Thursday, June 04, 2015
9:50 AM
State Capitol, Room 3162

CONSENT AGENDA

**Bill Referrals**
1. Consent Bill Referrals

**Resolutions**
2. ACR 71 (Dodd) Relative to Elder and Vulnerable Adult Abuse Awareness Month.
3. ACR 76 (Jones) Relative to Magna Carta: 800th anniversary.
4. SCR 53 (Galgiani) Relative to Disability awareness.
Pursuant to the Assembly Rules, the following bills were referred to committee:

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Memo

To: Rules Committee Members
From: Mukhtar Ali, Bill Referral Consultant
Date: 6/3/2015
Re: Consent Bill Referrals

Since you received the preliminary list of bill referrals, the referral for AJR 17 has changed and SJR 5 has been added.
Assembly Concurrent Resolution No. 71

Introduced by Assembly Member Dodd
(Coauthor: Assembly Member Bloom)

May 14, 2015

Assembly Concurrent Resolution No. 71—Relative to Elder and Vulnerable Adult Abuse Awareness Month.

LEGISLATIVE COUNSEL'S DIGEST

ACR 71, as introduced, Dodd. Elder and Vulnerable Adult Abuse Awareness Month.
This measure would proclaim and acknowledge the month of June 2015 and every year thereafter as Elder and Vulnerable Adult Abuse Awareness Month.
Fiscal committee: no.

WHEREAS, Elder and vulnerable adult abuse is a serious and growing crisis in California; and
WHEREAS, Not a day goes by without reports of horrific cases of abuse or exploitation of elder or vulnerable adults; and
WHEREAS, Throughout the United States, 10,000 people a day are turning 65 years of age; and
WHEREAS, One in ten Americans 60 years of age and older experience abuse each year; and
WHEREAS, One in every eight individuals over 65 years of age is living with Alzheimer’s disease and nearly one in two people with dementia experiences some form of abuse by others; and
WHEREAS, Elder and vulnerable adults may be impacted by any of a constellation of physical, mental, pharmaceutical, or
medical influences, any one of which could render them unable
to protect themselves or self-advocate, to report to authorities when
abuse occurs, or to testify against perpetrators; and

WHEREAS, A 2009 National Institute of Justice study found
that 11 percent of elders reported experiencing at least one form
of mistreatment, including emotional, physical, sexual, or neglect,
in the past year; and

WHEREAS, Elder and vulnerable adult abuse may be physical,
emotional, sexual, or fiduciary and consists of crimes that recognize
no boundaries of economic, educational, or social status, gender,
race, culture, religion, or geographic location; and

WHEREAS, Subtle indicators that abuse may be occurring
include bruises or pressure marks, unexplained withdrawal from
normal activities, a change in alertness, unusual depression, sudden
changes in financial situations, strained or tense relationships, or
frequent arguments; and

WHEREAS, Recognizing these signs is the first step toward the
prevention of elder and vulnerable adult abuse; and

WHEREAS, Elders who experience abuse or mistreatment face
a greater risk of impacting the health system or impacting the social
service system; and

WHEREAS, The growing rate of elder abuse and vulnerable
adult abuse exacts a heavy toll on public resources as elder financial
abuse victims often become nursing home residents that are
dependent upon Medi-Cal; and

WHEREAS, Elder and dependent adult victims have a mortality
rate three times that of the general public and are 300 percent more
likely to die a premature death; and

WHEREAS, The incidence of abuse and exploitation of the
developmentally disabled population is shocking. Over 80 percent
of women with developmental disabilities and over 30 percent of
men with developmental disabilities are sexually abused at least
once during their lifetime; and

WHEREAS, Given that one in every 110 babies born today has
a disorder on the autism spectrum, the rapid growth of special
populations in need of enhanced protection will further challenge
an overwhelmed patchwork of programs and services intended to
protect vulnerable adult populations; and

WHEREAS, Current estimates suggest that as few as one in 14
cases of elder and vulnerable adult abuse is reported, including
fewer than one in 25 incidents of financial abuse, because the
victims are ashamed, hopeless, intimidated, or afraid of the
perpetrator; and
WHEREAS, A comprehensive central data repository of all
child abuse investigations has been in existence since 1965, but
no similar repository exists for investigations of crimes against
vulnerable, elderly, and other dependent adults; and
WHEREAS, Even in 2015, with a rapidly expanding population
of elderly adults and other adults with disabilities that render them
vulnerable to predators, the State of California does not collect or
maintain comprehensive data on abuse cases, reports, or
investigations, thus inhibiting the government’s capacity to be
informed about existing trends, and to make informed decisions
about the strategic use of existing resources, let alone improve the
existing reporting system, enhancing protections, or lending law
enforcement partners the tools necessary to secure justice; and
WHEREAS, The lack of statewide elder and vulnerable adult
abuse data prevents policymakers from measuring the extent of
these crimes and tragedies; and
WHEREAS, The lack of a statewide strategy that includes a
single point of contact to report an incident of abuse contributes
to the current state of underreporting, incomplete investigations,
lack of resources, ambiguous jurisdiction, and incomplete data;
and
WHEREAS, The California Commission on Aging and the
California Elder Justice Coalition convened an elder justice summit
in 2013 during which 140 experts and advocates identified
shortcomings in California’s response to elder abuse and proposed
promising solutions, including an Elder Justice Blue Ribbon Panel
to focus on the problem; and
WHEREAS, Elders and vulnerable adults have the right to live
safely in the least restrictive environment, whether in their homes
or health care facilities, and to enjoy an optimum quality of life
while being protected from all forms of injustice; and
WHEREAS, Private citizens and public agencies must work to
combat crime and violence against elders and vulnerable adults,
particularly in the face of continued funding reductions in vital
services; and
WHEREAS, Due to the ubiquitous nature of elder abuse, June
15 is recognized internationally as World Elder Abuse Awareness
Day, first established in 2006, to raise awareness of elder and vulnerable adult abuse and to promote better understanding of the cultural, social, economic and demographic issues behind the growing incidence of elder and vulnerable adult abuse around the globe; and

WHEREAS, All Californians are strongly encouraged to report suspected abuse of an elder or vulnerable adult by calling their local adult protective services agency, Long-Term Care Ombudsman, law enforcement, or emergency services agencies;

now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature proclaims and acknowledges the month of June 2015 and every year thereafter as Elder and Vulnerable Adult Abuse Awareness Month; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the author for appropriate distribution.
Date of Hearing: June 4, 2015

ASSEMBLY COMMITTEE ON RULES
Richard Gordon, Chair
ACR 71 (Dodd) – As Introduced May 14, 2015

SUBJECT: Elder and Vulnerable Adult Abuse Awareness Month.

SUMMARY: Proclaims the month of June 2015 and every year thereafter as Elder and Vulnerable Adult Abuse Awareness Month. Specifically, this resolution makes the following legislative findings:

1) Elder and vulnerable adult abuse is a serious and growing crisis in California and not a day goes by without reports of horrific cases of abuse or exploitation of elder or vulnerable adults.

2) Elder and vulnerable adult abuse may be physical, emotional, sexual, or fiduciary and consists of crimes that recognize no boundaries of economic, educational, or social status, gender, race, culture, religion, or geographic location.

3) The lack of statewide elder and vulnerable adult abuse data prevents policymakers from measuring the extent of these crimes and tragedies.

4) The California Commission on Aging and the California Elder Justice Coalition convened an elder justice summit in 2013 during which 140 experts and advocates identified shortcomings in California's response to elder abuse and proposed promising solutions, including an Elder Justice Blue Ribbon Panel to focus on the problem.

FISCAL EFFECT: None

REGISTERED SUPPORT / OPPOSITION:

Support
California Commission on Aging
California Elder Justice Coalition

Opposition
None on file

Analysis Prepared by: Nicole Willis / RLS. / (916) 319-2800
May 27, 2015

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

RE: ACR 71 – Elder Abuse Awareness Month

Dear Chairman Gordon:

The California Commission on Aging is pleased join with the California Elder Justice Coalition as co-sponsors of ACR 71 (Dodd), naming the month of June as Elder Abuse Awareness Month in California.

The CCoA is designated by law to act as the principal advocate in the state on behalf of California’s older adults. Our members are gubernatorial and legislative appointees from throughout the state. They represent a wealth of experience both in and out of the aging services arena.

Elder abuse is a pervasive and growing crime that can destroy the lives of its victims. Part of the solution to effectively address elder abuse is to increase the public’s awareness of what elder abuse is and how commonly it occurs. By declaring the month of June as Elder Abuse Awareness Month in California, ACR 71 creates statewide recognition of the problem and provides opportunities for legislators, first responders, advocates and other stakeholders to learn, to educate, and join forces against abuse.

We respectfully request your support for this important measure.

Sincerely,

Virgie P. Walker  
Chair

cc: Assembly Member Bill Dodd
May 27, 2015

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

RE: ACR 71 – Elder Abuse Awareness Month

Dear Assembly Member Gordon:

The California Elder Justice Coalition is delighted to co-sponsor ACR 71, declaring the month of June as Elder Abuse Awareness Month in California.

CEJC is a multidisciplinary membership organization that was formed to provide a voice from the field in promoting elder justice in California. Our 40 individual and organizational members include experts, service providers, advocates and practitioners from the fields of adult protective services, mental health, the courts, disability rights, aging and long term services and supports, patients rights and many others.

Heightened public awareness about abuse and neglect is critical to its prevention, and designating June as Elder Abuse Awareness month will provide a focal point for local and statewide efforts to get the word out to victims, witnesses, and policy makers.

Thank you for your leadership in raising awareness about this very important issue.
Sincerely,

Lisa Nerenberg
Lisa Nerenberg, Executive Director
California Elder Justice Coalition

cc: California Commission on Aging
Assembly Aging & Long-Term Care Committee
Assembly Concurrent Resolution No. 76

Introduced by Assembly Member Jones
(Coauthors: Assembly Members Chávez and Lackey)
(Coauthors: Senators Bates, Hall, Leno, Moorlach, and Pan)

May 19, 2015

Assembly Concurrent Resolution No. 76—Relative to the 800th anniversary of Magna Carta.

LEGISLATIVE COUNSEL’S DIGEST

ACR 76, as introduced, Jones. Magna Carta: 800th anniversary. This measure would commemorate the 800th anniversary of Magna Carta.
Fiscal committee: no.

1 WHEREAS, In response to the accumulation of grievances, heavy taxation, and unsuccessful wars, a group of rebellious barons forced King John of England to agree to limitations on royal power and submit to the rule of law by affixing his seal to a charter of liberties known to posterity as Magna Carta, Latin for the Great Charter, on June 15, 1215, at a meadow beside the river Thames called Runnymede, near Windsor; and
2 WHEREAS, While many of Magna Carta’s 63 clauses relate to specific grievances and long-defunct feudal practices of little contemporary relevance, several of its provisions have had a lasting significance as precedents guaranteeing fundamental rights and liberties; and
3 WHEREAS, Clause 39 of Magna Carta provides, “No freeman shall be taken, or imprisoned, or disseised, or outlawed, or exiled,
or in any way harmed - nor will we go upon or send upon him -
save by the lawful judgment of his peers or by the law of land”;
and
WHEREAS, Clause 40 of the Magna Carta provides, “To none
will we sell, to none deny or delay, right or justice”; and
WHEREAS, Magna Carta embodies the principle that no person,
and no government, is above the law; and
WHEREAS, The phrase “due process of law” first appeared as
a substitute for Magna Carta’s phrase “law of the land” in a 1354
statute of King Edward III that restated Magna Carta’s guarantee
of liberty of the subject and, therefore, Magna Carta created a
precedent in guaranteeing “due process of law” that was later
embodied in the Fifth and Fourteenth Amendments to the United
States Constitution, the sources of key constitutional liberties for
Americans; and
WHEREAS, Other clauses of Magna Carta state important
principles, such as the right to impartial and competent judges,
reasonable taxes, courts held in fixed places, fixed weights and
measures, criminal penalties that are proportionate to the
seriousness of the crime, and limitations on taking private property
for public use; and
WHEREAS, King John later repudiated Magna Carta, and a
civil war followed, but it was reissued, with revisions, numerous
times by subsequent monarchs, and though many provisions fell
into disuse or were superseded by subsequent legislation, Magna
Carta remains as an inspirational precedent for the proposition that
government power is not absolute and that the people possess
fundamental rights which government cannot violate; and
WHEREAS, Magna Carta is an early milestone along the path
toward freedom and constitutional government, followed by the
development of Parliament in the 1260s, the 1606 First Charter of
Virginia, the 1620 Mayflower Compact and other colonial charters,
the 1628 Petition of Right, the 1679 Habeas Corpus Act, and 1689
English Bill of Rights, the 1776 American Declaration of
Independence, the 1787 United States Constitution, the 1789 United
States Bill of Rights, and the 1948 United Nations’ Universal
Declaration of Human Rights; and
WHEREAS, In a “History of the English-Speaking Peoples”,
Winston Churchill summarized Magna Carta’s achievement,
stating, “In place of the King’s arbitrary despotism, they proposed,
not the withering anarchy of feudal separatism, but a system of checks and balances which would accord the monarchy its necessary strength, but would prevent its perversion by a tyrant or a fool. The leaders of the barons in 1215 groped in the dim light towards a fundamental principle. Government must henceforth mean something more than the arbitrary rule of any man, and custom and the law must stand even above the king. It was this idea, perhaps only half understood, that gave unity and force to the barons’ opposition and made the Charter which they now demanded imperishable”; and

WHEREAS, In his third inaugural address, delivered on January 20, 1941, as continental Europe groaned under the yoke of Nazi tyranny, President Franklin D. Roosevelt said, “Democracy is not dying, ... The democratic aspiration is no mere recent phase in human history. It is human history. It permeated the ancient life of early peoples. It blazed anew in the middle ages. It was written in Magna [Carta]. ... Its vitality was written into our own Mayflower Compact, into the Declaration of Independence, into the Constitution of the United States, into the Gettysburg Address”; and

WHEREAS, In too many parts of the world, the right to jury trial, habeas corpus, the rule of law, fair legal procedures, reasonable taxation, and the proposition that no government is above the law, principles either enshrined in or foreshadowed by Magna Carta, remain goals yet to be attained, rather than a legacy to be celebrated; and

WHEREAS, For as long as people celebrate freedom under law, Magna Carta will remain an inspiring example of a people’s ability to resist tyranny and arbitrary government and will remain “the Great Charter” of liberties; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the 800th anniversary of Magna Carta hereby be commemorated and the residents of the State of California be encouraged to observe this important milestone in the history of freedom and development of modern constitutional government; and be it further
Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Chief Clerk of the Assembly transmit copies of this resolution to the author for appropriate distribution.
Date of Hearing: June 4, 2015

ASSEMBLY COMMITTEE ON RULES
Richard Gordon, Chair
ACR 76 (Jones) – As Introduced May 19, 2015

SUBJECT: Magna Carta: 800th anniversary.

SUMMARY: Commemorates the 800th anniversary of the Magna Carta. Specifically, this bill makes the following legislative findings:

1) In response to the accumulation of grievances, heavy taxation, and unsuccessful wars, a group of rebellious barons forced King John of England to agree to limitations on royal power and submit to the rule of law by affixing his seal to a charter of liberties known to posterity as Magna Carta, Latin for the Great Charter, on June 15, 1215, at a meadow beside the river Thames called Runnymede, near Windsor.

2) Magna Carta is an early milestone along the path toward freedom and constitutional government, followed by the development of Parliament in the 1260s, the 1606 First Charter of Virginia, the 1620 Mayflower Compact and other colonial charters, the 1628 Petition of Rights, the 1679 Habeas Corpus Act, and 1689 English Bill of Rights, the 1776 American Declaration of Independence, the 1787 United States Constitution, the 1789 United States Bill of Rights, and the 1948 United Nations' Universal Declaration of Human Rights.

3) In too many parts of the world, the right to jury trial, habeas corpus, the rule of law, fair legal procedures, reasonable taxation, and the proposition that no government is above the law, principles either enshrined or foreshadowed by Magna Carta, remain goals yet to be attained.

4) For as long as people celebrate freedom under law, Magna Carta will remain an inspiring example of a people's ability to resist tyranny and arbitrary government and will remain "the Great Charter" of liberties.

FISCAL EFFECT: None

REGISTERED SUPPORT / OPPOSITION:

Support
None on file

Opposition
None on file

Analysis Prepared by: Nicole Willis / RLS. / (916) 319-2800
Introduced by Senator Galgiani
(Coauthors: Senators Anderson, Hall, Hertzberg, Huff, and Leno)
(Coauthors: Assembly Members Chu, Cooper, Dodd, Gordon, Lackey, Steinorth, and Waldron)

May 4, 2015

Senate Concurrent Resolution No. 53—Relative to Disability Awareness Month.

LEGISLATIVE COUNSEL’S DIGEST

SCR 53, as introduced, Galgiani. Disability awareness.

This measure would recognize the month of June 2015 as Disability Awareness Month.

Fiscal committee: no.

WHEREAS, There are over 4,268,000 people with disabilities living in the State of California;

WHEREAS, The State of California does not currently recognize Disability Awareness Month, but municipalities throughout Stanislaus County recognize June 2015 as Disability Awareness Month; and

WHEREAS, Around 10 percent of the world’s population, or 650 million people, live with a disability. They are the world’s largest minority group; and

WHEREAS, Persons with disabilities constitute the only minority group you can join at any time; and

WHEREAS, Disabilities can affect all people, regardless of race, age, gender, or social status. The essence of life is not embodied by physical or mental perfection, but it is an integral part of the human spirit; and

99
WHEREAS, Increasing public awareness about diverse abilities is vital to fighting the stigma and discrimination that often serve as a barrier to employment, socialization, and individual well-being for persons with disabilities; and

WHEREAS, Within the next year, at least one out of eight Californians will experience a disability, personally or through a family member; and

WHEREAS, People with different abilities are independent and productive members of the community. Education, understanding, access, engagement, and relationships are important components of a connected, livable, and healthy community. Communities thrive when residents appreciate the unique gifts inside people of all abilities. By developing relationships with our neighbors, we make our community a place where everyone participates and is a valued member; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature hereby recognizes the month of June 2015 as Disability Awareness Month, and urges all citizens of the state to become aware of the needs and capabilities of persons with disabilities; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the author for appropriate distribution.
Date of Hearing: June 4, 2015

ASSEMBLY COMMITTEE ON RULES
Richard Gordon, Chair
SCR 53 (Galgiani) – As Introduced May 4, 2015

SENATE VOTE: 38-0

SUBJECT: Disability awareness.

SUMMARY: Recognizes the month of June 2015 as Disability Awareness Month. Specifically, this resolution makes the following legislative findings:

1) In the State of California there are over 4,268,000 people living with disabilities; and around 10 percent of the world's population live with a disability making people with disabilities the largest minority group in the world.

2) Disabilities can affect all people, regardless of race, age, gender, or social status.

3) Increasing public awareness about diverse abilities is vital to fighting the stigma and discrimination that often serve as a barrier to employment, socialization, and individual well-being for persons with disabilities.

4) People with different abilities are independent and productive members of the community; and education, understanding, access, engagement, and relationships are important components of a connected, livable, and healthy community.

FISCAL EFFECT: None

REGISTERED SUPPORT / OPPOSITION:

Support
None on file

Opposition
None on file

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