Just as with Secure Communities, numerous questions have been raised about whether ICE has been transparent and accountable with respect to its current deportation programs.

(h) This bill seeks to address the lack of transparency and accountability by ensuring that all ICE deportation programs that depend on entanglement with local law enforcement agencies in California are subject to meaningful public oversight and meet certain minimum standards.

SEC. 2. Chapter 17.2 (commencing with Section 7283) is added to Division 7 of Title 1 of the Government Code, to read:

CHAPTER 17.2. STANDARDS FOR PARTICIPATION IN UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT PROGRAMS

7283. For purposes of this chapter, the following terms have the following meanings:

(a) "Detainer request" means a federal Immigration and Customs Enforcement (ICE) request that a local law enforcement agency maintain custody of an individual currently in its custody beyond the time he or she would otherwise be eligible for release in order to facilitate transfer to ICE and includes, but is not limited to, Department of Homeland Security (DHS) Form I-247D.

(b) "ICE immigration enforcement program" means any program through which the federal Immigration and Customs Enforcement (ICE) agency works with local law enforcement agencies to detect, detain, transfer, or share information about individuals who allegedly are noncitizens or who have committed civil immigration violations, or to station ICE agents in local jails, and includes, but is not limited to, the Priority Enforcement Program, the 287(g) Program, and the Criminal Alien Program.

(c) "Local law enforcement agency" means any agency of a city, county, city and county, special district, or other political subdivision of the state that is authorized to enforce criminal statutes, regulations, or local ordinances; or to operate jails or to maintain custody of individuals in jails; or to operate juvenile detention facilities or to maintain custody of individuals in juvenile detention facilities.

(d) "Notification request" means an Immigration and Customs Enforcement request that a local law enforcement agency inform ICE of the release date and time of an individual in its custody and includes, but is not limited to, DHS Form I-247N.

(e) "Transfer request" means an Immigration and Customs Enforcement request that a local law enforcement agency facilitate the transfer of an individual in its custody to ICE, and includes, but is not limited to, DHS Form I-247X.

7293.1. (a) A local law enforcement agency may participate in a federal Immigration and Customs Enforcement (ICE) immigration enforcement program only if the law enforcement agency and the governing body of the political subdivision in which the law enforcement agency is located enter into a memorandum of understanding (MOU) that describes the terms and conditions pursuant to which the local law enforcement agency will participate in the immigration enforcement program. The MOU shall only take effect 30 days after ratification of the MOU by vote of the governing body of the political subdivision in which the law enforcement agency is located.

(b) The MOU and any records related to the development of the MOU, including, but not limited to, records of communication with ICE, shall be public records for purposes of the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1).

(c) An MOU enacted under this chapter shall be valid for a period not exceeding two years. Renewal of an MOU requires compliance with all of the provision of this chapter, including the public input process described in subdivision (d) and an evaluation of whether the conditions described in subdivision (e) have been fully implemented. An MOU may be renewed for a period not exceeding two years. An MOU may remain in effect for a period of not exceeding six months following the two-year period if the

renewal process began at least three months before expiration of the initial two-year period.

(d) Before entering into an MOU, the local governing body shall hold at least three community forums that are open to the public on different days, in accessible locations, and with at least 30 days notice to the public to provide information to the public about the policy under consideration and to receive and consider public comment. The community forums 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.

7293.2. (a) An MOU entered into pursuant to this chapter shall include all of the following:

(1) A provision requiring compliance with Sections 7282 and 7282.5, commonly known as the TRUST Act.

(2) A prohibition on law enforcement responses to ICE notification or transfer requests except in those situations in which a law enforcement official would have discretion to detain an individual on the basis of an immigration hold pursuant to Section 7282.5.

(3) A provision requiring compliance with any local ordinance or policy that limits law enforcement responses to ICE notifications, or detainer or transfer requests.

(4) A prohibition on executing an ICE detainer or transfer request that does not indicate, in writing, whether the request is supported by a judicial warrant.

(5) A plan to ensure that ICE does not have access to an individual protected from continued detention under Section 7282.5, including, but not limited to, notification of the presence of the individual in the custody of local law enforcement through data sharing or otherwise, the ability to interview the individual, and access to the personal identifying information, including work or home addresses, of the individual.

(b) Unless otherwise prohibited by a local ordinance, law enforcement policy, or an MOU entered into pursuant to this chapter, nothing in this chapter shall prohibit a local law enforcement agency from responding to an ICE notification or transfer request if a law enforcement official would have discretion to detain an individual on the basis of an immigration hold pursuant to Section 7282.5.

SEC. 3. The Legislature finds and declares that Section 2 of this act, which adds Chapter 17.2 (commencing with Section 7283) to Division 7 of Title 1 of the Government Code, furthers, within the meaning of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the purposes of that constitutional section as it relates to the right of public access to the meetings of local public bodies or the writings of local public officials and local agencies. Pursuant to paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the Legislature makes the following findings:

By requiring public meetings relating to the manner in which local law enforcement entities cooperate with federal authorities in enforcing federal immigration laws and making related documents open to public inspection this act furthers the purposes of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution.

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district under this act would result from a legislative mandate

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

Amendment 4
On page 2, strike out lines 1 to 38, inclusive, and strike out page 3

AMENDMENTS TO ASSEMBLY BILL NO. 2793

Amendment 1
In the title, in line 1, strike out "53091" and insert:

51033

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

SECTION 1. Section 51033 of the Government Code is amended to read:

51033. (a) This chapter does not apply to cosmetologists, barbers, or to persons licensed to practice any healing art pursuant to Division 2 (commencing with Section 500) of the Business and Professions Code or the Chiropractic Act when engaging in this practice within the scope of his or her license.

(b) Notwithstanding any other provision of law, this chapter shall apply to an independent contractor of any person described in subdivision (a) if the independent contractor is engaged in, or is purported to be engaged in, the business of massage.

(c) This chapter does not apply to a person practicing bowenwork who has been certified by a professional organization. A person practicing bowenwork does not practice massage therapy and limits bowenwork practice to one or more of the following practices:

(1) Using touch, words, and directed movement to deepen awareness of existing patterns of movement and suggest new possibilities of movement.

(2) Using minimal touch over specific points on the body to facilitate balance in the nervous system.

(3) Using touch to affect the energy systems, channels, or energy of the body.

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

Amendment 3
On page 1, strike out lines 1 to 5, inclusive, and strike out pages 2 and 3

AMENDMENTS TO ASSEMBLY BILL NO. 2794

Amendment 1

In the title, in line 1, strike out "Section 1569.311 of the Health and Safety Code,", strike out line 2 and insert:

Sections 25150.84, 25189.3, 25205.7, 25205.18, 25205.19, and 25247 of the Health and Safety Code, relating to hazardous waste.

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 25150.84 of the Health and Safety Code is amended to read:

25150.84. (a) The department is authorized to collect an annual fee from all metal shredding facilities that are subject to the requirements of this chapter or to the alternative management standards adopted pursuant to Section 25150.82. The department shall establish and adopt regulations necessary to administer this fee and to establish a fee schedule that is set at a rate sufficient to reimburse the department's costs to implement this chapter as applicable to metal shredder facilities. The fee schedule established by the department may be updated periodically as necessary and shall provide for the assessment of no more than the reasonable and necessary costs of the department to implement this chapter, as applicable to metal shredder facilities.

(b) The Controller shall establish a separate subaccount in the Hazardous Waste Control Account. The fees collected pursuant to this section shall be deposited into the subaccount and be available for expenditure by the department upon appropriation by the Legislature.

(c) A regulation adopted pursuant to this section may be adopted as an emergency regulation in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, and for the purposes of that chapter, including Section 11349.6 of the Government Code, the adoption of these regulations is an emergency and shall be considered by the Office of Administrative Law as necessary for the immediate preservation of the public peace, health, safety, and general welfare. Notwithstanding Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, an emergency regulation adopted by the department pursuant to this section shall be filed with, but not be repealed by, the Office of Administrative Law and shall remain in effect for a period of two years or until revised by the department, whichever occurs sooner.

(d) (1) A metal shredding facility paying an annual fee in accordance with this section shall be exempt from the following fees as the fees pertain to metal shredding activities and the generation, handling, management, transportation, and disposal of metal shredder waste:

(A) A fee imposed pursuant to subdivision (a) ~~or (d)~~ of Section 25205.7.

(B) A disposal fee imposed pursuant to Section 25174.1.

(C) A facility fee imposed pursuant to Section 25205.2.

(D) A generator fee imposed pursuant to Section 25205.5.

(E) A transportable treatment unit fee imposed pursuant to Section 25205.14.

(2) A metal shredding facility is not exempt from the fees listed in paragraph (1) for any other hazardous waste the metal shredding facility generates and handles.

SEC. 2. Section 25189.3 of the Health and Safety Code is amended to read:

25189.3. (a) For purposes of this section, the term "permit" means a hazardous waste facilities permit, interim status authorization, or standardized permit.

(b) The department shall suspend the permit of any facility for nonpayment of any facility fee assessed pursuant to Section 25205.2 or activity fee assessed pursuant to ~~subdivision (d) of~~ Section 25205.7, if the operator of the facility is subject to the fee, and if the State Board of Equalization has certified in writing to all of the following:

(1) The facility's operator is delinquent in the payment of the fee for one or more reporting periods.

(2) The State Board of Equalization has notified the facility's operator of the delinquency.

(3) The operator has exhausted the administrative rights of appeal provided by Chapter 3 (commencing with Section 43151) of Part 22 of Division 2 of the Revenue and Taxation Code, and the State Board of Equalization has determined that the operator is liable for the fee, or that the operator has failed to assert those rights.

(c) (1) The department shall suspend the permit of any facility for nonpayment of a penalty assessed upon the owner or operator for failure to comply with this chapter or the regulations adopted pursuant to this chapter, if the penalty has been imposed by a trial court judge or by an administrative hearing officer, if the person has agreed to pay the penalty pursuant to a written agreement resolving a lawsuit or an administrative order, or if the penalty has become final due to the person's failure to respond to the lawsuit or order.

(2) The department may suspend a permit pursuant to this subdivision only if the owner or operator is delinquent in the payment of the penalty and the department has notified the owner or operator of the delinquency pursuant to subdivision (d).

(d) Before suspending a permit pursuant to this section, the department shall notify the owner or operator of its intent to do so, and shall allow the owner or operator a minimum of 30 days in which to cure the delinquency.

(e) The department may deny a new permit or refuse to renew a permit on the same grounds for which the department is required to suspend a permit under this section, subject to the same requirements and conditions.

(f) (1) The department shall reinstate a permit that is suspended pursuant to this section upon payment of the amount ~~due,~~ due if the permit has not otherwise been revoked or suspended pursuant to any other provision of this chapter or regulation. Until the department reinstates a permit suspended pursuant to this section, if the facility stores, treats, disposes of, or recycles hazardous wastes, the facility shall be in violation of this chapter. If the operator of the facility subsequently pays the amount due, the period of time for which the operator shall have been in violation of this chapter shall be from the date of the activity that is in violation until the day after the owner or operator submits the payment to the department.

(2) Except as otherwise provided in this section, the department is not required to take any other statutory or regulatory procedures governing the suspension of the permit before suspending a permit in compliance with the procedures of this section.

(g) (1) A suspension under this section shall be stayed while an authorized appeal of the fee or penalty is pending before a court or an administrative agency.

(2) For purposes of this subdivision, "an authorized appeal" means any appeal allowed pursuant to an applicable regulation or statute.

(h) The department may suspend a permit under this section based on a failure to pay the required fee or penalty that commenced prior to January 1, 2002, if the failure to pay has been ongoing for at least 30 days following that date.

(i) Notwithstanding Section 43651 of the Revenue and Taxation Code, the suspension of a permit pursuant to this section, the reason for the suspension, and any documentation supporting the suspension, shall be a matter of public record.

(j) (1) This section does not authorize the department to suspend a permit held by a government agency if the agency does not dispute the payment but nonetheless is unable to process the payment in a timely manner.

(2) This section does not apply to a site owned or operated by a federal agency if the department has entered into an agreement with that federal agency regarding the remediation of that site.

(k) This section does not limit or supersede Section 25186.

SEC. 3. Section 25205.7 of the Health and Safety Code is amended to read:

25205.7. (a) (1) Except as otherwise provided in this section, any person who applies for, or requests, ~~one~~ any of the following shall enter into a written agreement with the department pursuant to which that person shall reimburse the department, pursuant to Article 9.2 (commencing with Section 25206.1), for the costs incurred by the department in processing the application or responding to the request:

(A) A new hazardous waste facilities permit, including a standardized permit.

(B) A hazardous waste facilities permit for postclosure.

(C) A renewal of an existing hazardous waste facilities permit, including a standardized permit or postclosure permit.

(D) A class 2 or class 3 modification of an existing hazardous waste facilities permit or grant of interim status, including a standardized permit or grant of interim status or a postclosure permit.

(E) A variance.

(F) A waste classification determination.

(2) Any agreement required pursuant to paragraph (1) may provide for some, or all, of the reimbursement to be made in advance of the processing of the application or the response to the request.

(3) Any agreement entered into pursuant to this subdivision may include costs of reviewing and overseeing corrective action as set forth in subdivision (b).

(4) This subdivision does not apply to any application or request submitted to the department prior to July 1, 1998. Any person who submitted such an application or request shall pay the applicable fee, if not already paid, for the application or request as required by this chapter as it read prior to January 1, 1998, unless the department and the applicant or requester mutually agree to enter into a reimbursement agreement in lieu of any unpaid portion of the required fee.

(b) The department shall recover all the department's costs in reviewing and overseeing any corrective action program described in the application for a standardized permit pursuant to subparagraph (C) of paragraph (2) of subdivision (c) of Section 25201.6 or required pursuant to subdivision (b) of Section 25200.10, and in reviewing

and overseeing any corrective action work undertaken at the facility pursuant to that corrective action program.

(c) Any reimbursements received pursuant to this section shall be placed in the Hazardous Waste Control Account for appropriation in accordance with Section 25174.

~~(d) (1) In lieu of entering into a reimbursement agreement with the department pursuant to subdivision (a), any person who applies for a new permit, a permit for postclosure, a renewal of an existing permit, or a class 2 or class 3 permit modification may instead elect to pay a fee as follows:~~

~~(A) A person submitting a hazardous waste facilities permit application for a land disposal facility shall pay one hundred four thousand one hundred eighty-seven dollars ($104,187) for a small facility, two hundred twenty-two thousand one hundred eighty-three dollars ($222,183) for a medium facility, and three hundred eighty-one thousand six hundred two dollars ($381,602) for a large facility.~~

~~(B) A person submitting a hazardous waste facilities permit application for any incinerator shall pay sixty-two thousand seven hundred sixty-two dollars ($62,762) for a small facility, one hundred thirty-three thousand sixty dollars ($133,060) for a medium facility, and two hundred twenty-eight thousand four hundred fifty-eight dollars ($228,458) for a large facility.~~

~~(C) Except as provided in subparagraph (D), a person submitting a hazardous waste facility permit application for a storage facility, a treatment facility, or a storage and treatment facility shall pay twenty-one thousand three hundred forty dollars ($21,340) for a small facility, thirty-eight thousand nine hundred thirteen dollars ($38,913) for a medium facility, and seventy-five thousand three hundred seventeen dollars ($75,317) for a large facility.~~

~~(D) A person submitting an application for a standardized permit for a storage facility, a treatment facility, or a storage and treatment facility, as specified in Section 25201.6, shall pay thirty-two thousand fifty-two dollars ($32,052) for a Series A standardized permit, twenty thousand eleven dollars ($20,011) for a Series B standardized permit, and five thousand three hundred thirty-two dollars ($5,332) for a Series C standardized permit. The board shall assess the fees specified in this subparagraph, in accordance with paragraph (2), based upon the classifications specified in subdivision (a) of Section 25201.6.~~

~~(E) (i) A person submitting a hazardous waste facilities permit application for a transportable treatment unit shall pay sixteen thousand three hundred twenty dollars ($16,320) for a small unit, thirty-seven thousand six hundred fifty-seven dollars ($37,657) for a medium unit, and seventy-five thousand three hundred seventeen dollars ($75,317) for a large unit.~~

~~(ii) Notwithstanding clause (i), the fee for any application for a new permit, permit modification, or permit renewal for a transportable treatment unit, that was pending before the department as of January 1, 1996, shall be determined according to the type of permit authorizing operation of that unit, as provided by subdivision (d) of Section 25200.2 or the regulations adopted pursuant to subdivision (a) of Section 25200.2. Any standardized permit issued to the operator of a transportable treatment unit after January 1, 1996, that succeeds a full hazardous waste facilities permit issued by the department prior to January 1, 1996, in accordance with subdivision (d) of Section 25200.2 or the regulations adopted pursuant to subdivision (a) of Section 25200.2, shall not be considered to be a new hazardous waste facilities permit.~~

~~(F) A person submitting a hazardous waste facilities permit application for a postclosure permit shall pay a fee of ten thousand forty dollars ($10,040) for a small facility, twenty-two thousand five hundred ninety-six dollars ($22,596) for a medium facility, and thirty-seven thousand six hundred fifty-seven dollars ($37,657) for a large facility.~~

~~(G) A person submitting an application for one or more class 2 permit modifications, including a class 2 modification to a standardized permit, shall pay a fee equal to 20 percent of the fee for a new permit for that facility for each unit directly impacted by the modifications, up to a maximum of 40 percent for each application, except that each person who applies for one or more class 2 permit modifications for a land disposal facility or an incinerator shall pay a fee equal to 15 percent of the fee for a new permit for that facility for each unit directly impacted by the modifications, up to a maximum of 30 percent for each application.~~

~~(H) A person submitting an application for one or more class 3 permit modifications, including a class 3 modification to a standardized permit, shall pay a fee equal to 40 percent of the fee for a new permit for that facility for each unit directly impacted by the modifications, up to a maximum of 80 percent for each application, except that a person who applies for one or more class 3 permit modifications for a land disposal facility or an incinerator shall pay a fee equal to 30 percent of the fee for a new permit for that facility for each unit directly impacted by the modifications, up to a maximum of 60 percent for each application.~~

~~(I) A person who submits an application for renewal of any existing permit shall pay an amount equal to the fee that would have been assessed had the person requested the same changes in a modification application, but not less than one-half the fee required for a new permit.~~

~~(J) A person who submits a single application for a facility that falls within more than one fee category shall pay only the higher fee.~~

~~(2) The fees required by paragraph (1) shall be assessed by the board upon application to the department. For a facility operating pursuant to a grant of interim status, the submittal of the application shall be the submittal of the Part B application in accordance with regulations adopted by the department. The fee shall be nonrefundable, even if the application is withdrawn or denied. The department shall provide the board with any information that is necessary to assess fees pursuant to this section. The fee shall be collected in accordance with Part 22 (commencing with Section 43001) of Division 2 of the Revenue and Taxation Code, and deposited into the Hazardous Waste Control Account.~~

~~(3) The amounts stated in this subdivision are the base rates for the 1997 calendar year. Thereafter, the fees shall be adjusted annually by the board to reflect increases or decreases in the cost of living, during the prior fiscal year, as measured by the Consumer Price Index issued by the Department of Industrial Relations, or a successor agency.~~

~~(4) Except as provided in paragraph (5), for purposes of this section, and notwithstanding Section 25205.1, any facility or unit is "small" if it manages 0.5 tons (1,000 pounds) or less of hazardous waste during any one month of the state's current fiscal year, "medium" if it manages more than 0.5 tons (1,000 pounds), but less than 1,000 tons, of hazardous waste during any one month of the state's current fiscal year,~~

~~and "large" if it manages 1,000 or more tons of hazardous waste during any one month of the state's current fiscal year.~~

~~(5) For purposes of subparagraph (F) of paragraph (1) of this subdivision and paragraph (8) of subdivision (e) of Section 25205.4, any facility or unit is "small" if 0.5 tons (1,000 pounds) or less of hazardous waste remain after closure, "medium" if more than 0.5 tons (1,000 pounds), but less than 1,000 tons of hazardous waste remain after closure, and "large" if 1,000 or more tons of hazardous waste remain after closure.~~

~~(6) The amounts stated in this subdivision are in addition to any amounts required to reimburse the department for the corrective action review and oversight costs required to be recovered pursuant to subdivision (b).~~

~~(e)~~

(d) Subdivision (a) does not apply to any variance granted pursuant to Article 4 (commencing with Section 66263.40) of Chapter 13 of Division 4.5 of Title 22 of the California Code of Regulations.

~~(f)~~

(e) ~~Subdivisions~~ Subdivision (a) ~~and (d) do~~ does not apply to a permit modification resulting from a revision of a facility's or operator's closure plan if the facility is exempted from fees pursuant to subdivision (e) of Section 25205.3, or if the operator is subject to paragraph (2) or (3) of subdivision (d) of Section 25205.2.

~~(g)~~

(f) (1) Except as provided in paragraphs (3) and (4), ~~subdivisions~~ subdivision (a) ~~and (d) do~~ does not apply to any permit or variance to operate a research, development, and demonstration facility, if the duration of the permit or variance is not longer than one year, unless the permit or variance is renewed pursuant to the regulations adopted by the department.

(2) For purposes of this section, a "research, development, and demonstration facility" is a facility which proposes to utilize an innovative and experimental hazardous waste treatment technology or process for which regulations prescribing permit standards have not been adopted.

(3) The exemption provided by this subdivision does not apply to a facility which operates as a medium or large multiuser offsite commercial hazardous waste facility and which does not otherwise possess a hazardous waste facilities permit pursuant to Section 25200.

(4) The fee exemption authorized pursuant to paragraph (1) shall be effective for a total duration of not more than two years.

~~(h)~~

(g) ~~Subdivisions~~ Subdivision (a) ~~and (d) do~~ does not apply to any of the following:

(1) Any variance issued to a public agency to transport wastes for purposes of operating a household hazardous waste collection facility, or to transport waste from a household hazardous waste collection facility, which receives household hazardous waste or hazardous waste from conditionally exempted small quantity generators pursuant to Article 10.8 (commencing with Section 25218).

(2) A permanent household hazardous waste collection facility.

(3) Any variance issued to a public agency to conduct a collection program for agricultural wastes.

~~(i)~~

(h) Notwithstanding subdivisions (a) and (b), the department shall not assess any fees or seek any reimbursement for the department's costs in reviewing and overseeing any preliminary site assessment in conjunction with a hazardous waste facilities permit application.

~~(i)~~

(i) The changes made in this section by Chapter 870 of the Statutes of 1997 do not require amendment of, or otherwise affect, any agreement entered into prior to July 1, 1998, pursuant to which any person has agreed to reimburse the department for the costs incurred by the department in processing applications, responding to requests, or otherwise providing other services pursuant to this chapter.

SEC. 4. Section 25205.18 of the Health and Safety Code is amended to read:

25205.18. (a) If a facility has a permit or an interim status document ~~which~~ that sets forth the facility's allowable capacity for treatment or storage, the facility's size for purposes of the annual facility fee shall be based upon that capacity, except as provided in subdivision (d).

(b) If a facility's allowable capacity changes or is initially established as a result of a permit modification, or a submission of a certification pursuant to subdivision (d), the fee that is due for the reporting period in which the change occurs shall be ~~the lower fee until December 31, 1994. After that date, the fee that is due for the reporting period in which a change occurs shall be~~ the higher fee.

(c) (1) The department may require the facility to submit an application to modify its permit to provide for an allowable capacity.

(2) ~~Subdivisions~~ Subdivision (a) ~~and (d)~~ of Section 25205.7 ~~do~~ does not apply to an application for modification required by the department pursuant to this subdivision.

(d) A facility may reduce its allowable capacity below the amounts specified in subdivision (a) or (c) by submitting a certification signed by the owner or operator in which the owner or operator pledges that the facility will not handle hazardous waste at a capacity above the amount specified in the certification. In that case, the facility's size for purposes of the annual facility fee shall be based upon the capacity specified in the certification, until the certification is withdrawn. Exceeding the capacity limits specified in a certification that has not been withdrawn shall be a violation of the hazardous waste control law and may subject a facility or its operator to a penalty and corrective action as provided in this ~~chapter, including, but not limited to, an augmentation pursuant to Section 25191.1.~~ chapter.

(e) This section shall have no bearing on the imposition of the annual postclosure facility fee.

SEC. 5. Section 25205.19 of the Health and Safety Code is amended to read:

25205.19. (a) If a facility has a permit or an interim status document ~~which~~ that sets forth the facility's type, pursuant to Section 25205.1, as either treatment, storage, or disposal, the facility's type for purposes of the annual facility fee shall be rebuttably presumed to be what is set forth in that permit or document.

(b) If the facility's type changes as a result of a permit or interim status modification, any change in the annual facility fee shall be effective the reporting period following the one in which the modification becomes effective.

(c) (1) If the facility's permit or interim status document does not set forth its type, the department may require the facility to submit an application to modify the permit or interim status document to provide for a facility type.

(2) ~~Subdivisions~~ Subdivision (a) ~~and (d)~~ of Section 25205.7 ~~do~~ does not apply to an application for modification pursuant to this subdivision.

(d) A permit or interim status document may set forth more than one facility type or size. In accordance with subdivision ~~(c)~~ (d) of Section 25205.4, the facility shall be subject only to the highest applicable fee.

SEC. 6. Section 25247 of the Health and Safety Code is amended to read:

25247. (a) The department shall review each plan submitted pursuant to Section 25246 and shall approve the plan if it finds that the plan complies with the regulations adopted by the department and complies with all other applicable state and federal regulations.

(b) The department shall not approve the plan until at least one of the following occurs:

(1) The plan has been approved pursuant to Section 13227 of the Water Code.

(2) Sixty days expire after the owner or operator of an interim status facility submits the plan to the department. If the department denies approval of a plan for an interim status facility, this 60-day period shall not begin until the owner or operator resubmits the plan to the department.

(3) The director finds that immediate approval of the plan is necessary to protect public health, safety, or the environment.

(c) Any action taken by the department pursuant to this section is subject to Section 25204.5.

(d) (1) To the extent consistent with the federal act, the department shall impose the requirements of a hazardous waste facility postclosure plan on the owner or operator of a facility through the issuance of an enforcement order, entering into an enforceable agreement, or issuing a postclosure permit.

(A) A hazardous waste facility postclosure plan imposed or modified pursuant to an enforcement order, a permit, or an enforceable agreement shall be approved in compliance with the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

(B) Before the department initially approves or significantly modifies a hazardous waste facility postclosure plan pursuant to this subdivision, the department shall provide a meaningful opportunity for public involvement, which, at a minimum, shall include public notice and an opportunity for public comment on the proposed action.

(C) For the purposes of subparagraph (B), a "significant modification" is a modification that the department determines would constitute a class 3 permit modification if the change were being proposed to a hazardous waste facilities permit. In determining whether the proposed modification would constitute a class 3 modification, the department shall consider the similarity of the modification to class 3 modifications codified in Appendix I of Chapter 20 (commencing with Section 66270.1) of Division 4.5 of Title 22 of the California Code of Regulations. In determining whether the proposed modification would constitute a class 3 modification, the department shall also consider whether there is significant public concern about the proposed modification, and whether the proposed change is so substantial or complex

in nature that the modification requires the more extensive procedures of a class 3 permit modification.

(2) This subdivision does not limit or delay the authority of the department to order any action necessary at a facility to protect public health or safety.

(3) If the department imposes a hazardous waste facility postclosure plan in the form of an enforcement order or enforceable agreement, in lieu of issuing or renewing a postclosure permit, the owner or operator who submits the plan for approval shall, at the time the plan is submitted, ~~pay the same fee specified in subparagraph (F) of paragraph (1) of subdivision (d) of Section 25205.7, or~~ enter into a cost reimbursement agreement pursuant to subdivision (a) of Section 25205.7 and upon commencement of the postclosure period shall pay the fee required by paragraph (9) of subdivision (c) of Section 25205.4. For purposes of this paragraph and paragraph (9) of subdivision (c) of Section 25205.4, the commencement of the postclosure period shall be the effective date of the postclosure permit, enforcement order, or enforceable agreement.

(4) In addition to any other remedy available under state law to enforce a postclosure plan imposed in the form of an enforcement order or enforcement agreement, the department may take any of the following actions:

(A) File an action to enjoin a threatened or continuing violation of a requirement of the enforcement order or agreement.

(B) Require compliance with requirements for corrective action or other emergency response measures that the department deems necessary to protect human health and the environment.

(C) Assess or file an action to recover civil penalties and fines for a violation of a requirement of an enforcement order or agreement.

(e) Subdivision (d) does not apply to a postclosure plan for which a final or draft permit has been issued by the department on or before December 31, 2003, unless the department and the facility mutually agree to replace the permit with an enforcement order or enforceable agreement pursuant to the provisions of subdivision (d).

(f) (1) Except as provided in paragraphs (2) and (3), the department may only impose postclosure plan requirements through an enforcement order or an enforceable agreement pursuant to subdivision (d) until January 1, 2009.

(2) This subdivision does not apply to an enforcement order or enforceable agreement issued prior to January 1, 2009, or an order or agreement for which a public notice is issued on or before January 1, 2009.

(3) This subdivision does not apply to the modification on or after January 1, 2009, of an enforcement order or enforceable agreement that meets the conditions in paragraph (2).

(g) If the department determines that a postclosure permit is necessary to enforce a postclosure plan, the department may, at any time, rescind and replace an enforcement order or an enforceable agreement issued pursuant to this section by issuing a postclosure permit for the hazardous waste facility, in accordance with the procedures specified in the department's regulations for the issuance of postclosure permits.

(h) Nothing in this section may be construed to limit or delay the authority of the department to order any action necessary at a facility to protect public health or safety, or the environment.

Amendment 3
On page 1, strike out lines 1 to 7, inclusive

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AMENDMENTS TO ASSEMBLY BILL NO. 2795

Amendment 1

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

An act to amend Section 2891.1 of the Public Utilities Code, relating to telephony.

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 2891.1 of the Public Utilities Code is amended to read:

2891.1. (a) Notwithstanding Section 2891, a telephone corporation selling or licensing lists of residential subscribers shall not include the telephone number of ~~any~~ a subscriber assigned an unlisted or unpublished access number. A subscriber may waive all or part of the protection provided by this subdivision through written notice to the telephone corporation.

(b) Notwithstanding Section 2891, a provider of mobile telephony services, or any direct or indirect affiliate or agent of a provider, providing the name and dialing number of a subscriber for inclusion in any directory of any form, or selling the contents of any directory database, or any portion or segment ~~thereof,~~ of a directory database, shall not include the dialing number of ~~any~~ a subscriber without first obtaining the express consent of that subscriber. The express consent shall meet all of the following requirements:

(1) It shall be one of the following:

(A) A separate document that is signed and dated by the subscriber, and that is not attached to any other document.

(B) An affirmative response made on a separate field on an Internet Web site where there is no default. The provider of mobile telephony services shall send a confirmation notice to the subscriber's electronic mail address, or to a subscriber's postal mail address if the subscriber does not have an electronic mail account.

(2) It shall be unambiguous, legible, and conspicuously disclose that, by opting in, the subscriber is consenting to have the subscriber's dialing number sold or licensed as part of a list of subscribers and the subscriber's dialing number may be included in a publicly available directory.

(3) If, under the subscriber's calling plan, the subscriber may be billed for receiving unsolicited calls or text messaging from a telemarketer, the provider's form shall include an unambiguous and legible disclosure statement that, by consenting to have the subscriber's dialing number sold or licensed as part of a list of subscribers or included in a publicly available directory, the subscriber may incur additional charges for receiving unsolicited calls or text messages.

(c) ~~Nothing in this section prohibits~~ This section does not prohibit a subscriber of mobile telephony services from voluntarily entering into an agreement for the placement of his or her name and mobile telephony dialing number in any advertising program if the agreement satisfies the express consent requirements of this section.

(d) A subscriber who provides express prior consent pursuant to subdivision (b) may revoke that consent at any time. A provider of mobile telephony services shall comply with the subscriber's request to opt out within a reasonable period of time, not to exceed 60 days.

(e) A subscriber shall not be charged for making the choice to not have ~~their~~ his or her name and mobile telephony dialing number ~~be~~ or his or her name and residential telephone number listed in a directory or publicly available directory assistance database.

(f) This section does not apply to the provision of telephone numbers to the following parties for the purposes indicated:

(1) To a collection agency, to the extent disclosures made by the agency are supervised by the commission, exclusively for the collection of unpaid debts.

(2) (A) To ~~any~~ a law enforcement agency, fire protection agency, public health agency, public environmental health agency, city or county emergency services planning agency, or private for-profit agency operating under contract with, and at the direction of, one or more of these agencies, for the exclusive purpose of responding to a 911 call or communicating an imminent threat to life or property.

(B) Any information or records provided to a private for-profit agency pursuant to this subdivision shall be held in confidence by that agency and by ~~any~~ an individual employed by or associated with that agency. This information or these records shall not be open to examination for any purpose not directly connected with the administration of the services specified in subdivision (e) of Section 2872 or this paragraph.

(3) To a lawful process issued under state or federal law.

(4) To a telephone corporation providing service between service areas for the provision to the subscriber of telephone service between service areas, or to third parties for the limited purpose of providing billing services.

(5) To a telephone corporation to effectuate a customer's request to transfer the customer's assigned telephone number from the customer's existing provider of telecommunications services to a new provider of telecommunications services.

(6) To the commission pursuant to its jurisdiction and control over telephone and telegraph corporations.

(g) Every deliberate violation of this section is grounds for a civil suit by the aggrieved subscriber against the organization or corporation and its employees responsible for the violation.

(h) For purposes of this section, "unpublished or unlisted access number" means a telephone, telex, teletex, facsimile, computer modem, or any other code number that is assigned to a subscriber by a telephone or telegraph corporation for the receipt of communications initiated by other telephone or telegraph customers and that the subscriber has requested that the telephone or telegraph corporation keep in confidence.

(i) ~~No telephone corporation, nor any official or employee thereof, shall~~ A telephone corporation, or an official or employee of a telephone corporation, shall not be subject to criminal or civil liability for the release of customer information as authorized by this section.

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

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AMENDMENTS TO ASSEMBLY BILL NO. 2797

Amendment 1

In the title, in line 1, strike out "Section 10200 of the Public Resources Code, relating", strike out line 2 and insert:

Sections 4 and 7 of Chapter 660 of the Statutes of 2007, relating to tidelands and submerged lands.

Amendment 2

On page 1, before line 1, insert:

SECTION 1. For the purposes of this act the following terms have the following meanings:

(a) "Assembly Bill 26" means Chapter 5 of the First Extraordinary Session of the Statutes of 2011, in which certain provisions were amended by Chapter 26 of the Statutes of 2012, effective as provided in California Redevelopment Assn. v. Matosantos (2011) 53 Cal.4th 231.

(b) "Assembly Bill 2649" means Chapter 757 of the Statutes of 2012.

(c) "Board of supervisors" means the Board of Supervisors of the City and County of San Francisco.

(d) "Burton Act" means Chapter 1333 of the Statutes of 1968, as amended, which authorized the state to convey to the city, in trust and subject to certain terms, conditions, and reservations, the state's interest in certain tidelands, including filled lands.

(e) "Burton Act lands" means the tidelands that the state granted to the city under the Burton Act, including the San Francisco waterfront from the Hyde Street pier to India Basin.

(f) "Burton Act transfer agreement" means the agreement dated January 24, 1969, between the state and the city, relating to the transfer of the Burton Act lands from the state to the city, and any amendments to that agreement in accordance with its terms.

(g) "Burton Act trust" means the statutory trust imposed by the Burton Act on Burton Act lands and lands dedicated to or acquired by the city as assets of the trust.

(h) "Capital plan" means the 10-year capital plan for port land prepared in accordance with Sections 2.30 and 2.31 of the San Francisco Administrative Code, adopted in 2007 by the board of supervisors, as amended.

(i) "City" means the City and County of San Francisco, a charter city and county, and includes the port.

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

(k) "Designated seawall lot" or "designated seawall lots" means any of those parcels of real property situated in the city that are defined as designated seawall lots in Senate Bill 815 or Assembly Bill 2649, as those parcels may be modified by Section 3 of this act.

(*l*) "Mission Bay developer" means an "owner," as defined in the Mission Bay South owner participation agreement.

(m) "Mission Bay South owner participation agreement" means the agreement between the redevelopment agency and Catellus Development Corporation, dated November 16, 1998, as amended.

(n) "Mission Bay South redevelopment plan" means the Redevelopment Plan for the Mission Bay South Project adopted by the board of supervisors on October 26, 1998, as amended.

(o) "Mission Bay South redevelopment project area" means the area in the city subject to the Mission Bay South redevelopment plan.

(p) "Oversight board" means the body that the board of supervisors created to oversee the fiscal management of the successor agency in accordance with Assembly Bill 26.

(q) "Parcel P20" means a parcel owned by the port within the Mission Bay South redevelopment project area that lies partially within the southern portion of Seawall Lot 337.

(r) "Port of San Francisco," "port commission," or "port" means the city acting by and through the San Francisco Port Commission.

(s) "Public trust" or "trust" means the common law public trust for commerce, navigation, and fisheries.

(t) "Redevelopment agency" means the San Francisco redevelopment agency, that the board of supervisors formed under the former California Community Redevelopment Law and that was dissolved on February 1, 2012, by operation of Assembly Bill 26.

(u) "San Francisco Bay" or "bay" means those areas defined by Section 66610 of the Government Code.

(v) "San Francisco waterfront" means the portions of San Francisco Bay that the state transferred to the city under the Burton Act.

(w) "Seawall Lot 337" means that parcel of real property in the city known as Seawall Lot 337, as shown on that certain map entitled "revised map of designed seawall lots," which is on file with the port.

(x) "Seawall Lot 337 developer" means the person selected by the port to negotiate exclusively with the port for the master development of Seawall Lot 337 and Pier 48, and its successors and authorized assigns.

(y) "Senate Bill 815" means Chapter 660 of the Statutes of 2007, in which certain provisions were amended by Chapter 208 of the Statutes of 2009 and Assembly Bill 2649.

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

(aa) "Successor agency" means the San Francisco Office of Community Investment and Infrastructure, which the board of supervisors created in accordance with Assembly Bill 26 to serve as the successor to the redevelopment agency.

(ab) "Successor agency commission" means the San Francisco Commission on Community Investment and Infrastructure.

(ac) "Tidelands" means the lands lying below the elevation of ordinary high water, whether filled or unfilled, and includes submerged lands.

SEC. 2. The Legislature finds and declares all of the following:

(a) San Francisco Bay is a valuable public trust asset of the state that provides special maritime, navigational, recreational, cultural, and historical benefits to the people of the region and the state. Tidelands in California are held in trust for enjoyment

and use by the people of the state under the common law public trust doctrine. Public trust lands may be used for water-related purposes, including commerce, navigation, fishing, swimming, recreation, open space, and wildlife habitat.

(b) The San Francisco waterfront consists primarily of sovereign tidelands that the state granted to the city pursuant to the Burton Act. Under the Burton Act and the city's charter, the port holds and manages the granted lands. The Burton Act authorizes the port to use, conduct, operate, maintain, manage, regulate, improve, and control the San Francisco waterfront consistent with the public trust and the Burton Act trust.

(c) The San Francisco waterfront provides special maritime, navigational, recreational, cultural, and historical benefits to the entire San Francisco Bay area and serves as a unique destination for the public from throughout the region.

(d) A unique feature of the San Francisco shoreline is the numerous historic maritime resources present on port property, many of which are in need of major structural repairs and are not currently available for the use and enjoyment of the public. The Legislature has previously found that rectifying the deteriorating conditions along the San Francisco waterfront, the preservation of the numerous historic piers and other historic structures on port land, and the construction of waterfront plazas and open space are matters of statewide importance that will further the purposes of the public trust and the Burton Act trust.

(e) The seawall lots are tidelands that were filled and cut off from the waterfront by the construction of the great seawall, now occupied by the Embarcadero and other roadways, in the late 19th and early 20th centuries. Over time, some of the seawall lots, including the designated seawall lots, have ceased to be useful in whole or in part for the promotion of the public trust and the Burton Act trust, except for the production of revenue to support the purposes of the Burton Act trust. The designated seawall lots are presently either vacant or leased on an interim basis, primarily for commuter parking.

(f) (1) In Senate Bill 815, the Legislature found all of the following:

(A) The designated seawall lots are, in whole or in part, no longer necessary for the purposes of the public trust or Burton Act trust.

(B) Costs to implement the port's capital plan exceed projected revenues of the port available for these purposes, in part due to the port's inability to make optimal use of the designated seawall lots.

(C) Future revenues from the development and leasing of the designated seawall lots are an essential source of funds to preserve the port's numerous historic piers and historic structures, construct and maintain waterfront plazas and open space, and improve public access to the waterfront.

(2) Senate Bill 815 lifted the use restrictions of the public trust and Burton Act trust from the designated seawall lots and authorized the port to enter into nontrust leases of the lands, subject to certain conditions and subject to the requirement that the nontrust lease revenues be used for specified trust purposes.

(g) Seawall Lot 337, the largest of the designated seawall lots, is located just south of China Basin and is presently used as a surface parking lot. Senate Bill 815 depicts Seawall Lot 337 as bounded by Mission Rock Street, Terry A. Francois Boulevard, and Third Street. Following an extensive community process led by a citywide advisory panel and a solicitation process to identify qualified developers, the port commission entered into exclusive negotiations with the Seawall Lot 337 developer for the lease, construction, and operation of the proposed project at Seawall Lot 337,

a portion of Terry A. Francois Boulevard, Pier 48, and the marginal wharf between Pier 48 and Pier 50. The proposed project would include a mix of uses, such as commercial retail and office, market-rate and affordable residential, rehabilitation of Pier 48, new parks, expansion of the existing China Basin Park with a portion of Terry A. Francois Boulevard, and new and expanded shoreline access. The Legislature finds that the revitalization of Seawall Lot 337 and Pier 48 through mixed-use development is of particular importance to the state for the reasons stated in Senate Bill 815.

(h) The Mission Bay area surrounding Seawall Lot 337 is the site of a major mixed-use redevelopment project. As a result of Assembly Bill 26, the redevelopment agency was dissolved on February 1, 2012, and the successor agency assumed certain executory obligations of the redevelopment agency. The successor agency commission exercises land use, development, and design approval authority for the remaining projects of the former redevelopment agency, including Mission Bay.

(i) The Mission Bay South redevelopment project area, established in 1998 by the board of supervisors' adoption of the Mission Bay South redevelopment plan, lies to the west and south of Seawall Lot 337. Parcel P20 is a narrow, undeveloped strip of land within the Mission Bay South redevelopment project area that is bounded on the north by the northern line of Mission Rock Street in its former location, and overlaps a portion of Seawall Lot 337, as depicted in Senate Bill 815. In accordance with the Mission Bay South redevelopment plan, the Mission Bay developer has since realigned Mission Rock Street from its northeasterly orientation to an east-west orientation, such that a portion of Parcel P20 and the former Mission Rock Street right of way now lie north of the northerly line of Mission Rock Street. The development proposal for Seawall Lot 337 includes this portion of Parcel P20 and former Mission Rock Street.

(j) Under its development proposal, the Seawall Lot 337 developer would realign Terry A. Francois Boulevard and use part of the northern section of the street to expand China Basin Park. The remaining portion of the realigned Terry A. Francois Boulevard would be a working waterfront street that would support active maritime, industrial, and production uses at the waterfront. Terry A. Francois Boulevard would include areas for social spaces and loading zones serving proposed buildings, a pedestrian throughway, a shared zone, and the Blue Greenway adjacent to the Bay and Piers 48 and 50, contributing to uninterrupted public access along San Francisco's eastern waterfront.

(k) This act clarifies that the boundaries of Seawall Lot 337 extend to the line of Mission Rock Street and to the line of Terry A. Francois Boulevard, as those streets have been or may be realigned, and to the boundary of China Basin Park as finally established, such that Seawall Lot 337 includes those portions of Parcel P20 and the former Mission Rock Street right of way embraced within those boundaries. This act also allows the successor agency to remove Parcel P20 from the Mission Bay South redevelopment plan and related documents and agreements without the need for Department of Finance or Controller approval.

SEC. 3. For purposes of Senate Bill 815 and Assembly Bill 2649, the boundaries of Seawall Lot 337 extend to the line of, but do not include, Third Street on the west, Mission Rock Street on the south, and Terry A. Francois Boulevard on the east, as those streets are ultimately constructed, realigned, or reconfigured in connection with the Mission Bay South redevelopment plan and the development of Seawall Lot 337.

If there is any conflict between this section and the diagram in Section 15 of Senate Bill 815 or Section 9 of Assembly Bill 2649, this section shall control.

SEC. 4. Subdivisions (c), (d), and (f) of Section 34163 of the Health and Safety Code, and subdivisions (a) and (b) of Section 34164 of the Health and Safety Code, shall not apply to, and no action of the Department of Finance or the Controller shall be required for, any action taken by the oversight board, the successor agency commission, the board of supervisors, or any other governmental body required to act to amend the Mission Bay South redevelopment plan to remove Parcel P20 from the Mission Bay South redevelopment project area, or to amend any related documents or agreements to delete regulatory requirements, zoning controls, and the Mission Bay developer's obligations with respect to Parcel P20.

SEC. 5. Section 4 of Chapter 660 of the Statutes of 2007 is amended to read:

Sec. 4. Subject to the applicable terms and conditions in Section 6 pertaining to ~~seawall lot~~ Seawall Lot 337, the port may enter into a lease of all or any portion of the designated seawall lots free from the use requirements established by the public trust, the Burton Act trust, and the Burton Act transfer agreement (nontrust lease), provided all of the following conditions are met:

(a) Notwithstanding the Burton Act, Section 718 of the Civil Code, Section 37384 of the Government Code, or any other provision of law to the contrary, the term of any individual nontrust lease, including any extension of the term allowed by right of renewal, ~~does~~ shall not exceed 75 ~~years, and the~~ years. Each nontrust lease ~~will~~ shall terminate no later than January 1, ~~2094.~~ 2094, or the date that is 75 years after the date that the port first issues a certificate of occupancy for the improvements on the leased site. Nothing in this section shall be construed as limiting the term of any lease, or portion thereof, that is for uses consistent with the public trust and the Burton Act.

(b) (1) Except as provided in this subdivision, all revenues received by the port from the nontrust lease will be deposited in a separate account in the harbor fund to be expended for the preservation of historic piers and historic structures, or for the construction and maintenance of waterfront plazas and open space required by the special area plan. Revenues shall not be expended under this subdivision for historic piers or historic structures on land subject to public trust use restrictions unless the executive officer of the commission has approved the proposed uses of the pier or structure.

(2) The port may annually transfer from the separate account and deposit in the general account of the harbor fund, to be used for any purpose consistent with the public trust and the Burton Act, an amount equal to the sum of the baseline revenue streams for each designated seawall lot subject to a nontrust lease (hereafter leased seawall lot), less any revenues received by the port, for the year preceding the transfer of funds, from any portion or portions of the leased seawall lots that were not subject to a nontrust lease. For purposes of this subdivision, the baseline revenue stream for a designated seawall lot is the average annual revenue received by the port from that seawall lot over the five years prior to January 1, 2008, adjusted for inflation.

(3) For purposes of this subdivision, the term "revenue" shall exclude any costs incurred by the port to administer the lease and to operate and maintain the leased property and any improvements thereon.

(4) For each nontrust lease of a designated seawall lot, the port shall maintain a separate accounting of all revenues transferred pursuant to paragraph (2), all costs excluded pursuant to paragraph (3), and all revenues deposited into the separate account.

(5) If the funds in the separate account exceed the amount needed for the preservation of historic piers and historic structures and for construction of waterfront plazas and open space, the excess funds shall be deposited in the harbor fund to be used for purposes consistent with the public trust and the Burton Act.

(c) The nontrust lease is for fair market value and on terms consistent with prudent land management practices as determined by the port and subject to approval by the commission as provided in paragraph (1).

(1) Prior to executing the nontrust lease, the port shall submit the proposed lease to the commission for its consideration, and the commission shall grant its approval or disapproval in writing within 90 days of receipt of the lease and supporting documentation, including documentation related to value. In approving a nontrust lease, the commission shall find that the lease meets all of the following:

(A) Is for fair market value.

(B) Is consistent with the terms of the public trust and the Burton Act trust, other than their restrictions on uses.

(C) Is otherwise in the best interest of the state.

(2) Whenever a nontrust lease is submitted to the commission for its consideration, the costs of any study or investigation undertaken by or at the request of the commission, including reasonable reimbursement for time incurred by commission staff in processing, investigating, and analyzing such submittal, shall be borne by the port; however, the port may seek payment or reimbursement for these costs from the proposed lessee.

SEC. 6. Section 7 of Chapter 660 of the Statutes of 2007 is amended to read:

Sec. 7. Sections ~~3, 4,~~ 3 and 6 of this act shall be inoperative on January 1, 2094, after which date the use of the designated seawall lots shall be consistent with the public trust, the Burton Act trust, and the Burton Act transfer agreement. No later than January 1, 2094, all structures, buildings, and appurtenances on the designated seawall lots not consistent with the purposes of the public trust, the Burton Act trust, and Burton Act transfer ~~agreement~~ agreement, except those subject to a lease as provided in subdivision (a) of Section 4, shall be ~~removed~~ repurposed or modified, including any necessary restoration or remediation of the seawall lots, to facilitate public trust uses.

SEC. 7. If any provision of this act, or its application to any person, property, or circumstance, is held invalid by any court, the invalidity or inapplicability of that provision shall not affect any other provision of this act or the application of that provision to any other person, property, or circumstance, and the remaining portions of this act shall continue in full force and effect, unless enforcement of this act as so modified by and in response to that invalidation would be grossly inequitable under all of the circumstances, or would frustrate the fundamental purposes of this act.

SEC. 8. The Legislature finds and declares that, because of the unique circumstances applicable only to the lands described in this act in the City and County of San Francisco, a statute of general applicability cannot be enacted within the meaning of subdivision (b) of Section 16 of Article IV of the California Constitution.

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. 2800

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

An act to add Section 71155 to the Public Resources Code, relating to climate change.

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

SECTION 1. Section 71155 is added to the Public Resources Code, to read:

71155. (a) (1) By July 1, 2020, the agency shall establish guidelines for effectively incorporating the effects of climate change into state infrastructure planning and investment decisions. The agency shall coordinate with the California Environmental Protection Agency, the Transportation Agency, the Office of Emergency Services, the Office of Planning and Research, and other relevant state agencies to develop guidelines for each sector specified in paragraph (1) of subdivision (a) of Section 71153.

(2) The agency shall update the guidelines every five years thereafter.

(b) By January 1, 2020, and every five years thereafter, the agency shall release the draft guidelines or draft updates, as appropriate. Between the release of the draft and the establishment of the guidelines or updates pursuant to subdivision (a), the agency shall hold public hearings for purposes of providing an opportunity for the public to review and provide written and oral comments on the guidelines or updates, as appropriate.

(c) In developing the guidelines and the updates, the agency shall establish a science advisory panel that, at a minimum, has expertise in climate change impacts in California and state infrastructure engineering.

Amendment 3
On page 2, strike out lines 1 to 23, inclusive

AMENDMENTS TO ASSEMBLY BILL NO. 2805

Amendment 1
On page 2, in line 4, after "11.8." insert:

California Agriculture

Amendment 2
On page 2, below line 32, insert:

14191. (a) All or any of the counties of Butte, Colusa, Fresno, Glenn, Kern, Kings, Los Angeles, Madera, Merced, Sacramento, San Benito, San Joaquin, Stanislaus, Sutter, Tehama, Tulare, Yolo, and Yuba, may enter into an agreement to form the California Agriculture Cargo Theft Crime Prevention Program, which shall be jointly administered by the county sheriff's department of each participating county under a joint powers agreement entered into pursuant to Chapter 5 (commencing with Section 6500) of Division 7 of Title 1 of the Government Code.

(b) The parties to the agreement shall form a task force, known as the California Agriculture Cargo Theft Crime Prevention Task Force, that may include the respective county offices of the agricultural commissioner, the district attorney, and the sheriff of each respective member county, and interested property owner groups or associations. The task force shall be an interactive team working together to develop crime prevention, problem solving, and crime control techniques, to encourage timely reporting of crimes, and to evaluate the results of these activities. The task force may operate from a joint facility in order to facilitate investigative coordination. The task force may also consult with experts from the United States military, the Military Department, the Department of Justice, other law enforcement entities, and various other state and private organizations as deemed necessary to maximize the effectiveness of the program. Media and community support may be solicited to promote the program. Each of the participating counties shall adopt rules and regulations for the implementation and administration of the program.

(c) The California Agriculture Cargo Theft Crime Prevention Program may develop cargo theft crime prevention programs containing a system for reporting cargo theft crimes that enable the swift recovery of stolen goods and the apprehension of criminal suspects for prosecution. The task force may develop computer software and use communication technology to implement the reporting system, although the task force is not limited to the use of these means to achieve the stated goals.

(d) The California Agriculture Cargo Theft Crime Prevention Task Force may develop a uniform procedure for all participating counties to collect, and each participating county may collect, data on agricultural cargo theft crimes. The task force may also establish a central database for the collection and maintenance of data on agricultural cargo theft crimes and designate one participating county to maintain the database.

AMENDMENTS TO ASSEMBLY BILL NO. 2809

Amendment 1

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

to amend Sections 4646.5, 4648, 4648.35, 4648.5, 4648.55, 4659, 4686.2, and 4686.5 of the Welfare and Institutions Code,

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 4646.5 of the Welfare and Institutions Code is amended to read:

4646.5. (a) The planning process for the individual program plan described in Section 4646 shall include all of the following:

(1) Gathering information and conducting assessments to determine the life goals, capabilities and strengths, preferences, barriers, and concerns or problems of the person with developmental disabilities. For children with developmental disabilities, this process should include a review of the strengths, preferences, and needs of the child and the family unit as a whole. Assessments shall be conducted by qualified individuals and performed in natural environments whenever possible. Information shall be taken from the consumer, his or her parents and other family members, his or her friends, advocates, authorized representative, if applicable, providers of services and supports, and other agencies. The assessment process shall reflect awareness of, and sensitivity to, the lifestyle and cultural background of the consumer and the family.

(2) A statement of goals, based on the needs, preferences, and life choices of the individual with developmental disabilities, and a statement of specific, time-limited objectives for implementing the person's goals and addressing his or her needs. These objectives shall be stated in terms that allow measurement of progress or monitoring of service delivery. These goals and objectives should maximize opportunities for the consumer to develop relationships, be part of community life in the areas of community participation, housing, work, school, and leisure, increase control over his or her life, acquire increasingly positive roles in community life, and develop competencies to help accomplish these goals.

(3) When developing individual program plans for children, regional centers shall be guided by the principles, process, and services and support parameters set forth in Section 4685.

(4) When developing an individual program plan for a transition age youth or working age adult, the planning team shall consider the Employment First Policy described in Chapter 14 (commencing with Section 4868).

(5) A schedule of the type and amount of services and supports to be purchased by the regional center or obtained from generic agencies or other resources in order to achieve the individual program plan goals and objectives, and identification of the provider or providers of service responsible for attaining each objective, including, but not limited to, vendors, contracted providers, generic service agencies, and natural

supports. The individual program plan shall specify the approximate scheduled start date for services and supports and shall contain timelines for actions necessary to begin services and supports, including generic services. In addition to the requirements of subdivision (h) of Section 4646, each regional center shall offer, and upon request provide, a written copy of the individual program plan to the consumer, and, when appropriate, his or her parents, legal guardian or conservator, or authorized representative within 45 days of their request in a threshold language, as defined by paragraph (3) of subdivision (a) of Section 1810.410 of Title 9 of the California Code of Regulations.

(6) At the beginning of each individual program plan meeting, the regional center shall provide a consumer and, when appropriate, his or her parents, legal guardian, conservator, or authorized representative a list of services provided by the regional center and information about the appeal and complaint process in his or her native language.

(7) At the end of the individual program plan meeting, the regional center shall provide a consumer and, when appropriate, his or her parents, legal guardian, conservator, or authorized representative a written list of agreed-upon services and supports, including the amount and anticipated start date, and a list of any services and supports for which final agreement has not yet been reached and for which there will be a subsequent program plan meeting pursuant to subdivision (f) of Section 4646.

~~(6)~~

(8) When agreed to by the consumer, the parents, legally appointed guardian, or authorized representative of a minor consumer, or the legally appointed conservator of an adult consumer or the authorized representative, including those appointed pursuant to subdivision (a) of Section 4541, subdivision (b) of Section 4701.6, and subdivision (c) of Section 4705, a review of the general health status of the adult or child, including medical, dental, and mental health needs, shall be conducted. This review shall include a discussion of current medications, any observed side effects, and the date of the last review of the medication. Service providers shall cooperate with the planning team to provide any information necessary to complete the health status review. If any concerns are noted during the review, referrals shall be made to regional center clinicians or to the consumer's physician, as appropriate. Documentation of health status and referrals shall be made in the consumer's record by the service coordinator.

~~(7)~~

(9) (A) The development of a transportation access plan for a consumer when all of the following conditions are met:

(i) The regional center is purchasing private, specialized transportation services or services from a residential, day, or other provider, excluding vouchered service providers, to transport the consumer to and from day or work services.

(ii) The planning team has determined that a consumer's community integration and participation could be safe and enhanced through the use of public transportation services.

(iii) The planning team has determined that generic transportation services are available and accessible.

(B) To maximize independence and community integration and participation, the transportation access plan shall identify the services and supports necessary to

assist the consumer in accessing public transportation and shall comply with Section 4648.35. These services and supports may include, but are not limited to, mobility training services and the use of transportation aides. Regional centers are encouraged to coordinate with local public transportation agencies.

~~(8)~~

(10) A schedule of regular periodic review and reevaluation to ascertain that planned services have been provided, that objectives have been fulfilled within the times specified, and that consumers and families are satisfied with the individual program plan and its implementation.

(b) For all active cases, individual program plans shall be reviewed and modified by the planning team, through the process described in Section 4646, as necessary, in response to the person's achievement or changing needs, and no less often than once every three years. If the consumer or, where appropriate, the consumer's parents, legal guardian, authorized representative, or conservator requests an individual program plan review, the individual program shall be reviewed within 30 days after the request is submitted.

(c) (1) The department, with the participation of representatives of a statewide consumer organization, the Association of Regional Center Agencies, an organized labor organization representing service coordination staff, and the state council shall prepare training material and a standard format and instructions for the preparation of individual program plans, which embody an approach centered on the person and family.

(2) Each regional center shall use the training materials and format prepared by the department pursuant to paragraph (1).

(3) The department shall biennially review a random sample of individual program plans at each regional center to ensure that these plans are being developed and modified in compliance with Section 4646 and this section.

SEC. 2. Section 4648 of the Welfare and Institutions Code is amended to read:

4648. In order to achieve the stated objectives of a consumer's individual program plan, the regional center shall conduct activities, including, but not limited to, all of the following:

(a) Securing needed services and supports.

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

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

(3) A regional center may, pursuant to vendorization or a contract, purchase services or supports for a consumer from any individual or agency that the regional center and consumer or, when appropriate, his or her parents, legal guardian, or conservator, or authorized representatives, determines will best accomplish all or any part of that consumer's program plan.

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

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

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

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

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

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

(5) In order to ensure the maximum flexibility and availability of appropriate services and supports for persons with developmental disabilities, the department shall establish and maintain an equitable system of payment to providers of services and supports identified as necessary to the implementation of a consumers' individual program plan. The system of payment shall include a provision for a rate to ensure that

the provider can meet the special needs of consumers and provide quality services and supports in the least restrictive setting as required by law.

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

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

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

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

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

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

(7) No service or support provided by any agency or individual shall be continued unless the consumer or, when appropriate, his or her parents, legal guardian, or conservator, or authorized representative, including those appointed pursuant to subdivision (a) of Section 4541, subdivision (b) of Section 4701.6, or subdivision (e) of Section 4705, is satisfied and the regional center and the consumer or, when appropriate, the person's parents or legal guardian or conservator agree that planned services and supports have been provided, and reasonable progress toward objectives have been made.

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

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

(B) Effective July 1, 2012, notwithstanding any other law or regulation, a regional center shall not purchase residential services from a State Department of Social Services licensed 24-hour residential care facility with a licensed capacity of 16 or more beds.

This prohibition on regional center purchase of residential services shall not apply to any of the following:

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

(ii) A residential facility service provider that has a written agreement and specific plan prior to July 1, 2012, with the vendoring regional center to downsize the existing facility by transitioning its residential services to living arrangements of 15 beds or less or restructure the large facility to meet federal Medicaid eligibility requirements on or before June 30, 2013.

(iii) A residential facility licensed as a mental health rehabilitation center by the State Department of Mental Health or successor agency under any of the following circumstances:

(I) The facility is eligible for Medicaid reimbursement.

(II) The facility has a department-approved plan in place by June 30, 2013, to transition to a program structure eligible for federal Medicaid funding, and this transition will be completed by June 30, 2014. The department may grant an extension for the date by which the transition will be completed if the facility demonstrates that it has made significant progress toward transition, and states with specificity the timeframe by which the transition will be completed and the specified steps that will be taken to accomplish the transition. A regional center may pay for the costs of care and treatment of a consumer residing in the facility on June 30, 2012, until June 30, 2013, inclusive, and, if the facility has a department-approved plan in place by June 30, 2013, may continue to pay the costs under this subparagraph until June 30, 2014, or until the end of any period during which the department has granted an extension.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(C) Developing unpaid natural supports when possible.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(h) At least annually, and at the time of development, scheduled review, or modification of a consumer's individual program plan or individualized family service plan, regional centers shall provide the consumer, his or her parents, legal guardian, conservator, or authorized representative a statement of services and supports the regional center purchased for the purpose of ensuring that they are delivered. The statement shall include the type, unit, month, and cost of services and supports purchased. The regional center shall provide that statement in the native language of the consumer or his or her parents, legal guardian, conservator, or authorized representative, or both.

SEC. 3. Section 4648.35 of the Welfare and Institutions Code is amended to read:

4648.35. At the time of development, review, or modification of a consumer's individual program plan (IPP) or individualized family service plan (IFSP), all of the following shall apply to a regional center:

(a) A regional center shall not fund private specialized transportation services for an adult consumer who can safely access and utilize public transportation, when that transportation is available.

(b) A regional center shall fund the least expensive transportation modality that meets the consumer's needs, as set forth in the consumer's IPP or IFSP.

(c) A regional center shall fund transportation, when required, from the consumer's residence to the lowest-cost vendor that provides the service that meets the consumer's needs, as set forth in the consumer's IPP or IFSP. For purposes of this subdivision, the cost of a vendor shall be determined by combining the vendor's program costs and the costs to transport a consumer from the consumer's residence to the vendor.

(d) A regional center shall fund transportation services for a minor child living in the family residence, only if the family of the child provides sufficient written documentation to the regional center to demonstrate that it is unable to provide transportation for the child. At the time of development, scheduled review, or modification of a consumer's individual program plan or individualized family service plan, the regional center shall provide, in a non-technical, understandable form and in the native language of the consumer or his or her parents, legal guardian, conservator, or authorized representative, or both, a written statement of the requirement described in this subdivision and examples of sufficient written documentation that may be submitted. The regional center shall accept documentation submitted pursuant to this subdivision in any written form, including in the native language of the consumer or his or her parents, legal guardian, conservator, or authorized representative.

SEC. 4. Section 4648.5 of the Welfare and Institutions Code is amended to read:

4648.5. (a) Notwithstanding any other ~~provision of~~ law or regulations to the contrary, effective July 1, 2009, a regional centers' authority to purchase the following

services shall be suspended pending implementation of the Individual Choice Budget and certification by the Director of Developmental Services that the Individual Choice Budget has been implemented and will result in state budget savings sufficient to offset the costs of providing the following services:

(1) Camping services and associated travel expenses.

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

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

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

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

(c) An exemption may be granted on an individual basis in extraordinary circumstances to permit purchase of a service identified in subdivision (a) when the regional center determines that the service is a primary or critical means for ameliorating the physical, cognitive, or psychosocial effects of the consumer's developmental disability, or the service is necessary to enable the consumer to remain in his or her home and no alternative service is available to meet the consumer's needs.

(d) At the time of development, scheduled review, or modification of a consumer's individual program plan or individualized family service plan, the regional center shall provide, in a non-technical, understandable form and in the native language of the consumer or his or her parents, legal guardian, conservator, or authorized representative, or both, a written statement describing the exemption in subdivision (c) and examples of documentation that may be submitted to demonstrate qualification for the exemption.

SEC. 5. Section 4648.55 of the Welfare and Institutions Code is amended to read:

4648.55. (a) A regional center shall not purchase day program, vocational education, work services, independent living program, or mobility training and related transportation services for a consumer who is 18 to 22 years of age, inclusive, if that consumer is eligible for special education and related education services and has not received a diploma or certificate of completion, unless the individual program plan (IPP) planning team determines that the consumer's needs cannot be met in the educational system or grants an exemption pursuant to subdivision (d). If the planning team determines that generic services can meet the consumer's day, vocational education, work services, independent living, or mobility training and related transportation needs, the regional center shall assist the consumer in accessing those services. To ensure that consumers receive appropriate educational services and an effective transition from services provided by educational agencies to services provided by regional centers, the regional center service coordinator, at the request of the consumer or, where appropriate, the consumer's parent, legal guardian, or conservator, may attend the individualized education program (IEP) planning team meeting.

(b) For consumers who are 18 to 22 years of age, inclusive, who have left the public school system, and who are receiving regional center purchased services identified in subdivision (a) on or before the effective date of this section, a determination shall be made through the IPP as to whether the return to the educational

system can be achieved while meeting the consumer's needs. If the planning team determines that the consumer's needs cannot be met in the educational system, the regional center may continue to purchase the services identified in subdivision (a). If the planning team determines that generic services can meet the consumer's day, vocational education, work services, independent living, or mobility training and related transportation needs, the regional center shall assist the consumer in accessing those services.

(c) For consumers who are 18 to 22 years of age, inclusive, who have left school prior to enactment of this section, but who are not receiving any of the regional center purchased services identified in subdivision (a), the regional center shall use generic education services to meet the consumer's day, vocational education, work services, independent living, or mobility training and related transportation needs if those needs are subsequently identified in the IPP unless the consumer is eligible for an exemption as set forth in subdivision (d). If the planning team determines that generic services can meet the consumer's day, vocational education, work services, independent living, or mobility training and related transportation needs, the regional center shall assist the consumer in accessing those services.

(d) (1) An exemption to the provisions of this section may be granted on an individual basis in extraordinary circumstances to permit purchase of a service identified in subdivision (a). An exemption shall be granted through the IPP process and shall be based on a determination that the generic service is not appropriate to meet the consumer's need. ~~The consumer shall be informed of the exemption and the process for obtaining an exemption.~~

(2) At the time of development, scheduled review, or modification of a consumer's individual program plan, the regional center shall provide, in a non-technical, understandable form and in the native language of the consumer or his or her parents, legal guardian, conservator, or authorized representative, or both, a written statement describing the exemption in paragraph (1) and examples of documentation that may be submitted to demonstrate qualification for the exemption.

(3) The IPP planning team shall consider the standard set forth in Section 4688.05 when determining whether the consumer qualifies for an exemption under this subdivision for the purpose of meeting his or her independent living needs.

(e) A school district may contract with regional center vendors to meet the needs of consumers pursuant to this section.

SEC. 6. Section 4659 of the Welfare and Institutions Code is amended to read:

4659. (a) Except as otherwise provided in subdivision (b) or (e), the regional center shall identify and pursue all possible sources of funding for consumers receiving regional center services. These sources shall include, but not be limited to, both of the following:

(1) Governmental or other entities or programs required to provide or pay the cost of providing services, including Medi-Cal, Medicare, the Civilian Health and Medical Program for Uniform Services, school districts, and federal supplemental security income and the state supplementary program.

(2) Private entities, to the maximum extent they are liable for the cost of services, aid, insurance, or medical assistance to the consumer.

(b) Any revenues collected by a regional center pursuant to this section shall be applied against the cost of services prior to use of regional center funds for those

services. This revenue shall not result in a reduction in the regional center's purchase of services budget, except as it relates to federal supplemental security income and the state supplementary program.

(c) Effective July 1, 2009, notwithstanding any other law or regulation, regional centers shall not purchase any service that would otherwise be available from Medi-Cal, Medicare, the Civilian Health and Medical Program for Uniform Services, In-Home Support Services, California Children's Services, private insurance, or a health care service plan when a consumer or a family meets the criteria of this coverage but chooses not to pursue that coverage. If, on July 1, 2009, a regional center is purchasing that service as part of a consumer's individual program plan (IPP), the prohibition shall take effect on October 1, 2009.

(d) (1) Effective July 1, 2009, notwithstanding any other law or regulation, a regional center shall not purchase medical or dental services for a consumer three years of age or older unless the regional center is provided with documentation of a Medi-Cal, private insurance, or a health care service plan denial and the regional center determines that an appeal by the consumer or family of the denial does not have merit. If, on July 1, 2009, a regional center is purchasing the service as part of a consumer's IPP, this provision shall take effect on August 1, 2009. At the time of development, scheduled review, or modification of a consumer's individual program plan or individualized family service plan, the regional center shall provide, in a non-technical, understandable form and in the native language of the consumer or his or her parents, legal guardian, conservator, or authorized representative, or both, a written statement describing the documentation required pursuant to this paragraph. Regional centers ~~may~~ shall pay for medical or dental services during the following periods:

(A) While coverage is being pursued, but before a denial is made.

(B) Pending a final administrative decision on the administrative appeal if the family has provided to the regional center a verification that an administrative appeal is being pursued.

(C) Until the commencement of services by Medi-Cal, private insurance, or a health care service plan.

(2) When necessary, the consumer or family may receive assistance from the regional center, the Clients' Rights Advocate funded by the department, or the state council in pursuing these appeals.

(e) This section shall not impose any additional liability on the parents of children with developmental disabilities, or to restrict eligibility for, or deny services to, any individual who qualifies for regional center services but is unable to pay.

(f) In order to best utilize generic resources, federally funded programs, and private insurance programs for individuals with developmental disabilities, the department and regional centers shall engage in the following activities:

(1) Within existing resources, the department shall provide training to regional centers, no less than once every two years, in the availability and requirements of generic, federally funded and private programs available to persons with developmental disabilities, including, but not limited to, eligibility requirements, the application process and covered services, and the appeal process.

(2) Regional centers shall disseminate information and training to all service coordinators regarding the availability and requirements of generic, federally funded, and private insurance programs on the local level.

SEC. 7. Section 4686.2 of the Welfare and Institutions Code is amended to read:

4686.2. (a) Effective July 1, 2009, notwithstanding any other ~~provision of~~ law or regulation to the contrary, any vendor who provides applied behavioral analysis (ABA) services, or intensive behavioral intervention services or both, as defined in subdivision (d), shall:

(1) Conduct a behavioral assessment of each consumer to whom the vendor provides these services.

(2) Design an intervention plan that shall include the service type, number of hours and parent participation needed to achieve the consumer's goals and objectives, as set forth in the consumer's individual program plan (IPP) or individualized family service plan (IFSP). The intervention plan shall also set forth the frequency at which the consumer's progress shall be evaluated and reported.

(3) Provide a copy of the intervention plan to the regional center for review and consideration by the planning team members.

(b) Effective July 1, 2009, notwithstanding any other ~~provision of~~ law or regulation to the contrary, regional centers shall:

(1) Only purchase ABA services or intensive behavioral intervention services that reflect evidence-based practices, promote positive social behaviors, and ameliorate behaviors that interfere with learning and social interactions.

(2) (A) Only purchase ABA or intensive behavioral intervention services when the parent or parents of minor consumers receiving services participate in the intervention plan for the consumers, given the critical nature of parent participation to the success of the intervention plan.

(B) In determining the extent of parent participation required for the provision of ABA or intensive behavioral intervention services, the IPP or IFSP planning team shall consider any relevant hardships suffered by a parent or parents that may constitute a barrier to the consumer accessing those services, including, but not limited to, availability of group instruction courses, conflicts with employment, vocational training, or educational demands, financial hardship, or lack of transportation or child or other family member care, and language barriers. Any hardships shall be documented in the IPP or IFSP and reviewed annually to determine if there has been a change in circumstances. If the regional center determines that the extent of parent participation should be adjusted due to a change in circumstances, the regional center shall provide adequate notice pursuant to subdivision (a) of Section 4710.

(C) At the time of development, scheduled review, or modification of a consumer's IPP or IFSP, the regional center shall provide, in a non-technical, understandable form and in the native language of the consumer or his or her parents, legal guardian, conservator, or authorized representative, or both, a written statement describing the process for determining the extent of parent participation pursuant to this paragraph and examples of documentation that may be submitted to demonstrate hardships.

(3) Not purchase either ABA or intensive behavioral intervention services for purposes of providing respite, day care, or school services.

(4) Discontinue purchasing ABA or intensive behavioral intervention services for a consumer when the consumer's treatment goals and objectives, as described under subdivision (a), are achieved. ABA or intensive behavioral intervention services shall

not be discontinued until the goals and objectives are reviewed and updated as required in paragraph (5) and shall be discontinued only if those updated treatment goals and objectives do not require ABA or intensive behavioral intervention services.

(5) For each consumer, evaluate the vendor's intervention plan and number of service hours for ABA or intensive behavioral intervention no less than every six months, consistent with evidence-based practices. If necessary, the intervention plan's treatment goals and objectives shall be updated and revised.

(6) Not reimburse a parent for participating in a behavioral services treatment program.

(e) For consumers receiving ABA or behavioral intervention services on July 1, 2009, as part of their IPP or IFSP, subdivision (b) shall apply on August 1, 2009.

(d) For purposes of this section the following definitions shall apply:

(1) "Applied behavioral analysis" means the design, implementation, and evaluation of systematic instructional and environmental modifications to promote positive social behaviors and reduce or ameliorate behaviors which interfere with learning and social interaction.

(2) "Intensive behavioral intervention" means any form of applied behavioral analysis that is comprehensive, designed to address all domains of functioning, and provided in multiple settings for no more than 40 hours per week, across all settings, depending on the individual's needs and progress. Interventions can be delivered in a one-to-one ratio or small group format, as appropriate.

(3) "Evidence-based practice" means a decisionmaking process that integrates the best available scientifically rigorous research, clinical expertise, and individual's characteristics. Evidence-based practice is an approach to treatment rather than a specific treatment. Evidence-based practice promotes the collection, interpretation, integration, and continuous evaluation of valid, important, and applicable individual- or family-reported, clinically-observed, and research-supported evidence. The best available evidence, matched to consumer circumstances and preferences, is applied to ensure the quality of clinical judgments and facilitates the most cost-effective care.

(4) "Parent participation" shall include, but shall not be limited to, the following meanings:

(A) Completion of group instruction on the basics of behavior intervention.

(B) Implementation of intervention strategies, according to the intervention plan.

(C) If needed, collection of data on behavioral strategies and submission of that data to the provider for incorporation into progress reports.

(D) Participation in any needed clinical meetings.

(E) Purchase of suggested behavior modification materials or community involvement if a reward system is used.

SEC. 8. Section 4686.5 of the Welfare and Institutions Code is amended to read:

4686.5. (a) Effective July 1, 2009, notwithstanding any other provision of law or regulation to the contrary, all of the following shall apply:

(1) A regional center may only purchase respite services when the care and supervision needs of a consumer exceed that of an individual of the same age without developmental disabilities.

(2) A regional center shall not purchase more than 21 days of out-of-home respite services in a fiscal year nor more than 90 hours of in-home respite services in a quarter, for a consumer.

(3) (A) A regional center may grant an exemption to the requirements set forth in paragraphs (1) and (2) if it is demonstrated that the intensity of the consumer's care and supervision needs are such that additional respite is necessary to maintain the consumer in the family home, or there is an extraordinary event that impacts the family member's ability to meet the care and supervision needs of the consumer.

(B) At the time of development, scheduled review, or modification of a consumer's individual program plan or individualized family service plan, the regional center shall provide, in a non-technical, understandable form and in the native language of the consumer or his or her parents, legal guardian, conservator, or authorized representative, or both, a written statement describing the exemption in subparagraph (A) and examples of documentation that may be submitted to demonstrate qualification for the exemption.

~~(B)~~

(C) For purposes of this section, "family member" means an individual who:

(i) Has a consumer residing with him or her.

(ii) Is responsible for the 24-hour care and supervision of the consumer.

(iii) Is not a licensed or certified residential care facility or foster family home receiving funds from any public agency or regional center for the care and supervision provided. Notwithstanding this provision, a relative who receives foster care funds shall not be precluded from receiving respite.

(4) A regional center shall not purchase day care services to replace or supplant respite services. For purposes of this section, "day care" is defined as regularly provided care, protection, and supervision of a consumer living in the home of his or her parents, for periods of less than 24 hours per day, while the parents are engaged in employment outside of the home or educational activities leading to employment, or both.

(5) A regional center shall only consider in-home supportive services a generic resource when the approved in-home supportive services meets the respite need as identified in the consumer's individual program plan (IPP) or individualized family service plan (IFSP).

(b) For consumers receiving respite services on July 1, 2009, as part of their IPP or IFSP, subdivision (a) shall apply on August 1, 2009.

(c) This section shall remain in effect until implementation of the individual choice budget pursuant to Section 4648.6 and certification by the Director of the Department of Developmental Services that the individual choice budget has been implemented and will result in state budget savings sufficient to offset the costs associated with the repeal of this section. This section shall be repealed on the date of certification.

Amendment 3

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

AMENDMENTS TO ASSEMBLY BILL NO. 2810

Amendment 1

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

to add and repeal Article 6.3 (commencing with Section 14196.50) of Chapter 7 of Part 3 of Division 9 of the Welfare and Institutions Code,

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Article 6.3 (commencing with Section 14196.50) is added to Chapter 7 of Part 3 of Division 9 of the Welfare and Institutions Code, to read:

Article 6.3. Coverage for Aid-in-Dying Drugs

14196.50. (a) Aid-in-dying drugs, as defined in Section 443.1 of the Health and Safety Code are covered under the Medi-Cal program.

(b) Notwithstanding any other law, a beneficiary who is a qualified person, as defined in Section 443.1 of the Health and Safety Code, and who requests a prescription for an aid-in-dying drug in accordance with the End of Life Option Act (Part 1.85 (commencing with Section 443) of the Health and Safety Code) shall receive coverage for any drug prescribed for this purpose as provided by this article.

14196.51. (a) The cost for services under this article shall be provided with state-only funds.

(b) (1) Notwithstanding Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, the department may implement, interpret, or make specific this section by all-county letters or similar instructions from the director, without taking regulatory action, until the time regulations are adopted.

(2) The department shall adopt emergency regulations pursuant to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code no later than January 1, 2018. The department may readopt any emergency regulation authorized by this section that is the same as, or substantially equivalent to, an emergency regulation previously adopted under this section. The initial adoption of emergency regulations and one readoption of emergency regulations implementing this section shall be deemed an emergency and necessary for the immediate preservation of the public peace, health, safety, or general welfare.

(3) Initial emergency regulations and the one readoption of emergency regulations authorized by this section shall be exempt from review by the Office of Administrative Law. The initial emergency regulations and the one readoption of emergency regulations shall be submitted to the Office of Administrative Law for filing with the Secretary of State and each shall remain in effect for no more than 180 days, by which time final regulations may be adopted.

14196.52. This article shall remain in effect only until January 1, 2026, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2026, deletes or extends that date.

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

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AMENDMENTS TO ASSEMBLY BILL NO. 2818

Amendment 1

In the title, in line 1, strike out "amend Section 402.1 of" and insert:

add Sections 401.21 and 214.17 to

Amendment 2

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

taxation, to take effect immediately, tax levy.

Amendment 3

On page 1, before line 1, insert:

SECTION 1. Section 401.21 is added to the Revenue and Taxation Code, to read:

401.21. (a) When valuing an owner-occupied single-family dwelling or owner-occupied unit in a multifamily dwelling and the land on which it is situated that is required for the convenient occupation and use of that dwelling or unit, if the dwelling or unit is on land leased to the owner by a community land trust, the assessor shall not value the dwelling or unit and the land at any value greater than the purchase price for that dwelling or unit.

(b) This section shall only apply to a dwelling or unit and land that is owned and occupied by persons and families of low or moderate income.

(c) For purposes of this section, all of the following definitions shall apply:

(1) "Affordability restrictions" include, but are not limited to, any of the following:

(A) The dwelling or unit can only be sold or resold to persons and families of low or moderate income to be occupied by the owner as his or her principal place of residence.

(B) The resale price of the dwelling or unit is determined by a formula that ensures affordability to persons and families of low or moderate income.

(C) There is a purchase option in favor of the community land trust.

(2) "Community land trust" means a nonprofit corporation, otherwise qualifying for exemption under Section 214, that is organized for the specific and primary purpose of creating and maintaining permanently affordable single-family or multifamily residences to which both of the following conditions apply:

(A) All residences on the land are sold to, and occupied by, persons and families of low or moderate income, and the land on which it is situated that is required for the convenient occupation and use of that dwelling or unit is leased to those owners by the nonprofit corporation for a term of 99 years, including renewal option.

(B) The leasehold interest is limited by affordability restrictions recorded on the land lease or other similar recorded instrument.

(3) "Persons and families of low or moderate income" has the same meaning as that term is defined in Section 50093 of the Health and Safety Code.

(d) This section shall apply to lien dates occurring on and after January 1, 2017.

SEC. 2. Section 214.17 is added to the Revenue and Taxation Code, to read:

214.17. (a) Property is within the exemption provided by Sections 4 and 5 of Article XIII of the California Constitution if that property is owned and operated by a nonprofit corporation, otherwise qualifying for exemption under Section 214, that is organized for the specific and primary purpose of creating and maintaining permanently affordable single-family or multifamily residences in which both of the following conditions apply:

(1) All residences on the land are intended for ownership and occupancy as a primary residence by persons and families of low or moderate income, and the land on which it is situated that is required for the convenient occupation and use of that residence is leased to those owners by the nonprofit corporation for a term of 99 years, including renewal options.

(2) The leasehold interest is limited by affordability restrictions recorded on the land lease or other similar recorded instrument.

(b) In the case of property not previously designated as open space, the exemption provided by subdivision (a) may not be denied to a property on the basis that the property does not currently include a single-family or multifamily residence, as described in subdivision (a), or a single-family or multifamily residence, as described in subdivision (a), that is in the course of construction.

(c) For purposes of this section, both of the following shall apply:

(1) "Affordability restrictions" include, but are not limited to, any of the following:

(A) The residence can only be sold or resold to persons and families of low or moderate income to be occupied by the owner as his or her principal place of residence.

(B) The resale price of the residence is determined by a formula that ensures affordability to persons and families of low or moderate income.

(C) There is a purchase option in favor of the community land trust.

(2) "Persons and families of low or moderate income" has the same meaning as that term is defined in Section 50093 of the Health and Safety Code.

(d) This section shall apply to lien dates occurring on and after January 1, 2017.

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

SEC. 4. Notwithstanding Section 2229 of the Revenue and Taxation Code, no appropriation is made by this act and the state shall not reimburse any local agency for any property tax revenues lost by it pursuant to this act.

SEC. 5. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect.

Amendment 4
On page 1, strike out lines 1 to 7, inclusive, and strike out pages 2 to 4, inclusive

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AMENDMENTS TO ASSEMBLY BILL NO. 2821

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

(Principal coauthor: Assembly Member Atkins)

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

An act to add Chapter 6.9 (commencing with Section 50678) to Part 2 of Division 31 of the Health and Safety Code, relating to housing.

Amendment 3
On page 2, before line 1, insert:

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

(a) Homeless beneficiaries incur disproportionate Medi-Cal costs, particularly people experiencing chronic homelessness and people who cycle between homelessness, emergency departments, inpatient care, and nursing home stays. Supportive housing, which is affordable housing with intensive services, allows people experiencing significant barriers to housing stability to improve their health and decrease their Medicaid costs. National studies comparing formerly homeless Medicaid beneficiaries living in supportive housing with homeless beneficiaries receiving usual care demonstrate Medicaid cost savings of almost $9,000 per year after the costs of services.

(b) In the proposal to renew California's Section 1115 Medicaid Waiver, "Medi-Cal 2020: Key Concepts for Renewal," the State Department of Health Care Services (DHCS) stated, "Research suggests that individuals experiencing homelessness, particularly those individuals with multiple chronic conditions, often struggle to receive appropriate health care services and are disproportionately likely to be high utilizers of the health care safety net." DHCS proposed using Medi-Cal to fund the tools communities need to help homeless beneficiaries gain access to and maintain housing stability, including the costs of interim housing, recuperative/respite care, and long-term rental subsidies.

(c) The final Medi-Cal 2020 Waiver allows participating entities, including counties, to create Whole Person Care pilots to address the health, behavioral health. and social services needs of high users of multiple systems. Participating entities will be able to use Whole Person Care pilots to target homeless residents, form collaborations between local agencies and health plans to address services needs of homeless beneficiaries, pool waiver and other sources of financing to pay for services promoting housing stability, and collect data on residents' outcomes.

(d) Though the federal Centers for Medicare and Medicaid Services disallowed federal financial participation in the costs of housing interventions, the final Section 1115 Medicaid Waiver special terms and conditions, referred to as the "Medi-Cal 2020

Waiver," allow for state contributions to Whole Person Care "county housing pools" to fund long-term costs of housing in order to achieve the goals of the Waiver proposal.

(e) In most communities in California, a lack of housing affordable to people experiencing homelessness is one of the greatest barriers to exiting homelessness. Housing resources would allow Whole Person Care counties choosing to target homeless people with the resources to achieve the goals of the Whole Person Care Waiver provisions, during the course of the pilot and after the pilot ends.

SEC. 2. Chapter 6.9 (commencing with Section 50678) is added to Part 2 of Division 31 of the Health and Safety Code, to read:

CHAPTER 6.9. WHOLE PERSON CARE HOUSING PROGRAM

50678. For purposes of this chapter, all of the following definitions shall apply:

(a) "Homeless" has the same meaning as Section 578.3 of Title 24 of the Code of Federal Regulations.

(b) "Interim housing" means a safe place for a participant to live temporarily while the participant is waiting to move into an apartment affordable to the participant. "Interim housing" may include recuperative or respite care and shall not be funded for longer than a period of nine months.

(c) "Long-term rental assistance" means a rental subsidy provided to a housing provider to assist a tenant to pay the difference between 30 percent of the tenant's income and the costs of operating the assisted apartment.

(d) "Supportive housing" has the same meaning as Section 50675.14.

(e) "Whole Person Care pilot program" has the same meaning as described in Sections 110-126 of the Medi-Cal 2020 Waiver Special Terms and Conditions, finalized on December 30, 2015.

50678.1. The Department of Housing and Community Development (HCD), in coordination with the State Department of Health Care Services (DHCS), shall do all of the following:

(a) On or before July 1, 2017, design and create the Whole Person Care Housing Program.

(b) On or before July 1, 2017, draft guidelines for stakeholder comment to fund grants to pay for long-term housing costs under the Whole Person Care Housing Program.

(c) On or before January 1, 2018, and every year thereafter, subject to appropriation by the Legislature, award grants to eligible counties and regions participating in a Whole Person Care pilot program.

(d) Collect data midyear and annually from counties and regions receiving grants awarded pursuant to this chapter.

(e) (1) By March 31, 2019, and by every year thereafter in which the Whole Person Care Housing Program receives funding, report data collected to the Assembly Committee on Budget, the Senate Committee on Budget and Fiscal Review, the Assembly Committee on Housing and Community Development, and the Senate Committee on Transportation and Housing.

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

50678.2. A county or a region that includes more than one county shall be eligible for a Whole Person Care Housing Program grant if the county or region's lead entity meets all of the following requirements:

(a) Meets one of the following descriptions:

(1) Is a lead entity participating in a Whole Person Care pilot program under the Medi-Cal 2020 Waiver.

(2) Is a lead entity that had previously participated in a Whole Person Care pilot program that has expired.

(3) Is a county with Medi-Cal managed care plans participating in the Health Home Program and demonstrates collaboration required in subdivision (b).

(b) Has formed collaborative relationships with at least one health plan, county health and behavioral health agencies, at least one housing authority, and established relevant continuums of care, as described in Section 115 of the Medi-Cal 2020 Waiver Special Terms and Conditions, along with nonprofit housing and homeless service providers, to enable the county or region to carry out the provisions of this program.

(c) For residents participating in the Whole Person Care Housing Program, has identified a source of funding for care management and other services identified in the Centers for Medicare and Medicaid Services Informational Bulletin regarding Housing-Related Activities and Services for People with Disabilities, issued June 2015, and identified in the Medi-Cal Waiver 2020 Special Terms and Conditions. Funding shall include one or more of the following:

(1) County general funds.

(2) Whole Person Care pilot housing pool and care management programs.

(3) The Health Home Program.

(d) Has designated a process for administering grant funds through agencies administering housing programs.

(e) Agrees to collect and report data, as described in Section 50678.3, to the Department of Housing and Community Development and the State Department of Health Care Services.

50678.3. (a) A county or region awarded grant funds under this chapter shall form agreements with health plans to collect Medi-Cal data regarding members' overall health costs.

(b) A county or region awarded grant funds shall, at annual and midyear intervals, report all of the following data to HCD and DHCS:

(1) A comparison of health care costs of residents receiving long-term rental assistance under the Whole Person Care Housing Program to health care costs of homeless residents not receiving long-term rental assistance.

(2) The number of participants and the type of interventions offered through grant funds.

(3) The number of participants receiving long-term rental assistance living in supportive housing or other housing that does not limit length of stay.

50678.4. A county or region shall use grants awarded pursuant to this chapter for one or more of the following, which may be administered through a housing pool, as defined in the Medi-Cal 2020 Waiver Special Terms and Conditions:

(a) Long-term rental assistance for periods up to five years, as determined by the eligible county.

(b) Interim housing.

(c) A county's administrative costs for up to 5 percent of the total grant awarded.

50678.5. A county resident is eligible to receive assistance pursuant to a grant awarded under the Whole Person Care Housing Program if he or she meets all of the following requirements:

(a) Is homeless upon initial eligibility.

(b) Is a Medi-Cal beneficiary.

(c) Is eligible for the services program identified by participating counties or regions.

50678.6. The Whole Person Care Housing Program is subject to an initial appropriation by the Legislature. After the initial appropriation, the funding of grants under the program is subject to annual appropriations by the Legislature based on decreased costs of care, as reported by participating counties, of moving eligible participants into supportive housing.

50678.7. HCD shall use no more than 5 percent of the funds appropriated for the Whole Person Care Housing Program for purposes of administering the program.

Amendment 4

On page 2, strike out lines 1 to 36, inclusive

AMENDMENTS TO ASSEMBLY BILL NO. 2822

Amendment 1
In the title, in line 1, strike out "69506" and insert:

78212

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

SECTION 1. Section 78212 of the Education Code is amended to read:

78212. (a) (1) For purposes of this article, "matriculation" means a process that brings a college and a student into an agreement for the purpose of achieving the student's educational goals and completing the student's course of study. The agreement involves the responsibilities of both parties to attain those objectives through the college's established programs, policies, and requirements including those established by the board of governors pursuant to Section 78215.

(2) The institution's responsibility under the agreement includes the provision of student services to provide a strong foundation and support for their academic success and ability to achieve their educational goals. The program of services funded through the Seymour-Campbell Student Success Act of 2012, which shall be known and may be cited as the Student Success and Support Program, shall include, but are not necessarily limited to, all of the following:

(A) Orientation services designed to provide to students, on a timely basis, information concerning campus procedures, academic expectations, financial assistance, and any other matters the college or district finds appropriate.

(B) Assessment before course registration, as defined in Section 78213.

(C) Counseling and other education planning services, which shall include, but not necessarily be limited to, all of the following:

(i) Counseling and advising.

(ii) Assistance to students in the exploration of educational and career interests and aptitudes and identification of educational objectives, including, but not limited to, preparation for transfer, associate degrees, and career technical education certificates and licenses.

(iii) The provision of information, guided by sound counseling principles and practices, using a broad array of delivery mechanisms, including technology-based strategies to serve a continuum of student needs and abilities, that will enable students to make informed choices.

(iv) Development of an education plan leading to a course of study and guidance on course selection that is informed by, and related to, a student's academic and career goals.

(D) Referral to specialized support services as needed and available, including, but not necessarily limited to, federal, state, and local financial assistance; health services; career services; veteran support services; foster youth services; extended opportunity programs and services provided pursuant to Article 8 (commencing with

Section 69640) of Chapter 2 of Part 42 of Division 5; campus child care services provided pursuant to ~~Article 4 (commencing with Section 8225) of Chapter 2 of Part 6 of Division 1 of Title 1;~~ Article 6 (commencing with Section 66060) of Chapter 2 of Part 40 of Division 5; programs that teach basic skills education and English as a second language; and disabled student services provided pursuant to Chapter 14 (commencing with Section 67300) of Part 40 of Division 5.

(E) Evaluation of each student's progress and referral to appropriate interventions for students who are enrolled in basic skills courses, who have not declared an educational goal as required, or who are on academic probation, as defined by standards adopted by the Board of Governors of the California Community Colleges and community college districts.

(3) The student's responsibilities under the agreement include, but are not necessarily limited to, the identification of an academic and career goal upon application, the declaration of a specific course of study after a specified time period or unit accumulation, as defined by the board of governors, diligence in class attendance and completion of assigned coursework, and the completion of courses and maintenance of academic progress toward an educational goal and course of study identified in the student's education plan. To ensure that students are not unfairly impacted by the requirements of this chapter, the board of governors shall establish a reasonable implementation period that is phased in as resources are available to provide nonexempt students with the core services pursuant to this section.

(b) Funding for the Student Success and Support Program shall be targeted to fully implement orientation, assessment, counseling and advising, and other education planning services needed to assist a student in making an informed decision about his or her educational goal and course of study and in the development of an education plan.

(c) (1) Funding for the Student Success and Support Program may be used for provision of emergency student financial assistance to help eligible students to overcome unforeseen financial challenges, including, but not necessarily limited to, the immediate need for shelter or food.

(2) In order for emergency student financial assistance to be an allowable use of Student Success and Support Program funds, emergency student financial assistance shall be included in the institution's plan for interventions to students.

(3) For purposes of this subdivision, the following terms are defined as follows:

(A) "Eligible student" means a student who has experienced an unforeseen financial challenge, who currently meets satisfactory academic progress of the institution he or she attends, and who is at risk of not persisting in his or her course of study due to the unforeseen financial challenge.

(B) "Emergency student financial assistance" means financial support in the form of financial assistance to support a student to help overcome unforeseen financial challenges so that the student can continue his or her course of study.

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

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AMENDMENTS TO ASSEMBLY BILL NO. 2825

Amendment 1

In the title, in line 1, strike out "amend Section 33039 of" and insert:

add Article 11.5 (commencing with Section 44665.8) of Chapter 3 of Part 25 of Division 3 of Title 2 of

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Article 11.5 (commencing with Section 44665.8) is added to Chapter 3 of Part 25 of Division 3 of Title 2 of the Education Code, to read:

Article 11.5. Common Evaluation System for Certificated Employees

44665.8. (a) A local educational agency that, as a part of its evaluation and assessment of a certificated employee, determines that the employee requires additional development and growth to meet adopted standards of performance shall provide the employee professional development opportunities to support the employee in working towards meeting these standards.

(b) The professional development opportunities provided pursuant to this section may include, but are not limited to, all of the following:

(1) Training in the state academic content standards adopted by the state board.

(2) Training in providing English learners access to the common core academic content standards adopted pursuant to Section 60605.8 and the English language development standards adopted pursuant to former Section 60811.3, as that section read on June 30, 2013, or Section 60811.4.

(3) Priority placement in the Peer Assistance and Review Program for Teachers or other programs operated by the local educational agency that develop and strengthen the skills of certificated employees.

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

Amendment 3

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

AMENDMENTS TO ASSEMBLY BILL NO. 2827

Amendment 1

In the title, in line 1, strike out "amend Section 2100 of the Elections Code, relating to", strike out line 2 and insert:

add Section 17533.75 to the Business and Professions Code, relating to advertising.

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 17533.75 is added to the Business and Professions Code, immediately following Section 17533.7, to read:

17533.75. (a) Notwithstanding any law, including, but not limited to, Section 17200, 17500, or 17533.7, of this code or Section 12098.10 or 129098.11 of the Government Code, or the Consumers Legal Remedies Act (Title 1.5 (commencing with Section 1750) of Part 4 of Division 3 of the Civil Code), a person or business may cure an alleged de minumus violation of Section 17533.7 of this code or Section 12098.10 of the Government Code, within 33 days of receiving written notice of the alleged violation. The action taken to cure the violation may include, but is not limited to, the prospective discontinued use of the words "Made in U.S.A.," "Made in California," or similar words and phrases as set forth in subdivision (a) of Section 17533.7 of this code or Section 12098.10 of the Government Code, on any merchandise, article, unit, or part thereof.

(b) Notwithstanding any law, no civil action may be commenced under this article, or the Consumers Legal Remedies Act (Title 1.5 (commencing with Section 1750) of Part 4 of Division 3 of the Civil Code), unless the person or business is provided written notice of the alleged violation and the person or business has not cured the violation within 33 days of receiving the notice.

Amendment 3

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

AMENDMENTS TO ASSEMBLY BILL NO. 2830

Amendment 1

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

An act to amend Section 3301 of the Government Code, relating to public safety officers.

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 3301 of the Government Code is amended to read:

3301. (a) For purposes of this chapter, the term public safety officer means all peace officers specified in Sections 830.1, 830.2, 830.3, 830.31, 830.32, 830.33, except subdivision (e), 830.34, 830.35, except subdivision (c), 830.36, 830.37, 830.38, 830.4, 830.5, and ~~830.5~~ 830.55 of the Penal Code.

(b) The Legislature hereby finds and declares that the rights and protections provided to peace officers under this chapter constitute a matter of statewide concern. The Legislature further finds and declares that effective law enforcement depends upon the maintenance of stable employer-employee relations, between public safety employees and their employers. In order to assure that stable relations are continued throughout the state and to further assure that effective services are provided to all people of the state, it is necessary that this chapter be applicable to all public safety officers, as defined in this section, wherever situated within the State of California.

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

Amendment 3

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

AMENDMENTS TO ASSEMBLY BILL NO. 2834

Amendment 1

In the title, in line 1, strike out "104755" and insert:

104750

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 104750 of the Health and Safety Code is amended to read:

104750. (a) The department shall maintain a dental program including, but not limited to, the following:

~~(a) Development of~~

(1) Develop comprehensive dental health plans within the framework of the State Plan for Health to maximize utilization of all resources.

~~(b)~~

(2) Provide the consultation necessary to coordinate federal, state, county, and city agency programs concerned with dental health.

~~(c)~~

(3) Encourage, support, and augment the efforts of city and county health departments in the implementation of a dental health component in their program plans.

~~(d)~~

(4) Provide evaluation of these programs in terms of preventive services.

~~(e)~~

(5) Provide consultation and program information to the health professions, health professional educational institutions, and volunteer agencies.

(6) Develop and maintain a data collection and reporting system to monitor the dental disease experience and unmet dental need in California.

~~(f)~~

(b) For purposes of this ~~article~~ article, "State Plan for Health" means that comprehensive state plan for health being developed by the department pursuant to Public Law 89-749 (80 Stat. 1180).

Amendment 3

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

AMENDMENTS TO ASSEMBLY BILL NO. 2838

Amendment 1

In the title, in line 1, strike out "relating to public elementary and secondary education." and insert:

to amend Section 51225.3 of the Education Code, relating to pupil instruction.

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 51225.3 of the Education Code, as amended by Section 1 of Chapter 888 of the Statutes of 2014, is amended to read:

51225.3. (a) A pupil shall complete all of the following while in grades 9 to 12, inclusive, in order to receive a diploma of graduation from high school:

(1) At least the following numbers of courses in the subjects specified, each course having a duration of one year, unless otherwise specified:

(A) Three courses in English.

(B) Two courses in mathematics. If the governing board of a school district requires more than two courses in mathematics for graduation, the governing board of the school district may award a pupil up to one mathematics course credit pursuant to Section 51225.35.

(C) Two courses in science, including biological and physical sciences.

(D) Three courses in social studies, including United States history and geography; world history, culture, and geography; a one-semester course in American government and civics; and a one-semester course in economics.

(E) One course in visual or performing arts, foreign language, or, commencing with the 2012–13 school year, career technical education.

(i) For purposes of satisfying the requirement specified in this subparagraph, a course in American Sign Language shall be deemed a course in foreign language.

(ii) For purposes of this subparagraph, "a course in career technical education" means a course in a district-operated career technical education program that is aligned to the career technical model curriculum standards and framework adopted by the state board, including courses through a regional occupational center or program operated by a county superintendent of schools or pursuant to a joint powers agreement.

(iii) This subparagraph does not require a school or school district that currently does not offer career technical education courses to start new career technical education programs for purposes of this section.

(iv) If a school district or county office of education elects to allow a career technical education course to satisfy the requirement imposed by this subparagraph, the governing board of the school district or county office of education, before offering that alternative to pupils, shall notify parents, teachers, pupils, and the public at a regularly scheduled meeting of the governing board of all of the following:

(I) The intent to offer career technical education courses to fulfill the graduation requirement specified in this subparagraph.

(II) The impact that offering career technical education courses, pursuant to this subparagraph, will have on the availability of courses that meet the eligibility requirements for admission to the California State University and the University of California, and whether the career technical education courses to be offered pursuant to this subparagraph are approved to satisfy those eligibility requirements. If a school district elects to allow a career technical education course to satisfy the requirement imposed by this subparagraph, the school district shall comply with subdivision (m) of Section 48980.

(III) The distinction, if any, between the high school graduation requirements of the school district or county office of education, and the eligibility requirements for admission to the California State University and the University of California.

(F) Two courses in physical education, unless the pupil has been exempted pursuant to the provisions of this code.

(2) Other coursework requirements adopted by the governing board of the school district.

(b) (1) The governing ~~board,~~ board of a school district, with the active involvement of parents, administrators, teachers, and pupils, shall adopt alternative means for pupils to complete the prescribed course of study that may include practical demonstration of skills and competencies, supervised work experience or other outside school experience, career technical education classes offered in high schools, courses offered by regional occupational centers or programs, interdisciplinary study, independent study, and credit earned at a postsecondary educational institution. Requirements for graduation and specified alternative modes for completing the prescribed course of study shall be made available to pupils, parents, and the public.

(2) The alternative means may also include, but are not required to include, online advanced placement courses that are approved by the College Board. A school district may contract with a provider of the approved online advanced placement courses to provide the courses free of charge to its pupils.

(c) On or before July 1, 2017, the department shall submit a comprehensive report to the appropriate policy committees of the Legislature on the addition of career technical education courses to satisfy the requirement specified in subparagraph (E) of paragraph (1) of subdivision (a), including, but not limited to, the following information:

(1) A comparison of the pupil enrollment in career technical education courses, foreign language courses, and visual and performing arts courses for the 2005–06 to 2011–12 school years, inclusive, to the pupil enrollment in career technical education courses, foreign language courses, and visual and performing arts courses for the 2012–13 to 2016–17 school years, inclusive.

(2) The reasons, reported by school districts, that pupils give for choosing to enroll in a career technical education course to satisfy the requirement specified in subparagraph (E) of paragraph (1) of subdivision (a).

(3) The type and number of career technical education courses that were conducted for the 2005–06 to 2011–12 school years, inclusive, compared to the type and number of career technical education courses that were conducted for the 2012–13 to 2016–17 school years, inclusive.

(4) The number of career technical education courses that satisfied the subject matter requirements for admission to the University of California or the California State University.

(5) The extent to which the career technical education courses chosen by pupils are aligned with the California Career Technical Education Standards, and prepare pupils for employment, advanced training, and postsecondary education.

(6) The number of career technical education courses that also satisfy the visual and performing arts requirement, and the number of career technical education courses that also satisfy the foreign language requirement.

(7) Annual pupil dropout and graduation rates for the 2011–12 to 2014–15 school years, inclusive.

(d) For purposes of completing the report described in subdivision (c), the Superintendent may use existing state resources and federal funds. If state or federal funds are not available or sufficient, the Superintendent may apply for and accept grants, and receive donations and other financial support from public or private sources for purposes of this section.

(e) For purposes of completing the report described in subdivision (c), the Superintendent may accept support, including, but not limited to, financial and technical support, from high school reform advocates, teachers, chamber organizations, industry representatives, research centers, parents, and pupils.

(f) This section shall become inoperative on the earlier of the following two dates:

(1) On July 1, immediately following the first fiscal year after the enactment of the act that adds this paragraph in which the number of career technical education courses that, as determined by the department, satisfy the foreign language requirement for admission to the California State University and the University of California is at least twice the number of career technical education courses that meet these admission requirements as of January 1, 2012. This section shall be repealed on the following January 1, unless a later enacted statute, that becomes operative on or before that date, deletes or extends the dates on which it becomes inoperative and is repealed. It is the intent of the Legislature that new career technical education courses that satisfy the foreign language requirement for admission to the California State University and the University of California focus on world languages aligned with career preparation, emphasizing real-world application and technical content in related career and technical education courses.

(2) On July 1, 2017, and, as of January 1, 2018, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2018, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 2. Section 51225.3 of the Education Code, as amended by Section 2 of Chapter 888 of the Statutes of 2014, is amended to read:

51225.3. (a) A pupil shall complete all of the following while in grades 9 to 12, inclusive, in order to receive a diploma of graduation from high school:

(1) At least the following numbers of courses in the subjects specified, each course having a duration of one year, unless otherwise specified:

(A) Three courses in English.

(B) Two courses in mathematics. If the governing board of a school district requires more than two courses in mathematics for graduation, the governing board of

the school district may award a pupil up to one mathematics course credit pursuant to Section 51225.35.

(C) Two courses in science, including biological and physical sciences.

(D) Three courses in social studies, including United States history and geography; world history, culture, and geography; a one-semester course in American government and civics; and a one-semester course in economics.

(E) One course in visual or performing arts or foreign language. For purposes of satisfying the requirement specified in this subparagraph, a course in American Sign Language shall be deemed a course in foreign language.

(F) Two courses in physical education, unless the pupil has been exempted pursuant to the provisions of this code.

(2) Other coursework requirements adopted by the governing board of the school district.

(b) (1) The governing ~~board,~~ board of a school district, with the active involvement of parents, administrators, teachers, and pupils, shall adopt alternative means for pupils to complete the prescribed course of study that may include practical demonstration of skills and competencies, supervised work experience or other outside school experience, career technical education classes offered in high schools, courses offered by regional occupational centers or programs, interdisciplinary study, independent study, and credit earned at a postsecondary educational institution. Requirements for graduation and specified alternative modes for completing the prescribed course of study shall be made available to pupils, parents, and the public.

(2) The alternative means may also include, but are not required to include, online advanced placement courses that are approved by the College Board. A school district may contract with a provider of the approved online advanced placement courses to provide the courses free of charge to its pupils.

(c) If a pupil completed a career technical education course that met the requirements of subparagraph (E) of paragraph (1) of subdivision (a) of Section 51225.3, as amended by the act adding this section, before the inoperative date of that section, that course shall be deemed to fulfill the requirements of subparagraph (E) of paragraph (1) of subdivision (a) of this section.

(d) This section shall become operative upon the date that Section 51225.3, as amended by the act adding this section, becomes inoperative.

Amendment 3

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

AMENDMENTS TO ASSEMBLY BILL NO. 2839

Amendment 1
In the title, in line 1, strike out "Section 1270" and insert:

Sections 1205 and 2900.5

Amendment 2
In the title, strike out line 2 and insert:

penalties.

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

SECTION 1. Section 1205 of the Penal Code is amended to read:

1205. (a) A judgment that the defendant pay a fine, with or without other punishment, may also direct that he or she be imprisoned until the fine is satisfied and may further direct that the imprisonment begin at and continue after the expiration of any imprisonment imposed as a part of the punishment or of any other imprisonment to which the defendant may have been sentenced. The judgment shall specify the term of imprisonment for nonpayment of the fine, which shall not be more than one day for each one hundred ~~twenty-five~~ twenty-five dollars ($125) of the base fine, nor exceed the term for which the defendant may be sentenced to imprisonment for the offense of which he or she has been convicted. A defendant held in custody for nonpayment of a fine shall be entitled to credit on the fine for each day he or she is held in custody, at the rate specified in the judgment. When the defendant has been convicted of a misdemeanor, a judgment that the defendant pay a fine may also direct that he or she pay the fine within a limited time or in installments on specified dates, and that in default of payment as stipulated he or she be imprisoned in the discretion of the court either until the defaulted installment is satisfied or until the fine is satisfied in full; but unless the direction is given in the judgment, the fine shall be payable.

(b) Except as otherwise provided in case of fines imposed, as a condition of probation, the defendant shall pay the fine to the clerk of the court, or to the judge if there is no clerk, unless the defendant is taken into custody for nonpayment of the fine, in which event payments made while he or she is in custody shall be made to the officer who holds the defendant in custody, and all amounts paid shall be paid over by the officer to the court that rendered the judgment. The clerk shall report to the court every default in payment of a fine or any part of that fine, or if there is no clerk, the court shall take notice of the default. If time has been given for payment of a fine or it has been made payable in installments, the court shall, upon any default in payment, immediately order the arrest of the defendant and order him or her to show cause why he or she should not be imprisoned until the fine or installment is satisfied in full. If the fine or installment is payable forthwith and it is not paid, the court shall, without

further proceedings, immediately commit the defendant to the custody of the proper officer to be held in custody until the fine or installment is satisfied in full.

(c) This section applies to any violation of any of the codes or statutes of this state punishable by a fine or by a fine and imprisonment.

(d) Nothing in this section shall be construed to prohibit the clerk of the court, or the judge if there is no clerk, from turning these accounts over to another county department or a collecting agency for processing and collection.

(e) The defendant shall pay to the clerk of the court or the collecting agency a fee for the processing of installment accounts. This fee shall equal the administrative and clerical costs, as determined by the board of supervisors, or by the court, depending on which entity administers the account. The defendant shall pay to the clerk of the court or the collecting agency the fee established for the processing of the accounts receivable that are not to be paid in installments. The fee shall equal the administrative and clerical costs, as determined by the board of supervisors, or by the court, depending on which entity administers the account, except that the fee shall not exceed thirty dollars ($30).

(f) This section shall not apply to restitution fines and restitution orders.

SEC. 2. Section 2900.5 of the Penal Code is amended to read:

2900.5. (a) In all felony and misdemeanor convictions, either by plea or by verdict, when the defendant has been in custody, including, but not limited to, any time spent in a jail, camp, work furlough facility, halfway house, rehabilitation facility, hospital, prison, juvenile detention facility, or similar residential institution, all days of custody of the defendant, including days served as a condition of probation in compliance with a court order, credited to the period of confinement pursuant to Section 4019, and days served in home detention pursuant to Section 1203.016 or 1203.018, shall be credited upon his or her term of imprisonment, or credited to any ~~fine, including, but not limited to, base fines, on a proportional basis,~~ base fine that may be imposed, at the rate of not less than one hundred ~~twenty five~~ twenty-five dollars ($125) per day, or more, in the discretion of the court imposing the sentence. If the total number of days in custody exceeds the number of days of the term of imprisonment to be imposed, the entire term of imprisonment shall be deemed to have been served. In any case where the court has imposed both a prison or jail term of imprisonment and a fine, any days to be credited to the defendant shall first be applied to the term of imprisonment imposed, and thereafter the remaining days, if any, shall be applied to the ~~fine, including, but not limited to, base fines, on a proportional basis.~~ base fine.

(b) For the purposes of this section, credit shall be given only where the custody to be credited is attributable to proceedings related to the same conduct for which the defendant has been convicted. Credit shall be given only once for a single period of custody attributable to multiple offenses for which a consecutive sentence is imposed.

(c) For the purposes of this section, "term of imprisonment" includes any period of imprisonment imposed as a condition of probation or otherwise ordered by a court in imposing or suspending the imposition of any sentence, and also includes any term of imprisonment, including any period of imprisonment prior to release on parole and any period of imprisonment and parole, prior to discharge, whether established or fixed by statute, by any court, or by any duly authorized administrative agency.

(d) It is the duty of the court imposing the sentence to determine the date or dates of any admission to, and release from, custody prior to sentencing and the total number

of days to be credited pursuant to this section. The total number of days to be credited shall be contained in the abstract of judgment provided for in Section 1213.

(e) It is the duty of any agency to which a person is committed to apply the credit provided for in this section for the period between the date of sentencing and the date the person is delivered to the agency.

(f) If a defendant serves time in a camp, work furlough facility, halfway house, rehabilitation facility, hospital, juvenile detention facility, similar residential facility, or home detention program pursuant to Section 1203.016, 1203.017, or 1203.018, in lieu of imprisonment in a county jail, the time spent in these facilities or programs shall qualify as mandatory time in jail.

(g) Notwithstanding any other provision of this code as it pertains to the sentencing of convicted offenders, this section does not authorize the sentencing of convicted offenders to any of the facilities or programs mentioned herein.

Amendment 4

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

AMENDMENTS TO ASSEMBLY BILL NO. 2842

Amendment 1

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

to amend Sections 12206, 17058, and 23610.5 of, and to add Sections 12206.1, 17058.1, and 23610.7 to, the Revenue and Taxation Code,

Amendment 2

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

taxation, to take effect immediately, tax levy.

Amendment 3

On page 1, before line 1, insert:

SECTION 1. This act shall be known, and may be cited, as the Workforce Housing Tax Credit Act.

SEC. 2. Section 12206 of the Revenue and Taxation Code is amended to read:

12206. (a) (1) There shall be allowed as a credit against the ~~"tax" (as~~ "tax," described by Section ~~12201)~~ 12201, a state low-income housing tax credit in an amount equal to the amount determined in subdivision (c), computed in accordance with Section 42 of the Internal Revenue Code, relating to low-income housing credit, except as otherwise provided in this section.

(2) "Taxpayer," for purposes of this section, means the sole owner in the case of a "C" corporation, the partners in the case of a partnership, and the shareholders in the case of an "S" corporation.

(3) "Housing sponsor," for purposes of this section, means the sole owner in the case of a "C" corporation, the partnership in the case of a partnership, and the "S" corporation in the case of an "S" corporation.

(b) (1) The amount of the credit allocated to any housing sponsor shall be authorized by the California Tax Credit Allocation Committee, or any successor thereof, based on a project's need for the credit for economic feasibility in accordance with the requirements of this section.

(A) Except for projects to provide farmworker housing, as defined in subdivision (h) of Section 50199.7 of the Health and Safety Code, that are allocated credits solely under the set-aside described in subdivision (c) of Section 50199.20 of the Health and Safety Code, the low-income housing project shall be located in California and shall meet either of the following requirements:

(i) The project's housing sponsor ~~shall have~~ has been allocated by the California Tax Credit Allocation Committee a credit for federal income tax purposes under Section 42 of the Internal Revenue ~~Code.~~ Code, relating to low-income housing credit.

(ii) It ~~shall qualify~~ qualifies for a credit under Section 42(h)(4)(B) of the Internal Revenue ~~Code.~~ Code, relating to special rule where 50 percent or more of building is financed with tax-exempt bonds subject to volume cap.

(B) The California Tax Credit Allocation Committee shall not require fees for the credit under this section in addition to those fees required for applications for the tax credit pursuant to Section 42 of the Internal Revenue ~~Code.~~ Code, relating to low-income housing credit. The committee may require a fee if the application for the credit under this section is submitted in a calendar year after the year the application is submitted for the federal tax credit.

(C) (i) For a project that receives a preliminary reservation of the state low-income housing tax credit, allowed pursuant to subdivision (a), on or after January 1, 2009, and before January 1, 2016, the credit shall be allocated to the partners of a partnership owning the project in accordance with the partnership agreement, regardless of how the federal low-income housing tax credit with respect to the project is allocated to the partners, or whether the allocation of the credit under the terms of the agreement has substantial economic effect, within the meaning of Section 704(b) of the Internal Revenue ~~Code.~~ Code, relating to determination of distributive share.

(ii) This subparagraph ~~shall~~ does not apply to a project that receives a preliminary reservation of state low-income housing tax credits under the set-aside described in subdivision (c) of Section 50199.20 of the Health and Safety Code unless the project also receives a preliminary reservation of federal low-income housing tax credits.

(iii) This subparagraph shall cease to be operative with respect to any project that receives a preliminary reservation of a credit on or after January 1, 2016.

(2) (A) The California Tax Credit Allocation Committee shall certify to the housing sponsor the amount of tax credit under this section allocated to the housing sponsor for each credit period.

(B) In the case of a partnership or an "S" corporation, the housing sponsor shall provide a copy of the California Tax Credit Allocation Committee certification to the taxpayer.

(C) The taxpayer shall attach a copy of the certification to any return upon which a tax credit is claimed under this section.

(D) In the case of a failure to attach a copy of the certification for the year to the return in which a tax credit is claimed under this section, no credit under this section shall be allowed for that year until a copy of that certification is provided.

(E) All elections made by the taxpayer pursuant to Section 42 of the Internal Revenue ~~Code shall~~ Code, relating to low-income housing credit, apply to this section.

(F) (i) Except as described in clause (ii), for buildings located in designated difficult development areas (DDAs) or qualified census tracts (QCTs), as defined in Section 42(d)(5)(B) of the Internal Revenue Code, relating to increase in credit for buildings in high-cost areas, credits may be allocated under this section in the amounts prescribed in subdivision (c), provided that the amount of credit allocated under Section 42 of the Internal Revenue ~~Code~~ Code, relating to low-income housing credit, is computed on 100 percent of the qualified basis of the building.

(ii) Notwithstanding clause (i), the California Tax Credit Allocation Committee may allocate the credit for buildings located in DDAs or QCTs that are restricted to having 50 percent of its occupants be special needs households, as defined in the California Code of Regulations by the California Tax Credit Allocation Committee,

even if the taxpayer receives federal credits pursuant to Section 42(d)(5)(B) of the Internal Revenue Code, relating to increase in credit for buildings in high-cost areas, provided that the credit allowed under this section shall not exceed 30 percent of the eligible basis of the building.

(G) (i) The California Tax Credit Allocation Committee may allocate a credit under this section in exchange for a credit allocated pursuant to Section 42(d)(5)(B) of the Internal Revenue ~~Code~~ Code, relating to increase in credit for buildings in high-cost areas, in amounts up to 30 percent of the eligible basis of a building if the credits allowed under Section 42 of the Internal Revenue ~~Code~~ Code, relating to low-income housing credit, are reduced by an equivalent amount.

(ii) An equivalent amount shall be determined by the California Tax Credit Allocation Committee based upon the relative amount required to produce an equivalent state tax credit to the taxpayer.

(c) Section 42(b) of the Internal Revenue ~~Code~~ Code, relating to applicable percentage, shall be modified as follows:

(1) In the case of any qualified low-income building that receives an allocation after 1989 and is a new building not federally subsidized, the term "applicable percentage" means the following:

(A) For each of the first three years, the percentage prescribed by the Secretary of the Treasury for new buildings that are not federally subsidized for the taxable year, determined in accordance with the requirements of Section 42(b)(2) of the Internal Revenue Code, relating to temporary minimum credit rate for nonfederally subsidized new buildings, in lieu of the percentage prescribed in Section 42(b)(1)(A) of the Internal Revenue Code.

(B) For the fourth year, the difference between 30 percent and the sum of the applicable percentages for the first three years.

(2) In the case of any qualified low-income building that receives an allocation after 1989 and that is a new building that is federally subsidized or that is an existing building that is "at risk of conversion," the term "applicable percentage" means the following:

(A) For each of the first three years, the percentage prescribed by the Secretary of the Treasury for new buildings that are federally subsidized for the taxable year.

(B) For the fourth year, the difference between 13 percent and the sum of the applicable percentages for the first three years.

(3) For purposes of this section, the term "at risk of conversion," with respect to an existing property means a property that satisfies all of the following criteria:

(A) The property is a multifamily rental housing development in which at least 50 percent of the units receive governmental assistance pursuant to any of the following:

(i) New construction, substantial rehabilitation, moderate rehabilitation, property disposition, and loan management set-aside programs, or any other program providing project-based assistance pursuant to Section 8 of the United States Housing Act of 1937, Section 1437f of Title 42 of the United States Code, as amended.

(ii) The Below-Market-Interest-Rate Program pursuant to Section 221(d)(3) of the National Housing Act, Sections 1715*l*(d)(3) and (5) of Title 12 of the United States Code.

(iii) Section 236 of the National Housing Act, Section 1715z-1 of Title 12 of the United States Code.

(iv) Programs for rent supplement assistance pursuant to Section 101 of the Housing and Urban Development Act of 1965, Section 1701s of Title 12 of the United States Code, as amended.

(v) Programs pursuant to Section 515 of the Housing Act of 1949, Section 1485 of Title 42 of the United States Code, as amended.

(vi) The low-income housing credit program set forth in Section 42 of the Internal Revenue ~~Code.~~ Code, relating to low-income housing credit.

(B) The restrictions on rent and income levels will terminate or the ~~federal~~ federally insured mortgage on the property is eligible for prepayment any time within five years before or after the date of application to the California Tax Credit Allocation Committee.

(C) The entity acquiring the property enters into a regulatory agreement that requires the property to be operated in accordance with the requirements of this section for a period equal to the greater of 55 years or the life of the property.

(D) The property satisfies the requirements of Section 42(e) of the Internal Revenue ~~Code regarding rehabilitation expenditures;~~ Code, relating to rehabilitation expenditures treated as a separate new building, except that the provisions of Section 42(e)(3)(A)(ii)(I) shall not apply.

(d) The term "qualified low-income housing project" as defined in Section 42(c)(2) of the Internal Revenue ~~Code~~ Code, relating to qualified low-income building, is modified by adding the following requirements:

(1) The taxpayer shall be entitled to receive a cash distribution from the operations of the project, after funding required reserves, ~~which,~~ that, at the election of the taxpayer, is equal to:

(A) An amount not to exceed 8 percent of the lesser of:

(i) The owner ~~equity~~ equity, which shall include the amount of the capital contributions actually paid to the housing sponsor and shall not include any amounts until they are paid on an investor note.

(ii) Twenty percent of the adjusted basis of the building as of the close of the first taxable year of the credit period.

(B) The amount of the cashflow from those units in the building that are not low-income units. For purposes of computing cashflow under this subparagraph, operating costs shall be allocated to the low-income units using the "floor space fraction," as defined in Section 42 of the Internal Revenue ~~Code.~~ Code, relating to low-income housing credit.

(C) Any amount allowed to be distributed under subparagraph (A) that is not available for distribution during the first five years of the compliance period may ~~accumulate and be~~ be accumulated and distributed any time during the first 15 years of the compliance period but not thereafter.

(2) The limitation on return ~~shall apply~~ applies in the aggregate to the partners if the housing sponsor is a partnership and in the aggregate to the shareholders if the housing sponsor is an "S" corporation.

(3) The housing sponsor shall apply any cash available for distribution in excess of the amount eligible to be distributed under paragraph (1) to reduce the rent on rent-restricted units or to increase the number of rent-restricted units subject to the tests of Section 42(g)(1) of the Internal Revenue ~~Code.~~ Code, relating to in general.

(e) The provisions of Section 42(f) of the Internal Revenue ~~Code~~ Code, relating to definition and special rules relating to credit period, shall be modified as follows:

(1) The term "credit period" as defined in Section 42(f)(1) of the Internal Revenue ~~Code~~ Code, relating to credit period defined, is modified by substituting "four taxable years" for "10 taxable years."

(2) The special rule for the first taxable year of the credit period under Section 42(f)(2) of the Internal Revenue ~~Code~~ Code, relating to special rule for first year of credit period, shall not apply to the tax credit under this section.

(3) Section 42(f)(3) of the Internal Revenue ~~Code~~ Code, relating to determination of applicable percentage with respect to increases in qualified basis after first year of credit period, is modified to read:

If, as of the close of any taxable year in the compliance period, after the first year of the credit period, the qualified basis of any building exceeds the qualified basis of that building as of the close of the first year of the credit period, the housing sponsor, to the extent of its tax credit allocation, shall be eligible for a credit on the excess in an amount equal to the applicable percentage determined pursuant to subdivision (c) for the four-year period beginning with the later of the taxable years in which the increase in qualified basis occurs.

(f) The provisions of Section 42(h) of the Internal Revenue ~~Code~~ Code, relating to limitation on aggregate credit allowable with respect to projects located in a state, shall be modified as follows:

(1) Section 42(h)(2) of the Internal Revenue ~~Code shall not be applicable and instead the following provisions shall be applicable:~~ Code, relating to allocated credit amount to apply to all taxable years ending during or after credit allocation year, does not apply and instead the following provisions apply:

The total amount for the four-year credit period of the housing credit dollars allocated in a calendar year to any building shall reduce the aggregate housing credit dollar amount of the California Tax Credit Allocation Committee for the calendar year in which the allocation is made.

(2) Paragraphs (3), (4), (5), (6)(E)(i)(II), (6)(F), (6)(G), (6)(I), (7), and (8) of Section 42(h) of the Internal Revenue ~~Code shall not be applicable.~~ Code, relating to limitation on aggregate credit allowable with respect to projects located in a state, do not apply to this section.

(g) The aggregate housing credit dollar amount that may be allocated annually by the California Tax Credit Allocation Committee pursuant to this section, Section 17058, and Section 23610.5 shall be an amount equal to the sum of all the following:

(1) Seventy million dollars ($70,000,000) for the 2001 calendar year, and, for the 2002 calendar year and each calendar year thereafter, seventy million dollars ($70,000,000) increased by the percentage, if any, by which the Consumer Price Index for the preceding calendar year exceeds the Consumer Price Index for the 2001 calendar year. For the purposes of this paragraph, the term "Consumer Price Index" means the last Consumer Price Index for All Urban Consumers published by the federal Department of Labor.

(2) The unused housing credit ceiling, if any, for the preceding calendar years.

(3) The amount of housing credit ceiling returned in the calendar year. For purposes of this paragraph, the amount of housing credit dollar amount returned in the calendar year equals the housing credit dollar amount previously allocated to any

project that does not become a qualified low-income housing project within the period required by this section or to any project with respect to which an allocation is canceled by mutual consent of the California Tax Credit Allocation Committee and the allocation recipient.

(4) Five hundred thousand dollars ($500,000) per calendar year for projects to provide farmworker housing, as defined in subdivision (h) of Section 50199.7 of the Health and Safety Code.

(5) The amount of any unallocated or returned credits under former Sections 17053.14, 23608.2, and 23608.3, as those sections read prior to January 1, 2009, until fully exhausted for projects to provide farmworker housing, as defined in subdivision (h) of Section 50199.7 of the Health and Safety Code.

(h) The term "compliance period" as defined in Section 42(i)(1) of the Internal Revenue ~~Code~~ Code, relating to compliance period, is modified to mean, with respect to any building, the period of 30 consecutive taxable years beginning with the first taxable year of the credit period with respect thereto.

(i) (1) Section 42(j) of the Internal Revenue ~~Code~~ Code, relating to recapture of credit, shall not be applicable and the provisions in paragraph (2) shall be substituted in its place.

(2) The requirements of this section shall be set forth in a regulatory agreement between the California Tax Credit Allocation Committee and the housing sponsor, ~~which~~ and this agreement shall be subordinated, when required, to any lien or encumbrance of any banks or other institutional lenders to the project. The regulatory agreement entered into pursuant to subdivision (f) of Section 50199.14 of the Health and Safety Code, shall apply, ~~providing~~ provided that the agreement includes all of the following provisions:

(A) A term not less than the compliance period.

(B) A requirement that the agreement be recorded in the official records of the county in which the qualified low-income housing project is located.

(C) A provision stating which state and local agencies can enforce the regulatory agreement in the event the housing sponsor fails to satisfy any of the requirements of this section.

(D) A provision that the regulatory agreement shall be deemed a contract enforceable by tenants as third-party beneficiaries thereto and ~~which~~ that allows individuals, whether prospective, present, or former occupants of the building, who meet the income limitation applicable to the building, the right to enforce the regulatory agreement in any state court.

(E) A provision incorporating the requirements of Section 42 of the Internal Revenue ~~Code~~ Code, relating to low-income housing credit, as modified by this section.

(F) A requirement that the housing sponsor notify the California Tax Credit Allocation Committee or its designee and the local agency that can enforce the regulatory agreement if there is a determination by the Internal Revenue Service that the project is not in compliance with Section 42(g) of the Internal Revenue ~~Code.~~ Code, relating to qualified low-income housing project.

(G) A requirement that the housing sponsor, as security for the performance of the housing sponsor's obligations under the regulatory agreement, assign the housing sponsor's interest in rents that it receives from the project, provided that until there is

a default under the regulatory agreement, the housing sponsor is entitled to collect and retain the rents.

(H) ~~The~~ A provision that the remedies available in the event of a default under the regulatory agreement that is not cured within a reasonable cure ~~period,~~ period include, but are not limited to, allowing any of the parties designated to enforce the regulatory agreement to collect all rents with respect to the project; taking possession of the project and operating the project in accordance with the regulatory agreement until the enforcer determines the housing sponsor is in a position to operate the project in accordance with the regulatory agreement; applying to any court for specific performance; securing the appointment of a receiver to operate the project; or any other relief as may be appropriate.

(j) (1) The committee shall allocate the housing credit on a regular basis consisting of two or more periods in each calendar year during which applications may be filed and considered. The committee shall establish application filing deadlines, the maximum percentage of federal and state low-income housing tax credit ceiling that may be allocated by the committee in that period, and the approximate date on which allocations shall be made. If the enactment of federal or state law, the adoption of rules or regulations, or other similar events prevent the use of two allocation periods, the committee may reduce the number of periods and adjust the filing deadlines, maximum percentage of credit allocated, and the allocation dates.

(2) The committee shall adopt a qualified allocation plan, as provided in Section 42(m)(1) of the Internal Revenue ~~Code.~~ Code, relating to plans for allocation of credit among projects. In adopting this plan, the committee shall comply with the provisions of Sections 42(m)(1)(B) and 42(m)(1)(C) of the Internal Revenue ~~Code.~~ Code, relating to qualified allocation plan and relating to certain selection criteria must be used, respectively.

(3) Notwithstanding Section 42(m) of the Internal Revenue Code, relating to responsibilities of housing credit agencies, the California Tax Credit Allocation Committee shall allocate housing credits in accordance with the qualified allocation plan and regulations, which shall include the following provisions:

(A) All housing sponsors, as defined by paragraph (3) of subdivision (a), shall demonstrate at the time the application is filed with the committee that the project meets the following threshold requirements:

(i) The housing sponsor shall demonstrate that there is a need and demand for low-income housing in the community or region for which it is proposed.

(ii) The project's proposed financing, including tax credit proceeds, shall be sufficient to complete the project and that the proposed operating income shall be adequate to operate the project for the extended use period.

(iii) The project shall have enforceable financing commitments, either construction or permanent financing, for at least 50 percent of the total estimated financing of the project.

(iv) The housing sponsor shall have and maintain control of the site for the project.

(v) The housing sponsor shall demonstrate that the project complies with all applicable local land use and zoning ordinances.

(vi) The housing sponsor shall demonstrate that the project development team has the experience and the financial capacity to ensure project completion and operation for the extended use period.

(vii) The housing sponsor shall demonstrate the amount of tax credit that is necessary for the financial feasibility of the project and its viability as a qualified low-income housing project throughout the extended use period, taking into account operating expenses, a supportable debt service, reserves, funds set aside for rental ~~subsidies,~~ subsidies and required equity, and a development fee that does not exceed a specified percentage of the eligible basis of the project prior to inclusion of the development fee in the eligible basis, as determined by the committee.

(B) The committee shall give a preference to those projects satisfying all of the threshold requirements of subparagraph (A) if both of the following apply:

(i) The project serves the lowest income tenants at rents affordable to those tenants.

(ii) The project is obligated to serve qualified tenants for the longest period.

(C) In addition to the provisions of subparagraphs (A) and (B), the committee shall use the following criteria in allocating housing credits:

(i) Projects serving large families in which a substantial number, as defined by the committee, of all residential units ~~is comprised of~~ are low-income units with three and more bedrooms.

(ii) Projects providing single-room occupancy units serving very low income tenants.

(iii) Existing projects that are "at risk of conversion," as defined by paragraph (3) of subdivision (c).

(iv) Projects for which a public agency provides direct or indirect long-term financial support for at least 15 percent of the total project development costs or projects for which the owner's equity constitutes at least 30 percent of the total project development costs.

(v) Projects that provide tenant amenities not generally available to residents of low-income housing projects.

(4) For purposes of allocating credits pursuant to this section, the committee shall not give preference to any project by virtue of the date of submission of its application except to break a tie when two or more of the projects have an equal rating.

(k) Section 42(*l*) of the Internal Revenue ~~Code~~ Code, relating to certifications and other reports to secretary, shall be modified as follows:

The term "secretary" shall be replaced by the term ~~"California Franchise~~ "Franchise Tax Board."

(*l*) In the case ~~where the state~~ in which the credit allowed under this section exceeds the "tax," the excess may be carried over to reduce the "tax" in the following year, and succeeding years if necessary, until the credit has been exhausted.

(m) The provisions of Section 11407(a) of Public Law 101-508, relating to the effective date of the extension of the low-income housing credit, ~~shall~~ apply to calendar years after 1993.

(n) The provisions of Section 11407(c) of Public Law 101-508, relating to election to accelerate credit, ~~shall~~ do not apply.

(o) (1) For a project that receives a preliminary reservation under this section beginning on or after January 1, 2016, a taxpayer may make an irrevocable election in

its application to the California Tax Credit Allocation Committee to sell all or any portion of any credit allowed under this section to one or more unrelated parties for each taxable year in which the credit is allowed subject to both of the following conditions:

(A) The credit is sold for consideration that is not less than 80 percent of the amount of the credit.

(B) The unrelated party or parties purchasing any or all of the credit pursuant to this subdivision is a taxpayer allowed the credit under this section for the taxable year of the purchase or any prior taxable year or is a taxpayer allowed the federal credit under Section 42 of the Internal Revenue Code, relating to low-income housing credit, for the taxable year of the purchase or any prior taxable year in connection with any project located in this state. For purposes of this subparagraph, "taxpayer allowed the credit under this section" means a taxpayer that is allowed the credit under this section without regard to the purchase of a credit pursuant to this subdivision.

(2) (A) The taxpayer that originally received the credit shall report to the California Tax Credit Allocation Committee within 10 days of the sale of the credit, in the form and manner specified by the California Tax Credit Allocation Committee, all required information regarding the purchase and sale of the credit, including the social security or other taxpayer identification number of the unrelated party to whom the credit has been sold, the face amount of the credit sold, and the amount of consideration received by the taxpayer for the sale of the credit.

(B) The California Tax Credit Allocation Committee shall provide an annual listing to the Franchise Tax Board, in a form and manner agreed upon by the California Tax Credit Allocation Committee and the Franchise Tax Board, of the taxpayers that have sold or purchased a credit pursuant to this subdivision.

(3) (A) A credit may be sold pursuant to this subdivision to more than one unrelated party.

(B) (i) Except as provided in clause (ii), a credit shall not be resold by the unrelated party to another taxpayer or other party.

(ii) All or any portion of any credit allowed under this section may be resold once by an original purchaser to one or more unrelated parties, subject to all of the requirements of this subdivision.

(4) Notwithstanding any other provision of law, the taxpayer that originally received the credit that is sold pursuant to paragraph (1) shall remain solely liable for all obligations and liabilities imposed on the taxpayer by this section with respect to the credit, none of which shall apply to any party to whom the credit has been sold or subsequently transferred. Parties who purchase credits pursuant to paragraph (1) shall be entitled to utilize the purchased credits in the same manner in which the taxpayer that originally received the credit could utilize them.

(5) A taxpayer shall not sell a credit allowed by this section if the taxpayer was allowed the credit on any tax return of the taxpayer.

(6) Notwithstanding paragraph (1), the taxpayer, with the approval of the Executive Director of the California Tax Credit Allocation Committee, may rescind the election to sell all or any portion of the credit allowed under this section if the consideration for the credit falls below 80 percent of the amount of the credit after the California Tax Credit Allocation Committee reservation.

(p) The California Tax Credit Allocation Committee may prescribe rules, guidelines, or procedures necessary or appropriate to carry out the purposes of this section, including any guidelines regarding the allocation of the credit allowed under this section. Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code shall not apply to any rule, guideline, or procedure prescribed by the California Tax Credit Allocation Committee pursuant to this section.

~~(o)~~

(q) This section shall remain in effect for as long as Section 42 of the Internal Revenue Code, relating to low-income housing ~~credits,~~ credit, remains in effect.

SEC. 3. Section 12206.1 is added to the Revenue and Taxation Code, to read:

12206.1. (a) (1) For taxable years beginning on or after January 1, 2017, there shall be allowed to a taxpayer a credit against the "tax," as defined by Section 12201, for a qualified low-income building in an amount equal to the amount computed in accordance with Section 42 of the Internal Revenue Code, relating to low-income housing credit as modified by this section.

(2) In determining the amount of credit allowed pursuant to this section, the following shall apply:

(A) The eligible basis of a building shall be equal to the project's total cost basis.

(B) The applicable percentage shall be:

(1) For a project with units for low-income households, 130 percent.

(2) For a project with units for median-income households with incomes between 80 percent and 99 percent of the area median income, 108 percent.

(3) For a project with units for median-income households with incomes of 100 percent of the area median income, 76 percent.

(b) For purposes of this section:

(1) "Low-income household" means a household with an income that is greater than 60 percent and not higher than 80 percent of the area median household income.

(2) "Median-income household" means a household with an income that is greater than 80 percent but not higher than 100 percent of the area median household income.

(3) "Qualified low-income building" has the same meaning as in Section 42(c)(2) of the Internal Revenue Code, relating to qualified low-income housing building, and also means the qualified low-income building is eligible for a tax credit pursuant to Section 42 of the Internal Revenue Code, relating to low-income housing credit, except that Section 42(g) of the Internal Revenue Code, relating to qualified low-income housing project, shall not apply and instead the following requirements shall be met:

(A) The project is for the acquisition or substantial rehabilitation of a building at least 20 years old or is a new development.

(B) The project includes no more than 50 percent of its units that are eligible for the tax credit allowed pursuant to Section 12206.

(C) Any units reserved for a tax credit allowed pursuant to this section shall not supplant existing affordable housing units not eligible for a tax credit pursuant to this section, including any units for households with an income that is less than that of a low-income household.

(D) The project will allocate at least 20 percent of its units to low-income households and median-income households.

(c) (1) This section shall not be construed to require a taxpayer to have been previously or currently allocated a tax credit pursuant to Section 42 of the Internal Revenue Code, relating low-income housing credit.

(2) This section shall not be construed to preclude a taxpayer, allowed a credit pursuant to this section, from being allocated a credit pursuant to Section 12206 or Section 42 of the Internal Revenue Code, relating to low-income housing credit.

(d) An applicant for the credit allowed pursuant to this section must demonstrate to the California Tax Credit Allocation Committee that, within the city in which the project is situated, the area median income for the average rental unit is above the area median income for the project.

(e) (1) In the case where the credit allowed under this section exceeds the "tax," the excess may be carried over to reduce the "tax" in the following year, and succeeding 14 years if necessary, until the credit has been exhausted.

(2) The credit shall be claimed in the same manner, with regard to the credit period, as a credit claimed pursuant to Section 12206.

(3) The credit allowed pursuant to this section shall have a compliance period of 55 consecutive taxable years at the affordable rate or at substantially below-market rate beginning with the first taxable year of the credit period with respect thereto, administered in the same manner as under Section 12206.

(f) The California Tax Credit Allocation Committee shall allocate, on a first-come-first-served basis, the credit allowed by this section. The aggregate amount of credit that may be allocated in any fiscal year pursuant to this section and Sections 17058.1 and 23610.7 shall be an amount equal to the sum of paragraphs (1) and (2).

(1) One hundred million dollars ($100,000,000) for the 2016–17 fiscal year, and for each fiscal year thereafter.

(2) The unallocated credit amount, if any, from the preceding fiscal year.

(g) (1) The California Tax Credit Allocation Committee shall establish guidelines to specify that a taxpayer may be allowed a tax credit pursuant to this section, Section 12206, and Section 42 of the Internal Revenue Code, relating to low-income housing credit, subject to the requirements of these sections.

(2) The California Tax Credit Allocation Committee and the Department of Insurance may adopt regulations, rules, guidelines, or procedures necessary or appropriate to carry out the purposes of this section, including guidelines to conform the credit allowed by this section to any procedures established pursuant to Section 12206.

(3) The Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code) does not apply to this subdivision.

(h) Section 41 does not apply to the credit allowed by this section.

SEC. 4. Section 17058 of the Revenue and Taxation Code is amended to read:

17058. (a) (1) There shall be allowed as a credit against the "net ~~tax" (as~~ "tax," defined in Section ~~17039)~~ 17039, a state low-income housing tax credit in an amount equal to the amount determined in subdivision (c), computed in accordance with ~~the provisions of~~ Section 42 of the Internal Revenue Code, relating to low-income housing credit, except as otherwise provided in this section.

(2) ~~"Taxpayer"~~ "Taxpayer," for purposes of this ~~section~~ section, means the sole owner in the case of an individual, the partners in the case of a partnership, and the shareholders in the case of an "S" corporation.

(3) "Housing ~~sponsor"~~ sponsor," for purposes of this ~~section~~ section, means the sole owner in the case of an individual, the partnership in the case of a partnership, and the "S" corporation in the case of an "S" corporation.

(b) (1) The amount of the credit allocated to any housing sponsor shall be authorized by the California Tax Credit Allocation Committee, or any successor thereof, based on a project's need for the credit for economic feasibility in accordance with the requirements of this section.

(A) The low-income housing project shall be located in California and shall meet either of the following requirements:

(i) Except for projects to provide farmworker housing, as defined in subdivision (h) of Section 50199.7 of the Health and Safety Code, that are allocated credits solely under the set-aside described in subdivision (c) of Section 50199.20 of the Health and Safety Code, the project's housing sponsor has been allocated by the California Tax Credit Allocation Committee a credit for federal income tax purposes under Section 42 of the Internal Revenue ~~Code.~~ Code, relating to low-income housing credit.

(ii) It qualifies for a credit under Section 42(h)(4)(B) of the Internal Revenue ~~Code.~~ Code, relating to special rule where 50 percent or more of building is financed with tax-exempt bonds subject to volume cap.

(B) The California Tax Credit Allocation Committee shall not require fees for the credit under this section in addition to those fees required for applications for the tax credit pursuant to Section 42 of the Internal Revenue ~~Code.~~ Code, relating to low-income housing credit. The committee may require a fee if the application for the credit under this section is submitted in a calendar year after the year the application is submitted for the federal tax credit.

(C) (i) For a project that receives a preliminary reservation of the state low-income housing tax credit, allowed pursuant to subdivision (a), on or after January 1, 2009, and before January 1, 2016, the credit shall be allocated to the partners of a partnership owning the project in accordance with the partnership agreement, regardless of how the federal low-income housing tax credit with respect to the project is allocated to the partners, or whether the allocation of the credit under the terms of the agreement has substantial economic effect, within the meaning of Section 704(b) of the Internal Revenue ~~Code.~~ Code, relating to determination of distributive share.

(ii) To the extent the allocation of the credit to a partner under this section lacks substantial economic effect, any loss or deduction otherwise allowable under this part that is attributable to the sale or other disposition of that partner's partnership interest made prior to the expiration of the federal credit shall not be allowed in the taxable year in which the sale or other disposition occurs, but shall instead be deferred until and treated as if it occurred in the first taxable year immediately following the taxable year in which the federal credit period expires for the project described in clause (i).

(iii) This subparagraph does not apply to a project that receives a preliminary reservation of state low-income housing tax credits under the set-aside described in subdivision (c) of Section 50199.20 of the Health and Safety Code unless the project also receives a preliminary reservation of federal low-income housing tax credits.

(iv) This subparagraph shall cease to be operative with respect to any project that receives a preliminary reservation of a credit on or after January 1, 2016.

(2) (A) The California Tax Credit Allocation Committee shall certify to the housing sponsor the amount of tax credit under this section allocated to the housing sponsor for each credit period.

(B) In the case of a partnership or an "S" corporation, the housing sponsor shall provide a copy of the California Tax Credit Allocation Committee certification to the taxpayer.

(C) The taxpayer shall, upon request, provide a copy of the certification to the Franchise Tax Board.

(D) All elections made by the taxpayer pursuant to Section 42 of the Internal Revenue ~~Code~~ Code, relating to low-income housing credit, apply to this section.

(E) (i) Except as described in clause (ii), for buildings located in designated difficult development areas (DDAs) or qualified census tracts (QCTs), as defined in Section 42(d)(5)(B) of the Internal Revenue Code, relating to increase in credit for buildings in high-cost areas, credits may be allocated under this section in the amounts prescribed in subdivision (c), provided that the amount of credit allocated under Section 42 of the Internal Revenue ~~Code~~ Code, relating to low-income housing credit, is computed on 100 percent of the qualified basis of the building.

(ii) Notwithstanding clause (i), the California Tax Credit Allocation Committee may allocate the credit for buildings located in DDAs or QCTs that are restricted to having 50 percent of its occupants be special needs households, as defined in the California Code of Regulations by the California Tax Credit Allocation Committee, even if the taxpayer receives federal credits pursuant to Section 42(d)(5)(B) of the Internal Revenue Code, relating to increase in credit for buildings in high-cost areas, provided that the credit allowed under this section shall not exceed 30 percent of the eligible basis of the building.

(F) (i) The California Tax Credit Allocation Committee may allocate a credit under this section in exchange for a credit allocated pursuant to Section 42(d)(5)(B) of the Internal Revenue ~~Code~~ Code, relating to increase in credit for buildings in high-cost areas, in amounts up to 30 percent of the eligible basis of a building if the credits allowed under Section 42 of the Internal Revenue ~~Code~~ Code, relating to low-income housing credit, are reduced by an equivalent amount.

(ii) An equivalent amount shall be determined by the California Tax Credit Allocation Committee based upon the relative amount required to produce an equivalent state tax credit to the taxpayer.

(c) Section 42(b) of the Internal Revenue ~~Code~~ Code, relating to applicable percentage, shall be modified as follows:

(1) In the case of any qualified low-income building placed in service by the housing sponsor during 1987, the term "applicable percentage" means 9 percent for each of the first three years and 3 percent for the fourth year for new buildings (whether or not the building is federally subsidized) and for existing buildings.

(2) In the case of any qualified low-income building that receives an allocation after 1989 and is a new building not federally subsidized, the term "applicable percentage" means the following:

(A) For each of the first three years, the percentage prescribed by the Secretary of the Treasury for new buildings that are not federally subsidized for the taxable year,

determined in accordance with the requirements of Section 42(b)(2) of the Internal Revenue Code, relating to temporary minimum credit rate for nonfederally subsidized new buildings, in lieu of the percentage prescribed in Section ~~42(b)(1)(B)~~ 42 (b)(1)(A) of the Internal Revenue Code.

(B) For the fourth year, the difference between 30 percent and the sum of the applicable percentages for the first three years.

(3) In the case of any qualified low-income building that receives an allocation after 1989 and that is a new building that is federally subsidized or that is an existing building that is "at risk of conversion," the term "applicable percentage" means the following:

(A) For each of the first three years, the percentage prescribed by the Secretary of the Treasury for new buildings that are federally subsidized for the taxable year.

(B) For the fourth year, the difference between 13 percent and the sum of the applicable percentages for the first three years.

(4) For purposes of this section, the term "at risk of conversion," with respect to an existing property means a property that satisfies all of the following criteria:

(A) The property is a multifamily rental housing development in which at least 50 percent of the units receive governmental assistance pursuant to any of the following:

(i) New construction, substantial rehabilitation, moderate rehabilitation, property disposition, and loan management set-aside programs, or any other program providing project-based assistance pursuant to Section 8 of the United States Housing Act of 1937, Section 1437f of Title 42 of the United States Code, as amended.

(ii) The Below-Market-Interest-Rate Program pursuant to Section 221(d)(3) of the National Housing Act, Sections 1715*l*(d)(3) and (5) of Title 12 of the United States Code.

(iii) Section 236 of the National Housing Act, Section 1715z-1 of Title 12 of the United States Code.

(iv) Programs for rent supplement assistance pursuant to Section 101 of the Housing and Urban Development Act of 1965, Section 1701s of Title 12 of the United States Code, as amended.

(v) Programs pursuant to Section 515 of the Housing Act of 1949, Section 1485 of Title 42 of the United States Code, as amended.

(vi) The low-income housing credit program set forth in Section 42 of the Internal Revenue ~~Code.~~ Code, relating to low-income housing credit.

(B) The restrictions on rent and income levels will terminate or the ~~federal~~ federally insured mortgage on the property is eligible for prepayment any time within five years before or after the date of application to the California Tax Credit Allocation Committee.

(C) The entity acquiring the property enters into a regulatory agreement that requires the property to be operated in accordance with the requirements of this section for a period equal to the greater of 55 years or the life of the property.

(D) The property satisfies the requirements of Section 42(e) of the Internal Revenue ~~Code regarding rehabilitation expenditures,~~ Code, relating to rehabilitation expenditures treated as a separate new building, except that the provisions of Section 42(e)(3)(A)(ii)(I) ~~do~~ shall not apply.

(d) The term "qualified low-income housing project" as defined in Section 42(c)(2) of the Internal Revenue ~~Code~~ Code, relating to qualified low-income building, is modified by adding the following requirements:

(1) The taxpayer shall be entitled to receive a cash distribution from the operations of the project, after funding required reserves, that, at the election of the taxpayer, is equal to:

(A) An amount not to exceed 8 percent of the lesser of:

(i) The owner ~~equity that~~ equity, which shall include the amount of the capital contributions actually paid to the housing sponsor and shall not include any amounts until they are paid on an investor note.

(ii) Twenty percent of the adjusted basis of the building as of the close of the first taxable year of the credit period.

(B) The amount of the cashflow from those units in the building that are not low-income units. For purposes of computing cashflow under this subparagraph, operating costs shall be allocated to the low-income units using the "floor space fraction," as defined in Section 42 of the Internal Revenue ~~Code.~~ Code, relating to low-income housing credit.

(C) Any amount allowed to be distributed under subparagraph (A) that is not available for distribution during the first five years of the compliance period may be accumulated and distributed any time during the first 15 years of the compliance period but not thereafter.

(2) The limitation on return applies in the aggregate to the partners if the housing sponsor is a partnership and in the aggregate to the shareholders if the housing sponsor is an "S" corporation.

(3) The housing sponsor shall apply any cash available for distribution in excess of the amount eligible to be distributed under paragraph (1) to reduce the rent on rent-restricted units or to increase the number of rent-restricted units subject to the tests of Section 42(g)(1) of the Internal Revenue ~~Code.~~ Code, relating to in general.

(e) The provisions of Section 42(f) of the Internal Revenue ~~Code~~ Code, relating to definition and special rules relating to credit period, shall be modified as follows:

(1) The term "credit period" as defined in Section 42(f)(1) of the Internal Revenue ~~Code~~ Code, relating to credit period defined, is modified by substituting "four taxable years" for "10 taxable years."

(2) The special rule for the first taxable year of the credit period under Section 42(f)(2) of the Internal Revenue ~~Code does~~ Code, relating to special rule for first year of credit period, shall not apply to the tax credit under this section.

(3) Section 42(f)(3) of the Internal Revenue ~~Code~~ Code, relating to determination of applicable percentage with respect to increases in qualified basis after first year of credit period, is modified to read:

If, as of the close of any taxable year in the compliance period, after the first year of the credit period, the qualified basis of any building exceeds the qualified basis of that building as of the close of the first year of the credit period, the housing sponsor, to the extent of its tax credit allocation, shall be eligible for a credit on the excess in an amount equal to the applicable percentage determined pursuant to subdivision (c) for the four-year period beginning with the taxable year in which the increase in qualified basis occurs.

(f) The provisions of Section 42(h) of the Internal Revenue ~~Code~~ Code, relating to limitation on aggregate credit allowable with respect to projects located in a state, shall be modified as follows:

(1) Section 42(h)(2) of the Internal Revenue ~~Code~~ Code, relating to allocated credit amount to apply to all taxable years ending during or after credit allocation year, does not apply and instead the following provisions apply:

The total amount for the four-year credit period of the housing credit dollars allocated in a calendar year to any building shall reduce the aggregate housing credit dollar amount of the California Tax Credit Allocation Committee for the calendar year in which the allocation is made.

(2) Paragraphs (3), (4), (5), (6)(E)(i)(II), (6)(F), (6)(G), (6)(I), (7), and (8) of Section 42(h) of the Internal Revenue ~~Code~~ Code, relating to limitation on aggregate credit allowable with respect to projects located in a state, do not apply to this section.

(g) The aggregate housing credit dollar amount that may be allocated annually by the California Tax Credit Allocation Committee pursuant to this section, Section 12206, and Section 23610.5 shall be an amount equal to the sum of all the following:

(1) Seventy million dollars ($70,000,000) for the 2001 calendar year, and, for the 2002 calendar year and each calendar year thereafter, seventy million dollars ($70,000,000) increased by the percentage, if any, by which the Consumer Price Index for the preceding calendar year exceeds the Consumer Price Index for the 2001 calendar year. For the purposes of this paragraph, the term "Consumer Price Index" means the last Consumer Price Index for All Urban Consumers published by the federal Department of Labor.

(2) The unused housing credit ceiling, if any, for the preceding calendar years.

(3) The amount of housing credit ceiling returned in the calendar year. For purposes of this paragraph, the amount of housing credit dollar amount returned in the calendar year equals the housing credit dollar amount previously allocated to any project that does not become a qualified low-income housing project within the period required by this section or to any project with respect to which an allocation is canceled by mutual consent of the California Tax Credit Allocation Committee and the allocation recipient.

(4) Five hundred thousand dollars ($500,000) per calendar year for projects to provide farmworker housing, as defined in subdivision (h) of Section 50199.7 of the Health and Safety Code.

(5) The amount of any unallocated or returned credits under former Sections 17053.14, 23608.2, and 23608.3, as those sections read prior to January 1, 2009, until fully exhausted for projects to provide farmworker housing, as defined in subdivision (h) of Section 50199.7 of the Health and Safety Code.

(h) The term "compliance period" as defined in Section 42(i)(1) of the Internal Revenue ~~Code~~ Code, relating to compliance period, is modified to mean, with respect to any building, the period of 30 consecutive taxable years beginning with the first taxable year of the credit period with respect thereto.

(i) Section 42(j) of the Internal Revenue ~~Code~~ Code, relating to recapture of credit, does not apply and the following requirements of this section shall be set forth in a regulatory agreement between the California Tax Credit Allocation Committee and the housing sponsor, ~~which~~ and this agreement shall be subordinated, when required, to any lien or encumbrance of any banks or other institutional lenders to the project.

The regulatory agreement entered into pursuant to subdivision (f) of Section 50199.14 of the Health and Safety Code shall apply, provided that the agreement includes all of the following provisions:

(1) A term not less than the compliance period.

(2) A requirement that the agreement be recorded in the official records of the county in which the qualified low-income housing project is located.

(3) A provision stating which state and local agencies can enforce the regulatory agreement in the event the housing sponsor fails to satisfy any of the requirements of this section.

(4) A provision that the regulatory agreement shall be deemed a contract enforceable by tenants as third-party beneficiaries thereto and that allows individuals, whether prospective, present, or former occupants of the building, who meet the income limitation applicable to the building, the right to enforce the regulatory agreement in any state court.

(5) A provision incorporating the requirements of Section 42 of the Internal Revenue ~~Code~~ Code, relating to low-income housing credit, as modified by this section.

(6) A requirement that the housing sponsor notify the California Tax Credit Allocation Committee or its designee if there is a determination by the Internal Revenue Service that the project is not in compliance with Section 42(g) of the Internal Revenue ~~Code.~~ Code, relating to qualified low-income housing project.

(7) A requirement that the housing sponsor, as security for the performance of the housing sponsor's obligations under the regulatory agreement, assign the housing sponsor's interest in rents that it receives from the project, provided that until there is a default under the regulatory agreement, the housing sponsor is entitled to collect and retain the rents.

(8) ~~The~~ A provision that the remedies available in the event of a default under the regulatory agreement that is not cured within a reasonable cure ~~period,~~ period include, but are not limited to, allowing any of the parties designated to enforce the regulatory agreement to collect all rents with respect to the project; taking possession of the project and operating the project in accordance with the regulatory agreement until the enforcer determines the housing sponsor is in a position to operate the project in accordance with the regulatory agreement; applying to any court for specific performance; securing the appointment of a receiver to operate the project; or any other relief as may be appropriate.

(j) (1) The committee shall allocate the housing credit on a regular basis consisting of two or more periods in each calendar year during which applications may be filed and considered. The committee shall establish application filing deadlines, the maximum percentage of federal and state low-income housing tax credit ceiling that may be allocated by the committee in that period, and the approximate date on which allocations shall be made. If the enactment of federal or state law, the adoption of rules or regulations, or other similar events prevent the use of two allocation periods, the committee may reduce the number of periods and adjust the filing deadlines, maximum percentage of credit allocated, and the allocation dates.

(2) The committee shall adopt a qualified allocation plan, as provided in Section 42(m)(1) of the Internal Revenue ~~Code.~~ Code, relating to plans for allocation of credit among projects. In adopting this plan, the committee shall comply with the provisions of Sections 42(m)(1)(B) and 42(m)(1)(C) of the Internal Revenue ~~Code.~~ Code, relating

to qualified allocation plan and relating to certain selection criteria must be used, respectively.

(3) Notwithstanding Section 42(m) of the Internal Revenue Code, relating to responsibilities of housing credit agencies, the California Tax Credit Allocation Committee shall allocate housing credits in accordance with the qualified allocation plan and regulations, which shall include the following provisions:

(A) All housing sponsors, as defined by paragraph (3) of subdivision (a), shall demonstrate at the time the application is filed with the committee that the project meets the following threshold requirements:

(i) The housing sponsor shall demonstrate that there is a need and demand for low-income housing in the community or region for which it is proposed.

(ii) The project's proposed financing, including tax credit proceeds, shall be sufficient to complete the project and that the proposed operating income shall be adequate to operate the project for the extended use period.

(iii) The project shall have enforceable financing commitments, either construction or permanent financing, for at least 50 percent of the total estimated financing of the project.

(iv) The housing sponsor shall have and maintain control of the site for the project.

(v) The housing sponsor shall demonstrate that the project complies with all applicable local land use and zoning ordinances.

(vi) The housing sponsor shall demonstrate that the project development team has the experience and the financial capacity to ensure project completion and operation for the extended use period.

(vii) The housing sponsor shall demonstrate the amount of tax credit that is necessary for the financial feasibility of the project and its viability as a qualified low-income housing project throughout the extended use period, taking into account operating expenses, a supportable debt service, reserves, funds set aside for rental subsidies and required equity, and a development fee that does not exceed a specified percentage of the eligible basis of the project prior to inclusion of the development fee in the eligible basis, as determined by the committee.

(B) The committee shall give a preference to those projects satisfying all of the threshold requirements of subparagraph (A) if both of the following apply:

(i) The project serves the lowest income tenants at rents affordable to those tenants.

(ii) The project is obligated to serve qualified tenants for the longest period.

(C) In addition to the provisions of subparagraphs (A) and (B), the committee shall use the following criteria in allocating housing credits:

(i) Projects serving large families in which a substantial number, as defined by the committee, of all residential units ~~is comprised of~~ are low-income units with three and more bedrooms.

(ii) Projects providing single-room occupancy units serving very low income tenants.

(iii) Existing projects that are "at risk of conversion," as defined by paragraph (4) of subdivision (c).

(iv) Projects for which a public agency provides direct or indirect long-term financial support for at least 15 percent of the total project development costs or projects

for which the owner's equity constitutes at least 30 percent of the total project development costs.

(v) Projects that provide tenant amenities not generally available to residents of low-income housing projects.

(4) For purposes of allocating credits pursuant to this section, the committee shall not give preference to any project by virtue of the date of submission of its application.

(k) Section 42(*l*) of the Internal Revenue ~~Code~~ Code, relating to certifications and other reports to secretary, shall be modified as follows:

The term "secretary" shall be replaced by the term ~~"California Franchise~~ "Franchise Tax Board."

(*l*) In the case in which the credit allowed under this section exceeds the net tax, the excess ~~credit~~ may be carried over to reduce the net tax in the following year, and succeeding ~~taxable~~ years, if necessary, until the credit has been exhausted.

(m) A project that received an allocation of a 1989 federal housing credit dollar amount shall be eligible to receive an allocation of a 1990 state housing credit dollar amount, subject to all of the following conditions:

(1) The project was not placed in service prior to 1990.

(2) To the extent the amendments made to this section by the Statutes of 1990 conflict with any provisions existing in this section prior to those amendments, the prior provisions of law shall prevail.

(3) Notwithstanding paragraph (2), a project applying for an allocation under this subdivision is subject to the requirements of paragraph (3) of subdivision (j).

(n) The credit period with respect to an allocation of credit in 1989 by the California Tax Credit Allocation Committee of which any amount is attributable to unallocated credit from 1987 or 1988 shall not begin until after December 31, 1989.

(o) The provisions of Section 11407(a) of Public Law 101-508, relating to the effective date of the extension of the low-income housing credit, apply to calendar years after 1989.

(p) The provisions of Section 11407(c) of Public Law 101-508, relating to election to accelerate credit, do not apply.

(q) (1) For a project that receives a preliminary reservation under this section beginning on or after January 1, 2016, a taxpayer may make an irrevocable election in its application to the California Tax Credit Allocation Committee to sell all or any portion of any credit allowed under this section to one or more unrelated parties for each taxable year in which the credit is allowed subject to both of the following conditions:

(A) The credit is sold for consideration that is not less than 80 percent of the amount of the credit.

(B) The unrelated party or parties purchasing any or all of the credit pursuant to this subdivision is a taxpayer allowed the credit under this section for the taxable year of the purchase or any prior taxable year or is a taxpayer allowed the federal credit under Section 42 of the Internal Revenue Code, relating to low-income housing credit, for the taxable year of the purchase or any prior taxable year in connection with any project located in this state. For purposes of this subparagraph, "taxpayer allowed the credit under this section" means a taxpayer that is allowed the credit under this section without regard to the purchase of a credit pursuant to this subdivision.

(2) (A) The taxpayer that originally received the credit shall report to the California Tax Credit Allocation Committee within 10 days of the sale of the credit, in the form and manner specified by the California Tax Credit Allocation Committee, all required information regarding the purchase and sale of the credit, including the social security or other taxpayer identification number of the unrelated party to whom the credit has been sold, the face amount of the credit sold, and the amount of consideration received by the taxpayer for the sale of the credit.

(B) The California Tax Credit Allocation Committee shall provide an annual listing to the Franchise Tax Board, in a form and manner agreed upon by the California Tax Credit Allocation Committee and the Franchise Tax Board, of the taxpayers that have sold or purchased a credit pursuant to this subdivision.

(3) (A) A credit may be sold pursuant to this subdivision to more than one unrelated party.

(B) (i) Except as provided in clause (ii), a credit shall not be resold by the unrelated party to another taxpayer or other party.

(ii) All or any portion of any credit allowed under this section may be resold once by an original purchaser to one or more unrelated parties, subject to all of the requirements of this subdivision.

(4) Notwithstanding any other provision of law, the taxpayer that originally received the credit that is sold pursuant to paragraph (1) shall remain solely liable for all obligations and liabilities imposed on the taxpayer by this section with respect to the credit, none of which shall apply to any party to whom the credit has been sold or subsequently transferred. Parties who purchase credits pursuant to paragraph (1) shall be entitled to utilize the purchased credits in the same manner in which the taxpayer that originally received the credit could utilize them.

(5) A taxpayer shall not sell a credit allowed by this section if the taxpayer was allowed the credit on any tax return of the taxpayer.

(6) Notwithstanding paragraph (1), the taxpayer, with the approval of the Executive Director of the California Tax Credit Allocation Committee, may rescind the election to sell all or any portion of the credit allowed under this section if the consideration for the credit falls below 80 percent of the amount of the credit after the California Tax Credit Allocation Committee reservation.

(r) The California Tax Credit Allocation Committee may prescribe rules, guidelines, or procedures necessary or appropriate to carry out the purposes of this section, including any guidelines regarding the allocation of the credit allowed under this section. Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code shall not apply to any rule, guideline, or procedure prescribed by the California Tax Credit Allocation Committee pursuant to this section.

~~(q)~~

(s) The amendments to this section made by ~~the act adding this subdivision~~ Chapter 1222 of the Statutes of 1993 apply only to taxable years beginning on or after January 1, 1994.

~~(r)~~

(t) This section shall remain in effect on and after December 1, 1990, for as long as Section 42 of the Internal Revenue Code, relating to low-income housing ~~credits,~~ credit, remains in effect. Any unused credit may continue to be carried forward, as provided in subdivision (*l*), until the credit has been exhausted.

SEC. 5. Section 17058.1 is added to the Revenue and Taxation Code, to read:

17058.1. (a) (1) For taxable years beginning on or after January 1, 2017, there shall be allowed to a taxpayer a credit against the "net tax," as defined by Section 17039, for a qualified low-income building in an amount equal to the amount computed in accordance with Section 42 of the Internal Revenue Code, relating to low-income housing credit as modified by this section.

(2) In determining the amount of credit allowed pursuant to this section, the following shall apply:

(A) The eligible basis of a building shall be equal to the project's total cost basis.

(B) The applicable percentage shall be:

(1) For a project with units for low-income households, 130 percent.

(2) For a project with units for median-income households with incomes between 80 percent and 99 percent of the area median income, 108 percent.

(3) For a project with units for median-income households with incomes of 100 percent of the area median income, 76 percent.

(b) For purposes of this section:

(1) "Low-income household" means a household with an income that is greater than 60 percent and not higher than 80 percent of the area median household income.

(2) "Median-income household" means a household with an income that is greater than 80 percent but not higher than 100 percent of the area median household income.

(3) "Qualified low-income building" has the same meaning as in Section 42(c)(2) of the Internal Revenue Code, relating to qualified low-income housing building, and also means the qualified low-income building is eligible for a tax credit pursuant to Section 42 of the Internal Revenue Code, relating to low-income housing credit, except that Section 42(g) of the Internal Revenue Code, relating to qualified low-income housing project, shall not apply and instead the following requirements shall be met:

(A) The project is for the acquisition or substantial rehabilitation of a building at least 20 years old or is a new development.

(B) The project includes no more than 50 percent of its units that are eligible for the tax credit allowed pursuant to Section 17058.

(C) Any units reserved for a tax credit allowed pursuant to this section shall not supplant existing affordable housing units not eligible for a tax credit pursuant to this section, including any units for households with an income that is less than that of a low-income household.

(D) The project will allocate at least 20 percent of its units to low-income households and median-income households.

(c) (1) This section shall not be construed to require a taxpayer to have been previously or currently allocated a tax credit pursuant to Section 42 of the Internal Revenue Code, relating low-income housing credit.

(2) This section shall not be construed to preclude a taxpayer, allowed a credit pursuant to this section, from being allocated a credit pursuant to Section 17058 or Section 42 of the Internal Revenue Code, relating to low-income housing credit.

(d) An applicant for the credit allowed pursuant to this section must demonstrate to the California Tax Credit Allocation Committee that, within the city in which the project is situated, the area median income for the average rental unit is above the area median income for the project.

(e) (1) In the case where the credit allowed under this section exceeds the "net tax," the excess may be carried over to reduce the "net tax" in the following year, and succeeding 14 years if necessary, until the credit has been exhausted.

(2) The credit shall be claimed in the same manner, with regard to the credit period, as a credit claimed pursuant to Section 17058.

(3) The credit allowed pursuant to this section shall have a compliance period of 55 consecutive taxable years at the affordable rate or at substantially below-market rate beginning with the first taxable year of the credit period with respect thereto, administered in the same manner as under Section 17058.

(f) The California Tax Credit Allocation Committee shall allocate, on a first-come-first-served basis, the credit allowed by this section. The aggregate amount of credit that may be allocated in any fiscal year pursuant to this section and Sections 12206.1 and 23610.7 shall be an amount equal to the sum of paragraphs (1) and (2).

(1) One hundred million dollars ($100,000,000) for the 2016–17 fiscal year, and for each fiscal year thereafter.

(2) The unallocated credit amount, if any, from the preceding fiscal year.

(g) (1) The California Tax Credit Allocation Committee shall establish guidelines to specify that a taxpayer may be allowed a tax credit pursuant to this section, Section 17058, and Section 42 of the Internal Revenue Code, relating to low-income housing credit, subject to the requirements of these sections.

(2) The California Tax Credit Allocation Committee and the Department of Insurance may adopt regulations, rules, guidelines, or procedures necessary or appropriate to carry out the purposes of this section, including guidelines to conform the credit allowed by this section to any procedures established pursuant to Section 17058.

(3) The Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code) does not apply to this subdivision.

(h) Section 41 does not apply to the credit allowed by this section.

Amendment 4

On page 1, before line 1, after "follows:SEC. 6." insert:

Section 23610.5 of the Revenue and Taxation Code is amended to read:

Amendment 5

On page 1, before line 1, strike out ""tax" (as", in line 1, strike out ""tax" (as" and insert:

"tax,"

Amendment 6
On page 1, before line 1, strike out "23036)", in line 1, strike out "23036)" and insert:

23036,

Amendment 7
On page 1, before line 1, strike out "Code of 1986,", in line 1, strike out "Code of 1986," and insert:

Code, relating to low-income housing credit,

Amendment 8
On page 1, before line 1, strike out the first "Code.", in line 1, strike out the first "Code." and insert:

Code, relating to low-income housing credit.

Amendment 9
On page 1, before line 1, strike out the first "Code.", in line 1, strike out the first "Code." and insert:

Code, relating to special rule where 50 percent or more of building is financed with tax-exempt bonds subject to volume cap.

Amendment 10
On page 1, before line 1, strike out the first "Code.", in line 1, strike out the first "Code." and insert:

Code, relating to low-income housing credit.

Amendment 11
On page 1, before line 1, strike out the second "Code.", in line 1, strike out the second "Code." and insert:

Code, relating to determination of distributive share.

Amendment 12
On page 1, before line 1, strike out the sixth "Code", in line 1, strike out the sixth "Code" and insert:

Code, relating to low-income housing credit,

Amendment 13
On page 1, before line 1, after the comma insert:

relating to increase in credit for buildings in high-cost areas,

Amendment 14
On page 1, before line 1, strike out the eighth "Code", in line 1, strike out the eighth "Code" and insert:

Code, relating to low-income housing credit,

Amendment 15
On page 1, before line 1, after the comma insert:

relating to increase in credit for buildings in high cost areas,

Amendment 16
On page 1, before line 1, after the eleventh "Code" insert:

, relating to increase in credit for buildings in high cost areas,

Amendment 17
On page 1, before line 1, after the twelfth "Code" insert:

, relating to low-income housing credit,

Amendment 18
On page 1, before line 1, strike out the thirteenth "Code", in line 1, strike out the thirteenth "Code" and insert:

Code, relating to applicable percentage,

Amendment 19
On page 1, before line 1, after the comma insert:

relating to temporary minimum credit rate for nonfederally subsidized new buildings,

Amendment 20
On page 1, before line 1, strike out the second "Code.", in line 1, strike out the second "Code." and insert:

Code, relating to low-income housing credit.

Amendment 21
On page 1, before line 1, strike out "Code regarding rehabilitation expenditures", in line 1, strike out "Code regarding rehabilitation expenditures" and insert:

Code, relating to rehabilitation expenditures treated as a separate new building

Amendment 22
On page 1, before line 1, strike out the nineteenth "Code", in line 1, strike out the nineteenth "Code" and insert:

Code, relating to qualified low-income building,

Amendment 23
On page 1, before line 1, strike out the "that", in line 1, strike out the "that" and insert:

that,

Amendment 24
On page 1, before line 1, strike out the "that", in line 1, strike out the "that" and insert:

which

Amendment 25
On page 1, before line 1, strike out the second "Code.", in line 1, strike out the second "Code." and insert:

Code, relating to low-income housing credit.

Amendment 26
On page 1, before line 1, strike out the second "Code.", in line 1, strike out the second "Code." and insert:

Code, relating to in general.

Amendment 27
On page 1, before line 1, strike out the "Code", in line 1, strike out the "Code" and insert:

Code, relating to definition and special rules relating to credit period,

Amendment 28
On page 1, before line 1, strike out the "Code", in line 1, strike out the "Code" and insert:

Code, relating to credit period defined,

Amendment 29
On page 1, before line 1, strike out the "Code", in line 1, strike out the "Code" and insert:

Code, relating to special rule for first year of credit period,

Amendment 30
On page 1, before line 1, strike out the "Code", in line 1, strike out the "Code" and insert:

Code, relating to determination of applicable percentage with respect to increases in qualified basis after first year of credit period,

Amendment 31
On page 1, before line 1, strike out the "Code", in line 1, strike out the "Code" and insert:

Code, relating to limitation on aggregate credit allowable with respect to projects located in a state,

Amendment 32
On page 1, before line 1, strike out the "Code", in line 1, strike out the "Code" and insert:

Code, relating to allocated credit amount to apply to all taxable years ending during or after credit allocation year,

Amendment 33
On page 1, before line 1, strike out the "Code", in line 1, strike out the "Code" and insert:

Code, relating to limitation on aggregate credit allowable with respect to projects located in a state,

Amendment 34
On page 1, before line 1, after the sixth "apply" insert:

to this section

Amendment 35
On page 1, before line 1, strike out the "Code", in line 1, strike out the "Code" and insert:

Code, relating to compliance period,

Amendment 36
On page 1, before line 1, strike out the "Code", in line 1, strike out the "Code" and insert:

Code, relating to recapture of credit,

Amendment 37
On page 1, before line 1, strike out "thereto,", in line 1, strike out "thereto," and insert:

thereto

Amendment 38
On page 1, before line 1, strike out the "Code", in line 1, strike out the "Code" and insert:

Code, relating to low-income housing credit,

Amendment 39
On page 1, before line 1, strike out the second "Code.", in line 1, strike out the second "Code." and insert:

Code, relating to qualified low-income housing project.

Amendment 40
On page 1, before line 1, after the "and" insert:

the

Amendment 41
On page 1, before line 1, strike out the second "Code.", in line 1, strike out the second "Code." and insert:

Code, relating to plans for allocation of credit among projects.

Amendment 42
On page 1, before line 1, strike out the third "Code.", in line 1, strike out the third "Code." and insert:

Code, relating to qualified allocation plan and relating to certain selection criteria must be used, respectively.

Amendment 43
On page 1, before line 1, after the comma insert:

relating to responsibilities of housing credit agencies,

Amendment 44
On page 1, before line 1, strike out the "Code", in line 1, strike out the "Code" and insert:

Code, relating to certifications and other reports to secretary,

Amendment 45

On page 1, before line 1, strike out ""California Franchise", in line 1, strike out ""California Franchise" and insert:

"Franchise

Amendment 46

On page 1, before line 1, strike out the ninth "state" and in line 1, strike out the ninth "state"

Amendment 47

On page 1, before line 1, strike out the "shall be", in line 1, strike out the "shall be" and insert:

is

Amendment 48

On page 1, before line 1, insert:

(r) (1) For a project that receives a preliminary reservation under this section beginning on or after January 1, 2016, a taxpayer may make an irrevocable election in its application to the California Tax Credit Allocation Committee to sell all or any portion of any credit allowed under this section to one or more unrelated parties for each taxable year in which the credit is allowed, subject to both of the following conditions:

(A) The credit is sold for consideration that is not less than 80 percent of the amount of the credit.

(B) (i) The unrelated party or parties purchasing any or all of the credit pursuant to this subdivision is a taxpayer allowed the credit under this section for the taxable year of the purchase or any prior taxable year or is a taxpayer allowed the federal credit under Section 42 of the Internal Revenue Code, relating to low-income housing credit, for the taxable year of the purchase or any prior taxable year in connection with any project located in this state.

(ii) For purposes of this subparagraph, "taxpayer allowed the credit under this section" means a taxpayer that is allowed the credit under this section without regard to the purchase of a credit pursuant to this subdivision without regard to any of the following:

(I) The purchase of a credit under this section pursuant to this subdivision.

(II) The assignment of a credit under this section pursuant to subdivision (q).

(III) The assignment of a credit under this section pursuant to Section 23363.

(2) (A) The taxpayer that originally received the credit shall report to the California Tax Credit Allocation Committee within 10 days of the sale of the credit,

in the form and manner specified by the California Tax Credit Allocation Committee, all required information regarding the purchase and sale of the credit, including the social security or other taxpayer identification number of the unrelated party to whom the credit has been sold, the face amount of the credit sold, and the amount of consideration received by the taxpayer for the sale of the credit.

(B) The California Tax Credit Allocation Committee shall provide an annual listing to the Franchise Tax Board, in a form and manner agreed upon by the California Tax Credit Allocation Committee and the Franchise Tax Board, of the taxpayers that have sold or purchased a credit pursuant to this subdivision.

(3) (A) A credit may be sold pursuant to this subdivision to more than one unrelated party.

(B) (i) Except as provided in clause (ii), a credit shall not be resold by the unrelated party to another taxpayer or other party.

(ii) All or any portion of any credit allowed under this section may be resold once by an original purchaser to one or more unrelated parties, subject to all of the requirements of this subdivision.

(4) Notwithstanding any other provision of law, the taxpayer that originally received the credit that is sold pursuant to paragraph (1) shall remain solely liable for all obligations and liabilities imposed on the taxpayer by this section with respect to the credit, none of which shall apply to any party to whom the credit has been sold or subsequently transferred. Parties who purchase credits pursuant to paragraph (1) shall be entitled to utilize the purchased credits in the same manner in which the taxpayer that originally received the credit could utilize them.

(5) A taxpayer shall not sell a credit allowed by this section if the taxpayer was allowed the credit on any tax return of the taxpayer.

(6) Notwithstanding paragraph (1), the taxpayer, with the approval of the Executive Director of the California Tax Credit Allocation Committee, may rescind the election to sell all or any portion of the credit allowed under this section if the consideration for the credit falls below 80 percent of the amount of the credit after the California Tax Credit Allocation Committee reservation.

(s) The California Tax Credit Allocation Committee may prescribe rules, guidelines, or procedures necessary or appropriate to carry out the purposes of this section, including any guidelines regarding the allocation of the credit allowed under this section. Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code shall not apply to any rule, guideline, or procedure prescribed by the California Tax Credit Allocation Committee pursuant to this section.

Amendment 49

On page 1, strike out line 0, in line 1, strike out "(r)" and insert:

(t)

Amendment 50

On page 1, strike out line 0, in line 1, strike out "This" and insert:

(u) This

Amendment 51

On page 1, before line 1, strike out "credits,", in line 1, strike out "credits," and insert:

credit,

Amendment 52

On page 1, strike out line 0, in line 1, strike out "(s)" and insert:

(v)

Amendment 53

On page 1, before line 1, strike out "the act adding this subdivision", in line 1, strike out "the act adding this subdivision" and insert:

Chapter 1222 of the Statutes of 1993

Amendment 54

On page 1, before line 1, insert:

SEC. 7. Section 23610.7 is added to the Revenue and Taxation Code, to read:

23610.7. (a) (1) For taxable years beginning on or after January 1, 2017, there shall be allowed to a taxpayer a credit against the "tax," as defined by Section 23036, for a qualified low-income building in an amount equal to the amount computed in accordance with Section 42 of the Internal Revenue Code, relating to low-income housing credit as modified by this section.

(2) In determining the amount of credit allowed pursuant to this section, the following shall apply:

(A) The eligible basis of a building shall be equal to the project's total cost basis.

(B) The applicable percentage shall be:

(1) For a project with units for low-income households, 130 percent.

(2) For a project with units for median-income households with incomes between 80 percent and 99 percent of the area median income, 108 percent.

(3) For a project with units for median-income households with incomes of 100 percent of the area median income, 76 percent.

(b) For purposes of this section:

(1) "Low-income household" means a household with an income that is greater than 60 percent and not higher than 80 percent of the area median household income.

(2) "Median-income household" means a household with an income that is greater than 80 percent but not higher than 100 percent of the area median household income.

(3) "Qualified low-income building" has the same meaning as in Section 42(c)(2) of the Internal Revenue Code, relating to qualified low-income housing building, and also means the qualified low-income building is eligible for a tax credit pursuant to Section 42 of the Internal Revenue Code, relating to low-income housing credit, except that Section 42(g) of the Internal Revenue Code, relating to qualified low-income housing project, shall not apply and instead the following requirements shall be met:

(A) The project is for the acquisition or substantial rehabilitation of a building at least 20 years old or is a new development.

(B) The project includes no more than 50 percent of its units that are eligible for the tax credit allowed pursuant to Section 23610.5.

(C) Any units reserved for a tax credit allowed pursuant to this section shall not supplant existing affordable housing units not eligible for a tax credit pursuant to this section, including any units for households with an income that is less than that of a low-income household.

(D) The project will allocate at least 20 percent of its units to low-income households and median-income households.

(c) (1) This section shall not be construed to require a taxpayer to have been previously or currently allocated a tax credit pursuant to Section 42 of the Internal Revenue Code, relating low-income housing credit.

(2) This section shall not be construed to preclude a taxpayer, allowed a credit pursuant to this section, from being allocated a credit pursuant to Section 23610.5 or Section 42 of the Internal Revenue Code, relating to low-income housing credit.

(d) An applicant for the credit allowed pursuant to this section must demonstrate to the California Tax Credit Allocation Committee that, within the city in which the project is situated, the area median income for the average rental unit is above the area median income for the project.

(e) (1) In the case where the credit allowed under this section exceeds the "tax," the excess may be carried over to reduce the "tax" in the following year, and succeeding 14 years if necessary, until the credit has been exhausted.

(2) The credit shall be claimed in the same manner, with regard to the credit period, as a credit claimed pursuant to Section 23610.5.

(3) The credit allowed pursuant to this section shall have a compliance period of 55 consecutive taxable years at the affordable rate or at substantially below-market rate beginning with the first taxable year of the credit period with respect thereto, administered in the same manner as under Section 23610.5.

(f) The California Tax Credit Allocation Committee shall allocate, on a first-come-first-served basis, the credit allowed by this section. The aggregate amount of credit that may be allocated in any fiscal year pursuant to this section and Sections 12206.1 and 17058.1 shall be an amount equal to the sum of paragraphs (1) and (2).

(1) One hundred million dollars ($100,000,000) for the 2016–17 fiscal year, and for each fiscal year thereafter.

(2) The unallocated credit amount, if any, from the preceding fiscal year.

(g) (1) The California Tax Credit Allocation Committee shall establish guidelines to specify that a taxpayer may be allowed a tax credit pursuant to this section, Section 23610.5, and Section 42 of the Internal Revenue Code, relating to low-income housing credit, subject to the requirements of these sections.

(2) The California Tax Credit Allocation Committee and the Department of Insurance may adopt regulations, rules, guidelines, or procedures necessary or appropriate to carry out the purposes of this section, including guidelines to conform the credit allowed by this section to any procedures established pursuant to Section 23610.5.

(3) The Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code) does not apply to this subdivision.

(h) Section 41 does not apply to the credit allowed by this section.

SEC. 8. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect.

Amendment 55

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

AMENDMENTS TO ASSEMBLY BILL NO. 2843

Amendment 1

In the title, in line 1, strike out "6250" and insert:

6254.3

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 6254.3 of the Government Code is amended to read:

6254.3. (a) The home ~~addresses and~~ addresses, home telephone ~~numbers~~ numbers, cellular telephone numbers, and personal electronic mail addresses of state employees and employees of a school district or county office of education shall not be deemed to be public records and shall not be open to public inspection, except that disclosure of that information may be made as follows:

(1) To an agent, or a family member of the individual to whom the information pertains.

(2) To an officer or employee of another state agency, school district, or county office of education when necessary for the performance of its official duties.

(3) To an employee organization pursuant to regulations and decisions of the Public Employment Relations Board, except that the home ~~addresses and~~ addresses, home telephone ~~numbers~~ numbers, cellular telephone numbers, and personal electronic mail addresses of employees performing law enforcement-related functions shall not be disclosed.

(4) To an agent or employee of a health benefit plan providing health services or administering claims for health services to state, school districts, and county office of education employees and their enrolled dependents, for the purpose of providing the health services or administering claims for employees and their enrolled dependents.

(b) Upon written request of any employee, a state agency, school district, or county office of education shall not disclose the employee's home ~~address or~~ address, home telephone ~~number~~ number, cellular telephone number, or personal electronic mail address pursuant to paragraph (3) of subdivision (a) and an agency shall remove the employee's home ~~address and~~ address, home telephone ~~number~~ number, cellular telephone number, and personal electronic mail address from any mailing list maintained by the agency, except if the list is used exclusively by the agency to contact the employee.

SEC. 2. The Legislature finds and declares that Section 1 of this act, which amends Section 6254.3 of the Government Code, imposes a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

In order to protect the privacy and well-being of state and local employees, it is necessary to limit access to their personal and emergency contact information.

SEC. 3. The Legislature finds and declares that Section 1 of this act, which amends Section 6254.3 of the Government Code, furthers, within the meaning of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the purposes of that constitutional section as it relates to the right of public access to the meetings of local public bodies or the writings of local public officials and local agencies. Pursuant to paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the Legislature makes the following findings:

In protecting the privacy and well-being of state and local employees, by appropriately limiting general access to their personal and emergency contact information, this bill furthers the purpose of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution.

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district under this act would result from a legislative mandate that is within the scope of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution.

Amendment 3

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

AMENDMENTS TO ASSEMBLY BILL NO. 2844

Amendment 1

In the title, in line 1, strike out "108115" and insert:

116385

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 116385 of the Health and Safety Code is amended to read:

116385. (a) Any person operating a public water system shall obtain and ~~provide at that person's expense~~ provide to the state board, at the person's expense, an analysis of the ~~water to the department,~~ water, in the form, covering those matters, and at intervals as the ~~department by regulation may prescribe.~~ state board prescribes by regulation. The analysis shall be performed by a laboratory duly certified by the ~~department.~~ state board.

(b) (1) An analysis provided pursuant to subdivision (a) shall include, but need not be limited to, samples from schools, day care facilities, and health care facilities, to the extent that these locations are within the public water system.

(2) This subdivision does not require an increase in the number of samples a person collects.

(c) (1) The person shall report to the state board the date and results of any sampling at a school, day care facility, and health care facility, and where relevant, the contents of any notice issued to the school or day care facility, students, or parents, and any notices to the health care facility, and any followup action taken to mitigate contamination.

(2) The state board shall post the information contained in paragraph (1) to its Internet Web site in a manner that is searchable by schools and school districts. The state board's Internet Web site shall also include a link to the public water system's most recent consumer confidence report.

Amendment 3

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

AMENDMENTS TO ASSEMBLY BILL NO. 2845

Amendment 1
In the title, in line 1, strike out "32282" and insert:

234.1

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

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

(1) All pupils deserve and need safe and supportive school environments in which to learn.

(2) Pupils who are Muslim, Sikh, or of South Asian descent, often face verbal, physical, or online harassment, all of which have significant effects on their academic achievement and mental health.

(3) Recent reports indicate that more than half of Muslim and Sikh pupils in California report that they have faced verbal threats or insults, cyberbullying, or physical assaults.

(4) The federal government has recognized the harm that is caused by such bullying, and has called upon Muslim parents to contact the United States Department of Justice or the United States Department of Education if their children are bullied at school. The White House has initiated the Asian American and Pacific Islander Bullying Prevention Task Force in response to concerns about the bullying of Muslim, Sikh, and Asian American pupils.

(5) Multiple studies demonstrate that pupils who face bullying suffer academically. Bullying is also linked to negative outcomes, including impacts on mental health, substance use, and suicide.

(6) Research demonstrates that Muslim, Sikh, and other pupils who face hate-based bias and bullying in school do not report these incidents to school staff, primarily because they believe that school staff are not trained to address these issues.

(7) Creating supportive learning environments improves pupil performance.

(8) The United States Department of Education provides numerous resources for schools to support pupils who are facing bullying due to their religion, race, or national origin. These resources were highlighted in an open letter dated December 31, 2015, and sent by the United States Secretary of Education to education administrators throughout the nation.

(b) The Legislature therefore encourages school districts, county offices of education, and charter schools to provide information on existing schoolsite and community resources to educate teachers, administrators, and other school staff on the support of Muslim, Sikh, and other pupils who may face anti-Muslim bias and bullying, as required by subdivision (d) of Section 234.1 of the Education Code.

SEC. 2. Section 234.1 of the Education Code is amended to read:

234.1. The department, pursuant to subdivision (b) of Section 64001, shall monitor adherence to the requirements of Chapter 5.3 (commencing with Section 4900)

of Division 1 of Title 5 of the California Code of Regulations and this chapter as part of its regular monitoring and review of local educational agencies, commonly known as the Categorical Program Monitoring process. The department shall assess whether local educational agencies have done all of the following:

(a) Adopted a policy that prohibits discrimination, harassment, intimidation, and bullying based on the actual or perceived characteristics set forth in Section 422.55 of the Penal Code and Section 220 of this code, and disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or association with a person or group with one or more of these actual or perceived characteristics. The policy shall include a statement that the policy applies to all acts related to school activity or school attendance occurring within a school under the jurisdiction of the superintendent of the school district.

(b) Adopted a process for receiving and investigating complaints of discrimination, harassment, intimidation, and bullying based on any of the actual or perceived characteristics set forth in Section 422.55 of the Penal Code and Section 220 of this code, and disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or association with a person or group with one or more of these actual or perceived characteristics. The complaint process shall include, but not be limited to, all of the following:

(1) A requirement that, if school personnel witness an act of discrimination, harassment, intimidation, or bullying, they shall take immediate steps to intervene when safe to do so.

(2) A timeline to investigate and resolve complaints of discrimination, harassment, intimidation, or bullying that shall be followed by all schools under the jurisdiction of the school district.

(3) An appeal process afforded to the complainant should he or she disagree with the resolution of a complaint filed pursuant to this section.

(4) All forms developed pursuant to this process shall be translated pursuant to Section 48985.

(c) Publicized antidiscrimination, antiharassment, anti-intimidation, and antibullying policies adopted pursuant to subdivision (a), including information about the manner in which to file a complaint, to pupils, parents, employees, agents of the governing board, and the general public. The information shall be translated pursuant to Section 48985.

(d) (1) Provided, incident to the publicizing described in subdivision (c), to certificated schoolsite employees who serve pupils in any of grades 7 to 12, inclusive, who are employed by the local educational agency, information on existing schoolsite and community resources related to the support of lesbian, gay, bisexual, transgender, and questioning (LGBTQ) ~~pupils. Schoolsite~~ pupils, or related to the support of Arab, Middle Eastern, Muslim, Sikh, and South Asian pupils or the support of other pupils who may face bias or bullying.

(2) As used in this subdivision, both of the following apply:

(A) Schoolsite resources may include, but are not limited to, peer support or affinity clubs and organizations, safe spaces for LGBTQ or other at-risk pupils, counseling services, staff who have received antibias or other training aimed at supporting these pupils or who serve as designated support to these pupils, health and other curriculum materials that are inclusive of, and relevant to, these pupils, online

training developed pursuant to Section 32283.5, and other policies adopted pursuant to this article, including related complaint procedures. ~~Community~~

(B) Community resources may include, but are not limited to, community-based organizations that provide support to LGBTQ or other at-risk pupils and their families, and physical and mental health providers with experience or training in treating or supporting these pupils.

(e) Posted the policy established pursuant to subdivision (a) in all schools and offices, including staff lounges and pupil government meeting rooms.

(f) Maintained documentation of complaints and their resolution for a minimum of one review cycle.

(g) Ensured that complainants are protected from retaliation and that the identity of a complainant alleging discrimination, harassment, intimidation, or bullying remains confidential, as appropriate.

(h) Identified a responsible local educational agency officer for ensuring school district or county office of education compliance with the requirements of Chapter 5.3 (commencing with Section 4900) of Division 1 of Title 5 of the California Code of Regulations and this chapter.

Amendment 3

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

AMENDMENTS TO ASSEMBLY BILL NO. 2849

Amendment 1

In the title, in line 1, strike out "127340 of the Health and Safety Code,", strike out line 2 and insert:

38562 of the Health and Safety Code, relating to greenhouse gases.

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 38562 of the Health and Safety Code is amended to read:

38562. (a) On or before January 1, 2011, the state board shall adopt greenhouse gas ~~emission~~ emissions limits and ~~emission~~ emissions reduction measures by regulation to achieve the maximum technologically feasible and cost-effective reductions in greenhouse gas emissions in furtherance of achieving the statewide greenhouse gas emissions limit, to become operative beginning on January 1, 2012.

(b) In adopting regulations pursuant to this section and Part 5 (commencing with Section 38570), to the extent feasible and in furtherance of achieving the statewide greenhouse gas emissions limit, the state board shall do all of the following:

(1) Design the regulations, including distribution of emissions allowances where appropriate, in a manner that is equitable, seeks to minimize costs and maximize the total benefits to California, and encourages early action to reduce greenhouse gas emissions.

(2) Ensure that activities undertaken to comply with the regulations do not disproportionately impact low-income communities.

(3) Ensure that entities that have voluntarily reduced their greenhouse gas emissions prior to the implementation of this section receive appropriate credit for early voluntary reductions.

(4) Ensure that activities undertaken pursuant to the regulations complement, and do not interfere with, efforts to achieve and maintain federal and state ambient air quality standards and to reduce toxic air contaminant emissions.

(5) Consider cost-effectiveness of these regulations.

(6) Consider overall societal benefits, including reductions in other air pollutants, diversification of energy sources, and other benefits to the economy, environment, and public health.

(7) Minimize the administrative burden of implementing and complying with these regulations.

(8) Minimize leakage.

(9) Consider the significance of the contribution of each source or category of sources to statewide emissions of greenhouse gases.

(c) In furtherance of achieving the statewide greenhouse gas emissions limit, ~~by January 1, 2011,~~ the state board may adopt a regulation that establishes a system of market-based declining annual aggregate ~~emission~~ emissions limits for sources or categories of sources that emit greenhouse ~~gas emissions, applicable from January 1,~~

~~2012, to December 31, 2020, inclusive,~~ gases that the state board determines will achieve the maximum technologically feasible and cost-effective reductions in greenhouse gas emissions, in the aggregate, from those sources or categories of sources.

(d) Any regulation adopted by the state board pursuant to this part or Part 5 (commencing with Section 38570) shall ensure all of the following:

(1) The greenhouse gas ~~emission~~ emissions reductions achieved are real, permanent, quantifiable, verifiable, and enforceable by the state board.

(2) For regulations pursuant to Part 5 (commencing with Section 38570), the reduction is in addition to any greenhouse gas ~~emission~~ emissions reduction otherwise required by law or regulation, and any other greenhouse gas ~~emission~~ emissions reduction that otherwise would occur.

(3) If applicable, the greenhouse gas ~~emission~~ emissions reduction occurs over the same time period and is equivalent in amount to any direct ~~emission~~ emissions reduction required pursuant to this division.

(e) The state board shall rely upon the best available economic and scientific information and its assessment of existing and projected technological capabilities when adopting the regulations required by this section.

(f) The state board shall consult with the Public Utilities Commission in the development of the regulations as they affect electricity and natural gas providers in order to minimize duplicative or inconsistent regulatory requirements.

(g) ~~After January 1, 2011, the~~ The state board may revise regulations adopted pursuant to this section and adopt additional regulations to further the provisions of this division.

Amendment 3

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

AMENDMENTS TO ASSEMBLY BILL NO. 2850

Amendment 1

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

to amend Section 69612.5 of the Education Code,

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 69612.5 of the Education Code is amended to read:

69612.5. For purposes of this article, the following terms have the following definitions:

(a) "Eligible institution" means a postsecondary institution that is determined by the Student Aid Commission to meet both of the following requirements:

(1) The institution is eligible to participate in state and federal financial aid programs.

(2) The institution maintains a program of professional preparation that has been approved by the Commission on Teacher Credentialing.

(b) "Eligible school" means a school that meets any of the following criteria:

(1) It serves a large population of pupils from low-income families, as designated by the Superintendent of Public Instruction.

(2) The institution has 20 percent or more teachers holding emergency-type permits including, but not limited to, any of the following:

(A) Provisional internships.

(B) Short-term staff permits.

(C) Credential waivers.

(D) Substitute permits.

(3) It is a school that is ranked in the lowest two deciles on the Academic Performance Index.

(4) It is a school that serves a rural area.

(5) It is a school that meets criteria as determined by the Commission on Teacher Credentialing.

Amendment 3

On page 1, strike out lines 1 and 2

AMENDMENTS TO ASSEMBLY BILL NO. 2853

Amendment 1

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

to amend Section 6253 of the Government Code,

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 6253 of the Government Code is amended to read:

6253. (a) Public records are open to inspection at all times during the office hours of the state or local agency and every person has a right to inspect any public record, except as hereafter provided. Any reasonably segregable portion of a record shall be available for inspection by any person requesting the record after deletion of the portions that are exempted by law.

(b) Except with respect to public records exempt from disclosure by express provisions of law, each state or local agency, upon a request for a copy of records that reasonably describes an identifiable record or records, shall make the records promptly available to any person upon payment of fees covering direct costs of duplication, or a statutory fee if applicable. Upon request, an exact copy shall be provided unless impracticable to do so.

(c) Each agency, upon a request for a copy of records, shall, within 10 days from receipt of the request, determine whether the request, in whole or in part, seeks copies of disclosable public records in the possession of the agency and shall promptly notify the person making the request of the determination and the reasons therefor. In unusual circumstances, the time limit prescribed in this section may be extended by written notice by the head of the agency or his or her designee to the person making the request, setting forth the reasons for the extension and the date on which a determination is expected to be dispatched. No notice shall specify a date that would result in an extension for more than 14 days. When the agency dispatches the determination, and if the agency determines that the request seeks disclosable public records, the agency shall state the estimated date and time when the records will be made available. As used in this section, "unusual circumstances" means the following, but only to the extent reasonably necessary to the proper processing of the particular request:

(1) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request.

(2) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records that are demanded in a single request.

(3) The need for consultation, which shall be conducted with all practicable speed, with another agency having substantial interest in the determination of the request or among two or more components of the agency having substantial subject matter interest therein.

(4) The need to compile data, to write programming language or a computer program, or to construct a computer report to extract data.

(d) Nothing in this chapter shall be construed to permit an agency to delay or obstruct the inspection or copying of public records. The notification of denial of any request for records required by Section 6255 shall set forth the names and titles or positions of each person responsible for the denial.

(e) Except as otherwise prohibited by law, a state or local agency may adopt requirements for itself that allow for faster, more efficient, or greater access to records than prescribed by the minimum standards set forth in this chapter.

(f) Notwithstanding subdivisions (a) through (e), inclusive, if a person requests a public record under this act that the public agency has posted on the public agency's Internet Web site, the public agency may comply with the requirements of this act by referring that person to public agency's Internet Web site where the information is posted.

SEC. 2. The Legislature finds and declares that Section 1 of this act, which amends Section 6253 of the Government Code, imposes a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

The state has a very strong interest in ensuring both the transparency of, and efficient use of limited resources by, public agencies. In order to protect this interest, it is necessary to allow public agencies that have already increased the public's access to public records by posting public records on the public agencies' Internet Web sites to refer requests for posted public records to these Internet Web sites.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district under this act would result from a legislative mandate that is within the scope of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution.

Amendment 3

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

AMENDMENTS TO ASSEMBLY BILL NO. 2855

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

add

Amendment 2
In the title, in line 1, strike out "17510.3 of" and insert:

17510.86 to

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

SECTION 1. Section 17510.86 is added to the Business and Professions Code, to read:

17510.86. (a) An Internet Web site produced by, or on behalf of, a charity that operates, or engages in the solicitation for charitable purposes of funds or other property, in this state shall comply with both of the following:

(1) The Internet Web site shall contain a financial disclosures Internet Web page, which shall include both of the following:

(A) A disclosure of the sum total of the salaries, other compensation, and employee benefits of the charity's executive director and board of directors and all of the charity's other administrative overhead expenses, as reported on the charity's most recent Internal Revenue Service Form 990 filing. The disclosure shall be set forth in at least 14-point, bold, sans serif type font and shall be clear and conspicuous, as defined in Section 17601.

(B) A complete copy of the charity's most recent Internal Revenue Service Form 990 filing.

(2) Each Internet Web page on the Internet Web site shall include a direct link to the financial disclosures Internet Web page required pursuant to paragraph (1). The direct link shall contain the phrase "Click here to read a full disclosure of the finances, including the salaries and expenses, of this organization," shall be placed in the top right corner of each Internet Web page in at least 14-point, bold, sans serif type font, and shall be clear and conspicuous, as defined in Section 17601.

(b) (1) A document produced by, or on behalf of, a charity for the solicitation for charitable purposes of funds or other property in this state shall include a disclosure statement indicating the percentage of the charity's funding that is spent on the sum total of the salaries, other compensation, and employee benefits of the charity's executive director and board of directors and all of the charity's other administrative overhead expenses, as reported on the charity's most recent Internal Revenue Service Form 990 filing.

(2) The disclosure statement shall be printed on the first page of the document in at least 14-point, bold, sans serif type font and shall be clear and conspicuous, as defined in Section 17601.

(c) The Attorney General may enforce this section by taking any of the following actions against a charity that provides false information or otherwise violates this section:

(1) Directing the Franchise Tax Board to suspend or revoke the charity's exemption from the taxes imposed by the Corporation Tax Law (Part 11 (commencing with Section 23001) of Division 2 of the Revenue and Taxation Code). The suspension or revocation shall become effective immediately upon receipt by the Franchise Tax Board, and the Franchise Tax Board shall reinstate the exemption only upon subsequent notification by the Attorney General that the charity is in compliance with this section.

(2) Refusing to register, or revoking or suspending the registration of, a charity pursuant to the Supervision of Trustees and Fundraisers for Charitable Purposes Act (Article 7 (commencing with Section 12580) of Chapter 6 of Part 2 of Division 3 of Title 2 of the Government Code).

(3) Taking any other enforcement action pursuant to the Attorney General's existing powers and duties.

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

Amendment 4

On page 1, strike out lines 1 to 11, inclusive, and strike out pages 2 and 3

AMENDMENTS TO ASSEMBLY BILL NO. 2862

Amendment 1

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

to add Chapter 3.5 (commencing with Section 345) to Part 1 of Division 1 of Title 1 of the Education Code, relating to English learners.

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Chapter 3.5 (commencing with Section 345) is added to Part 1 of Division 1 of Title 1 of the Education Code, to read:

CHAPTER 3.5. ENGLISH LEARNERS

345. (a) The English Language Arts/English Language Development Framework adopted by the state board in 2014 states that English learners at all English proficiency levels and at all ages require both integrated English language development and specialized attention to their particular language learning needs, otherwise known as designated English language development, as part of their daily curriculum.

(b) With respect to the framework referenced above, the following definitions shall apply:

(1) "Designated English language development" means instruction designed for English learners, according to their level of English proficiency, to overcome language barriers in a reasonable amount of time, during a protected time in the regular schoolday, in which teachers use the California English Language Development Standards as the focal standards in ways that build into and from content instruction in order to develop critical language English learners' need for content learning in English.

(2) "Integrated English language development" means instruction in which all teachers with English learners in their classrooms, regardless of the course content, use the California English Language Development Standards in tandem with the California state standards.

Amendment 3

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

AMENDMENTS TO ASSEMBLY BILL NO. 2866

Amendment 1

In the title, in line 1, strike out "amend Section 10851.5" and insert:

add and repeal Division 16.65 (commencing with Section 38755)

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Division 16.65 (commencing with Section 38755) is added to the Vehicle Code, to read:

DIVISION 16.65. AUTONOMOUS VEHICLE PILOT PROJECT

38755. Notwithstanding subdivisions (b) and (c) of Section 38750, the Department of Motor Vehicles and the Department of the California Highway Patrol shall, in conjunction with one or more manufacturers of autonomous vehicles, conduct a pilot project to test the safety and feasibility of operating autonomous vehicles on public roads.

38756. The Department of Motor Vehicles shall select three counties in which to conduct the road tests, and shall contract with local law enforcement agencies for purposes of participating in the road testing prior to conducting any road tests. A local agency may consent to contract and participate, but shall not be required to contract and participate, in the pilot project. The pilot project shall commence on January 1, 2017, and shall terminate on January 1, 2018.

38757. (a) For purposes of this division, the terms "autonomous vehicle" and "manufacturer" have the same meaning as set forth in Section 38750.

(b) Autonomous vehicles tested in the pilot project are not required to be equipped with a steering wheel, brake pedal, or accelerator, and may be operated without a driver inside the vehicle.

38758. The Department of Motor Vehicles shall report the results of the pilot project to the Legislature on or before July 1, 2018. A report submitted pursuant to this subdivision shall be submitted pursuant to Section 9795 of the Government Code.

38759. This division shall remain in effect only until January 1, 2019, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2019, deletes or extends that date.

Amendment 3

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

AMENDMENTS TO ASSEMBLY BILL NO. 2867

Amendment 1

In the title, in line 1, strike out "amend Section 1500 of the Health and Safety Code, relating", strike out line 2 and insert:

add Chapter 6 (commencing with Section 8390) to Division 4.1 of the Public Utilities Code, relating to public utilities.

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Chapter 6 (commencing with Section 8390) is added to Division 4.1 of the Public Utilities Code, to read:

CHAPTER 6. CONSUMER PROTECTION

8390. If a privately owned or local publicly owned public utility enables an individual to subscribe to its services through an Internet Web site, it shall also enable all of its customers to cancel their subscriptions through the Internet Web site.

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 4, inclusive

AMENDMENTS TO ASSEMBLY BILL NO. 2868

Amendment 1

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

An act to add and repeal Section 2838.2 of the Public Utilities Code, relating to energy.

Amendment 2

On page 1, before line 1, insert:

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

(1) The state, through the Public Utilities Commission, has taken action to promote energy storage, including setting energy storage procurement targets applicable for certain load-serving entities, totaling 1,325 megawatts, and for all other load-serving entities, to be met by 2020, with installations of the energy storage systems meeting the procurement targets by no later than the end of 2024.

(2) Ratepayer funding is currently allowed to provide incentives to customers who purchase energy storage for permanent load shifting.

(3) The Legislature reauthorized the self-generation incentive program to provide incentives to customers who achieve reductions in the emissions of greenhouse gases using technologies like energy storage.

(4) The Energy Commission funds research and demonstration programs to further the effectiveness of energy storage as an important resource to the electric grid through the Electric Program Investment Charge.

(5) Federal Energy Regulatory Commission Order No. 792 directs transmission providers to define energy storage devices as generating facilities, thereby enabling these resources to take advantage of generator interconnection procedures.

(6) Industrial and commercial customers are subject to the time-of-use tariffs of the load-serving entity providing electric services, some of which also include demand charges. Industrial and commercial customers have challenges modifying their businesses to manage their electricity consumption and costs.

(7) Section 745 of the Public Utilities Code authorizes the commission to require or authorize an electrical corporation to employ default time-of-use pricing for residential customers.

(8) Changes in customer electricity usage will modify the peak time for electricity demand and effect demand charges in rate design.

(9) Properly designed and dispatched energy storage systems will help customers manage energy costs, help reduce overall system peak energy demands, improve public health, and assist in achieving greenhouse gas emissions goals.

(10) Increased demand for energy storage technologies will drive new business opportunities and create jobs.

(11) Easing energy costs for large energy users will help keep manufacturing and industrial jobs in California.

(b) It is the policy of the state and the intent of the Legislature to encourage energy storage as a means to achieve ratepayer benefits, ambient air quality standards, and the state's climate change goals.

SEC. 2. Section 2838.2 is added to the Public Utilities Code, to read:

2838.2. (a) The following definitions apply to this section:

(1) "Distributed energy storage system" means an energy storage system with a useful life of at least 10 years that is located on the customer side of the meter.

(2) "Energy storage management system" means a system by which an electrical corporation can manage the charging and discharging of the distributed energy storage system in a manner that provides benefits to ratepayers.

(b) The commission, in consultation with the State Air Resources Board, and the Energy Commission, shall direct electrical corporations to file applications for programs and investments to accelerate widespread deployment of distributed energy storage systems to achieve ratepayer benefits, reduce dependence on petroleum, meet air quality standards, and reduce emissions of greenhouse gases. Programs and investments proposed by electrical corporations shall seek to minimize overall costs and maximize overall benefits.

(c) (1) The commission shall approve, or modify and approve, programs and investments in distributed energy storage systems with appropriate energy storage management systems and reasonable mechanisms for cost recovery from all distribution customers for distribution level distributed energy storage systems, and from transmission customers for transmission level distributed energy storage systems, if they are consistent with the section and are in the interest of the ratepayers.

(2) The commission shall first approve those programs and investments that provide distributed energy storage systems to industrial, commercial, and low-income customers. Beginning January 1, 2019, the commission may approve programs and investments offered to residential customers who enroll in time-variant pricing pursuant to Section 745.

(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.

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 6, inclusive, and strike out page 2

AMENDMENTS TO ASSEMBLY BILL NO. 2869

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

An act to add Section 328.1 to the Welfare and Institutions Code, relating to juveniles.

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

SECTION 1. Section 328.1 is added to the Welfare and Institutions Code, to read:

328.1. (a) A social worker who is conducting an investigation described in Section 328 shall make every effort as soon as practicable to ascertain whether the parent or guardian of the child, or that person's spouse, is a member of the Armed Forces.

(b) If the parent or guardian of a child who is the subject of an investigation described in Section 328, or that person's spouse, is a member of the Armed Forces, the social worker shall notify the Family Advocacy Program of the military installation at which the member is stationed that there is an open investigation, relating to that military parent or guardian, or that military spouse of the parent or guardian, to determine if the child is a person described in Section 300.

SEC. 2. To the extent that this act has an overall effect of increasing the costs already borne by a local agency for programs or levels of service mandated by the 2011 Realignment Legislation within the meaning of Section 36 of Article XIII of the California Constitution, it shall apply to local agencies only to the extent that the state provides annual funding for the cost increase. Any new program or higher level of service provided by a local agency pursuant to this act above the level for which funding has been provided shall not require a subvention of funds by the state nor otherwise be subject to Section 6 of Article XIII B of the California Constitution.

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

AMENDMENTS TO ASSEMBLY BILL NO. 2873

Amendment 1
In the title, in line 1, after "Section" insert:

55.3 of the Civil Code, and to amend Sections

Amendment 2
In the title, in line 1, after "4459.5" insert:

and 4467

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

contracts, and making an appropriation therefor.

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

SECTION 1. Section 55.53 of the Civil Code is amended to read:

55.53. (a) For purposes of this part, a certified access specialist shall, upon completion of the inspection of a site, comply with the following:

(1) For a site that meets applicable ~~standards site;~~ standards, if the CASp determines the site meets all applicable construction-related accessibility standards, the CASp shall provide a written inspection report to the requesting party that includes both of the following:

(A) An identification and description of the inspected structures and areas of the site.

(B) A signed and dated statement that includes both of the following:

(i) A statement that, in the opinion of the CASp, the inspected structures and areas of the site meet construction-related accessibility standards. The statement shall clearly indicate whether the determination of the CASp includes an assessment of readily achievable barrier removal.

(ii) If corrections were made as a result of the CASp inspection, an itemized list of all corrections and dates of completion.

(2) For ~~an inspected by a CASp site,~~ a site that has been inspected by a CASp, if the CASp determines that corrections are needed to the site in order for the site to meet all applicable construction-related accessibility standards, the CASp shall provide a signed and dated written inspection report to the requesting party that includes all of the following:

(A) An identification and description of the inspected structures and areas of the site.

(B) A statement that, in the opinion of the CASp, the inspected structures and areas of the site need correction to meet construction-related accessibility standards. This statement shall clearly indicate whether the determination of the CASp includes an assessment of readily achievable barrier removal.

(C) An identification and description of the structures or areas of the site that need correction and the correction needed.

(D) A schedule of completion for each of the corrections within a reasonable timeframe.

(b) For purposes of this section, in determining whether the site meets applicable construction-related accessibility standards when there is a conflict or difference between a state and federal provision, standard, or regulation, the state provision, standard, or regulation shall apply unless the federal provision, standard, or regulation is more protective of accessibility rights.

(c) Every CASp who conducts an inspection of a place of public accommodation shall, upon completing the inspection of the site, provide the building owner or tenant who requested the inspection with the following notice, which the State Architect shall make available as a form on the State Architect's Internet Web site:

NOTICE TO PRIVATE PROPERTY OWNER/TENANT:

YOU ARE ADVISED TO KEEP IN YOUR RECORDS ANY WRITTEN INSPECTION REPORT AND ANY OTHER DOCUMENTATION CONCERNING YOUR PROPERTY SITE THAT IS GIVEN TO YOU BY A CERTIFIED ACCESS SPECIALIST.

IF YOU BECOME A DEFENDANT IN A LAWSUIT THAT INCLUDES A CLAIM CONCERNING A SITE INSPECTED BY A CERTIFIED ACCESS SPECIALIST, YOU MAY BE ENTITLED TO A COURT STAY (AN ORDER TEMPORARILY STOPPING ANY LAWSUIT) OF THE CLAIM AND AN EARLY EVALUATION CONFERENCE.

IN ORDER TO REQUEST THE STAY AND EARLY EVALUATION CONFERENCE, YOU WILL NEED TO VERIFY THAT A CERTIFIED ACCESS SPECIALIST HAS INSPECTED THE SITE THAT IS THE SUBJECT OF THE CLAIM. YOU WILL ALSO BE REQUIRED TO PROVIDE THE COURT AND THE PLAINTIFF WITH THE COPY OF A WRITTEN INSPECTION REPORT BY THE CERTIFIED ACCESS SPECIALIST, AS SET FORTH IN CIVIL CODE SECTION 55.54. THE APPLICATION FORM AND INFORMATION ON HOW TO REQUEST A STAY AND EARLY EVALUATION CONFERENCE MAY BE OBTAINED AT www.courts.ca.gov/selfhelp-start.htm.

YOU ARE ENTITLED TO REQUEST, FROM A CERTIFIED ACCESS SPECIALIST WHO HAS CONDUCTED AN INSPECTION OF YOUR PROPERTY, A WRITTEN INSPECTION REPORT AND OTHER DOCUMENTATION AS SET FORTH IN CIVIL CODE SECTION 55.53. YOU ARE ALSO ENTITLED TO REQUEST THE ISSUANCE OF A DISABILITY ACCESS INSPECTION CERTIFICATE, WHICH YOU MAY POST ON YOUR PROPERTY.

(d) (1) Commencing July 1, 2010, a local agency shall employ or retain at least one building inspector who is a certified access specialist. The certified access specialist shall provide consultation to the local agency, permit applicants, and members of the public on compliance with state construction-related accessibility standards with respect to inspections of a place of public accommodation that relate to permitting, plan checks, or new construction, including, but not limited to, inspections relating to tenant improvements that may impact access. If a local agency employs or retains two or more certified access specialists to comply with this subdivision, at least one-half of the certified access specialists shall be building inspectors who are certified access specialists.

(2) Commencing January 1, ~~2014, a local agency shall employ or retain a sufficient number of building inspectors who are~~ 2017, all building inspectors employed or retained by a local agency shall be certified access specialists ~~to~~ who conduct permitting and plan check services to review for compliance with state construction-related accessibility standards by a place of public accommodation with respect to new construction, including, but not limited to, projects relating to tenant improvements that may impact access. ~~If a local agency employs or retains two or more certified access specialists to comply with this subdivision, at least one-half of the certified access specialists shall be building inspectors who are certified access specialists.~~

(3) If a permit applicant or member of the public requests consultation from a certified access specialist, the local agency may charge an amount limited to a reasonable hourly rate, an estimate of which shall be provided upon request in advance of the consultation. A local government may additionally charge or increase permitting, plan check, or inspection fees to the extent necessary to offset the costs of complying with this subdivision. Any revenues generated from an hourly or other charge or fee increase under this subdivision shall be used solely to offset the costs incurred to comply with this subdivision. A CASp inspection pursuant to subdivision (a) by a building inspector who is a certified access specialist shall be treated equally for legal and evidentiary purposes as an inspection conducted by a private CASp. Nothing in this subdivision shall preclude permit applicants or any other person with a legal interest in the property from retaining a private CASp at any time.

(e) (1) Every CASp who completes an inspection of a place of public accommodation shall, upon a determination that the site meets applicable standards pursuant to paragraph (1) of subdivision (a) or is inspected by a CASp pursuant to paragraph (2) of subdivision (a), provide the building owner or tenant requesting the inspection with a numbered disability access inspection certificate indicating that the site has undergone inspection by a certified access specialist. The disability access inspection certificate shall be dated and signed by the CASp inspector, and shall contain the inspector's name and license number. Upon issuance of a certificate, the CASp shall record the issuance of the numbered certificate, the name and address of the recipient, and the type of report issued pursuant to subdivision (a) in a record book the CASp shall maintain for that purpose.

(2) Beginning March 1, 2009, the State Architect shall make available for purchase by any local building department or CASp sequentially numbered disability access inspection certificates that are printed with a watermark or other feature to deter

forgery and that comply with the information requirements specified in subdivision (a).

(3) The disability access inspection certificate may be posted on the premises of the place of public accommodation, unless, following the date of inspection, the inspected site has been modified or construction has commenced to modify the inspected site in a way that may impact compliance with construction-related accessibility standards.

(f) Nothing in this section or any other law is intended to require a property owner or tenant to hire a CASp. A property owner's or tenant's election not to hire a CASp shall not be admissible to prove that person's lack of intent to comply with the law.

SEC. 2. Section 4459.5 of the Government Code is amended to read:

4459.5. (a) The State Architect shall establish and publicize a program for voluntary certification by the state of any person who meets specified criteria as a certified access specialist. No later than January 1, 2005, the State Architect shall determine minimum criteria a person is required to meet ~~in order~~ to be a certified access specialist, which may include knowledge sufficient to review, inspect, or advocate universal design requirements, completion of specified training, and testing on standards governing access to ~~buildings~~ buildings, including but not limited to housing, for persons with disabilities. The minimum criteria shall include familiarity with the applicability and content of various accessibility requirements, including but not limited to, the federal requirements described in subdivision (c) of Section 4459 and the state standards established in Chapter 11A (commencing with Section 1101A) and Chapter 11B (commencing with 11B-101) of Title 24 of the California Code of Regulations.

(b) The State Architect may implement the program described in subdivision (a) with startup funds derived, as a loan, from the reserve of the Public School Planning, Design, and Construction Review Revolving Fund, upon appropriation by the Legislature. That loan shall be repaid when sufficient fees have been collected pursuant to Section 4459.8.

SEC. 3. Section 4467 of the Government Code is amended to read:

4467. (a) On and after January 1, ~~2013, and until December 31, 2018,~~ 2017, any applicant for a local business license or equivalent instrument or permit, and from any applicant for the renewal of a business license or equivalent instrument or permit, shall pay an additional fee of ~~one dollar ($1)~~ four dollars ($4) for that license, instrument, or permit, which shall be collected by the city, county, or city and county that issued the license, instrument, or permit.

(b) The city, county, or city and county shall retain ~~70~~ 90 percent of the fees collected under this section, of which up to 5 percent of the retained moneys may be used for related administrative costs of this chapter. The remaining moneys shall be ~~used to fund increased certified access specialist (CASp) services in that jurisdiction for the public and to facilitate compliance with construction-related accessibility requirements.~~ placed by the city, county, or city and county in a special fund established by city, county, or city and county, to be known as the "CASp Certification and Training Fund." The fees collected in a CASp Certification and Training Fund shall be used for increased certified access specialist training and certification in that local jurisdiction and to facilitate compliance with construction-related accessibility requirements. The highest priority shall be given to the training and retention of certified access specialists

to meet the needs of the public in the jurisdiction as provided in Section 55.53 of the Civil Code.

(c) The remaining ~~30~~ 10 percent of all fees collected under this section shall be transmitted on a quarterly basis to the Division of the State Architect for deposit in the Disability Access and Education Revolving Fund established under Sections 4465 and 4470. The funds shall be transmitted within 15 days of the last day of the fiscal quarter. The Division of the State Architect shall develop and post on its Internet Web site a standard reporting form for use by all local jurisdictions. Up to 75 percent of the collected funds in the Disability Access and Education Revolving Fund shall be used to establish and maintain oversight of the CASp program and to moderate the expense of CASp certification and testing.

(d) Each city, county, or city and county shall make an annual report, commencing March 1, 2014, to the Division of the State Architect of the total fees collected in the previous calendar year and of its distribution, including the moneys spent on administrative services, the activities undertaken and moneys spent to increase CASp training, certification, and services, the activities undertaken and moneys spent to fund programs to facilitate accessibility compliance, and the moneys transmitted to the Disability Access and Education Revolving Fund.

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 5

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

AMENDMENTS TO ASSEMBLY BILL NO. 2876

Amendment 1

In the title, in line 1, strike out "amend Section 5135 of the Public Resources Code, relating", strike out line 2 and insert:

add Chapter 11.6 (commencing with Section 50810) to Part 2 of Division 31 of the Health and Safety Code, relating to veterans housing.

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Chapter 11.6 (commencing with Section 50810) is added to Part 2 of Division 31 of the Health and Safety Code, to read:

CHAPTER 11.6. VETERANS SUPPORTIVE HOUSING

50810. (a) The Department of Housing and Community Development shall, after consulting with the Department of Veterans Affairs, establish a program to provide on an annual basis a grant to eligible cities, counties, or nonprofit organizations that provide services to homeless veterans. These grants shall provide veterans who receive a federal Housing and Urban Development Veterans Affairs Supportive Housing (HUD-VASH) voucher pursuant to the HUD-VASH program (Public Law 110-161), but may or may not be eligible for funds from the federal Department of Veterans Affairs Supportive Services for Veteran Families program (38 U.S.C. Sec. 2044), with supplemental funding for one or more move-in expenses.

(b) The Department of Housing and Community Development shall annually accept grant applications from a nonprofit organization that provides services to homeless veterans and has received federal funds pursuant to the Supportive Services for Veteran Families program within the year prior to the application. The department shall also annually accept grant applications from a city or county that has approved for the year in which the application is submitted the expenditure of funds to provide move-in expenses to veterans who receive a HUD-VASH voucher.

(c) The amount of the grant to a nonprofit organization that provides services to homeless veterans shall not exceed either one hundred thousand dollars ($100,000) or the amount of the federal funds received by that nonprofit organization for the year in which the state application is submitted, whichever amount is less. The amount of the grant to a city or county shall not exceed one million dollars ($1,000,000) or the amount authorized by the city or county to provide move-in expenses to veterans who receive HUD-VASH vouchers, whichever amount is less.

(d) There is hereby established in the General Fund the Homeless Veterans Supportive Housing Account. Moneys deposited in the account shall be made available, upon appropriation, to the Department of Housing and Community Development to provide grants pursuant to this section.

(e) For purposes of this section, "move-in expenses" means any of the following:
(1) Security deposit.
(2) First-month's rent.
(3) Refrigerator.
(4) Microwave.
(5) Mattress.
(6) Bedding, such as pillows, sheets, and blankets.
(7) Moving services.
(8) Holding deposit, holding fee, or both, charged to manage a landlord's risk of a delayed move-in date or delay in receiving a HUD-VASH voucher payment in an amount that does not exceed two months' rent.
(9) Maintenance repairs necessary for a dwelling unit to meet the housing standard required by the HUD-VASH program.
(10) Credit check and application fees.
(11) Utility deposit.
(12) Past due rent and fees for use of a rental storage unit immediately prior to occupancy of a dwelling unit obtained with a HUD-VASH voucher.

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