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Assembly
California Legislature
Committee on Rules

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Monday, March 14, 2016
Upon adjournment of Session
State Capitol, Room 3162

CONSENT AGENDA

Bill Referrals

1. Consent Bill Referrals

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Resolutions

2. ACR 140 (Oberholte) Relative to Don't Text and Drive Day.
3. ACR 151 (Mullin) Relative to Irish American Heritage Month. (refer/hear)
4. HR 40 (Eggman) Relative to Social Work Month.
5. HR 41 (Burke) Relative to Tuskegee Airmen Day.
6. SCR 106 (Jackson) Relative to California Court Reporting and Captioning Week.

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REFERRAL OF BILLS TO COMMITTEE

03/14/2016

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

Assembly Bill No.	Committee:
AB 1583	HIGHER ED.
AB 1643	INS.
AB 1708	PUB. S.
AB 1714	TRANS.
AB 1714	P.E.,R. & S.S.
AB 1729	G.O.
AB 1735	JUD.
AB 1739	HEALTH
AB 1741	HIGHER ED.
AB 1814	TRANS.
AB 1827	HEALTH
AB 1828	E. & R.
AB 1848	PUB. S.
AB 1856	REV. & TAX.
AB 1877	PUB. S.
AB 1899	INS.
AB 1912	PUB. S.
AB 1926	L. & E.
AB 1933	B. & F.
AB 1945	PUB. S.
AB 1946	TRANS.
AB 1978	L. & E.
AB 1996	HIGHER ED.
AB 1999	PUB. S.
AB 2005	JUD.
AB 2021	E. & R.
AB 2048	HEALTH
AB 2057	HUM. S.
AB 2071	E. & R.
AB 2074	AGRI.
AB 2102	G.O.
AB 2108	HEALTH
AB 2128	JUD.
AB 2128	V.A.
AB 2131	TRANS.
AB 2131	AGRI.
AB 2134	HEALTH
AB 2137	HIGHER ED.

<u>AB 2140</u>	H. & C.D.
<u>AB 2140</u>	REV. & TAX.
<u>AB 2183</u>	HIGHER ED.
<u>AB 2220</u>	E. & R.
<u>AB 2220</u>	L. GOV.
<u>AB 2225</u>	P.E.,R. & S.S.
<u>AB 2270</u>	J., E.D. & E.
<u>AB 2270</u>	A. & A.R.
<u>AB 2295</u>	PUB. S.
<u>AB 2310</u>	P.E.,R. & S.S.
<u>AB 2333</u>	PUB. S.
<u>AB 2363</u>	P.E.,R. & S.S.
<u>AB 2366</u>	INS.
<u>AB 2366</u>	AGING & L.T.C.
<u>AB 2384</u>	G.O.
<u>AB 2386</u>	HIGHER ED.
<u>AB 2404</u>	P.E.,R. & S.S.
<u>AB 2417</u>	PUB. S.
<u>AB 2474</u>	INS.
<u>AB 2490</u>	REV. & TAX.
<u>AB 2497</u>	AGING & L.T.C.
<u>AB 2497</u>	REV. & TAX.
<u>AB 2499</u>	PUB. S.
<u>AB 2500</u>	H. & C.D.
<u>AB 2500</u>	L. GOV.
<u>AB 2520</u>	HIGHER ED.
<u>AB 2535</u>	L. & E.
<u>AB 2537</u>	ED.
<u>AB 2542</u>	TRANS.
<u>AB 2575</u>	TRANS.
<u>AB 2585</u>	NAT. RES.
<u>AB 2637</u>	B. & F.
<u>AB 2640</u>	HEALTH
<u>AB 2667</u>	JUD.
<u>AB 2689</u>	ED.
<u>AB 2726</u>	REV. & TAX.
<u>AB 2731</u>	TRANS.
<u>AB 2740</u>	PUB. S.
<u>AB 2762</u>	TRANS.
<u>AB 2798</u>	U. & C.
<u>AB 2801</u>	JUD.
<u>AB 2803</u>	PUB. S.

<u>AB 2804</u>	L. GOV.
<u>AB 2804</u>	JUD.
<u>AB 2806</u>	ED.
<u>AB 2807</u>	REV. & TAX.
<u>AB 2808</u>	G.O.
<u>AB 2811</u>	PUB. S.
<u>AB 2812</u>	NAT. RES.
<u>AB 2813</u>	HUM. S.
<u>AB 2815</u>	ED.
<u>AB 2817</u>	H. & C.D.
<u>AB 2817</u>	REV. & TAX.
<u>AB 2819</u>	JUD.
<u>AB 2820</u>	PUB. S.
<u>AB 2823</u>	E. & R.
<u>AB 2824</u>	E. & R.
<u>AB 2826</u>	ED.
<u>AB 2828</u>	P. & C.P.
<u>AB 2832</u>	HEALTH
<u>AB 2833</u>	P.E.,R. & S.S.
<u>AB 2835</u>	P.E.,R. & S.S.
<u>AB 2837</u>	P. & C.P.
<u>AB 2837</u>	JUD.
<u>AB 2840</u>	E. & R.
<u>AB 2841</u>	J., E.D. & E.
<u>AB 2841</u>	L. GOV.
<u>AB 2846</u>	JUD.
<u>AB 2847</u>	TRANS.
<u>AB 2847</u>	L. GOV.
<u>AB 2848</u>	INS.
<u>AB 2854</u>	PUB. S.
<u>AB 2859</u>	B. & P.
<u>AB 2860</u>	HIGHER ED.
<u>AB 2860</u>	ED.
<u>AB 2861</u>	U. & C.
<u>AB 2863</u>	G.O.
<u>AB 2864</u>	ED.
<u>AB 2871</u>	TRANS.
<u>AB 2872</u>	JUD.
<u>AB 2874</u>	W.,P. & W.
<u>AB 2880</u>	JUD.
<u>AB 2881</u>	JUD.
<u>ACA 11</u>	U. & C.

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California Legislature
Assembly Rules Committee

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

Memo

To: Rules Committee Members
From: Mukhtar Ali, Bill Referral Consultant
Date: 3/11/2016
Re: Consent Bill Referrals

Since you received the preliminary list of bill referrals, the recommendation for AB 2871 has changed and AB 2611 has been removed.



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AMENDMENTS TO ASSEMBLY BILL NO. 1583

Amendment 1

In the heading, below line 1, insert:

(Coauthors: Assembly Members Medina and Rodriguez)

Amendment 2

In the title, in line 1, after "act" insert:

to amend Section 76300 of, and to add Section 76300.1 to, the Education Code,

Amendment 3

On page 1, in line 1, after "SECTION 1." insert:

(a)

Amendment 4

On page 1, in lines 1 and 2, strike out "enact legislation that would"

Amendment 5

On page 1, in line 2, strike out "a" and insert:

the

Amendment 6

On page 1, in line 2, strike out "program"

Amendment 7

Strike out page 2 and insert:

ensure more Californians have the opportunity to access and afford community college in California.

(b) The Legislature finds and declares all of the following:

(1) California's 1960 "A Master Plan for Higher Education in California" affirmed the state's commitment to a system of higher education combining exceptional quality with broad access.



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(2) The California Community College system is the largest system of higher education in the United States, offering associate degrees and certificates in more than 175 fields to 2.1 million students on 113 campuses.

(3) For every dollar California invests to get students into and through college, the state receives a \$4.50 net return on investment.

(4) In 2025, California faces an estimated shortage of one million college degree and certificate holders needed to sustain the state's workforce.

(5) To meet the demand for college degree and certificate holders, California has and must continue to invest significantly in need-based financial aid for California community college students, including the California Community Colleges Board of Governors Enrollment Fee Waiver Program and the Cal Grant Program.

(6) The fee waiver program offsets tuition and fees for more than 60 percent of full-time community college students and nearly half of all community college students, with the only requirements being that students demonstrate financial need and meet reasonable academic progress standards.

(7) Despite the many strengths of the fee waiver program, eligibility is currently limited to students with a minimum need of \$1,104.

(8) Community college access and affordability are not exclusively tied to tuition and fees; for instance, nontuition costs such as textbooks, transportation, food, housing, and other college-related expenses can represent more than 90 percent of the total cost of attending community college, thereby preventing students from successfully enrolling in and completing community college.

(9) Although California has devoted considerable resources to need-based aid at the California Community Colleges, not every student with need is able to access or receive aid to offset tuition or nontuition expenses.

(c) It is the intent of the Legislature to ensure all Californians with financial need are able to access and afford community college in California.

SEC. 2. Section 76300 of the Education Code is amended to read:

76300. (a) The governing board of each community college district shall charge each student a fee pursuant to this section.

(b) (1) The fee prescribed by this section shall be forty-six dollars (\$46) per unit per semester, effective with the summer term of the 2012 calendar year.

(2) The board of governors shall proportionately adjust the amount of the fee for term lengths based upon a quarter system, and also shall proportionately adjust the amount of the fee for summer sessions, intersessions, and other short-term courses. In making these adjustments, the board of governors may round the per unit fee and the per term or per session fee to the nearest dollar.

(c) For the purposes of computing apportionments to community college districts pursuant to Section 84750.5, the board of governors shall subtract, from the total revenue owed to each district, 98 percent of the revenues received by districts from charging a fee pursuant to this section.

(d) The board of governors shall reduce apportionments by up to 10 percent to any district that does not collect the fees prescribed by this section.

(e) The fee requirement does not apply to any of the following:

(1) Students enrolled in the noncredit courses designated by Section 84757.

(2) California State University or University of California students enrolled in remedial classes provided by a community college district on a campus of the University

of California or a campus of the California State University, for whom the district claims an attendance apportionment pursuant to an agreement between the district and the California State University or the University of California.

(3) Students enrolled in credit contract education courses pursuant to Section 78021, if the entire cost of the course, including administrative costs, is paid by the public or private agency, corporation, or association with which the district is contracting and if these students are not included in the calculation of the full-time equivalent students (FTES) of that district.

(f) The governing board of a community college district may exempt special part-time students admitted pursuant to Section 76001 from the fee requirement.

(g) (1) The fee requirements of this section shall be waived for any student who meets all of the following requirements:

(A) Meets minimum academic and progress standards adopted by the board of governors, which fulfill the requirements outlined in this paragraph and paragraphs (2) to (5), inclusive. Any minimum academic and progress standards adopted pursuant to this section shall be uniform across all community college districts and campuses. These standards shall not include a maximum unit cap, and community college districts and colleges shall not impose requirements for fee waiver eligibility other than the minimum academic and progress standards adopted by the board of governors and the requirements of subparagraph (B).

(B) Meets one of the following criteria:

(i) At the time of enrollment, is a recipient of benefits under the Temporary Assistance for Needy Families program, the Supplemental Security Income/State Supplementary Payment Program, or a general assistance program.

(ii) Demonstrates eligibility according to income standards established by regulations of the board of ~~governors~~ governors, with income standards set no lower than three times the current federal poverty level.

(iii) Demonstrates financial need of at least one dollar in accordance with the methodology set forth in federal law or regulation for determining the expected family contribution of students seeking financial aid.

(2) (A) The board of governors, in consultation with students, faculty, and other key stakeholders, shall consider all of the following in the development and adoption of minimum academic and progress standards pursuant to subparagraph (A) of paragraph (1):

(i) Minimum uniform academic and progress standards that do not unfairly disadvantage financially needy students in pursuing their education.

(ii) Criteria for reviewing extenuating circumstances and granting appeals that, at a minimum, take into account and do not penalize a student for circumstances outside his or her control, such as reductions in student support services or changes to the economic situation of the student.

(iii) A process for reestablishing fee waiver eligibility that provides a student with a reasonable opportunity to continue or resume his or her enrollment at a community college.

(B) To ensure that students are not unfairly impacted by the requirements of subparagraph (A) of paragraph (1), the board of governors shall establish a reasonable implementation period that commences no sooner than one year from adoption of the minimum academic and progress standards, or any subsequent changes to these

standards, pursuant to subparagraph (A) of paragraph (1) and that is phased in to provide students adequate notification of this requirement and information about available support resources.

(3) It is the intent of the Legislature that minimum academic and progress standards adopted pursuant to subparagraph (A) of paragraph (1) be implemented only as campuses develop and implement the student support services and interventions necessary to ensure no disproportionate impact to students based on ethnicity, gender, disability, or socioeconomic status. The board of governors shall consider the ability of community college districts to meet the requirements of this paragraph before adopting minimum academic and progress standards, or any subsequent changes to these standards, pursuant to subparagraph (A) of paragraph (1).

(4) It is the intent of the Legislature to ensure that a student shall not lose fee waiver eligibility without a community college campus first demonstrating a reasonable effort to provide a student with adequate notification and assistance in maintaining his or her fee waiver eligibility. The board of governors shall adopt regulations to implement this paragraph that ensure all of the following:

(A) Students are provided information about the available student support services to assist them in maintaining fee waiver eligibility.

(B) Community college district policies and course catalogs reflect the minimum academic and progress standards adopted pursuant to subparagraph (A) of paragraph (1) and that appropriate notice is provided to students before the policies are put into effect.

(C) A student does not lose fee waiver eligibility unless he or she has not met minimum academic and progress standards adopted pursuant to subparagraph (A) of paragraph (1) for a period of no less than two consecutive academic terms.

(5) The board of governors shall provide notification of a proposed action to adopt regulations pursuant to this subdivision to the appropriate policy and fiscal committees of the Legislature in accordance with the requirements of paragraph (1) of subdivision (a) of Section 70901.5. This notification shall include, but not be limited to, all of the following:

(A) The proposed minimum academic and progress standards and information detailing how the requirements of paragraphs (1) to (4), inclusive, have been or will be satisfied.

(B) How many students may lose fee waiver eligibility by ethnicity, gender, disability, and, to the extent relevant data is available, by socioeconomic status.

(C) The criteria for reviewing extenuating circumstances, granting appeals, and reestablishing fee waiver eligibility pursuant to paragraph (2).

(h) The fee requirements of this section shall be waived for any student who, at the time of enrollment, is a dependent or surviving spouse who has not remarried, of any member of the California National Guard who, in the line of duty and while in the active service of the state, was killed, died of a disability resulting from an event that occurred while in the active service of the state, or is permanently disabled as a result of an event that occurred while in the active service of the state. "Active service of the state," for the purposes of this subdivision, refers to a member of the California National Guard activated pursuant to Section 146 of the Military and Veterans Code.

(i) The fee requirements of this section shall be waived for any student who is the surviving spouse or the child, natural or adopted, of a deceased person who met all of the requirements of Section 68120.

(j) The fee requirements of this section shall be waived for any student in an undergraduate program, including a student who has previously graduated from another undergraduate or graduate program, who is the dependent of any individual killed in the September 11, 2001, terrorist attacks on the World Trade Center and the Pentagon or the crash of United Airlines Flight 93 in southwestern Pennsylvania, if that dependent meets the financial need requirements set forth in Section 69432.7 for the Cal Grant A Program and either of the following applies:

(1) The dependent was a resident of California on September 11, 2001.

(2) The individual killed in the attacks was a resident of California on September 11, 2001.

(k) A determination of whether a person is a resident of California on September 11, 2001, for purposes of subdivision (j) shall be based on the criteria set forth in Chapter 1 (commencing with Section 68000) of Part 41 of Division 5 for determining nonresident and resident tuition.

(l) (1) "Dependent," for purposes of subdivision (j), is a person who, because of his or her relationship to an individual killed as a result of injuries sustained during the terrorist attacks of September 11, 2001, qualifies for compensation under the federal September 11th Victim Compensation Fund of 2001 (Title IV (commencing with Section 401) of Public Law 107-42).

(2) A dependent who is the surviving spouse of an individual killed in the terrorist attacks of September 11, 2001, is entitled to the waivers provided in this section until January 1, 2013.

(3) A dependent who is the surviving child, natural or adopted, of an individual killed in the terrorist attacks of September 11, 2001, is entitled to the waivers under subdivision (j) until that person attains 30 years of age.

(4) A dependent of an individual killed in the terrorist attacks of September 11, 2001, who is determined to be eligible by the California Victim Compensation and Government Claims Board, is also entitled to the waivers provided in this section until January 1, 2013.

(m) (1) It is the intent of the Legislature that sufficient funds be provided to support the provision of a fee waiver for every student who demonstrates eligibility pursuant to subdivisions (g) to (j), inclusive.

(2) From funds provided in the annual Budget Act, the board of governors shall allocate to community college districts, pursuant to this subdivision, an amount equal to 2 percent of the fees waived pursuant to subdivisions (g) to (j), inclusive. From funds provided in the annual Budget Act, the board of governors shall allocate to community college districts, pursuant to this subdivision, an amount equal to ninety-one cents (\$0.91) per credit unit waived pursuant to subdivisions (g) to (j), inclusive. It is the intent of the Legislature that funds provided pursuant to this subdivision be used to support the determination of financial need and delivery of student financial aid services, on the basis of the number of students for whom fees are waived. It also is the intent of the Legislature that the funds provided pursuant to this subdivision directly offset mandated costs claimed by community college districts pursuant to Commission on State Mandates consolidated Test Claims 99-TC-13 (Enrollment Fee Collection) and

00-TC-15 (Enrollment Fee Waivers). Funds allocated to a community college district for determination of financial need and delivery of student financial aid services shall supplement, and shall not supplant, the level of funds allocated for the administration of student financial aid programs during the 1992-93 fiscal year.

(n) The board of governors shall adopt regulations implementing this section.

~~(o) This section shall become operative on May 1, 2012, only if subdivision (b) of Section 3.94 of the Budget Act of 2011 is operative.~~

(o) By January 1, 2018, the board of governors shall ensure a fee waiver application is available to be completed and submitted electronically by students at each community college.

SEC. 3. Section 76300.1 is added to the Education Code, to read:

76300.1. The board of governors shall establish a need-based aid program to provide fee waiver recipients with financial resources, not to exceed one thousand dollars (\$1,000) per student per year, for the purpose of offsetting a portion of the costs associated with the purchase of books, supplies, transportation, and other general living expenses.

SEC. 4. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

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AMENDMENTS TO ASSEMBLY BILL NO. 1643

Amendment 1

In the heading, below line 1, insert:

(Coauthor: Assembly Member Chiu)

Amendment 2

In the title, in line 1, strike out "2810.5 of" and insert:

4663 of, and to add Section 4660.2 to,

Amendment 3

On page 1, before line 1, insert:

SECTION 1. Section 4660.2 is added to the Labor Code, to read:

4660.2. Notwithstanding any other law, for injuries occurring on or after January 1, 2017, the impairment ratings for breast cancer and its sequelae shall in no event be less than comparable ratings for prostate cancer and its sequelae.

SEC. 2. Section 4663 of the Labor Code is amended to read:

4663. (a) Apportionment of permanent disability shall be based on causation.

(b) Any physician who prepares a report addressing the issue of permanent disability due to a claimed industrial injury shall in that report address the issue of causation of the permanent disability.

(c) (1) In order for a physician's report to be considered complete on the issue of permanent disability, the report must include an apportionment determination. ~~A~~

(2) (A) A physician shall make an apportionment determination by finding what approximate percentage of the permanent disability was caused by the direct result of injury arising out of and occurring in the course of employment and what approximate percentage of the permanent disability was caused by other factors both before and subsequent to the industrial injury, including prior industrial injuries. ~~If~~

(B) Apportionment in the case of a physical injury occurring on or after January 1, 2017, shall not be based on any of the following conditions:

(i) Pregnancy.

(ii) Menopause.

(iii) Osteoporosis.

(iv) Carpal tunnel syndrome.

(C) Apportionment in the case of a psychiatric injury occurring on or after January 1, 2017, shall not be based on psychiatric disability or impairment caused by any of the conditions listed in subparagraph (B).

(3) If the physician is unable to include an apportionment determination in his or her report, the physician shall state the specific reasons why the physician could not make a determination of the effect of that prior condition on the permanent disability arising from the injury. The physician shall then consult with other physicians or refer



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the employee to another physician from whom the employee is authorized to seek treatment or evaluation in accordance with this division in order to make the final determination.

(d) An employee who claims an industrial injury shall, upon request, disclose all previous permanent disabilities or physical impairments.

(e) Subdivisions (a), (b), and (c) shall not apply to injuries or illnesses covered under Sections 3212, 3212.1, 3212.2, 3212.3, 3212.4, 3212.5, 3212.6, 3212.7, 3212.8, 3212.85, 3212.9, 3212.10, 3212.11, 3212.12, 3213, and 3213.2.

Amendment 4

On page 1, strike out lines 1 to 6, inclusive, and strike out pages 2 and 3

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AMENDMENTS TO ASSEMBLY BILL NO. 1708

Amendment 1

In the title, strike out line 1 and insert:

An act to amend Section 647 of, and to add Section 266m to, the Penal Code, relating to disorderly conduct.

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 647 of the Penal Code is amended to read:

647. Except as provided in subdivision (l), ~~every~~ a person who commits any of the following acts is guilty of disorderly conduct, a misdemeanor:

(a) Who solicits anyone to engage in or who engages in lewd or dissolute conduct in any public place or in any place open to the public or exposed to public view.

(b) (1) Who solicits or who agrees to engage in or who engages in any act of prostitution and provides money or other consideration.

(2) Who solicits or who agrees to engage in or who engages in any act of prostitution and receives money or other consideration.

~~(b) Who solicits or who agrees to engage in or who engages in any act of prostitution.~~

(3) A person agrees to engage in an act of prostitution when, with specific intent to so engage, he or she manifests an acceptance of an offer or solicitation to so engage, regardless of whether the offer or solicitation was made by a person who also possessed the specific intent to engage in prostitution. No ~~An~~ agreement to engage in an act of prostitution ~~shall constitute a violation of~~ does not violate this subdivision unless some act, in addition to the agreement, is done within this state in furtherance of the commission of an act of prostitution by the person agreeing to engage in that act. As used in this subdivision, "prostitution" includes any lewd act between persons for money or other consideration.

(4) Paragraph (2) of this subdivision does not apply to a person under 18 years of age.

(5) It shall be an affirmative defense to a violation of paragraph (2) that the acts constituting the violation were committed by a person as a result of being a victim of human trafficking, as defined by Section 236.1.

(6) Except as provided in subdivisions (k) and (m), a violation of paragraph (1) is punishable by imprisonment in a county jail for not less than 72 hours and not more than six months and by a fine not exceeding one thousand dollars (\$1,000). The fine imposed shall be deposited in the treasury of the county in which the offense occurred and used by the county to fund services for victims of human trafficking. Upon a violation of paragraph (1), a person is not eligible for release upon completion of sentence, on probation, on parole, on work furlough or work release, or on any other basis until he or she has served a period of not less than three days in a county jail. In all cases in which probation is granted, the court shall require as a condition of probation



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that the person be confined in a county jail for at least three days. The court shall not absolve a person who violates paragraph (1) from the obligation of spending at least 72 hours in confinement in a county jail.

(c) Who accosts other persons in any public place or in any place open to the public for the purpose of begging or soliciting alms.

(d) Who loiters in or about any toilet open to the public for the purpose of engaging in or soliciting any lewd or lascivious or any unlawful act.

(e) Who lodges in any building, structure, vehicle, or place, whether public or private, without the permission of the owner or person entitled to the possession or in control of it.

(f) Who is found in any public place under the influence of intoxicating liquor, any drug, controlled substance, toluene, or any combination of any intoxicating liquor, drug, controlled substance, or toluene, in a condition that he or she is unable to exercise care for his or her own safety or the safety of others, or by reason of his or her being under the influence of intoxicating liquor, any drug, controlled substance, toluene, or any combination of any intoxicating liquor, drug, or toluene, interferes with or obstructs or prevents the free use of any street, sidewalk, or other public way.

(g) When a person has violated subdivision (f), a peace officer, if he or she is reasonably able to do so, shall place the person, or cause him or her to be placed, in civil protective custody. The person shall be taken to a facility, designated pursuant to Section 5170 of the Welfare and Institutions Code, for the 72-hour treatment and evaluation of inebriates. A peace officer may place a person in civil protective custody with that kind and degree of force which would be lawful were he or she effecting an arrest for a misdemeanor without a warrant. A person who has been placed in civil protective custody shall not thereafter be subject to any criminal prosecution or juvenile court proceeding based on the facts giving rise to this placement. This subdivision shall not apply to the following persons:

(1) Any person who is under the influence of any drug, or under the combined influence of intoxicating liquor and any drug.

(2) Any person who a peace officer has probable cause to believe has committed any felony, or who has committed any misdemeanor in addition to subdivision (f).

(3) Any person who a peace officer in good faith believes will attempt escape or will be unreasonably difficult for medical personnel to control.

(h) Who loiters, prowls, or wanders upon the private property of another, at any time, without visible or lawful business with the owner or occupant. As used in this subdivision, "loiter" means to delay or linger without a lawful purpose for being on the property and for the purpose of committing a crime as opportunity may be discovered.

(i) Who, while loitering, prowling, or wandering upon the private property of another, at any time, peeks in the door or window of any inhabited building or structure, without visible or lawful business with the owner or occupant.

(j) (1) Any person who looks through a hole or opening, into, or otherwise views, by means of any instrumentality, including, but not limited to, a periscope, telescope, binoculars, camera, motion picture camera, camcorder, or mobile phone, the interior of a bedroom, bathroom, changing room, fitting room, dressing room, or tanning booth, or the interior of any other area in which the occupant has a reasonable expectation of privacy, with the intent to invade the privacy of a person or persons inside. This

subdivision shall not apply to those areas of a private business used to count currency or other negotiable instruments.

(2) Any person who uses a concealed camcorder, motion picture camera, or photographic camera of any type, to secretly videotape, film, photograph, or record by electronic means, another, identifiable person under or through the clothing being worn by that other person, for the purpose of viewing the body of, or the undergarments worn by, that other person, without the consent or knowledge of that other person, with the intent to arouse, appeal to, or gratify the lust, passions, or sexual desires of that person and invade the privacy of that other person, under circumstances in which the other person has a reasonable expectation of privacy.

(3) (A) Any person who uses a concealed camcorder, motion picture camera, or photographic camera of any type, to secretly videotape, film, photograph, or record by electronic means, another, identifiable person who may be in a state of full or partial undress, for the purpose of viewing the body of, or the undergarments worn by, that other person, without the consent or knowledge of that other person, in the interior of a bedroom, bathroom, changing room, fitting room, dressing room, or tanning booth, or the interior of any other area in which that other person has a reasonable expectation of privacy, with the intent to invade the privacy of that other person.

(B) Neither of the following is a defense to the crime specified in this paragraph:

- (i) The defendant was a cohabitant, landlord, tenant, cotenant, employer, employee, or business partner or associate of the victim, or an agent of any of these.
- (ii) The victim was not in a state of full or partial undress.

(4) (A) Any person who intentionally distributes the image of the intimate body part or parts of another identifiable person, or an image of the person depicted engaged in an act of sexual intercourse, sodomy, oral copulation, sexual penetration, or an image of masturbation by the person depicted or in which the person depicted participates, under circumstances in which the persons agree or understand that the image shall remain private, the person distributing the image knows or should know that distribution of the image will cause serious emotional distress, and the person depicted suffers that distress.

(B) A person intentionally distributes an image described in subparagraph (A) when he or she personally distributes the image, or arranges, specifically requests, or intentionally causes another person to distribute that image.

(C) As used in this paragraph, "intimate body part" means any portion of the genitals, the anus and in the case of a female, also includes any portion of the breasts below the top of the areola, that is either uncovered or clearly visible through clothing.

(D) It shall not be a violation of this paragraph to distribute an image described in subparagraph (A) if any of the following applies:

- (i) The distribution is made in the course of reporting an unlawful activity.
- (ii) The distribution is made in compliance with a subpoena or other court order for use in a legal proceeding.
- (iii) The distribution is made in the course of a lawful public proceeding.

(5) This subdivision shall not preclude punishment under any section of law providing for greater punishment.

(k) In any accusatory pleading charging a violation of subdivision (b), if the defendant has been once previously convicted of a violation of that subdivision, the previous conviction shall be charged in the accusatory pleading. If the previous

conviction is found to be true by the jury, upon a jury trial, or by the court, upon a court trial, or is admitted by the defendant, the defendant shall be imprisoned in a county jail for a period of not less than 45 days and ~~shall~~ is not be eligible for release upon completion of sentence, on probation, on parole, on work furlough or work release, or on any other basis until he or she has served a period of not less than 45 days in a county jail. In all cases in which probation is granted, the court shall require as a condition thereof that the person be confined in a county jail for at least 45 days. ~~In no event does the~~ The court have the power to ~~shall not~~ absolve a person who violates this subdivision from the obligation of spending at least 45 days in confinement in a county jail.

In any accusatory pleading charging a violation of subdivision (b), if the defendant has been previously convicted two or more times of a violation of that subdivision, each of these previous convictions shall be charged in the accusatory pleading. If two or more of these previous convictions are found to be true by the jury, upon a jury trial, or by the court, upon a court trial, or are admitted by the defendant, the defendant shall be imprisoned in a county jail for a period of not less than 90 days and ~~shall~~ is not be eligible for release upon completion of sentence, on probation, on parole, on work furlough or work release, or on any other basis until he or she has served a period of not less than 90 days in a county jail. In all cases in which probation is granted, the court shall require as a condition thereof that the person be confined in a county jail for at least 90 days. ~~In no event does the~~ The court shall not have the power to absolve a person who violates this subdivision from the obligation of spending at least 90 days in confinement in a county jail.

In addition to any punishment prescribed by this section, a court may suspend, for not more than 30 days, the privilege of the person to operate a motor vehicle pursuant to Section 13201.5 of the Vehicle Code for any violation of subdivision (b) that was committed within 1,000 feet of a private residence and with the use of a vehicle. In lieu of the suspension, the court may order a person's privilege to operate a motor vehicle restricted, for not more than six months, to necessary travel to and from the person's place of employment or education. If driving a motor vehicle is necessary to perform the duties of the person's employment, the court may also allow the person to drive in that person's scope of employment.

(l) (1) A second or subsequent violation of subdivision (j) is punishable by imprisonment in a county jail not exceeding one year, or by a fine not exceeding two thousand dollars (\$2,000), or by both that fine and imprisonment.

(2) If the victim of a violation of subdivision (j) was a minor at the time of the offense, the violation is punishable by imprisonment in a county jail not exceeding one year, or by a fine not exceeding two thousand dollars (\$2,000), or by both that fine and imprisonment.

(m) ~~(1)~~ If a crime is committed in violation of paragraph (1) of subdivision (b) and the person who was solicited was a minor at the time of the offense, and if the defendant knew or should have known that the person who was solicited was a minor at the time of the offense, or if the person who was solicited was a person posing as a minor and the person engaged in the solicitation had specific intent to solicit a minor, the violation is punishable by imprisonment in a county jail for not less than ~~two days~~ 72 hours and not more than one year, ~~or year and~~ by a fine not ~~less than one thousand dollars (\$1,000) and not exceeding ten thousand dollars (\$10,000), or by both that fine~~

and imprisonment. (\$10,000). The fine imposed shall be deposited in the treasury of the county in which the offense occurred and used by the county to fund services for victims of human trafficking. Upon a violation of this subdivision, a person is not eligible for release upon completion of sentence, on probation, on parole, on work furlough or work release, or on any other basis until he or she has served a period of not less than 72 hours in a county jail. In all cases in which probation is granted, the court shall require as a condition of probation that the person be confined in a county jail for at least 72 hours. The court shall not absolve a person who is governed by this subdivision from the obligation of spending at least 72 hours in confinement in a county jail.

~~(2) The court may, in unusual cases, when the interests of justice are best served, reduce or eliminate the mandatory two days of imprisonment in a county jail required by this subdivision. If the court reduces or eliminates the mandatory two days' imprisonment, the court shall specify the reason on the record.~~

SEC. 2. Section 266m is added to the Penal Code, to read:

266m. A person who is convicted of a felony violation of Section 236.1, for an offense committed against a minor, or Section 267, if the violation takes place on the grounds of, or within 1,000 feet of, a public or private elementary, vocational, junior high, or high school, during hours that the school is open for classes or school-related programs or at any time when minors are using the facility, shall receive, in addition to any other penalty imposed, punishment of one year in the state prison.

SEC. 3. 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.

Amendment 3

On page 1, strike out lines 1 to 9, inclusive, and strike out page 2

Bill Referral Digest

BILL NUMBER: AB 1714

REFER TO:

TRANS.
P.E., R. & S.S.

AUTHOR: Brough

DATE REFERRED: 03/14/2016

RELATING TO: Department of Motor Vehicles: services: third-party contracts.
An act to amend Section 1685 of the Vehicle Code, relating to the Department of Motor Vehicles.

LEGISLATIVE COUNSEL DIGEST

Existing law authorizes the Department of Motor Vehicles, in conformance with certain provisions in existing law relating to personal services contracts with private parties, to establish contracts for electronic programs that allow qualified private industry partners to join the department to provide title and vehicle registration transactions. Existing law authorizes the department to enter into contractual agreements with 3 specified types of private industry partners for this purpose, and to charge a transaction fee for the information and services provided.

This bill would expand the services for which the department would be authorized to establish contracts with private industry partners as described above, to include driver's license renewals, eyesight and hearing tests, and fingerprinting and photography services. The bill would make other technical and conforming changes.

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

AB 1714

AMENDMENTS TO ASSEMBLY BILL NO. 1729

Amendment 1

In the title, in line 1, strike out "12012.85" and insert:

19817

Amendment 2

In the title, in line 1, strike out "Government" and insert:

Business and Professions

Amendment 3

On page 2, before line 1, insert:

SECTION 1. Section 19817 of the Business and Professions Code is amended to read:

19817. The commission shall establish and appoint a Gaming Policy Advisory Committee of ~~10~~ 12 members. The committee shall be composed of representatives of controlled gambling licensees and members of the general public in equal numbers. The executive director shall, from time to time, convene the committee for the purpose of discussing matters of controlled gambling regulatory policy and any other relevant gambling-related issue. The recommendations concerning gambling policy made by the committee shall be presented to the commission, but shall be deemed advisory and not binding on the commission in the performance of its duties or functions. The committee ~~may~~ shall not advise the commission on Indian gaming.

Amendment 4

On page 2, strike out lines 1 to 38, inclusive, and strike out page 3

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201608494

AMENDMENTS TO ASSEMBLY BILL NO. 1735

Amendment 1

In the title, in line 1, strike out "1798.60 of the Civil Code, relating to", strike out line 2 and insert:

215 of the Family Code, relating to dissolution of marriage.

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 215 of the Family Code is amended to read:

215. (a) Except as provided in subdivision ~~(b)~~, ~~(b) or (c)~~, after entry of a judgment of dissolution of marriage, nullity of marriage, legal separation of the parties, or paternity, or after a permanent order in any other proceeding in which there was at issue the visitation, custody, or support of a child, no modification of the judgment or order, and no subsequent order in the proceedings, is valid unless any prior notice otherwise required to be given to a party to the proceeding is served, in the same manner as the notice is otherwise permitted by law to be served, upon the party. For the purposes of this section, service upon the attorney of record is not sufficient.

(b) A postjudgment motion to modify a custody, visitation, or child support order may be served on the other party or parties by first-class mail or airmail, postage prepaid, to the persons to be served. For any party served by mail, the proof of service must include an address verification.

(c) This section does not apply to a bifurcated judgment of dissolution pursuant to Section 2337, service for which shall be upon the attorney of record.

Amendment 3

On page 1, strike out lines 1 and 2 and strike out page 2

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RN1607761

AMENDMENTS TO ASSEMBLY BILL NO. 1739

Amendment 1

In the title, strike out lines 1 and 2 and insert:

An act to add Section 14133.75 to the Welfare and Institutions Code, relating to Medi-Cal.

Amendment 2

On page 2, before line 1, insert:

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

(a) Historically, allergies were diagnosed by an allergist who used a percutaneous, or "skin-prick," test to infect the skin of a patient with varying allergens for the purpose of determining the patient's reaction to those allergens. This procedure required the patient to be referred by his or her primary care physician to an allergist, and required the patient to undergo a series of pricks to his or her skin.

(b) Advances in blood testing technology using serologic-specific IgE quantitative testing allow a patient to be diagnosed without a referral to a specialist.

(c) Professional literature and guidance from the National Heart, Lung, and Blood Institute at the National Institutes of Health has determined that blood tests and skin tests for allergies are equal in their diagnostic value, and that blood testing is preferred in the case of testing for food allergies.

(d) Private health care insurance plans recognize the professional literature and guidelines regarding the efficacy of blood testing and cover blood testing for the diagnosis of allergies.

(e) Medi-Cal does not cover blood testing for allergies in the same manner as private health care insurance.

(f) Fee-for-service Medi-Cal patients are not receiving the same level of care as patients with private health insurance coverage. Due to an insufficient number of allergists available to diagnose and treat Medi-Cal patients, the diagnosis of many patients covered by Medi-Cal is delayed or never occurs.

(g) Medi-Cal coverage decisions must be based on the latest and most current medical literature and studies.

SEC. 2. Section 14133.75 is added to the Welfare and Institutions Code, to read:

14133.75. (a) The department shall treat serologic-specific IgE tests and percutaneous skin tests as equivalent confirmatory tests in terms of their sensitivity and accuracy, and shall treat them as medically necessary for those individuals with a medical history consistent with any of the following:

- (1) An inhalant allergy.
- (2) A food allergy.
- (3) Hymenoptera venom allergy or an allergy to stinging insects.
- (4) Allergic bronchopulmonary aspergillosis (ABPA).
- (5) Certain parasitic diseases.



RN1608139

(6) Allergies to specific drugs.

(b) The department shall update its provider bulletins, as necessary, to reference the most current professional literature and guidance related to allergy testing.

Amendment 3

On page 2, strike out lines 1 to 36, inclusive, and strike out page 3

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AMENDMENTS TO ASSEMBLY BILL NO. 1741

Amendment 1

In the heading, below line 1, insert:

**(Principal coauthors: Assembly Members Medina and Santiago)
(Coauthors: Assembly Members Chiu and Low)**

Amendment 2

In the title, in line 1, after "act" insert:

to add Part 54.1 (commencing with Section 88900) to Division 7 of Title 3 of the Education Code,

Amendment 3

In the title, in line 1, strike out "colleges." and insert:

colleges, and making an appropriation therefor.

Amendment 4

On page 1, before line 1, insert:

SECTION 1. Part 54.1 (commencing with Section 88900) is added to Division 7 of Title 3 of the Education Code, to read:

**PART 54.1. CALIFORNIA COLLEGE PROMISE INNOVATION GRANT
PROGRAM**

88900. This part shall be known, and may be cited, as the California College Promise Innovation Grant Program.

88901. The California College Promise Innovation Grant Program is hereby established, to be administered by the Chancellor of the California Community Colleges. The chancellor shall distribute multiyear grants, upon appropriation by the Legislature, to the governing boards of community college districts pursuant to applications that satisfy the requirements of this part.

88902. The goals of California College Promise Innovation Grant Program awards are to support community college districts in establishing regional California College Promise programs in partnership with K-12 school districts, California State University campuses, and University of California campuses to accomplish all of the following:

(a) Increase the number and percentage of high school students within the region who are prepared for and attend college directly from high school.



RN1607413

(b) Increase the percentage of high school graduates within the region who are placed in college level math and English at a community college, California State University, or University of California campus.

(c) Increase the percentage of students from the region who earn degrees or career technical education certificates.

(d) Increase the percentage of students who successfully transfer from a community college to the California State University, the University of California, or an independent institution of higher education as defined in Section 66010.

(e) Increase the percentage of students who graduate with a bachelor's degree.

(f) Reduce and eliminate achievement gaps.

88903. In order to receive a grant, the governing board of a community college district shall demonstrate in its application for funding that the community college will partner with one or more school districts and one or more California State University or University of California campuses to establish a California College Promise program that includes all of the following practices and principles:

(a) Partnering with one or more school districts to establish an Early Commitment to College Program pursuant to Article 6.3 of Chapter 9 of Part 29 of Division 4 of Title 2 to provide students and families assistance that includes, but is not limited to, learning about college opportunities, visiting campuses, taking and completing college preparatory courses, and applying for college and financial aid.

(b) Partnering with one or more school districts to support and improve high school student preparation for college through practices that may include, but are not limited to, small learning communities, concurrent enrollment, and other evidence-based practices.

(c) Utilizing placement and student assessment indicators that include multiple measures of student performance, including grades in high school courses, overall grade point averages, results from common assessments, and input from counselors.

(d) Providing each student, who participates in an Early Commitment to College Program pledge, the first semester at the community college tuition free.

(e) Providing students with access to full-time course schedules that include math, reading, and English courses.

(f) Providing outreach to students regarding the Associate Degrees for Transfer and the California Community College Transfer Entitlement Cal Grant program.

(g) Partnering with regional California State University campuses to ensure guaranteed admission and seamless transfer for students who have successfully completed transfer requirements.

88904. The Legislature encourages school districts, the University of California, the California State University, the Student Aid Commission, independent colleges and universities, local and regional government agencies, and nonprofit, business, or other community organizations to provide support services as needed in coordination with community college districts for purposes of this part.

88905. (a) The Chancellor of the California Community Colleges shall annually submit to the Legislature a report on the status of the program, including, but not limited to, the number of community college districts participating in the program and relevant outcome data reported by community college districts to the chancellor.

(b) A report pursuant to subdivision (a) shall be submitted to the Legislature in compliance with Section 9795 of the Government Code.

SEC. 2. (a) It is the intent of the Legislature to encourage California Community Colleges to establish regional California College Promise programs with the goals of increasing college preparation, college access, and college success.

(b) (1) The sum of twenty-five million dollars (\$25,000,000) is hereby appropriated from the General Fund to the Chancellor of the California Community Colleges for allocation to community college districts upon the submission and approval of district applications detailing the strategy for establishing a regional California College Promise program pursuant to Part 54.1 (commencing with Section 88900) of Division 7 of Title 3 of the Education Code.

(2) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the funds appropriated pursuant to this section shall be deemed to be "General Fund revenues appropriated for community college districts," as defined in subdivision (d) of Section 41202 of the Education Code, for the 2016–17 fiscal year, and included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B," as defined in subdivision (e) of Section 41202 of the Education Code, for the 2016–17 fiscal year.

Amendment 5

On page 1, strike out lines 1 to 3, inclusive

- 0 -

AMENDMENTS TO ASSEMBLY BILL NO. 1814

Amendment 1

In the title, in line 1, strike out "amend" and insert:

add

Amendment 2

In the title, in line 1, strike out "220 of" and insert:

218.5 to

Amendment 3

On page 1, before line 1, insert:

SECTION 1. Section 218.5 is added to the Streets and Highways Code, to read:
218.5. The department, on or before January 1, 2018, shall update the Safety Roadside Rest Area Master Plan. In updating the plan, the department shall identify any changes to state or federal law that would be required in order to facilitate public-private partnerships for roadside rest areas that would be located outside of the highway right-of-way.

Amendment 4

On page 1, strike out lines 1 to 6, inclusive, and strike out page 2

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RN1607607

AMENDMENTS TO ASSEMBLY BILL NO. 1827

Amendment 1

In the title, in line 1, strike out "hospitals." and insert:

hospitals, and making an appropriation therefor.

Amendment 2

On page 1, before line 1, insert:

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

(a) In 2007, the state purchased three mobile field hospitals with the intent to replace or augment acute hospital care capacity during catastrophic emergencies or outbreaks, such as earthquakes, fires, and floods.

(b) Each mobile field hospital can be deployed as a 200-bed acute care facility with its own power generation system, HVAC, and medical equipment, such as ventilators, oxygen delivery, and diagnostic equipment. Each hospital has an emergency department, operating room stations, intensive care unit, digital X-ray, laboratory testing, and pharmacy. This is the largest nonmilitary mobile field hospital program in the world.

(c) All three mobile field hospitals that the state owns are stored in the Sacramento area in delayed-deployment status.

(d) Without funding, these units cannot be mobilized in time to treat patients during the initial phase of a response to a catastrophic emergency or outbreak.

(e) The state should proactively procure and manage these assets before a natural disaster or other catastrophic emergency occurs.

SEC. 2. There is hereby appropriated the sum of two million dollars (\$2,000,000) from the General Fund to the Office of Emergency Services for the purpose of providing maintenance and upkeep of one or more mobile field hospitals to be ready and available within 72 hours to assist local communities in the event of a natural disaster or other mass casualty incident.

Amendment 3

On page 1, strike out lines 1 to 4, inclusive

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RN1609413

Bill Referral Digest

BILL NUMBER: AB 1828

REFER TO: E. & R.

AUTHOR: Dodd

DATE REFERRED: 03/14/2016

RELATING TO: State Board of Equalization: members: conflicts of interest.
An act to amend Section 15626 of the Government Code, relating to the State Board of Equalization.

LEGISLATIVE COUNSEL DIGEST

The Quentin L. Kopp Conflict of Interest Act of 1990 requires a member of the State Board of Equalization who has received a contribution or contributions within the preceding 12 months in an aggregate amount of \$250 or more from a party or his or her agent, or from any participant or his or her agent, to, prior to rendering any decision in any adjudicatory proceeding pending before board, disclose that fact on the record of the proceeding. A member is prohibited from making, participating in making, or in any way attempting to use his or her official position to influence, the decision in an adjudicatory proceeding pending before the board if the member knows or has reason to know that he or she received a contribution or contributions in an aggregate amount of \$250 or more from a party to the proceeding, or from a participant in the proceeding the member knows or has reason to know has a financial interest in the decision. The act also requires a party to, or a participant in, an adjudicatory proceeding pending before the board to disclose on the record of the proceeding any contribution or contributions in an aggregate amount of \$250 or more made within the preceding 12 months by the party or participant, or his or her agent, to any member of the board. A person who knowingly or willfully violates any provision of the act is guilty of a misdemeanor.

This bill would delete the \$250 limitation and instead apply the above-described disclosure and disqualification provisions if a board member receives any contribution from a party, participant, or agent, as provided. The bill would also prohibit a board member from requesting, suggesting, or accepting a contribution from a party, participant, or agent within the 12 months subsequent to a decision in the adjudicatory proceeding before the board in which the party or participant is involved, except as provided. The bill would also require a party, participant, or agent that makes a contribution within 12 months subsequent to a decision in an adjudicatory proceeding in which the party or participant is involved to disclose to the board contributions to a member within 30 days. The bill would require the board to make all disclosures required by these provisions publicly available on its Internet Web site. The bill would also expand the definition of the term "contribution" to include certain payments made at the behest of a member of the board, as defined, and of the terms "party," "participant," and "agent" to include employees of those persons. The bill would make various findings and declaration.

By expanding the application of the criminal sanctions of the Quentin L. Kopp Conflict of Interest Act of 1990, 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.

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

AB 1828

AMENDMENTS TO ASSEMBLY BILL NO. 1848

Amendment 1

In the title, in line 1, strike out "amend Section 680 of" and insert:

add Section 680.1 to

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 680.1 is added to the Penal Code, to read:

680.1. (a) The Legislature finds and declares the following:

(1) There is a significant public interest in knowing what percentage of rape kit biological samples are analyzed for the perpetrator's DNA profile, as well as why any untested rape kit samples are not analyzed. Currently, there is no mandatory statewide tracking mechanism in place to collect and report these metrics. It is the intent of the Legislature in enacting this section, pursuant to recommendations by the California State Auditor to the Joint Legislative Audit Committee, to correct that.

(2) In 2015, the Department of Justice created the Sexual Assault Forensic Evidence Tracking (SAFE-T) database to track the status of all sexual assault evidence kits collected in the state based on voluntary data input from law enforcement agencies. It is the intent of the Legislature by enacting this section to require participation in that database.

(b) On a schedule set forth by the Department of Justice, each law enforcement agency that has investigated a case involving the collection of sexual assault kit evidence during the relevant period of time, as determined by the department, shall report to the department, through the SAFE-T database, the data required by the department in its communications to law enforcement. The data shall include, but are not limited to, the following:

(1) The number of kits collected during the period.

(2) The number of kits from which one or more biological evidence samples were submitted to a DNA laboratory for analysis.

(3) The number of kits from which a probative DNA profile was generated.

(4) The reason or reasons for not submitting evidence from a given rape kit to a DNA laboratory for processing.

(c) After 120 days following submission of rape kit biological evidence for processing, if a public DNA laboratory has not conducted DNA testing, that laboratory shall provide the reasons for the status in the appropriate SAFE-T data field. If the investigating law enforcement agency has contracted with a private laboratory to conduct DNA testing on rape kit evidence, the submitting law enforcement agency shall provide the 120-day update in SAFE-T. The process described in this subdivision shall take place every 120 days until DNA testing occurs.

(d) The SAFE-T database shall not contain any identifying information about a victim or a suspect, shall not contain any DNA profiles, and shall not contain any information that would impair a pending criminal investigation.



(e) On a quarterly basis, the Department of Justice shall file a report to the Legislature in compliance with Section 9795 of the Government Code summarizing data entered into the SAFE-T database during that year. The report shall not reference individual victims, suspects, investigations, or prosecutions. The report shall be made public by the department.

(f) Except as provided in subdivision (e), in order to protect the confidentiality of the SAFE-T database information, SAFE-T database contents shall be confidential and a participating law enforcement agency or laboratory shall not be compelled in a criminal or civil proceeding, except as required by a law enforcement agency's duty to produce exculpatory evidence to a criminal defendant, to provide any SAFE-T database contents to any person or party seeking those records or information.

SEC. 2. The Legislature finds and declares that Section 1 of this act, which adds Section 680.1 to the Penal Code, imposes a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

In order to protect the privacy of victims of crime, it is necessary to keep the information in the SAFE-T database confidential.

SEC. 3. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

Amendment 3

On page 1, strike out lines 1 to 5, inclusive, and strike out pages 2 to 5, inclusive

- 0 -

AMENDMENTS TO ASSEMBLY BILL NO. 1856

Amendment 1

In the title, in line 1, strike out "amend Section 201 of" and insert:

add Section 6902.6 to

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 6902.6 is added to the Revenue and Taxation Code, to read:

6902.6. (a) A claim for refund that is otherwise valid under Section 6904, but is made in a case in which full payment of the amount of tax determined has not been made, shall be a claim only for the purpose of tolling the limitations periods set forth in Section 6902. For all other purposes, including the application of Sections 6906, 6932, 6933, and 6934, the claim shall be deemed to be filed on the date that full payment of the tax is made. However, a credit or refund shall not be made or allowed for any payment for which the applicable limitation period, as set forth in Section 6902, has expired prior to the filing of the claim or any payment made more than seven years prior to the date that full payment of the tax is made.

(b) This section shall apply only to claims for refunds made on or after the effective date of the act adding this section.

Amendment 3

On page 1, strike out lines 1 to 5, inclusive

- 0 -



RN1607798

AMENDMENTS TO ASSEMBLY BILL NO. 1877

Amendment 1

On page 1, in line 3, strike out "(a)"

Amendment 2

On page 1, strike out line 4 and insert:

either:

Amendment 3

On page 2, in line 1, strike out "(1)" and insert:

1.

Amendment 4

On page 2, in line 1, after "his" insert:

or her

Amendment 5

On page 2, in line 3, strike out "thereby." and insert:

thereby; or,

Amendment 6

On page 2, in line 6, strike out "(2)" and insert:

2.

Amendment 7

On page 2, in line 6, after "himself" insert:

or herself



001608010

Amendment 8

On page 2, in line 8, after "himself" insert:

or herself

Amendment 9

On page 2, in line 10, strike out "acts." and insert:

acts, is guilty of a misdemeanor.

Amendment 10

On page 2, in line 14, strike out "(b) Every" and insert:

Every

Amendment 11

On page 2, in line 15, strike out "paragraph (1) of subdivision (a)" and insert:

subdivision 1 of this section

Amendment 12

On page 2, in line 19, strike out "the" and insert:

a

Amendment 13

On page 2, in line 21, strike out "(c) A" and insert:

A

Amendment 14

On page 2, in line 22, strike out "paragraph (1) of subdivision (a)," and insert:

subdivision 1 of this section,

Amendment 15

On page 2, in lines 23 and 24, strike out "paragraph (1) of subdivision (a)" and insert:

subdivision 1 of this section

Amendment 16

On page 2, in line 24, strike out "under Section 288," and insert:

requiring registration pursuant to subdivision (c) of Section 290, or a first conviction under subdivision 1 of this section when the offense occurs in state prison or a county jail,

Amendment 17

On page 2, below line 26, insert:

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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AMENDMENTS TO ASSEMBLY BILL NO. 1899

Amendment 1

In the title, in line 1, after "act" insert:

to amend Section 1677 of the Insurance Code,

Amendment 2

On page 2, before line 1, insert:

SECTION 1. The Legislature finds and declares that it is essential that all of the state's residents have access to vital health services that can prolong and enhance their lives, and that state government continues to take reasonable and effective actions that will facilitate access to these services.

SEC. 2. Section 1677 of the Insurance Code is amended to read:

1677. (a) Every qualifying examination for a license ~~under~~ pursuant to this chapter shall be in writing and shall be of sufficient scope to satisfy the commissioner that the applicant has sufficient knowledge ~~of of~~ and is reasonably familiar ~~with with~~ the insurance laws of this ~~State state~~ and with the provisions, ~~terms terms~~, and conditions of the insurance ~~which that~~ may be transacted pursuant to the license sought, and ~~that the applicant~~ has a general and fair understanding of the obligations and duties of the holder of ~~such that~~ license.

(b) On and after January 1, 2018, the examination for a license as a life agent, life-only agent, and accident and health agent shall be provided in English and Spanish.

Amendment 3

On page 2, strike out lines 1 and 2

- 0 -



RN1608319

AMENDMENTS TO ASSEMBLY BILL NO. 1912

Amendment 1

In the heading, below line 1, insert:

(Principal coauthor: Assembly Member Chávez)

Amendment 2

In the title, in line 1, strike out "Section 290" and insert:

Sections 290 and 290.46

Amendment 3

On page 2, in line 7, after "in" insert:

paragraph (1) of

Amendment 4

On page 2, in line 10, after the comma insert:

and every person described in paragraph (2) of subdivision (c), as described in that paragraph,

Amendment 5

On page 2, in line 21, after "(c)" insert:

(1)

Amendment 6

On page 3, below line 5, insert:

(2) Notwithstanding any lifetime registration requirement of this chapter, any person convicted of subdivision (b) of Section 647 if the person knew, or reasonably should have known, that the other participant was a minor and a victim of human trafficking, as defined in Section 236.1, shall, while residing in California or while attending school or working in California, as described in Sections 290.002 and 290.01, be required to register in accordance with subdivision (b) as follows:

- (A) For a period of five years from the date of a first conviction.
 - (B) For a period of 10 years from the date of a second conviction.
 - (C) For a period of 20 years from the date of a third or subsequent conviction.
- SEC. 2. Section 290.46 of the Penal Code is amended to read:



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290.46. (a) (1) On or before the dates specified in this section, the Department of Justice shall make available information concerning persons who are required to register pursuant to Section 290 to the public via an Internet Web site as specified in this section. The department shall update the Internet Web site on an ongoing basis. All information identifying the victim by name, birth date, address, or relationship to the registrant shall be excluded from the Internet Web site. The name or address of the person's employer and the listed person's criminal history other than the specific crimes for which the person is required to register shall not be included on the Internet Web site. The Internet Web site shall be translated into languages other than English as determined by the department.

(2) (A) On or before July 1, 2010, the Department of Justice shall make available to the public, via an Internet Web site as specified in this section, as to any person described in subdivision (b), (c), or (d), the following information:

(i) The year of conviction of his or her most recent offense requiring registration pursuant to Section 290.

(ii) The year he or she was released from incarceration for that offense.

(iii) Whether he or she was subsequently incarcerated for any other felony, if that fact is reported to the department. If the department has no information about a subsequent incarceration for any felony, that fact shall be noted on the Internet Web site.

However, no year of conviction shall be made available to the public unless the department also is able to make available the corresponding year of release of incarceration for that offense, and the required notation regarding any subsequent felony.

(B) (i) Any state facility that releases from incarceration a person who was incarcerated because of a crime for which he or she is required to register as a sex offender pursuant to Section 290 shall, within 30 days of release, provide the year of release for his or her most recent offense requiring registration to the Department of Justice in a manner and format approved by the department.

(ii) Any state facility that releases a person who is required to register pursuant to Section 290 from incarceration whose incarceration was for a felony committed subsequently to the offense for which he or she is required to register shall, within 30 days of release, advise the Department of Justice of that fact.

(iii) Any state facility that, prior to January 1, 2007, released from incarceration a person who was incarcerated because of a crime for which he or she is required to register as a sex offender pursuant to Section 290 shall provide the year of release for his or her most recent offense requiring registration to the Department of Justice in a manner and format approved by the department. The information provided by the Department of Corrections and Rehabilitation shall be limited to information that is currently maintained in an electronic format.

(iv) Any state facility that, prior to January 1, 2007, released a person who is required to register pursuant to Section 290 from incarceration whose incarceration was for a felony committed subsequently to the offense for which he or she is required to register shall advise the Department of Justice of that fact in a manner and format approved by the department. The information provided by the Department of Corrections and Rehabilitation shall be limited to information that is currently maintained in an electronic format.

(3) The State Department of State Hospitals shall provide to the Department of Justice Sex Offender Tracking Program the names of all persons committed to its custody pursuant to Article 4 (commencing with Section 6600) of Chapter 2 of Part 2 of Division 6 of the Welfare and Institutions Code, within 30 days of commitment, and shall provide the names of all of those persons released from its custody within five working days of release.

(b) (1) On or before July 1, 2005, with respect to a person who has been convicted of the commission or the attempted commission of any of the offenses listed in, or who is described in, paragraph (2), the Department of Justice shall make available to the public via the Internet Web site his or her name and known aliases, a photograph, a physical description, including gender and race, date of birth, criminal history, prior adjudication as a sexually violent predator, the address at which the person resides, and any other information that the Department of Justice deems relevant, but not the information excluded pursuant to subdivision (a). On or before January 1, 2013, the department shall make available to the public via the Internet Web site his or her static SARATSO score and information on an elevated risk level based on the SARATSO future violence tool.

(2) This subdivision shall apply to the following offenses and offenders:

(A) Section 187 committed in the perpetration, or an attempt to perpetrate, rape or any act punishable under Section 286, 288, 288a, or 289.

(B) Section 207 committed with intent to violate Section 261, 286, 288, 288a, or 289.

(C) Section 209 committed with intent to violate Section 261, 286, 288, 288a, or 289.

(D) Paragraph (2) or (6) of subdivision (a) of Section 261.

(E) Section 264.1.

(F) Section 269.

(G) Subdivision (c) or (d) of Section 286.

(H) Subdivision (a), (b), or (c) of Section 288, provided that the offense is a felony.

(I) Subdivision (c) or (d) of Section 288a.

(J) Section 288.3, provided that the offense is a felony.

(K) Section 288.4, provided that the offense is a felony.

(L) Section 288.5.

(M) Subdivision (a) or (j) of Section 289.

(N) Section 288.7.

(O) Any person who has ever been adjudicated a sexually violent predator, as defined in Section 6600 of the Welfare and Institutions Code.

(P) A felony violation of Section 311.1.

(Q) A felony violation of subdivision (b), (c), or (d) of Section 311.2.

(R) A felony violation of Section 311.3.

(S) A felony violation of subdivision (a), (b), or (c) of Section 311.4.

(T) Section 311.10.

(U) A felony violation of Section 311.11.

(c) (1) On or before July 1, 2005, with respect to a person who has been convicted of the commission or the attempted commission of any of the offenses listed in paragraph (2), the Department of Justice shall make available to the public via the

Internet Web site his or her name and known aliases, a photograph, a physical description, including gender and race, date of birth, criminal history, the community of residence and ZIP Code in which the person resides or the county in which the person is registered as a transient, and any other information that the Department of Justice deems relevant, but not the information excluded pursuant to subdivision (a). On or before July 1, 2006, the Department of Justice shall determine whether any person convicted of an offense listed in paragraph (2) also has one or more prior or subsequent convictions of an offense listed in subdivision (c) of Section 290, and, for those persons, the Department of Justice shall make available to the public via the Internet Web site the address at which the person resides. However, the address at which the person resides shall not be disclosed until a determination is made that the person is, by virtue of his or her additional prior or subsequent conviction of an offense listed in subdivision (c) of Section 290, subject to this subdivision.

(2) This subdivision shall apply to the following offenses:

(A) Section 220, except assault to commit mayhem.

(B) Paragraph (1), (3), or (4) of subdivision (a) of Section 261.

(C) Paragraph (2) of subdivision (b), or subdivision (f), (g), or (i), of Section 286.

(D) Paragraph (2) of subdivision (b), or subdivision (f), (g), or (i), of Section 288a.

(E) Subdivision (b), (d), (e), or (i) of Section 289.

(F) (i) Subdivision (b) of Section 647 if the person convicted knew, or should reasonably have known, that the other participant was a minor and a victim of human trafficking, as defined in Section 236.1.

(ii) The information of a person subject to clause (i) shall be posted for five years after a first conviction, 10 years after a second conviction, and 20 years after a third or subsequent conviction.

(d) (1) On or before July 1, 2005, with respect to a person who has been convicted of the commission or the attempted commission of any of the offenses listed in, or who is described in, this subdivision, the Department of Justice shall make available to the public via the Internet Web site his or her name and known aliases, a photograph, a physical description, including gender and race, date of birth, criminal history, the community of residence and ZIP Code in which the person resides or the county in which the person is registered as a transient, and any other information that the Department of Justice deems relevant, but not the information excluded pursuant to subdivision (a) or the address at which the person resides.

(2) This subdivision shall apply to the following offenses and offenders:

(A) Subdivision (a) of Section 243.4, provided that the offense is a felony.

(B) Section 266, provided that the offense is a felony.

(C) Section 266c, provided that the offense is a felony.

(D) Section 266j.

(E) Section 267.

(F) Subdivision (c) of Section 288, provided that the offense is a misdemeanor.

(G) Section 288.3, provided that the offense is a misdemeanor.

(H) Section 288.4, provided that the offense is a misdemeanor.

(I) Section 626.81.

(J) Section 647.6.

(K) Section 653c.

(L) Any person required to register pursuant to Section 290 based upon an out-of-state conviction, unless that person is excluded from the Internet Web site pursuant to subdivision (e). However, if the Department of Justice has determined that the out-of-state crime, if committed or attempted in this state, would have been punishable in this state as a crime described in subdivision (c) of Section 290, the person shall be placed on the Internet Web site as provided in subdivision (b) or (c), as applicable to the crime.

(e) (1) If a person has been convicted of the commission or the attempted commission of any of the offenses listed in this subdivision, and he or she has been convicted of no other offense listed in subdivision (b), (c), or (d) other than those listed in this subdivision, that person may file an application with the Department of Justice, on a form approved by the department, for exclusion from the Internet Web site. If the department determines that the person meets the requirements of this subdivision, the department shall grant the exclusion and no information concerning the person shall be made available via the Internet Web site described in this section. He or she bears the burden of proving the facts that make him or her eligible for exclusion from the Internet Web site. However, a person who has filed for or been granted an exclusion from the Internet Web site is not relieved of his or her duty to register as a sex offender pursuant to Section 290 nor from any otherwise applicable provision of law.

(2) This subdivision shall apply to the following offenses:

(A) A felony violation of subdivision (a) of Section 243.4.

(B) Section 647.6, if the offense is a misdemeanor.

(C) A felony violation of Section 311.1, subdivision (b), (c), or (d) of Section 311.2, or Section 311.3, 311.4, 311.10, or 311.11 if the person submits to the department a certified copy of a probation report filed in court that clearly states that all victims involved in the commission of the offense were at least 16 years of age or older at the time of the commission of the offense.

(D) (i) An offense for which the offender successfully completed probation, provided that the offender submits to the department a certified copy of a probation report, presentencing report, report prepared pursuant to Section 288.1, or other official court document that clearly demonstrates that the offender was the victim's parent, stepparent, sibling, or grandparent and that the crime did not involve either oral copulation or penetration of the vagina or rectum of either the victim or the offender by the penis of the other or by any foreign object.

(ii) An offense for which the offender is on probation at the time of his or her application, provided that the offender submits to the department a certified copy of a probation report, presentencing report, report prepared pursuant to Section 288.1, or other official court document that clearly demonstrates that the offender was the victim's parent, stepparent, sibling, or grandparent and that the crime did not involve either oral copulation or penetration of the vagina or rectum of either the victim or the offender by the penis of the other or by any foreign object.

(iii) If, subsequent to his or her application, the offender commits a violation of probation resulting in his or her incarceration in county jail or state prison, his or her exclusion, or application for exclusion, from the Internet Web site shall be terminated.

(iv) For the purposes of this subparagraph, "successfully completed probation" means that during the period of probation the offender neither received additional

county jail or state prison time for a violation of probation nor was convicted of another offense resulting in a sentence to county jail or state prison.

(3) If the department determines that a person who was granted an exclusion under a former version of this subdivision would not qualify for an exclusion under the current version of this subdivision, the department shall rescind the exclusion, make a reasonable effort to provide notification to the person that the exclusion has been rescinded, and, no sooner than 30 days after notification is attempted, make information about the offender available to the public on the Internet Web site as provided in this section.

(4) Effective January 1, 2012, no person shall be excluded pursuant to this subdivision unless the offender has submitted to the department documentation sufficient for the department to determine that he or she has a SARATSO risk level of low or moderate-low.

(f) The Department of Justice shall make a reasonable effort to provide notification to persons who have been convicted of the commission or attempted commission of an offense specified in subdivision (b), (c), or (d), that on or before July 1, 2005, the department is required to make information about specified sex offenders available to the public via an Internet Web site as specified in this section. The Department of Justice shall also make a reasonable effort to provide notice that some offenders are eligible to apply for exclusion from the Internet Web site.

(g) (1) A designated law enforcement entity, as defined in subdivision (f) of Section 290.45, may make available information concerning persons who are required to register pursuant to Section 290 to the public via an Internet Web site as specified in paragraph (2).

(2) The law enforcement entity may make available by way of an Internet Web site the information described in subdivision (c) if it determines that the public disclosure of the information about a specific offender by way of the entity's Internet Web site is necessary to ensure the public safety based upon information available to the entity concerning that specific offender.

(3) The information that may be provided pursuant to this subdivision may include the information specified in subdivision (b) of Section 290.45. However, that offender's address may not be disclosed unless he or she is a person whose address is on the Department of Justice's Internet Web site pursuant to subdivision (b) or (c).

(h) For purposes of this section, "offense" includes the statutory predecessors of that offense, or any offense committed in another jurisdiction that, if committed or attempted to be committed in this state, would have been punishable in this state as an offense listed in subdivision (c) of Section 290.

(i) Notwithstanding Section 6254.5 of the Government Code, disclosure of information pursuant to this section is not a waiver of exemptions under Chapter 3.5 (commencing with Section 6250) of Title 1 of Division 7 of the Government Code and does not affect other statutory restrictions on disclosure in other situations.

(j) (1) Any person who uses information disclosed pursuant to this section to commit a misdemeanor shall be subject to, in addition to any other penalty or fine imposed, a fine of not less than ten thousand dollars (\$10,000) and not more than fifty thousand dollars (\$50,000).

(2) Any person who uses information disclosed pursuant to this section to commit a felony shall be punished, in addition and consecutive to any other punishment, by a five-year term of imprisonment pursuant to subdivision (h) of Section 1170.

(k) Any person who is required to register pursuant to Section 290 who enters an Internet Web site established pursuant to this section shall be punished by a fine not exceeding one thousand dollars (\$1,000), imprisonment in a county jail for a period not to exceed six months, or by both that fine and imprisonment.

(l) (1) A person is authorized to use information disclosed pursuant to this section only to protect a person at risk.

(2) Except as authorized under paragraph (1) or any other provision of law, use of any information that is disclosed pursuant to this section for purposes relating to any of the following is prohibited:

- (A) Health insurance.
- (B) Insurance.
- (C) Loans.
- (D) Credit.
- (E) Employment.
- (F) Education, scholarships, or fellowships.
- (G) Housing or accommodations.
- (H) Benefits, privileges, or services provided by any business establishment.

(3) This section shall not affect authorized access to, or use of, information pursuant to, among other provisions, Sections 11105 and 11105.3, Section 8808 of the Family Code, Sections 777.5 and 14409.2 of the Financial Code, Sections 1522.01 and 1596.871 of the Health and Safety Code, and Section 432.7 of the Labor Code.

(4) (A) Any use of information disclosed pursuant to this section for purposes other than those provided by paragraph (1) or in violation of paragraph (2) shall make the user liable for the actual damages, and any amount that may be determined by a jury or a court sitting without a jury, not exceeding three times the amount of actual damage, and not less than two hundred fifty dollars (\$250), and attorney's fees, exemplary damages, or a civil penalty not exceeding twenty-five thousand dollars (\$25,000).

(B) Whenever there is reasonable cause to believe that any person or group of persons is engaged in a pattern or practice of misuse of the information available via an Internet Web site established pursuant to this section in violation of paragraph (2), the Attorney General, any district attorney, or city attorney, or any person aggrieved by the misuse is authorized to bring a civil action in the appropriate court requesting preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order against the person or group of persons responsible for the pattern or practice of misuse. The foregoing remedies shall be independent of any other remedies or procedures that may be available to an aggrieved party under other provisions of law, including Part 2 (commencing with Section 43) of Division 1 of the Civil Code.

(m) The public notification provisions of this section are applicable to every person described in this section, without regard to when his or her crimes were committed or his or her duty to register pursuant to Section 290 arose, and to every offense described in this section, regardless of when it was committed.

(n) A designated law enforcement entity and its employees shall be immune from liability for good faith conduct under this section.

(o) The Attorney General, in collaboration with local law enforcement and others knowledgeable about sex offenders, shall develop strategies to assist members of the public in understanding and using publicly available information about registered sex offenders to further public safety. These strategies may include, but are not limited to, a hotline for community inquiries, neighborhood and business guidelines for how to respond to information posted on this Internet Web site, and any other resource that promotes public education about these offenders.

SEC. 3. 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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AMENDMENTS TO ASSEMBLY BILL NO. 1926

Amendment 1

On page 2, in line 4, after "(b)" insert:

(1)

Amendment 2

On page 2, between lines 7 and 8, insert:

(2) Unless otherwise provided by a collective bargaining agreement, when a contractor requests the dispatch of an apprentice pursuant to this section to perform work on a public works project and requires the apprentice to undergo testing, training, or an examination as a condition of employment, the apprentice shall be paid for the time spent on the required activity, including travel time, at the prevailing rate of per diem wages for apprentices in the trade to which he or she is registered.

Amendment 3

On page 6, below line 21, insert:

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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RN1607933

AMENDMENTS TO ASSEMBLY BILL NO. 1933

Amendment 1

In the heading, in line 1, strike out "Travis Allen" and insert:

Travis Allen

Amendment 2

On page 1, in line 3, strike out "The" and insert:

(a) The

Amendment 3

On page 1, in line 5, strike out "(a)" and insert:

(1)

Amendment 4

On page 2, in line 1, strike out "(b)" and insert:

(2)

Amendment 5

On page 2, in line 7, strike out "(c)" and insert:

(3)

Amendment 6

On page 2, in line 12, strike out "(d)" and insert:

(4)

Amendment 7

On page 2, in line 18, strike out "(e)" and insert:

(5)



RN1607921

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Substantive

Amendment 8

On page 2, below line 23, insert:

(b) A bank shall post the applicable statement included in the articles of the bank from subdivision (a) in a prominent location on the Internet Web site of the bank.

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AMENDMENTS TO ASSEMBLY BILL NO. 1945

Amendment 1

On page 3, in line 11, after "a" insert:

misdemeanor or to a

Amendment 2

On page 4, between lines 33 and 34, insert:

(H) The child welfare agency of a county responsible for the supervision and placement of a minor or nonminor dependent may access a record that has been ordered sealed by the court under this section for the limited purpose of determining an appropriate placement or service that has been ordered for the minor or nonminor dependent by the court. The information contained in the sealed record and accessed by the child welfare worker or agency under this subparagraph may be shared with the court or with a service or placement provider as necessary to implement the court-ordered service or placement but shall in all other respects remain confidential. Access to the sealed record under this subparagraph shall not be construed as a modification of the court's order dismissing the petition and sealing the record in the case.

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RN1608165

AMENDMENTS TO ASSEMBLY BILL NO. 1946

Amendment 1

In the title, in line 1, strike out "of" and insert:

of, and to repeal Section 14901.1 of,

Amendment 2

On page 6, in lines 17 and 18, strike out "Upon payment of the fee required pursuant to Section 14901.1, the" and insert:

The

Amendment 3

On page 6, below line 29, insert:

SEC. 2. Section 14901.1 of the Vehicle Code is repealed.

~~14901.1. In addition to the fees required by Section 14900, 14900.1, or 14902, the department shall charge a one-time fee of five dollars (\$5) to any person who requests, pursuant to paragraph (5) of subdivision (c) of Section 12811, that the person's driver's license or identification card be printed with the word "VETERAN" to indicate that the person has served in the United States Armed Forces. The department may increase the fee by regulation, in an amount not to exceed fifteen dollars (\$15), to reimburse the department for its reasonable costs in processing and issuing a request for a license or card issued pursuant to paragraph (5) of subdivision (c) of Section 12811.~~

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AMENDMENTS TO ASSEMBLY BILL NO. 1978

Amendment 1

In the title, in line 1, strike out "2802" and insert:

90.5

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 90.5 of the Labor Code is amended to read:

90.5. (a) It is the policy of this state to vigorously enforce minimum labor standards in order to ensure employees are not required or permitted to work under substandard unlawful conditions or for employers that have not secured the payment of compensation, and to protect employers who comply with the law from those who attempt to gain a competitive advantage at the expense of their workers by failing to comply with minimum labor standards.

(b) In order to ensure that minimum labor standards are adequately enforced, the Labor Commissioner shall establish and maintain a field enforcement unit, which shall be administratively and physically separate from offices of the division that accept and determine individual employee complaints. The unit shall have offices in Los Angeles, San Francisco, San Jose, San Diego, Sacramento, and any other locations that the Labor Commissioner deems appropriate. The unit shall have primary responsibility for administering and enforcing those statutes and regulations most effectively enforced through field investigations, including Sections 226, 1021, 1021.5, 1193.5, 1193.6, 1194.5, 1197, 1198, 1771, 1776, 1777.5, 2651, 2673, 2675, and 3700, in accordance with the plan adopted by the Labor Commissioner pursuant to subdivision (c). Nothing in this section shall be construed to limit the authority of this unit in enforcing any statute or regulation in the course of its investigations.

(c) The Labor Commissioner shall adopt an enforcement plan for the field enforcement unit. The plan shall identify priorities for investigations to be undertaken by the unit that ensure the available resources will be concentrated in industries, occupations, and areas in which employees are relatively low paid and unskilled, and those in which there has been a history of violations of the statutes cited in subdivision (b), and those with high rates of noncompliance with Section 3700.

(d) The Labor Commissioner shall annually report to the Legislature, not later than March 1, concerning the effectiveness following:

(1) The effectiveness of the field enforcement unit. ~~The~~ This part of the report shall include, but not be limited to, all of the following:

(+)

(A) The enforcement plan adopted by the Labor Commissioner pursuant to subdivision (c), and the rationale for the priorities identified in the plan.

(2)

(B) The number of establishments investigated by the unit, and the number of types of violations found.



~~(3)~~

(C) The amount of wages found to be unlawfully withheld from workers, and the amount of unpaid wages recovered for workers.

~~(4)~~

(D) The amount of penalties and unpaid wages transferred to the General Fund as a result of the efforts of the unit.

(2) The status of wage claims and retaliation complaints. This part of the report shall include, but not be limited to, all of the following:

(A) The average amount of time it takes for a wage claim to receive a preliminary hearing.

(B) The number of determinations issued, the number of investigative hearings held, the number of complaints dismissed, and the number of complaints found valid, grouped by the year in which the complaints were filed.

(C) An update on the division's current backlog of wage claims and retaliation complaints.

(e) The report required by subdivision (d) shall be provided in compliance with Section 9795 of the Government Code.

Amendment 3

On page 1, strike out lines 1 and 2 and strike out page 2

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AMENDMENTS TO ASSEMBLY BILL NO. 1996

Amendment 1

On page 3, in line 2, after "of" insert:

the

Amendment 2

On page 4, in line 9, strike out "(j)" and insert:

(j) A nonprofit institution that is accredited by the Accrediting Commission for Schools, Western Association of Schools and Colleges, and does not award degrees or diplomas, and is paid from state or federal student financial aid programs for fewer than 20 percent of its students who receive vocational training.

(k)

Amendment 3

On page 5, in line 1, strike out "(k)" and insert:

(l)

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RN1607996

AMENDMENTS TO ASSEMBLY BILL NO. 1999

Amendment 1

In the title, in line 1, after "act" insert:

to add Section 30020 to the Penal Code,

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 30020 is added to the Penal Code, to read:

30020. (a) The Department of Justice shall complete an initial review of a match in the daily queue of the Armed Prohibited Persons System within seven days of the match being placed in the queue and shall periodically reassess whether the department can complete those reviews more efficiently.

(b) (1) For the purpose of this section, "Armed Prohibited Persons System" means the "Prohibited Armed Persons File," as described in Section 30000.

(2) For the purpose of this section, "match" means the entry into the Automated Criminal History System or into any department automated information system of the name and other information of an individual who may be prohibited from acquiring, owning, or possessing a firearm, and a corresponding record of ownership or possession of a firearm by that individual, as described in Section 30005.

Amendment 3

On page 1, strike out lines 1 and 2

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RN1608033

AMENDMENTS TO ASSEMBLY BILL NO. 2005

Amendment 1

In the title, in line 1, strike out "201" and insert:

730

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 730 of the Welfare and Institutions Code is amended to read:

730. (a) ~~When~~ If a minor is adjudged a ward of the court on the ground that he or she is a person described by Section 602, the court may order any of the types of treatment referred to in Section 727, and as an additional alternative, may commit the minor to a juvenile home, ranch, camp, or forestry camp. If there is no county juvenile home, ranch, camp, or forestry camp within the county, the court may commit the minor to the county juvenile hall.

(b) Notwithstanding any other law, if a minor is adjudged a ward of the court on the ground that he or she is a person described by subdivision (a) of Section 602, the court shall not order for the commitment or placement of the minor in a juvenile home, ranch, camp, or forestry camp outside of the state unless the court makes a determination of all of the following:

(1) The commitment or placement is necessary to protect the health, including mental health, or safety of the minor.

(2) The commitment or placement would reduce the minor's likelihood of reoffending.

(3) There is not an equivalent juvenile home, ranch, camp, or forestry camp available in the state.

~~(b) When~~

(c) If a ward described in subdivision (a) is placed under the supervision of the probation officer or committed to the care, custody, and control of the probation officer, the court may make any and all reasonable orders for the conduct of the ~~ward~~ ward, including the requirement that the ward go to work and earn money for the support of his or her dependents or to effect reparation and in either case that the ward keep an account of his or her earnings and report the same to the probation officer and apply these earnings as directed by the court. The court may impose and require any and all reasonable conditions that it may determine fitting and proper to the end that justice may be done and the reformation and rehabilitation of the ward enhanced.

~~(e) When~~

(d) If a ward described in subdivision (a) is placed under the supervision of the probation officer or committed to the care, custody, and control of the probation officer, and is required as a condition of probation to participate in community service or graffiti cleanup, the court may impose a condition that if the minor unreasonably fails to attend or unreasonably leaves prior to completing the assigned daily hours of community



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service or graffiti cleanup, a law enforcement officer may take the minor into custody for the purpose of returning the minor to the site of the community service or graffiti cleanup.

~~(d) When~~

(e) If a minor is adjudged or continued as a ward of the court on the ground that he or she is a person described by Section 602 by reason of the commission of rape, sodomy, oral copulation, or an act of sexual penetration specified in Section 289 of the Penal Code, the court shall order the minor to complete a sex offender treatment program, if the court determines, in consultation with the county probation officer, that suitable programs are available. In determining what type of treatment is appropriate, the court shall consider all of the following: the seriousness and circumstances of the offense, the vulnerability of the victim, the minor's criminal history and prior attempts at rehabilitation, the sophistication of the minor, the threat to public safety, the minor's likelihood of reoffending, and any other relevant information presented. If ordered by the court to complete a sex offender treatment program, the minor shall pay all or a portion of the reasonable costs of the sex offender treatment program after a determination is made of the ability of the minor to pay.

Amendment 3

On page 1, strike out lines 1 to 5, inclusive, and strike out page 2

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AMENDMENTS TO ASSEMBLY BILL NO. 2021

Amendment 1

In the title, in line 1, after "act" insert:

to add Section 2301 to the Elections Code,

Amendment 2

In the title, in line 1, strike out "equal opportunities." and insert:

elections.

Amendment 3

On page 1, before line 1, insert:

SECTION 1. Section 2301 is added to the Elections Code, to read:

2301. (a) An international election observer may be provided uniform and nondiscriminatory access to all stages of the election process that are open to the public, including the public review period for the certification of a ballot marking system, the processing and counting of vote by mail ballots, the canvassing of ballots, and the recounting of ballots. An international election observer shall not interfere with a voter in the preparation or casting of the voter's ballot, with a precinct board member or an elections official in the performance of his or her duties, or with the orderly conduct of an election.

(b) For purposes of this section, "international election observer" means a person who witnesses the administration of an election in this state and who is an official representative of an international organization such as the United Nations, the Organization for Security and Cooperation in Europe, or the Organization of American States.

Amendment 4

On page 1, strike out lines 1 to 3, inclusive

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RN1608372

AMENDMENTS TO ASSEMBLY BILL NO. 2048

Amendment 1

In the title, in line 1, strike out "of" and insert:

of, and to add Section 127945 to,

Amendment 2

In the title, in line 2, strike out "development." and insert:

development, and making an appropriation therefor.

Amendment 3

On page 2, below line 11, insert:

(d) The office shall include all federally qualified health centers located in California in the program's certified eligible site list.

(e) The office shall notify all certified eligible sites when the program opens each application cycle and shall strive, to the extent possible, to maximize the number of applications received each cycle.

(f) The office shall not require program applicants and participants to provide matching funds in years that the office receives state matching funds pursuant to Section 127945.

(g) The office shall submit an annual report to the Senate and Assembly Committees on Health that includes all of the following information:

(1) The number of applications received during the annual application cycle.

(2) The percentage of applicants who were awarded funding under the program.

(3) The percentage of applicants who were not awarded funding under the program.

(4) The percentage of funding that went to each geographic region in the state.

(h) (1) The requirement for submitting a report pursuant to subdivision (g) is inoperative on January 1, 2021, pursuant to Section 10231.5 of the Government Code.

(2) A report submitted pursuant to subdivision (g) shall be submitted in compliance with Section 9795 of the Government Code.

SEC. 2. Section 127945 is added to the Health and Safety Code, to read:

127945. Notwithstanding Section 13340 of the Government Code, the sum of one million dollars (\$1,000,000) is hereby continuously appropriated, from the General Fund in the State Treasury, without regard to fiscal year, to the Office of Statewide Health Planning and Development for purposes of providing state matching funds for the National Health Service Corps State Loan Repayment Program pursuant to Section 127940.



AMENDMENTS TO ASSEMBLY BILL NO. 2057

Amendment 1

In the title, in line 1, strike out "18911" and insert:

18904.1

Amendment 2

On page 2, before line 1, insert:

SECTION 1. Section 18904.1 of the Welfare and Institutions Code is amended to read:

18904.1. (a) The director, to the extent permitted by federal law, shall establish methods for CalFresh benefit issuance in all counties ~~which~~ that guarantee to low-income households the health-vital nutritional benefits available under this chapter and to achieve the most efficient system for program administration so as to minimize administrative costs.

(b) The director shall maintain methods for over-the-counter and mail issuance of CalFresh benefits in a county until issuance of CalFresh benefits by electronic benefits transfer for all CalFresh recipients in the county has been implemented pursuant to Chapter 3 (commencing with Section 10065) of Part 1.

~~(c) Until issuance of CalFresh benefits by electronic benefits transfer has been implemented in a county for all CalFresh recipients, the director shall maintain, in the county, County human services agencies shall maintain methods for over-the-counter issuance that guarantee program accessibility in all cases where~~ when a household has been found to be in immediate need of food assistance or ~~where~~ when a household has been determined to be eligible for the replacement of a previous issuance.

(d) The department and county officials shall act pursuant to all federal authority to ensure that the replacement of a previous issuance of CalFresh benefits is made available as expeditiously as possible for all eligible recipients, using the methods established pursuant to subdivision (c).

(e) (1) If a recipient is eligible for a replacement of a previous issuance, the benefit may be issued by the county human services agency in the county where the recipient currently resides or in the county where the recipient received a previous issuance.

(2) If a recipient is eligible for a replacement of a previous issuance because he or she is a victim of domestic violence, the replacement benefit shall be issued in a manner that does not allow any information about the replacement or its request to be accessible to the person from whom the recipient is fleeing.

SEC. 2. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.



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RN 16 08347 PAGE 2
Substantive

Amendment 3
On page 2, strike out lines 1 to 27, inclusive

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AMENDMENTS TO ASSEMBLY BILL NO. 2071

Amendment 1

In the heading, below line 1, insert:

(Coauthors: Assembly Members Gallagher and Gatto)
(Coauthor: Senator Bates)

Amendment 2

In the title, in line 1, after "act" insert:

to amend Sections 3020 and 4103 of the Elections Code,

Amendment 3

On page 1, before line 1, insert:

SECTION 1. Section 3020 of the Elections Code is amended to read:

3020. (a) All vote by mail ballots cast under this division shall be received by the elections official from whom they were obtained or by the precinct board no later than the close of the polls on election day.

(b) (1) Notwithstanding subdivision (a), any vote by mail ballot cast under this division shall be timely cast if it is received by the voter's elections official via the United States Postal Service or a bona fide private mail delivery company no later than three days after election day and either of the following is satisfied:

(+)

(A) The ballot is postmarked on or before election day or is time stamped or date stamped by a bona fide private mail delivery company on or before election day.

(2)

(B) If the ballot has no postmark, a postmark with no date, or an illegible postmark, the vote by mail ballot identification envelope is date stamped by the elections official upon receipt of the vote by mail ballot from the United States Postal Service or a bona fide private mail delivery company, and is signed and dated pursuant to Section 3011 on or before election day.

(2) (A) A person delivering vote by mail ballot envelopes received by a bona fide private mail delivery company pursuant to this subdivision shall present satisfactory proof, as determined by the elections official, of the company's status as a bona fide private mail delivery company in order for the ballot envelopes to be processed. If the person cannot provide proof, the elections official shall not process the ballot envelopes but shall instead retain the ballot envelopes in the event of an election contest.

(B) If a vote by mail ballot envelope is delivered after election day by a bona fide private mail delivery company and the envelope has no postmark, a postmark with no date, or an illegible postmark, the elections official shall retain the ballot envelope and ballot for further evaluation in the event of an election contest.



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(c) For purposes of this section, "bona fide private mail delivery company" means a for-profit courier service that is in the regular business of accepting a mail item, package, or parcel for the purpose of delivery, at a cost, to a person or entity whose address is specified on the item. A bona fide private mail delivery company includes, but is not limited to, DHL, Federal Express Corporation, and United Parcel Service.

SEC. 2. Section 4103 of the Elections Code is amended to read:

4103. (a) Notwithstanding Section 3020, ballots cast under this chapter shall be returned to the elections official from whom they were obtained no later than 8 p.m. on election day.

(b) (1) Notwithstanding subdivision (a), any vote by mail ballot cast under this chapter shall be timely cast if it is received by the voter's elections official via the United States Postal Service or a bona fide private mail delivery company no later than three days after election day and either of the following is satisfied:

(1)

(A) The ballot is postmarked on or before election day or is time stamped or date stamped by a bona fide private mail delivery company on or before election day.

(2)

(B) If the ballot has no postmark, a postmark with no date, or an illegible postmark, the vote by mail ballot identification envelope is date stamped by the elections official upon receipt of the vote by mail ballot from the United States Postal Service or a bona fide private mail delivery company, and is signed and dated pursuant to Section 3011 on or before election day.

(2) (A) A person delivering vote by mail ballot envelopes received by a bona fide private mail delivery company pursuant to this subdivision shall present satisfactory proof, as determined by the elections official, of the company's status as a bona fide private mail delivery company in order for the ballot envelopes to be processed. If the person cannot provide proof, the elections official shall not process the ballot envelopes but shall instead retain the ballot envelopes in the event of an election contest.

(B) If a vote by mail ballot envelope is delivered after election day by a bona fide private mail delivery company and the envelope has no postmark, a postmark with no date, or an illegible postmark, the elections official shall retain the ballot envelope and ballot for further evaluation in the event of an election contest.

(c) For purposes of this section, "bona fide private mail delivery company" means a for-profit courier service that is in the regular business of accepting a mail item, package, or parcel for the purpose of delivery, at a cost, to a person or entity whose address is specified on the item. A bona fide private mail delivery company includes, but is not limited to, DHL, Federal Express Corporation, and United Parcel Service.

SEC. 3. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

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Substantive

Amendment 4
On page 1, strike out lines 1 to 3, inclusive

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AMENDMENTS TO ASSEMBLY BILL NO. 2074

Amendment 1

In the title, strike out lines 1 and 2 and insert:

An act to repeal Section 3029 of the Food And Agricultural Code, relating to fairs.

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 3029 of the Food and Agricultural Code is repealed.
~~3029. Each fair shall make an annual report to the department, as prescribed
by the department, of the total number of credential and courtesy pass admissions
issued and honored at the fair.~~

Amendment 3

On page 1, strike out lines 1 to 7, inclusive, and strike out page 2

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RN1608601

AMENDMENTS TO ASSEMBLY BILL NO. 2102

Amendment 1

In the title, in line 1, after "act" insert:

to amend Section 12715 of the Government Code,

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 12715 of the Government Code is amended to read:
12715. (a) The Controller, acting in consultation with the California Gambling Control Commission, shall divide the County Tribal Casino Account for each county that has gaming devices that are subject to an obligation to make contributions to the Indian Gaming Special Distribution Fund into a separate account for each tribe that operates a casino within the county. These accounts shall be known as Individual Tribal Casino Accounts, and funds may be released from these accounts to make grants selected by an Indian Gaming Local Community Benefit Committee pursuant to the method established by this section to local jurisdictions impacted by tribal casinos. Each Individual Tribal Casino Account shall be funded in proportion to the amount that each individual tribe paid in the prior fiscal year to the Indian Gaming Special Distribution Fund.

(b) (1) There is hereby created in each county in which Indian gaming is conducted an Indian Gaming Local Community Benefit Committee. The selection of all grants from each Individual Tribal Casino Account or County Tribal Casino Account shall be made by each county's Indian Gaming Local Community Benefit Committee. In selecting grants, the Indian Gaming Local Community Benefit Committee shall follow the priorities established in subdivision (g) and the requirements specified in subdivision (h). This committee has the following additional responsibilities:

(A) Establishing all application policies and procedures for grants from the Individual Tribal Casino Account or County Tribal Casino Account. Each grant application shall clearly show how the grant will mitigate the impact of the casino on the grant applicant.

(B) Assessing the eligibility of applications for grants from local jurisdictions impacted by tribal gaming operations.

(C) Determining the appropriate amount for reimbursement from the aggregate county tribal account of the demonstrated costs incurred by the county for administering the grant programs. The reimbursement for county administrative costs may not exceed 2 percent of the aggregate county tribal account in any given fiscal year.

(2) Except as provided in Section 12715.5, the Indian Gaming Local Community Benefit Committee shall be composed of seven representatives, consisting of the following:

(A) Two representatives from the county, selected by the county board of supervisors.



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(B) Three elected representatives from cities located within four miles of a tribal casino in the county, selected by the county board of supervisors. In the event that there are no cities located within four miles of a tribal casino in the county, other local representatives may be selected upon mutual agreement by the county board of supervisors and a majority of the tribes paying into the Indian Gaming Special Distribution Fund in the county. When there are no cities within four miles of a tribal casino in the county, and when the Indian Gaming Local Community Benefit Committee acts on behalf of a county where no tribes pay into the Indian Gaming Special Distribution Fund, other local representatives may be selected upon mutual agreement by the county board of supervisors and a majority of the tribes operating casinos in the county. However, if only one city is within four miles of a tribal casino and that same casino is located entirely within the unincorporated area of that particular county, only one elected representative from that city shall be included on the Indian Gaming Local Community Benefit Committee.

(C) Two representatives selected upon the recommendation of a majority of the tribes paying into the Indian Gaming Special Distribution Fund in each county. When an Indian Gaming Local Community Benefit Committee acts on behalf of a county ~~where~~ in which no tribes pay into the Indian Gaming Special Distribution Fund, the two representatives may be selected upon the recommendation of the tribes operating casinos in the county.

(3) The Indian Gaming Local Community Benefit Committee shall adopt and approve a Conflict of Interest Code pursuant to Article 3 (commencing with Section 87300) of Chapter 7 of Title 9. Any existing Conflict of Interest Code shall be reviewed and amended as necessary to bring it into compliance with the requirements of Article 3 (commencing with Section 87300) of Chapter 7 of Title 9.

(c) Sixty percent of each Individual Tribal Casino Account shall be available for nexus grants on a yearly basis to cities and counties impacted by tribes that are paying into the Indian Gaming Special Distribution Fund, according to the four-part nexus test described in paragraph (1). Grant awards shall be selected by each county's Indian Gaming Local Community Benefit Committee and shall be administered by the county. Grants may be awarded on a multiyear basis, and these multiyear grants shall be accounted for in the grant process for each year.

(1) A nexus test based on the geographical proximity of a local government jurisdiction to an individual Indian land upon which a tribal casino is located shall be used by each county's Indian Gaming Local Community Benefit Committee to determine the relative priority for grants, using the following criteria:

(A) Whether the local government jurisdiction borders the Indian lands on all sides.

(B) Whether the local government jurisdiction partially borders Indian lands.

(C) Whether the local government jurisdiction maintains a highway, road, or other thoroughfare that is the predominant access route to a casino that is located within four miles.

(D) Whether all or a portion of the local government jurisdiction is located within four miles of a casino.

(2) Fifty percent of the amount specified in this subdivision ~~(e)~~ shall be awarded in equal proportions to local government jurisdictions that meet all four of the nexus test criteria in paragraph (1). If no eligible local government jurisdiction satisfies this

requirement, the amount specified in this paragraph shall be made available for nexus grants in equal proportions to local government jurisdictions meeting the requirements of paragraph (3) or (4).

(3) Thirty percent of the amount specified in this subdivision-~~(e)~~ shall be awarded in equal proportions to local government jurisdictions that meet three of the nexus test criteria in paragraph (1). If no eligible local government jurisdiction satisfies this requirement, the amount specified in this paragraph shall be made available for nexus grants in equal proportions to local government jurisdictions meeting the requirements of paragraph (2) or (4).

(4) Twenty percent of the amount specified in this subdivision-~~(e)~~ shall be awarded in equal proportions to local government jurisdictions that meet two of the nexus test criteria in paragraph (1). If no eligible local government jurisdiction satisfies this requirement, the amount specified in this paragraph shall be made available for nexus grants in equal proportions to local government jurisdictions meeting the requirements of paragraph (2) or (3).

(d) Twenty percent of each Individual Tribal Casino Account shall be available for discretionary grants to local jurisdictions impacted by tribes that are paying into the Indian Gaming Special Distribution Fund. These discretionary grants shall be made available to all local jurisdictions in the county irrespective of any nexus to impacts from any particular tribal casino, as described in paragraph (1) of subdivision (c). Grant awards shall be selected by each county's Indian Gaming Local Community Benefit Committee and shall be administered by the county. Grants may be awarded on a multiyear basis, and these multiyear grants shall be accounted for in the grant process for each year.

(e) (1) Twenty percent of each Individual Tribal Casino Account shall be available for discretionary grants to local jurisdictions impacted by tribes that are not paying into the Indian Gaming Special Distribution Fund. These grants shall be made available to local jurisdictions in the county irrespective of any nexus to impacts from any particular tribal casino, as described in paragraph (1) of subdivision (c), and irrespective of whether the impacts presented are from a tribal casino that is not paying into the Indian Gaming Special Distribution Fund. Grant awards shall be selected by each county's Indian Gaming Local Community Benefit Committee and shall be administered by the county. Grants may be awarded on a multiyear basis, and these multiyear grants shall be accounted for in the grant process for each year.

(A) Grants awarded pursuant to this subdivision are limited to addressing service-oriented impacts and providing assistance with one-time large capital projects related to Indian gaming impacts.

(B) Grants shall be subject to the sole sponsorship of the tribe that pays into the Indian Gaming Special Distribution Fund and the recommendations of the Indian Gaming Local Community Benefit Committee for that county.

(2) If an eligible county does not have a tribal casino operated by a tribe that does not pay into the Indian Gaming Special Distribution Fund, the moneys available for discretionary grants under this subdivision shall be available for distribution pursuant to subdivision (d).

(f) (1) For each county that does not have gaming devices subject to an obligation to make payments to the Indian Gaming Special Distribution Fund, funds may be released from the county's County Tribal Casino Account to make grants selected by

the county's Indian Gaming Local Community Benefit Committee pursuant to the method established by this section to local jurisdictions impacted by tribal casinos. These grants shall be made available to local jurisdictions in the county irrespective of any nexus to any particular tribal casino. These grants shall follow the priorities specified in subdivision (g) and the requirements specified in subdivision (h).

(2) Funds not allocated from a ~~county tribal casino account~~ County Tribal Casino Account by the end of each fiscal year shall revert back to the Indian Gaming Special Distribution Fund. ~~Moneys allocated for the 2003-04 fiscal year shall be eligible for expenditure through December 31, 2004.~~

(g) The following uses shall be the priorities for the receipt of grant moneys from Individual Tribal Casino Accounts: law enforcement, fire services, emergency medical services, environmental impacts, water supplies, waste disposal, behavioral, health, planning and adjacent land uses, public health, roads, recreation and youth programs, and child care programs.

(h) In selecting grants pursuant to subdivision (b), an Indian Gaming Local Community Benefit Committee shall select only grant applications that mitigate impacts from casinos on local jurisdictions. If a local jurisdiction uses a grant selected pursuant to subdivision (b) for any unrelated purpose, the grant shall terminate immediately and any moneys not yet spent shall revert to the Indian Gaming Special Distribution Fund. If a local jurisdiction approves an expenditure that mitigates an impact from a casino on a local jurisdiction and that also provides other benefits to the local jurisdiction, the grant selected pursuant to subdivision (b) shall be used to finance only the proportionate share of the expenditure that mitigates the impact from the casino.

(i) All grants from Individual Tribal Casino Accounts shall be made only upon the affirmative sponsorship of the tribe paying into the Indian Gaming Special Distribution Fund from whose Individual Tribal Casino Account the grant moneys are available for distribution. Tribal sponsorship shall confirm that the grant application has a reasonable relationship to a casino impact and satisfies at least one of the priorities listed in subdivision (g). A grant may not be made for any purpose that would support or fund, directly or indirectly, any effort related to the opposition or challenge to Indian gaming in the state, and, to the extent any awarded grant is utilized for any prohibited purpose by any local government, upon notice given to the county by any tribe from whose Individual Tribal Casino Account the awarded grant went toward that prohibited use, the grant shall terminate immediately and any moneys not yet used shall again be made available for qualified nexus grants.

(j) A local government jurisdiction that is a recipient of a grant from an Individual Tribal Casino Account or a County Tribal Casino Account shall provide notice to the public, either through a slogan, signage, or other mechanism, stating that the local government project has received funding from the Indian Gaming Special Distribution Fund and further identifying the particular Individual Tribal Casino Account from which the grant derives.

(k) (1) Each county's Indian Gaming Local Community Benefit Committee shall submit to the Controller a list of approved projects for funding from Individual Tribal Casino Accounts. Upon receipt of this list, the Controller shall release the funds directly to the local government entities for which a grant has been approved by the committee.

(2) Funds not allocated from an Individual Tribal Casino Account by the end of each fiscal year shall revert back to the Indian Gaming Special Distribution Fund.

~~Moneys allocated for the 2003-04 fiscal year shall be eligible for expenditure through December 31, 2004. Moneys allocated for the 2008-09 fiscal year shall be eligible for expenditure through December 31, 2009.~~

(I) Notwithstanding any other law, a local government jurisdiction that receives a grant from an Individual Tribal Casino Account shall deposit all funds received in an interest-bearing account and use the interest from those funds only for the purpose of mitigating an impact from a casino. If any portion of the funds in the account is used for any other purpose, the remaining portion shall revert to the Indian Gaming Special Distribution Fund. As a condition of receiving further funds under this section, a local government jurisdiction, upon request of the county, shall demonstrate to the county that all expenditures made from the account have been in compliance with the requirements of this section.

SEC. 2. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

Amendment 3

On page 1, strike out lines 1 and 2

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AMENDMENTS TO ASSEMBLY BILL NO. 2108

Amendment 1

In the title, in line 1, strike out "amend Section 38050 of the Health and Safety Code," strike out line 2 and insert:

add Section and repeal Section 14131.09 of the Welfare and Institutions Code, relating to Medi-Cal.

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 14131.09 is added to the Welfare and Institutions Code, to read:

14131.09. (a) On or before January 1, 2018, the department shall report to the Legislature on the cost and feasibility of restoring full adult dental services as a covered benefit under the Medi-Cal program.

(b) The report described in subdivision (a) shall be submitted in compliance with Section 9795 of the Government Code.

(c) This section shall remain in effect only until January 1, 2019, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2019, deletes or extends that date.

Amendment 3

On page 1, strike out lines 1 to 4, inclusive, and strike out page 2

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AMENDMENTS TO ASSEMBLY BILL NO. 2128

Amendment 1

In the title, in line 1, strike out "3064" and insert:

420

Amendment 2

In the title, in line 1, strike out "child", strike out line 2 and insert:
marriage.

Amendment 3

On page 1, before line 1, insert:

SECTION 1. Section 420 of the Family Code is amended to read:

420. (a) No particular form for the ceremony of marriage is required for solemnization of the marriage, but the parties shall declare, in the physical presence of the person solemnizing the marriage and necessary witnesses, that they take each other as spouses.

(b) Notwithstanding subdivision (a), a member of the Armed Forces of the United States who is stationed overseas ~~and serving in a conflict or a war~~ and is unable to appear for the licensure and solemnization of the marriage may enter into that marriage by the appearance of an attorney in fact, commissioned and empowered in writing for that purpose through a power of attorney. The attorney in fact must personally appear at the county clerk's office with the party who is not stationed overseas, and present the original power of attorney duly signed by the party stationed overseas and acknowledged by a notary or witnessed by two officers of the United States Armed Forces. Copies in any form, including by facsimile, are not acceptable. The power of attorney shall state the full given names at birth, or by court order, of the parties to be married, and that the power of attorney is solely for the purpose of authorizing the attorney in fact to obtain a marriage license on the person's behalf and participate in the solemnization of the marriage. The original power of attorney shall be a part of the marriage certificate upon registration.

(c) No contract of marriage, if otherwise duly made, shall be invalidated for want of conformity to the requirements of any religious sect.

Amendment 4

On page 1, strike out lines 1 to 10, inclusive, and strike out page 2

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AMENDMENTS TO ASSEMBLY BILL NO. 2131

Amendment 1

In the title, in line 1, strike out "amend" and insert:

add

Amendment 2

In the title, in line 1, strike out "5156 of" and insert:

5173 to

Amendment 3

On page 1, before line 1, insert:

SECTION 1. Section 5173 is added to the Vehicle Code, to read:

5173. (a) The fees specified in Section 5157 shall be imposed for the issuance, renewal, or transfer of the Imagine specialized license plates. Notwithstanding subdivision (c) of Section 5157, after deducting its administrative costs, the department shall deposit the revenue derived from the additional fees into the Imagine No Hunger Fund, which is hereby established in the Specialized License Plate Fund, for the Department of Food and Agriculture's Imagine program.

(b) Upon appropriation by the Legislature, moneys in the Imagine No Hunger Fund shall be allocated to the California Association of Food Banks for proportional disbursement to its members to purchase additional food for distribution to "food insecure" families in this state for the sole purpose of increasing the amount of food available to "food insecure" Californians.

(c) Annual administrative costs for the program shall not exceed 25 percent of the funds collected from the issuance of the Imagine specialized license plates, and may include marketing and other promotional activities associated with encouraging application for or renewal of Imagine specialized license plates.

(d) The California Association of Food Banks shall determine eligibility requirements for food banks receiving funds through the Department of Food and Agriculture's Imagine program and develop program specifics. The California Association of Food Banks may contract with an entity, including a nonprofit organization, to provide advice, consultation, and administrative services for purposes of implementing and administering the Imagine program.

(e) It is the intent of the Legislature that the department, in consultation with the Department of Food and Agriculture, will design and make available for issuance pursuant to this article Imagine specialized license plates for the Imagine program. Specifically, it is the intent of the Legislature that the specialized license plates issued pursuant to this section shall consist of the John Lennon self-portrait image with that image on a light blue sky background, upon obtaining prior consent from the person or persons described in subdivision (c) of Section 3344.1 of the Civil Code, to the left



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Substantive

of the numerical series and shall have the word "Imagine" on the bottom of the license plate.

(f) The Department of the California Highway Patrol shall approve the design of the Imagine specialized license plate for legibility, reflectivity, and visibility prior to production.

(g) Fees collected the for initial issuance of the Imagine specialized license plates under this section shall be held by the Department of Food and Agriculture until the required number of applications is received by the Department of Food and Agriculture pursuant to Section 5156, and thereafter fees deposited into the Imagine No Hunger Fund may be allocated, upon appropriation by the Legislature, to the California Association of Food Banks pursuant to subdivision (b).

Amendment 4

On page 1, strike out lines 1 to 6, inclusive, and strike out pages 2 to 5, inclusive

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AMENDMENTS TO ASSEMBLY BILL NO. 2134

Amendment 1

In the title, in line 1, strike out "amend Section 12300 of the Welfare and Institutions Code," strike out line 2 and insert:

add Section 123472.4 to the Health and Safety Code, relating to public health.

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 123472.4 is added to the Health and Safety Code, to read:
123472.4. (a) A licensed covered facility that performs abortions shall post the following public notice in English and in the primary threshold languages for Medi-Cal beneficiaries, as determined by the State Department of Health Care Services for the county in which the facility is located:

"It may be possible to reverse the effects of the abortion pill. If you change your mind after taking the abortion pill, time is of the essence. For more information, call the Abortion Pill Reversal Hotline at (877) 558-0333."

(b) The notice described in subdivision (a) shall be at least 8.5 inches by 11 inches, written in no less than 22-point type, and posted in a conspicuous place where individuals wait that may be easily read by those seeking services from the facility.

Amendment 3

On page 1, strike out lines 1 to 5, inclusive, and strike out pages 2 to 4, inclusive

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RN1608406

AMENDMENTS TO ASSEMBLY BILL NO. 2137

Amendment 1

In the title, in line 1, after "act" insert:

to add Article 1.3 (commencing with Section 92603) to Chapter 6 of Part 57 of Division 9 of Title 3 of the Education Code,

Amendment 2

On page 2, before line 1, insert:

SECTION 1. Article 1.3 (commencing with Section 92603) is added to Chapter 6 of Part 57 of Division 9 of Title 3 of the Education Code, to read:

Article 1.3. Transfer Pathways

92603. The regents are hereby requested to submit both of the following in accordance with Section 9795 of the Government Code:

(a) An annual report to the Legislature, submitted on or before March 1 in each year from 2017 to 2020, inclusive, on the implementation of the recommendations of the Transfer Action Team convened by the President of the University of California in December 2013.

(b) An annual report to the Legislature, submitted on or before March in each year from 2017 to 2022, inclusive, on all of the following:

(1) The number and major field of study of transfer pathways available to students.

(2) The percentage of students who used the transfer pathway framework and who were granted admission to the University of California, broken down by campus.

(3) The percentage of students who used the transfer pathway framework and who graduated from the University of California within two or three academic years, broken down by campus.

Amendment 3

On page 2, strike out lines 1 to 3, inclusive

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Bill Referral Digest

BILL NUMBER: AB 2140

REFER TO:

H. & C.D.
REV. & TAX.

AUTHOR: Roger Hernández

DATE REFERRED:

03/14/2016

RELATING TO: Income taxes: insurance tax: credits: low-income housing: farmworker housing assistance.

An act to amend Section 50199.7 of the Health and Safety Code, and to amend Sections 12206, 17058, and 23610.5 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

LEGISLATIVE COUNSEL DIGEST

Existing law establishes a low-income housing tax credit program pursuant to which the California Tax Credit Allocation Committee provides procedures and requirements for the allocation of state insurance, personal income, and corporation tax credit amounts among qualified low-income housing projects in modified conformity to federal law that have been allocated, or qualify for, a federal low-income housing tax credit, and for farmworker housing. Existing law authorizes the California Tax Credit Allocation Committee to allocate the credit for buildings located in designated difficult development areas or qualified census tracts that are restricted to having 50% of its occupants be special needs households even if the taxpayer receives specified federal credits provided the credit does not exceed 30% of the eligible basis of the building. Existing law limits the total annual amount of the state low-income housing credit for which a federal low-income housing credit is required to the sum of \$70,000,000, as increased by any percentage increase in the Consumer Price Index for the preceding calendar year, any unused credit for the preceding calendar years, and the amount of housing credit ceiling returned in the calendar year. Existing law additionally allows a state credit, which is not dependent on receiving a federal low-income housing credit, of \$500,000 per calendar year for projects to provide farmworker housing. Existing law defines "farmworker housing" to mean housing for agricultural workers that is available to, and occupied by, only farmworkers and their households.

This bill, under the insurance taxation law, the Personal Income Tax Law, and the Corporation Tax Law, would modify the definition of applicable percentage relating to qualified low-income buildings that are farmworker housing projects, as provided. The bill would authorize the California Tax Credit Allocation Committee to allocate the farmworker housing credit even if the taxpayer receives federal credits for buildings located in designated difficult development areas or qualified census tracts. The bill would also redefine farmworker housing to mean housing for agricultural workers that is available to, and occupied by, not less than 50% of farmworkers and their households.

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 2/3 of the membership of each house of the Legislature.

This bill would take effect immediately as a tax levy.

Vote: 2/3. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

AB 2140

AMENDMENTS TO ASSEMBLY BILL NO. 2183

Amendment 1

In the title, in line 1, strike out "amend Section 89030 of" and insert:

add Section 89036.5 to

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 89036.5 is added to the Education Code, to read:
89036.5. (a) The purpose of this section is to establish standards for the use of personal services contracts.

(b) The trustees may enter into personal services contracts to achieve cost savings when all the following conditions are met:

(1) The trustees clearly demonstrate that the proposed contract will result in actual overall cost savings to the California State University, consistent with the following:

(A) In comparing costs, the trustees shall include the university's additional cost of providing the same service as proposed by a contractor. These additional costs shall include the salaries and benefits of additional staff that would be needed and the cost of additional space, equipment, and materials needed to perform the function.

(B) In comparing costs, the trustees shall not include the university's indirect overhead costs unless these costs can be attributed solely to the function in question and would not exist if that function was not performed by university employees. "Indirect overhead costs" means the pro rata share of existing administrative salaries and benefits, rent, equipment costs, utilities, and materials.

(C) In comparing costs, the trustees shall include in the cost of a contractor providing a service any continuing university costs that would be directly associated with the contracted function. These continuing costs shall include, but not be limited to, those for inspection, supervision, and monitoring.

(2) Proposals to contract out work shall not be approved solely on the basis that savings will result from lower contractor pay rates or benefits. Proposals to contract out work shall be eligible for approval if the contractor's wages are at the industry's level and do not significantly undercut university pay rates.

(3) The contract does not cause the displacement of university employees. The term "displacement" includes layoff, demotion, involuntary transfer to a new class, involuntary transfer to a new location requiring a change of residence, and time base reductions. Displacement does not include changes in shifts or days off, nor does it include reassignment to other positions within the same class and general location.

(4) The contract does not adversely affect the university's nondiscrimination standards.

(5) The savings shall be large enough to ensure that they will not be eliminated by private sector and university cost fluctuations that could normally be expected during the contracting period.



(6) The amount of savings clearly justify the size and duration of the contracting agreement.

(7) The contract is awarded through a publicized, competitive bidding process.

(8) The contract includes specific provisions pertaining to the qualifications of the staff that will perform the work under the contract, as well as assurance that the contractor's hiring practices meet applicable nondiscrimination standards.

(9) The potential for future economic risk to the university from potential contractor rate increases is minimal.

(10) The contract is with a firm. A "firm" means a corporation, partnership, nonprofit organization, or sole proprietorship.

(11) The potential economic advantage of contracting is not outweighed by the public's interest in having a particular function performed directly by university.

(c) The trustees may also enter into personal services contracts when any of the following conditions can be met:

(1) The contract is for a new university function and the Legislature has specifically mandated or authorized the performance of the work by independent contractors.

(2) The services contracted are not available within the university, cannot be performed satisfactorily by university employees, or are of a highly specialized or technical nature that the necessary expert knowledge, experience, and ability are not available from the university's employees.

(3) The services are incidental to a contract for the purchase or lease of real or personal property. Contracts under this criterion, known as "service agreements," shall include, but not be limited to, agreements to service or maintain office equipment or computers that are leased or rented.

(4) The legislative, administrative, or legal goals and purposes cannot be accomplished through the utilization of university employees because of the need to protect against a conflict of interest or to ensure independent and unbiased findings in cases where there is a clear need for a different, outside perspective. These contracts shall include, but not be limited to, obtaining expert witnesses in litigation.

(5) Due to an emergency, a contract is necessary for the immediate preservation of the public health, welfare, or safety.

(6) The contractor will provide equipment, materials, facilities, or support services that could not feasibly be provided by the university in the location where the services are to be performed.

(7) The contractor will conduct training courses for which appropriately qualified university instructors are not available. Permanent instructor positions in academies or similar settings shall be filled through the process for hiring university employees.

(8) The services are of an urgent, temporary, or occasional nature that the delay incumbent in their implementation through the process for hiring university employees would frustrate their very purpose.

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03/03/16 05:00 PM
RN 16 08611 PAGE 3
Substantive

Amendment 3

On page 1, strike out lines 1 to 8, inclusive, and strike out page 2

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Bill Referral Digest

BILL NUMBER: AB 2220

REFER TO:

E. & R.
L. GOV.

AUTHOR: Cooper

DATE REFERRED:

03/14/2016

RELATING TO: Elections in cities: by or from district.

An act to amend Section 34886 of the Government Code, relating to elections.

LEGISLATIVE COUNSEL DIGEST

Existing law generally requires all elective city offices, including the members of a city council, to be filled at large by the city electorate at a general municipal election. Existing law, at any municipal election or special election held for this purpose, authorizes the legislative body of a city to submit to the registered voters an ordinance providing for the election of members of the legislative body by district or from district, as defined, and with or without an elective mayor. Existing law also authorizes the legislative body of a city with a population of fewer than 100,000 people to adopt an ordinance that requires the members of the legislative body to be elected by district or by district with an elective mayor without being required to submit the ordinance to the voters for approval.

This bill would delete the population limitation in that provision, thereby authorizing the legislative body of a city to adopt an ordinance that requires the members of the legislative body to be elected by district or by district with an elective mayor without being required to submit the ordinance to the voters for approval.

The bill also would make a conforming change to these provisions.

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

AB 2220

AMENDMENTS TO ASSEMBLY BILL NO. 2225

Amendment 1

In the title, in line 1, strike out "to amend Section 6307 of the Labor Code, relating to", strike out line 2 and insert:

relating to state employment.

Amendment 2

On page 1, before line 1, insert:

SECTION 1. The Legislature finds and declares that the purpose of this act is to approve an agreement pursuant to Section 3517.5 of the Government Code entered into by the state employer and State Bargaining Unit 19.

SEC. 2. The provisions of the memorandum of understanding prepared pursuant to Section 3517.5 of the Government Code and entered into by the state employer and American Federation of State, County and Municipal Employees (AFSCME), State Bargaining Unit 19, dated ____, that require the expenditure of funds are hereby approved for the purposes of subdivision (b) of Section 3517.6 of the Government Code.

SEC. 3. The provisions of the memorandum of understanding approved by Section 2 of this act that require the expenditure of funds shall not take effect unless funds for these provisions are specifically appropriated by the Legislature. If funds for these provisions are not specifically appropriated by the Legislature, the state employer and the affected employee organization shall meet and confer to renegotiate the affected provisions.

SEC. 4. Notwithstanding Section 3517.6 of the Government Code, the provisions of the memorandum of understanding included in Section 2 that require the expenditure of funds shall become effective even if the provisions of the memorandum of understanding are approved by the Legislature in legislation other than the annual Budget Act.

Amendment 3

On page 1, strike out lines 1 to 7, inclusive, and strike out page 2

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RN1608499

Bill Referral Digest

BILL NUMBER: AB 2270

REFER TO: J., E.D. & E.
A. & A.R.

AUTHOR: Bonta

DATE REFERRED: 03/14/2016

RELATING TO: Public contracts: business development: statewide bonding program.

An act to add Article 3 (commencing with Section 14848) to Chapter 6.5 of Part 5.5 of Division 3 of Title 2 of the Government Code, and to amend Section 10221 of the Public Contract Code, relating to public contracts.

LEGISLATIVE COUNSEL DIGEST

Existing law requires that public contracts with state agencies provide for the filing of separate performance and payment bonds by the contractor in the form of bonds executed by an admitted surety insurer, as provided.

This bill would establish, in the Department of General Services, a statewide contractor bonding program, to be administered by the Office of Small Business and Disabled Veteran Business Enterprise Services, for the purpose of enabling participating contractors to meet any applicable bid, payment, or performance bonding requirements for public contracts with state agencies. This bill would authorize the office to act as guarantor on surety bonds for participating contractors on contracts with state agencies and require the office to provide specified technical assistance to participating contractors. The bill would authorize the office to charge participating contractors fees for the provision of these services, not to exceed the amount necessary to cover the costs incurred in the administration of these provisions.

This bill would require the office to establish a request for the proposals process by which contractors may participate in the program as a participating contractor and to give preference to contractors that are disadvantaged business enterprises, small business enterprises, or disabled veteran business enterprises, as specified. The bill would authorize the office to terminate a contractor's participation after a reasonable period of time if the contractor is no longer in compliance with the requirements of the program or suspend a participating contractor that defaults on a bond from transacting any business with the state for a period of not less than 3 years and not more than 10 years.

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

AMENDMENTS TO ASSEMBLY BILL NO. 2295

Amendment 1

In the title, in line 1, strike out "Section" and insert:

Sections 186.11, 186.12, and

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 186.11 of the Penal Code is amended to read:

186.11. (a) (1) Any person who commits two or more related felonies, a material element of which is fraud or embezzlement, which involve a pattern of related felony conduct, and the pattern of related felony conduct involves the taking of, or results in the loss by another person or entity of, more than one hundred thousand dollars (\$100,000), shall be punished, upon conviction of two or more felonies in a single criminal proceeding, in addition and consecutive to the punishment prescribed for the felony offenses of which he or she has been convicted, by an additional term of imprisonment in the state prison as specified in paragraph (2) or (3). This enhancement shall be known as the aggravated white collar crime enhancement. The aggravated white collar crime enhancement shall only be imposed once in a single criminal proceeding. For purposes of this section, "pattern of related felony conduct" means engaging in at least two felonies that have the same or similar purpose, result, principals, victims, or methods of commission, or are otherwise interrelated by distinguishing characteristics, and that are not isolated events. For purposes of this section, "two or more related felonies" means felonies committed against two or more separate victims, or against the same victim on two or more separate occasions.

(2) If the pattern of related felony conduct involves the taking of, or results in the loss by another person or entity of, more than five hundred thousand dollars (\$500,000), the additional term of punishment shall be two, three, or five years in the state prison.

(3) If the pattern of related felony conduct involves the taking of, or results in the loss by another person or entity of, more than one hundred thousand dollars (\$100,000), but not more than five hundred thousand dollars (\$500,000), the additional term of punishment shall be the term specified in paragraph (1) or (2) of subdivision (a) of Section 12022.6.

(b) (1) The additional prison term and penalties provided for in subdivisions (a), (c), and (d) shall not be imposed unless the facts set forth in subdivision (a) are charged in the accusatory pleading and admitted or found to be true by the trier of fact.

(2) The additional prison term provided in paragraph (2) of subdivision (a) shall be in addition to any other punishment provided by law, including Section 12022.6, and shall not be limited by any other provision of law.

(c) Any person convicted of two or more felonies, as specified in subdivision (a), shall also be liable for a fine not to exceed five hundred thousand dollars (\$500,000) or double the value of the taking, whichever is greater, if the existence of facts that



would make the person subject to the aggravated white collar crime enhancement have been admitted or found to be true by the trier of fact. However, if the pattern of related felony conduct involves the taking of more than one hundred thousand dollars (\$100,000), but not more than five hundred thousand dollars (\$500,000), the fine shall not exceed one hundred thousand dollars (\$100,000) or double the value of the taking, whichever is greater.

(d) (1) If a person is alleged to have committed two or more felonies, as specified in subdivision (a), and the aggravated white collar crime enhancement is also charged, or a person is charged in an accusatory pleading with a felony, a material element of which is fraud or embezzlement, that involves the taking or loss of more than one hundred thousand dollars (\$100,000), and an allegation as to the existence of those facts, any asset or property that is in the control of that person, and any asset or property that has been transferred by that person to a third party, subsequent to the commission of any criminal act alleged pursuant to subdivision (a), other than in a bona fide purchase, whether found within or outside the state, may be preserved by the superior court in order to pay restitution and fines. Upon conviction of two or more felonies, as specified in subdivision (a), or a felony, a material element of which is fraud or embezzlement, that involves the taking or loss of more than one hundred thousand dollars (\$100,000), this property may be levied upon by the superior court to pay restitution and fines if the existence of facts that would make the person subject to the aggravated white collar crime enhancement or that demonstrate the taking or loss of more than one hundred thousand dollars (\$100,000) in the commission of a felony, a material element of which is fraud or embezzlement, have been charged in the accusatory pleading and admitted or found to be true by the trier of fact.

(2) To prevent dissipation or secreting of assets or property, the prosecuting agency may, at the same time as or subsequent to the filing of a complaint or indictment charging two or more felonies, as specified in subdivision (a), and the enhancement specified in subdivision (a), or a felony, a material element of which is fraud or embezzlement, that involves the taking or loss of more than one hundred thousand dollars (\$100,000), and an allegation as to the existence of those facts, file a petition with the criminal division of the superior court of the county in which the accusatory pleading was filed, seeking a temporary restraining order, preliminary injunction, the appointment of a receiver, or any other protective relief necessary to preserve the property or assets. This petition shall commence a proceeding that shall be pendent to the criminal proceeding and maintained solely to affect the criminal remedies provided for in this section. The proceeding shall not be subject to or governed by the provisions of the Civil Discovery Act as set forth in Title 4 (commencing with Section 2016.010) of Part 4 of the Code of Civil Procedure. The petition shall allege that the defendant has been charged with two or more felonies, as specified in subdivision (a), and is subject to the aggravated white collar crime enhancement specified in subdivision (a) or that the defendant has been charged with a felony, a material element of which is fraud or embezzlement, that involves the taking or loss of more than one hundred thousand dollars (\$100,000), and an allegation as to the existence of those facts. The petition shall identify that criminal proceeding and the assets and property to be affected by an order issued pursuant to this section.

(3) A notice regarding the petition shall be provided, by personal service or registered mail, to every person who may have an interest in the property specified in

the petition. Additionally, the notice shall be published for at least three successive weeks in a newspaper of general circulation in the county where the property affected by an order issued pursuant to this section is located. The notice shall state that any interested person may file a verified claim with the superior court stating the nature and amount of their claimed interest. The notice shall set forth the time within which a claim of interest in the protected property is required to be filed.

(4) If the property to be preserved is real property, the prosecuting agency shall record, at the time of filing the petition, a lis pendens in each county in which the real property is situated which specifically identifies the property by legal description, the name of the owner of record as shown on the latest equalized assessment roll, and the assessor's parcel number.

(5) If the property to be preserved are assets under the control of a banking or financial institution, the prosecuting agency, at the time of the filing of the petition, may obtain an order from the court directing the banking or financial institution to immediately disclose the account numbers and value of the assets of the accused held by the banking or financial institution. The prosecuting agency shall file a supplemental petition, specifically identifying which banking or financial institution accounts shall be subject to a temporary restraining order, preliminary injunction, or other protective remedy.

(6) Any person claiming an interest in the protected property may, at any time within 30 days from the date of the first publication of the notice of the petition, or within 30 days after receipt of actual notice, file with the superior court of the county in which the action is pending a verified claim stating the nature and amount of his or her interest in the property or assets. A verified copy of the claim shall be served by the claimant on the Attorney General or district attorney, as appropriate.

(7) The imposition of fines and restitution pursuant to this section shall be determined by the superior court in which the underlying criminal offense is sentenced. Any judge who is assigned to the criminal division of the superior court in the county where the petition is filed may issue a temporary restraining order in conjunction with, or subsequent to, the filing of an allegation pursuant to this section. Any subsequent hearing on the petition shall also be heard by a judge assigned to the criminal division of the superior court in the county in which the petition is filed. At the time of the filing of an information or indictment in the underlying criminal case, any subsequent hearing on the petition shall be heard by the superior court judge assigned to the underlying criminal case.

(e) Concurrent with or subsequent to the filing of the petition, the prosecuting agency may move the superior court for, and the superior court may issue, the following pendente lite orders to preserve the status quo of the property alleged in the petition:

(1) An injunction to restrain any person from transferring, encumbering, hypothecating, or otherwise disposing of that property.

(2) Appointment of a receiver to take possession of, care for, manage, and operate the assets and properties so that the property may be maintained and preserved. The court may order that a receiver appointed pursuant to this section shall be compensated for all reasonable expenditures made or incurred by him or her in connection with the possession, care, management, and operation of any property or assets that are subject to the provisions of this section.

(3) A bond or other undertaking, in lieu of other orders, of a value sufficient to ensure the satisfaction of restitution and fines imposed pursuant to this section.

(f) (1) No preliminary injunction may be granted or receiver appointed by the court without notice that meets the requirements of paragraph (3) of subdivision (d) to all known and reasonably ascertainable interested parties and upon a hearing to determine that an order is necessary to preserve the property pending the outcome of the criminal proceedings. A temporary restraining order may be issued by the court, ex parte, pending that hearing in conjunction with or subsequent to the filing of the petition upon the application of the prosecuting attorney. The temporary restraining order may be based upon the sworn declaration of a peace officer with personal knowledge of the criminal investigation that establishes probable cause to believe that aggravated white collar crime or a felony, a material element of which is fraud or embezzlement, that involves the taking or loss of more than one hundred thousand dollars (\$100,000) has taken place and that the amount of restitution and fines exceeds or equals the worth of the assets subject to the temporary restraining order. The declaration may include the hearsay statements of witnesses to establish the necessary facts. The temporary restraining order may be issued without notice upon a showing of good cause to the court.

(2) The defendant, or a person who has filed a verified claim as provided in paragraph (6) of subdivision (d), shall have the right to have the court conduct an order to show cause hearing within 10 days of the service of the request for hearing upon the prosecuting agency, in order to determine whether the temporary restraining order should remain in effect, whether relief should be granted from any lis pendens recorded pursuant to paragraph (4) of subdivision (d), or whether any existing order should be modified in the interests of justice. Upon a showing of good cause, the hearing shall be held within two days of the service of the request for hearing upon the prosecuting agency.

(3) In determining whether to issue a preliminary injunction or temporary restraining order in a proceeding brought by a prosecuting agency in conjunction with or subsequent to the filing of an allegation pursuant to this section, the court has the discretion to consider any matter that it deems reliable and appropriate, including hearsay statements, in order to reach a just and equitable decision. The court shall weigh the relative degree of certainty of the outcome on the merits and the consequences to each of the parties of granting the interim relief. If the prosecution is likely to prevail on the merits and the risk of the dissipation of assets outweighs the potential harm to the defendants and the interested parties, the court shall grant injunctive relief. The court shall give significant weight to the following factors:

- (A) The public interest in preserving the property or assets pendente lite.
- (B) The difficulty of preserving the property or assets pendente lite where the underlying alleged crimes involve issues of fraud and moral turpitude.
- (C) The fact that the requested relief is being sought by a public prosecutor on behalf of alleged victims of white collar crimes.
- (D) The likelihood that substantial public harm has occurred where aggravated white collar crime is alleged to have been committed.
- (E) The significant public interest involved in compensating the victims of white collar crime and paying court-imposed restitution and fines.

(4) The court, in making its orders, may consider a defendant's request for the release of a portion of the property affected by this section in order to pay reasonable legal fees in connection with the criminal proceeding, any necessary and appropriate living expenses pending trial and sentencing, and for the purpose of posting bail. The court shall weigh the needs of the public to retain the property against the needs of the defendant to a portion of the property. The court shall consider the factors listed in paragraph (3) prior to making any order releasing property for these purposes.

(5) The court, in making its orders, shall seek to protect the interests of any innocent third persons, including an innocent spouse, who were not involved in the commission of any criminal activity.

(6) Any petition filed pursuant to this section is part of the criminal proceedings for purposes of appointment of counsel and shall be assigned to the criminal division of the superior court of the county in which the accusatory pleading was filed.

(7) Based upon a noticed motion brought by the receiver appointed pursuant to paragraph (2) of subdivision (e), the court may order an interlocutory sale of property named in the petition when the property is liable to perish, to waste, or to be significantly reduced in value, or when the expenses of maintaining the property are disproportionate to the value thereof. The proceeds of the interlocutory sale shall be deposited with the court or as directed by the court pending determination of the proceeding pursuant to this section.

(8) The court may make any orders that are necessary to preserve the continuing viability of any lawful business enterprise that is affected by the issuance of a temporary restraining order or preliminary injunction issued pursuant to this action.

(9) In making its orders, the court shall seek to prevent any asset subject to a temporary restraining order or preliminary injunction from perishing, spoiling, going to waste, or otherwise being significantly reduced in value. Where the potential for diminution in value exists, the court shall appoint a receiver to dispose of or otherwise protect the value of the property or asset.

(10) A preservation order shall not be issued against any assets of a business that are not likely to be dissipated and that may be subject to levy or attachment to meet the purposes of this section.

(g) If the allegation that the defendant is subject to the aggravated white collar crime enhancement or has committed a felony, a material element of which is fraud or embezzlement, that involves the taking or loss of more than one hundred thousand dollars (\$100,000) is dismissed or found by the trier of fact to be untrue, any preliminary injunction or temporary restraining order issued pursuant to this section shall be dissolved. If a jury is the trier of fact, and the jury is unable to reach a unanimous verdict, the court shall have the discretion to continue or dissolve all or a portion of the preliminary injunction or temporary restraining order based upon the interests of justice. However, if the prosecuting agency elects not to retry the case, any preliminary injunction or temporary restraining order issued pursuant to this section shall be dissolved.

(h) (1) (A) If the defendant is convicted of two or more felonies, as specified in subdivision (a), and the existence of facts that would make the person subject to the aggravated white collar crime enhancement have been admitted or found to be true by the trier of fact, or the defendant is convicted of a felony, a material element of which is fraud or embezzlement, that involves the taking or loss of more than one hundred

thousand dollars (\$100,000), and an allegation as to the existence of those facts has been admitted or found to be true by the trier of fact, the trial judge shall continue the preliminary injunction or temporary restraining order until the date of the criminal sentencing and shall make a finding at that time as to what portion, if any, of the property or assets subject to the preliminary injunction or temporary restraining order shall be levied upon to pay fines and restitution to victims of the crime. The order imposing fines and restitution may exceed the total worth of the property or assets subjected to the preliminary injunction or temporary restraining order. The court may order the immediate transfer of the property or assets to satisfy any judgment and sentence made pursuant to this section. Additionally, upon motion of the prosecution, the court may enter an order as part of the judgment and sentence making the order imposing fines and restitution pursuant to this section enforceable pursuant to Title 9 (commencing with Section 680.010) of Part 2 of the Code of Civil Procedure.

(B) Additionally, the court shall order the defendant to make full restitution to the victim or to make restitution to the victim based on his or her ability to pay, as defined in subdivision (b) of Section 1203.1b, victim. The payment of the restitution ordered by the court pursuant to this section shall be made a condition of any probation granted by the court if the existence of facts that would make the defendant subject to the aggravated white collar crime enhancement or of facts demonstrating the person committed a felony, a material element of which is fraud or embezzlement, that involves the taking or loss of more than one hundred thousand dollars (\$100,000) have been admitted or found to be true by the trier of fact. Notwithstanding any other provision of law, the court may order that the period of probation continue for up to 10 years or until full restitution is made to the victim, whichever is earlier.

(C) The sentencing court shall retain jurisdiction to enforce the order to pay additional fines and restitution and, in appropriate cases, may initiate probation violation proceedings or contempt of court proceedings against a defendant who is found to have willfully failed to comply with any lawful order of the court.

(D) If the execution of judgment is stayed pending an appeal of an order of the superior court pursuant to this section, the preliminary injunction or temporary restraining order shall be maintained in full force and effect during the pendency of the appellate period.

(2) The order imposing fines and restitution shall not affect the interest in real property of any third party that was acquired prior to the recording of the lis pendens, unless the property was obtained from the defendant other than as a bona fide purchaser for value. If any assets or property affected by this section are subject to a valid lien, mortgage, security interest, or interest under a conditional sales contract and the amount due to the holder of the lien, mortgage, interest, or contract is less than the appraised value of the property, that person may pay to the state or the local government that initiated the proceeding the amount of the difference between the appraised value of the property and the amount of the lien, mortgage, security interest, or interest under a conditional sales contract. Upon that payment, the state or local entity shall relinquish all claims to the property. If the holder of the interest elects not to make that payment to the state or local governmental entity, the interest in the property shall be deemed transferred to the state or local governmental entity and any indicia of ownership of the property shall be confirmed in the state or local governmental entity. The appraised value shall be determined as of the date judgment is entered either by agreement between

the holder of the lien, mortgage, security interest, or interest under a conditional sales contract and the governmental entity involved, or if they cannot agree, then by a court-appointed appraiser for the county in which the action is brought. A person holding a valid lien, mortgage, security interest, or interest under a conditional sales contract shall be paid the appraised value of his or her interest.

(3) In making its final order, the court shall seek to protect the legitimately acquired interests of any innocent third persons, including an innocent spouse, who were not involved in the commission of any criminal activity.

(i) In all cases where property is to be levied upon pursuant to this section, a receiver appointed by the court shall be empowered to liquidate all property or assets which shall be distributed in the following order of priority:

(1) To the receiver, or court-appointed appraiser, for all reasonable expenditures made or incurred by him or her in connection with the sale of the property or liquidation of assets, including all reasonable expenditures for any necessary repairs, storage, or transportation of any property levied upon under this section.

(2) To any holder of a valid lien, mortgage, or security interest up to the amount of his or her interest in the property or proceeds.

(3) To any victim as restitution for any fraudulent or unlawful acts alleged in the accusatory pleading that were proven by the prosecuting agency as part of the pattern of fraudulent or unlawful acts.

(4) For payment of any fine imposed pursuant to this section. The proceeds obtained in payment of a fine shall be paid to the treasurer of the county in which the judgment was entered, or if the action was undertaken by the Attorney General, to the Treasurer. If the payment of any fine imposed pursuant to this section involved losses resulting from violation of Section 550 of this code or Section 1871.4 of the Insurance Code, one-half of the fine collected shall be paid to the treasurer of the county in which the judgment was entered, and one-half of the fine collected shall be paid to the Department of Insurance for deposit in the appropriate account in the Insurance Fund. The proceeds from the fine first shall be used by a county to reimburse local prosecutors and enforcement agencies for the reasonable costs of investigation and prosecution of cases brought pursuant to this section.

(5) To the Restitution Fund, or in cases involving convictions relating to insurance fraud, to the Insurance Fund as restitution for crimes not specifically pleaded and proven in the accusatory pleading.

(j) If, after distribution pursuant to paragraphs (1) and (2) of subdivision (i), the value of the property to be levied upon pursuant to this section is insufficient to pay for restitution and fines, the court shall order an equitable sharing of the proceeds of the liquidation of the property, and any other recoveries, which shall specify the percentage of recoveries to be devoted to each purpose. At least 70 percent of the proceeds remaining after distribution pursuant to paragraphs (1) and (2) of subdivision (i) shall be devoted to restitution.

(k) Unless otherwise expressly provided, the remedies or penalties provided by this section are cumulative to each other and to the remedies or penalties available under all other laws of this state, except that two separate actions against the same defendant and pertaining to the same fraudulent or unlawful acts may not be brought by a district attorney or the Attorney General pursuant to this section and Chapter 5 (commencing with Section 17200) of Part 2 of Division 7 of the Business and

Professions Code. If a fine is imposed under this section, it shall be in lieu of all other fines that may be imposed pursuant to any other provision of law for the crimes for which the defendant has been convicted in the action.

SEC. 2. Section 186.12 of the Penal Code is amended to read:

186.12. (a) (1) A felony for purposes of this section means a felony violation of subdivision (d) or (e) of Section 368, or a felony violation of subdivision (c) of Section 15656 of the Welfare and Institutions Code, that involves the taking or loss of more than one hundred thousand dollars (\$100,000).

(2) If a person is charged with a felony as described in paragraph (1) and an allegation as to the existence of those facts has been made, any property that is in the control of that person, and any property that has been transferred by that person to a third party, subsequent to the commission of any criminal act alleged pursuant to this subdivision, other than in a bona fide purchase, whether found within or outside the state, may be preserved by the superior court in order to pay restitution imposed pursuant to this section. Upon conviction of the felony, this property may be levied upon by the superior court to pay restitution imposed pursuant to this section.

(b) (1) To prevent dissipation or secreting of property, the prosecuting agency may, at the same time as or subsequent to the filing of a complaint or indictment charging a felony subject to this section, file a petition with the criminal division of the superior court of the county in which the accusatory pleading was filed, seeking a temporary restraining order, preliminary injunction, the appointment of a receiver, or any other protective relief necessary to preserve the property. The filing of the petition shall commence a proceeding that shall be pendent to the criminal proceeding and maintained solely to affect the criminal remedies provided for in this section. The proceeding shall not be subject to or governed by the provisions of the Civil Discovery Act as set forth in Title 4 (commencing with Section 2016.010) of Part 4 of the Code of Civil Procedure. The petition shall allege that the defendant has been charged with a felony as described in paragraph (1) of subdivision (a) and shall identify that criminal proceeding and the property to be affected by an order issued pursuant to this section.

(2) A notice regarding the petition shall be provided, by personal service or registered mail, to every person who may have an interest in the property specified in the petition. Additionally, the notice shall be published for at least three successive weeks in a newspaper of general circulation in the county where the property affected by an order issued pursuant to this section is located. The notice shall state that any interested person may file a verified claim with the superior court stating the nature and amount of their claimed interest. The notice shall set forth the time within which a claim of interest in the protected property is required to be filed.

(3) If the property to be preserved is real property, the prosecuting agency shall record, at the time of filing the petition, a lis pendens in each county in which the real property is situated which specifically identifies the property by legal description, the name of the owner of record as shown on the latest equalized assessment roll, and the assessor's parcel number.

(4) If the property to be preserved are assets under the control of a banking or financial institution, the prosecuting agency, at the time of the filing of the petition, may obtain an order from the court directing the banking or financial institution to immediately disclose the account numbers and value of the assets of the accused held by the banking or financial institution. The prosecuting agency shall file a supplemental

petition, specifically identifying which banking or financial institution accounts shall be subject to a temporary restraining order, preliminary injunction, or other protective remedy.

(5) Any person claiming an interest in the protected property may, at any time within 30 days from the date of the first publication of the notice of the petition, or within 30 days after receipt of actual notice, file with the superior court of the county in which the action is pending a verified claim stating the nature and amount of his or her interest in the property. A verified copy of the claim shall be served by the claimant on the Attorney General or district attorney, as appropriate.

(6) The imposition of restitution pursuant to this section shall be determined by the superior court in which the underlying criminal offense is sentenced. Any judge who is assigned to the criminal division of the superior court in the county where the petition is filed may issue a temporary restraining order in conjunction with, or subsequent to, the filing of an allegation pursuant to this section. Any subsequent hearing on the petition shall also be heard by a judge assigned to the criminal division of the superior court in the county in which the petition is filed. At the time of the filing of an information or indictment in the underlying criminal case, any subsequent hearing on the petition shall be heard by the superior court judge assigned to the underlying criminal case.

(c) Concurrent with or subsequent to the filing of the petition pursuant to this section, the prosecuting agency may move the superior court for, and the superior court may issue, the following pendente lite orders to preserve the status quo of the property identified in the petition:

(1) An injunction to restrain any person from transferring, encumbering, hypothecating, or otherwise disposing of that property.

(2) Appointment of a receiver to take possession of, care for, manage, and operate the properties so that the property may be maintained and preserved. The court may order that a receiver appointed pursuant to this section shall be compensated for all reasonable expenditures made or incurred by him or her in connection with the possession, care, management, and operation of any property that is subject to this section.

(3) A bond or other undertaking, in lieu of other orders, of a value sufficient to ensure the satisfaction of restitution imposed pursuant to this section.

(d) (1) No preliminary injunction may be granted or receiver appointed by the court without notice that meets the requirements of paragraph (2) of subdivision (b) to all known and reasonably ascertainable interested parties and upon a hearing to determine that an order is necessary to preserve the property pending the outcome of the criminal proceedings. A temporary restraining order may be issued by the court, ex parte, pending that hearing in conjunction with or subsequent to the filing of the petition upon the application of the prosecuting attorney. The temporary restraining order may be based upon the sworn declaration of a peace officer with personal knowledge of the criminal investigation that establishes probable cause to believe that a felony has taken place and that the amount of restitution established by this section exceeds or equals the worth of the property subject to the temporary restraining order. The declaration may include the hearsay statements of witnesses to establish the necessary facts. The temporary restraining order may be issued without notice upon a showing of good cause to the court.

(2) The defendant, or a person who has filed a verified claim as provided in paragraph (5) of subdivision (b), shall have the right to have the court conduct an order to show cause hearing within 10 days of the service of the request for hearing upon the prosecuting agency, in order to determine whether the temporary restraining order should remain in effect, whether relief should be granted from any *lis pendens* recorded pursuant to paragraph (3) of subdivision (b), or whether any existing order should be modified in the interests of justice. Upon a showing of good cause, the hearing shall be held within two days of the service of the request for hearing upon the prosecuting agency.

(3) In determining whether to issue a preliminary injunction or temporary restraining order in a proceeding brought by a prosecuting agency in conjunction with or subsequent to the filing of an allegation pursuant to this section, the court has the discretion to consider any matter that it deems reliable and appropriate, including hearsay statements, in order to reach a just and equitable decision. The court shall weigh the relative degree of certainty of the outcome on the merits and the consequences to each of the parties of granting the interim relief. If the prosecution is likely to prevail on the merits and the risk of dissipation of the property outweighs the potential harm to the defendants and the interested parties, the court shall grant injunctive relief. The court shall give significant weight to the following factors:

(A) The public interest in preserving the property *pendente lite*.

(B) The difficulty of preserving the property *pendente lite* where the underlying alleged crimes involve issues of fraud and moral turpitude.

(C) The fact that the requested relief is being sought by a public prosecutor on behalf of alleged victims of elder or dependent adult financial abuse.

(D) The likelihood that substantial public harm has occurred where a felony is alleged to have been committed.

(E) The significant public interest involved in compensating the elder or dependent adult victim of financial abuse and paying court-imposed restitution.

(4) The court, in making its orders, may consider a defendant's request for the release of a portion of the property affected by this section in order to pay reasonable legal fees in connection with the criminal proceeding, any necessary and appropriate living expenses pending trial and sentencing, and for the purpose of posting bail. The court shall weigh the needs of the public to retain the property against the needs of the defendant to a portion of the property. The court shall consider the factors listed in paragraph (3) prior to making any order releasing property for these purposes.

(5) The court, in making its orders, shall seek to protect the interests of any innocent third persons, including an innocent spouse, who were not involved in the commission of any criminal activity.

(6) Any petition filed pursuant to this section shall be part of the criminal proceedings for purposes of appointment of counsel and shall be assigned to the criminal division of the superior court of the county in which the accusatory pleading was filed.

(7) Based upon a noticed motion brought by the receiver appointed pursuant to paragraph (2) of subdivision (c), the court may order an interlocutory sale of property identified in the petition when the property is liable to perish, to waste, or to be significantly reduced in value, or when the expenses of maintaining the property are disproportionate to the value thereof. The proceeds of the interlocutory sale shall be

deposited with the court or as directed by the court pending determination of the proceeding pursuant to this section.

(8) The court may make any orders that are necessary to preserve the continuing viability of any lawful business enterprise that is affected by the issuance of a temporary restraining order or preliminary injunction issued pursuant to this action.

(9) In making its orders, the court shall seek to prevent any property subject to a temporary restraining order or preliminary injunction from perishing, spoiling, going to waste, or otherwise being significantly reduced in value. Where the potential for diminution in value exists, the court shall appoint a receiver to dispose of or otherwise protect the value of the property.

(10) A preservation order shall not be issued against any assets of a business that are not likely to be dissipated and that may be subject to levy or attachment to meet the purposes of this section.

(e) If the allegation that the defendant committed a felony subject to this section is dismissed or found by the trier of fact to be untrue, any preliminary injunction or temporary restraining order issued pursuant to this section shall be dissolved. If a jury is the trier of fact, and the jury is unable to reach a unanimous verdict, the court shall have the discretion to continue or dissolve all or a portion of the preliminary injunction or temporary restraining order based upon the interests of justice. However, if the prosecuting agency elects not to retry the case, any preliminary injunction or temporary restraining order issued pursuant to this section shall be dissolved.

(f) (1) (A) If the defendant is convicted of a felony subject to this section, the trial judge shall continue the preliminary injunction or temporary restraining order until the date of the criminal sentencing and shall make a finding at that time as to what portion, if any, of the property subject to the preliminary injunction or temporary restraining order shall be levied upon to pay restitution to victims of the crime. The order imposing restitution may exceed the total worth of the property subjected to the preliminary injunction or temporary restraining order. The court may order the immediate transfer of the property to satisfy any judgment and sentence made pursuant to this section. Additionally, upon motion of the prosecution, the court may enter an order as part of the judgment and sentence making the order imposing restitution pursuant to this section enforceable pursuant to Title 9 (commencing with Section 680.010) of Part 2 of the Code of Civil Procedure.

(B) Additionally, the court shall order the defendant to make full restitution to the victim or to make restitution to the victim based on his or her ability to pay, as defined in subdivision (b) of Section 1203.1b. victim. The payment of the restitution ordered by the court pursuant to this section shall be made a condition of any probation granted by the court. Notwithstanding any other provision of law, the court may order that the period of probation continue for up to 10 years or until full restitution is made to the victim, whichever is earlier.

(C) The sentencing court shall retain jurisdiction to enforce the order to pay additional restitution and, in appropriate cases, may initiate probation violation proceedings or contempt of court proceedings against a defendant who is found to have willfully failed to comply with any lawful order of the court.

(D) If the execution of judgment is stayed pending an appeal of an order of the superior court pursuant to this section, the preliminary injunction or temporary

restraining order shall be maintained in full force and effect during the pendency of the appellate period.

(2) The order imposing restitution shall not affect the interest in real property of any third party that was acquired prior to the recording of the lis pendens, unless the property was obtained from the defendant other than as a bona fide purchaser for value. If any assets or property affected by this section are subject to a valid lien, mortgage, security interest, or interest under a conditional sales contract and the amount due to the holder of the lien, mortgage, interest, or contract is less than the appraised value of the property, that person may pay to the state or the local government that initiated the proceeding the amount of the difference between the appraised value of the property and the amount of the lien, mortgage, security interest, or interest under a conditional sales contract. Upon that payment, the state or local entity shall relinquish all claims to the property. If the holder of the interest elects not to make that payment to the state or local governmental entity, the interest in the property shall be deemed transferred to the state or local governmental entity and any indicia of ownership of the property shall be confirmed in the state or local governmental entity. The appraised value shall be determined as of the date judgment is entered either by agreement between the holder of the lien, mortgage, security interest, or interest under a conditional sales contract and the governmental entity involved, or if they cannot agree, then by a court-appointed appraiser for the county in which the action is brought. A person holding a valid lien, mortgage, security interest, or interest under a conditional sales contract shall be paid the appraised value of his or her interest.

(3) In making its final order, the court shall seek to protect the legitimately acquired interests of any innocent third persons, including an innocent spouse, who were not involved in the commission of any criminal activity.

(g) In all cases where property is to be levied upon pursuant to this section, a receiver appointed by the court shall be empowered to liquidate all property, the proceeds of which shall be distributed in the following order of priority:

(1) To the receiver, or court-appointed appraiser, for all reasonable expenditures made or incurred by him or her in connection with the sale or liquidation of the property, including all reasonable expenditures for any necessary repairs, storage, or transportation of any property levied upon under this section.

(2) To any holder of a valid lien, mortgage, or security interest up to the amount of his or her interest in the property or proceeds.

(3) To any victim as restitution for any fraudulent or unlawful acts alleged in the accusatory pleading that were proven by the prosecuting agency as part of the pattern of fraudulent or unlawful acts.

(h) Unless otherwise expressly provided, the remedies or penalties provided by this section are cumulative to each other and to the remedies or penalties available under all other laws of this state, except that two separate actions against the same defendant and pertaining to the same fraudulent or unlawful acts may not be brought by a district attorney or the Attorney General pursuant to this section and Chapter 5 (commencing with Section 17200) of Part 2 of Division 7 of the Business and Professions Code.

Amendment 3

On page 1, in line 1, strike out "SECTION 1." and insert:

SEC. 3.

Amendment 4

On page 12, in line 5, strike out "SEC. 2." and insert:

SEC. 4.

Amendment 5

On page 12, in line 18, strike out "constitution" and insert:

Constitution

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AMENDMENTS TO ASSEMBLY BILL NO. 2310

Amendment 1

In the title, strike out lines 1 and 2 and insert:

An act relating to state employees.

Amendment 2

On page 1, before line 1, insert:

SECTION 1. The Legislature finds and declares that the purpose of this act is to approve an agreement entered into by the state employer and State Bargaining Unit 18 pursuant to Section 3517.5 of the Government Code.

SEC. 2. The provisions of the memorandum of understanding prepared pursuant to Section 3517.5 of the Government Code and entered into by the state employer and State Bargaining Unit 18, dated ____, and that require the expenditure of funds, are hereby approved for the purposes of subdivision (b) of Section 3517.6 of the Government Code.

SEC. 3. The provisions of the memorandum of understanding approved by Section 2 of this act that require the expenditure of funds shall not take effect unless funds for these provisions are specifically appropriated by the Legislature. If funds for these provisions are not specifically appropriated by the Legislature, the state employer and the affected employee organization shall meet and confer to renegotiate the affected provisions.

SEC. 4. Notwithstanding Section 3517.6 of the Government Code, the provisions of the memorandum of understanding included in Section 2 of this act that require the expenditure of funds shall become effective even if the provisions of the memorandum of understanding are approved by the Legislature in legislation other than the annual Budget Act.

Amendment 3

On page 1, strike out lines 1 to 4, inclusive, and strike out pages 2 and 3

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AMENDMENTS TO ASSEMBLY BILL NO. 2333

Amendment 1

In the title, in line 1, strike out "4030" and insert:

490.5

Amendment 2

In the title, in line 1, strike out "jails." and insert:

theft.

Amendment 3

On page 1, before line 1, insert:

SECTION 1. Section 490.5 of the Penal Code is amended to read:

490.5. (a) Upon a first conviction for petty theft involving merchandise taken from a merchant's premises or a book or other library materials taken from a library facility, a person shall be punished by a mandatory fine of not less than fifty dollars (\$50) and not more than one thousand dollars (\$1,000) for each ~~such~~ violation; and may also be punished by imprisonment in the county jail, not exceeding six months, or both ~~such that~~ fine and imprisonment.

(b) ~~When~~ If an unemancipated minor's willful conduct would constitute petty theft involving merchandise taken from a merchant's premises or a book or other library materials taken from a library facility, ~~any a~~ merchant or library facility ~~who that~~ has been injured by that conduct may bring a civil action against the parent or legal guardian having control and custody of the minor. For the purposes of those actions the misconduct of the unemancipated minor shall be imputed to the parent or legal guardian having control and custody of the minor. The parent or legal guardian having control or custody of an unemancipated minor whose conduct violates this subdivision shall be jointly and severally liable with the minor to a merchant or to a library facility for damages of not less than fifty dollars (\$50) nor more than five hundred dollars (\$500), plus costs. In addition to the foregoing damages, the parent or legal guardian shall be jointly and severally liable with the minor to the merchant for the retail value of the merchandise if it is not recovered in a merchantable condition, or to a library facility for the fair market value of its book or other library materials. Recovery of these damages may be had in addition to, and is not limited by, any other provision of law which limits the liability of a parent or legal guardian for the tortious conduct of a minor. An action for recovery of damages, pursuant to this subdivision, may be brought in small claims court if the total damages do not exceed the jurisdictional limit of that court, or in any other appropriate court; however, total damages, including the value of the merchandise or book or other library materials, shall not exceed five hundred dollars (\$500) for each action brought under this section.



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The provisions of this subdivision are in addition to other civil remedies and do not limit merchants or other persons to elect to pursue other civil remedies, except that the provisions of Section 1714.1 of the Civil Code shall not apply herein.

(c) ~~When~~ If an adult or emancipated minor has unlawfully taken merchandise from a merchant's premises, or a book or other library materials from a library facility, the adult or emancipated minor shall be liable to the merchant or library facility for damages of not less than fifty dollars (\$50) nor more than five hundred dollars (\$500), plus costs. In addition to the foregoing damages, the adult or emancipated minor shall be liable to the merchant for the retail value of the merchandise if it is not recovered in merchantable condition, or to a library facility for the fair market value of its book or other library materials. An action for recovery of damages, pursuant to this subdivision, may be brought in small claims court if the total damages do not exceed the jurisdictional limit of such court, or in any other appropriate court. The provisions of this subdivision are in addition to other civil remedies and do not limit merchants or other persons to elect to pursue other civil remedies.

(d) In lieu of the fines prescribed by subdivision (a), any person may be required to perform public services designated by the court, provided that in no event shall any ~~such~~ person be required to perform less than the number of hours of ~~such~~ public service necessary to satisfy the fine assessed by the court as provided by subdivision (a) at the minimum wage prevailing in the state at the time of sentencing.

(e) All fines collected under this section shall be collected and distributed in accordance with Sections 1463 and 1463.1 of the Penal Code; provided, however, that a county may, by a majority vote of the members of its board of supervisors, allocate any amount up to, but not exceeding 50 percent of such fines to the county superintendent of schools for allocation to local school districts. The fines allocated shall be administered by the county superintendent of schools to finance public school programs, which provide counseling or other educational services designed to discourage shoplifting, theft, and burglary. Subject to rules and regulations ~~as may be~~ adopted by the Superintendent of Public Instruction, each county superintendent of schools shall allocate ~~such~~ funds to school districts within the county ~~which that~~ submit project applications designed to further the educational purposes of this section. The costs of administration of this section by each county superintendent of schools shall be paid from the funds allocated to the county superintendent of schools.

(f) (1) A merchant may detain a person for a reasonable time for the purpose of conducting an investigation in a reasonable manner whenever the merchant has probable cause to believe the person to be detained is attempting to unlawfully take or has unlawfully taken merchandise from the merchant's premises.

A theater owner may detain a person for a reasonable time for the purpose of conducting an investigation in a reasonable manner whenever the theater owner has probable cause to believe the person to be detained is attempting to operate a video recording device within the premises of a motion picture theater without the authority of the owner of the theater.

A person employed by a library facility may detain a person for a reasonable time for the purpose of conducting an investigation in a reasonable manner whenever the person employed by a library facility has probable cause to believe the person to be detained is attempting to unlawfully remove or has unlawfully removed books or library materials from the premises of the library facility.

(2) In making the detention a merchant, theater owner, or a person employed by a library facility may use a reasonable amount of nondeadly force necessary to protect himself or herself and to prevent escape of the person detained or the loss of tangible or intangible property.

(3) During the period of detention any items ~~which that~~ a merchant or theater owner, or any items ~~which that~~ a person employed by a library facility has probable cause to believe are unlawfully taken from the premises of the merchant or library facility, or recorded on theater premises, and ~~which that~~ are in plain view may be examined by the merchant, theater owner, or person employed by a library facility for the purposes of ascertaining the ownership thereof.

(4) A merchant, theater owner, a person employed by a library facility, or an agent thereof, having probable cause to believe the person detained was attempting to unlawfully take or has taken any item from the premises, or was attempting to operate a video recording device within the premises of a motion picture theater without the authority of the owner of the theater, may request the person detained to voluntarily surrender the item or recording. Should the person detained refuse to surrender the recording or item of which there is probable cause to believe has been recorded on or unlawfully taken from the premises, or attempted to be recorded or unlawfully taken from the premises, a limited and reasonable search may be conducted by those authorized to make the detention in order to recover the item. Only packages, shopping bags, handbags or other property in the immediate possession of the person detained, but not including any clothing worn by the person, may be searched pursuant to this subdivision. Upon surrender or discovery of the item, the person detained may also be requested, but may not be required, to provide adequate proof of his or her true identity.

(5) If any person admitted to a theater in which a motion picture is to be or is being exhibited, refuses or fails to give or surrender possession or to cease operation of any video recording device that the person has brought into or attempts to bring into that theater, then a theater owner shall have the right to refuse admission to that person or request that the person leave the premises and shall thereupon offer to refund and, unless that offer is refused, refund to that person the price paid by that person for admission to that theater. If the person thereafter refuses to leave the theater or cease operation of the video recording device, then the person shall be deemed to be intentionally interfering with and obstructing those attempting to carry on a lawful business within the meaning of Section 602.1.

(6) A peace officer who accepts custody of a person arrested for an offense contained in this section may, subsequent to the arrest, search the person arrested and his or her immediate possessions for any item or items alleged to have been taken.

(7) In any civil action brought by any person resulting from a detention or arrest by a merchant, it shall be a defense to ~~such the~~ action that the merchant detaining or arresting ~~such the~~ person had probable cause to believe that the person had stolen or attempted to steal merchandise and that the merchant acted reasonably under all the circumstances.

In any civil action brought by any person resulting from a detention or arrest by a theater owner or person employed by a library facility, it shall be a defense to that action that the theater owner or person employed by a library facility detaining or arresting that person had probable cause to believe that the person was attempting to operate a video recording device within the premises of a motion picture theater without

the authority of the owner of the theater or had stolen or attempted to steal books or library materials and that the person employed by a library facility acted reasonably under all the circumstances.

(g) As used in this section:

(1) "Merchandise" means any personal property, capable of manual delivery, displayed, held or offered for retail sale by a merchant.

(2) "Merchant" means an owner or operator, and the agent, consignee, employee, lessee, or officer of an owner or operator, of any premises used for the retail purchase or sale of any personal property capable of manual delivery.

(3) "Theater owner" means an owner or operator, and the agent, employee, consignee, lessee, or officer of an owner or operator, of any premises used for the exhibition or performance of motion pictures to the general public.

(4) The terms "book or other library materials" include any book, plate, picture, photograph, engraving, painting, drawing, map, newspaper, magazine, pamphlet, broadside, manuscript, document, letter, public record, microform, sound recording, audiovisual material in any format, magnetic or other tape, electronic data-processing record, artifact, or other documentary, written or printed material regardless of physical form or characteristics, or any part thereof, belonging to, on loan to, or otherwise in the custody of a library facility.

(5) The term "library facility" includes any public library; any library of an educational, historical or eleemosynary institution, organization or society; any museum; any repository of public records.

(h) Any library facility shall post at its entrance and exit a conspicuous sign to read as follows:

"IN ORDER TO PREVENT THE THEFT OF BOOKS AND LIBRARY MATERIALS, STATE LAW AUTHORIZES THE DETENTION FOR A REASONABLE PERIOD OF ANY PERSON USING THESE FACILITIES SUSPECTED OF COMMITTING "LIBRARY THEFT" (PENAL CODE SECTION 490.5)."

(i) Nothing in this section nor any other provision of law precludes a merchant from offering a person suspected of theft an opportunity to complete a precomplaint diversion program in lieu of arrest and criminal prosecution or precludes a merchant from informing a person suspected of theft of the criminal or civil remedies available to the merchant.

Amendment 4

On page 1, strike out lines 1 to 7, inclusive, and strike out pages 2 to 5, inclusive

AMENDMENTS TO ASSEMBLY BILL NO. 2363

Amendment 1

In the title, in line 1, strike out "to amend Section 201 of the Labor Code, relating to", strike out line 2 and insert:

relating to state employment.

Amendment 2

On page 1, before line 1, insert:

SECTION 1. The Legislature finds and declares that the purpose of this act is to approve an agreement pursuant to Section 3517.5 of the Government Code entered into by the state employer and State Bargaining Unit 16.

SEC. 2. The provisions of the memorandum of understanding prepared pursuant to Section 3517.5 of the Government Code and entered into by the state employer and Union of American Physicians and Dentists, State Bargaining Unit 16, dated _____, that require the expenditure of funds are hereby approved for the purposes of subdivision (b) of Section 3517.6 of the Government Code.

SEC. 3. The provisions of the memorandum of understanding approved by Section 2 of this act that require the expenditure of funds shall not take effect unless funds for these provisions are specifically appropriated by the Legislature. If funds for these provisions are not specifically appropriated by the Legislature, the state employer and the affected employee organization shall meet and confer to renegotiate the affected provisions.

SEC. 4. Notwithstanding Section 3517.6 of the Government Code, the provisions of the memorandum of understanding included in Section 2 that require the expenditure of funds shall become effective even if the provisions of the memorandum of understanding are approved by the Legislature in legislation other than the annual Budget Act.

Amendment 3

On page 1, strike out lines 1 to 11, inclusive, and strike out pages 2 and 3

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AMENDMENTS TO ASSEMBLY BILL NO. 2366

Amendment 1

In the title, in line 1, strike out "10231.2" and insert:

10235.52

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 10235.52 of the Insurance Code is amended to read:

10235.52. (a) ~~Every~~ Each policy shall contain a provision that, ~~in the event if~~ the insurer develops new benefits or benefit eligibility or new policies with new benefits or benefit eligibility not included in the previously issued policy, the insurer ~~will~~ shall grant current holders of its policies who are not in benefit or within the elimination period all of the following rights:

(1) ~~The policyholder will be notified~~ insurer shall notify the policyholder of the availability of the new benefits or benefit eligibility or new policy within 12 months. ~~The insurer's notice shall be filed~~ insurer shall file the notice with the department at the same time as the new policy or rider.

(2) The insurer shall offer the policyholder new benefits or benefit eligibility in one of the following ways:

(A) By adding a rider to the existing policy and paying a separate premium for the new benefits or benefit eligibility based on the insured's attained age. The premium for the existing policy ~~will~~ shall remain unchanged based on the insured's age at issuance.

(B) By replacing the existing policy or certificate in accordance with Section 10234.87.

(C) By replacing the existing policy or certificate with a new policy or certificate in which case consideration for past insured status shall be recognized by setting the premium for the replacement policy or certificate at the issue age of the policy or certificate being replaced.

(b) The insured may be required to undergo new underwriting, but the underwriting can be no more restrictive than if the policyholder or certificate holder were applying for a new policy or certificate.

(c) The insurer of a group policy as defined under subdivisions (a) to (c), inclusive, of Section 10231.6 ~~must~~ shall offer the group policyholder the opportunity to have the new benefits and provisions extended to existing certificate holders, but the insurer is relieved of the obligations imposed by this section if the holder of the group policy declines the issuer's offer.

~~(d) This section shall become operative on June 30, 2003.~~

(d) The provision described in subdivision (a) shall not be required for life insurance-based combination policies that include long-term care coverage provisions.



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03/03/16 06:59 PM
RN 16 08776 PAGE 2
Substantive

Amendment 3

On page 1, strike out lines 1 to 9, inclusive, and strike out page 2

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AMENDMENTS TO ASSEMBLY BILL NO. 2384

Amendment 1

In the title, in line 1, after "act" insert:

to add Section 8587.6 to the Government Code,

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 8587.6 is added to the Government Code, to read:
8587.6. If the office creates a strategic plan, or updates an existing strategic plan, the office shall, in the strategic plan or strategic plan update, develop a plan to enhance the public's knowledge about how to identify and report terrorist activity.

Amendment 3

On page 1, strike out lines 1 to 3, inclusive

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AMENDMENTS TO ASSEMBLY BILL NO. 2386

Amendment 1

In the heading, in line 1, strike out "Cristina Garcia and Williams" and insert:
Williams and Cristina Garcia

Amendment 2

In the title, in line 1, after "act" insert:
to amend Section 66602 of the Education Code,

Amendment 3

On page 1, before line 1, insert:

SECTION 1. Section 66602 of the Education Code is amended to read:

66602. (a) The board shall be composed of the following five ex officio members: the Governor, the Lieutenant Governor, the Superintendent of Public Instruction, the Speaker of the Assembly, and the person named by the trustees to serve as the Chancellor of the California State University; a representative of the alumni associations of the state university, selected for a two-year term by the alumni council, California State University, which representative shall not be an employee of the California State University during the two-year term; and 16 appointive members appointed by the Governor and subject to confirmation by two-thirds of the membership of the Senate.

(b) (1) Two students from the California State University, who shall have at least sophomore year standing at the institutions they attend, and who remain in good standing as students during their respective terms, shall also be appointed by the Governor to serve on the board for two-year terms.

(2) In the selection of students as members of the board, the Governor shall appoint the students from lists of names of at least two, but not more than five, persons furnished by the governing board of any statewide student organization that represents the students of the California State University and the student body organizations of the campuses of the California State University. Any appointment to fill a vacancy of a student member shall be effective only for the remainder of the term of the student member's office that became vacated.

(3) The term of office of one student member of the board shall commence on July 1 of an even-numbered year and expire on June 30 two years thereafter. The term of office of the other student member of the board shall commence on July 1 of an odd-numbered year and expire on June 30 two years thereafter. Notwithstanding paragraph (1), a student member who graduates from his or her college or university on or after January 1 of the second year of his or her term of office may serve the remainder of the term.



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(4) (A) During the first year of a student member's term, a student member shall be a member of the board and may attend all meetings of the board and its committees. At these meetings, a student member may fully participate in discussion and debate, but may not vote. During the second year of a student member's term, a student member may exercise the same right to attend meetings of the board, and its committees, and shall have the same right to vote as the members appointed pursuant to subdivision (a).

(B) Notwithstanding subparagraph (A), during the first year of a student member's term, the student member may vote at a board meeting if the other student member is absent from that meeting due to illness, a family emergency, or a medical emergency.

(5) Notwithstanding paragraph (4), if a student member resigns from office or a vacancy is otherwise created in that office during the second year of a student member's term, the remaining student member shall immediately assume the office created by the vacancy and all of the participation privileges of the second-year student member, including the right to vote, for the remainder of that term of office.

(6) A student member shall have his or her tuition fee waived for the duration of his or her term of office.

(c) (1) A faculty member from the California State University, who shall be tenured at the California State University campus at which he or she teaches, shall also be appointed by the Governor to serve on the board for a two-year term. In the selection of a faculty member as a member of the board, the Governor shall appoint the faculty member from a list of names of at least two persons furnished by the Academic Senate of the California State University.

(2) The faculty member of the board appointed by the Governor pursuant to this subdivision shall not participate on any subcommittee of the board responsible for collective bargaining negotiations.

(3) ~~The two-year term of office of the faculty member of the board shall commence on July 1, and, if the Governor has not appointed a successor under paragraph (1), the faculty member may remain in office after the term expires for one additional year, or until a successor is appointed by the Governor, whichever occurs first, and shall expire on June 30 two years thereafter.~~

(d) (1) (A) A permanent nonfaculty employee, who is not in a management personnel plan, a confidential classification, or an excluded classification, also shall be appointed by the Governor to serve on the board for a two-year term. An independent systemwide staff council formed for this purpose shall provide a list of two nominees for the Governor's consideration, and the Governor shall appoint one of these nominees.

(B) The employee organizations of permanent nonfaculty employees of the California State University shall fund the council to be established pursuant to this paragraph.

(2) The permanent nonfaculty employee member of the board appointed pursuant to this subdivision shall not participate on any subcommittee of the board responsible for collective bargaining negotiations.

(3) The term of office of the permanent nonfaculty employee member of the board appointed pursuant to this subdivision shall commence on July 1 and shall expire on June 30 two years thereafter.

(4) The permanent nonfaculty employee member of the board shall receive compensation for board service only as authorized pursuant to Section 66604.5.

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RN 16 08149 PAGE 3
Substantive

Amendment 4
On page 1, strike out lines 1 and 2

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Ken Cooley
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RN 16 08600 PAGE 1
Substantive

AMENDMENTS TO ASSEMBLY BILL NO. 2404

Amendment 1

In the title, in line 1, strike out "Section 21455" and insert:

Sections 21456, 21457, 21459, and 21463

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 21456 of the Government Code is amended to read:
21456. Optional settlement 2 consists of the right to have a retirement allowance paid a member until his or her death and thereafter to his or her beneficiary for life.

If the beneficiary predeceases the member and the member elected this section to be effective on or after January 1, 1990, the member's allowance shall be adjusted effective the first of the month following the death of the beneficiary, to reflect the benefit that would have been paid had the member not selected an optional settlement.

If a nonspouse beneficiary waives entitlement to this allowance and the member elected this section to be effective on or after January 1, 1993, the member's allowance shall be adjusted effective the first of the month following the receipt of the waiver of the allowance entitlement from the nonspouse beneficiary to reflect the benefit that would have been paid had the member not selected an optional settlement.

If the marriage of a member is dissolved or annulled or there is a legal separation between the member and the beneficiary spouse and the judgment dividing the community property awards the total interest in this system to the member, and the member elects this section to be effective on or after January 1, 1994, the member's allowance shall be adjusted effective the first of the month following the filing of the judgment with the board to reflect the benefit that would have been paid had the member not selected an optional settlement.

If the beneficiary spouse predeceases the member on or after January 1, 1990, and the member elected this section to be effective prior to January 1, 1990, the member's allowance shall be adjusted effective the first of the month following the death of the beneficiary spouse to reflect a new allowance as calculated below.

If the nonspouse beneficiary waives entitlement to this allowance on or after January 1, 1993, and the member elected this section to be effective prior to January 1, 1993, the member's allowance shall be adjusted, effective the first of the month following receipt by the board of the waiver of entitlement from the nonspouse beneficiary, to reflect a new allowance as calculated below.

If the marriage of a member is dissolved or annulled or there is a legal separation between the member and the beneficiary spouse and the judgment dividing the community property awards the total interest in the retirement system to the member, and the member elected this section to be effective prior to January 1, 1994, the member's allowance shall be adjusted, effective the first of the month following the filing of the judgment with the board to reflect a new allowance as calculated below. The qualifying event shall be the date on which the judgment is filed with the board.



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A percentage factor shall be applied to the difference between the member's unmodified allowance and optional settlement 2 allowance, both of which shall include applicable cost-of-living increases. The product of this equation shall then be added to the member's optional settlement 2 allowance and the total amount shall become the member's base allowance. The percentage factor applicable to each member shall be determined by the time between the member's retirement effective date and the date of death of the beneficiary spouse or by the time between the member's retirement effective date and the date of the receipt of either the waiver of the allowance entitlement or the judgment of dissolution, annulment, or legal separation according to the following table:

Period between the member's retirement effective date and the date of the qualifying event	Percentage
Less than 12 months	95%
12 months through 23 months	85%
24 months through 35 months	75%
36 months through 47 months	65%
48 months through 59 months	55%
60 months through 71 months	45%
72 months through 83 months	35%
84 months through 95 months	25%
96 months through 107 months	15%
108 months through 119 months	5%
120 months or more	0%

Nothing in this section shall result in additional cost to the employer.

The right of a member to receive a recalculated allowance upon the death of his or her beneficiary granted pursuant to this section shall apply only to a member who retires on or before December 31, 2017.

SEC. 2. Section 21457 of the Government Code is amended to read:

21457. Optional settlement 3 consists of the right to have a retirement allowance paid a member until his or her death, and thereafter to have one-half of his or her retirement allowance paid to his or her beneficiary for life.

If the beneficiary predeceases the member and the member elected this section to be effective on or after January 1, 1990, the member's allowance shall be adjusted effective the first of the month following the death of the beneficiary, to reflect the benefit that would have been paid had the member not selected an optional settlement.

If the marriage of a member is dissolved or annulled or there is a legal separation between the member and the beneficiary spouse and the judgment dividing the community property awards the total interest in this system to the member, and the member elects this section to be effective on or after January 1, 1994, the member's allowance shall be adjusted effective the first of the month following the filing of the judgment with the board to reflect the benefit that would have been paid had the member not selected an optional settlement.

If a nonspouse beneficiary waives entitlement to this allowance and the member elected this section to be effective on or after January 1, 1993, the member's allowance shall be adjusted, effective the first of the month following the receipt of the waiver of the allowance entitlement from the nonspouse beneficiary, to reflect the benefit that would have been paid had the member not selected an optional settlement.

If the beneficiary spouse predeceases the member on or after January 1, 1990, and the member elected this section to be effective prior to January 1, 1990, the member's allowance shall be adjusted effective the first of the month following the death of the beneficiary spouse to reflect a new allowance as calculated below.

If the marriage of a member is dissolved or annulled or there is a legal separation between the member and the beneficiary spouse and the judgment dividing the community property awards the total interest in the retirement system to the member, and the member elected this section to be effective prior to January 1, 1994, the member's allowance shall be adjusted, effective the first of the month following the filing of the judgment with the board to reflect a new allowance as calculated below. The qualifying event shall be the date on which the judgment is filed with the board.

If the nonspouse beneficiary waives entitlement to this allowance on or after January 1, 1993, and the member elected this section to be effective prior to January 1, 1993, the member's allowance shall be adjusted, effective the first of the month following receipt by the board of the waiver of entitlement from the nonspouse beneficiary, to reflect a new allowance as calculated below.

A percentage factor shall be applied to the difference between the member's unmodified allowance and optional settlement 3 allowance, both of which shall include applicable cost-of-living increases. The product of this equation shall then be added to the member's optional settlement 3 allowance and the total amount shall become the member's base allowance. The percentage factor applicable to each member shall be determined by the time between the member's retirement effective date and the date of death of the beneficiary spouse or by the time between the member's retirement effective date and the date of the receipt of either the waiver of the allowance entitlement or the judgment of dissolution, annulment, or legal separation according to the following table:

Period between the member's retirement effective date and the date of the qualifying event	Percentage
Less than 12 months	95%
12 months through 23 months	85%
24 months through 35 months	75%
36 months through 47 months	65%
48 months through 59 months	55%
60 months through 71 months	45%
72 months through 83 months	35%
84 months through 95 months	25%
96 months through 107 months	15%
108 months through 119 months	5%
120 months or more	0%

Nothing in this section shall result in additional cost to the employer.

The right of a member to receive a recalculated allowance upon the death of his or her beneficiary granted pursuant to this section shall apply only to a member who retires on or before December 31, 2017.

SEC. 3. Section 21459 of the Government Code is amended to read:

21459. ~~A~~(a) A member who elects to receive optional settlement 2 or 3 may concurrently and irrevocably elect to waive the provision for an increase to his or her allowance due to the death of his or her beneficiary and shall, instead, have his or her allowance based upon the waiver of this benefit.

(b) This section shall apply only to a member who retires on or before December 31, 2017.

SEC. 4. Section 21463 of the Government Code is amended to read:

21463. ~~A~~(a) A member who elected to receive optional settlement 2 or 3 and whose beneficiary predeceases him or her, shall be entitled to receive the increased allowance pursuant to Section 21456 or Section 21457, as applicable, unless the member elected to waive the provision for an increase to his or her allowance pursuant to Section 21459.

(b) This section shall apply only to a member who retires on or before December 31, 2017.

Amendment 3

On page 1, strike out lines 1 to 6, inclusive, and strike out page 2

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RN 16 08334 PAGE 1
Substantive

AMENDMENTS TO ASSEMBLY BILL NO. 2417

Amendment 1

In the title, in line 1, strike out "19" and insert:

11105.04

Amendment 2

In the title, in line 1, strike out "crimes." and insert:

child abuse.

Amendment 3

On page 1, before line 1, insert:

SECTION 1. Section 11105.04 of the Penal Code is amended to read:

11105.04. (a) A designated Court Appointed Special Advocate (CASA) program may submit to the Department of Justice fingerprint images and related information of employment and volunteer candidates for the purpose of obtaining information as to the existence and nature of any record of child abuse investigations contained in the Child Abuse Central Index, state- or federal-level convictions, or state- or federal-level arrests for which the department establishes that the applicant was released on bail or on his or her own recognizance pending trial. Requests for federal-level criminal offender record information received by the department pursuant to this section shall be forwarded to the Federal Bureau of Investigation by the department.

(b) When requesting state-level criminal offender record information pursuant to this section, the designated CASA program shall request subsequent arrest notification, pursuant to Section 11105.2 of the Penal Code, for all employment and volunteer candidates.

(c) The department shall respond to the designated CASA program with information as delineated in subdivision (p) of Section 11105 of the Penal Code.

(d) (1) The department shall charge a fee sufficient to cover the cost of processing the requests for ~~state- and~~ federal-level criminal offender record information.

(2) The department shall not charge a fee for state-level criminal offender record information.

(e) For purposes of this section, a designated CASA program is a local court-appointed special advocate program that has adopted and adheres to the guidelines established by the Judicial Council and which has been designated by the local presiding juvenile court judge to recruit, screen, select, train, supervise, and support lay volunteers to be appointed by the court to help define the best interests of children in juvenile court dependency and wardship proceedings. For purposes of this section, there shall be only one designated CASA program in each California county.

~~(f) This section shall become operative on July 1, 2004.~~



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RN 16 08334 PAGE 2
Substantive

Amendment 4
On page 1, strike out lines 1 to 6, inclusive

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AMENDMENTS TO ASSEMBLY BILL NO. 2474

Amendment 1

In the title, in line 1, strike out "12901" and insert:

11580.24

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 11580.24 of the Insurance Code is amended to read:

11580.24. (a) ~~No~~ A private passenger motor vehicle insured by its owner pursuant to a policy of insurance subject to Section 11580.1 or 11580.2 shall not be classified as a commercial vehicle, for-hire vehicle, permissive use vehicle, or livery solely because its owner allows it to be used for personal vehicle sharing as long as all of the following circumstances apply:

(1) The personal vehicle sharing is conducted pursuant to a personal vehicle sharing program.

(2) The annual revenue received by the private passenger motor vehicle's owner ~~which that~~ was generated by the personal vehicle sharing of the vehicle does not exceed the annual expenses of owning and operating the vehicle, including depreciation, interest, lease payments, auto loan payments, insurance, maintenance, parking, fuel, cleaning, automobile repair, and costs associated with personal vehicle sharing, including, but not limited to, the installation, operation, and maintenance of computer hardware and software, signage identifying the vehicle as a personal sharing vehicle, and any fees charged by a personal vehicle sharing program.

(3) The owner of the private passenger motor vehicle does not knowingly place the vehicle into commercial use, as defined by Section 675.5, by a personal vehicle sharing user while engaged in personal vehicle sharing.

(b) For purposes of this section the following definitions apply:

(1) "Personal vehicle sharing" means the use of private passenger motor vehicles by persons other than the vehicle's owner, in connection with a personal vehicle sharing program.

(2) "Personal vehicle sharing program" means a legal entity qualified to do business in the State of California engaged in the business of facilitating the sharing of private passenger motor vehicles for noncommercial use by individuals within the state.

(3) "Private passenger motor vehicle" means a vehicle that is insured, or is subject to being insured, under a personal automobile liability insurance policy insuring a single individual or individuals residing in the same household, as the named insured, or meets the requirements of Section 16058 of the Vehicle Code, but does not include a vehicle with fewer than four wheels.

(c) A personal vehicle sharing program shall, for each private passenger motor vehicle that it facilitates the use of, do all of the following:



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(1) During all times that the private passenger motor vehicle is engaged in personal vehicle sharing, provide insurance coverages for the vehicle and operator of the vehicle that are equal to or greater than the insurance coverages maintained by the vehicle owner and reported to the personal vehicle sharing program. However, the personal vehicle sharing program shall not provide liability coverage less than three times the minimum insurance requirements for private passenger motor vehicles. Compliance with the terms and conditions of this paragraph shall be deemed to avoid the application of the limitation on damage recoveries set forth in Section 3333.4 of the Civil Code.

(2) Provide the registered owner of the private passenger motor vehicle with a Department of Motor Vehicles Form REG 5085 or other suitable proof of compliance with the insurance requirements of this section and the requirements of the California Financial Responsibility Law in Section 1656.2 of the Vehicle Code, a copy of which shall be maintained in the vehicle by the vehicle's registered owner during any time when the vehicle is operated by any person other than the vehicle's owner pursuant to a personal vehicle sharing program.

(3) Collect, maintain, and make available to the private passenger motor vehicle's owner, the vehicle owner's primary automobile liability insurer on file with the Department of Motor Vehicles, and to any other government agency as required by law, at the cost of the personal vehicle sharing program, verifiable electronic records that identify the date, time, initial and final locations of the vehicle, and miles driven when the vehicle is under the control of a person other than the vehicle's owner pursuant to a personal vehicle sharing program.

(4) Provide the private passenger motor vehicle's owner and any person that operates the vehicle pursuant to a personal vehicle sharing program with a disclosure that contains information explaining the terms and conditions contained in this section.

(5) Not knowingly permit the private passenger motor vehicle to be operated for commercial use by a personal vehicle sharing user while engaged in personal vehicle sharing.

(6) Use only private passenger motor vehicles.

~~(7) Facilitate the installation, operation, and maintenance of computer hardware and software and signage, necessary for a vehicle to be used in a personal vehicle sharing program, including payment of the cost of damage or theft of that equipment and any damage caused to the vehicle by the installation, operation, and maintenance of that equipment.~~

(d) Notwithstanding any other ~~provision~~ of law or any provision in a private passenger motor vehicle owner's automobile liability insurance policy, in the event of a loss or injury that occurs during any time period when the vehicle is under the operation and control of a person, other than the vehicle owner, pursuant to a personal vehicle sharing program, or otherwise under the control of a personal vehicle sharing program, the personal vehicle sharing program shall assume all liability of the owner and shall be considered the owner of the vehicle for all purposes. Nothing in this section limits the liability of the personal vehicle sharing program for its acts or omissions that result in injury to any persons as a result of the use or operation of a personal vehicle sharing program.

(e) A personal vehicle sharing program shall continue to be liable pursuant to subdivision (d) until both of the following occur:

(1) The private passenger motor vehicle is returned to ~~a location designated by the personal vehicle sharing program~~ the location designated and agreed to by both the vehicle owner and the user of the vehicle, consistent with the terms and policies of the personal vehicle sharing program.

(2) The earliest of one of the following occurs:

(A) The expiration of the time period established for the particular use of the private passenger motor vehicle.

(B) The intent to terminate the personal vehicle sharing use is verifiably communicated to the personal vehicle sharing program.

(C) The private passenger motor vehicle's owner takes possession and control of the vehicle.

(f) The personal vehicle sharing program shall assume liability for a claim in which a dispute exists as to who was in control of the private passenger motor vehicle when the loss occurred giving rise to the claim, and the vehicle's private passenger motor vehicle insurer shall indemnify the personal vehicle sharing program to the extent of its obligation under the applicable insurance ~~policy, policy~~ if it is determined that the vehicle's owner was in control of the vehicle at the time of the loss.

(g) In the event that the owner of the private passenger motor vehicle is named as a defendant in a civil ~~action, action~~ for a loss or injury that occurs during any time period when the vehicle is under the operation and control of a person, other than the vehicle's owner, pursuant to a personal vehicle sharing program, or otherwise under the control of a personal vehicle sharing program, the personal vehicle sharing program shall have the duty to defend and indemnify the vehicle's owner, subject to the provisions of subdivisions (d) and (f).

(h) Notwithstanding any other ~~provision of law or any provision in a private passenger motor vehicle owner's automobile liability insurance policy~~, while a private passenger motor vehicle is used by a person other than its owner pursuant to personal vehicle sharing facilitated through a personal vehicle sharing program, all of the following shall apply:

(1) The insurer of that private passenger motor vehicle on file with the Department of Motor Vehicles may exclude any and all coverage afforded pursuant to its policy.

(2) The primary and excess insurer or insurers of the owners, operators, and maintainers of the private passenger motor vehicle used in a personal vehicle sharing program shall have the right to notify an insured that it has no duty to defend or indemnify any person or organization for liability for any loss that occurs during use of the vehicle in a personal vehicle sharing program.

(i) ~~No A~~ A policy of insurance that is subject to Section 11580.1 or 11580.2 shall not be canceled, voided, terminated, rescinded, or nonrenewed solely on the basis that the private passenger motor vehicle has been made available for personal vehicle sharing pursuant to a personal vehicle sharing program that is in compliance with the provisions of this section.

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RN 16 08353 PAGE 4
Substantive

Amendment 3

On page 1, strike out lines 1 and 2 and strike out page 2

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AMENDMENTS TO ASSEMBLY BILL NO. 2490

Amendment 1

In the title, strike out line 1 and insert:

An act to amend Section 19522 of the Revenue and Taxation Code, relating to taxation.

Amendment 2

On page 2, before line 1, insert:

SECTION 1. Section 19522 of the Revenue and Taxation Code is amended to read:

19522. (a) (1) (A) On or before ~~the 10th~~ January 31 of ~~January~~ each year, the Franchise Tax Board shall submit to the Legislature a report on all changes to the Internal Revenue Code enacted into law in the prior year. To the extent possible, the report shall contain an estimate of the revenue effect of conforming California law to each of those changes.

(B) In the event that changes to the Internal Revenue Code are enacted after September 15 of any year, the report described in subparagraph (A) shall be submitted to the Legislature within 120 days after signature by the President of the United States, rather than ~~the 10th of January~~. January 31.

(2) The report required by this section shall be made available to the public.

(3) It is the intent of the Legislature that the policy committee of each house of the Legislature hold at least one public hearing on the report required by this section.

(b) For any introduced bill ~~which that~~ proposes changes in any of the dates in Section 17024.5, the Franchise Tax Board shall prepare a complete analysis of the bill ~~which that~~ describes all changes to state law ~~which that~~ will automatically occur by reference to federal law as of the changed date. The Franchise Tax Board shall immediately update and supplement that analysis upon any amendment to the bill. That analysis shall be made available to the public and shall be submitted to the Legislature for publication in the daily journal of each house of the Legislature. The digest of the Legislative Counsel shall indicate that an analysis of the bill shall be prepared by the Franchise Tax Board and printed in the daily journal of each house of the Legislature.

Amendment 3

On page 2, strike out lines 1 to 7, inclusive

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AMENDMENTS TO ASSEMBLY BILL NO. 2497

Amendment 1

In the title, in line 1, strike out "23701 of" and insert:

18729 of, and to add and repeal Article 3.6 (commencing with Section 18730) of Chapter 3 of Part 10.2 of Division 2 of,

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 18729 of the Revenue and Taxation Code is amended to read:

18729. (a) ~~Except as otherwise provided in subdivision (b), this~~ This article shall remain in effect only for taxable years beginning before January 1, ~~2019, 2016,~~ and as of ~~December 1, 2019, January 1, 2017,~~ is repealed.

(b) ~~(1) By September 1, 2015, and by September 1 of each subsequent calendar year that the California Senior Legislature Fund appears on the tax return, the Franchise Tax Board shall do all of the following:~~

(A) ~~Determine the minimum contribution amount required to be received during the next calendar year for the fund to appear on the tax return for the taxable year that includes that next calendar year.~~

(B) ~~Provide written notification to the California Senior Legislature of the amount determined in subparagraph (A).~~

(C) ~~Determine whether the amount of contributions estimated to be received during the calendar year will equal or exceed the minimum contribution amount determined by the Franchise Tax Board for the calendar year pursuant to subparagraph (A). The Franchise Tax Board shall estimate the amount of contributions to be received by using the actual amounts received and an estimate of the contributions that will be received by the end of that calendar year.~~

(2) ~~If the Franchise Tax Board determines that the amount of the contributions estimated to be received during a calendar year will not at least equal the minimum contribution amount for the calendar year, this article shall be inoperative with respect to taxable years beginning on or after January 1 of that calendar year and shall be repealed on December 1 of that year.~~

(3) ~~For purposes of this section, the minimum contribution amount for a calendar year means two hundred fifty thousand dollars (\$250,000) for the second calendar year after the first appearance of the California Senior Legislature Fund on the personal income tax return or the minimum contribution amount as adjusted pursuant to subdivision (e).~~

(e) ~~For each calendar year, beginning with the third calendar year after the first appearance of the California Senior Legislature Fund on the personal income tax return, the Franchise Tax Board shall adjust, on or before September 1 of that calendar year, the minimum contribution amount specified in subdivision (b) as follows:~~



~~(1) The minimum estimated contribution amount for the calendar year shall be an amount equal to the product of the minimum estimated contribution amount for the calendar year multiplied by the inflation factor adjustment as specified in subparagraph (A) of paragraph (2) of subdivision (h) of Section 17041, rounded off to the nearest dollar.~~

~~(2) The inflation factor adjustment used for the calendar year shall be based on the figures for the percentage change in the California Consumer Price Index for all items received on or before August 1 of the calendar year pursuant to paragraph (1) of subdivision (h) of Section 17041.~~

~~(d)~~

~~(b)~~ Notwithstanding the repeal of this article, any contribution amounts designated pursuant to this article prior to its repeal shall continue to be transferred and disbursed in accordance with this article as in effect immediately prior to that repeal.

SEC. 2. Article 3.6 (commencing with Section 18730) is added to Chapter 3 of Part 10.2 of Division 2 of the Revenue and Taxation Code, to read:

Article 3.6. California Senior Citizen Advocacy Fund

18730. (a) For taxable years beginning on or after January 1, 2016, any individual may designate on the tax return that a contribution in excess of the tax liability, if any, be made to the California Senior Citizen Advocacy Fund established by Section 18731 to be used to conduct the sessions of the California Senior Legislature and to support its ongoing activities on behalf of older persons.

(b) The contribution shall be in full dollar amounts and may be made individually by each signatory on the joint return.

(c) A designation under subdivision (a) shall be made for any taxable year on the initial return for that taxable year, and once made shall be irrevocable. If payments and credits reported on the return, together with any other credits associated with the individual's account, do not exceed the individual's tax liability, the return shall be treated as though no designation has been made.

(d) The Franchise Tax Board shall revise the form of the return to include a space labeled "California Senior Citizen Advocacy Fund" to allow for the designation permitted under subdivision (a). The form shall also include in the instructions information that the contribution may be in the amount of one dollar (\$1) or more and that the contribution shall be used to conduct the sessions of the California Senior Legislature and to support its ongoing activities on behalf of older persons.

(e) A deduction shall be allowed under Article 6 (commencing with Section 17201) of Chapter 3 of Part 10 for any contribution made pursuant to subdivision (a).

18731. (a) There is hereby established in the State Treasury the California Senior Citizen Advocacy Fund to receive contributions made pursuant to Section 18730. The Franchise Tax Board shall notify the Controller of both the amount of money paid by taxpayers in excess of their tax liability and the amount of refund money that taxpayers have designated pursuant to Section 18730 to be transferred to the California Senior Citizen Advocacy Fund. The Controller shall transfer from the Personal Income Tax Fund to the California Senior Citizen Advocacy Fund an amount not in excess of the sum of the amounts designated by individuals pursuant to Section 18730 for payment into that fund.

(b) The California Senior Citizen Advocacy Fund is the successor fund of the California Senior Legislature Fund. All assets, liabilities, revenues, and expenditures of the California Senior Legislature Fund shall be transferred to, and become a part of, the California Senior Citizen Advocacy Fund, as provided in Section 16346 of the Government Code. Any references in state law to the California Senior Legislature Fund shall be construed to refer to the California Senior Citizen Advocacy Fund.

18732. (a) All moneys transferred to the California Senior Citizen Advocacy Fund pursuant to Section 18731, upon appropriation by the Legislature, shall be allocated as follows:

(1) To the Franchise Tax Board and the Controller for reimbursement of all costs incurred by the Franchise Tax Board and the Controller in connection with their duties under this article.

(2) The balance to the California Senior Legislature, for its ongoing activities on behalf of older persons.

(b) All moneys allocated pursuant to paragraph (2) of subdivision (a) may be carried over from the year in which they were received and encumbered in any following year.

(c) The funds allocated to the California Senior Legislature for the purpose of funding the activities of the California Senior Legislature shall be spent pursuant to the purview of the Joint Rules Committee of the California Senior Legislature in a manner consistent with the bylaws of the California Senior Legislature, established through a majority vote of the California Senior Legislature.

18733. (a) Except as otherwise provided in subdivision (b), this article shall remain in effect only for taxable years beginning before January 1, 2021, and as of December 1, 2021, is repealed.

(b) (1) By September 1, 2017, and by September 1 of each subsequent calendar year that the California Senior Citizen Advocacy Fund appears on the tax return, the Franchise Tax Board shall do all of the following:

(A) Determine the minimum contribution amount required to be received during the next calendar year for the fund to appear on the tax return for the taxable year that includes that next calendar year.

(B) Provide written notification to the California Senior Legislature of the amount determined in subparagraph (A).

(C) Determine whether the amount of contributions estimated to be received during the calendar year will equal or exceed the minimum contribution amount determined by the Franchise Tax Board for the calendar year pursuant to subparagraph (A). The Franchise Tax Board shall estimate the amount of contributions to be received by using the actual amounts received and an estimate of the contributions that will be received by the end of that calendar year.

(2) If the Franchise Tax Board determines that the amount of the contributions estimated to be received during a calendar year will not at least equal the minimum contribution amount for the calendar year, this article shall be inoperative with respect to taxable years beginning on or after January 1 of that calendar year and shall be repealed on December 1 of that year.

(3) For purposes of this section, the minimum contribution amount for a calendar year means two hundred fifty thousand dollars (\$250,000) for the second calendar year after the first appearance of the California Senior Legislature Fund on the personal

income tax return or the minimum contribution amount as adjusted pursuant to subdivision (c).

(c) For each calendar year, beginning with the third calendar year after the first appearance of the California Senior Citizen Advocacy Fund on the personal income tax return, the Franchise Tax Board shall adjust, on or before September 1 of that calendar year, the minimum contribution amount specified in subdivision (b) as follows:

(1) The minimum estimated contribution amount for the calendar year shall be an amount equal to the product of the minimum estimated contribution amount for the calendar year multiplied by the inflation factor adjustment as specified in subparagraph (A) of paragraph (2) of subdivision (h) of Section 17041, rounded off to the nearest dollar.

(2) The inflation factor adjustment used for the calendar year shall be based on the figures for the percentage change in the California Consumer Price Index for all items received on or before August 1 of the calendar year pursuant to paragraph (1) of subdivision (h) of Section 17041.

(d) Notwithstanding the repeal of this article, any contribution amounts designated pursuant to this article prior to its repeal shall continue to be transferred and disbursed in accordance with this article as in effect immediately prior to that repeal.

Amendment 3

On page 1, strike out lines 1 to 7, inclusive, and strike out pages 2 to 4, inclusive

AMENDMENTS TO ASSEMBLY BILL NO. 2499

Amendment 1

In the heading, in line 2, strike out "Coauthor:" and insert:

Coauthors:

Amendment 2

In the heading, in line 2, strike out "Member" and insert:

Members Chávez, Gipson, and

Amendment 3

In the title, in line 1, after "act" insert:

to add Section 680.1 to the Penal Code,

Amendment 4

On page 2, before line 1, insert:

SECTION 1. Section 680.1 is added to the Penal Code, to read:

680.1. (a) The Legislature finds and declares both of the following:

(1) There is a significant public interest in knowing the percentage of rape kit biological samples that are analyzed for the perpetrator's DNA profile, as well as the reason that untested rape kit samples are not analyzed. It is the intent of the Legislature in enacting this section, pursuant to recommendations by the California State Auditor to the Joint Legislative Audit Committee, to correct that.

(2) In 2015, the Department of Justice created the Sexual Assault Forensic Evidence Tracking (SAFE-T) database to track the status of all sexual assault evidence kits collected in the state based on voluntary data input from law enforcement agencies.

(b) The Department of Justice, on or before July 1, 2018, and in consultation with law enforcement agencies and crime victims groups, shall update the SAFE-T database to allow victims of sexual assault to have secure access to the location and information regarding their sexual assault evidence kits.

Amendment 5

On page 2, strike out lines 1 to 3, inclusive



AMENDMENTS TO ASSEMBLY BILL NO. 2500

Amendment 1

In the title, in line 1, after "act" insert:

to amend Section 65584 of the Government Code,

Amendment 2

On page 2, before line 1, insert:

SECTION 1. Section 65584 of the Government Code is amended to read:

65584. (a) (1) For the fourth and subsequent revisions of the housing element pursuant to Section 65588, the department shall determine the existing and projected need for housing for each region pursuant to this article. For purposes of subdivision (a) of Section 65583, the share of a city or county of the regional housing need shall include that share of the housing need of persons at all income levels within the area significantly affected by the general plan of the city or county.

(2) While it is the intent of the Legislature that cities, counties, and cities and counties should undertake all necessary actions to encourage, promote, and facilitate the development of housing to accommodate the entire regional housing need, it is recognized, however, that future housing production may not equal the regional housing need established for planning purposes.

(b) The department, in consultation with each council of governments, shall determine each region's existing and projected housing need pursuant to Section 65584.01 at least two years and three months prior to the scheduled revision required pursuant to Section 65588. The appropriate council of governments, or for cities and counties without a council of governments, the department, shall adopt a final regional housing need plan that allocates a share of the regional housing need to each city, county, or city and county at least one year and three months prior to the scheduled revision for the region required by Section 65588. The allocation plan prepared by a council of governments shall be prepared pursuant to Sections 65584.04 and 65584.05 with the advice of the department.

(c) Notwithstanding any other ~~provision of~~ law, the due dates for the determinations of the department or for the council of governments, respectively, regarding the regional housing need may be extended by the department by not more than 60 days if the extension will enable access to more recent critical population or housing data from a pending or recent release of the United States Census Bureau or the Department of Finance. If the due date for the determination of the department or the council of governments is extended for this reason, the department shall extend the corresponding housing element revision deadline pursuant to Section 65588 by not more than 60 days.

(d) The regional housing needs allocation plan shall be consistent with all of the following objectives:

(1) Increasing the housing supply and the mix of housing types, tenure, and affordability in all cities and counties within the region in an equitable manner, which



shall result in each jurisdiction receiving an allocation of units for low- and very low income households.

(2) Promoting infill development and socioeconomic equity, the protection of environmental and agricultural resources, and the encouragement of efficient development patterns.

(3) Promoting an improved intraregional relationship between jobs and housing.

(4) Allocating a lower proportion of housing need to an income category when a jurisdiction already has a disproportionately high share of households in that income category, as compared to the countywide distribution of households in that category from the most recent decennial United States census.

(e) For purposes of this section, "household income levels" are as determined by the department as of the most recent decennial census pursuant to the following code sections:

(1) Very low incomes as defined by Section 50105 of the Health and Safety Code.

(2) Lower incomes, as defined by Section 50079.5 of the Health and Safety Code.

(3) Moderate incomes, as defined by Section 50093 of the Health and Safety Code.

(4) Above moderate incomes are those exceeding the moderate-income level of Section 50093 of the Health and Safety Code.

(f) Notwithstanding any other provision of law, determinations made by the department, a council of governments, or a city or county pursuant to this section or Section 65584.01, 65584.02, 65584.03, 65584.04, 65584.05, 65584.06, 65584.07, or 65584.08 are exempt from the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

Amendment 3

On page 2, strike out lines 1 to 4, inclusive

AMENDMENTS TO ASSEMBLY BILL NO. 2520

Amendment 1

In the title, in line 1, after "act" insert:

to add and repeal Section 69520 of the Education Code,

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 69520 is added to the Education Code, to read:

69520. (a) The commission shall, by the 2017–18 academic year, report to the Legislature and the Governor on measures to increase student participation in state and federal student financial aid programs.

(b) Measures recommended pursuant to subdivision (a) shall include all of the following:

(1) At least one measure to ensure that each grade 12 California high school pupil receives adequate time and faculty support to complete and submit the Free Application for Federal Student Aid (FAFSA) during a required course in the first semester of the pupil's grade 12 school year.

(2) At least one measure to address the barrier of a student who is unable to access his or her parents' financial information in order to complete and submit the FAFSA. The recommended measure or measures shall include a recommendation for a sample statement that the student can sign stating that his or her parents' financial information provided in the FAFSA represents the best information available to the student.

(3) Other measures identified by the commission.

(c) (1) A report to be submitted pursuant to subdivision (a) shall be submitted in compliance with Section 9795 of the Government Code.

(2) Pursuant to Section 10231.5 of the Government Code, this section is repealed on July 1, 2022.

Amendment 3

On page 1, strike out lines 1 to 5, inclusive

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Substantive

AMENDMENT TO ASSEMBLY BILL NO. 2535

Amendment 1

On page 1, in line 10, after "the" insert:

employee is exempt from payment of minimum wage and overtime and the employee's compensation is not based in whole or in part on hours worked or the

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RN1608376

AMENDMENTS TO ASSEMBLY BILL NO. 2537

Amendment 1

In the heading, below line 1, insert:

(Coauthor: Assembly Member Olsen)
(Coauthor: Senator Pavley)

Amendment 2

In the title, in line 1, after "act" insert:

to amend and repeal Section 48204 of the Education Code,

Amendment 3

On page 1, before line 1, insert:

SECTION 1. Section 48204 of the Education Code, as amended by Section 1.5 of Chapter 554 of the Statutes of 2015, is amended to read:

48204. (a) Notwithstanding Section 48200, a pupil complies with the residency requirements for school attendance in a school district, if he or she is any of the following:

(1) (A) A pupil placed within the boundaries of that school district in a regularly established licensed children's institution, or a licensed foster home, or a family home pursuant to a commitment or placement under Chapter 2 (commencing with Section 200) of Part 1 of Division 2 of the Welfare and Institutions Code.

(B) An agency placing a pupil in a home or institution described in subparagraph (A) shall provide evidence to the school that the placement or commitment is pursuant to law.

(2) A pupil who is a foster child who remains in his or her school of origin pursuant to subdivisions (f) and (g) of Section 48853.5.

(3) A pupil for whom interdistrict attendance has been approved pursuant to Chapter 5 (commencing with Section 46600) of Part 26.

(4) A pupil whose residence is located within the boundaries of that school district and whose parent or legal guardian is relieved of responsibility, control, and authority through emancipation.

(5) A pupil who lives in the home of a caregiving adult that is located within the boundaries of that school district. Execution of an affidavit under penalty of perjury pursuant to Part 1.5 (commencing with Section 6550) of Division 11 of the Family Code by the caregiving adult is a sufficient basis for a determination that the pupil lives in the home of the caregiver, unless the school district determines from actual facts that the pupil is not living in the home of the caregiver.

(6) A pupil residing in a state hospital located within the boundaries of that school district.



(7) A pupil whose parent or legal guardian resides outside of the boundaries of that school district but is employed and lives with the pupil at the place of his or her employment within the boundaries of the school district for a minimum of three days during the school week.

(b) (1) A school district may deem a pupil to have complied with the residency requirements for school attendance in the school district if at least one parent or the legal guardian of the pupil is physically employed within the boundaries of that school district for a minimum of 10 hours during the school week.

(1)

(2) This subdivision does not require the school district within which at least one parent or the legal guardian of a pupil is employed to admit the pupil to its schools. A school district shall not, however, refuse to admit a pupil under this subdivision on the basis, except as expressly provided in this subdivision, of race, ethnicity, sex, parental income, scholastic achievement, or any other arbitrary consideration.

(2)

(3) The school district in which the residency of either the parents or the legal guardian of the pupil is established, or the school district to which the pupil is to be transferred under this subdivision, may prohibit the transfer of the pupil under this subdivision if the governing board of the school district determines that the transfer would negatively impact the court-ordered or voluntary desegregation plan of the school district.

(3)

(4) The school district to which the pupil is to be transferred under this subdivision may prohibit the transfer of the pupil if the school district determines that the additional cost of educating the pupil would exceed the amount of additional state aid received as a result of the transfer.

(4)

(5) The governing board of a school district that prohibits the transfer of a pupil pursuant to paragraph ~~(1), (2), or (3)~~ (2), (3), or (4) is encouraged to identify, and communicate in writing to the parents or the legal guardian of the pupil, the specific reasons for that determination and is encouraged to ensure that the determination, and the specific reasons for the determination, are accurately recorded in the minutes of the board meeting in which the determination was made.

(5)

(6) The average daily attendance for pupils admitted pursuant to this subdivision is calculated pursuant to Section 46607.

(6)

(7) Unless approved by the sending school district, this subdivision does not authorize a net transfer of pupils out of a school district, calculated as the difference between the number of pupils exiting the school district and the number of pupils entering the school district, in a fiscal year in excess of the following amounts:

(A) For a school district with an average daily attendance for that fiscal year of less than 501, 5 percent of the average daily attendance of the school district.

(B) For a school district with an average daily attendance for that fiscal year of 501 or more, but less than 2,501, 3 percent of the average daily attendance of the school district or 25 pupils, whichever amount is greater.

(C) For a school district with an average daily attendance of 2,501 or more, 1 percent of the average daily attendance of the school district or 75 pupils, whichever amount is greater.

~~(7)~~

(8) Once a pupil is deemed to have complied with the residency requirements for school attendance pursuant to this subdivision and is enrolled in a school in a school district the boundaries of which include the location where at least one parent or the legal guardian of a pupil is physically employed, the pupil does not have to reapply in the next school year to attend a school within that school district and the governing board of the school district shall allow the pupil to attend school through grade 12 in that school district if the parent or legal guardian so chooses and if at least one parent or the legal guardian of the pupil continues to be physically employed by an employer situated within the attendance boundaries of the school district, subject to paragraphs ~~(1) to (6), (2) to (7), inclusive.~~

~~(c) This section shall become inoperative on July 1, 2017, and as of January 1, 2018, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2018, deletes or extends the dates on which it becomes inoperative and is repealed.~~

SEC. 2. Section 48204 of the Education Code, as amended by Section 2.5 of Chapter 554 of the Statutes of 2015, is repealed.

~~48204. (a) Notwithstanding Section 48200, a pupil complies with the residency requirements for school attendance in a school district, if he or she is:~~

~~(1) (A) A pupil placed within the boundaries of that school district in a regularly established licensed children's institution, or a licensed foster home, or a family home pursuant to a commitment or placement under Chapter 2 (commencing with Section 200) of Part 1 of Division 2 of the Welfare and Institutions Code.~~

~~(B) An agency placing a pupil in the home or institution described in subparagraph (A) shall provide evidence to the school that the placement or commitment is pursuant to law.~~

~~(2) A pupil who is a foster child who remains in his or her school of origin pursuant to subdivisions (f) and (g) of Section 48853.5.~~

~~(3) A pupil for whom interdistrict attendance has been approved pursuant to Chapter 5 (commencing with Section 46600) of Part 26.~~

~~(4) A pupil whose residence is located within the boundaries of that school district and whose parent or legal guardian is relieved of responsibility, control, and authority through emancipation.~~

~~(5) A pupil who lives in the home of a caregiving adult that is located within the boundaries of that school district. Execution of an affidavit under penalty of perjury pursuant to Part 1.5 (commencing with Section 6550) of Division 11 of the Family Code by the caregiving adult is a sufficient basis for a determination that the pupil lives in the home of the caregiver, unless the school district determines from actual facts that the pupil is not living in the home of the caregiver.~~

~~(6) A pupil residing in a state hospital located within the boundaries of that school district.~~

~~(7) A pupil whose parent or legal guardian resides outside of the boundaries of that school district but is employed and lives with the pupil at the place of his or her~~

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Substantive

~~employment within the boundaries of the school district for a minimum of three days during the school week.~~

~~(b) This section shall become operative on July 1, 2017.~~

Amendment 4
On page 1, strike out lines 1 to 3, inclusive

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AMENDMENTS TO ASSEMBLY BILL NO. 2542

Amendment 1

In the title, in line 1, strike out "amend Section 1800 of" and insert:
add Section 100.15 to

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 100.15 is added to the Streets and Highways Code, immediately following Section 100.1, to read:

100.15. Before the commission approves a capacity-increasing project or a major street or highway lane realignment project, the department or a regional transportation planning agency submitting the project for approval shall demonstrate that reversible lanes were considered for the project.

Amendment 3

On page 1, strike out lines 1 to 7, inclusive

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RN1608397

AMENDMENTS TO ASSEMBLY BILL NO. 2575

Amendment 1

In the title, in line 1, strike out "Section 21350" and insert:

Sections 22352 and 40802

Amendment 2

In the title, strike out line 2 and insert:

speed limits.

Amendment 3

On page 1, before line 1, insert:

SECTION 1. Section 22352 of the Vehicle Code is amended to read:

22352. The prima facie limits are as follows and shall be applicable unless changed as authorized in this code and, if so changed, only when signs have been erected giving notice thereof:

(a) Fifteen miles per hour:

(1) When traversing a railway grade crossing, if during the last 100 feet of the approach to the crossing the driver does not have a clear and unobstructed view of the crossing and of any traffic on the railway for a distance of 400 feet in both directions along the railway. This subdivision does not apply in the case of any railway grade crossing where a human flagman is on duty or a clearly visible electrical or mechanical railway crossing signal device is installed but does not then indicate the immediate approach of a railway train or car.

(2) When traversing any intersection of highways if during the last 100 feet of the driver's approach to the intersection the driver does not have a clear and unobstructed view of the intersection and of any traffic upon all of the highways entering the intersection for a distance of 100 feet along all those highways, except at an intersection protected by stop signs or yield right-of-way signs or controlled by official traffic control signals.

(3) On any alley.

(b) Twenty-five miles per hour:

(1) On any highway other than a state highway, in any business or residence district unless a different speed is determined by local authority under procedures set forth in this code.

(2) When approaching or passing a school building or the grounds thereof, contiguous to a highway and posted with a standard "SCHOOL" warning sign, while children are going to or leaving the school either during school hours or during the noon recess period. The prima facie limit shall also apply when approaching or passing any school grounds which are not separated from the highway by a fence, gate, or other physical barrier while the grounds are in use by children and the highway is posted



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with a standard "SCHOOL" warning sign. For purposes of this subparagraph, standard "SCHOOL" warning signs may be placed at any distance up to 500 feet away from school grounds.

(3) When passing a senior center or other facility primarily used by senior citizens, contiguous to a street other than a state highway and posted with a standard "SENIOR" warning sign. A local authority may erect a sign pursuant to this paragraph when the local agency makes a determination that the proposed signing should be implemented. A local authority may request grant funding from the Active Transportation Program pursuant to Chapter 8 (commencing with Section 2380) of Division 3 of the Streets and Highways Code, or any other grant funding available to it, and use that grant funding to pay for the erection of those signs, or may utilize any other funds available to it to pay for the erection of those signs, including, but not limited to, donations from private sources.

(c) Forty miles per hour on a road designated by a local governing body as a rural road, other than a state highway, with a roadway width of 18 feet or less or traffic volumes of more than 3,000 vehicles per day, and posted with a speed restriction sign displaying the prima facie limit.

SEC. 2. Section 40802 of the Vehicle Code is amended to read:

40802. (a) A "speed trap" is either of the following:

(1) A particular section of a highway measured as to distance and with boundaries marked, designated, or otherwise determined in order that the speed of a vehicle may be calculated by securing the time it takes the vehicle to travel the known distance.

(2) A particular section of a highway with a prima facie speed limit that is provided established by this code or by local ordinance under subparagraph (A) of paragraph (2) of subdivision (a) of Section 22352, or established under Section 22354, 22357, 22358, or 22358.3, if that prima facie speed limit is not justified by an engineering and traffic survey conducted within five years prior to the date of the alleged violation, and enforcement of the speed limit involves the use of radar or any other electronic device that measures the speed of moving objects. This paragraph does not apply to a local street, road, or school ~~zone.~~ zone, or a rural road pursuant to subdivision (c) of Section 22352.

(b) (1) For purposes of this section, a local street or road is one that is functionally classified as "local" on the "California Road System Maps," that are approved by the Federal Highway Administration and maintained by the Department of Transportation. When a street or road does not appear on the "California Road System Maps," it may be defined as a "local street or road" if it primarily provides access to abutting residential property and meets the following three conditions:

(A) Roadway width of not more than 40 feet.

(B) Not more than one-half of a mile of uninterrupted length. Interruptions shall include official traffic control signals as defined in Section 445.

(C) Not more than one traffic lane in each direction.

(2) For purposes of this section, "school zone" means that area approaching or passing a school building or the grounds thereof that is contiguous to a highway and on which is posted a standard "SCHOOL" warning sign, while children are going to or leaving the school either during school hours or during the noon recess period. "School zone" also includes the area approaching or passing any school grounds that are not separated from the highway by a fence, gate, or other physical barrier while

the grounds are in use by children if that highway is posted with a standard "SCHOOL" warning sign.

(c) (1) When all of the following criteria are met, paragraph (2) of this subdivision shall be applicable and subdivision (a) shall not be applicable:

(A) When radar is used, the arresting officer has successfully completed a radar operator course of not less than 24 hours on the use of police traffic radar, and the course was approved and certified by the Commission on Peace Officer Standards and Training.

(B) When laser or any other electronic device is used to measure the speed of moving objects, the arresting officer has successfully completed the training required in subparagraph (A) and an additional training course of not less than two hours approved and certified by the Commission on Peace Officer Standards and Training.

(C) (i) The prosecution proved that the arresting officer complied with subparagraphs (A) and (B) and that an engineering and traffic survey has been conducted in accordance with subparagraph (B) of paragraph (2). The prosecution proved that, prior to the officer issuing the notice to appear, the arresting officer established that the radar, laser, or other electronic device conformed to the requirements of subparagraph (D).

(ii) The prosecution proved the speed of the accused was unsafe for the conditions present at the time of alleged violation unless the citation was for a violation of Section 22349, 22356, or 22406.

(D) The radar, laser, or other electronic device used to measure the speed of the accused meets or exceeds the minimal operational standards of the National Traffic Highway Safety Administration, and has been calibrated within the three years prior to the date of the alleged violation by an independent certified laser or radar repair and testing or calibration facility.

(2) A "speed trap" is either of the following:

(A) A particular section of a highway measured as to distance and with boundaries marked, designated, or otherwise determined in order that the speed of a vehicle may be calculated by securing the time it takes the vehicle to travel the known distance.

(B) (i) A particular section of a highway or state highway with a prima facie speed limit that is provided by this code or by local ordinance under subparagraph (A) of paragraph (2) of subdivision (a) of Section 22352, or established under Section 22354, 22357, 22358, or 22358.3, if that prima facie speed limit is not justified by an engineering and traffic survey conducted within one of the following time periods, prior to the date of the alleged violation, and enforcement of the speed limit involves the use of radar or any other electronic device that measures the speed of moving objects:

(I) Except as specified in subclause (II), seven years.

(II) If an engineering and traffic survey was conducted more than seven years prior to the date of the alleged violation, and a registered engineer evaluates the section of the highway and determines that no significant changes in roadway or traffic conditions have occurred, including, but not limited to, changes in adjoining property or land use, roadway width, or traffic volume, 10 years.

(ii) This subparagraph does not apply to a local street, road, or school ~~zone~~ zone, or a rural road pursuant to subdivision (c) of Section 22352.

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Substantive

SEC. 3. 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.

Amendment 4

On page 1, strike out lines 1 to 6, inclusive, and strike out page 2

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AMENDMENTS TO ASSEMBLY BILL NO. 2585

Amendment 1

In the title, in line 1, after "act" insert:

to add Section 38572 to the Health and Safety Code,

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 38572 is added to the Health and Safety Code, to read:
38572. (a) For purposes of this section, "resource shuffling" means any plan, scheme, or artifice undertaken by a fuels provider to substitute fuels deliveries from sources with relatively lower emissions for fuels deliveries from sources with relatively higher emissions to reduce the fuels provider's emissions compliance obligation.

(b) No later than July 1, 2018, the state board shall review any regulation adopted pursuant to this part to consider the intended purpose and consistency of requirements aimed to prevent resource shuffling among all fuels subject to that regulation.

Amendment 3

On page 1, strike out lines 1 to 6, inclusive, and strike out page 2

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RN1608239

Bill Referral Digest

BILL NUMBER: AB 2611

REFER TO:

JUD.
P. & C.P.

AUTHOR: Low

DATE REFERRED:

03/14/2016

RELATING TO: The California Public Records Act: exemptions.
An act to amend Section 6254 of the Government Code, relating to public records.

LEGISLATIVE COUNSEL DIGEST

Existing law, the California Public Records Act, requires state and local agencies to make their records available for public inspection, unless an exemption from disclosure applies. The act declares that access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state. Existing law also requires every public agency to comply with the California Public Records Act and with any subsequent statutory enactment amending the act, or enacting or amending any successor act.

Existing law exempts from disclosure any investigatory or security file compiled by any other state or local police agency, or any investigatory or security files compiled by any other state or local agency for correctional, law enforcement, or licensing purposes.

This bill would expand that exemption to include any investigatory or security audio or video recording.

Existing law requires state and local law enforcement agencies to disclose the names and addresses of persons involved in complaints or investigations and various other information related to an incident to a victim or any person who suffers bodily injury or property damage or loss as the result of specified incidents or crimes unless the disclosure would endanger the safety of a witness or other person involved in the investigation.

This bill would expand this exception to include disclosures that would endanger the privacy of those persons, and would specify that the disclosure exception applies to disclosures about a victim.

Existing law requires state and local law enforcement agencies to make public specific specified information relating to individuals arrested by the agency for the commission of a crime and the circumstances surrounding all complaints or requests for assistance, among other things, except to the extent that disclosure of a particular item of information would endanger the safety of a person involved in the investigation.

This bill would further expand that exception to include a disclosure that would endanger the privacy of a person involved in the investigation.

The bill would exempt from disclosure any audio or video recording depicting the death or serious bodily injury of a peace officer.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

The bill would also make other technical, nonsubstantive changes.

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.

AB 2611

Bill Referral Digest

BILL NUMBER: AB 2637

REFER TO: B. & F.

AUTHOR: Wilk

DATE REFERRED: 03/14/2016

RELATING TO: Franchise investments: offer and sale of registered franchises: registration exemption.

An act to amend Section 31109.1 of the Corporations Code, relating to business.

LEGISLATIVE COUNSEL DIGEST

The Franchise Investment Law generally regulates the offer and sale of franchises and provides for oversight of these transactions by the Commissioner of Business Oversight. The law prohibits, among other things, the offer or sale of a franchise that is not registered with the commissioner, unless exempted from this registration requirement. The law exempts from this registration requirement the offer and sale of a franchise on terms that are different from the terms of a registered offer, if certain conditions are met. Those conditions include, among others, that a prospective franchisee receives information regarding terms the franchisor negotiated during the previous 12 months, as specified, and that the negotiated terms, on the whole, confer additional benefits on the franchisee.

This bill would modify the conditions for an exemption to the registration requirement by removing these 2 conditions and instead imposing the condition that a disclosure document states that California law does not prohibit a franchisor from negotiating, or require a franchisor to negotiate, the standard franchise agreement contained in the disclosure document. The bill would also make technical and conforming changes to this modification, including, among others, the removal of authority for the commissioner to prescribe by rule or order the format and content for a franchisor to provide information regarding terms the franchisor negotiated during the previous 12 months.

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

AB 2637

AMENDMENTS TO ASSEMBLY BILL NO. 2640

Amendment 1

In the title, in line 1, strike out "122405" and insert:

120990

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 120990 of the Health and Safety Code is amended to read:

120990. (a) Prior to ordering a test that identifies infection of a patient with HIV, a medical care provider shall inform the patient that the test is planned, provide information about the test, inform the patient that there are numerous treatment options available for a patient who tests positive for HIV and that a person who tests negative for HIV should continue to be routinely tested, and advise the patient that he or she has the right to decline the test. If a patient declines the test, the medical care provider shall note that fact in the patient's medical file.

(b) Subdivision (a) does not apply when a person independently requests an HIV test from a medical care provider.

(c) Except as provided in subdivision (a), a person shall not administer a test for HIV infection unless the person being tested or his or her parent, guardian, conservator, or other person specified in Section 121020 has provided informed consent for the performance of the test. Informed consent may be provided orally or in writing, but the person administering the test shall maintain documentation of consent, whether obtained orally or in writing, in the client's medical record. This consent requirement does not apply to a test performed at an alternative site pursuant to Section 120890 or 120895. This section does not authorize a person to administer a test for HIV unless that person is otherwise lawfully permitted to administer an HIV test.

(d) Subdivision (c) shall not apply when a person independently requests an HIV test from an HIV counseling and testing site that employs a trained HIV counselor, pursuant to Section 120917, provided that the person is provided with information required pursuant to subdivision (a) and his or her independent request for an HIV test is documented by the person administering the test.

(e) Nothing in this section shall preclude a medical examiner or other physician from ordering or performing a test to detect HIV on a cadaver when an autopsy is performed or body parts are donated pursuant to the Uniform Anatomical Gift Act (Chapter 3.5 (commencing with Section 7150) of Part 1 of Division 7).

(f) (1) The requirements of subdivision (c) do not apply when blood is tested as part of a scientific investigation conducted either by a medical researcher operating under the approval of an institutional review board or by the department, in accordance with a protocol for unlinked testing.

(2) For purposes of this subdivision, "unlinked testing" means blood samples that are obtained anonymously, or that have the name or identifying information of the



individual who provided the sample removed in a manner that prevents the test results from ever being linked to the particular individual who participated in the research or study.

(g) Nothing in this section permits a person to unlawfully disclose an individual's HIV status, or to otherwise violate provisions of Section 54 of the Civil Code, the Americans With Disabilities Act of 1990 (Public Law 101-336), or the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2 of the Government Code), which prohibit discrimination against individuals who are living with HIV, who test positive for HIV, or who are presumed to be HIV-positive.

(h) After the results of a test performed pursuant to this section have been received, the medical care provider or the person who administers the test shall ensure that the patient receives timely information and counseling, as appropriate, to explain the results and the implications for the patient's health. If the patient tests positive for HIV infection, the medical provider or the person who administers the test shall inform the patient that there are numerous treatment options available and identify followup testing and care that may be recommended, including contact information for medical and psychological services. If the patient tests negative for HIV infection and is known to be at high risk for HIV infection, the medical provider or the person who administers the test shall advise the patient of the need for periodic retesting, explain the limitations of current testing technology and the current window period for verification of results, provide information about the effectiveness and safety of all federal Food and Drug Administration-approved methods that prevent or reduce the risk of contracting HIV, including preexposure prophylaxis and postexposure prophylaxis, consistent with guidance of the federal Centers for Disease Control and Prevention, and may offer prevention counseling or a referral to prevention counseling.

(i) This section shall not apply to a clinical laboratory.

Amendment 3

On page 1, strike out lines 1 to 9, inclusive, and strike out page 2

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AMENDMENTS TO ASSEMBLY BILL NO. 2667

Amendment 1

In the title, strike out lines 1 and 2 and insert:

An act to amend Section 51 of the Civil Code, relating to civil rights.

Amendment 2

On page 1, before line 1, insert:

SECTION 1. (a) The Legislature finds and declares that it is the policy of the State of California to ensure that all persons have the full benefit of the rights, penalties, remedies, forums, and procedures established by the Unruh Civil Rights Act and that individuals shall not be deprived of those rights, penalties, remedies, forums, or procedures through the use of involuntary or coerced waivers.

(b) It is the purpose of this act to ensure that a contract to waive any of the rights, penalties, remedies, forums, or procedures under the Unruh Civil Rights Act, including any provision that has the effect of limiting the full application or enforcement of any right, remedy, forum, or procedure available under the Unruh Civil Rights Act, is a matter of voluntary consent, not coercion.

SEC. 2. Section 51 of the Civil Code is amended to read:

51. (a) This section shall be known, and may be cited, as the Unruh Civil Rights Act.

(b) All persons within the jurisdiction of this state are free and equal, and no matter what their sex, race, color, religion, ancestry, national origin, disability, medical condition, genetic information, marital status, sexual orientation, citizenship, primary language, or immigration status are entitled to the full and equal accommodations, advantages, facilities, privileges, or services in all business establishments of every kind whatsoever.

(c) This section shall not be construed to confer any right or privilege on a person that is conditioned or limited by law or that is applicable alike to persons of every sex, color, race, religion, ancestry, national origin, disability, medical condition, marital status, sexual orientation, citizenship, primary language, or immigration status, or to persons regardless of their genetic information.

(d) Nothing in this section shall be construed to require any construction, alteration, repair, structural or otherwise, or modification of any sort whatsoever, beyond that construction, alteration, repair, or modification that is otherwise required by other provisions of law, to any new or existing establishment, facility, building, improvement, or any other structure, nor shall anything in this section be construed to augment, restrict, or alter in any way the authority of the State Architect to require construction, alteration, repair, or modifications that the State Architect otherwise possesses pursuant to other laws.

(e) For purposes of this section:

(1) "Disability" means any mental or physical disability as defined in Sections 12926 and 12926.1 of the Government Code.



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(2) (A) "Genetic information" means, with respect to any individual, information about any of the following:

- (i) The individual's genetic tests.
- (ii) The genetic tests of family members of the individual.
- (iii) The manifestation of a disease or disorder in family members of the individual.

(B) "Genetic information" includes any request for, or receipt of, genetic services, or participation in clinical research that includes genetic services, by an individual or any family member of the individual.

(C) "Genetic information" does not include information about the sex or age of any individual.

(3) "Medical condition" has the same meaning as defined in subdivision (i) of Section 12926 of the Government Code.

(4) "Religion" includes all aspects of religious belief, observance, and practice.

(5) "Sex" includes, but is not limited to, pregnancy, childbirth, or medical conditions related to pregnancy or childbirth. "Sex" also includes, but is not limited to, a person's gender. "Gender" means sex, and includes a person's gender identity and gender expression. "Gender expression" means a person's gender-related appearance and behavior whether or not stereotypically associated with the person's assigned sex at birth.

(6) "Sex, race, color, religion, ancestry, national origin, disability, medical condition, genetic information, marital status, sexual orientation, citizenship, primary language, or immigration status" includes a perception that the person has any particular characteristic or characteristics within the listed categories or that the person is associated with a person who has, or is perceived to have, any particular characteristic or characteristics within the listed categories.

(7) "Sexual orientation" has the same meaning as defined in subdivision (s) of Section 12926 of the Government Code.

(f) A violation of the right of any individual under the federal Americans with Disabilities Act of 1990 (Public Law 101-336) shall also constitute a violation of this section.

(g) Verification of immigration status and any discrimination based upon verified immigration status, where required by federal law, shall not constitute a violation of this section.

(h) Nothing in this section shall be construed to require the provision of services or documents in a language other than English, beyond that which is otherwise required by other provisions of federal, state, or local law, including Section 1632.

(i) (1) A person shall not require another person to waive any legal right, penalty, remedy, forum, or procedure for a violation of this section, as a condition of entering into a contract for goods or services, including the right to file and pursue a civil action or complaint with, or otherwise notify, the Attorney General or any other public prosecutor, or law enforcement agency, the Department of Fair Employment and Housing, or any court or other governmental entity.

(2) A person shall not refuse to enter into a contract with, or refuse to provide goods or services to, another person on the basis that the other person refuses to waive any legal right, penalty, remedy, forum, or procedure for a violation of this section, including the right to file and pursue a civil action or complaint with, or otherwise

notify, the Attorney General or any other public prosecutor, or law enforcement agency, the Department of Fair Employment and Housing, or any other governmental entity.

(3) Any waiver of any legal right, penalty, remedy, forum, or procedure for a violation of this section, including the right to file and pursue a civil action or complaint with, or otherwise notify, the Attorney General or any other public prosecutor, or law enforcement agency, the Department of Fair Employment and Housing, or any other governmental entity shall be knowing and voluntary, and in writing, and expressly not made as a condition of entering into a contract for goods or services or as a condition of providing or receiving goods and services. This paragraph shall not affect any legal right, penalty, forum, or procedure for which state or federal law prohibits waiver.

(4) Any waiver of any legal right, penalty, remedy, forum, or procedure for a violation of this section that is required as a condition of entering into a contract for goods or services shall be deemed involuntary, unconscionable, against public policy, and unenforceable. Nothing in this subdivision shall affect the enforceability or validity of any other provision of the contract.

(5) Any person who seeks to enforce a waiver of any legal right, penalty, remedy, forum, or procedure for a violation of this section shall have the burden of proving that the waiver was knowing and voluntary and not made as a condition of the contract or of providing or receiving the goods or services.

(6) This subdivision shall apply to any agreement to waive any legal right, penalty, remedy, forum, or procedure for a violation of this section, including an agreement to accept private arbitration, entered into, altered, modified, renewed, or extended on or after January 1, 2017.

(7) In addition to injunctive relief and any other remedies available, a court may award a plaintiff enforcing his or her rights under this section reasonable attorney's fees.

(8) The provisions of this subdivision are severable. If any provision of this section or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

Amendment 3

On page 1, strike out lines 1 to 11, inclusive, and strike out page 2

AMENDMENTS TO ASSEMBLY BILL NO. 2689

Amendment 1

In the title, in line 1, strike out "42610" and insert:

42127.01

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 42127.01 of the Education Code is amended to read:

42127.01. (a) In a fiscal year immediately after a fiscal year in which a transfer is made into the Public School System Stabilization Account, a school district budget that is adopted or revised pursuant to Section 42127 shall not contain a combined assigned or unassigned ending fund balance that is in excess of the following:

(1) For school districts with fewer than 400,000 units of average daily attendance, the sum of the school district's applicable minimum recommended reserve for economic uncertainties adopted by the state board pursuant to subdivision (a) of Section 33128, multiplied by ~~two~~.

(2) For school districts with more than 400,000 units of average daily attendance, the sum of the school district's applicable minimum recommended reserve for economic uncertainties adopted by the state board pursuant to subdivision (a) of Section 33128, multiplied by ~~three~~.

(b) A county superintendent of schools may grant a school district under its jurisdiction an exemption from the requirements of subdivision (a) for up to two consecutive fiscal years within a three-year period if the school district provides documentation indicating that extraordinary fiscal circumstances, including, but not limited to, multiyear infrastructure or technology projects, substantiate the need for a combined assigned or unassigned ending fund balance that is in excess of the minimum recommended reserve for economic uncertainties. As a condition of receiving an exception, a school district shall do all of the following:

(1) Provide a statement that substantiates the need for an assigned and unassigned ending fund balance that is in excess of the minimum recommended reserve for economic uncertainties.

(2) Identify the funding amounts in the budget adopted by the school district that are associated with the extraordinary fiscal circumstances.

(3) Provide documentation that no other fiscal resources are available to fund the extraordinary fiscal circumstances.

~~(c) This section shall become operative on December 15, 2014, only if Assembly Constitutional Amendment No. 1 of the 2013-14 Second Extraordinary Session is approved by the voters at the November 4, 2014, statewide general election. If Assembly Constitutional Amendment No. 1 of the 2013-14 Second Extraordinary Session is not approved by the voters at the November 4, 2014, statewide general election, this section shall not become operative and is repealed on January 1, 2015.~~



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Substantive

Amendment 3

On page 1, strike out lines 1 to 9, inclusive, and strike out page 2

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Bill Referral Digest

BILL NUMBER: AB 2726

REFER TO:

REV. & TAX.

AUTHOR: McCarty

DATE REFERRED:

03/14/2016

RELATING TO: Personal income taxes: credit: Scholarshare account contributions.

An act to add and repeal Section 17053 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

LEGISLATIVE COUNSEL DIGEST

The Personal Income Tax Law, in conformity with federal income tax law, provides that a qualified tuition program is exempt from taxes. Existing law establishes the Golden State Scholarshare College Savings Trust as a qualified tuition program. Existing law excludes from gross income of a beneficiary of, or contributor to, a qualified tuition program qualified distributions or earnings under that program, as specified.

This bill, for taxable years beginning on or after January 1, 2016, and before January 1, 2021, would allow a credit under the Personal Income Tax Law in an amount equal to 20% of the monetary contributions made to one or more Scholarshare accounts by a qualified taxpayer, as defined, during the taxable year, not to exceed \$500. This bill would include findings and declarations specifying the objectives, performance indicators, and data collection and reporting requirements related to this credit.

This bill would take effect immediately as a tax levy.

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

AB 2726

AMENDMENTS TO ASSEMBLY BILL NO. 2731

Amendment 1

In the title, in line 1, after "act" insert:

to amend Section 35700.5 of the Vehicle Code,

Amendment 2

In the title, in line 1, strike out "ports." and insert:

vehicles.

Amendment 3

On page 1, before line 1, insert:

SECTION 1. Section 35700.5 of the Vehicle Code is amended to read:

35700.5. (a) The Department of Transportation, upon adoption of an ordinance or resolution that is in conformance with the provisions of this section by the City of Carson, the City of Long Beach, and the City of Los Angeles, covering designated routes, may issue a special permit to the operator of a vehicle, combination of vehicles, or mobile equipment, permitting the operation and movement of the vehicle, combination, or equipment, and its load, on the 3.66-mile portion of State Route 47 and State Route 103 known as the Terminal Island Freeway, between Willow Street in the City of Long Beach and Terminal Island in the City of Long Beach and the City of Los Angeles, and on the 2.4-mile portion of State Highway Route 1, that is between Sanford Avenue in the City of Los Angeles and Harbor Avenue in the City of Long Beach, if the vehicle, combination, or equipment meets all of the following criteria:

(1) The vehicle, combination of vehicles, or mobile equipment is used to transport intermodal cargo containers that are moving in international commerce.

(2) The vehicle, combination of vehicles, or mobile equipment, in combination with its load, has a maximum gross weight in excess of the maximum gross weight limit of vehicles and loads specified in this chapter, but does not exceed 95,000 pounds gross vehicle ~~weight~~ weight, as measured by weight limits based on groups of consecutive axles, determined by the Department of Transportation pursuant to subparagraph (C) of paragraph (3).

(3) (A) The vehicle, combination of vehicles, or mobile equipment conforms to the axle weight limits specified in Section 35550.

(B) The vehicle, combination of vehicles, or mobile equipment conforms to the axle weight limits in Section 35551, except as specified in subparagraph (C).

(C) Vehicles, combinations of vehicles, or mobile equipment that impose more than 80,000 pounds total gross weight on the highway by any group of two or more consecutive axles, exceed 60 feet in length between the extremes of any group of two or more consecutive axles, or have more than six axles shall conform to weight limits that shall be determined by the Department of Transportation.



(b) The permit issued by the Department of Transportation shall be required to authorize the operation or movement of a vehicle, combination of vehicles, or mobile equipment described in subdivision (a). The permit shall not authorize the movement of hazardous materials or hazardous wastes, as those terms are defined by local, state, and federal law. The following criteria shall be included in the application for the permit:

- (1) A description of the loads and vehicles to be operated under the permit.
 - (2) An agreement wherein each applicant agrees to be responsible for all injuries to persons and for all damage to real or personal property of the state and others directly caused by or resulting from the operation of the applicant's vehicles or combination of vehicles under the conditions of the permit. The applicant shall agree to hold harmless and indemnify the state and all its agents for all costs or claims arising out of or caused by the movement of vehicles or combination of vehicles under the conditions of the permit.
 - (3) The applicant shall provide proof of financial responsibility that covers the movement of the shipment as described in subdivision (a). The insurance shall meet the minimum requirements established by law.
 - (4) An agreement to carry a copy of the permit in the vehicle at all times and furnish the copy upon request of an employee of the Department of the California Highway Patrol or the Department of Transportation.
 - (5) An agreement to place an indicia, developed by the Department of Transportation, in consultation with the Department of the California Highway Patrol, upon the vehicle identifying it as a vehicle possibly operating under this section. The indicia shall be displayed in the lower right area of the front windshield of the power unit. The Department of Transportation may charge a fee to cover the cost of producing and issuing this indicia.
- (c) The permit issued pursuant to subdivision (a) shall be valid for one year. The permit may be canceled by the Department of Transportation for any of the following reasons:
- (1) The failure of the applicant to maintain any of the conditions required pursuant to subdivision (b).
 - (2) The failure of the applicant to maintain a satisfactory rating, as required by Section 34501.12.
 - (3) A determination by the Department of Transportation that there is sufficient cause to cancel the permit because the continued movement of the applicant's vehicles under the permit would jeopardize the safety of the motorists on the roadway or result in undue damage to the highways listed in this section.
 - (d) This section does not authorize an applicant or holder of a special permit under subdivision (a) to operate a vehicle or combination of vehicles in excess of the maximum gross weight limit of vehicles and loads specified in this chapter outside of the designated corridors identified in subdivision (a). A violation of this subdivision shall result in the revocation of the permit.
 - (e) The Department of Transportation may charge a fee to cover the cost of issuing a permit pursuant to subdivision (a).

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Substantive

Amendment 4
On page 1, strike out lines 1 and 2

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AMENDMENTS TO ASSEMBLY BILL NO. 2740

Amendment 1

In the heading, in line 1, strike out "Lackey and Low" and insert:

Low and Lackey

Amendment 2

In the title, in line 1, strike out "Section 236.1 of the Penal Code, relating to human", strike out line 2 and insert:

Sections 23152 and 23153 of the Vehicle Code, relating to vehicles.

Amendment 3

On page 1, before line 1, insert:

SECTION 1. Section 23152 of the Vehicle Code is amended to read:

23152. (a) It is unlawful for a person who is under the influence of any alcoholic beverage to drive a vehicle.

(b) ~~(1)~~ It is unlawful for a person who has 0.08 percent or more, by weight, of alcohol in his or her blood to drive a vehicle.

~~For~~

~~(2)~~ For purposes of this article and Section 34501.16, percent, by weight, of alcohol in a person's blood is based upon grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath.

~~In~~

~~(3)~~ In any prosecution under this subdivision, it is a rebuttable presumption that the person had 0.08 percent or more, by weight, of alcohol in his or her blood at the time of driving the vehicle if the person had 0.08 percent or more, by weight, of alcohol in his or her blood at the time of the performance of a chemical test within three hours after the driving.

(c) It is unlawful for a person who is addicted to the use of any drug to drive a vehicle. This subdivision shall not apply to a person who is participating in a narcotic treatment program approved pursuant to Article 3 (commencing with Section ~~11875~~) 11876) of Chapter 1 of Part 3 of Division 10.5 of the Health and Safety Code.

(d) ~~(1)~~ It is unlawful for a person who has 0.04 percent or more, by weight, of alcohol in his or her blood to drive a commercial motor vehicle, as defined in Section 15210.

~~In~~

~~(2)~~ In any prosecution under this subdivision, it is a rebuttable presumption that the person had 0.04 percent or more, by weight, of alcohol in his or her blood at the time of driving the vehicle if the person had 0.04 percent or more, by weight, of alcohol in his or her blood at the time of the performance of a chemical test within three hours after the driving.



(e) It is unlawful for a person who is under the influence of any drug to drive a vehicle.

(f) (1) It is unlawful for a person who has 5 ng/ml or more of delta 9-tetrahydrocannabinol in his or her blood to drive a vehicle.

(2) In any prosecution under this subdivision, it is a rebuttable presumption that the person had 5 ng/ml or more of delta 9-tetrahydrocannabinol in his or her blood at the time of driving the vehicle if the person had 5 ng/ml or more of delta 9-tetrahydrocannabinol in his or her blood at the time of the performance of a chemical test within two hours after the driving.

(3) A person may not be convicted of the offense described in this subdivision based solely on the blood test described in paragraph (2). Corroborating evidence independent of the blood test that the person's physical or mental ability to drive a vehicle has been impaired is required for conviction, and may include, but is not limited to, mental or physical signs of impairment, poor performance on one or more field sobriety tests, unsafe or inattentive driving, incriminating statements by the person, or testimony of other witnesses about the person's driving or sobriety.

~~(f)~~

(g) It is unlawful for a person who is under the combined influence of any alcoholic beverage and drug to drive a vehicle.

~~(g) This section shall become operative on January 1, 2014.~~

SEC. 2. Section 23153 of the Vehicle Code is amended to read:

23153. (a) It is unlawful for a person, while under the influence of any alcoholic ~~beverage~~ beverage, to drive a vehicle and concurrently do any act forbidden by law, or neglect any duty imposed by law in driving the vehicle, ~~which when the act or neglect proximately causes bodily injury to any a person other than the driver.~~

(b) ~~(1)~~ It is unlawful for a person, while having 0.08 percent or more, by weight, of alcohol in his or her ~~blood blood~~, to drive a vehicle and concurrently do any act forbidden by law, or neglect any duty imposed by law in driving the vehicle, ~~which when the act or neglect proximately causes bodily injury to any a person other than the driver.~~

~~In~~

~~(2)~~ In any prosecution under this subdivision, it is a rebuttable presumption that the person had 0.08 percent or more, by weight, of alcohol in his or her blood at the time of driving the vehicle if the person had 0.08 percent or more, by weight, of alcohol in his or her blood at the time of the performance of a chemical test within three hours after driving.

(c) In proving the person neglected any duty imposed by law in driving the vehicle, it is not necessary to prove that any specific section of this code was violated.

(d) ~~(1)~~ It is unlawful for a person, while having 0.04 percent or more, by weight, of alcohol in his or her ~~blood blood~~, to drive a commercial motor vehicle, as defined in Section 15210, and concurrently to do any act forbidden by ~~law law~~, or neglect any duty imposed by law in driving the vehicle, ~~which when the act or neglect proximately causes bodily injury to any a person other than the driver.~~

~~In~~

~~(2)~~ In any prosecution under this subdivision, it is a rebuttable presumption that the person had 0.04 percent or more, by weight, of alcohol in his or her blood at the time of driving the vehicle if the person had 0.04 percent or more, by weight, of alcohol

in his or her blood at the time of performance of a chemical test within three hours after driving.

(e) It is unlawful for a person, while under the influence of any drug, to drive a vehicle and concurrently do any act forbidden by law, or neglect any duty imposed by law in driving the vehicle, ~~which when the~~ act or neglect proximately causes bodily injury to ~~any~~ a person other than the driver.

(f) (1) It is unlawful for a person, while having 5 ng/ml or more of delta 9-tetrahydrocannabinol in his or her blood, to drive a vehicle and concurrently do any act forbidden by law, or neglect any duty imposed by law in driving the vehicle, when the act or neglect proximately causes bodily injury to a person other than the driver.

(2) In any prosecution under this subdivision, it is a rebuttable presumption that the person had 5 ng/ml or more of delta 9-tetrahydrocannabinol in his or her blood at the time of driving the vehicle if the person had 5 ng/ml or more of delta 9-tetrahydrocannabinol in his or her blood at the time of the performance of a chemical test within two hours after the driving.

(3) A person may not be convicted of the offense described in this subdivision based solely on the blood test described in paragraph (2). Corroborating evidence independent of the blood test that the person's physical or mental ability to drive a vehicle has been impaired is required for conviction, and may include, but is not limited to, mental or physical signs of impairment, poor performance on one or more field sobriety tests, unsafe or inattentive driving, incriminating statements by the person, or testimony of other witnesses about the person's driving or sobriety.

~~(f)~~

(g) It is unlawful for a person, while under the combined influence of any alcoholic beverage and drug, to drive a vehicle and concurrently do any act forbidden by law, or neglect any duty imposed by law in driving the vehicle, ~~which when the~~ act or neglect proximately causes bodily injury to ~~any~~ a person other than the driver.

~~(g) This section shall become operative on January 1, 2014.~~

SEC. 3. 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.

Amendment 4

On page 1, strike out lines 1 to 4, inclusive, and strike out pages 2 to 4, inclusive

AMENDMENTS TO ASSEMBLY BILL NO. 2762

Amendment 1

In the title, in line 1, strike out "185020 of the Public Utilities Code," and insert:
30814 of the Streets and Highways Code,

Amendment 2

In the title, in line 2, strike out "high-speed rail." and insert:
transportation.

Amendment 3

On page 1, before line 1, insert:

SECTION 1. Section 30814 of the Streets and Highways Code is amended to read:

30814. (a) No toll shall be imposed on the passage of a pedestrian or bicycle over any bridge that is part of the state highway system, on which the travel of pedestrians and bicycles is otherwise authorized, and on which tolls are imposed on the passage of motor vehicles, including any bridge constructed pursuant to a franchise granted under this article.

(b) This section shall remain in effect only until January 1, ~~2021~~, 2022, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, ~~2021~~, 2022, deletes or extends that date.

Amendment 4

On page 1, strike out lines 1 to 10, inclusive, and strike out pages 2 and 3

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RN1608773

Bill Referral Digest

BILL NUMBER: AB 2798

REFER TO: U. & C.

AUTHOR: Gatto

DATE REFERRED: 03/14/2016

RELATING TO: Energy conservation: power facility and site certification: notice of intention.

An act to amend Section 25504 of the Public Resources Code, relating to energy conservation.

LEGISLATIVE COUNSEL DIGEST

The Warren-Alquist State Energy Resources Conservation and Development Act, requires the State Energy Resources Conservation and Development Commission to certify sufficient sites and related facilities that are required to provide a supply of electric power sufficient to accommodate projected demand for electric power statewide, and prescribes procedures for the certification of a person proposing to construct a power facility, as specified. The act, among other things, requires each person proposing to construct a thermal powerplant or electric transmission line on a site to submit to the commission a notice of intention to file an application for the certification of the site and related facility or facilities. The act requires the notice of intention to contain specified information relating to the proposed facility.

This bill would require the notice of intention to include additional information, including the extent to which the facility will increase or decrease reliance on underground natural gas storage.

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

AB 2798

Bill Referral Digest

BILL NUMBER: AB 2801

REFER TO: JUD.

AUTHOR: Gallagher

DATE REFERRED: 03/14/2016

RELATING TO: Civil procedure: validation actions.
An act to amend Section 869 of the Code of Civil Procedure, relating to civil procedure.

LEGISLATIVE COUNSEL DIGEST

Existing law authorizes a public agency to bring an action in court to determine the validity of certain matters within 60 days of the existence of the matter, as specified. If the public agency does not bring this action, existing law authorizes any interested person to bring the same action in court to determine the validity within 60 days of the existence of the matter, as specified. Existing law prohibits a contest of any thing or matter under these provisions from being made other than within the specified time and manner, except by the public agency or its officer or agent.

This bill would delete the prohibition on a contest of any thing or matter under these provisions being made other than within the specified time and manner, except by the public agency or its officer or agent.

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

AB 2801

Bill Referral Digest

BILL NUMBER: AB 2803

REFER TO:

PUB. S.

AUTHOR: Salas

DATE REFERRED:

03/14/2016

RELATING TO: Inmates: unlawful communications.

An act to add Section 4573.10 to the Penal Code, relating to inmates.

LEGISLATIVE COUNSEL DIGEST

Existing law prohibits unauthorized communications with inmates in state prison facilities and local jails, as specified. Existing law prohibits the giving or taking of any letter, writing, literature, or reading matter to or from an inmate, without proper authorization. A violation of these provisions is a misdemeanor.

This bill would make it a felony to knowingly possess, manufacture, or distribute in any state prison facility or local jail, as specified, prescribed communications that contain an overt or disguised request or instructions to cause harm, great bodily injury, or death to another person.

By creating a new crime, 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.

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

AB 2803

Bill Referral Digest

BILL NUMBER: AB 2804

REFER TO:

L. GOV.
JUD.

AUTHOR: Brown

DATE REFERRED:

03/14/2016

RELATING TO: Cities and counties: legal services: contingency fee contracts.
An act to add Section 50035 to the Government Code, relating to local government.

LEGISLATIVE COUNSEL DIGEST

Existing law authorizes a city to hire a city attorney or a county to hire a county counsel for the representation of the city or county in legal matters.

This bill would require a city council or the board of supervisors of a county to, prior to entering into a contingency fee contract for legal services relating to civil litigation initiated by the city or county, make a determination that use of a contingency fee contract would be cost-effective and in the public interest. The bill would require this determination to be supported by specified findings and would require any contract entered into by the city or county for legal services on a contingency fee basis under these provisions to meet specified requirements and would provide that any contingency fee shall be calculated on the basis of the judgment amount excluding any award for fine, civil penalty, or punitive damages.

The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

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

AB 2804

Bill Referral Digest

BILL NUMBER: AB 2806

REFER TO:

ED.

AUTHOR: Wilk

DATE REFERRED:

03/14/2016

RELATING TO: School districts: Los Angeles Unified School District: inspector general.

An act to add Section 35401.5 to the Education Code, relating to school districts.

LEGISLATIVE COUNSEL DIGEST

Existing law, until January 1, 2025, authorizes the Los Angeles Unified School District's Inspector General of the Office of the Inspector General to conduct audits and investigations, as specified, including administering oaths or affirmations. Existing law makes it a misdemeanor, punishable as specified, for a person, after the administration of an oath or affirmation, to state or affirm as true any material matter that he or she knows to be false. Existing law also requires the inspector general to submit annual interim reports by July 1 of each year, and a final cumulative report by December 1, 2024, that includes specified information.

This bill would prohibit the inspector general from auditing or investigating a charter school or an entity that operates charter schools for the purpose of evaluating a charter school for consideration of revocation, renewal, or ongoing oversight, unless the audit or investigation is authorized by the governing board of the Los Angeles Unified School District and meets each of several conditions, as provided.

The bill would, except as provided, make any disclosure of information by the inspector general or that office that was acquired pursuant to a subpoena of the private books, documents, or papers of the person subpoenaed punishable as a misdemeanor. By creating a new crime, 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.

Bill Referral Digest

BILL NUMBER: AB 2807

REFER TO:

REV. & TAX.

AUTHOR: Mayes

DATE REFERRED:

03/14/2016

RELATING TO: Income taxes: minimum franchise tax: annual tax.

An act to amend Section 23153 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

LEGISLATIVE COUNSEL DIGEST

Existing law imposes an annual minimum franchise tax, except as provided, on every corporation incorporated in this state, qualified to transact intrastate business in this state, or doing business in this state. Existing law imposes an annual tax in an amount equal to the minimum franchise tax on every limited partnership, limited liability company, and limited liability partnership doing business in this state, or that makes certain filings or registrations with the Secretary of State. Existing law, until taxable years beginning on or after January 1, 2018, exempts a corporation and a limited liability company that are small businesses solely owned by a deployed member of the United States Armed Forces, as specified, from paying the minimum franchise tax, or the annual tax, for the privilege of doing business in this state if the corporation or limited liability company ceases operation or operates at a loss, as defined.

The bill would reduce the annual minimum franchise tax to \$700 for taxable years beginning on or after January 1, 2017, and thereby also reduce the annual tax for the entities listed above. This bill would also extend the exemption for corporations and limited liability companies solely owned by deployed members of the United States Armed Forces until January 1, 2020.

This bill would take effect immediately as a tax levy.

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

AB 2807

Bill Referral Digest

BILL NUMBER: AB 2808

REFER TO: G.O.

AUTHOR: Gipson

DATE REFERRED: 03/14/2016

RELATING TO: Horse racing: exchange wagering: repeal deletion.
An act to repeal Section 19604.7 of the Business and Professions Code,
relating to horse racing.

LEGISLATIVE COUNSEL DIGEST

The Horse Racing Law authorizes exchange wagering, as provided, and authorizes the California Horse Racing Board to recover any costs associated with the licensing or regulation of exchange wagering by imposing an assessment on the exchange wagering licensee in an amount that does not exceed the reasonable costs associated with the licensing or regulation of exchange wagering. Existing law requires any racing association or racing fair receiving distributions from any exchange provider's exchange revenues to distribute a portion of that revenue to the official registering agency in a specified manner. Existing law makes these exchange wagering provisions inoperative on May 1, 2016, and repeals them on January 1, 2017. Violations of the Horse Racing Law are generally misdemeanors.

This bill would delete those inoperative and repeal dates. The bill, by permanently extending these requirements, the violation of which is a crime, 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.

AB 2808

Bill Referral Digest

BILL NUMBER: AB 2811

REFER TO:

PUB. S.

AUTHOR: Chávez

DATE REFERRED:

03/14/2016

RELATING TO: Vehicles: nuisance abatement.

An act to amend Section 22659.5 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL DIGEST

Existing law authorizes a city or county to adopt an ordinance declaring a motor vehicle to be a public nuisance subject to seizure and an impoundment of up to 30 days if the vehicle is used in the commission or attempted commission of the crimes of pimping, pandering, and soliciting, or agreeing to engage in, or engaging in, any act of prostitution, or illegal dumping of commercial quantities of waste matter upon a public or private highway or road, if the owner or operator of the vehicle had a prior conviction for the same offense within the past 3 years.

This bill would revise this authority by deleting the requirement that the owner or operator of a vehicle convicted of illegal dumping have suffered a prior conviction for the illegal dumping offense. The bill would also remove the prior conviction requirement for the sex crimes described above if the victim is a minor or a victim of human trafficking, as defined. The bill would also make technical, nonsubstantive changes to these provisions.

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

AB 2811

Bill Referral Digest

BILL NUMBER: AB 2812

REFER TO:

NAT. RES.

AUTHOR: Gordon

DATE REFERRED:

03/14/2016

RELATING TO: Solid waste: recycling: state agencies and large state facilities.

An act to amend Section 42926 of, and to add Section 42924.5 to, the Public Resources Code, relating to recycling.

LEGISLATIVE COUNSEL DIGEST

Existing law requires the Department of Resources Recycling and Recovery to develop and adopt requirements relating to adequate areas for collecting, storing, and loading recyclable materials in state buildings. Existing law requires each state agency or large state facility, when entering into a new lease, or renewing an existing lease, to ensure that adequate areas are provided for, and adequate personnel are available to oversee, the collection, storage, and loading of recyclable materials in compliance with those requirements. Existing law defines "large state facility" to include, among other entities, the campuses of the California Community Colleges.

This bill would require the department, on or before July 1, 2017, to adopt requirements for adequate receptacles and staffing for collecting and storing recyclable materials in state buildings and large state facilities. The bill would require a state agency and large state facility, on or before July 1, 2018, consistent with those requirements, to provide receptacles for recyclable materials, provide staff, and establish a collection schedule for collecting recyclable materials. The bill would require, at least once per year, a state agency and large state facility to review the adequacy and condition of receptacles for recyclable material and of associated signage. Because the bill would impose new duties on community college districts, it would impose a state-mandated local program.

Existing law requires each state agency to submit an annual report to the department summarizing its progress in reducing solid waste, as specified.

This bill would require that report to include a summary of the state agency's compliance with this act.

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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

AB 2812

Bill Referral Digest

BILL NUMBER: AB 2813

REFER TO:

HUM. S.

AUTHOR: Bloom

DATE REFERRED:

03/14/2016

RELATING TO: Juvenile offenders: dual-status minors.

An act to amend Section 628 of the Welfare and Institutions Code, relating to juveniles.

LEGISLATIVE COUNSEL DIGEST

Existing law requires a probation officer, upon delivery of a minor who has been taken into temporary custody, to immediately investigate the circumstances of the minor and the facts surrounding the minor being taken into custody and to immediately release the minor to the custody of his or her parent, legal guardian, or responsible relative unless evidence before the court demonstrates that continuance in the home is contrary to the child's welfare, as specified.

This bill would require a probation officer, upon delivery of a minor who has been taken into temporary custody and who is a dependent of the juvenile court, or who appears to come within the description of a dependent of the court, to immediately release the minor to the custody of the child welfare services department or his or her current foster parent or other caregiver, except as specified. The bill would also prohibit the probation officer, when deciding whether to detain a minor who is a dependent of the court, from considering specified information, including, among others, the minor's status as a dependent of the juvenile court. By increasing the duties on local child welfare services departments, 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.

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

AB 2813

Bill Referral Digest

BILL NUMBER: AB 2815

REFER TO: ED.

AUTHOR: O'Donnell

DATE REFERRED: 03/14/2016

RELATING TO: Teacher credentialing: alternative certification programs: special education.
An act to amend Section 44382 of the Education Code, relating to teacher credentialing.

LEGISLATIVE COUNSEL DIGEST

Existing law establishes an alternative certification program to address the shortage of qualified teachers in specified subject matters, of teachers who work with limited-English-proficient pupils, of minority teachers, and of special education teachers. Existing law requires alternative certification programs to address geographic and subject matter shortage areas and be targeted toward people with work experience and others who already have a bachelor's degree in the field in which they plan to teach.

This bill would additionally require alternative certification programs to address the shortage area of special education.

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

AB 2815

Bill Referral Digest

BILL NUMBER: AB 2817

REFER TO:

H. & C.D.
REV. & TAX.

AUTHOR: Chiu

DATE REFERRED:

03/14/2016

RELATING TO: Income taxes: credits: low-income housing: allocation increase.
An act to amend Sections 12206, 17058, and 23610.5 of the Revenue and
Taxation Code, relating to taxation, to take effect immediately, tax levy.

LEGISLATIVE COUNSEL DIGEST

Existing law establishes a low-income housing tax credit program pursuant to which the California Tax Credit Allocation Committee provides procedures and requirements for the allocation of state insurance, personal income, and corporation income tax credit amounts among low-income housing projects based on federal law. Existing law, in modified conformity to federal income tax law, allows the credit based upon the applicable percentage, as defined, of the qualified basis of each qualified low-income building. Existing law limits the total annual amount of the credit that the committee may allocate to \$70 million per year, as specified.

This bill, for calendar years 2017 through 2022, inclusive, would increase the aggregate housing credit dollar amount that may be allocated among low-income housing projects by \$100,000,000, as specified. The bill, under the insurance taxation law, the Personal Income Tax Law, and the Corporation Tax Law, would modify the definition of applicable percentage relating to qualified low-income buildings that meet specified criteria.

This bill would take effect immediately as a tax levy.

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

AB 2817

Bill Referral Digest

BILL NUMBER: AB 2819

REFER TO:

JUD.

AUTHOR: Chiu

DATE REFERRED:

03/14/2016

RELATING TO: Unlawful detainer proceedings.

An act to amend Section 1161.2 of, and to add Section 1167.1 to, the Code of Civil Procedure, relating to unlawful detainer proceedings.

LEGISLATIVE COUNSEL DIGEST

Under existing law, a tenant of real property, for a term less than life, or the executor or administrator or his or her estate, is guilty of unlawful detainer when he or she continues in possession, in person or by subtenant, of the property or any part of the property, after the expiration of the term for which it is let to him or her, except as specified. Under existing law access to limited civil case records filed in an unlawful detainer action is restricted to (1) parties to the action, (2) certain people who provide the court clerk with specified information about the parties to the action, (3) any person by order of the court on a showing of good cause, and (4) any other person 60 days after the complaint has been filed, unless the defendant prevails in the action within 60 days after the filing of the complaint, in which case access is limited to the other parties allowed access, as described above.

This bill would instead provide that access to limited civil case records filed in an unlawful detainer action is restricted, for purposes of (4), as described above, to any other person if 60 days have elapsed since the complaint was filed and judgment against all defendants has been entered for the plaintiff based on certain occurrences, as specified. The bill would provide that if a default or default judgment is set aside more than 60 days after the complaint was filed, the court file access restrictions, as described above, shall apply as if the complaint had been filed on the date the default or the default judgment is set aside. The bill would authorize the parties to stipulate to, and would require the court to issue, an order prohibiting the clerk from allowing access to any court records in the action, pending a further order of the court.

Existing law requires a summons in a unlawful detainer proceeding to be issued, served, and returned in the same manner as a summons in a civil action except that when the defendant is served, the defendant's response must be filed within 5 days, instead of 30 days.

This bill would require an unlawful detainer proceeding to be dismissed without prejudice if 60 days elapse after a complaint is filed and no proof of service of the summons has been filed.

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

Bill Referral Digest

BILL NUMBER: AB 2820

REFER TO:

PUB. S.

AUTHOR: Chiu

DATE REFERRED:

03/14/2016

RELATING TO: Criminal procedure: continuances.

An act to amend Section 1050 of the Penal Code, relating to criminal procedure.

LEGISLATIVE COUNSEL DIGEST

Existing law establishes the requirements for a continuance to be granted in a criminal case, including a showing of good cause. Existing law defines "good cause" for this purpose as including, but not being limited to, cases involving specified crimes, including murder and hate crimes, and where the prosecuting attorney assigned to the case has another trial, preliminary hearing, or motion to suppress in progress in that court or another court.

This bill would include among the crimes eligible to determine good cause, crimes against elders and dependent adults, as specified. The bill would also make technical, nonsubstantive changes to these provisions.

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

AB 2820

AMENDMENTS TO ASSEMBLY BILL NO. 2823

Amendment 1

In the title, in line 1, strike out "Section 87206 of" and insert:

Sections 82033, 82034, 87103, 87206, and 87207 of, and to add Section 87206.5 to,

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 82033 of the Government Code is amended to read:

82033. "Interest in real property" includes any leasehold, beneficial or ownership ~~interest~~ interest, or an option to acquire such an interest in real property located in the jurisdiction owned directly, ~~indirectly~~ indirectly, or beneficially by the public official, or other filer, or his or her immediate family if the fair market value of the interest is ~~two ten~~ ten thousand dollars ~~(\$2,000)~~ (\$10,000) or more. Interests in real property of an individual includes a pro rata share of interests in real property of any business entity or trust in which the individual or immediate family owns, directly, ~~indirectly~~ indirectly, or beneficially, a 10-percent interest or greater.

SEC. 2. Section 82034 of the Government Code is amended to read:

82034. "Investment" means any financial interest ~~in in~~, or security issued ~~by~~ by a business entity, including, but not limited to, common stock, preferred stock, rights, warrants, options, debt instruments, and any partnership or other ownership interest owned directly, indirectly, or beneficially by the public official, or other filer, or his or her immediate family, if the business entity or any parent, subsidiary, or otherwise related business entity has an interest in real property in the jurisdiction, or does business or plans to do business in the jurisdiction, or has done business within the jurisdiction at any time during the two years ~~prior to~~ before the time any statement or other action is required under this title. An asset shall not be deemed an investment unless its fair market value equals or exceeds ~~two five~~ five thousand dollars ~~(\$2,000)~~ (\$5,000). The term "investment" does not include a time or demand deposit in a financial institution, shares in a credit union, ~~any an~~ an insurance policy, interest in a diversified mutual fund registered with the Securities and Exchange Commission under the Investment Company Act of 1940 (15 U.S.C. Sec. 80a-1 et seq.) or in a common trust fund created pursuant to Section ~~1564~~ 1585 of the Financial Code, interest in a government defined-benefit pension plan, or ~~any a~~ a bond or other debt instrument issued by any government or government agency. Investments of an individual includes a pro rata share of investments of any business entity, mutual fund, or trust in which the individual or immediate family owns, directly, indirectly, or beneficially, a 10-percent interest or greater. The term "parent, ~~subsidiary~~ subsidiary, or otherwise related business entity" shall be specifically defined by regulations of the commission.

SEC. 3. Section 87103 of the Government Code is amended to read:

87103. A public official has a financial interest in a decision within the meaning of Section 87100 if it is reasonably foreseeable that the decision will have a material



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financial effect, distinguishable from its effect on the public generally, on the official, a member of his or her immediate family, or on any of the following:

(a) Any business entity in which the public official has a direct or indirect investment worth ~~two~~ five thousand dollars ~~(\$2,000)~~ (\$5,000) or more.

(b) Any real property in which the public official has a direct or indirect interest worth ~~two~~ ten thousand dollars ~~(\$2,000)~~ (\$10,000) or more.

(c) Any source of income, except gifts or loans by a commercial lending institution made in the regular course of business on terms available to the public without regard to official status, aggregating ~~five hundred~~ one thousand dollars ~~(\$500)~~ (\$1,000) or more in value provided ~~or to, promised to, or received by,~~ by the public official within 12 months ~~prior to~~ before the time when the decision is made.

(d) Any business entity in which the public official is a director, officer, partner, trustee, employee, or holds ~~any~~ a position of management.

(e) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating two hundred fifty dollars (\$250) or more in value provided to, received by, or promised to the public official within 12 months ~~prior to~~ before the time when the decision is made. The amount of the value of gifts specified by this subdivision shall be adjusted biennially by the commission to equal the same amount determined by the commission pursuant to subdivision (f) of Section 89503.

For purposes of this section, indirect investment or interest means any investment or interest owned by the spouse or dependent child of a public official, by an agent on behalf of a public official, or by a business entity or trust in which the official, the official's agents, spouse, and dependent children own directly, indirectly, or beneficially a 10-percent interest or greater.

Amendment 3

On page 1, in line 1, strike out "SECTION 1." and insert:

SEC. 4.

Amendment 4

On page 1, in line 3, strike out "or an interest in real property"

Amendment 5

On page 1, strike out line 5 and insert:

contain all of the following:

Amendment 6

On page 2, in line 1, strike out "investment or interest." and insert:

investment.

Amendment 7

On page 2, in line 2, after “(b)” insert:

(1)

Amendment 8

On page 2, in line 5, strike out “(c)” and insert:

(2)

Amendment 9

On page 2, in line 6, strike out “(d)” and insert:

(c)

Amendment 10

On page 2, in line 6, strike out “whether” and insert:

indicating which of the following represents

Amendment 11

On page 2, in line 6, strike out “investment”, strike out lines 7 to 13, inclusive, and insert:

investment:

- (1) At least five thousand dollars (\$5,000) but not greater than ten thousand dollars (\$10,000).
- (2) Greater than ten thousand dollars (\$10,000) but not greater than fifty thousand dollars (\$50,000).
- (3) Greater than fifty thousand dollars (\$50,000) but not greater than one hundred thousand dollars (\$100,000).
- (4) Greater than one hundred thousand dollars (\$100,000) but not greater than two hundred fifty thousand dollars (\$250,000).
- (5) Greater than two hundred fifty thousand dollars (\$250,000) but not greater than five hundred thousand dollars (\$500,000).
- (6) Greater than five hundred thousand dollars (\$500,000) but not greater than one million dollars (\$1,000,000).
- (7) Greater than one million dollars (\$1,000,000) but not greater than two million dollars (\$2,000,000).
- (8) Greater than two million dollars (\$2,000,000).

Amendment 12

On page 2, in line 14, strike out “(e)” and insert:

(d)

Amendment 13

On page 2, in line 14, strike out “Sections” and insert:

Section

Amendment 14

On page 2, in line 15, strike out “or interest in real property”

Amendment 15

On page 2, strike out lines 18 to 21, inclusive, and insert:

SEC. 5. Section 87206.5 is added to the Government Code, to read:

87206.5. (a) If an interest in real property is required to be disclosed under this article, the statement shall contain all of the following:

(1) A statement of the nature of the interest.

(2) The address or other precise location of the real property.

(3) A statement indicating which of the following represents the fair market value of the interest in real property:

(A) At least ten thousand dollars (\$10,000) but not greater than one hundred thousand dollars (\$100,000).

(B) Greater than one hundred thousand dollars (\$100,000) but not greater than two hundred fifty thousand dollars (\$250,000).

(C) Greater than two hundred fifty thousand dollars (\$250,000) but not greater than five hundred thousand dollars (\$500,000).

(D) Greater than five hundred thousand dollars (\$500,000) but not greater than seven hundred fifty thousand dollars (\$750,000).

(E) Greater than seven hundred fifty thousand dollars (\$750,000) but not greater than one million dollars (\$1,000,000).

(F) Greater than one million dollars (\$1,000,000) but not greater than two million dollars (\$2,000,000).

(G) Greater than two million dollars (\$2,000,000).

(4) In the case of a statement filed under Section 87203 or 87204, if the interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the date of acquisition or disposal.

(b) For purposes of disclosure under this article, “interest in real property” does not include the principal residence of the filer or any other property that the filer uses exclusively as the personal residence of the filer.

SEC. 6. Section 87207 of the Government Code is amended to read:

87207. (a) ~~If Except as provided in subdivision (b), if~~ income is required to be reported under this article, the statement shall ~~contain, except as provided in subdivision (b):~~ contain all of the following:

(1) The name and address of each source of income aggregating ~~five hundred one thousand~~ dollars ~~(\$500) (\$1,000)~~ or more in value, or fifty dollars (\$50) or more in value if the income was a gift, and a general description of the business activity, if any, of each source.

(2) A statement ~~whether indicating which of the following represents the~~ aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, ~~was at least five hundred dollars (\$500) but did not exceed one thousand dollars (\$1,000), whether it was in excess of one thousand dollars (\$1,000) but was not greater than ten thousand dollars (\$10,000), whether it was greater than ten thousand dollars (\$10,000) but not greater than one hundred thousand dollars (\$100,000), or whether it was greater than one hundred thousand dollars (\$100,000).~~ source:

(A) At least one thousand dollars (\$1,000) but not greater than ten thousand dollars (\$10,000).

(B) Greater than ten thousand dollars (\$10,000) but not greater than fifty thousand dollars (\$50,000).

(C) Greater than fifty thousand dollars (\$50,000) but not greater than one hundred thousand dollars (\$100,000).

(D) Greater than one hundred thousand dollars (\$100,000) but not greater than two hundred fifty thousand dollars (\$250,000).

(E) Greater than two hundred fifty thousand dollars (\$250,000) but not greater than five hundred thousand dollars (\$500,000).

(F) Greater than five hundred thousand dollars (\$500,000).

(3) A description of the consideration, if any, for which the income was received.

(4) In the case of a gift, the amount and the date on which the gift was received, and the travel destination for purposes of a gift that is a travel payment, advance, or reimbursement.

(5) In the case of a loan, the annual interest rate, the security, if any, given for the loan, and the term of the loan.

(b) ~~If~~ When the filer's pro rata share of income to a business entity, including income to a sole proprietorship, is required to be reported under this article, the statement shall contain:

(1) The name, address, and a general description of the business activity of the business entity.

(2) The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from that person was equal to or greater than ten thousand dollars (\$10,000) during a calendar year.

(c) ~~If~~ When a payment, including an advance or reimbursement, for travel is required to be reported pursuant to this section, it may be reported on a separate travel reimbursement ~~schedule~~ schedule, which shall be included in the filer's statement of economic ~~interest~~ interests. A filer who chooses not to use the travel schedule shall disclose payments for travel as a gift, unless it is clear from all surrounding

circumstances that the services provided were equal to or greater in value than the payments for the travel, in which case the travel may be reported as income.

SEC. 7. 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.

SEC. 8. The Legislature finds and declares that this bill furthers the purposes of the Political Reform Act of 1974 within the meaning of subdivision (a) of Section 81012 of the Government Code.

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Bill Referral Digest

BILL NUMBER: AB 2824

REFER TO:

E. & R.

AUTHOR: Thurmond

DATE REFERRED:

03/14/2016

RELATING TO: Elections: precinct reports.

An act to amend Section 15372 of, and to add Sections 15151.5 and 19216.5 to, the Elections Code, relating to elections.

LEGISLATIVE COUNSEL DIGEST

Existing law requires an elections official to transmit the semifinal official results to the Secretary of State following commencement of the semifinal official canvass. After the official canvass, existing law requires an elections official to prepare a certified statement of the results of the election and submit it to the governing body. The elections official must also post the certified statement of the results on his or her Internet Web site in a downloadable spreadsheet format that may include a comma-separated values file or a tab-separated values file and that is compatible with a spreadsheet software application that is widely used at the time of the posting. Existing law requires the certified statement of the election results to be posted and maintained on the elections official's Internet Web site for a period of at least 10 years following the election.

This bill would require a county with the technical capacity to do so to post the information contained in the statement of the result, as well as other available election data, on its Internet Web site beginning on election night and continuing daily until the election results are certified. This bill would require the county to post this information in downloadable spreadsheet and Election Markup Language (EML) formats, as specified. This bill would also decrease to 22 months the amount of time the certified statement of election results must be posted and maintained on the elections official's Internet Web site.

This bill would also require a county elections official to propose a modification of its voting system to the Secretary of State for approval if modification of that system would enable the county to post required information on its Internet Web site immediately following the election, as specified.

By imposing additional obligations on a county elections official, 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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

AB 2824

Bill Referral Digest

BILL NUMBER: AB 2826

REFER TO: ED.

AUTHOR: Weber

DATE REFERRED: 03/14/2016

RELATING TO: Teachers: evaluation.

An act to amend Section 33039 of, and to add Article 14 (commencing with Section 44673) to Chapter 3 of Part 25 of Division 3 of Title 2 of, the Education Code, relating to teachers.

LEGISLATIVE COUNSEL DIGEST

(1) Existing law requires the State Board of Education to develop guidelines that school districts may use in the development of certain teacher evaluation procedures and to distribute those guidelines to every school district.

This bill would require the development of those guidelines to comply with the Administrative Procedure Act.

(2) Existing law states the intent of the Legislature that governing boards of school districts establish a uniform system of evaluation and assessment of the performance of all certificated personnel within each school district of the state. Existing law requires the governing board of each school district to establish standards of expected pupil achievement at each grade level in each area of study and to evaluate and assess certificated employee performance on a continuing basis as it reasonably relates to specified matters, including pupil progress, as provided. Existing law authorizes the governing board of a school district to develop and adopt additional evaluation and assessment guidelines or criteria.

This bill would provide, if applicable, that multiple measures of pupil progress, pupil academic growth, pupil achievement, and pupil outcomes as used for certain purposes of evaluating and assessing certificated employee performance may include specified sources.

The bill would require an employing authority to use a minimum of 3 rating levels of professional achievement for evaluation and assessment of certificated employees, as provided.

By imposing additional duties on school districts, this bill would impose a state-mandated local program.

(3) Existing law requires an evaluation to include recommendations, if necessary, as to areas of improvement in the performance of the employee. Existing law authorizes these evaluations to include a requirement that the employee participate in a specified program if a permanent certificated employee receives an unsatisfactory evaluation.

This bill would instead require a certificated employee, if that employee receives one of the specified rating levels of professional achievement for evaluation and assessment, to participate in the California Peer Assistance and Review Program for Teachers if the school district participates in that program. The bill would require, in order to endeavor to assist the employee in areas of improvement, the school district to, at minimum, consider the employee's eligibility for professional development identified in the school district and the school's applicable local control and accountability plan, and prioritize the employee's eligibility for professional development, as provided. By expanding the duties of a school district, the bill would impose a state-mandated local program.

(4) 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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

AB 2826

Bill Referral Digest

BILL NUMBER: AB 2828

REFER TO:

P. & C.P.

AUTHOR: Chau

DATE REFERRED:

03/14/2016

RELATING TO: Personal information: privacy: breach.

An act to amend Sections 1798.29 and 1798.82 of the Civil Code, relating to personal information.

LEGISLATIVE COUNSEL DIGEST

Existing law requires a person or business conducting business in California and any agency, as defined, that owns or licenses computerized data that includes personal information, as defined, to disclose a breach in the security of the data to a resident of California whose unencrypted personal information was, or is reasonably believed to have been, acquired by an unauthorized person in the most expedient time possible and without unreasonable delay, as specified.

This bill would also require a person or business conducting business in California, and any agency, that owns or licenses computerized data that includes personal information to disclose a breach of the security of the data to a resident of California whose encrypted personal information was, or is reasonably believed to have been, acquired by an unauthorized person if the encryption key or security credential, as defined, has, or is reasonably believed to have been, acquired by an unauthorized person at any time before or after the breach of security of the data.

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

AB 2828

Bill Referral Digest

BILL NUMBER: AB 2832

REFER TO:

HEALTH

AUTHOR: Travis Allen

DATE REFERRED:

03/14/2016

RELATING TO: Immunizations: vaccine injury information.
An act to add Section 120456 to the Health and Safety Code, relating to immunizations.

LEGISLATIVE COUNSEL DIGEST

Existing law establishes the State Department of Public Health within the California Health and Human Services Agency. The department is vested with certain duties, powers, and responsibilities, including programs related to immunizations and communicable diseases.

This bill would require the California Health and Human Services Agency to maintain a conspicuous link to federal resources related to vaccine injuries, including, but not limited to, the Vaccine Adverse Event Reporting System and the National Vaccine Injury Compensation Program, on the agency's Internet Web site.

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

AB 2832

Bill Referral Digest

BILL NUMBER: AB 2833

REFER TO:

P.E., R. & S.S.

AUTHOR: Cooley

DATE REFERRED:

03/14/2016

RELATING TO: Public retirement: pension funds: disclosures.

An act to add Section 7514.7 to the Government Code, relating to retirement.

LEGISLATIVE COUNSEL DIGEST

The California Constitution commits to the retirement board of a public pension or retirement system plenary authority and fiduciary responsibility for investment of moneys and administration of the system. Existing law requires a retirement board to develop and implement a policy requiring disclosure of payments to placement agents, as defined, in connection with system investments in or through external managers that includes prescribed elements. Existing law requires disclosure of campaign contributions or gifts made by a placement agent to any member of a public pension retirement board, as specified. Existing law requires a public retirement system to obtain an actuarial valuation of the system not less than triennially and submit audited financial statements to the State Controller who then publishes a report on the financial condition of public retirement systems.

This bill, for contracts entered into on and after January 1, 2017, would require a public pension or retirement system to require private equity fund managers, partnerships, portfolio companies, and affiliates to make specified disclosures regarding fees and expenses in connection with limited partner agreements on a form prescribed by the system. Consistent with requirements relating to public records, the bill would require a public pension or retirement system to disclose the information received in connection with the limited partner agreements at least once annually at a meeting open to the public. The bill would make a statement of legislative intent. Because this bill would impose new requirements on local entities relating to the collection of information and its presentation at an open meeting, it would impose a state-mandated local program.

The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

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.

AB 2833

AMENDMENTS TO ASSEMBLY BILL NO. 2835

Amendment 1

In the title, in line 1, strike out "to amend Section 3543.5 of the Government Code,"

Amendment 2

In the title, in line 2, strike out "school employment." and insert:
employees.

Amendment 3

On page 1, before line 1, insert:

SECTION 1. The Legislature finds and declares that the purpose of this act is to approve an agreement entered into by the state employer and State Bargaining Unit _____ pursuant to Section 3517.5 of the Government Code.

SEC. 2. The provisions of the memorandum of understanding prepared pursuant to Section 3517.5 of the Government Code and entered into by the state employer and State Bargaining Unit _____, dated _____, and that require the expenditure of funds, are hereby approved for the purposes of subdivision (b) of Section 3517.6 of the Government Code.

SEC. 3. The provisions of the memorandum of understanding approved by Section 2 of this act that require the expenditure of funds shall not take effect unless funds for these provisions are specifically appropriated by the Legislature. If funds for these provisions are not specifically appropriated by the Legislature, the state employer and the affected employee organization shall meet and confer to renegotiate the affected provisions.

SEC. 4. Notwithstanding Section 3517.6 of the Government Code, the provisions of the memorandum of understanding included in Section 2 of this act that require the expenditure of funds shall become effective even if the provisions of the memorandum of understanding are approved by the Legislature in legislation other than the annual Budget Act.

Amendment 4

On page 1, strike out lines 1 to 6, inclusive, and strike out page 2



Bill Referral Digest

BILL NUMBER: AB 2837

REFER TO:

P. & C.P.
JUD.

AUTHOR: Jones

DATE REFERRED:

03/14/2016

RELATING TO: Motor vehicle sales: warranty disclosures.

An act to add Section 1793.27 to the Civil Code, relating to consumer warranties.

LEGISLATIVE COUNSEL DIGEST

The existing Song-Beverly Consumer Warranty Act and the existing federal Magnuson-Moss Warranty-Federal Trade Commission Improvement Act provide consumer warranty protection to buyers of various products. Existing law requires that every manufacturer, distributor, or retailer which makes express warranties with respect to consumer goods fully set forth those warranties in simple and readily understood language, as specified.

This bill would require a motor vehicle dealer, as defined, to deliver to a buyer at the time of sale a specifically worded written statement relating to warranties, including that federal law prohibits conditioning a warranty on the buyer's use of a replacement product or repair services identified by brand or name, unless the article or service is provided without charge to the buyer or the dealer has received a waiver from the Federal Trade Commission.

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

AB 2837

Bill Referral Digest

BILL NUMBER: AB 2840

REFER TO:

E. & R.

AUTHOR: Lopez

DATE REFERRED:

03/14/2016

RELATING TO: Political Reform Act of 1974: travel.

An act to amend Section 89506 of the Government Code, relating to the Political Reform Act of 1974.

LEGISLATIVE COUNSEL DIGEST

The Political Reform Act of 1974 provides for the comprehensive regulation of campaign financing and related matters, including the reporting of gifts, as defined. The act prohibits specified officers from receiving gifts in excess of \$440 in value from a single source in a calendar year. The act permits gift payments for the actual costs of specified types of travel that are reasonably related to a legislative or governmental purpose, or to an issue of state, national, or international public policy, and it exempts these payments from the annual limit on the value of gifts from a single source. The act also requires a nonprofit organization that regularly organizes and hosts travel for elected officials, as specified, and that pays for these types of travel for an elected state officer or local elected officeholder to disclose the names of donors who, in the preceding year, both donated to the nonprofit organization and accompanied an elected officer or officeholder for any portion of the travel, as specified.

This bill would prohibit a nonprofit organization, as defined, from providing to a Member of the Legislature, and a Member of the Legislature from accepting, any payments, advances, or reimbursements for travel, as defined.

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.

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes upon a 2/3 vote of each house and compliance with specified procedural requirements.

This bill would declare that it furthers the purposes of the act.

Vote: 2/3. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

Bill Referral Digest

BILL NUMBER: AB 2841

REFER TO:

J., E.D. & E.
L. GOV.

AUTHOR: Travis Allen

DATE REFERRED:

03/14/2016

RELATING TO: State infrastructure financing for seaports.
An act to add Chapter 4 (commencing with Section 1719.1) to Part 1 of Division 6 of the Harbors and Navigation Code, relating to seaport infrastructure financing.

LEGISLATIVE COUNSEL DIGEST

Existing law authorizes port or harbor infrastructure projects to be financed by an enhanced infrastructure financing district. Existing law requires that a harbor agency prepare an infrastructure financing plan for a seaport infrastructure financing district, defined as an enhanced infrastructure financing district that finances port or harbor infrastructure, and requires that the plan meet specified requirements. Existing law authorizes an enhanced infrastructure financing district to fund infrastructure projects through tax increment financing, pursuant to the infrastructure financing plan and the agreement of affected taxing entities.

Existing law, the Bergeson-Peace Infrastructure and Economic Development Bank Act establishes the Infrastructure and Economic Development Bank within the Governor's Office of Business and Economic Development, and requires the bank to establish criteria, priorities, and guidelines for the selection of projects to receive financial assistance from the bank, including, but not limited to, any combination of grants, loans, and the proceeds of bonds issued by the bank.

This bill would authorize a harbor agency, as defined, to prepare a proposed financing plan to be submitted to the bank to finance infrastructure development or equipment, and would require the plan to include specified information including the state fiscal and economic impacts, including increased jobs and tax revenues and state fund savings, estimated to result from the proposed project. The bill would require the bank to consider a project proposal and to approve the financing of it if the project meets specified requirements, including that the State Lands Commission has verified that the proposed project is consistent with the state tidelands trust and any conditions of a grant of trust lands to a harbor agency and a finding by the bank that the project is more likely than not to result in the estimated state fiscal and economic impacts. The bill would limit the amount of financing provided, as specified, and would authorize the bank to provide the financing only upon an appropriation of funds for that purpose.

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

Bill Referral Digest

BILL NUMBER: AB 2846

REFER TO:

JUD.

AUTHOR: Maienschein

DATE REFERRED:

03/14/2016

RELATING TO: Power of appointments.

An act to amend Sections 610, 681, and 683 of, and to add Sections 675 and 676 to, the Probate Code, relating to power of appointments.

LEGISLATIVE COUNSEL DIGEST

Existing law provides a statutory body of law relating to powers of appointment, including the creation and exercise of, and the revocability of the creation, exercise, or release of, a power of appointment.

This bill would revise and recast those provisions. The bill would define the term "power of appointment" for those purposes. The bill would require, if a powerholder exercises a power of appointment in a disposition that also disposes of property the powerholder owns, the owned property and the appointive property to be allocated in the permissible manner to carry out the intent of the powerholder. The bill would require, if a powerholder makes a valid partial appointment to a taker in default of appointment, the taker in default of appointment to share fully in unappointed property. The bill would make property subject to a special power of appointment subject to the claims of creditors of the powerholder or of the powerholder's estate or the expenses of administration of the powerholder's estate under specified circumstances. The bill would make conforming changes to related provisions, and would make changes to provisions related to an unexercised general power of appointment, as specified.

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

AB 2846

Bill Referral Digest

BILL NUMBER: AB 2847

REFER TO:

TRANS.
L. GOV.

AUTHOR: Patterson

DATE REFERRED:

03/14/2016

RELATING TO: State highways: transfer to local agencies: pilot program.
An act to add Section 155.7 to the Streets and Highways Code, relating to state highways.

LEGISLATIVE COUNSEL DIGEST

Existing law provides that the Department of Transportation has full possession and control of all state highways and associated property, and sets forth the powers and duties with respect to operation, maintenance, and improvement of state highways. Existing law authorizes the California Transportation Commission to exercise various powers and duties on transportation matters, including the allocation of certain transportation capital improvement funds available to the state.

This bill would require the department to participate in a pilot program over a 5-year period under which 3 counties, one in northern California, one in southern California, and one in the central valley, are selected to operate, maintain, and make improvements to all state highways, including freeways, in the affected county. The bill would require the department, with respect to those counties, for the duration of the pilot program, to convey all of its authority and responsibility over state highways in the county to the county or a regional transportation agency that has jurisdiction in the county. The bill would require the commission to administer and oversee the pilot program, and to select the counties that will participate in the program. The bill would require certain moneys to be appropriated for these purposes as a block grant in the annual Budget Act to a participating county, as specified. The bill would authorize any cost savings realized by a participating county to be used by the county for other transportation priorities. The bill would require the participating counties to report to the Legislature upon the conclusion of the pilot program.

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

AB 2847

Bill Referral Digest

BILL NUMBER: AB 2848

REFER TO:

INS.

AUTHOR: Brown

DATE REFERRED:

03/14/2016

RELATING TO: Insurance.

An act to add Sections 49 and 124.6 to the Insurance Code, relating to insurance.

LEGISLATIVE COUNSEL DIGEST

Existing law divides insurance in this state into classes, including life and disability insurance, to be regulated by the Department of Insurance.

This bill would require the department to develop rules and regulations for the governance of multiclass insurance, as defined.

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

AB 2848

Bill Referral Digest

BILL NUMBER: AB 2854

REFER TO:

PUB. S.

AUTHOR: Cooper

DATE REFERRED:

03/14/2016

RELATING TO: Theft: firearms.

An act to amend Sections 490.2 and 496 of the Penal Code, relating to theft, and calling an election, to take effect immediately.

LEGISLATIVE COUNSEL DIGEST

(1) The existing Safe Neighborhoods and Schools Act, enacted as an initiative statute by Proposition 47, as approved by the electors at the November 4, 2014, statewide general election, makes the theft of property that does not exceed \$950 in value petty theft, and makes that crime punishable as a misdemeanor, with certain exceptions.

The California Constitution authorizes the Legislature to amend an initiative statute by another statute that becomes effective only when approved by the electors.

This bill would amend that initiative statute by making the theft of a firearm grand theft in all cases and punishable by imprisonment in the state prison for 16 months, or 2 or 3 years.

(2) Under existing law, a person who buys or receives property that has been stolen, knowing the property to be stolen, or who conceals, sells, withholds, or aids in concealing, selling, or withholding property from the owner, knowing the property to be stolen, is guilty of a misdemeanor or a felony, except that if the value of the property does not exceed \$950, Proposition 47 makes the offense punishable as a misdemeanor if the defendant has not previously been convicted of one or more specified serious or violent felonies or an offense requiring registration as a sex offender.

This bill would amend that initiative statute by making the buying or receiving of a stolen firearm, with knowledge that the property was stolen, or the concealing, selling, withholding, or aiding in concealing, selling, or withholding of a firearm, with knowledge that the property was stolen, a misdemeanor or a felony.

(3) This bill would call a special election to be consolidated with the June 7, 2016, statewide primary election. This bill would require the Secretary of State to submit the provisions of the bill that amend the initiative statute to the electors for their approval at the June 7, 2016, consolidated election.

This bill would declare that it is to take effect immediately as an act calling an election.

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

AB 2854

Bill Referral Digest

BILL NUMBER: AB 2859

REFER TO:

B. & P.

AUTHOR: Low

DATE REFERRED:

03/14/2016

RELATING TO: Professions and vocations: retired category: licenses.
An act to add Section 463 to the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL DIGEST

Existing law provides for numerous boards, bureaus, commissions, or programs within the Department of Consumer Affairs that administer the licensing and regulation of various businesses and professions. Existing law authorizes any of the boards, bureaus, commissions, or programs within the department, except as specified, to establish by regulation a system for an inactive category of license for persons who are not actively engaged in the practice of their profession or vocation. Under existing law, the holder of an inactive license is prohibited from engaging in any activity for which a license is required. Existing law defines "board" for these purposes to include, unless expressly provided otherwise, a bureau, commission, committee, department, division, examining committee, program, and agency.

This bill would additionally authorize any of the boards, bureaus, commissions, or programs within the department to establish by regulation a system for a retired category of license for persons who are not actively engaged in the practice of their profession or vocation, and would prohibit the holder of a retired license from engaging in any activity for which a license is required, unless regulation specifies the criteria for a retired licensee to practice his or her profession. The bill would authorize a board upon its own determination, and would require a board upon receipt of a complaint from any person, to investigate the actions of any licensee, including, among others, a person with a license that is retired or inactive.

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

AB 2859

Bill Referral Digest

BILL NUMBER: AB 2860

REFER TO:

HIGHER ED.
ED.

AUTHOR: Brown

DATE REFERRED:

03/14/2016

RELATING TO: Adult education: Adult Education Block Grant Program.
An act to amend Section 84909 of the Education Code, relating to adult education.

LEGISLATIVE COUNSEL DIGEST

Existing law establishes the Adult Education Block Grant Program under the administration of the Chancellor of the California Community Colleges and the Superintendent of Public Instruction. Under this program, the chancellor and the Superintendent, with the advice of the Executive Director of the State Board of Education, are required to divide the state into adult education regions and approve one adult education consortium in each adult education region, as specified. Existing law requires the chancellor and the Superintendent, with the advice of the executive director, to approve, for each consortium, rules and procedures that adhere to prescribed conditions. Existing law also requires, as a condition for the receipt of an apportionment of funds from this program for a fiscal year, that members of a consortium approve an adult education plan, as specified.

Existing law, for the 2016-17 fiscal year and each fiscal year thereafter, requires the chancellor and the Superintendent, with the advice of the executive director, to approve, within 15 days of the enactment of the annual Budget Act and in accordance with prescribed criteria, a final schedule of allocations to each consortium under the program. Existing law specifies that, using the final schedule of allocations, the chancellor and the Superintendent are to either apportion funds to a fund administrator designated by the members of a consortium beginning no more than 30 days after approval of the final schedule of allocations or apportion funds to members of a consortium beginning no more than 30 days after receipt of final a distribution schedule from that consortium.

This bill would instead require the chancellor and the Superintendent to apportion funds directly to members of a consortium before the beginning of the fiscal year for which the allocation is to be made.

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

Bill Referral Digest

BILL NUMBER: AB 2861

REFER TO:

U. & C.

AUTHOR: Ting

DATE REFERRED:

03/14/2016

RELATING TO: Electricity: distribution grid interconnection dispute resolution process.

An act to add Section 769.5 to the Public Utilities Code, relating to electricity.

LEGISLATIVE COUNSEL DIGEST

Existing law places various duties upon the Public Utilities Commission with respect to distributed generation and requires each electrical corporation to submit to the commission for its approval a distribution resources plan proposal to identify optimal locations for the deployment of distributed resources, as defined. Pursuant to existing law, the commission has established operational and metering requirements for a generation facility to be interconnected to an electrical corporation's distribution grid.

This bill would require the commission, by April 1, 2017, to establish an expedited distribution grid interconnection dispute resolution process, as specified, with the goal of resolving disputes over interconnection applications within the jurisdiction of the commission in no more than 60 days from the time the dispute is formally brought to the commission.

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

AB 2861

Bill Referral Digest

BILL NUMBER: AB 2863

REFER TO: G.O.

AUTHOR: Gray

DATE REFERRED: 03/14/2016

RELATING TO: Gambling: Internet poker.

An act to add Section 19619.8 to, and to add and repeal Chapter 5.2 (commencing with Section 19990.101) of Division 8 of, the Business and Professions Code, relating to gambling, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL DIGEST

(1) Existing law, the Gambling Control Act, provides for the licensure of certain individuals and establishments that conduct controlled games, as defined, and for the regulation of these gambling activities by the California Gambling Control Commission. The Department of Justice has related investigatory and enforcement duties under the act. Any violation of these provisions is punishable as a misdemeanor, as specified. Existing law, the Horse Racing Law, generally regulates horse racing and vests the administration and enforcement of its provisions in the California Horse Racing Board.

This bill, which would be known as the Internet Poker Consumer Protection Act of 2016, would establish a framework to authorize intrastate Internet poker, as specified. The bill would authorize eligible entities to apply for a 7-year license to operate an authorized poker Web site offering the play of authorized Internet poker games to registered players within California, as specified. The bill would require that the license be automatically renewed every 7 years upon application, as specified. The bill would prohibit the offer or play of any gambling game provided over the Internet that is not an authorized Internet poker game permitted by the state pursuant to these provisions. The bill would provide that it is unlawful for a person to aggregate computers or any other Internet access device in a place of public accommodation within the state, including a club or other association, or a public or other setting, that can accommodate multiple players to simultaneously play an authorized Internet poker game, or to promote, facilitate, or market that activity. The bill would provide that any violation of the Internet Poker Consumer Protection Act of 2016 is punishable as a felony. By creating new crimes, the bill would impose a state-mandated local program.

This bill would require the commission, and any other state agency with a duty pursuant to these provisions, to adopt regulations to implement the provisions within 270 days after the operative date of this bill, in consultation with the department and federally recognized California Indian tribes, and to facilitate the operation of authorized poker Web sites and expedite the state's receipt of revenues. The bill would require an eligible entity, as defined, to pay an application processing fee sufficient to cover

all reasonable costs associated with the review of the entity's suitability for licensure and the issuance of the license, for deposit into the Internet Poker Fund, as created by the bill, to be continuously appropriated to the department and the commission in the amounts necessary to perform their duties pursuant to this bill. The bill would require an entity seeking to act as a service provider to apply for a service provider license, employees of a licensed operator or a licensed service provider to obtain employee work permits, and owners, officers, and directors of a licensed operator to be subject to a suitability review and obtain employee work permits. The bill would require an agreement between a licensed operator and a service provider that is a California-owned and operated horse racing association to ensure that at least 50% of the gross gaming revenue that the licensed operator derives from the service provided by the service provider is paid to the service provider. The bill would establish a tribal gaming regulatory authority process for the purpose of processing tribal employee work permits, and authorize a tribe that is a licensed operator to elect to participate in the tribal gaming regulatory authority process.

This bill would require the payment of an annual regulatory fee, for deposit into the Internet Poker Fund, to be continuously appropriated for the actual costs of license oversight, consumer protection, state regulation, and other purposes related to this bill. The bill would require each licensee to pay a one-time license deposit into the General Fund in an unspecified amount. The license deposit would be credited against quarterly fees equivalent to an unspecified percentage of the licensee's gross gaming revenue proceeds, as specified. The bill would require an applicant for an operator license to provide documentation establishing that the applicant is qualified to pay the one-time license deposit through its own net position or through credit directly to the applicant, as specified. The bill would require the first \$60,000,000 collected each fiscal year pursuant to the license deposit and quarterly fees provisions to be deposited into the California Horse Racing Internet Poker Account, which the bill would establish in the General Fund. The bill would continuously appropriate 95% of the funds in the account to the California Horse Racing Board for distribution, as specified, and would transfer 5% of those funds to the Fair and Exposition Fund, a continuously appropriated fund.

This bill would establish the Unlawful Gambling Enforcement Fund within the General Fund for purposes of ensuring adequate resources for law enforcement charged with enforcing the prohibitions and protections of the provisions described above. The bill would authorize the Attorney General, and other public prosecutors, as specified, to bring a civil action to recover a civil penalty in an unspecified amount against a person who engages in those prohibited activities described above, or other specified unlawful gambling activities in connection with the use of an Internet access device. The bill would provide for an unspecified percentage of revenues from civil penalties collected to be deposited into the fund and used for law enforcement activities pursuant to these provisions, upon appropriation by the Legislature.

This bill would require the commission, in consultation with the department, the Treasurer, and the Franchise Tax Board, to issue a report to the Legislature describing the state's efforts to meet the policy goals articulated in this bill within one year of the operative date of this bill and, annually, thereafter. The bill would also require the Bureau of State Audits, at least 4 years after the issue date of any license by the state,

but no later than 5 years after that date, to issue a report to the Legislature detailing the implementation of this bill, as specified.

The bill would provide that specified provisions are not severable, and would repeal its provisions on January 1, 2024.

(2) Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

(3) 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.

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

Vote: 2/3. Appropriation: yes. Fiscal committee: yes. State-mandated local program: yes.

AB 2863

Bill Referral Digest

BILL NUMBER: AB 2864

REFER TO:

ED.

AUTHOR: Chau

DATE REFERRED:

03/14/2016

RELATING TO: Pupil instruction: Chinese Exclusion Act of 1882: Geary Act of 1892.

An act to amend Section 51226.3 of the Education Code, relating to pupil instruction.

LEGISLATIVE COUNSEL DIGEST

Existing law requires the State Department of Education to incorporate materials relating to civil rights, human rights violations, genocide, slavery, and the Holocaust into publications that provide examples of curriculum resources for teacher use, consistent with the subject frameworks on history and social science and other requirements. Under existing law, the Legislature encourages the incorporation of survivor, rescuer, liberator, and witness oral testimony into the teaching of human rights, genocide, and the Holocaust. Existing law establishes the Instructional Quality Commission and requires the commission to, among other things, recommend curriculum frameworks to the State Board of Education.

This bill would encourage all state and local professional development activities to provide teachers with content background and resources to assist them in teaching about the Chinese Exclusion Act of 1882, the Geary Act of 1892, and other specified laws relating to the discrimination against, and mistreatment of, Chinese and other minority groups. The bill would require those laws be considered in the next cycle in which the history-social science curriculum framework and its accompanying instructional materials are adopted.

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

AB 2864

Bill Referral Digest

BILL NUMBER: AB 2871

REFER TO: PUB. S.

AUTHOR: Obernolte

DATE REFERRED: 03/14/2016

RELATING TO: Trials by declaration.

An act to amend Section 40902 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL DIGEST

Existing law requires the courts to provide, by rule, that a defendant may elect to have a trial by written declaration upon any alleged infraction involving a violation of a state statute or a local ordinance relating to vehicles, except as specified. Existing law requires the defendant to be granted a trial de novo if he or she is dissatisfied with a decision of the court in a proceeding pursuant to those provisions.

This bill would delete the requirement that a defendant be granted a trial de novo under the above circumstances.

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

AB 2871

Bill Referral Digest

BILL NUMBER: AB 2872

REFER TO:

JUD.

AUTHOR: Patterson

DATE REFERRED:

03/14/2016

RELATING TO: Children.

An act to amend Sections 7660.5, 7662, 7666, 7667, 8619, and 9001 of the Health and Safety Code, and to amend Sections 305.6, 366.21, and 827 of the Welfare and Institutions Code, relating to children.

LEGISLATIVE COUNSEL DIGEST

(1) Under existing law, a man is conclusively presumed to be the father of a child if he was married to and cohabiting with the child's mother, except as specified. Existing law authorizes a presumed father to waive the right to notice of any adoption proceedings by executing a form developed by the State Department of Social Services before an authorized representative of the department, among others.

This bill would, among other things, additionally authorize a presumed father to deny paternity by executing a form developed by the department and before an authorized representative of the department, among others.

(2) Existing law requires notice of adoption proceedings to be given to every person identified as the biological father or a possible biological father at least 10 days before the date of the proceeding, except notice is not required and the court shall issue an order dispensing with notice to a person under specified circumstances, including that the alleged father has been served with written notice of his alleged paternity and the proposed adoption and he has failed to bring an action.

This bill would instead not require notice if the alleged father has failed to file and personally serve notice of action, as specified, and would additionally not require notice if the child was conceived as a result of rape and the father was convicted of the rape.

(3) Existing law prohibits a peace officer from taking into temporary custody, without a warrant, a minor who is in a hospital if specified conditions exist, including that the minor is a newborn who tested positive for illegal drugs or whose birth mother tested positive for illegal drugs or the minor is the subject of a proposed adoption and a Health Facility Minor Release Report has been completed by the hospital, as specified.

This bill would instead prohibit a peace officer or child welfare agency worker from taking into temporary custody, without a warrant, a minor who is in a hospital, if among other conditions, the minor is a newborn who is or may come within the description of a dependent child of the juvenile court. The bill would require the appropriate hospital personnel to complete a Health Facility Minor Release Report and provide copies to specified parties

upon request by a parent. The bill would require a child welfare agency worker who investigates the safety and well-being of a minor newborn, prior to filing a dependency petition for a minor newborn who has not yet been discharged from the hospital, to allow a parent who wishes to place the minor newborn for adoption a reasonable opportunity to do so before the minor newborn is discharged from the hospital. By creating additional duties for local officials, this bill would impose a state-mandated local program.

(4) Existing law requires a social worker to provide the parents or legal guardian, counsel for the child, and any court-appointed child advocate with a copy of the supplemental report filed with the court regarding the services provided or offered to the parent or legal guardian, as specified, at least 10 days prior to a hearing conducted by the juvenile court reviewing the status of a dependent child.

This bill would instead require the social worker to provide a copy of the report to all parties, counsel for all parties, and any court-appointed child advocate. By creating additional duties for local officials, this bill would impose a state-mandated local program.

(5) 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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

AB 2872

AMENDMENTS TO ASSEMBLY BILL NO. 2874

Amendment 1

In the title, in line 1, strike out "amend Section 785.2 of the Public Utilities" and insert:

add Section 10730.1 to the Water

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 10730.1 is added to the Water Code, to read:
10730.1. A groundwater sustainability agency, before imposing or increasing, pursuant to this chapter, a fee relating to a groundwater basin that includes a water corporation regulated by the Public Utilities Commission, shall notify the Public Utilities Commission.

Amendment 3

On page 1, strike out lines 1 to 4, inclusive, and strike out page 2

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EN1608564

AMENDMENTS TO ASSEMBLY BILL NO. 2880

Amendment 1

In the title, in line 1, after "act" insert:

to amend Sections 13988.2, 13988.3, and 14615.1 of the Government Code, and to amend Section 10335 of the Public Contract Code,

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 13988.2 of the Government Code is amended to read:
13988.2. (a) The department shall perform all of the following functions:

(1) Commencing January 1, 2015, and every three years thereafter, track intellectual property generated by state employees or with state funding.

(2) Develop a database that includes, but is not limited to, tracking intellectual property by category of protection, date of creation, owner of intellectual property, grantee, state agency or granting entity, sources of funding, and status of licensing, including invention utilization updates. Failure to include an item in the database does not create any presumption regarding ownership. Prior to January 1, 2018, the database shall include the summary of state-owned intellectual property found in the California State Auditor's Report 2011-106 on intellectual property. After January 1, 2018, and every three years thereafter, the database shall be updated using information collected by the department pursuant to this section.

(3) Develop a sample maintenance plan of an inventory of intellectual property.

(4) Develop factors that state agencies should consider when deciding whether to sell their intellectual property or license it to ~~others~~. others, including, but not limited to, the state's best interest, maintaining public access, and the discouragement of unauthorized economic gain.

(5) Develop an outreach campaign informing state agencies of their rights and abilities concerning intellectual property created by their employees.

(6) Develop sample invention assignment agreements that state agencies can consider if they believe it is necessary to secure the rights to potentially patentable items created by their employees on worktime using state resources.

(7) Develop sample language for licenses or terms-of-use agreements that state agencies can use to limit the use of their intellectual property by others to only appropriate purposes.

(8) Develop sample language for an advisory provision stating that a waiver of the state's intellectual property rights is subject to the approval of the department and that the lack of that approval renders an attempted waiver void as against public policy.

~~(b)~~

(c) This section shall not apply to the use of expressive works created by nonstate employees or without state funding.

SEC. 2. Section 13988.3 of the Government Code is amended to read:



13988.3. (a) Notwithstanding ~~A public entity may own, license, and, if it deems it appropriate, formally register intellectual property it creates or otherwise acquires. A public entity's intellectual property right shall not preclude the public entity from disclosing any information otherwise accessible under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1). A disclosure under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) shall not be construed as waiving any rights afforded under the federal Copyright Act of 1976 (17 U.S.C. Sec. 101 et seq.).~~

(b) Notwithstanding any other law, state agencies and departments may, upon request, share records and information related to intellectual property generated by state employees or with state funding with the department.

(b)

(c) Any employee or former employee of the department who has access to or knowledge of the records and information described in subdivision (a), (b), shall not divulge or make known to any person not employed by the department in any manner not expressly permitted by law any particulars of these records or information that is restricted by law from public disclosure, or represents a first publication of research results, or information pertaining to patent rights that would not otherwise be publicly available.

SEC. 3. Section 14615.1 of the Government Code is amended to read:

14615.1. (a) Where the Legislature directs or authorizes the department to maintain, develop, or prescribe processes, procedures, or policies in connection with the administration of its duties under this ~~chapter, chapter and Chapter 2 (commencing with Section 14650), 14650) of this part, Chapter 2 (commencing with Section 13988) of Part 4.5, or Section 6611 of the Public Contract Code, Code or Part 2 (commencing with Section 10100) of Division 2 of the Public Contract Code, the action by the department shall be exempt from the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340), Chapter 4 (commencing with Section 11370), Chapter 4.5 (commencing with Section 11400), and Chapter 5 (commencing with Section 11500)).~~ This section shall apply to actions taken by the department with respect to the State Administrative Manual and the State Contracting Manual.

(b) To the extent permitted by the United States and California Constitutions, subdivision (a) also applies to actions taken by the department prior to January 1, 1999, with respect to competitive procurement in the State Administrative Manual and the State Contracting Manual.

SEC. 4. Section 10335 of the Public Contract Code is amended to read:

10335. (a) This article shall apply to all contracts, including amendments, entered into by any state agency for services to be rendered to the state, whether or not the services involve the furnishing or use of equipment, materials, or supplies or are performed by an independent contractor. Except as provided in Sections 10295.6 and 10351, and paragraphs (8) and (9) of subdivision (b) of Section 10340, all contracts subject to this article are of no effect unless and until approved by the department. Each contract shall be transmitted with all papers, estimates, and recommendations concerning it to the department and, if approved by the department, shall be effective from the date of approval. This article shall apply to any state agency that by general or specific statute is expressly or impliedly authorized to enter into the transactions referred to in this section. This article shall not apply to contracts for the construction,

alteration, improvement, repair, or maintenance of real or personal property, contracts for services subject to Chapter 10 (commencing with Section 4525) of Division 5 of Title 1 of the Government Code, to contracts that are listed as exceptions in Section 10295, contracts of less than five thousand dollars (\$5,000) in amount, contracts of less than five thousand dollars (\$5,000) where only per diem or travel expenses, or a combination thereof, are to be paid, contracts between state agencies, or contracts between a state agency and local agency or federal agency.

(b) In exercising its authority under this article with respect to contracts for the services of legal counsel, other than the Attorney General, entered into by any state agency that is subject to Section 11042 or Section 11043 of the Government Code, the department, as a condition of approval of the contract, shall require the state agency to demonstrate that the consent of the Attorney General to the employment of the other counsel has been granted pursuant to Section 11040 of the Government Code. This consent shall not be construed in a manner that would authorize the Attorney General to establish a separate program for reviewing and approving contracts in the place of, or in addition to, the program administered by the department pursuant to this article.

(c) Until January 1, 2001, the department shall maintain a list of contracts approved pursuant to subdivision (b). This list shall be filed quarterly with the Senate Committee on Budget and Fiscal Review and the Assembly Committee on Budget. The list shall be limited to contracts with a consideration in excess of twenty thousand dollars (\$20,000) during the life of the contract and shall include sufficient information to identify the provider of legal services, the length of each contract, applicable hourly rates, and the need for the services. The department shall add a contract that meets these conditions to the list within 10 days after approval. A copy of the list shall be made available to any requester. The department may charge a fee to cover the cost of supplying the list as provided in Section 6253 of the Government Code.

(d) (1) In exercising its authority under this article, a state agency shall consider the processes, procedures, or policies developed by the department pursuant to Chapter 2 (commencing with Section 13988) of Part 4.5 of Division 3 of Title 2 of the Government Code.

(2) For contracts entered into on or after January 1, 2017, both of the following shall apply:

(A) A state agency shall not enter into a contract under this article that waives the state's intellectual property rights unless the state agency, prior to execution of the contract, obtains the consent of the department to the waiver.

(B) An attempted waiver of the state's intellectual property rights by a state agency that violates subparagraph (A) shall be deemed void as against public policy.

~~(d)~~

(e) Contracts subject to the approval of the department shall also have the department's approval for a modification or amendment thereto, with the following exceptions:

(1) An amendment to a contract that only extends the original time for completion of performance for a period of one year or less is exempt. If the original contract was subject to approval by the department, one fully executed copy including transmittal document, explaining the reason for the extension, shall be sent to the legal office of the department. A contract may only be amended once under this exemption.

(2) Contracts let or awarded on the basis of a law requiring competitive bidding may be modified or amended only if the contract so provides or if authorized by the law requiring competitive bidding.

(3) If an amendment to a contract has the effect of giving the contract as amended an increase in monetary amount, or an agreement by the state to indemnify or save harmless any person, the amendment shall be approved by the department.

Amendment 3

On page 1, strike out lines 1 and 2

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AMENDMENTS TO ASSEMBLY BILL NO. 2881

Amendment 1

In the title, strike out line 1 and insert:

An act to amend Sections 21707 and 22592 of the Business and Professions Code, to amend Sections 2924f, 3340.1, and 3440.5 of the Civil Code, to amend Section 701.540 of the Code of Civil Procedure, to amend Section 6105 of the Commercial Code, to amend Sections 6008 and 71380 of, to amend the heading of Article 2 (commencing with Section 71042.5) of Chapter 6 of Title 8 of, to add Chapter 1.1 (commencing with Section 6080) to Division 7 of Title 1 of, and to repeal Sections 71042.5 and 71042.6 of, the Government Code, to amend Section 1462.5 of the Penal Code, and to amend Sections 3381, 3702, and 3703 of the Revenue and Taxation Code, relating to civil law omnibus.

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 21707 of the Business and Professions Code is amended to read:

21707. (a) After the expiration of the time given in the notice of lien sale, pursuant to subdivision (b) of Section 21705, or following the failure of a claimant to pay rent or obtain a court order pursuant to Section 21709, an advertisement of the sale shall be published once a week for two weeks consecutively in a newspaper of general circulation published in the ~~judicial~~ public notice district where the sale is to be held. The advertisement shall include a general description of the goods, the name of the person on whose account they are being stored, and the name and location of the storage facility. If there is no newspaper of general circulation published in the ~~judicial~~ public notice district where the sale is to be held, the advertisement shall be posted at least 10 days before the sale in not less than six conspicuous places in the neighborhood of the proposed sale. The sale shall be conducted in a commercially reasonable manner. After deducting the amount of the lien and costs of sale, the owner shall retain any excess proceeds of the sale on the occupant's behalf. The occupant, or any other person having a court order or other judicial process against the property, may claim the excess proceeds, or a portion thereof sufficient to satisfy the particular claim, at any time within one year of the date of sale. Thereafter, the owner shall pay any remaining excess proceeds to the treasury of the county in which the sale was held.

(b) For the purposes of this section, publication of notice in a public notice district is governed by Chapter 1.1 (commencing with Section 6080) of Division 7 of Title 1 of the Government Code.

SEC. 2. Section 22592 of the Business and Professions Code is amended to read:

22592. A hosting platform shall provide the following notice to occupants listing a residence for short-term rental on a hosting platform:



If you are a tenant who is listing a room, home, mobilehome, condominium, or apartment, please refer to your rental contract or lease, or contact your landlord, prior to listing the property to determine whether your lease or contract contains restrictions that would limit your ability to list your room, home, mobilehome, condominium, or apartment. Listing your room, home, mobilehome, condominium, or apartment may be a violation of your lease or contract, and could result in legal action against you by your landlord, including possible eviction.

SEC. 3. Section 2924f of the Civil Code is amended to read:

2924f. (a) As used in this section and Sections 2924g and 2924h, "property" means real property or a leasehold estate therein, and "calendar week" means Monday through Saturday, inclusive.

(b) (1) Except as provided in subdivision (c), before any sale of property can be made under the power of sale contained in any deed of trust or mortgage, or any resale resulting from a rescission for a failure of consideration pursuant to subdivision (c) of Section 2924h, notice of the sale thereof shall be given by posting a written notice of the time of sale and of the street address and the specific place at the street address where the sale will be held, and describing the property to be sold, at least 20 days before the date of sale in one public place in the city where the property is to be sold, if the property is to be sold in a city, or, if not, then in one public place in the ~~judicial district in which~~ county seat of the county where the property is to be sold, and publishing a copy once a week for three consecutive calendar weeks.

(2) The first publication to be at least 20 days before the date of sale, in a newspaper of general circulation published in the city in which the property or some part thereof is situated, if any part thereof is situated in a city, if not, then in a newspaper of general circulation published in the ~~judicial~~ public notice district in which the property or some part thereof is situated, or in case no newspaper of general circulation is published in the city or ~~judicial~~ public notice district, as the case may be, in a newspaper of general circulation published in the county in which the property or some part thereof is situated, or in case no newspaper of general circulation is published in the city or ~~judicial~~ public notice district or county, as the case may be, in a newspaper of general circulation published in the county in this state that is contiguous to the county in which the property or some part thereof is situated and has, by comparison with all similarly contiguous counties, the highest population based upon total county population as determined by the most recent federal decennial census published by the Bureau of the Census. For the purposes of this section, publication of notice in a public notice district is governed by Chapter 1.1 (commencing with Section 6080) of Division 7 of Title 1 of the Government Code.

(3) A copy of the notice of sale shall also be posted in a conspicuous place on the property to be sold at least 20 days before the date of sale, where possible and where not restricted for any reason. If the property is a single-family residence the posting shall be on a door of the residence, but, if not possible or restricted, then the notice shall be posted in a conspicuous place on the property; however, if access is denied because a common entrance to the property is restricted by a guard gate or

similar impediment, the property may be posted at that guard gate or similar impediment to any development community.

(4) The notice of sale shall conform to the minimum requirements of Section 6043 of the Government Code and be recorded with the county recorder of the county in which the property or some part thereof is situated at least 20 days prior to the date of sale.

(5) The notice of sale shall contain the name, street address in this state, which may reflect an agent of the trustee, and either a toll-free telephone number or telephone number in this state of the trustee, and the name of the original trustor, and also shall contain the statement required by paragraph (3) of subdivision (c). In addition to any other description of the property, the notice shall describe the property by giving its street address, if any, or other common designation, if any, and a county assessor's parcel number; but if the property has no street address or other common designation, the notice shall contain a legal description of the property, the name and address of the beneficiary at whose request the sale is to be conducted, and a statement that directions may be obtained pursuant to a written request submitted to the beneficiary within 10 days from the first publication of the notice. Directions shall be deemed reasonably sufficient to locate the property if information as to the location of the property is given by reference to the direction and approximate distance from the nearest crossroads, frontage road, or access road. If a legal description or a county assessor's parcel number and either a street address or another common designation of the property is given, the validity of the notice and the validity of the sale shall not be affected by the fact that the street address, other common designation, name and address of the beneficiary, or the directions obtained therefrom are erroneous or that the street address, other common designation, name and address of the beneficiary, or directions obtained therefrom are omitted.

(6) The term "newspaper of general circulation," as used in this section, has the same meaning as defined in Article 1 (commencing with Section 6000) of Chapter 1 of Division 7 of Title 1 of the Government Code.

(7) The notice of sale shall contain a statement of the total amount of the unpaid balance of the obligation secured by the property to be sold and reasonably estimated costs, expenses, advances at the time of the initial publication of the notice of sale, and, if republished pursuant to a cancellation of a cash equivalent pursuant to subdivision (d) of Section 2924h, a reference of that fact; provided, that the trustee shall incur no liability for any good faith error in stating the proper amount, including any amount provided in good faith by or on behalf of the beneficiary. An inaccurate statement of this amount shall not affect the validity of any sale to a bona fide purchaser for value, nor shall the failure to post the notice of sale on a door as provided by this subdivision affect the validity of any sale to a bona fide purchaser for value.

(8) (A) On and after April 1, 2012, if the deed of trust or mortgage containing a power of sale is secured by real property containing from one to four single-family residences, the notice of sale shall contain substantially the following language, in addition to the language required pursuant to paragraphs (1) to (7), inclusive:

NOTICE TO POTENTIAL BIDDERS: If you are considering bidding on this property lien, you should understand that there are risks involved in bidding at a trustee auction. You will be bidding on a lien, not on the property itself. Placing the highest

bid at a trustee auction does not automatically entitle you to free and clear ownership of the property. You should also be aware that the lien being auctioned off may be a junior lien. If you are the highest bidder at the auction, you are or may be responsible for paying off all liens senior to the lien being auctioned off, before you can receive clear title to the property. You are encouraged to investigate the existence, priority, and size of outstanding liens that may exist on this property by contacting the county recorder's office or a title insurance company, either of which may charge you a fee for this information. If you consult either of these resources, you should be aware that the same lender may hold more than one mortgage or deed of trust on the property.

NOTICE TO PROPERTY OWNER: The sale date shown on this notice of sale may be postponed one or more times by the mortgagee, beneficiary, trustee, or a court, pursuant to Section 2924g of the California Civil Code. The law requires that information about trustee sale postponements be made available to you and to the public, as a courtesy to those not present at the sale. If you wish to learn whether your sale date has been postponed, and, if applicable, the rescheduled time and date for the sale of this property, you may call [telephone number for information regarding the trustee's sale] or visit this Internet Web site [Internet Web site address for information regarding the sale of this property], using the file number assigned to this case [case file number]. Information about postponements that are very short in duration or that occur close in time to the scheduled sale may not immediately be reflected in the telephone information or on the Internet Web site. The best way to verify postponement information is to attend the scheduled sale.

(B) A mortgagee, beneficiary, trustee, or authorized agent shall make a good faith effort to provide up-to-date information regarding sale dates and postponements to persons who wish this information. This information shall be made available free of charge. It may be made available via an Internet Web site, a telephone recording that is accessible 24 hours a day, seven days a week, or through any other means that allows 24 hours a day, seven days a week, no-cost access to updated information. A disruption of any of these methods of providing sale date and postponement information to allow for reasonable maintenance or due to a service outage shall not be deemed to be a violation of the good faith standard.

(C) Except as provided in subparagraph (B), nothing in the wording of the notices required by subparagraph (A) is intended to modify or create any substantive rights or obligations for any person providing, or specified in, either of the required notices. Failure to comply with subparagraph (A) or (B) shall not invalidate any sale that would otherwise be valid under Section 2924f.

(D) Information provided pursuant to subparagraph (A) does not constitute the public declaration required by subdivision (d) of Section 2924g.

(9) If the sale of the property is to be a unified sale as provided in subparagraph (B) of paragraph (1) of subdivision (a) of Section 9604 of the Commercial Code, the notice of sale shall also contain a description of the personal property or fixtures to be sold. In the case where it is contemplated that all of the personal property or fixtures are to be sold, the description in the notice of the personal property or fixtures shall be sufficient if it is the same as the description of the personal property or fixtures contained

in the agreement creating the security interest in or encumbrance on the personal property or fixtures or the filed financing statement relating to the personal property or fixtures. In all other cases, the description in the notice shall be sufficient if it would be a sufficient description of the personal property or fixtures under Section 9108 of the Commercial Code. Inclusion of a reference to or a description of personal property or fixtures in a notice of sale hereunder shall not constitute an election by the secured party to conduct a unified sale pursuant to subparagraph (B) of paragraph (1) of subdivision (a) of Section 9604 of the Commercial Code, shall not obligate the secured party to conduct a unified sale pursuant to subparagraph (B) of paragraph (1) of subdivision (a) of Section 9604 of the Commercial Code, and in no way shall render defective or noncomplying either that notice or a sale pursuant to that notice by reason of the fact that the sale includes none or less than all of the personal property or fixtures referred to or described in the notice. This paragraph shall not otherwise affect the obligations or duties of a secured party under the Commercial Code.

(c) (1) This subdivision applies only to deeds of trust or mortgages which contain a power of sale and which are secured by real property containing a single-family, owner-occupied residence, where the obligation secured by the deed of trust or mortgage is contained in a contract for goods or services subject to the provisions of the Unruh Act (Chapter 1 (commencing with Section 1801) of Title 2 of Part 4 of Division 3).

(2) Except as otherwise expressly set forth in this subdivision, all other provisions of law relating to the exercise of a power of sale shall govern the exercise of a power of sale contained in a deed of trust or mortgage described in paragraph (1).

(3) If any default of the obligation secured by a deed of trust or mortgage described in paragraph (1) has not been cured within 30 days after the recordation of the notice of default, the trustee or mortgagee shall mail to the trustor or mortgagor, at his or her last known address, a copy of the following statement:

YOU ARE IN DEFAULT UNDER A

(Deed of trust or mortgage)

DATED _____. UNLESS YOU TAKE ACTION TO PROTECT
YOUR PROPERTY, IT MAY BE SOLD AT A PUBLIC SALE. IF
YOU NEED AN EXPLANATION OF THE NATURE OF THE
PROCEEDING AGAINST YOU, YOU SHOULD CONTACT A
LAWYER.

(4) All sales of real property pursuant to a power of sale contained in any deed of trust or mortgage described in paragraph (1) shall be held in the county where the residence is located and shall be made to the person making the highest offer. The trustee may receive offers during the 10-day period immediately prior to the date of sale and if any offer is accepted in writing by both the trustor or mortgagor and the beneficiary or mortgagee prior to the time set for sale, the sale shall be postponed to a date certain and prior to which the property may be conveyed by the trustor to the person making the offer according to its terms. The offer is revocable until accepted. The performance of the offer, following acceptance, according to its terms, by a

conveyance of the property to the offeror, shall operate to terminate any further proceeding under the notice of sale and it shall be deemed revoked.

(5) In addition to the trustee fee pursuant to Section 2924c, the trustee or mortgagee pursuant to a deed of trust or mortgage subject to this subdivision shall be entitled to charge an additional fee of fifty dollars (\$50).

(6) This subdivision applies only to property on which notices of default were filed on or after the effective date of this subdivision.

(d) With respect to residential real property containing no more than four dwelling units, a separate document containing a summary of the notice of sale information in English and the languages described in Section 1632 shall be attached to the notice of sale provided to the mortgagor or trustor pursuant to Section 2923.3.

SEC. 4. Section 3440.1 of the Civil Code is amended to read:

3440.1. This chapter does not apply to any of the following:

(a) Things in action.

(b) Ships or cargoes if either are at sea or in a foreign port.

(c) The sale of accounts, chattel paper, payment intangibles, or promissory notes governed by the Uniform Commercial Code, security interests, and contracts of bottomry or respondentia.

(d) Wines or brandies in the wineries, distilleries, or wine cellars of the makers or owners of the wines or brandies, or other persons having possession, care, and control of the wines or brandies, and the pipes, casks, and tanks in which the wines or brandies are contained, if the transfers are made in writing and executed and acknowledged, and if the transfers are recorded in the book of official records in the office of the county recorder of the county in which the wines, brandies, pipes, casks, and tanks are situated.

(e) A transfer or assignment made for the benefit of creditors generally or by an assignee acting under an assignment for the benefit of creditors generally.

(f) Property exempt from enforcement of a money judgment.

(g) Standing timber.

(h) Subject to the limitations in Section 3440.3, a transfer of personal property if all of the following conditions are satisfied:

(1) Before the date of the intended transfer, the transferor or the transferee files a financing statement, with respect to the property transferred, authorized in an authenticated record by the transferor. The financing statement shall be filed in the office of the Secretary of State in accordance with Chapter 5 (commencing with Section 9501) of Division 9 of the Commercial Code, but may use the terms "transferor" in lieu of "debtor" and "transferee" in lieu of "secured party." The provisions of Chapter 5 (commencing with Section 9501) of Division 9 of the Commercial Code shall apply as appropriate to the financing statement.

(2) The transferor or the transferee publishes a notice of the intended transfer one time in a newspaper of general circulation published in the ~~judicial public notice~~ district in which the personal property is located, if there is one, and if there is none in the ~~judicial public notice~~ district, then in a newspaper of general circulation in the ~~county embracing the judicial district in which the personal property is located~~. The publication shall be completed not less than 10 days before the date the transfer occurs. The notice shall contain the name and address of the transferor and transferee and a general statement of the character of the personal property intended to be transferred,

and shall indicate the place where the personal property is located and a date on or after which the transfer is to be made.

(i) Personal property not located within this state at the time of the transfer or attachment of the lien if the provisions of this subdivision are not used for the purpose of evading this chapter.

(j) A transfer of property that (1) is subject to a statute or treaty of the United States or a statute of this state that provides for the registration of transfers of title or issuance of certificates of title and (2) is so far perfected under that statute or treaty that a bona fide purchaser cannot acquire an interest in the property transferred that is superior to the interest of the transferee.

(k) A transfer of personal property in connection with a transaction in which the property is immediately thereafter leased by the transferor from the transferee provided the transferee purchased the property for value and in good faith pursuant to subdivision (c) of Section 10308 of the Commercial Code.

(l) Water supply property, as defined in Section 849 of the Public Utilities Code.

(m) A transfer of property by any governmental entity.

(n) For the purposes of this section, publication of notice in a public notice district is governed by Chapter 1.1 (commencing with Section 6080) of Division 7 of Title 1 of the Government Code.

SEC. 5. Section 3440.5 of the Civil Code is amended to read:

3440.5. (a) This chapter does not affect the rights of a secured party who, for value and in good faith, acquires a security interest in the transferred personal property from the transferee, or from the transferee's successor in interest, if the transferor is no longer in possession of the personal property at the time the security interest attaches.

(b) Additionally, except as provided in Section 3440.3, this chapter does not affect the rights of a secured party who acquires a security interest from the transferee, or from the transferee's successor in interest, in the personal property, if all of the following conditions are satisfied:

(1) On or before the date the security agreement is executed, the intended debtor or secured party files a financing statement with respect to the property transferred, signed by the intended debtor. The financing statement shall be filed in the office of the Secretary of State in accordance with Chapter 5 (commencing with Section 9501) of Division 9 of the Commercial Code, but shall use the terms "transferor" in lieu of "debtor," "transferee" in lieu of "secured party," and "secured party" in lieu of "assignee of secured party." The provisions of Chapter 5 (commencing with Section 9501) of Division 9 of the Commercial Code shall apply as appropriate to ~~such a~~ the financing statement. For the purpose of indexing, and in any certification of search, the Secretary of State may refer to any financing statement filed pursuant to this paragraph as a financing statement under the Commercial Code and may describe the transferor as a debtor and the transferee as a secured party. ~~Compliance with this paragraph shall, however, not perfect the security interest of the secured party. Perfection of such a security interest shall be governed by Division 9 (commencing with Section 9101) of the Commercial Code.~~

(2) The intended debtor or secured party publishes a notice of the transfer one time in a newspaper of general circulation published in the judicial district in which the personal property is located, if there is one, and if there is none in the judicial public notice district, then in a newspaper of general circulation in the county ~~embracing the~~

~~judicial district. The in which the personal property is located.~~ The publication shall be completed not less than 10 days before the date of execution by the intended debtor of the intended security agreement. The notice shall contain the names and addresses of the transferor and transferee and of the intended debtor and secured party, a general statement of the character of the personal property transferred and intended to be subject to the security interest, the location of the personal property, and the date on or after which the security agreement is to be executed by the intended debtor.

(c) Compliance with paragraph (1) of subdivision (b) shall not perfect the security interest of the secured party. Perfection of that security interest shall be governed by Division 9 (commencing with Section 9101) of the Commercial Code.

(d) For the purposes of this section, publication of notice in a public notice district is governed by Chapter 1.1 (commencing with Section 6080) of Division 7 of Title 1 of the Government Code.

SEC. 6. Section 701.540 of the Code of Civil Procedure is amended to read:

701.540. (a) Notice of sale of an interest in real property shall be in writing, shall state the date, time, and place of sale, shall describe the interest to be sold, and shall give a legal description of the real property and its street address or other common designation, if any. If the real property has no street address or other common designation, the notice of sale shall include a statement that directions to its location may be obtained from the levying officer upon oral or written request or, in the discretion of the levying officer, the notice of sale may contain directions to its location. Directions are sufficient if information as to the location of the real property is given by reference to the direction and approximate distance from the nearest crossroads, frontage road, or access road. If an accurate legal description of the real property is given, the validity of the notice and sale is not affected by the fact that the street address or other common designation, or directions to its location, are erroneous or omitted.

(b) Not less than 20 days before the date of sale, notice of sale of an interest in real property shall be served, mailed, and posted by the levying officer as provided in subdivisions (c), (d), (e), and (f).

(c) Notice of sale shall be served on the judgment debtor. Service shall be made personally or by mail.

(d) Notice of sale shall be posted in the following places:

(1) One public place in the city in which the interest in the real property is to be sold if it is to be sold in a city or, if not to be sold in a city, one public place in the county in which the interest in the real property is to be sold.

(2) A conspicuous place on the real property.

(e) At the time notice is posted pursuant to paragraph (2) of subdivision (d), notice of sale shall be served or service shall be attempted on one occupant of the real property. Service on the occupant shall be made by leaving the notice with the occupant personally or, in the occupant's absence, with any person of suitable age and discretion found upon the real property at the time service is attempted who is either an employee or agent of the occupant or a member of the occupant's household. If the levying officer is unable to serve ~~such an occupant~~ an occupant, as specified, at the time service is attempted, the levying officer is not required to make any further attempts to serve an occupant.

(f) If the property described in the notice of sale consists of more than one distinct lot, parcel, or governmental subdivision and any of the lots, parcels, or governmental

subdivisions lies with relation to any of the others so as to form one or more continuous, unbroken tracts, only one service pursuant to subdivision (e) and posting pursuant to paragraph (2) of subdivision (d) need be made as to each continuous, unbroken tract.

(g) Notice of sale shall be published pursuant to Section 6063 of the Government Code, with the first publication at least 20 days prior to the time of sale, in a newspaper of general circulation published in the city in which the real property or a part thereof is situated if any part thereof is situated in a city or, if not, in a newspaper of general circulation published in the ~~judicial public notice~~ district in which the real property or a part thereof is situated. If no newspaper of general circulation is published in the city or ~~judicial public notice~~ district, notice of sale shall be published in a newspaper of general circulation in the county in which the real property or a part thereof is situated.

(h) Not earlier than 30 days after the date of levy, the judgment creditor shall determine the names of all persons having liens on the real property on the date of levy that are of record in the office of the county recorder and shall instruct the levying officer to mail notice of sale to each ~~such person~~ lienholder at the address used by the county recorder for the return of the instrument creating the ~~person's~~ lien after recording. The levying officer shall mail notice to each ~~such person~~, lienholder, at the address given in the instructions, not less than 20 days before the date of sale.

(i) For the purposes of this section, publication of notice in a public notice district is governed by Chapter 1.1 (commencing with Section 6080) of Division 7 of Title 1 of the Government Code.

SEC. 7. Section 6105 of the Commercial Code is amended to read:

~~6105. In order to comply with subdivision (b) of Section 6104 each of the following shall be satisfied:~~

6105. (a) The ~~A~~ notice that is governed by this section shall comply with each of the following:

- (1) State that a bulk sale is about to be made.
- (2) State the name and business address of the seller together with any other business name and address listed by the seller (subdivision (a) of Section 6104) and the name and business address of the buyer.
- (3) State the location and general description of the assets.
- (4) State the place and the anticipated date of the bulk sale.
- (5) State whether or not the bulk sale is subject to Section 6106.2 and, if so subject, the matters required by subdivision (f) of Section 6106.2.

(b) At least 12 business days before the date of the bulk sale, ~~the a notice that is governed by this section~~ shall be:

(1) Recorded in the office of the county recorder in the county or counties in this state in which the tangible assets are located and, if different, in the county in which the seller is located (paragraph (2) of subdivision (a) of Section 6103).

(2) Published at least once in a newspaper of general circulation published in the ~~judicial public notice~~ district in this state in which the tangible assets are located and in the ~~judicial public notice~~ district, if different, in which the seller is located (paragraph (2) of subdivision (a) of Section 6103), if in either case there is one, and if there is none, then in a newspaper of general circulation in the county in which the ~~judicial public notice~~ district is located. If the tangible assets are located in more than one public notice district in this state, the publication shall be in a newspaper of general circulation published in the public notice district in this state in which a greater portion

of the tangible assets are located, on the date the notice is published, than in any other public notice district in this state and, if different, in the public notice district in which the seller is located (paragraph (2) of subdivision (a) of Section 6103).

(3) Delivered or sent by registered or certified mail to the county tax collector in the county or counties in this state in which the tangible assets are located. If delivered during the period from January 1 to May 7, inclusive, the notice shall be accompanied by a completed business property statement with respect to property involved in the bulk sale pursuant to Section 441 of the Revenue and Taxation Code. ~~If the tangible assets are located in more than one judicial district in this state, the publication required in paragraph (2) shall be in a newspaper of general circulation published in the judicial district in this state in which a greater portion of the tangible assets are located, on the date the notice is published, than in any other judicial district in this state and, if different, in the judicial district in which the seller is located (paragraph (2) of subdivision (a) of Section 6103).~~ As used in this subdivision, "business day" means any day other than a Saturday, Sunday, or day observed as a holiday by the state government.

(c) For the purposes of this section, publication of notice in a public notice district is governed by Chapter 1.1 (commencing with Section 6080) of Division 7 of Title 1 of the Government Code.

(d) As used in this section, "business day" means any day other than a Saturday, Sunday, or day observed as a holiday by the state government.

SEC. 8. Section 6008 of the Government Code is amended to read:

6008. (a) Notwithstanding any provision of law to the contrary, a newspaper is a "newspaper of general circulation" if it meets all of the following criteria:

(a)

(1) It is a newspaper published for the dissemination of local or telegraphic news and intelligence of a general character, which has a bona fide subscription list of paying subscribers and has been established and published at regular intervals of not less than weekly in the city, district, or ~~judicial public notice~~ district for which it is seeking adjudication for at least three years preceding the date of adjudication.

(b)

(2) It has a substantial distribution to paid subscribers in the city, district, or ~~judicial public notice~~ district in which it is seeking adjudication.

(c)

(3) It has maintained a minimum coverage of local or telegraphic news and intelligence of a general character of not less than 25 percent of its total inches during each year of the three-year period.

(d)

(4) It has only one principal office of publication and that office is in the city, district, or ~~judicial public notice~~ district for which it is seeking adjudication.

~~For~~

(b) ~~For~~ the purposes of Section 6020, a newspaper meeting the criteria of this section which desires to have its standing as a newspaper of general circulation ascertained and established, may, by its publisher, manager, editor, or attorney, file a verified petition in the superior court of the county in which it is established and published.

~~As~~

(c) As used in this section:

(1) "Established" means in existence under a specified name during the whole of the three-year period, except that a modification of name in accordance with Section 6024, where the modification of name does not substantially change the identity of the newspaper, shall not affect the status of the newspaper for the purposes of this definition.

(2) "Published" means issued from the place where the newspaper is sold to or circulated among the people and its subscribers during the whole of the three-year period.

(3) "Public notice district" means a public notice district described in Chapter 1.1 (commencing with Section 6080).

SEC. 9. Chapter 1.1 (commencing with Section 6080) is added to Division 7 of Title 1 of the Government Code, to read:

CHAPTER 1.1. PUBLICATION OF NOTICE IN PUBLIC NOTICE DISTRICTS

Article 1. Public Notice Districts, Generally

6080. This chapter governs any statute requiring publication of notice in a public notice district.

6081. A notice published or posted in a manner that is contrary to the provisions of this chapter shall not be invalidated as a consequence of a reasonable, good faith error as to the applicable public notice district.

6082. (a) Notwithstanding Section 6027, a judicial decree establishing a newspaper as a newspaper of general circulation in a former judicial district shall be treated as a judicial decree establishing the newspaper as a newspaper of general circulation in the successor public notice district.

(b) For the purposes of this section, the "successor public notice district" is the public notice district, described in Article 2, that contains substantially the same population centers as the applicable, former judicial district preserved for notice publication by former Section 71042.5.

Article 2. Public Notice Districts by County

6085.100. (a) Alameda County contains the following public notice districts:

(1) Alameda District, which is comprised of the City of Alameda.

(2) Berkeley-Albany District, which is comprised of the Cities of Albany and Berkeley.

(3) Fremont-Newark-Union City District, which is comprised of the Cities of Fremont, Newark, and Union City.

(4) Livermore District, which is comprised of the City of Livermore.

(5) Oakland-Piedmont District, which is comprised of the Cities of Emeryville, Oakland, and Piedmont.

(6) Pleasanton District, which is comprised of the Cities of Dublin and Pleasanton.

(7) San Leandro-Hayward District, which is comprised of the Cities of Hayward and San Leandro and the unincorporated areas known as Ashland, Castro Valley, Cherryland, Fairview, and San Lorenzo.

(b) For the purpose of publishing notice arising from a location within Alameda County that is not within one of the districts described in subdivision (a):

(1) If the location is within five miles of a district, notice shall be published in the nearest district.

(2) If the location is not within five miles of a district, notice shall be given as if the location is in a public notice district without a newspaper of general circulation.

6085.110. Alpine County contains a single, countywide public notice district.

6085.120. Amador County contains a single, countywide public notice district.

6085.130. (a) Butte County contains the following public notice districts:

(1) Biggs District, which is comprised of the City of Biggs.

(2) Chico District, which is comprised of the City of Chico.

(3) Gridley District, which is comprised of the City of Gridley.

(4) Oroville District, which is comprised of the City of Oroville.

(5) Paradise District, which is comprised of the City of Paradise and the unincorporated area known as Magalia.

(b) For the purpose of publishing notice arising from a location within Butte County that is not within one of the districts described in subdivision (a):

(1) If the location is within 10 miles of a district, notice shall be published in the nearest district.

(2) If the location is not within 10 miles of a district, notice shall be given as if the location is in a public notice district without a newspaper of general circulation.

6085.140. (a) Calaveras County contains the following public notice districts:

(1) Angels-Murphys District, which is comprised of the City of Angels Camp and the unincorporated area known as Murphys.

(2) San Andreas District, which is comprised of the unincorporated areas known as Rancho Calaveras, San Andreas, and Valley Springs.

(b) For the purpose of publishing notice arising from a location within Calaveras County that is not within one of the districts described in subdivision (a):

(1) If the location is within 10 miles of a district, notice shall be published in the nearest district.

(2) If the location is not within 10 miles of a district, notice shall be given as if the location is in a public notice district without a newspaper of general circulation.

6085.150. (a) Colusa County contains the following public notice districts:

(1) Colusa District, which is comprised of the City of Colusa.

(2) Williams District, which is comprised of the City of Williams.

(b) For the purpose of publishing notice arising from a location within Colusa County that is not within one of the districts described in subdivision (a):

(1) If the location is within 10 miles of a district, notice shall be published in the nearest district.

(2) If the location is not within 10 miles of a district, notice shall be given as if the location is in a public notice district without a newspaper of general circulation.

6085.160. (a) Contra Costa County contains the following public notice districts:

(1) Antioch District, which is comprised of the City of Antioch.

(2) Brentwood-Byron District, which is comprised of the City of Brentwood and the unincorporated areas known as Byron and Discovery Bay.

(3) El Cerrito-Kensington District, which is comprised of the City of El Cerrito and the unincorporated area known as Kensington.

(4) Mount Diablo District, which is comprised of the Cities of Clayton, Concord, Martinez, and Pleasant Hill.

(5) Oakley District, which is comprised of the City of Oakley and the unincorporated area known as Knightsen.

(6) Pinole-Hercules-Rodeo District, which is comprised of the Cities of Pinole and Hercules and the unincorporated area known as Rodeo.

(7) Pittsburgh District, which is comprised of the City of Pittsburgh and the unincorporated area known as Bay Point.

(8) Richmond District, which is comprised of the City of Richmond.

(9) San Pablo District, which is comprised of the City of San Pablo and the unincorporated areas known as Bayview, East Richmond Heights, El Sobrante, Montalvin Manor, North Richmond, Rollingwood, and Tara Hills.

(10) Walnut Creek-Danville District, which is comprised of the Cities of Danville, Lafayette, Moraga, Orinda, San Ramon, and Walnut Creek and the unincorporated areas known as Alamo, Contra Costa Centre, and Reliez Valley.

(b) For the purpose of publishing notice arising from a location within Contra Costa County that is not within one of the districts described in subdivision (a):

(1) If the location is within five miles of a district, notice shall be published in the nearest district.

(2) If the location is not within five miles of a district, notice shall be given as if the location is in a public notice district without a newspaper of general circulation.

6085.170. (a) Del Norte County contains the Crescent District public notice district, which is comprised of Crescent City.

(b) For the purpose of publishing notice arising from a location within Del Norte County that is not within the district described in subdivision (a):

(1) If the location is within 10 miles of the district, notice shall be published in the district.

(2) If the location is not within 10 miles of the district, notice shall be given as if the location is in a public notice district without a newspaper of general circulation.

6085.180. (a) El Dorado County contains the following public notice districts:

(1) El Dorado District, which is comprised of the unincorporated areas known as Cameron Park, Diamond Springs, and El Dorado Hills.

(2) Lake Valley District, which is comprised of the City of South Lake Tahoe.

(3) Placerville District, which is comprised of the City of Placerville.

(b) For the purpose of publishing notice arising from a location within El Dorado County that is not within one of the districts described in subdivision (a):

(1) If the location is within 10 miles of a district, notice shall be published in the nearest district.

(2) If the location is not within 10 miles of a district, notice shall be given as if the location is in a public notice district without a newspaper of general circulation.

6085.190. (a) Fresno County contains the following public notice districts:

(1) Clovis District, which is comprised of the City of Clovis and the unincorporated area known as Tarpey Village.

(2) Coalinga District, which is comprised of the Cities of Coalinga and Huron.

(3) Firebaugh District, which is comprised of the Cities of Firebaugh and Mendota.

(4) Fowler District, which is comprised of the City of Fowler.

- (5) Fresno District, which is comprised of the City of Fresno.
- (6) Kerman District, which is comprised of the Cities of Kerman and San Joaquin.
- (7) Kingsburg District, which is comprised of the City of Kingsburg.
- (8) Parlier District, which is comprised of the City of Parlier and the unincorporated area known as Del Rey.

(9) Reedley District, which is comprised of the Cities of Orange Cove and Reedley.

(10) Sanger District, which is comprised of the City of Sanger.

(11) Selma District, which is comprised of the City of Selma.

(b) For the purpose of publishing notice arising from a location within Fresno County that is not within one of the districts described in subdivision (a):

(1) If the location is within 10 miles of a district, notice shall be published in the nearest district.

(2) If the location is not within 10 miles of a district, notice shall be given as if the location is in a public notice district without a newspaper of general circulation.

6085.200. (a) Glenn County contains the following public notice districts:

(1) Orland District, which is comprised of the City of Orland.

(2) Willows District, which is comprised of the City of Willows.

(b) For the purpose of publishing notice arising from a location within Glenn County that is not within one of the districts described in subdivision (a):

(1) If the location is within 10 miles of a district, notice shall be published in the nearest district.

(2) If the location is not within 10 miles of a district, notice shall be given as if the location is in a public notice district without a newspaper of general circulation.

6085.210. (a) Humboldt County contains the following public notice districts:

(1) Arcata District, which is comprised of the Cities of Arcata, Blue Lake, and Trinidad and the unincorporated area known as McKinleyville.

(2) Eureka District, which is comprised of the City of Eureka.

(3) Fortuna District, which is comprised of the Cities of Ferndale, Fortuna, and Rio Dell.

(b) For the purpose of publishing notice arising from a location within Humboldt County that is not within one of the districts described in subdivision (a):

(1) If the location is within 10 miles of a district, notice shall be published in the nearest district.

(2) If the location is not within 10 miles of a district, notice shall be given as if the location is in a public notice district without a newspaper of general circulation.

6085.220. (a) Imperial County contains the following public notice districts:

(1) Brawley District, which is comprised of the City of Brawley.

(2) Calexico District, which is comprised of the City of Calexico.

(3) Calipatria District, which is comprised of the City of Calipatria.

(4) El Centro District, which is comprised of the City of El Centro.

(5) Holtville District, which is comprised of the City of Holtville.

(6) Imperial District, which is comprised of the City of Imperial.

(7) Westmoreland District, which is comprised of the City of Westmoreland.

(b) For the purpose of publishing notice arising from a location within Imperial County that is not within one of the districts described in subdivision (a):

(1) If the location is within 10 miles of a district, notice shall be published in the nearest district.

(2) If the location is not within 10 miles of a district, notice shall be given as if the location is in a public notice district without a newspaper of general circulation.

6085.230. (a) Inyo County contains the Northern Inyo District public notice district, which is comprised of the City of Bishop.

(b) For the purpose of publishing notice arising from a location within Inyo County that is not within the district described in subdivision (a):

(1) If the location is within 10 miles of the district, notice shall be published in the district.

(2) If the location is not within 10 miles of the district, notice shall be given as if the location is in a public notice district without a newspaper of general circulation.

6085.240. (a) Kern County contains the following public notice districts:

(1) Arvin-Lamont District, which is comprised of the City of Arvin and the unincorporated areas known as Lamont and Weedpatch.

(2) Bakersfield District, which is comprised of the City of Bakersfield and the unincorporated areas known as Oildale and Rosedale.

(3) Delano-McFarland District, which is comprised of the Cities of Delano and McFarland.

(4) Indian Wells District, which is comprised of the City of Ridgecrest.

(5) Kern River-Rand District, which is comprised of the unincorporated areas known as Bodfish, Kernville, Lake Isabella, Weldon, and Wofford Heights.

(6) Maricopa-Taft District, which is comprised of the Cities of Maricopa and Taft.

(7) Mojave District, which is comprised of California City and the unincorporated areas known as Mojave and Rosamond.

(8) Shafter District, which is comprised of the City of Shafter.

(9) Tehachapi District, which is comprised of the City of Tehachapi and the unincorporated area known as Bear Valley Springs.

(10) Wasco District, which is comprised of the City of Wasco.

(b) For the purpose of publishing notice arising from a location within Kern County that is not within one of the districts described in subdivision (a):

(1) If the location is within 10 miles of a district, notice shall be published in the nearest district.

(2) If the location is not within 10 miles of a district, notice shall be given as if the location is in a public notice district without a newspaper of general circulation.

6085.250. (a) Kings County contains the following public notice districts:

(1) Avenal District, which is comprised of the City of Avenal.

(2) Corcoran District, which is comprised of the City of Corcoran.

(3) Hanford District, which is comprised of the City of Hanford.

(4) Lemoore District, which is comprised of the City of Lemoore.

(b) For the purpose of publishing notice arising from a location within Kings County that is not within one of the districts described in subdivision (a):

(1) If the location is within 10 miles of a district, notice shall be published in the nearest district.

(2) If the location is not within 10 miles of a district, notice shall be given as if the location is in a public notice district without a newspaper of general circulation.

6085.260. (a) Lake County contains the following public notice districts:

(1) Clearlake Highlands District, which is comprised of the City of Clearlake.

(2) Lakeport District, which is comprised of the City of Lakeport.

(b) For the purpose of publishing notice arising from a location within Lake County that is not within one of the districts described in subdivision (a):

(1) If the location is within 10 miles of a district, notice shall be published in the nearest district.

(2) If the location is not within 10 miles of a district, notice shall be given as if the location is in a public notice district without a newspaper of general circulation.

6085.270. (a) Lassen County contains the Westwood-Honey Lake District public notice district, which is comprised of the City of Susanville and the unincorporated area known as Westwood.

(b) For the purpose of publishing notice arising from a location within Lassen County that is not within the district described in subdivision (a):

(1) If the location is within 10 miles of the district, notice shall be published in the district.

(2) If the location is not within 10 miles of the district, notice shall be given as if the location is in a public notice district without a newspaper of general circulation.

6085.280. (a) Los Angeles County contains the following public notice districts:

(1) Alhambra District, which is comprised of the Cities of Alhambra, Monterey Park, San Gabriel, and Temple City and the unincorporated areas known as East San Gabriel and South San Gabriel.

(2) Antelope District, which is comprised of the Cities of Lancaster and Palmdale and the unincorporated areas known as Antelope, Del Sur, Elizabeth Lake, Green Valley, Lake Hughes, Lake Los Angeles, Leona Valley, Little Rock, Llano, Pearblossom, Quartz Hill, Sun Village, and Wilsona.

(3) Beverly Hills District, which is comprised of the Cities of Beverly Hills and West Hollywood.

(4) Burbank District, which is comprised of the City of Burbank.

(5) Catalina District, which is comprised of San Clemente Island and Santa Catalina Island.

(6) Citrus District, which is comprised of the Cities of Azusa, Baldwin Park, Covina, Glendora, Industry, Irwindale, and West Covina and the unincorporated areas known as Citrus, Charter Oak, Rowland Heights, South San Jose Hills, Valinda, Vincent, and West Puente Valley.

(7) Compton District, which is comprised of the Cities of Carson, Compton, Lynwood, and Paramount and the unincorporated areas known as Athens, East Compton, East Rancho Dominguez, West Carson, West Compton, West Rancho Dominguez, and Willowbrook.

(8) Culver District, which is comprised of Culver City and the unincorporated areas known as Centinela, Ladera Heights, Marina Del Rey, View Park, and Windsor Hills.

(9) Downey District, which is comprised of the Cities of Downey, La Mirada, and Norwalk.

(10) East Los Angeles District, which is comprised of the Cities of Commerce and Montebello and the unincorporated areas known as Belvedere and East Los Angeles.

(11) El Monte-Rio Hondo District, which is comprised of the Cities of El Monte, La Puente, Rosemead, and South El Monte and the unincorporated areas known as Avocado Heights, East Arcadia, Hacienda Heights, Mayflower Village, North El Monte, and Rio Hondo.

(12) Glendale District, which is comprised of the Cities of Glendale and La Cañada Flintridge and the unincorporated areas known as La Crescenta and Montrose.

(13) Inglewood District, which is comprised of the Cities of El Segundo, Hawthorne, and Inglewood and the unincorporated areas known as Del Aire, Lennox, West Athens, and Westmont.

(14) Long Beach District, which is comprised of the Cities of Long Beach and Signal Hill.

(15) Los Angeles District, which is comprised of the Cities of Los Angeles and San Fernando.

(16) Los Cerritos District, which is comprised of the Cities of Artesia, Bell Flower, Cerritos, Hawaiian Gardens, and Lakewood.

(17) Malibu District, which is comprised of the Cities of Agoura Hills, Calabasas, Hidden Hills, Malibu, and Westlake Village and the unincorporated areas known as Agoura, Malibu Heights, Topanga, and West Hills.

(18) Newhall-Soledad District, which is comprised of the City of Santa Clarita and the unincorporated areas known as Acton, Agua Dulce, Castaic, Canyon Country, Halsey Canyon, Gorman, Neenach, Newhall, Santa Susana Mountains, Saugus, Stevenson Ranch, Val Verde, and Valencia.

(19) Pasadena District, which is comprised of the Cities of Pasadena, San Marino, Sierra Madre, and South Pasadena and the unincorporated areas known as Altadena, East Pasadena, Kinneloa Mesa, and San Pasqual.

(20) Pomona District, which is comprised of the Cities of Claremont, Diamond Bar, La Verne, Pomona, San Dimas, and Walnut.

(21) Santa Anita District, which is comprised of the Cities of Arcadia, Bradbury, Duarte, and Monrovia and the unincorporated area known as South Monrovia Island.

(22) Santa Monica District, which is comprised of the City of Santa Monica.

(23) South Bay District, which is comprised of the Cities of Gardena, Hermosa Beach, Lawndale, Lomita, Manhattan Beach, Palos Verdes Estates, Rancho Palos Verdes, Redondo Beach, Rolling Hills, Rolling Hills Estates, and Torrance and the unincorporated areas known as Alondra Park and El Camino Village.

(24) Southeast District, which is comprised of the Cities of Bell, Bell Gardens, Cudahy, Huntington Park, Maywood, South Gate, and Vernon and the unincorporated areas known as Florence-Graham and Walnut Park.

(25) Whittier District, which is comprised of the Cities of La Habra Heights, Pico Rivera, Santa Fe Springs, and Whittier and the unincorporated areas known as East Whittier, Rose Hills, South Whittier, and West Whittier-Los Nietos.

(b) For the purpose of publishing notice arising from a location within Los Angeles County that is not within one of the districts described in subdivision (a):

(1) If the location is within five miles of a district, notice shall be published in the nearest district.

(2) If the location is not within five miles of a district, notice shall be given as if the location is in a public notice district without a newspaper of general circulation.

6085.290. (a) Madera County contains the following public notice districts:

- (1) Chowchilla District, which is comprised of the City of Chowchilla.
 - (2) Madera District, which is comprised of the City of Madera.
 - (3) Sierra District, which is comprised of the unincorporated areas known as Ahwahnee, Coarsegold, Oakhurst, and Yosemite Lakes.
- (b) For the purpose of publishing notice arising from a location within Madera County that is not within one of the districts described in subdivision (a):
- (1) If the location is within 10 miles of a district, notice shall be published in the nearest district.
 - (2) If the location is not within 10 miles of a district, notice shall be given as if the location is in a public notice district without a newspaper of general circulation.
- 6085.300. (a) Marin County contains the Central District public notice district, which is comprised of the Cities of Belvedere, Corte Madera, Fairfax, Larkspur, Mill Valley, Novato, Ross, San Anselmo, San Rafael, Sausalito, and Tiburon and the unincorporated area known as Tamalpais-Homestead Valley.
- (b) For the purpose of publishing notice arising from a location within Marin County that is not within the district described in subdivision (a):
- (1) If the location is within 10 miles of the district, notice shall be published in the district.
 - (2) If the location is not within 10 miles of the district, notice shall be given as if the location is in a public notice district without a newspaper of general circulation.
- 6085.310. Mariposa County contains a single, countywide public notice district.
- 6085.320. (a) Mendocino County contains the following public notice districts:
- (1) Arena District, which is comprised of the City of Point Arena.
 - (2) Little Lake District, which is comprised of the City of Willits.
 - (3) Ten Mile River District, which is comprised of the City of Fort Bragg.
 - (4) Ukiah District, which is comprised of the City of Ukiah.
- (b) For the purpose of publishing notice arising from a location within Mendocino County that is not within one of the districts described in subdivision (a):
- (1) If the location is within 10 miles of a district, notice shall be published in the nearest district.
 - (2) If the location is not within 10 miles of a district, notice shall be given as if the location is in a public notice district without a newspaper of general circulation.
- 6085.330. (a) Merced County contains the following public notice districts:
- (1) Atwater District, which is comprised of the City of Atwater and the unincorporated areas known as Cressey, McSwain, and Winton.
 - (2) Dos Palos District, which is comprised of the City of Dos Palos.
 - (3) Gustine District, which is comprised of the City of Gustine.
 - (4) Livingston District, which is comprised of the City of Livingston and the unincorporated areas known as Ballico, Delhi, and Stevinson.
 - (5) Los Banos District, which is comprised of the City of Los Banos and the unincorporated area known as Santa Nella.
 - (6) Merced District, which is comprised of the City of Merced and the unincorporated area known as Franklin.
- (b) For the purpose of publishing notice arising from a location within Merced County that is not within one of the districts described in subdivision (a):
- (1) If the location is within 10 miles of a district, notice shall be published in the nearest district.

(2) If the location is not within 10 miles of a district, notice shall be given as if the location is in a public notice district without a newspaper of general circulation.

6085.340. (a) Modoc County contains the Alturas District public notice district, which is comprised of the City of Alturas.

(b) For the purpose of publishing notice arising from a location within Modoc County that is not within the district described in subdivision (a):

(1) If the location is within 10 miles of the district, notice shall be published in the district.

(2) If the location is not within 10 miles of the district, notice shall be given as if the location is in a public notice district without a newspaper of general circulation.

6085.350. Mono County contains a single, countywide public notice district.

6085.360. (a) Monterey County contains the following public notice districts:

(1) Castroville-Pajaro District, which is comprised of the unincorporated areas known as Castroville, Pajaro, and Pruneville.

(2) Gonzales District, which is comprised of the City of Gonzales.

(3) Greenfield District, which is comprised of the City of Greenfield.

(4) King City District, which is comprised of King City.

(5) Monterey-Carmel District, which is comprised of the Cities of Carmel, Del Rey Oaks, Monterey, Sand City, and Seaside.

(6) Pacific Grove District, which is comprised of the City of Pacific Grove and the unincorporated area known as Del Monte Forest.

(7) Salinas District, which is comprised of the Cities of Marina and Salinas.

(8) Soledad District, which is comprised of the City of Soledad.

(b) For the purpose of publishing notice arising from a location within Monterey County that is not within one of the districts described in subdivision (a):

(1) If the location is within 10 miles of a district, notice shall be published in the nearest district.

(2) If the location is not within 10 miles of a district, notice shall be given as if the location is in a public notice district without a newspaper of general circulation.

6085.370. (a) Napa County contains the following public notice districts:

(1) Calistoga District, which is comprised of the City of Calistoga.

(2) Napa District, which is comprised of the Cities of American Canyon, Napa, and Yountville.

(3) St. Helena District, which is comprised of the City of St. Helena and the unincorporated areas known as Angwin, Oakville, and Rutherford.

(b) For the purpose of publishing notice arising from a location within Napa County that is not within one of the districts described in subdivision (a):

(1) If the location is within 10 miles of a district, notice shall be published in the nearest district.

(2) If the location is not within 10 miles of a district, notice shall be given as if the location is in a public notice district without a newspaper of general circulation.

6085.380. (a) Nevada County contains the following public notice districts:

(1) Grass Valley District, which is comprised of the City of Grass Valley.

(2) Nevada District, which is comprised of Nevada City.

(3) Truckee District, which is comprised of the City of Truckee.

(b) For the purpose of publishing notice arising from a location within Nevada County that is not within one of the districts described in subdivision (a):

(1) If the location is within 10 miles of a district, notice shall be published in the nearest district.

(2) If the location is not within 10 miles of a district, notice shall be given as if the location is in a public notice district without a newspaper of general circulation.

6085.390. (a) Orange County contains the following public notice districts:

(1) Central Orange County District, which is comprised of the Cities of Orange, Santa Ana, Tustin, and Villa Park and the unincorporated area known as North Tustin.

(2) North Orange County District, which is comprised of the Cities of Anaheim, Brea, Buena Park, Cypress, Fullerton, Garden Grove, La Habra, La Palma, Placentia, Stanton, and Yorba Linda.

(3) Orange County Harbor District, which is comprised of the Cities of Costa Mesa, Irvine, and Newport Beach.

(4) South Orange County District, which is comprised of the Cities of Aliso Viejo, Dana Point, Laguna Beach, Laguna Hills, Laguna Niguel, Laguna Woods, Lake Forest, Mission Viejo, Rancho Santa Margarita, San Clemente, and San Juan Capistrano and the unincorporated areas known as Coto de Caza and Ladera Ranch.

(5) West Orange County District, which is comprised of the Cities of Fountain Valley, Huntington Beach, Los Alamitos, Seal Beach, and Westminster and the unincorporated area known as Rossmoor.

(b) For the purpose of publishing notice arising from a location within Orange County that is not within one of the districts described in subdivision (a):

(1) If the location is within five miles of a district, notice shall be published in the nearest district.

(2) If the location is not within five miles of a district, notice shall be given as if the location is in a public notice district without a newspaper of general circulation.

6085.400. (a) Placer County contains the following public notice districts:

(1) Auburn District, which is comprised of the City of Auburn and the unincorporated areas known as Meadow Vista, Newcastle, and North Auburn.

(2) Colfax-Alta-Dutch Flat District, which is comprised of the City of Colfax and the unincorporated areas known as Alta and Dutch Flat.

(3) Lincoln District, which is comprised of the City of Lincoln.

(4) Loomis District, which is comprised of the Cities of Loomis and Rocklin and the unincorporated areas known as Granite Bay and Penryn.

(5) Roseville District, which is comprised of the City of Roseville.

(b) For the purpose of publishing notice arising from a location within Placer County that is not within one of the districts described in subdivision (a):

(1) If the location is within 10 miles of a district, notice shall be published in the nearest district.

(2) If the location is not within 10 miles of a district, notice shall be given as if the location is in a public notice district without a newspaper of general circulation.

6085.410. (a) Plumas County contains the Beckwourth District public notice district, which is comprised of the City of Portola and the unincorporated area known as Beckwourth.

(b) For the purpose of publishing notice arising from a location within Plumas County that is not within the district described in subdivision (a):

(1) If the location is within 10 miles of the district, notice shall be published in the district.

(2) If the location is not within 10 miles of the district, notice shall be given as if the location is in a public notice district without a newspaper of general circulation.

6085.420. (a) Riverside County contains the following public notice districts:

(1) Beaumont District, which is comprised of the Cities of Beaumont and Calimesa and the unincorporated area known as Cherry Valley.

(2) Coachella District, which is comprised of the City of Coachella and the unincorporated areas known as Thermal and Vista Santa Rosa.

(3) Corona District, which is comprised of the Cities of Corona, Eastvale, and Norco and the unincorporated areas known as El Sobrante, Home Gardens, and Temescal Valley.

(4) Desert District, which is comprised of the Cities of Cathedral City, Desert Hot Springs, Indian Wells, Indio, La Quinta, Palm Desert, Palm Springs, and Rancho Mirage.

(5) Elsinore District, which is comprised of the Cities of Canyon Lake, Lake Elsinore, and Wildomar and the unincorporated areas known as Lakeland Village and Meadowbrook.

(6) Hemet District, which is comprised of the City of Hemet and the unincorporated areas known as East Hemet, Green Acres, Idyllwild-Pine Cove, Valle Vista, and Winchester.

(7) Jurupa District, which is comprised of the City of Jurupa Valley.

(8) Mecca District, which is comprised of the unincorporated areas known as Oasis and Mecca.

(9) Murrieta District, which is comprised of the Cities of Murrieta and Temecula and the unincorporated area known as French Valley.

(10) Palo Verde District, which is comprised of the City of Blythe.

(11) Perris District, which is comprised of the Cities of Menifee and Perris and the unincorporated areas known as Good Hope, Homeland, Lake Mathews, Mead Valley, and Nuevo.

(12) Riverside District, which is comprised of the Cities of Moreno Valley and Riverside and the unincorporated areas known as March AFB and Woodcrest.

(13) San Geronio District, which is comprised of the City of Banning and the unincorporated areas known as Cabazon and Whitewater.

(14) San Jacinto District, which is comprised of the City of San Jacinto.

(b) For the purpose of publishing notice arising from a location within Riverside County that is not within one of the districts described in subdivision (a):

(1) If the location is within 10 miles of a district, notice shall be published in the nearest district.

(2) If the location is not within 10 miles of a district, notice shall be given as if the location is in a public notice district without a newspaper of general circulation.

6085.430. (a) Sacramento County contains the following public notice districts:

(1) Elk Grove-Galt District, which is comprised of the Cities of Elk Grove and Galt and the unincorporated areas known as Rancho Murieta, Vineyard, and Wilton.

(2) Fair Oaks-Folsom District, which is comprised of the City of Folsom and the unincorporated areas known as Fair Oaks, Gold River, and Orangevale.

(3) Sacramento District, which is comprised of the Cities of Citrus Heights, Rancho Cordova, and Sacramento and the unincorporated areas known as Antelope,

Arden-Arcade, Carmichael, Florin, Foothill Farms, La Riviera, Lemon Hill, North Highlands, Parkway, Rio Linda, and Rosemont.

(4) Walnut Grove-Isleton District, which is comprised of the City of Isleton and the unincorporated area known as Walnut Grove.

(b) For the purpose of publishing notice arising from a location within Sacramento County that is not within one of the districts described in subdivision (a):

(1) If the location is within 10 miles of a district, notice shall be published in the nearest district.

(2) If the location is not within 10 miles of a district, notice shall be given as if the location is in a public notice district without a newspaper of general circulation.

6085.440. (a) San Benito County contains the following public notice districts:

(1) Hollister District, which is comprised of the City of Hollister.

(2) San Juan District, which is comprised of the City of San Juan Bautista.

(b) For the purpose of publishing notice arising from a location within San Benito County that is not within one of the districts described in subdivision (a):

(1) If the location is within 10 miles of a district, notice shall be published in the nearest district.

(2) If the location is not within 10 miles of a district, notice shall be given as if the location is in a public notice district without a newspaper of general circulation.

6085.450. (a) San Bernardino County contains the following public notice districts:

(1) Barstow District, which is comprised of the City of Barstow.

(2) Bear Valley District, which is comprised of the City of Big Bear Lake and the unincorporated area known as Big Bear City.

(3) Bloomington District, which is comprised of the Cities of Fontana and Rialto and the unincorporated areas known as Bloomington and Lytle Creek.

(4) Chino District, which is comprised of the Cities of Chino and Chino Hills.

(5) Crest Forest District, which is comprised of the unincorporated areas known as Crestline and Lake Arrowhead.

(6) Cucamonga-Etiwanda District, which is comprised of the Cities of Montclair, Ontario, Rancho Cucamonga, and Upland.

(7) Needles District, which is comprised of the City of Needles.

(8) San Bernardino District, which is comprised of the Cities of Colton, Grand Terrace, Highland, Loma Linda, and San Bernardino and the unincorporated area known as Muscoy.

(9) Twentynine Palms District, which is comprised of the Cities of Twentynine Palms and Yucca Valley.

(10) Victorville District, which is comprised of the Cities of Adelanto, Apple Valley, Hesperia, and Victorville and the unincorporated areas known as Lucerne Valley and Phelan.

(11) Yucaipa District, which is comprised of the Cities of Redlands and Yucaipa and the unincorporated area known as Mentone.

(b) For the purpose of publishing notice arising from a location within San Bernardino County that is not within one of the districts described in subdivision (a):

(1) If the location is within 10 miles of a district, notice shall be published in the nearest district.

(2) If the location is not within 10 miles of a district, notice shall be given as if the location is in a public notice district without a newspaper of general circulation.

6085.460. (a) San Diego County contains the following public notice districts:

(1) El Cajon District, which is comprised of the Cities of El Cajon, La Mesa, Lemon Grove, and Santee and the unincorporated areas known as Alpine, Bostonia, Casa de Oro, Jamul, La Presa, Lakeside, Mount Helix, Ramona, Rancho San Diego, San Diego Country Estates, Spring Valley, and Winter Gardens.

(2) North County District, which is comprised of the Cities of Carlsbad, Del Mar, Encinitas, Escondido, Oceanside, San Marcos, Solana Beach, and Vista and the unincorporated areas known as Camp Pendleton, Fairbanks Ranch, Fallbrook, and Rancho Santa Fe.

(3) San Diego District, which is comprised of the Cities of Poway and San Diego, excluding that part of the City of San Diego that is in the South Bay District.

(4) South Bay District, which is comprised of the Cities of Chula Vista, Coronado, Imperial Beach, and National City, the unincorporated area known as Bonita, and that part of the City of San Diego lying south of the City of Chula Vista.

(b) For the purpose of publishing notice arising from a location within San Diego County that is not within one of the districts described in subdivision (a):

(1) If the location is within 10 miles of a district, notice shall be published in the nearest district.

(2) If the location is not within 10 miles of a district, notice shall be given as if the location is in a public notice district without a newspaper of general circulation.

6085.470. The City and County of San Francisco contains a single, countywide public notice district.

6085.480. (a) San Joaquin County contains the following public notice districts:

(1) Lodi District, which is comprised of the City of Lodi.

(2) Manteca-Ripon-Escalon District, which is comprised of the Cities of Escalon, Lathrop, Manteca, and Ripon and the unincorporated area known as French Camp.

(3) Stockton District, which is comprised of the City of Stockton and the unincorporated area known as Garden Acres.

(4) Tracy District, which is comprised of the City of Tracy.

(b) For the purpose of publishing notice arising from a location within San Joaquin County that is not within one of the districts described in subdivision (a):

(1) If the location is within 10 miles of a district, notice shall be published in the nearest district.

(2) If the location is not within 10 miles of a district, notice shall be given as if the location is in a public notice district without a newspaper of general circulation.

6085.490. (a) San Luis Obispo County contains the following public notice districts:

(1) First District, which is comprised of the City of El Paso de Robles.

(2) Second District, which is comprised of the City of Atascadero and the unincorporated area known as Templeton.

(3) Third District, which is comprised of the City of Morro Bay and the unincorporated area known as Los Osos.

(4) Fourth District, which is comprised of the City of San Luis Obispo and the unincorporated areas known as Avila Beach and Los Ranchos.

(5) Fifth District, which is comprised of the Cities of Arroyo Grande, Grover Beach, and Pismo Beach and the unincorporated areas known as Edna and Nipomo.

(b) For the purpose of publishing notice arising from a location within San Luis Obispo County that is not within one of the districts described in subdivision (a):

(1) If the location is within 10 miles of a district, notice shall be published in the nearest district.

(2) If the location is not within 10 miles of a district, notice shall be given as if the location is in a public notice district without a newspaper of general circulation.

6085.500. (a) San Mateo County contains the following public notice districts:

(1) Central District, which is comprised of the Cities of Belmont, Burlingame, Foster City, Half Moon Bay, Hillsborough, Millbrae, and San Mateo and the unincorporated area known as Montara.

(2) Northern District, which is comprised of the Cities of Brisbane, Colma, Daly City, Pacifica, San Bruno, and South San Francisco.

(3) Southern District, which is comprised of the Cities of Atherton, East Palo Alto, Menlo Park, Portola Valley, Redwood City, San Carlos, and Woodside and the unincorporated area known as North Fair Oaks.

(b) For the purpose of publishing notice arising from a location within San Mateo County that is not within one of the districts described in subdivision (a):

(1) If the location is within five miles of a district, notice shall be published in the nearest district.

(2) If the location is not within five miles of a district, notice shall be given as if the location is in a public notice district without a newspaper of general circulation.

6085.510. (a) Santa Barbara County contains the following public notice districts:

(1) Carpinteria-Montecito District, which is comprised of the City of Carpinteria and the unincorporated area known as Montecito.

(2) Guadalupe District, which is comprised of the City of Guadalupe.

(3) Lompoc District, which is comprised of the City of Lompoc and the unincorporated area known as Vandenberg AFB.

(4) Santa Barbara-Goleta District, which is comprised of the Cities of Goleta and Santa Barbara and the unincorporated area known as Isla Vista.

(5) Santa Maria District, which is comprised of the City of Santa Maria and the unincorporated areas known as Los Alamos and Orcutt.

(6) Solvang District, which is comprised of the Cities of Buellton and Solvang.

(b) For the purpose of publishing notice arising from a location within Santa Barbara County that is not within one of the districts described in subdivision (a):

(1) If the location is within 10 miles of a district, notice shall be published in the nearest district.

(2) If the location is not within 10 miles of a district, notice shall be given as if the location is in a public notice district without a newspaper of general circulation.

6085.520. (a) Santa Clara County contains the following public notice districts:

(1) Gilroy-Morgan Hill District, which is comprised of the Cities of Gilroy and Morgan Hill.

(2) Los Gatos-Campbell-Saratoga District, which is comprised of the Cities of Campbell, Los Gatos, Monte Sereno, and Saratoga.

(3) Palo Alto-Mountain View District, which is comprised of the Cities of Los Altos, Los Altos Hills, Mountain View, and Palo Alto and the unincorporated areas known as Loyola and Stanford.

(4) San Jose-Milpitas-Alviso District, which is comprised of the Cities of Milpitas and San Jose and the unincorporated area known as Alum Rock.

(5) Santa Clara-Cupertino District, which is comprised of the Cities of Cupertino and Santa Clara.

(6) Sunnyvale District, which is comprised of the City of Sunnyvale.

(b) For the purpose of publishing notice arising from a location within Santa Clara County that is not within one of the districts described in subdivision (a):

(1) If the location is within five miles of a district, notice shall be published in the nearest district.

(2) If the location is not within five miles of a district, notice shall be given as if the location is in a public notice district without a newspaper of general circulation.

6085.530. Santa Cruz County contains a single, countywide public notice district.

6085.540. (a) Shasta County contains the following public notice districts:

(1) Anderson District, which is comprised of the City of Anderson.

(2) Central Valley District, which is comprised of the City of Shasta Lake.

(3) Redding District, which is comprised of the City of Redding.

(b) For the purpose of publishing notice arising from a location within Shasta County that is not within one of the districts described in subdivision (a):

(1) If the location is within 10 miles of a district, notice shall be published in the nearest district.

(2) If the location is not within 10 miles of a district, notice shall be given as if the location is in a public notice district without a newspaper of general circulation.

6085.550. Sierra County contains a single, countywide public notice district.

6085.560. (a) Siskiyou County contains the following public notice districts:

(1) Dorris District, which is comprised of the City of Dorris.

(2) Dunsmuir-Mount Shasta District, which is comprised of the Cities of Dunsmuir and Mount Shasta.

(3) Scott Valley District, which is comprised of the Cities of Etna and Fort Jones.

(4) Shasta Valley District, which is comprised of the Cities of Montague and Weed.

(5) Tulelake District, which is comprised of the City of Tulelake.

(6) Yreka District, which is comprised of the City of Yreka.

(b) For the purpose of publishing notice arising from a location within Siskiyou County that is not within one of the districts described in subdivision (a):

(1) If the location is within 10 miles of a district, notice shall be published in the nearest district.

(2) If the location is not within 10 miles of a district, notice shall be given as if the location is in a public notice district without a newspaper of general circulation.

6085.570. (a) Solano County contains the following public notice districts:

(1) Benicia District, which is comprised of the City of Benicia.

(2) Dixon District, which is comprised of the City of Dixon.

(3) Fairfield-Suisun District, which is comprised of the Cities of Fairfield and Suisun.

(4) Rio Vista District, which is comprised of the City of Rio Vista.

(5) Vacaville District, which is comprised of the City of Vacaville.

(6) Vallejo District, which is comprised of the City of Vallejo.

(b) For the purpose of publishing notice arising from a location within Solano County that is not within one of the districts described in subdivision (a):

(1) If the location is within 10 miles of a district, notice shall be published in the nearest district.

(2) If the location is not within 10 miles of a district, notice shall be given as if the location is in a public notice district without a newspaper of general circulation.

6085.580. (a) Sonoma County contains the following public notice districts:

(1) Central Sonoma County District, which is comprised of the Cities of Cotati, Rohnert Park, Santa Rosa, and Sebastopol and the unincorporated areas known as Bloomfield, Forestville, and Guerneville.

(2) Northern District, which is comprised of the Cities of Cloverdale, Healdsburg, and Windsor.

(3) Petaluma District, which is comprised of the City of Petaluma and the unincorporated area known as Penngrove.

(4) Sonoma District, which is comprised of the City of Sonoma and the unincorporated areas known as Boyes Hot Springs and Kenwood.

(b) For the purpose of publishing notice arising from a location within Sonoma County that is not within one of the districts described in subdivision (a):

(1) If the location is within 10 miles of a district, notice shall be published in the nearest district.

(2) If the location is not within 10 miles of a district, notice shall be given as if the location is in a public notice district without a newspaper of general circulation.

6085.590. (a) Stanislaus County contains the following public notice districts:

(1) Ceres District, which is comprised of the Cities of Ceres and Hughson and the unincorporated areas known as Bystrom, Keyes, and Parklawn.

(2) Modesto District, which is comprised of the City of Modesto and the unincorporated areas known as Airport, Del Rio, Empire, and Salida.

(3) Newman District, which is comprised of the City of Newman and the unincorporated area known as Crows Landing.

(4) Oakdale-Waterford District, which is comprised of the Cities of Oakdale and Waterford.

(5) Patterson District, which is comprised of the City of Patterson and the unincorporated area known as Grayson.

(6) Riverbank District, which is comprised of the City of Riverbank.

(7) Turlock District, which is comprised of the City of Turlock.

(b) For the purpose of publishing notice arising from a location within Stanislaus County that is not within one of the districts described in subdivision (a):

(1) If the location is within 10 miles of a district, notice shall be published in the nearest district.

(2) If the location is not within 10 miles of a district, notice shall be given as if the location is in a public notice district without a newspaper of general circulation.

6085.600. (a) Sutter County contains the following public notice districts:

(1) Butte District, which is comprised of the City of Live Oak.

(2) Yuba District, which is comprised of Yuba City.

(b) For the purpose of publishing notice arising from a location within Sutter County that is not within one of the districts described in subdivision (a):

(1) If the location is within 10 miles of a district, notice shall be published in the nearest district.

(2) If the location is not within 10 miles of a district, notice shall be given as if the location is in a public notice district without a newspaper of general circulation.

6085.610. (a) Tehama County contains the following public notice districts:

(1) Corning District, which is comprised of the City of Corning and the unincorporated area known as Los Molinos.

(2) Red Bluff District, which is comprised of the Cities of Red Bluff and Tehama and the unincorporated area known as Gerber.

(b) For the purpose of publishing notice arising from a location within Tehama County that is not within one of the districts described in subdivision (a):

(1) If the location is within 10 miles of a district, notice shall be published in the nearest district.

(2) If the location is not within 10 miles of a district, notice shall be given as if the location is in a public notice district without a newspaper of general circulation.

6085.620. Trinity County contains a single, countywide public notice district.

6085.630. (a) Tulare County contains the following public notice districts:

(1) Dinuba District, which is comprised of the City of Dinuba and the unincorporated areas known as Cutler and Orosi.

(2) Exeter-Farmersville District, which is comprised of the Cities of Exeter and Farmersville.

(3) Lindsay District, which is comprised of the City of Lindsay and the unincorporated area known as Strathmore.

(4) Pixley District, which is comprised of the unincorporated areas known as Earlimart, Pixley, Tipton, and Woodville.

(5) Porterville District, which is comprised of the City of Porterville and the unincorporated areas known as Cotton Center and Poplar.

(6) Tulare District, which is comprised of the City of Tulare.

(7) Visalia District, which is comprised of the City of Visalia and the unincorporated area known as Ivanhoe.

(8) Woodlake District, which is comprised of the City of Woodlake.

(b) For the purpose of publishing notice arising from a location within Tulare County that is not within one of the districts described in subdivision (a):

(1) If the location is within 10 miles of a district, notice shall be published in the nearest district.

(2) If the location is not within 10 miles of a district, notice shall be given as if the location is in a public notice district which is comprised of the City of Sonora without a newspaper of general circulation.

6085.640. (a) Tuolumne County contains the Sonora District public notice district, which is comprised of the City of Sonora.

(b) For the purpose of publishing notice arising from a location within Tuloumne County that is not within the district described in subdivision (a):

(1) If the location is within 10 miles of the district, notice shall be published in the district.

(2) If the location is not within 10 miles of the district, notice shall be given as if the location is in a public notice district without a newspaper of general circulation.

6085.650. Ventura County contains a single, countywide public notice district.

6085.660. (a) Yolo County contains the following public notice districts:

(1) Davis District, which is comprised of the City of Davis.

(2) Washington District, which is comprised of the City of West Sacramento.

(3) Winters District, which is comprised of the City of Winters.

(4) Woodland District, which is comprised of the City of Woodland.

(b) For the purpose of publishing notice arising from a location within Yolo County that is not within one of the districts described in subdivision (a):

(1) If the location is within 10 miles of a district, notice shall be published in the nearest district.

(2) If the location is not within 10 miles of a district, notice shall be given as if the location is in a public notice district without a newspaper of general circulation.

6085.670. (a) Yuba County contains the following public notice districts:

(1) Marysville District, which is comprised of the City of Marysville and the unincorporated areas known as Linda, Olivehurst, and Plumas Lake.

(2) Wheatland District, which is comprised of the City of Wheatland and the unincorporated area known as Beale AFB.

(b) For the purpose of publishing notice arising from a location within Yuba County that is not within one of the districts described in subdivision (a):

(1) If the location is within 10 miles of a district, notice shall be published in the nearest district.

(2) If the location is not within 10 miles of a district, notice shall be given as if the location is in a public notice district without a newspaper of general circulation.

SEC. 10. The heading of Article 2 (commencing with Section 71042.5) of Chapter 6 of Title 8 of the Government Code is amended to read:

Article 2. ~~Preservation of~~ Judicial Districts

SEC. 11. Section 71042.5 of the Government Code is repealed.

~~71042.5. Notwithstanding any other provision of law, where judicial districts in a county have been consolidated, or where the municipal and superior courts in a county have unified, the territory embraced within the respective prior component judicial districts shall be separate judicial districts for the purpose of publication within a judicial district.~~

SEC. 12. Section 71042.6 of the Government Code is repealed.

~~71042.6. For the purpose of establishing boundaries under Section 71042.5, a map approved by the county surveyor shall be kept on file with the county recorder showing the boundaries of all consolidated or unified districts and component districts as of the date of consolidation or unification. The map shall be conclusively presumed to be accurate and may be used in evidence in any proceeding involving application of Section 71042.5.~~

SEC. 13. Section 71380 of the Government Code is amended to read:

71380. The Controller shall establish, supervise, and ~~as necessary revise a uniform accounting system, maintain trial court revenue distribution guidelines, including a system of audit, to the end~~ program to audit the accuracy of distributions

as provided by law, to ensure that all fines, penalties, forfeitures, and fees assessed by courts, and their collection and appropriate disbursement, shall be properly and ~~uniformly accounted for, for and distributed.~~ The ~~accounting system~~ trial court revenue distribution guidelines shall apply to superior courts, ~~together with courts, counties, including counties' probation offices, departments, central collection bureaus~~ bureaus, and any other agencies or entities having a role in this process.

SEC. 14. Section 1462.5 of the Penal Code is amended to read:

1462.5. Each installment or partial payment of a fine, penalty, ~~forfeiture~~ forfeiture, or fee shall be prorated among the state and local shares according to the ~~uniform accounting system~~ trial court revenue distribution guidelines established by the State Controller pursuant to Section 71380 of the Government Code. In cases subject to Section 1463.18 of the Penal Code, proration shall not occur until the minimum amounts have been transferred to the Restitution Fund as provided in that section.

SEC. 15. Section 3381 of the Revenue and Taxation Code is amended to read:

3381. (a) In each county where the tax collector or, if the county is a chartered county, the board of supervisors determines that the public interest, convenience and necessity require the local publication of the delinquent list required by Section 3371, or the published notice of power and intent to sell required by Section 3361, in order to afford adequate notice, all items required to be published shall be published as provided in this article.

~~After~~

(b) ~~After~~ the determination, the tax collector or, if the county is a chartered county, the board of supervisors shall divide and distribute the items to be published and cause the same to be published either within ~~(a) (1) the municipal corporations, (b) (2) the elementary, high school, or junior college districts, (c) (3) the supervisory districts, (d) judicial districts, (e) (4) public notice districts described in Chapter 1.1 (commencing with Section 6080) of Division 7 of Title 1 of the Government Code, (5) tax districts, areas included in map books, or tax code areas, or (f) (6) by any annexation or annexations of same, or any combination of same, or any combination of those districts, annexations, areas included in map books, and code areas, within the county as they shall determine most likely to afford adequate notice to owners of the property.~~

~~Except~~

(c) ~~Except~~ as provided in this article, the publication shall be in the same manner as provided in Article 1.7 (commencing with Section 3371).

~~The~~

(d) ~~The~~ publication provided for in this article shall be made once a week for two successive weeks in a newspaper or newspapers of general circulation. The publication shall be made in a newspaper published not less frequently than once a week.

SEC. 16. Section 3702 of the Revenue and Taxation Code is amended to read:

3702. (a) The tax collector shall publish the notice of intended sale once a week for three successive weeks in a newspaper of general circulation published in the county seat and in a newspaper of general circulation published in the ~~judicial~~ public notice district in which the property is situated. If the same newspaper of general circulation is published in both the county seat and in ~~such~~ the public notice district, or if the

publication of the notice of sale is made in a newspaper which is determined pursuant to Section 3381 as most likely to afford adequate notice of the sale, a publication in ~~such~~ that paper shall satisfy the requirements for publication set forth in this section. If there is no newspaper published in the county seat or in the ~~judicial~~ public notice district, then publication in the location in which there is no newspaper may be made by posting notice in three public places in the county seat or in the judicial district, ~~as the case may be, where no such newspaper is published. seat.~~ The publication shall be started not less than 21 days prior to the date of the sale.

(b) For the purposes of this section, publication of notice in a public notice district is governed by Chapter 1.1 (commencing with Section 6080) of Division 7 of Title 1 of the Government Code.

SEC. 17. Section 3703 of the Revenue and Taxation Code is amended to read:

3703. If in the judgment of the board of supervisors any property to be sold under this chapter will bring at auction less than the cost of publication in a newspaper, the publication of the notice of intended sale may be made in the same manner as if there were no newspaper published in the county seat or in the ~~judicial~~ public notice district.

Amendment 3

On page 1, strike out lines 1 and 2

- 0 -

Bill Referral Digest

BILL NUMBER: ACR 151

REFER TO:

RLS.

AUTHOR: Mullin

DATE REFERRED:

03/14/2016

RELATING TO: Irish American Heritage Month.
Relative to Irish American Heritage Month.

LEGISLATIVE COUNSEL DIGEST

This measure would designate March 2016 as Irish American Heritage Month in honor of the multitude of contributions that Irish Americans have made to the country and state.

Fiscal committee: no.

ACR 151

Bill Referral Digest

BILL NUMBER: ACR 152

REFER TO: RLS.

AUTHOR: Bloom

DATE REFERRED: 03/14/2016

RELATING TO: California Holocaust Memorial Day.
Relative to California Holocaust Memorial Day.

LEGISLATIVE COUNSEL DIGEST

This measure would proclaim May 16, 2016, 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.

ACR 152

Bill Referral Digest

BILL NUMBER: ACA 11

REFER TO:

U. & C.

AUTHOR: Gatto

DATE REFERRED:

03/14/2016

RELATING TO: Public Utilities Commission.

A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 10 to Article XII thereof, and by repealing and adding Article XII thereof, relating to public utilities.

LEGISLATIVE COUNSEL DIGEST

The California Constitution establishes the Public Utilities Commission, with jurisdiction over all public utilities. The California Constitution grants the commission certain general powers over all public utilities, subject to control by the Legislature, and, among other things, authorizes the Legislature, unlimited by the other provisions of the Constitution, to confer additional authority and jurisdiction upon the commission that is cognate and germane to the regulation of public utilities, to establish the manner and scope of review of commission action in a court of record, and to enable the commission to fix just compensation for utility property taken by eminent domain. The Public Utilities Act and other provisions of the Public Utilities Code set forth the structure, funding, and responsibilities of the commission.

This measure would authorize the Legislature to reallocate or reassign all or a portion of the functions of the commission to other state agencies, departments, boards, or other entities, consistent with specified purposes. The measure would direct the Legislature to adopt appropriate structures to provide greater accountability for the public utilities of the state and provide the necessary guidance to the commission to focus its regulatory efforts on safety, reliability, and ratesetting and to implement statutorily authorized programs for reducing emissions of greenhouse gases.

This measure would repeal the provisions of the California Constitution pertaining to the commission effective January 1, 2019, while specifying that a statute that was valid at the time the statute was enacted is not invalid by virtue of the repeal of those constitutional provisions.

Vote: 2/3. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

ACA 11

AMENDED IN ASSEMBLY MARCH 8, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

Assembly Concurrent Resolution

No. 140

Introduced by Assembly Member Obernolte

February 18, 2016

Assembly Concurrent Resolution No. 140—Relative to Don't Text and Drive Day.

LEGISLATIVE COUNSEL'S DIGEST

ACR 140, as amended, Obernolte. Don't Text and Drive Day.

This measure would proclaim April 27, 2016, as Don't Text and Drive Day, and would call upon individuals, government agencies, and schools, among others, to promote awareness of the problem of texting and driving and to support programs and policies that reduce the incidence of texting while driving in California and nationwide.

Fiscal committee: no.

- 1 WHEREAS, Texting while driving poses a significant risk to
2 drivers and those around them; and
3 ~~WHEREAS, In 2008, the Legislature passed Senate Bill No.~~
4 ~~28, which prohibits drivers from operating a motor vehicle while~~
5 ~~using a wireless device to send text messages; and~~
6 *WHEREAS, In California, it is unlawful to write, send, or read*
7 *a text message while driving, without using voice-operated and*
8 *hands-free technology; and*
9 WHEREAS, The National Safety Council estimates that over
10 340,000, or 6 percent, of all car crashes in 2013 involved text
11 messaging; and

1 WHEREAS, According to the Virginia Tech Transportation
2 Institute, texting while driving is six times more likely to result in
3 an accident than driving while intoxicated; and

4 WHEREAS, In a 2011 study by the federal Centers for Disease
5 Control and Prevention, 31.2 percent of United States drivers 18
6 to 64, inclusive, years of age reported that they had read or sent
7 text or email messages while driving at least once in the past 30
8 days; and

9 WHEREAS, Sending or receiving a text takes a driver's eyes
10 from the road for an average of 4.6 seconds, the equivalent, at 55
11 miles per hour, of driving the length of an entire football field,
12 blind; and

13 WHEREAS, In response to a 2013 California Office of Traffic
14 Safety survey, more than 36 percent of Californians surveyed
15 thought texting or talking on a cell phone while driving posed the
16 biggest safety problem on California roadways; and

17 WHEREAS, Nearly 70 percent of California drivers surveyed
18 said they had been hit or nearly hit by a driver who was talking or
19 texting on a cell phone; and

20 ~~WHEREAS, Nearly 48 percent of Californians surveyed said~~
21 ~~that texting while driving is the most serious distraction for drivers;~~
22 ~~and~~

23 WHEREAS, According to the National Highway Traffic Safety
24 Administration, text messaging creates a crash risk 23 times worse
25 than driving while not distracted; and

26 WHEREAS, As of December 2013, 153.3 billion text messages
27 were sent in the United States every month, according to CTIA -
28 The Wireless Association; and

29 WHEREAS, As reported in a 2012 National Highway Traffic
30 Safety Administration survey, at any given daylight moment across
31 America, approximately 660,000 drivers are using cell phones or
32 manipulating electronic devices while driving, a number that has
33 held steady since 2010; and

34 WHEREAS, According to a University of Michigan
35 Transportation Research Institute study, about 25 percent of
36 teenagers respond to a text message once or more every time they
37 drive, and additionally, 20 percent of teenagers and 10 percent of
38 parents admitted to having an extended multimessage texting
39 conversation while driving. Furthermore, the study reported that
40 parents who more frequently engaged in distracted driving

1 behaviors had teenagers who engaged in distracted driving
2 behaviors more frequently than other young drivers; now, therefore,
3 be it

4 *Resolved by the Assembly of the State of California, the Senate*
5 *thereof concurring*, That the Legislature proclaims April 27, 2016,
6 as Don't Text and Drive Day, and calls upon individuals,
7 government agencies, business leaders, hospitals, schools, and
8 public and private institutions within the state to promote awareness
9 of the problem of texting and driving and to support programs and
10 policies that reduce the incidence of texting while driving in
11 California and nationwide; 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: March 14, 2016

ASSEMBLY COMMITTEE ON RULES
Gordon, Chair
ACR 140 (Obernolte) – As Amended March 8, 2016

SUBJECT: Don't Text and Drive Day

SUMMARY: Proclaims April 27, 2016, as Don't Text and Drive Day, and would call upon individuals, government agencies, and schools, among others, to promote awareness of the problem of texting and driving and to support programs and policies that reduce the incidence of texting while driving in California and nationwide. Specifically, **this resolution** makes the following legislative findings:

- 1) The National Safety Council estimates that over 340,000, or 6 percent, of all crashes in 2013 involved text messaging.
- 2) In California, it is unlawful to write, send, or read a text message while driving, without using voice-operated and hands-free technology.
- 3) In a 2011 study by the federal Centers for Disease Control and Prevention, 31.2 percent of United States drivers 18 to 64 years of age reported that they had read or sent text or email messages while driving at least once in the past 30 days. Nearly 70 percent of California drivers surveyed said they had been hit or nearly hit by a driver who was talking or texting on a cell phone.
- 4) According to the Virginia Tech Transportation Institute, texting while driving is six times more likely to result in an accident than driving while intoxicated.
- 5) Don't Text and Drive Day calls upon individuals, government agencies, business leaders, hospitals, schools, and public and private institutions within the state to promote awareness of the problem of texting and driving and to support programs and policies that reduce the incidence of texting while driving in California and nationwide.

FISCAL EFFECT: None

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

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

Assembly Concurrent Resolution

No. 151

Introduced by Assembly Members Mullin and Brough
(Coauthors: Assembly Members Travis Allen, Baker, Bigelow,
Chang, Chávez, Daly, Dodd, Gallagher, Hadley, Jones, Lackey,
Mathis, McCarty, O'Donnell, Quirk, Wagner, and Waldron)
(Coauthors: Senators Bates and McGuire)

March 7, 2016

Assembly Concurrent Resolution No. 151—Relative to Irish American Heritage Month.

LEGISLATIVE COUNSEL'S DIGEST

ACR 151, as introduced, Mullin. Irish American Heritage Month.

This measure would designate March 2016 as Irish American Heritage Month in honor of the multitude of contributions that Irish Americans have made to the country and state.

Fiscal committee: no.

- 1 WHEREAS, Millions of Irish people, faced with severe hardship
2 due to famine and poverty in their nation, immigrated to the United
3 States over the last several centuries in search of a more promising
4 future for themselves and their families; and
5 WHEREAS, The journey to America from the Emerald Isle was
6 not paved with gold. The Irish spirit of determination, perseverance,
7 and grit prevailed against dangerous seas and deadly conditions
8 with their hearts set on the horizon; and
9 WHEREAS, Irish Americans initially suffered prejudice and
10 discrimination upon first arriving in the United States. As the years
11 went on, Irish Americans became deeply integrated in their

1 communities and made numerous contributions in all aspects of
2 American society and culture; and

3 WHEREAS, Irish Americans played vital roles in the
4 development of the United States. Nine Irish Americans were
5 signers of the Declaration of Independence, and 22 Presidents of
6 the United States have been of Irish heritage, including John F.
7 Kennedy, Ronald Reagan, Bill Clinton, and Barack Obama; and

8 WHEREAS, Many people of Irish descent have contributed to
9 great movements that have helped to shape our country and its
10 role in the world, including Mother Jones, labor activist; Lucy
11 Burns, activist in the Women's Movement; and Senator George
12 Mitchell, negotiator of the Irish Peace Accord; and

13 WHEREAS, Irish Americans have also played a major role in
14 California politics as governors, legislative leaders, city mayors,
15 and other public officials, who have worked tirelessly to build
16 California to the state that it is today; and

17 WHEREAS, Irish Americans were significantly involved in the
18 development of infrastructure throughout the United States,
19 especially in California. This included work on railroads and
20 bridges that connected the West to the East. The Irish were also
21 instrumental in the building of dams, roads, canals, and buildings
22 that expanded greatly in the late 1800s; and

23 WHEREAS, Many Irish Americans have made their mark as
24 peace officers and firefighters, and have risked or lost their lives
25 on countless occasions in carrying out their duties; and

26 WHEREAS, Many outstanding soldiers, never to be forgotten,
27 who fought for American freedom in the Revolutionary War were
28 of Irish descent. Irish Americans have proudly served with
29 distinction in every war that this nation has fought and continue
30 to do so today; and

31 WHEREAS, Many Irish Americans have contributed greatly to
32 the United States economy in business, including: Alexander
33 Stewart, the inventor of the American department store; Cathleen
34 Black, president of Hearst Publishing; Jack Welch, former president
35 and chief executive officer of General Electric; Herb Kelleher,
36 cofounder of Southwest Airlines; Paul Adams of Facebook; John
37 Donahoe, chief executive officer of eBay, Inc.; Conrad Burke,
38 founder of Innovalight; and Maggie Sullivan Wilderotter, chief
39 executive officer of Frontier Communications; and

WHEREAS, Irish Americans have contributed to the field of science, including: astronaut, Michael Collins; first female commander of a space shuttle, Eileen Collins; physicist and Nobel Laureate, Charles Townes; and bioengineer and MacArthur “Genius grant” recipient, James Collins; and

WHEREAS, Irish Americans have contributed to the American literary tradition through great authors, including Flannery O’Connor, Eugene O’Neill, F. Scott Fitzgerald, Mary McCarthy, Tom Clancy, and Frank McCourt; and

WHEREAS, Irish Americans have contributed to American entertainment with such stars as actors Jack Nicholson, John Wayne, and George Clooney; actor and comedian Bill Murray; actress Grace Kelly; actress and comedian Rosie O’Donnell; actor and singer Bing Crosby; actress and singer Rosemary Clooney; actress and singer Judy Garland; comedian Conan O’Brien; and actor and director Edward Burns, all being of Irish heritage; and

WHEREAS, Today, over 34 million Americans claim Irish heritage, and they continue to contribute to the American and California politics, economy, and culture; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature, in honor of the multitude of contributions that Irish Americans have made to make this a better country and state for all people, designates March 2016 to be Irish American Heritage Month in California, and calls upon the people of the state to observe the month of March with appropriate ceremonies, programs, and activities, especially on March 17, since everyone is Irish on St. Patrick’s Day; and be it further

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

O

Date of Hearing: March 14, 2016

ASSEMBLY COMMITTEE ON RULES
Gordon, Chair
ACR 151 (Mullin) – As Introduced March 7, 2016

SUBJECT: Irish American Heritage Month

SUMMARY: Designates March 2016 as Irish American Heritage Month in honor of all the contributions that Irish Americans have made to better the country and state for all people. Specifically, **this resolution** makes the following legislative findings:

- 1) Over the last several centuries, millions of Irish people faced severe hardship in their nation and immigrated to the United States in search of a more promising future for themselves and their families.
- 2) Irish Americans initially suffered prejudice and discrimination upon arriving in the United States; and, as the years went on, Irish Americans became very involved in the community and made important contributions in all aspects of American society and culture, especially in California.
- 3) Today, over 34 million Americans claim Irish heritage, and they continue to contribute to American and California politics, economy, and culture.

FISCAL EFFECT: None

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

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

House Resolution

No. 40

Introduced by Assembly Members Eggman and Thurmond

February 24, 2016

House Resolution No. 40—Relative to Social Work Month.

1 WHEREAS, March 2016 is recognized nationally as Social
2 Work Month and this year's theme is, "Social Work: Forging
3 Solutions Out of Challenges"; and

4 WHEREAS, The social work profession has its roots in the 1889
5 Chicago settlement house movement led by the "Mother of Social
6 Work," Jane Addams; and

7 WHEREAS, The primary mission of the social work profession
8 is to enhance and meet the basic needs of all people, with particular
9 attention to the needs of, and empowerment through social action
10 and social justice for, those who are poor, oppressed, and living
11 in poverty; and

12 WHEREAS, Today, there are over 650,000 professional social
13 workers in the United States, over 65,000 of whom are in
14 California; and

15 WHEREAS, There are over 7,500 graduate students in the social
16 work pipeline in 22 accredited California State University,
17 University of California, and private programs throughout the
18 state; and

19 WHEREAS, Professional social workers train in an intensive
20 combination of classroom and community experiences focused on
21 individuals, families, and communities in crisis and in need of
22 help; and

23 WHEREAS, Professional social workers provide services across
24 the age spectrum, from prenatal to end of life services; and

1 WHEREAS, Professional social workers serve in diverse
2 settings, including schools, courtrooms, health clinics, hospitals,
3 senior centers, homeless shelters, nursing homes, the military,
4 disaster relief, prisons, corporations, and in political office; and

5 WHEREAS, Professional social workers who have served in
6 Congress include the Honorable Ron Dellums, MSW, the
7 Honorable Barbara Lee, MSW, and the Honorable Susan Davis,
8 MSW, and professional social workers who have served in the
9 California State Legislature include the Honorable Mary Salas,
10 BSW, the Honorable Patty Berg, B.A. in social work; and the
11 Honorable Mariko Yamada, MSW; and

12 WHEREAS, Professional social workers who have combined
13 their leadership skills and knowledge of community development
14 into distinguished positions include Arturo Rodriguez, MSW,
15 President of the United Farmworkers Organization, and Caitlyn
16 Ryan, LCSW, Director of the Family Acceptance Project; now,
17 therefore, be it

18 *Resolved by the Assembly of the State of California*, That March
19 2016 is proclaimed Social Work Month in the State of California,
20 and the Assembly commends the California Chapter of the National
21 Association of Social Workers for its role in advancing professional
22 social work and promoting the well-being of the people of
23 California, and also encourages all Californians to take part in
24 March “Social Work: Forging Solutions Out of Challenges” events
25 throughout California; and be it further

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

O

Date of Hearing: March 14, 2016

ASSEMBLY COMMITTEE ON RULES
Gordon, Chair
HR 40 (Eggman) – As Introduced February 24, 2016

SUBJECT: Social Work Month

SUMMARY: Proclaims March 2016 as Social Work Month in the State of California and commends the California Chapter of the National Association of Social Workers for its role in advancing professional social work and promoting the well-being of the people of California. Specifically, **this resolution** makes the following legislative findings:

- 1) March 2016 is recognized nationally as Social Work Month and this year's theme is, "Social Work: Forging Solutions Out of Challenges."
- 2) The primary mission of the social work profession is to enhance and meet the basic needs of all people, with particular attention to the needs of, and empowerment through social action and social justice for, those who are poor, oppressed, and living in poverty.
- 3) Currently there are over 650,000 professional social workers in the United States, over 65,000 of who are in California.
- 4) There are over 7,500 graduate students in the social work pipeline in 22 accredited California State University, University of California, and private programs throughout the state.
- 5) Professional social workers train in an intensive combination of classroom and community experiences focused on individuals, families, and communities in crisis and in need of help. They provide services across the age spectrum, from prenatal to end of life services.
- 6) Professional social workers serve in diverse settings, including schools, courtrooms, health clinics, hospitals, senior centers, homeless shelters, nursing homes, the military, disaster relief, prisons, corporations, and in political office.

FISCAL EFFECT: None

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

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

House Resolution

No. 41

Introduced by Assembly Member Burke
(Coauthors: Assembly Members Brown, Cooper, Gipson, Holden,
Jones-Sawyer, McCarty, Ridley-Thomas, Thurmond, and Weber)

March 1, 2016

House Resolution No. 41—Relative to Tuskegee Airmen Day.

1 WHEREAS, The Tuskegee Airmen is the popular name of the
2 very first group of African-American military aviators in the United
3 States Armed Forces, and they went on to earn distinction for their
4 demonstrated skill as part of the 332nd Fighter Group and the 99th
5 Pursuit Squadron of the United States Army Air Corps; and
6 WHEREAS, Prior to the Tuskegee Airmen, the United States
7 military did not allow African-Americans the opportunity to
8 become aviators; and
9 WHEREAS, In 1941 Congress forced the Army Air Corps to
10 form an African American combat unit, despite the reluctance to
11 initiate any form of substantive integration; and
12 WHEREAS, In June 1941, the Airmen were transferred to
13 Tuskegee, Alabama where they received training before they were
14 deemed ready for combat in 1943 and deployed to North Africa
15 to join the 33rd fighter group; and
16 WHEREAS, In the first battle, the Airmen attacked the island
17 of Pantelleria, effectively clearing a path for the Allied forces to
18 invade Sicily where the Italian population was forced to surrender;
19 and
20 WHEREAS, The Tuskegee Airmen broke barriers by working
21 under the exceptional leadership of Benjamin O. Davis Jr., the first

1 black man to hold the rank of general in the United States Air
2 Force; and

3 WHEREAS, The arrival of more African American aviators
4 strengthened the decisive impact of the Tuskegee Airmen despite
5 a scientific report by the University of Texas detailing that African
6 Americans were of low intelligence and lacked the competency
7 to handle complex situations, such as air combat; and

8 WHEREAS, The Tuskegee Airmen earned their place in history
9 further by flying over 15,000 combat sorties on 1,578 missions
10 during World War II, proving instrumental to the liberation of
11 oppressed groups abroad while African Americans still faced their
12 own form of oppression in the United States; and

13 WHEREAS, After receiving the P-51 Mustang fighters with red
14 paint on the tail section of their aircraft, the pilots of the 332nd
15 became known as the Red Tails; and

16 WHEREAS, After segregation in the military was ended in 1948
17 by President Harry S. Truman through Executive Order, the veteran
18 Tuskegee Airmen went on to share their knowledge by teaching
19 civilian flight to other groups such as the black-owned Columbia
20 Air Center in Maryland; and

21 WHEREAS, The Tuskegee Airman broke boundaries for their
22 brave efforts not only in the Air Force, but for the United States
23 more broadly; now, therefore, be it

24 *Resolved by the Assembly of the State of California*, That the
25 California State Assembly designates the 4th Thursday in March
26 as Tuskegee Airmen Day in California; and be it further

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

O

Date of Hearing: March 14, 2016

ASSEMBLY COMMITTEE ON RULES
Gordon, Chair
HR 41 (Burke) – As Introduced March 1, 2016

SUBJECT: Tuskegee Airmen Day

SUMMARY: Designates the 4th Thursday in March as Tuskegee Airmen Day in California. Specifically, **this resolution** makes the following legislative findings:

- 1) The Tuskegee Airmen is the popular name of the very first group of African-American military aviators in the United States Armed Forces. Prior to the Tuskegee Airmen, the United States military did not allow African-Americans the opportunity to become aviators.
- 2) In 1941, Congress forced the Army Air Corps to form an African-American combat unit, despite the reluctance to initiate any form of substantive integration.
- 3) In June of 1941, the Airmen were transferred to Tuskegee, Alabama to receive training before they were deemed ready for combat in 1943 and deployed to North Africa to join the 33rd fighter group.
- 4) Under the exceptional leadership of Benjamin O. Davis Jr., the first black man to hold the rank of general in the United States Air Force, the Tuskegee Airmen broke barriers.
- 5) The Tuskegee Airmen earned their place in history by flying over 15,000 combat sorties on 1, 578 missions during World War II, proving instrumental to the liberation of oppressed groups abroad while African-Americans still faced their own form of oppression in the United States.
- 6) After segregation in the military was ended in 1948 by President Harry S. Truman through Executive Order, the veteran Tuskegee Airmen went on to share their knowledge by teaching civilian flight to other groups such as the black-owned Columbia Air Center in Maryland.

FISCAL EFFECT: None

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

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

Introduced by Senator Jackson

February 3, 2016

Senate Concurrent Resolution No. 106—Relative to California Court Reporting and Captioning Week.

LEGISLATIVE COUNSEL'S DIGEST

SCR 106, as introduced, Jackson. California Court Reporting and Captioning Week.

This measure would proclaim the week of February 14, 2016, through February 20, 2016, as California Court Reporting and Captioning Week and request the Governor to issue a proclamation calling on the people of the great State of California to observe the week with appropriate programs, ceremonies, and educational activities.

Fiscal committee: no.

- 1 WHEREAS, For millennia, individuals have wanted the spoken
2 word translated into text to record history and to accomplish this
3 task have relied on scribes; and
4 WHEREAS, The profession of scribe was born with the rise of
5 civilization; and
6 WHEREAS, In ancient Egypt, scribes were considered to be
7 the literate elite, recording laws and other important documents
8 and, since that time, have served as impartial witnesses to history;
9 and
10 WHEREAS, Scribes were present with our nation's founding
11 fathers as the Declaration of Independence and the Bill of Rights
12 were drafted; and
13 WHEREAS, President Abraham Lincoln entrusted scribes to
14 record the Emancipation Proclamation; and

1 WHEREAS, Since the advent of shorthand machines, these
2 scribes have been known as court reporters and have played a
3 permanent and invaluable role across our country; and

4 WHEREAS, Court reporters are present in the California State
5 Legislature, preserving legislators' words and actions; and

6 WHEREAS, Court reporters and captioners are responsible for
7 keeping a complete, accurate, secure, and unbiased record of
8 courtroom proceedings and other legal matters, including civil
9 depositions; and

10 WHEREAS, Through the Transcript Reimbursement Fund,
11 court reporters fund and are responsible for providing courtroom
12 transcripts to indigent litigants; and

13 WHEREAS, Court reporters and captioners are responsible for
14 the closed captioning seen scrolling across television screens, at
15 sporting stadiums, and in other community and educational settings,
16 bringing information to millions of deaf and hard-of-hearing
17 Americans every day; and

18 WHEREAS, Court reporters regularly volunteer to document
19 educational events and to capture veterans' oral histories at
20 community events; and

21 WHEREAS, There are an estimated 8,500 Californians working
22 as court reporters and captioners; and

23 WHEREAS, Court reporters and captioners translate the spoken
24 word into text and preserve our history; and

25 WHEREAS, Whether called the scribes of yesterday or the court
26 reporters and captioners of today, the individuals who preserve
27 our nation's history are truly the guardians of the record; now,
28 therefore, be it

29 *Resolved by the Senate of the State of California, the Assembly*
30 *thereof concurring*, That the Legislature proclaims February 14,
31 2016, through February 20, 2016, as California Court Reporting
32 and Captioning Week, and requests that the Governor issue a
33 proclamation calling on the people of the great State of California
34 to observe the day with appropriate programs, ceremonies, and
35 educational activities; and be it further

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

O

Date of Hearing: March 14, 2016

ASSEMBLY COMMITTEE ON RULES
Richard Gordon, Chair
SCR 106 (Jackson) – As Introduced February 3, 2016

SENATE VOTE: 39-0

SUBJECT: California Court Reporting and Captioning Week

SUMMARY: Proclaims the week of February 14, 2016, through February 20, 2016, as California Court Reporting and Captioning Week in California. Specifically, **this resolution** makes the following legislative findings:

- 1) Court reporters and captioners are responsible for keeping a complete, accurate, secure, and unbiased record of courtroom proceedings and other legal matters, including civil depositions.
- 2) Court reporters and captioners are responsible for the closed captioning seen scrolling across television screens, at sporting stadiums, and in other community and educational settings, bringing information to millions of deaf and hard-of-hearing Americans every day.
- 3) There are approximately 8,500 Californians working as court reports and captioners translating spoken word into text and preserving our history.

FISCAL EFFECT: None

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

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