



STATE CAPITOL  
P.O. BOX 942849  
SACRAMENTO, CA 94249-0124  
(916) 319-2800  
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Assembly  
California Legislature  
Committee on Rules  
RICHARD S. GORDON  
CHAIR

Monday, August 18, 2014  
11:50 AM  
State Capitol, Room 3162

VICE CHAIR  
SCOTT WILK  
MEMBERS  
CHERYL R. BROWN  
ROCKY J. CHÁVEZ  
MATTHEW M. DABABNEH  
LORENA GONZALEZ  
CURT HAGMAN  
ADRIN NAZARIAN  
BILL QUIRK  
SEBASTIAN RIDLEY-THOMAS  
MARIE WALDRON

FRANK BIGELOW (R-ALT.)  
KEN COOLEY (D-ALT.)

CONSENT AGENDA

**Bill Referrals**

1. Consent Bill Referrals

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**Resolutions**

2. ACR 171 (Wilk) Relative to Charcot-Marie-Tooth Disease Awareness Month.  
3. ACR 174 (Nestande) Relative to California Solar Professionals Day.  
4. HR 52 (Holden) Relative to Old Spanish Trail Day in California.  
5. HR 53 (Levine) Relative to National Health Center Week.  
6. SCR 132 (Lieu) Relative to Scoliosis Awareness Month.

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**Request to Add Urgency Clause**

7. SB 1356 (Lieu) Relative to Counterfeit goods: abatement: nonresidential premises.

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## REFERRAL OF BILLS TO COMMITTEE

08/18/2014

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

Assembly Bill No.

Committee:

[SCR 72](#)

TRANS.

[SCR 128](#)

RLS.

[SCR 129](#)

RLS.



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# Memo

**To:** Rules Committee Members  
**From:** Mukhtar Ali, Bill Referral Consultant  
**Date:** 8/18/14  
**Re:** Consent Bill Referrals

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Since you received the preliminary there have been no changes.



Printed on Recycled Paper

**Assembly Concurrent Resolution**

**No. 171**

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**Introduced by Assembly Member Wilk**

August 7, 2014

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Assembly Concurrent Resolution No. 171—Relative to  
Charcot-Marie-Tooth Disease Awareness Month.

LEGISLATIVE COUNSEL'S DIGEST

ACR 171, as introduced, Wilk. Charcot-Marie-Tooth Disease  
Awareness Month.

This measure would declare September 2014 as Charcot-Marie-Tooth  
Disease Awareness Month.

Fiscal committee: no.

1 WHEREAS, Charcot-Marie-Tooth disease (CMT) is one of the  
2 most commonly inherited neurological disorders, affecting  
3 approximately 1 in 2,500 people in the United States and 2.6  
4 million people worldwide; and

5 WHEREAS, CMT affects both motor and sensory nerves with  
6 symptoms that may include muscle weakness in the foot and lower  
7 leg, foot deformities, frequent tripping or falls, and muscle  
8 weakness in the hands; and

9 WHEREAS, CMT is one of 40 diseases covered by the Muscular  
10 Dystrophy Association, but unlike muscular dystrophy, in which  
11 the defect is in the muscles, CMT is a disorder in which the defect  
12 is in the nerves that control the muscles; and

13 WHEREAS, The onset of CMT symptoms typically begins in  
14 adolescence or early adulthood, but some individuals develop

1 symptoms in mid-adulthood, with the severity of symptoms varying  
2 among individuals and pain ranging from mild to severe; and

3 WHEREAS, Although physical therapy, occupational therapy,  
4 and moderate physical activity are beneficial in treating CMT, and  
5 sometimes CMT is surgically treated, currently there is no cure  
6 for CMT; and

7 WHEREAS, The Charcot-Marie-Tooth Association is dedicated  
8 to supporting the development of new drugs to treat CMT in order  
9 to improve the quality of life of people with CMT, and ultimately,  
10 to find a cure for this disease; and

11 WHEREAS, Dedicating a month to increase awareness of CMT,  
12 its symptoms and the obstacles faced by individuals and families  
13 affected by the disorder would be highly beneficial; now, therefore,  
14 be it

15 *Resolved by the Assembly of the State of California, the Senate*  
16 *thereof concurring,* That September 2014 be declared  
17 Charcot-Marie-Tooth Disease Awareness Month; and be it further

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

O

Date of Hearing: August 18, 2014

ASSEMBLY COMMITTEE ON RULES

Richard S. Gordon, Chair

ACR 171 (Wilk) – As Introduced: August 7, 2014

SUBJECT: Charcot-Marie-Tooth Disease Awareness Month.

SUMMARY: Declares September 2014 as Charcot-Marie-Tooth Disease (CMT) Awareness Month to increase awareness of CMT, its symptoms and the obstacles faced by individuals and families affected by the disorder. Specifically, this resolution makes the following legislative findings:

- 1) Charcot-Marie-Tooth disease (CMT) is one of the most commonly inherited neurological disorders, affecting approximately 1 in 2,500 people in the United States and 2.6 million people worldwide.
- 2) CMT affects both motor and sensory nerves with symptoms that may include muscle weakness in the foot and lower leg, foot deformities, frequent tripping or falls, and muscle weakness in the hands.
- 3) The onset of CMT symptoms typically begins in adolescence or early adulthood, but has been known to begin in mid-adulthood, with the severity of symptoms varying among individuals and pain ranging from mild to severe.
- 4) There is currently no cure for CMT, but those afflicted with this disorder are being treated with physical therapy, occupational therapy, and often moderate physical activity is beneficial in treating CMT.

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. 174**

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**Introduced by Assembly Member Nestande**

August 12, 2014

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Assembly Concurrent Resolution No. 174—Relative to California Solar Professionals Day.

LEGISLATIVE COUNSEL'S DIGEST

ACR 174, as introduced, Nestande. California Solar Professionals Day.

This measure would declare November 8, 2014, as California Solar Professionals Day.

Fiscal committee: no.

1 WHEREAS, California is leading nation in solar projects and  
2 the employment sector is a rapidly growing one; and  
3 WHEREAS, Skilled solar professionals are key to continuing  
4 growth in this market; and  
5 WHEREAS, There are more than 1,861 solar companies at work  
6 in California, employing more than 47,223 workers; and  
7 WHEREAS, These solar companies provide a wide range of  
8 services and products; and  
9 WHEREAS, 49 percent of solar companies were expected to  
10 add employees last year, with a total of 10,500 new employees  
11 added by November 2014, which equals 22.3 percent growth; and  
12 WHEREAS, The solar industry in California employs more than  
13 5 times the number of workers than the next largest solar  
14 employing state; and

1 WHEREAS, More than 73 percent of new solar jobs are newly  
2 created positions; and  
3 WHEREAS, Employment in the solar industry is generally very  
4 diverse; and  
5 WHEREAS, Job growth in the solar sector is nearly 5 times  
6 faster than the statewide growth rate; and  
7 WHEREAS, In 2013, California installed 2746 megawatts of  
8 solar electricity capacity, ranking the state first in the nation; and  
9 WHEREAS, There is enough solar power installed in the state  
10 to power more than 1.7 million homes and California ranks first  
11 in the nation for installed solar power; and  
12 WHEREAS, Solar installations have expanded rapidly and the  
13 industry has become more efficient and productive; now, therefore,  
14 be it  
15 *Resolved by the Assembly of the State of California, the Senate*  
16 *thereof concurring*, That the Legislature declares November 8,  
17 2014, as California Solar Professionals Day; and be it further  
18 *Resolved*, That the Chief Clerk of the Assembly transmit copies  
19 of this resolution to the author for appropriate distribution.

O

Date of Hearing: August 18, 2014

ASSEMBLY COMMITTEE ON RULES

Richard S. Gordon, Chair

ACR 174 (Nestande) – As Introduced: August 12, 2014

SUBJECT: California Solar Professionals Day.

SUMMARY: Declares November 8, 2014, as California Solar Professionals Day. Specifically, this resolution makes the following legislative findings:

- 1) California currently leads the nation in solar projects with more than 1,861 solar companies at work in the state, employing more than 47,223 workers.
- 2) The solar industry in California employs more than 5 times the number of workers than the next largest solar employing state; and, 49 percent of solar companies were expected to add employees last year, with a total of 10,500 new employees added by November 2014, which equals 22.3 percent growth.
- 3) In 2013, California installed 2,746 megawatts of solar electricity capacity, ranking the state first in the nation; and, there is enough solar power installed in the state to power more than 1.7 million homes.
- 4) Due to the rapid expansion of solar installations, the industry has become more efficient and productive.

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 AUGUST 11, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

## House Resolution

No. 52

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Introduced by Assembly ~~Members Nazarian and~~ *Member Holden*

August 4, 2014

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House Resolution No. 52—Relative to Old Spanish Trail Day in California.

1 WHEREAS, In 1829, Antonio Armijo, a merchant from Santa  
2 Fe, led 60 men and approximately 100 mules on known Native  
3 American and later Fur Trappers/Traders trails northward through  
4 northwestern New Mexico, southwestern Colorado, southern Utah,  
5 northern Arizona, and southern Nevada, across the Mojave Desert  
6 into the San Gabriel Mission, and finally to the Los Angeles Plaza  
7 where their goods were sold or exchanged; and

8 WHEREAS, The Old Spanish Trail was used successfully as a  
9 major Southwestern Trade and Migration Route between 1829 and  
10 1848 in delivering Native American, Spanish, and Mexican goods  
11 along the approximately 3,500 miles of the trail that helped enable  
12 the settlement of the west; and

13 WHEREAS, The Old Spanish Trail Association (OSTA) is a  
14 nonprofit, tax-exempt organization supported by a broad  
15 membership in 27 states and 13 local chapters in the six Old  
16 Spanish Trail States (Arizona, California, Colorado, Nevada, New  
17 Mexico, and Utah) and England; and

18 WHEREAS, The Old Spanish Trail became the 15th National  
19 Historic Trail when Congress adopted S. 1946 in November-2002  
20 and 2002, *which* President George W. Bush signed it into law in  
21 December 2002; and

1 WHEREAS, It is the ~~Mission~~ *mission* of OSTA to study,  
2 preserve, protect, interpret, educate, and promote respectful use  
3 of the Old Spanish National Historic Trail and closely related  
4 historic routes, ~~as well as promoting and to promote~~ public  
5 awareness of the Old Spanish National Historic Trail and its  
6 multicultural heritage by encouraging research, publication, and  
7 partnering with governments and private historical, educational,  
8 and tourist organizations; and

9 WHEREAS, California recognizes and commends OSTA for  
10 its efforts to study, preserve, protect, interpret, educate, and  
11 promote respectful use of the Old Spanish National Historic Trail  
12 and its multicultural heritage; now, therefore, be it

13 *Resolved by the Assembly of the State of California*, That the  
14 Assembly declares Saturday, October 4, 2014, and the first  
15 Saturday in October of each subsequent year, as Old Spanish Trail  
16 Day in California; and be it further

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

O

Date of Hearing: August 18, 2014

ASSEMBLY COMMITTEE ON RULES

Richard S. Gordon, Chair

HR 52 (Holden) – As Amended: August 11, 2014

SUBJECT: Old Spanish Trail Day in California.

SUMMARY: Declares Saturday, October 4, 2014, and the first Saturday in October of each subsequent year, as Old Spanish Trail Day in California. Specifically, this resolution makes the following legislative findings:

- 1) The Old Spanish Trail was used as a major Southwestern Trade and Migration Route between 1829 and 1848 in delivering Native American, Spanish, and Mexican goods along the approximately 3,500 miles of the trail that helped enable the settlement of the west.
- 2) The Old Spanish Trail became the 15th National Historic Trail when Congress adopted S. 1946 in November 2002 and President George W. Bush signed it into law in December 2002.
- 3) The Old Spanish Trail Association (OSTA) is a nonprofit, tax-exempt organization supported by a broad membership in 27 states and 13 local chapters in the six Old Spanish Trail States (Arizona, California, Colorado, Nevada, New Mexico, Utah) and England.
- 4) The mission of the OSTA is to study, preserve, protect, interpret, educate, and promote respectful use of the Old Spanish National Historic Trail and closely related historic routes and also promoting public awareness of the Old Spanish National Historic Trail by encouraging research, publication, and partnering with governments and private historical, educational, and tourist organizations.

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. 53**

**Introduced by Assembly Member Levine**

August 6, 2014

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House Resolution No. 53—Relative to National Health Center Week.

1 WHEREAS, Community clinics and health centers are at the  
2 core of the nation’s health care safety net, serving anyone and  
3 everyone who walks through their doors, regardless of ability to  
4 pay, and they are the medical homes for more than 22 million  
5 needy and uninsured patients; and

6 WHEREAS, According to multiple government, academic, and  
7 private studies, community clinics and health centers have proven  
8 to be the most cost-effective health care providers in the field,  
9 saving nearly \$24 billion annually by keeping patients out of  
10 costlier health care settings, such as emergency rooms; and

11 WHEREAS, Community clinics and health centers are private,  
12 nonprofit corporations. The majority of their boards of directors,  
13 by law, must be their patients and consumers, and their services  
14 are funded primarily through public programs such as Medicaid,  
15 federal grants, and state initiatives; and

16 WHEREAS, Community clinics and health centers in California  
17 and throughout the nation have led the movement for a fair and  
18 equitable health care system, treating medically underserved  
19 populations in medically underserved areas by reaching into the  
20 inner city and the most rural and most geographically isolated  
21 communities; and

22 WHEREAS, In California, more than five million low-income  
23 families, children, seniors, women, non-English speakers, people  
24 of color, and homeless individuals currently receive comprehensive

1 primary care services at nearly 1,000 community clinics and health  
2 centers throughout the state; and

3 WHEREAS, Primary care at California community clinics and  
4 health centers involves a wide range of services, including  
5 preventive care, chronic disease management, well child, dental,  
6 pharmaceutical, immunization, mental health, substance abuse,  
7 breast cancer, nutrition, family planning, and pregnancy-related  
8 services, all of which are provided with particular sensitivity to  
9 language and cultural competency; and

10 WHEREAS, California's community clinics and health centers  
11 have the major responsibility to provide health care services to the  
12 state's most disadvantaged families and individuals, are at the  
13 forefront in implementing the national Patient Protection and  
14 Affordable Care Act, and are preparing to serve the over three  
15 million Californians newly enrolled in Medi-Cal and Covered  
16 California under the act, as well as the two to three million persons  
17 who will remain uninsured; and

18 WHEREAS, California's community clinics and health centers  
19 have played a critical role in the outreach, education, and  
20 enrollment for Covered California and Medi-Cal, accounting for  
21 170 certified enrollment entities and employing one in three  
22 certified enrollment counselors in the state; and

23 WHEREAS, California's community clinics and health centers  
24 account for 55 percent of assisted Covered California and Medi-Cal  
25 enrollments; and

26 WHEREAS, California's and the nation's community clinics  
27 and health centers deserve to be recognized and acknowledged for  
28 their valuable services to their communities and the state, their  
29 cost-effective delivery of primary health care services to the most  
30 vulnerable populations, and their leadership in working for fair  
31 and equitable health care reform; and

32 WHEREAS, The federal government, many other states, and  
33 local communities in all 50 states have observed and celebrated  
34 an annual National Health Center Week for 30 years; now,  
35 therefore, be it

36 *Resolved by the Assembly of the State of California*, That the  
37 Assembly hereby joins in proclaiming the week of August 10 to  
38 August 16, 2014, inclusive, as National Health Center Week in  
39 California; 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: August 18, 2014

ASSEMBLY COMMITTEE ON RULES

Richard S. Gordon, Chair

HR 53 (Levine) – As Amended: August 6, 2014

SUBJECT: National Health Center Week.

SUMMARY: Proclaims the week of August 10 to August 16, 2014, inclusive, as National Health Center Week in California. Specifically, this resolution makes the following legislative findings:

- 1) Community clinics and health care centers have been at the core of the nation's health care safety net, serving anyone and everyone who walks through their doors, regardless of ability to pay, and they are the medical homes for more than 22 million needy and uninsured patients.
- 2) According to multiple government, academic, and private studies, community clinics and health centers have been proven to be the most cost-effective health care providers in the field, saving nearly \$24 billion annually by keeping patients out of costlier health care settings, such as emergency rooms.
- 3) In California, more than five million low-income families, children, seniors, women, non-English speakers, people of color, and homeless individuals currently receive comprehensive primary care services at more than 1000 community clinics and health centers throughout the state.
- 4) California's and the nation's community clinics and health centers deserve to be recognized and acknowledge for their valuable services to their communities and the state, their cost-effective delivery of primary health care services to the most vulnerable populations, and their leadership working for fair and equitable health care reform.

FISCAL EFFECT: None

REGISTERED SUPPORT / OPPOSITION:

Support

California Primary Care Association

Opposition

None on file

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



California Primary  
Care Association

*Health Care Access for All*

August 15, 2014

The Honorable Rich Gordon  
Assembly Rules Committee  
State Capitol, Room 3016  
Sacramento, California 95814

**Re: HR 53 (Levine) – SPONSOR**

Dear Assembly Member Gordon:

The California Primary Care Association (CPCA), representing over 1000 private, non-profit Community Clinics and Health Centers (CCHCs) statewide who provide care to 5 million plus patients each year, sponsors HR 53, which is scheduled to be heard in the Assembly Rules Committee.

Community clinics and health centers have been at the core of the nation's health care safety net, serving anyone and everyone who walks through their doors, regardless of ability to pay. In California, more than five million low-income families, children, seniors, women, non-English speakers, people of color, and homeless individuals currently receive comprehensive primary care services at a community clinic or health center.

California's community clinics and health centers have the major responsibility for providing health care services to the state's most disadvantaged families and individuals. California's CCHCs have played a critical role in the outreach, education, and enrollment for Covered California and Medi-Cal, accounting for 170 certified enrollment entities and employing one in three certified enrollment counselors in the state and accounted for 55 percent of assisted Covered California and Medi-Cal enrollments.

The federal government, many other states, and local communities in all 50 states have observed and celebrated an annual National Health Center Week for 31 years. We therefore urge the legislature to proclaim the week of August 10 through 16, 2014, as National Health Care Week and commend California's community clinics and health centers for their valuable contributions to the state, their communities, and the populations they serve.

For these reasons, CPCA sponsors HR 53. If you have any questions or need additional information, please feel free to contact our Director Legislative Affairs, Doug Kim at (916) 440-8170.

Respectfully,

A handwritten signature in dark ink, reading "Carmela Castellano Garcia".

Carmela Castellano-Garcia

CEO/President

cc: Members, Assembly Rules Committee  
Assembly Member Marc Levine

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Introduced by Senator Lieu

June 26, 2014

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Senate Concurrent Resolution No. 132—Relative to Scoliosis Awareness Month.

LEGISLATIVE COUNSEL'S DIGEST

SCR 132, as introduced, Lieu. Scoliosis Awareness Month.

This measure would proclaim June 2014, as Scoliosis Awareness Month.

Fiscal committee: no.

1 WHEREAS, Scoliosis is an abnormal curvature of the spine  
2 that affects about two to three percent of the population, an  
3 estimated seven million people in the United States, and nearly  
4 one million people in California. Scoliosis affects people of all  
5 ages, regardless of race, gender, or socioeconomic status, and there  
6 is no cure; and

7 WHEREAS, It is important to increase public awareness of  
8 scoliosis in order to help children, parents, and health care  
9 providers better recognize and treat the complexities of spinal  
10 deformities such as scoliosis; and

11 WHEREAS, Scoliosis can negatively impact a person's quality  
12 of life by limiting activity, reducing respiratory function, causing  
13 physical pain, and diminishing self-esteem; and

14 WHEREAS, Scoliosis has no known cause and is common in  
15 otherwise healthy children, with approximately one out of every  
16 six people diagnosed requiring active medical treatment; and

17 WHEREAS, Scoliosis is often diagnosed between 10 and 15  
18 years of age, with females being five to eight times more likely to

1 develop a curvature severe enough to require medical attention;  
2 and

3 WHEREAS, Screening programs are mandated in California  
4 schools for girls in seventh grade and boys in eighth grade. These  
5 programs allow for early detection of scoliosis, which, if promptly  
6 treated, could alleviate the pain of those suffering from the disease;  
7 now, therefore, be it

8 *Resolved by the Senate of the State of California, the Assembly*  
9 *thereof concurring*, That the Legislature hereby proclaims June  
10 2014 as Scoliosis Awareness Month; and be it further

11 *Resolved*, That the Secretary of the Senate transmit copies of  
12 this resolution to the author for appropriate distribution.

O

Date of Hearing: August 18, 2014

ASSEMBLY COMMITTEE ON RULES

Richard S. Gordon, Chair

SCR 132 (Lieu) – As Introduced: June 26, 2014

SENATE VOTE: 36-0

SUBJECT: Scoliosis Awareness Month.

SUMMARY: Proclaims June 2014, as Scoliosis Awareness Month. Specifically, this resolution makes the following legislative findings:

1. Scoliosis is an abnormal curvature of the spine that affects nearly one million people in California. Scoliosis affects people of all ages, regardless of race, gender, or socioeconomic status, and there is no cure.
2. Scoliosis has no known cause and is common in otherwise healthy children, with approximately one out of every six people diagnosed requiring active medical treatment.
3. Scoliosis is often diagnosed between 10 and 15 years of age, with females being five to eight times more likely to develop a curvature severe enough to require medical attention.
4. Screening programs are mandated in California schools for girls in seventh grade and boys in eighth grade. These programs allow for early detection of scoliosis, which, if promptly treated, could alleviate the pain of those suffering from the disease.

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 SENATE APRIL 10, 2014

**SENATE BILL**

**No. 1356**

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**Introduced by Senator Lieu**

February 21, 2014

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An act to amend ~~Section 17800 of, and to repeal Sections 17801 and 17802 of, of the Business and Professions Code, and to amend Section 3496 of the Civil Code,~~ relating to counterfeit goods.

LEGISLATIVE COUNSEL'S DIGEST

SB 1356, as amended, Lieu. Counterfeit goods: abatement: nonresidential premises.

**Existing**

(1) *Existing* law provides that, until January 1, 2015, if a person is convicted for willfully manufacturing, intentionally selling, or knowingly possessing for sale any counterfeit mark, then a nonresidential building or place used by that person for the purpose of willfully manufacturing, intentionally selling, or knowingly possessing for sale any counterfeit of a registered mark is a nuisance that shall be enjoined, abated, and prevented, whether it is a public or private nuisance, and specified civil remedies may be applied. ~~Existing law requires that the owner of the property be provided with 30 days notice prior to the filing of an action to abate a nuisance under these provisions. A violation of a restraining order or an injunction relative to a nuisance in this context is a crime.~~ Under existing law, a district attorney, county counsel, city attorney, or city prosecutor that maintains an action or actions to enjoin, abate, or prevent a nuisance pursuant to these provisions was required to report to the Legislature by October 1, 2013, on their use of the provisions and their effectiveness.

~~This bill instead would provide that any nonresidential building or place used to willfully manufacture, intentionally sell, or knowingly possess for sale any counterfeit goods shall be deemed a nuisance which may be enjoined, abated, and prevented, and for which damages may be recovered, whether it is a public or private nuisance, and that specified civil penalties shall apply. The bill would remove the requirement that the owner of the property be provided 30 days notice prior to the filing of an action to abate a nuisance under these provisions; and also would delete the above-described reporting requirements. It would repeal the date upon which the remaining provisions would become inoperative, thus extending them indefinitely.~~

~~This bill would allow a court to award costs, including the costs of investigation and discovery, and reasonable attorney's fees, which are not compensated for pursuant to some other provision of law, to the prevailing party in any case in which a governmental agency seeks to enjoin the use of a nonresidential building or place, or seeks to enjoin in or upon any nonresidential building or place the unlawful manufacturing, selling, or possession for sale of any counterfeit goods.~~

~~This bill would extend the operation of the provisions described above until January 1, 2016. By extending the operation of these provisions, this bill would expand the scope of a crime, as described above. The bill would also require a district attorney, county counsel, city attorney, or city prosecutor that maintains an action to enjoin, abate, or prevent a nuisance pursuant to these provisions to provide a report to the Senate and Assembly Committees on Judiciary, as specified, by February 1, 2015.~~

~~(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

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

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

- 1 *SECTION 1. Section 17801 of the Business and Professions*
- 2 *Code is amended to read:*

17801. A district attorney, county counsel, city attorney, or city prosecutor that maintains an action or actions to enjoin, abate, or prevent a nuisance pursuant to the provisions of this chapter shall report to the Senate and Assembly Committees on Judiciary, by ~~October 1, 2013~~, *February 1, 2015*, on their use of the provisions of this chapter and their effectiveness. The report shall include, but not be limited to, all of the following:

(a) The frequency of use of the nuisance abatement provisions as well as statistics on whether the use of the abatement provisions correlates with a decrease in the use of criminal penalties.

(b) Any statistics or information concerning the impact of the use of these provisions on counterfeiting overall, both in the relevant county or city and overall.

*SEC. 2. Section 17802 of the Business and Professions Code is amended to read:*

17802. This chapter shall remain in effect only until January 1, ~~2015~~, *2016*, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, ~~2015~~, *2016*, deletes or extends that date.

*SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.*

~~SECTION 1. Section 17800 of the Business and Professions Code is amended to read:~~

~~17800. (a) A nonresidential building or place used for the purpose of willfully manufacturing, intentionally selling, or knowingly possessing for sale any counterfeit goods shall be deemed a nuisance which may be enjoined, abated, and prevented, and for which damages may be recovered, whether it is a public or private nuisance. The remedies and procedures provided in Article 2 (commencing with Section 11225) of Chapter 3 of Title 1 of Part 4 of the Penal Code shall be applied by the court. For purposes of this section, an abatement under Section 11230 of the~~

1 Penal Code is discretionary rather than mandatory and may be for  
2 a period up to one year.

3 (b) ~~As used in this chapter, “counterfeit goods” means (1) any~~  
4 ~~counterfeit of a mark registered with the Secretary of State or~~  
5 ~~registered on the Principal Register of the United States Patent and~~  
6 ~~Trademark Office or (2) any recording or audiovisual work, the~~  
7 ~~cover, box, jacket, or label of which does not disclose the~~  
8 ~~information as specified in subdivision (a) of Section 653w of the~~  
9 ~~Penal Code.~~

10 SEC. 2. ~~Section 17801 of the Business and Professions Code~~  
11 ~~is repealed.~~

12 SEC. 3. ~~Section 17802 of the Business and Professions Code~~  
13 ~~is repealed.~~

14 SEC. 4. ~~Section 3496 of the Civil Code is amended to read:~~

15 3496. ~~In any of the following described cases, the court may~~  
16 ~~award costs, including the costs of investigation and discovery,~~  
17 ~~and reasonable attorney’s fees, which are not compensated for~~  
18 ~~pursuant to some other provision of law, to the prevailing party:~~

19 (a) ~~In any case in which a governmental agency seeks to enjoin~~  
20 ~~the sale, distribution, or public exhibition, for commercial~~  
21 ~~consideration, of obscene matter, as defined in Section 311 of the~~  
22 ~~Penal Code.~~

23 (b) ~~In any case in which a governmental agency seeks to enjoin~~  
24 ~~the use of a building or place for the purpose of illegal gambling,~~  
25 ~~lewdness, assignation, human trafficking, or prostitution; or any~~  
26 ~~case in which a governmental agency seeks to enjoin acts of illegal~~  
27 ~~gambling, lewdness, assignation, human trafficking, or prostitution~~  
28 ~~in or upon a building or place, as authorized in Article 2~~  
29 ~~(commencing with Section 11225) of Chapter 3 of Title 1 of Part~~  
30 ~~4 of the Penal Code.~~

31 (c) ~~In any case in which a governmental agency seeks to enjoin~~  
32 ~~the use of a building or place, or seeks to enjoin in or upon any~~  
33 ~~building or place the unlawful sale, manufacture, service, storage,~~  
34 ~~or keeping or giving away of any controlled substance, as~~  
35 ~~authorized in Article 3 (commencing with Section 11570) of~~  
36 ~~Chapter 10 of Division 10 of the Health and Safety Code.~~

37 (d) ~~In any case in which a governmental agency seeks to enjoin~~  
38 ~~the unlawful sale, service, storage, or keeping or giving away of~~  
39 ~~alcoholic liquor, as authorized in Article 1 (commencing with~~  
40 ~~Section 11200) of Chapter 3 of Title 1 of Part 4 of the Penal Code.~~

1 (e) ~~In any case in which a governmental agency seeks to enjoin~~  
2 ~~the use of a nonresidential building or place, or seeks to enjoin in~~  
3 ~~or upon any nonresidential building or place the unlawful~~  
4 ~~manufacturing, selling, or possession for sale of any counterfeit~~  
5 ~~goods as authorized in Chapter 4 (commencing with Section 17800)~~  
6 ~~of Part 3 of Division 7 of the Business and Professions Code or~~  
7 ~~Section 11226 of the Penal Code.~~

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## California State Senate

SENATOR  
KEVIN DE LEÓN  
CHAIR

SENATE APPROPRIATIONS COMMITTEE  
TWENTY-SECOND SENATE DISTRICT

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JOINT COMMITTEE  
LEGISLATIVE BUDGET

August 15, 2014



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

### RE: SB 1356 (De León) – Request to Add Urgency Clause

Dear Assemblymember Gordon:

I respectfully request that an urgency clause be added to SB 1356 (De León), the updated compact for the Viejas Band of Kumeyaay Indians signed by Governor Brown on August 12, 2014.

The newly updated compact better reflects the needs of the Tribe and State, including better accounting for changing economic conditions by converting the Tribe's fixed revenue share payment to the State into a percentage-based payment. Additionally, the terms of the amended compact have been updated to be consistent with some provisions of more recent compacts related to licensing, compliance enforcement, and limitations on the number of slot machines that may be offered at the casino.

An urgency clause is needed to ensure that the Tribe and State are provided the benefits of the updated compact at the earliest possible time. These benefits include enhancing the economic development, stability and self-sufficiency of the Viejas Band of Kumeyaay Indians and to protect the interests of the tribe and its members, the surrounding community, and the public.

If you have any questions, please do not hesitate to contact me directly, or Nidia Bautista of my staff, at (916) 651-4022.

Sincerely,

A handwritten signature in blue ink that reads "Kevin de León".

KEVIN DE LEÓN  
Twenty-Second Senate District

