



STATE CAPITOL  
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Assembly  
California Legislature  
**Committee on Rules**

KEN COOLEY  
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VICE CHAIR  
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QUIRK-SILVA, SHARON  
RAMOS, JAMES C.  
RIVAS, ROBERT  
WICKS, BUFFY

DIEP, TYLER (R-ALT)  
LEVINE, MARC (D-ALT)

Thursday, June 6, 2019  
10 minutes prior to Session  
State Capitol, Room 3162

CONSENT AGENDA

**BILL REFERRALS**

1. Bill Referrals

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**RESOLUTIONS**

2. SCR-49 (Dodd) Elder and Dependent Adult Abuse Awareness Month.

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**REQUEST TO ADD URGENCY CLAUSE**

3. SB-143 (Skinner) Junk dealers and recyclers: nonferrous material: payment by general use prepaid cards.

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**ADMINISTRATIVE ITEM**

4. Cost of Living Adjustment (COLA)

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CHIEF ADMINISTRATIVE OFFICER  
DEBRA GRAVERT

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JAMES C. RAMOS  
ROBERT RIVAS  
BUFFY WICKS

MARC LEVINE (D-ALT.)  
TYLER DIEP (R-ALT.)

# Memo

**To:** Rules Committee Members  
**From:** Michael Erke, Bill Referral Consultant  
**Date:** 6/5/19  
**Re:** Consent Bill Referrals

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Since you received your preliminary list of bill referrals, ACR 98 and ACR 99 have been added to the list of referrals.

REFERRAL OF BILLS TO COMMITTEE

06/06/2019

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

<u>Assembly Bill No.</u>	<u>Committee:</u>
<u>ACA 10</u>	E. & R.
<u>ACA 10</u>	APPR.
<u>ACR 97</u>	TRANS.
<u>ACR 98</u>	HEALTH
<u>ACR 99</u>	JUD.
<u>AJR 19</u>	JUD.
<u>SB 1</u>	E.S. & T.M.
<u>SB 1</u>	NAT. RES.
<u>SB 1</u>	JUD.
<u>SB 2</u>	ED.
<u>SB 2</u>	HIGHER ED.
<u>SB 13</u>	H. & C.D.
<u>SB 13</u>	L. GOV.
<u>SB 18</u>	H. & C.D.
<u>SB 18</u>	JUD.
<u>SB 25</u>	NAT. RES.
<u>SB 25</u>	L. & E.
<u>SB 29</u>	HEALTH
<u>SB 35</u>	PUB. S.
<u>SB 43</u>	NAT. RES.
<u>SB 43</u>	REV. & TAX.
<u>SB 54</u>	NAT. RES.
<u>SB 63</u>	REV. & TAX.
<u>SB 65</u>	HEALTH
<u>SB 69</u>	W., P., & W.
<u>SB 69</u>	NAT. RES.
<u>SB 71</u>	E. & R.
<u>SB 127</u>	TRANS.
<u>SB 136</u>	PUB. S.
<u>SB 138</u>	ED.
<u>SB 144</u>	PUB. S.
<u>SB 145</u>	PUB. S.
<u>SB 160</u>	G.O.
<u>SB 165</u>	HEALTH
<u>SB 168</u>	NAT. RES.
<u>SB 174</u>	HUM. S.
<u>SB 174</u>	ED.
<u>SB 176</u>	JUD.
<u>SB 179</u>	P.E. & R.
<u>SB 179</u>	JUD.
<u>SB 185</u>	AGRI.
<u>SB 185</u>	B. & P.
<u>SB 190</u>	G.O.
<u>SB 190</u>	NAT. RES.

<u>SB 193</u>	PUB. S.
<u>SB 193</u>	B. & P.
<u>SB 196</u>	REV. & TAX.
<u>SB 199</u>	U. & E.
<u>SB 204</u>	W., P., & W.
<u>SB 206</u>	A.,E.,S.,T., & I.M.
<u>SB 206</u>	HIGHER ED.
<u>SB 209</u>	G.O.
<u>SB 209</u>	U. & E.
<u>SB 211</u>	TRANS.
<u>SB 212</u>	E. & R.
<u>SB 214</u>	HEALTH
<u>SB 216</u>	TRANS.
<u>SB 216</u>	NAT. RES.
<u>SB 217</u>	ED.
<u>SB 219</u>	HUM. S.
<u>SB 226</u>	NAT. RES.
<u>SB 226</u>	W., P., & W.
<u>SB 228</u>	AGING & L.T.C.
<u>SB 228</u>	HUM. S.
<u>SB 239</u>	PUB. S.
<u>SB 245</u>	B. & P.
<u>SB 248</u>	REV. & TAX.
<u>SB 253</u>	AGRI.
<u>SB 253</u>	NAT. RES.
<u>SB 259</u>	PUB. S.
<u>SB 264</u>	G.O.
<u>SB 269</u>	PUB. S.
<u>SB 273</u>	PUB. S.
<u>SB 280</u>	AGING & L.T.C.
<u>SB 280</u>	H. & C.D.
<u>SB 287</u>	L. GOV.
<u>SB 288</u>	U. & E.
<u>SB 289</u>	HEALTH
<u>SB 289</u>	V.A.
<u>SB 291</u>	HIGHER ED.
<u>SB 294</u>	REV. & TAX.
<u>SB 298</u>	HUM. S.
<u>SB 302</u>	J., E.D., & E.
<u>SB 304</u>	PUB. S.
<u>SB 305</u>	HEALTH
<u>SB 310</u>	JUD.
<u>SB 312</u>	V.A.
<u>SB 315</u>	J., E.D., & E.
<u>SB 317</u>	E.S. & T.M.
<u>SB 321</u>	HUM. S.
<u>SB 323</u>	H. & C.D.
<u>SB 323</u>	JUD.

<u>SB 325</u>	HEALTH
<u>SB 329</u>	H. & C.D.
<u>SB 329</u>	JUD.
<u>SB 331</u>	HEALTH
<u>SB 333</u>	H. & C.D.
<u>SB 346</u>	ED.
<u>SB 347</u>	HEALTH
<u>SB 348</u>	P. & C.P.
<u>SB 348</u>	A. & A.R.
<u>SB 352</u>	G.O.
<u>SB 356</u>	TRANS.
<u>SB 360</u>	PUB. S.
<u>SB 361</u>	HEALTH
<u>SB 362</u>	L. & E.
<u>SB 364</u>	REV. & TAX.
<u>SB 364</u>	V.A.
<u>SB 365</u>	HUM. S.
<u>SB 375</u>	PUB. S.
<u>SB 376</u>	PUB. S.
<u>SB 389</u>	HEALTH
<u>SB 392</u>	E.S. & T.M.
<u>SB 392</u>	JUD.
<u>SB 395</u>	W., P., & W.
<u>SB 398</u>	HUM. S.
<u>SB 398</u>	JUD.
<u>SB 412</u>	HUM. S.
<u>SB 420</u>	G.O.
<u>SB 422</u>	REV. & TAX.
<u>SB 445</u>	HEALTH
<u>SB 452</u>	HEALTH
<u>SB 453</u>	AGING & L.T.C.
<u>SB 455</u>	B. & F.
<u>SB 457</u>	U. & E.
<u>SB 459</u>	PUB. S.
<u>SB 461</u>	HIGHER ED.
<u>SB 462</u>	HIGHER ED.
<u>SB 462</u>	NAT. RES.
<u>SB 463</u>	NAT. RES.
<u>SB 470</u>	HUM. S.
<u>SB 471</u>	PUB. S.
<u>SB 474</u>	W., P., & W.
<u>SB 475</u>	B. & P.
<u>SB 477</u>	REV. & TAX.
<u>SB 484</u>	HIGHER ED.
<u>SB 487</u>	W., P., & W.
<u>SB 490</u>	HUM. S.
<u>SB 493</u>	HIGHER ED.
<u>SB 493</u>	JUD.

<u>SB 498</u>	TRANS.
<u>SB 499</u>	ED.
<u>SB 500</u>	V.A.
<u>SB 501</u>	V.A.
<u>SB 501</u>	A. & A.R.
<u>SB 504</u>	TRANS.
<u>SB 506</u>	U. & E.
<u>SB 506</u>	JUD.
<u>SB 507</u>	NAT. RES.
<u>SB 518</u>	JUD.
<u>SB 519</u>	E.S. & T.M.
<u>SB 521</u>	REV. & TAX.
<u>SB 530</u>	L. & E.
<u>SB 532</u>	H. & C.D.
<u>SB 532</u>	L. GOV.
<u>SB 534</u>	INS.
<u>SB 534</u>	JUD.
<u>SB 541</u>	ED.
<u>SB 551</u>	NAT. RES.
<u>SB 554</u>	ED.
<u>SB 554</u>	HIGHER ED.
<u>SB 556</u>	B. & P.
<u>SB 558</u>	J., E.D., & E.
<u>SB 559</u>	W., P., & W.
<u>SB 562</u>	REV. & TAX.
<u>SB 562</u>	V.A.
<u>SB 573</u>	H. & C.D.
<u>SB 574</u>	HEALTH
<u>SB 574</u>	E.S. & T.M.
<u>SB 576</u>	NAT. RES.
<u>SB 580</u>	PUB. S.
<u>SB 581</u>	B. & P.
<u>SB 582</u>	HEALTH
<u>SB 582</u>	ED.
<u>SB 589</u>	HEALTH
<u>SB 590</u>	HEALTH
<u>SB 591</u>	PUB. S.
<u>SB 594</u>	ED.
<u>SB 595</u>	B. & P.
<u>SB 598</u>	L. GOV.
<u>SB 598</u>	A. & A.R.
<u>SB 603</u>	C. & C.
<u>SB 606</u>	B. & P.
<u>SB 607</u>	B. & P.
<u>SB 608</u>	B. & P.
<u>SB 609</u>	B. & P.
<u>SB 611</u>	H. & C.D.
<u>SB 611</u>	AGING & L.T.C.

<u>SB 614</u>	ED.
<u>SB 614</u>	HUM. S.
<u>SB 616</u>	JUD.
<u>SB 618</u>	PUB. S.
<u>SB 621</u>	NAT. RES.
<u>SB 621</u>	JUD.
<u>SB 622</u>	JUD.
<u>SB 625</u>	C. & C.
<u>SB 625</u>	TRANS.
<u>SB 626</u>	REV. & TAX.
<u>SB 627</u>	B. & P.
<u>SB 628</u>	TRANS.
<u>SB 633</u>	E.S. & T.M.
<u>SB 634</u>	HIGHER ED.
<u>SB 634</u>	B. & P.
<u>SB 636</u>	E. & R.
<u>SB 637</u>	REV. & TAX.
<u>SB 644</u>	JUD.
<u>SB 644</u>	V.A.
<u>SB 647</u>	E.S. & T.M.
<u>SB 650</u>	B. & P.
<u>SB 650</u>	HEALTH
<u>SB 651</u>	PUB. S.
<u>SB 655</u>	B. & P.
<u>SB 656</u>	TRANS.
<u>SB 657</u>	AGRI.
<u>SB 657</u>	B. & P.
<u>SB 660</u>	HIGHER ED.
<u>SB 663</u>	REV. & TAX.
<u>SB 663</u>	V.A.
<u>SB 667</u>	NAT. RES.
<u>SB 670</u>	C. & C.
<u>SB 670</u>	G.O.
<u>SB 683</u>	HUM. S.
<u>SB 686</u>	ED.
<u>SB 687</u>	H. & C.D.
<u>SB 690</u>	E.S. & T.M.
<u>SB 695</u>	H. & C.D.
<u>SB 695</u>	L. GOV.
<u>SB 697</u>	B. & P.
<u>SB 698</u>	L. & E.
<u>SB 706</u>	HEALTH
<u>SB 707</u>	JUD.
<u>SB 716</u>	PUB. S.
<u>SB 716</u>	HIGHER ED.
<u>SB 725</u>	V.A.
<u>SB 730</u>	L. & E.
<u>SB 730</u>	P. & C.P.

SB 738  
SB 740  
SB 749  
SB 758  
SB 763  
SB 767  
SB 767  
SB 774  
SB 775  
SB 777  
SB 791  
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J., E.D., & E.  
INS.  
JUD.  
HEALTH  
REV. & TAX.  
W., P., & W.  
A. & A.R.  
U. & E.  
REV. & TAX.  
HIGHER ED.  
REV. & TAX.  
RLS.



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**Introduced by Senator Dodd  
(Coauthors: Senators Hill and Stone)**

May 14, 2019

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Senate Concurrent Resolution No. 49—Relative to Elder and Dependent Adult Abuse Awareness Month.

LEGISLATIVE COUNSEL’S DIGEST

SCR 49, as introduced, Dodd. Elder and Dependent Adult Abuse Awareness Month.

This measure would proclaim and acknowledge the month of June 2019 as Elder and Dependent Adult Abuse Awareness Month in California and would reiterate the importance of annually recognizing Elder and Dependent Adult Abuse Awareness Month in the state.

Fiscal committee: no.

- 1 WHEREAS, Elder and dependent adult abuse is a serious and
- 2 growing crisis in California; and
- 3 WHEREAS, Not a day goes by without reports of horrific cases
- 4 of abuse or exploitation of the elderly or adults with disabilities;
- 5 and
- 6 WHEREAS, Throughout the United States, 10,000 people a day
- 7 are turning 65 years of age; and
- 8 WHEREAS, One in 10 Americans 60 years of age and older
- 9 experience abuse each year; and
- 10 WHEREAS, One in every 10 individuals over 65 years of age
- 11 is living with Alzheimer’s disease and nearly one in two people
- 12 with dementia experiences some form of abuse by others; and
- 13 WHEREAS, The incidence of abuse and exploitation of the
- 14 developmentally disabled population is shocking. Over 80 percent

1 of women with developmental disabilities and over 30 percent of  
2 men with developmental disabilities are sexually abused at least  
3 once during their lifetime; and

4 WHEREAS, Given that one in every 59 babies born today has  
5 a disorder on the autism spectrum, the rapid growth of special  
6 populations in need of enhanced protection will further challenge  
7 an overwhelmed patchwork of programs and services intended to  
8 protect dependent adult populations; and

9 WHEREAS, The elderly and adults with disabilities may be  
10 impacted by a constellation of physical, mental, pharmaceutical,  
11 or medical influences, any one of which could restrict their ability  
12 to protect themselves or self-advocate, to report to authorities when  
13 abuse occurs, or to testify against perpetrators; and

14 WHEREAS, Research by the National Institute of Justice found  
15 that 11 percent of older adults reported experiencing at least one  
16 form of mistreatment, including emotional, physical, or sexual  
17 mistreatment or neglect, in the past year; and

18 WHEREAS, Elder and dependent adult abuse may be physical,  
19 emotional, sexual, or fiduciary and consists of crimes that recognize  
20 no boundaries of economic, educational, or social status, gender,  
21 race, culture, religion, or geographic location; and

22 WHEREAS, Subtle indicators that abuse may be occurring  
23 include bruises or pressure marks, unexplained withdrawal from  
24 normal activities, a change in alertness, unusual depression, sudden  
25 changes in financial situations, strained or tense relationships, or  
26 frequent arguments; and

27 WHEREAS, Recognizing these signs is the first step toward the  
28 prevention of elder and dependent adult abuse; and

29 WHEREAS, Elders who experience abuse or mistreatment face  
30 a greater risk of impacting the health system or impacting the social  
31 service system; and

32 WHEREAS, Elder and dependent adult victims have a mortality  
33 rate three times that of the general public and are 300 percent more  
34 likely to die a premature death; and

35 WHEREAS, Current estimates suggest that as few as one in 14  
36 cases of elder and dependent adult abuse is reported, including  
37 fewer than one in 25 incidents of financial abuse, because the  
38 victims are ashamed, hopeless, intimidated, or afraid of the  
39 perpetrator; and

1 WHEREAS, A comprehensive central data repository of all  
2 child abuse investigations has been in existence since 1965, but  
3 no similar repository exists for investigations of crimes against  
4 dependent, elderly, and other dependent adults; and

5 WHEREAS, Despite the rapidly expanding population of older  
6 adults and adults with disabilities, the State of California has only  
7 recently begun collecting comprehensive data on abuse cases,  
8 reports, or investigations, leaving the government with limited  
9 capacity to track existing trends and to make informed decisions  
10 about the strategic use of existing resources, let alone improve the  
11 reporting system, enhance protections, or give law enforcement  
12 partners the tools necessary to secure justice; and

13 WHEREAS, The lack of statewide elder and dependent adult  
14 abuse data prevents policymakers from measuring the extent of  
15 these crimes and tragedies; and

16 WHEREAS, Older adults and adults with disabilities have the  
17 right to live safely in the least restrictive environment, whether in  
18 their homes or health care facilities, and to enjoy and optimum  
19 quality of life while being protected from all forms of injustice;  
20 and

21 WHEREAS, Private citizens and public agencies must work to  
22 combat crime and violence against older adults and adults with  
23 disabilities through increased public awareness, knowing the signs  
24 of abuse, and reporting; and

25 WHEREAS, June 15 is recognized internationally as World  
26 Elder Abuse Awareness Day, first established in 2006 to raise  
27 awareness of elder and dependent adult abuse and to promote better  
28 understanding of the cultural, social, economic, and demographic  
29 issues behind the growing incidence of elder and dependent adult  
30 abuse around the globe; and

31 WHEREAS, All Californians are strongly encouraged to report  
32 suspected abuse of an elder or dependent adult by calling their  
33 local adult protective services agency, Long-Term Care  
34 Ombudsman, law enforcement, or emergency services agencies;  
35 now, therefore, be it

36 *Resolved by the Senate of the State of California, the Assembly*  
37 *thereof concurring,* That the Legislature proclaims and  
38 acknowledges the month of June 2019 as Elder and Dependent  
39 Adult Abuse Awareness Month and reiterates the importance of

**SCR 49**

— 4 —

- 1 annually recognizing Elder and Dependent Adult Abuse Awareness
- 2 Month in the state; and be it further
- 3 *Resolved*, That California's recognition of elder and dependent
- 4 adult abuse in June is consistent with the World Elder Abuse
- 5 Awareness Day of June 15; 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: June 6, 2019

ASSEMBLY COMMITTEE ON RULES  
Ken Cooley, Chair  
SCR 49 (Dodd) – As Introduced May 14, 2019

**SENATE VOTE:** 38-0

**SUBJECT:** Elder and Dependent Adult Abuse Awareness Month.

**SUMMARY:** Proclaims the month of June 2019 as Elder and Dependent Adult Abuse Awareness Month in California and reiterates the importance of annually recognizing Elder and Dependent Adult Abuse Awareness Month in California. Specifically, **this resolution** makes the following legislative findings:

- 1) Elder and vulnerable adult abuse is a serious and growing crisis in California; and, not a day goes by without reports of horrific cases of abuse or exploitation of the elderly or adults with disabilities.
- 2) The elderly and adults with disabilities may be impacted by a constellation of physical, mental, pharmaceutical, or medical influences, any one of which could restrict their ability to protect themselves or self-advocate, to report to authorities when abuse occurs, or to testify against perpetrators.
- 3) Elder and dependent adult abuse may be physical, emotional, sexual, or fiduciary and consists of crimes that recognize no boundaries of economic, educational, or social status, gender, race, culture, religion, or geographic location.
- 4) Subtle indicators that abuse may be occurring include bruises or pressure marks, unexplained withdrawal from normal activities, a change in alertness, unusual depression, sudden changes in financial situations, strained or tense relationships, or frequent arguments.
- 5) Current estimates suggest that as few as one in 14 cases of elder and dependent adult abuse is reported, including fewer than one in 25 incidents of financial abuse, because the victims are ashamed, hopeless, intimidated, or afraid of the perpetrator.
- 6) The incidence of abuse and exploitation of the developmentally disabled population is shocking. Over 80 percent of women with developmental disabilities and over 30 percent of men with developmental disabilities are sexually abused at least once during their lifetimes.
- 7) The lack of statewide elder and dependent adult abuse data prevents policymakers from measuring the extent of these crimes and tragedies; and, older adults and adults with disabilities have the right to live safely in the least restrictive environment, whether in their homes or health care facilities, and to enjoy an optimum quality of life while being protected from all forms of injustices.
- 8) Private citizens and public agencies must work to combat crime and violence against older adults and adults with disabilities through increased public awareness, knowing the signs of abuse, and reporting.

- 9) All Californians are strongly encouraged to report suspected abuse of an elder or dependent adult by calling their local adult protective services agency, Long-Term Care Ombudsman, law enforcement, or emergency services agencies.

**FISCAL EFFECT:** None

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

California Commission on Aging (CCoA)  
California Long-Term Care Ombudsman Association (CLTCOA)

**Opposition**

None on file

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

# California Commission on Aging

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GAVIN NEWSOM, Governor

Dale Kuroda, Interim Executive Director

June 3, 2019

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

RE: SCR 49 (Dodd)–Elder and Dependent Adult Abuse Awareness Month.....SUPPORT

Dear Chairman Cooley,

The California Commission on Aging is in full support of Senate Concurrent Resolution (SCR) 49 - Elder and Vulnerable Adult Abuse Awareness Month. This important resolution highlights June 2019 as the month in which the Legislature, advocates and stakeholders focus on increasing public awareness of the many ways in which our elderly and dependent adult populations are at risk for abuse. California's June recognition corresponds with the world-wide recognition of June 15<sup>th</sup> as World Elder Abuse Awareness Day.

The California Commission on Aging (CCoA) is established in the Welfare and Institutions Code as the principal advocate before the Governor, the Legislature and state agencies on behalf of California's older adults. An independent state advisory body, Commission members are appointed by the Governor and both houses of the Legislature. Commissioners represent the state's cultural and geographic diversity, as well as a range of expertise within and outside of the field of aging.

Adult Protective Services agencies across the state report as many as 10,000 new cases of abuse and neglect each month. Despite the staggering numbers of older adults and adults with disabilities being victimized, our experience shows many Californians still do not believe they or their family members will ever be affected. For those individuals or family members who do suspect something is wrong, they are often hesitant to seek help because of a lack of knowledge of what abuse looks like, reluctance to question the autonomy of a parent or grandparent or are unsure as to whom they should call.

Through passage of SCR 49, the Legislature is helping to remind all of California that abuse of the elderly and dependent adults remains a growing and very real threat. Awareness is key to stopping these crimes, whether through stronger laws to stop and penalize perpetrators or through increased support for the agencies that work to intervene and protect victims. SCR 49 will make our older and dependent adults safer because of the critical admonition to all Californians to report suspected abuse of elder or vulnerable adults by calling their local Adult Protective Services Agency, local Long-Term Care Ombudsman Program, local Law Enforcement or local Emergency Services agencies.

We urge your passage of this most important recognition.

Sincerely,



Betsy Butler  
Chair



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LColeman@CLTCOA.org  
www.CLTCOA.org

May 31, 2019

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

**RE: SCR 49 (Dodd)– Support- Elder and Vulnerable Adult Abuse Awareness Month**

Dear Assembly Member Cooley,

On behalf of the California Long-Term Care Ombudsman Association (CLTCOA) a membership organization comprised of local Long-Term Care Ombudsman programs, their staff, volunteers and supporters, we write to lend our support for Senate Concurrent Resolution 49 (Dodd) Elder and Vulnerable Adult Abuse Awareness Month. A resolution to highlight June 2019 as the month in which the legislature, advocates and stakeholders provide additional attention directed at increasing public awareness of ways in which our elderly and dependent adult populations are at risk for abuse.

The State and Federally mandated purpose of the Long-Term Care (LTC) Ombudsman Program is to ensure the highest possible quality of life and care for residents of long-term care facilities. LTC Ombudsman representatives serve as eyes, ears, and advocates for residents, particularly the growing number of residents who do not have family members to visit, observe care, nor report problems. The LTC Ombudsman day to day interaction in these care facilities confirms the National Council on Aging's report that only 1 in 14 cases of abuse is reported to authorities. And for those residents who suffer from symptoms of even mild cognitive impairment, they have a 50% greater likelihood of being abused.

Despite these staggering numbers of older adults and adults with disabilities being victimized, our experience shows many Californians still do not believe they or their family members will ever be affected. For those individuals or family members who do suspect something is wrong, they are often hesitant to seek help because of a lack of knowledge of what abuse looks like as opposed to normal signs of aging and unsure as to who they should call.

Additionally, SCR 49 will make our older and dependent adults safer because of the critical admonition to all Californians to report suspected abuse of elder or vulnerable adults by calling their local Adult Protective Services Agency, local Long-Term Care Ombudsman Program, local Law Enforcement or local Emergency Services agencies.

**California Long-Term Care Ombudsman Association (CLTCOA) is pleased to support SCR 49** and extend our thanks to Senator Dodd for continuing legislative efforts to educate and draw attention to this often silent form of abuse. We ask for your support as the Chair of the Assembly Rules Committee.

Sincerely,

Leza Coleman  
Executive Director

**CLTCOA**  
**California Long-Term Care Ombudsman Association**

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AMENDED IN SENATE APRIL 3, 2019  
AMENDED IN SENATE MARCH 20, 2019

**SENATE BILL**

**No. 143**

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**Introduced by Senator Skinner**

January 18, 2019

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An act to amend Section 21608.5 of the Business and Professions Code, relating to business.

LEGISLATIVE COUNSEL'S DIGEST

SB 143, as amended, Skinner. Junk dealers and recyclers: nonferrous material: payment by general use prepaid cards.

Existing law generally prohibits a junk dealer or recycler from providing payment for nonferrous material unless the payment is made by cash or check and specified other requirements are met, including that the check is mailed or the cash or check is provided no earlier than 3 days after the date of sale. ~~Existing law makes a violation of those provisions a misdemeanor.~~

This bill would authorize a junk dealer or recycler to also pay for nonferrous material by general use prepaid card in accordance with specified requirements. ~~The bill would provide that violations of those provisions is not a misdemeanor.~~

This bill would also make nonsubstantive changes.

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

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

- 1 SECTION 1. Section 21608.5 of the Business and Professions
- 2 Code is amended to read:

1 21608.5. (a) A junk dealer or recycler in this state shall not  
2 provide payment for nonferrous material unless, in addition to  
3 meeting the written record requirements of Sections 21605 and  
4 21606, all of the following requirements are met:

5 (1) (A) The payment for the material is made by cash, general  
6 use prepaid card, or check. The check may be mailed to the seller  
7 at the address provided pursuant to paragraph (3), or the cash or  
8 check may be collected by the seller from the junk dealer or  
9 recycler on or after the third business day after the date of sale. If  
10 the buyer offers, and the seller agrees, to have the payment made  
11 by general use prepaid card, the card may be provided to the seller  
12 at the time of sale, but funds shall not be available to the seller  
13 until the third business day after the date of sale.

14 (B) If payment is made by general use prepaid card, a junk  
15 dealer or recycler shall pay any one-time initial issuance fee.

16 (C) A general use prepaid card used pursuant to this section  
17 shall allow for reasonably convenient access to a surcharge-free  
18 cash access network location, and the junk dealer or recycler shall  
19 inform the seller as to the location of a designated surcharge-free  
20 cash access location upon issuance of the card.

21 (2) At the time of sale, the junk dealer or recycler obtains a clear  
22 photograph or video of the seller.

23 (3) (A) Except as provided in subparagraph (B), the junk dealer  
24 or recycler obtains a copy of the valid driver's license of the seller  
25 containing a photograph and an address of the seller, a copy of a  
26 state or federal government-issued identification card containing  
27 a photograph and an address of the seller, a passport from any  
28 other country in addition to another item of identification bearing  
29 an address of the seller, or a Matricula Consular in addition to  
30 another item of identification bearing an address of the seller.

31 (B) If the seller prefers to have the check or general use prepaid  
32 card with payment for the material mailed to an alternative address,  
33 other than a post office box, the junk dealer or recycler shall obtain  
34 a copy of a driver's license or identification card described in  
35 subparagraph (A), and a gas or electric utility bill addressed to the  
36 seller at that alternative address with a payment due date no more  
37 than two months prior to the date of sale. For purposes of this  
38 paragraph, "alternative address" means an address that is different  
39 from the address appearing on the seller's driver's license or  
40 identification card.

1 (4) The junk dealer or recycler obtains a clear photograph or  
2 video of the nonferrous material being purchased.

3 (5) The junk dealer or recycler shall preserve the information  
4 obtained pursuant to this subdivision for a period of two years after  
5 the date of sale.

6 (6) (A) The junk dealer or recycler obtains a thumbprint of the  
7 seller, as prescribed by the Department of Justice. The junk dealer  
8 or recycler shall keep this thumbprint with the information obtained  
9 under this subdivision and shall preserve the thumbprint in either  
10 hardcopy or electronic format for a period of two years after the  
11 date of sale.

12 (B) Inspection or seizure of the thumbprint shall only be  
13 performed by a peace officer acting within the scope of the peace  
14 officer's authority in response to a criminal search warrant signed  
15 by a magistrate and served on the junk dealer or recycler by the  
16 peace officer. Probable cause for the issuance of that warrant shall  
17 be based upon a theft specifically involving the transaction for  
18 which the thumbprint was given.

19 (b) Paragraph (1) of subdivision (a) shall not apply if, during  
20 any three-month period commencing on or after the effective date  
21 of this section, the junk dealer or recycler completes five or more  
22 separate transactions per month, on five or more separate days per  
23 month, with the seller and, in order for paragraph (1) of subdivision  
24 (a) to continue to be inapplicable, the seller shall continue to  
25 complete five or more separate transactions per month with the  
26 junk dealer or recycler.

27 (c) This section shall not apply if, on the date of sale, the junk  
28 dealer or recycler has on file or receives all of the following  
29 information:

30 (1) The name, physical business address, and business telephone  
31 number of the seller's business.

32 (2) The business license number or tax identification number  
33 of the seller's business.

34 (3) A copy of the valid driver's license of the person delivering  
35 the nonferrous material on behalf of the seller to the junk dealer  
36 or the recycler.

37 (d) (1) This section shall not apply to the purchase of nonferrous  
38 material having a value of not more than twenty dollars (\$20) in  
39 a single transaction, when the majority of the transaction is for the  
40 redemption of beverage containers under the California Beverage

1 Container Recycling and Litter Reduction Act, as set forth in  
2 Division 12.1 (commencing with Section 14500) of the Public  
3 Resources Code.

4 (2) Materials made of copper or copper alloys shall not be  
5 purchased under this subdivision.

6 (e) This section shall not apply to coin dealers or to automobile  
7 dismantlers, as defined in Section 220 of the Vehicle Code.

8 (f) For purposes of this section, “designated surcharge-free cash  
9 access network location” means a location designated, in a contract  
10 between a junk dealer or recycler and a card issuer, as a location  
11 where a general use prepaid card holder can withdraw cash without  
12 paying a surcharge.

13 (g) For purposes of this section, “general use prepaid card” has  
14 the same meaning as “prepaid account” in Section 1005.2 of Title  
15 12 of the Code of Federal Regulations as it read on April 1, 2019,  
16 except that a general use prepaid card does not include a card for  
17 which any of the following fees are charged by the card issuer to  
18 the card user:

19 (1) A fee or surcharge to make a purchase with the card.

20 (2) A fee or surcharge to make a balance inquiry.

21 (3) A fee or surcharge to withdraw funds at a designated  
22 surcharge-free cash access network location.

23 (4) A fee or surcharge to lodge a dispute regarding the balance  
24 of funds on the card.

25 (5) A fee or surcharge for account inactivity.

26 (6) A fee or surcharge for a use of the card that would be  
27 considered an ordinary use of the card.

28 (h) For the purposes of this section, “nonferrous material” means  
29 copper, copper alloys, stainless steel, or aluminum, but does not  
30 include beverage containers, as defined in Section 14505 of the  
31 Public Resources Code, that are subject to a redemption payment  
32 pursuant to Section 14560 of the Public Resources Code.

33 (i) This section is intended to occupy the entire field of law  
34 related to junk dealer or recycler transactions involving nonferrous  
35 material. However, a city or county ordinance, or a city and county  
36 ordinance, relating to the subject matter of this section is not in  
37 conflict with this section if the ordinance is passed by a two-thirds  
38 vote and it can be demonstrated by clear and convincing evidence  
39 that the ordinance is both necessary and addresses a unique problem

- 1 within and specific to the jurisdiction of the ordinance that cannot
- 2 effectively be addressed under this section.
- 3 ~~(j) Notwithstanding Section 21556, a violation of this section~~
- 4 ~~shall not be a misdemeanor.~~

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# California State Senate

SENATOR  
NANCY SKINNER  
MAJORITY WHIP  
NINTH SENATE DISTRICT



CHAIR  
PUBLIC SAFETY  
BUDGET & FISCAL REVIEW  
SUBCOMMITTEE 5  
PUBLIC SAFETY & LABOR

COMMITTEES  
ENERGY, UTILITIES &  
COMMUNICATIONS  
ENVIRONMENTAL QUALITY  
TRANSPORTATION & HOUSING

May 15, 2019

Dear Chair Cooley,

I write to request your approval of an urgency clause applied to SB 143: Junk dealers and recyclers: nonferrous material: payment by general use prepaid cards, which has been referred to Assembly Business and Professions Committee.

An urgency clause is necessary because currently, junk dealers only have the option of providing their sellers with cash or check. Unfortunately, many sellers are at risk of losing their checks and carrying sums of cash can pose a dangerous risk for unhoused sellers. To compound this public safety issue, metal theft is a growing crime in California. Prepaid cards will allow junk dealers to track funds and prevent future metal thefts.

This legislation will allow junk dealers to immediately provide a pre-paid card option, aiding in the solution of potential public safety concerns.

I appreciate your consideration and look forward to your response. Questions can be referred to Jennifer Kaku, [Jennifer.kaku@sen.ca.gov](mailto:Jennifer.kaku@sen.ca.gov) or 916 651-4118.

Sincerely,

A handwritten signature in blue ink that reads "Nancy Skinner".

Nancy Skinner  
State Senator, District 9

**ADMINISTRATIVE ITEM:  
COST OF LIVING ADJUSTMENT**

**ISSUE:**

Should a 6% cost-of-living adjustment (COLA) be provided to Assembly salaried employees effective July 1, 2019?

**BACKGROUND:**

Assembly employees received a 3% COLA in July 2017. Prior to 2017, the last time Assembly employees received a COLA was in 2007.

**RECOMMENDATION:**

Approve