



STATE CAPITOL
P.O. BOX 942849
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(916) 319-2800
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Assembly
California Legislature
Committee on Rules

RICHARD S. GORDON
CHAIR

VICE CHAIR
LING LING CHANG

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Thursday, March 12, 2015
8:50 AM
State Capitol, Room 3016

CONSENT AGENDA

Bill Referrals

1. Consent Bill Referrals

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2. Bill Referrals with Amendments

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Resolutions

3. ACR 41 (Ting) Relative to Sunshine Week.

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4. ACR 42 (Quirk) Relative to Science Fair Month.

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Request to Add Urgency Clause

5. AB 14 (Waldron) Relative to Unmanned aircraft systems: task force.

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REFERRAL OF BILLS TO COMMITTEE

03/12/2015

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

Assembly Bill No.	Committee:
<u>AB 621</u>	L. & E.
<u>AB 653</u>	HIGHER ED.
<u>AB 701</u>	G.O.
<u>AB 702</u>	HUM. S.
<u>AB 703</u>	JUD.
<u>AB 704</u>	INS.
<u>AB 705</u>	B. & P.
<u>AB 706</u>	A. & A.R.
<u>AB 707</u>	AGRI.
<u>AB 707</u>	L. GOV.
<u>AB 708</u>	B. & P.
<u>AB 710</u>	ED.
<u>AB 711</u>	ED.
<u>AB 712</u>	L. GOV.
<u>AB 712</u>	H. & C.D.
<u>AB 714</u>	P.E.,R. & S.S.
<u>AB 715</u>	ED.
<u>AB 716</u>	HIGHER ED.
<u>AB 717</u>	REV. & TAX.
<u>AB 719</u>	HUM. S.
<u>AB 720</u>	NAT. RES.
<u>AB 721</u>	HIGHER ED.
<u>AB 722</u>	B. & F.
<u>AB 722</u>	JUD.
<u>AB 723</u>	H. & C.D.
<u>AB 727</u>	L. GOV.
<u>AB 727</u>	U. & C.
<u>AB 728</u>	A. & A.R.
<u>AB 730</u>	PUB. S.
<u>AB 732</u>	AGRI.
<u>AB 734</u>	ED.
<u>AB 735</u>	A.,E.,S.,T. & I. M.
<u>AB 735</u>	HIGHER ED.
<u>AB 736</u>	P.E.,R. & S.S.
<u>AB 738</u>	L. GOV.
<u>AB 740</u>	ED.
<u>AB 741</u>	HEALTH
<u>AB 742</u>	TRANS.

<u>AB 743</u>	HUM. S.
<u>AB 745</u>	HEALTH
<u>AB 747</u>	L. GOV.
<u>AB 748</u>	REV. & TAX.
<u>AB 750</u>	B. & P.
<u>AB 751</u>	AGRI.
<u>AB 753</u>	ED.
<u>AB 755</u>	REV. & TAX.
<u>AB 759</u>	TRANS.
<u>AB 760</u>	A. & A.R.
<u>AB 760</u>	ED.
<u>AB 761</u>	NAT. RES.
<u>AB 761</u>	W.,P. & W.
<u>AB 762</u>	HUM. S.
<u>AB 763</u>	HEALTH
<u>AB 764</u>	B. & P.
<u>AB 764</u>	INS.
<u>AB 766</u>	HEALTH
<u>AB 767</u>	HIGHER ED.
<u>AB 768</u>	G.O.
<u>AB 768</u>	A.,E.,S.,T. & I. M.
<u>AB 769</u>	P.E.,R. & S.S.
<u>AB 771</u>	REV. & TAX.
<u>AB 772</u>	PUB. S.
<u>AB 773</u>	B. & P.
<u>AB 774</u>	G.O.
<u>AB 776</u>	G.O.
<u>AB 777</u>	NAT. RES.
<u>AB 778</u>	L. GOV.
<u>AB 780</u>	G.O.
<u>AB 782</u>	HUM. S.
<u>AB 786</u>	E. & R.
<u>AB 786</u>	TRANS.
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<u>AB 791</u>	HEALTH
<u>AB 792</u>	B. & F.
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<u>AB 794</u>	PUB. S.
<u>AB 796</u>	HEALTH
<u>AB 796</u>	B. & P.
<u>AB 797</u>	A. & A.R.
<u>AB 798</u>	HIGHER ED.

<u>AB 800</u>	E. & R.
<u>AB 801</u>	HIGHER ED.
<u>AB 801</u>	HUM. S.
<u>AB 805</u>	P. & C.P.
<u>AB 805</u>	A. & A.R.
<u>AB 806</u>	L. GOV.
<u>AB 806</u>	H. & C.D.
<u>AB 807</u>	JUD.
<u>AB 808</u>	TRANS.
<u>AB 808</u>	B. & P.
<u>AB 810</u>	TRANS.
<u>AB 811</u>	P.E.,R. & S.S.
<u>AB 815</u>	NAT. RES.
<u>AB 816</u>	B. & F.
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<u>AB 819</u>	HIGHER ED.
<u>AB 821</u>	REV. & TAX.
<u>AB 822</u>	INS.
<u>AB 823</u>	L. GOV.
<u>AB 825</u>	U. & C.
<u>AB 825</u>	JUD.
<u>AB 826</u>	J., E.D. & E.
<u>AB 827</u>	ED.
<u>AB 828</u>	U. & C.
<u>AB 828</u>	TRANS.
<u>AB 830</u>	JUD.
<u>AB 831</u>	HIGHER ED.
<u>AB 832</u>	PUB. S.
<u>AB 836</u>	B. & P.
<u>AB 836</u>	A.,E.,S.,T. & I. M.



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Memo

To: Rules Committee Members
From: Mukhtar Ali, Bill Referral Consultant
Date: 3/11/15
Re: Consent Bill Referrals

Since you received the preliminary there have been no changes.

REFERRAL OF BILLS TO COMMITTEE

03/13/2015

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

Assembly Bill No.	Committee:
<u>AB 19</u>	J., E.D. & E.
<u>AB 24</u>	U. & C.
<u>AB 24</u>	TRANS.
<u>AB 69</u>	PUB. S.
<u>AB 69</u>	P. & C.P.
<u>AB 73</u>	HEALTH
<u>AB 183</u>	B. & F.
<u>AB 230</u>	G.O.
<u>AB 245</u>	E. & R.
<u>AB 247</u>	PUB. S.
<u>AB 262</u>	PUB. S.
<u>AB 272</u>	L. & E.
<u>AB 272</u>	JUD.
<u>AB 314</u>	JUD.
<u>AB 321</u>	REV. & TAX.
<u>AB 352</u>	HIGHER ED.
<u>AB 357</u>	L. & E.
<u>AB 413</u>	J., E.D. & E.
<u>AB 612</u>	REV. & TAX.



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Memo

To: Rules Committee Members
From: Mukhtar Ali, Bill Referral Consultant
Date: 3/11/15
Re: Consent Bill Referrals – Spot Bills

Since you received the preliminary the referral recommendation for AB 24 has changed.

AMENDMENTS TO ASSEMBLY BILL NO. 19

Amendment 1

In the title, strike out line 1 and insert:

An act to add Section 12098.2 to the Government Code, relating to economic development.

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 12098.2 is added to the Government Code, to read:
12098.2. The Governor's Office of Business and Economic Development, under the direction of the advocate, shall review all regulations affecting small businesses adopted prior to January 1, 2016, in order to determine whether the regulations need to be amended in order to become more effective, less burdensome, or to decrease the cost impact to affected sectors.

Amendment 3

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

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AMENDMENTS TO ASSEMBLY BILL NO. 24

Amendment 1

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

to amend Section 5374 of, and to add Section 5444 to, the Public Utilities Code, and to amend Section 1808.1 of the Vehicle Code,

Amendment 2

On page 2, before line 1, insert:

SECTION 1. Section 5374 of the Public Utilities Code is amended to read:

5374. (a) (1) Before a permit or certificate is issued or renewed, the commission shall require the applicant to establish reasonable fitness and financial responsibility to initiate and conduct or continue to conduct the proposed or existing transportation services. The commission shall not issue or renew a permit or certificate pursuant to this chapter unless the applicant meets all of the following requirements:

(A) It is financially and organizationally capable of conducting an operation that complies with the rules and regulations of the Department of the California Highway Patrol governing highway safety.

(B) It is committed to observing the hours of service regulations of state and, where applicable, federal law, for all persons, whether employees or subcarriers, operating vehicles in transportation for compensation under the certificate.

(C) It has a preventive maintenance program in effect for its vehicles used in transportation for compensation that conforms to regulations of the Department of the California Highway Patrol in Title 13 of the California Code of Regulations.

(D) It participates in ~~a program~~ the pull-notice system pursuant to Section 1808.1 of the Vehicle Code to regularly check the driving records of all persons, whether employees or subcarriers, operating vehicles used in transportation for compensation.

(E) It has a safety education and training program in effect for all employees or subcarriers operating vehicles used in transportation for compensation.

(F) It will maintain its vehicles used in transportation for compensation in a safe operating condition and in compliance with the Vehicle Code and with regulations contained in Title 13 of the California Code of Regulations relative to motor vehicle safety.

(G) It has filed with the commission the certificate of workers' compensation insurance coverage or statement required by Section 5378.1.

(H) It has provided the commission an address of an office or terminal where documents supporting the factual matters specified in the showing required by this subdivision may be inspected by the commission and the Department of the California Highway Patrol.

(I) It provides for a mandatory controlled substance and alcohol testing certification program as adopted by the commission pursuant to Section 1032.1.



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(J) Subparagraphs (C), (F), and (H) do not apply to a charter-party carrier of passengers engaged in the provision of a hired driver service when a rented motor vehicle is being operated by the hired driver.

(K) It provides for mandatory Department of Justice criminal background checks to check the criminal history of any driver who is either under contract to, or employed by, the applicant to operate a vehicle used in transportation for compensation pursuant to the following:

(i) A driver, as defined in Section 305 of the Vehicle Code, of a charter-party carrier, as defined in Section 5360, shall submit to the Department of Justice fingerprint images and related information required by the department for the purpose of obtaining information as to the existence and content of state convictions and state arrests and also information as to the existence and content of a record of a state arrest for which the department establishes that the person is free on bail or on his or her own recognizance pending trial or appeal.

(ii) The department shall provide a state response to the charter-party carrier pursuant to paragraph (1) of subdivision (p) of Section 11105 of the Penal Code.

(iii) The charter-party carrier shall request from the Department of Justice subsequent notification service, as provided pursuant to Section 11105.2 of the Penal Code, for persons described in clause (i).

(iv) The department shall charge a fee sufficient to cover the cost of processing the request described in this subparagraph.

(v) A driver shall be denied employment or have his or her contract voided if he or she is required by any law to register as a sex offender or has been convicted of any felony, within a seven-year period from the date of his or her application, involving any of the following: any type of sexual offense; the manufacture, possession for sale, transportation, or distribution of narcotics, controlled substances, or addictive or dangerous drugs; force, violence, threat, or intimidation against persons; kidnapping; forgery, fraud, larceny, extortion, burglary, robbery, or theft; credit card fraud; possession of a firearm or dangerous weapon; resisting or obstructing a peace officer, public officer, or emergency medical technician; or use of another vehicle for hire in the commission of a felony. Equivalent out-of-state violations shall be considered.

(L) Subparagraph (K) shall not apply with respect to a driver who is required to undergo a criminal background check pursuant to Section 33192 or 45125.1 of the Education Code, while the driver remains employed by the employer for whom the criminal background check was performed.

(2) Drivers hired or initially retained by a charter-party carrier of passengers on or after January 1, 2016, shall be subject to background checks and mandatory drug and alcohol testing prior to employment or retention. Drivers hired or initially retained before January 1, 2016, shall complete a background check and drug and alcohol test before January 1, 2017.

(2)

(3) With respect to subparagraphs (B) and (F) of paragraph (1), the commission may base a finding on a certification by the commission that an applicant has filed, with the commission, a sworn declaration of ability to comply and intent to comply.

(3)

(4) The commission may require, as a precondition to the issuance of a permit or certificate, the procurement of a performance bond sufficient to facilitate the

collection of fines, penalties, and restitution related to enforcement actions that can be taken against the applicant.

(b) In addition to the requirements in subdivision (a), charter-party carriers shall meet all other state and, where applicable, federal regulations as prescribed.

(c) The commission may delegate to its executive director or that executive director's designee the authority to issue, renew, or authorize the transfer of, charter-party carrier permits or certificates and to make the findings specified in subdivision (a) that are necessary to that delegated authority.

SEC. 2. Section 5444 is added to the Public Utilities Code, to read:

5444. (a) A transportation network company shall do all of the following:

(1) Participate in a pull-notice system pursuant to Section 1808.1 of the Vehicle Code to regularly check the driving records of all participating drivers.

(2) Provide for a mandatory controlled substance and alcohol testing certification program as adopted by the commission pursuant to Section 1032.1.

(3) Provide for mandatory Department of Justice criminal background checks to check the criminal history of any participating driver who is either under contract to, or employed by, the transportation network company to operate a vehicle used in transportation for compensation pursuant to the following:

(A) A driver shall submit to the Department of Justice fingerprint images and related information required by the department for the purpose of obtaining information as to the existence and content of state convictions and state arrests and also information as to the existence and content of a record of a state arrest for which the department establishes that the person is free on bail or on his or her own recognizance pending trial or appeal.

(B) The department shall provide a state response to the transportation network company pursuant to paragraph (1) of subdivision (p) of Section 11105 of the Penal Code.

(C) The transportation network company shall request from the Department of Justice subsequent notification service, as provided pursuant to Section 11105.2 of the Penal Code, for persons described in subparagraph (A).

(D) The department shall charge a fee sufficient to cover the cost of processing the request described in this paragraph.

(E) A driver shall be denied employment or have his or her contract voided if he or she is required by any law to register as a sex offender or has been convicted of any felony, within a seven-year period from the date of his or her application, involving any of the following: any type of sexual offense; the manufacture, possession for sale, transportation, or distribution of narcotics, controlled substances, or addictive or dangerous drugs; force, violence, threat, or intimidation against persons; kidnapping; forgery, fraud, larceny, extortion, burglary, robbery, or theft; credit card fraud; possession of a firearm or dangerous weapon; resisting or obstructing a peace officer, public officer, or emergency medical technician; or use of another vehicle for hire in the commission of a felony. Equivalent out-of-state violations shall be considered.

(4) Register any vehicle used in the transportation of passengers for compensation with the commission and display on the vehicle a suitable decal with an identifying symbol issued by the commission.

(b) Drivers hired or initially retained by a transportation network company on or after January 1, 2016, shall be subject to background checks and mandatory drug

and alcohol testing prior to employment or retention. Drivers hired or initially retained before January 1, 2016, shall complete a background check and drug and alcohol test before January 1, 2017.

SEC. 3. Section 1808.1 of the Vehicle Code is amended to read:

1808.1. (a) The prospective employer of a driver who drives a vehicle specified in subdivision (k) shall obtain a report showing the driver's current public record as recorded by the department. For purposes of this subdivision, a report is current if it was issued less than 30 days prior to the date the employer employs the driver. The report shall be reviewed, signed, and dated by the employer and maintained at the employer's place of business until receipt of the pull-notice system report pursuant to subdivisions (b) and (c). These reports shall be presented upon request to an authorized representative of the Department of the California Highway Patrol during regular business hours.

(b) The employer of a driver who drives a vehicle specified in subdivision (k) shall participate in a pull-notice system, which is a process for the purpose of providing the employer with a report showing the driver's current public record as recorded by the department, and any subsequent convictions, failures to appear, accidents, driver's license suspensions, driver's license revocations, or any other actions taken against the driving privilege or certificate, added to the driver's record while the employer's notification request remains valid and uncanceled. As used in this section, participation in the pull-notice system means obtaining a requester code and enrolling all employed drivers who drive a vehicle specified in subdivision (k) under that requester code.

(c) The employer of a driver of a vehicle specified in subdivision (k) shall, additionally, obtain a periodic report from the department at least every 12 months. The employer shall verify that each employee's driver's license has not been suspended or revoked, the employee's traffic violation point count, and whether the employee has been convicted of a violation of Section 23152 or 23153. The report shall be signed and dated by the employer and maintained at the employer's principal place of business. The report shall be presented upon demand to an authorized representative of the Department of the California Highway Patrol during regular business hours.

(d) Upon the termination of a driver's employment, the employer shall notify the department to discontinue the driver's enrollment in the pull-notice system.

(e) For the purposes of the pull-notice system and periodic report process required by subdivisions (b) and (c), an owner, other than an owner-operator as defined in Section 34624, and an employer who drives a vehicle described in subdivision (k) shall be enrolled as if he or she were an employee. A family member and a volunteer driver who drives a vehicle described in subdivision (k) shall also be enrolled as if he or she were an employee.

(f) An employer who, after receiving a driving record pursuant to this section, employs or continues to employ as a driver a person against whom a disqualifying action has been taken regarding his or her driving privilege or required driver's certificate, is guilty of a public offense, and upon conviction thereof, shall be punished by confinement in a county jail for not more than six months, by a fine of not more than one thousand dollars (\$1,000), or by both that confinement and fine.

(g) As part of its inspection of bus maintenance facilities and terminals required at least once every 13 months pursuant to subdivision (c) of Section 34501, the Department of the California Highway Patrol shall determine whether each transit

operator, as defined in Section 99210 of the Public Utilities Code, is then in compliance with this section and Section 12804.6, and shall certify each operator found to be in compliance. Funds shall not be allocated pursuant to Chapter 4 (commencing with Section 99200) of Part 11 of Division 10 of the Public Utilities Code to a transit operator that the Department of the California Highway Patrol has not certified pursuant to this section.

(h) (1) A request to participate in the pull-notice system established by this section shall be accompanied by a fee determined by the department to be sufficient to defray the entire actual cost to the department for the notification service. For the receipt of subsequent reports, the employer shall also be charged a fee established by the department pursuant to Section 1811. An employer who qualifies pursuant to Section 1812 shall be exempt from any fee required pursuant to this section. Failure to pay the fee shall result in automatic cancellation of the employer's participation in the notification services.

(2) A regularly organized fire department, having official recognition of the city, county, city and county, or district in which the department is located, shall participate in the pull-notice program and shall not be subject to the fee established pursuant to this subdivision.

(3) The Board of Pilot Commissioners for Monterey Bay and the Bays of San Francisco, San Pablo, and Suisun, and its port agent shall participate in the pull-notice system established by this section, subject to Section 1178.5 of the Harbors and Navigation Code, and shall not be subject to the fees established pursuant to this subdivision.

(i) The department, as soon as feasible, may establish an automatic procedure to provide the periodic reports to an employer by mail or via an electronic delivery method, as required by subdivision (c), on a regular basis without the need for individual requests.

(j) (1) The employer of a driver who is employed as a casual driver is not required to enter that driver's name in the pull-notice system, as otherwise required by subdivision (a). However, the employer of a casual driver shall be in possession of a report of the driver's current public record as recorded by the department, prior to allowing a casual driver to drive a vehicle specified in subdivision (k). A report is current if it was issued less than six months prior to the date the employer employs the driver.

(2) For the purposes of this subdivision, a driver is employed as a casual driver when the employer has employed the driver less than 30 days during the preceding six months. "Casual driver" does not include a driver who operates a vehicle that requires a passenger transportation endorsement.

(k) This section applies to a vehicle for the operation of which the driver is required to have a class A or class B driver's license, a class C license with a hazardous materials endorsement, a class C license issued pursuant to Section 12814.7, or a certificate issued pursuant to Section 12517, 12519, 12520, 12523, 12523.5, or 12527, or a passenger vehicle having a seating capacity of not more than 10 persons, including the driver, operated for compensation by a charter-party carrier of ~~passengers~~ passengers, transportation network company, or passenger stage corporation pursuant to a certificate of public convenience and necessity or a permit issued by the Public Utilities Commission.

(l) (1) For purposes of this section, the term "employer" or "prospective employer" includes a transportation network company whose permit or certificate, including any renewal of that permit or certificate, is subject to the requirements of Article 7 (commencing with Section 5430) of Chapter 8 of Division 2 of the Public Utilities Code.

~~(f)~~

~~(2) This section shall~~ section shall not be construed to change the definition of "employer," "employee," or "independent contractor" for any other purpose.

(m) A motor carrier who contracts with a person to drive a vehicle described in subdivision (k) that is owned by, or leased to, that motor carrier, shall be subject to subdivisions (a), (b), (c), (d), (f), (j), (k), and (l) and the employer obligations in those subdivisions.

(n) Reports issued pursuant to this section, but only those for a driver of a taxicab engaged in transportation services as described in subdivision (a) of Section 53075.5 of the Government Code, shall be presented upon request, during regular business hours, to an authorized representative of the administrative agency responsible for issuing permits to taxicab transportation services pursuant to Section 53075.5 of the Government Code.

SEC. 4. 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 2, strike out lines 1 to 3, inclusive

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AMENDMENTS TO ASSEMBLY BILL NO. 69

Amendment 1

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

to add Section 832.18 to the Penal Code,

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 832.18 is added to the Penal Code, to read:

832.18. (a) It is the intent of the Legislature to establish policies and procedures to address issues related to the downloading and storage data recorded by a body-worn camera worn by a peace officer. These policies and procedures shall be based on best practices.

(b) When establishing policies and procedures for the implementation and operation of a body-worn camera system, law enforcement agencies, departments, or entities shall consider the following best practices regarding the downloading and storage of body-worn camera data:

(1) Designate the person responsible for downloading the recorded data from the body-worn camera.

(2) Establish when data should be downloaded.

(3) Include specific measures to prevent data tampering, deleting, and copying.

(4) Categorize and tag body-worn camera video at the time the data is downloaded and classified according to the type of event or incident captured in the data.

(5) State the length of time that recorded data shall be stored.

(6) State where the body-worn camera data will be stored.

(7) If using a third-party vendor to manage the data storage system, the following factors shall be considered to protect the security and integrity of the data:

(A) Using an experienced and reputable third-party vendor.

(B) Entering into contracts that govern the vendor relationship and protect the agency's data.

(C) Using a system that has a built in audit trail to prevent data tampering and unauthorized access.

(D) Using a system that has a reliable method for automatically backing up data for storage.

(E) Consulting with internal legal counsel to ensure the method of data storage meets legal requirements for chain-of-custody concerns.

(F) Using a system that includes technical assistance capabilities.



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02/25/15 09:25 PM
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Substantive

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

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AMENDMENTS TO ASSEMBLY BILL NO. 73

Amendment 1

On page 2, before line 1, insert:

SECTION 1. This act shall be known, and may be cited as, the Prescriber Prevails Act.

SEC. 2. Section 14133.06 is added to the Welfare and Institutions Code, to read:

14133.06. (a) It is the intent of the Legislature in enacting this section that a prescriber's reasonable, professional judgment prevails for the therapeutic drug classes specified in subdivision (b) that are not on managed care plan formularies or have prior authorization requirements.

(b) To the extent permitted by federal law, if a drug in any of the following therapeutic drug classes is prescribed by a Medi-Cal beneficiary's treating provider, that drug shall be covered under the Medi-Cal program:

- (1) Antiretroviral drugs for HIV/AIDS.
- (2) Antipsychotics.
- (3) Antirejection drugs.
- (4) Drugs used to treat seizures or epilepsy.

(c) Except as provided in subdivision (d), and notwithstanding the establishment of a statewide outpatient drug formulary, a Medi-Cal managed care plan shall cover a drug specified in subdivision (b), regardless of whether the drug is on the plan's formulary, if, upon demonstration consistent with federal law by the provider that the drug, in his or her reasonable, professional judgment, is medically necessary and consistent with the federal Food and Drug Administration's labeling and use rules and regulations, as supported in at least one of the official compendia, as defined in Section 1927(g)(1)(B)(i) of the federal Social Security Act (42 U.S.C. Sec. 1396r-8(g)(1)(B)(i)).

(1) Medi-Cal managed care plans shall continue to develop formularies and may also administer prior authorization programs for the drugs specified in subdivision (b). Providers prescribing those drugs may be required to provide the plans with requested information or clinical documentation to support prior authorization requests. The plans may continue to provide a temporary three-day supply of medication when medically necessary.

(2) Consistent with federal law, if a Medi-Cal managed care plan is unable to complete a prior authorization due to missing information or because the prescriber's reasonable, professional judgment has not been adequately demonstrated, as required under this subdivision, the plan shall issue a notice of action to the provider and the beneficiary. The plan shall include in the notice of action a description of the information that is required from the provider or the beneficiary in order for the plan to complete the authorization, and the beneficiary's rights regarding appeal and fair hearing options.

(d) (1) If a Medi-Cal managed care plan chooses not to cover the drugs specified in subdivision (b), the drugs shall be carved out of that plan and covered on a fee-for-service basis.

(2) If a drug is carved out of a Medi-Cal managed care plan as described in paragraph (1), the plan's contracted rate shall be reduced accordingly.



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Substantive

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

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AMENDMENTS TO ASSEMBLY BILL NO. 183

Amendment 1

In the title, in line 1, strike out "amend Section 96.15 of the Revenue and Taxation Code," and insert:

add Sections 4150, 4155, 4160, and 4165 to the Financial Code,

Amendment 2

In the title, in line 2, strike out "local government finance." and insert:

financial institutions.

Amendment 3

On page 2, before line 1, insert:

SECTION 1. Section 4150 is added to the Financial Code, to read:

4150. A financial institution subject to oversight by the Department of Business Oversight shall ensure it complies with Regulation E of the Federal Reserve Board (12 C.F.R. Pt. 205) with regard to electronic fund transfers, including, but not limited to, preauthorized electronic fund transfers from or to a consumer's checking account.

SEC. 2. Section 4155 is added to the Financial Code, to read:

4155. (a) A financial institution shall provide the following written notice to a consumer who approved a preauthorized electronic fund transfer to a merchant from the consumer's account:

- (1) If you want to stop the merchant's ability to debit your account for future transactions, you should do all of the following:
 - (A) Contact the merchant directly and revoke your authorization to charge your account.
 - (B) Keep a copy of your notice revoking authorization to charge or obtain a cancellation number.
 - (C) Notify your financial institution that the merchant no longer has authority to debit your account. It may be best to provide the notification in writing.
- (2) If you revoked authorization and the merchant continues to charge the account, you can dispute the transactions with your financial institution. In the event of a dispute, written proof that you had revoked the merchant's authorization will prove beneficial.
- (3) If you authorized your financial institution to make the transfer to the merchant on your behalf, you need to revoke your authorization to make the transfer with your financial institution. Your financial institution



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may require you to inform the merchant of the revocation of authority
in advance of the financial institution taking action.

(b) A merchant located in the state that accepts a preauthorized electronic fund transfer from a consumer shall post the notice in subdivision (a) on its Internet Web site, if any.

SEC. 3. Section 4160 is added to the Financial Code, to read:

4160. (a) Upon written notification from a consumer that he or she terminated a preauthorized electronic fund transfer from his or her account to a merchant, a financial institution shall, within seven business days, take action to ensure that the merchant no longer has the ability to withdraw funds from the account, based upon the consumer's instructions.

(b) Termination of the merchant's ability to access a consumer's account shall come without penalty to the consumer.

(c) It is the intent of the Legislature that this section ensure that consumers have control over their own accounts and funds that cannot be subordinated by a third party.

SEC. 4. Section 4165 is added to the Financial Code, to read:

4165. (a) A merchant located in the state shall not require payment for goods or services in the form of a preauthorized electronic fund transfer from a consumer's account at a financial institution.

(b) A merchant located in the state shall notify a financial institution, and shall cease to make demands on a consumer's account, when the consumer's debt, payable by a preauthorized electronic fund transfer, has been satisfied.

Amendment 4

On page 2, strike out lines 1 to 18, inclusive

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AMENDMENTS TO ASSEMBLY BILL NO. 230

Amendment 1

In the title, in line 1, strike out "19803" and insert:

19817

Amendment 2

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 3

On page 2, strike out lines 1 to 17, inclusive

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RN1509601

AMENDMENTS TO ASSEMBLY BILL NO. 245

Amendment 1

In the title, in line 1, strike out "Section 14026" and insert:

Sections 18544 and 18545

Amendment 2

On page 2, before line 1, insert:

SECTION 1. Section 18544 of the Elections Code is amended to read:

18544. (a) ~~Any~~ It is unlawful for a person in possession of a firearm or any, a uniformed peace officer, private guard, or security ~~personnel person~~ or any person who is wearing a uniform of a peace officer, guard, or security ~~personnel person~~, who is to be stationed in the immediate vicinity of, or posted at, a polling place without written authorization of the appropriate city or county elections official. Violation of this section is punishable by a fine not exceeding ten sixteen thousand dollars (\$10,000) (\$16,000), by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for 16 months or two or three years, or in a county jail not exceeding one year, or by both that fine and imprisonment. The fine amount shall be adjusted annually by any annual increase in the California Consumer Price Index, as determined pursuant to Section 2212 of the Revenue and Taxation Code.

(b) This section ~~shall~~ does not apply to any of the following:

- (1) An unarmed uniformed guard or security ~~personnel person~~ who is at the polling place to cast his or her vote.
- (2) A peace officer who is conducting official business in the course of his or her public employment or who is at the polling place to cast his or her vote.
- (3) A private guard or security ~~personnel person~~ hired or arranged for by a city or county elections official.
- (4) A private guard or security ~~personnel person~~ hired or arranged for by the owner or manager of the facility or property in which the polling place is located if the guard or security ~~personnel person~~ is not hired or arranged solely for the day on which an election is held.

SEC. 2. Section 18545 of the Elections Code is amended to read:

18545. ~~Any person who hires or arranges for any other~~ It is unlawful for a person to hire or arrange for a person in possession of a firearm or any, a uniformed peace officer, private guard, or security ~~personnel person~~ or any person who is wearing a uniform of a peace officer, guard, or security ~~personnel person~~, to be stationed in the immediate vicinity of, or posted at, a polling place without written authorization of the appropriate elections official. Violation of this section is punishable by a fine not exceeding ten sixteen thousand dollars (\$10,000) (\$16,000), by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for 16 months or two or three years, or in a county jail not exceeding one year, or by both that fine and imprisonment. The fine amount shall be adjusted annually by any annual increase in the California Consumer Price Index, as determined pursuant to Section 2212 of the Revenue and



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Substantive

Taxation Code. This section ~~shall~~ does not apply to the owner or manager of the facility or property in which the polling place is located if the private guard or security ~~personnel~~ person is not hired or arranged solely for the day on which the election is held.

Amendment 3

On page 2, strike out lines 1 to 35, inclusive, and strike out page 3

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AMENDMENTS TO ASSEMBLY BILL NO. 247

Amendment 1

In the title, in line 1, strike out "830 of the Penal Code, relating to peace" and insert:

30652 of the Food and Agricultural Code, and to amend Section 830.9 of the Penal Code, relating to animal control

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 30652 of the Food and Agricultural Code is amended to read:

30652. All fees for the issuance of dog license tags and all fines collected pursuant to this division shall be paid into the county, city, or city and county treasury, as the case may be, and shall be used:

- (a) First, to pay fees for the issuance of dog license tags.
- (b) Second, to pay fees, salaries, costs, expenses, or any or all of them for the enforcement of this division and all ordinances which are made pursuant to this division.
- (c) Third, to pay damages to owners of livestock which are killed by dogs.
- (d) Fourth, to pay costs of any hospitalization or emergency care of animals pursuant to Section 597f of the Penal Code.

(e) Fifth, to pay for initial and in-service training for persons charged with enforcing animal control laws, including animal control officers.

SEC. 2. Section 830.9 of the Penal Code is amended to read:

830.9. (a) Animal control officers are not peace officers but may exercise the powers of arrest of a peace officer as specified in Section 836 and the power to serve warrants as specified in Sections 1523 and 1530 during the course and within the scope of their employment, if those officers successfully complete a course in the exercise of those powers pursuant to Section 832. ~~That part of the training course specified in Section 832 pertaining to the carrying and use of firearms shall not be required for any animal control officer whose employing agency prohibits the use of firearms.~~

(b) (1) Every person appointed as an animal control officer prior to July 1, 2016, shall complete a course in the exercise of the powers of arrest and to serve warrants pursuant to Section 832 no later than July 1, 2017. That part of the training course specified in Section 832 pertaining to the carrying and use of firearms shall not be required for any animal control officer whose employing agency prohibits the use of firearms.

(2) An animal control officer who completed a course in the exercise of the powers of arrest and to serve warrants pursuant to Section 832 prior to January 1, 2016, shall be deemed to have satisfied the training requirements described in paragraph (1).

(c) Every person appointed as an animal control officer on or after July 1, 2016, shall complete a course in the exercise of the powers of arrest and to serve warrants pursuant to Section 832 within one year of his or her appointment. That part of the



training course specified in Section 832 pertaining to the carrying and use of firearms shall not be required for any animal control officer whose employing agency prohibits the use of firearms.

(d) Every animal control officer described in this section, prior to the exercise of the powers of arrest and to serve warrants, shall have satisfactorily completed the course of training described in Section 832.

(e) Every person appointed as a director, manager, or supervisor, or any person in direct control of an animal control agency, on or after July 1, 2016, shall complete a course in the exercise of the powers of arrest and to serve warrants pursuant to Section 832 within one year of his or her appointment.

(f) (1) During each three-year period following the date described in paragraph (2), every animal control officer shall satisfactorily complete at least 40 hours of continuing education and training relating to the powers and duties of an animal control officer, which education and training shall be sponsored or provided by an accredited postsecondary institution, the Commission on Peace Officer Standards and Training, a law enforcement agency, the National Animal Care and Control Association, the California Animal Control Directors Association, the California Veterinary Medical Association, or the State Humane Association of California.

(2) Every animal control officer appointed prior to July 1, 2016, shall comply with the requirements of paragraph (1) no later than July 1, 2019, and every three years thereafter. Every animal control officer appointed on or after July 1, 2016, shall comply with the requirements of paragraph (1) within three years of the date of his or her appointment, and every three years thereafter.

(3) The minimum hours and required topics of continuing education and training may be determined by the California Animal Control Directors Association. Continuing education and training shall include at least four hours of course work in the exercise of the powers of arrest and to serve warrants taught by a Commission on Peace Officer Standards and Training certified instructor. This section does not restrict the ability of an agency employing an animal control officer from providing the training required by this subdivision utilizing instructors or curriculum from within the agency or from an allied agency, provided the topic and length of instruction otherwise comply with this subdivision.

(4) Records of training shall be maintained by the animal control officer's employing agency.

(5) The failure to satisfactorily complete the continuing education and training requirements under this subdivision within 90 days after the expiration of each three-year period shall result in the immediate suspension of the authority granted under subdivision (a).

(g) This section does not supersede any existing training requirements, including, but not limited to, the training requirements set forth in subdivision (g) of Section 22295.

(h) This section does not apply to an animal control officer who is a peace officer pursuant to Section 830.1.

~~For~~

(i) For the purposes of this section, "firearms" includes capture guns, blowguns, carbon dioxide operated rifles and pistols, air guns, handguns, rifles, and shotguns.

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Substantive

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 8, inclusive, and strike out page 2

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AMENDMENTS TO ASSEMBLY BILL NO. 262

Amendment 1

In the title, in line 1, strike out "amend Section 290 of" and insert:
add Section 3003.7 to

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 3003.7 is added to the Penal Code, to read:

3003.7. (a) A person convicted and adjudicated as a sexually violent predator shall only reside in a dwelling or abode that is within 10 miles of a permanent physical police or sheriff station with full-time peace officer staffing that has jurisdiction over the location.

(b) A person convicted and adjudicated as a sexually violent predator shall not lease, rent, or otherwise reside in any dwelling or other abode, nor shall a dwelling or other abode be leased or rented on behalf of a sexually violent predator for purposes of residence by that person, if that dwelling or other abode is occupied or owned in whole or in part by a felon convicted of a serious felony as defined in subdivision (c) of Section 1192.7, or a violent felony, as defined in subdivision (c) of Section 667.5.

(c) Nothing in this section shall prohibit municipal jurisdictions from enacting local ordinances that further restrict the residency of any person convicted and adjudicated as a sexually violent predator.

(d) The provisions of this measure are severable. If any provision of this measure 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 4, inclusive, and strike out pages 2 and 3

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AMENDMENT TO ASSEMBLY BILL NO. 272

Amendment 1

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

also includes a qualified person deputized or appointed by proper authority as a reserve or auxiliary sheriff or city police officer, a deputy sheriff, or a reserve police officer of a regional park district or a transit district, and is assigned specific police functions.
"Employee"

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AMENDMENTS TO ASSEMBLY BILL NO. 314

Amendment 1

In the title, in line 1, strike out "Section 1813" and insert:

Sections 1826 and 1827.5

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 1826 of the Probate Code is amended to read:

1826. ~~Regardless~~ Except as provided in subdivision (t), and regardless of whether the proposed conservatee attends the hearing, the court investigator shall do all of the following:

(a) Conduct the following interviews:

(1) The proposed conservatee personally.

(2) All petitioners and all proposed conservators who are not petitioners.

(3) The proposed conservatee's spouse or registered domestic partner and relatives within the first degree. If the proposed conservatee does not have a spouse, registered domestic partner, or relatives within the first degree, to the greatest extent possible, the proposed conservatee's relatives within the second degree.

(4) To the greatest extent practical and taking into account the proposed conservatee's wishes, the proposed conservatee's relatives within the second degree not required to be interviewed under paragraph (3), neighbors, and, if known, close friends.

(b) Inform the proposed conservatee of the contents of the citation, of the nature, purpose, and effect of the proceeding, and of the right of the proposed conservatee to oppose the proceeding, to attend the hearing, to have the matter of the establishment of the conservatorship tried by jury, to be represented by legal counsel if the proposed conservatee so chooses, and to have legal counsel appointed by the court if unable to retain legal counsel.

(c) Determine whether it appears that the proposed conservatee is unable to attend the hearing and, if able to attend, whether the proposed conservatee is willing to attend the hearing.

(d) Review the allegations of the petition as to why the appointment of the conservator is required and, in making his or her determination, do the following:

(1) Refer to the supplemental information form submitted by the petitioner and consider the facts set forth in the form that address each of the categories specified in paragraphs (1) to (5), inclusive, of subdivision (a) of Section 1821.

(2) Consider, to the extent practicable, whether he or she believes the proposed conservatee suffers from any of the mental function deficits listed in subdivision (a) of Section 811 that significantly impairs the proposed conservatee's ability to understand and appreciate the consequences of his or her actions in connection with any of the functions described in subdivision (a) or (b) of Section 1801 and identify the observations that support that belief.



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(e) Determine whether the proposed conservatee wishes to contest the establishment of the conservatorship.

(f) Determine whether the proposed conservatee objects to the proposed conservator or prefers another person to act as conservator.

(g) Determine whether the proposed conservatee wishes to be represented by legal counsel and, if so, whether the proposed conservatee has retained legal counsel and, if not, the name of an attorney the proposed conservatee wishes to retain.

(h) (1) Determine whether the proposed conservatee is not capable of completing an affidavit of voter registration in accordance with Section 2150 of the Elections Code and may be disqualified from voting pursuant to Section 2208 of the Elections Code.

(2) The proposed conservatee shall not be disqualified from voting on the basis that he or she does, or would need to do, any of the following to complete an affidavit of voter registration:

(A) Signs the affidavit of voter registration with a mark or a cross pursuant to subdivision (b) of Section 2150 of the Elections Code.

(B) Signs the affidavit of voter registration by means of a signature stamp pursuant to Section 354.5 of the Elections Code.

(C) Completes the affidavit of voter registration with the assistance of another person pursuant to subdivision (d) of Section 2150 of the Elections Code.

(i) If the proposed conservatee has not retained legal counsel, determine whether the proposed conservatee desires the court to appoint legal counsel.

(j) Determine whether the appointment of legal counsel would be helpful to the resolution of the matter or is necessary to protect the interests of the proposed conservatee in any case where the proposed conservatee does not plan to retain legal counsel and has not requested the appointment of legal counsel by the court.

(k) Report to the court in writing, at least five days before the hearing, concerning all of the foregoing, including the proposed conservatee's express communications concerning both of the following:

(1) Representation by legal counsel.

(2) Whether the proposed conservatee is not willing to attend the hearing, does not wish to contest the establishment of the conservatorship, and does not object to the proposed conservator or prefer that another person act as conservator.

(l) Mail, at least five days before the hearing, a copy of the report referred to in subdivision (k) to all of the following:

(1) The attorney, if any, for the petitioner.

(2) The attorney, if any, for the proposed conservatee.

(3) The proposed conservatee.

(4) The spouse, registered domestic partner, and relatives within the first degree of the proposed conservatee who are required to be named in the petition for appointment of the conservator, unless the court determines that the mailing will result in harm to the conservatee.

(5) Any other persons as the court orders.

(m) The court investigator has discretion to release the report required by this section to the public conservator, interested public agencies, and the long-term care ombudsman.

(n) The report required by this section is confidential and shall be made available only to parties, persons described in subdivision (l), persons given notice of the petition

who have requested this report or who have appeared in the proceedings, their attorneys, and the court. The court has discretion at any other time to release the report, if it would serve the interests of the conservatee. The clerk of the court shall provide for the limitation of the report exclusively to persons entitled to its receipt.

(o) This section does not apply to a proposed conservatee who has personally executed the petition for conservatorship, or one who has nominated his or her own conservator, if he or she attends the hearing.

(p) If the court investigator has performed an investigation within the preceding six months and furnished a report thereon to the court, the court may order, upon good cause shown, that another investigation is not necessary or that a more limited investigation may be performed.

(q) Any investigation by the court investigator related to a temporary conservatorship also may be a part of the investigation for the general petition for conservatorship, but the court investigator shall make a second visit to the proposed conservatee and the report required by this section shall include the effect of the temporary conservatorship on the proposed conservatee.

(r) The Judicial Council shall, on or before January 1, 2009, adopt rules of court and Judicial Council forms as necessary to implement an expedited procedure to authorize, by court order, a proposed conservatee's health care provider to disclose confidential medical information about the proposed conservatee to a court investigator pursuant to federal medical information privacy regulations promulgated under the Health Insurance Portability and Accountability Act of 1996.

(s) A superior court shall not be required to perform any duties imposed pursuant to the amendments to this section enacted by Chapter 493 of the Statutes 2006 until the Legislature makes an appropriation identified for this purpose.

(t) This section shall not apply to a proceeding to establish a limited conservatorship for a person with developmental disabilities when the proposed conservator is a parent of the proposed conservatee.

SEC. 2. Section 1827.5 of the Probate Code is amended to read:

1827.5. (a) ~~In the case of any~~ a proceeding to establish a limited conservatorship for a person with developmental disabilities, within 30 days after the filing of a petition for limited conservatorship, a proposed limited conservatee, with his or her consent, ~~shall~~ may be assessed at a regional center as provided in Chapter 5 (commencing with Section 4620) of Division 4.5 of the Welfare and Institutions Code. The regional center shall submit a written report of its findings and recommendations to the court. If the proposed conservatee has been a client of the regional center for a period of time sufficient for the center to provide those findings and recommendations without the need for an additional assessment, and if the proposed conservator is a parent of the proposed conservatee, the regional center shall, with the consent of the proposed limited conservatee, submit the written report containing findings and recommendations to the court without an assessment of the proposed conservatee.

(b) ~~In the case of any~~ a proceeding to establish a general conservatorship for a person with developmental disabilities, the regional center, with the consent of the proposed conservatee, may prepare an assessment as provided in Chapter 5 (commencing with Section 4620) of Division 4.5 of the Welfare and Institutions Code. If an assessment is prepared, the regional center shall submit its findings and recommendations to the court.

(c) (1) A report prepared under subdivision (a) or (b) shall include a description of the specific areas, nature, and degree of disability of the proposed conservatee or proposed limited conservatee. The findings and recommendations of the regional center are not binding upon the court.

~~In~~

(2) In a proceeding where the petitioner is a provider of board and care, treatment, habilitation, or other services to persons with developmental disabilities or a spouse or employee of a provider, is not the natural parent of the proposed conservatee or proposed limited conservatee, and is not a public entity, the regional center shall include a recommendation in its report concerning the suitability of the petitioners to meet the needs of the proposed conservatee or proposed limited conservatee.

(d) At least five days before the hearing on the petition, the regional center shall mail a copy of the report referred to in subdivision (a) to all of the following:

(1) The proposed limited conservatee.

(2) The attorney, if any, for the proposed limited conservatee.

(3) If the petitioner is not the proposed limited conservatee, the attorney for the petitioner or the petitioner if the petitioner does not have an attorney.

(4) ~~Such other~~ Other persons as the court orders.

(e) The report referred to in subdivisions (a) and (b) shall be confidential and shall be made available only to parties listed in subdivision (d) unless the court, in its discretion, determines that the release of the report would serve the interests of the conservatee who is developmentally disabled. The clerk of the court shall make provision for limiting disclosure of the report exclusively to persons entitled thereto under this section.

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. 321

Amendment 1

In the title, in line 1, strike out "amend Section 17001 of" and insert:
add Section 17140.7 to

Amendment 2

In the title, in line 2, after "taxation" insert:
, to take effect immediately, tax levy

Amendment 3

On page 1, before line 1, insert:

SECTION 1. Section 17140.7 is added to the Revenue and Taxation Code, to read:

17140.7. (a) Gross income does not include any income received by a servicemember in the United States Armed Forces, in the reserve component of the United States Armed Forces, or in the National Guard, derived from his or her position as a servicemember, while serving his or her active duty in the state.

(b) Gross income does not include any income received by a servicemember separated from the United States Armed Forces, the reserve components of the United States Armed Forces, or the National Guard, for 12 calendar months from the date he or she is honorably discharged, derived from his or her position as a servicemember, while located in the state.

(c) Gross income does not include any income received by a service member hospitalized within the state for an injury received while on active duty in the United States Armed Forces, in the reserve components of the United States Armed Forces, or in the National Guard, derived from his or her position as a servicemember, during the period of hospitalization.

(d) The exclusions allowed under this section shall be allowed cumulatively.

SEC. 2. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect.

Amendment 4

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



AMENDMENTS TO ASSEMBLY BILL NO. 352

Amendment 1

In the title, in line 1, strike out "amend Section 66201 of" and insert:

add Section 66608 to, and to add Article 4.5 (commencing with Section 92635) to Chapter 6 of Part 57 of Division 9 of Title 3 of,

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 66608 is added to the Education Code, to read:
66608. No more than 3 percent of the students enrolled at any campus of the California State University in any academic year shall be nonresidents as defined in Section 68018.

SEC. 2. Article 4.5 (commencing with Section 92635) is added to Chapter 6 of Part 57 of Division 9 of Title 3 of the Education Code, to read:

Article 4.5. Nonresident Students

92635. As a condition for receiving state funds for support of the University of California pursuant to the annual Budget Act or another statute, the regents shall ensure that no more than 10 percent of the students enrolled at any campus of the University of California shall be nonresidents as defined in Section 68018.

Amendment 3

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

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RN1509743

AMENDMENTS TO ASSEMBLY BILL NO. 357

Amendment 1

In the heading, in line 3, strike out "and"

Amendment 2

In the heading, in line 4, after "Hernández" insert:

, and Thurmond

Amendment 3

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

to add Sections 518 and 519 to the Labor Code, and to amend Section 11320.31 of the Welfare and Institutions Code,

Amendment 4

On page 1, in line 2, strike out "Schedule and Pay Equity" and insert:

Scheduling

Amendment 5

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

of 2015

Amendment 6

On page 1, in line 4, strike out "one-half" and insert:

one-half

Amendment 7

On page 2, in line 26, strike out "fulltime," and insert:

full time,



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Amendment 8

On page 3, below line 2, insert:

SEC. 3. Section 518 is added to the Labor Code, to read:

518. (a) For purposes of this section, a "food and general retail establishment" means an entity that conducts any type of retail sales activity or a retail sales establishment that has 500 or more employees in this state and has 10 or more other retail sales establishments located in the United States of America and maintains two or more of the following:

- (1) A standardized array of merchandise.
- (2) A standardized facade.
- (3) A standardized decor and color scheme.
- (4) Uniform apparel.
- (5) Standardized signage.
- (6) A trademark or a service mark.

(b) A food and general retail establishment shall provide its employees with at least two week's notice of their work schedules.

(c) If an employee is not provided with at least two week's notice of his or her work schedule, the employee shall receive additional pay. The amount of the additional pay shall increase as the time the employee receives notice of his or her work schedule decreases from the required two week's notice.

(d) The Labor Commissioner shall promulgate all regulations and rules of practice and procedures necessary to carry out the provisions of this section.

(e) A violation of this section shall not be a misdemeanor under Section 553.

SEC. 4. Section 519 is added to the Labor Code, to read:

519. (a) A food and general retail establishment, as defined in Section 518, shall not discharge or discriminate against an employee because he or she is any of the following:

- (1) A person who receives CalWORKs cash aid.
- (2) A parent, guardian, or grandparent who has custody of one or more children who receive CalWORKs cash aid.

(3) A person who receives CalFresh food assistance.

(b) A food and general retail establishment, as defined in Section 518, shall allow an employee described in subdivision (a) to be absent from work without pay, upon request, to attend any required appointments at the county human services agency, provided that the employee gives reasonable notice to the employer of the planned absence prior to taking the time off.

(c) The Labor Commissioner shall promulgate all regulations and rules of practice and procedures necessary to carry out the provisions of this section.

(d) A violation of this section shall not be a misdemeanor under Section 553.

SEC. 5. Section 11320.31 of the Welfare and Institutions Code is amended to read:

11320.31. Sanctions shall not be applied for a failure or refusal to comply with program requirements for reasons related to employment, an offer of employment, an activity, or other training for employment including, but not limited to, the following reasons:

(a) The employment, offer of employment, activity, or other training for employment discriminates on any basis listed in subdivision (a) of Section 12940 of the Government Code, as those bases are defined in Sections 12926 and 12926.1 of the Government Code, except as otherwise provided in Section 12940 of the Government Code.

(b) The employment or offer of employment exceeds the daily or weekly hours of work customary to the occupation.

(c) The employment, offer of employment, activity, or other training for employment requires travel to and from the place of employment, activity, or other training and one's home that exceeds a total of two hours in round-trip time, exclusive of the time necessary to transport family members to a school or place providing care, or, when walking is the only available means of transportation, the round-trip is more than two miles, exclusive of the mileage necessary to accompany family members to a school or a place providing care. An individual who fails or refuses to comply with the program requirements based on this subdivision shall be required to participate in community service activities pursuant to Section 11322.9.

(d) The employment, offer of employment, activity, or other training for employment involves conditions that are in violation of applicable health and safety standards.

(e) The employment, offer of employment, or work activity does not provide for workers' compensation insurance.

(f) Accepting the employment or work activity would cause an interruption in an approved education or job training program in progress that would otherwise lead to employment and sufficient income to be self-supporting, excluding work experience or community service employment as described in subdivisions (d) and (j) of Section 11322.6 and Section 11322.9 or other community work experience assignments, except that a recipient may be required to engage in welfare-to-work activities to the extent necessary to meet the hours of participation required by Section 11322.8.

(g) Accepting the employment, offer of employment, or work activity would cause the individual to violate the terms of his or her union membership.

(h) The employment or offer of employment fails to comply with the Fair Scheduling Act of 2015 (Sections 518 and 519 of the Labor Code).

SEC. 6. No appropriation pursuant to Section 15200 of the Welfare and Institutions Code shall be made for purposes of implementing this act.

AMENDMENTS TO ASSEMBLY BILL NO. 413

Amendment 1

In the title, in line 1, strike out "999.12" and insert:

999

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 999 of the Military and Veterans Code is amended to read:

999. (a) This article shall be known as, and may be cited as, the California Disabled Veteran Business Enterprise Program. The California Disabled Veteran Business Enterprise Program is established to address the special needs of disabled veterans seeking rehabilitation and training through entrepreneurship and to recognize the sacrifices of Californians disabled during military service. It is the intent of the Legislature that every state procurement authority honor California's disabled veterans by taking all practical actions necessary to meet or exceed the disabled veteran business enterprise participation goal of a minimum of 3 percent of total contract value.

(b) As used in this article, the following definitions apply:

(1) "Administering agency" means the Treasurer in the case of contracts for professional bond services, and the Department of General Services' Office of Small Business and Disabled Veteran Business Enterprise Services, in the case of contracts governed by Section 999.2.

(2) "Awarding department" means a state agency, department, governmental entity, or other officer or entity empowered by law to issue bonds or enter into contracts on behalf of the state.

(3) "Bonds" means bonds, notes, warrants, certificates of participation, and other evidences of indebtedness issued by, or on behalf of, the state.

(4) "Contract" includes any agreement or joint agreement to provide professional bond services to the State of California or an awarding department. "Contract" also includes any agreement or joint development agreement to provide labor, services, materials, supplies, or equipment in the performance of a contract, franchise, concession, or lease granted, let, or awarded for, and on behalf of, the state.

(5) (A) "Contractor" means any person or persons, regardless of race, color, creed, national origin, ancestry, sex, marital status, disability, religious or political affiliation, age, or any sole proprietorship, firm, partnership, joint venture, corporation, or combination thereof that submits a bid and enters into a contract with a representative of a state agency, department, governmental entity, or other officer empowered by law to enter into contracts on behalf of the state. "Contractor" includes any provider of professional bond services who enters into a contract with an awarding department.

(B) "Disabled veteran business enterprise contractor, subcontractor, or supplier" means any person or entity that has been certified by the administering agency pursuant to this article and that performs a "commercially useful function," as defined below,



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in providing services or goods that contribute to the fulfillment of the contract requirements:

(i) A person or an entity is deemed to perform a "commercially useful function" if a person or entity does all of the following:

(I) Is responsible for the execution of a distinct element of the work of the contract.

(II) Carries out the obligation by actually performing, managing, or supervising the work involved.

(III) Performs work that is normal for its business services and functions.

(IV) Is responsible, with respect to products, inventories, materials, and supplies required for the contract, for negotiating price, determining quality and quantity, ordering, installing, if applicable, and making payment.

(V) Is not further subcontracting a portion of the work that is greater than that expected to be subcontracted by normal industry practices.

(ii) A contractor, subcontractor, or supplier will not be considered to perform a "commercially useful function" if the contractor's, subcontractor's, or supplier's role is limited to that of an extra participant in a transaction, contract, or project through which funds are passed in order to obtain the appearance of a disabled veteran business enterprise participation.

(6) "Disabled veteran" means a veteran of the military, naval, or air service of the United States, including, but not limited to, the Philippine Commonwealth Army, the Regular Scouts, "Old Scouts," and the Special Philippine Scouts, "New Scouts," who has at least a 10-percent service-connected disability and who is domiciled in the state.

(7) (A) "Disabled veteran business enterprise" means a business certified by the administering agency as meeting all of the following requirements:

(i) It is a sole proprietorship at least 51 percent owned by one or more disabled veterans or, in the case of a publicly owned business, at least 51 percent of its stock is unconditionally owned by one or more disabled veterans; a subsidiary that is wholly owned by a parent corporation, but only if at least 51 percent of the voting stock of the parent corporation is unconditionally owned by one or more disabled veterans; or a joint venture in which at least 51 percent of the joint venture's management, control, and earnings are held by one or more disabled veterans.

(ii) The management and control of the daily business operations are by one or more disabled veterans. The disabled veterans who exercise management and control are not required to be the same disabled veterans as the owners of the business.

(iii) It is a sole proprietorship, corporation, or partnership with its home office located in the United States, which is not a branch or subsidiary of a foreign corporation, foreign firm, or other foreign-based business.

(B) Notwithstanding subparagraph (A), after the death or the certification of a permanent medical disability of a disabled veteran who is a majority owner of a business that qualified as a disabled veteran business enterprise prior to that death or certification of a permanent medical disability, ~~and solely for purposes of any contract entered into before that death or certification,~~ that business shall be deemed to be a disabled veteran business enterprise for a period not to exceed three years after the date of that death or certification of a permanent medical disability, if the business is inherited or controlled by the spouse or child of that majority owner, or by both of those persons.

(8) "Foreign corporation," "foreign firm," or "foreign-based business" means a business entity that is incorporated or has its principal headquarters located outside the United States of America.

(9) "Goal" means a numerically expressed objective that awarding departments and contractors are required to make efforts to achieve.

(10) "Management and control" means effective and demonstrable management of the business entity.

(11) "Professional bond services" include services as financial advisers, bond counsel, underwriters in negotiated transactions, underwriter's counsel, financial printers, feasibility consultants, and other professional services related to the issuance and sale of bonds.

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. 612

Amendment 1

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

An act to amend Sections 17935, 17941, 17948, and 23153 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 17935 of the Revenue and Taxation Code is amended to read:

17935. (a) For each taxable year beginning on or after January 1, 1997, every limited partnership doing business in this state ~~(as state, as defined by Section 23101)~~ 23101, and required to file a return under Section 18633 shall pay annually to this state a tax for the privilege of doing business in this state in an amount equal to the applicable amount specified in paragraph (1) of subdivision (d) of Section 23153.

(b) (1) In addition to any limited partnership that is doing business in this state and therefore is subject to the tax imposed by subdivision (a), for each taxable year beginning on or after January 1, 1997, every limited partnership that has executed, acknowledged, and filed a certificate of limited partnership with the Secretary of State pursuant to Section 15621 or 15902.01 of the Corporations Code, and every foreign limited partnership that has registered with the Secretary of State pursuant to Section 15692 or 15909.01 of the Corporations Code, shall pay annually the tax prescribed in subdivision (a). The tax shall be paid for each taxable year, or part thereof, until a certificate of cancellation is filed on behalf of the limited partnership with the office of the Secretary of State pursuant to Section 15623, 15696, 15902.03, or 15909.07 of the Corporations Code.

(2) If a taxpayer files a return with the Franchise Tax Board that is designated its final return, that board shall notify the taxpayer that the tax imposed by this chapter is due annually until a certificate of cancellation is filed with the Secretary of State pursuant to Section 15623, 15696, 15902.03, or 15909.07 of the Corporations Code.

(c) The tax imposed by this chapter shall be due and payable on the date the return is required to be filed under former Section 18432 or 18633.

(d) For purposes of this section, "limited partnership" means any partnership formed by two or more persons under the laws of this state or any other jurisdiction and having one or more general partners and one or more limited partners.

(e) Notwithstanding subdivision (b), any limited partnership that ceased doing business prior to January 1, 1997, filed a final return with the Franchise Tax Board for a taxable year ending before January 1, 1997, and filed a certificate of dissolution with the Secretary of State pursuant to Section 15623 of the Corporations Code prior to January 1, 1997, shall not be subject to the tax imposed by this chapter for any period following the date the certificate of dissolution was filed with the Secretary of State, but only if the limited partnership files a certificate of cancellation with the Secretary



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of State pursuant to Section 15623 of the Corporations Code. In the case where a notice of proposed deficiency assessment of tax or a notice of tax due (whichever is applicable) is mailed after January 1, 2001, the first sentence of this subdivision shall not apply unless the certificate of cancellation is filed with the Secretary of State not later than 60 days after the date of the mailing of the notice.

(f) (1) Notwithstanding subdivisions (a) and (b), for taxable years beginning on or after January 1, 2016, every new limited partnership that is a small business shall pay to the state an annual tax of four hundred dollars (\$400) for its first taxable year.

(2) For purposes of this subdivision:

(A) "Gross receipts, less returns and allowances reportable to this state," means the sum of the gross receipts from the production of business income, as defined in subdivision (a) of Section 25120, and the gross receipts from the production of nonbusiness income, as defined in subdivision (d) of Section 25120.

(B) "New limited partnership" means a limited partnership that on or after January 1, 2016, is organized under the laws of this state or has qualified to transact intrastate business in this state that begins business operations at or after the time of its organization. "New limited partnership" does not include any limited partnership that began business operations as, or acquired its business operations from, a sole proprietorship, a limited liability partnership, or any other form of business entity prior to its organization.

(C) "Small business" means a limited partnership that has gross receipts, less returns and allowances, reportable to this state for the taxable year of five thousand dollars (\$5,000) or less.

(3) This subdivision shall not apply to a limited partnership that does not file a return on the due date of its return, without regard to extension, for that year.

(4) This subdivision shall not apply to any limited partnership that reorganizes solely for the purpose of reducing its annual tax.

SEC. 2. Section 17941 of the Revenue and Taxation Code is amended to read:

17941. (a) For each taxable year beginning on or after January 1, 1997, a limited liability company doing business in this state (as defined in Section 23101) shall pay annually to this state a tax for the privilege of doing business in this state in an amount equal to the applicable amount specified in paragraph (1) of subdivision (d) of Section 23153 for the taxable year.

(b) (1) In addition to any limited liability company that is doing business in this state and is therefore subject to the tax imposed by subdivision (a), for each taxable year beginning on or after January 1, 1997, a limited liability company shall pay annually the tax prescribed in subdivision (a) if articles of organization have been accepted, or a certificate of registration has been issued, by the office of the Secretary of State. The tax shall be paid for each taxable year, or part thereof, until a certificate of cancellation of registration or of articles of organization is filed on behalf of the limited liability company with the office of the Secretary of State.

(2) If a taxpayer files a return with the Franchise Tax Board that is designated as its final return, the Franchise Tax Board shall notify the taxpayer that the annual tax shall continue to be due annually until a certificate of dissolution is filed with the Secretary of State pursuant to Section 17707.08 of the Corporations Code or a certificate of cancellation is filed with the Secretary of State pursuant to Section 17708.06 of the Corporations Code.

(c) The tax assessed under this section shall be due and payable on or before the 15th day of the fourth month of the taxable year.

(d) For purposes of this section, "limited liability company" means an organization, other than a limited liability company that is exempt from the tax and fees imposed under this chapter pursuant to Section 23701h or ~~Section 23701x~~, that is formed by one or more persons under the law of this state, any other country, or any other state, as a "limited liability company" and that is not taxable as a corporation for California tax purposes.

(e) Notwithstanding anything in this section to the contrary, if the office of the Secretary of State files a certificate of cancellation pursuant to Section 17707.02 of the Corporations Code for any limited liability company, then paragraph (1) of subdivision (f) of Section 23153 shall apply to that limited liability company as if the limited liability company were properly treated as a corporation for that limited purpose only, and paragraph (2) of subdivision (f) of Section 23153 shall not apply. Nothing in this subdivision entitles a limited liability company to receive a reimbursement for any annual taxes or fees already paid.

(f) (1) Notwithstanding any provision of this section to the contrary, a limited liability company that is a small business solely owned by a deployed member of the United States Armed Forces shall not be subject to the tax imposed under this section for any taxable year the owner is deployed and the limited liability company operates at a loss or ceases operation.

(2) The Franchise Tax Board may promulgate regulations as necessary or appropriate to carry out the purposes of this subdivision, including a definition for "ceases operation."

(3) For the purposes of this subdivision, all of the following definitions apply:

(A) "Deployed" means being called to active duty or active service during a period when a Presidential Executive order specifies that the United States is engaged in combat or homeland defense. "Deployed" does not include either of the following:

- (i) Temporary duty for the sole purpose of training or processing.
- (ii) A permanent change of station.

(B) "Operates at a loss" means a limited liability company's expenses exceed its receipts.

(C) "Small business" means a limited liability company with total income from all sources derived from, or attributable, to the state of two hundred fifty thousand dollars (\$250,000) or less.

(4) This subdivision shall become inoperative for taxable years beginning on or after January 1, 2018.

(g) (1) Notwithstanding any provision of this section to the contrary, for taxable years beginning on or after January 1, 2016, every new limited liability company that is a small business shall pay to the state an annual tax of four hundred dollars (\$400) for its first taxable year.

(2) For purposes of this subdivision:

(A) "Gross receipts, less returns and allowances reportable to this state," means the sum of the gross receipts from the production of business income, as defined in subdivision (a) of Section 25120, and the gross receipts from the production of nonbusiness income, as defined in subdivision (d) of Section 25120.

(B) "New limited liability company" means a limited liability company that on or after January 1, 2016, is organized under the laws of this state or has qualified to transact intrastate business in this state that begins business operations at or after the time of its organization. "New limited liability company" does not include any limited liability company that began business operations as, or acquired its business operations from, a sole proprietorship, a limited liability company or any other form of business entity prior to its organization.

(C) "Small business" means a limited liability company that reasonably estimates that it will have gross receipts, less returns and allowances, reportable to this state for the taxable year of five thousand dollars (\$5,000) or less.

(3) This subdivision shall not apply to a limited liability company that does not file a return on the due date of its return, without regard to extension, for that year.

(4) If the limited liability company's gross receipts, as determined by subparagraph (A) of paragraph (2), are not five thousand dollars (\$5,000) or less, an additional tax in the amount equal to four hundred dollars (\$400) for the taxable year shall be due and payable by the corporation on the due date of its return, without regard to extension, for that year.

(5) This subdivision shall not apply to any limited liability company that reorganizes solely for the purpose of reducing its annual tax.

SEC. 3. Section 17948 of the Revenue and Taxation Code is amended to read:

17948. (a) For each taxable year beginning on or after January 1, 1997, every limited liability partnership doing business in this state (as defined in Section 23101) and required to file a return under Section 18633 shall pay annually to the Franchise Tax Board a tax for the privilege of doing business in this state in an amount equal to the applicable amount specified in paragraph (1) of subdivision (d) of Section 23153 for the taxable year.

(b) In addition to any limited liability partnership that is doing business in this state and therefore is subject to the tax imposed by subdivision (a), for each taxable year beginning on or after January 1, 1997, every registered limited liability partnership that has registered with the Secretary of State pursuant to Section 16953 of the Corporations Code and every foreign limited liability partnership that has registered with the Secretary of State pursuant to Section 16959 of the Corporations Code shall pay annually the tax prescribed in subdivision (a). The tax shall be paid for each taxable year, or part thereof, until any of the following occurs:

(1) A notice of cessation is filed with the Secretary of State pursuant to subdivision (b) of Section 16954 or 16960 of the Corporations Code.

(2) A foreign limited liability partnership withdraws its registration pursuant to subdivision (a) of Section 16960 of the Corporations Code.

(3) The registered limited liability partnership or foreign limited liability partnership has been dissolved and finally wound up.

(c) The tax assessed under this section shall be due and payable on the date the return is required to be filed under Section 18633.

(d) If a taxpayer files a return with the Franchise Tax Board that is designated as its final return, the Franchise Tax Board shall notify the taxpayer that the annual tax shall continue to be due annually until a certificate of cancellation is filed with the Secretary of State pursuant to Section 16954 or 16960 of the Corporations Code.

(e) (1) Notwithstanding subdivisions (a) and (b), for taxable years beginning on or after January 1, 2016, a new limited liability partnership that is a small business shall pay to the state an annual tax of four hundred dollars (\$400) for its first taxable year.

(2) For purposes of this subdivision:

(A) "Gross receipts, less returns and allowances reportable to this state," means the sum of the gross receipts from the production of business income, as defined in subdivision (a) of Section 25120, and the gross receipts from the production of nonbusiness income, as defined in subdivision (d) of Section 25120.

(B) "New limited liability partnership" means a limited liability partnership that on or after January 1, 2016, is organized under the laws of this state or has qualified to transact intrastate business in this state that begins business operations at or after the time of its organization. "New limited liability partnership" does not include any limited liability partnership that began business operations as, or acquired its business operations from, a sole proprietorship, a limited liability partnership, or any other form of business entity prior to its organization.

(C) "Small business" means a limited partnership that has gross receipts, less returns and allowances, reportable to this state for the taxable year of five thousand dollars (\$5,000) or less.

(3) This subdivision shall not apply to a limited liability partnership that does not file a return on the due date of its return, without regard to extension, for that year.

(4) This subdivision shall not apply to any limited partnership that reorganizes solely for the purpose of reducing its annual tax.

SEC. 4. Section 23153 of the Revenue and Taxation Code is amended to read:

23153. (a) Every corporation described in subdivision (b) shall be subject to the minimum franchise tax specified in subdivision (d) from the earlier of the date of incorporation, qualification, or commencing to do business within this state, until the effective date of dissolution or withdrawal as provided in Section 23331 or, if later, the date the corporation ceases to do business within the limits of this state.

(b) Unless expressly exempted by this part or the California Constitution, subdivision (a) shall apply to each of the following:

(1) Every corporation that is incorporated under the laws of this state.

(2) Every corporation that is qualified to transact intrastate business in this state pursuant to Chapter 21 (commencing with Section 2100) of Division 1 of Title 1 of the Corporations Code.

(3) Every corporation that is doing business in this state.

(c) The following entities are not subject to the minimum franchise tax specified in this section:

(1) Credit unions.

(2) Nonprofit cooperative associations organized pursuant to Chapter 1 (commencing with Section 54001) of Division 20 of the Food and Agricultural Code that have been issued the certificate of the board of supervisors prepared pursuant to Section 54042 of the Food and Agricultural Code. The association shall be exempt from the minimum franchise tax for five consecutive taxable years, commencing with the first taxable year for which the certificate is issued pursuant to subdivision (b) of Section 54042 of the Food and Agricultural Code. This paragraph only applies to nonprofit cooperative associations organized on or after January 1, 1994.

(d) (1) Except as provided in paragraph (2), paragraph (1) of subdivision (f) of Section 23151, paragraph (1) of subdivision (f) of Section 23181, and paragraph (1) of subdivision (c) of Section 23183, corporations subject to the minimum franchise tax shall pay annually to the state a minimum franchise tax of eight hundred dollars (\$800).

(2) The minimum franchise tax shall be twenty-five dollars (\$25) for each of the following:

(A) A corporation formed under the laws of this state whose principal business when formed was gold mining, which is inactive and has not done business within the limits of the state since 1950.

(B) A corporation formed under the laws of this state whose principal business when formed was quicksilver mining, which is inactive and has not done business within the limits of the state since 1971, or has been inactive for a period of 24 consecutive months or more.

(3) For purposes of paragraph (2), a corporation shall not be considered to have done business if it engages in business other than mining.

(e) Notwithstanding subdivision (a), for taxable years beginning on or after January 1, 1999, and before January 1, 2000, every "qualified new corporation" shall pay annually to the state a minimum franchise tax of five hundred dollars (\$500) for the second taxable year. This subdivision shall apply to any corporation that is a qualified new corporation and is incorporated on or after January 1, 1999, and before January 1, 2000.

(1) The determination of the gross receipts of a corporation, for purposes of this subdivision, shall be made by including the gross receipts of each member of the commonly controlled group, as defined in Section 25105, of which the corporation is a member.

(2) "Gross receipts, less returns and allowances reportable to this state," means the sum of the gross receipts from the production of business income, as defined in subdivision (a) of Section 25120, and the gross receipts from the production of nonbusiness income, as defined in subdivision (d) of Section 25120.

(3) "Qualified new corporation" means a corporation that is incorporated under the laws of this state or has qualified to transact intrastate business in this state, that begins business operations at or after the time of its incorporation and that reasonably estimates that it will have gross receipts, less returns and allowances, reportable to this state for the taxable year of one million dollars (\$1,000,000) or less. "Qualified new corporation" does not include any corporation that began business operations as a sole proprietorship, a partnership, or any other form of business entity prior to its incorporation. This subdivision shall not apply to any corporation that reorganizes solely for the purpose of reducing its minimum franchise tax.

(4) This subdivision shall not apply to limited partnerships, as defined in Section 17935, limited liability companies, as defined in Section 17941, limited liability partnerships, as described in Section 17948, charitable organizations, as described in Section 23703, regulated investment companies, as defined in Section 851 of the Internal Revenue Code, real estate investment trusts, as defined in Section 856 of the Internal Revenue Code, real estate mortgage investment conduits, as defined in Section 860D of the Internal Revenue Code, qualified Subchapter S subsidiaries, as defined in

Section 1361(b)(3) of the Internal Revenue Code, or to the formation of any subsidiary corporation, to the extent applicable.

(5) For any taxable year beginning on or after January 1, 1999, and before January 1, 2000, if a corporation has qualified to pay five hundred dollars (\$500) for the second taxable year under this subdivision, but in its second taxable year, the corporation's gross receipts, as determined under paragraphs (1) and (2), exceed one million dollars (\$1,000,000), an additional tax in the amount equal to three hundred dollars (\$300) for the second taxable year shall be due and payable by the corporation on the due date of its return, without regard to extension, for that year.

(f) (1) (A) Notwithstanding subdivision (a), every corporation that incorporates or qualifies to do business in this state on or after January 1, 2000, shall not be subject to the minimum franchise tax for its first taxable year.

(B) Notwithstanding subdivision (a), every corporation that is a new corporation in taxable years beginning on or after January 1, 2016, and is a small business in its second taxable year shall pay to the state a minimum franchise tax of four hundred dollars (\$400) for its second taxable year.

(i) For purposes of this subparagraph:

(I) "Gross receipts, less returns and allowances reportable to this state," means the sum of the gross receipts from the production of business income, as defined in subdivision (a) of Section 25120, and the gross receipts from the production of nonbusiness income, as defined in subdivision (d) of Section 25120.

(II) "New corporation" means a corporation that on or after January 1, 2016, is incorporated under the laws of this state or has qualified to transact intrastate business in this state that begins business operations at or after the time of its incorporation. "New corporation" does not include any corporation that began business operations as, or acquired its business operations from, a sole proprietorship, a corporation or any other form of business entity prior to its incorporation.

(III) "Small business" means a corporation that reasonably estimates that it will have gross receipts, less returns and allowances, reportable to this state for the taxable year of five thousand dollars (\$5,000) or less.

(ii) (I) This subparagraph shall not apply to a corporation that does not file a return on the due date of its return, without regard to extension, for that year.

(II) If the corporation's gross receipts, as determined by subclause (I) of clause (i) of subparagraph (B), are not five thousand dollars (\$5,000) or less, an additional tax in the amount equal to four hundred dollars (\$400) for the taxable year shall be due and payable on the due date of its return, without regard to extension, for that year.

(2) This subdivision shall not apply to limited partnerships, as defined in Section 17935, limited liability companies, as defined in Section 17941, limited liability partnerships, as described in Section 17948, charitable organizations corporations, as described in Section 23703, regulated investment companies, as defined in Section 851 of the Internal Revenue Code, real estate investment trusts, as defined in Section 856 of the Internal Revenue Code, real estate mortgage investment conduits, as defined in Section 860D of the Internal Revenue Code, and qualified Subchapter S subsidiaries, as defined in Section 1361(b)(3) of the Internal Revenue Code, to the extent applicable.

(3) This subdivision shall not apply to any corporation that reorganizes solely for the purpose of avoiding payment of its minimum franchise tax.

(g) Notwithstanding subdivision (a), a domestic corporation, as defined in Section 167 of the Corporations Code, that files a certificate of dissolution in the office of the Secretary of State pursuant to subdivision (b) of Section 1905 of the Corporations Code, prior to its amendment by the act amending this subdivision, and that does not thereafter do business shall not be subject to the minimum franchise tax for taxable years beginning on or after the date of that filing.

(h) The minimum franchise tax imposed by paragraph (1) of subdivision (d) shall not be increased by the Legislature by more than 10 percent during any calendar year.

(i) (1) Notwithstanding subdivision (a), a corporation that is a small business solely owned by a deployed member of the United States Armed Forces shall not be subject to the minimum franchise tax for any taxable year the owner is deployed and the corporation operates at a loss or ceases operation.

(2) The Franchise Tax Board may promulgate regulations as necessary or appropriate to carry out the purposes of this subdivision, including a definition for "ceases operation."

(3) For the purposes of this subdivision, all of the following definitions apply:

(A) "Deployed" means being called to active duty or active service during a period when a Presidential Executive order specifies that the United States is engaged in combat or homeland defense. "Deployed" does not include either of the following:

(i) Temporary duty for the sole purpose of training or processing.

(ii) A permanent change of station.

(B) "Operates at a loss" means negative net income as defined in Section 24341.

(C) "Small business" means a corporation with total income from all sources derived from, or attributable, to the state of two hundred fifty thousand dollars (\$250,000) or less.

(4) This subdivision shall become inoperative for taxable years beginning on or after January 1, 2018.

SEC. 5. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect.

Amendment 3

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

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Assembly Concurrent Resolution

No. 41

Introduced by Assembly Member Ting

March 3, 2015

Assembly Concurrent Resolution No. 41—Relative to Sunshine Week.

LEGISLATIVE COUNSEL’S DIGEST

ACR 41, as introduced, Ting. Sunshine Week.

This measure would designate March 15, 2015, through March 21, 2015, as Sunshine Week.

Fiscal committee: no.

- 1 WHEREAS, California has a long tradition in support of open
2 government and access to government records; and
3 WHEREAS, In 1953, California enacted the Ralph M. Brown
4 Act guaranteeing the public’s right to attend and participate in
5 local governing bodies; and
6 WHEREAS, In 1967, the Bagley-Keene Open Meeting Act was
7 adopted to mandate open meetings of state agencies, boards, and
8 commissions; and
9 WHEREAS, In 1968, California enacted the California Public
10 Records Act that expressly declared that “access to information
11 concerning the conduct of the people’s business is a fundamental
12 and necessary right of every person in this state”; and
13 WHEREAS, California voters approved Proposition 59, a state
14 constitutional amendment, also known as the “Sunshine
15 Amendment,” in 2004 that furthers open government protections
16 and the rights of voters; and

1 WHEREAS, California voters approved Proposition 42, a state
2 constitutional amendment, in 2014 to affirm the people’s mandate
3 for open government; and

4 WHEREAS, California entrepreneurs created the information
5 technology revolution and are creating opportunities for
6 government to use technology to improve performance,
7 transparency, and trust; and

8 WHEREAS, Open government reforms continue to spread across
9 the country, including the adoption of open data policies to urge
10 innovation and economic development through the use of
11 high-value government data that can be freely accessed, modified,
12 and shared; and

13 WHEREAS, President Barack Obama issued an Open
14 Government Directive to all federal departments and agencies that
15 required the federal government to take steps towards a more open
16 government including publishing government information online
17 with the presumption of openness, to improve the quality of
18 government information, and to institutionalize a culture of open
19 government within departments and agencies; and

20 WHEREAS, The state of California was one of the first states
21 to launch an open data repository (data.ca.gov), designed to provide
22 a single source of raw data in the state; and

23 WHEREAS, State agencies, including the California Health and
24 Human Services Agency and the State Controller’s office, have
25 shown leadership in creating portals that showcase government
26 data in an interactive and searchable format that enhances its value
27 and utility; and

28 WHEREAS, Many local governments have been leaders in open
29 records and public meetings and the Cities of San Francisco,
30 Sacramento, San Diego, Oakland, West Sacramento, and Los
31 Angeles and the Counties of Los Angeles and San Mateo have
32 adopted Open Data policies; and

33 WHEREAS, Numerous California cities have named Chief Data
34 Officers, and local government agencies have launched Open Data
35 portals; and

36 WHEREAS, With an inaugural grant from the Knight
37 Foundation, the American Society of News Editors launched
38 Sunshine Week in March 2005, and it continues to be celebrated
39 each year in mid-March to coincide with National Freedom of

1 Information Day and President James Madison’s birthday on March
2 16; and

3 WHEREAS, Sunshine Week is now a national initiative to
4 promote a dialogue about the importance of open government and
5 freedom of information. Participants include news media, civic
6 groups, libraries, nonprofit entities, schools, and others interested
7 in the public’s right to know; and

8 WHEREAS, The coverage, commentaries, and activities
9 promoting open government during Sunshine Week have led to
10 tangible, meaningful changes to people’s lives, and the laws that
11 govern them; and

12 WHEREAS, Sunshine Week is increasing public awareness and
13 people are playing more of a role in the actions that affect their
14 communities. People are learning what kinds of information they
15 have a right to see, how and where to obtain that information, and
16 what to do if someone tries to prevent them from accessing it; now,
17 therefore, be it

18 *Resolved by the Assembly of the State of California, the Senate*
19 *thereof concurring*, That Sunshine Week is a celebration of the
20 public’s commitment to openness and an exploration of what open
21 government means in a technology-enhanced future; and be it
22 further

23 *Resolved*, That the Legislature hereby designates March 15,
24 2015, through March 21, 2015, as Sunshine Week and encourages
25 all Californians to participate in appropriate activities relating to
26 open government and access to public information; 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.

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Date of Hearing: March 12, 2015

ASSEMBLY COMMITTEE ON RULES
Richard Gordon, Chair
ACR 41 (Ting) – As Introduced March 3, 2015

SUBJECT: Sunshine Week.

SUMMARY: This resolution designates March 15, 2015, through March 21, 2015, as Sunshine Week and encourages all Californians to participate in appropriate activities relating to open government and access to public information. **This resolution** makes the following legislative findings:

- 1) California has a long tradition in support of open government and access to government records and in 1968, California enacted the California Public Records Act that expressly declared that “access to information concerning the conduct of the people’s business is a fundamental and necessary right of every person in this state.”
- 2) In 1953, California enacted the Ralph M. Brown Open Meetings Act guaranteeing the public’s right to attend and participate in local governing bodies.
- 3) In 1967, the Bagley-Keene Open Meetings Act was adopted by the State to mandate open meetings of state agencies, boards, and commissions.
- 4) California voters approved Proposition 59, a state constitutional amendment, also known as the “Sunshine Amendment,” in 2004 that furthers open government protections and the rights of voters.
- 5) Open government reforms continue to spread across the country, including the adoption of open data policies to urge innovation and economic development through the use of high-value government data.
- 6) California entrepreneurs created the information technology revolution and are creating opportunities for government to use technology to improve performance, transparency, and trust.
- 7) With an inaugural grant from the Knight Foundation, American Society of News Editors launched Sunshine Week in March 2005, and it continues to be celebrated each year in mid-March to coincide with National Freedom of Information Day and President James Madison’s birthday on March 16; and although originally created by journalists, Sunshine Week is about the public’s right to know what its government is doing and why.
- 8) Sunshine Week is now a national initiative to promote a dialogue about the importance of open government and freedom of information. Participants include news media, civic groups, libraries, nonprofit entities, schools, and others interested in the public’s right to know.

- 9) Sunshine Week is increasing public awareness and people are playing more of a role in the actions that affect their communities. People are learning what kinds of information they have a right to see, how and where to obtain that information, and what to do if someone tries to prevent them from accessing it.

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. 42

Introduced by Assembly Member Quirk

March 5, 2015

Assembly Concurrent Resolution No. 42—Relative to Science Fair Month.

LEGISLATIVE COUNSEL’S DIGEST

ACR 42, as introduced, Quirk. Science Fair Month.

This measure would declare the month of March 2015 as Science Fair Month.

Fiscal committee: no.

- 1 WHEREAS, Science fairs emphasize the importance of science,
2 technology, engineering, and mathematics (STEM) education, and
3 the value of exploration and research conducted by young pupils
4 in areas that interest them; and
5 WHEREAS, Science fair opportunities stimulate interest in
6 STEM, encourage pupils entry into STEM related careers, and
7 provide pupil the opportunity to interact with professional scientists
8 and engineers in an environment where excellence and pupil
9 achievement are recognized and rewarded; and
10 WHEREAS, By inspiring and encouraging young minds to
11 develop a growing interest in STEM education, science fairs expose
12 pupils to opportunities in STEM fields; and
13 WHEREAS, Furthering the knowledge of pupils in STEM fields
14 is beneficial to their growth and futures; and
15 WHEREAS, Numerous science fairs are held throughout
16 communities during the month of March; and

1 WHEREAS, The 4th annual Synopsys Alameda County Science
2 and Engineering Fair, co-sponsored by Lawrence Livermore
3 National Laboratory, held on March 20-22, 2015, connects bright
4 and motivated young scientists and engineers with the County of
5 Alameda's industry, academia, and professional organizations to
6 promote educational development within the county and the
7 development of scientific inquiry, critical and creative thinking,
8 and high-level problem solving skills, while promoting the future
9 growth of STEM in the County of Alameda and the state; and
10 WHEREAS, Spreading knowledge and encouraging the
11 development of a more specialized workforce enhances the general
12 community by serving as an investment in the future prosperity
13 of the County of Alameda and the state; now, therefore, be it
14 *Resolved by the Assembly of the State of California, the Senate*
15 *thereof concurring*, That the Legislative joins Synopsys Alameda
16 County Science and Engineering Fair, and all science fairs in the
17 state, in declaring the month of March 2015, as Science Fair
18 Month; and be it further
19 *Resolved*, That the Chief Clerk of the Assembly transmit copies
20 of this resolution to the author for appropriate distribution.

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Date of Hearing: March 12, 2015

ASSEMBLY COMMITTEE ON RULES
Richard Gordon, Chair
ACR 42 (Quirk) – As Introduced March 5, 2015

SUBJECT: Science Fair Month.

SUMMARY: Declares the month of March 2015 as Science Fair Month. Specifically, **this resolution** makes the following legislative findings:

- 1) Science fairs emphasize the importance of science, technology, engineering, and mathematics (STEM) education, and the value of exploration and research conducted by young pupils in areas that interest them.
- 2) Science fair opportunities stimulate interest in STEM, encourage pupils entry into STEM related careers, and provide pupils the opportunity to interact with professional scientists and engineers in an environment where excellence and pupil achievement are recognized and rewarded.
- 3) Furthering the knowledge of pupils in STEM fields is beneficial to their growth and futures and by inspiring and encouraging young minds to develop a growing interest in STEM education, science fairs expose pupils to opportunities in STEM fields.

FISCAL EFFECT: None

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

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

AMENDED IN ASSEMBLY FEBRUARY 12, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 14

Introduced by Assembly Member Waldron
(Coauthor: Assembly Member Maienschein)

December 1, 2014

An act to add and repeal Title 24 (commencing with Section 110050) of the Government Code, relating to unmanned aircraft *systems*.

LEGISLATIVE COUNSEL'S DIGEST

AB 14, as amended, Waldron. Unmanned aircraft *systems*: task force.

Existing federal law, the Federal Aviation Administration Modernization and Reform Act of 2012, provides for the integration of civil unmanned aircraft systems, commonly known as drones, into the national airspace system by September 30, 2015. Existing federal law requires the Administrator of the Federal Aviation Administration to develop and implement operational and certification requirements for the operation of public unmanned aircraft systems in the national airspace system by December 31, 2015.

This bill would create the Unmanned Aircraft *Systems* Task Force, *comprised of 10 members, as provided*. The bill would require the task force ~~would be responsible for formulating~~ *to research, develop, and formulate* a comprehensive ~~plan~~ *policy* for ~~state regulation~~ of unmanned aircraft *systems*. The task force would be required to submit, among other things, a ~~comprehensive~~ policy draft and suggested legislation pertaining to unmanned aircraft *systems* to the Legislature and the Governor *throughout the term of the task force*, on or before January 1, 2018. The bill would provide that these provisions are repealed on January 1, 2022.

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

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

SECTION 1. Title 24 (commencing with Section 110050) is added to the Government Code, to read:

TITLE 24. UNMANNED AIRCRAFT SYSTEMS TASK
FORCE

110050. (a) The Legislature finds and declares that there is a need for California to have in place a comprehensive policy for the operation of unmanned aircraft systems, and a desire to work with the Federal Aviation Administration (FAA) in the development of and within the guidelines of the Federal Aviation Administration (FAA) FAA as they are put in place.

(b) It is the intent of the Legislature in enacting this title that ~~the a task force be created by this act formulate to advise the Governor and the Legislature in formulating a comprehensive plan policy~~ for the state regarding unmanned aircraft systems, including, but not limited to, commenting on FAA policy development, and anticipating and recognizing California's unique needs for high technology, aerospace, commercial, agricultural and public safety uses.

110051. (a) There is hereby created the Unmanned Aircraft Systems Task Force which shall operate for two years, until January 1, 2018.

(b) The task force shall *take all actions necessary to research, develop, and formulate a comprehensive plan policy for state regulation of* unmanned aircraft systems, *to promote aviation, aerospace, agricultural, public safety and technology industry uses throughout the state, through the commercialization of aviation, aerospace, and technology products and ideas, including,* but not limited to, all of the following:

(1) ~~Reviewing~~ Review regulations and guidance from the FAA regarding unmanned aircraft systems and ~~incorporating~~ incorporate them into a state policy ~~draft~~. *draft and advise the Governor and the Legislature on an on-going basis regarding FAA policy development, task force activities, and public comment regarding*

1 *the development of the FAA guidelines to coincide with the needs*
2 *of California.*

3 ~~(2) Providing~~ Provide written recommendations, together with
4 suggested legislation, for a comprehensive state policy for
5 unmanned aircraft systems that protects privacy and allows the use
6 of unmanned aircraft systems for public and private applications.

7 ~~(3) Evaluating complaints and concerns that are expressed to~~
8 ~~the task force regarding the use of unmanned aircraft.~~

9 ~~(4) Studying the private use of unmanned aircraft to encourage~~
10 ~~development of the unmanned aircraft industry in the private sector.~~

11 (3) *Study the private use of unmanned aircraft systems to*
12 *encourage development of the unmanned aircraft systems industry*
13 *in the private sector.*

14 (4) *Evaluate complaints and concerns that are expressed to the*
15 *task force regarding the use of unmanned aircraft systems.*

16 ~~(5) Studying~~ Study and ~~making~~ make recommendations with
17 respect to ensuring that unmanned aircraft systems users comply
18 with applicable laws, and ~~assessing~~ assess implementation plans
19 and results.

20 (6) *Encourage communication and resource sharing among*
21 *individuals and organizations involved in the aviation, aerospace,*
22 *agriculture, government, and technology industry, including*
23 *business, the military, and academia.*

24 110052. (a) Any written recommendations, suggested
25 legislation, or other drafts or documents required to be prepared
26 pursuant to Section 110051 shall be submitted to the Legislature
27 and the Governor *throughout the term of the task force*, on or
28 before January 1, 2018.

29 (b) The materials described in subdivision (a) shall be submitted
30 in compliance with Section 9795.

31 110053. The task force shall consist of 10 members, as follows,
32 who shall serve a two-year term:

33 (a) The Adjutant General of the Military Department, or his or
34 her designee, shall be an ex officio member of the task force.

35 (b) Three members appointed by the Governor:

36 (1) A member representing the California University System.

37 (2) A member representing agriculture.

38 (3) A member from the Governor's economic development
39 group.

1 (c) Three members appointed by the Senate Committee on
2 Rules:

- 3 (1) A member representing the aerospace industry.
4 (2) A member representing the Academy of Model Aeronautics.
5 (3) A member representing law enforcement.

6 (d) Three members appointed by the Speaker of the Assembly:

- 7 (1) A member representing business and industry.
8 (2) Two public members who have participated in the unmanned
9 aircraft *system* industry and who have experience operating
10 unmanned aircraft *systems*.

11 110054. (a) The task force may meet as frequently as necessary
12 to carry out its responsibilities.

13 (b) The members of the task force shall serve without
14 compensation, but shall receive a per diem of one hundred dollars
15 (\$100) and reimbursement for actual and necessary expenses
16 incurred in connection with the performance of their duties.

17 110055. The task force may appoint an executive director, who
18 may employ staff upon approval by the task force.

19 110056. The task force shall be funded by an appropriation in
20 the annual Budget Act.

21 110097. This title shall remain in effect only until January 1,
22 2022, and as of that date is repealed, unless a later enacted statute,
23 that is enacted before January 1, 2022, deletes or extends that date.

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Assembly California Legislature



MARIE WALDRON
REPUBLICAN FLOOR LEADER
ASSEMBLYMEMBER, SEVENTY-FIFTH DISTRICT

COMMITTEES
VICE CHAIR: PUBLIC EMPLOYEES,
RETIREMENT AND SOCIAL SECURITY
GOVERNMENTAL ORGANIZATION
LOCAL GOVERNMENT
HEALTH
RULES

March 5, 2015

Assemblymember Richard Gordon
Rules Chairman
State Capitol, Room 3016
Sacramento, CA 95814

Dear Chairman Gordon:

I respectfully request AB 14 to be added to the Rules Committee Agenda to ask for an urgency clause.

AB 14 requires an urgency clause because the Federal Aviation Administration recently released its proposed regulations and it is crucial that task force be implemented by AB 14, sooner rather than later. The task force needs to start working in California now to create suggestions and proposals specific to California's needs and cannot wait any additional time as drones are now released into the airspace.

Should you have any questions, please feel free to contact my Legislative Director, Andrea Gutierrez at 916-319-2075.

Thank you for your prompt attention to this request.

Sincerely,

A handwritten signature in blue ink that reads "Marie Waldron".

Marie Waldron
Assemblymember, 75th District