



STATE CAPITOL  
P.O. BOX 942849  
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Assembly  
California Legislature  
Committee on Rules

RICHARD S. GORDON  
CHAIR

VICE CHAIR  
LING LING CHANG

MEMBERS  
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FREDDIE RODRIGUEZ  
MARIE WALDRON  
JIM WOOD

PATTY LOPEZ (D-ALT.)  
JAY OBERNOLTE (R-ALT.)

Monday, April 20, 2015  
11:50 AM  
State Capitol, Room 3162

CONSENT AGENDA

**Bill Referrals**

1. Consent Bill Referrals [Page 2](#)
2. Bill Re-referrals [Page 4](#)

**Resolutions**

3. HR 4 (Campos) Relative to Black April Memorial Week. [Page 6](#)

**Requests to Add Urgency Clause**

4. AB 861 (Maienschein) Relative to Mental health: community-based services. [Page 10](#)
5. AB 1234 (McCarty) Relative to State Archives: museum activities. [Page 15](#)
6. AB 1357 (Bloom) Relative to Children and Family Health Promotion Program. [Page 19](#)
7. AB 1391 (Gomez) Relative to Pupil instruction: adopted course of study for grades 1 to 6: physic..... [Page 25](#)

REFERRAL OF BILLS TO COMMITTEE

04/20/2015

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

Assembly Bill No.

[AB 1531](#)

[AB 1537](#)

[HR 16](#)

Committee:

E.S. & T.M.

J., E.D. & E.

RLS.



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JAY OBERNOLTE (R-ALT.)

# Memo

**To:** Rules Committee Members  
**From:** Mukhtar Ali, Bill Referral Consultant  
**Date:** 4/17/15  
**Re:** Consent Bill Referrals

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

RE-REFERRAL OF BILLS

04/20/2015

RE-REFERRAL OF BILLS

Assembly Bill No.

[AB 1011](#)

Committee:

TRANSPORTATION



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# Memo

**To:** Rules Committee Members  
**From:** Mukhtar Ali, Bill Referral Consultant  
**Date:** 4/17/15  
**Re:** Consent Bill Re-referrals

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

AMENDED IN ASSEMBLY APRIL 8, 2015  
AMENDED IN ASSEMBLY FEBRUARY 18, 2015  
CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**House Resolution**

**No. 4**

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**Introduced by Assembly Members ~~Campos and Campos, Chu, and~~  
Daly**  
*(Coauthors: Assembly Members Calderon, Low, Mullin, and Williams)*

January 5, 2015

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House Resolution No. 4—Relative to Black April Memorial Week.

1 WHEREAS, April 30, 2015, marks the 40th anniversary of the  
2 fall of Saigon on April 30, 1975, to communism; and

3 WHEREAS, For many Vietnam and Vietnam-era veterans who  
4 were directly involved in the war and Vietnamese Americans who  
5 have settled in the United States, the Vietnam War was a tragedy  
6 full of great suffering and the loss of American, Vietnamese, and  
7 Southeast Asian lives; and

8 WHEREAS, Fifty-eight thousand one hundred sixty-nine people  
9 were killed and 304,000 were wounded out of the 2.59 million  
10 people who served in the Vietnam War. One out of every 10  
11 Americans who served in Vietnam became a casualty of war; and

12 WHEREAS, After the fall of Saigon, over 135,000 Vietnamese  
13 people and their families fled to the United States, including former  
14 military personnel, government officials, and those who had  
15 worked for the United States during the war; and

16 WHEREAS, Thousands of people took boats in order to leave  
17 Vietnam in the late 1970s to mid-1980s. The successful emigrants  
18 reached refugee camps in Thailand, Malaysia, Indonesia, the

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1 Philippines, and Hong Kong; while approximately one-half of the  
2 people fleeing Vietnam perished at sea; and

3 WHEREAS, According to the United States Census for 2010,  
4 more than 465,000 Vietnamese live in California, with the largest  
5 concentration of Vietnamese found outside of Vietnam residing  
6 in ~~Orange County~~; *County and Santa Clara County*; and

7 WHEREAS, Human rights, religious freedom, democracy, and  
8 protection against threats of aggression are important concerns of  
9 Vietnamese Americans; and

10 WHEREAS, We must teach our children and future generations  
11 important lessons from the Vietnam War, including how the plight  
12 of the Vietnamese refugees following the end of war serves as a  
13 powerful example of the values of freedom and democracy; and

14 WHEREAS, We, the people of California, should actively  
15 rededicate ourselves to the principles of human rights, individual  
16 freedom, sovereignty, and equal protection under the laws of a just  
17 and democratic world. Californians should set aside moments of  
18 time every year on April 30 to give remembrance to the soldiers,  
19 medical personnel, and civilians who died during the Vietnam War  
20 in pursuit of freedom; and

21 WHEREAS, Vietnamese American communities throughout  
22 California will commemorate April 30, 2015, as Black April, a  
23 day of remembrance and rededication to the principles of freedom,  
24 including freedom of expression, freedom of press, and Internet  
25 freedom; now, therefore, be it

26 *Resolved by the Assembly of the State of California*, That in  
27 recognition of the great tragedy and suffering and lives lost during  
28 the Vietnam War, the week of April 23, 2015, to April 30, 2015,  
29 inclusive, shall be proclaimed Black April Memorial Week, a  
30 special time for Californians to remember the countless lives lost  
31 during the Vietnam War era, and to hope for more justice and  
32 liberty for the people of Vietnam; and be it further

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

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Date of Hearing: April 20, 2015

ASSEMBLY COMMITTEE ON RULES  
Richard Gordon, Chair  
HR 4 (Campos) – As Amended April 8, 2015

**SUBJECT:** Black April Memorial Week.

**SUMMARY:** Proclaims the week of April 23, 2015, to April 30, 2015, inclusive, as Black April Memorial Week, a special time for Californians to remember the countless lives lost during the Vietnam War, and to hope for more justice and liberty for the people of Vietnam. Specifically, **this resolution** makes the following legislative findings:

- 1) April 30, 2015 marks the 40th year since the Fall of Saigon on April 30, 1975 to communism.
- 2) For many Vietnam and Vietnam-era veterans who were directly involved in the war and Vietnamese Americans who have settled in the United States, the Vietnam War was a tragedy full of great suffering and the loss of American, Vietnamese, and Southeast Asian lives.
- 3) After the Fall of Saigon, over 135,000 Vietnamese people and their families fled to the United States, including former military personnel, government officials, and those who had worked for the United States during the war.
- 4) According to the United States Census for 2010, more than 465,000 Vietnamese live in California, with the largest concentration of Vietnamese found outside of Vietnam residing in Orange County.
- 5) We, the people of California, should actively rededicate ourselves to the principles of human rights, individual freedom, sovereignty, and equal protection under the laws of a just and democratic world. Californians should set aside moments of time every year on April 30 to give remembrance to the soldiers, medical personnel, and civilians who died during the Vietnam War in pursuit of freedom.
- 6) Vietnamese American communities throughout California will commemorate April 30, 2015, as Black April, a day of remembrance and rededication to the principles of freedom, including freedom of expression, freedom of press, and Internet freedom.

**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 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 861**

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**Introduced by Assembly Member Maienschein**

February 26, 2015

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An act to ~~amend Section 5512 of~~ *add Section 14021.2 to*, the Welfare and Institutions Code, relating to mental health services.

LEGISLATIVE COUNSEL'S DIGEST

AB 861, as amended, Maienschein. ~~Mental health services: patients' rights.~~ *health: community-based services.*

*Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services and under which qualified low-income persons receive health care benefits. The Medi-Cal program is, in part, governed and funded by federal Medicaid provisions. Existing law provides for a schedule of benefits under the Medi-Cal program and provides for specified services, including various mental health services. Existing federal law, the Protecting Access to Medicare Act of 2014, requires the federal Secretary of Health and Human Services to, among other things, award, no later than January 1, 2016, planning grants to states for the purpose of developing proposals to participate in time-limited demonstration programs to improve mental health services provided by certified community behavioral health clinics to Medi-Cal beneficiaries.*

*This bill would require the department to apply for that planning grant. This bill would require the department to work with counties and other stakeholders in developing its proposal. The bill would also require the proposal to include plans for counties to redirect a portion of the funds currently used to match federal funds to providing increased*

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*housing opportunities for individuals with severe mental illnesses, as specified.*

~~Existing law directs the State Department of State Hospitals and the State Department of Health Care Services to ensure that mental health laws, regulations, and policies on the rights of recipients of mental health services are observed and protected in state hospitals and in licensed health and community care facilities. Existing law requires departments to contract with a single nonprofit entity for protection and advocacy services for persons with mental disabilities and requires the prescribed training of county patients' rights advocates to be provided by that contractor.~~

~~This bill would make a technical, nonsubstantive change to these provisions:~~

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

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

- 1     SECTION 1. *The Legislature finds and declares the following:*
- 2     (a) *In 2014 Congress enacted the Protecting Access to Medicare*
- 3     *Act of 2014.*
- 4     (b) *Under the Protecting Access to Medicare Act, eight states*
- 5     *will be selected to have their federal share of costs increased to*
- 6     *90 percent for two years for outpatient behavioral health care for*
- 7     *individuals with severe mental illnesses or serious emotional*
- 8     *disturbances.*
- 9     (c) *If successful, this federal opportunity would enable*
- 10    *California to serve the tens of thousands of individuals with those*
- 11    *conditions that it now lacks the funding to serve.*
- 12    (d) *A major challenge in serving that population is that many*
- 13    *are homeless and in need of housing assistance. Federal funding*
- 14    *cannot pay for that housing assistance.*
- 15    (e) *This federal funding would free up nearly \$2 billion in county*
- 16    *funds now being used to match federal funds. The money that is*
- 17    *currently being used to match federal funds will now be available*
- 18    *to be used to meet the housing needs of those individuals who are*
- 19    *not currently receiving the behavioral health care that they need.*
- 20    SEC. 2. *Section 14021.2 is added to the Welfare and Institutions*
- 21    *Code, to read:*

1 14021.2. (a) The department shall apply to the federal  
2 Secretary of Health and Human Services for the planning grant  
3 awarded pursuant to Section 223 of the federal Protecting Access  
4 to Medicare Act of 2014 for the purpose of developing proposals  
5 to participate in time-limited demonstration programs to improve  
6 mental health services furnished by certified community behavioral  
7 health clinics to Medi-Cal beneficiaries. The department shall also  
8 submit an application for the subsequent competitive grant  
9 competition to be selected as a participating state in the  
10 demonstration program.

11 (b) In planning to develop its proposal for the competitive grant,  
12 the department shall work with counties and other stakeholders  
13 to identify the unmet need for the covered services and to estimate  
14 the number of individuals who will need housing assistance.

15 (c) The competitive grant proposal shall include plans for  
16 counties to redirect a portion of the funds that are currently used  
17 to match federal funds but will not be needed for that purpose  
18 during the grant period to provide increased housing opportunities  
19 for individuals with severe mental illnesses.

20 SECTION 1. Section 5512 of the Welfare and Institutions Code  
21 is amended to read:

22 5512. Training of county patients' rights advocates shall be  
23 provided by the contractor specified in Section 5510 responsible  
24 for the provision of protection and advocacy services to persons  
25 with mental disabilities. Training shall be directed at ensuring that  
26 all county patients' rights advocates possess all of the following:

27 (a) Knowledge of the service system, financial entitlements,  
28 and service rights of persons receiving mental health services. This  
29 knowledge shall include, but need not be limited to, knowledge  
30 of available treatment and service resources in order to ensure  
31 timely access to treatment and services.

32 (b) Knowledge of patients' rights in institutional and community  
33 facilities.

34 (c) Knowledge of civil commitment statutes and procedures.

35 (d) Knowledge of state and federal laws and regulations  
36 affecting recipients of mental health services.

37 (e) Ability to work effectively and respectfully with service  
38 recipients and providers, public administrators, community groups,  
39 and the judicial system.

- 1     ~~(f) Skill in interviewing and counseling service recipients,~~
- 2     ~~including giving information and appropriate referrals.~~
- 3     ~~(g) Ability to investigate and assess complaints and screen for~~
- 4     ~~legal problems.~~
- 5     ~~(h) Knowledge of administrative and judicial due process~~
- 6     ~~proceedings in order to provide representation at administrative~~
- 7     ~~hearings and to assist in judicial hearings when necessary to carry~~
- 8     ~~out the intent of Section 5522 regarding cooperation between~~
- 9     ~~advocates and legal representatives.~~
- 10    ~~(i) Knowledge of, and commitment to, advocacy ethics and~~
- 11    ~~principles.~~
- 12    ~~(j) This section shall become operative on January 1, 1996.~~

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Assemblymember.Maienschein@assembly.ca.gov

# Assembly California Legislature



**BRIAN MAIENSCHIEIN**  
ASSEMBLYMEMBER, SEVENTY-SEVENTH DISTRICT

**COMMITTEES**  
CHAIR: LOCAL GOVERNMENT  
VICE CHAIR: HEALTH  
HUMAN SERVICES  
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**SELECT COMMITTEES**  
BIOTECHNOLOGY  
COMMUNITY AND LAW ENFORCEMENT  
RELATIONS AND RESPONSIBILITIES  
CYBERSECURITY  
HIGHER EDUCATION IN SAN DIEGO  
COUNTY  
HOMELESSNESS  
LOCAL EMERGENCY PREPAREDNESS  
YOUTH AND CALIFORNIA'S FUTURE

April 16, 2015

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

Dear Chairman Gordon,

I am writing to request an urgency clause be approved for my AB 861 which is set to be heard on April 28th in the Assembly Health Committee.

An urgency clause for AB 861 is necessary because the bill directs the Department of Health Care Services to apply for a federal grant that would increase the federal medical cost share to 90% for severe mental illness treatment. The deadline for this grant application is January 1<sup>st</sup> 2016 so the DHCS would need to begin producing the application prior to that date.

For these reasons, I would appreciate your consideration of this request.

Sincerely,

A handwritten signature in blue ink that reads "Brian Maienschein".

BRIAN MAIENSCHIEIN  
Assemblymember, 77<sup>th</sup> District

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1234**

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**Introduced by Assembly Member McCarty**

February 27, 2015

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An act to amend Section 12174 of the Government Code, relating to state archives.

LEGISLATIVE COUNSEL'S DIGEST

AB 1234, as amended, McCarty. State Archives: museum activities.

Existing law requires the Secretary of State to administer the State Archive Building Complex *for the use, education, and enjoyment of the public*. Existing law authorizes the Secretary of State to enter into an operating agreement with the Golden State Museum Public Benefit Corporation to operate a museum in the State Archives Building Complex.

~~This bill would make a nonsubstantive change to this provision.~~

*This bill would provide that the purposes of that administration of the State Archive Building Complex also include uses to advance civic education and civic engagement by state residents. The bill would remove authorization for the corporation to support the operations and programs of the State Archives and would instead require that the operating agreement provide for integration of State Archives artifacts, collections, and programs in museum exhibits and programs.*

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

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

1 SECTION 1. Section 12174 of the Government Code is  
2 amended to read:

3 12174. (a) The Secretary of State shall administer, protect,  
4 develop, and interpret the Secretary of State and State Archives  
5 Building Complex located in Sacramento in the area bounded by  
6 10th, 11th, O, and P Streets as authorized by Section 12235 for  
7 the use, education, and enjoyment of the ~~public~~. *public, including*  
8 *uses to advance civic education and civic engagement by all*  
9 *Californians.*

10 (b) The Secretary of State may enter into an operating agreement  
11 with the Golden State Museum Public Benefit Corporation  
12 (GSMPPBC), formerly known as the California Archives  
13 Foundation, an existing California nonprofit public benefit  
14 corporation, tax exempt under Section 501(c)(3) of the United  
15 States Internal Revenue Code, or its successor. Under the operating  
16 agreement with the Secretary of State (including the State  
17 Archives), the corporation shall operate a museum located in the  
18 Secretary of State and State Archives Building Complex, including  
19 development, administration, interpretation, and management of  
20 the museum and related public services, and acquiring and  
21 managing funding for the museum’s programs and services.  
22 ~~Secondarily, the corporation may support the operations and~~  
23 ~~programs of the State Archives. The operating agreement shall~~  
24 ~~provide for integration of State Archives artifacts, collections, and~~  
25 ~~programs in museum exhibits and programs.~~

26 (c) The governing board of the corporation shall include the  
27 Secretary of State or any Assistant Secretary of State designated  
28 by the Secretary of State and the Director of Parks and Recreation  
29 or his or her designee as ex officio voting members of the board.  
30 The board shall be the governing authority for operations funded  
31 through moneys received by the museum. The board shall submit  
32 an audit report annually to the Secretary of State. The Secretary  
33 of State shall submit copies of the annual audit reports to the  
34 Director of Finance, the Chair of the Joint Legislative Audit  
35 Committee, and the Chair of the Joint Legislative Budget  
36 Committee. No funds raised or assets acquired by the corporation  
37 shall be used for purposes inconsistent with support of the museum  
38 and the State Archives.



1 (d) No later than January 10 of each year, the corporation shall  
2 submit the corporation business plan for the following fiscal year  
3 to the Director of Finance and the Chair of the Joint Legislative  
4 Budget Committee for review and comment. The executive director  
5 of the corporation shall also submit, not less than 30 days prior to  
6 adoption by the governing board of the corporation, any proposed  
7 formal amendments to the corporation business plan to the Director  
8 of Finance and the Chair of the Joint Legislative Budget Committee  
9 for review and comment.

10 (e) Fees charged to members of the public for copying,  
11 reproduction, and other services provided by the State Archives  
12 shall be at a level consistent with the costs of providing these  
13 services. The Secretary of State may establish an agreement with  
14 the corporation to provide these services and collect moneys for  
15 providing these services.

16 (f) Notwithstanding any other provision of law, the GSMPBC,  
17 or its successor, is a private nonprofit corporation and shall not be  
18 considered a state, local, or other public body for any purpose.

19 (g) The Legislature encourages the governing board of the  
20 corporation to conduct its meetings in an open manner, establish  
21 a board membership that is representative and reflective of  
22 California's rich history, and work cooperatively with the Secretary  
23 of State to ensure public input, confidence, and accountability in  
24 the museum's use of its resources and the protection of California's  
25 priceless archives, collections, and artifacts.

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APR 16 '15 PM 3:21

# Assembly California Legislature



KEVIN MCCARTY  
ASSEMBLYMEMBER, SEVENTH DISTRICT

April 16, 2015

Assemblymember Richard Gordon  
State Capitol, Room 3013  
Sacramento, CA 95814  
**Attention: Debra Gravert**

Dear Assemblymember Gordon:

I am requesting approval to add an urgency clause to AB 1234. The bill updates authority for the Secretary of State to renew an agreement with the California Museum, which is located in the Secretary of State and State Archives Building Complex. As the existing authority expires on June 30, 2015, there is urgent need for the new memorandum of understanding to be in place by July 1, 2015.

Please contact my chief of staff, Arwen Chenery, if you have any questions. Thank you for your assistance in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin McCarty", with a long horizontal line extending to the right.

KEVIN MCCARTY  
Assemblymember, 7<sup>th</sup> District

KM:ac

[Back to Agenda](#)

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1357**

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**Introduced by Assembly Member Bloom**

February 27, 2015

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~~An act relating to chronic disease.~~ *An act to add Chapter 5 (commencing with Section 104895.5) to Part 3 of Division 103 of the Health and Safety Code, relating to public health.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1357, as amended, Bloom. ~~Chronic disease.~~ *Children and Family Health Promotion Program.*

*Existing law provides various programs that prevent disease and promote health.*

*This bill would establish the Children and Family Health Promotion Program in the Department of Public Health. This bill would require the program to consist of a competitive grant process in which grants are awarded by the department to counties, cities, nonprofit organizations, community-based organizations, and licensed clinics that seek to invest in childhood obesity and diabetes prevention activities and oral health programs. The bill would authorize the department to award a grant to any entity that will use the grant to support programs that use educational, environmental, policy, and other public health approaches to achieve specified goals.*

*This bill would require the department to develop an application and application process for the program, and would provide that the program will be funded by moneys appropriated by the Legislature to the department for this purpose.*

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*This bill would make legislative findings and declarations relating to the consumption of sweetened beverages, childhood obesity, and dental disease.*

~~Existing law provides various programs for the monitoring, treatment, and prevention of chronic disease in California, including heart disease, cancer, and amyotrophic lateral sclerosis (ALS).~~

~~This bill would state the intent of the Legislature to enact legislation that would address the public health crisis relating to the growing prevalence of preventable chronic disease.~~

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

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

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

3     *(a) Over 2.3 million California adults report having been*  
4 *diagnosed with diabetes, representing one out of every 12 adult*  
5 *Californians. The vast majority of diabetes cases in California are*  
6 *type 2, representing 1.9 million adults.*

7     *(b) According to the California Department of Public Health,*  
8 *diabetes is the seventh leading cause of death in California, and*  
9 *determined to be the underlying cause of death in almost 8,000*  
10 *people each year. Diabetes may be underreported as a cause of*  
11 *death, and is a contributing factor to many deaths from heart*  
12 *disease and stroke.*

13     *(c) Adults with type 2 diabetes more often have other health*  
14 *problems. One out of every two adults with type 2 diabetes also*  
15 *has hypertension. This is two times higher than among those*  
16 *without diabetes. Adults with diabetes are also two times more*  
17 *likely to have cardiovascular disease than adults without diabetes.*

18     *(d) Hispanics, African Americans, Native Americans, and*  
19 *Asian/Pacific Islanders have higher prevalence of type 2 diabetes*  
20 *than non-Hispanic Whites. Hispanics and African Americans have*  
21 *two times higher prevalence: 7 percent of non-Hispanic Whites*  
22 *have type 2 diabetes, compared with 12 percent of Latinos, 9*  
23 *percent of Asian Americans, 14 percent of Pacific Islander*  
24 *Americans, 13 percent of African Americans, and 17.5 percent of*  
25 *Native American populations.*

1 (e) Type 2 diabetes, previously only seen among adults, is now  
2 increasing among children. If the current obesity trends are not  
3 reversed, it is predicted that one in three children and nearly  
4 one-half of Latino and African American children born in the year  
5 2000 will develop type 2 diabetes in their lifetime. Research shows  
6 that overweight children have a much greater chance of being  
7 obese as adults, with all the health risks that entails. Heart disease  
8 is the leading cause of death in the United States, with diabetes  
9 as the seventh leading cause of death.

10 (f) There is overwhelming evidence of the link between obesity,  
11 diabetes, and heart disease and the consumption of sweetened  
12 beverages, such as soft drinks, energy drinks, sweet teas, and sports  
13 drinks. California adults who drink a soda or more per day are  
14 27 percent more likely to be overweight or obese, regardless of  
15 income or ethnicity.

16 (g) The rate of children who are overweight has also increased  
17 dramatically in recent decades. After being relatively constant  
18 from the 1960s to the 1970s, the prevalence of overweight children  
19 has more than quadrupled among children between 6 and 11 years  
20 of age and nearly tripled among those between 12 and 19 years  
21 of age. In California in 2010, 38 percent of children in grades 5,  
22 7, and 9 were overweight or obese. Thirty-one of California's 58  
23 counties experienced an increase in childhood overweight from  
24 2005 to 2010.

25 (h) The obesity epidemic is of particular concern because obesity  
26 increases the risk of diabetes, heart disease, certain types of  
27 cancer, arthritis, asthma, and breathing problems. Depending on  
28 their level of obesity, from 60 percent to over 80 percent of obese  
29 adults have type 2 diabetes, high blood cholesterol, high blood  
30 pressure, or other related conditions. It has been reported that up  
31 to 60 percent of obese children 5 to 10 years of age have early  
32 signs of heart disease.

33 (i) According to nutritional experts, sweetened beverages, such  
34 as soft drinks, energy drinks, sweet teas, and sport drinks, offer  
35 little or no nutritional value, but massive quantities of added  
36 sugars. A 20-ounce bottle of soda contains the equivalent of  
37 approximately 16 teaspoons of sugar. Yet, the American Heart  
38 Association recommends that Americans consume no more than  
39 five to nine teaspoons of sugar per day.

1 (j) Research shows that almost one-half of the extra calories  
2 Americans consume in their diet comes from sugar sweetened  
3 beverages, with the average American drinking nearly 50 gallons  
4 of sugar-sweetened beverages a year, the equivalent of 39 pounds  
5 of extra sugar every year.

6 (k) Research shows that 41 percent of California children 2 to  
7 11 years of age and 62 percent of California teens 12 to 17 years  
8 of age drink soda daily, and for every additional serving of  
9 sweetened beverage that a child consumes a day, the likelihood  
10 of the child becoming obese increases by 60 percent.

11 (l) The proportion of youth drinking at least one sugary beverage  
12 per day was highest among Latinos at 48 percent, significantly  
13 higher than among whites at 33 percent. African-American youth,  
14 at 43 percent, and multi-racial youth, at 46 percent, also had  
15 significantly higher consumption than whites.

16 (m) Dental caries (tooth decay) are the most common chronic  
17 childhood disease, experienced by more than two-thirds of  
18 California's children. Children who frequently or excessively  
19 consume beverages high in sugar are at increased risk for dental  
20 caries. Untreated dental caries can lead to pain, infection, tooth  
21 loss, and in severe cases, even death. It can slow normal growth  
22 and development by restricting nutritional intake. Children who  
23 are missing teeth may have chewing problems that limit their food  
24 choices and result in nutritionally inadequate diets.

25 (n) It is the intent of the Legislature to create a program  
26 designed to prevent and treat obesity, diabetes, heart and dental  
27 disease and reduce the burden of attendant health conditions that  
28 result from the overconsumption of sweetened beverages.

29 SEC. 2. Chapter 5 (commencing with Section 104895.5) is  
30 added to Part 3 of Division 103 of the Health and Safety Code, to  
31 read:

32

33 CHAPTER 5. CHILDREN AND FAMILY HEALTH PROMOTION  
34 PROGRAM

35

36 104895.5. (a) The Children and Family Health Promotion  
37 Program is hereby established in the Department of Public Health.

38 (b) The program shall consist of a competitive grant process in  
39 which grants are awarded by the department to counties, cities,  
40 nonprofit organizations, community-based organizations, and

1 *clinics licensed pursuant to Chapter 1 (commencing with Section*  
2 *1200) of Division 2 that seek to invest in childhood obesity and*  
3 *diabetes prevention activities and oral health programs.*

4 *(c) The department may award a grant to any entity described*  
5 *in subdivision (b) that will use the grant to support programs that*  
6 *use educational, environmental, policy, and other public health*  
7 *approaches to achieve all the following goals:*

8 *(1) Improve access to, and consumption of, healthy, safe, and*  
9 *affordable foods and beverages.*

10 *(2) Reduce access to, and consumption of, calorie-dense and*  
11 *nutrient-poor foods.*

12 *(3) Encourage physical activity and decrease sedentary*  
13 *behavior.*

14 *(4) Raise awareness about the importance of nutrition and*  
15 *physical activity to childhood obesity and diabetes prevention.*

16 *(d) The department shall develop an application and application*  
17 *process for the program.*

18 *(e) Applicants interested receiving a grant shall submit an*  
19 *application to the department.*

20 *(f) The program shall be funded by any moneys appropriated*  
21 *by the Legislature to the department for this purpose.*

22 ~~SECTION 1. It is the intent of the Legislature to enact~~  
23 ~~legislation that would address the public health crisis relating to~~  
24 ~~the growing prevalence of preventable chronic disease.~~

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COMMITTEES  
BUDGET  
BUSINESS AND PROFESSIONS  
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SUBCOMMITTEE  
SUBCOMMITTEE NO. 6 ON BUDGET  
PROCESS OVERSIGHT AND  
PROGRAM EVALUATION

# Assembly California Legislature



**RICHARD BLOOM**  
CHAIR, BUDGET SUBCOMMITTEE NO. 3 ON RESOURCES & TRANSPORTATION  
ASSEMBLYMEMBER, FIFTIETH DISTRICT

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April 16, 2015

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

Dear Mr. Gordon:

I am requesting permission to add an urgency section to AB 1357 pursuant to Joint Rule 58, which is currently in Assembly Health Committee.

Childhood diabetes is a growing public health epidemic. One in 12 Californians have been diagnosed with diabetes and the percentage of American teens that have diabetes or pre-diabetes has increased from nine percent to 25 percent in the last 10 years. Unless the situation is reversed one in three children born after 2000 – and half of Latino and African American children – will develop Type 2 diabetes in their lifetimes. In its January 2015 report on diabetes prevention efforts, the State Auditor noted that in fiscal year 2012-13, California's per capita funding for diabetes prevention was the lowest in the nation. In 2012, the American Diabetes Association estimated that the annual health care and related costs of treating diabetes in California were roughly \$27.5 billion. Adding an urgency section to AB 1357 will help us combat the growth of this public health crisis.

Thank you for your time and consideration of this important matter. Should you have any questions please do not hesitate to contact myself or Meredith McNamee in my capitol office at (916) 319-2050.

Sincerely,

RICHARD BLOOM  
Assembly Member, 50<sup>th</sup> District



**ASSEMBLY BILL**

**No. 1391**

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**Introduced by Assembly Member Gomez**

February 27, 2015

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An act to amend Sections 51210 and 51223 of the Education Code, relating to pupil instruction.

LEGISLATIVE COUNSEL'S DIGEST

AB 1391, as introduced, Gomez. Pupil instruction: adopted course of study for grades 1 to 6: physical education: complaints.

Existing law requires the adopted course of study for grades 1 to 6, inclusive, to include instruction in specified areas of study, including physical education, with emphasis upon the physical activities for the pupils that may be conducive to health and vigor of body and mind, for a total period of time of not less than 200 minutes each 10 schooldays, exclusive of recesses and the lunch period. Notwithstanding that provision, existing law provides that instruction in physical education in an elementary school maintaining any of grades 1 to 8, inclusive, shall be for a total period of time of not less than 200 minutes each 10 schooldays, exclusive of recesses and the lunch period.

This bill would instead require a total period of time of physical education instruction for pupils in those grades of not less than 400 minutes each 20 schooldays. The bill would authorize a complaint that a school district or county office of education has not complied with the requirements of the adopted course of study for grades 1 to 6, inclusive, to be filed with the school district or county office of education pursuant to the Uniform Complaint Procedures, as specified, and would provide that the Uniform Complaint Procedures shall be the adequate remedy at law for that complaint. To the extent this bill would

impose additional duties on school district or county office of education officials, the bill would impose a state-mandated local program.

The bill also would specify that the provisions prescribing the requirements for the adopted course of study for grades 1 to 6, inclusive, shall not be construed to create a private right of action, as provided.

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

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

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

- 1 SECTION 1. Section 51210 of the Education Code is amended
- 2 to read:
- 3 51210. (a) The adopted course of study for grades 1 to 6,
- 4 inclusive, shall include instruction, beginning in grade 1 and
- 5 continuing through grade 6, in the following areas of study:
- 6 (a)
- 7 (1) English, including knowledge of, and appreciation for
- 8 literature and the language, as well as the skills of speaking,
- 9 reading, listening, spelling, handwriting, and composition.
- 10 (b)
- 11 (2) Mathematics, including concepts, operational skills, and
- 12 problem solving.
- 13 (c)
- 14 (3) Social sciences, drawing upon the disciplines of
- 15 anthropology, economics, geography, history, political science,
- 16 psychology, and sociology, designed to fit the maturity of the
- 17 pupils. Instruction shall provide a foundation for understanding
- 18 the history, resources, development, and government of California
- 19 and the United States of America; the development of the American
- 20 economic system including the role of the entrepreneur and labor;
- 21 the relations of persons to their human and natural environment;
- 22 eastern and western cultures and civilizations; contemporary issues;
- 23 and the wise use of natural resources.

1     ~~(d)~~

2     (4) Science, including the biological and physical aspects, with  
3 emphasis on the processes of experimental inquiry and on the place  
4 of humans in ecological systems.

5     ~~(e)~~

6     (5) Visual and performing arts, including instruction in the  
7 subjects of dance, music, theatre, and visual arts, aimed at the  
8 development of aesthetic appreciation and the skills of creative  
9 expression.

10    ~~(f)~~

11    (6) Health, including instruction in the principles and practices  
12 of individual, family, and community health.

13    ~~(g)~~

14    (7) Physical education, with emphasis upon the physical  
15 activities for the pupils that may be conducive to health and vigor  
16 of body and mind, for a total period of time of not less than ~~200~~  
17 *400* minutes each ~~10~~ *20* schooldays, exclusive of recesses and the  
18 lunch period.

19    ~~(h)~~

20    (8) Other studies that may be prescribed by the governing board.

21    *(b) (1) A complaint that a school district or county*  
22 *superintendent of schools has not complied with the requirements*  
23 *of this section may be filed with a school district or county*  
24 *superintendent of schools pursuant to the Uniform Complaint*  
25 *Procedures set forth in Chapter 5.1 (commencing with Section*  
26 *4600) of Division 1 of Title 5 of the California Code of Regulations.*

27    *(2) A complainant not satisfied with the decision of a school*  
28 *district or county superintendent of schools may appeal the*  
29 *decision to the Superintendent and shall receive a written appeal*  
30 *decision within 60 days of the Superintendent's receipt of the*  
31 *appeal.*

32    *(3) If a school district or county superintendent of schools finds*  
33 *merit in a complaint, or the Superintendent finds merit in an*  
34 *appeal, the school district or county superintendent of schools*  
35 *shall provide a remedy to all affected pupils, parents, and*  
36 *guardians.*

37    *(4) Notwithstanding any other law, the Uniform Complaint*  
38 *Procedures set forth in Chapter 5.1 (commencing with Section*  
39 *4600) of Division 1 of Title 5 of the California Code of Regulations*

1 shall be the adequate remedy at law for allegations of  
2 noncompliance with the requirements of this section.

3 (c) This section shall not be construed to create a private right  
4 of action. This subdivision clarifies and is declaratory of existing  
5 law, and shall apply to any pending claim. However, nothing in  
6 this subdivision shall restrict or expand the existing right of any  
7 party to seek relief from noncompliance with this section pursuant  
8 to a writ of mandate if that party has pursued and exhausted the  
9 available administrative remedies, including those specified in  
10 subdivision (b).

11 SEC. 2. Section 51223 of the Education Code is amended to  
12 read:

13 51223. Notwithstanding the provisions of Sections 51210 and  
14 51222, instruction in physical education in an elementary school  
15 maintaining any of grades 1 to ~~8~~ 8, inclusive, shall be for a total  
16 period of time of not less than ~~200~~ 400 minutes each ~~10~~ 20  
17 schooldays, exclusive of recesses and the lunch period.

18 SEC. 3. If the Commission on State Mandates determines that  
19 this act contains costs mandated by the state, reimbursement to  
20 local agencies and school districts for those costs shall be made  
21 pursuant to Part 7 (commencing with Section 17500) of Division  
22 4 of Title 2 of the Government Code.

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# Assembly California Legislature



**JIMMY GOMEZ**  
ASSEMBLYMEMBER, FIFTY-FIRST DISTRICT

COMMITTEES  
CHAIR: APPROPRIATIONS  
HEALTH  
TRANSPORTATION  
WATER, PARKS AND WILDLIFE  
CHAIR: SELECT COMMITTEE ON  
URBAN RIVERS AND STREAMS

April 15, 2015

The Honorable Richard Gordon, Chair  
Assembly Rules Committee  
State Capitol, Room 3013  
Sacramento, California 95814

Dear Mr. Chair:

This is a request to add an urgency clause to AB 1391 relative to physical education requirements in elementary schools. Currently, Education Code 51210 prescribes 200 minutes of physical education for every ten school days. When these requirements are not met, there is currently no administrative remedy in law. AB 1391 will provide the Uniform Complaint Procedure as an administrative remedy for complaints about the physical education requirement.

Additionally, our State's school districts face a concerning amount of potential litigation. AB 1391 needs to be enacted as quickly as possible to provide an administrative remedy and protect school funds that are intended for our classrooms from going to costly litigation.

Thank you in advance for your prompt attention in this matter. Your favorable consideration of my request would be greatly appreciated. If you have any questions, please do not hesitate to contact Freddie Quintana, at (916) 319-2051.

Sincerely,

A handwritten signature in blue ink that reads "Jimmy Gomez".

**JIMMY GOMEZ**  
Assemblymember, 51<sup>ST</sup> District