



STATE CAPITOL
P.O. BOX 942849
SACRAMENTO, CA 94249-0124
(916) 319-2800
FAX (916) 319-2810
CHIEF ADMINISTRATIVE OFFICER
DEBRA GRAVERT

Assembly
California Legislature
Committee on Rules

KEN COOLEY
CHAIR

VICE CHAIR
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MEMBERS
BENNETT, STEVE
FLORA, HEATH
FONG, MIKE
GIPSON, MIKE A.
LEE, ALEX
MAIENSCHIN, BRIAN
MATHIS, DEVON J.
RUBIO, BLANCA E.
VILLAPUDUA, CARLOS

LEVINE, MARC (D-ALT)
VALLADARES, SUZETTE
MARTINEZ (R-ALT)

Thursday, May 12, 2022
30 minutes prior to Session
State Capitol, Room 437

CONSENT AGENDA

BILL REFERRALS

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RESOLUTIONS

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REQUESTS TO ADD URGENCY CLAUSE

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11. AB-2209 (Cooley) State facilities. [Page 58](#)
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MARC LEVINE (D-ALT.)
SUZETTE VALLADARES (R-ALT.)

Memo

To: Rules Committee Members
From: Michael Erke, Bill Referral Consultant
Date: 5/11/2022
Re: Consent Bill Referrals

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

REFERRAL OF BILLS TO COMMITTEE

05/12/2022

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

<u>Assembly Bill No.</u>	<u>Committee:</u>
<u>ACR 189</u>	ED.
<u>SB 864</u>	HEALTH
<u>SB 893</u>	HIGHER ED.
<u>SB 988</u>	HEALTH
<u>SB 994</u>	B. & P.
<u>SB 1040</u>	INS.
<u>SB 1040</u>	JUD.
<u>SB 1071</u>	HUM. S.
<u>SB 1071</u>	JUD.
<u>SB 1110</u>	PUB. S.
<u>SB 1153</u>	E.S. & T.M.
<u>SB 1168</u>	P.E. & R.
<u>SB 1193</u>	TRANS.
<u>SB 1236</u>	ED.
<u>SB 1272</u>	PUB. S.
<u>SB 1280</u>	G.O.
<u>SB 1397</u>	ED.
<u>SB 1440</u>	B. & P.
<u>SCR 91</u>	RLS.
<u>SCR 100</u>	RLS.
<u>SCR 102</u>	RLS.
<u>SCR 106</u>	RLS.
<u>SCR 108</u>	RLS.
<u>SJR 15</u>	M. & V.A.

Assembly Concurrent Resolution

No. 175

Introduced by Assembly Members Rodriguez and Seyarto
(Principal coauthors: Assembly Members Aguiar-Curry, Bigelow,
Calderon, Gray, and Ward)
(Principal coauthors: Senators Borgeas, Jones, Portantino, and Rubio)

April 7, 2022

Assembly Concurrent Resolution No. 175—Relative to Emergency Medical Services Week.

LEGISLATIVE COUNSEL’S DIGEST

ACR 175, as introduced, Rodriguez. Emergency Medical Services Week.

This measure would proclaim the week of May 15, 2022, to May 21, 2022, inclusive, to be Emergency Medical Services Week in California.

Fiscal committee: no.

- 1 WHEREAS, It is estimated that there are over 840,000
2 emergency medical services personnel in the United States,
3 including over 80,000 in the State of California; and
4 WHEREAS, Emergency medical services are a vital public
5 service and the members of emergency medical services teams are
6 ready to provide life-saving care to those in need 24 hours a day,
7 seven days a week; and
8 WHEREAS, The emergency medical service system consists
9 of emergency physicians, emergency nurses, emergency medical
10 technicians, paramedics, firefighters, educators, administrators,
11 and others; and

1 WHEREAS, The members of emergency medical services teams,
2 whether career or volunteer, engage in thousands of hours of
3 specialized training and continuing education to enhance their
4 life-saving skills; and

5 WHEREAS, Emergency medical service providers are dedicated
6 to saving lives and possess a sense of duty to aid others that is
7 inherent in the profession and that stays with an emergency medical
8 service provider for life; and

9 WHEREAS, Approximately 25 to 30 million patients
10 nationwide, and over 2 million patients in California, receive
11 emergency medical services each year; and

12 WHEREAS, Access to quality emergency medical care
13 dramatically improves the survival and recovery rates of those
14 who experience sudden illness or injury; and

15 WHEREAS, Emergency medical service providers have made
16 significant sacrifices in the course of duty, including the loss of
17 life in service of others; and

18 WHEREAS, On March 4, 2020, the Governor of the State of
19 California issued a Proclamation of a State of Emergency due to
20 an outbreak of COVID-19 resulting from the spread of the novel
21 coronavirus in the California; and

22 WHEREAS, Despite the difficult challenges emergency service
23 personnel regularly confront in the course of their duties,
24 emergency responders have not hesitated to take on new roles,
25 such as supporting COVID-19 testing, therapeutics, and vaccination
26 sites; and

27 WHEREAS, Emergency medical service providers have
28 courageously cared for and saved the lives of community members
29 infected with COVID-19 through selfless sacrifice; and

30 WHEREAS, The American College of Emergency Physicians
31 was instrumental in establishing National Emergency Medical
32 Services Week to honor the life-saving efforts of emergency
33 medical services personnel; and

34 WHEREAS, President Gerald Ford proclaimed the first National
35 Emergency Medical Services Week in November of 1974; and

36 WHEREAS, This year marks the 47th anniversary of National
37 Emergency Medical Services Week; and

38 WHEREAS, The theme of National Emergency Medical
39 Services Week is “EMS: Rising to the Challenge”; and

1 WHEREAS, It is appropriate to recognize the value and
2 accomplishments of emergency medical services personnel by
3 designating Emergency Medical Services Week in California;
4 now, therefore, be it

5 *Resolved by the Assembly of the State of California, the Senate*
6 *thereof concurring*, That the Legislature proclaims the week of
7 May 15, 2022, to May 21, 2022, inclusive, to be Emergency
8 Medical Services Week in California; and be it further

9 *Resolved*, That the Legislature additionally recognizes and
10 appreciates the incredible work of emergency medical services
11 personnel during the COVID-19 pandemic; and be it further

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

O

Date of Hearing: May 12, 2022

ASSEMBLY COMMITTEE ON RULES
Ken Cooley, Chair
ACR 175 (Rodriguez) – As Introduced April 7, 2022

SUBJECT: Emergency Medical Services Week.

SUMMARY: Proclaims the week of May 15, 2022, to May 21, 2022, inclusive, to be Emergency Medical Services Week in California. Specifically, **this resolution** makes the following legislative findings:

- 1) It is estimated that there are over 840,000 emergency medical services personnel in the United States, including over 80,000 in the State of California.
- 2) Emergency medical services are a vital public service and the members of emergency medical services teams are ready to provide life-saving care to those in need 24 hours a day, seven days a week.
- 3) The emergency medical service system consists of emergency physicians, emergency nurses, emergency medical technicians, paramedics, firefighters, educators, administrators, and others. The members of emergency medical services teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their life-saving skills.
- 4) Emergency medical service providers are dedicated to saving lives and possess a sense of duty to aid others that is inherent in the profession and that stays with an emergency medical service provider for life.
- 5) Approximately 25 to 30 million patients nationwide, and over 2 million patients in California, receive emergency medical services each year. Access to quality emergency medical care dramatically improves the survival and recovery rates of those who experience sudden illness or injury.
- 6) Despite the difficult challenges emergency service personnel regularly confront in the course of their duties, emergency responders have not hesitated to take on new roles, such as supporting COVID-19 testing, therapeutics, and vaccination sites. Emergency medical service providers have courageously cared for and saved the lives of community members infected with COVID-19 through selfless sacrifice.
- 7) This year marks the 47th anniversary of National Emergency Medical Services Week. The theme is “EMS: Rising to the Challenge.”
- 8) It is appropriate to recognize the value and accomplishments of emergency medical services personnel by designating Emergency Medical Services Week in California.

FISCAL EFFECT: None

REGISTERED SUPPORT / OPPOSITION:

Support

California Professional Firefighters (CPF)

Opposition

None on file

Analysis Prepared by: Michael Erke / RLS. / (916) 319-2800



May 11, 2022

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

RE: ACR 175 (Rodriguez) – Emergency Medical Services Week. (SUPPORT)

Dear Assembly Member Cooley:

The California Professional Firefighters (CPF), state council of the International Association of Fire Fighters, representing over 30,000 career firefighting and emergency medical service personnel statewide, is pleased to support ACR 175, which would declare the week of May 15th through May 21st, 2022, as Emergency Medical Services Week in the state of California.

Now more than ever, emergency medical services are a critical public service that provide live-saving care to millions of Californians each year. Whether they are volunteers or paid fire or medical professionals, emergency medical service providers are on call to provide a range of critical care duties 24 hours a day and put themselves on the front lines of both dangerous rescue situations and critical care to serve their patients' needs. The men and women of the fire service take great pride in delivering emergency medical services in their communities.

Emergency Medical Services Week was first recognized by President Gerald Ford in 1974, and since then has offered a chance to give thanks and appreciation to the men and women who step forward to provide these vital services. The COVID-19 pandemic has shown in stark relief just how important these services truly are, as emergency medical service providers have risked their health and safety to provide acute care for those affected by this highly contagious disease. **For these reasons, we are pleased to support ACR 175.**

Sincerely,

DOUG SUBERS
Governmental Advocate

DS:bt

c: Assembly Member Rodriguez

Assembly Concurrent Resolution

No. 180

Introduced by Assembly Member Bauer-Kahan

April 21, 2022

Assembly Concurrent Resolution No. 180—Relative to Special Districts Week.

LEGISLATIVE COUNSEL’S DIGEST

ACR 180, as introduced, Bauer-Kahan. Special Districts Week.

This measure proclaims the week of May 15, 2022, to May 21, 2022, to be Special Districts Week.

Fiscal committee: no.

1 WHEREAS, Special districts are local governmental entities
2 created by a community’s residents, funded by those residents,
3 and overseen by those residents, to provide specialized services
4 and infrastructure; and

5 WHEREAS, Today, just over 2,000 independent special districts
6 provide millions of Californians with essential services, including
7 services related to water, sanitation and water recycling, fire
8 protection, electricity, parks and recreation, health care, open space,
9 ports and harbors, flood protection, mosquito abatement,
10 cemeteries, resource conservation, airports, transit, road
11 maintenance, veterans’ facilities, and more; and

12 WHEREAS, Special districts first arose when San Joaquin
13 Valley farmers needed a way to access their local water supply;
14 and

15 WHEREAS, Under the Wright Act of 1887, the Turlock
16 Irrigation District became California’s first special district and

1 made it possible for local farmers to intensify and diversify
2 agriculture in California’s central valley; and

3 WHEREAS, In the 20th century, special districts increased
4 dramatically in both number and scope, and during the periods of
5 prosperity and population growth that followed both world wars
6 when the demand for all types of public services increased, and
7 special districts met that need; and

8 WHEREAS, The statutory authorization for mosquito abatement
9 districts was enacted in 1915 to combat the salt marsh mosquitoes
10 around the San Francisco Bay and higher than average malaria
11 cases in rural counties; and

12 WHEREAS, Fire protection districts can trace their origins to
13 a 1923 state law, and in 1931 the Legislature authorized recreation
14 districts, the forerunners of today’s recreation and park districts;
15 and

16 WHEREAS, Hospital districts arose in 1945 because of a
17 statewide shortage of hospital beds. In 1994, the Legislature then
18 expanded their breadth and renamed them health care districts in
19 recognition of the diverse, modern needs of California’s
20 communities and the importance of proactive, affordable health
21 care beyond the walls of a hospital building; and

22 WHEREAS, Although originally created to provide individual
23 services, in 1961 the Legislature authorized special districts to
24 address multiple needs, when it provided for multipurpose,
25 community services districts; and

26 WHEREAS, Special districts vary in size and scope and serve
27 diverse communities throughout California, from small rural
28 neighborhoods, such as the Pine Cove Water District in the San
29 Jacinto Mountains in the County of Riverside, to large urban
30 regions, such as the East Bay Municipal Utility District spanning
31 much of the Counties of Alameda and Contra Costa; and

32 WHEREAS, Local residents own special districts and govern
33 them through locally elected or appointed boards. A series of
34 sunshine laws ensure special districts remain transparent and
35 accountable to the communities they serve, as these laws require
36 open and public meetings, public access to records, regular audits,
37 online posting of finances and compensation, and more; and

38 WHEREAS, To prevent overlapping services and ensure that
39 local agencies are operating effectively and efficiently to meet
40 community needs, special districts are formed, reviewed,

1 consolidated, or dissolved through a methodical local process that
2 includes the oversight of a local agency formation commission
3 and the consent of local voters; and

4 WHEREAS, In 1969, several independent special districts
5 formed a statewide association called the California Special
6 Districts Association, commonly referred to as the CSDA, to
7 promote good governance and improved essential local services
8 through professional development, advocacy, and other services
9 for all types of independent special districts; and

10 WHEREAS, The Legislature seeks to promote democratic
11 institutions, community-based services, local control, and
12 self-determination; and

13 WHEREAS, The Legislature seeks to promote and educate the
14 public about their local public service providers, including
15 awareness and understanding of special districts; now therefore,
16 be it

17 *Resolved by the Assembly of the State of California, the Senate*
18 *thereof concurring,* That the Legislature hereby proclaims the
19 week of May 15, 2022, to May 21, 2022, inclusive, to be Special
20 Districts Week and encourages all Californians to be involved in
21 their communities and be civically engaged with their local
22 government: and be it further

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

O

Date of Hearing: May 12, 2022

ASSEMBLY COMMITTEE ON RULES
Ken Cooley, Chair
ACR 180 (Bauer-Kahan) – As Introduced April 21, 2022

SUBJECT: Special Districts Week.

SUMMARY: Proclaims the week of May 15, 2022, to May 21, 2022, inclusive, to be Special Districts Week and encourages all Californians to be involved in their communities and be civically engaged with their local government. Specifically, **this resolution** makes the following legislative findings:

- 1) Special districts are local governmental entities created by a community's residents, funded by those residents, and overseen by those residents, to provide specialized services and infrastructure.
- 2) Today, just over 2,000 independent special districts provide millions of Californians with essential services, including services related to water, sanitation and water recycling, fire protection, electricity, parks and recreation, health care, open space, ports and harbors, flood protection, mosquito abatement, cemeteries, resource conservation, airports, transit, road maintenance, veterans' facilities, and more.
- 3) In the 20th century, special districts increased dramatically in both number and scope, and during the periods of prosperity and population growth that followed both world wars when the demand for all types of public services increased, and special districts met that need.
- 4) Although originally created to provide individual services, in 1961 the Legislature authorized special districts to address multiple needs, when it provided for multipurpose, community services districts.
- 5) Local residents own special districts and govern them through locally elected or appointed boards. A series of sunshine laws ensure special districts remain transparent and accountable to the communities they serve, as these laws require open and public meetings, public access to records, regular audits, online posting of finances and compensation, and more.
- 6) To prevent overlapping services and ensure that local agencies are operating effectively and efficiently to meet community needs, special districts are formed, reviewed, consolidated, or dissolved through a methodical local process that includes the oversight of a local agency formation commission and the consent of local voters.
- 7) The Legislature seeks to promote and educate the public about their local public service providers, including awareness and understanding of special districts.

FISCAL EFFECT: None

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

Analysis Prepared by: Michael Erke / RLS. / (916) 319-2800

House Resolution

No. 109

**Introduced by Assembly Member Low
(Coauthors: Assembly Members Cervantes, Lee, and Ward)**

May 3, 2022

House Resolution No. 109—Relative to Harvey Milk Day.

1 WHEREAS, Harvey Bernard Milk was born on May 22, 1930,
2 in Woodmere, New York. He was the first openly gay man to be
3 elected to public office in a major city in the United States. He
4 was assassinated in 1978 at San Francisco’s City Hall by a political
5 rival. Perhaps more than any other modern figure, Harvey Milk’s
6 life and political career embody the rise of the lesbian, gay,
7 bisexual, and transgender (LGBT) civil rights movement in
8 California, across the nation, and throughout the world; and
9 WHEREAS, Harvey Milk graduated from the State University
10 of New York at Albany, in Albany, New York in 1951. Thereafter,
11 he served for a short time in the United States Navy; and
12 WHEREAS, During the 1960s, Harvey Milk lived in New York
13 City, first working on Wall Street as an investment banker and
14 later as a theater producer; and
15 WHEREAS, In 1972, Harvey Milk moved with his partner,
16 Scott Smith, to San Francisco, California and opened a camera
17 shop called Castro Camera; and
18 WHEREAS, Harvey Milk soon emerged as a community leader
19 in the Castro neighborhood of San Francisco, founding the Castro
20 Valley Association of Local Merchants, and representing that
21 association’s interests before the city government; and
22 WHEREAS, Harvey Milk unsuccessfully ran for the Board of
23 Supervisors of the City and County of San Francisco in 1973, and

1 unsuccessfully ran for the Assembly in 1975. With each race, he
2 gained more prominence and eventually became known endearingly
3 by his neighbors as the “Mayor of Castro Street”; and

4 WHEREAS, After San Francisco adopted a district election
5 system in 1977, Harvey Milk was elected to the Board of
6 Supervisors of the City and County of San Francisco representing
7 District 5. It was the first time in the history of the United States
8 that an openly gay man was elected to a prominent political office;
9 and

10 WHEREAS, During his term on the board of supervisors, Harvey
11 Milk sponsored and successfully passed a gay rights ordinance;
12 and

13 WHEREAS, Harvey Milk was instrumental in defeating
14 Proposition 6, commonly known as the Briggs Initiative, at the
15 General Election on November 7, 1978, which would have banned
16 gays and lesbians from teaching in the public schools of this state;
17 and

18 WHEREAS, As an openly gay leader, Harvey Milk encouraged
19 LGBT individuals to be visible in society. During the Gay Freedom
20 Day Parade of June 25, 1978, he told the crowd, “Gay people, we
21 will not win their rights by staying quietly in our closets”; and

22 WHEREAS, Harvey Milk was also successful in forging
23 coalitions with San Francisco’s other minority leaders. His message
24 was one of unity against oppression in all its forms. In the same
25 Gay Freedom Day speech, he said, “I call upon all minorities and
26 especially the millions of lesbians and gay men to wake up from
27 their dreams ... to gather on Washington and tell ... their nation:
28 ‘Wake up ... wake up, America ... no more racism, no more sexism,
29 no more ageism, no more hatred ... no more’”; and

30 WHEREAS, In 1978, Dan White, who represented District 8
31 on the Board of Supervisors of the City and County of San
32 Francisco, resigned from his seat due to financial hardship, thus
33 allowing the Mayor of San Francisco, George Moscone, to appoint
34 a successor; and

35 WHEREAS, Dan White later asked Mayor Moscone to be
36 reappointed to his seat. Mayor Moscone declined after having been
37 lobbied by several city leaders, including Harvey Milk, who often
38 clashed with Dan White due to their political differences; and

39 WHEREAS, On November 27, 1978, Dan White went to San
40 Francisco City Hall to meet with Mayor Moscone and make a final

1 plea for reappointment. When the mayor declined the request, Dan
2 White shot and killed Mayor Moscone, then went to Harvey Milk’s
3 office and also shot and killed him; and

4 WHEREAS, Dan White subsequently surrendered to the
5 authorities. Though he had carried a gun, 10 extra rounds, and
6 crawled through a window to avoid metal detectors, Dan White
7 denied that the shootings were premeditated; and

8 WHEREAS, Thousands attended a spontaneous candlelight
9 memorial vigil the night of Harvey Milk’s funeral; and

10 WHEREAS, Harvey Milk had anticipated the possibility of
11 assassination and had recorded several audiotapes to be played in
12 that event. One of the tapes included his now-famous quote, “If a
13 bullet should enter my brain, let that bullet destroy every closet
14 door”; and

15 WHEREAS, Dan White’s trial, which began four months after
16 the killings, was one of the most closely watched trials in California
17 at that time. The prosecution claimed that Dan White’s motive
18 was revenge. But Dan White’s attorney, Douglas Schmidt, claimed
19 that Dan White was a victim of pressure and had been depressed,
20 a state exacerbated by his consuming a large quantity of junk food
21 before the murders, which became known as the “Twinkie
22 Defense”; and

23 WHEREAS, During the trial, the jury also heard Dan White’s
24 confession, which was tape-recorded the day after the murders.
25 During the confession, Dan White tearfully talked of how Mayor
26 Moscone and Harvey Milk had refused to give him his supervisor’s
27 job back; and

28 WHEREAS, Dan White was convicted of voluntary
29 manslaughter on the grounds of diminished capacity and sentenced
30 to seven years and eight months in prison, a sentence widely
31 denounced as lenient and motivated by homophobia. During the
32 jury selection process in the criminal trial, defense attorneys had
33 excluded candidates they deemed “pro-gay”; and

34 WHEREAS, In protest of the lenient sentence, San Francisco’s
35 gay community erupted in what came to be known as the “White
36 Night Riots.” It began as a peaceful march from the Castro District
37 to city hall, but turned into a riot when marchers clashed with the
38 police force outside of city hall; and

39 WHEREAS, Harvey Milk’s legacy as a civil rights leader is still
40 felt today. He was named one of TIME Magazine’s most influential

1 people of the 20th century. Many institutions and organizations
2 are named for Harvey Milk, including the Harvey Milk
3 Recreational Arts Center, the Harvey Milk Civil Rights Academy,
4 the Harvey Milk Institute, the Eureka Valley/Harvey Milk
5 Memorial Branch Library, and the Harvey Milk
6 Lesbian/Gay/Bisexual/Transgender Democratic Club in San
7 Francisco; and

8 WHEREAS, Outside of San Francisco, a number of alternative
9 schools in the United States are named for Harvey Milk, including
10 Harvey Milk High School in New York City, and Oakes College
11 at the University of California, Santa Cruz has an on-campus
12 apartment building named for Harvey Milk; and

13 WHEREAS, In February 2007, the City of San Francisco agreed
14 to erect a bust of Harvey Milk in city hall in tribute to his service
15 and to memorialize his life’s work. A lengthy process to choose a
16 design took place, and a gala installation event took place in May
17 2008, to coincide with Harvey Milk’s birthday; and

18 WHEREAS, Harvey Milk’s story as California’s first openly
19 gay elected official was the topic of a major motion picture released
20 in 2008, which educated audiences worldwide about Milk’s place
21 in history as a trailblazer and civil rights pioneer; and

22 WHEREAS, In August 2009, President Barack Obama
23 posthumously awarded Harvey Milk the Presidential Medal of
24 Freedom for his contribution to the gay rights movement, stating,
25 “he fought discrimination with visionary courage and conviction”;
26 and

27 WHEREAS, In July 2016, United States Secretary of the Navy,
28 Ray Mabus, advised Congress that he intended to name the second
29 ship of the Military Sealift Command’s John Lewis-class oilers
30 USNS Harvey Milk. In November 2021, the ship was launched;
31 and

32 WHEREAS, In April 2018, the San Francisco Board of
33 Supervisors and Mayor Mark Farrell approved and signed
34 legislation renaming Terminal 1 at San Francisco International
35 Airport after Milk and planned to install artwork memorializing
36 him. This followed a previous attempt to rename the entire airport
37 after him, which was turned down. Officially opening on July 23,
38 2019, Harvey Milk Terminal 1 is the world’s first airport terminal
39 named after a leader of the LGBTQ community; and

1 WHEREAS, Harvey Milk’s life and social contributions have
2 left an indelible mark on the history of our nation and hold a special
3 meaning for the people of California; now, therefore, be it

4 *Resolved by the Assembly of the State of California, That the*
5 *Assembly recognizes the pioneering contributions of Harvey Milk*
6 *to the cause of gay civil rights and commemorates May 22, 2022,*
7 *as Harvey Milk Day; and be it further*

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

O

Date of Hearing: May 12, 2022

ASSEMBLY COMMITTEE ON RULES
Ken Cooley, Chair
HR 109 (Low) – As Introduced May 3, 2022

SUBJECT: Harvey Milk Day.

SUMMARY: Commemorates May 22, 2022 as Harvey Milk Day and recognizes the pioneering contributions of Harvey Milk to the cause of gay civil rights. Specifically, **this resolution** makes the following legislative findings:

- 1) Harvey Bernard Milk was born on May 22, 1930, in Woodmere, New York. He was the first openly gay man to be elected to public office in a major city of the United States. Perhaps more than any other modern figure, Harvey Milk’s life and political career embody the rise of the lesbian, gay, bisexual, and transgender (LGBT) civil rights movement in California, across the nation, and throughout the world.
- 2) In 1972, Harvey Milk moved with his partner, Scott Smith, to San Francisco, California and opened a camera shop called Castro Camera. He soon emerged as a community leader in the Castro neighborhood of San Francisco, founding the Castro Valley Association of Local Merchants, and representing that association’s interests before city government.
- 3) Harvey Milk unsuccessfully ran for the Board of Supervisors of the City and County of San Francisco in 1973, and unsuccessfully ran for the Assembly in 1975. With each race, he gained more prominence and eventually became known endearingly by his neighbors as the “Mayor of Castro Street.”
- 4) After San Francisco adopted a district election system in 1977, Harvey Milk was elected to the Board of Supervisors of the City and County of San Francisco representing District 5. It was the first time in the history of the United States that an openly gay man was elected to a prominent political office. During his term on the board of supervisors, Harvey Milk sponsored and successfully passed a gay rights ordinance.
- 5) Harvey Milk was instrumental in defeating Proposition 6, commonly known as the Briggs Initiative, at the General Election on November 7, 1978, that would have banned gays and lesbians from teaching in the public schools of this state.
- 6) Harvey Milk was also successful in forging coalitions with San Francisco’s other minority leaders. His message was one of unity against oppression in all its forms. During a Gay Freedom Day speech, he said, “I call upon all minorities and especially the millions of lesbians and gay men to wake up from their dreams ... to gather on Washington and tell ... their nation: ‘Wake up ... wake up, America ... no more racism, no more sexism, no more ageism, no more hatred ... no more.’”
- 7) In 1978, Dan White, who represented District 8 on the Board of Supervisors of the City and County of San Francisco, resigned from his seat due to financial hardship, thus allowing the Mayor of San Francisco, George Moscone, to appoint a successor. Dan White later asked Mayor Moscone to be reappointed to his seat. Mayor Moscone declined after having been

lobbied by several city leaders, including Harvey Milk, who often clashed with Dan White due to their political differences.

- 8) On November 27, 1978, Dan White went to San Francisco City Hall to meet with Mayor Moscone and make a final plea for reappointment. When the mayor declined the request, Dan White shot and killed Mayor Moscone, then went to Harvey Milk's office and also shot and killed him.
- 9) Thousands attended a spontaneous candlelight memorial vigil the night of Harvey Milk's funeral. Harvey Milk had anticipated the possibility of assassination and had recorded several audio tapes to be played in that event. One of the tapes included his now famous quote, "If a bullet should enter my brain, let that bullet destroy every closet door."
- 10) Harvey Milk's legacy as a civil rights leader is still felt today. He was named one of TIME Magazine's most influential people of the 20th century. Many institutions and organizations are named for Harvey Milk, including the Harvey Milk Recreational Arts Center, the Harvey Milk Civil Rights Academy, the Harvey Milk Institute, the Eureka Valley/Harvey Milk Memorial Branch Library, and the Harvey Milk Lesbian/Gay/Bisexual/Transgender Democratic Club in San Francisco.

FISCAL EFFECT: None

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

Analysis Prepared by: Michael Erke / RLS. / (916) 319-2800

Introduced by Senator Wiener

(Principal coauthor: Assembly Member Gabriel)

**(Coauthors: Senators Allen, Becker, Glazer, Hertzberg, Newman,
Rubio, and Stern)**

(Coauthors: Assembly Members Bauer-Kahan, Berman, Bloom,
Friedman, Levine, Medina, Nazarian, Blanca Rubio, and Ward)

April 5, 2022

Senate Concurrent Resolution No. 95—Relative to California
Holocaust Memorial Day.

LEGISLATIVE COUNSEL'S DIGEST

SCR 95, as introduced, Wiener. California Holocaust Memorial Day.

This measure would proclaim April 28, 2022, as California Holocaust
Memorial Day, and would urge all Californians to observe this day of
remembrance for the victims of the Holocaust in an appropriate manner.

Fiscal committee: no.

1 WHEREAS, The Holocaust was a tragedy of proportions the
2 world had never before witnessed; and

3 WHEREAS, More than 70 years have passed since the tragic
4 events that we now refer to as the Holocaust transpired, in which
5 the dictatorship of Nazi Germany murdered six million Jews as
6 part of a systematic program of genocide known as “The Final
7 Solution to the Jewish Question”; and

8 WHEREAS, Jews were the primary victims of the Holocaust,
9 but they were not alone. Millions of other people were murdered
10 in Nazi concentration camps as part of a carefully orchestrated,
11 state-sponsored program of cultural, social, and political
12 annihilation under the Nazi regime; and

1 WHEREAS, We must recognize the heroism of those who
2 resisted the Nazis and provided assistance to the victims of the
3 Nazi regime, including the many American soldiers who liberated
4 concentration camps and provided comfort to those suffering; and

5 WHEREAS, We must teach our children, and future generations,
6 that the individual and communal acts of heroism during the
7 Holocaust serve as a powerful example of how our nation and its
8 citizens can, and must, respond to acts of hatred and inhumanity;
9 and

10 WHEREAS, We must always remind ourselves of the horrible
11 events of the Holocaust and remain vigilant against antisemitism,
12 racism, hatred, persecution, and tyranny of all forms lest these
13 atrocities be repeated; and

14 WHEREAS, In recent years, public displays of antisemitism
15 and antisemitic incidents have increase dramatically in California
16 and around the world; and

17 WHEREAS, We, the people of California, should actively
18 rededicate ourselves to the principles of equality, human rights,
19 individual freedom, and equal protection under the laws of a just
20 and democratic society; and

21 WHEREAS, Each person in California should set aside moments
22 of their time every year to give remembrance to those who lost
23 their lives in the Holocaust; and

24 WHEREAS, The United States Holocaust Memorial Council
25 recognizes the Days of Remembrance of the Victims of the
26 Holocaust, including Holocaust Remembrance Day, known as
27 Yom Hashoah; and

28 WHEREAS, According to Elie Wiesel, a Holocaust survivor
29 and nationally recognized scholar, “a memorial unresponsive to
30 the future would violate the memory of the past”; now, therefore,
31 be it

32 *Resolved by the Senate of the State of California, the Assembly*
33 *thereof concurring*, That the Legislature proclaims April 28, 2022,
34 as “California Holocaust Memorial Day,” and that Californians
35 are urged to observe this day of remembrance for victims of the
36 Holocaust in an appropriate manner; and be it further

37 *Resolved*, That the Secretary of the Senate transmit sufficient
38 copies of this resolution to the author for appropriate distribution.

O

Date of Hearing: May 12, 2022

ASSEMBLY COMMITTEE ON RULES
Ken Cooley, Chair
SCR 95 (Wiener) – As Introduced April 5, 2022

SENATE VOTE: 37-0

SUBJECT: California Holocaust Memorial Day.

SUMMARY: Proclaims April 28, 2022, as “California Holocaust Memorial Day,” and urges Californians to observe this day of remembrance for victims of the Holocaust in an appropriate manner. Specifically, **this resolution** makes the following legislative findings:

- 1) More than 70 years have passed since the tragic events we now refer to as the Holocaust transpired, in which six million Jews and five million other people were murdered as part of a carefully orchestrated, state-sponsored program of cultural, social, and political annihilation under the Nazi regime.
- 2) We must recognize the heroism of those who resisted the Nazis and provided assistance to the victims of the Nazi regime, including the many American soldiers who liberated concentration camps and provided comfort to those suffering.
- 3) We must teach our children, and future generations, that the individual and communal acts of heroism during the Holocaust serve as a powerful example of how our nation and its citizens can, and must, respond to acts of hatred and inhumanity.
- 4) The people of California should actively rededicate ourselves to the principles of equality, human rights, individual freedom, and equal protection under the laws of a just and democratic society. Each person in California should set aside moments of their time every year to give remembrance to those who lost their lives in the Holocaust.
- 5) The United States Holocaust Memorial Council recognizes the Days of Remembrance of the Victims of the Holocaust, including Holocaust Remembrance Day, known as Yom Hashoah.

FISCAL EFFECT: None

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

Analysis Prepared by: Michael Erke / RLS. / (916) 319-2800

AMENDED IN SENATE APRIL 19, 2022

Senate Concurrent Resolution

No. 96

Introduced by Senator Min
(Coauthors: Senators Bradford, Durazo, Kamlager, and Pan)
(Coauthors: Assembly Members Cooper, Fong, McCarty, Ting,
Quirk-Silva, and Akilah Weber)

April 5, 2022

Senate Concurrent Resolution No. 96—Relative to anniversary of Los Angeles Riots.

LEGISLATIVE COUNSEL'S DIGEST

SCR 96, as amended, Min. Anniversary of Los Angeles Riots.

This measure would recognize the 30th anniversary of the Los Angeles Riots on April 29, 2022, as a time of building and reflection for the citizens of Los Angeles and the citizens of California.

Fiscal committee: no.

1 WHEREAS, April 29, 2022, will mark the 30th anniversary of
2 the Los Angeles Riots when a series of riots and civil disturbances
3 occurred in the County of Los Angeles in April and May of 1992
4 after the acquittal of four Los Angeles Police Department officers
5 who were video recorded brutalizing an African American man
6 named Rodney King who was determined to have been struck no
7 less than 52 times by night sticks, flashlights, and other objects,
8 all due to an alleged traffic violation; and
9 WHEREAS, Los Angeles had been experiencing simmering
10 racial tensions and criticism directed ~~toward~~ *towards* the Los
11 Angeles Police Department regarding allegations of harassment
12 and use of excessive force against African Americans; and

98

1 WHEREAS, Following the announcement of the verdict
2 acquitting four Los Angeles Police Department officers, thousands
3 of people rioted for six days, which included widespread looting,
4 assaults, and arson that local police forces had difficulty controlling
5 due to lack of personnel and resources; and

6 WHEREAS, During the span of six days, hundreds of
7 businesses, many owned by Black and Korean immigrants, were
8 incinerated and entire blocks of the area in Los Angeles known as
9 “Koreatown” were destroyed; and

10 WHEREAS, Approximately \$850,000,000 in damage was
11 inflicted on Los Angeles, much of which impacted small
12 minority-owned businesses; and

13 WHEREAS, The Los Angeles Riots were widely broadcasted
14 as a clash between various ethnic and racial groups; and

15 WHEREAS, Since the Los Angeles Riots 30 years ago, the State
16 of California has focused on dismantling systemic discrimination,
17 furthering a shared vision of unifying communities, and promoting
18 the safety and well-being of all; and

19 WHEREAS, For communities to unite and heal, members of
20 all backgrounds and ethnicities must seek to end division by
21 recognizing our common humanity and basic human rights; now,
22 therefore, be it

23 *Resolved by the Senate of the State of California, the Assembly*
24 *thereof concurring,* That the Legislature recognizes the 30th
25 anniversary of the Los Angeles Riots on April 29, 2022, as a time
26 of building and reflection for the citizens of Los Angeles and the
27 citizens of California; and be it further

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

O

Date of Hearing: May 12, 2022

ASSEMBLY COMMITTEE ON RULES
Ken Cooley, Chair
SCR 96 (Min) – As Amended April 19, 2022

SENATE VOTE: 34-0

SUBJECT: Anniversary of Los Angeles Riots.

SUMMARY: Recognizes the 30th anniversary of the Los Angeles Riots on April 29, 2022, as a time of building and reflection for the citizens of Los Angeles and the citizens of California. Specifically, **this resolution** makes the following legislative findings:

- 1) April 29, 2022, marks the 30th anniversary of the Los Angeles Riots when a series of riots and civil disturbances occurred in the County of Los Angeles in April and May of 1992 after the acquittal of four Los Angeles Police Department officers who were video recorded brutalizing an African American man named Rodney King who was determined to have been struck no less than 52 times by night sticks, flashlights, and other objects, all due to an alleged traffic violation.
- 2) Los Angeles had been experiencing simmering racial tensions and criticism directed towards the Los Angeles Police Department regarding allegations of harassment and use of excessive force against African Americans.
- 3) Following the announcement of the verdict acquitting four Los Angeles Police Department officers, thousands of people rioted for six days, which included widespread looting, assaults, and arson that local police forces had difficulty controlling due to lack of personnel and resources.
- 4) The Los Angeles Riots were widely broadcasted as a clash between various ethnic and racial groups.
- 5) During the span of six days, hundreds of businesses, many owned by Black and Korean immigrants, were incinerated and entire blocks of the area in Los Angeles known as “Koreatown” were destroyed. Approximately \$850 million in damage was inflicted on Los Angeles, much of which impacted small minority-owned businesses.
- 6) Since the Los Angeles Riots 30 years ago, the State of California has focused on dismantling systemic discrimination, furthering a shared vision of unifying communities, and promoting the safety and well-being of all.

FISCAL EFFECT: None

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

Analysis Prepared by: Michael Erke / RLS. / (916) 319-2800

**Introduced by Senator Ochoa Bogh
(Coauthors: Senators Caballero, Dahle, Jones, Nielsen, Portantino,
and Skinner)**

(Coauthors: Assembly Members Aguiar-Curry, Chen, Choi,
Cristina Garcia, Lackey, Mathis, and Voepel)

April 18, 2022

Senate Concurrent Resolution No. 99—Relative to Take Our Daughters And Sons To Work Day.

LEGISLATIVE COUNSEL’S DIGEST

SCR 99, as introduced, Ochoa Bogh. Take Our Daughters And Sons To Work Day.

This measure would declare April 28, 2022, as Take Our Daughters and Sons to Work Day, and would recognize the goals of introducing our daughters and sons to the workplace and commend all participants of Take Our Daughters And Sons To Work Day.

Fiscal committee: no.

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

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

9 WHEREAS, In 2022, the mission of the program, to develop
10 “innovative strategies that empower girls and boys to overcome

1 societal barriers to reach their full potential,” fully reflects the
2 addition of boys; and

3 WHEREAS, The Take Our Daughters And Sons To Work
4 Foundation, a nonprofit organization, has grown to be one of the
5 largest public awareness campaigns ever, with more than
6 40,000,000 participants annually in more than 4,000,000
7 organizations and workplaces representing each state; and

8 WHEREAS, In 2007, the Take Our Daughters To Work program
9 transitioned to Elizabeth City, North Carolina, became known as
10 the Take Our Daughters And Sons To Work Foundation, and
11 received national recognition for its dedication to future
12 generations; and

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

16 WHEREAS, The fame of the Take Our Daughters And Sons
17 To Work program has spread overseas, with requests and inquiries
18 being made from around the world on how to operate the program;
19 and

20 WHEREAS, The year 2022 marks the 29th anniversary of the
21 Take Our Daughters And Sons To Work program; and

22 WHEREAS, Take Our Daughters And Sons To Work Day will
23 be observed on Thursday, April 28, 2022; and

24 WHEREAS, The 2022 Take Our Daughters And Sons To Work
25 Day theme is “New Possibilities Create New Horizons”; and

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

31 *Resolved by the Senate of the State of California, the Assembly*
32 *thereof concurring*, That the Legislature declares April 28, 2022,
33 as Take Our Daughters And Sons To Work Day; and be it further

34 *Resolved*, That the Legislature recognizes the goals of
35 introducing our daughters and sons to the workplace and commends
36 all participants of Take Our Daughters And Sons To Work Day
37 for their ongoing contributions to education, and for the vital role
38 the participants play in promoting and ensuring a brighter, stronger
39 future for the United States; and be it further

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

O

Date of Hearing: May 22, 2022

ASSEMBLY COMMITTEE ON RULES
Ken Cooley, Chair
SCR 99 (Ochoa Bogh) – As Introduced April 18, 2022

SENATE VOTE: 37-0

SUBJECT: Take Our Daughters And Sons To Work Day.

SUMMARY: Declares April 28, 2022, as Take Our Daughters and Sons to Work Day, and recognizes the goals of introducing our daughters and sons to the workplace. Specifically, **this resolution** makes the following legislative findings:

- 1) The Take Our Daughters To Work program was created in New York City as a response to research that showed that, by the 8th grade, many girls were dropping out of school, had low self-esteem, and lacked confidence.
- 2) In 2003, the name of the program was changed to “Take Our Daughters And Sons To Work” so that boys who face many of the same challenges as girls would also be involved in the program.
- 3) In 2022, the mission of the program, to develop “innovative strategies that empower girls and boys to overcome societal barriers to reach their full potential,” fully reflects the addition of boys.
- 4) Every year, mayors, governors, and other private and public officials sign proclamations and lend support to Take Our Daughters And Sons To Work Day. The fame of the Take Our Daughters And Sons To Work program has spread overseas, with requests and inquiries being made from around the world on how to operate the program.
- 5) The year 2022 marks the 29th anniversary of the Take Our Daughters And Sons To Work program, and this year’s theme is “New Possibilities Create New Horizons.”
- 6) By offering opportunities for children to experience activities and events, Take Our Daughters And Sons To Work Day is intended to continue helping millions of girls and boys, on an annual basis, to examine their opportunities and strive to reach their fullest potential.

FISCAL EFFECT: None

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

Analysis Prepared by: Michael Erke / RLS. / (916) 319-2800

Introduced by Senator Limón

April 20, 2022

Senate Concurrent Resolution No. 104—Relative to Compost Awareness Week.

LEGISLATIVE COUNSEL’S DIGEST

SCR 104, as introduced, Limón. Compost Awareness Week.

This measure would designate the week of May 1, 2022, through May 7, 2022, as Compost Awareness Week.

Fiscal committee: no.

1 WHEREAS, Composting is an effective form of waste reduction,
2 reuse, and recycling, and since organic materials make up over 30
3 percent of the material going to landfills, composting is becoming
4 one of the primary methods communities use to reach waste
5 diversion goals and create sustainable communities; and

6 WHEREAS, Chapter 719 of the Statutes of 2014 phased out
7 diversion credits for organic alternative daily cover in landfills,
8 Chapter 727 of the Statutes of 2014 statutorily mandated
9 commercial recycling of organics, and Chapter 593 of the Statutes
10 of 2015 required organic waste recycling planning by local
11 jurisdictions; and

12 WHEREAS, Section 42649.87 of the Public Resources Code
13 requires the California Environmental Protection Agency, in
14 coordination with the Department of Resources Recycling and
15 Recovery, the State Water Resources Control Board, the State Air
16 Resources Board, the Department of Food and Agriculture, and
17 the Department of Forestry and Fire Protection, to “develop and
18 implement policies to aid in diverting organic waste from landfills

1 by promoting the use of agricultural, forestry, and urban organic
2 waste as a feedstock for compost and by promoting the appropriate
3 use of that compost throughout the state to improve the state’s soil
4 organic matter”; and

5 WHEREAS, Chapter 395 of the Statutes of 2016 required the
6 State Air Resources Board to incorporate new targets for landfill
7 diversion and reduction of methane emissions from livestock and
8 dairy operations in its comprehensive short-lived climate pollutant
9 strategy, and specifically recognized the important role composting
10 has in achieving those targets; and

11 WHEREAS, Organic residual materials, including yard
12 trimmings, vegetable cuttings, biosolids, food scraps, manures,
13 rice hulls, almond hulls, and hay shavings, are being composted
14 and converted into beneficial compost products; and

15 WHEREAS, Returning organic resources, remanufactured into
16 compost and applied to the soil, reduces water consumption by
17 over 30 percent on all soil types, conserves water during extreme
18 drought or flooding conditions, decreases dependence on chemical
19 fertilizers and pesticides, and decreases erosion and nonpoint source
20 pollution; and

21 WHEREAS, Composting is recognized by the State Air
22 Resources Board as an important tool to sequester massive amounts
23 of carbon in California’s soils to help immediately reverse global
24 warming by drawing down excess carbon dioxide from the
25 atmosphere and storing it deep in California’s soils; and

26 WHEREAS, Communities, through their local governments,
27 highway departments, soil conservation services, and public works
28 professionals, can have positive impacts on clean water, soil,
29 climate change, and landfill diversion by using compost for public
30 works projects; and

31 WHEREAS, International Compost Awareness Week is a
32 multimedia publicity and educational initiative to showcase
33 compost production and demonstrate compost use initiated and
34 supported by compost industry organizations around the world;
35 and

36 WHEREAS, Composting creates green jobs and infrastructure
37 for cities and states that implement composting programs; and

38 WHEREAS, The United States Composting Council, Canada,
39 and the United Kingdom have declared the first week of May to
40 be the annual International Compost Awareness Week; and

1 WHEREAS, The Association of Compost Producers is the
2 California State Chapter of the United States Composting Council
3 and manages International Compost Awareness Week in California;
4 and

5 WHEREAS, All California citizens produce organic residual
6 feedstocks that are remanufactured into compost, from their
7 backyards to their regional industrial scale compost production
8 facilities, collectively producing over 10 million tons of compost
9 and mulch each year; and

10 WHEREAS, California intends to almost double its compost
11 production capacity in the next 10 years; and

12 WHEREAS, The theme for 2022, “Recipe for Regeneration:
13 COMPOST” is a great current message for California citizens,
14 municipal leaders, and farmers to continue to learn the benefits to
15 communities, property owners, and agricultural growers; now,
16 therefore, be it

17 *Resolved by the Senate of the State of California, the Assembly*
18 *thereof concurring*, That the week of May 1, 2022, through May
19 7, 2022, is hereby designated as Compost Awareness Week; and
20 be it further

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

O

Date of Hearing: May 12, 2022

ASSEMBLY COMMITTEE ON RULES
Ken Cooley, Chair
SCR 104 (Limón) – As Introduced April 20, 2022

SENATE VOTE: 36-0

SUBJECT: Compost Awareness Week.

SUMMARY: Designates the week of May 1, 2022, through May 7, 2022, as Compost Awareness Week. Specifically, **this resolution** makes the following legislative findings:

- 1) Composting is an effective form of waste reduction, reuse, and recycling, and since organic materials make up over 30 percent of the material going to landfills, composting is becoming one of the primary methods communities use to reach waste diversion goals and create sustainable communities.
- 2) Organic residual materials, including yard trimmings, vegetable cuttings, biosolids, food scraps, manures, rice hulls, almond hulls, and hay shavings, are being composted and converted into beneficial compost products.
- 3) Returning organic resources, remanufactured into compost and applied to the soil, reduces water consumption by over 30 percent on all soil types, conserves water during extreme drought or flooding conditions, decreases dependence on chemical fertilizers and pesticides, and decreases erosion and nonpoint source pollution.
- 4) Composting is recognized by the State Air Resources Board as an important tool to sequester massive amounts of carbon in California’s soils to help immediately reverse global warming by drawing down excess carbon dioxide from the atmosphere and storing it deep in California’s soils.
- 5) Composting creates green jobs and infrastructure for cities and states that implement composting programs.
- 6) International Compost Awareness Week is a multimedia publicity and educational initiative to showcase compost production and demonstrate compost use initiated and supported by compost industry organizations around the world.
- 7) All California citizens produce organic residual feedstocks that are remanufactured into compost, from their backyards to their regional industrial scale compost production facilities, collectively producing over 10 million tons of compost and mulch each year. And, California intends to almost double its compost production capacity in the next 10 years.
- 8) The theme for 2022, “Recipe for Regeneration: COMPOST” is a great current message for California citizens, municipal leaders, and farmers to continue to learn the benefits to communities, property owners, and agricultural growers.

FISCAL EFFECT: None

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

Analysis Prepared by: Michael Erke / RLS. / (916) 319-2800

STATE CAPITOL
P.O. BOX 942849
SACRAMENTO, CA 94249-0018
(916) 319-2018

DISTRICT OFFICE
ELIHU M. HARRIS STATE BUILDING
1515 CLAY STREET, SUITE 2204
OAKLAND, CA 94612
(510) 286-1670
FAX (510) 286-1888

E-MAIL
Assemblymember.MBonta@assembly.ca.gov

Assembly California Legislature



MIA BONTA
ASSISTANT SPEAKER PRO TEMPORE
ASSEMBLYMEMBER, EIGHTEENTH DISTRICT

COMMITTEES
BUSINESS AND PROFESSIONS
COMMUNICATIONS AND CONVEYANCE
HUMAN SERVICES
PUBLIC SAFETY
RULES

SELECT COMMITTEES
PORTS AND GOODS MOVEMENT
REPRODUCTIVE HEALTH
SOCIAL HOUSING

The Honorable Ken Cooley
Chair of Assembly Rules Committee
1021 O Street, Room 6250
Sacramento, CA 95814

May 9, 2022

From: Assemblymember Mia Bonta
RE: Urgency clause for AB 2091

Dear Chair Cooley:

I respectfully request to add an urgency clause to AB 2091 the Reproductive Privacy Protections Act. AB 2091 will protect the medical privacy of patients by ensuring out of state subpoenas, which seek information related to a patient who received reproductive health care here in California, are not granted. AB 2091 also ensures the Department of Insurance can enforce violations of the release of certain medical records related to sensitive services.

This Urgency clause is necessary, especially given the leaked Supreme Court opinion which all but indicates the Supreme Court's intention to overturn the essential protections granted under *Roe v. Wade*. Hostile state laws, like Texas' SB 8, which allow individuals to enforce the law and target patients who seek reproductive health care, have the potential to infringe on rights that are protected in California. We cannot allow people to weaponize our state's legal system to target anyone who receives care here. Now more than ever, we need to ensure California provides the greatest possible protections for people seeking reproductive healthcare here in California.

Thank you for your consideration. Should you or your staff have any questions, please contact Haydee Dominguez, at haydee.dominguez@asm.ca.gov or via phone at (916) 319-2018.

Sincerely,

A handwritten signature in black ink that reads "Mia Bonta".

Mia Bonta
Assemblymember, 18th District

MTB: hd

AMENDED IN ASSEMBLY APRIL 6, 2022

AMENDED IN ASSEMBLY MARCH 24, 2022

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 2091

Introduced by Assembly Member Mia Bonta
(Coauthor: Assembly Member Bennett)

February 14, 2022

An act to add Section 56.108 to the Civil Code, to amend Sections ~~2029.300~~ 2029.200, 2029.300, and 2029.350 of the Code of Civil Procedure, to amend Section 123466 of the Health and Safety Code, to amend Section 791.29 of the Insurance Code, and to amend Section 3408 of the Penal Code, relating to ~~medical privacy~~: *information disclosure*.

LEGISLATIVE COUNSEL'S DIGEST

AB 2091, as amended, Mia Bonta. ~~Reproductive health and privacy~~: *Disclosure of information: reproductive health and foreign penal civil actions*.

(1) Existing law provides that every individual possesses a fundamental right of privacy with respect to their personal reproductive decisions. Existing law prohibits the state from denying or interfering with a person's right to choose or obtain an abortion prior to viability of the fetus, or when the abortion is necessary to protect the life or health of the person. Existing law requires a health insurer to take specified steps to protect the confidentiality of an insured's medical information, and prohibits an insurer from disclosing medical information related to sensitive health care services to the policyholder or any insureds other than the protected individual receiving care.

Existing law generally prohibits a provider of health care, a health care service plan, or a contractor from disclosing medical information regarding a patient, enrollee, or subscriber without first obtaining an authorization, unless a specified exception applies, including that the disclosure is in response to a subpoena. Existing law authorizes a California court or attorney to issue a subpoena if a foreign subpoena has been sought in this state.

This bill would prohibit compelling a person to identify or provide information that would identify an individual who has sought or obtained an abortion in a state, county, city, or other local criminal, administrative, legislative, or other ~~proceeding~~ *proceeding if the information is being requested based on another state's laws that interfere with a person's right to choose or obtain an abortion or a foreign penal civil action, as defined.* The bill would authorize the Insurance Commissioner to assess a civil penalty, as specified, against an insurer that has disclosed an insured's confidential medical information. The bill would prohibit a provider of health care, a health care service plan, or a contractor from releasing medical information related to an individual seeking or obtaining an abortion in response to a ~~foreign subpoena or a request if that subpoena or request is based on a violation of either another state's laws that interfere with a person's rights to choose or obtain an abortion.~~ *abortion or a foreign penal civil action.* The bill would prohibit issuance of a subpoena if the ~~submitted foreign subpoena upon which it is based would require disclosure of medical information related to sensitive services and is based on a violation of another state's laws that interfere with a person's rights to choose or obtain an abortion.~~ *relates to a foreign penal civil action.*

(2) Existing law sets forth the health care access rights of an incarcerated pregnant person and an incarcerated person who is identified as possibly pregnant or capable of becoming pregnant. Existing law prohibits the imposition of conditions or restrictions on an incarcerated person's ability to obtain an abortion.

This bill would prohibit prison staff from disclosing identifying medical information related to an incarcerated person's right to seek and obtain an abortion if the information is being requested ~~pursuant to a foreign~~ *based on another state's law that interferes with a person's rights to choose or obtain an abortion.* *abortion or a foreign penal civil action.*

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

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

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

3 (a) Abortion care is a constitutional right and an integral part
4 of comprehensive sexual and reproductive health care and overall
5 health and well-being.

6 (b) In May 2019, the Governor signed the California
7 Proclamation on Reproductive Freedom, reaffirming California’s
8 commitment to ensuring access to reproductive health care services,
9 including abortion.

10 (c) If the United States Supreme Court overturns the protections
11 under *Roe v. Wade*, people in more than one-half of the states in
12 the country – more than 36 million women and other people who
13 may become pregnant – will lose access to abortion care.

14 (d) In December 2021, more than 40 organizations joined
15 together to form the California Future of Abortion Council to
16 identify barriers to abortion services and recommend proposals to
17 support equitable and affordable access to abortion care for
18 Californians and all who seek care in California.

19 (e) California is committed to building upon existing protections
20 that preserve the right to abortion and implement innovative and
21 bold programs and policies to truly be a reproductive freedom
22 state.

23 (f) Other states and certain California localities have increased
24 their efforts to limit abortion access and impose criminal, civil,
25 and administrative liability on patients, providers, and those
26 coordinating care.

27 (g) Actions against California abortion providers, patients, and
28 supporters based on hostile antiabortion statutes in other states
29 would interfere with protected rights under the Reproductive
30 Privacy Act (Article 2.5 (commencing with Section 123460) of
31 Chapter 2 of Part 2 of Division 106 of the Health and Safety Code)
32 and the confidentiality of patient medical records.

33 (h) California must protect the confidentiality of medical records
34 related to abortion to protect abortion providers and others who
35 assist in providing abortion care from frivolous civil lawsuits and
36 accompanying costs aimed at harassing providers, diverting
37 resources, and shutting down clinics.

38 SEC. 2. Section 56.108 is added to the Civil Code, to read:

1 56.108. Notwithstanding subdivisions (b) and (c) of Section
 2 56.10, a provider of health care, health care service plan, or
 3 contractor shall not release medical information related to an
 4 individual seeking or obtaining an abortion in response to a foreign
 5 subpoena or request based on a violation of another state's laws
 6 that interfere with a person's rights under Section 123466 of the
 7 Health and Safety Code. *if that subpoena or request is based on*
 8 *either another state's laws that interfere with a person's rights*
 9 *under Section 123466 of the Health and Safety Code or a foreign*
 10 *penal civil action, as defined in Section 2029.200 of the Code of*
 11 *Civil Procedure.*

12 SEC. 3. Section 2029.200 of the Code of Civil Procedure is
 13 amended to read:

14 2029.200. In this article:

15 (a) "Foreign jurisdiction" means either of the following:

16 (1) A state other than this state.

17 (2) A foreign nation.

18 (b) "*Foreign penal civil action*" means a civil action authorized
 19 *by the law of a state other than this state in which the sole purpose*
 20 *is to punish an offense against the public justice of that state.*

21 ~~(b)~~

22 (c) "Foreign subpoena" means a subpoena issued under authority
 23 of a court of record of a foreign jurisdiction.

24 ~~(c)~~

25 (d) "Person" means an individual, corporation, business trust,
 26 estate, trust, partnership, limited liability company, association,
 27 joint venture, public corporation, government, or governmental
 28 subdivision, agency, or instrumentality, or any other legal or
 29 commercial entity.

30 ~~(d)~~

31 (e) "State" means a state of the United States, the District of
 32 Columbia, Puerto Rico, the Virgin Islands, a federally recognized
 33 Indian tribe, or any territory or insular possession subject to the
 34 jurisdiction of the United States.

35 ~~(e)~~

36 (f) "Subpoena" means a document, however denominated, issued
 37 under authority of a court of record requiring a person to do any
 38 of the following:

39 (1) Attend and give testimony at a deposition.

1 (2) Produce and permit inspection, copying, testing, or sampling
2 of designated books, documents, records, electronically stored
3 information, or tangible things in the possession, custody, or control
4 of the person.

5 (3) Permit inspection of premises under the control of the person.

6 ~~SEC. 3.~~

7 *SEC. 4.* Section 2029.300 of the Code of Civil Procedure is
8 amended to read:

9 2029.300. (a) To request issuance of a subpoena under this
10 section, a party shall submit the original or a true and correct copy
11 of a foreign subpoena to the clerk of the superior court in the
12 county in which discovery is sought to be conducted in this state.
13 A request for the issuance of a subpoena under this section does
14 not constitute making an appearance in the courts of this state.

15 (b) In addition to submitting a foreign subpoena under
16 subdivision (a), a party seeking discovery shall do both of the
17 following:

18 (1) Submit an application requesting that the superior court issue
19 a subpoena with the same terms as the foreign subpoena. The
20 application shall be on a form prescribed by the Judicial Council
21 pursuant to Section 2029.390. No civil case cover sheet is required.

22 (2) Pay the fee specified in Section 70626 of the Government
23 Code.

24 (c) When a party submits a foreign subpoena to the clerk of the
25 superior court in accordance with subdivision (a), and satisfies the
26 requirements of subdivision (b), the clerk shall promptly issue a
27 subpoena for service upon the person to which the foreign subpoena
28 is directed.

29 (d) A subpoena issued under this section shall satisfy all of the
30 following conditions:

31 (1) It shall incorporate the terms used in the foreign subpoena.

32 (2) It shall contain or be accompanied by the names, addresses,
33 and telephone numbers of all counsel of record in the proceeding
34 to which the subpoena relates and of any party not represented by
35 counsel.

36 (3) It shall bear the caption and case number of the out-of-state
37 case to which it relates.

38 (4) It shall state the name of the court that issues it.

39 (5) It shall be on a form prescribed by the Judicial Council
40 pursuant to Section 2029.390.

1 (e) A subpoena shall not be issued if the submitted foreign
 2 subpoena would require disclosure of medical information related
 3 to sensitive services and is based on a violation of another state’s
 4 laws that interfere with a person’s rights under Section 123466 of
 5 the Health and Safety Code. For purposes of this subdivision,
 6 “sensitive services” has the same meaning as defined in Section
 7 791.02 of the Insurance Code. *relates to a foreign penal civil*
 8 *action.*

9 ~~SEC. 4.~~

10 *SEC. 5.* Section 2029.350 of the Code of Civil Procedure is
 11 amended to read:

12 2029.350. (a) Notwithstanding Sections 1986 and 2029.300,
 13 if a party to a proceeding pending in a foreign jurisdiction retains
 14 an attorney licensed to practice in this state, who is an active
 15 member of the State Bar, and that attorney receives the original
 16 or a true and correct copy of a foreign subpoena, the attorney may
 17 issue a subpoena under this article.

18 (b) Notwithstanding subdivision (a), an attorney shall not issue
 19 a subpoena under this article based on a foreign subpoena that
 20 would require disclosure of medical information related to sensitive
 21 services and is based on a violation of another state’s laws that
 22 interfere with a person’s rights under Section 123466 of the Health
 23 and Safety Code. For purposes of this subdivision, “sensitive
 24 services” has the same meaning as defined in Section 791.02 of
 25 the Insurance Code. *relates to a foreign penal civil action.*

26 (c) A subpoena issued under this section shall satisfy all of the
 27 following conditions:

28 (1) It shall incorporate the terms used in the foreign subpoena.

29 (2) It shall contain or be accompanied by the names, addresses,
 30 and telephone numbers of all counsel of record in the proceeding
 31 to which the subpoena relates and of any party not represented by
 32 counsel.

33 (3) It shall bear the caption and case number of the out-of-state
 34 case to which it relates.

35 (4) It shall state the name of the superior court of the county in
 36 which the discovery is to be conducted.

37 (5) It shall be on a form prescribed by the Judicial Council
 38 pursuant to Section 2029.390.

1 ~~SEC. 5.~~

2 SEC. 6. Section 123466 of the Health and Safety Code is
3 amended to read:

4 123466. (a) The state shall not deny or interfere with a
5 woman's right to choose or obtain an abortion before the viability
6 of the fetus, or when the abortion is necessary to protect the life
7 or health of the woman.

8 (b) A person shall not be compelled in a state, county, city, or
9 other local criminal, administrative, legislative, or other proceeding
10 to identify or provide information that would identify an individual
11 who has sought or obtained an ~~abortion~~ *abortion if the information*
12 *is being requested based on either another state's laws that*
13 *interfere with a person's rights under subdivision (a) or a foreign*
14 *penal civil action, as defined in Section 2029.200 of the Code of*
15 *Civil Procedure.*

16 ~~SEC. 6.~~

17 SEC. 7. Section 791.29 of the Insurance Code, as added by
18 Section 7 of Chapter 190 of the Statutes of 2021, is amended to
19 read:

20 791.29. Notwithstanding any other law, and to the extent
21 permitted by federal law, a health insurer shall take the following
22 steps to protect the confidentiality of an insured's medical
23 information:

24 (a) (1) A health insurer shall not require a protected individual
25 to obtain the policyholder's authorization to receive sensitive
26 services or to submit a claim for sensitive services if the protected
27 individual has the right to consent to care.

28 (2) A health insurer shall recognize the right of a protected
29 individual to exclusively exercise rights granted under this section
30 regarding medical information related to sensitive services that
31 the protected individual has received.

32 (3) A health insurer shall direct all communications regarding
33 a protected individual's receipt of sensitive health care services
34 directly to the protected individual receiving care as follows:

35 (A) If the protected individual has designated an alternative
36 mailing address, email address, or telephone number pursuant to
37 subdivision (b), the health insurer shall send or make all
38 communications related to the protected individual's receipt of
39 sensitive services to the alternative mailing address, email address,
40 or telephone number designated.

1 (B) If the protected individual has not designated an alternative
2 mailing address, email address, or telephone number pursuant to
3 subdivision (b), the health insurer shall send or make all
4 communications related to the protected individual's receipt of
5 sensitive services in the name of the protected individual at the
6 address or telephone number on file.

7 (C) Communications subject to this paragraph shall include the
8 following written, verbal, or electronic communications:

- 9 (i) Bills and attempts to collect payment.
- 10 (ii) A notice of adverse benefits determinations.
- 11 (iii) An explanation of benefits notice.
- 12 (iv) A health insurer's request for additional information
13 regarding a claim.
- 14 (v) A notice of a contested claim.
- 15 (vi) The name and address of a provider, description of services
16 provided, and other information related to a visit.
- 17 (vii) Any written, oral, or electronic communication from a
18 health insurer that contains protected health information.

19 (4) A health insurer shall not disclose medical information
20 related to sensitive health care services provided to a protected
21 individual to the policyholder or any insureds other than the
22 protected individual receiving care, absent an express written
23 authorization of the protected individual receiving care.

24 (b) (1) A health insurer shall permit an insured to request, and
25 shall accommodate requests for, confidential communication in
26 the form and format requested by the insured, if it is readily
27 producible in the requested form and format, or at alternative
28 locations.

29 (2) A health insurer may require the insured to make a request
30 for a confidential communication described in paragraph (1) in
31 writing or by electronic transmission.

32 (3) The confidential communication request shall apply to all
33 communications that disclose medical information or provider
34 name and address related to receipt of medical services by the
35 individual requesting the confidential communication.

36 (4) The confidential communication request shall be valid until
37 the insured submits a revocation of the request, or a new
38 confidential communication request is submitted.

39 (5) For the purposes of this section, a confidential
40 communications request shall be implemented by the health insurer

1 within 7 calendar days of the receipt of an electronic transmission,
2 telephonic request, or request submitted through the health insurer's
3 internet website, or within 14 calendar days of receipt by first-class
4 mail. The health insurer shall acknowledge receipt of the
5 confidential communications request and advise the insured of the
6 status of implementation of the request if an insured contacts the
7 insurer.

8 (c) (1) A health insurer shall notify insureds that they may
9 request a confidential communication pursuant to subdivision (b)
10 and how to make the request.

11 (2) The information required to be provided pursuant to this
12 subdivision shall be provided to insureds with individual or group
13 coverage upon initial enrollment and annually thereafter upon
14 renewal. The information shall also be provided in the following
15 manner:

16 (A) In a conspicuously visible location in the evidence of
17 coverage.

18 (B) On the health insurer's internet website, accessible through
19 a hyperlink on the internet website's home page and in a manner
20 that allows insureds, prospective insureds, and members of the
21 public to easily locate the information.

22 (d) Notwithstanding subdivision (b), a provider of health care
23 may make arrangements with the insured for the payment of benefit
24 cost sharing and communicate that arrangement with the insurer.

25 (e) A health insurer shall not condition coverage on the waiver
26 of rights provided in this section.

27 (f) If the commissioner determines that an insurer has violated
28 this section, the commissioner may, after appropriate notice and
29 opportunity for hearing in accordance with the Administrative
30 Procedure Act (Chapter 5 (commencing with Section 11500) of
31 Part 1 of Division 3 of Title 2 of the Government Code), by order,
32 assess a civil penalty not to exceed five thousand dollars (\$5,000)
33 for each violation, or, if a violation was willful, a civil penalty not
34 to exceed ten thousand dollars (\$10,000) for each violation. The
35 commissioner shall have the discretion to determine the acts or
36 omissions that constitute a violation of this section.

37 (g) This section shall become operative on July 1, 2022.

38 ~~SEC. 7.~~

39 *SEC. 8.* Section 3408 of the Penal Code is amended to read:

1 3408. (a) A person incarcerated in the state prison who is
2 identified as possibly pregnant or capable of becoming pregnant
3 during an intake health examination or at any time during
4 incarceration shall be offered a test upon intake or by request.
5 Pregnancy tests shall be voluntary and not mandatory, and may
6 only be administered by medical or nursing personnel. An
7 incarcerated person who declines a pregnancy test shall be asked
8 to sign an “Informed Refusal of Pregnancy Test” form that shall
9 become part of their medical file.

10 (b) An incarcerated person with a positive pregnancy test result
11 shall be offered comprehensive and unbiased options counseling
12 that includes information about prenatal health care, adoption, and
13 abortion. This counseling shall be furnished by a licensed health
14 care provider or counselor who has been provided with training
15 in reproductive health care and shall be nondirective, unbiased,
16 and noncoercive. Prison staff shall not urge, force, or otherwise
17 influence a pregnant person’s decision.

18 (c) A prison shall not confer authority or discretion to
19 nonmedical prison staff to decide if a pregnant person is eligible
20 for an abortion. If a pregnant person decides to have an abortion,
21 that person shall be offered, but not forced to accept, all due
22 medical care and accommodations until they are no longer
23 pregnant. A pregnant person who decides to have an abortion shall
24 be referred to a licensed professional specified in subdivision (b)
25 of Section 2253 of the Business and Professions Code.

26 (d) A person incarcerated in prison who is confirmed to be
27 pregnant shall, within seven days of arriving at the prison, be
28 scheduled for a pregnancy examination with a physician, nurse
29 practitioner, certified nurse midwife, or physician assistant. The
30 examination shall include all of the following:

31 (1) A determination of the gestational age of the pregnancy and
32 the estimated due date.

33 (2) A plan of care, including referrals for specialty and other
34 services to evaluate for the presence of chronic medical conditions
35 or infectious diseases, and to use health and social status of the
36 incarcerated person to improve quality of care, isolation practices,
37 level of activities, and bed assignments, and to inform appropriate
38 specialists in relationship to gestational age and social and clinical
39 needs, and to guide use of personal protective equipment and

1 additional counseling for prevention and control of infectious
2 diseases, if needed.

3 (3) The ordering of prenatal labs and diagnostic studies, as
4 needed based on gestational age or existing or newly diagnosed
5 health conditions.

6 (e) Incarcerated pregnant persons shall be scheduled for prenatal
7 care visits as follows, unless otherwise indicated by the physician,
8 nurse practitioner, certified nurse midwife, or physician assistant:

9 (1) Every four weeks in the first trimester up to 24 to 28 weeks.

10 (2) Every two weeks thereafter up to 36 weeks gestation.

11 (3) Every one week thereafter until birth.

12 (f) Incarcerated pregnant persons shall be provided access to
13 both of the following:

14 (1) Prenatal vitamins, to be taken on a daily basis, in accordance
15 with medical standards of care.

16 (2) Newborn care that includes access to appropriate assessment,
17 diagnosis, care, and treatment for infectious diseases that may be
18 transmitted from a birthing person to the birthing person's infant,
19 such as HIV or syphilis.

20 (g) Incarcerated pregnant persons housed in a multitier housing
21 unit shall be assigned lower bunk and lower tier housing.

22 (h) Incarcerated pregnant persons shall not be tased, pepper
23 sprayed, or exposed to other chemical weapons.

24 (i) Incarcerated pregnant persons who have used opioids prior
25 to incarceration, either by admission or written documentation by
26 a probation officer, or who are currently receiving methadone
27 treatment, shall be offered medication assisted treatment with
28 methadone or buprenorphine, pursuant to Section 11222 of the
29 Health and Safety Code, and shall be provided information on the
30 risks of withdrawal.

31 (j) (1) An eligible incarcerated pregnant person or person who
32 gives birth after incarceration in the prison shall be provided notice
33 of, access to, and written application for, community-based
34 programs serving pregnant, birthing, or lactating incarcerated
35 persons. At a minimum, the notice shall contain guidelines for
36 qualification, the timeframe for application, and the process for
37 appealing a denial of admittance to those programs.

38 (2) If a community-based program is denied access to the prison,
39 the reason for the denial shall be provided in writing to the
40 incarcerated person within 15 working days of receipt of the

1 request. The written denial shall address the safety or security
2 concerns for the incarcerated person, infant, public, or staff.

3 (k) Each incarcerated pregnant person shall be referred to a
4 social worker who shall do all of the following:

5 (1) Discuss with the incarcerated person the options available
6 for feeding, placement, and care of the child after birth, including
7 the benefits of lactation.

8 (2) Assist the incarcerated pregnant person with access to a
9 phone in order to contact relatives regarding newborn placement.

10 (3) Oversee the placement of the newborn child.

11 (l) An incarcerated pregnant person shall be temporarily taken
12 to a hospital outside the prison for the purpose of giving childbirth
13 and shall be transported in the least restrictive way possible and
14 in accordance with Section 3407. An incarcerated pregnant person
15 shall not be shackled to anyone else during transport. An
16 incarcerated pregnant person in labor or presumed to be in labor
17 shall be treated as an emergency and shall be transported to the
18 outside facility, accompanied by prison staff.

19 (m) An incarcerated pregnant person may elect to have a support
20 person present during labor, childbirth, and during postpartum
21 recovery while hospitalized. The support person may be an
22 approved visitor or the prison's staff designated to assist with
23 prenatal care, labor, childbirth, lactation, and postpartum care. The
24 approval for the support person shall be made by the administrator
25 of the prison or that person's designee. If an incarcerated pregnant
26 person's request for an elected support person is denied, reason
27 for the denial shall be provided in writing to the incarcerated person
28 within 15 working days of receipt of the request. The written denial
29 shall address the safety or security concerns for the incarcerated
30 person, infant, public, or staff. Upon receipt of a written denial,
31 the incarcerated pregnant person may choose the approved
32 institution staff to act as the support person.

33 (n) All pregnant and postpartum incarcerated persons shall
34 receive appropriate, timely, culturally responsive, and medically
35 accurate and comprehensive care, evaluation, and treatment of
36 existing or newly diagnosed chronic conditions, including mental
37 health disorders and infectious diseases.

38 (o) An incarcerated pregnant person in labor and delivery shall
39 be given the maximum level of privacy possible during the labor
40 and delivery process. If a guard is present, they shall be stationed

1 outside the room rather than in the room, absent extraordinary
2 circumstances. If a guard must be present in the room, the guard
3 shall stand in a place that grants as much privacy as possible during
4 labor and delivery. A guard shall be removed from the room if a
5 professional who is currently responsible for the medical care of
6 a pregnant incarcerated person during a medical emergency, labor,
7 delivery, or recovery after delivery determines that the removal
8 of the guard is medically necessary.

9 (p) Upon return to prison, the physician, nurse practitioner,
10 certified nurse midwife, or physician assistant shall provide a
11 postpartum examination within one week from childbirth and as
12 needed for up to 12 weeks postpartum, and shall determine whether
13 the incarcerated person may be cleared for full duty or if medical
14 restrictions are warranted. Postpartum individuals shall be given
15 at least 12 weeks of recovery after any childbirth before they are
16 required to resume normal activity.

17 (q) The rights provided for incarcerated persons by this section
18 shall be posted in at least one conspicuous place to which all
19 incarcerated persons have access.

20 (r) Prison staff shall not disclose identifying medical information
21 related to an incarcerated person’s right to seek and obtain an
22 abortion if the information is being requested pursuant to a foreign
23 law that interferes with a person’s rights under Section 123466 of
24 the Health and Safety Code. based on either another state’s laws
25 that interfere with a person’s rights under Section 123466 of the
26 Health and Safety Code or a foreign penal civil action, as defined
27 in Section 2029.200 of the Code of Civil Procedure.

28 *SEC. 9. The provisions of this act are severable. If any*
29 *provision of this act or its application is held invalid, that invalidity*
30 *shall not affect other provisions or applications that can be given*
31 *effect without the invalid provision or application.*

32

33

34 **REVISIONS:**
35 **Heading—Line 2.**

36

O

STATE CAPITOL
P.O. BOX 942849
SACRAMENTO, CA 94249-0057
(916) 319-2057
FAX (916) 319-2157

DISTRICT OFFICE
13181 N. CROSSROADS PARKWAY, SUITE 160
CITY OF INDUSTRY, CA 91746
(562) 692-5858
FAX (562) 695-5852



COMMITTEES
CHAIR: HUMAN SERVICES
AGING AND LONG-TERM CARE
APPROPRIATIONS
EMERGENCY MANAGEMENT
PUBLIC EMPLOYMENT AND RETIREMENT

May 9, 2022

The Honorable Ken Cooley
Chair, Assembly Rules Committee
1021 O Street, Suite 6250
Sacramento, CA 95814

Re: Urgency Clause Request for AB 2626 – Provider Protections

Dear Assembly Member Cooley,

I am writing to request permission to add an urgency clause for Assembly bill 2626 in response to the recently leaked draft opinion of the U.S. Supreme Court stating that it would overturn the *Roe v. Wade* decision in a June/July ruling.

Thirteen U.S. states have laws that will ban abortion and go into effect immediately if the *Roe v. Wade* decision is overturned, including Arkansas, Idaho, Kentucky, Louisiana, Mississippi, Missouri, North Dakota, Oklahoma, South Dakota, Tennessee, Texas, Utah, and Wyoming. Should the U.S. Supreme Court overturn *Roe*, over 36 million individuals who may become pregnant will lose access to abortion care nationwide, increasing the number of out-of-state patients who would find their nearest clinic in California from 46,000 to 1.4 million. Furthermore, other states have passed legislation that will allow professional boards to take disciplinary action against a provider for coordinating or providing abortion care.

AB 2626 will protect abortion providers, including physicians, surgeons, certified-nurse midwives, nurse practitioners and physician assistants from having their licenses revoked or suspended by respective professional boards for lawfully providing or coordinating abortion care within California or in other states. It is imperative for California to protect providers in preparation for the U.S. Supreme Court ruling on *Roe v. Wade*.

Thank you for your consideration.

Sincerely,

Assemblymember Lisa Calderon, District 57

AMENDED IN ASSEMBLY APRIL 18, 2022

AMENDED IN ASSEMBLY APRIL 6, 2022

AMENDED IN ASSEMBLY MARCH 17, 2022

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 2626

Introduced by Assembly Member Calderon

(~~Coauthor: Assembly Member Mullin~~)

(Coauthors: Assembly Members Mullin, Bennett, and Friedman)

February 18, 2022

An act to amend ~~Section 2253~~ of Sections 2253 and 3502.4 of, and to add Sections 2746.6 and 2761.1 to, the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

AB 2626, as amended, Calderon. Medical Board of California: licensee discipline: abortion.

Existing law, the Medical Practice Act, provides for the licensure and regulation of physicians and surgeons by the Medical Board of California. Existing law authorizes the board to take action against all persons guilty of violating the Medical Practice Act. Existing law requires the board to enforce and administer various disciplinary provisions as to physician and surgeon certificate holders.

Existing law, the Osteopathic Act, provides for the licensure and regulation of osteopathic physicians and surgeons by the Osteopathic Medical Board of California. Under existing law, the board has disciplinary functions pursuant to the act.

Existing law, the Nursing Practice Act, provides for the licensure and regulation of the practice of nursing by the Board of Registered Nursing.

Existing law provides for the certification of nurse-midwives by the Board of Registered Nursing. Existing law, the Physician Assistant Practice Act, establishes the Physician Assistant Board for the licensure and regulation of physician assistants. Existing law requires the Board of Registered Nursing and the Physician Assistant Board to enforce and administer various disciplinary provisions as to nurse practitioners, nurse-midwives, and physician assistants.

Existing law, the Reproductive Privacy Act, provides that every individual possesses a fundamental right of privacy with respect to their personal reproductive decisions. Under existing law, an abortion is unauthorized if either the person performing the abortion is not an authorized health care provider, as specified, or the fetus is viable. Under existing law, the failure of a physician and surgeon to comply with the Reproductive Privacy Act constitutes unprofessional conduct.

This bill would prohibit the ~~board~~ *Medical Board of California and the Osteopathic Medical Board of California* from suspending or revoking the certificate of a physician and surgeon solely for performing an abortion so long as they performed the abortion in accordance with the provisions of the Medical Practice Act and the Reproductive Privacy Act. *The bill would also prohibit the Board of Registered Nursing and the Physician Assistant Board from suspending or revoking the certification or license of a nurse practitioner, nurse-midwife, or a physician assistant for performing an abortion so long as they performed the abortion in accordance with the provisions of the Nursing Practice Act or the Physician Assistant Practice Act, as applicable, and the Reproductive Privacy Act.*

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

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

- 1 SECTION 1. Section 2253 of the Business and Professions
- 2 Code is amended to read:
- 3 2253. (a) Failure to comply with the Reproductive Privacy
- 4 Act (Article 2.5 (commencing with Section 123460) of Chapter 2
- 5 of Part 2 of Division 106 of the Health and Safety Code) constitutes
- 6 unprofessional conduct.
- 7 (b) (1) Except as provided in paragraph (2), a person is subject
- 8 to Section 2052 if the person performs an abortion, and at the time

1 of so doing, does not have a valid, unrevoked, and unsuspended
2 license to practice as a physician and surgeon.

3 (2) A person shall not be subject to Section 2052 if the person
4 performs an abortion by medication or aspiration techniques in
5 the first trimester of pregnancy, and at the time of so doing, has a
6 valid, unrevoked, and unsuspended license or certificate obtained
7 in accordance with *the Medical Practice Act (Chapter 5*
8 *(commencing with Section 2000)), the Osteopathic Act (Article 21*
9 *(commencing with Section 2450) of Chapter 5), the Nursing*
10 *Practice Act (Chapter 6 (commencing with Section 2700)) or the*
11 *Physician Assistant Practice Act (Chapter 7.7 (commencing with*
12 *Section 3500)), that authorizes the person to perform the functions*
13 *necessary for an abortion by medication or aspiration techniques.*

14 (c) In order to perform an abortion by aspiration techniques
15 pursuant to paragraph (2) of subdivision (b), a person shall comply
16 with Section 2725.4 or 3502.4.

17 (d) ~~The board~~ *Medical Board of California and the Osteopathic*
18 *Medical Board of California shall not suspend or revoke the*
19 *certificate of a physician and surgeon solely for performing an*
20 *abortion so long as they performed the abortion in accordance with*
21 *the provisions of this chapter and the Reproductive Privacy Act*
22 *(Article 2.5 (commencing with Section 123460) of Chapter 2 of*
23 *Part 2 of Division 106 of the Health and Safety Code).*

24 *SEC. 2. Section 2746.6 is added to the Business and Professions*
25 *Code, to read:*

26 *2746.6. The board shall not suspend or revoke a certificate to*
27 *practice nurse-midwifery solely for performing an abortion so*
28 *long as the holder performed the abortion in accordance with the*
29 *provisions of this chapter and the Reproductive Privacy Act (Article*
30 *2.5 (commencing with Section 123460) of Chapter 2 of Part 2 of*
31 *Division 106 of the Health and Safety Code).*

32 *SEC. 3. Section 2761.1 is added to the Business and Professions*
33 *Code, to read:*

34 *2761.1. The board shall not suspend or revoke the certification*
35 *or license of a nurse practitioner solely for performing an abortion*
36 *so long as the holder performed the abortion in accordance with*
37 *the provisions of this chapter and the Reproductive Privacy Act*
38 *(Article 2.5 (commencing with Section 123460) of Chapter 2 of*
39 *Part 2 of Division 106 of the Health and Safety Code).*

1 *SEC. 4. Section 3502.4 of the Business and Professions Code*
2 *is amended to read:*

3 3502.4. (a) In order to receive authority from ~~his or her~~ *their*
4 supervising physician and surgeon to perform an abortion by
5 aspiration techniques pursuant to Section 2253, a physician
6 assistant shall complete training either through training programs
7 approved by the board pursuant to Section 3513 or by training to
8 perform medical services which augment ~~his or her~~ *their* current
9 areas of competency pursuant to Section 1399.543 of Title 16 of
10 the California Code of Regulations. Beginning January 1, 2014,
11 and until January 1, 2016, the training and clinical competency
12 protocols established by Health Workforce Pilot Project (HWPP)
13 No. 171 through the Office of Statewide Health Planning and
14 Development shall be used as training and clinical competency
15 guidelines to meet this requirement.

16 (b) In order to receive authority from ~~his or her~~ *their* supervising
17 physician and surgeon to perform an abortion by aspiration
18 techniques pursuant to Section 2253, a physician assistant shall
19 comply with protocols developed in compliance with Section 3502
20 that specify:

21 (1) The extent of supervision by a physician and surgeon with
22 relevant training and expertise.

23 (2) Procedures for transferring patients to the care of the
24 physician and surgeon or a hospital.

25 (3) Procedures for obtaining assistance and consultation from
26 a physician and surgeon.

27 (4) Procedures for providing emergency care until physician
28 assistance and consultation are available.

29 (5) The method of periodic review of the provisions of the
30 protocols.

31 (c) The training protocols established by HWPP No. 171 shall
32 be deemed to meet the standards of the board. A physician assistant
33 who has completed training and achieved clinical competency
34 through HWPP No. 171 shall be authorized to perform abortions
35 by aspiration techniques pursuant to Section 2253, in adherence
36 to protocols described in subdivision (b).

37 (d) It is unprofessional conduct for any physician assistant to
38 perform an abortion by aspiration techniques pursuant to Section
39 2253 without prior completion of training and validation of clinical
40 competency.

1 *(e) The board shall not suspend or revoke the license of a*
2 *physician assistant solely for performing an abortion so long as*
3 *the licensee performed the abortion in accordance with the*
4 *provisions of this chapter and the Reproductive Privacy Act (Article*
5 *2.5 (commencing with Section 123460) of Chapter 2 of Part 2 of*
6 *Division 106 of the Health and Safety Code).*

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9 REVISIONS: _____

10 Heading—Line 2.

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ASSEMBLY BILL

No. 2209

Introduced by Assembly Member Cooley

February 15, 2022

An act to amend Section 9112 of the Government Code, relating to state facilities.

LEGISLATIVE COUNSEL’S DIGEST

AB 2209, as introduced, Cooley. State facilities.

The State Capitol Building Annex Act of 2016 authorizes the Joint Rules Committee to pursue the construction of a state capitol building annex or the restoration, rehabilitation, renovation, or reconstruction of the existing State Capitol Building Annex, and any other ancillary improvements, as provided. The act authorizes projects to be pursued in phases, including a visitor center, a relocated and expanded underground parking facility, and any related or necessary deconstruction and infrastructure work.

This bill would clarify that these authorized projects include any related or necessary construction, deconstruction, and infrastructure work.

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 9112 of the Government Code is amended
- 2 to read:
- 3 9112. (a) (1) Notwithstanding any other law, including Section
- 4 9108, the Joint Rules Committee may pursue the construction of

1 a state capitol building annex or the restoration, rehabilitation,
2 renovation, or reconstruction of the State Capitol Building Annex
3 described in Section 9105 and any other ancillary improvements
4 to effectuate the purposes of this article.

5 (2) Projects authorized pursuant to this section may be pursued
6 in phases and may include a visitor center, a relocated and
7 expanded underground parking facility, and any related or
8 necessary—~~deconstruction~~ *construction, deconstruction,* and
9 infrastructure work.

10 (b) (1) All work performed pursuant to this article shall be
11 administered and supervised by the Department of General
12 Services. The work shall be undertaken pursuant to an agreement
13 between the Joint Rules Committee, the Department of Finance
14 or its designated representative, and the Department of General
15 Services or its designated representative.

16 (2) The agreement entered into pursuant to paragraph (1), prior
17 to any recognition by the State Public Works Board of a project
18 authorized by this section, shall establish the scope, budget,
19 delivery method, and schedule for any work undertaken pursuant
20 to this article.

21 (3) (A) The scope, cost, and delivery method of each project
22 pursuant to this section shall be recognized by, and subject to the
23 oversight of, the State Public Works Board pursuant to Section
24 13332.11 or 13332.19, as applicable and subject to the provisions
25 of this paragraph.

26 (B) Notwithstanding Sections 13332.11 and 13332.19, or any
27 other law, the Joint Rules Committee, the Department of Finance
28 or its designated representative, and the Department of General
29 Services or its designated representative, pursuant to the agreement
30 entered into pursuant to paragraph (1), may agree to utilize any
31 delivery method deemed appropriate and advantageous for the
32 work performed pursuant to this article.

33 (C) Notwithstanding any provision of Section 13332.11 or
34 13332.19 to the contrary, or any other law, any changes to the
35 scope of the projects authorized by this section shall be agreed
36 upon by the Joint Rules Committee, the Department of Finance or
37 its designated representative, and the Department of General
38 Services or its designated representative, pursuant to the agreement
39 entered into pursuant to paragraph (1).

1 (c) Notwithstanding any other law, any action or proceeding
2 alleging that a public agency has approved or is undertaking work
3 pursuant to this article in violation of the California Environmental
4 Quality Act (Division 13 (commencing with Section 21000) of
5 the Public Resources Code) shall be subject to Chapter 6.7
6 (commencing with Section 21189.50) of Division 13 of the Public
7 Resources Code.

8 (d) (1) Notwithstanding any other law, all work performed
9 pursuant to this article by the Department of General Services shall
10 be exempt from all of the following:

11 (A) The State Contract Act (Chapter 1 (commencing with
12 Section 10100) of Part 2 of Division 2 of the Public Contract
13 Code).

14 (B) Chapter 6 (commencing with Section 14825) of Part 5.5 of
15 Division 3.

16 (C) Chapter 2.1 (commencing with Section 15813) of Part 10b
17 of Division 3.

18 (D) Section 2807 of the Penal Code.

19 (2) Notwithstanding any other law, the inclusion of office space
20 for or an emergency dispatch center of the Department of the
21 California Highway Patrol, including any associated
22 telecommunications or radio equipment, in the state capitol
23 building annex constructed or the existing State Capitol Building
24 Annex described in Section 9105 restored, rehabilitated, renovated,
25 or reconstructed pursuant to this article shall not subject any part
26 of the projects authorized by this article, including that office space
27 or emergency dispatch center, to any of the following:

28 (A) The Essential Services Buildings Seismic Safety Act of
29 1986 (Chapter 2 (commencing with Section 16000) of Division
30 12.5 of the Health and Safety Code).

31 (B) Any other law that would not otherwise apply to the projects
32 authorized by this article but for the inclusion of the office space
33 for or emergency dispatch center of the Department of the
34 California Highway Patrol

35 (C) Any rule, regulation, standard, or requirement promulgated
36 or enforced by the Division of the State Architect or the Office of
37 the State Fire Marshal pursuant to the laws described in
38 subparagraphs (A) and (B).

39 (3) Notwithstanding any other law, to the extent that the work
40 performed pursuant to this article is administered and supervised

1 by the Department of General Services, the department may enter
2 into negotiations directly with any firm for the provision of services
3 described in Section 4525.

4 (e) Prevailing wages shall be paid to all workers employed on
5 a project that is subject to this article, in accordance with Article
6 2 (commencing with Section 1770) of Chapter 1 of Part 7 of
7 Division 2 of the Labor Code.

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Date of Hearing: May 12, 2022

ASSEMBLY COMMITTEE ON RULES
Ken Cooley, Chair
AB 2209 (Cooley) – As Introduced February 15, 2022

SUBJECT: State facilities

SUMMARY: Clarifies that projects authorized by the State Capitol Building Annex Act of 2016 include any related or necessary construction, deconstruction, and infrastructure work.

EXISTING LAW:

- 1) Authorizes the Joint Rules Committee to pursue the construction of a state capitol building annex or the restoration, rehabilitation, renovation, or reconstruction of the existing State Capitol Building Annex and any other ancillary improvements.
- 2) Authorizes the Joint Rules Committee to pursue projects in phases including a visitor center, a relocated and expanded underground parking facility, and any related or necessary deconstruction and infrastructure work.
- 3) Requires that all work be undertaken pursuant to an agreement between the Joint Rules Committee, the Department of Finance, and the Department of General Services.

FISCAL EFFECT: This bill is keyed non-fiscal by Legislative Counsel.

COMMENTS:

- 1) Purpose of the bill: In support of AB 2209, the author states:

The State Capitol Building Annex Act of 2016 authorized the Joint Rules Committee (JRC) to pursue the construction of a new annex building, or the restoration, rehabilitation, renovation, or reconstruction of the existing State Capitol Building Annex. In furtherance of the Act's implementation, the JRC began the Capitol Annex Project.

Current law allows the Capitol Annex Project to be pursued in phases and authorizes any related or necessary deconstruction and infrastructure work required in furtherance of the Project. Current law also authorizes the JRC to pursue "any other ancillary improvements to effectuate the purposes of [the act]."

Existing Government Code Section 9112(a) makes clear construction of a new state capitol building annex is expressly authorized along with a visitor center and relocated underground parking facility, which are enumerated examples in Section 9112(a)(1).

This bill clarifies current law by providing in the list of enumerated examples in Section 9112(a)(1) that, consistent with the JRC's existing authority to pursue the construction of a state capitol building annex and "any other ancillary improvements," any related or necessary construction work is also authorized.

2) Argument in Opposition: Public Accountability for our Capitol is opposed to the authorization in AB 2209 for “any related construction.” They would continue to oppose the bill if “this measure is being moved as a vehicle for unknown future language due to concern about possible future provisions.”

3) Prior legislation:

SB 836 (Chapter 31, Statutes of 2016), known as the State Capitol Building Annex Act of 2016, authorized Joint Rules Committee to pursue the construction of a state capitol building annex.

AB 1826 (Chapter 40, Statutes of 2018) appropriated funding for both the Capitol Annex Project and modifications of the historic west wing.

AB 2667 (Chapter 283, Statutes of 2018) required that any work on the annex incorporate elements complementary to the historic State Capitol.

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

Public Accountability for our Capitol

Analysis Prepared by: Michael Erke / RLS. / (916) 319-2800



PUBLIC ACCOUNTABILITY for our CAPITOL

<https://savecalcap.org>

PACAnnexProject@gmail.com

May 9, 2022

Re: AB 2209 (Cooley) Opposed

Dear Chairperson Cooley:

Public Accountability for our Capitol is opposed to AB 2209, relating to the Capitol Annex Project. AB 2209 adds authorization for the Joint Rules Committee to pursue 'any related construction' in addition to deconstruction.

It is remarkable that as the Legislature prepares to demolish the historic Capitol Annex Building, it is just now considering amending this provision into enabling legislation (AB 1826, Statutes of 2018, Ch. 40).

If, on the other hand, this measure is being moved as a vehicle for unknown future language, we would continue to oppose due to concern about possible future provisions.

Thank you for your attention to this letter.

Sincerely,

Dick Cowan

Public Accountability for our Capitol

ASSEMBLY BILL

No. 2519

Introduced by Assembly Member Cooley

February 17, 2022

An act to amend Section 9112.5 of the Government Code, relating to state facilities.

LEGISLATIVE COUNSEL’S DIGEST

AB 2519, as introduced, Cooley. State facilities.

The State Capitol Building Annex Act of 2016 authorizes the Joint Rules Committee to pursue the construction of a state capitol building annex or the restoration, rehabilitation, renovation, or reconstruction of the existing State Capitol Building Annex. The act authorizes the State Public Works Board to issue lease-revenue bonds, notes, or bond anticipation notes, not exceeding specified amounts, pursuant to specified law to finance the acquisition, design, and construction of projects authorized under the act.

This bill would clarify that this bond authority to fund the authorized projects includes related or necessary deconstruction and infrastructure work.

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 9112.5 of the Government Code is
- 2 amended to read:
- 3 9112.5. (a) (1) The State Public Works Board may issue
- 4 lease-revenue bonds, notes, or bond anticipation notes in an amount

1 not exceeding seven hundred fifty-five million five hundred
2 ninety-one thousand dollars (\$755,591,000) pursuant to Chapter
3 5 (commencing with Section 15830) of Part 10b of Division 3 to
4 finance the acquisition, design, and construction—~~of of, and~~
5 *deconstruction and infrastructure work related to or necessary*
6 *for*, the projects authorized by Section 9112.

7 (2) The amount described in paragraph (1) shall be available in
8 addition to any other funds that may be available for the projects
9 authorized by Section 9112, including, but not limited to, transfers
10 from the State Project Infrastructure Fund, as contemplated in
11 subparagraph (C) of paragraph (2) of subdivision (a) of Section
12 14692.

13 (b) The State Public Works Board, together with the Department
14 of General Services or the Joint Rules Committee, as applicable,
15 may obtain interim financing for the costs of the projects authorized
16 by Section 9112 from any appropriate source, provided that the
17 Joint Rules Committee or its designated representative agrees in
18 advance to any interim financing obtained pursuant to this
19 subdivision.

20 (c) Notwithstanding Section 13340, funds derived from the
21 financing methods authorized by this section are hereby
22 continuously appropriated to the State Public Works Board on
23 behalf of the Department of General Services or the Joint Rules
24 Committee, as applicable, for the acquisition, design, and
25 construction of the projects authorized by Section 9112.

26 (d) The Department of General Services and the Joint Rules
27 Committee are authorized and directed to execute and deliver any
28 and all leases, contracts, agreements, or other documents necessary
29 or advisable to consummate the issuance of the bonds by the State
30 Public Works Board or otherwise effectuate the financing for the
31 projects authorized by Section 9112.

32 (e) In the event that the bonds authorized by this section are not
33 sold, the Department of General Services or the Joint Rules
34 Committee, as applicable and as agreed to pursuant to subdivision
35 (b), shall commit a sufficient portion of its budget to repay any
36 interim financing.

37 (f) It is the intent of the Legislature that available cash sources,
38 including, but not limited to, an allocation of the moneys deposited
39 into the State Project Infrastructure Fund prior to 2018 and moneys
40 appropriated in the Budget Act of 2018, be used to the maximum

1 extent available to fund the projects authorized by Section 9112
2 before utilizing the lease-revenue bond authority provided by this
3 section.

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Date of Hearing: May 12, 2022

ASSEMBLY COMMITTEE ON RULES
Ken Cooley, Chair
AB 2519 (Cooley) – As Introduced February 17, 2022

SUBJECT: State facilities

SUMMARY: Clarifies that the State Public Works Board may issue lease-revenue bonds, notes, or bond anticipation notes to finance the acquisition, design, and construction of, and deconstruction and infrastructure work related to or necessary for, projects authorized under the State Capitol Building Annex Act of 2016.

EXISTING LAW:

- 1) Authorizes the Joint Rules Committee to pursue the construction of a state capitol building annex or the restoration, rehabilitation, renovation, or reconstruction of the existing State Capitol Building Annex and any other ancillary improvements.
- 2) Requires that all work be undertaken pursuant to an agreement between the Joint Rules Committee, the Department of Finance, and the Department of General Services.
- 3) Authorizes the State Public Works Board to issue lease-revenue bonds, notes, or bond anticipation notes to finance the acquisition, design, and construction of authorized projects.
- 4) Appropriates funding from the State Project Infrastructure Fund to the Operating Funds of the Assembly and Senate to cover the costs of the design and construction of the project or projects that will modify portions of the west wing of the State Capitol in order to facilitate a fully functional State Capitol.
- 5) Provides the intent of the Legislature that available cash sources, including, but not limited to, an allocation of the moneys deposited into the State Project Infrastructure Fund prior to 2018 and moneys appropriated in the Budget Act of 2018, be used to the maximum extent available to fund the authorized projects before utilizing the lease-revenue bond authority.

FISCAL EFFECT: This bill is keyed non-fiscal by Legislative Counsel.

COMMENTS:

- 1) Purpose of the bill: In support of AB 2519, the author states:

The State Public Works Board was created by the Legislature in 1946 to oversee the fiscal matters associated with construction of projects for state agencies and to select and acquire real property for state facilities and programs. It is also the issuer of lease revenue bonds, which are a form of long-term financing used to pay for capital outlay projects.

AB 1826 (Chapter 40, Statutes of 2018) authorized the State Public Works Board to issue lease revenue bonds or notes to provide funding for the acquisition, design, and construction of a state capitol building annex and any ancillary improvements to effectuate the Capitol Annex Project.

This bill makes clear that to the extent relied upon, the bond authority extends to all costs associated with related or necessary work for the project authorized by Government Code Section 9112.

- 2) Argument in Opposition: Public Accountability for our Capitol is opposed to the specific authorization in AB 2519 that would allow the State Public Works Board to issue “financial instruments for deconstruction and infrastructure in addition to construction of the Capitol Annex Project.” They would continue to oppose the bill if “this measure is being moved as a vehicle for unknown future language due to concern about possible future provisions.”
- 3) Prior legislation:

SB 836 (Chapter 31, Statutes of 2016), known as the State Capitol Building Annex Act of 2016, authorized Joint Rules Committee to pursue the construction of a state capitol building annex.

AB 1826 (Chapter 40, Statutes of 2018) appropriated funding for both the Capitol Annex Project and modifications of the historic west wing. AB 1826 also authorized the State Public Works Board to issue lease-revenue bonds, notes, or bond anticipation notes, to finance the acquisition, design, and construction of projects authorized under the State Capitol Building Annex Act of 2016.

AB 2667 (Chapter 283, Statutes of 2018) required that any work on the annex incorporate elements complementary to the historic State Capitol.

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

Public Accountability for our Capitol

Analysis Prepared by: Michael Erke / RLS. / (916) 319-2800



PUBLIC ACCOUNTABILITY for our CAPITOL

<https://savecalcap.org>

PACAnnexProject@gmail.com

May 9, 2022

Re: AB 2519 (Cooley) Opposed

Dear Chairperson Cooley:

Public Accountability for our Capitol is opposed to AB 2519, relating to the Capitol Annex Project. AB 2519 adds specific authorization for the State Public Works Board to issue financial instruments for deconstruction and infrastructure in addition to construction of the Capitol Annex Project.

It is remarkable that as the Legislature prepares to demolish the historic Capitol Annex Building, it is just now considering amending this provision into enabling legislation (AB 1826, Statutes of 2018, Ch. 40). If this authorization is not in place at this time, then the Legislature may have exceeded its legal authority in authorizing demolition and deconstruction.

If, on the other hand, this measure is being moved as a vehicle for unknown future language, we would continue to oppose due to concern about possible future provisions.

Thank you for your attention to this letter.

Sincerely,

Dick Cowan

Public Accountability for our Capitol