

**Assembly
California Legislature
Committee on Rules**

**KEN COOLEY
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CUNNINGHAM, JORDAN

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SALAS, JR. RUDY
WALDRON, MARIE

FONG, VINCE (R-ALT)
LEVINE, MARC (D-ALT)
REYES, ELOISE GÓMEZ (D-ALT)

Monday, April 23, 2018
10 minutes prior to Session
State Capitol, Room 3162

CONSENT AGENDA

BILL REFERRALS

1. Bill Referrals [Page 2](#)
2. Bill Re-referrals [Page 4](#)

RESOLUTIONS

3. HR-98 (Holden) Relative to The 50th Anniversary of the Poor People's Campaign of 1968. [Page 6](#)
4. HR-102 (Burke) Relative to Take Our Daughters And Sons To Work Day, 25th Anniversary. [Page 12](#)
5. SCR-108 (Newman) Relative to California Conservation Corps and Community Conservation Corps Week. [Page 15](#)
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7. SCR-126 (Dodd) Relative to 50th Anniversary of the Napa County Agricultural Preserve. [Page 31](#)

REQUEST TO APPROVE ISSUANCE OF SUBPOENA

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REQUEST TO ADD URGENCY CLAUSE

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MARC LEVINE (D-ALT.)
ELOISE GÓMEZ REYES (D-ALT.)
VINCE FONG (R-ALT.)

Memo

To: Rules Committee Members
From: Michael Erke, Bill Referral Consultant
Date: 4/20/18
Re: Consent Bill Referrals

Since you received your preliminary list of bill referrals, HR 104 has been added to the referrals.

REFERRAL OF BILLS TO COMMITTEE

04/23/2018

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

Assembly Bill No.	Committee:
<u>AB 3264</u>	G.O.
<u>HR 104</u>	RLS.
<u>SB 320</u>	HEALTH
<u>SB 320</u>	HIGHER ED.
<u>SB 656</u>	P.E.,R., & S.S.
<u>SB 688</u>	HEALTH
<u>SB 691</u>	JUD.
<u>SB 695</u>	ED.
<u>SB 720</u>	ED.
<u>SB 1172</u>	TRANS.
<u>SB 1496</u>	L. GOV.
<u>SB 1497</u>	L. GOV.
<u>SB 1499</u>	L. GOV.



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VINCE FONG (R-ALT.)

Memo

To: Rules Committee Members
From: Michael Erke, Bill Referral Consultant
Date: 4/20/18
Re: Consent Bill Re-Referrals

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

RE-REFERRAL OF BILLS

04/23/2018

The Committee on Rules has re-referred the following bills to Committee:

Assembly Bill No.

Committee:

SB 495

W., P., & W.

House Resolution

No. 98

**Introduced by Assembly Member Holden
(Coauthors: Assembly Members Bonta, Burke, Gipson,
Jones-Sawyer, McCarty, Thurmond, and Weber)**

April 9, 2018

House Resolution No. 98—Relative to the 50th Anniversary of the Poor People’s Campaign of 1968.

1 WHEREAS, A year before his assassination, in a speech given
2 at a Southern Christian Leadership Conference staff retreat in May
3 1967, the Reverend Dr. Martin Luther King, Jr. announced, “I
4 think it is necessary for us to realize that we have moved from the
5 era of civil rights to the era of human rights...” and further stated,
6 that there must be “a radical redistribution of economic and
7 political power”; and

8 WHEREAS, Later that year, in December 1967, Rev. Dr. King
9 announced the plan to bring together poor people from across the
10 country for a new march on Washington. The purpose of the march
11 was to demand better jobs, better homes, and better education, in
12 sum, better lives than the ones the poor were living; and

13 WHEREAS, As an initial step to build the power needed to
14 achieve the goal of a radical redistribution of political and
15 economic power, Rev. Dr. King, with other leaders of the poor
16 including Johnnie Tillmon of the National Welfare Rights
17 Organization (NWRO), worked to establish the main elements of
18 the platform for the Poor People’s Campaign (the Campaign) of
19 1968; and

20 WHEREAS, An important aspect of the Campaign was
21 petitioning the government to pass an “Economic Bill of Rights”

1 as a step to lift individuals out of poverty. The Campaign aimed
2 for a \$30 billion annual appropriation for a real war on poverty,
3 congressional passage of legislation to attain full employment and
4 guaranteed income, including a guaranteed annual wage, and
5 construction of 500,000 low-cost housing units per year until slums
6 were eliminated; and

7 WHEREAS, The Campaign consisted of three phases. The first
8 phase was to construct a shantytown, to be known as “Resurrection
9 City,” and located on the National Mall between the Lincoln
10 Memorial and the Washington Monument. With permits from the
11 National Park Service, Resurrection City was intended to house
12 between 1,500 to 3,000 Campaign participants. Other participants
13 would be housed in group and family residences located around
14 the metropolitan area. The second phase was to begin public
15 demonstrations, mass nonviolent civil disobedience, and mass
16 arrests to protest the plight of the poor in this country. The final
17 phase of the Campaign was to launch a nationwide boycott of
18 major industries and shopping areas as a means of prompting
19 business leaders to pressure Congress into meeting the demands
20 of the Campaign; and

21 WHEREAS, Despite the assassination of Rev. Dr. King on April
22 4, 1968, the Campaign went forward. Beginning in Washington,
23 key leaders of the Campaign gathered to engage in lobbying efforts
24 and media events before dispersing around the country to formally
25 launch regional caravans to bring thousands of participants to
26 Washington; and

27 WHEREAS, The efforts of the Campaign peaked in the
28 Solidarity Day Rally for Jobs, Peace, and Freedom on June 19,
29 1968. Fifty thousand people joined the 3,000 participants living
30 at Resurrection City to support the demands of the Campaign on
31 Solidarity Day; and

32 WHEREAS, Civil rights organizer and activist Bayard Rustin
33 put forth a proposal for an “Economic Bill of Rights” for Solidarity
34 Day, which called for the federal government to: 1) recommit to
35 the Employment Act of 1946 and legislate the immediate creation
36 of at least one million socially useful career jobs in public service;
37 2) adopt the pending Housing and Urban Development Act of
38 1968; 3) repeal the 90th Congress’s punitive welfare restrictions
39 in the Social Security Act 1967; 4) extend to all farmworkers the
40 right guaranteed under the National Labor Relations Act to

1 organize agricultural labor unions; and 5) restore funding to
2 programs benefitting the poor that were subject to budget cuts,
3 including bilingual education, Head Start, summer job programs,
4 the Economic Opportunity Act of 1964, and the Elementary and
5 Secondary Education Act of 1965; and

6 WHEREAS, Unfortunately, the Campaign was unable to achieve
7 the unity and organization needed to complete all three of the
8 planned stages and to form the “new and unsettling force” capable
9 of disrupting “complacent national life” and achieving an economic
10 bill of rights. The assassinations of Rev. Dr. King and Senator
11 Robert Kennedy, a key proponent of the Campaign and a
12 Presidential candidate, only served to cripple the Campaign and
13 drastically limit its impact. The Rev. Dr. King emphasized the
14 need for poor whites, Blacks, Latinos, Asians, and Native
15 Americans to unite. He asserted that the Campaign would only be
16 successful if the poor could come together across all the obstacles
17 and barriers set up to divide them, and if they could overcome the
18 attention and resources being diverted because of United States
19 engagement in the Vietnam War; and

20 WHEREAS, The night before his assassination, in Rev. Dr.
21 King’s “Promised Land” speech, he explained that poor people
22 being disunited only helped the rich and the powerful. He stated,
23 “[W]henever Pharaoh wanted to prolong the period of slavery in
24 Egypt, he had a favorite, favorite formula for doing it. What was
25 that? He kept the slaves fighting among themselves. But whenever
26 the slaves get together, something happens in Pharaoh’s court, and
27 he cannot hold the slaves in slavery. When the slaves get together,
28 that’s the beginning of getting out of slavery”; and

29 WHEREAS, According to political historians such as Barbara
30 Cruikshank, “the poor” did not conceive of themselves as a unified
31 group until President Lyndon Johnson’s War on Poverty, declared
32 in 1964, identified them as such. Figures from the 1960 census,
33 Bureau of Labor Statistics, United States Commerce Department,
34 and the Federal Reserve estimated that anywhere from 40 to 60
35 million Americans—or 22 to 33 percent—lived below the poverty
36 line; and

37 WHEREAS, In 1967, an estimated 43.1 million Americans lived
38 in poverty according to an official measure. Rev. Dr. King’s
39 influence in America has helped to change the poverty rate, but
40 much work still needs to be done to help the war on poverty; and

1 WHEREAS, California's poverty rate currently stands at 14.3
2 percent, according to official poverty statistics; and

3 WHEREAS, The official poverty rate in America is 12.7 percent,
4 based on the United States Census Bureau's 2016 estimates. In
5 2016, there were 40.6 million people in poverty; and

6 WHEREAS, This spring marks the 50th anniversary of the Poor
7 People's Campaign of 1968. This landmark presents an opportunity
8 for us to examine where we have been as a nation with respect to
9 the interests of the poor, and the work that still needs to be
10 completed; now, therefore, be it

11 *Resolved by the Assembly of the State of California*, That the
12 Assembly encourages the observance of the 50th anniversary of
13 the Poor People's Campaign of 1968 and encourages individuals
14 to take this opportunity to reflect on our past treatment of the poor,
15 and to reflect upon the work that still needs to be completed; and
16 be it further

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

O

Date of Hearing: April 23, 2018

ASSEMBLY COMMITTEE ON RULES
Ken Cooley, Chair
HR 98 (Holden) – As Introduced April 9, 2018

SUBJECT: 50th Anniversary of the Poor People’s Campaign of 1968.

SUMMARY: Observes the 50th anniversary of the Poor People’s Campaign of 1968 and encourages individuals to take this opportunity to reflect on our past treatment of the poor, and to reflect upon the work that still needs to be completed. Specifically, **this resolution** makes the following legislative findings:

- 1) A year before his assassination, in a speech given at a Southern Christian Leadership Conference staff retreat in May 1967, the Reverend Dr. Martin Luther King, Jr. announced, “I think it is necessary for us to realize that we have moved from the era of civil rights to the era of human rights...” and further stated, that there must be “a radical redistribution of economic and political power.”
- 2) Later that year, in December 1967, Rev. Dr. King announced the plan to bring together poor people from across the country for a new march on Washington. The purpose of the march was to demand better jobs, better homes, and better education, in sum, better lives than the ones the poor were living.
- 3) As an initial step to build the power needed to achieve the goal of a radical redistribution of political and economic power, Rev. Dr. King, with other leaders of the poor including Johnnie Tillmon of the National Welfare Rights Organization (NWRO), worked to establish the main elements of the platform for the Poor People’s Campaign (the Campaign) of 1968.
- 4) An important aspect of the Campaign was petitioning the government to pass an “Economic Bill of Rights” as a step to lift individuals out of poverty. The Campaign aimed for a \$30 billion annual appropriation for a real war on poverty, congressional passage of legislation to attain full employment and guaranteed income, including a guaranteed annual wage, and construction of 500,000 low-cost housing units per year until slums were eliminated.
- 5) Despite the assassination of Rev. Dr. King on April 4, 1968, the Campaign went forward. Beginning in Washington, key leaders of the Campaign gathered to engage in lobbying efforts and media events before dispersing around the country to formally launch regional caravans to bring thousands of participants to Washington.
- 6) The efforts of the Campaign peaked in the Solidarity Day Rally for Jobs, Peace, and Freedom on June 19, 1968. Fifty thousand people joined the 3,000 participants living at Resurrection City to support the demands of the Campaign on Solidarity Day.
- 7) Civil rights organizer and activist Bayard Rustin put forth a proposal for an “Economic Bill of Rights” for Solidarity Day, which called for the federal government to: 1) recommit to the Employment Act of 1946 and legislate the immediate creation of at least one million socially useful career jobs in public service; 2) adopt the pending Housing and Urban Development Act of 1968; 3) repeal the 90th Congress’s punitive welfare restrictions in the Social Security

Act 1967; 4) extend to all farmworkers the right guaranteed under the National Labor Relations Act to organize agricultural labor unions; and 5) restore funding to programs benefitting the poor that were subject to budget cuts, including bilingual education, Head Start, summer job programs, the Economic Opportunity Act of 1964, and the Elementary and Secondary Education Act of 1965.

- 8) Unfortunately, the assassinations of Rev. Dr. King and Senator Robert Kennedy, a key proponent of the Campaign and a Presidential candidate, served to cripple the Campaign and drastically limit its impact.
- 9) In 1967, an estimated 43.1 million Americans lived in poverty according to an official measure. Rev. Dr. King's influence in America has helped to change the poverty rate, but much work still needs to be done to help the war on poverty.
- 10) California's poverty rate currently stands at 14.3 percent, according to official poverty statistics and the official poverty rate in America is 12.7 percent, based on the United States Census Bureau's 2016 estimates. In 2016, there were 40.6 million people in poverty.

FISCAL EFFECT: None

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

Analysis Prepared by: Nicole Willis / RLS. / (916) 319-2800

House Resolution

No. 102

Introduced by Assembly Member Burke

April 16, 2018

House Resolution No. 102—Relative to Take Our Daughters And Sons To Work Day, 25th Anniversary.

1 WHEREAS, The Take Our Daughters To Work program was
2 created in New York City as a response to research that showed
3 that, by the 8th grade, many girls were dropping out of school, had
4 low self-esteem, and lacked confidence; and

5 WHEREAS, In 2003, the name of the program was changed to
6 “Take Our Daughters And Sons To Work” so that boys who face
7 many of the same challenges as girls would also be involved in
8 the program; and

9 WHEREAS, In 2018, the mission of the program, to develop
10 “innovative strategies that empower girls and boys to overcome
11 societal barriers to reach their full potential,” fully reflects the
12 addition of boys; and

13 WHEREAS, The Take Our Daughters And Sons To Work
14 Foundation, a nonprofit organization, has grown to be one of the
15 largest public awareness campaigns ever, with more than 39 million
16 participants annually in more than 3 million organizations and
17 workplaces representing each state; and

18 WHEREAS, In 2007, the Take Our Daughters To Work program
19 transitioned to Elizabeth City, North Carolina, became known as
20 the Take Our Daughters And Sons To Work Foundation, and
21 received national recognition for its dedication to future
22 generations; and

1 WHEREAS, Every year, mayors, governors, and other private
2 and public officials sign proclamations and lend support to Take
3 Our Daughters And Sons To Work Day; and

4 WHEREAS, The fame of the Take Our Daughters And Sons
5 To Work program has spread overseas, with requests and inquiries
6 being made from around the world on how to operate the program;
7 and

8 WHEREAS, 2018 marks the 25th anniversary of the Take Our
9 Daughters And Sons To Work program; and

10 WHEREAS, Take Our Daughters And Sons To Work Day will
11 be observed on Thursday, April 26, 2018; and

12 WHEREAS, By offering opportunities for children to experience
13 activities and events, Take Our Daughters And Sons To Work Day
14 is intended to continue helping millions of girls and boys, on an
15 annual basis, to examine their opportunities and strive to reach
16 their fullest potential; now, therefore, be it

17 *Resolved by the Assembly of the State of California*, That the
18 Assembly declares April 26, 2018, as Take Our Daughters And
19 Sons To Work Day; and be it further

20 *Resolved*, That the Assembly recognizes the goals of introducing
21 our daughters and sons to the workplace and commends all
22 participants of Take Our Daughters And Sons To Work Day for
23 their ongoing contributions to education, and for the vital role the
24 participants play in promoting and ensuring a brighter, stronger
25 future for the United States; and be it further

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

O

Date of Hearing: April 26, 2018

ASSEMBLY COMMITTEE ON RULES
Ken Cooley, Chair
HR 102 (Burke) – As Introduced April 16, 2018

SUBJECT: Take Our Daughters And Sons To Work Day, 25th Anniversary.

SUMMARY: Declares April 26, 2018, as Take Our Daughters And Sons To Work Day and recognizes the goals of introducing our daughters and sons to the workplace. Specifically, **this resolution** makes the following legislative findings:

- 1) The Take Our Daughters To Work program was created in New York City as a response to research that showed that, by the 8th grade, many girls were dropping out of school, had low self-esteem, and lacked confidence. In 2003, the name of the program was changed to “Take Our Daughters And Sons To Work” so that boys who face many of the same challenges as girls would also be involved in the program.
- 2) 2018 marks the 25th anniversary of the Take Our Daughters And Sons To Work program. The mission of the program, to develop “innovative strategies that empower girls and boys to overcome societal barriers to reach their full potential,” fully reflects the addition of boys.
- 3) The Take Our Daughters And Sons To Work Foundation, a nonprofit organization, has grown to be one of the largest public awareness campaigns ever, with more than 39 million participants annually in more than 3 million organizations and workplaces representing each state.
- 4) The fame of the Take Our Daughters And Sons to Work program has spread overseas, with requests and inquiries being made from around the world on how to operate the program.
- 5) By offering opportunities for children to experience activities and events, Take Our Daughters And Sons To Work Day is intended to continue helping millions of girls and boys, on an annual basis, to examine their opportunities and strive to reach their fullest potential.

FISCAL EFFECT: None

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

Analysis Prepared by: Nicole Willis / RLS. / (916) 319-2800

AMENDED IN ASSEMBLY APRIL 19, 2018

AMENDED IN SENATE MARCH 19, 2018

Senate Concurrent Resolution

No. 108

Introduced by Senator Newman

February 26, 2018

Senate Concurrent Resolution No. 108—Relative to California Conservation Corps and Community Conservation Corps Week.

LEGISLATIVE COUNSEL'S DIGEST

SCR 108, as amended, Newman. California Conservation Corps and Community Conservation Corps Week.

This measure would recognize the week of April 9, 2018, as California Conservation Corps and Community Conservation Corps Week, would commend the California Conservation Corps and community conservation corps for their long history of developing young adults into citizens with character, credentials, and commitment, while protecting and enhancing California's natural resources, and would extend sincere best wishes for the organizations' continued success in the future.

Fiscal committee: no.

1 WHEREAS, Modeled after the original federal Civilian
2 Conservation Corps, which was created in 1933 by President
3 Franklin D. Roosevelt to put men to work during the Great
4 Depression, and through which most of California's state parks
5 were built, the California Conservation Corps was established by
6 Governor Edmund G. Brown Jr. in 1976 *as a government agency*
7 *within the Natural Resources Agency* and today holds a place of

1 pride as the oldest and largest conservation corps in the nation;
2 and

3 WHEREAS, The only state program with year-round residential
4 centers, the California Conservation Corps has more than two
5 dozen residential and nonresidential locations throughout the state,
6 where young adults ~~between the ages of 18 and 25~~; *to 25 years of*
7 *age*, inclusive, are provided with the opportunity to participate in
8 a year of paid service to the state, through which they work on
9 environmental projects and respond to natural and ~~man-made~~
10 *manmade* disasters, while gaining skills and experience to help
11 them attain meaningful careers; and

12 WHEREAS, Since its creation, the California Conservation
13 Corps has both served and benefited more than 120,000 young
14 people, who have provided 74.1 million hours of natural ~~resource~~
15 *resources* work throughout the state, tackling more than 900
16 projects annually; among their many accomplishments, members
17 of the California Conservation Corps have planted more than 24.6
18 million trees, provided 1.6 million hours of fish habitat
19 improvement work, built or maintained more than 11,621 miles
20 of backcountry trails in California's national parks and forests,
21 and dedicated more than 11 million hours of work to improving
22 rural and urban parks and recreation areas; and

23 WHEREAS, In addition, members of the California
24 Conservation Corps have provided 11.3 million hours of emergency
25 response work, having responded to nearly every California natural
26 disaster over the last four decades, including floods, fires,
27 earthquakes, and more; and

28 WHEREAS, Along with their natural resources work, members
29 of the California Conservation Corps are encouraged to advance
30 their education while serving in the California Conservation Corps,
31 and in the last three years alone, more than 4,000 members of the
32 California Conservation Corps have completed the ~~necessary~~ work
33 *necessary* to receive their high school diplomas; furthermore, the
34 California Conservation Corps offers two different scholarships
35 for its members to use upon the conclusion of their one year of
36 service; and

37 ~~WHEREAS, In contrast to the California Conservation Corps,~~
38 ~~which is a government agency within the Natural Resources~~
39 ~~Agency, community~~ *Community* conservation corps are individual,
40 ~~regional, nonprofit regional~~ organizations that *operate throughout*

1 ~~the state and are certified by the California Conservation Corps~~
2 ~~pursuant to Section 14507.5 of the Public Resources Code as~~
3 ~~having met certain statutory criteria; either nonprofit organizations~~
4 ~~or entities operated under a local county agency; and~~

5 WHEREAS, To become a community conservation corps, an
6 organization must receive official certification from the California
7 Conservation Corps pursuant to Section 14507.5 of the Public
8 Resources Code to demonstrate adherence to certain criteria,
9 including minimum corpsmember enrollment, inclusion of both a
10 workforce development program and an educational program,
11 paid job training for corpsmembers, work on public projects such
12 as recycling and natural resources, and positive financial standing;
13 and

14 WHEREAS, The community conservation corps advance projects
15 that support and address critical state needs, including building
16 parks, planting trees in urban neighborhoods, restoring wildlife
17 habitat, diverting toxic waste and debris from waterways and
18 California's most pristine beaches, improving water quality and
19 availability, building trails and active transportation opportunities,
20 improving energy efficiency and decreasing residents' energy
21 costs, providing emergency response and disaster relief, and
22 recycling and diverting solid waste from landfills; and

23 WHEREAS, Community conservation corps provide California
24 with beverage container recycling and litter abatement programs
25 in accordance with the California Beverage Container Recycling
26 and Litter Reduction Act (Division 12.1 (commencing with Section
27 14500) of the Public Resources Code), as well as programs relating
28 to the collection and recovery of used oil and electronic waste and
29 the cleanup and abatement of waste tires, which, during the
30 2016–17 fiscal year, resulted in 4,797,433 pounds of beverage
31 containers collected, 192 tire amnesty events, 83,586 tires
32 collected, 2,765,966 pounds of electronic waste collected, the
33 review of 100 percent of used oil certified collection centers to
34 ensure that the public is able to locate a center to deposit oil for
35 recycling, and 2,776 recycling education and outreach events
36 attended by approximately 2,432,371 people; and

37 WHEREAS, Every community conservation corps provides
38 enrolled youth with the opportunity to receive their high school
39 diplomas and participate in advanced education opportunities,

1 *which has helped over 600 young people graduate from high school*
2 *annually; and*

3 *WHEREAS, Young men and women enrolled in the community*
4 *conservation corps are provided with opportunities to transform*
5 *their lives, such as targeted job skills training, career planning,*
6 *educational advancement, leadership development, counseling,*
7 *soft skills training, and wraparound services; and*

8 *WHEREAS, Community conservation corps and the California*
9 *Conservation Corps work collaboratively in many areas and share*
10 *the same mission of providing job training and educational*
11 *opportunities to California's ~~at-risk~~ most disenfranchised youth;*
12 *and*

13 *WHEREAS, While community conservation corps*
14 *predominantly serve urban areas, the California Conservation*
15 *Corps additionally provides services in rural areas through its*
16 *residential and backcountry trails program; and*

17 *WHEREAS, In their commitment to teach and prepare young*
18 *people to become strong environmental leaders, develop an ethic*
19 *of service, and create strong, sustainable communities, the*
20 *California Conservation Corps and community conservation corps*
21 *have provided California youth with unique opportunities to protect*
22 *and restore the state's environment; now, therefore, be it*

23 *Resolved by the Senate of the State of California, the Assembly*
24 *thereof concurring, That the Legislature recognizes the week of*
25 *April 9, 2018, as California Conservation Corps and Community*
26 *Conservation Corps Week, commends the California Conservation*
27 *Corps and community conservation corps for their long history of*
28 *developing young adults into citizens with character, credentials,*
29 *and commitment, while protecting and enhancing California's*
30 *natural resources, and extends sincere best wishes for the*
31 *organizations' continued success in the future; and be it further*

32 *Resolved, That the week of April 9, 2018, is recognized as*
33 *California Conservation Corps and Community Conservation*
34 *Corps Week in celebration of the laudable, two-fold mission of*
35 *the California Conservation Corps and community conservation*
36 *corps to protect and enhance California's natural resources and*
37 *communities, while empowering and developing young adults*
38 *through hard work and education, and it is appropriate at this time*
39 *to highlight the organizations' many achievements and extend to*
40 *them special public commendations; and be it further*

- 1 *Resolved*, That the Secretary of the Senate transmit copies of
- 2 this resolution to the author for appropriate distribution.

O

Date of Hearing: April 23, 2018

ASSEMBLY COMMITTEE ON RULES
Ken Cooley, Chair
SCR 108 (Newman) – As Amended April 19, 2018

SENATE VOTE: 39-0

SUBJECT: California Conservation Corps and Community Conservation Corps Week

SUMMARY: Recognizes the week of April 9, 2018, as California Conservation Corps and Community Conservation Corps Week; and, commends the California Conservation Corps and community conservation corps for their long history of developing young adults into citizens with character, credentials, and commitment, while protecting and enhancing California's natural resources. Specifically, **this resolution** makes the following legislative findings:

- 1) In 1976, the California Conservation Corps (CCC) was established by Governor Edmund G. Brown Jr. as a government agency within the Natural Resources Agency and today holds a place of pride as the oldest and largest conservation corps in the nation.
- 2) The only state program with year-round residential centers, the CCC has more than two dozen residential and nonresidential locations throughout the state, where young adults 18 to 25 years of age, inclusive, are provided with the opportunity to participate in a year of paid service to the state, through which they work on environmental projects and respond to natural and manmade disasters, while gaining skills and experience to help them attain meaningful careers.
- 3) Since its creation, the CCC has both served and benefited more than 120,000 young people, who have provided 74.1 million hours of natural resources work throughout the state, tackling more than 900 projects annually.
- 4) Community conservation corps are individual, regional organizations that operate throughout the state and advance projects that support and address critical state needs.
- 5) Community conservation corps and the CCC work collaboratively in many areas and share the same mission of providing job training and educational opportunities to California's most disenfranchised youth.
- 6) In their commitment to teach and prepare young people to become strong environmental leaders, develop an ethic of service, and create strong, sustainable communities, the CCC and community conservation corps have provided California youth with unique opportunities to protect and restore the state's environment.

FISCAL EFFECT: None

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

Analysis Prepared by: Nicole Willis / RLS. / (916) 319-2800

Introduced by Senator Newman

March 15, 2018

Senate Concurrent Resolution No. 118—Relative to Crime Victims’ Rights Week.

LEGISLATIVE COUNSEL’S DIGEST

SCR 118, as introduced, Newman. Crime Victims’ Rights Week.

This measure would recognize the week of April 8 to April 14, 2018, inclusive, as Crime Victims’ Rights Week in California.

Fiscal committee: no.

- 1 WHEREAS, Violent crime continues to exist in California, and
2 crime in one part of the state, or crime against one person, affects
3 our entire sense of well-being; and
4 WHEREAS, All Californians are affected by crime, not just the
5 victims of violent crime; and
6 WHEREAS, The most effective aid that can be provided to
7 victims of crime is to prevent crime from happening in the first
8 place; and
9 WHEREAS, Since 1981, National Crime Victims’ Rights Week
10 has raised awareness of the special needs of crime victims; and
11 WHEREAS, This year, the theme for this week is “Expand the
12 Circle: Reach All Victims”; and
13 WHEREAS, The 2018 theme for National Crime Victims’
14 Rights Week emphasizes the importance of inclusion in victim
15 services; and
16 WHEREAS, 2018 is a landmark year for crime victims and
17 survivors, as well as those who serve them; and

1 WHEREAS, The respect for and protection of victims' rights
2 within the legal process is one of the most critical components of
3 an effective criminal justice system; and

4 WHEREAS, Victims and witnesses of crime require special
5 attention to ensure that they are thoroughly informed about, and
6 effectively participate in, the criminal justice system; and

7 WHEREAS, To the maximum extent allowed by law, victims
8 of violent crime should receive compensation for their losses; and

9 WHEREAS, Each day thousands of victims and witnesses
10 receive assistance from victim support organizations,
11 victim-witness assistance centers, private service providers, and
12 state and local governments; and

13 WHEREAS, The criminal justice system in this state must persist
14 in its effort to better coordinate and improve the quality of services
15 provided to victims and witnesses; and

16 WHEREAS, California has been an innovator in the victims'
17 rights movement, establishing the first crime victim compensation
18 program in the nation in 1965; Women's Advocates and Haven
19 House in Pasadena established the first shelters for battered women
20 in the nation in 1976; and Mothers Against Drunk Driving was
21 founded in 1980 with the establishment of a chapter in Sacramento;
22 and

23 WHEREAS, California citizens enshrined victims' rights in the
24 California Constitution in 1982 through the passage of Proposition
25 8, the Victims' Bill of Rights; and

26 WHEREAS, California citizens reaffirmed and afforded
27 additional rights to victims in the California Constitution and in
28 California law in 2008 through the passage of Proposition 9, the
29 Victims' Bill of Rights Act of 2008: Marsy's Law; and

30 WHEREAS, Each year, the observance of National Crime
31 Victims' Rights Week focuses on the problems confronting victims
32 of crime and the services available to support these victims; and

33 WHEREAS, The remembrances observed during National Crime
34 Victims' Rights Week promote awareness of victims' issues and
35 acknowledge the combined efforts of citizens, the government,
36 and the criminal justice system to improve victims' services in
37 California; now, therefore, be it

38 *Resolved by the Senate of the State of California, the Assembly*
39 *thereof concurring, That the Legislature hereby recognizes the*

- 1 week of April 8, 2018, through April 14, 2018, inclusive, as Crime
- 2 Victims' Rights Week in California; and be it further
- 3 *Resolved*, That the Secretary of the Senate transmit copies of
- 4 this resolution to the author for appropriate distribution.

O

Date of Hearing: April 23, 2018

ASSEMBLY COMMITTEE ON RULES
Ken Cooley, Chair
SCR 118 (Newman) – As Introduced March 15, 2018

SENATE VOTE: 38-0

SUBJECT: Relative to Crime Victims' Rights Week

SUMMARY: Recognizes the week of April 8 to April 14, 2018, inclusive, as Crime Victims' Rights Week in California. Specifically, **this resolution** makes the following legislative findings:

- 1) Since 1981, National Crime Victims' Rights Week has raised awareness of the special needs of crime victims and the services available to support these victims. This year's theme is "Expand the Circle: Reach All Victims."
- 2) California has been an innovator in the victims' rights movement, establishing the first crime victim compensation program in the nation in 1965; Women's Advocates and Haven House in Pasadena established the first shelters for battered women in the nation in 1976; and Mothers Against Drunk Driving was founded in 1980 with the establishment of a chapter in Sacramento.
- 3) California citizens protected victims' rights in 1982 through the passage of Proposition 8, the Victims' Bill of Rights; and California citizens reaffirmed and afforded additional rights to victims in 2008 through the passage of Proposition 9, the Victims' Bill of Rights Act of 2008: Marsy's Law.
- 4) The respect for and protection of victims' rights within the legal process is one of the most critical components of an effective criminal justice system; and the criminal justice system in this state must persist in its effort to better coordinate and improve the quality of services provided to victims and witnesses.
- 5) Each day thousands of victims and witnesses receive assistance from victim support organizations, victim-witness assistance centers, private service providers, and state and local governments.

FISCAL EFFECT: None

REGISTERED SUPPORT / OPPOSITION:

Support

Citizens for Law and Order
Crime Victims Action Alliance

Opposition

None

Analysis Prepared by: Nicole Willis / RLS. / (916) 319-2800



ESTABLISHED 1970

CITIZENS FOR LAW AND ORDER, INC.

"DEDICATED TO LAW AND ORDER WITH JUSTICE FOR ALL"

April 19, 2018

The Honorable Ken Cooley
Assembly Rules Committee, Chair
State Capitol, Room 3016
Sacramento, CA 95814

SENATE CONCURRENT RESOLUTION 118 (NEWMAN) CRIME VICTIMS' RIGHTS WEEK

Dear Senator Newman:

Citizens for Law and Order is pleased to sponsor Senate Concurrent Resolution 118 which would declare the week of April 8th to April 14th as Crime Victims' Rights Week in California.

Since 1981, each April National Crime Victims' Rights Week (NCVRW) is observed throughout the country to promote victims' rights and to honor crime victims and those who advocate on their behalf. NCVRW honors and celebrates the achievements of the past thirty years in securing rights, protections, and services for victims.

This year's NCVRW theme is "Expand the Circle: Reach All Victims." It emphasizes that reaching and serving all victims of crime is essential to supporting thriving communities, because those who receive holistic services and support are more likely to remain invested in their communities. It also recognizes that despite the dedicated victim service providers who work every day to meet the needs of crime victims, there are still too many victims without meaningful access to rights and services. Many victims face barriers such as isolation, distrust of authorities, language limitations, lack of transportation, or cultural barriers that keep them from accessing the services and criminal justice systems that can help them recover from crime. NCVRW provides us an opportunity to recommit to ensuring that all victims of crime – especially those who are challenging to reach or serve – are afforded their rights and receive a trauma-informed response.

The state of California has always been at the forefront of the victims' rights movement. In 1965, California became the first state in the nation to establish a crime victim compensation program. In 1976, the opening of Women's Advocates and Haven House in Pasadena established the first shelters for battered women in the nation, and in 1980 Mothers Against Drunk Driving was established in Sacramento.

April 19, 2018
Page Two

California also became the first state in the nation to enshrine the rights of victims in a state constitution when Proposition 8, the Crime Victims' Bill of Rights, was approved by California voters in 1982. California reaffirmed its position as a leader in protecting the rights of victims in 2008 with the passage of Proposition 9, the Victims' Bill of Rights Act of 2008.

We thank you for introducing SCR 118 to show California's continued commitment to respect and protect victims' rights, and to emphasize the importance of inclusion in victim services.

If you have any questions or need any additional information please feel free to contact our office at (916) 273-3603.

Very truly yours,

A handwritten signature in black ink, appearing to read "Christine Ward", with a stylized, flowing script.

CHRISTINE WARD
Executive Director

cc: Members of the Legislature



April 19, 2018

The Honorable Ken Cooley
Assembly Rules Committee, Chair
State Capitol, Room 3016
Sacramento, CA 95814

**SENATE CONCURRENT RESOLUTION 118 (NEWMAN)
CRIME VICTIMS' RIGHTS WEEK**

Dear Senator Newman:

The Crime Victims Action Alliance is pleased to sponsor Senate Concurrent Resolution 118 which would declare the week of April 8th to April 14th as Crime Victims' Rights Week in California.

Since 1981, each April National Crime Victims' Rights Week (NCVRW) is observed throughout the country to promote victims' rights and to honor crime victims and those who advocate on their behalf. NCVRW honors and celebrates the achievements of the past thirty years in securing rights, protections, and services for victims.

This year's NCVRW theme is "Expand the Circle: Reach All Victims." It emphasizes that reaching and serving all victims of crime is essential to supporting thriving communities, because those who receive holistic services and support are more likely to remain invested in their communities. It also recognizes that despite the dedicated victim service providers who work every day to meet the needs of crime victims, there are still too many victims without meaningful access to rights and services. Many victims face barriers such as isolation, distrust of authorities, language limitations, lack of transportation, or cultural barriers that keep them from accessing the services and criminal justice systems that can help them recover from crime. NCVRW provides us an opportunity to recommit to ensuring that all victims of crime – especially those who are challenging to reach or serve – are afforded their rights and receive a trauma-informed response.

The state of California has always been at the forefront of the victims' rights movement. In 1965, California became the first state in the nation to establish a crime victim compensation program. In 1976, the opening of Women's Advocates and Haven House in Pasadena established the first shelters for battered women in the nation, and in 1980 Mothers Against Drunk Driving was established in Sacramento.

California also became the first state in the nation to enshrine the rights of victims in a state constitution when Proposition 8, the Crime Victims' Bill of Rights, was approved by California voters in 1982. California reaffirmed its position as a leader in protecting the rights of victims in 2008 with the passage of Proposition 9, the Victims' Bill of Rights Act of 2008.

April 19, 2018
Page Two

We thank you for introducing SCR 118 to show California's continued commitment to respect and protect victims' rights, and to emphasize the importance of inclusion in victim services.

The Crime Victims Action Alliance is a non-profit social welfare organization that promotes victims' rights and public safety.

If you have any questions or need any additional information please feel free to contact our office at (916) 273-3603.

Very truly yours,

A handwritten signature in black ink, appearing to read "Christine Ward". The signature is fluid and cursive, with a large, stylized "C" and "W".

CHRISTINE WARD
Executive Director

cc: Members of the Legislature

AMENDED IN ASSEMBLY APRIL 19, 2018

Senate Concurrent Resolution

No. 126

Introduced by Senator Dodd

(Principal coauthor: Assembly Member Aguiar-Curry)

April 2, 2018

Senate Concurrent Resolution No. 126—Relative to the 50th Anniversary of the Napa County Agricultural Preserve.

LEGISLATIVE COUNSEL’S DIGEST

SCR 126, as amended, Dodd. 50th Anniversary of the Napa County Agricultural Preserve.

This measure would recognize ~~April 9, 2018, 2018~~ as the milestone 50th Anniversary of the Napa County Agricultural ~~Preserve Preserve~~, and *further recognize* the critical part the hundreds of growers, vintners, local leaders, and members of the Napa community play to preserve the beauty and splendor of the valley and its agricultural industries, for this and future generations.

Fiscal committee: no.

- 1 ~~WHEREAS, Through trying times, including the Prohibition~~
- 2 ~~Era, natural disasters, and the relentless encroachment of urban~~
- 3 ~~sprawl, agriculture has maintained its celebrated position as an~~
- 4 ~~integral part of life in the Napa valley; and~~
- 5 ~~WHEREAS, For nearly two centuries, Napa valley farmers have~~
- 6 ~~worked with the valley’s fertile volcanic soils and unique climate,~~
- 7 ~~optimal for growing lush vineyard grapevines and producing~~
- 8 ~~world-class wine grapes and other agricultural products; and~~
- 9 ~~WHEREAS, In the 1960s, agricultural regions throughout the~~
- 10 ~~state were rapidly disappearing, and being replaced with residential~~

1 subdivisions and commercial developments, that were seen as
2 more lucrative uses of the land; and

3 WHEREAS, While many other regions throughout California
4 permanently paved over their agricultural land, Napa valley did
5 something visionary and doubled down on agriculture, resulting
6 in the long-term preservation of Napa County's agricultural legacy;
7 and

8 WHEREAS, On April 9, 1968, the Napa County Board of
9 Supervisors voted to create the Napa Valley Agricultural Preserve,
10 the first of its kind in the United States; and

11 WHEREAS, This innovative resolution initiated a succession
12 of progressive land-use policies to protect Napa valley farmland
13 from encroaching urbanization, and prioritized agriculture as the
14 best use of the land, thereby protecting 31,609 acres of agricultural
15 preserve farmland from urban development until 2058; and

16 WHEREAS, Well into a second generation effort to preserve
17 the valley, Napa County property owners are voluntarily placing
18 their land into conservation easements, dictating how those parcels
19 will be used in perpetuity, thereby ensuring that approximately
20 55,000 acres of Napa County will be forever guaranteed to remain
21 rural through the program; and

22 WHEREAS, In addition to protecting Napa County's agricultural
23 land, the Napa County Agricultural Preserve ensures the
24 preservation and sustainability of the wine country's agricultural
25 heritage, including the charitable leadership of the industry,
26 innovative agricultural housing and worker protection programs,
27 standard-setting sustainability efforts, and, of course, the production
28 of world-class wines; and

29 WHEREAS, Napa valley continues to maintain its commitment
30 to agriculture, and the maintaining of its agricultural preserve,
31 stating clearly in its general plan: "Napa County in 2030 will
32 remain a world-famous grape growing and winemaking region,
33 with a viable and sustainable agricultural industry"; now, therefore,
34 be it

35 WHEREAS, The County of Napa's farmers and rich soils have
36 produced a bountiful array of crops, livestock, and agricultural
37 products for centuries; and

38 WHEREAS, The County of Napa's exceptional climate and
39 topography produce world-class winegrapes, wines, and other
40 outstanding agricultural products; and

1 *WHEREAS, Despite pressures for development over the years,*
2 *agriculture has remained at the heart of the region's economic*
3 *and cultural life; and*

4 *WHEREAS, As farmland across California was rapidly*
5 *disappearing, as supplanted by commercial developments, the*
6 *County of Napa recognized the importance of preventing urban*
7 *sprawl by protecting its irreplaceable agricultural lands; and*

8 *WHEREAS, On April 9, 1968, the Napa County Board of*
9 *Supervisors voted to create the Napa County Agricultural Preserve*
10 *(hereafter the preserve); and*

11 *WHEREAS, The creation of the preserve was groundbreaking*
12 *and marked the first such preserve in the nation, and led to related*
13 *land-use policies to protect the County of Napa's farmland,*
14 *prioritizing agriculture as the highest and best use of prime*
15 *agricultural land; and*

16 *WHEREAS, The preserve protects 31,609 acres of farmlands,*
17 *and tens of thousands of additional acres of land are shielded from*
18 *future development through conservation easements voluntarily*
19 *entered into by property owners or protected through agricultural,*
20 *watershed, and open-space zoning, which, combined with the*
21 *preserve, encompasses over 90 percent of the county's total*
22 *acreage; and*

23 *WHEREAS, In addition to protecting the County of Napa's*
24 *agricultural land, the preserve enables and fosters cutting-edge*
25 *sustainability efforts, the charitable leadership of the agricultural*
26 *industry, and innovative farmworker housing programs; and*

27 *WHEREAS, These efforts have been supported and made*
28 *possible in large part because of the leadership of the County of*
29 *Napa, Napa County Farm Bureau, Napa County Resource*
30 *Conservation District, Napa Valley Grapegrowers, Napa Valley*
31 *Vintners, and Winegrowers of Napa County; and*

32 *WHEREAS, The County of Napa continues to maintain its*
33 *commitment to agriculture and the maintaining of its preserve,*
34 *stating clearly in its general plan: "Napa County in 2030 will*
35 *remain a world-famous grape growing and winemaking region,*
36 *with a viable and sustainable agricultural industry"; now,*
37 *therefore, be it*

38 *Resolved by the Senate of the State of California, the Assembly*
39 *thereof concurring, That the Legislature recognizes ~~April 9, 2018,~~*
40 *2018 as the milestone 50th Anniversary of the Napa County*

1 Agricultural Preserve, and further recognizes the critical part the
2 hundreds of growers, vintners, local leaders, and members of the
3 Napa community play to preserve the beauty and splendor of the
4 valley and its agricultural industries, for this and future generations;
5 and be it further

6 *Resolved*, That the Secretary of the Senate transmit copies of
7 this resolution to the author for appropriate distribution.

O

Date of Hearing: April 23, 2018

ASSEMBLY COMMITTEE ON RULES
Ken Cooley, Chair
SCR 126 (Dodd) – As Amended April 19, 2018

SENATE VOTE: 39-0

SUBJECT: 50th Anniversary of the Napa County Agricultural Preserve

SUMMARY: Recognizes 2018 as the milestone 50th Anniversary of the Napa County Agricultural Preserve and further recognizes the critical part the hundreds of growers, vintners, local leaders, and members of the Napa community play to preserve the beauty and splendor of the valley and its agricultural industries. Specifically, **this resolution** makes the following legislative findings:

- 1) The County of Napa's farmers and rich soils have produced a bountiful array of crops, livestock, and agricultural products for centuries; and, have exceptional climate and topography has produced world-class winegrapes, wines, and other outstanding agricultural products.
- 2) Despite pressures for development over the years, agriculture has remained at the heart of the region's economic and cultural life.
- 3) As farmland across California was rapidly disappearing, as supplanted by commercial developments, the County of Napa recognized the importance of preventing urban sprawl by protecting its irreplaceable agricultural lands. On April 9, 1968, the Napa County Board of Supervisors voted to create the Napa County Agricultural Preserve.
- 4) The creation of the preserve was groundbreaking and marked the first such preserve in the nation, and led to related land-use policies to protect the County of Napa's farmland, prioritizing agriculture as the highest and best use of prime agricultural land.
- 5) The preserve protects 31,609 acres of farmlands, and tens of thousands of additional acres of land are shielded from future development.
- 6) In addition to protecting the County of Napa's agricultural land, the preserve enables and fosters cutting-edge sustainability efforts, the charitable leadership of the agricultural industry, and innovative farmworker housing programs.
- 7) The County of Napa continues to maintain its commitment to agriculture and the maintaining of its preserve, stating clearly in its general plan: "Napa County in 2030 will remain a world-famous grape growing and winemaking region, with a viable and sustainable agricultural industry."

FISCAL EFFECT: None

REGISTERED SUPPORT / OPPOSITION:

Support

Napa County Board of Supervisors
Napa Valley Grapegrowers
Napa Valley Vintners

Opposition

None on file

Analysis Prepared by: Nicole Willis / RLS. / (916) 319-2800



A Tradition of Stewardship
A Commitment to Service

Board of Supervisors

1195 Third St.
Suite 310
Napa, CA 94559
www.countyofnapa.org

Main: (707) 253-4386
Fax: (707) 253-4176

Brad Wagenknecht
Chair

April 19, 2018

The Honorable Ken Cooley
California State Senate
State Capitol, Room 3013
Sacramento, CA 95814

RE: SUPPORT – Senate Concurrent Resolution No. 126 (Dodd)

Dear Assembly Member Cooley,

As Chair of the Napa County Board of Supervisors, we are pleased to support Senate Concurrent Resolution No. 126 (Dodd) to recognize April 9, 2018 as the milestone 50th Anniversary of the Napa County Agricultural Preserve.

Napa County is proud of the forethought the 1968 Board of Supervisors had to protect Napa County as an agricultural treasure. In the 1960s, agricultural regions throughout the State were rapidly disappearing in favor of residential and commercial development. The Napa County Agricultural Preserve was the first of many land-use policies that protect Napa Valley farmland and prioritize agriculture as the highest and best use of land. As we celebrate this milestone, I recognize the part hundreds of growers, vintners, local leaders, and members of the community play to preserve the beauty and splendor of the valley for this and future generations.

As a Napa native and my former colleague on the Napa County Board of Supervisors, you know first-hand the value and importance of the Agricultural Preserve. I appreciate your efforts to introduce this resolution and bestow this honor on Napa County.

Sincerely,

A handwritten signature in black ink, reading "Brad Wagenknecht".

Brad Wagenknecht
Chair, Napa County Board of Supervisors

Brad Wagenknecht
District 1

Ryan Gregory
District 2

Diane Dillon
District 3

Alfredo Pedroza
District 4

Belia Ramos
District 5



To: Assemblymember Ken Cooley
Assembly Rules Committee
State Capitol, Room 3013
Sacramento, California 95814

Re: SCR 126 – 50th Anniversary of the Napa County Agricultural Preserve: Support

Dear Assembly Member Cooley,

On behalf of 720 members, I am writing to express Napa Valley Grapegrowers' support for Senate Concurrent Resolution 126. For nearly two centuries, Napa Valley farmers have worked with fertile volcanic soils and a unique climate, perfect for grapegrowing and agriculture of all kinds. Even through trying times including Prohibition, natural disasters, and the relentless march of urban sprawl, agriculture has maintained its prominent position as an integral part of life in the Napa Valley.

In the 1960s, the community noticed that many nearby agricultural regions were in serious decline, with farmland rapidly disappearing. At that time, subdivisions and commercial development were more likely to bolster land values. Even so, the community began discussing how to preserve Napa County's agricultural legacy. While many other regions permanently paved over their agricultural land, Napa County did something truly unique and doubled down on agriculture. The result was nothing short of visionary.

2018 marks the beginning of the 50-year anniversary of Napa County's Agricultural Preserve—the first of its kind in the nation. This landmark set of zoning laws, which encompasses AP and AW lands, established agriculture as the highest and best use of the land in Napa County. While on a national level, 40 acres of farmland is lost every hour due to urban sprawl—not one acre of Ag Preserve zoned land has been lost to urban use since its inception.

The Napa Valley Grapegrowers is committed to preserving and promoting Napa Valley vineyards—which to us, means protecting Napa County agriculture for future generations. This means farming for quality and with a deep respect for the land. It means actively working to maintain our County's agricultural heritage and our sense of place. It also means working to ensure that the County as a whole continues to thrive.

As grapegrowers, we believe this is a perfect time to celebrate the shared successes that have resulted from a commitment to preserving ag land. We applaud SCR 126 for sharing in this milestone with Napa County through its recognition of the 50th Anniversary of the Ag Preserve.

Sincerely,

Garrett Buckland,
President, Napa Valley Grapegrowers



napa valley vintners

April 19, 2018

The Honorable Ken Cooley, Chair
Assembly Rules Committee
State Capitol, Room 3013
Sacramento, CA 95814

Re: SCR 126 – 50th Anniversary of the Napa County Agricultural Preserve: Support

Dear Assemblymember Cooley,

As the non-profit trade association representing more than 530 local wineries, the Napa Valley Vintners is pleased to support Senate Concurrent Resolution 126.

In the 1960s, agricultural farmland regions throughout the state were rapidly disappearing, as commercial developments were increasingly seen as more lucrative uses of the land. Napa County recognized the importance of preventing urban sprawl, by protecting its pristine and valuable agricultural land.

On April 9, 1968, the Napa County Board of Supervisors voted to create the Napa Valley Agricultural Preserve. This historic proposal, the first of its kind nationally, prompted numerous land-use policies to protect Napa Valley farmland, prioritizing agriculture as the best use of the land.

In addition to protecting Napa County's agricultural land, the Napa County Agricultural Preserve ensures the protection of the wine country's heritage, including the charitable leadership of the industry, innovative worker housing programs, and standard-setting sustainability efforts.

SCR 126 recognizes 2018 as the milestone 50th Anniversary of the Napa County Agricultural Preserve, and further recognizes the critical efforts of the hundreds of growers, vintners, local leaders, and members of the Napa community to preserve the integrity of the valley and its agricultural industries, for this and future generations. The NVV is pleased to support SCR 126.

Sincerely,

Rex Stults
Government Relations Director

COMMITTEES

BANKING AND FINANCE
BUDGET
BUDGET SUBCOMMITTEE NO. 5 ON
PUBLIC SAFETY
HUMAN SERVICES
NATURAL RESOURCES

SELECT COMMITTEES

CHAIR: COASTAL PROTECTION AND
ACCESS TO NATURAL RESOURCES
CO-CHAIR: ENVIRONMENTAL CAUCUS

Assembly California Legislature



RECEIVED
MARK STONE
CHAIR, JUDICIARY
ASSEMBLY RULES

ASSEMBLYMEMBER, TWENTY-NINTH DISTRICT

2018 APR 19 P 12:32

STATE CAPITOL

P.O. BOX 942849
SACRAMENTO, CA 94249-0029
(916) 319-2029
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DISTRICT OFFICES

701 OCEAN STREET, SUITE 318B
SANTA CRUZ, CA 95060
(831) 425-1503 or
(408) 782-0647
FAX (831) 425-2570

99 PACIFIC STREET, SUITE 575G
MONTEREY, CA 93940
(831) 649-2832
FAX (831) 649-2935

April 19, 2018

Assembly Committee on Rules
State Capitol
Sacramento, California 95814

Re: Request for Subpoena Issued by Rules Committee – Tara Zoumer

Dear Members of the Rules Committee:

On behalf of the Assembly Judiciary Committee, I request that you authorize issuance of a subpoena for Tara Zoumer, to testify at the Committee's **next hearing on April 24 at 8:30 a.m.**, regarding employment confidentiality agreements and AB 3080 (Gonzalez Fletcher).

The witness, Tara Zoumer, wishes to testify on this bill but she is subject to a confidentiality agreement that when she is subject to a subpoena. We request that the Rules Committee issue the subpoena so she is able to testify on AB 3080, a bill on the subject of employment confidentiality agreements similar to the one she signed. The bill's author asserts that Ms. Zoumer's testimony will effectively illustrate why AB 3080 is necessary.

I would appreciate Rules Committee approval of this request before next Tuesday's Judiciary Committee hearing. I apologize for the short notice, but the fiscal bill deadline requires us to hear this bill next Tuesday.

Thank you for your consideration of this Judiciary Committee request for a subpoena. Please let me know if you have questions, or need any additional information.

Sincerely,

Mark Stone, Chair
Assembly Judiciary Committee

AMENDED IN ASSEMBLY APRIL 19, 2018
AMENDED IN ASSEMBLY APRIL 17, 2018
AMENDED IN ASSEMBLY MARCH 15, 2018
CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

ASSEMBLY BILL

No. 2118

Introduced by Assembly Member Cooley

February 8, 2018

An act to amend Sections 14105.94, 14129, 14129.1, 14129.2, and 14129.3 of the Welfare and Institutions Code, relating to ~~Medi-Cal, and~~ *Medi-Cal*, and ~~declaring the urgency thereof, to take effect immediately.~~ *Medi-Cal*.

LEGISLATIVE COUNSEL'S DIGEST

AB 2118, as amended, Cooley. Medi-Cal: emergency medical transportation services.

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services, and under which qualified low-income individuals receive health care services. The Medi-Cal program is, in part, governed and funded by federal Medicaid Program provisions.

Existing law, the Medi-Cal Emergency Medical Transportation Reimbursement Act, commencing July 1, 2018, and subject to federal approval and the availability of federal financial participation, imposes a quality assurance fee for each emergency medical transport provided by an emergency medical transport provider subject to the fee in accordance with a prescribed methodology. Existing law requires the Director of Health Care Services to deposit the collected quality assurance fee into the continuously appropriated Medi-Cal Emergency Medical Transport Fund, for exclusive use in a specified order of priority

to enhance federal financial participation for ambulance services under the Medi-Cal program, and to provide additional reimbursement to, and to support quality improvement efforts of, emergency medical transport providers, to pay for state administrative costs, and to provide funding for health care coverage for Californians. Existing law requires each emergency medical transport provider to report to the department data on the number of actual emergency medical transports by payer type and on gross receipts, as defined. The act increases Medi-Cal reimbursement to emergency medical transport providers for emergency medical transports, as specified.

Existing law authorizes a Medi-Cal provider of ground emergency medical transportation services, that is owned or operated by the state, a city, county, city and county, fire protection district, special district, community services district, health care district, or a federally recognized Indian tribe, to receive supplemental Medi-Cal reimbursement in addition to the rate of payment the provider would otherwise receive for those services. Existing law requires the department to develop a modified supplemental reimbursement program, with necessary federal approvals, that would seek to increase the reimbursement to an eligible provider, as specified. Existing law requires the nonfederal share of any supplemental reimbursement provided under the modified program to be derived from voluntary intergovernmental transfers of local funds. Existing law states the Legislature's intent in enacting these provisions to provide the supplemental reimbursement without any expenditure from the General Fund.

This bill would exempt the above-described providers owned or operated by the specified governmental entities from the Medi-Cal Emergency Medical Transportation Reimbursement Act and the quality assurance fee requirements. The bill would require the department to seek approval from the federal Centers for Medicare and Medicaid Services to exempt those providers, as specified.

The bill, subject to any necessary federal approvals, would change the calculation of the supplemental Medi-Cal reimbursement by requiring ~~these~~ *those* governmental entities to participate in a managed care intergovernmental transfer program. The bill would require the combined amounts of payment under the new calculation to equal 100% of projected costs for ground emergency medical transportation services by each qualified provider. The bill would require the department to review and evaluate providers' requests for rate changes and make adjustments to those rates, as specified.

The bill would require that the department be reimbursed for costs associated with administering the modified program and for any state revenue not obtained due to government providers being exempted from the quality assurance fee.

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

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

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

1 SECTION 1. Section 14105.94 of the Welfare and Institutions
2 Code is amended to read:
3 14105.94. (a) An eligible provider, as described in subdivision
4 (b), may, in addition to the rate of payment that the provider would
5 otherwise receive for Medi-Cal ground emergency medical
6 transportation services, receive supplemental Medi-Cal
7 reimbursement to the extent provided in this section.
8 (b) A provider shall be eligible for supplemental reimbursement
9 only if the provider has all of the following characteristics
10 continuously during a state fiscal year:
11 (1) Provides ground emergency medical transportation services
12 to Medi-Cal beneficiaries.
13 (2) Is a provider that is enrolled as a Medi-Cal provider for the
14 period being claimed.
15 (3) Is owned or operated by the state, a city, county, city and
16 county, fire protection district organized pursuant to Part 2.7
17 (commencing with Section 13800) of Division 12 of the Health
18 and Safety Code, special district organized pursuant to Chapter 1
19 (commencing with Section 58000) of Division 1 of Title 6 of the
20 Government Code, community services district organized pursuant
21 to Part 1 (commencing with Section 61000) of Division 3 of Title
22 6 of the Government Code, health care district organized pursuant
23 to Chapter 1 (commencing with Section 32000) of Division 23 of
24 the Health and Safety Code, or a federally recognized Indian tribe.
25 (c) An eligible provider's reimbursement pursuant to this section
26 shall be calculated and paid as follows:
27 (1) The amount paid to the provider using the established
28 Medi-Cal schedule of maximum allowance rates as may be revised
29 from time to time.

(2) An additional payment to an eligible provider, as described in subdivision (b), that shall be equal to the amount of federal financial participation received as a result of the claims submitted and, if applicable, the amount of intergovernmental transfer funds needed to claim the federal share.

(3) The amount claimed and paid pursuant to paragraph (1), when combined with the amount received pursuant to paragraph (2) or from all other sources of reimbursement from the Medi-Cal program, shall equal 100 percent of projected costs, as determined pursuant to the Medi-Cal State Plan, for ground emergency medical transportation services by each qualified provider. The provider's rate as prescribed in paragraph (2) shall be adjusted annually based upon the ground emergency medical transportation services cost report. Providers shall have the ability to annually request a change in their rate as prescribed in paragraph (2) due to either a change in the scope, intensity, or mix of services that the provider provides or due to extraordinary increases in the cost of providing services. The department shall review and evaluate these requests and adjust a provider's rate as demonstrated in this review.

(4) The Medi-Cal reimbursement provided by this section shall be distributed exclusively to eligible providers under a payment methodology based on ground emergency medical transportation services provided to Medi-Cal beneficiaries by eligible providers on a per-transport basis or other federally permissible basis. The department shall obtain approval from the federal Centers for Medicare and Medicaid Services for the payment methodology to be utilized, and may not make any payment pursuant to this section prior to obtaining that approval.

(d) (1) It is the Legislature's intent in enacting this section to provide the supplemental reimbursement described in this section without any expenditure from the General Fund. An eligible provider, as a condition of receiving supplemental reimbursement pursuant to this section, shall enter into, and maintain, an agreement with the department for the purposes of implementing this section and reimbursing the department for the costs of administering this section.

(2) The nonfederal share of the reimbursement specified in paragraph (2) of subdivision (c) submitted to the federal Centers for Medicare and Medicaid Services for purposes of claiming federal financial participation shall be paid only with funds from

1 the governmental entities described in paragraph (3) of subdivision
2 (b) and transferred to the state.

3 (e) Participation in the program by an eligible provider described
4 in this section is voluntary. If an applicable governmental entity
5 elects to seek reimbursement pursuant to paragraph (2) of
6 subdivision (c) on behalf of an eligible provider owned or operated
7 by the entity, as described in paragraph (3) of subdivision (b), the
8 governmental entity shall do all of the following:

9 (1) Certify, in conformity with the requirements of Section
10 433.51 of Title 42 of the Code of Federal Regulations, that the
11 claimed expenditures for the ground emergency medical
12 transportation services are eligible for federal financial
13 participation.

14 (2) Provide evidence supporting the certification as specified
15 by the department.

16 (3) Submit data as specified by the department to determine the
17 appropriate amounts to claim as expenditures qualifying for federal
18 financial participation.

19 (4) Keep, maintain, and have readily retrievable, any records
20 specified by the department to fully disclose reimbursement
21 amounts to which the eligible provider is entitled, and any other
22 records required by the federal Centers for Medicare and Medicaid
23 Services.

24 (5) If applicable, participate in the managed care
25 intergovernmental transfer program established under subdivision
26 (k).

27 (f) (1) The department shall promptly seek any necessary federal
28 approvals for the implementation of this section. The department
29 may limit the program to those costs that are allowable
30 expenditures under Title XIX of the federal Social Security Act
31 (42 U.S.C. 1396 et seq.). If federal approval is not obtained for
32 implementation of this section, this section shall not be
33 implemented.

34 (2) The department shall submit claims for federal financial
35 participation for the expenditures for the services described in
36 subdivision (e) that are allowable expenditures under federal law.

37 (3) The department shall, on an annual basis, submit any
38 necessary materials to the federal government to provide assurances
39 that claims for federal financial participation will include only
40 those expenditures that are allowable under federal law.

(g) (1) If either a final judicial determination is made by any court of appellate jurisdiction or a final determination is made by the administrator of the federal Centers for Medicare and Medicaid Services that the supplemental reimbursement provided for in this section must be made to any provider not described in this section, the director shall execute a declaration stating that the determination has been made and on that date this section shall become inoperative.

(2) The declaration executed pursuant to this subdivision shall be retained by the director, provided to the fiscal and appropriate policy committees of the Legislature, the Secretary of State, the Secretary of the Senate, the Chief Clerk of the Assembly, and the Legislative Counsel, and posted on the department's Internet Web site.

(h) 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 and administer this section by means of provider bulletins, or similar instructions, without taking regulatory action.

(i) (1) Upon the effective date of the act that added this subdivision, the department shall develop, in consultation with the providers described in subdivision (b), and seek any necessary federal approvals for, a modified program for the supplemental reimbursement authorized by this section that will seek to provide increased reimbursement to an eligible provider that participates in the program. The nonfederal share of any supplemental reimbursement provided under the modified program shall be derived from voluntary intergovernmental transfers of local funds. The department shall otherwise develop the modified program consistent with the requirements of this section, except for paragraph (3) of subdivision (c), and only to the extent that federal financial participation is available.

(2) The department shall be reimbursed for costs associated with administering the modified program described in paragraph (1) in accordance with subdivision (d) and for any state revenue not obtained due to government providers being exempted from the quality assurance fee pursuant to subdivision (l) of Section 14129 and Section 14129.2. The department shall not otherwise assess a percentage fee in connection with any intergovernmental transfer of funds made pursuant to this subdivision.

(3) The department shall not implement the modified program described in paragraph (1) until it obtains all necessary federal approvals. Until those federal approvals are obtained, supplemental reimbursement shall continue to be available pursuant to the provisions of this section that were operative prior to the effective date of the act that added this subdivision.

(j) The department shall not implement the modified program described in paragraph (1) of subdivision (i) unless it determines that the modified program will likely result in an overall increase to the supplemental reimbursement available pursuant to the provisions of this section that were operative prior to the effective date of the act that added this subdivision.

(k) Subdivision (c) creates a new reimbursement rate for government-operated emergency transportation by government providers that is equal to the projected cost for that provider. Consistent with Section 6085 of the federal Deficit Reduction Act of 2005 (P.L. 109-171), also known as the “Rogers Amendment,” the department shall require Medi-Cal managed care plans to pay noncontracting government emergency transportation providers an amount equal to the rate established in subdivision (c). The nonfederal share of the payment for paragraph (2) of subdivision (c) shall be paid by intergovernmental transfer from the participating government entity.

SEC. 2. Section 14129 of the Welfare and Institutions Code is amended to read:

14129. For purposes of this article, the following definitions apply:

(a) “Annual quality assurance fee rate” means the quality assurance fee assessed on each emergency medical transport that is not exempt during each applicable state fiscal year.

(b) “Aggregate fee schedule increase amount” means the product of the quotient described in subdivision (a) of Section 14129.3 and the Medi-Cal emergency medical transports that are not exempt, including both fee-for-service transports paid by the department and managed care transports paid by Medi-Cal managed care health plans, utilizing the billing codes for emergency medical transport for the state fiscal year.

(c) “Available fee amount” shall be calculated as the sum of the following:

(1) The amount deposited in the Medi-Cal Emergency Medical Transport Fund established under Section 14129.2 during the applicable state fiscal year, less the amounts described in subparagraphs (A) and (B) of paragraph (2) of subdivision (f) of Section 14129.2.

(2) Any federal financial participation obtained as a result of the deposit of the amount described in paragraph (1) in the Medi-Cal Emergency Medical Transport Fund, created pursuant to Section 14129.2, for the applicable state fiscal year.

(d) “Department” means the State Department of Health Care Services.

(e) “Director” means the Director of Health Care Services.

(f) “Effective state medical assistance percentage” means a ratio of the aggregate expenditures from state-only sources for the Medi-Cal program divided by the aggregate expenditures from state and federal sources for the Medi-Cal program for a state fiscal year.

(g) “Emergency medical transport” means the act of transporting an individual from any point of origin to the nearest medical facility capable of meeting the emergency medical needs of the patient by an ambulance licensed, operated, and equipped in accordance with applicable state or local statutes, ordinances, or regulations that are billed with billing codes A0429 BLS Emergency, A0427 ALS Emergency, and A0433 ALS2, and any equivalent, predecessor, or successor billing codes as may be determined by the director. “Emergency medical transports” does not include transportation of beneficiaries by passenger car, taxicabs, litter vans, wheelchair vans, or other forms of public or private conveyances, nor shall it include transportation by an air ambulance provider. An “emergency medical transport” does not occur when, following evaluation of a patient, a transport is not provided.

(h) “Gross receipts” means gross payments received as patient care revenue for emergency medical transports, determined on a cash basis of accounting. “Gross receipts” includes all payments received as patient care revenue for emergency medical transports, including payments for billing codes A0429 BLS Emergency, A0427 ALS Emergency, and A0433 ALS2, and any equivalent, predecessor, or successor billing codes as may be determined by the director, and any other ancillary billing codes associated with emergency medical transport as may be determined by the director.

1 “Gross receipts” does not include supplemental amounts received
2 pursuant to Section 14105.94.

3 (i) “Emergency medical transport provider” means any provider
4 of emergency medical transports, except for exempt providers
5 described in subdivision (l).

6 (j) “Emergency medical transport provider subject to the fee”
7 means all emergency medical transport providers that bill and
8 receive patient care revenue from the provision of emergency
9 medical transports, except emergency medical transport providers
10 that are exempt pursuant to subdivision (c) of Section 14129.6.

11 (k) “Medi-Cal managed care health plan” means a “managed
12 health care plan” as that term is defined in subdivision (ab) of
13 Section 14169.51.

14 (l) “Exempt provider” means any emergency transport provider
15 owned or operated by the state, a city, county, city and county,
16 fire protection district organized pursuant to Part 2.7 (commencing
17 with Section 13800) of Division 12 of the Health and Safety Code,
18 special district organized pursuant to Chapter 1 (commencing with
19 Section 58000) of Division 1 of Title 6 of the Government Code,
20 community services district organized pursuant to Part 1
21 (commencing with Section 61000) of Division 3 of Title 6 of the
22 Government Code, health care district organized pursuant to
23 Chapter 1 (commencing with Section 32000) of Division 23 of the
24 Health and Safety Code, or a federally recognized Indian tribe.

25 SEC. 3. Section 14129.1 of the Welfare and Institutions Code
26 is amended to read:

27 14129.1. (a) (1) The department shall establish the manner
28 and format for emergency medical transport providers that are not
29 exempt to report the data required pursuant to this section.

30 (2) The department may establish an Internet Web site for the
31 submission of reports required by this section.

32 (3) The department may require a certification by each
33 emergency medical transport provider under penalty of perjury of
34 the truth of the reports required under this section. Upon written
35 notice to an emergency medical transport provider, the department
36 may impose a penalty of one hundred dollars (\$100) per day against
37 an emergency medical transport provider for every day that an
38 emergency medical transport provider fails to make a report
39 required by this section within five days of the date upon which
40 the report was due. Any funds resulting from a penalty imposed

1 pursuant to this paragraph shall be deposited in the Medi-Cal
2 Emergency Medical Transport Fund created pursuant to subdivision
3 (f) of Section 14129.2.

4 (b) Each emergency medical transport provider shall report to
5 the department data on the number of actual emergency medical
6 transports by payer type, including, without limitation, Medi-Cal
7 fee-for-service emergency medical transports and Medi-Cal
8 managed care emergency medical transports per quarter, as follows:

9 (1) For each quarter beginning on July 1, 2015, through the
10 quarter beginning on July 1, 2017, inclusive, the data shall be
11 submitted on or before October 15, 2017.

12 (2) For the quarter beginning on October 1, 2017, and continuing
13 each quarter thereafter, the data shall be submitted on or before
14 the 45th day after the last day of the applicable quarter.

15 (c) Each emergency medical transport provider shall report to
16 the department data on the gross receipts received from the
17 provision of emergency medical transports per state fiscal year,
18 as follows:

19 (1) For the state fiscal years beginning on July 1, 2015, and July
20 1, 2016, the data shall be submitted on or before October 15, 2017.

21 (2) For each state fiscal year beginning on July 1, 2017, and
22 continuing each state fiscal year thereafter, the data shall be
23 submitted on or before the 45th day after the last day of the
24 applicable state fiscal year.

25 SEC. 4. Section 14129.2 of the Welfare and Institutions Code
26 is amended to read:

27 14129.2. (a) (1) Commencing with the state fiscal quarter
28 beginning on July 1, 2018, and continuing each state fiscal quarter
29 thereafter for which this article is implemented, there shall be
30 imposed a quality assurance fee for each emergency medical
31 transport provided by each emergency medical transport provider
32 subject to the fee and that is not exempt, in accordance with this
33 section.

34 (2) The director shall ensure that the quality assurance fee per
35 emergency medical transport imposed pursuant to this article is
36 collected.

37 (b) (1) On or before June 15, 2018, and continuing each June
38 15 thereafter for which this article is implemented, the director
39 shall calculate the annual quality assurance fee rate applicable to
40 the following state fiscal year based on the most recently collected

1 data from emergency medical transport providers pursuant to
2 Section 14129.1. The director may correct any identified material
3 or significant errors in the data collected from emergency medical
4 transport providers pursuant to Section 14129.1 for the purposes
5 of calculating the annual quality assurance fee rate. The director's
6 determination whether to exercise his or her discretion to correct
7 any data pursuant to this paragraph shall not be subject to judicial
8 review, except that an emergency medical transport provider may
9 bring a writ of mandate under Section 1085 of the Code of Civil
10 Procedure to rectify an abuse of discretion by the director in
11 correcting that emergency medical transport provider's data when
12 that correction results in a greater fee amount for that provider
13 pursuant to this section.

14 (A) For the state fiscal year beginning on July 1, 2018, the
15 annual quality assurance fee rate shall be calculated by multiplying
16 the projected total annual gross receipts for all emergency medical
17 transport providers subject to the fee by 5.1 percent, which resulting
18 product shall be divided by the projected total annual emergency
19 medical transports by all emergency medical transport providers
20 subject to the fee for the state fiscal year.

21 (B) For state fiscal years beginning July 1, 2019, and continuing
22 each state fiscal year thereafter, the annual quality assurance fee
23 rate shall be calculated by a ratio, the numerator of which shall be
24 the sum of: (i) the product of the projected aggregate fee schedule
25 amount and the effective state medical assistance percentage and
26 (ii) the amount described in subparagraph (A) of paragraph (2) of
27 subdivision (f) for the state fiscal year, and the denominator of
28 which shall be 90 percent of the projected total annual emergency
29 medical transports by all emergency medical transport providers
30 subject to the fee for the state fiscal year.

31 (2) On or before June 15, 2018, and continuing each June 15
32 thereafter for which this article is implemented, the director shall
33 publish the annual quality assurance fee rate on its Internet Web
34 site.

35 (3) In no case shall the fees calculated pursuant to this
36 subdivision and collected pursuant to this article exceed the
37 amounts allowable under federal law. If, on or before June 15 of
38 each year, the director makes a determination that the fees collected
39 pursuant to this subdivision exceed the amounts allowable under
40 federal law, the director may reduce the add-on increase to the

1 fee-for-service payment schedule described in Section 14129.3
2 only to the extent necessary to reflect the amount of fees allowable
3 under federal law in an applicable state fiscal year.

4 (4) If, during a state fiscal year for which this article is operative,
5 the actual or projected available fee amount exceeds or is less than
6 the actual or projected aggregate fee schedule amount by more
7 than 1 percent, the director shall adjust the annual quality assurance
8 fee rate so that the available fee amount for the state fiscal year
9 will approximately equal the aggregate fee schedule amount for
10 the state fiscal year. The available fee amount for a state fiscal
11 year shall be considered to equal the aggregate fee schedule amount
12 for the state fiscal year if the difference between the available fee
13 amount for the state fiscal year and the aggregate fee schedule
14 amount for the state fiscal year constitutes less than 1 percent of
15 the aggregate fee schedule amount for the state fiscal year.

16 (c) (1) Each emergency medical transport provider subject to
17 the fee shall remit to the department an amount equal to the annual
18 quality assurance fee rate for the 2018–19 state fiscal year
19 multiplied by the number of transports reported or that should have
20 been reported by the emergency medical transport provider
21 pursuant to subdivision (b) of Section 14129.1 in the quarter
22 beginning on April 1, 2018, based on a schedule established by
23 the director. The schedule established by the director for the fee
24 payment described in this paragraph shall require remittance of
25 the fee payment according to the following guidelines:

26 (A) The director shall require an emergency medical transport
27 provider that rendered 35,000 or more Medi-Cal fee-for-service
28 emergency medical transports during the 2016–17 state fiscal year
29 to remit the fee payment described in this paragraph on or after
30 July 1, 2018.

31 (B) The director shall require an emergency medical transport
32 provider that rendered fewer than 35,000 Medi-Cal fee-for-service
33 emergency medical transports during the 2016–17 state fiscal year
34 to remit 50 percent or less of the fee payment described in this
35 paragraph on or after August 1, 2018.

36 (C) The director shall require an emergency medical transport
37 provider that rendered fewer than 35,000 Medi-Cal fee-for-service
38 emergency medical transports during the 2016–17 state fiscal year
39 to remit any remaining fee payment amount described in this
40 paragraph on or after August 15, 2018.

1 (2) Commencing with the state fiscal quarter beginning on
2 October 1, 2018, and continuing each state fiscal quarter thereafter,
3 on or before the first day of each state fiscal quarter, each
4 emergency medical transport provider subject to the fee shall remit
5 to the department an amount equal to the annual quality assurance
6 fee rate for the applicable state fiscal year multiplied by the number
7 of transports reported or that should have been reported by the
8 emergency medical transport provider pursuant to subdivision (b)
9 of Section 14129.1 in the immediately preceding quarter.

10 (d) (1) Interest shall be assessed on quality assurance fees not
11 paid on the date due at the greater of 10 percent per annum or the
12 rate at which the department assesses interest on Medi-Cal program
13 overpayments pursuant to subdivision (h) of Section 14171. Interest
14 shall begin to accrue the day after the date the payment was due
15 and shall be deposited in the Medi-Cal Emergency Medical
16 Transport Fund established in subdivision (f).

17 (2) In the event that any fee payment is more than 60 days
18 overdue, the department may deduct the unpaid fee and interest
19 owed from any Medi-Cal reimbursement payments owed to the
20 emergency medical transport provider until the full amount of the
21 fee, interest, and any penalties assessed under this article are
22 recovered. Any deduction made pursuant to this subdivision shall
23 be made only after the department gives the emergency medical
24 transport provider written notification. Any deduction made
25 pursuant to this subdivision may be deducted over a period of time
26 that takes into account the financial condition of the emergency
27 medical transport provider.

28 (3) In the event that any fee payment is more than 60 days
29 overdue, a penalty equal to the interest charge described in
30 paragraph (1) shall be assessed and due for each month for which
31 the payment is not received after 60 days. Any funds resulting
32 from a penalty imposed pursuant to this paragraph shall be
33 deposited into the Medi-Cal Emergency Medical Transport Fund
34 created pursuant to subdivision (f).

35 (4) The director may waive a portion or all of either the interest
36 or penalties, or both, assessed under this article in the event the
37 director determines, in his or her sole discretion, that the emergency
38 medical transport provider has demonstrated that imposition of
39 the full amount of the quality assurance fee pursuant to the
40 timelines applicable under this article has a high likelihood of

1 creating an undue financial hardship for the provider. Waiver of
2 some or all of the interest or penalties pursuant to this paragraph
3 shall be conditioned on the emergency medical transport provider's
4 agreement to make fee payments on an alternative schedule
5 developed by the department.

6 (e) The department shall accept an emergency medical transport
7 provider's payment even if the payment is submitted in a rate year
8 subsequent to the rate year in which the fee was assessed.

9 (f) (1) The director shall deposit the quality assurance fees
10 collected pursuant to this section in the Medi-Cal Emergency
11 Medical Transport Fund, which is hereby created in the State
12 Treasury and, notwithstanding Section 13340 of the Government
13 Code, is continuously appropriated without regard to fiscal years
14 to the department for the purposes specified in this article.
15 Notwithstanding Section 16305.7 of the Government Code, the
16 fund shall also include interest and dividends earned on moneys
17 in the fund.

18 (2) The moneys in the Medi-Cal Emergency Medical Transport
19 Fund, including any interest and dividends earned on money in
20 the fund, shall be available exclusively to enhance federal financial
21 participation for ambulance services under the Medi-Cal program
22 and to provide additional reimbursement to, and to support quality
23 improvement efforts of, emergency medical transport providers,
24 and to pay for the state's administrative costs and to provide
25 funding for health care coverage for Californians, in the following
26 order of priority:

27 (A) To pay for the department's staffing and administrative
28 costs directly attributable to implementing this article, not to exceed
29 the following amounts:

30 (i) For the 2018–19 state fiscal year, one million three thousand
31 dollars (\$1,003,000), exclusive of any federal matching funds.

32 (ii) For the 2019–20 state fiscal year and each state fiscal year
33 thereafter, three hundred seventy-four thousand dollars (\$374,000),
34 exclusive of any federal matching funds.

35 (B) To pay for the health care coverage in each applicable state
36 fiscal year in the amount of 10 percent of the annual quality
37 assurance fee collection amount, exclusive of any federal matching
38 funds.

39 (C) To make increased payments to emergency medical transport
40 providers pursuant to this article.

(g) In the event of a merger, acquisition, or similar transaction involving an emergency medical transport provider that has outstanding quality assurance fee payment obligations pursuant to this article, including any interest and penalty amounts owed, the resultant or successor emergency medical transport provider shall be responsible for paying to the department the full amount of outstanding quality assurance fee payments, including any applicable interest and penalties, attributable to the emergency medical transport provider for which it was assessed, upon the effective date of such transaction. An entity considering a merger, acquisition, or similar transaction involving an emergency medical transport provider may submit a request pursuant to Chapter 3.5 (commencing with Section 6250) of Title 1 of the Government Code to ascertain the outstanding quality assurance fee payment obligations of the emergency medical transport provider pursuant to this article as of the date of the department's response to that request.

(h) The department shall seek approval from the federal Centers for Medicare and Medicaid Services to exempt those providers identified in subdivision (I) of Section 14129 as exempt from the fees specified, including the submission, as may be necessary, of a request for waiver of the broad-based requirement, waiver of the uniform fee requirement, or both, pursuant to paragraphs (1) and (2) of Section 433.68(e) of Title 42 of the Code of Federal Regulations.

SEC. 5. Section 14129.3 of the Welfare and Institutions Code is amended to read:

14129.3. (a) Commencing July 1, 2018, and for each state fiscal year thereafter for which this article is operative, reimbursement to emergency medical transport providers that are not exempt for emergency medical transports shall be increased by application of an add-on to the associated Medi-Cal fee-for-service payment schedule. The add-on increase to the fee-for-service payment schedule under this section shall be calculated on or before June 15, 2018, and shall remain the same for later state fiscal years for which this article is operative, to the extent the department determines federal financial participation is available and is not otherwise jeopardized. The add-on increase to the fee-for-service payment schedule under this section shall apply only to those billing codes identified in, or any equivalent,

1 predecessor, or successor billing codes as may be determined by
2 the director pursuant to, subdivision (g) of Section 14129. The
3 department shall calculate the projections required by this
4 subdivision based on the data submitted pursuant to Section
5 14129.1. The fee-for-service add-on shall be equal to the quotient
6 of the available fee amount projected by the department on or
7 before June 15, 2018, for the 2018–19, state fiscal year, divided
8 by the total Medi-Cal emergency medical transports, including
9 both fee-for-service transports paid by the department and managed
10 care transports paid by Medi-Cal managed care health plans,
11 utilizing these billing codes projected by the department on or
12 before June 15, 2018, for the 2018–19 state fiscal year. The
13 resulting fee-for-service payment schedule amounts after the
14 application of this section shall be equal to the sum of the Medi-Cal
15 fee-for-service payment schedule amount for the 2015–16 state
16 fiscal year and the add-on increase.

17 (b) Each applicable Medi-Cal managed care health plan shall
18 satisfy its obligation under Section 438.114(c) of Title 42 of the
19 Code of Federal Regulations for emergency medical transports
20 and shall provide payment to noncontract emergency medical
21 transport providers consistent with Section 1396u-2(b)(2)(D) of
22 Title 42 of the United States Code. Effective July 1, 2018, and for
23 each state fiscal year thereafter for which this article is operative,
24 the amounts a noncontract emergency medical transport provider
25 could collect if the beneficiary received medical assistance other
26 than through enrollment in a Medi-Cal managed care health plan
27 pursuant to Section 1396u-2(b)(2)(D) of Title 42 of the United
28 States Code shall be the resulting fee-for-service payment schedule
29 amounts after the application of this section.

30 (c) The increased payments required by this section shall be
31 funded solely from the following:

32 (1) The quality assurance fee set forth in Section 14129.2, along
33 with any interest or other investment income earned on those funds.

34 (2) Federal reimbursement and any other related federal funds.

35 (d) The proceeds of the quality assurance fee set forth in Section
36 14129.2, the matching amount provided by the federal government,
37 and any interest earned on those proceeds shall be used to
38 supplement existing funding for emergency medical transports
39 provided by emergency medical transport providers and not to
40 supplant this funding.

1 (e) Notwithstanding any provision of this article, the department
2 may seek federal approval to implement any add-on increase to
3 the fee-for-service payment schedule pursuant to this section for
4 any state fiscal year or years, as applicable, on a time-limited basis
5 for a fixed program period, as determined by the department.

6 (f) Notwithstanding any provision of this article, the add-on
7 increase to the fee-for-service payment schedule pursuant to this
8 section shall only be required and payable for state fiscal years for
9 which a quality assurance fee payment obligation exists for
10 emergency medical transport providers.

11 ~~SEC. 6. This act is an urgency statute necessary for the~~
12 ~~immediate preservation of the public peace, health, or safety within~~
13 ~~the meaning of Article IV of the California Constitution and shall~~
14 ~~go into immediate effect. The facts constituting the necessity are:~~

15 ~~In order to avoid the imposition of quality assurance fees under~~
16 ~~the Medi-Cal Emergency Medical Transportation Reimbursement~~
17 ~~Act on the providers exempted pursuant to this act, it is necessary~~
18 ~~that this act take effect immediately.~~

O

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Assembly California Legislature



KEN COOLEY
ASSEMBLYMAN, EIGHTH DISTRICT

COMMITTEES
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INSURANCE
LOCAL GOVERNMENT
PUBLIC EMPLOYEES, RETIREMENT,
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EMERGENCY PREPAREDNESS

ALFRED E. ALQUIST SEISMIC
SAFETY COMMISSION

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ASSEMBLY RULES

April 19, 2018

Assembly Rules Committee
State Capitol Room 3016
Sacramento, California 95814

Dear Assembly Rules Committee,

This letter is to request the approval of an urgency clause for AB 2118. The urgency clause is necessary as AB 2118 ensures that public providers of emergency transport are not unduly burdened with the imposition of quality assurance fees under the Medi-Cal Emergency Transportation Reimbursement Act.

Please contact Elizabeth Hess in my office at (916) 319-2008 should any questions arise.

Sincerely,

Ken Cooley
Assemblymember, 8th District