



STATE CAPITOL  
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Assembly  
California Legislature  
Committee on Rules

RICHARD S. GORDON  
CHAIR

VICE CHAIR  
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MEMBERS  
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PATTY LOPEZ (D-ALT.)  
JAY OBERNOLTE (R-ALT.)

Thursday, March 19, 2015  
8:50 AM  
State Capitol, Room 3016

CONSENT AGENDA

**Bill Referrals**

1. Consent Bill Referrals [Page 2](#)
2. Bill Referrals w/Amendments (AR 51.5) [Page 7](#)

**Resolutions**

3. ACR 18 (Gordon) Relative to Parks Make Life Better! Month. [Page 64](#)
4. ACR 29 (Frazier) Relative to Donate Life California Day: driver's license. [Page 68](#)
5. ACR 37 (Gray) Relative to Sikh American Awareness and Appreciation Month. [Page 73](#)
6. ACR 43 (O'Donnell) Relative to California Aerospace Week. [Page 80](#)
7. HR 7 (Lopez) Relative to Adult Education Week. [Page 89](#)

REFERRAL OF BILLS TO COMMITTEE

03/19/2015

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

Assembly Bill No.	Committee:
<a href="#">AB 758</a>	B. & P.
<a href="#">AB 885</a>	HUM. S.
<a href="#">AB 885</a>	JUD.
<a href="#">AB 941</a>	HEALTH
<a href="#">AB 982</a>	HUM. S.
<a href="#">AB 1001</a>	PUB. S.
<a href="#">AB 1002</a>	JUD.
<a href="#">AB 1004</a>	NAT. RES.
<a href="#">AB 1006</a>	PUB. S.
<a href="#">AB 1008</a>	U. & C.
<a href="#">AB 1009</a>	L. GOV.
<a href="#">AB 1010</a>	HIGHER ED.
<a href="#">AB 1012</a>	ED.
<a href="#">AB 1013</a>	U. & C.
<a href="#">AB 1015</a>	TRANS.
<a href="#">AB 1016</a>	HIGHER ED.
<a href="#">AB 1018</a>	HEALTH
<a href="#">AB 1019</a>	PUB. S.
<a href="#">AB 1020</a>	E. & R.
<a href="#">AB 1023</a>	U. & C.
<a href="#">AB 1024</a>	TRANS.
<a href="#">AB 1025</a>	ED.
<a href="#">AB 1026</a>	E. & R.
<a href="#">AB 1028</a>	JUD.
<a href="#">AB 1029</a>	V.A.
<a href="#">AB 1030</a>	NAT. RES.
<a href="#">AB 1031</a>	P.E.,R. & S.S.
<a href="#">AB 1032</a>	REV. & TAX.
<a href="#">AB 1033</a>	J., E.D. & E.
<a href="#">AB 1033</a>	TRANS.
<a href="#">AB 1034</a>	NAT. RES.
<a href="#">AB 1036</a>	JUD.
<a href="#">AB 1038</a>	L. & E.
<a href="#">AB 1039</a>	AGRI.
<a href="#">AB 1040</a>	REV. & TAX.
<a href="#">AB 1041</a>	REV. & TAX.
<a href="#">AB 1042</a>	B. & P.
<a href="#">AB 1043</a>	TRANS.

<a href="#"><u>AB 1045</u></a>	NAT. RES.
<a href="#"><u>AB 1046</u></a>	HEALTH
<a href="#"><u>AB 1048</u></a>	ED.
<a href="#"><u>AB 1049</u></a>	JUD.
<a href="#"><u>AB 1050</u></a>	P.E.,R. & S.S.
<a href="#"><u>AB 1051</u></a>	PUB. S.
<a href="#"><u>AB 1052</u></a>	P.E.,R. & S.S.
<a href="#"><u>AB 1054</u></a>	HUM. S.
<a href="#"><u>AB 1055</u></a>	REV. & TAX.
<a href="#"><u>AB 1056</u></a>	H. & C.D.
<a href="#"><u>AB 1057</u></a>	ED.
<a href="#"><u>AB 1058</u></a>	ED.
<a href="#"><u>AB 1059</u></a>	E.S. & T.M.
<a href="#"><u>AB 1060</u></a>	B. & P.
<a href="#"><u>AB 1061</u></a>	L. GOV.
<a href="#"><u>AB 1062</u></a>	NAT. RES.
<a href="#"><u>AB 1063</u></a>	NAT. RES.
<a href="#"><u>AB 1065</u></a>	L. & E.
<a href="#"><u>AB 1066</u></a>	P.E.,R. & S.S.
<a href="#"><u>AB 1066</u></a>	HIGHER ED.
<a href="#"><u>AB 1068</u></a>	NAT. RES.
<a href="#"><u>AB 1068</u></a>	JUD.
<a href="#"><u>AB 1071</u></a>	NAT. RES.
<a href="#"><u>AB 1072</u></a>	INS.
<a href="#"><u>AB 1073</u></a>	B. & P.
<a href="#"><u>AB 1075</u></a>	E.S. & T.M.
<a href="#"><u>AB 1076</u></a>	HEALTH
<a href="#"><u>AB 1077</u></a>	L. GOV.
<a href="#"><u>AB 1079</u></a>	L. GOV.
<a href="#"><u>AB 1079</u></a>	H. & C.D.
<a href="#"><u>AB 1080</u></a>	L. GOV.
<a href="#"><u>AB 1080</u></a>	H. & C.D.
<a href="#"><u>AB 1081</u></a>	PUB. S.
<a href="#"><u>AB 1084</u></a>	H. & C.D.
<a href="#"><u>AB 1085</u></a>	JUD.
<a href="#"><u>AB 1086</u></a>	HEALTH
<a href="#"><u>AB 1087</u></a>	NAT. RES.
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<a href="#"><u>AB 1090</u></a>	J., E.D. & E.
<a href="#"><u>AB 1090</u></a>	REV. & TAX.

<a href="#"><u>AB 1093</u></a>	PUB. S.
<a href="#"><u>AB 1093</u></a>	J., E.D. & E.
<a href="#"><u>AB 1094</u></a>	U. & C.
<a href="#"><u>AB 1094</u></a>	NAT. RES.
<a href="#"><u>AB 1095</u></a>	W.,P. & W.
<a href="#"><u>AB 1097</u></a>	B. & P.
<a href="#"><u>AB 1100</u></a>	PUB. S.
<a href="#"><u>AB 1101</u></a>	ED.
<a href="#"><u>AB 1103</u></a>	NAT. RES.
<a href="#"><u>AB 1104</u></a>	PUB. S.
<a href="#"><u>AB 1105</u></a>	L. GOV.
<a href="#"><u>AB 1109</u></a>	RLS.
<a href="#"><u>AB 1110</u></a>	REV. & TAX.
<a href="#"><u>AB 1113</u></a>	B. & F.
<a href="#"><u>AB 1116</u></a>	P. & C.P.
<a href="#"><u>AB 1116</u></a>	JUD.
<a href="#"><u>AB 1119</u></a>	U. & C.
<a href="#"><u>AB 1119</u></a>	L. GOV.
<a href="#"><u>AB 1122</u></a>	HUM. S.
<a href="#"><u>AB 1122</u></a>	AGING & L.T.C.
<a href="#"><u>AB 1123</u></a>	JUD.
<a href="#"><u>AB 1124</u></a>	INS.
<a href="#"><u>AB 1125</u></a>	J., E.D. & E.
<a href="#"><u>AB 1126</u></a>	ED.
<a href="#"><u>AB 1127</u></a>	L. GOV.
<a href="#"><u>AB 1127</u></a>	JUD.
<a href="#"><u>AB 1129</u></a>	HEALTH
<a href="#"><u>AB 1129</u></a>	P. & C.P.
<a href="#"><u>AB 1130</u></a>	HEALTH
<a href="#"><u>AB 1131</u></a>	INS.
<a href="#"><u>AB 1134</u></a>	PUB. S.
<a href="#"><u>AB 1135</u></a>	AGRI.
<a href="#"><u>AB 1136</u></a>	AGING & L.T.C.
<a href="#"><u>AB 1136</u></a>	NAT. RES.
<a href="#"><u>AB 1138</u></a>	TRANS.
<a href="#"><u>AB 1138</u></a>	JUD.
<a href="#"><u>AB 1140</u></a>	PUB. S.
<a href="#"><u>AB 1141</u></a>	JUD.
<a href="#"><u>AB 1142</u></a>	NAT. RES.
<a href="#"><u>AB 1143</u></a>	E. & R.
<a href="#"><u>AB 1144</u></a>	U. & C.
<a href="#"><u>AB 1144</u></a>	NAT. RES.

<a href="#">AB 1145</a>	HIGHER ED.
<a href="#">AB 1145</a>	ED.
<a href="#">AB 1146</a>	JUD.
<a href="#">AB 1147</a>	HEALTH
<a href="#">AB 1148</a>	E. & R.
<a href="#">AB 1149</a>	HEALTH
<a href="#">AB 1150</a>	U. & C.
<a href="#">AB 1150</a>	HIGHER ED.
<a href="#">AB 1153</a>	ED.
<a href="#">ACR 45</a>	BUDGET



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# Memo

**To:** Rules Committee Members  
**From:** Mukhtar Ali, Bill Referral Consultant  
**Date:** 3/18/15  
**Re:** Consent Bill Referrals

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Since you received the preliminary list of bill referrals the recommendations for AB 1049 and AB 1066 have changed.

REFERRAL OF BILLS TO COMMITTEE

03/20/2015

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

Assembly Bill No.	Committee:
<a href="#"><u>AB 45</u></a>	L. GOV.
<a href="#"><u>AB 45</u></a>	E.S. & T.M.
<a href="#"><u>AB 192</u></a>	TRANS.
<a href="#"><u>AB 222</u></a>	TRANS.
<a href="#"><u>AB 287</u></a>	TRANS.
<a href="#"><u>AB 287</u></a>	P. & C.P.
<a href="#"><u>AB 315</u></a>	AGRI.
<a href="#"><u>AB 338</u></a>	L. GOV.
<a href="#"><u>AB 338</u></a>	TRANS.
<a href="#"><u>AB 394</u></a>	G.O.
<a href="#"><u>AB 449</u></a>	REV. & TAX.
<a href="#"><u>AB 545</u></a>	PUB. S.
<a href="#"><u>AB 547</u></a>	E. & R.
<a href="#"><u>AB 713</u></a>	ED.
<a href="#"><u>AB 724</u></a>	HEALTH
<a href="#"><u>AB 770</u></a>	HIGHER ED.
<a href="#"><u>AB 804</u></a>	B. & P.
<a href="#"><u>AB 1250</u></a>	TRANS.



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# Memo

**To:** Rules Committee Members  
**From:** Mukhtar Ali, Bill Referral Consultant  
**Date:** 3/18/15  
**Re:** Consent Bill Referrals - Spot Bills

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Since you received the preliminary list of bill referrals the recommendation for AB 45 has changed.



## AMENDMENTS TO ASSEMBLY BILL NO. 45

## Amendment 1

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

to add Article 3.4 (commencing with Section 47120) to Chapter 1 of Part 7 of Division 30 of the Public Resources Code,

## Amendment 2

On page 2, below line 23, insert:

SEC. 2. Article 3.4 (commencing with Section 47120) is added to Chapter 1 of Part 7 of Division 30 of the Public Resources Code, to read:

## Article 3.4. Household Hazardous Waste Collection and Diversion

47120. For purposes of this article, the following terms have the following meanings:

(a) "Door-to-door collection and diversion program" means a curbside household hazardous waste collection program, door-to-door household hazardous waste collection program, or household hazardous waste residential pickup service administered by a jurisdiction that allows a resident to arrange, by appointment, for the collection of household hazardous waste at his or her residence in accordance with all applicable state and federal laws and regulations.

(b) "Household hazardous waste" includes, but is not limited to, the following:

(1) Automotive products, including, but not limited to, antifreeze, batteries, brake fluid, motor oil, oil filters, fuels, wax, and polish.

(2) Garden chemicals, including, but not limited to, fertilizers, herbicides, insect sprays, pesticides, and weed killers.

(3) Household chemicals, including, but not limited to, ammonia, cleaners, strippers, and rust removers.

(4) Paint products, including, but not limited to, paint, caulk, glue, stripper, thinner, and wood preservatives and stain.

(5) Consumer electronics, including, but not limited to, televisions, computers, laptops, monitors, keyboards, DVD and CD players, VCRs, MP3 players, cell phones, desktop printers, scanners, fax machines, mice, microwaves, and related cords.

(6) Swimming pool chemicals, including, but not limited to, chlorine tablets and liquids, pool acids, and stabilizers.

(7) Household batteries. For purposes of this section, "household batteries" means batteries that individually weigh two kilograms or less of mercury, alkaline, carbon-zinc, or nickel-cadmium, and any other batteries typically generated as household waste, including, but not limited to, batteries used to provide power for consumer electronic and personal goods often found in a household.

(8) Fluorescent tubes and compact florescent lamps.



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(9) Mercury-containing items, including, but not limited to, thermometers, thermostats, and switches.

(10) Home-generated sharps waste, as defined in Section 117671 of the Health and Safety Code.

(11) Home-generated pharmaceutical waste. For purposes of this section, "home-generated pharmaceutical waste" means a prescription or nonprescription drug, as specified in Section 4022 or 4025.1 of the Business and Professions Code, that is a waste generated by a household or households. "Home-generated pharmaceutical waste" shall not include drugs for which producers provide a take-back program as a part of a United States Food and Drug Administration managed risk evaluation and mitigation strategy pursuant to Section 355-1 of Title 21 of the United States Code, or waste generated by a business, corporation, limited partnership, or an entity involved in a wholesale transaction between a distributor and a retailer.

47121. (a) (1) On or before \_\_\_\_\_, each jurisdiction shall increase its collection and diversion of household hazardous waste in its service area by \_\_\_\_\_ percent over its baseline amount, as established in subdivision (b).

(2) Notwithstanding paragraph (1), a jurisdiction that adopts an ordinance implementing a household hazardous waste collection program identified in subdivision (b) or (c) of Section 25218.1 of the Health and Safety Code for household hazardous waste shall have an additional \_\_\_\_\_ years to meet the collection and diversion objective in paragraph (1).

(b) No later than \_\_\_\_\_, each jurisdiction shall inform the department of its baseline amount of collection and diversion of hazardous waste in accordance with regulations adopted by the department. The department shall approve or disapprove of a jurisdiction's baseline amount no later than \_\_\_\_\_.

47122. (a) The department shall adopt regulations to implement this article.

(b) The department may adopt a model ordinance for a door-to-door collection and diversion program to facilitate compliance with this article.

47123. Commencing \_\_\_\_\_, and annually thereafter, each jurisdiction shall report to the department on progress achieved in complying with this section. A jurisdiction shall make a good faith effort to comply with this section, and the department may determine whether a jurisdiction has made a good faith effort for purposes of this program. To the maximum extent practicable, it is the intent of the Legislature that reporting requirements under this section be satisfied by submission of similar reports currently required by law.

47124. This article does not apply to a jurisdiction that does not provide for the residential collection and disposal of solid waste.

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.

AMENDMENTS TO ASSEMBLY BILL NO. 192

Amendment 1

On page 2, in line 6, strike out "7,500" and insert:

6,500

Amendment 2

On page 2, in line 9, strike out "7,500" and insert:

6,500

Amendment 3

On page 2, in line 12, strike out "7,500" and insert:

6,500

Amendment 4

On page 2, in line 21, strike out "7,500" and insert:

6,500

Amendment 5

On page 2, in line 29, strike out "7,500" and insert:

6,500

Amendment 6

On page 2, in line 35, strike out "7,500" and insert:

6,500

Amendment 7

On page 3, in line 3, strike out "7,500," and insert:

6,500,



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03/13/15 08:36 AM  
RN 15 10095 PAGE 2  
Substantive

Amendment 8

On page 3, in line 5, strike out "7,500" and insert:

6,500

Amendment 9

On page 3, in line 15, strike out "7,500" and insert:

6,500

- 0 -

## AMENDMENTS TO ASSEMBLY BILL NO. 222

## Amendment 1

In the title, in line 1, strike out "4150" and insert:

1808.4

## Amendment 2

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

vehicle records

## Amendment 3

On page 1, before line 1, insert:

SECTION 1. Section 1808.4 of the Vehicle Code is amended to read:

1808.4. (a) For all of the following persons, his or her home address that appears in a record of the department is confidential if the person requests the confidentiality of that information:

- (1) Attorney General.
- (2) State Public Defender.
- (3) A Member of the Legislature.
- (4) A judge or court commissioner.
- (5) A district attorney.
- (6) A public defender.
- (7) An attorney employed by the Department of Justice, the office of the State Public Defender, or a county office of the district attorney or public defender.
- (8) A city attorney and an attorney who submits verification from his or her public employer that the attorney represents the city in matters that routinely place the attorney in personal contact with persons under investigation for, charged with, or convicted of, committing criminal acts, if that attorney is employed by a city attorney.
- (9) A nonsworn police dispatcher.
- (10) A child abuse investigator or social worker, working in child protective services within a social services department.
- (11) An active or retired peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code.
- (12) An employee of the Department of Corrections and Rehabilitation, Division of Juvenile Facilities, ~~or the Prison Industry Authority, or the State Department of State Hospitals~~ specified in Sections ~~20403 and~~ 20403, 20405, and 20407 of the Government Code.
- (13) A nonsworn employee of a city police department, a county sheriff's office, the Department of the California Highway Patrol, a federal, state, or local detention facility, or a local juvenile hall, camp, ranch, or home, who submits agency verification



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that, in the normal course of his or her employment, he or she controls or supervises inmates or is required to have a prisoner in his or her care or custody.

(14) A county counsel assigned to child abuse cases.

(15) An investigator employed by the Department of Justice, a county district attorney, or a county public defender.

(16) A member of a city council.

(17) A member of a board of supervisors.

(18) A federal prosecutor, criminal investigator, or National Park Service Ranger working in this state.

(19) An active or retired city enforcement officer engaged in the enforcement of the Vehicle Code or municipal parking ordinances.

(20) An employee of a trial court.

(21) A psychiatric social worker employed by a county.

(22) A police or sheriff department employee designated by the ~~Chief of Police~~ chief of police of the department or the sheriff of the county as being in a sensitive position. A designation pursuant to this paragraph shall, for purposes of this section, remain in effect for three years subject to additional designations that, for purposes of this section, shall remain in effect for additional three-year periods.

(23) A state employee in one of the following classifications:

(A) Licensing Registration Examiner, Department of Motor Vehicles.

(B) Motor Carrier Specialist 1, Department of the California Highway Patrol.

(C) Museum Security Officer and Supervising Museum Security Officer.

(D) Licensing Program Analyst, State Department of Social Services.

(24) (A) The spouse or child of a person listed in paragraphs (1) to (23), inclusive, regardless of the spouse's or child's place of residence.

(B) The surviving spouse or child of a peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, if the peace officer died in the line of duty.

(C) (i) Subparagraphs (A) and (B) shall not apply if the person listed in those subparagraphs was convicted of a crime and is on active parole or probation.

(ii) For requests made on or after January 1, 2011, the person requesting confidentiality for their spouse or child listed in subparagraph (A) or (B) shall declare, at the time of the request for confidentiality, whether the spouse or child has been convicted of a crime and is on active parole or probation.

(iii) Neither the listed person's employer nor the department shall be required to verify, or be responsible for verifying, that a person listed in subparagraph (A) or (B) was convicted of a crime and is on active parole or probation.

(b) The confidential home address of a person listed in subdivision (a) shall not be disclosed, except to any of the following:

(1) A court.

(2) A law enforcement agency.

(3) The State Board of Equalization.

(4) An attorney in a civil or criminal action that demonstrates to a court the need for the home address, if the disclosure is made pursuant to a subpoena.

(5) A governmental agency to which, under any ~~provision of law~~, information is required to be furnished from records maintained by the department.

(c) (1) A record of the department containing a confidential home address shall be open to public inspection, as provided in Section 1808, if the address is completely obliterated or otherwise removed from the record.

(2) Following termination of office or employment, a confidential home address shall be withheld from public inspection for three years, unless the termination is the result of conviction of a criminal offense. If the termination or separation is the result of the filing of a criminal complaint, a confidential home address shall be withheld from public inspection during the time in which the terminated individual may file an appeal from termination, while an appeal from termination is ongoing, and until the appeal process is exhausted, after which confidentiality shall be at the discretion of the employing agency if the termination or separation is upheld. Upon reinstatement to an office or employment, the protections of this section are available.

(3) With respect to a retired peace officer, his or her home address shall be withheld from public inspection permanently upon request of confidentiality at the time the information would otherwise be opened. The home address of the surviving spouse or child listed in subparagraph (B) of paragraph (24) of subdivision (a) shall be withheld from public inspection for three years following the death of the peace officer.

(4) The department shall inform a person who requests a confidential home address what agency the individual whose address was requested is employed by or the court at which the judge or court commissioner presides.

(d) A violation of subdivision (a) by the disclosure of the confidential home address of a peace officer, as specified in paragraph (11) of subdivision (a), a nonsworn employee of the city police department or county sheriff's office, or the spouses or children of these persons, including, but not limited to, the surviving spouse or child listed in subparagraph (B) of paragraph (24) of subdivision (a), that results in bodily injury to the peace officer, employee of the city police department or county sheriff's office, or the spouses or children of these persons is a felony.

#### Amendment 4

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

## AMENDMENTS TO ASSEMBLY BILL NO. 287

## Amendment 1

In the heading, in line 1, strike out "Mark", strike out line 2 and insert:

Mark Stone

## Amendment 2

In the heading, below line 3, insert:

**(Coauthor: Assembly Member Jones)**

## Amendment 3

In the title, strike out line 1 and insert:

An act to amend Sections 3050, 3066, 4751, and 11713.3 of, to add Section 3065.2 to, and to add Article 1.1 (commencing with Section 11750) to Chapter 4 of Division 5 of, the Vehicle Code, relating to vehicle safety.

## Amendment 4

On page 1, before line 1, insert:

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

(1) Over the past one-half decade, automakers and the National Highway Traffic Safety Administration have issued more recalls on new and used motor vehicles than ever before. The year 2014 set the record for the most recalls on vehicles in United States history with over 63.8 million vehicles recalled. The rate of vehicle recalls has exponentially grown over this past one-half decade as 22 million recalls were issued in 2013 and 16.2 million were issued in 2012. The increase of recalls in 2014 is a 190 percent increase from 2013 and a 293.8 percent increase from 2012.

(2) While federal motor vehicle safety standards are more demanding now than at any other point in time and new vehicles sold today are the safest in history, the exponential growth of recalls issued on motor vehicles has caused confusion and apathy for far too many Californians. According to the National Highway Traffic Safety Administration and others about one-third of all recalled vehicles are never repaired by the vehicle's owner.

(3) Federal regulations now require most vehicle manufacturers to provide motor vehicle safety recall information applicable to the vehicles they manufacture on the Internet and available to the public. Dealers, rental car companies, and private parties offering vehicles for sale or rent now have greater access to recall information than ever before.

(4) Federal law imposes a requirement not to sell a new vehicle subject to a recall, but neither federal nor California law addresses used vehicles subject to a recall.



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It is the intent of this act to address used vehicles subject to a recall that are not yet repaired.

(b) Accordingly, it is the intent of the Legislature in enacting this act to increase consumer awareness of recalls in the car purchasing and rental process, to ensure that consumers have access to loaner and rental vehicles while their recalled vehicles are being repaired at a new motor vehicle dealer, and to ensure that a recalled vehicle that poses a risk of imminent harm is not sold or rented to Californians until the risk is removed and the vehicle is repaired.

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

(1) The distribution, sale, and service of new motor vehicles in the State of California vitally affects the general economy of this state and the public welfare.

(2) The new motor vehicle franchise system, which operates within a strictly defined and highly regulated statutory scheme, assures the consuming public of a well-organized distribution system for the availability and sale of new motor vehicles throughout the state, provides a network of quality warranty, recall, and repair facilities to maintain those vehicles, and creates a cost-effective method for the state to police those systems through the licensing and regulation of private sector franchisors and franchisees.

(3) Franchisors sometimes establish programs to reimburse franchisees for loaner or rental cars given to consumers whose vehicles have been recalled, but California franchise laws fail to establish guidelines for rental or loaner vehicle reimbursement.

(4) California franchise laws require manufacturers to provide reasonable reimbursement to dealers for warranty and recall work, but fails to establish guidelines for compensating franchisee costs associated with recalled vehicles that cannot be repaired and remain in the franchisee's possession.

(d) Accordingly, it is the intent of the Legislature in enacting this act to ensure that new motor vehicle dealer franchisees are treated fairly by their franchisors, that new motor vehicle dealer franchisees are reasonably reimbursed for providing loaner or rental vehicles to consumers who have recalled vehicles when the parts or procedures to make the recall repair are not available, and that new motor vehicle dealer franchisees are reasonably compensated for recalled vehicles at their dealerships that cannot immediately be repaired and must be stored by the franchisee at the dealership.

SEC. 2. Section 3050 of the Vehicle Code is amended to read:

3050. The board shall do all of the following:

(a) Adopt rules and regulations in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code governing those matters that are specifically committed to its jurisdiction.

(b) Hear and determine, within the limitations and in accordance with the procedure provided, an appeal presented by an applicant for, or holder of, a license as a new motor vehicle dealer, manufacturer, manufacturer branch, distributor, distributor branch, or representative when the applicant or licensee submits an appeal provided for in this chapter from a decision arising out of the department.

(c) Consider any matter concerning the activities or practices of any person applying for or holding a license as a new motor vehicle dealer, manufacturer, manufacturer branch, distributor, distributor branch, or representative pursuant to Chapter 4 (commencing with Section 11700) of Division 5 submitted by any person. A member of the board who is a new motor vehicle dealer may not participate in, hear,

comment, advise other members upon, or decide any matter considered by the board pursuant to this subdivision that involves a dispute between a franchisee and franchisor. After that consideration, the board may do any one or any combination of the following:

(1) Direct the department to conduct investigation of matters that the board deems reasonable, and make a written report on the results of the investigation to the board within the time specified by the board.

(2) Undertake to mediate, arbitrate, or otherwise resolve any honest difference of opinion or viewpoint existing between any member of the public and any new motor vehicle dealer, manufacturer, manufacturer branch, distributor, distributor branch, or representative.

(3) Order the department to exercise any and all authority or power that the department may have with respect to the issuance, renewal, refusal to renew, suspension, or revocation of the license of any new motor vehicle dealer, manufacturer, manufacturer branch, distributor, distributor branch, or representative as that license is required under Chapter 4 (commencing with Section 11700) of Division 5.

(d) Hear and decide, within the limitations and in accordance with the procedure provided, a protest presented by a franchisee pursuant to Section 3060, 3062, 3064, 3065, 3065.1, 3065.2, 3070, 3072, 3074, 3075, or 3076. A member of the board who is a new motor vehicle dealer may not participate in, hear, comment, advise other members upon, or decide, any matter involving a protest filed pursuant to Article 4 (commencing with Section 3060), unless all parties to the protest stipulate otherwise.

(e) Notwithstanding subdivisions (c) and (d), the courts have jurisdiction over all common law and statutory claims originally cognizable in the courts. For those claims, a party may initiate an action directly in any court of competent jurisdiction.

SEC. 3. Section 3065.2 is added to the Vehicle Code, to read:

3065.2. (a) A claim made by a franchisee for payment under Section 11760 shall be either approved or disapproved within 30 days after receipt by the franchisor. When a claim is disapproved, the franchisee who submits it shall be notified in writing of its disapproval within the required period, and each notice shall state the specific grounds upon which the disapproval is based. Any claim not specifically disapproved in writing within 30 days from receipt shall be deemed approved on the 30th day.

(b) Franchisee claims for compensation under Section 11760 shall not be disapproved unless the claim is false or fraudulent, the claim is ineligible under the statute, or for material noncompliance with reasonable and nondiscriminatory requirements of the franchisor, including documentation and administrative claims submission requirements.

(c) The franchisor shall provide a reasonable appeal process allowing the franchisee at least 30 days after receipt of the written disapproval notice to respond to any disapproval with additional supporting documentation or information rebutting the disapproval. If disapproval is based upon noncompliance with documentation or administrative claims submission requirements, the franchisor shall allow the franchisee at least 30 days from the date of receipt of the written disapproval notice to cure any material noncompliance. If the disapproval is rebutted, and material noncompliance is cured before the applicable deadline, the franchisor shall approve the claim.

(d) If the franchisee provides additional supporting documentation or information purporting to rebut the disapproval, attempts to cure noncompliance relating to the claim, or otherwise appeals denial of the claim, and the franchisor continues to deny

the claim, the franchisor shall provide the franchisee with a written notification of the final denial within 30 days of completion of the appeal process, which shall conspicuously state "Final Denial" on the first page.

(e) Following the disapproval of a claim, a franchisee shall have six months from receipt of the written notice described in either subdivision (a) or (d), whichever is later, to file a protest with the board for determination of whether the franchisor complied with subdivisions (a), (b), (c), and (d). In any hearing pursuant to this subdivision or subdivision (a), (b), (c), or (d), the franchisor shall have the burden of proof.

(f) A claim made by franchisees under this section shall be paid within 30 days following approval. Failure to approve or pay within the time limits specified in this section, in individual instances for reasons beyond the reasonable control of the franchisor, is not a violation of this section.

(g) (1) Audits of franchisee records for payment under Section 11760 may be conducted by the franchisor on a reasonable basis, and for a period of nine months after a claim is paid or credit issued. A franchisor shall not select a franchisee for an audit, or perform an audit, in a punitive, retaliatory, or unfairly discriminatory manner. A franchisor may conduct no more than one random audit of a franchisee in a nine-month period. The franchisor's notification to the franchisee of any additional audit within a nine-month period shall be accompanied by written disclosure of the basis for that additional audit.

(2) Previously approved claims shall not be disapproved and charged back unless the claim is false or fraudulent, the claim is ineligible under the statute, or for material noncompliance with reasonable and nondiscriminatory requirements of the franchisor, including documentation and administrative claims submission requirements. A franchisor shall not disapprove a claim or chargeback a claim based upon an extrapolation from a sample of claims, unless the sample of claims is selected randomly and the extrapolation is performed in a reasonable and statistically valid manner.

(3) If the franchisor disapproves of a previously approved claim following an audit, the franchisor shall provide to the franchisee, within 30 days after the audit, a written disapproval notice stating the specific grounds upon which the claim is disapproved. The franchisor shall provide a reasonable appeal process allowing the franchisee a reasonable period of not less than 30 days after receipt of the written disapproval notice to respond to any disapproval with additional supporting documentation or information rebutting the disapproval and to cure any material noncompliance, with the period to be commensurate with the volume of claims under consideration. If the franchisee rebuts any disapproval and cures any material noncompliance relating to a claim before the applicable deadline, the franchisor shall not chargeback the franchisee for that claim.

(4) If the franchisee provides additional supporting documentation or information purporting to rebut the disapproval, attempts to cure noncompliance relating to the claim, or otherwise appeals denial of the claim, and the franchisor continues to deny the claim, the franchisor shall provide the franchisee with a written notification of the final denial within 30 days of completion of the appeal process, which shall conspicuously state "Final Denial" on the first page.

(5) The franchisor shall not chargeback the franchisee until 45 days after the franchisee receives the written notice described in paragraph (3) or (4), whichever is

later. If the franchisee cures any material noncompliance relating to a claim, the franchisor shall not chargeback the dealer for that claim. Any chargeback to a franchisee for under Section 11760 shall be made within 90 days after the franchisee receives that written notice. If the board sustains the chargeback or the protest is dismissed, the franchisor shall have 90 days following issuance of the final order or the dismissal to make the chargeback, unless otherwise provided in a settlement agreement.

(6) Within six months after receipt of the written notice described in either paragraph (3) or (4), a franchisee may file a protest with the board for determination of whether the franchisor complied with this subdivision. If the franchisee files a protest pursuant to this subdivision prior to the franchisor's chargeback for denied claims, the franchisor shall not offset or otherwise undertake to collect the chargeback until the board issues a final order on the protest. In any protest pursuant to this subdivision, the franchisor shall have the burden of proof.

(h) If a false claim was submitted by a franchisee with the intent to defraud the franchisor, a longer period for audit and any resulting chargeback may be permitted if the franchisor obtains an order from the board.

(i) This section shall become operative on July 1, 2016.

SEC. 4. Section 3066 of the Vehicle Code is amended to read:

3066. (a) Upon receiving a protest pursuant to Section 3060, 3062, 3064, 3065, 3065.1, 3065.2, 3070, 3072, 3074, 3075, or 3076, the board shall fix a time within 60 days of the order, and place of hearing, and shall send by registered mail a copy of the order to the franchisor, the protesting franchisee, and all individuals and groups that have requested notification by the board of protests and decisions of the board. Except in a case involving a franchisee who deals exclusively in motorcycles, the board or its executive director may, upon a showing of good cause, accelerate or postpone the date initially established for a hearing, but the hearing may not be rescheduled more than 90 days after the board's initial order. For the purpose of accelerating or postponing a hearing date, "good cause" includes, but is not limited to, the effects upon, and any irreparable harm to, the parties or interested persons or groups if the request for a change in hearing date is not granted. The board or an administrative law judge designated by the board shall hear and consider the oral and documented evidence introduced by the parties and other interested individuals and groups, and the board shall make its decision solely on the record so made. Chapter 4.5 (commencing with Section 11400) of Part 1 of Division 3 of Title 2 of the Government Code and Sections 11507.3, 11507.6, 11507.7, 11511, 11511.5, 11513, 11514, 11515, and 11517 of the Government Code apply to these proceedings.

(b) In a hearing on a protest filed pursuant to Section 3060, 3062, 3070, or 3072, the franchisor shall have the burden of proof to establish that there is good cause to modify, replace, terminate, or refuse to continue a franchise. The franchisee shall have the burden of proof to establish that there is good cause not to enter into a franchise establishing or relocating an additional motor vehicle dealership.

(c) Except as otherwise provided in this chapter, in a hearing on a protest alleging a violation of, or filed pursuant to, Section 3064, 3065, 3065.1, 3065.2, 3074, 3075, or 3076, the franchisee shall have the burden of proof, but the franchisor has the burden of proof to establish that a franchisee acted with intent to defraud the franchisor ~~where~~ when that issue is material to a protest filed pursuant to Section 3065, 3065.1, 3065.2, 3075, or 3076.

(d) A member of the board who is a new motor vehicle dealer may not participate in, hear, comment, or advise other members upon, or decide, a matter involving a protest filed pursuant to this article unless all parties to the protest stipulate otherwise.

SEC. 5. Section 4751 of the Vehicle Code is amended to read:

4751. The department may refuse ~~registration~~ registration, or the renewal or transfer of ~~registration~~ registration, of a vehicle in any of the following events:

(a) If the department is not satisfied that the applicant is entitled thereto under this code.

(b) If the applicant has failed to furnish the department with information required in the application or reasonable additional information required by the department.

(c) If the department determines that the applicant has made or permitted unlawful use of any registration certificate, certificate of ownership, or license plates.

(d) If the vehicle is mechanically unfit or unsafe to be operated or moved on the highways.

(e) If the department determines that a manufacturer or dealer has failed during the current or previous year to comply with the provisions of this code relating to the giving of notice to the department of the transfer of a vehicle during the current or previous year.

(f) If the department determines that a lien exists, pursuant to Section 9800, against one or more other vehicles in which the applicant has an ownership interest.

(g) If the applicant has failed to furnish the department with an odometer disclosure statement pursuant to subsection (a) of Section 32705 of Title 49 of the United States Code.

(h) Commencing July 1, 2016, if the applicant has failed to furnish the department with a recall disclosure statement pursuant to Section 11758.

SEC. 6. Section 11713.3 of the Vehicle Code is amended to read:

11713.3. It is unlawful and a violation of this code for a manufacturer, manufacturer branch, distributor, or distributor branch licensed pursuant to this code to do, directly or indirectly through an affiliate, any of the following:

(a) To refuse or fail to deliver in reasonable quantities and within a reasonable time after receipt of an order from a dealer having a franchise for the retail sale of a new vehicle sold or distributed by the manufacturer or distributor, a new vehicle or parts or accessories to new vehicles as are covered by the franchise, if the vehicle, parts, or accessories are publicly advertised as being available for delivery or actually being delivered. This subdivision is not violated, however, if the failure is caused by acts or causes beyond the control of the manufacturer, manufacturer branch, distributor, or distributor branch.

(b) To prevent or require, or attempt to prevent or require, by contract or otherwise, a change in the capital structure of a dealership or the means by or through which the dealer finances the operation of the dealership, if the dealer at all times meets reasonable capital standards agreed to by the dealer and the manufacturer or distributor, and if a change in capital structure does not cause a change in the principal management or have the effect of a sale of the franchise without the consent of the manufacturer or distributor.

(c) To prevent or require, or attempt to prevent or require, a dealer to change the executive management of a dealership, other than the principal dealership operator or

operators, if the franchise was granted to the dealer in reliance upon the personal qualifications of that person.

(d) (1) Except as provided in subdivision (t), to prevent or require, or attempt to prevent or require, by contract or otherwise, a dealer, or an officer, partner, or stockholder of a dealership, the sale or transfer of a part of the interest of any of them to another person. A dealer, officer, partner, or stockholder shall not, however, have the right to sell, transfer, or assign the franchise, or a right thereunder, without the consent of the manufacturer or distributor except that the consent shall not be unreasonably withheld.

(2) (A) For the transferring franchisee to fail, prior to the sale, transfer, or assignment of a franchisee or the sale, assignment, or transfer of all, or substantially all, of the assets of the franchised business or a controlling interest in the franchised business to another person, to notify the manufacturer or distributor of the franchisee's decision to sell, transfer, or assign the franchise. The notice shall be in writing and shall include all of the following:

(i) The proposed transferee's name and address.

(ii) A copy of all of the agreements relating to the sale, assignment, or transfer of the franchised business or its assets.

(iii) The proposed transferee's application for approval to become the successor franchisee. The application shall include forms and related information generally utilized by the manufacturer or distributor in reviewing prospective franchisees, if those forms are readily made available to existing franchisees. As soon as practicable after receipt of the proposed transferee's application, the manufacturer or distributor shall notify the franchisee and the proposed transferee of information needed to make the application complete.

(B) For the manufacturer or distributor, to fail, on or before 60 days after the receipt of all of the information required pursuant to subparagraph (A), or as extended by a written agreement between the manufacturer or distributor and the franchisee, to notify the franchisee of the approval or the disapproval of the sale, transfer, or assignment of the franchise. The notice shall be in writing and shall be personally served or sent by certified mail, return receipt requested, or by guaranteed overnight delivery service that provides verification of delivery and shall be directed to the franchisee. A proposed sale, assignment, or transfer shall be deemed approved, unless disapproved by the franchisor in the manner provided by this subdivision. If the proposed sale, assignment, or transfer is disapproved, the franchisor shall include in the notice of disapproval a statement setting forth the reasons for the disapproval.

(3) In an action in which the manufacturer's or distributor's withholding of consent under this subdivision or subdivision (e) is an issue, whether the withholding of consent was unreasonable is a question of fact requiring consideration of all the existing circumstances.

(e) To prevent, or attempt to prevent, a dealer from receiving fair and reasonable compensation for the value of the franchised business. There shall not be a transfer or assignment of the dealer's franchise without the consent of the manufacturer or distributor, which consent shall not be unreasonably withheld or conditioned upon the release, assignment, novation, waiver, estoppel, or modification of a claim or defense by the dealer.

(f) To obtain money, goods, services, or another benefit from a person with whom the dealer does business, on account of, or in relation to, the transaction between the dealer and that other person, other than for compensation for services rendered, unless the benefit is promptly accounted for, and transmitted to, the dealer.

(g) (1) Except as provided in paragraph (3), to obtain from a dealer or enforce against a dealer an agreement, provision, release, assignment, novation, waiver, or estoppel that does any of the following:

(A) Modifies or disclaims a duty or obligation of a manufacturer, manufacturer branch, distributor, distributor branch, or representative, or a right or privilege of a dealer, pursuant to Chapter 4 (commencing with Section 11700) of Division 5 or Chapter 6 (commencing with Section 3000) of Division 2.

(B) Limits or constrains the right of a dealer to file, pursue, or submit evidence in connection with a protest before the board.

(C) Requires a dealer to terminate a franchise.

(D) Requires a controversy between a manufacturer, manufacturer branch, distributor, distributor branch, or representative and a dealer to be referred to a person for a binding determination. However, this subparagraph does not prohibit arbitration before an independent arbitrator, provided that whenever a motor vehicle franchise contract provides for the use of arbitration to resolve a controversy arising out of, or relating to, that contract, arbitration may be used to settle the controversy only if, after the controversy arises, all parties to the controversy consent in writing to use arbitration to settle the controversy. For the purpose of this subparagraph, the terms "motor vehicle" and "motor vehicle franchise contract" shall have the same meaning as defined in Section 1226 of Title 15 of the United States Code. If arbitration is elected to settle a dispute under a motor vehicle franchise contract, the arbitrator shall provide the parties to the arbitration with a written explanation of the factual and legal basis for the award.

(2) An agreement, provision, release, assignment, novation, waiver, or estoppel prohibited by this subdivision shall be unenforceable and void.

(3) This subdivision does not do any of the following:

(A) Limit or restrict the terms upon which parties to a protest before the board, civil action, or other proceeding can settle or resolve, or stipulate to evidentiary or procedural matters during the course of, a protest, civil action, or other proceeding.

(B) Affect the enforceability of any stipulated order or other order entered by the board.

(C) Affect the enforceability of any provision in a contract if the provision is not prohibited under this subdivision or any other law.

(D) Affect the enforceability of a provision in any contract entered into on or before December 31, 2011.

(E) Prohibit a dealer from waiving its right to file a protest pursuant to Section 3065.1 if the waiver agreement is entered into after a franchisor incentive program claim has been disapproved by the franchisor and the waiver is voluntarily given as part of an agreement to settle that claim.

(F) Prohibit a voluntary agreement supported by valuable consideration, other than granting or renewing a franchise, that does both of the following:

(i) Provides that a dealer establish or maintain exclusive facilities, personnel, or display space or provides that a dealer make a material alteration, expansion, or addition to a dealership facility.

(ii) Contains no waiver or other provision prohibited by subparagraph (A), (B), (C), or (D) of paragraph (1).

(G) Prohibit an agreement separate from the franchise agreement that implements a dealer's election to terminate the franchise if the agreement is conditioned only on a specified time for termination or payment of consideration to the dealer.

(H) (i) Prohibit a voluntary waiver agreement, supported by valuable consideration, other than the consideration of renewing a franchise, to waive the right of a dealer to file a protest under Section 3062 for the proposed establishment or relocation of a specific proposed dealership, if the waiver agreement provides all of the following:

(I) The approximate address at which the proposed dealership will be located.

(II) The planning potential used to establish the proposed dealership's facility, personnel, and capital requirements.

(III) An approximation of projected vehicle and parts sales, and number of vehicles to be serviced at the proposed dealership.

(IV) Whether the franchisor or affiliate will hold an ownership interest in the proposed dealership or real property of the proposed dealership, and the approximate percentage of any franchisor or affiliate ownership interest in the proposed dealership.

(V) The line-makes to be operated at the proposed dealership.

(VI) If known at the time the waiver agreement is executed, the identity of the dealer who will operate the proposed dealership.

(VII) The date the waiver agreement is to expire, which may not be more than 30 months after the date of execution of the waiver agreement.

(ii) Notwithstanding the provisions of a waiver agreement entered into pursuant to the provisions of this subparagraph, a dealer may file a protest under Section 3062 if any of the information provided pursuant to clause (i) has become materially inaccurate since the waiver agreement was executed. Any determination of the enforceability of a waiver agreement shall be determined by the board and the franchisor shall have the burden of proof.

(h) To increase prices of motor vehicles that the dealer had ordered for private retail consumers prior to the dealer's receipt of the written official price increase notification. A sales contract signed by a private retail consumer is evidence of the order. In the event of manufacturer price reductions, the amount of the reduction received by a dealer shall be passed on to the private retail consumer by the dealer if the retail price was negotiated on the basis of the previous higher price to the dealer. Price reductions apply to all vehicles in the dealer's inventory that were subject to the price reduction. Price differences applicable to new model or series motor vehicles at the time of the introduction of new models or series shall not be considered a price increase or price decrease. This subdivision does not apply to price changes caused by either of the following:

(1) The addition to a motor vehicle of required or optional equipment pursuant to state or federal law.

(2) Revaluation of the United States dollar in the case of a foreign-make vehicle.

(i) To fail to pay to a dealer, within a reasonable time following receipt of a valid claim by a dealer thereof, a payment agreed to be made by the manufacturer or distributor to the dealer by reason of the fact that a new vehicle of a prior year model is in the dealer's inventory at the time of introduction of new model vehicles.



(j) To deny the widow, widower, or heirs designated by a deceased owner of a dealership the opportunity to participate in the ownership of the dealership or successor dealership under a valid franchise for a reasonable time after the death of the owner.

(k) To offer refunds or other types of inducements to a person for the purchase of new motor vehicles of a certain line-make to be sold to the state or a political subdivision of the state without making the same offer to all other dealers in the same line-make within the relevant market area.

(l) To modify, replace, enter into, relocate, terminate, or refuse to renew a franchise in violation of Article 4 (commencing with Section 3060) of Chapter 6 of Division 2.

(m) To employ a person as a representative who has not been licensed pursuant to Article 3 (commencing with Section 11900) of Chapter 4 of Division 5.

(n) To deny a dealer the right of free association with another dealer for a lawful purpose.

(o) (1) To compete with a dealer in the same line-make operating under an agreement or franchise from a manufacturer or distributor in the relevant market area.

(2) A manufacturer, branch, or distributor or an entity that controls or is controlled by, a manufacturer, branch, or distributor, shall not, however, be deemed to be competing in the following limited circumstances:

(A) Owning or operating a dealership for a temporary period, not to exceed one year at the location of a former dealership of the same line-make that has been out of operation for less than six months. However, after a showing of good cause by a manufacturer, branch, or distributor that it needs additional time to operate a dealership in preparation for sale to a successor independent franchisee, the board may extend the time period.

(B) Owning an interest in a dealer as part of a bona fide dealer development program that satisfies all of the following requirements:

(i) The sole purpose of the program is to make franchises available to persons lacking capital, training, business experience, or other qualities ordinarily required of prospective franchisees and the dealer development candidate is an individual who is unable to acquire the franchise without assistance of the program.

(ii) The dealer development candidate has made a significant investment subject to loss in the franchised business of the dealer.

(iii) The program requires the dealer development candidate to manage the day-to-day operations and business affairs of the dealer and to acquire, within a reasonable time and on reasonable terms and conditions, beneficial ownership and control of a majority interest in the dealer and disassociation of any direct or indirect ownership or control by the manufacturer, branch, or distributor.

(C) Owning a wholly owned subsidiary corporation of a distributor that sells motor vehicles at retail, if, for at least three years prior to January 1, 1973, the subsidiary corporation has been a wholly owned subsidiary of the distributor and engaged in the sale of vehicles at retail.

(3) (A) A manufacturer, branch, and distributor that owns or operates a dealership in the manner described in subparagraph (A) of paragraph (2) shall give written notice to the board, within 10 days, each time it commences or terminates operation of a dealership and each time it acquires, changes, or divests itself of an ownership interest.

(B) A manufacturer, branch, and distributor that owns an interest in a dealer in the manner described in subparagraph (B) of paragraph (2) shall give written notice to the board, annually, of the name and location of each dealer in which it has an ownership interest, the name of the bona fide dealer development owner or owners, and the ownership interests of each owner expressed as a percentage.

(p) To unfairly discriminate among its franchisees with respect to warranty reimbursement or authority granted to its franchisees to make warranty adjustments with retail customers.

(q) To sell vehicles to a person not licensed pursuant to this chapter for resale.

(r) To fail to affix an identification number to a park trailer, as described in Section 18009.3 of the Health and Safety Code, that is manufactured on or after January 1, 1987, and that does not clearly identify the unit as a park trailer to the department. The configuration of the identification number shall be approved by the department.

(s) To dishonor a warranty, rebate, or other incentive offered to the public or a dealer in connection with the retail sale of a new motor vehicle, based solely upon the fact that an autobroker arranged or negotiated the sale. This subdivision shall not prohibit the disallowance of that rebate or incentive if the purchaser or dealer is ineligible to receive the rebate or incentive pursuant to any other term or condition of a rebate or incentive program.

(t) To exercise a right of first refusal or other right requiring a franchisee or an owner of the franchise to sell, transfer, or assign to the franchisor, or to a nominee of the franchisor, all or a material part of the franchised business or of the assets of the franchised business unless all of the following requirements are met:

(1) The franchise authorizes the franchisor to exercise a right of first refusal to acquire the franchised business or assets of the franchised business in the event of a proposed sale, transfer, or assignment.

(2) The franchisor gives written notice of its exercise of the right of first refusal no later than 45 days after the franchisor receives all of the information required pursuant to subparagraph (A) of paragraph (2) of subdivision (d).

(3) The sale, transfer, or assignment being proposed relates to not less than all or substantially all of the assets of the franchised business or to a controlling interest in the franchised business.

(4) The proposed transferee is neither a family member of an owner of the franchised business, nor a managerial employee of the franchisee owning 15 percent or more of the franchised business, nor a corporation, partnership, or other legal entity owned by the existing owners of the franchised business. For purposes of this paragraph, a "family member" means the spouse of an owner of the franchised business, the child, grandchild, brother, sister, or parent of an owner, or a spouse of one of those family members. This paragraph does not limit the rights of the franchisor to disapprove a proposed transferee as provided in subdivision (d).

(5) Upon the franchisor's exercise of the right of first refusal, the consideration paid by the franchisor to the franchisee and owners of the franchised business shall equal or exceed all consideration that each of them were to have received under the terms of, or in connection with, the proposed sale, assignment, or transfer, and the franchisor shall comply with all the terms and conditions of the agreement or agreements to sell, transfer, or assign the franchised business.

(6) The franchisor shall reimburse the proposed transferee for expenses paid or incurred by the proposed transferee in evaluating, investigating, and negotiating the proposed transfer to the extent those expenses do not exceed the usual, customary, and reasonable fees charged for similar work done in the area in which the franchised business is located. These expenses include, but are not limited to, legal and accounting expenses, and expenses incurred for title reports and environmental or other investigations of real property on which the franchisee's operations are conducted. The proposed transferee shall provide the franchisor a written itemization of those expenses, and a copy of all nonprivileged reports and studies for which expenses were incurred, if any, within 30 days of the proposed transferee's receipt of a written request from the franchisor for that accounting. The franchisor shall make payment within 30 days of exercising the right of first refusal.

(u) (1) To unfairly discriminate in favor of a dealership owned or controlled, in whole or in part, by a manufacturer or distributor or an entity that controls or is controlled by the manufacturer or distributor. Unfair discrimination includes, but is not limited to, the following:

(A) The furnishing to a franchisee or dealer that is owned or controlled, in whole or in part, by a manufacturer, branch, or distributor of any of the following:

(i) A vehicle that is not made available to each franchisee pursuant to a reasonable allocation formula that is applied uniformly, and a part or accessory that is not made available to all franchisees on an equal basis when there is no reasonable allocation formula that is applied uniformly.

(ii) A vehicle, part, or accessory that is not made available to each franchisee on comparable delivery terms, including the time of delivery after the placement of an order. Differences in delivery terms due to geographic distances or other factors beyond the control of the manufacturer, branch, or distributor shall not constitute unfair competition.

(iii) Information obtained from a franchisee by the manufacturer, branch, or distributor concerning the business affairs or operations of a franchisee in which the manufacturer, branch, or distributor does not have an ownership interest. The information includes, but is not limited to, information contained in financial statements and operating reports, the name, address, or other personal information or buying, leasing, or service behavior of a dealer customer, and other information that, if provided to a franchisee or dealer owned or controlled by a manufacturer or distributor, would give that franchisee or dealer a competitive advantage. This clause does not apply if the information is provided pursuant to a subpoena or court order, or to aggregated information made available to all franchisees.

(iv) Sales or service incentives, discounts, or promotional programs that are not made available to all California franchises of the same line-make on an equal basis.

(B) Referring a prospective purchaser or lessee to a dealer in which a manufacturer, branch, or distributor has an ownership interest, unless the prospective purchaser or lessee resides in the area of responsibility assigned to that dealer or the prospective purchaser or lessee requests to be referred to that dealer. For purposes of this subparagraph, the term "area of responsibility" means a geographic area specified in a franchise that is used by the franchisor for the purpose of evaluating the franchisee's performance of its sales and service obligations.

(2) This subdivision does not prohibit a franchisor from granting a franchise to prospective franchisees or assisting those franchisees during the course of the franchise relationship as part of a program or programs to make franchises available to persons lacking capital, training, business experience, or other qualifications ordinarily required of prospective franchisees.

(v) (1) To access, modify, or extract information from a confidential dealer computer record, as defined in Section 11713.25, without obtaining the prior written consent of the dealer and without maintaining administrative, technical, and physical safeguards to protect the security, confidentiality, and integrity of the information.

(2) Paragraph (1) does not limit a duty that a dealer may have to safeguard the security and privacy of records maintained by the dealer.

(w) (1) To use electronic, contractual, or other means to prevent or interfere with any of the following:

(A) The lawful efforts of a dealer to comply with federal and state data security and privacy laws.

(B) The ability of a dealer to do either of the following:

(i) Ensure that specific data accessed from the dealer's computer system is within the scope of consent specified in subdivision (v).

(ii) Monitor specific data accessed from or written to the dealer's computer system.

(2) Paragraph (1) does not limit a duty that a dealer may have to safeguard the security and privacy of records maintained by the dealer.

(x) (1) To unfairly discriminate against a franchisee selling a service contract, debt cancellation agreement, maintenance agreement, or similar product not approved, endorsed, sponsored, or offered by the manufacturer, manufacturer branch, distributor, or distributor branch or affiliate. For purposes of this subdivision, unfair discrimination includes, but is not limited to, any of the following:

(A) Express or implied statements that the dealer is under an obligation to exclusively sell or offer to sell service contracts, debt cancellation agreements, or similar products approved, endorsed, sponsored, or offered by the manufacturer, manufacturer branch, distributor, or distributor branch or affiliate.

(B) Express or implied statements that selling or offering to sell service contracts, debt cancellation agreements, maintenance agreements, or similar products not approved, endorsed, sponsored, or offered by the manufacturer, manufacturer branch, distributor, or distributor branch or affiliate, or the failure to sell or offer to sell service contracts, debt cancellation agreements, maintenance agreements, or similar products approved, endorsed, sponsored, or offered by the manufacturer, manufacturer branch, distributor, or distributor branch or affiliate will have any negative consequences for the dealer.

(C) Measuring a dealer's performance under a franchise agreement based upon the sale of service contracts, debt cancellation agreements, or similar products approved, endorsed, sponsored, or offered by the manufacturer, manufacturer branch, distributor, or distributor branch or affiliate.

(D) Requiring a dealer to actively promote the sale of service contracts, debt cancellation agreements, or similar products approved, endorsed, sponsored, or offered by the manufacturer, manufacturer branch, distributor, or distributor branch or affiliate.

(E) Conditioning access to vehicles or parts, or vehicle sales or service incentives upon the sale of service contracts, debt cancellation agreements, or similar products approved, endorsed, sponsored, or offered by the manufacturer, manufacturer branch, distributor, or distributor branch or affiliate.

(2) Unfair discrimination does not include, and nothing shall prohibit a manufacturer from, offering an incentive program to vehicle dealers who voluntarily sell or offer to sell service contracts, debt cancellation agreements, or similar products approved, endorsed, sponsored, or offered by the manufacturer, manufacturer branch, distributor, or distributor branch or affiliate, if the program does not provide vehicle sales or service incentives.

(3) This subdivision does not prohibit a manufacturer, manufacturer branch, distributor, or distributor branch from requiring a franchisee that sells a used vehicle as "certified" under a certified used vehicle program established by the manufacturer, manufacturer branch, distributor, or distributor branch to provide a service contract approved, endorsed, sponsored, or offered by the manufacturer, manufacturer branch, distributor, or distributor branch.

(4) Unfair discrimination does not include, and nothing shall prohibit a franchisor from requiring a franchisee to provide, the following notice prior to the sale of the service contract if the service contract is not provided or backed by the franchisor and the vehicle is of the franchised line-make:

"Service Contract Disclosure

The service contract you are purchasing is not provided or backed by the manufacturer of the vehicle you are purchasing. The manufacturer of the vehicle is not responsible for claims or repairs under this service contract.

Signature of Purchaser"

(y) To take or threaten to take any adverse action against a dealer pursuant to an export or sale-for-resale prohibition because the dealer sold or leased a vehicle to a customer who either exported the vehicle to a foreign country or resold the vehicle in violation of the prohibition, unless the export or sale-for-resale prohibition policy was provided to the dealer in writing prior to the sale or lease, and the dealer knew or reasonably should have known of the customer's intent to export or resell the vehicle in violation of the prohibition at the time of sale or lease. If the dealer causes the vehicle to be registered in this or any other state, and collects or causes to be collected any applicable sales or use tax due to this state, a rebuttable presumption is established that the dealer did not have reason to know of the customer's intent to export or resell the vehicle.

(z) As used in this section, "area of responsibility" is a geographic area specified in a franchise that is used by the franchisor for the purpose of evaluating the franchisee's performance of its sales and service obligations.

(z) Commencing July 1, 2016, to unfairly discriminate among its franchisees with respect to reimbursement or authority granted to its franchisees pursuant to subdivision (c) or (d) of Section 11760.

SEC. 7. Article 1.1 (commencing with Section 11750) is added to Chapter 4 of Division 5 of the Vehicle Code, to read:

Article 1.1. Consumer Automotive Recall Safety Act

11750. This chapter shall be known, and may be cited, as the Consumer Automotive Recall Safety Act (CARS Act).

11752. As used in this chapter, the following definitions apply:

(a) The term "dealer" has the same meaning as in Section 285.

(b) (1) A "manufacturer's recall" is a recall conducted pursuant to Sections 30118 to 30120, inclusive, of Title 49 of the United States Code, the National Highway Traffic and Motor Vehicle Safety Act (49 U.S.C. Sec. 30101, et seq.).

(2) A manufacturer's recall does not include a service campaign or emission recall when the vehicle manufacturer or the National Highway Traffic Safety Administration has not issued a recall notice to owners of affected vehicles, pursuant to Section 30118 of Title 49 of the United States Code, the National Highway Traffic and Motor Vehicle Safety Act (49 U.S.C. Sec. 30101, et seq.). A manufacturer's recall does not include a Stop Sale – Stop Drive recall.

(c) The term "new motor vehicle dealer" has the same meaning as in Section 426.

(d) A "recall database" is a database from which an individual may obtain vehicle identification number (VIN) specific Stop Sale – Stop Drive recall and manufacturer's recall information relevant to a specific vehicle.

(1) For a vehicle manufacturer that is not subject to the regulations adopted pursuant to Section 31301 of the federal Moving Ahead for Progress in the 21st Century Act (Public Law 112-141), a recall database is one of the following:

(A) The recall data on a vehicle manufacturer's Internet Web site for a specific vehicle's line make.

(B) The recall data in a vehicle manufacturer's internal system that provides information to its franchisees on vehicles subject to recall.

(C) The recall data in subparagraph (A) or (B) that is contained in a commercially available vehicle history system.

(2) For a vehicle manufacturer that is subject to the regulations adopted pursuant to Section 31301 of the federal Moving Ahead for Progress in the 21st Century Act (Public Law 112-141), a recall database shall include, at a minimum, the recall information required pursuant to Section 573.15 of Title 49 of the Code of Federal Regulations.

(e) A "recall database report" is a report, specific to a vehicle that is identified by its VIN, containing information obtained from a recall database.

(f) A "rental car company" is a person or entity in the business of renting passenger vehicles to the public in California.

(g) A "Stop Sale – Stop Drive recall" is a recall notice provided to owners of affected vehicles, pursuant to Sections 30118 to 30120, inclusive, of Title 49 of the United States Code, the National Highway Traffic and Motor Vehicle Safety Act (49 U.S.C. Sec. 30101, et seq.), when the vehicle manufacturer or the National Highway Traffic Safety Administration informs the dealer to stop the sale of the vehicle or contains preredemption precaution advice to the owner to stop operating the vehicle.

(h) A "vehicle manufacturer" is a person who manufactures, assembles, or distributes new motor vehicles, sold or leased, that are subject to registration under this code.

11754. (a) A dealer shall not display or offer for sale at retail a used vehicle, as defined in Section 665 and subject to registration under this code, unless the dealer has obtained a recall database report within 30 days of the display or offer.

(b) If a recall database report obtained by a dealer indicates that a used vehicle is subject to a Stop Sale – Stop Drive recall, the dealer is prohibited from selling or leasing that vehicle at retail until the recall repair has been made.

(c) If a recall database report obtained by a dealer indicates that a used vehicle is subject to a manufacturer's recall and the used vehicle is of the same line make as the franchise of the new motor vehicle dealer, the dealer is prohibited from selling or leasing that vehicle at retail until the recall repair has been made.

(d) If a recall database report obtained by a dealer indicates that a used vehicle is subject to a manufacturer's recall and the used vehicle is not of the same line make as the franchise of the new motor vehicle dealer or the dealer does not have a franchise, the dealer may sell or lease the vehicle at retail if all of the following are satisfied:

(1) The dealer discloses the manufacturer's recall by providing a copy of the recall database report to the consumer prior to sale or lease.

(2) The consumer signs the disclosure acknowledging that the vehicle has a manufacturer's recall and that the consumer can get the recall repaired at no cost to the consumer at a new motor vehicle dealer of the vehicle's line make.

(e) To comply with subdivision (d), and notwithstanding Section 2981.9 of the Civil Code, a recall database report, that indicates the vehicle is subject to a manufacturer's recall and the recall repair has not been made, shall be disclosed and the disclosure signed by the consumer in a document separate from the conditional sales contract or other vehicle purchase agreement.

11756. (a) A rental car company shall not offer a vehicle for rent unless the rental car company has obtained a recall database report within 30 days of the offer.

(b) If a recall database report obtained by a rental car company indicates that a vehicle is subject to a Stop Sale – Stop Drive recall, the rental car company is prohibited from renting that vehicle until the recall repair has been made.

(c) If a recall database report obtained by a rental car company that a vehicle is subject to a manufacturer's recall, the rental car company may rent the vehicle if all of the following are satisfied:

(1) The rental car company discloses the manufacturer's recall by providing a copy of the recall database report to the consumer prior to rental.

(2) The consumer signs the disclosure acknowledging that the vehicle is subject to a manufacturer's recall.

11758. (a) The department may refuse transfer of registration of a motor vehicle under this code unless the transferee, in submitting an application to the department for title, includes with the application a statement signed and dated by the transferor acknowledging that all Stop Sale – Stop Drive recalls and manufacturer's recalls were disclosed to the transferee as provided in subdivision (c).

(b) If the title to a motor vehicle issued to a transferor is in the possession of a lienholder when the transferor transfers ownership of the vehicle, the transferor may

use a written power of attorney in making the recall disclosure required under subdivision (c).

(c) A transferor transferring registration of a motor vehicle shall disclose, in writing, to the transferee all Stop Sale – Stop Drive recalls and manufacturer's recalls. A person acquiring the vehicle shall not accept a vehicle transfer and reassignment document unless it is complete.

(d) Subdivisions (a), (b), and (c) do not apply to the transfer of a motor vehicle to a dealer or wholesaler.

11760. (a) A vehicle manufacturer shall clearly and conspicuously display on its Internet Web Site and in all recall notifications pursuant to Section 30118 of Title 49 of the United States Code, the National Highway Traffic and Motor Vehicle Safety Act (49 U.S.C. Sec. 30101, et seq.), whether a vehicle is subject to a Stop Sale – Stop Drive recall.

(b) When a consumer seeks to repair a vehicle subject to a Stop Sale – Stop Drive recall or manufacturer's recall as identified in a recall database report and the parts or procedures for the repair are not yet available, the vehicle manufacturer shall, upon request by the consumer, provide a rental or loaner vehicle to the consumer at no cost to the consumer until the recall repair has been made.

(c) If a vehicle manufacturer requires a franchisee to provide a rental or loaner vehicle to a consumer under subdivision (b), the vehicle manufacturer shall adequately and fairly compensate the franchisee for all costs incurred in providing a loaner or rental vehicle to a consumer. For purposes of this paragraph, adequate and fair compensation shall be the average daily rental amount of \_\_\_\_ dollars (\$ \_\_\_\_ ) for each day a consumer uses a loaner or rental vehicle.

(d) A vehicle manufacturer shall adequately and fairly compensate each of its franchisees for all costs incurred in storing vehicles with a Stop Sale – Stop Drive recall or manufacturer's recall in the franchisee's possession if the parts or procedures are not yet available to repair the recall of the vehicle. For purposes of this paragraph, adequate and fair compensation shall be the average daily amount of \_\_\_\_ dollars (\$ \_\_\_\_ ) for each day a vehicle subject to a Stop Sale – Stop Drive recall or manufacturer's recall is in the franchisee's possession, the parts or procedures are not yet available to repair the recall of the vehicle, and the recall repair has not been made.

11762. (a) This chapter shall not create any legal duty upon the dealer, franchisee, rental car company, or private seller related to the accuracy, errors, or omissions contained in a recall database report or any legal duty to provide information added to a recall database after the dealer, franchisee, rental car company, or private seller obtained the recall database report pursuant to Sections 11754, 11756, and 11758.

(b) The provisions of this article are severable. If any provision of this article 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.

(c) This chapter does not apply to the sale of a recreational vehicle, a motorcycle, an off-highway motor vehicle subject to identification under Section 38010, a vehicle sold by a dismantler after being reported for dismantling pursuant to Section 11520, or a vehicle sold by a salvage pool after obtaining a salvage pool certificate pursuant to Section 11515 or a nonrepairable vehicle certificate issued pursuant to Section 11515.2.

(d) This chapter shall become operative on July 1, 2016.



SEC. 8. 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 5

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

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AMENDMENTS TO ASSEMBLY BILL NO. 315

Amendment 1

In the title, in line 1, strike out "amend Section 4051" and insert:

repeal Sections 3029 and 4401.5

Amendment 2

In the title, in line 2, strike out "district agricultural associations: powers and duties." and insert:

fairs.

Amendment 3

On page 1, before line 1, insert:

SECTION 1. Section 3029 of the Food and Agricultural Code is repealed.

~~3029. Each fair shall make an annual report to the department, as prescribed by the department, of the total number of credential and courtesy pass admissions issued and honored at the fair.~~

SEC. 2. Section 4401.5 of the Food and Agricultural Code is repealed.

~~4401.5. (a) The director shall expend an amount not to exceed a total of one hundred thousand dollars (\$100,000) in any fiscal year for any exhibit or exhibits located on any state-supported fair demonstrating, in a creative and innovative manner, the process of production and use of food and fiber from the producer to the consumer in this state.~~

~~(b) The director shall annually provide for a conference of fair judges to aid the department in prescribing regulations adopted pursuant to Section 4501. The director may expend up to fifteen thousand dollars (\$15,000) in any fiscal year for such purposes.~~

Amendment 4

On page 1, strike out lines 1 to 9, inclusive, and strike out pages 2 to 5, inclusive



AMENDMENTS TO ASSEMBLY BILL NO. 338

Amendment 1

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

add

Amendment 2

In the title, in line 1, strike out "130001 of" and insert:

130350.7 to,

Amendment 3

On page 1, before line 1, insert:

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

(a) Various economic studies have shown that the biggest burden on family incomes is the cost of housing and transportation. These two variables greatly affect the quality of life for Californians.

(b) Los Angeles County voters have recognized the importance of investing in a transportation network that is responsive to the needs of commuters and transit users and that facilitates the movement of goods in the region. Los Angeles County has three existing voter-approved sales tax measures for transportation projects administered by Los Angeles County Metropolitan Transportation Authority (MTA).

(c) In 1980, voters in Los Angeles County approved Proposition A, a sales tax of one-half of 1 percent on most retail sales in Los Angeles County. The MTA returns 25 percent of Proposition A proceeds to the cities in Los Angeles County for transportation purposes. Thirty-five percent of Proposition A proceeds is required to be used for rail development while the remaining 40 percent is for discretionary purposes. Almost all of the discretionary portion is used to fund bus service provided by the MTA and 16 other municipal bus operators within Los Angeles County. The collection of the sales tax is ongoing.

(d) In 1990, voters in Los Angeles County approved Proposition C, an additional sales tax of one-half of 1 percent on retail sales in Los Angeles County. The MTA returns 20 percent of Proposition C proceeds to the cities in Los Angeles County for transportation purposes. Forty percent of the Proposition C proceeds is required to be used for construction and operation of the bus transit and rail system, 5 percent to expand rail and bus security, 10 percent for commuter rail, and construction of transit centers, park and ride lots, and freeway bus stops, and 25 percent for transit-related improvements to freeways and state highways. The collection of the sales tax is ongoing.

(e) Most recently, voters in Los Angeles County approved Measure R in 2008. Measure R is an ordinance authorizing an additional sales tax of one-half of 1 percent to fund traffic relief and rail expansion according to an expenditure plan contained in



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the ordinance. Measure R became effective July 1, 2009, and will remain in effect for 30 years.

(f) MTA has been entrusted with the responsibility and has the voters' confidence that it will protect and use the sales tax funding responsibly and according to the rules approved by the voters.

SEC. 2. Section 130350.7 is added to the Public Utilities Code, to read:

130350.7. (a) The Los Angeles County Metropolitan Transportation Authority (MTA), in addition to any other tax it is authorized to impose or has imposed, may impose a transactions and use tax at the rate of 0.5 percent, for a period not to exceed 30 years, that is applicable in the incorporated and unincorporated areas of the County of Los Angeles.

(b) The ordinance imposing the tax shall contain all of the following:

(1) An expenditure plan that lists the transportation projects and programs to be funded from net revenues from the tax. The expenditure plan shall appear in the ordinance as an exhibit. The expenditure plan shall include measures that ensure net revenues are shared equitably between regions of the county.

(2) Provisions conforming to the Transactions and Use Tax Law (Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code), except as otherwise provided in subdivision (f).

(3) A provision limiting the MTA's costs of administering the ordinance and the net revenues from the tax to 1.5 percent of the total tax revenues.

(4) A requirement that the net revenues from the tax, defined to mean the total tax revenues less any refunds, costs of administration by the State Board of Equalization, and the MTA's administration costs, shall be used by the MTA to fund transportation projects and programs identified in the expenditure plan.

(5) A requirement that the MTA, during the period that the ordinance is operative, allocate \_\_\_\_\_ percent of all net revenues derived from the tax for bus operations. These revenues shall be allocated to all eligible and included municipal transit operators in the County of Los Angeles and to the MTA, in accordance with Section 99285. However, the allocations to the MTA and eligible and included municipal operators shall be made solely from revenues derived from a tax imposed pursuant to this section, and not from local discretionary sources. Funds allocated by MTA to itself pursuant to this section shall be used for transit operations and shall not supplant funds from any other source allocated by MTA to itself for public transit operations. Funds allocated by MTA to the eligible and included municipal operators pursuant to this section shall be used for transit operations and shall not supplant any funds authorized by other provisions of law and allocated by MTA to the eligible and included municipal operators for public transit. In addition to this amount, the MTA shall allocate \_\_\_\_\_ percent of all net revenues derived from the tax for rail operations.

(c) The MTA shall notify the Legislature prior to the adoption of amendments to the adopted expenditure plan.

(d) The ordinance shall be adopted by the MTA board, which shall also adopt a resolution that submits the ordinance to the voters.

(e) The ordinance shall become operative pursuant to Section 130352 if approved by two-thirds of the voters voting on the measure, pursuant to subdivision (d) of Section 2 of Article XIII C of the California Constitution.

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RN 15 10274 PAGE 3  
Substantive

(f) The MTA may incur bonded indebtedness payable from the net revenues of the tax pursuant to the bond issuance provisions of this chapter and any successor act.

(g) The tax authorized by this section shall be imposed pursuant to the Transactions and Use Tax Law (Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code), notwithstanding the combined rate limitation in Section 7251.1 of the Revenue and Taxation Code.

Amendment 4

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

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AMENDMENTS TO ASSEMBLY BILL NO. 394

Amendment 1

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

Members

Amendment 2

In the heading, in line 1, after "Stone" insert:

and Alejo

Amendment 3

In the heading, below line 1, insert:

(Principal coauthor: Senator Monning)  
(Coauthor: Senator Cannella)

Amendment 4

In the title, in line 1, strike out "amend Section 25238 of" and insert:

add Section 25247 to

Amendment 5

On page 1, before line 1, insert:

SECTION 1. Section 25247 is added to the Business and Professions Code, to read:

25247. (a) Any wine labeled with an American Viticultural Area established pursuant to Part 9 (commencing with Section 9.1) of Title 27 of the Code of Federal Regulations that is located entirely within the County of Monterey shall bear the designation "Monterey County" on the label in a type size not smaller than two millimeters on containers of more than 187 milliliters or smaller than one millimeter on containers of 187 milliliters or less.

(b) The department may suspend or revoke the license of any person who violates this section.

(c) This section shall not apply to any wine labeled with a viticultural area appellation of origin established pursuant to Part 9 (commencing with Section 9.1) of Title 27 of the Code of Federal Regulations when the name of the appellation is "Monterey."

(d) This section shall apply to wines bottled on or after January 1, 2019.



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Substantive

(e) A violation of this section shall not subject a person to any civil or criminal penalties pursuant to this division.

Amendment 6

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

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AMENDMENTS TO ASSEMBLY BILL NO. 449

Amendment 1

In the heading, between lines 1 and 2, insert:

**(Principal coauthor: Assembly Member Wilk)**

Amendment 2

In the heading, in line 2, after "Members" insert:

Brown,

Amendment 3

In the heading, strike out line 4

Amendment 4

In the heading, below line 4, insert:

(Principal coauthor: Senator Pavley)  
(Coauthors: Senators Allen, Anderson, and Vidak)

Amendment 5

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

to add Sections 17140.4 and 23711.4 to the Revenue and Taxation Code, and to add Chapter 15 (commencing with Section 4875) to Division 4.5 of the Welfare and Institutions Code,

Amendment 6

In the title, in line 1, strike out "public social services." and insert:

taxation.

Amendment 7

On page 2, before line 1, insert:

SECTION 1. It is the intent of the Legislature to further the purposes of the federal Stephen Beck Jr., Achieving a Better Life Experience Act to ensure that people with disabilities may save for the future to achieve greater independence.



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SEC. 2. This act shall be known, and may be cited, as the California Achieving a Better Life Experience Act.

SEC. 3. Section 17140.4 is added to the Revenue and Taxation Code, to read:  
17140.4. Section 529A of the Internal Revenue Code, relating to qualified ABLE programs, as enacted by Section 102 of Public Law 113-295, shall apply, except as otherwise provided.

(a) Section 529A of the Internal Revenue Code is modified as follows:

(1) By substituting the phrase "under this part and Part 11 (commencing with Section 23001)" in lieu of the phrase "under this subtitle."

(2) By substituting "Article 2 (commencing with Section 23731)" in lieu of "Section 511."

(b) A copy of the report required to be filed with the Secretary of the Treasury under Section 529A(g) of the Internal Revenue Code shall be filed with the Franchise Tax Board at the same time and in the same manner as specified in that section.

SEC. 4. Section 23711.4 is added to the Revenue and Taxation Code, to read:  
23711.4. Section 529A of the Internal Revenue Code, relating to qualified ABLE programs, as enacted by Section 102 of Public Law 113-295, shall apply, except as otherwise provided.

(a) Section 529A of the internal Revenue Code is modified as follows:

(1) By substituting the phrase "under Part 10 (commencing with Section 17001) and this part" in lieu of the phrase "under this subtitle."

(2) By substituting "Article 2 (commencing with Section 23731)" in lieu of "Section 511."

(b) A copy of the report required to be filed with the Secretary of the Treasury under Section 529A(g) of the Internal Revenue Code shall be filed with the Franchise Tax Board at the same time and in the same manner as specified in that section.

SEC. 5. Chapter 15 (commencing with Section 4875) is added to Division 4.5 of the Welfare and Institutions Code, to read:

#### CHAPTER 15. QUALIFIED ABLE PROGRAM

4875. For purposes of this chapter:

(a) "ABLE account" or "account" means the account an eligible individual makes contributions to pursuant to this chapter for the purpose of meeting the qualified disability expenses of the designated beneficiary of the account.

(b) "ABLE fund" or "fund" means the fund established by this chapter for purposes of implementing the federal ABLE Act.

(c) "Designated beneficiary" means the eligible individual who established an ABLE account and is the owner of the account.

(d) "Eligible individual" means an individual who is eligible under the program for a taxable year if during that taxable year both of the following criteria are met:

(1) The individual is entitled to benefits based on blindness or disability under Title II or XVI of the federal Social Security Act, and that blindness or disability occurred before the date on which the individual attained 26 years of age.

(2) A disability certification, as defined in the federal ABLE Act, with respect to the individual is filed pursuant to the requirements set forth in the federal ABLE Act.

(e) "Federal ABLE Act" means the federal Stephen Beck Jr., Achieving a Better Life Experience Act of 2014.

(f) "Qualified ABLE program" or "program" means the program established by this chapter to implement the federal ABLE act pursuant to Section 529A of the Internal Revenue Code.

(g) "Qualified disability expenses" means any expenses related to the eligible individual's blindness or disability that are made for the benefit of an eligible individual who is the designated beneficiary, including expenses related to education, housing, transportation, employment training and support, assistive technology and personal support services, health, prevention and wellness, financial management and administrative services, legal fees, expenses for oversight and monitoring, funeral and burial expenses, and other expenses, which are approved by the Secretary of the Treasury under regulations and consistent with the purposes of the federal ABLE Act.

4876. (a) There is hereby established in state government a qualified ABLE program and the Qualified ABLE Fund for purposes of implementing the federal ABLE Act pursuant to Section 529A of the Internal Revenue Code.

(b) The qualified ABLE program shall be administered by the Treasurer, who shall be responsible for ensuring that the program is administered in compliance with the requirements of the federal ABLE Act.

4877. Under the program, a person may make contributions for a taxable year, for the benefit of an individual who is an eligible individual for that taxable year, to an ABLE account that is established for the purpose of meeting the qualified disability expenses of the designated beneficiary of the account, if both of the following criteria are met:

(a) The designated beneficiary is limited to one ABLE account for purposes of this chapter.

(b) The ABLE account is established only for a designated beneficiary who is a resident of this state.

4878. Notwithstanding any other law, money in an ABLE account shall not count towards determining eligibility for a state or local means-tested program.

4879. (a) The Treasurer may adopt regulations to implement this chapter.

(b) The Treasurer shall adopt regulations to track all ABLE accounts in California.

#### Amendment 8

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

AMENDMENTS TO ASSEMBLY BILL NO. 545

Amendment 1

In the title, in line 1, strike out "273.5" and insert:

243

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 243 of the Penal Code is amended to read:

243. (a) A battery is punishable by a fine not exceeding two thousand dollars (\$2,000), or by imprisonment in a county jail not exceeding six months, or by both that fine and imprisonment.

(b) When a battery is committed against the person of a peace officer, custodial officer, firefighter, emergency medical technician, lifeguard, security officer, custody assistant, process server, traffic officer, code enforcement officer, animal control officer, or search and rescue member engaged in the performance of his or her duties, whether on or off duty, including when the peace officer is in a police uniform and is concurrently performing the duties required of him or her as a peace officer while also employed in a private capacity as a part-time or casual private security guard or patrolman, or a nonsworn employee of a probation department engaged in the performance of his or her duties, whether on or off duty, or a physician or nurse engaged in rendering emergency medical care outside a hospital, clinic, or other health care facility, and the person committing the offense knows or reasonably should know that the victim is a peace officer, custodial officer, firefighter, emergency medical technician, lifeguard, security officer, custody assistant, process server, traffic officer, code enforcement officer, animal control officer, or search and rescue member engaged in the performance of his or her duties, nonsworn employee of a probation department, or a physician or nurse engaged in rendering emergency medical care, the battery is punishable by a fine not exceeding two thousand dollars (\$2,000), or by imprisonment in a county jail not exceeding one year, or by both that fine and imprisonment.

(c) (1) When a battery is committed against a custodial officer, firefighter, emergency medical technician, lifeguard, process server, traffic officer, or animal control officer engaged in the performance of his or her duties, whether on or off duty, or a nonsworn employee of a probation department engaged in the performance of his or her duties, whether on or off duty, or a physician or nurse engaged in rendering emergency medical care outside a hospital, clinic, or other health care facility, and the person committing the offense knows or reasonably should know that the victim is a nonsworn employee of a probation department, custodial officer, firefighter, emergency medical technician, lifeguard, process server, traffic officer, or animal control officer engaged in the performance of his or her duties, or a physician or nurse engaged in rendering emergency medical care, and an injury is inflicted on that victim, the battery is punishable by a fine of not more than two thousand dollars (\$2,000), by imprisonment in a county jail not exceeding one year, or by both that fine and imprisonment, or by



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imprisonment pursuant to subdivision (h) of Section 1170 for 16 months, or two or three years.

(2) When the battery specified in paragraph (1) is committed against a peace officer engaged in the performance of his or her duties, whether on or off duty, including when the peace officer is in a police uniform and is concurrently performing the duties required of him or her as a peace officer while also employed in a private capacity as a part-time or casual private security guard or patrolman and the person committing the offense knows or reasonably should know that the victim is a peace officer engaged in the performance of his or her duties, the battery is punishable by a fine of not more than ten thousand dollars (\$10,000), or by imprisonment in a county jail not exceeding one year or pursuant to subdivision (h) of Section 1170 for 16 months, or two or three years, or by both that fine and imprisonment.

(d) When a battery is committed against any person and serious bodily injury is inflicted on the person, the battery is punishable by imprisonment in a county jail not exceeding one year or imprisonment pursuant to subdivision (h) of Section 1170 for two, three, or four years.

(e) (1) When a battery is committed against a spouse, a person with whom the defendant is cohabiting, a person who is the parent of the defendant's child, former spouse, fiancé, or fiancée, or a person with whom the defendant currently has, or has previously had, a dating or engagement relationship, the battery is punishable by a fine not exceeding two thousand dollars (\$2,000), or by imprisonment in a county jail for a period of not more than one year, or by both that fine and imprisonment. If probation is granted, or the execution or imposition of the sentence is suspended, it shall be a condition thereof that the defendant participate in, for no less than one year, and successfully complete, a batterer's treatment program, as described in Section 1203.097, or if none is available, another appropriate counseling program designated by the court. However, this provision shall not be construed as requiring a city, a county, or a city and county to provide a new program or higher level of service as contemplated by Section 6 of Article XIII B of the California Constitution.

(2) Upon conviction of a violation of this subdivision, if probation is granted, the conditions of probation may include, in lieu of a fine, one or both of the following requirements:

(A) That the defendant make payments to a battered women's shelter, up to a maximum of five thousand dollars (\$5,000).

(B) That the defendant reimburse the victim for reasonable costs of counseling and other reasonable expenses that the court finds are the direct result of the defendant's offense.

For any order to pay a fine, make payments to a battered women's shelter, or pay restitution as a condition of probation under this subdivision, the court shall make a determination of the defendant's ability to pay. In no event shall any order to make payments to a battered women's shelter be made if it would impair the ability of the defendant to pay direct restitution to the victim or court-ordered child support. If the injury to a married person is caused in whole or in part by the criminal acts of his or her spouse in violation of this section, the community property shall not be used to discharge the liability of the offending spouse for restitution to the injured spouse, required by Section 1203.04, as operative on or before August 2, 1995, or Section

1202.4, or to a shelter for costs with regard to the injured spouse and dependents, required by this section, until all separate property of the offending spouse is exhausted.

(3) (A) Upon conviction of a violation of this subdivision, if probation is granted or the execution or imposition of the sentence is suspended and the person has been previously convicted of a violation of this subdivision and sentenced under paragraph (1), the person shall be imprisoned for not less than ~~48 hours~~ five days in addition to the conditions in paragraph (1). However, the court, upon a showing of good cause, may elect not to impose the mandatory minimum imprisonment as required by this ~~subdivision~~ subparagraph and may, under these circumstances, grant probation or order the suspension of the execution or imposition of the sentence.

(B) Upon conviction of a violation of this subdivision, if probation is granted or the execution or imposition of sentence is suspended and the person has previously been convicted of a violation of Section 273.5, the person shall be imprisoned for not less than 10 days in addition to the conditions in paragraph (1). However, the court, upon a showing of good cause, may elect not to impose the mandatory minimum imprisonment as required by this subparagraph and may, under these circumstances, grant probation or order the suspension of the execution or imposition of the sentence.

(4) The Legislature finds and declares that these specified crimes merit special consideration when imposing a sentence so as to display society's condemnation for these crimes of violence upon victims with whom a close relationship has been formed.

(5) If a peace officer makes an arrest for a violation of paragraph (1) of subdivision (e) of this section, the peace officer is not required to inform the victim of his or her right to make a citizen's arrest pursuant to subdivision (b) of Section 836.

(f) As used in this section:

(1) "Peace officer" means any person defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2.

(2) "Emergency medical technician" means a person who is either an EMT-I, EMT-II, or EMT-P (paramedic), and possesses a valid certificate or license in accordance with the standards of Division 2.5 (commencing with Section 1797) of the Health and Safety Code.

(3) "Nurse" means a person who meets the standards of Division 2.5 (commencing with Section 1797) of the Health and Safety Code.

(4) "Serious bodily injury" means a serious impairment of physical condition, including, but not limited to, the following: loss of consciousness; concussion; bone fracture; protracted loss or impairment of function of any bodily member or organ; a wound requiring extensive suturing; and serious disfigurement.

(5) "Injury" means any physical injury which requires professional medical treatment.

(6) "Custodial officer" means any person who has the responsibilities and duties described in Section 831 and who is employed by a law enforcement agency of any city or county or who performs those duties as a volunteer.

(7) "Lifeguard" means a person defined in paragraph (5) of subdivision (d) of Section 241.

(8) "Traffic officer" means any person employed by a city, county, or city and county to monitor and enforce state laws and local ordinances relating to parking and the operation of vehicles.

(9) "Animal control officer" means any person employed by a city, county, or city and county for purposes of enforcing animal control laws or regulations.

(10) "Dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement independent of financial considerations.

(11) (A) "Code enforcement officer" means any person who is not described in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 and who is employed by any governmental subdivision, public or quasi-public corporation, public agency, public service corporation, any town, city, county, or municipal corporation, whether incorporated or chartered, who has enforcement authority for health, safety, and welfare requirements, and whose duties include enforcement of any statute, rules, regulations, or standards, and who is authorized to issue citations, or file formal complaints.

(B) "Code enforcement officer" also includes any person who is employed by the Department of Housing and Community Development who has enforcement authority for health, safety, and welfare requirements pursuant to the Employee Housing Act (Part 1 (commencing with Section 17000) of Division 13 of the Health and Safety Code); the State Housing Law (Part 1.5 (commencing with Section 17910) of Division 13 of the Health and Safety Code); the Manufactured Housing Act of 1980 (Part 2 (commencing with Section 18000) of Division 13 of the Health and Safety Code); the Mobilehome Parks Act (Part 2.1 (commencing with Section 18200) of Division 13 of the Health and Safety Code); and the Special Occupancy Parks Act (Part 2.3 (commencing with Section 18860) of Division 13 of the Health and Safety Code).

(12) "Custody assistant" means any person who has the responsibilities and duties described in Section 831.7 and who is employed by a law enforcement agency of any city, county, or city and county.

(13) "Search and rescue member" means any person who is part of an organized search and rescue team managed by a government agency.

(14) "Security officer" means any person who has the responsibilities and duties described in Section 831.4 and who is employed by a law enforcement agency of any city, county, or city and county.

(g) It is the intent of the Legislature by amendments to this section at the 1981–82 and 1983–84 Regular Sessions to abrogate the holdings in cases such as *People v. Corey*, 21 Cal. 3d 738, and *Cervantez v. J.C. Penney Co.*, 24 Cal. 3d 579, and to reinstate prior judicial interpretations of this section as they relate to criminal sanctions for battery on peace officers who are employed, on a part-time or casual basis, while wearing a police uniform as private security guards or patrolmen and to allow the exercise of peace officer powers concurrently with that employment.

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

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03/12/15 11:03 AM  
RN 15 10050 PAGE 5  
Substantive

Amendment 3

On page 1, strike out lines 1 to 9, inclusive, and strike out pages 2 to 4, inclusive

- 0 -

## AMENDMENTS TO ASSEMBLY BILL NO. 547

## Amendment 1

In the title, in line 1, strike out "Section 10703 of" and insert:

Sections 4000.5 and 4004 of

## Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 4000.5 of the Elections Code is amended to read:

4000.5. (a) Notwithstanding Section 4000 or any other law, as a pilot program, an all-mailed ballot special election or special consolidated election in San Diego County may be conducted to fill a vacancy in a congressional or legislative office if all of the following apply:

(1) ~~The congressional or legislative district lies wholly within San Diego County.~~

(2)

(1) The Board of Supervisors of San Diego County, by resolution, authorizes the use of mailed ballots for the election.

(3)

(2) The election does not occur on the same date as a statewide direct primary election, statewide general election, or any other election conducted in an overlapping jurisdiction that is not consolidated and conducted wholly by mail.

(4)

(3) (A) If the boundaries of the congressional or legislative district overlap with the boundaries of a city, at least one ballot dropoff location is provided per city and is open during business hours to receive voted ballots beginning not less than seven days before the date of the election.

(B) The number of dropoff locations in unincorporated areas shall be based on the number of unincorporated registered voters divided by 100,000 (rounded to the next whole number) with no less than one location to be selected.

(C) A ballot dropoff location provided for under this section shall consist of a locked ballot box located in a secure public building that meets the accessibility requirements for a polling place.

(5)

(4) On at least one Saturday and Sunday on or after the date the county elections official first delivers ballots to voters, the elections official allows any voter to vote the ballot at a satellite location within the congressional or legislative district pursuant to Section 3018. The elections official shall determine the hours of operation for each Saturday and Sunday, provided that the satellite location ~~shall be~~ is open to voters for a minimum of six hours on each designated Saturday and Sunday.

(6)

(5) (A) At least one polling place is provided per city or the polling places are fixed in a manner so that there is one polling place for every 10,000 registered voters within the congressional or legislative district, as determined on the 88th day prior to





before the day of the election, whichever results in more polling places. A polling place shall allow a voter to request and vote a ballot between 7 a.m. and 8 p.m. on the day of the election.

(B) The polling places provided under this section shall be established in accordance with the accessibility requirements described in Article 5 (commencing with Section 12280) of Chapter 3 of Division 12, the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), the federal Help America Vote Act of 2002 (~~42 U.S.C. Sec. 15301~~ (52 U.S.C. Sec. 20901 et seq.)), and the federal Voting Rights Act of 1965 (~~42 U.S.C. Sec. 1971~~ (52 U.S.C. Sec. 10101 et seq.)), and shall, to the extent possible, ensure that access is evenly distributed throughout the congressional or legislative district.

(C) The polling places provided under this section shall be established at accessible locations and shall be equipped with voting units or systems that are accessible to individuals with disabilities and that provide the same opportunity for access and participation as is provided to voters who are not disabled, including the ability to vote privately and independently in accordance with Sections 12280 and 19240.

(D) If a polling place consolidates one or more precincts for which the county elections official is required to recruit precinct board members who are fluent in a language in addition to English pursuant to ~~subdivision (e) of Section 12303 or the federal Voting Rights Act of 1965 (42 U.S.C. Sec. 1971 (52 U.S.C. Sec. 10101 et seq.))~~, the elections official shall ~~make reasonable efforts to ensure that the polling place is staffed by precinct board members who speak those languages.~~

(E) If a polling place consolidates one or more precincts for which the county elections official is required to recruit precinct board members who are fluent in a language in addition to English pursuant to subdivision (c) of Section 12303, the elections official shall make reasonable efforts to ensure that the polling place is staffed by precinct board members who speak those languages.

~~(7)~~

~~(6)~~ (A) The county elections official delivers to each voter all supplies necessary for the use and return of the mail ballot, including an envelope for the return of the voted mail ballot with postage prepaid.

(B) The county elections official delivers to each voter, with either the sample ballot sent pursuant to Section 13303 or with the voter's ballot, all of the following:

(i) A notice, translated in all languages required under subdivision (c) of Section 14201 and Section 203 of the federal Voting Rights Act of 1965 (~~42 U.S.C. Sec. 1971 (52 U.S.C. Sec. 10101 et seq.)~~), that informs voters of all of the following:

(I) An all-mailed ballot election is being conducted and each eligible voter will receive a ballot by mail.

(II) The voter may cast a ballot in person at a satellite location provided for under paragraph ~~(5)~~ (4) or at a polling place on election day.

(III) The voter may request the county elections official to send a vote by mail ballot in a language other than English pursuant to Section 203 of the federal Voting Rights Act of 1965 (~~42 U.S.C. Sec. 1971 (52 U.S.C. Sec. 10101 et seq.)~~) or a facsimile copy of the ballot printed in other languages pursuant to Section 14201.

(ii) A list of the ballot dropoff locations, satellite locations, and polling places established pursuant to this section. The list shall also be posted on the Internet Web site of the county elections official.

(iii) A postage-paid postcard that the voter may return to the county elections official for the purpose of requesting a vote by mail ballot in a language other than English.

~~(8)~~

(7) (A) The county elections official submits to the Secretary of State a voter education and outreach plan to be implemented by the county for any election conducted pursuant to this section. The voter education and outreach plan shall include, but shall not be limited to, all of the following:

(i) One education and outreach meeting that shall include representatives, advocates, and other stakeholders representing each community for which the county is required to provide voting materials and assistance in other languages under subdivision (c) of Section 14201 and the federal Voting Rights Act of 1965 (~~42 U.S.C. Sec. 1971~~ (52 U.S.C. Sec. 10101 et seq.)).

(ii) One education and outreach meeting that shall include representatives from community organizations and individuals that advocate on behalf of, or provide services to, individuals with disabilities.

(iii) At least one in-person bilingual voter education ~~program~~ workshop for each language in which the county is required to provide voting materials and assistance under subdivision (c) of Section 14201 and the federal Voting Rights Act of 1965 (~~42 U.S.C. Sec. 1971~~ (52 U.S.C. Sec. 10101 et seq.)).

(iv) At least one in-person voter education ~~program~~ workshop to increase accessibility for participation of eligible voters with disabilities.

(v) A toll-free voter assistance hotline maintained by the county elections official that shall be operational no later than the date that vote by mail ballots are mailed to voters until 5 p.m. on the day after the special election. The toll-free voter assistance hotline shall provide assistance to voters in all languages in which the county is required to provide voting materials and assistance under subdivision (c) of Section 14201 and the federal Voting Rights Act of 1965 (~~42 U.S.C. Sec. 1971~~ (52 U.S.C. Sec. 10101 et seq.)).

(vi) At least one public service announcement in the media, including newspapers, radio, and television, that serve English-speaking citizens for purposes of informing voters of the upcoming election and promoting the toll-free voter assistance hotline.

(vii) At least one public service announcement in the media, including newspapers, radio, and television, that serve non-English-speaking citizens for each language in which the county is required to provide voting materials and assistance under subdivision (c) of Section 14201 and the federal Voting Rights Act of 1965 (~~42 U.S.C. Sec. 1971~~ (52 U.S.C. Sec. 10101 et seq.)) for purposes of informing voters of the upcoming election and promoting the toll-free voter assistance hotline.

(viii) A voter education social media strategy that is developed in partnership with community organizations and individuals that advocate on behalf of, or provide services to, non-English-speaking individuals and individuals with disabilities.

(B) The voter education and outreach plan shall be posted on the Internet Web site of the Secretary of State and on the Internet Web site of the county elections official.

(b) Except as otherwise provided in this section, the election day procedures shall be conducted in accordance with Division 14 (commencing with Section 14000).

(c) The county elections official may provide, at his or her discretion, additional ballot dropoff locations and polling places for purposes of this section.

(d) The return of voted mail ballots is subject to Sections 3017 and 3020.

(e) (1) If the county conducts a special election pursuant to this section, it may process vote by mail ballot return envelopes beginning 29 days before the election. Processing vote by mail ballot return envelopes may include verifying the voter's signature on the vote by mail ballot return envelope and updating voter history records.

(2) If the county conducts a special election pursuant to this section, it may start to process vote by mail ballots on the 10th business day before the election. Processing vote by mail ballots includes opening vote by mail ballot return envelopes, removing ballots, duplicating any damaged ballots, and preparing the ballots to be machine read, or machine reading them, but under no circumstances shall a vote count be accessed or released until 8 p.m. on the day of the election.

(f) Results of any vote by mail ballot tabulation or count shall not be released before the close of the polls on the day of the election.

(g) For the sole purpose of reporting the results of an election conducted pursuant to this section, upon completion of the ballot count, the county elections official shall divide the jurisdiction into precincts pursuant to Article 2 (commencing with Section 12220) of Chapter 3 of Division 12 and shall prepare a statement of the results of the election in accordance with Sections 15373 and 15374.

(h) The county elections official shall compile an index, list, or file of all persons who voted in an election conducted pursuant to this section. If the elections official uses data-processing equipment to compile the index, list, or file, he or she shall retain an accurate copy of that index, list, or file in electronic format for a period of 10 years.

(i) (1) If an election is conducted pursuant to this section, San Diego County shall report to the Legislature and to the Secretary of State regarding the success of the election, including, but not limited to, ~~any statistics on the cost to conduct the election; the turnout of different populations, including, but not limited to and to the extent possible, the population categories of race, ethnicity, language preference, age, gender, disability, permanent vote by mail status, and political party affiliation as it relates to the languages required under the federal Voting Rights Act of 1965; the number of ballots that were not counted and the reasons they were rejected; voter fraud; and any other problems that became known to the county during the election or canvass;~~ all of the following:

(A) Any statistics on the cost to conduct the election.

(B) The turnout of different populations, including, but not limited to and to the extent possible, the population categories of race, ethnicity, language preference, age, gender, disability, permanent vote by mail status, and political party preference.

(C) The number of ballots that were not counted and the reasons they were rejected.

(D) Voter fraud.

(E) Any other problems that become known to the county during the election or canvass.

(2) Whenever possible, using the criteria set forth in paragraph (1), the report shall compare the election conducted pursuant to this section to similar elections not conducted pursuant to this section in the same jurisdiction or comparable jurisdictions.

(3) Within six months after the date of the election or ~~prior to~~ before the date of a subsequent election conducted pursuant to this section, whichever is sooner, San Diego County shall do all of the following with respect to the report required by this subdivision:

(A) Submit the report to the Legislature in compliance with Section 9795 of the Government Code.

(B) Submit the report to the Secretary of State.

(C) Post the report on the Internet Web site of the county elections official.

(j) This section shall remain in effect only until January 1, 2020, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2020, deletes or extends that date.

SEC. 2. Section 4004 of the Elections Code is amended to read:

4004. (a) ~~“Small city” means a city with a population of 100,000 or less, as determined by the annual city total population rankings by the Demographic Research Unit of the Department of Finance.~~

(b)

~~(a) “Eligible entity” means a school district or a city, county, city and county, school district, or special district.~~

(c)

~~(b) Notwithstanding Sections 1500 and 4000, an election in a small city or an eligible entity may be conducted wholly as an all-mail all-mailed ballot election, subject to the following conditions:~~

~~(1) The legislative body of the small city or the governing body of the eligible entity, by resolution, authorizes the use of mailed ballots for the election.~~

~~(2) The election is a special election to fill a vacancy in the legislative body or governing body, either of the following:~~

~~(A) A special election to fill a vacancy in the legislative body or governing body.~~

~~(B) A special election conducted pursuant to Chapter 2 (commencing with Section 9100), Chapter 3 (commencing with Section 9200), or Chapter 4 (commencing with Section 9300) of Division 9.~~

~~(3) The election is not held on the same date as a statewide primary or general election, or any other election conducted in an overlapping jurisdiction that is not consolidated and conducted wholly by mail.~~

~~(4) The election is not consolidated with any other election.~~

~~(5) The return of voted mail ballots is subject to Section 3017.~~

~~(4) (A) If the boundaries of the jurisdiction of the eligible entity overlap with the boundaries of a city, at least one ballot dropoff location is provided per city and is open during business hours to receive voted ballots beginning not less than seven days before the date of the election.~~

~~(B) The number of dropoff locations in unincorporated areas shall be based on the number of unincorporated registered voters divided by 100,000 (rounded to the next whole number) with no less than one location to be selected.~~

(C) A ballot dropoff location provided for under this section shall consist of a locked ballot box located in a secure public building that meets the accessibility requirements for a polling place.

(5) On at least one Saturday and Sunday on or after the date the elections official first delivers ballots to voters, the elections official allows any voter to vote the ballot at a satellite location within the jurisdiction of the eligible entity pursuant to Section 3018. The elections official shall determine the hours of operation for each Saturday and Sunday, provided that the satellite location is open to voters for a minimum of six hours on each designated Saturday and Sunday.

(6) (A) At least one polling place is provided per eligible entity or the polling places are fixed in a manner so that there is one polling place for every 10,000 registered voters within the jurisdiction of the eligible entity, as determined on the 88th day before the day of the election, whichever results in more polling places. A polling place shall allow a voter to request and vote a ballot between 7 a.m. and 8 p.m. on the day of the election.

(B) The polling places provided under this section shall be established in accordance with the accessibility requirements described in Article 5 (commencing with Section 12280) of Chapter 3 of Division 12, the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), the federal Help America Vote Act of 2002 (52 U.S.C. Sec. 20901 et seq.), and the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.), and shall, to the extent possible, ensure that access is evenly distributed throughout the eligible entity.

(C) The polling places provided under this section shall be established at accessible locations and shall be equipped with voting units or systems that are accessible to individuals with disabilities and that provide the same opportunity for access and participation as is provided to voters who are not disabled, including the ability to vote privately and independently in accordance with Sections 12280 and 19240.

(D) If a polling place consolidates one or more precincts for which the elections official is required to recruit precinct board members who are fluent in a language in addition to English pursuant to the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.), the elections official shall ensure that the polling place is staffed by precinct board members who speak those languages.

(E) If a polling place consolidates one or more precincts for which the elections official is required to recruit precinct board members who are fluent in a language in addition to English pursuant to subdivision (c) of Section 12303, the elections official shall make reasonable efforts to ensure that the polling place is staffed by precinct board members who speak those languages.

(7) (A) The elections official delivers to each voter all supplies necessary for the use and return of the mail ballot, including an envelope for the return of the voted mail ballot with postage prepaid.

(B) The elections official delivers to each voter, with either the sample ballot sent pursuant to Section 13303 or with the voter's ballot, all of the following:

(i) A notice, translated in all languages required under subdivision (c) of Section 14201 and Section 203 of the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.), that informs voters of all of the following:

(I) An all-mailed ballot election is being conducted and each eligible voter will receive a ballot by mail.

(II) The voter may cast a ballot in person at a satellite location provided for under paragraph (5) or at a polling place on election day.

(III) The voter may request the elections official to send a vote by mail ballot in a language other than English pursuant to Section 203 of the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.) or a facsimile copy of the ballot printed in other languages pursuant to Section 14201.

(ii) A list of the ballot dropoff locations, satellite locations, and polling places established pursuant to this section. The list shall also be posted on the Internet Web site of the elections official.

(iii) A postage-paid postcard that the voter may return to the elections official for the purpose of requesting a vote by mail ballot in a language other than English.

(8) (A) The elections official submits to the Secretary of State a voter education and outreach plan to be implemented by the eligible entity for any election conducted pursuant to this section. The voter education and outreach plan shall include, but shall not be limited to, all of the following:

(i) One education and outreach meeting that shall include representatives, advocates, and other stakeholders representing each community for which the eligible entity is required to provide voting materials and assistance in other languages under subdivision (c) of Section 14201 and the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.).

(ii) One education and outreach meeting that shall include representatives from community organizations and individuals that advocate on behalf of, or provide services to, individuals with disabilities.

(iii) At least one in-person bilingual voter education workshop for each language in which the eligible entity is required to provide voting materials and assistance under subdivision (c) of Section 14201 and the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.).

(iv) At least one in-person voter education workshop to increase accessibility for participation of eligible voters with disabilities.

(v) A toll-free voter assistance hotline maintained by the elections official that shall be operational no later than the date that vote by mail ballots are mailed to voters until 5 p.m. on the day after the special election. The toll-free voter assistance hotline shall provide assistance to voters in all languages in which the city or district is required to provide voting materials and assistance under subdivision (c) of Section 14201 and the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.).

(vi) At least one public service announcement in the media, including newspapers, radio, and television, that serve English-speaking citizens for purposes of informing voters of the upcoming election and promoting the toll-free voter assistance hotline.

(vii) At least one public service announcement in the media, including newspapers, radio, and television, that serve non-English-speaking citizens for each language in which the city or district is required to provide voting materials and assistance under subdivision (c) of Section 14201 and the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.) for purposes of informing voters of the upcoming election and promoting the toll-free voter assistance hotline.

(viii) A voter education social media strategy that is developed in partnership with community organizations and individuals that advocate on behalf of, or provide services to, non-English-speaking individuals and individuals with disabilities.

(B) The voter education and outreach plan shall be posted on the Internet Web site of the Secretary of State and on the Internet Web site of the elections official.

(c) Except as otherwise provided in this section, the election day procedures shall be conducted in accordance with Division 14 (commencing with Section 14000).

(d) The elections official may provide, at his or her discretion, additional ballot dropoff locations and polling places for purposes of this section.

(e) The return of voted mail ballots is subject to Sections 3017 and 3020.

(f) (1) If the eligible entity conducts a special election pursuant to this section, it may process vote by mail ballot return envelopes beginning 29 days before the election. Processing vote by mail ballot return envelopes may include verifying the voter's signature on the vote by mail ballot return envelope and updating voter history records.

(2) If the eligible entity conducts a special election pursuant to this section, it may start to process vote by mail ballots on the 10th business day before the election. Processing vote by mail ballots includes opening vote by mail ballot return envelopes, removing ballots, duplicating any damaged ballots, and preparing the ballots to be machine read, or machine reading them, but under no circumstances shall a vote count be accessed or released until 8 p.m. on the day of the election.

(g) Results of a vote by mail ballot tabulation or count shall not be released before the close of the polls on the day of the election.

(h) For the sole purpose of reporting the results of an election conducted pursuant to this section, upon completion of the ballot count, the elections official shall divide the jurisdiction into precincts pursuant to Article 2 (commencing with Section 12220) of Chapter 3 of Division 12 and shall prepare a statement of the results of the election in accordance with Sections 15373 and 15374.

(i) The elections official shall compile an index, list, or file of all persons who voted in an election conducted pursuant to this section. If the elections official uses data-processing equipment to compile the index, list, or file, he or she shall retain an accurate copy of that index, list, or file in electronic format for a period of 10 years.

Amendment 3

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

AMENDMENTS TO ASSEMBLY BILL NO. 713

Amendment 1

In the title, in line 1, strike out "99200.5 of" and insert:

48010 of, and to add Section 48001 to,

Amendment 2

In the title, strike out line 2 and insert:

kindergarten.

Amendment 3

On page 2, before line 1, insert:

SECTION 1. Section 48001 is added to the Education Code, to read:  
48001. Beginning with the 2017–18 school year, a child shall have completed one year of kindergarten before he or she may be admitted to the first grade.

SEC. 2. Section 48010 of the Education Code is amended to read:

48010. (a) A child shall be admitted to the first grade of an elementary school during the first month of a school year if the child has completed one year of kindergarten and will have his or her sixth birthday on or before one of the following dates:

- (1) December 2 of the 2011–12 school year.
- (2) November 1 of the 2012–13 school year.
- (3) October 1 of the 2013–14 school year.
- (4) September 1 of the 2014–15 school year and each school year thereafter.
- (b) For good cause, the governing board of a school district may permit a child of proper age to be admitted to a class after the first school month of the school term.

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 4

On page 2, strike out lines 1 to 31, inclusive





AMENDMENTS TO ASSEMBLY BILL NO. 724

Amendment 1

In the title, in line 1, strike out "114335" and insert:

113755

Amendment 2

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

, and to add Section 114364 to,

Amendment 3

On page 1, before line 1, insert:

SECTION 1. Section 113755 of the Health and Safety Code is amended to read:

113755. "Community event" means an event that is of civic, political, public, or educational nature, including state, district, and county fairs, city festivals, circuses, and other public gathering events approved by the local enforcement agency.

SEC. 2. Section 114364 is added to the Health and Safety Code, immediately following Section 114363, to read:

114364. (a) A temporary food facility shall, upon application, be granted a permit to operate at a community event if the enforcement agency makes a determination that the temporary food facility meets the requirements specified in subdivisions (b) and (c) of Section 114335.

(b) A permit issued to a temporary food facility to operate at a community event under subdivision (a) shall be issued for the entire duration of the community event and shall expire at the end of that duration.

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 4

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



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Substantive

## AMENDMENTS TO ASSEMBLY BILL NO. 770

## Amendment 1

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

to add Part 54 (commencing with Section 88800) to Division 7 of Title 3 of the Education Code,

## Amendment 2

On page 2, between lines 25 and 26, insert:

SEC. 2. Part 54 (commencing with Section 88800) is added to Division 7 of Title 3 of the Education Code, to read:

## PART 54. COMMUNITY COLLEGES BASIC SKILLS INNOVATION PROGRAM

## CHAPTER 1. GENERAL PROVISIONS

88800. A financial grant and professional development funding program, administered by the chancellor, is hereby established. The chancellor shall distribute multiyear financial grants and professional development funding, upon appropriation by the Legislature for this purpose, to the governing board of a community college district that applies and satisfies the requirements of this part. Moneys allocated pursuant to this program shall be expended for community colleges within the district to adopt or expand the use of evidence-based models of academic assessment and placement, remediation, and student support that accelerate the progress of underprepared students towards achieving postsecondary educational and career goals.

88805. (a) The governing board of a community college district may apply for funds pursuant to this part for the purpose of making more effective, evidence-based practices available to significantly more underprepared students who enroll at campuses of the California Community Colleges. A community college within the district may receive funds for purposes of implementing these evidence-based practices for the first time or expanding evidence-based practices that are in effect as of the date of the district's application for funds.

(b) The evidence-based strategies implemented or expanded pursuant to subdivision (a) shall include innovative basic skills improvement strategies that have demonstrated effectiveness in accelerating the progress of underprepared students toward, and increasing the number of underprepared students who successfully achieve, one or more of the following goals:

- (1) Completing a college-level English or mathematics course, or both, within three semesters after initial enrollment at a participating community college.
- (2) Earning eight units applicable to a college certificate or degree.
- (3) Earning a college certificate or degree approved by the California Community Colleges.



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88810. (a) In order to receive a grant, the governing board of a community college district shall demonstrate in its application for funding that the community colleges that are to participate in the grant program will redesign their curriculum, career pathways, assessment and placement procedures, or any combination thereof, to implement, or expand the use or application of, one or more of the following practices and principles:

(1) Adopting placement tests and related policies that include multiple measures of student performance, including grades in high school courses and input from counselors.

(2) Increasing the placement of students directly in gateway English and mathematics courses and career pathways supplemented by remediation.

(3) Aligning content in remedial courses with the students' programs of academic study to target students' actual needs.

(4) To the extent possible, ensuring that underprepared students complete college-level English or mathematics courses, or both, within a two-course sequence. Students pursuing mathematics-intensive courses of study may require a longer sequence of mathematics coursework.

(5) Contextualizing remedial instruction in foundational skills for the industry cluster, pathways, or both, in which the student seeks to advance.

(6) Providing proactive student support services that are integrated with the instruction provided.

(b) Each participating community college shall be responsible for all of the following:

(1) Developing a plan based on one or more of the evidence-based principles and practices described in subdivision (a) that demonstrates a clear strategy for ensuring that all of the following occur within a 5-year period:

(A) A significant share of the underprepared students who enroll at participating community colleges' within the community college district achieve one or more of the three goals listed in subdivision (b) of Section 88805.

(B) Underprepared students who are enrolled at the community college achieve the goals listed in subdivision (b) of Section 88805 within a shorter time period than before the implementation of this part at the community college.

(2) Ensuring that its faculty participate in professional development regarding academic programs or new curriculum developed or expanded pursuant to this part, using grant funds to support that faculty participation.

(3) Annually reporting to the chancellor's office on program outcomes, disaggregated by demographic characteristics of its students, for purposes of measuring progress compared to the community college's performance before its implementation of this part. These reports should include all of the following:

(A) The number and percentage of underprepared students served by the grant program.

(B) The number and percentages of these underprepared students achieving each of the three goals listed in subdivision (b) of Section 88805.

(C) The number of faculty involved and faculty needs regarding the innovation and operation of courses pursuant to this part.

(c) The chancellor's office shall be responsible for all of the following:

(1) Administering the grant program, and distributing and monitoring awards to recipient community college districts.

(2) Developing application criteria, administrative guidelines, and other requirements for purposes of administering the grant program.

(3) (A) Aggregating, analyzing, and reporting annually the information submitted pursuant to paragraph (3) of subdivision (b) to the Legislature on the progress of the grant program in achieving its prescribed purpose.

(B) A report to be submitted pursuant to this paragraph shall be submitted in compliance with Section 9795 of the Government Code.

Amendment 3

On page 2, strike out lines 26 to 32, inclusive

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## AMENDMENTS TO ASSEMBLY BILL NO. 804

## Amendment 1

In the title, in line 1, strike out "amend Section 68086 of the Government Code, relating to", strike out line 2 and insert:

amend Section 8031 of, and to add Section 8024.8 to, the Business and Professions Code, relating to shorthand reporters.

## Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 8024.8 is added to the Business and Professions Code, to read:

8024.8. (a) On or before July 1, 2016, the board shall adopt regulations to establish minimum continuing education requirements for renewal of a certificate issued pursuant to this chapter. No earlier than six months after the effective date of the regulations, to renew his or her certificate, a certificate holder shall, in addition to the requirements of Section 8024, submit to the board, on a form prescribed by the board, that he or she has completed the minimum continuing education requirements.

(b) The board shall ensure that the continuing education required by this section is relevant to the practice of shorthand reporting.

(c) The board shall also establish a procedure for approving providers of continuing education courses, and all providers of continuing education shall comply with procedures established by the board. The board may establish a fee for providers of continuing education courses pursuant to Section 8031. The board may revoke or deny the right of a provider to offer continuing education coursework pursuant to this section for failure to comply with the requirements of this section or any regulation adopted pursuant to this section.

(d) The board may establish exceptions to the continuing education requirements of this section for a certificate holder who cannot meet the continuing education requirements for reasons of health, military service, or undue hardship.

(e) The continuing education requirements of this section shall comply with the guidelines for mandatory continuing education established by the Department of Consumer Affairs pursuant to Section 166.

(f) The board may adopt regulations as necessary to implement this section.

SEC. 2. Section 8031 of the Business and Professions Code is amended to read:  
8031. The amount of the fees required by this chapter is that fixed by the board in accordance with the following schedule:

(a) The fee for filing an application for each examination shall be no more than forty dollars (\$40).

(b) The fee for examination and reexamination for the written or practical part of the examination shall be in an amount fixed by the board, which shall be equal to the actual cost of preparing, administering, grading, and analyzing the examination,



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but shall not exceed seventy-five dollars (\$75) for each separate part, for each administration.

(c) The initial certificate fee is an amount equal to the renewal fee in effect on the last regular renewal date before the date on which the certificate is issued, except that, if the certificate will expire less than 180 days after its issuance, then the fee is 50 percent of the renewal fee in effect on the last regular renewal date before the date on which the certificate is issued, or fifty dollars (\$50), whichever is greater. The board may, by appropriate regulation, provide for the waiver or refund of the initial certificate fee where the certificate is issued less than 45 days before the date on which it will expire.

(d) By a resolution adopted by the board, a renewal fee may be established in such amounts and at such times as the board may deem appropriate to meet its operational expenses and funding responsibilities as set forth in this chapter. The renewal fee shall not be more than one hundred twenty-five dollars (\$125) nor less than ten dollars (\$10) annually, with the following exception:

Any person who is employed full time by the State of California as a hearing reporter and who does not otherwise render shorthand reporting services for a fee shall be exempt from licensure while in state employment and shall not be subject to the renewal fee provisions of this subdivision until 30 days after leaving state employment. The renewal fee shall, in addition to the amount fixed by this subdivision, include any unpaid fees required by this section plus any delinquency fee.

(e) The duplicate certificate fee shall be no greater than ten dollars (\$10).

(f) The penalty for failure to notify the board of a change of name or address as required by Section 8024.6 shall be no greater than fifty dollars (\$50).

(g) The fee for approval of a continuing education provider shall be fixed by the board through regulation in an amount to cover the reasonable regulatory cost to the board of approving those continuing education providers, but shall be no greater than forty dollars (\$40).

Amendment 3

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

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Substantive

AMENDMENT TO ASSEMBLY BILL NO. 1250

Amendment 1

On page 1, in line 9, strike out "2013." and insert:

2016.

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**Assembly Concurrent Resolution**

**No. 18**

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**Introduced by Assembly Member Gordon**

February 4, 2015

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Assembly Concurrent Resolution No. 18—Relative to “Parks Make Life Better!” Month.

LEGISLATIVE COUNSEL’S DIGEST

ACR 18, as introduced, Gordon. Parks Make Life Better! Month.

This measure would recognize the importance of access to local parks, trails, open space, and facilities for the health and development of all Californians and would declare the month of July 2015 as “Parks Make Life Better!” Month.

Fiscal committee: no.

1 WHEREAS, A 2009 public opinion research study, conducted  
2 by the California Park and Recreation Society, revealed that 98  
3 percent of California’s households visit a local park and 50 percent  
4 of California households participate in an organized recreation  
5 program annually; and

6 WHEREAS, California’s residents value their local parks and  
7 recreation services, as they provide access to the serenity and  
8 inspiration of nature, outdoor spaces, and places for play and  
9 exercise; facilities for directed and self-directed recreation;  
10 activities that facilitate social connections, human development,  
11 the arts, and lifelong learning; and positive alternatives for youth  
12 that help lower crime; and

13 WHEREAS, The Outdoor Industry Association reports that  
14 outdoor recreation, both passive and active, generates more than



1 eighty-five billion dollars (\$85,000,000,000) in economic activity  
2 in California, supporting nearly 800,000 jobs and representing a  
3 business and economic sector that surpasses the aerospace and  
4 insurance industries in the state; and

5 WHEREAS, The 2010 California Obesity Prevention Plan states  
6 the following:

7 (a) One in every nine California children, one in three teens,  
8 and over 50 percent of adults are already overweight or obese, and  
9 obesity affects virtually all age, income, educational, ethnic, and  
10 disability groups.

11 (b) Research has shown that where people live, work, and play  
12 impacts obesity. For example, in Imperial County, 73 percent of  
13 adults are overweight or obese, while only 43 percent of San  
14 Francisco City and County adults are overweight or obese.

15 (c) California's costs attributable to physical inactivity, obesity,  
16 and excess body weight in 2006 were estimated at forty-one billion  
17 two hundred million dollars (\$41,200,000,000). In contrast, a  
18 5-percent improvement in each of these risk factors could result  
19 in an annual savings of nearly two billion four hundred million  
20 dollars (\$2,400,000,000).

21 (d) To address obesity, the state must ensure that all California  
22 residents have access to safe places to play and be active; and

23 WHEREAS, California's 10 Step Vision for a Healthy California  
24 is a call to action to transform the state so that all Californians can  
25 enjoy healthy eating and active living, resulting in all of the  
26 following:

27 (a) Every day, every child will participate in physical activity.

28 (b) California's adults will be physically active every day.

29 (c) Neighborhoods, communities, and buildings will support  
30 physical activity, including safe walking, stair climbing, and  
31 bicycling; and

32 WHEREAS, The Governor, Legislature, and citizens have  
33 prioritized efforts to increase physical activity, access to nature,  
34 spaces for play and exercise, the arts, lifelong learning, and social  
35 connections among children and adults through the approval of  
36 statewide park bond programs; and

37 WHEREAS, The California Park & Recreation Society promotes  
38 the positive personal and community benefits of parks, open space,  
39 trails, recreation facilities and programs, nature education, and

1 sports for able and disabled children, teens, adults, and seniors;  
2 and

3 WHEREAS, Participation in physical activities can lower a  
4 citizen’s risk of developing chronic health problems, such as high  
5 blood pressure, asthma, heart disease, and diabetes, and also help  
6 children grow up to be healthier adults; and

7 WHEREAS, The California Park & Recreation Society has  
8 released a statewide public awareness campaign, “Parks Make  
9 Life Better!” to inform citizens of the many benefits of utilizing  
10 parks, facilities, programs, and services; now, therefore, be it

11 *Resolved by the Assembly of the State of California, the Senate*  
12 *thereof concurring*, That the Legislature recognizes the importance  
13 of access to local parks, trails, open space, and facilities such as  
14 swimming pools, skate parks, dog parks, tennis courts, nature  
15 centers, and museums, for the health and development of all  
16 Californians; and be it further

17 *Resolved*, That the Legislature declares the month of July 2015  
18 as “Parks Make Life Better!” 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.

O

Date of Hearing: March 19, 2015

ASSEMBLY COMMITTEE ON RULES  
Richard Gordon, Chair  
ACR 18 (Gordon) – As Introduced February 4, 2015

**SUBJECT:** Parks Make Life Better! Month.

**SUMMARY:** Recognizes the importance of access to local parks, trails, open space, and facilities for the health and development of all Californians; and declares July 2015 as "Parks Make Life Better! Month. Specifically, **this resolution** makes the following legislative findings:

- 1) The Governor, Legislature, and citizens have prioritized efforts to increase physical activity, access to nature, spaces for play and exercise, the arts, lifelong learning, and social connections among children and adults through the approval of statewide park bond programs.
- 2) The 2010 California Obesity Prevention Plan states that one in every nine Californian children, one in three teens, and over 50 percent of adults are overweight or obese, and that obesity affects all ages, income, educational, ethnic, and disability groups; and, to address obesity, the State of California must ensure that all California residents have access to safe places to play and be active.
- 3) Participation in physical activities can lower a citizen's risk of developing chronic health problems, such as high blood pressure, asthma, heart disease, and diabetes and can help children grow up to be healthier adults.
- 4) The Outdoor Industry Association reports that outdoor recreation, both passive and active, generates more than eighty-five billion dollars in economic activity in California, supporting nearly 800,000 jobs and representing a business and economic sector that surpasses the aerospace and insurance industries in the state.

**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. 29**

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**Introduced by Assembly Member Frazier**

February 23, 2015

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Assembly Concurrent Resolution No. 29—Relative to organ donation.

LEGISLATIVE COUNSEL'S DIGEST

ACR 29, as introduced, Frazier. Donate Life California Day: driver's license.

This measure would designate April 20, 2015, as DMV/Donate Life California Day in the State of California and the month of April 2015, as DMV/Donate Life California Month in the State of California, and would encourage all Californians to sign up with the Donate Life California Organ and Tissue Donor Registry.

Fiscal committee: no.

1 WHEREAS, Organ, tissue, eye, and blood donation are  
2 compassionate and life-giving acts looked upon and recognized  
3 in the highest regard; and

4 WHEREAS, More than 123,000 individuals nationwide and  
5 over 22,000 Californians are currently on the national organ  
6 transplant wait list. While about one-third of these patients receive  
7 a transplant each year, another one-third die while waiting due to  
8 a shortage of donated organs; and

9 WHEREAS, A single individual's donation of heart, lungs,  
10 liver, kidneys, pancreas, and small intestine can save up to eight  
11 lives, the donation of tissue can save and enhance the lives of up  
12 to 50 others, and a single blood donation can help three people in  
13 need; and

1 WHEREAS, Millions of lives each year are saved and enhanced  
2 by donors of organs, tissue, eyes, and blood; and

3 WHEREAS, The California Department of Motor Vehicles is  
4 celebrating 100 years of service to the State of California and ten  
5 years as the official partner of Donate Life California; and

6 WHEREAS, A California resident can register with the Donate  
7 Life California Registry when applying for or renewing his or her  
8 driver’s license or identification card at the Department of Motor  
9 Vehicles; and

10 WHEREAS, Nearly twelve million Californians have joined  
11 together to save lives by signing up with the state-authorized  
12 Donate Life California Organ and tissue Donor Registry to ensure  
13 that their wishes to be an organ, eye, and tissue donor are  
14 recognized and honored; and

15 WHEREAS, Minorities are more likely to need a life-saving  
16 transplant due to higher incidences of hypertension, diabetes, and  
17 hepatitis, conditions that can potentially lead to organ failure and  
18 placement on the national organ transplant waiting list; and

19 WHEREAS, Nationwide, minorities make up 58 percent of  
20 organ transplant candidates and 64 percent of those awaiting kidney  
21 transplants. In California, Latinos make up 39 percent of those  
22 waiting for life-saving transplants, Asians and Pacific Islanders  
23 20 percent, and African Americans another 12 percent; and

24 WHEREAS, Minorities make up more than one-half of the  
25 population of high school students in California, according to the  
26 State Department of Education. These high school students will  
27 have the opportunity to make a decision about saving lives and  
28 joining the state-authorized Donate Life California Registry to  
29 ensure that their wishes to be organ, eye, and tissue donors are  
30 recognized and honored; and

31 WHEREAS, Donate Life California has developed a  
32 comprehensive Educator Resource Guide that includes many of  
33 the health education content standards for California public schools.  
34 This Educator Resource Guide includes lesson plans and  
35 educational DVDs about organ, eye, and tissue donation, and the  
36 Donate Life California Registry created specifically for the youth  
37 population; now, therefore, be it

38 *Resolved by the Assembly of the State of California, the Senate*  
39 *thereof concurring,* That in recognition of April as National Donate  
40 Life Month, the Legislature proclaims April 20, 2015, as

1 DMV/Donate Life California Day in the State of California, and  
2 April 2015 as DMV/Donate Life California Month in the State of  
3 California. In doing so, the Legislature encourages all Californians  
4 to check “YES” when applying for or renewing a driver’s license  
5 or identification card, or by signing up at  
6 www.donatelifecalifornia.org or www.donevidacalifornia.org; and  
7 be it further  
8 *Resolved*, that the Chief Clerk of the Assembly transmit copies  
9 of this resolution to the author for appropriate distribution.

O

Date of Hearing: March 19, 2015

ASSEMBLY COMMITTEE ON RULES  
Richard Gordon, Chair  
ACR 29 (Frazier) – As Introduced February 23, 2015

**SUBJECT:** Donate Life California Day: driver's license.

**SUMMARY:** Designates April 20, 2015, as DMV/Donate Life California Day in the State of California and the month of April 2015, as DMV/Donate Life California Month. Specifically, **this resolution** makes the following legislative findings:

- 1) Organ, tissue, eye, and blood donation are compassionate and life-giving acts looked upon and recognized in the highest regard. A single individual's donation of heart, lungs, liver, kidneys, pancreas, and small intestine can save up to eight lives, the donation of tissue can save and enhance lives of up to 50 others, and a single blood donation can help save three people in need.
- 2) There are currently more than 123,000 individuals nationwide and over 22,000 Californians currently on the national organ transplant wait list. While about one-third of these patients receive a transplant each year, another one-third die while waiting due to a shortage of donated organs.
- 3) A California resident can register with the Donate Life California Registry when applying for or renewing his or her driver's license or identification card at the Department of Motor Vehicles; which is on its tenth year as the official partner of Donate Life California.
- 4) Nearly twelve million Californians have joined together to save lives by signing up with the state-authorized Donate Life California Organ and Tissue Donor Registry to ensure their wishes of donating their organs are recognized and honored.
- 5) Minorities are more likely to need a life-saving transplant due higher incidences of hypertension, diabetes, and hepatitis, which are conditions that can potentially lead to organ failure. In California, Latinos make up 39 percent of those waiting for life-saving transplants, Pacific Islanders make up 20 percent, and African Americans another 12 percent.

**FISCAL EFFECT:** None

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

Donate Life California

**Opposition**

None on file

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

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March 10, 2015

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



**RE: ACR 29 (Frazier) Donate life California Day: Driver Licenses – SPONSOR/SUPPORT**

Dear Assemblymember Gordon:

Donate Life California is pleased to sponsor ACR 29 (Frazier), relative to DMV/Donate Life California Month, which stresses the need for life-saving transplants and encourages all Californians to sign up with the Donate Life California Organ and Tissue Donor Registry. This April we also celebrate a major milestone in the 10-year anniversary of the Donate Life California/DMV partnership – the registry will have grown to more than 12 million individuals who have indicated their wish to be organ, eye and tissue donors! Equally important, the resolution recognizes the Centennial Celebration of the DMV.

Currently, more than 123,000 people are on the national organ transplant waiting list, with more than 22,000 of those candidates residing in California. To meet this ongoing need, Californians have had the power since 2005 to ensure their wish to be a donor is honored by enrolling with the Donate Life California Registry – the private, nonprofit, state-authorized organ, eye and tissue donor registry dedicated to saving the lives of thousands of Californians awaiting life-saving transplants and administered by California’s four nonprofit, federally designated organ procurement organizations.

Donate Life California’s partnership with the DMV is crucial to saving lives in California – 95% of all donor registrations in California have occurred as a direct result of the Donate Life California/DMV Registry collaboration and the convenience that allows individuals to sign up as donors at the same time that they apply for or renew driver licenses or ID cards at the DMV. There is still much work to be done, however, given that of the 31 million licensed drivers and I.D. holders in California, only 36 percent have signed up to be organ, eye and tissue donors.

Donate Life California continues to reach out to the youth population to educate them about what it means to check “YES!” to organ donation and join the nearly 12 million Californians who have signed up on the registry. Education is the key to demystifying the organ donation process and raising California’s donor designation rate.

We respectfully request your support on this important resolution.

Sincerely,

Charlene Zettel, CEO  
Donate Life California

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3465 Camino Del Rio South, Suite 410, San Diego, CA 92108 • tel 619-521-1983 • fax 619-521-2833 • [www.donateLIFecalifornia.org](http://www.donateLIFecalifornia.org)



**Assembly Concurrent Resolution**

**No. 37**

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**Introduced by Assembly Member Gray**

February 27, 2015

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Assembly Concurrent Resolution No. 37—Relative to Sikh American Awareness and Appreciation Month.

LEGISLATIVE COUNSEL'S DIGEST

ACR 37, as introduced, Gray. Sikh American Awareness and Appreciation Month.

This measure would designate November 2015 as California Sikh American Awareness and Appreciation Month. The measure would recognize and acknowledge the significant contributions Californians of Sikh heritage have made to the state. The measure would also seek to afford all Californians the opportunity to understand, recognize, and appreciate the rich history and shared principles of Sikh Americans.

Fiscal committee: no.

- 1 WHEREAS, California and our nation are at once blessed and  
2 enriched by the unparalleled diversity of our residents; and  
3 WHEREAS, The Sikhs, who originated in Punjab, India, first  
4 entered California in 1899 legally through the Angel Island  
5 Immigration Station in San Francisco, California; and  
6 WHEREAS, The Sikh pioneers initially worked on railroad  
7 construction projects, and in lumber mills; and  
8 WHEREAS, By 1910, these pioneers turned to farming in the  
9 Sacramento, San Joaquin, and Imperial valleys; and  
10 WHEREAS, On October 14, 1912, the first Sikh temple  
11 (Gurdwara) in the United States, the Sikh Temple Stockton, was

1 founded by Professor Teja Singh of the Pacific Coast Khalsa Diwan  
2 Society; and

3 WHEREAS, There are now more than 100 Gurdwaras in the  
4 United States; and

5 WHEREAS, The Stockton Record, dated November 22, 1915,  
6 quoted the Gurdwara's elected leadership declaring, "We do not  
7 permit our people to become charges on public charity"; and

8 WHEREAS, Legislation to authorize Sikhs and other East Indian  
9 immigrants to naturalize as United States citizens was not enacted  
10 until 1946; and

11 WHEREAS, On January 1, 1912, Jawala Singh and Wasakha  
12 Singh, who immigrated to California through Angel Island in 1908  
13 and served as the founding Granthis of the Sikh Temple Stockton,  
14 recognized the value of education, and started six Sri Guru Govind  
15 Singh Educational Scholarships at the University of California,  
16 Berkeley; and

17 WHEREAS, These scholarships were awarded without regard  
18 to ethnicity or religion and the first awardees included three  
19 Hindus, one Christian, one Sikh, and one Muslim; and

20 WHEREAS, Board and lodging was provided at the students'  
21 home at 1731 Allston Way, Berkeley, where smoking and drinking  
22 were prohibited; and

23 WHEREAS, On November 1, 1913, Ghadar, the first  
24 Punjabi-language newspaper in the United States, was published  
25 by Kartar Singh Sarabha, who was then 17 years of age, with  
26 financial support from the Stockton Gurdwara; and

27 WHEREAS, On December 31, 1913, Jawala Singh and Wasakha  
28 Singh organized the Ghadri Conclave in Sacramento to form the  
29 Ghadar Party to overthrow the British colonial rulers of the Indian  
30 subcontinent; and

31 WHEREAS, The Ghadar Party sent 616 of its members to India,  
32 of whom 86 percent were Sikhs; and

33 WHEREAS, Homage is paid to them annually at a dozen  
34 different gatherings (Melas) from Sacramento, California, to  
35 Bakersfield, California; and

36 WHEREAS, The Sikh history and culture is represented in the  
37 Asian Art Museum in San Francisco, in the Smithsonian Museum  
38 in Washington, D.C., in the Community Memorial Museum of  
39 Sutter County, and the Museum at the Sikh Temple Stockton; and

1 WHEREAS, Sikh farmers contribute abundantly towards  
2 production of peaches (Didar Singh Bains), raisins (Charanjeet  
3 Singh Batth), pistachios (Mangar family), and okra and other  
4 vegetables (Harbhajan S. Samra); and

5 WHEREAS, Sikhs have also excelled in security services (Akal  
6 Security) and transportation services, and as doctors, attorneys,  
7 engineers, teachers, and other notable capacities, and as small  
8 business owners; and

9 WHEREAS, Dalip Singh Saund, a Sikh who was born in Punjab,  
10 India, and earned a Ph.D. from the University of California,  
11 Berkeley in 1924, initially worked as a foreman of cotton pickers  
12 in the Imperial Valley, and later became a farmer, played a major  
13 role in raising the funds needed to lobby for the Luce-Celler Act  
14 of 1946 that enabled him and others to naturalize as citizens, and  
15 served as an elected judge in the Westmoreland Judicial District  
16 from 1952 to 1956, before becoming the first Asian American  
17 elected to the United States Congress, wherein he served three  
18 terms from 1957 to 1963; and

19 WHEREAS, Sikh Americans have served as mayors of many  
20 California cities, including, for example David Dhillon in El  
21 Centro, Gурpal Samra in Livingston, Amarpreet “Ruby” Dhaliwal  
22 in San Joaquin, Sonny Dhaliwal in Lathrop, and Kashmir Singh  
23 Gill in Yuba City. Numerous Sikh Americans have served as  
24 council members of California cities; and

25 WHEREAS, Bhagat Singh Thind, a Sikh born in Punjab, India,  
26 who was a United States veteran of World War I, who campaigned  
27 actively for the independence of India from the British Rule, and  
28 who supported Indian students and lectured on metaphysics  
29 throughout the United States, has been honored by the Fred  
30 Korematsu Institute as a “Race in the Courts Hero” for fighting  
31 his citizenship case in the United States Supreme Court in 1923;  
32 and

33 WHEREAS, Sikhs have served in all American wars since  
34 World War I; and

35 WHEREAS, Narinder Singh Kapany of Palo Alto, a Sikh born  
36 in Punjab, India, is an accomplished scientist and inventor, who  
37 has been awarded over 100 patents that spurred advances in lasers,  
38 biomedical instrumentation, pollution monitoring, and solar energy,  
39 and is widely acknowledged to be the father of fiber optics, a

1 technology that has allowed for high-speed digital communication;  
2 and

3 WHEREAS, Yuba City, often called “Mini-Punjab” because of  
4 its 10 percent Punjabi population, commemorates the inauguration  
5 of the holy Sikh scripture, Sri Guru Granth Sahib, on the first  
6 Sunday of November, rain or shine, and this international event  
7 has in recent years attracted up to 100,000 participants from all  
8 over the United States, Canada, and even abroad; and

9 WHEREAS, Sikh Americans throughout California celebrate  
10 the coronation of Sikh scripture and other Sikh festivals at the  
11 Gurdwaras and through parades in cities across California and the  
12 United States; and

13 WHEREAS, Various Sikh organizations, including the Sikh  
14 Council of Central California, the Sikh Coalition, the Sikh  
15 American Legal Defense and Education Fund, Sikhs United,  
16 Jakara, and individual Gurdwaras participate in interfaith meetings,  
17 seminars, conferences, meetings, and functions and share the tenets  
18 of their monotheistic religion that respects other religions and  
19 welcome all to their Gurdwaras, and try to promote mutual  
20 understanding and respect among all peoples; and

21 WHEREAS, The Sikh American community continues to make  
22 significant contributions to the California and United States  
23 economies and societies through military service, as business  
24 owners, transportation professionals, doctors, attorneys, engineers,  
25 teachers, farmers, and in a great many other notable capacities;  
26 and

27 WHEREAS, Since September 11, 2001, the Sikhs are often  
28 mistaken for terrorists of Osama bin Laden’s Al Qaida owing to  
29 the commonality of beard and the turban, and subjected to a  
30 disproportionately high rate of hate crimes, and Sikh boys suffer  
31 bullying at twice the national bullying rate for other boys; and

32 WHEREAS, The Sikh American community continues to  
33 peacefully overcome attacks on its identity and practices, whether  
34 in the form of school harassment, employment discrimination, or  
35 fatal shootings, including the murders of six Sikhs during the Oak  
36 Creek Wisconsin Sikh Gurdwara shooting on August 5, 2012, as  
37 well as the senseless murders of Surinder Singh and Gurmej Atwal  
38 in Elk Grove, California, on March 4, 2011; and

39 WHEREAS, The faithful service of the Sikh American  
40 community to this state and country merits appreciation as an

1 integral thread in the fabric of American plurality; now, therefore,  
2 be it

3 *Resolved by the Assembly of the State of California, the Senate*  
4 *thereof concurring*, That the Legislature hereby designates the  
5 month of November 2015 to be California’s Sikh American  
6 Awareness and Appreciation Month; and be it further

7 *Resolved*, That the Legislature recognizes and acknowledges  
8 the significant contributions made by Californians of Sikh heritage  
9 to our state, and by adoption of this resolution, seeks to afford all  
10 Californians the opportunity to better understand, recognize, and  
11 appreciate the rich history and shared principles of Sikh Americans;  
12 and be it further

13 *Resolved*, That the Chief Clerk of the Assembly transmit copies  
14 of this resolution to the author for appropriate distribution to the  
15 Members of the Legislature, to the Superintendent of Public  
16 Instruction for the purpose of advising county and district  
17 superintendents and charter school administrators, to members of  
18 the California Sikh American community, and to other interested  
19 organizations or persons.

O

Date of Hearing: March 19, 2015

ASSEMBLY COMMITTEE ON RULES  
Richard Gordon, Chair  
ACR 37 (Gray) – As Introduced February 27, 2015

**SUBJECT:** Sikh American Awareness and Appreciation Month.

**SUMMARY:** Designates November 2015 as California Sikh American Awareness and Appreciation Month and would recognize and acknowledge the significant contributions Californians of Sikh heritage have made to the state. Specifically, **this resolution** makes the following findings:

- 1) California and our nation are blessed and enriched by the unparalleled diversity of our residents; and, the Sikhs, who originated in Punjab, India first entered California in 1899 legally through the Angel Island Immigration Station in San Francisco, California.
- 2) Sikh pioneers initially worked on railroad construction projects, and in lumber mills, but by 1910, these pioneers turned to farming in the Sacramento, San Joaquin, and Imperial valleys.
- 3) In 1912, the first Sikh temple (Gurdwara) in the United States, the Sikh Temple of Stockton, was founded by Professor Teja Singh of the Pacific Coast Khalso Diwan Society and now there are more than 100 Gurdwaras in the United States.
- 4) The Ghadar Party was organized and formed by Jawala Singh and Wasakha Singh, who migrated to California through Angel Island in 1908, to overthrow the British colonial rulers of the Indian subcontinent; and the Ghadar Party sent 616 of its members to India, of whom 86 percent for Sikhs.
- 5) Sikh history and culture is represented in the Asian Art Museum in San Francisco, in the Smithsonian Museum in Washington D.C., in the Community Memorial Museum of Sutter County, and the Museum at the Sikh Temple Stockton.
- 6) Sikh farmers contribute abundantly towards production of peaches, raisins, pistachios, and okra. Sikhs have also excelled in security services and transportation services, and as doctors, attorneys, engineers, teachers, and other notable capacities including small business owners.
- 7) The faithful service of the Sikh American community to this state and country merits appreciation as an integral thread in the fabric of American plurality.

**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 MARCH 17, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**Assembly Concurrent Resolution**

**No. 43**

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**Introduced by Assembly Member O'Donnell**  
*(Principal coauthor: Assembly Member Hadley)*

March 9, 2015

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Assembly Concurrent Resolution No. 43—Relative to California Aerospace Week.

LEGISLATIVE COUNSEL'S DIGEST

ACR 43, as amended, O'Donnell. California Aerospace Week.

This measure would recognize the contributions of the aerospace industry to the history, economy, security, and educational system of California, its communities, and its citizens by proclaiming the week of March 23, 2015, through March 27, 2015, as California Aerospace Week.

Fiscal committee: no.

1     ~~WHEREAS, The California aerospace industry is a powerful,~~  
2     ~~reliable source of employment, innovation, and export income,~~  
3     ~~directly employing more than 200,000 people in California and~~  
4     ~~supporting more than 307,000 jobs in related fields; and~~  
5     ~~WHEREAS, The California aerospace industry leads the United~~  
6     ~~States in aerospace and defense services, including the design and~~  
7     ~~manufacture of aircraft, spacecraft, and commercial satellites, as~~  
8     ~~well as a myriad of systems and instruments for search, detection,~~  
9     ~~navigation, guidance, and radio and television broadcast and~~  
10    ~~wireless communication systems; and~~

98



1 WHEREAS, California is home to many superb sites of air and  
2 space activity, including Vandenberg Air Force Base, two Federal  
3 Aviation Administration-licensed launch sites, the Mojave Air and  
4 Spaceport, more than 20 astronomical observatories, multiple  
5 international airports, many important defense aerospace bases,  
6 and hundreds of business and general aviation airfields; and

7 WHEREAS, California is also home to three National  
8 Aeronautics and Space Administration (NASA) research and  
9 engineering centers. These centers are recognized as the Ames  
10 Research Center, the NASA Neil A. Armstrong Flight Research  
11 Center, formerly known as the Dryden Flight Research Center,  
12 and the Jet Propulsion Laboratory (JPL); and

13 WHEREAS, California has led the nation in aeronautical firsts  
14 and California's aerospace industry produced many of the  
15 significant and record-breaking aircraft that are now represented  
16 in The Smithsonian Institution's National Air and Space Museum.  
17 The Spirit of St. Louis, which in 1927 made the first solo nonstop  
18 transatlantic flight from New York to Paris, was designed and built  
19 in California by Ryan Airlines and made Charles Lindbergh an  
20 international hero. The Douglas DC-3, recognized as the most  
21 successful airliner in history, dominating both commercial and  
22 military air transportation from its introduction in 1935 until after  
23 World War II, was designed and built in California by the Douglas  
24 Aircraft Company. The Space Shuttle was designed, built,  
25 assembled, and tested in California. California is home to Edwards  
26 Air Force Base, the site of five test flights of the Shuttle Enterprise,  
27 the landing site of 54 Space Shuttle missions, and the site of the  
28 199 X-15 missions; and

29 WHEREAS, Edwards Air Force Base, known for its notable  
30 aeronautical achievements, was the location of many first flights  
31 of American aircraft, shuttles, and experimental jets flown from  
32 Rogers Dry Lake in the Mojave Desert of Kern County. America's  
33 first jet, XP-59A, was first flown in California. General Charles  
34 "Chuck" Yeager made world history in California on October 14,  
35 1947, when he became the first man to fly Mach 1, faster than the  
36 speed of sound, while piloting the Bell X-1 rocket plane. The rocket  
37 powered X-15, flown by former State Senator William J. "Pete"  
38 Knight, attained a speed of Mach 6.7 (4,520 miles per hour), a  
39 speed that remains, to this day, the highest ever attained in a

1 manned aircraft. The Rutan Model 76 Voyager was the first aircraft  
2 to fly around the world without stopping or refueling; and

3 WHEREAS, California has led the nation in firsts in human  
4 space exploration, including the manufacture of the Apollo 11  
5 command module that carried the first humans to the surface of  
6 our moon; the manufacture and landing of the Space Shuttle  
7 orbiters, the first reusable space vehicles, which include the  
8 Endeavour, on display at the California Science Center; and the  
9 manufacture and recovery of the SpaceX Dragon capsule and  
10 Falcon launch vehicle, the first privately funded space exploration  
11 system; and

12 WHEREAS, California has led the nation in firsts in robotic  
13 space exploration, including the Explorer 1 Earth observation  
14 satellite as America's first successful spacecraft, the Mariner 2 as  
15 the first spacecraft to explore another planet, the Viking landers  
16 as the first spacecrafts to perform experiments on another planet,  
17 and the development of the Pioneer 10 spacecraft as the first to  
18 exit our solar system; and

19 WHEREAS, Californians, through NASA and JPL, build,  
20 manage, and operate the majority of the spacecraft exploring our  
21 solar system, including the most recent Mars Science Laboratory  
22 "Curiosity," and those spacecraft exploring other solar systems,  
23 like the Kepler exoplanet discovery mission, as well as the SOFIA,  
24 the Stratospheric Observatory for Infrared Astronomy, that  
25 administers the Airborne Astronomy Ambassadors program for  
26 educators who have inspired the dreams of California youth; and

27 WHEREAS, California aerospace industries build the impressive  
28 Northrop Grumman Global Hawk Unmanned Aircraft Systems,  
29 engineer radical new aircraft at the famous Lockheed Martin  
30 "Skunk Works" Advanced Development Programs facility, and  
31 create systems that assist and protect members of the United States  
32 Armed Forces through military communications, situational  
33 awareness, satellite-guided ordnance, and technologies yet to be  
34 dreamed of; and

35 WHEREAS, California will continue to lead in aerospace  
36 education, through its superb Science, Technology, Engineering  
37 and Mathematics (STEM) education programs and at its  
38 world-class research universities, and thus will continue to lead  
39 the world with the innovation that enabled advanced meteorological  
40 forecasting, the Global Positioning System, NextGen tools for air

1 traffic management, green aviation, sophisticated wind tunnels  
2 and test facilities, and advanced supercomputing and robotics; and  
3 ~~WHEREAS, The American Institute of Aeronautics and~~  
4 ~~Astronautics (AIAA), in conjunction with the Aerospace States~~  
5 ~~Association (ASA), California Chapter, is sponsoring events to~~  
6 ~~highlight the contributions of the aerospace community to~~  
7 ~~California, including panel discussions and educational displays~~  
8 ~~during March 2015; now, therefore, be it~~

9 *WHEREAS, The California aerospace industry is a powerful,*  
10 *reliable source of employment, innovation, and export income,*  
11 *directly employing more than 203,000 people in California and*  
12 *supporting more than 511,000 jobs in related fields resulting in*  
13 *\$2.9 billion in annual state income tax revenues; and*

14 *WHEREAS, The California aerospace industry leads the United*  
15 *States in aerospace and defense services, including the design and*  
16 *manufacture of aircraft, spacecraft, and commercial satellites, as*  
17 *well as a myriad of systems and instruments for search, detection,*  
18 *navigation, guidance, and radio and television broadcast and*  
19 *wireless communication systems; and*

20 *WHEREAS, California is home to many superb sites of air and*  
21 *space activity, including Vandenberg Air Force Base, two Federal*  
22 *Aviation Administration-licensed launch sites, the Mojave Air and*  
23 *Spaceport, more than 20 astronomical observatories, multiple*  
24 *international airports, many important defense aerospace bases,*  
25 *and hundreds of business and general aviation airfields; and*

26 *WHEREAS, California is also home to three National*  
27 *Aeronautics and Space Administration (NASA) research and*  
28 *engineering centers. These centers are recognized as the Ames*  
29 *Research Center, the NASA Neil A. Armstrong Flight Research*  
30 *Center, formerly known as the Dryden Flight Research Center,*  
31 *and the Jet Propulsion Laboratory (JPL); and*

32 *WHEREAS, California has led the nation in aeronautical firsts*  
33 *and California's aerospace industry produced many of the*  
34 *significant and record-breaking aircraft that are now represented*  
35 *in the Smithsonian Institution's National Air and Space Museum.*  
36 *The Spirit of St. Louis, which in 1927 performed the first solo*  
37 *nonstop transatlantic flight from New York to Paris, France, was*  
38 *designed and built in California by Ryan Airlines and made*  
39 *Charles Lindbergh an international hero. The Douglas DC-3,*  
40 *recognized as the most successful airliner in history, dominating*

1 *both commercial and military air transportation from its*  
2 *introduction in 1935 until after World War II, was designed and*  
3 *built in California by the Douglas Aircraft Company. The Space*  
4 *Shuttle was designed, built, assembled, and tested in California.*  
5 *California is home to Edwards Air Force Base, the site of five test*  
6 *flights of the Shuttle Enterprise, the landing site of 54 Space Shuttle*  
7 *missions, and the site of the 199 X-15 missions; and*

8 *WHEREAS, Edwards Air Force Base, known for its notable*  
9 *aeronautical achievements, was the location of many first flights*  
10 *of American aircraft, shuttles, and experimental jets flown from*  
11 *Rogers Dry Lake in the Mojave Desert of Kern County. America's*  
12 *first jet, XP-59A, was first flown in California. General Charles*  
13 *"Chuck" Yeager made world history in California on October 14,*  
14 *1947, when he became the first man to fly Mach 1, faster than the*  
15 *speed of sound, while piloting the Bell X-1 rocket plane. The rocket*  
16 *powered X-15, flown by former State Senator William J. "Pete"*  
17 *Knight, attained a speed of Mach 6.7 (4,520 miles per hour), a*  
18 *speed that remains, to this day, the highest ever attained in a*  
19 *manned aircraft. The Rutan Model 76 Voyager was the first aircraft*  
20 *to fly around the world without stopping or refueling; and*

21 *WHEREAS, California has led the nation in firsts in human*  
22 *space exploration, including the manufacture of the Apollo 11*  
23 *command module that carried the first humans to the surface of*  
24 *our moon; the manufacture and landing of the Space Shuttle*  
25 *orbiters, the first reusable space vehicles, which include the*  
26 *Endeavour, on display at the California Science Center; and the*  
27 *manufacture and recovery of the SpaceX Dragon capsule and*  
28 *Falcon launch vehicle, the first privately funded space exploration*  
29 *system. The SpaceX Dragon cargo spacecraft will make its 5th*  
30 *commercial cargo resupply flight to the International Space Station*  
31 *in 2015; and*

32 *WHEREAS, California has led the nation in firsts in robotic*  
33 *space exploration, including the Explorer 1 Earth observation*  
34 *satellite as America's first successful spacecraft, the Mariner 2 as*  
35 *the first spacecraft to explore another planet, the Viking landers*  
36 *as the first spacecrafts to perform experiments on another planet,*  
37 *and the development of the Pioneer 10 spacecraft as the first to*  
38 *exit our solar system; and*

39 *WHEREAS, Californians, through NASA and JPL, build,*  
40 *manage, and operate the majority of the spacecraft exploring our*

1 solar system, including the most recent Mars Science Laboratory  
2 “Curiosity,” and those spacecraft exploring other solar systems,  
3 like the Kepler exoplanet discovery mission, as well as the SOFIA,  
4 the Stratospheric Observatory for Infrared Astronomy, that  
5 administers the Airborne Astronomy Ambassadors program for  
6 educators who have inspired the dreams of California youth; and  
7 WHEREAS, Sally Kristen Ride, Ph.D., who was born in  
8 California, stands in history as a pioneer in space exploration and  
9 academia, and serves as a role model for others, by virtue of having  
10 been the first American woman and the youngest person to go into  
11 space when she traveled aboard the Challenger spacecraft on June  
12 18, 1983; and  
13 WHEREAS, California aerospace industries assemble the  
14 legendary Boeing C-17 Globemaster III, build the impressive  
15 Northrop Grumman Global Hawk Unmanned Aircraft Systems,  
16 engineer radical new aircraft at the famous Lockheed Martin  
17 “Skunk Works” Advanced Development Programs facility, and  
18 create systems that assist and protect members of the Armed Forces  
19 of the United States through military communications, situational  
20 awareness, satellite-guided ordnance, and technologies yet to be  
21 dreamed of; and  
22 WHEREAS, Los Angeles Air Force Base, home of the Space and  
23 Missile System Center (SMC) since 1962, carries out vitally  
24 important work, including managing research, development, and  
25 acquisition of aerospace technology for military space systems,  
26 and continues to be an irreplaceable economic hub and center of  
27 military space acquisition excellence for the nation; and  
28 WHEREAS, California will continue to lead in aerospace  
29 education, through its superb science, technology, engineering,  
30 and mathematics (STEM) education programs and at its  
31 world-class research universities, and thus will continue to lead  
32 the world with the innovation that enabled advanced  
33 meteorological forecasting, the Global Positioning System,  
34 NextGen tools for air traffic management, green aviation,  
35 sophisticated wind tunnels and test facilities, and advanced  
36 supercomputing and robotics; and  
37 WHEREAS, The American Institute of Aeronautics and  
38 Astronautics (AIAA), and the Aerospace States Association (ASA),  
39 California Chapter, are sponsoring a week of events to highlight

1 *the contributions of the aerospace community to California; now,*  
2 *therefore, be it*

3 *Resolved by the Assembly of the State of California, the Senate*  
4 *thereof concurring,* That the Legislature recognizes the  
5 contributions of the aerospace industry to the history, economy,  
6 security, and educational system of California, its communities,  
7 and its citizens by proclaiming the week of March 23, 2015,  
8 through March 27, 2015, as California Aerospace Week; and be  
9 it further

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

O

Date of Hearing: March 19, 2015

ASSEMBLY COMMITTEE ON RULES  
Richard Gordon, Chair  
ACR 43 (O'Donnell) – As Amended March 17, 2015

**SUBJECT:** California Aerospace Week.

**SUMMARY:** Proclaims the week of March 23, 2015, through March 27, 2015, as California Aerospace Week and recognizes the contributions of the aerospace industry to the history, economy, security, and educational system of California. Specifically, **this resolution** makes the following legislative findings:

- 1) The California aerospace industry is a powerful, reliable source of employment, innovation, and export income, directly employing more than 203,000 people in California and supporting more than 511,000 jobs in related fields for an estimated \$2.9 billion in annual state income tax revenues.
- 2) The California aerospace industry leads the United States in aerospace and defense services, including the design and manufacture of aircraft, spacecraft, and commercial satellites, as well as a myriad of systems and instruments for search, detection, navigation, guidance, and radio and television broadcast and wireless communication systems.
- 3) California is home to many superb sites of air and space activity, including Vandenberg Air Force Base, two Federal Aviation Administration-licensed launch sites, the Mojave Air and Spaceport, more than 20 astronomical observatories, multiple international airports, many important defense aerospace bases, and hundreds of business and general aviation airfields. California is also home to three National Aeronautics and Space Administration (NASA) research and engineering centers. These centers are the Ames Research Center, the NASA Neil A. Armstrong Flight Research Center, formerly known as the Dryden Flight Research Center, and the Jet Propulsion Laboratory.
- 4) California has led the nation in aeronautical firsts and California's aerospace industry has produced many of the significant and record-breaking aircraft that are now represented in The Smithsonian Institution's National Air and Space Museum.
- 5) California will continue to lead in aerospace education, through its superb Science, Technology, Engineering and Mathematics education programs and at its world-class research universities, and thus will continue to lead the world with the innovation that enabled advanced meteorological forecasting, the Global Positioning System, NextGen tools for air traffic management, green aviation, sophisticated wind tunnels and test facilities, and advanced supercomputing and robotics.

**FISCAL EFFECT:** None

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

None on file

**Opposition**

None on file

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



**House Resolution**

**No. 7**

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**Introduced by Assembly Member Lopez  
(Coauthors: Assembly Members Alejo, Calderon, Eggman, Cristina  
Garcia, Gomez, Gonzalez, Medina, and Rendon)**

February 19, 2015

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House Resolution No. 7—Relative to adult education.

1 WHEREAS, The week of March 22, 2015, to March 28, 2015,  
2 inclusive, is observed as “Adult Education Week,” recognizing  
3 the unique accomplishments of California adult schools; and

4 WHEREAS, The Assembly of the State of California  
5 acknowledges that adult schools that are provided by K-12 school  
6 districts offer quality programs to meet the ever-changing economic  
7 and workforce development and lifelong learning needs of our  
8 diverse state; and

9 WHEREAS, The first recorded adult education class in  
10 California was held in the basement of St. Mary’s Cathedral in  
11 San Francisco in 1856. The class was authorized by the San  
12 Francisco Board of Education to teach English to Irish, Italian,  
13 and Chinese immigrants. John Swett, who was the first volunteer  
14 teacher for the class, later became a Superintendent of Public  
15 Instruction; and

16 WHEREAS, Adult schools, which work in collaboration with  
17 community centers and libraries, are a primary community resource  
18 for the teaching and instruction of adult literacy; and

19 WHEREAS, Adult schools provide a way for adults to complete  
20 secondary-education studies and obtain a high school diploma at  
21 their own pace and to prepare for and transition to postsecondary  
22 education and career training; and

1 WHEREAS, Adult schools provide to high-school-aged students  
2 critical opportunities to recover credit and stay on track for  
3 graduation, to prevent dropping out, and to bring recent dropouts  
4 back to school; and

5 WHEREAS, Adult schools provide instruction to those in the  
6 state who take English as a second language and citizenship courses  
7 and play a key role in immigrant integration and the path to United  
8 States citizenship, which is important for our diverse community  
9 during this time of immigration reform; and

10 WHEREAS, To break the cycle of illiteracy and to support  
11 educational equity for all our children, we must focus on educating  
12 parents and adult schools provide programs in family literacy at  
13 elementary schools in conjunction with community-based  
14 organizations; and

15 WHEREAS, Historically, adult schools have been called on to  
16 assist the state as it dealt with significant social, political, and  
17 economic issues, such as providing job training programs during  
18 the Great Depression and training for skilled and underskilled  
19 workers during World War II; and

20 WHEREAS, Adult schools provide short-term career and  
21 technical training for adults seeking changes or enhancements in  
22 their career pathways; and

23 WHEREAS, Adult schools offer varied, market-based education  
24 programs to enhance the lifelong learning opportunities in the  
25 state; and

26 WHEREAS, The California State Assembly applauds Governor  
27 Brown for making adult education a priority by dedicating \$500  
28 million in Proposition 98 funds for the Adult Education Block  
29 Grant program; and

30 WHEREAS, Adult schools in California still face their biggest  
31 challenge, forcing funding that was previously reserved for adult  
32 education to be used in other areas of education, resulting in many  
33 adult schools decreasing in size, and the actual closing of some  
34 adult schools; now, therefore, be it

35 *Resolved by the Assembly of the State of California*, That the  
36 week of March 22, 2015, to March 28, 2015, inclusive, be  
37 recognized as Adult Education Week, and the teachers,  
38 administrators, classified staff, and students of adult education  
39 programs statewide be honored for their efforts and  
40 accomplishments; and be it further

- 1 *Resolved*, That the Chief Clerk of the Assembly transmit copies
- 2 of this resolution to the author for appropriate distribution.

O

Date of Hearing: March 19, 2015

ASSEMBLY COMMITTEE ON RULES  
Richard Gordon, Chair  
HR 7 (Lopez) – As Introduced February 19, 2015

**SUBJECT:** Adult Education Week.

**SUMMARY:** Recognizes the week of March 22, 2015, to March 28, 2015, inclusive, as Adult Education Week and honors the teachers, administrators, classified staff, and students of adult education programs statewide for their efforts and accomplishments. Specifically, **this resolution** makes the following legislative findings:

- 1) Adult schools that are provided by K-12 school districts offer quality programs to meet the ever-changing economic and workforce development and lifelong learning needs of our diverse state.
- 2) Adult schools, which work in collaboration with community centers and libraries, are a primary community resource for the teaching and instruction of adult literacy. They provide a way for adults to complete secondary education studies and obtain a high school diploma at their own pace and transition to postsecondary education and career training.
- 3) These schools also provide to high-school-aged students critical opportunities to recover credit and stay on track for graduation, to prevent dropping out, and to bring recent dropouts back to school.
- 4) To break the cycle of illiteracy and to support educational equity for all our children, we must focus on educating parents and adult schools provide programs in family literacy at elementary schools in conjunction with community-based organizations.
- 5) Adult schools provide short-term career and technical training for adults seeking changes or enhancements in their career pathways and offers varied market-based education programs to enhance lifelong learning opportunities in the state.

**FISCAL EFFECT:** None

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

California Library Association (CLA)

**Opposition**

None on file

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

**MICHAEL F. DILLON  
& ASSOCIATES INC.**

925 L STREET • SUITE 1400 • SACRAMENTO, CA 95814  
(916) 448-2196 • FAX (916) 448-4808

March 17, 2015

The Honorable Rich Gordon  
Chair, Assembly Rules Committee  
State Capitol  
Sacramento, CA. 95814

**RE: HR 7-LOPEZ: Adult Education Week – Support**

Dear Chairman Gordon,

The California Library Association (CLA) is pleased to support House Resolution 7 by Assemblywoman Lopez, which declares the week of March 22, 2015 to March 28, 2015 as "Adult Education Week,"

The resolution significantly recognizes the local partnerships that work collaboratively to address the issues of illiteracy in a community through adult education. CLA thanks Assemblywoman Lopez for specifically recognizing the positive role that public libraries play in working with adult schools to provide literacy services. The library literacy community serves a major population of very low literate adults who read below the 5<sup>th</sup> grade level. The library often works to prepare these learners for subsequent entry into a traditional adult education program.

The State Library's Annual Report to the Legislature on the California Library Literacy and English Acquisition Services Program indicates that *"seventy percent of CLLS adult learners are in their prime wage earning years (ages 20-49) and need these services in order to keep or seek work. Those without basic reading skills struggle to fill out a job application, write a resume, or understand a voter's guide."*

CLA applauds the good work that is being done by adult education providers throughout the state to help change the lives of countless Californians through essential literacy services.

Thank you for your consideration.

Sincerely,



Laura Seaholm, CLA Legislative Chair

cc: Assemblywoman Lopez  
Mike Dillon and Christina DiCaro, CLA Lobbyists

[Back to Agenda](#)