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Assembly
California Legislature
Committee on Rules

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Friday, January 15, 2016
Upon Adjournment of Session
State Capitol, Room 3162

CONSENT AGENDA

Bill Referrals

1. Consent Bill Referrals

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Resolutions

2. ACR 108 (Mathis) Relative to Women's Military History Week.
3. HR 33 (Atkins) Relative to California Earned Income Tax Credit Day. (refer/hear)
4. SCR 88 (Runner) Relative to Human Trafficking Awareness Month.

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Request to Add Urgency Clause

5. SB 269 (Roth) Relative to Disability access.

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REFERRAL OF BILLS TO COMMITTEE

01/15/2016

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

Assembly Bill No.	Committee:
ACR 111	RLS.
ACR 113	RLS.
ACR 114	RLS.
ACR 115	TRANS.
ACR 116	RLS.
ACR 117	RLS.
ACR 118	RLS.
HR 33	RLS.
HR 34	RLS.

California Legislature
Assembly Rules Committee

ROOM 3016 — STATE CAPITOL
P.O. BOX 942849
SACRAMENTO, CALIFORNIA 94249-0115
TELEPHONE: (916) 319-2800

Memo

To: Rules Committee Members
From: Mukhtar Ali, Bill Referral Consultant
Date: 1/14/2016
Re: Consent Bill Referrals

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



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Assembly Concurrent Resolution

No. 108

Introduced by Assembly Member Mathis

January 4, 2016

Assembly Concurrent Resolution No. 108—Relative to Women’s Military History Week.

LEGISLATIVE COUNSEL’S DIGEST

ACR 108, as introduced, Mathis. Women’s Military History Week.

This measure would recognize “Women Warriors” by proclaiming the week of March 21 to March 27, 2016, inclusive, as Women’s Military History Week in California and would encourage Californians to recognize, among other things, the contributions of women to our military and our freedom and the historic lift of the ban on women in combat on January 24, 2013.

Fiscal committee: no.

1 WHEREAS, January 24, 2016, marks the third anniversary of
2 the lift of the ban on women in combat; and

3 WHEREAS, This groundbreaking decision overturns a 1994
4 Pentagon rule that restricted women from artillery, armor, and
5 infantry, among other combat roles, even though in reality women
6 have frequently found themselves in combat in Iraq and
7 Afghanistan. According to the Pentagon, hundreds of thousands
8 of women have been deployed in those conflicts; and

9 WHEREAS, Former United States Secretary of Defense Leon
10 Panetta initiated the lift of the ban on women in combat in 2013.
11 On December 3, 2015, current United States Secretary of Defense

1 Ashton Carter directed the full integration of women into all
2 military branches; and

3 WHEREAS, Over the past two decades of conflict, women have
4 served with valor in combat zones, often under fire, but had been
5 prevented from officially holding combat positions under the 1994
6 Direct Ground Combat Definition and Assignment Rule, which
7 generally barred women from assignment to units below brigade
8 level when the unit's primary mission was direct ground combat;
9 and

10 WHEREAS, Approximately 300,000 women in uniform have
11 served in the wars in Iraq and Afghanistan. Female service
12 members have earned more than 10,000 combat action badges and
13 Bronze Stars, respectively, and at least 12 Bronze Stars with Valor.
14 Women have served in intelligence gathering, as combat pilots,
15 field artillery officers, chaplains, special operations civil affairs
16 officers, and even members of the ultra-secretive Delta Force; and

17 WHEREAS, Women have served bravely in every major United
18 States conflict since the American Revolutionary War. Our current
19 servicewomen are able to serve due to the incredible work of
20 women of past generations; and

21 WHEREAS, As stated by then-Secretary of Defense Panetta,
22 "Women have shown great courage and sacrifice on and off the
23 battlefield, contributed in unprecedented ways to the military's
24 mission, and proven their ability to serve in an expanding number
25 of roles." Panetta added, "[R]escinding the [1994 ban on women
26 in combat] is to ensure that the mission is met with the best
27 qualified and most capable people, regardless of gender;" and

28 WHEREAS, Since the lift of the ban, three women have already
29 made history by being the first to graduate from the United States
30 Army Ranger School, the Army's premier combat leadership
31 course, proving to themselves and to the world that women can
32 meet men's standard for combat; and

33 WHEREAS, As a country based on freedom and opportunity,
34 regardless of creed, race, gender, or sexual orientation, we must
35 demonstrate the same opportunity in our armed forces, while
36 maintaining the same standard of excellence our military has set;
37 and

38 WHEREAS, Our military exists to fight our nation's wars and
39 to defend our Constitution and our freedom. Opening up combat

1 roles to women will add to military excellence, not subtract from
2 it; now, therefore, be it

3 *Resolved by the Assembly of the State of California, the Senate*
4 *thereof concurring*, That the Legislature hereby recognizes
5 “Women Warriors” by proclaiming the week of March 21, 2016,
6 through March 27, 2016, inclusive, as Women’s Military History
7 Week in California; and be it further

8 *Resolved*, That the Legislature encourages Californians to
9 recognize the contributions of women to our military and our
10 freedom, the courageous sacrifice that women have made while
11 serving our country with heroism, and the historic lift of the ban
12 on women in combat on January 24, 2013; and be it further

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

O

Date of Hearing: January 15, 2016

ASSEMBLY COMMITTEE ON RULES

Gordon, Chair

ACR 108 (Mathis) – As Introduced January 4, 2016

SUBJECT: Women's Military History Week.

SUMMARY: Proclaims the week of March 21 to March 27, 2016, inclusive as Women's Military History Week in California and encourages Californians to recognize, among other things, the contributions of women to our military and our freedom and the historic lift of the ban on women in combat on January 24, 2013. Specifically, **this resolution** makes the following legislative findings:

- 1) January 24, 2016, marks the third anniversary of the lift of the ban on women in combat, which overturns a 1994 Pentagon rule that restricted women from artillery, armor, and infantry, among other combat roles, even though in reality women have frequently found themselves in combat to Iraq and Afghanistan .
- 2) Former United State Secretary of Defense Leon Panetta initiated the lift of the ban on women in combat in 2013 and on December 3, 2015, current United States Secretary of Defense Ashton Carter directed the full integration of women into all military branches. Since the ban was lifted, three women have already made history by being the first to graduate from the United States Army Ranger School, the Army's premier combat leadership course.
- 3) Approximately 300,000 women in uniform have served in the wars in Iraq and Afghanistan and these female members have earned more than 10,000 combat action badges and Bronze Stars, respectively, and at least 12 Bronze Stars with Valor.
- 4) As a country based on freedom and opportunity, regardless of creed, race, gender, or sexual orientation, we must demonstrate the same opportunity in our armed forces, while maintaining the same standard of excellence our military has set. Opening up combat roles to women will add to the military excellence, not subtract from it.

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. 33

Introduced by Assembly Members Atkins and Mark Stone

January 7, 2016

House Resolution No. 33—Relative to the California Earned Income Tax Credit.

- 1 WHEREAS, California enacted its first ever state Earned Income
2 Tax Credit (EITC), based on the federal EITC, last summer as part
3 of the 2015–16 budget package; and
4 WHEREAS, The state EITC will allow California’s lowest
5 income workers to better provide for their families by boosting
6 their 2015 incomes by as much as \$2,653; and
7 WHEREAS, The state EITC provides a match of up to 85
8 percent of the federal EITC for California’s lowest income workers,
9 a match that far exceeds any other state in the nation; and
10 WHEREAS, The state EITC, together with the federal EITC,
11 could raise the incomes of families living in deep poverty, defined
12 as below one-half of the federal poverty line, by as much as 83
13 percent in 2015; and
14 WHEREAS, The state EITC will build on the decades-long
15 track record of success of the federal EITC; and
16 WHEREAS, Research shows that the federal EITC reduces
17 poverty, encourages employment, and boosts local economies;
18 and
19 WHEREAS, Research has linked the EITC to improved health
20 for mothers and infants as well as better educational outcomes for
21 children; and
22 WHEREAS, The success of California’s EITC depends on
23 policymakers, public agencies, and community leaders ensuring

1 that all households that are eligible for the new credit know about
2 it, learn about it, and claim it; and

3 WHEREAS, Over \$1.8 billion of federal EITC dollars have
4 gone unclaimed in California each year and promoting the new
5 state EITC will boost awareness and claims of the federal EITC,
6 thereby returning federal dollars to California families and local
7 economies; now, therefore, be it

8 *Resolved by the Assembly of the State of California, That January*
9 *22, 2016, is California Earned Income Tax Credit (EITC)*
10 *Awareness Day; and be it further*

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

O

Date of Hearing: January 15, 2016

ASSEMBLY COMMITTEE ON RULES
Gordon, Chair
HR 33 (Atkins) – As Introduced January 7, 2016

SUBJECT: California Earned Income Tax Credit.

SUMMARY: Declares January 22, 2016, as California Earned Income Tax Credit Day (EITC). Specifically, **this resolution** makes the following legislative findings:

- 1) California enacted its first ever state Earned Income Tax Credit (EITC), based on the federal EITC, last summer as part of the 2015-16 budget which will allow California's lowest income workers to better provide for their families by boosting their 2015 incomes by as much as \$2,653.
- 2) The state EITC provides a match of up to 85 percent of the federal EITC for California's lowest income workers, a match that far exceeds any other state in the nation.
- 3) Research shows that the federal EITC reduces poverty, encourages employment, and boosts local economies. This research also shows the EITC is linked to improved health for mothers and infants as well as better educational outcomes for children.
- 4) The success of California's EITC depends on policymakers, public agencies, and community leaders ensuring that all households that are eligible for the new credit know about it, learn about it and claim it. More than \$1.8 billion of federal EITC dollars have gone unclaimed in California each year and promoting the new state EITC will boost awareness and claims for the federal EITC, thereby returning federal dollars to California families and local economies.

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 Runner

August 25, 2015

Senate Concurrent Resolution No. 88—Relative to Human Trafficking Awareness Month.

LEGISLATIVE COUNSEL’S DIGEST

SCR 88, as introduced, Runner. Human Trafficking Awareness Month.

This measure would proclaim the month of January 2016 as Human Trafficking Awareness Month, encourage all Californians to become educated about human trafficking and work to eradicate these criminal practices within and beyond our borders, and encourage members of the Legislature, as well as organizations, businesses, and individuals, to host or sponsor and attend community events in order to bring visibility and support to efforts made by nongovernmental organizations to recognize and combat human trafficking.

Fiscal committee: no.

- 1 WHEREAS, Human trafficking is a form of modern day slavery.
- 2 It is a crime that involves the use of force, fraud, or coercion to
- 3 recruit, harbor, transport, provide, or obtain a person for the
- 4 purposes of labor or sexual exploitation; and
- 5 WHEREAS, Approximately 800,000 young children, teenagers,
- 6 men, and women are trafficked across international borders
- 7 worldwide, and between 14,500 and 17,500 of those victims are
- 8 trafficked into the United States each year according to the United
- 9 States Department of State; and
- 10 WHEREAS, The public perception is that human trafficking
- 11 victims are from other countries, but data from the Attorney

1 General's 2012 report on human trafficking in California indicates
2 that 72 percent of identified victims in the United States are
3 American; and

4 WHEREAS, The California Legislature recognizes the
5 significant moral and economic harm of forced labor and human
6 trafficking to both the State of California and citizens across the
7 globe, and that ignoring this problem is detrimental not only to
8 those enslaved but to society as a whole; and

9 WHEREAS, The Legislature recognizes that California's
10 extensive international border, its major harbors and airports, its
11 powerful economy and accelerating population, its large immigrant
12 population, and its industries, makes it a prime target for traffickers,
13 and that combating slavery within California will serve to improve
14 conditions both domestically and internationally; and

15 WHEREAS, From mid-2010 to mid-2012, California's nine
16 regional human trafficking task forces identified 1,277 victims,
17 initiated 2,552 investigations, arrested 1,798 individuals, and
18 provided training to 25,591 law enforcement personnel,
19 prosecutors, victim service providers, and other first responders;
20 and

21 WHEREAS, Nonprofit organizations, whose missions are to
22 assist trafficked individuals, provide resources allowing these
23 victims an opportunity to restore their lives through physical,
24 mental, emotional, and spiritual restoration; and

25 WHEREAS, Americans are committed to individual freedom
26 and will take the necessary steps to nonviolently stop modern day
27 slavery around the world and help its victims through the continued
28 work of community organizations and human trafficking task
29 forces; and

30 WHEREAS, Opposition to human trafficking by the American
31 people will be directed against all individuals, groups,
32 organizations, and nations that support, advance, or commit acts
33 of modern day slavery; now, therefore, be it

34 *Resolved by the Senate of the State of California, the Assembly*
35 *thereof concurring*, That the Legislature proclaims January 2016
36 as Human Trafficking Awareness Month in California in order to
37 encourage greater awareness of human trafficking within the State
38 of California, the United States of America, and internationally;
39 and be it further

1 *Resolved*, That the Legislature encourages all Californians to
2 become educated about human trafficking and work to eradicate
3 these criminal practices within and beyond our borders; and be it
4 further

5 *Resolved*, That the Legislature encourages its members, as well
6 as organizations, businesses, and individuals, to host or sponsor
7 and attend community events in order to bring visibility and support
8 to efforts made by nongovernmental organizations to recognize
9 and combat human trafficking; and be it further

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

O

Date of Hearing: January 15, 2016

ASSEMBLY COMMITTEE ON RULES

Gordon, Chair

SCR 88 (Runner) – As Introduced August 25, 2015

SENATE VOTE: 39-0

SUBJECT: Human Trafficking Awareness Month.

SUMMARY: Proclaims the month of January 2016 as Human Trafficking Awareness Month and encourages all Californians to become educated about human trafficking and work to eradicate these criminal practices within and beyond our borders. Specifically, **this resolution:** makes the following legislative findings:

- 1) Human trafficking is a form of modern day slavery. It is a crime that involves the use of force, fraud, or coercion to recruit, harbor, transport, provide, or obtain a person for the purposes of labor or sexual exploitation.
- 2) Approximately 800,000 young children, teenagers, men, and women are trafficked across international borders worldwide, and between 14,500 and 17,500 of those victims are trafficked into the United States each year according to the United States Department of State.
- 3) From mid-2010 to mid-2012, California's nine regional human trafficking task forces identified 1,277 victims, initiated 2,552 investigations, arrested 1,798 individuals, and provided training to 25,591 law enforcement personnel, prosecutors, victim service providers, and other first responders. Nonprofit organizations, whose missions are to assist trafficked individuals, provide resources allowing these victims an opportunity to restore their lives through physical, mental, emotional, and spiritual restoration.
- 4) Americans are committed to individual freedom and will take the necessary steps to nonviolently stop modern day slavery around the world and help its victims through the continued work of community organizations and human trafficking task forces. Opposition to human trafficking by the American people will be directed against all individuals, groups, organizations, and nations that support, advance, or commit acts of modern day slavery.

FISCAL EFFECT: None

REGISTERED SUPPORT / OPPOSITION:

Support

Junior League of California State Public Affairs Committee
Junior League of Palo Alto, Mid-Peninsula

Opposition

None on file

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



October 15, 2015

The Honorable Richard Gordon
Chair, Assembly Rules Committee
State Capitol, Room 3016
Sacramento, CA 95814

RE: **SUPPORT FOR SCR 88, Runner**

Dear Assemblyman Gordon,

On behalf of the Junior Leagues of California State Public Affairs Committee (CalSPAC), I am writing to request your **support for SCR 88**, related to Human Trafficking Awareness Month. This resolution would proclaim the month of January 2016 as Human Trafficking Awareness Month.

The Central Intelligence Agency estimates that 15,000-17,000 men, women and children are trafficked into the US every year. California, New York, Texas and Nevada are top destination states in the country. Recent media stories in the San Diego Union-Tribune and Los Angeles Times highlight the vulnerability of children and young adults who are recruited to participate in human trafficking from their school by gang members.

The Junior Leagues of California participate in projects across the state that benefits our communities. These include supporting vulnerable populations to work towards better violence prevention. Our members in Orange County have volunteered and supported programs related to human trafficking prevention and victim support, working with health care workers, law enforcement, social workers, teachers, and child care workers to expand community-based education and communication programs. The Junior League of San Jose recently sponsored the Freedom Summit in an effort to raise general awareness of the issue. Last year, SPAC voted to support bills SB 473 and AB 1051. We support SCR 88 because we believe it is an important step in bringing the immediacy of the issue of human trafficking to our local communities.

CalSPAC, a non-partisan, all-volunteer organization, has been involved in legislative advocacy for more than 40 years. We represent a coalition of 17 California Junior Leagues comprised of more than 10,000 women statewide. CalSPAC supports the Junior League's mission to improve communities through effective action and leadership of trained volunteers. We support legislation in areas related to our projects and focus issues.

We strongly urge you to **support SCR 88**. Thank you in advance for your time and consideration.

Best Regards,

Ann Yih

Violence Prevention Subcommittee Chair
Junior Leagues of California State Public Affairs Committee
(714) 655-8661

Junior Leagues of California State Public Affairs Committee

Bakersfield * Fresno * Long Beach * Los Angeles * Monterey County * Napa-Sonoma * Oakland-East Bay * Orange County
Palo Alto-Mid-Peninsula * Pasadena * Riverside * Sacramento * San Diego * San Francisco * San Jose * Santa Barbara * San Joaquin County



October 15, 2015

The Honorable Richard Gordon
Chair, Assembly Rules Committee
State Capitol, Room 3016
Sacramento, CA 95814

RE: **SUPPORT FOR SCR 88, Runner**

Dear Assemblyman Gordon,

On behalf of the Junior League of Palo Alto-Mid-Peninsula, I am writing to request your **support for SCR 88**, related to Human Trafficking Awareness Month. This resolution would proclaim the month of January 2016 as Human Trafficking Awareness Month.

The Central Intelligence Agency estimates that 15,000-17,000 men, women and children are trafficked into the US every year. California, New York, Texas and Nevada are top destination states in the country. However, human trafficking is as much a national and statewide issue as it is a local issue to the Bay Area. The Federal Bureau of Investigation has identified San Francisco as one of 13 areas with the highest number of child sex trafficking incidences in the nation. With the upcoming 2016 Super Bowl, human trafficking activity is expected to be a greater threat than ever to our community.

The Junior League of Palo Alto-Mid-Peninsula cares deeply about the safety of women and children in the Bay Area. We support SCR 88 because we believe it is an important step in bringing the immediacy of the issue of human trafficking to the attention of our local communities.

The Junior League of Palo Alto-Mid-Peninsula is a non-partisan organization. Since our founding in 1965, we have supported nearly 100 community projects, awarded nearly 200 grants to area nonprofit organizations and have volunteered thousands of hours with the goal of developing the potential of women and improving communities through effective action.

We strongly urge you to **support SCR 88**. Thank you in advance for your time and consideration.

Best Regards,

Ann Yih

Senior Delegate, Junior League of Palo Alto-Mid-Peninsula
(714)655-8661

JUNIOR LEAGUE OF PALO ALTO-MID PENINSULA, INC.
FOCUSING ON DEVELOPING THE POTENTIAL OF FAMILIES

[Back to Agenda](#) 1000 AVENUE • MENLO PARK, CALIFORNIA 94025-3422 • ☎ 650-321-5026 • FAX 650-321-7493 • www.thejuniorleague.org

AMENDED IN ASSEMBLY JANUARY 11, 2016

AMENDED IN SENATE APRIL 6, 2015

SENATE BILL

No. 269

Introduced by ~~Senator~~ Senators Roth and Vidak
(Principal coauthor: Senator Galgiani)
(Coauthors: Senators Anderson, Moorlach, and Nielsen)
(Coauthors: Assembly Members Cooper, Linder, and Olsen)

February 19, 2015

An act to ~~add Section 2640.2 to the Probate Code, relating to conservatorship.~~ amend Sections 55.53 and 55.56 of the Civil Code, and to amend Sections 4459.7, 4459.8, and 8299.06 of, to add Section 65941.6 to, and to add Article 4 (commencing with Section 65946) to Chapter 4.5 of Division 1 of Title 7 of, the Government Code, relating to disability access.

LEGISLATIVE COUNSEL'S DIGEST

SB 269, as amended, ~~Vidak~~ Roth. ~~Conservator appointments; compensation.~~ Disability access.

(1) Existing law prohibits discrimination on the basis of various specified personal characteristics, including disability. The Construction-Related Accessibility Standards Compliance Act establishes standards for making new construction and existing facilities accessible to persons with disabilities and provides for construction-related accessibility claims for violations of those standards. Existing law specifies that a violation of construction-related accessibility standards personally encountered by a plaintiff may be sufficient to cause a denial of full and equal access if the plaintiff experienced difficulty, discomfort, or embarrassment because of the violation. Under existing law, a defendant is liable for actual damages

plus minimum statutory damages for each instance of discrimination relating to a construction-related accessibility standard.

This bill would establish a rebuttable presumption, for the purpose of an award of minimum statutory damages, that certain technical violations do not cause a plaintiff to experience difficulty, discomfort, or embarrassment, if specified conditions are met. This bill would also exempt a defendant from liability for minimum statutory damages with respect to a structure or area inspected by a certified access specialist for a period of 120 days if specified conditions are met. The bill would require a defendant who claims the benefit of this exemption to disclose the date and findings of any certified access specialist (CASp) inspection to the plaintiff.

(2) Existing law requires the State Architect to establish and publicize a program for the voluntary certification by the state of any person who meets specified criteria as a CASp. Existing law requires the State Architect to annually publish a list of CASps. Existing law requires each applicant for CASp certification or renewal to pay certain fees, and requires the State Architect to periodically review those fees, as specified. Existing law provides for the deposit of those fees into the Certified Access Specialist Fund, which is continuously appropriated for use by the State Architect to implement the CASp program.

This bill would additionally require the State Architect to publish, and regularly update, easily accessible lists of businesses that file prescribed notices of inspection, and businesses which have been inspected by a CASp on or after January 1, 2017, including the date of the inspection. The bill would require the State Architect to develop a process by which a small business may notify the State Architect that a structure or area has had a CASp inspection and to develop a form for businesses to notify the public that the business has obtained a CASp inspection. The bill would also require applicants for CASp certification or renewal to additionally provide to the State Architect the name of the city, county, or city and county in which the applicant intends to provide or has provided services, and would require the Division of the State Architect to post that information on its Internet Web site.

(3) Existing law establishes the California Commission on Disability Access for purposes of developing recommendations to enable persons with disabilities to exercise their right to full and equal access to public facilities and facilitating business compliance with applicable state and federal laws and regulations. Existing law sets forth the powers and duties of the commission, including developing educational materials

and information for businesses, building owners, tenants, and building officials, posting that information on the commission's Internet Web site, and coordinating with other state agencies and local building departments to ensure that information provided to the public on disability access requirements is uniform and complete.

This bill would additionally require the commission to provide a link on its Internet Web site to the Internet Web site of the Division of the State Architect's CASp certification program, and make the commission's educational materials and information available to other state agencies and local building departments.

(4) The Permit Streamlining Act establishes procedures for the application, and review of an application, for a development project. Existing law requires a public agency to notify applicants for development permits of specified information, including the time limits established for the review and approval of development permits.

This bill would additionally require local agencies to develop and provide to applicants materials relating to the requirements of the federal Americans with Disabilities Act of 1990, or to instead provide similar materials developed by the California Commission on Disability Access. The bill would require a local agency to notify an applicant that approval of a permit does not signify that the applicant has complied with that act. The bill would also require local agencies to expedite review of projects for which the applicant provides a copy of a disability access certificate, demonstrates that the project is necessary to address an alleged violation of a construction-related access standard or a violation noted in a CASp report, and, if project plans are necessary for approval, has had a CASp review the project plans for compliance with all applicable construction-related accessibility standards. The bill would declare that these provisions constitute a matter of statewide concern and would apply to charter cities and charter counties.

(5) By imposing additional duties on local agencies with respect to the receipt and review of applications for development project permits, this bill would impose a state-mandated local program.

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

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

~~Existing law permits a conservator of the estate to petition the probate court for an order fixing and allowing compensation to the conservator for services rendered and to the attorney for services rendered. Existing law also permits a person who unsuccessfully petitioned for the appointment of a conservator to petition the probate court for an order fixing and allowing compensation to the person and the person's attorney for services rendered in connection with the appointment of a conservator.~~

~~This bill would permit a person who successfully petitioned for the appointment of a conservator, as specified, to petition the probate court for an order fixing and allowing compensation to the person and the person's attorney for services rendered in connection with the appointment of a conservator.~~

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

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

- 1 *SECTION 1. Section 55.53 of the Civil Code is amended to*
- 2 *read:*
- 3 55.53. (a) For purposes of this part, a certified access specialist
- 4 shall, upon completion of the inspection of a site, comply with the
- 5 following:
- 6 (1) For a meets applicable standards site, if the CASp determines
- 7 the site meets all applicable construction-related accessibility
- 8 standards, the CASp shall provide a written inspection report to
- 9 the requesting party that includes both of the following:
- 10 (A) An identification and description of the inspected structures
- 11 and areas of the site.
- 12 (B) A signed and dated statement that includes both of the
- 13 following:
- 14 (i) A statement that, in the opinion of the CASp, the inspected
- 15 structures and areas of the site meet construction-related
- 16 accessibility standards. The statement shall clearly indicate whether
- 17 the determination of the CASp includes an assessment of readily
- 18 achievable barrier removal.
- 19 (ii) If corrections were made as a result of the CASp inspection,
- 20 an itemized list of all corrections and dates of completion.
- 21 (2) For an inspected by a CASp site, if the CASp determines
- 22 that corrections are needed to the site in order for the site to meet

1 all applicable construction-related accessibility standards, the
2 CASp shall provide a signed and dated written inspection report
3 to the requesting party that includes all of the following:

4 (A) An identification and description of the inspected structures
5 and areas of the site.

6 (B) *The date of the inspection.*

7 ~~(B)~~

8 (C) A statement that, in the opinion of the CASp, the inspected
9 structures and areas of the site need correction to meet
10 construction-related accessibility standards. This statement shall
11 clearly indicate whether the determination of the CASp includes
12 an assessment of readily achievable barrier removal.

13 ~~(C)~~

14 (D) An identification and description of the structures or areas
15 of the site that need correction and the correction needed.

16 ~~(D)~~

17 (E) A schedule of completion for each of the corrections within
18 a reasonable timeframe.

19 (3) *The CASp shall provide, within 30 days of the date of the*
20 *inspection of a business that qualifies for the provisions of*
21 *subparagraph (A) of paragraph (3) of subdivision (g) of Section*
22 *55.56, a copy of a report prepared pursuant to that subparagraph*
23 *to the business.*

24 (4) *The CASp shall file, within 10 days of inspecting a business*
25 *pursuant to subparagraph (A) of paragraph (3) of subdivision (g)*
26 *of Section 55.56, a notice with the State Architect for listing on*
27 *the State Architect's Internet Web site, as provided by subdivision*
28 *(d) of Section 4459.7 of the Government Code, indicating that the*
29 *CASp has inspected the business, the name and address of the*
30 *business, the date of the filing, the date of the inspection of the*
31 *business, the name and license number of the CASp, and a*
32 *description of the structure or area inspected by the CASp.*

33 (5) *The CASp shall post the notice described in paragraph (4),*
34 *in a form prescribed by the State Architect, in a conspicuous*
35 *location within five feet of all public entrances to the building on*
36 *the date of the inspection and instruct the business to keep it in*
37 *place until the earlier of either of the following:*

38 (A) *One hundred twenty days after the date of the inspection.*

39 (B) *The date when all of the construction-related violations in*
40 *the structure or area inspected by the CASp are corrected.*

1 (b) For purposes of this section, in determining whether the site
2 meets applicable construction-related accessibility standards when
3 there is a conflict or difference between a state and federal
4 provision, standard, or regulation, the state provision, standard, or
5 regulation shall apply unless the federal provision, standard, or
6 regulation is more protective of accessibility rights.

7 (c) Every CASp who conducts an inspection of a place of public
8 accommodation shall, upon completing the inspection of the site,
9 provide the building owner or tenant who requested the inspection
10 with the following notice, which the State Architect shall make
11 available as a form on the State Architect's Internet Web site:
12

13 NOTICE TO PRIVATE PROPERTY OWNER/TENANT:
14

15 YOU ARE ADVISED TO KEEP IN YOUR RECORDS ANY
16 WRITTEN INSPECTION REPORT AND ANY OTHER
17 DOCUMENTATION CONCERNING YOUR PROPERTY SITE
18 THAT IS GIVEN TO YOU BY A CERTIFIED ACCESS
19 SPECIALIST.

20 IF YOU BECOME A DEFENDANT IN A LAWSUIT THAT
21 INCLUDES A CLAIM CONCERNING A SITE INSPECTED
22 BY A CERTIFIED ACCESS SPECIALIST, YOU MAY BE
23 ENTITLED TO A COURT STAY (AN ORDER TEMPORARILY
24 STOPPING ANY LAWSUIT) OF THE CLAIM AND AN EARLY
25 EVALUATION CONFERENCE.

26 IN ORDER TO REQUEST THE STAY AND EARLY
27 EVALUATION CONFERENCE, YOU WILL NEED TO VERIFY
28 THAT A CERTIFIED ACCESS SPECIALIST HAS INSPECTED
29 THE SITE THAT IS THE SUBJECT OF THE CLAIM. YOU
30 WILL ALSO BE REQUIRED TO PROVIDE THE COURT AND
31 THE PLAINTIFF WITH THE COPY OF A WRITTEN
32 INSPECTION REPORT BY THE CERTIFIED ACCESS
33 SPECIALIST, AS SET FORTH IN CIVIL CODE SECTION
34 55.54. THE APPLICATION FORM AND INFORMATION ON
35 HOW TO REQUEST A STAY AND EARLY EVALUATION
36 CONFERENCE MAY BE OBTAINED AT
37 www.courts.ca.gov/selfhelp-start.htm.

38 YOU ARE ENTITLED TO REQUEST, FROM A CERTIFIED
39 ACCESS SPECIALIST WHO HAS CONDUCTED AN
40 INSPECTION OF YOUR PROPERTY, A WRITTEN

1 INSPECTION REPORT AND OTHER DOCUMENTATION AS
2 SET FORTH IN CIVIL CODE SECTION 55.53. YOU ARE ALSO
3 ENTITLED TO REQUEST THE ISSUANCE OF A DISABILITY
4 ACCESS INSPECTION CERTIFICATE, WHICH YOU MAY
5 POST ON YOUR PROPERTY.
6

7 (d) (1) Commencing July 1, 2010, a local agency shall employ
8 or retain at least one building inspector who is a certified access
9 specialist. The certified access specialist shall provide consultation
10 to the local agency, permit applicants, and members of the public
11 on compliance with state construction-related accessibility
12 standards with respect to inspections of a place of public
13 accommodation that relate to permitting, plan checks, or new
14 construction, including, but not limited to, inspections relating to
15 tenant improvements that may impact access. If a local agency
16 employs or retains two or more certified access specialists to
17 comply with this subdivision, at least one-half of the certified
18 access specialists shall be building inspectors who are certified
19 access specialists.

20 (2) Commencing January 1, 2014, a local agency shall employ
21 or retain a sufficient number of building inspectors who are
22 certified access specialists to conduct permitting and plan check
23 services to review for compliance with state construction-related
24 accessibility standards by a place of public accommodation with
25 respect to new construction, including, but not limited to, projects
26 relating to tenant improvements that may impact access. If a local
27 agency employs or retains two or more certified access specialists
28 to comply with this subdivision, at least one-half of the certified
29 access specialists shall be building inspectors who are certified
30 access specialists.

31 (3) If a permit applicant or member of the public requests
32 consultation from a certified access specialist, the local agency
33 may charge an amount limited to a reasonable hourly rate, an
34 estimate of which shall be provided upon request in advance of
35 the consultation. A local government may additionally charge or
36 increase permitting, plan check, or inspection fees to the extent
37 necessary to offset the costs of complying with this subdivision.
38 Any revenues generated from an hourly or other charge or fee
39 increase under this subdivision shall be used solely to offset the
40 costs incurred to comply with this subdivision. A CASp inspection

1 pursuant to subdivision (a) by a building inspector who is a
2 certified access specialist shall be treated equally for legal and
3 evidentiary purposes as an inspection conducted by a private CASp.
4 Nothing in this subdivision shall preclude permit applicants or any
5 other person with a legal interest in the property from retaining a
6 private CASp at any time.

7 (e) (1) Every CASp who completes an inspection of a place of
8 public accommodation shall, upon a determination that the site
9 meets applicable standards pursuant to paragraph (1) of subdivision
10 (a) or is inspected by a CASp pursuant to paragraph (2) of
11 subdivision (a), provide the building owner or tenant requesting
12 the inspection with a numbered disability access inspection
13 certificate indicating that the site has undergone inspection by a
14 certified access specialist. The disability access inspection
15 certificate shall be dated and signed by the CASp inspector, and
16 shall contain the inspector's name and license number. Upon
17 issuance of a certificate, the CASp shall record the issuance of the
18 numbered certificate, the name and address of the recipient, and
19 the type of report issued pursuant to subdivision (a) in a record
20 book the CASp shall maintain for that purpose.

21 (2) Beginning March 1, 2009, the State Architect shall make
22 available for purchase by any local building department or CASp
23 sequentially numbered disability access inspection certificates that
24 are printed with a watermark or other feature to deter forgery and
25 that comply with the information requirements specified in
26 subdivision (a).

27 (3) The disability access inspection certificate may be posted
28 on the premises of the place of public accommodation, unless,
29 following the date of inspection, the inspected site has been
30 modified or construction has commenced to modify the inspected
31 site in a way that may impact compliance with construction-related
32 accessibility standards.

33 (f) Nothing in this section or any other law is intended to require
34 a property owner or tenant to hire a CASp. A property owner's or
35 tenant's election not to hire a CASp shall not be admissible to
36 prove that person's lack of intent to comply with the law.

37 *SEC. 2. Section 55.56 of the Civil Code is amended to read:*

38 55.56. (a) Statutory damages under either subdivision (a) of
39 Section 52 or subdivision (a) of Section 54.3 may be recovered in
40 a construction-related accessibility claim against a place of public

1 accommodation only if a violation or violations of one or more
2 construction-related accessibility standards denied the plaintiff
3 full and equal access to the place of public accommodation on a
4 particular occasion.

5 (b) A plaintiff is denied full and equal access only if the plaintiff
6 personally encountered the violation on a particular occasion, or
7 the plaintiff was deterred from accessing a place of public
8 accommodation on a particular occasion.

9 (c) A violation personally encountered by a plaintiff may be
10 sufficient to cause a denial of full and equal access if the plaintiff
11 experienced difficulty, discomfort, or embarrassment because of
12 the violation.

13 (d) A plaintiff demonstrates that he or she was deterred from
14 accessing a place of public accommodation on a particular occasion
15 only if both of the following apply:

16 (1) The plaintiff had actual knowledge of a violation or
17 violations that prevented or reasonably dissuaded the plaintiff from
18 accessing a place of public accommodation that the plaintiff
19 intended to use on a particular occasion.

20 (2) The violation or violations would have actually denied the
21 plaintiff full and equal access if the plaintiff had accessed the place
22 of public accommodation on that particular occasion.

23 (e) (1) *The following technical violations are presumed to not*
24 *cause a person difficulty, discomfort, or embarrassment for the*
25 *purpose of an award of minimum statutory damages in a*
26 *construction-related accessibility claim, as set forth in subdivision*
27 *(c), where the defendant is a small business, as described by*
28 *subparagraph (B) of paragraph (2) of subdivision (g), the*
29 *defendant has corrected, within 15 days of the service of a*
30 *summons and complaint asserting a construction-related*
31 *accessibility claim or receipt of a written notice, whichever is*
32 *earlier, all of the technical violations that are the basis of the*
33 *claim, and the claim is based on one or more of the following*
34 *violations:*

35 (A) *Interior signs, other than directional signs or signs that*
36 *identify the location of accessible elements, facilities, or features,*
37 *when not all such elements, facilities, or features are accessible.*

38 (B) *The lack of exterior signs, other than parking signs and*
39 *directional signs, including signs that indicate the location of*

1 accessible pathways or entrance and exit doors when not all
2 pathways, entrance and exit doors are accessible.

3 (C) The order in which parking signs are placed or the exact
4 location or wording of parking signs, provided that the parking
5 signs are clearly visible and indicate the location of accessible
6 parking and van-accessible parking.

7 (D) The color of parking signs, provided that the color of the
8 background contrasts with the color of the information on the sign.

9 (E) The color of parking lot striping, provided that it exists and
10 provides sufficient contrast with the surface upon which it is
11 applied to be reasonably visible.

12 (F) Faded, chipped, damaged, or deteriorated paint in otherwise
13 fully compliant parking spaces and passenger access aisles in
14 parking lots, provided that it indicates the required dimensions of
15 a parking space or access aisle in a manner that is reasonably
16 visible.

17 (G) The presence or condition of detectable warning surfaces
18 on ramps, except where the ramp is part of a pedestrian path of
19 travel that intersects with a vehicular lane or other hazardous
20 area.

21 (2) The presumption set forth in paragraph (1) affects the
22 plaintiff's burden of proof and is rebuttable by evidence showing,
23 by a preponderance of the evidence, that the plaintiff did, in fact,
24 experience difficulty, discomfort, or embarrassment on the
25 particular occasion as a result of one or more of the technical
26 violations listed in paragraph (1).

27 ~~(e)~~

28 (f) Statutory damages may be assessed pursuant to subdivision
29 (a) based on each particular occasion that the plaintiff was denied
30 full and equal access, and not upon the number of violations of
31 construction-related accessibility standards identified at the place
32 of public accommodation where the denial of full and equal access
33 occurred. If the place of public accommodation consists of distinct
34 facilities that offer distinct services, statutory damages may be
35 assessed based on each denial of full and equal access to the distinct
36 facility, and not upon the number of violations of
37 construction-related accessibility standards identified at the place
38 of public accommodation where the denial of full and equal access
39 occurred.

40 ~~(f)~~

1 (g) (1) Notwithstanding any other law, a defendant's liability
2 for statutory damages in a construction-related accessibility claim
3 against a place of public accommodation is reduced to a minimum
4 of one thousand dollars (\$1,000) for each offense if the defendant
5 demonstrates that it has corrected all construction-related violations
6 that are the basis of a claim within 60 days of being served with
7 the complaint, and the defendant demonstrates any of the following:

8 (A) The structure or area of the alleged violation was determined
9 to be "CAsp-inspected" or "meets applicable standards" and, to
10 the best of the defendant's knowledge, there were no modifications
11 or alterations that impacted compliance with construction-related
12 accessibility standards with respect to the plaintiff's claim that
13 were completed or commenced between the date of that
14 determination and the particular occasion on which the plaintiff
15 was allegedly denied full and equal access.

16 (B) The structure or area of the alleged violation was the subject
17 of an inspection report indicating "CAsp determination pending"
18 or "Inspected by a CAsp," and the defendant has either
19 implemented reasonable measures to correct the alleged violation
20 before the particular occasion on which the plaintiff was allegedly
21 denied full and equal access, or the defendant was in the process
22 of correcting the alleged violation within a reasonable time and
23 manner before the particular occasion on which the plaintiff was
24 allegedly denied full and equal access.

25 (C) For a claim alleging a construction-related accessibility
26 violation filed before January 1, 2018, the structure or area of the
27 alleged violation was a new construction or an improvement that
28 was approved by, and passed inspection by, the local building
29 department permit and inspection process on or after January 1,
30 2008, and before January 1, 2016, and, to the best of the
31 defendant's knowledge, there were no modifications or alterations
32 that impacted compliance with respect to the plaintiff's claim that
33 were completed or commenced between the completion date of
34 the new construction or improvement and the particular occasion
35 on which the plaintiff was allegedly denied full and equal access.

36 (D) The structure or area of the alleged violation was new
37 construction or an improvement that was approved by, and passed
38 inspection by, a local building department official who is a certified
39 access specialist, and, to the best of the defendant's knowledge,
40 there were no modifications or alterations that affected compliance

1 with respect to the plaintiff's claim that were completed or
2 commenced between the completion date of the new construction
3 or improvement and the particular occasion on which the plaintiff
4 was allegedly denied full and equal access.

5 (2) Notwithstanding any other law, a defendant's liability for
6 statutory damages in a construction-related accessibility claim
7 against a place of public accommodation is reduced to a minimum
8 of two thousand dollars (\$2,000) for each offense if the defendant
9 demonstrates both of the following:

10 (A) The defendant has corrected all construction-related
11 violations that are the basis of a claim within 30 days of being
12 served with the complaint.

13 (B) The defendant is a small business that has employed 25 or
14 fewer employees on average over the past three years, or for the
15 years it has been in existence if less than three years, as evidenced
16 by wage report forms filed with the Economic Development
17 Department, and has average annual gross receipts of less than
18 three million five hundred thousand dollars (\$3,500,000) over the
19 previous three years, or for the years it has been in existence if
20 less than three years, as evidenced by federal or state income tax
21 returns. The average annual gross receipts dollar amount shall be
22 adjusted biannually by the Department of General Services for
23 changes in the California Consumer Price Index for All Urban
24 Consumers, as compiled by the Department of Industrial Relations.
25 The Department of General Services shall post that adjusted
26 amount on its Internet Web site.

27 (3) (A) *Notwithstanding any other law, a defendant shall not*
28 *be liable for minimum statutory damages in a construction-related*
29 *accessibility claim, with respect to a violation noted in a report*
30 *by a certified access specialist (CAsp), for a period of 120 days*
31 *following the date of the inspection if the defendant demonstrates*
32 *compliance with each of the following:*

33 (i) *The defendant is a business that has employed 50 or fewer*
34 *employees on average over the past three years, or for the years*
35 *it has been in existence if less than three years, as evidenced by*
36 *wage report forms filed with the Employment Development*
37 *Department.*

38 (ii) *The structure or area of the alleged violation was the subject*
39 *of an inspection report indicating "CAsp determination pending"*
40 *or "Inspected by a CAsp."*

1 (iii) *The inspection predates the filing of the claim by, or receipt*
2 *of a demand letter from, the plaintiff regarding the alleged*
3 *violation of a construction-related accessibility standard, and the*
4 *defendant was not on notice of the alleged violation prior to the*
5 *CASp inspection.*

6 (iv) *The defendant has corrected, within 120 days of the date*
7 *of the inspection, all construction-related violations in the structure*
8 *or area inspected by the CASp that are noted in the CASp report*
9 *that are the basis of the claim.*

10 (B) *Notwithstanding any other law, a defendant who claims the*
11 *benefit of the reduction of, or protection from liability for, minimum*
12 *statutory damages under this subdivision shall disclose the date*
13 *and findings of any CASp inspection to a plaintiff if relevant to a*
14 *claim or defense in an action.*

15 (4) *A defendant may claim the protection from liability for*
16 *minimum statutory damages under paragraph (3) only once for*
17 *each structure or area inspected by a CASp, unless the inspected*
18 *structure or area has undergone modifications or alterations that*
19 *affect the compliance with construction-related accessibility*
20 *standards of those structures or areas after the date of the last*
21 *inspection, and the defendant obtains an additional CASp*
22 *inspection within 30 days of final approval by the building*
23 *department or certificate of occupancy, as appropriate, regarding*
24 *the modification or alterations.*

25 (5) *If the defendant has failed to correct, within 120 days of the*
26 *date of the inspection, all construction-related violations in the*
27 *structure or area inspected by the CASp that are noted in the CASp*
28 *report, the defendant shall not receive any protection from liability*
29 *for minimum statutory damages pursuant to paragraph (3), unless*
30 *a building permit is required for the repairs which cannot*
31 *reasonably be completed by the defendant within 120 days and*
32 *the defendant is in the process of correcting the violations noted*
33 *in the CASp report, as evidenced by having, at least, an active*
34 *building permit necessary for the repairs to correct the violation*
35 *that was noted, but not corrected, in the CASp report and all of*
36 *the repairs are completed within 180 days of the date of the*
37 *inspection.*

38 ~~(3)~~

39 (6) *This subdivision shall not be applicable to intentional*
40 *violations.*

1 ~~(4)~~

2 (7) Nothing in this subdivision affects the awarding of actual
3 damages, or affects the awarding of treble actual damages.

4 ~~(5)~~

5 (8) This subdivision shall apply only to claims filed on or after
6 the effective date of ~~Senate Bill 1186 of the 2011-12 Regular~~
7 ~~Session of the Legislature. Chapter 383 of the Statutes of 2012,~~
8 *except for paragraphs (3), (4), and (5), which shall apply only to*
9 *claims filed on or after January 1, 2017.* Nothing in this
10 subdivision is intended to affect a complaint filed before ~~that date:~~
11 *those dates, as applicable.*

12 ~~(g)~~

13 (h) This section does not alter the applicable law for the
14 awarding of injunctive or other equitable relief for a violation or
15 violations of one or more construction-related accessibility
16 standards, nor alter any legal obligation of a party to mitigate
17 damages.

18 ~~(h)~~

19 (i) In assessing liability under subdivision (d), in an action
20 alleging multiple claims for the same construction-related
21 accessibility violation on different particular occasions, the court
22 shall consider the reasonableness of the plaintiff's conduct in light
23 of the plaintiff's obligation, if any, to mitigate damages.

24 (j) *For purposes of this section, the "structure or area*
25 *inspected" means one of the following: the interior of the premises,*
26 *the exterior of the premises, or both the interior and exterior.*

27 SEC. 3. *Section 4459.7 of the Government Code is amended*
28 *to read:*

29 4459.7. (a) (1) No later than October 31 of each year, the
30 State Architect shall publish and make available to the public a
31 list of certified access specialists who have met the requirements
32 of Section 4459.5. ~~This list shall include a written disclaimer of~~
33 ~~liability as specified in subdivision (b).~~

34 (2) *The State Architect shall publish and regularly update on*
35 *its Internet Web site easily accessible lists of all of the following:*

36 (A) *Businesses that have obtained a CASp inspection and have*
37 *filed, or a CASp has filed on their behalf, a notice pursuant to*
38 *paragraph (4) of subdivision (a) of Section 55.53 of the Civil Code.*

1 (B) *Businesses which have been inspected by a certified access*
2 *specialist on or after January 1, 2017, including the date of the*
3 *inspection.*

4 (3) *The lists required pursuant to this section shall include a*
5 *written disclaimer of liability as specified in subdivision (b).*

6 (b) Notwithstanding any other provision of law, a state agency
7 or employee of a state agency may not be held liable for any injury
8 or damages resulting from any service provided by a certified
9 access specialist whose name appears on the list published pursuant
10 to subdivision (a).

11 (c) The State Architect may perform periodic audits of work
12 performed by a certified access specialist as deemed necessary to
13 ensure the desired standard of performance. A certified access
14 specialist shall provide an authorized representative of the State
15 Architect with complete access, at any reasonable hour of the day,
16 to all technical data, reports, records, photographs, design outlines
17 and plans, and files used in building inspection and plan review,
18 with the exception of proprietary and confidential information.

19 (d) *By January 1, 2017, the State Architect shall develop a*
20 *process by which a certified access specialist (CASp) may notify*
21 *the State Architect that a structure or area on the premises of a*
22 *business has been inspected by a CASp and to notify the public*
23 *that the business has a “CASp determination pending,” or has*
24 *been “Inspected by a CASp,” as provided by paragraph (3) of*
25 *subdivision (g) of Section 55.56 of the Civil Code, which shall*
26 *include the name and address of the business, the date of the*
27 *notification, the date of the inspection of the business, the name*
28 *and license number of the CASp, and a description of the structure*
29 *or area inspected by a CASp.*

30 (e) *By January 1, 2017, the State Architect shall develop a form*
31 *for a business to notify the public that the business has obtained*
32 *a CASp inspection pursuant to paragraph (3) of subdivision (g)*
33 *of Section 55.56 of the Civil Code, which shall include the date of*
34 *the notification, the date of the inspection, and a description of*
35 *the structure or area inspected by a CASp.*

36 (f) *For purposes of this section, the “structure or area*
37 *inspected” means one of the following: the interior of the premises,*
38 *the exterior of the premises, or both the interior and exterior.*

39 SEC. 4. *Section 4459.8 of the Government Code is amended*
40 *to read:*

1 4459.8. (a) The certification authorized by Section 4459.5 is
2 effective for three years from the date of initial certification and
3 expires if not renewed. The State Architect, upon consideration of
4 any factual complaints regarding the work of a certified access
5 specialist or of other relevant information, may suspend
6 certification or deny renewal of certification.

7 (b) (1) The State Architect shall require each applicant for
8 certification as a certified access specialist to ~~pay~~ *do both of the*
9 *following*:

10 (A) Pay fees, including an application and course fee and an
11 examination fee, at a level sufficient to meet the costs of application
12 processing, registration, publishing a list, and other activities that
13 are reasonably necessary to implement and administer the certified
14 access specialist program. ~~The~~

15 (B) *Provide to the State Architect the name of the city, county,*
16 *or city and county in which the applicant intends to provide*
17 *services.*

18 (2) The State Architect shall require each applicant for renewal
19 of certification to ~~pay~~ *do both of the following*:

20 (A) Pay a fee sufficient to cover the reasonable costs of
21 reassessing qualifications of renewal applicants.

22 (B) *Provide to the State Architect the name of the city, county,*
23 *or city and county in which the applicant has provided services*
24 *since the last day of certification by the State Architect.*

25 ~~(2)~~

26 (3) The State Architect shall periodically review ~~its~~ *his or her*
27 schedule of fees to ensure that ~~its~~ *the* fees for certification are not
28 excessive while covering the costs to administer the certified access
29 specialist program. The application fee for a California licensed
30 architect, landscape architect, civil engineer, or structural engineer
31 shall not exceed two hundred fifty dollars (\$250).

32 (c) All fees collected pursuant to this section shall be deposited
33 into the Certified Access Specialist Fund, which is hereby created
34 in the State Treasury. Notwithstanding Section 13340, this fund
35 is continuously appropriated without regard to fiscal years for use
36 by the State Architect to implement Sections 4459.5 to 4459.8,
37 inclusive.

38 (d) *The State Architect shall post on his or her Internet Web*
39 *site the name of the city, county, or city and county in which each*
40 *certified access specialist provides or intends to provide services.*

1 *SEC. 5. Section 8299.06 of the Government Code is amended*
2 *to read:*

3 8299.06. (a) A priority of the commission shall be the
4 development and dissemination of educational materials and
5 information to promote and facilitate disability access compliance.

6 (b) The commission shall work with other state agencies,
7 including the Division of the State Architect and the Department
8 of Rehabilitation, to develop educational materials and information
9 for use by businesses to understand its obligations to provide
10 disability access and to facilitate compliance with
11 construction-related accessibility standards.

12 (c) The commission shall develop and make available on its
13 Internet Web site, or make available on its Internet Web site if
14 developed by another governmental agency, including Americans
15 with Disabilities Act centers, toolkits or educational modules to
16 assist a California business to understand its obligations under the
17 law and to facilitate compliance with respect to the top 10 alleged
18 construction-related violations, by type, as specified in subdivision
19 (a) of Section 8299.08. Upon completion of this requirement, the
20 commission shall develop and make available on its Internet Web
21 site, or work with another agency to develop, other toolkits or
22 educational modules that would educate businesses of the
23 accessibility requirements and to facilitate compliance with that
24 requirement.

25 (d) The commission shall post *the following* on its Internet Web
26 ~~site educational~~ *site*:

27 (1) *Educational* materials and information that will assist
28 building owners, tenants, building officials, and building inspectors
29 to understand the disability accessibility requirements and to
30 facilitate compliance with disability access laws. The commission
31 shall at least annually review the educational materials and
32 information on disability access requirements and compliance
33 available on the Internet Web site of other local, state, or federal
34 agencies, including Americans with Disabilities Act centers, to
35 augment the educational materials and information developed by
36 the commission.

37 (2) *A link to the Internet Web site of the Division of the State*
38 *Architect's certified access specialist (CASp) program to assist*
39 *building owners and tenants in locating or hiring a CASp.*

(e) The commission shall, to the extent feasible, coordinate with other state agencies and local building departments to ensure that information provided to the public on disability access requirements is uniform and ~~complete~~. *complete, and make its educational materials and information available to those agencies and departments.*

SEC. 6. Section 65941.6 is added to the Government Code, to read:

65941.6. (a) Each local agency shall develop materials relating to the requirements of the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.). The local agency shall provide these materials to an applicant along with notice that approval of a permit does not signify that the applicant has complied with the federal Americans with Disabilities Act of 1990.

(b) For the purposes of complying with the requirements of subdivision (a), a local agency may, in lieu of developing its own materials, provide applicants with those materials which the California Commission on Disability Access has developed and made available pursuant to Section 8299.06.

SEC. 7. Article 4 (commencing with Section 65946) is added to Chapter 4.5 of Division 1 of Title 7 of the Government Code, to read:

Article 4. Expedited Review

65946. (a) For the purposes of this section, the following definitions shall apply:

(1) "Certified access specialist" or "CAsp" means any person who has been certified pursuant to Section 4459.5.

(2) "Construction-related accessibility standard" means a provision, standard, or regulation under state or federal law requiring compliance with standards for making new construction and existing facilities accessible to persons with disabilities, including, but not limited to, any provision, standard, or regulation set forth in Section 51, 54, 54.1, or 55 of the Civil Code, Section 19955.5 of the Health and Safety Code, the California Building Standards Code (Title 24 of the California Code of Regulations), the federal Americans with Disabilities Act of 1990 (Public Law 101-336; 42 U.S.C. Sec. 12101 et seq.), and the federal Americans

1 *with Disabilities Act Accessibility Guidelines (Appendix A to Part*
2 *36 of Title 28 of the Code of Federal Regulations).*

3 (3) “Written inspection report” means the CASp report required
4 to be provided pursuant to subdivision (a) of Section 55.53 of the
5 Civil Code.

6 (b) A local agency shall expedite review of a project application
7 if the project applicant meets all of the following conditions:

8 (1) The applicant provides a copy of a disability access
9 inspection certificate, provided by a CASp pursuant to subdivision
10 (e) of Section 55.53 of the Civil Code, pertaining to the site of the
11 proposed project.

12 (2) The applicant demonstrates that the proposed project is
13 necessary to address either an alleged violation of a
14 construction-related accessibility standard or a violation noted in
15 a written inspection report.

16 (3) If project plans are necessary for the approval of a project,
17 the applicant has had a CASp review the project plans for
18 compliance with all applicable construction-related accessibility
19 standards.

20 SEC. 8. The Legislature finds and declares that Sections 6 and
21 7 of this act, pertaining to the review and approval of development
22 permit applications, constitute matters of statewide concern, and
23 shall apply to charter cities and charter counties. These sections
24 shall supersede any inconsistent provisions in the charter of any
25 city, county, or city and county.

26 SEC. 9. No reimbursement is required by this act pursuant to
27 Section 6 of Article XIII B of the California Constitution for certain
28 costs because a local agency or school district has the authority
29 to levy service charges, fees, or assessments sufficient to pay for
30 the program or level of service mandated by this act, within the
31 meaning of Section 17556 of the Government Code.

32 SECTION 1. ~~Section 2640.2 is added to the Probate Code, to~~
33 ~~read:~~

34 ~~2640.2. (a) When a conservator nominated by a third party is~~
35 ~~appointed by the court, but not before the expiration of 90 days~~
36 ~~from the issuance of letters, the person who has petitioned for the~~
37 ~~appointment of that conservator and that person’s attorney may~~
38 ~~petition the court for an order fixing and allowing compensation~~
39 ~~and reimbursement of costs.~~

1 ~~(b) Notice of the time and place of the hearing shall be given~~
2 ~~at least 15 days before the day of the hearing in the manner~~
3 ~~provided in Chapter 3 (commencing with Section 1460) of Part 1.~~

4 ~~(c) At the hearing, the court shall make an order to allow both~~
5 ~~of the following:~~

6 ~~(1) Any compensation or costs requested in the petition the court~~
7 ~~determines is just and reasonable to the person who petitioned for~~
8 ~~the appointment of a conservator for the person's services rendered~~
9 ~~in connection with and to facilitate the appointment of the~~
10 ~~conservator, and costs incurred in connection therewith.~~

11 ~~(2) Any compensation or costs requested in the petition the court~~
12 ~~determines is just and reasonable to the attorney for that person,~~
13 ~~for the attorney's services rendered in connection with and to~~
14 ~~facilitate the appointment of the conservator, and costs incurred~~
15 ~~in connection therewith.~~

16 ~~(d) Any compensation and costs allowed shall be charged to~~
17 ~~the estate of the conservatee. If a conservator of the estate is not~~
18 ~~appointed, but a conservator of the person is appointed, the~~
19 ~~compensation and costs allowed shall be ordered by the court to~~
20 ~~be paid from property belonging to the conservatee, whether held~~
21 ~~outright, in trust, or otherwise.~~

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California State Senate

SENATOR
RICHARD D. ROTH
THIRTY-FIRST DISTRICT



COMMITTEES
BUDGET SUBCOMMITTEE NO. 4
STATE ADMINISTRATION &
GENERAL GOVERNMENT
CHAIR
INSURANCE
CHAIR
JOINT LEGISLATIVE AUDIT
VICE CHAIR
BUDGET & FISCAL REVIEW
HEALTH
TRANSPORTATION & HOUSING
VETERANS AFFAIRS

January 14, 2016

Assembly Member Richard S. Gordon, Chair
Assembly Rules Committee
State Capitol, Room 3016
Sacramento, CA 95814

Dear Chairman Gordon:

I respectfully request adding an urgency clause to SB 269. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect.

Recent data from the California Commission on Disability Access indicates that a handful of highly litigious plaintiffs and attorneys have targeted small businesses in the state, especially those without financial resources or sophistication, with lawsuits alleging violations of construction-related accessibility standards. The lawsuits appear to be motivated by a desire to obtain quick cash settlements with the businesses, rather than to improve access to public accommodations. As a result, small businesses are justifiably anxious about being sued, while disabled consumers are viewed with blame or suspicion, even though they have a right to full and equal access and should be able to expect all public accommodations to comply with the 25-year old requirements of the Americans with Disability Act.

This act is necessary to ensure that small businesses have the information and resources they need to bring their properties into compliance with construction-related accessibility standards. It is also necessary to increase compliance with those standards for the benefit of the public, especially disabled consumers who have the right to go about their daily lives without difficulty, discomfort, or embarrassment, and with the basic dignity that comes from having the same access to public accommodations that non-disabled persons enjoy.

Thank you for consideration of this request. Please contact my office at 916/651-4031 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard D. Roth".

Richard D. Roth
Senator, 31st District