

**Bill Referrals** 

# Assembly California Legislature Committee on Rules

RICHARD S. GORDON CHAIR

Friday, May 23, 2014 8:50 AM State Capitol, Room 3162 SCOTT WILK

MEMBERS
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ROCKY J. CHÁVEZ
MATTHEW M. DABABNEH
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MARIE WALDRON
FRANK BIGELOW (R-ALT.)
KEN COOLEY (D-ALT.)

#### CONSENT AGENDA

#### 1. Consent Bill Referrals Page 2 Resolutions 2. SCR 117 (Liu) Relative to Foster Care Month. Page 4 **Requests to Add Urgency Clause** 3. AB 2143 (Williams) Relative to Clinical laboratories: chiropractors. Page 9 4. AB 2711 (Muratsuchi) Relative to Oil and gas: loan to City of Hermosa Beach. Page 15 5. SB 266 (Lieu) Relative to Prevailing wages. Page 19 Request to Waive Jt. Rule 61 (b)(10) 6. Assembly Budget Committee requests Jt. Rule 61 (b)(10) be waived in order for the com.....) Page 26

## REFERRAL OF BILLS TO COMMITTEE

05/23/2014

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

Assembly Bill No

Committee:

Assembly Bill No.	Committee:
<u>ACR 151</u>	RLS.
<u>HR 41</u>	HIGHER ED.
<u>SB 906</u>	HEALTH
<u>SB 972</u>	HEALTH
<u>SB 973</u>	HEALTH
<u>SB 987</u>	W.,P. & W.
<u>SB 987</u>	REV. & TAX.
<u>SB 1041</u>	B. & F.
<u>SB 1043</u>	E. & R.
<u>SB 1045</u>	HEALTH
<u>SB 1074</u>	A. & A.R.
<u>SB 1119</u>	A.,E.,S.,T. & I. M.
<u>SB 1134</u>	TRANS.
<u>SB 1205</u>	INS.
<u>SB 1235</u>	HEALTH
<u>SB 1236</u>	TRANS.
<u>SB 1251</u>	P.E.,R. & S.S.
<u>SB 1256</u>	B.,P. & C.P.
<u>SB 1304</u>	JUD.
<u>SB 1314</u>	INS.
<u>SB 1323</u>	REV. & TAX.
<u>SB 1335</u>	REV. & TAX.
<u>SB 1345</u>	NAT. RES.
<u>SB 1345</u>	L. GOV.
<u>SB 1409</u>	U. & C.
<u>SB 1433</u>	L. GOV.
<u>SB 1433</u>	TRANS.
<u>SB 1459</u>	B. & F.
<u>SB 1463</u>	B. & F.
<u>SB 1465</u>	HEALTH
<u>SB 1466</u>	B.,P. & C.P.
<u>SB 1467</u>	B.,P. & C.P.
<u>SJR 22</u>	B.,P. & C.P.



## Assembly California Hegislature Committee on Rules **RICHARD S. GORDON** CHAIR

VICE CHAIR SCOTT WILK

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# Memo

To:

Rules Committee Members

From:

Mukhtar Ali, Bill Referral Consultant

Date:

5/22/14

Re:

Consent Bill Referrals

Since you received the preliminary the referral for SB 1256 has changed.



#### **Introduced by Senator Liu**

(Principal coauthor: Assembly Member Stone)

(Coauthors: Senators Berryhill, Block, Cannella, DeSaulnier, Evans, Fuller, Huff, Jackson, Leno, Mitchell, Pavley, Steinberg, Vidak, and Wolk)

(Coauthors: Assembly Members Ammiano, Bloom, Chesbro, Cooley, Dickinson, Hall, and Quirk-Silva)

#### April 28, 2014

Senate Concurrent Resolution No. 117—Relative to Foster Care Month.

#### LEGISLATIVE COUNSEL'S DIGEST

SCR 117, as introduced, Liu. Foster Care Month.

This measure would declare the month of May 2014 as Foster Care Month.

Fiscal committee: no.

WHEREAS, In California there are approximately 64,622 children and youth in foster care who need and deserve safe, permanent connections to loving adults, a stable home, and adequate preparation for a secure future; and

WHEREAS, The needs of children and youth for belonging and unconditional emotional commitment are best met in families; and

WHEREAS, Many California counties have successfully supported permanent family connections for foster youth, provided

9 support for families at risk of entering the child welfare system,

10 and changed practices to fully engage youth, family, and

communities, thereby reducing the number of children in foster

12 care; and

 $SCR 117 \qquad \qquad -2-$ 

WHEREAS, California recognizes the enduring and valuable contribution of relatives and foster and adoptive parents who open their hearts, families, and homes to vulnerable children and youth; and

WHEREAS, California recognizes the numerous individuals and public and private organizations that work to ensure that the needs of children and youth living in and leaving foster care are met, that help provide foster and former foster children and youth with vital connections to their siblings, and that help launch young people into successful adulthood; and

WHEREAS, The federal Fostering Connections to Success and Increasing Adoptions Act of 2008 offers opportunities to promote permanent families for children in foster care, improve outcomes for older youth in foster care, increase support for Native American foster children, improve the quality of staff working with youth in the child welfare system, expand our support of relative and adoptive caregivers, and assist older youth in securing meaningful supportive transitions from foster care; and

WHEREAS, This federal law affirms California's leadership and success in pioneering innovative child welfare approaches; and

WHEREAS, California is committed to working in partnership with the federal government and local governments to improve the lives and futures of all children and youth touched by the child welfare system; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature declares the month of May 2014 as Foster Care Month; 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: May 23, 2014

#### ASSEMBLY COMMITTEE ON RULES

Richard S. Gordon, Chair

SCR 117 (Liu) – As Introduced: April 28, 2014

SENATE VOTE: 37-0

SUBJECT: Foster Care Month.

<u>SUMMARY</u>: Declares the month of May 2014 as Foster Care Month. Specifically, <u>this</u> <u>resolution</u> makes the following legislative findings:

- 1) In California there are approximately 64,622 children and youth in foster care who need and deserve safe, permanent connections to loving adults, a stable home, and adequate preparation for a secure future.
- 2) Many counties in California have successfully supported permanent family connections for foster youth, provided support for families at risk of entering the child welfare system, and changed practices to fully engage youth, family, and communities, thereby reducing the number of children in foster care.
- 3) The federal Fostering Connections to Success and Increasing Adoptions Act of 2008 offers opportunities to promote permanent families for children in foster care, improve outcomes for older youth in foster care, increase support for Native American foster children, improve the quality of staff working with youth in the child welfare system, expand our support of relative and adoptive caregivers, and assist older youth in securing meaningful supportive transitions from foster care.
- 4) California is committed to working in partnership with the federal government and local governments to improve the lives and futures of all children and youth touched by the child welfare system.

FISCAL EFFECT: None
REGISTERED SUPPORT / OPPOSITION:
Support
California Alliance of Child and Family Services (CACFS)
Opposition
None on file
Analysis Prepared by: Nicole Willis / RLS. / (916) 319-2800



916.449.2273

2201 K STREET SACRAMENTO, CALIFORNIA 95816 WWW.CACFS.ORG

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

May 21, 2014

RE: Support SCR 117 (Liu and Stone) Foster Care Month

Dear Assembly Member Gordon:

The California Alliance of Child and Family Services representing more than 115 accredited private non-profit agencies which provide programs and services for foster children and their families throughout California, including adoption and foster family agencies, intensive treatment foster care, group homes, mental health, transitional housing and wraparound programs strongly supports SCR 117, the declaration of May 2014 as Foster Care Month.

California has the largest foster care population of any state providing care for approximately 64,000 children on average each day. Nationally, there are more than 400,000 children in foster. Most children in foster care are removed from their parents for a variety of reasons including abuse, abandonment, or neglect and have endured multiple traumas during their young lives. They all need and deserve safe, permanent families and adequate preparation for a secure future.

Although California counties have successfully supported permanent family connections for foster youth and have dramatically reduced by nearly half the number of foster youth in care over the past decade, there are not nearly enough foster homes. More foster families are desperately needed. Throughout the month of May, hundreds of community events are being planned across the state to support foster families and to improve the lives and future of all youth touched by the child welfare system.

This celebration is the perfect time for highlighting the many ways local citizens can get involved for children and families right here in California.

If I may provide you with additional information regarding our position, please do not hesitate to contact me at (916) 449-2273, extension 203.

Sincerely,

Jackie Rutheiser

Jackie Rutheiser Senior Policy Advocate

#### AMENDED IN ASSEMBLY MARCH 28, 2014

CALIFORNIA LEGISLATURE—2013-14 REGULAR SESSION

#### ASSEMBLY BILL

No. 2143

#### **Introduced by Assembly Member Williams**

February 20, 2014

An act to amend Section-850 1241 of the Business and Professions Code, relating to healing arts.

#### LEGISLATIVE COUNSEL'S DIGEST

AB 2143, as amended, Williams. Healing arts. Clinical laboratories: chiropractors.

Under existing law, the State Department of Public Health licenses and regulates clinical laboratories and certain clinical laboratory personnel performing clinical laboratory tests or examinations, subject to certain exceptions, including individuals who perform clinical laboratory tests or examinations approved by the federal Food and Drug Administration for sale as an over-the-counter test kit. Under the Chiropractic Act, enacted by an initiative measure, the State Board of Chiropractic Examiners licenses and regulates chiropractors.

This bill would exempt chiropractors listed on the federal Department of Transportation National Registry of Certified Medical Examiners who perform urine specific gravity, urine protein, urine blood, and urine sugar tests as those tests relate to the National Registry of Certified Medical Examiners, as adopted by the United States Department of Transportation, that are classified as waived clinical laboratory tests under the federal Clinical Laboratory Improvement Amendments of 1988 (CLIA) for the sole purpose of completing the Department of Motor Vehicles medical examination report, if the chiropractor obtains a valid certificate of waiver and complies with all

AB 2143 -2-

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other requirements for the performance of waived clinical laboratory tests under applicable federal regulations. The bill would require a chiropractor who receives an abnormal finding, to refer the applicant to the applicant's primary care physician and surgeon.

Existing law provides for the licensure and regulation of various healing arts professions and vocations by boards within the Department of Consumer Affairs. Existing law generally prohibits a healing arts board or examining committee within the Department of Consumer Affairs from requiring, by regulation, an applicant for licensure or certification to be a member of, to be certified by, to be eligible to be certified or registered by, or otherwise meet the standards of a specified private voluntary association or professional society.

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. Section 1241 of the Business and Professions 2 Code is amended to read:
  - 1241. (a) This chapter applies to all clinical laboratories in California or receiving biological specimens originating in California for the purpose of performing a clinical laboratory test or examination, and to all persons performing clinical laboratory tests or examinations or engaging in clinical laboratory practice in California or on biological specimens originating in California, except as provided in subdivision (b).
  - (b) This chapter shall not apply to any of the following clinical laboratories, or to persons performing clinical laboratory tests or examinations in any of the following clinical laboratories:
  - (1) Those owned and operated by the United States of America, or any department, agency, or official thereof acting in his or her official capacity to the extent that the Secretary of the federal Department of Health and Human Services has modified the application of CLIA requirements to those laboratories.
    - (2) Public health laboratories, as defined in Section 1206.
- 19 (3) Those that perform clinical laboratory tests or examinations 20 for forensic purposes only.

-3- AB 2143

(4) Those that perform clinical laboratory tests or examinations for research and teaching purposes only and do not report or use patient-specific results for the diagnosis, prevention, or treatment of any disease or impairment of, or for the assessment of the health of, an individual.

- (5) Those that perform clinical laboratory tests or examinations certified by the National Institutes on Drug Abuse only for those certified tests or examinations. However, all other clinical laboratory tests or examinations conducted by the laboratory are subject to this chapter.
- (6) Those that register with the State Department of Health *Care* Services pursuant to subdivision (c) to perform blood glucose testing for the purposes of monitoring a minor child diagnosed with diabetes if the person performing the test has been entrusted with the care and control of the child by the child's parent or legal guardian and provided that all of the following occur:
- (A) The blood glucose monitoring test is performed with a blood glucose monitoring instrument that has been approved by the federal Food and Drug Administration for sale over the counter to the public without a prescription.
- (B) The person has been provided written instructions by the child's health care provider or an agent of the child's health care provider in accordance with the manufacturer's instructions on the proper use of the monitoring instrument and the handling of any lancets, test strips, cotton balls, or other items used during the process of conducting a blood glucose test.
- (C) The person, receiving written authorization from the minor's parent or legal guardian, complies with written instructions from the child's health care provider, or an agent of the child's health care provider, regarding the performance of the test and the operation of the blood glucose monitoring instrument, including how to determine if the results are within the normal or therapeutic range for the child, and any restriction on activities or diet that may be necessary.
- (D) The person complies with specific written instructions from the child's health care provider or an agent of the child's health care provider regarding the identification of symptoms of hypoglycemia or hyperglycemia, and actions to be taken when results are not within the normal or therapeutic range for the child. The instructions shall also contain the telephone number of the

AB 2143 —4—

child's health care provider and the telephone number of the child's
parent or legal guardian.

- (E) The person records the results of the blood glucose tests and provides them to the child's parent or legal guardian on a daily basis.
- (F) The person complies with universal precautions when performing the testing and posts a list of the universal precautions in a prominent place within the proximity where the test is conducted.
- (7) Those individuals who perform clinical laboratory tests or examinations, approved by the federal Food and Drug Administration for sale to the public without a prescription in the form of an over-the-counter test kit, on their own bodies or on their minor children or legal wards.
- (8) Those certified emergency medical technicians and licensed paramedics providing basic life support services or advanced life support services as defined in Section 1797.52 of the Health and Safety Code who perform only blood glucose tests that are classified as waived clinical laboratory tests under CLIA, if the provider of those services obtains a valid certificate of waiver and complies with all other requirements for the performance of waived clinical laboratory tests under applicable federal regulations.
- (9) Those doctors of chiropractic listed on the most current federal Department of Transportation National Registry of Certified Medical Examiners that perform urine specific gravity, urine protein, urine blood, and urine sugar tests as those tests relate to the National Registry of Certified Medical Examiners, as adopted by the United States Department of Transportation, as published by the notice in the Federal Register, Volume 77, Number 77, Friday, April 20, 2012, on pages 24104 to 24135, inclusive, and pursuant to Section 391.42 of Title 49 of the Code of Federal Regulations, that are classified as waived clinical laboratory tests under CLIA for the sole purpose of completing the Department of Motor Vehicles Medical Examination Report, if the doctor of chiropractic obtains a valid certificate of waiver and complies with all other requirements for the performance of waived clinical laboratory tests under applicable federal regulations. If a doctor of chiropractic receives an abnormal finding, the doctor of chiropractic shall refer the applicant to the applicant's primary care physician.

\_5\_ AB 2143

(c) Any place where blood glucose testing is performed pursuant to paragraph (6) of subdivision (b) shall register by notifying the State Department of Health *Care* Services in writing no later than 30 days after testing has commenced. Registrants pursuant to this subdivision shall not be required to pay any registration or renewal fees nor shall they be subject to routine inspection by the State Department of Health *Care* Services.

SECTION 1. Section 850 of the Business and Professions Code is amended to read:

850. No healing arts licensing board or examining committee within the Department of Consumer Affairs shall by regulation require an applicant for licensure or certification to be a member of, to be certified by, to be eligible to be certified or registered by, or otherwise meet the standards of a specified private voluntary association or professional society except as provided for in this article.

COMMITTEES
CHAIR: HIGHER EDUCATION
EDUCATION
NATURAL RESOURCES
UTILITIES AND COMMERCE

CHAIR: SELECT COMMITTEE ON INNOVATIVE GREEN FINANCING MECHANISMS



STATE CAPITOL P.O. BOX 942849 SACRAMENTO, CA 94249-0037

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SANTA BARBARA, CA 93101

FAX (805) 564-1651 50 WEST MAIN STREET VENTURA, CA 93001 (805) 641-3700 FAX (805) 641-3708

May 21, 2014

Assemblymember Gordon, Chair Assembly Rules Committee State Capitol, Room 3173 Sacramento, CA 95814

Dear Chairman Gordon:

I respectfully request to add an urgency clause to AB 2143 (Williams) in order to grants doctors of chiropractic the Clinical Laboratory Improvement Amendments (CLIA) Certificate of Waiver only for the purpose of performing a urine dipstick test for the Department of Transportation (DOT) medical examination for commercial drivers' license holders.

Beginning May 21, 2014, doctors or chiropractic have to be registered on the National Registry of Certified Medical Examiners to perform these exams. The federal government expects a shortage of medical professionals available to perform those examinations. By allowing chiropractors to perform those examinations immediately, this act will help alleviate the anticipated shortage.

Thank you for your consideration of this request. If you have any questions, please contact Tatum Holland in my office, 319-2037.

Sincerely,

DAS WILLIAMS

Assembly Member, AD 37

### AMENDED IN ASSEMBLY APRIL 21, 2014 AMENDED IN ASSEMBLY MARCH 28, 2014

CALIFORNIA LEGISLATURE—2013-14 REGULAR SESSION

#### ASSEMBLY BILL

No. 2711

#### **Introduced by Assembly Member Muratsuchi**

February 21, 2014

An act to add Section 25525.5 to the Public Resources Code, relating to energy. An act relating to oil and gas, and making an appropriation therefor.

#### LEGISLATIVE COUNSEL'S DIGEST

AB 2711, as amended, Muratsuchi. Energy: thermal powerplants: eertification: sea level rise. Oil and gas: loan to City of Hermosa Beach.

Existing law requires the State Lands Commission to deposit in the General Fund all revenues, moneys, and remittances received by the commission, with certain exceptions. Existing law requires that the moneys be used for specified purposes, including refunds, commission expenses, and specified payments to cities and counties.

This bill would appropriate \$17,500,000 from the General Fund, from certain oil and gas revenues deposited by the commission, to the Controller for a loan to the City of Hermosa Beach, to be made if the city is obligated to make payment pursuant to a specified settlement agreement. The bill would require the State Board of Equalization, if the city fails to make any payment on the loan when due and upon the order of the Controller, to deduct the amount of the payment from the sales and use taxes to be paid to the city. The bill would also require the Controller to deposit moneys received in repayment of the loan into the State Coastal Conservancy Fund to be used, upon appropriation,

AB 2711 -2-

by the State Coastal Conservancy for expenses related to the conservancy's Climate Ready Program.

Existing law vests the State Energy Resources Conservation and Development Commission with the exclusive jurisdiction to certify sites for thermal powerplants with a generation capacity of 50 or more megawatts and related facilities. Existing law requires the commission to make certain findings before issuing a certification for the site.

This bill would require the commission to consider, during the certification process, the effects of sea level rise in the context of protecting the proposed site and related facility from damage caused by sea level rise.

Vote: majority <sup>2</sup>/<sub>3</sub>. Appropriation: no-yes. Fiscal committee: yes. State-mandated local program: no.

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

- 1 SECTION 1. (a) The sum of seventeen million five hundred
- thousand dollars (\$17,500,000) is hereby appropriated from the
   General Fund, from the oil and dry gas revenues paid to the state
- 4 during the 2014–15 fiscal year and deposited in the General Fund
- 5 pursuant to Section 6217 of the Public Resources Code, to the
- 6 Controller for purposes of this act. The Controller shall, upon
- 7 agreement with the City of Hermosa Beach, loan that sum, or a
- 8 portion thereof, to the city if the city is obligated to make payment
- 9 pursuant to Section IV.4.6.c of "The Settlement Agreement and
- 10 Release" entered into on March 2, 2012, between Macpherson
- 11 Oil Company, Windward Associates, E&B Natural Resources
- 12 Management Corporation, and the City of Hermosa Beach.
- (b) A loan to the City of Hermosa Beach pursuant to subdivision
   (a) shall be subject to the following terms:
- 15 (1) The city shall annually pay to the Controller, prior to June 16 30 of each year, not less than five hundred thousand dollars 17 (\$500,000) until the loan is paid in full.
- 18 (2) If the City of Hermosa Beach fails to make any payment 19 when due pursuant to paragraph (1) for any reason, the State
- 20 Board of Equalization, upon the order of the Controller, shall
- deduct the amount of that payment from the sales and use taxes to
- 22 be paid to the city thereafter pursuant to Section 7204 of the
- 23 Revenue and Taxation Code and shall pay the amount so deducted
- 24 to the Controller.

-3— AB 2711

(c) The Controller shall deposit all payments received pursuant to subdivision (b) into the State Coastal Conservancy Fund to be used, upon appropriation, by the State Coastal Conservancy for expenses related to the conservancy's Climate Ready Program, authorized pursuant to Section 31113 of the Public Resources Code.

SECTION 1. Section 25525.5 is added to the Public Resources Code, to read:

25525.5. In the issuance of a certification pursuant to this chapter, the commission shall consider the effects of sea level rise in the context of protecting the proposed site and related facility from potential damage caused by sea level rise, such as storm surges and flooding. In assessing the sea level rise, the commission may rely on floodplain maps published by the Department of Water Resources.

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WEBSITE

www.assembly.ca.gov/muratsuchi

Assembly California Legislature

**AL MURATSUCHI** ASSEMBLYMEMBER, SIXTY-SIXTH DISTRICT

COMMITTEES CHAIR: VETERANS AFFAIRS BUDGET BUDGET SUBCOMMITTEE NO. 2 ON EDUCATION FINANCE NATURAL RESOURCES

SELECT COMMITTEES
CHAIR: SELECT COMMITTEE ON AEROSPACE

May 16, 2014

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

#### Dear Chair Gordon:

I respectfully request your approval for the addition of an urgency clause to my Assembly Bill 2711. I am proposing the urgency clause because in the November 2014 election, the voters of Hermosa Beach will vote on whether or not to lift a ban on oil drilling. If the voters uphold the current ban on oil drilling, the City of Hermosa Beach will be required to pay \$17.5 million due to a settlement agreement related to the oil drilling initiative. The City may be required to pay this amount, prior to January 1st, 2015. Therefore, I am requesting that an urgency clause be placed in AB 2711, which would provide a loan to the City of Hermosa Beach to assist with the funding necessary if the oil drilling ban is upheld.

Thank you for your consideration.

Sincerely,

AL MURATSUCHI

Assemblymember, 66th District

Maintonel.

AMENDED IN SENATE JANUARY 6, 2014

AMENDED IN SENATE APRIL 24, 2013

AMENDED IN SENATE APRIL 3, 2013

AMENDED IN SENATE MARCH 18, 2013

**SENATE BILL** 

No. 266

#### **Introduced by Senator Lieu**

February 13, 2013

An act to add Section 687 to the Business and Professions Code, and to add Section 1250.04 to the Health and Safety Code amend Section 1741.1 of the Labor Code, relating to health care coverage public works.

#### LEGISLATIVE COUNSEL'S DIGEST

SB 266, as amended, Lieu. Health care coverage: out-of-network coverage. Prevailing wages.

Existing law requires the Labor Commissioner to issue a civil wage and penalty assessment to a contractor or subcontractor, or both, if, after an investigation, the commissioner determines there has been a violation of the law regulating public works projects, including the payment of prevailing wages. Existing law tolls the period for service of assessments for the period of time required by the Director of Industrial Relations to determine whether a project is a public work, as specified. Existing law, with respect to the determination of whether a project is a public work, requires a person filing a notice of completion of the project to also provide notice to the Labor Commissioner, as specified, and requires the awarding body or political subdivision accepting a public work to provide to the Labor Commissioner notice of that acceptance, as specified.

 $SB 266 \qquad \qquad -2-$ 

This bill instead would require the body awarding the contract for public work to furnish, within 10 days after receipt of a written request from the Labor Commissioner, a copy of the valid notice of completion for the public work or a document evidencing the awarding body's acceptance of the public work on a particular date, whichever occurs later, in accordance with specified provisions. The bill would require the awarding body to notify the appropriate office of the Labor Commissioner if, at the time of receipt of the Labor Commissioner's written request, there has been no valid notice of completion filed by the awarding body in the office of the county recorder, and no document evidencing the awarding body's acceptance of the public work on a particular date. If the awarding body fails to timely furnish the Labor Commissioner with the applicable document, the bill would require that the period for service of assessments be tolled until the Labor Commissioner's receipt of the applicable document. The bill would also include legislative findings and declarations.

Existing law provides for the licensure and regulation of health care practitioners by various healing arts boards within the Department of Consumer Affairs. Existing law also provides for the licensure and regulation of health facilities by the State Department of Public Health. A violation of these provisions is a crime.

This bill would prohibit a medical group or clinic, as defined, from stating, verbally or in writing, that it is within a plan network or a provider network unless all of the individual providers providing services with the medical group or clinic are within the plan network or provider network. The bill would require a provider group or clinic to recommend that the patient contact his or her health care service plan or health insurer for information about providers who are within the patient's plan network or medical network if any of the providers in that medical group or clinic are not within the plan network or provider network. Those provisions would not apply to emergency services and care.

This bill would also require a hospital, before providing nonemergency services and care, to provide a specified written notice to the patient stating that individual providers providing services within the hospital may not be in the patient's plan network or provider network, except as specified. By expanding the scope of a crime, this bill would impose a state-mandated local program.

\_3\_ SB 266

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: yes. State-mandated local program: yes-no.

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

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

- (1) The process for the Director of Industrial Relations to determine the existence of a public work and to decide administrative appeals from those determinations has created unacceptable delays and prejudice to the enforcement of the public works law, often resulting in the expiration of the statute of limitation for the identification and collection of wage and penalty assessments. As a result, wage theft has occurred because workers are not paid prevailing wage rates and the time for assessment has expired.
- (2) There has been an incentive to some developers, contractors, and public bodies to engage in expensive and time-consuming litigation in efforts to extend the time for determining the existence of a public work. This litigation is often a needless expense to the state.
- (3) Public bodies, developers, contractors, and others are entitled to a determination of whether a project is a public work as early as possible so that the costs of the project and the duties of the parties under the law may be known as early as possible.
- (4) Therefore, this act is necessary to ensure the actual receipt of proper wages, to reduce administrative and litigation costs to the state and others, and to provide early guidance to all interested parties.
- SEC. 2. Section 1741.1 of the Labor Code is amended to read: 1741.1. (a) The period for service of assessments shall be tolled for the period of time required by the Director of Industrial Relations to determine whether a project is a public work, including a determination on administrative appeal, if applicable, pursuant to subdivisions (b) and (c) of Section 1773.5. The period for service

SB 266 —4—

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of assessments shall also be tolled for the period of time that a contractor or subcontractor fails to provide in a timely manner certified payroll records pursuant to a request from the Labor Commissioner or a joint labor-management committee under Section 1776, or an approved labor compliance program under Section 1771.5 or 1771.7.

- (b) The person filing a notice of completion in the office of a county recorder pursuant to subdivision (a) of Section 1741 shall at the same time also provide notice to the Labor Commissioner, in a manner determined by the Labor Commissioner. The awarding body or political subdivision accepting a public work under subdivision (a) of Section 1741 shall provide notice of that acceptance to the Labor Commissioner within five days of the acceptance, in a manner determined by the Labor Commissioner. The 180-day period for service of assessments shall be tolled for the length of time notice is not given in a timely manner to the Labor Commissioner pursuant to this subdivision.
- (b) (1) The body awarding the contract for public work shall furnish, within 10 days after receipt of a written request from the Labor Commissioner, a copy of the valid notice of completion for the public work filed in the office of the county recorder, or a document evidencing the awarding body's acceptance of the public work on a particular date, whichever occurs later, by first-class mail addressed to the office of the Labor Commissioner that is listed on the written request. If, at the time of receipt of the Labor Commissioner's written request, a valid notice of completion has not been filed by the awarding body in the office of the county recorder and there is no document evidencing the awarding body's acceptance of the public work on a particular date, the awarding body shall so notify the office of the Labor Commissioner that is listed on the written request. Thereafter, the awarding body shall furnish copies of the applicable document within 10 days after filing a valid notice of completion with the county recorder's office, or within 10 days of the awarding body's acceptance of the public work on a particular date.
- (2) If the awarding body fails to timely furnish the Labor Commissioner with the documents identified in paragraph (1), the period for service of assessments under Section 1741 shall be tolled until the Labor Commissioner's actual receipt of the valid notice of completion for the public work or a document evidencing

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the awarding body's acceptance of the public work on a particular date.

- (c) The tolling provisions in this section shall also apply to the period of time for commencing an action brought by a joint labor-management committee pursuant to Section 1771.2.
- SECTION 1. Section 687 is added to the Business and Professions Code, to read:
- 687. (a) (1) A medical group or clinic shall not state, verbally or in writing, that it is within a patient's plan network or provider network unless all of the individual providers providing services with the medical group or clinic are within that plan network or provider network.
- (2) If any of the providers are not within the plan network or provider network, then the medical group or clinic shall recommend that the patient contact his or her health care service plan or health insurer for information about providers who are within the patient's plan network or medical network.
- (b) For purposes of this section, the following definitions shall apply:
- (1) "Clinic" means a surgical center as defined in paragraph (1) of subdivision (b) of Section 1204 of the Health and Safety Code, an outpatient setting as defined in paragraph (1) of subdivision (b) of Section 1248 of the Health and Safety Code, or an ambulatory surgical center certified to participate in the Medicare Program under Title XVIII of the federal Social Security Act (42 U.S.C. Sec. 1395 et seq.).
- (2) "Plan network" means any entity, group of providers, or individual providers contracted with a preferred provider organization plan contract or point-of-service plan contract.
- (3) "Provider network" means any entity, group of providers, or provider contracted with a preferred provider organization health insurance policy.
- (4) "Medical group" means any entity, group of providers, or any other similar organization that contracts with a preferred provider organization.
- (c) This section shall not apply to emergency services and care. SEC. 2. Section 1250.04 is added to the Health and Safety Code, to read:
- 1250.04. (a) (1) Prior to providing nonemergency services and care to a patient, a hospital shall provide a written notice to

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the patient stating that individual providers providing services within the hospital may not be in the patient's plan network or provider network.

- (2) The hospital notice shall recommend that the patient contact his or her health care service plan or health insurer for information about providers who are within the patient's plan network or provider network.
- (b) For purposes of this section, the following definitions shall apply:
- (1) "Hospital" means a general acute care hospital as defined in subdivision (a) of Section 1250.
- (2) "Plan network" means any entity, group of providers, or individual providers contracted with a preferred provider organization plan contract or point-of-service plan contract.
- (3) "Provider network" means any entity, group of providers, or provider contracted with a preferred provider organization health insurance policy.
  - (c) This section shall not apply to emergency services and care.
- (d) This section shall not apply if all of the providers providing services within the hospital are within the same plan network or provider network as the hospital.
- SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIIIB 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 XIIIB of the California

30 Constitution.

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## California State Senate

SENATOR TED W. LIEU

TWENTY-EIGHTH SENATE DISTRICT



CHAIR
BUSINESS, PROFESSIONS AND
ECONOMIC DEVELOPMENT

MEMBER
AGRICULTURE
GOVERNMENTAL ORGANIZATION
INSURANCE
VETERANS AFFAIRS

May 20, 2014

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

RE: Urgency Clause – SB 266

Dear Chair Gordon:

I respectfully request permission to include an urgency clause in Senate Bill 266. This bill is a cleanup measure from last year's SB 377 – which streamlines the process of notifying the state about completion and acceptance of projects and reduces costs and burdens on the state and the awarding bodies.

In order to protect workers from wage theft due to prevailing wages not being paid for labor on a public work, it is necessary that this act take effect immediately.

If you have any questions, comments or concerns, please do not hesitate to contact me or my staff, Mark Mendoza, at 916-651-4028. Thank you very much.

Sincerely,

TED W. LIEU Senator, 28<sup>th</sup> District STATE CAPITOL P.O. BOX 942849 SACRAMENTO, CA 94249-0092 (916) 319-2099 FAX (916) 319-2199



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May 19, 2014

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

Dear Assemblymember Gordon:

I respectfully request that Joint Rule 61 (b)(10) be suspended so the Assembly Budget Committee can meet on May  $28^{th}$ , 2014 in order to adopt Budget Subcommittee reports.

Thank you for your consideration of my request. Should you require any additional information, please contact my committee secretary Matt Cremins at 319-2099.

Sincerely,

Assemblymember