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Assembly
California Legislature
Committee on Rules

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Monday, May 02, 2016
12:50 PM
State Capitol, Room 3162

CONSENT AGENDA

Bill Referrals

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| 1. Consent Bill Referrals | Page 2 |
| 2. Bill Re-referrals | Page 5 |

Assembly Bills

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| 3. AB 1788 (Melendez) | Relative to Legislature: Legislative Employee Whistleblower Protection Act. | Page 7 |
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| 4. HR 45 (Dababneh) | Relative to Parkinson's Disease Awareness Month. | Page 16 |
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| 7. AB 1665 (Bonilla) | Relative to Transactions and use taxes: County of Alameda, County of Contra Cost..... | Page 29 |
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REFERRAL OF BILLS TO COMMITTEE

05/02/2016

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

Assembly Bill No.	Committee:
<u>ACR 175</u>	RLS.
<u>AJR 38</u>	JUD.
<u>HR 50</u>	RLS.
<u>SB 826</u>	BUDGET
<u>SB 827</u>	BUDGET
<u>SB 828</u>	BUDGET
<u>SB 829</u>	BUDGET
<u>SB 830</u>	BUDGET
<u>SB 831</u>	BUDGET
<u>SB 832</u>	BUDGET
<u>SB 833</u>	BUDGET
<u>SB 834</u>	BUDGET
<u>SB 835</u>	BUDGET
<u>SB 836</u>	BUDGET
<u>SB 837</u>	BUDGET
<u>SB 838</u>	BUDGET
<u>SB 839</u>	BUDGET
<u>SB 840</u>	BUDGET
<u>SB 841</u>	BUDGET
<u>SB 842</u>	BUDGET
<u>SB 843</u>	BUDGET
<u>SB 844</u>	BUDGET
<u>SB 845</u>	BUDGET
<u>SB 846</u>	BUDGET
<u>SB 847</u>	BUDGET
<u>SB 848</u>	BUDGET
<u>SB 849</u>	BUDGET
<u>SB 850</u>	BUDGET
<u>SB 851</u>	BUDGET
<u>SB 852</u>	BUDGET
<u>SB 853</u>	BUDGET
<u>SB 854</u>	BUDGET
<u>SB 855</u>	BUDGET
<u>SB 856</u>	BUDGET
<u>SB 857</u>	BUDGET
<u>SB 858</u>	BUDGET
<u>SB 859</u>	BUDGET
<u>SB 860</u>	BUDGET

[SB 974](#)
[SB 975](#)
[SCR 104](#)
[SCR 132](#)

L. GOV.
L. GOV.
RLS.
RLS.

California Legislature
Assembly Rules Committee

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

Memo

To: Rules Committee Members
From: Michael Erke, Bill Referral Consultant
Date: 4/29/2016
Re: Consent Bill Referrals

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



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RE-REFERRAL OF BILLS

05/02/2016

RE-REFERRAL OF BILLS

Assembly Bill No.

[SB 683](#)

[SB 746](#)

[AB 2638](#)

Committee:

GOVERNMENTAL ORGANIZATION

AGRICULTURE

BANKING AND FINANCE

California Legislature
Assembly Rules Committee

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

Memo

To: Rules Committee Members
From: Michael Erke, Bill Referral Consultant
Date: 4/29/2016
Re: Consent Bill Re-Referrals

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



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AMENDED IN ASSEMBLY APRIL 20, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1788

Introduced by Assembly Member Melendez

February 4, 2016

An act to add Article 11 (commencing with Section 9149.30) to Chapter 1.5 of Part 1 of Division 2 of Title 2 of the Government Code, relating to the Legislature.

LEGISLATIVE COUNSEL’S DIGEST

AB 1788, as amended, Melendez. Legislature: Legislative Employee Whistleblower Protection Act.

Existing law provides procedures for a person to file a complaint alleging violations of legislative ethics. Existing law also authorizes each house of the Legislature to adopt rules for its proceedings and to select committees necessary for the conduct of its business.

This bill would prohibit interference with the right of legislative employees, as defined, to make protected disclosures of ethics violations and would prohibit retaliation against legislative employees who have made protected disclosures. This bill would establish a procedure for legislative employees to report violations of the prohibitions to the Legislature. The bill would also impose civil and criminal liability on a person who interferes with a legislative employee’s right to make a protected disclosure or who engages in retaliatory acts, as specified.

By creating new crimes, the bill would impose a state-mandated local program.

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

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

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

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

1 SECTION 1. Article 11 (commencing with Section 9149.30)
2 is added to Chapter 1.5 of Part 1 of Division 2 of Title 2 of the
3 Government Code, to read:

4
5 Article 11. Legislative Employee Whistleblower Protection Act
6

7 9149.30. This article shall be known and may be cited as the
8 Legislative Employee Whistleblower Protection Act.

9 9149.31. The Legislature finds and declares that legislative
10 employees should be free to report ethical violations without fear
11 of retribution.

12 9149.32. For the purposes of this article, the following terms
13 have the following meanings:

14 (a) "Legislative employee" means an individual, other than a
15 Member of either house of the Legislature, who is currently
16 employed by either house of the Legislature.

17 (b) "Protected disclosure" means the filing of a complaint with
18 any of the following:

19 (1) The Joint Legislative Ethics Committee pursuant to Section
20 8944, alleging a violation by a member of the Legislature.

21 (2) The Senate Committee on Legislative Ethics, alleging that
22 a Member, officer, or employee of the Senate violated any standard
23 of conduct, as defined by the standing rules of the Senate.

24 (3) The Assembly Legislative Ethics Committee, alleging that
25 a Member of the Assembly violated any standard of conduct, as
26 defined by the standing rules of the Assembly.

27 (4) The Assembly Rules Committee, alleging that an employee
28 of the Assembly violated Article 2 of Chapter 1 of this part.

29 (5) An ethics ombudsperson designated by either house of the
30 Legislature to receive information about potential ethical violations.

31 (c) "Use of official authority or influence" includes promising
32 to confer, or conferring, any benefit; effecting, or threatening to
33 effect, any reprisal; or taking, or directing others to take, or

1 recommending, processing, or approving, any personnel action,
2 including appointment, promotion, transfer, assignment,
3 performance evaluation, suspension, or other disciplinary action.

4 9149.33. (a) A Member of the Legislature or legislative
5 employee shall not directly or indirectly use or attempt to use that
6 person's official authority or influence to intimidate, threaten,
7 coerce, or command, or attempt to intimidate, threaten, coerce, or
8 command, a legislative employee for the purpose of interfering
9 with the right of the legislative employee to make a protected
10 disclosure.

11 (b) Except to the extent that a Member of the Legislature is
12 immune from liability under the doctrine of legislative immunity,
13 a person who violates this section is subject to a fine not to exceed
14 ten thousand dollars (\$10,000) and imprisonment in a county jail
15 for a period not to exceed one year.

16 (c) In addition to all other penalties provided by law, except to
17 the extent that a Member of the Legislature is immune from
18 liability under the doctrine of legislative immunity, a person who
19 violates this section is liable in a civil action for damages brought
20 by a legislative employee.

21 (d) This section shall not be construed to authorize an individual
22 to disclose information otherwise prohibited by or under law.

23 (e) This section is not intended to prevent a supervisor, manager,
24 or other officer of the Legislature from taking, directing others to
25 take, recommending, or approving any personnel action or from
26 taking or failing to take a personnel action with respect to any
27 legislative employee if the supervisor, manager, or other officer
28 reasonably believes any action or inaction is justified on the basis
29 of evidence separate from the fact that the person has made a
30 protected disclosure.

31 9149.34. (a) A legislative employee may file a written
32 complaint with his or her supervisor or manager, or with any other
33 officer designated by the house of the Legislature by which he or
34 she is employed, alleging actual or attempted acts of reprisal,
35 retaliation, threats, coercion, or similar improper acts prohibited
36 by Section 9149.33 for having made a protected disclosure. ~~The~~

37 (b) ~~The~~ complaint, together with a sworn statement under penalty
38 of perjury that the contents of the complaint are true, or are believed
39 by the affiant to be true, shall be filed within one year of the most
40 recent improper act complained about.

1 (c) A recipient of a written complaint submitted pursuant to
2 subdivision (a) shall keep the identity of complainants and
3 witnesses confidential unless expressly authorized by those persons
4 to reveal them, except if requested by a law enforcement agency
5 conducting a criminal investigation.

6 (d) Records relating to an investigation conducted pursuant to
7 subdivision (a), including investigative files and work product, are
8 confidential, except if requested by a law enforcement agency
9 conducting a criminal investigation.

10 (e) This section does not limit the authority conferred upon the
11 Attorney General, any state or federal law enforcement agency,
12 or any other commission, department, or agency authorized to
13 investigate the Legislature.

14 9149.35. (a) Except to the extent that a Member of the
15 Legislature is immune from liability under the doctrine of
16 legislative immunity, a person who intentionally engages in acts
17 of reprisal, retaliation, threats, coercion, or similar acts against a
18 legislative employee for having made a protected disclosure is
19 subject to a fine not to exceed ten thousand dollars (\$10,000) and
20 imprisonment in a county jail for a period not to exceed one year.

21 (b) For purposes of this section, “legislative employee” includes
22 a former employee of the Legislature if the complaint is filed within
23 one year of the most recent improper act complained about.

24 9149.36. (a) In addition to all other penalties provided by law,
25 except to the extent that a Member of the Legislature is immune
26 from liability under the doctrine of legislative immunity, a person
27 who intentionally engages in acts of reprisal, retaliation, threats,
28 coercion, or similar acts against a legislative employee for having
29 made a protected disclosure is liable in a civil action for damages
30 brought by a legislative employee.

31 (b) (1) In any civil action, once it has been demonstrated by a
32 preponderance of the evidence that an activity protected by this
33 article was a contributing factor in the alleged retaliation against
34 a legislative employee, the burden of proof is on the offending
35 party to demonstrate by clear and convincing evidence that the
36 alleged action would have occurred for legitimate, independent
37 reasons even if the legislative employee had not made a protected
38 disclosure.

39 (2) Punitive damages may be awarded by the court if the acts
40 of the offending party are proven to be malicious. If liability is

1 established, the injured party is also entitled to reasonable
2 attorney's fees as provided by law.

3 (c) A legislative employee is not required to file a complaint
4 pursuant to Section 9149.34 before bringing an action for civil
5 damages.

6 (d) This section is not intended to prevent a supervisor, manager,
7 or other officer of the Legislature from taking, directing others to
8 take, recommending, or approving any personnel action or from
9 taking or failing to take a personnel action with respect to any
10 legislative employee if the supervisor, manager, or other officer
11 reasonably believes any action or inaction is justified on the basis
12 of evidence separate and apart from the fact that the person has
13 made a protected disclosure.

14 (e) For purposes of this section, "legislative employee" includes
15 a former employee of the Legislature if the complaint is filed within
16 one year of the most recent improper act complained about.

17 9149.37. This article does not diminish the rights, privileges,
18 or remedies of a legislative employee under any other federal or
19 state law.

20 SEC. 2. No reimbursement is required by this act pursuant to
21 Section 6 of Article XIII B of the California Constitution because
22 the only costs that may be incurred by a local agency or school
23 district will be incurred because this act creates a new crime or
24 infraction, eliminates a crime or infraction, or changes the penalty
25 for a crime or infraction, within the meaning of Section 17556 of
26 the Government Code, or changes the definition of a crime within
27 the meaning of Section 6 of Article XIII B of the California
28 Constitution.

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Date of Hearing: May 2, 2016

ASSEMBLY COMMITTEE ON RULES

Richard S. Gordon, Chair

AB 1788 (Melendez) – As Amended April 20, 2016

SUBJECT: Legislature: Legislative Employee Whistleblower Protection Act

SUMMARY: Enacts the Legislative Employee Whistleblower Protection Act to prohibit retaliation against legislative employees that make protected disclosures of ethical violations. Specifically, **this bill**:

- 1) Prohibits a Member of the Legislature and a legislative employee from directly or indirectly using that person's official authority or influence to interfere with the right of a legislative employee to make a "protected disclosure."
- 2) Authorizes a legislative employee to file a written complaint with their supervisor or manager, or with any other officer designated by the house of the Legislature they work for, alleging actual or attempted acts of reprisal, retaliation, threats, coercion, or similar improper acts prohibited by this bill. The complaint must be accompanied by a sworn statement under penalty of perjury that the contents of the written complaint are true, and must be filed within one year.
- 3) Provides that the identity of all complainants and witnesses shall be confidential unless given the express permission of those persons, except if the complaint is requested by a law enforcement agency that is conducting a criminal investigation.
- 4) Subjects a Member of the Legislature or a legislative employee who uses his or her official authority or influence to interfere with the right of a current legislative employee to make a protected disclosure; or, intentionally retaliates against a current or former legislative employee for having made that protected disclosure, to a fine of up to \$10,000, imprisonment in a county jail for up to one year, and damages in a civil action. The penalties that may be imposed on a Member of the Legislature are limited to the extent that Members are immune from liability under the doctrine of legislative immunity.
- 5) Authorizes punitive damages if the acts of the offending party are proven to be malicious.
- 6) Provides that where liability has been established, the injured party would also be entitled to reasonable attorney's fees.
- 7) Provides that a legislative employee is not required to file a complaint before bringing an action for civil damages.
- 8) Declares that the bill's provisions do not diminish the rights, privileges, or remedies of any employee under any other federal or state law.

EXISTING LAW:

- 1) Pursuant to the California Whistleblower Protection Act (CWPA), prohibits "improper governmental activities" by state agencies and employees.

- 2) Defines “improper governmental activity” as an activity by a state agency or by an employee that is undertaken in the performance of the employee’s duties, undertaken inside a state office, or, if undertaken outside a state office by the employee, directly relates to state government, whether or not that activity is within the scope of his or her employment, and that (1) is in violation of any state or federal law or regulation, including, but not limited to, corruption, malfeasance, bribery, theft of government property, fraudulent claims, fraud, coercion, conversion, malicious prosecution, misuse of government property, or willful omission to perform duty, (2) is in violation of an Executive Order of the Governor, a California Rule of Court, or any policy or procedure mandated by the State Administrative Manual or State Contracting Manual, or (3) is economically wasteful, involves gross misconduct, incompetency, or inefficiency.
- 3) Defines employee to include former employees, but specifically excludes Members and staff of the Legislature and the Legislature itself from the definitions of “employee” and “state agency.”
- 4) Prohibits state employees and officers, other than Members and employees of the Legislature, from directly or indirectly using or attempting to use the official authority or influence of the employee for the purpose of intimidating, threatening, coercing, commanding, or attempting to intimidate, threaten, coerce, or command any person for the purpose of interfering with the rights conferred pursuant to the CWPA.
- 5) Provides that any employee who violates the CWPA’s prohibition against use of authority or influence to be liable in an action for civil damages brought by the offended person.
- 6) Makes a person who intentionally engages in acts of reprisal or retaliation in violation of the CWPA subject to a fine of up to \$10,000 and up to a year in county jail, and if that person is a civil service employee, subjects that person to discipline by adverse action.
- 7) Makes the provisions of the Code of Ethics governing Members of the Legislature also applicable to any employee of either house of the Legislature.
- 8) Requires a complaint to the Joint Legislative Ethics Committee (JLEC), alleging a violation of the Code of Ethics by a Member of the Legislature, to meet specified criteria (be in writing; state the name of the Member alleged to have committed a violation; set forth allegations with sufficient clarity and detail to enable the committee to make a determination whether there is a violation; signed by the complainant under penalty of perjury; and include a statement that the facts are true of the complainant’s own knowledge or that the complainant believes them to be true) in order to be considered a “valid complaint” and requires such complaints to be filed within 12 months of the alleged violation.
- 9) Requires JLEC to promptly send a copy of each complaint it receives to the Member of the Legislature who is alleged to have committed the violation.
- 10) Requires JLEC to investigate those complaints that state facts sufficient to constitute a violation of the Code of Ethics and, after such an investigation, to notify the complainant and respondent of its determination and either dismiss the complaint if it determines that probable cause does not exist, or schedule a hearing in the matter within 30 days.

- 11) Requires JLEC to make a written determination of whether the Member has violated the Code of Ethics and to provide its determination, to the house in which the respondent serves, the Attorney General, the Fair Political Practices Commission, and the district attorney of the county in which the alleged violation occurred, and to make the determination available as a public record.

FISCAL EFFECT: Unknown

COMMENTS:

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

Currently, employees of the Legislature are not protected under the California Whistleblower Protection Act. This lack of protection discourages legislative employees from reporting questionable behavior by Members or other employees of the Legislature.

Every violation of the law by a public official is also a violation of the public trust. The Legislature has a responsibility to protect the integrity of the institution by creating an atmosphere of transparency and accountability. Given their proximity to members of the Legislature, legislative employees have a unique opportunity to help provide this accountability by reporting any suspicious or unethical behavior. This will not take place, however, if those employees are not afforded protections from intimidation or coercion.

- 2) Need for the bill: AB 1788 would protect current and former legislative employees from retaliation for filing a complaint with the Joint Legislative Ethics Committee. Under existing law, these employees already have a number of ways to report legislative misconduct. Nonetheless, the bill could encourage legislative employees to make protected disclosures about legislative misconduct.
- 3) Prior legislation: AB 1788 is similar to a number of prior bills, including: AB 289 (Melendez, 2015), AB 2065 (Melendez, 2014), AB 2256 (Portantino, 2012), and AB 1378 (Portantino, 2012). None of these bills became law.
- 4) Double referred: AB 1788 was double referred to Judiciary Committee and Rules Committee. The bill was heard in Judiciary Committee on April 19th and passed 10-0, with a recommendation that the bill be placed on consent.

REGISTERED SUPPORT / OPPOSITION:

Support

California Forward Action Fund

Opposition

None on file

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

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April 29, 2016

The Honorable Richard Gordon
Assembly Rules Committee
California State Assembly
State Capitol
Sacramento, CA 95814

Subject: Support for AB 1788 (Melendez) Legislative Employee Whistleblower Protection

Dear Assemblymember Gordon:

The California Forward Action Fund (CFAF) is pleased to support Assembly Bill 1788, which would expand whistleblower protection to legislative staff and establish a process to report retaliation against employees who report waste, fraud, or abuse.

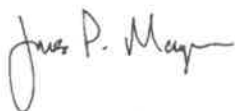
Whistleblower protection has provided judicial and executive branch employees the means and protections to report abuse and waste of taxpayer money. Unfortunately, these same means and protections are not available to legislative employees who may have first-hand knowledge of abuse happening inside the Capitol and within California government. By providing whistleblower protection to legislative staff, the Legislature will demonstrate that it respects and honors its employees and recognizes their service to the public, and that lawmakers are serious about preventing and detecting violations of the law within the institution.

While such instances may be rare, without such protections, employees can be conflicted about their obligation to report possible violations, their loyalty to members or the institution, and fear for their own careers and well-being. This law – these protections – would send a clear message to public servants and the public that the Legislature expects ethical behavior of its employees, including elected members. It says the Legislature prioritizes transparency and preserving the public trust above all.

If this law is not enacted, the Legislature communicates a different message: that it is above the very law that it has enacted to protect the public's trust in the judicial and executive branches; that its employees are not expected and will be respected for stepping forward in the public interest.

For nearly a decade, CA Fwd and the California Forward Action Fund have proudly worked with elected officials and advocacy groups to restore the capacity, integrity and problem-solving ability of the Legislature. We strongly encourage you to support AB 1788 until it is signed by the Governor, and then enacted as the next best step to improving transparency and trust of this vital institution. If you have any questions, please contact me at jim@cafwd.org or (916) 244-1500.

Sincerely,



[Back to Agenda](#) James P. Mayer

1107 9th St, Suite 650, Sacramento, CA 95814
Email: info@cafwd-action.org | Web: www.cafwd-action.org

House Resolution

No. 45

Introduced by Assembly Member Dababneh

March 30, 2016

House Resolution No. 45—Relative to Parkinson’s Disease Awareness Month.

1 WHEREAS, Parkinson’s disease is a chronic, progressive,
2 neurological disease and is the second most common
3 neurodegenerative disease in the United States; and
4 WHEREAS, There is inadequate data on the incidence and
5 prevalence of Parkinson’s disease, but it currently is estimated to
6 affect 500,000 to 1,500,000 people in the United States and the
7 prevalence will more than double by 2040; and
8 WHEREAS, Parkinson’s disease is the 14th leading cause of
9 death in the United States, according to the federal Centers for
10 Disease Control and Prevention; and
11 WHEREAS, It is estimated that the economic burden of
12 Parkinson’s disease is at least \$14.4 billion annually, including
13 indirect costs to patients and family members of \$6.3 billion; and
14 WHEREAS, Research suggests the cause of Parkinson’s disease
15 is a combination of genetic and environmental factors, but the
16 exact cause and progression of the disease is still unknown; and
17 WHEREAS, There is no objective test or biomarker for
18 Parkinson’s disease, and there is no cure or drug to slow or halt
19 the progression of the disease; and
20 WHEREAS, The symptoms of Parkinson’s disease vary from
21 person to person and can include tremors, slowness of movement
22 and rigidity, cognitive impairment and dementia, mood disorders,

1 difficulty with balance, swallowing, chewing, and speaking, and
2 a variety of other nonmotor symptoms; and

3 WHEREAS, Volunteers, researchers, caregivers, and medical
4 professionals are working to improve the quality of life of persons
5 living with Parkinson's disease and their families; and

6 WHEREAS, Increased research, education, and community
7 support services are needed to find more effective treatments and
8 to provide access to quality care to those living with the disease
9 today; now, therefore, be it

10 *Resolved by the Assembly of the State of California*, That the
11 Assembly proclaims the month of April 2016 as Parkinson's
12 Disease Awareness Month in California and urges all citizens to
13 support the search for a cure and to assist those individuals and
14 families who deal with this disabling disease on a daily basis; and
15 be it further

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

O

Date of Hearing: May 2, 2016

ASSEMBLY COMMITTEE ON RULES
Gordon, Chair
HR 45 (Dababneh) – As Introduced March 30, 2016

SUBJECT: Parkinson's Disease Awareness Month

SUMMARY: Proclaims the month of April 2016 as Parkinson's Disease Awareness Month in California and urges all citizens to support the search for a cure and to assist those individuals and families who deal with this disabling disease on a daily basis. Specifically, **this resolution** makes the following legislative findings:

- 1) Parkinson's disease is a chronic, progressive, neurological disease and is the second most common neurodegenerative disease in the United States and is the 14th leading cause of death in the United States, according to the Centers for Disease Control and Prevention.
- 2) Research suggests the cause of Parkinson's disease is a combination of genetic and environmental factors, but the exact cause and progression of the disease is still unknown and there are no objective tests or biomarkers for Parkinson's disease. There is no cure or drug to slow or halt the progression of the disease.
- 3) Symptoms of Parkinson's disease vary from person to person and can include tremors, slowness of movement and rigidity, cognitive impairment and dementia, mood disorders, difficulty with balance, swallowing, chewing, and speaking, and a variety of other non-motor symptoms.
- 4) Increased research, education, and community support services are needed to find more effective treatments and to provide access to quality care to those living with the disease today.

FISCAL EFFECT: None

REGISTERED SUPPORT / OPPOSITION:

Support

UCB, Inc.

Opposition

None on file

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

April 27, 2016

Honorable Rich Gordon
Chair, Assembly Rules Committee
State Capitol, Room 3013
Sacramento, CA 95814

RE: HR 45 (Dababneh) UCB Position: Support

Dear Assemblymember Gordon:

On behalf of UCB, I am pleased to support House Resolution 45, proclaiming April 2016 as Parkinson's Disease Awareness Month.

As you know, Parkinson's Disease is a progressive neurodegenerative condition most commonly characterized by motor symptoms such as tremor and rigidity. Patients also suffer from non-motor symptoms such as sleep disturbances and depression—all of which can significantly affect the patient's daily activities and motor function.

Life expectancy is reduced for all onset ages, with disease progression leading to severe disability and possible confinement to a wheelchair or bed.

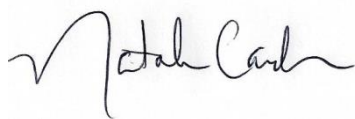
Parkinson's Disease is the 14th leading cause of death in the United States and the prevalence of the disease is expected to more than double by 2040.

Increased awareness and expanded knowledge of the realities of life with Parkinson's Disease will allow the community at large to better support people who struggle with the challenges of this debilitating condition.

UCB, Inc. is a global biopharmaceutical company specializing in discovery and development of innovative medicines for people living with severe diseases of the immune system and the central nervous system including Parkinson's Disease.

Thank you for the consideration of our support position for HR 45. The resolution is a helpful tool in raising awareness of Parkinson's Disease.

Sincerely,



Natalie Cárdenas
Regional Director of Government Relations & Public Affairs

Senate Concurrent Resolution

No. 123

Introduced by Senator Jackson

(Principal coauthor: Assembly Member Atkins)

(Coauthors: Senators Allen, Block, Cannella, Fuller, Galgiani, Glazer, Hall, Hertzberg, Hill, Leno, Leyva, Monning, Pavley, and Wieckowski)

(Coauthors: Assembly Members Achadjian, Baker, Brown, Chang, Chávez, Dodd, Cristina Garcia, Gonzalez, Gordon, Hadley, Kim, Lackey, Lopez, Low, Mathis, Olsen, Rodriguez, and Salas)

March 30, 2016

Senate Concurrent Resolution No. 123—Relative to sexual assault.

LEGISLATIVE COUNSEL'S DIGEST

SCR 123, as amended, Jackson. Sexual Assault Awareness Month: Denim Day California.

This measure would designate the month of April 2016 as Sexual Assault Awareness Month, and would recognize April 27, 2016, as Denim Day California.

Fiscal committee: no.

- 1 WHEREAS, In 2014, California rape crisis centers provided
- 2 direct crisis intervention services to 31,781 individuals, provided
- 3 7,389 sexual assault forensic examinations, and provided
- 4 community education services for almost 20,000 people; and
- 5 WHEREAS, Women, children, and men are all victims of sexual
- 6 assault, and it is estimated that nearly one in two women and one
- 7 in five men experience sexual violence other than rape throughout
- 8 their lifetime; and

1 WHEREAS, The National Intimate Partner and Sexual Violence
2 Survey reports that there are over 22 million survivors of rape
3 throughout the United States and 2 million of those *rape* survivors
4 of ~~rape~~ are currently living in the State of California; and

5 WHEREAS, Rape and sexual assault impact women, children,
6 and men of all racial, cultural, and economic backgrounds; and

7 WHEREAS, Women, children, and men suffer multiple types
8 of sexual violence, including acquaintance rape, stranger rape,
9 sexual assault by an intimate partner, gang rape, incest, serial rape,
10 ritual abuse, sexual harassment, child sexual molestation,
11 prostitution, pornography, and stalking; and

12 WHEREAS, Thousands of the most vulnerable children in our
13 state are being sexually exploited and assaulted for commercial
14 gain, and from 2011 to 2013, California's nine human trafficking
15 task forces identified 1,277 victims, 72 percent of whom are from
16 the United States; and

17 WHEREAS, According to the FBI, three of the nation's 13 High
18 Intensity Child Prostitution areas are located in California; and

19 WHEREAS, In addition to the immediate physical and emotional
20 costs, sexual assault may also have severe and long-lasting
21 consequences of posttraumatic stress disorder, substance abuse,
22 major depression, homelessness, eating disorders, and suicide; and

23 WHEREAS, The federal Centers for Disease Control and
24 Prevention has identified sexual assault as a significant, costly,
25 and preventable health issue; and

26 WHEREAS, A coalition of rape crisis centers and their allies,
27 known as the California Coalition Against Sexual Assault, has
28 emerged to directly confront this crisis with the cooperation of law
29 enforcement agencies, health care providers, institutions of higher
30 education, and other allied professionals from California's diverse
31 communities; and

32 WHEREAS, It is our responsibility to support all rape survivors
33 by treating them with dignity, compassion, and respect; and

34 WHEREAS, It is important to recognize the compassion and
35 dedication of the individuals involved in this effort, applaud their
36 commitment, and increase public understanding of this significant
37 problem; and

38 WHEREAS, It is important to recognize the strength, courage,
39 and challenges of the victims and survivors of sexual assault and

1 their families and friends as they struggle to cope with the reality
2 of sexual assault; and

3 WHEREAS, It is important to recognize that not all victims of
4 sexual assault survive, either at the time of the assault or later, due
5 to the horrific long-term trauma that sexual assault often inflicts
6 upon victims; and

7 WHEREAS, There are rape prevention and education efforts
8 underway throughout California to challenge the societal myths
9 and behaviors that perpetuate rape and to engage communities in
10 a common goal of ending sexual assault; and

11 WHEREAS, It is crucially important to hold perpetrators
12 responsible for sexual attacks, and to prevent sexual violence at
13 every opportunity; and

14 WHEREAS, In 1998, the Italian Supreme Court overturned the
15 conviction of a man who sexually assaulted an 18-year-old woman
16 after the court determined that, “because the victim wore very,
17 very tight jeans, she had to help him remove them, and by removing
18 the jeans it was no longer rape but consensual sex”; and

19 WHEREAS, Enraged by the court decision, within a matter of
20 hours, the women in the Italian Parliament launched into immediate
21 action and protested by wearing jeans to work; and

22 WHEREAS, Nations and states throughout the world have
23 followed the lead of the Italian Parliament by designating their
24 own “Denim Day” to raise public awareness about rape and sexual
25 assault; and

26 WHEREAS, Harmful attitudes about rape and sexual assault
27 allow these crimes to persist and allow survivors to be revictimized
28 through victim-blaming attitudes and unresponsive government
29 systems; and

30 WHEREAS, California is a national leader within the judicial,
31 criminal justice, medical, rape crisis, and health communities in
32 promoting victim-centered approaches to victims of crime; now,
33 therefore, be it

34 *Resolved by the Senate of the State of California, the Assembly*
35 *thereof concurring*, That the Legislature designates the month of
36 April 2016 as Sexual Assault Awareness Month; and be it further

37 *Resolved*, That the Legislature recognizes April 27, 2016, as
38 Denim Day California and encourages everyone to wear jeans on
39 that day to help communicate the message that there is no excuse
40 for and never an invitation to commit, rape; 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 2, 2016

ASSEMBLY COMMITTEE ON RULES
Gordon, Chair
SCR 123 (Jackson) – As Amended April 6, 2016

SENATE VOTE: 38-0

SUBJECT: Sexual Assault Awareness Month: Denim Day California

SUMMARY: Designates the month of April 2016 as Sexual Assault Awareness Month; recognizes April 27, 2016 as Denim Day California; and, encourages everyone to wear jeans on that day to help communicate the message that there is no excuse for, and never an invitation to commit rape. Specifically, **this resolution** makes the following legislative findings:

- 1) In 2014, California rape crisis centers provided direct crisis intervention services to 31,781 individuals, provided 7,389 sexual assault forensic examinations, and provided community education services for almost 20,000 people.
- 2) The National Intimate Partner and Sexual Violence Survey reports that there are more than 22 million survivors of rape in the United States; and, 2 million of those survivors live in California impacting women, children, and men of all racial and economic backgrounds.
- 3) Women, children, and men suffer multiple types of sexual violence, including acquaintance rape, stranger rape, sexual assault by an intimate partner, gang rape, incest, serial rape, ritual abuse, sexual harassment, child sexual molestation, prostitution, pornography, and stalking.
- 4) Thousands of vulnerable children in our state are being sexually exploited and assaulted for commercial gain, and from 2011 to 2013, California's nine human trafficking task forces identified 1,277 victims, 72 percent of whom are from the United States.
- 5) Denim Day has been designated to bring awareness about rape and sexual assault; and, rape prevention and education efforts are underway in California to challenge the societal myths and behaviors that perpetuate rape and to engage communities in a common goal of ending sexual assault.

FISCAL EFFECT: None

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

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

[Back to Agenda](#)

Introduced by Senator Fuller
(Coauthors: Senators Bates, Block, Gaines, and Leno)
(Coauthors: Assembly Members Baker and Chávez)

March 30, 2016

Senate Concurrent Resolution No. 124—Relative to Congenital Diaphragmatic Hernia Awareness Month.

LEGISLATIVE COUNSEL'S DIGEST

SCR 124, as introduced, Fuller. Congenital Diaphragmatic Hernia Awareness Month.

This measure would designate April 2016 as Congenital Diaphragmatic Hernia Awareness Month.

Fiscal committee: no.

1 WHEREAS, Congenital diaphragmatic hernia (CDH) occurs
2 when the diaphragm fails to fully form, allowing abdominal organs
3 to migrate into the chest cavity and preventing lung growth; and
4 WHEREAS, The federal Centers for Disease Control and
5 Prevention recognizes CDH as a birth defect; and
6 WHEREAS, The majority of CDH patients suffer from
7 underdeveloped lungs or poor pulmonary function; and
8 WHEREAS, Babies born with CDH endure extended hospital
9 stays in intensive care with multiple surgeries; and
10 WHEREAS, CDH patients often endure long-term
11 complications, including pulmonary hypertension, pulmonary
12 hypoplasia, asthma, gastrointestinal reflex, feeding disorders, and
13 developmental delays; and
14 WHEREAS, CDH survivors sometimes endure long-term
15 mechanical ventilation dependency, skeletal malformations,

1 supplemental oxygen dependency, enteral and parenteral nutrition,
2 and hypoxic brain injury; and

3 WHEREAS, CDH is treated through mechanical ventilation, a
4 heart and lung bypass, which is commonly known as extracorporeal
5 membrane oxygenation (ECMO), machines, and surgical repair;
6 and

7 WHEREAS, Surgical repair is often not a permanent solution
8 for CDH and can lead to reherniation and require additional
9 surgery; and

10 WHEREAS, CDH is diagnosed in utero in less than 50 percent
11 of cases; and

12 WHEREAS, Infants born with CDH have a high mortality rate,
13 ranging from 20 to 60 percent, depending on the severity of the
14 defect and interventions available at delivery; and

15 WHEREAS, CDH has a rate of occurrence of 1 in every 3,800
16 live births worldwide; and

17 WHEREAS, CDH affects approximately 1,090 babies each year
18 in the United States; and

19 WHEREAS, CDH has affected more than 700,000 babies
20 worldwide since 2000; and

21 WHEREAS, CDH does not discriminate based on race, gender,
22 or socioeconomic status; and

23 WHEREAS, The cause of CDH is unknown; now, therefore,
24 be it

25 *Resolved by the Senate of the State of California, the Assembly*
26 *thereof concurring*, That the Legislature designates April 2016 as
27 California Congenital Diaphragmatic Hernia Awareness Month;
28 and be it further

29 *Resolved*, That the Legislature encourages that steps should be
30 taken to: (1) raise awareness of and increase public knowledge
31 about CDH; (2) inform all Californians about the dangers of CDH,
32 especially those groups that may be disproportionately affected
33 by CDH or that have lower survival rates; (3) disseminate
34 information on the importance of quality neonatal care of CDH
35 patients; (4) promote quality prenatal care and the use of
36 ultrasounds to detect CDH in utero; and (5) support research
37 funding of CDH to improve screening and treatment for CDH,
38 discover the causes of CDH, and develop a cure for CDH; and be
39 it further

1 *Resolved*, That the Legislature calls upon the people of
2 California, interest groups, and affected persons to promote
3 awareness of CDH, take an active role in the fight against this
4 devastating birth defect, and observe California Congenital
5 Diaphragmatic Hernia Awareness Month with appropriate
6 ceremonies and activities; and be it further
7 *Resolved*, That the Secretary of the Senate provide copies of
8 this resolution to the author for appropriate distribution.

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Date of Hearing: May 2, 2016

ASSEMBLY COMMITTEE ON RULES

Gordon, Chair

SCR 124 (Fuller) – As Introduced March 30, 2016

SENATE VOTE: 38-0

SUBJECT: Congenital Diaphragmatic Hernia Awareness Month

SUMMARY: Designates April 2016 as Congenital Diaphragmatic Hernia Awareness Month. Specifically, **this resolution** makes the following legislative findings:

- 1) Congenital diaphragmatic hernia (CDH), a birth defect, occurs when the diaphragm fails to fully form, allowing abdominal organs to migrate into the chest cavity and preventing lung growth. The cause of CDH is unknown.
- 2) The majority of CDH patients suffer from underdeveloped lungs or poor pulmonary function; and babies born with CDH endure extended hospital stays in intensive care with multiple surgeries.
- 3) CDH is treated through mechanical ventilation, a heart and lung bypass, which is commonly known as extracorporeal membrane oxygenation, machines, and surgical repair. Surgical repair is often not a permanent solution for CDH and can lead to reherniation and require additional surgery.
- 4) Infants born with CDH have a high mortality rate, ranging from 20% to 60%, with a rate of occurrence of 1 in every 3,800 live births worldwide. CDH affects approximately 1,090 babies each year in the United States, and, since 2000, more than 700,000 babies have been affected worldwide.

FISCAL EFFECT: None

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

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

ASSEMBLY BILL

No. 1665

Introduced by Assembly Member Bonilla

January 14, 2016

An act to amend Sections 7291 and 7292 of the Revenue and Taxation Code, relating to taxation.

LEGISLATIVE COUNSEL'S DIGEST

AB 1665, as introduced, Bonilla. Transactions and use taxes: County of Alameda, County of Contra Costa, and Contra Costa Transportation Authority.

Existing law authorizes the County of Alameda and the County of Contra Costa to impose a transactions and use tax for the support of countywide transportation programs at a rate of no more than 0.5% that, in combination with other specified taxes, exceeds the combined rate of all these taxes that may be imposed, if certain requirements are met, including a requirement that the ordinance proposing the transactions and use tax be submitted to, and approved by, the voters. Existing law repeals this authority on December 31, 2020, if the ordinance is not approved by the voters by that date.

This bill would extend this taxing authority of the County of Alameda until December 31, 2024, and would shift this same taxing authority, as so extended, from the County of Contra Costa to the Contra Costa Transportation Authority.

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

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

SECTION 1. Section 7291 of the Revenue and Taxation Code is amended to read:

7291. Notwithstanding any other law, the County of Alameda and the ~~County of~~ Contra Costa *Transportation Authority* may each impose a transactions and use tax for the support of countywide transportation programs at a rate of no more than 0.5 percent that would, in combination with all taxes imposed pursuant to Part 1.6 (commencing with Section 7251), exceed the limit established in Section 7251.1, if all of the following requirements are met:

(a) The county *or the Contra Costa Transportation Authority* adopts an ordinance proposing the transactions and use tax by any applicable voting approval requirement.

(b) The ordinance proposing the transactions and use tax is submitted to the electorate and is approved by the voters voting on the ordinance pursuant to Article XIII C of the California Constitution.

(c) The transactions and use tax conforms to the Transactions and Use Tax Law, Part 1.6 (commencing with Section 7251), other than Section 7251.1.

SEC. 2. Section 7292 of the Revenue and Taxation Code is amended to read:

7292. If, as of December 31, ~~2020~~, 2024, an ordinance proposing a transactions and use tax has not been approved as required by subdivision (b) of Section 7291, this chapter shall be repealed as of that same date.

SEC. 3. The Legislature finds and declares that a special law is necessary and that a general law cannot be made applicable within the meaning of Section 16 of Article IV because of the unique fiscal pressures being experienced in the County of Alameda and by the Contra Costa Transportation Authority in providing essential transportation programs.

1	
2	CORRECTIONS:
3	Digest Text—Page 1.
4	

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Assembly California Legislature



SUSAN A. BONILLA
CHAIR: HUMAN SERVICES
ASSEMBLYWOMAN, FOURTEENTH DISTRICT

COMMITTEES
APPROPRIATIONS
BANKING AND FINANCE
HEALTH
LOCAL GOVERNMENT

April 28, 2016

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

Dear Assemblymember Gordon:

I am respectfully requesting approval to add an urgency clause to AB 1665, which would authorize the Contra Costa Transportation Authority (CCTA) to bring forth a local transactions and use tax for transportation improvements in Contra Costa County.

In order to ensure that the residents of Contra Costa County have adequate transportation services and programs, it is necessary that this measure takes effect immediately, so CCTA has the authority to bring forth a measure on the November ballot. This affords residents the opportunity to weigh-in on the pressing transportation needs of the county.

If you have any questions, feel free to contact my Legislative Aide, Ryan Morimune at (916) 319-2014.

Sincerely,

A handwritten signature in cursive script that reads "Susan A. Bonilla".

Susan A. Bonilla,
Assemblywoman, 14th District

AMENDED IN ASSEMBLY APRIL 26, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2243

Introduced by Assembly Member Wood
(Coauthor: Senator Runner)

February 18, 2016

An act to add Part 13.5 (commencing with Section 31001) to Division 2 of the Revenue and Taxation Code, relating to medical cannabis, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 2243, as amended, Wood. Medical cannabis: taxation: cannabis production and environment mitigation.

The Medical Marijuana Regulation and Safety Act, administered by the director of the Bureau of Medical Marijuana Regulation, provides for the licensure of persons engaged in specified activities relating to medical cannabis, including cultivation and distribution.

The Fee Collection Procedures Law, the violation of which is a crime, provides procedures for the collection of certain fees and surcharges.

This bill would impose a tax in specified amounts on the distribution in this state by a licensed cultivator, as defined, of medical cannabis flowers, medical cannabis leaves, and immature medical cannabis plants to a licensed distributor, as specified, and would require the licensed distributor to collect the tax from the cultivator and remit it to the State Board of Equalization. The bill would require the State Board of Equalization to administer and collect the tax pursuant to the procedures set forth in the Fee Collection Procedures Law. The bill would require all moneys, less refunds and costs of administration, to be deposited

into the Cannabis Production and Environment Mitigation Fund, which this bill would establish in the State Treasury.

This bill would continuously appropriate the moneys in that fund in specified percentages to fund competitive grants for local law enforcement-related activities pertaining to illegal cannabis cultivation; to fund a competitive grant program for environmental cleanup restoration and protection of public and private lands that have been damaged by illegal cannabis cultivation; to address the environmental impacts of cannabis cultivation on public and private lands in California and fund other state enforcement-related activities pertaining to illegal cannabis cultivation; and to fund ongoing studies and reports of areas that may create challenges to compliance of the Medical Marijuana Regulation Safety Act. This bill would require the bureau or other state agencies and departments to submit reports to the Legislature on the results of those studies funded by this tax by January 1, 2020, and every 2 years thereafter.

By expanding the application of the Fee Collection Procedures Law, which imposes criminal penalties for various acts, this bill would impose a state-mandated local program.

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

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

This bill would include a change in state statute that would result in a taxpayer paying a higher tax within the meaning of Section 3 of Article XIII A of the California Constitution, and thus would require for passage the approval of $\frac{2}{3}$ of the membership of each house of the Legislature.

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: yes.

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

- 1 SECTION 1. Part 13.5 (commencing with Section 31001) is
- 2 added to Division 2 of the Revenue and Taxation Code, to read:

PART 13.5. MEDICAL CANNABIS TAX LAW

CHAPTER 1. GENERAL PROVISIONS AND DEFINITIONS

31001. This part shall be known and may be cited as the Medical Cannabis Tax Law.

31002. As used in this part, the following terms have the following definitions:

(a) “Board” means the State Board of Equalization.

(b) “Cannabis” has the same meaning as that term is defined in Section 19300.5 of the Business and Professions Code.

(c) “Distribution” has the same meaning as that term is defined in Section 19300.5 of the Business and Professions Code.

(d) “Immature medical cannabis plant” means a plant described in subdivision (b) with no observable flowers or buds, that is intended to be sold for use by medical cannabis patients in California pursuant to the Compassionate Use Act of 1996 (Proposition 215), found in Section 11362.5 of the Health and Safety Code.

(e) “Licensed cultivator” means a person that is licensed as a cultivator under the Medical Marijuana Regulation and Safety Act (Chapter 3.5 (commencing with Section 19300) of Division 8 of the Business and Professions Code).

(f) “Licensed distributor” means “distributor” as defined in Section 19300.5 of the Business and Professions Code.

(g) “Medical cannabis flowers” means the flowers of a plant described in subdivision (b), which excludes the leaves and stems, that are intended to be sold for use by medical cannabis patients in California pursuant to the Compassionate Use Act of 1996 (Proposition 215), found in Section 11362.5 of the Health and Safety Code.

(h) “Medical cannabis leaves” means all parts of a plant described in subdivision (b), other than cannabis flowers, that are intended to be sold for use by medical cannabis patients in California pursuant to the Compassionate Use Act of 1996 (Proposition 215), found in Section 11362.5 of the Health and Safety Code.

(i) “Sale” means the transfer of title or possession for consideration in any manner or by any means whatever.

1 (j) “Qualified nonprofit organization” means an organization
2 exempt from tax as an organization described in Section 501(c)(3)
3 of the Internal Revenue Code .

4
5 CHAPTER 2. IMPOSITION OF TAX
6

7 31005. (a) On and after the operative date set forth in Section
8 31030, for the privilege of distributing medical cannabis flowers,
9 medical cannabis leaves, and immature medical cannabis plants,
10 a tax is hereby imposed upon all licensed cultivators at a rate of
11 nine dollars and twenty-five cents (\$9.25) per ounce of medical
12 cannabis flowers, two dollars and seventy-five cents (\$2.75) per
13 ounce of medical cannabis leaves, and one dollar and twenty-five
14 cents (\$1.25) per immature medical cannabis plant from the sale
15 of all medical cannabis flowers, medical cannabis leaves, and
16 immature medical cannabis plants distributed to a licensed
17 distributor in this state.

18 (b) The licensed distributor shall collect the tax from the licensed
19 cultivator and shall separately state the amount of the tax imposed
20 under this part on the purchase order, which shall be given by the
21 licensed distributor to the licensed cultivator at the time of sale.

22 (c) There are exempted from the taxes imposed by this part,
23 sales by a licensed cultivator that the state is prohibited from taxing
24 under the Constitution or laws of the United States or the
25 Constitution of this state. Any claim for exemption from the tax
26 imposed by this part shall be made to the board in the manner
27 prescribed by the board.

28 31006. The Legislative Analyst’s Office shall regularly review
29 the tax levels established under this part, at a minimum of every
30 other year, beginning in 2018, and make recommendations to the
31 Legislature, as appropriate, regarding adjustments that would
32 further the goal of addressing public safety and the environmental
33 impacts caused by the proliferation of cannabis cultivation.

34
35 CHAPTER 3. ADMINISTRATION
36

37 31010. (a) The board shall administer and collect the tax
38 imposed by this part pursuant to the Fee Collection Procedures
39 Law (Part 30 (commencing with Section 55001) of Division 2 of
40 the Revenue and Taxation Code) with those changes as may be

1 necessary to conform to this section. For purposes of this part, the
2 references in the Fee Collection Procedures Law to “fee” shall
3 include the tax imposed by this part, and references to “feepayer”
4 shall include a person required to pay the tax imposed by this part.

5 (b) The tax that is required to be collected by the licensed
6 distributor and any amount unreturned to the licensed cultivator
7 that is not owed as part of the tax, but was collected from the
8 licensed cultivator under the representation by the licensed
9 distributor that it was owed as a tax, constitutes debts owed by the
10 licensed distributor to the state.

11 (c) A licensed cultivator is liable for the tax until it has been
12 paid to the state, except that payment to the licensed distributor
13 relieves the licensed cultivator from further liability for the tax.
14 Any tax collected from a licensed cultivator that has not been
15 remitted to the board shall be a debt owed to the state by the
16 licensed distributor required to collect and remit the tax. This part
17 does not impose any obligation upon the licensed distributor to
18 take any legal action to enforce the collection of the tax imposed
19 by this part.

20 31011. (a) The board may prescribe, adopt, and enforce
21 regulations relating to the implementation, administration, and
22 enforcement of this part, including, but not limited to, applicant
23 requirements, collections, reporting, refunds, and appeals.

24 (b) The board may prescribe, adopt, and enforce any emergency
25 regulations as necessary to implement this part. Any emergency
26 regulation prescribed, adopted, or enforced pursuant to this section
27 shall be adopted in accordance with Chapter 3.5 (commencing
28 with Section 11340) of Part 1 of Division 3 of Title 2 of the
29 Government Code, and, for purposes of that chapter, including
30 Section 11349.6 of the Government Code, the adoption of the
31 regulation is an emergency and shall be considered by the Office
32 of Administrative Law as necessary for the immediate preservation
33 of the public peace, health and safety, and general welfare.

34 31012. (a) The tax is due and payable to the board quarterly
35 on or before the last day of the month following each calendar
36 quarter.

37 (b) On or before the last day of the month following each
38 calendar quarter, a return for the preceding calendar quarter shall
39 be filed with the board.

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

3 31013. (a) The Cannabis Production and Environment
4 Mitigation Fund is hereby created in the State Treasury. All taxes,
5 interest, penalties, and other amounts collected and paid to the
6 board pursuant to this part, less payments of refunds and costs of
7 administration, shall be deposited in the fund.

8 (b) Notwithstanding Section 13340 of the Government Code,
9 all moneys deposited in the Cannabis Production and Environment
10 Mitigation Fund are hereby continuously appropriated, without
11 regard to fiscal years, in the following manner:

12 (1) Thirty percent to the ~~_____~~ *Board of State and Community*
13 *Corrections* for disbursement for local law enforcement-related
14 activities pertaining to illegal cannabis cultivation. Funds allocated
15 pursuant to this paragraph shall be allocated on a competitive grant
16 application process administered by the ~~_____~~ *Board of State and*
17 *Community Corrections*. Applicants may include local entities that
18 support enforcement activities related to unpermitted activity. The
19 ~~_____~~ *Board of State and Community Corrections* shall promulgate
20 guidelines for the grant process as soon as administratively
21 possible.

22 (2) Thirty percent to the Natural Resources Agency to fund a
23 competitive grant program for environmental cleanup restoration
24 and protection of public and private lands that have been damaged
25 by illegal cannabis cultivation. Where appropriate, the agency may
26 administer funds using programs established pursuant to Chapter
27 3.8 (commencing with Section 5750) of Division 5 of the Public
28 Resources Code and described in subdivision (a) and paragraph
29 (1) of subdivision (l) of Section 75050 of the Public Resources
30 Code. Funds allocated pursuant to this paragraph shall be
31 prioritized to restoration and cleanup projects, on public or private
32 lands, based on the level of damages that have occurred. Not less
33 than 35 percent of the funds shall be used for these purposes related
34 to public lands, including, but not limited to, parks managed by
35 the ~~California~~ Department of Parks and Recreation, and not less
36 than 20 percent of the funds shall be used for these purposes related
37 to private lands. The agency shall consult and partner with counties,
38 cities, or cities and counties and may partner with qualified
39 nonprofit organizations, other appropriate state agencies, and the
40 appropriate federal entities, including, but not limited to, the United

1 States Department of Agriculture and the United States Department
2 of the Interior, for the purposes of awarding grants to state or local
3 government entities and qualified nonprofit organizations that
4 engage in environmental cleanup and restoration. The agency shall
5 promulgate guidelines for the grant process as soon as
6 administratively possible.

7 (3) Thirty percent to the multiagency task force, the Department
8 of Fish and Wildlife and State Water Resources Control Board, to
9 address the environmental impacts of cannabis cultivation on public
10 and private lands in California and fund other state
11 enforcement-related activities pertaining to illegal cannabis
12 cultivation.

13 (4) Ten percent to the Bureau of Medical Marijuana Regulations,
14 and other state agencies or departments that the bureau determines
15 is appropriate, to conduct ongoing studies of areas that may create
16 challenges to compliance of the Medical Marijuana Regulation
17 Safety Act (Chapter 3.5 (commencing with Section 19300) of
18 Division 8 of the Business and Professions Code), including, but
19 not limited to, financial transactions, allowable tax deductions,
20 and the public safety implications of a cash industry. The bureau
21 or other state agencies or departments shall prepare reports on the
22 results of those studies and submit those report to the Legislature,
23 in compliance with Section 9795 of the Government Code, on or
24 before January 1, 2020, and on or before January 1, every two
25 years thereafter.

26
27 CHAPTER 4. REPORT TO THE LEGISLATURE
28

29 31020. (a) The board shall submit a report to the Legislature
30 on the total amount of revenue that was collected for the two-year
31 period commencing on the operative date of this part. The report
32 is due to the Legislature on or before the last day of the month
33 commencing 180 days after the two-year period commencing on
34 the operative date of this part.

35 (b) The report required by this section shall be submitted in
36 compliance with Section 9795 of the Government Code.

CHAPTER 5. OPERATIVE DATE AND FUNDING

31030. This part shall become operative on or after the first day of the first calendar quarter commencing more than 270 days after adequate funding has been received by the board to implement and administer this part. The board shall post a notice on its Internet Web site when this condition has been satisfied.

31031. Funds for the establishment and support of the activities required pursuant to this part shall be advanced as a General Fund or special fund loan, and shall be repaid by the board from the initial proceeds from taxes collected pursuant to this part, no later than six months after the operative date specified in Section 31030.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

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COMMITTEES
APPROPRIATIONS
BUSINESS AND PROFESSIONS
HEALTH
NATURAL RESOURCES
RULES

SELECT COMMITTEES
CHAIR: DIGITAL DIVIDE IN RURAL
CALIFORNIA
CAREER TECHNICAL EDUCATION AND
BUILDING A 21ST CENTURY WORKFORCE
WINE

Assembly California Legislature



JIM WOOD
ASSEMBLYMEMBER, SECOND DISTRICT

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April 27, 2016

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

RE: Adding Urgency Clause to AB 2243 (Wood)

Dear Mr. Gordon,

I am respectfully requesting that the Assembly Rules Committee approves the addition of an urgency clause to AB 2243. The necessity for an urgency clause is to address the damage done by illegal marijuana cultivation at the earliest time possible for the immediate preservation of public peace, health, and safety of the public.

Please feel free to contact my office if you have any questions.

Thank you,

JIM WOOD
Assemblymember, 2nd District

**ADMINISTRATIVE ITEM:
ASSEMBLY WOUNDED WARRIORS TRANSITIONAL LEAVE**

Issue:

Should the Assembly adopt a Wounded Warriors Transitional Leave program?

Background:

In 2015, the Legislature passed SB 221 (Chapter 794), which created the Wounded Warriors Transitional Leave Act. This program grants newly-hired state employees, with a disability rated at 30 percent or more by the United States Department of Veterans Affairs, up to 12 days of sick leave to be used for the treatment of a military service-connected disability. This statute does not apply to legislative employees.

The proposed Assembly Wounded Warriors Transitional Leave program would grant Assembly employees hired on or after January 1, 2016, with a verified service-connected disability rated at 30 percent or more, up to 12 days of sick leave (prorated for part-time employees) to be used for the treatment of their disability. This sick leave would be credited and available to qualifying employees on their first day of employment for use during the following 12 months, after which unused hours would expire.

Recommendation:

Approve an Assembly Wounded Warriors Transitional Leave program.