



STATE CAPITOL
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Assembly
California Legislature
Committee on Rules
RICHARD S. GORDON
CHAIR

Monday, June 30, 2014
11:30 AM
State Capitol, Room 3162

CONSENT AGENDA

Bill Referrals

1. Consent Bill Referrals

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Resolutions

2. ACR 163 (Ridley-Thom.) Relative to Bebe Moore Campbell National Minority Mental Health Awareness Month.
3. HR 36 (Quirk-Silva) Relative to 4th of July.
4. HR 45 (Dababneh) Relative to California-Ukraine National Guard Partnership.
5. SCR 98 (Wyland) Relative to Gerald Ford Day.
6. SCR 105 (Lieu) Relative to Financial Aid and Literacy Month.

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REGULAR AGENDA

7. SCA 17 (Steinberg) Relative to Members of the Legislature: suspension.

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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.)

REFERRAL OF BILLS TO COMMITTEE

06/30/2014

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

Assembly Bill No.

[ACR 164](#)

[ACR 165](#)

[AJR 48](#)

[SCR 115](#)

[SCR 119](#)

[SCR 125](#)

Committee:

RLS.

TRANS.

HEALTH

TRANS.

TRANS.

TRANS.



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

Memo

To: Rules Committee Members
From: Mukhtar Ali, Bill Referral Consultant
Date: 6/27/14
Re: Consent Bill Referrals

Since you received the preliminary there have been no changes.



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Assembly Concurrent Resolution

No. 163

Introduced by Assembly Member Ridley-Thomas

June 17, 2014

Assembly Concurrent Resolution No. 163—Relative to Bebe Moore Campbell National Minority Mental Health Awareness Month.

LEGISLATIVE COUNSEL'S DIGEST

ACR 163, as introduced, Ridley-Thomas. Bebe Moore Campbell National Minority Mental Health Awareness Month.

This measure would proclaim July 2014 as Bebe Moore Campbell National Minority Mental Health Awareness Month in California.

Fiscal committee: no.

1 WHEREAS, Mental illness is one of the leading causes of
2 disabilities in the United States, affecting one out of every four
3 families and victimizing both persons with the illness and those
4 persons who care for and love the persons afflicted; and

5 WHEREAS, Serious mental illness costs Americans
6 approximately \$193.2 billion in lost earnings per year; and

7 WHEREAS, The National Institute of Mental Health has
8 reported that many people suffer from more than one mental
9 disorder at a given time and 45 percent of those with any mental
10 disorder meet criteria for two or more disorders, including diabetes,
11 cardiovascular disease, HIV/AIDS, and cancer, and the severity
12 of the mental disorder strongly relates to comorbidity; and

13 WHEREAS, 57 million Americans have a mental disorder in
14 any given year, with fewer than 40 percent of adults living with a
15 mental illness, and a little more than one-half of youth 8 to 15

1 years of age, inclusive, with a mental illness receiving mental
2 health services in the last year; and

3 WHEREAS, According to the 1999 Surgeon General’s Report
4 on Mental Illness, adult Caucasians who suffer from depression
5 or an anxiety disorder are more likely to receive treatment than
6 adult African Americans with the same disorders even though the
7 disorders occur in both groups at about the same rate, when taking
8 into account socioeconomic factors; and

9 WHEREAS, Although mental illness impacts all people, African
10 Americans receive less care, poorer quality of care, and often lack
11 access to culturally competent care, thereby resulting in mental
12 health care disparities; and

13 WHEREAS, According to the California Reducing Disparities
14 Project report, “Pathways into the Black Population for Eliminating
15 Mental Health Disparities,” the African American population
16 reveals alarming statistics related to mental health, including high
17 rates of serious psychological distress, depression, suicide attempts,
18 dual diagnoses, and many other mental health concerns, and that
19 cooccurring conditions with physical health problems, including
20 high rates of heart disease, cancer, stroke, infant mortality,
21 violence, substance abuse, and intergenerational unresolved trauma,
22 provide a complex set of issues that places the population in a
23 crisis state; and

24 WHEREAS, According to the same California Reducing
25 Disparities Project report, in relationship to the African American
26 population, the mental health system has offered inaccurate
27 diagnoses, disproportionate findings of severe illness, greater usage
28 of involuntary commitments, and a woeful inadequacy of service
29 integration, and the complexity of these factors has created an
30 intense stigma in the African American community that disparages
31 mental illness as “crazy,” a condition and a status that are viewed
32 as personally caused and difficult to resolve; and

33 WHEREAS, The African American population has rejected the
34 label “crazy” and continues to work within its communities using
35 strategies and interventions that it knows work to help its people
36 overcome physical, social, emotional, and psychological limitations
37 and challenges; and

38 WHEREAS, According to the California Reducing Disparities
39 Project report, “Community-Defined Solutions for Latino Mental
40 Health Care Disparities,” participants see negative perceptions

1 about mental health care as a significant factor contributing to
2 limited or nonexistent access to care, and the most common
3 concerns are stigma, culture, masculinity, exposure to violence,
4 and lack of information and awareness, among many others; and

5 WHEREAS, According to the same California Reducing
6 Disparities Project report, a substantial proportion of the Latino
7 participants believe that limited access and underutilization of
8 mental health services in the Latino community are primarily due
9 to gaps in culturally and linguistically appropriate services, in
10 conjunction with a shortage of bilingual and bicultural mental
11 health workers, an absence of educational programs for Latino
12 youth, and a system of care that is too rigid; and

13 WHEREAS, According to the California Reducing Disparities
14 Project report, “Native Vision: A Focus on Improving Behavioral
15 Health Wellness for California Native Americans,” most American
16 Indians and Alaska Natives living in California are expected to
17 learn to cope in both Western and Native American worlds on a
18 daily basis, Native Americans within California have shared
19 concerns about loss of culture, alcohol and drug abuse, and
20 depression and suicide as contributing factors to mental health
21 disparities, and the disconnection of culture and traditional values
22 has fragmented Native American communities, families, and
23 individuals; and

24 WHEREAS, According to the same California Reducing
25 Disparities Project report, being misdiagnosed and given severe
26 mental health diagnoses can be stigmatizing and can affect the
27 person’s self-esteem, which, in turn, can discourage the person
28 from seeking help through Native American practices and cultural
29 identity through community involvement; and

30 WHEREAS, According to the same California Reducing
31 Disparities Project report, lack of cultural identity can impede the
32 mental health healing process. Western mental health service
33 delivery focuses on the individual, rather than taking into
34 consideration the Native American community as a whole, and a
35 holistic approach is needed for individual, family, and community
36 wellness; and

37 WHEREAS, According to the California Reducing Disparities
38 Project report, “In Our Own Words,” which details disparities in
39 the Asian American and Pacific Islander (API) population, API
40 community members report high rates of mental health conditions,

1 but have difficulty accessing services due to cultural and linguistic
2 barriers. Language, in particular, presents a substantial challenge
3 as many API community members have limited English proficiency
4 and interpreters, when available, often lack the expertise in mental
5 health terminology and cultural knowledge to effectively
6 communicate with the patient; and

7 WHEREAS, According to the same California Reducing
8 Disparities Project report, stigma and misconceptions about mental
9 health concerns are also significant barriers to API persons seeking
10 mental health services, especially because many API languages
11 lack a vocabulary for mental health concerns that is not derogatory,
12 mental health care that is truly culturally competent for API persons
13 is often unavailable, and standard Western methods of assessing
14 and treating mental health clients may not be appropriate; and

15 WHEREAS, According to the California Reducing Disparities
16 Project report, “First, Do No Harm: Reducing Disparities for
17 Lesbian, Gay, Bisexual, Transgender, Queer and Questioning
18 (LGBTQ) Populations in California,” coming out as LGBTQ for
19 members of African American, Latino, Native American, and API
20 populations may require them to choose between the safety of their
21 families and cultural environment and their LGBTQ identities.
22 Their unique needs and status are often rendered invisible, in any
23 community with which they choose to associate, and too often
24 they find themselves having to choose; and

25 WHEREAS, According to the same California Reducing
26 Disparities Project report, LGBTQ participants from these
27 populations indicated dissatisfaction with how mental health care
28 providers had met their needs regarding their intersecting identities
29 and their racial or ethnic concerns, and also reported being rejected
30 by mental health care providers because of their sexual orientation;
31 and

32 WHEREAS, According to the same California Reducing
33 Disparities Project report, Latino, Native American, and API
34 participants reported higher rates of having seriously considered
35 suicide compared to Caucasian participants. When compared to
36 other groups, African American participants reported almost twice
37 as many suicide attempts that needed treatment by a doctor or
38 nurse; and

39 WHEREAS, The three major brain diseases, schizophrenia,
40 bipolar disorder, and depression, adversely affect the economy,

1 contribute to the rise in incarceration rates, and erode the quality
2 of life for patients and their loved ones; and

3 WHEREAS, Nearly two-thirds of all people with a diagnosable
4 mental illness do not receive mental health treatment due to stigma,
5 lack of community-based resources, inadequate diagnosis, or no
6 diagnosis; and

7 WHEREAS, Communities of color are in need of culturally
8 competent mental health resources and the training of all health
9 care providers to serve multiethnic patients; and

10 WHEREAS, Advocates for traditional mental health
11 organizations must be encouraged to incorporate and integrate
12 minority mental health education and outreach within their
13 respective portfolios; and

14 WHEREAS, An estimated 70 percent of all youth in the juvenile
15 justice system have at least one mental health condition, and at
16 least 20 percent live with severe mental illness that is usually
17 undiagnosed, misdiagnosed, untreated, or ineffectively treated,
18 thus leaving those incarcerated in vulnerable conditions; and

19 WHEREAS, Minority mental health patients are often among
20 the so-called “working poor” who face additional challenges
21 because they are underinsured or uninsured, which often leads to
22 late diagnosis or no diagnosis of mental illness; and

23 WHEREAS, The faith, customs, values, and traditions of a
24 variety of ethnic groups should be taken into consideration when
25 attempting to treat and diagnose mental illnesses; and

26 WHEREAS, African Americans and Hispanic Americans used
27 mental health services at about one-half the rate of Caucasians in
28 the past year, and Asian Americans used mental health services at
29 about one-third the rate of Caucasians; and

30 WHEREAS, African Americans are misdiagnosed at a higher
31 rate than persons of other ethnic groups within the mental health
32 delivery system, and greater effort must be made to accurately
33 assess the mental health of African Americans; and

34 WHEREAS, There is a need to improve public awareness of
35 mental illness and to strengthen local and national awareness of
36 brain diseases in order to assist with advocacy for persons of color
37 with mental illness, so that they may receive adequate and
38 appropriate treatment that will result in their becoming fully
39 functioning members of society; and

1 WHEREAS, Community mobilization of resources is needed
2 to advocate, educate, and train mental health care providers to help
3 remove barriers to the treatment of mental disorders; and

4 WHEREAS, Access to mental health treatment and services is
5 of paramount importance; and

6 WHEREAS, There is a need to encourage primary care
7 physicians to offer screenings, to partner with mental health care
8 providers, to seek the appropriate referrals to specialists, and to
9 encourage timely and accurate diagnoses of mental disorders; and

10 WHEREAS, The Legislature wishes to enhance public
11 awareness of mental illness, especially within minority
12 communities; and

13 WHEREAS, The late Bebe Moore Campbell, a mother,
14 grandmother, wife, friend, advocate, celebrated writer and
15 journalist, radio commentator, community activist, cofounder of
16 the National Alliance on Mental Illness Urban Los Angeles,
17 University of Pittsburgh trustee and educator, and recipient of
18 numerous awards and honors, was recognized for her tireless
19 advocacy and fight to bring awareness and attention to mental
20 illness among minorities with the release of her New York Times
21 best-selling novel, “72 Hour Hold,” and her children’s book,
22 “Sometimes My Mommy Gets Angry,” both of which bring
23 awareness to the plight of those with brain disorders; and

24 WHEREAS, Bebe Moore Campbell, through her dedication and
25 commitment, sought to move communities to support mental
26 wellness through effective treatment options, to provide open
27 access to mental health treatment and services, and to improve
28 community outreach and support for the many loved ones who are
29 unable to speak for themselves; and

30 WHEREAS, July is an appropriate month to recognize as Bebe
31 Moore Campbell National Minority Mental Health Awareness
32 Month; now, therefore, be it

33 *Resolved by the Assembly of the State of California, the Senate*
34 *thereof concurring*, That the Legislature of the State of California
35 hereby proclaims July 2014 as Bebe Moore Campbell National
36 Minority Mental Health Awareness Month to enhance public
37 awareness of mental illness among minorities; 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.

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Date of Hearing: June 30, 2014

ASSEMBLY COMMITTEE ON RULES

Richard S. Gordon, Chair

ACR 163 (Ridley-Thomas) – As Introduced: June 17, 2014

SUBJECT: Bebe Moore Campbell National Minority Mental Health Awareness Month.

SUMMARY: Proclaims July 2014 as Bebe Moore Campbell National Minority Mental Health Awareness Month in California to enhance public awareness of mental illness among minorities. Specifically, this resolution makes the following legislative findings:

- 1) Mental illness is one of the leading causes of disabilities in the United States, affecting one out of every four families; and, serious mental illness costs Americans approximately \$193.2 billion in lost earnings each year.
- 2) 57 million Americans have a mental disorder in any given year, with fewer than 40 percent of adults living with a mental illness, and a little more than one-half of youth 8 to 15 years of age, inclusive, with a mental illness receiving mental health services in the last year.
- 3) According to the California Reducing Disparities Projects reports, minorities; including African Americans, Latinos, Native Americans, and Asian Pacific Islanders receive less care, poorer quality of care, and often lack access to culturally competent care, thereby resulting in mental health care disparities.
- 4) Communities of color are in need of culturally competent mental health resources and the training of all health care providers to serve multiethnic patients; and, advocates for traditional mental health organizations must be encouraged to incorporate and integrate minority mental health education and outreach within their respective portfolios.
- 5) The three major brain diseases, schizophrenia, bipolar disorder, and depression, adversely affect the economy, contribute to the rise in incarceration rates, and erode the quality of life for patients and their loved ones; and there is a need to improve public awareness of mental

illness and to strengthen local and national awareness of brain diseases in order to assist with advocacy for persons of color with mental illness so that they may receive adequate and appropriate treatment that will result in their becoming fully functioning members of society.

- 6) Bebe Moore Campbell, an advocate and co-founder of the National Alliance on Mental Illness Urban Los Angeles, through her dedication and commitment, sought to move communities to support mental wellness through effective treatment options, to provide open access to mental health treatment and services, and to improve community outreach and support for the many loved ones who are unable to speak for themselves.

FISCAL EFFECT: None

REGISTERED SUPPORT / OPPOSITION:

Support

National Alliance on Mental Illness California

Opposition

None on file

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

Jessica Cruz, MPA/HS
Executive Director

Dorothy Hendrickson
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Member

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Member

Juan Garcia, Ph.D. LMFT
Member

NAMI California
1851 Heritage Lane #150
Sacramento, Ca 95815
916-567-0163

June 27th, 2014

The Honorable Richard Gordon
California State Assembly, 24th District
Chairman, Assembly Rules Committee
State Capitol, Room 3013
Sacramento, CA 95814

**RE: SUPPORT FOR ACR 163—RELATIVE TO BEBE MOORE CAMPBELL
NATIONAL MINORITY MENTAL HEALTH AWARENESS MONTH
(SPONSOR)**

Dear Assemblyman Gordon:

NAMI California is pleased to support ACR 163, recognizing July as Bebe Moore Campbell National Minority Mental Health Awareness Month.

Following the 2008 passage of House Concurrent Resolution (HCR) 143, Congress declared July as Bebe Moore Campbell National Minority Mental Health Awareness Month, which was created to raise awareness about severe mental illness in diverse communities of color, while highlighting avenues for wellness and recovery.

The U.S. Surgeon General reports that minorities are less likely to receive diagnosis and treatment for their mental illness, have less access to and availability of mental health services, and often receive a poorer quality of mental health care. Furthermore, mental illness is a leading cause of disability, yet nearly two-thirds of people with a diagnosable mental illness do not seek treatment, and minority racial and ethnic groups in the U.S. are even less likely to get help.

With the passage of proposition 63, California made mental health a priority and dedicated funding towards prevention and early intervention programs, some designed to reach communities that previously lacked adequate access to mental health services. This has surely improved outcomes for individuals living with mental illness across California. However, disparities persist with respect to race, culture, language and sexual-orientation. It is critical to ensure that these communities have appropriate access to care.

Towards that end, the California Department of Public Health's Office of Health Equity created the California Reducing Disparities Project to identify gaps in mental health outcomes among five population groups: LGBTQ, African American, Latino, Native American, and Asian Pacific Islander. The reports detailed numerous challenges to receiving appropriate mental health care based on



systemic and cultural issues. These challenges included stigma within their ethnic or cultural community, language access issues, the lack of culturally competent providers, limited access to care, lack of understanding of mental illness within their communities, and improper care or diagnoses, among many others.

As we work tirelessly to improve outcomes of individuals with mental illness in California, we must ensure that all populations are included in that progress. In order to create this outcome, there is a need to improve public awareness of mental illness and to strengthen local and national awareness of brain diseases in order to assist with advocacy for persons of color with mental illness.

ACR 163 advances the cause of improving mental health outcomes in communities of color by raising awareness about mental health and identifying the needs of those communities. We urge you to support this important resolution.

NAMI California is the state's organization of the country's largest mental health advocacy organization, the National Alliance on Mental Illness. Our 19,000 members and 67 affiliates include many people living with serious mental illnesses, their families and supporters. NAMI California advocates on their behalf, providing education and support to its members and the broader community.

If you have any questions, please contact our Legislation and Public Policy Director, Caliph Assagai, Esq., at Caliph.Assagai@namicalifornia.org or (916) 567-0163.

Sincerely,

A handwritten signature in cursive script that reads "Jessica Cruz".

Jessica Cruz, MPA/HS
Executive Director
NAMI California

NAMI California
1851 Heritage Lane #150
Sacramento, Ca 95815
916-567-0163

[Back to Agenda](#)

House Resolution

No. 36

Introduced by Assembly Member Quirk-Silva

March 27, 2014

House Resolution No. 36—Relative to the 4th of July.

1 WHEREAS, July 4, 2014, marks the 238th anniversary of the
2 signing of the Declaration of Independence, and by the adoption
3 of that document — formally entitled, “The unanimous Declaration
4 of the thirteen United States of America” — the nation we today
5 know as the United States of America officially came into being,
6 an occasion forever memorialized by President Abraham Lincoln
7 in the words of his Gettysburg Address as when “... our fathers
8 brought forth upon this continent a new nation, conceived in liberty,
9 and dedicated to the proposition that all men are created equal”;
10 and

11 WHEREAS, On June 7, 1776, in Philadelphia, Pennsylvania,
12 at a location today known as Independence Hall, Virginia delegate
13 Richard Henry Lee brought the following resolution before the
14 Second Continental Congress of the United Colonies: “Resolved,
15 That these United Colonies are, and of right ought to be, free and
16 independent states, that they are absolved from all allegiance to
17 the British Crown, and that all political connection between them
18 and the state of Great Britain is, and ought to be, totally dissolved
19”; and

20 WHEREAS, On June 8, 1776, Lee’s resolution was referred to
21 a committee of the whole of the Continental Congress, at which
22 time they spent most of that day, as well as June 10, debating
23 independence; and

1 WHEREAS, On June 11, 1776, a “Committee of Five” — with
2 Thomas Jefferson of Virginia being picked unanimously as its first
3 member, and also including John Adams of Massachusetts,
4 Benjamin Franklin of Pennsylvania, Robert R. Livingston of New
5 York, and Roger Sherman of Connecticut — was charged with
6 drafting a declaration of independence for consideration by the
7 Continental Congress; and

8 WHEREAS, The members of the “Committee of Five” assigned
9 Jefferson the task of producing a draft declaration, and on June
10 28, 1776, he produced a draft that, with minor changes by the
11 committee members, was forwarded to the Congress for its further
12 consideration; and

13 WHEREAS, On July 2, 1776, the Second Continental Congress
14 adopted the Lee resolution upon the affirmative vote of 12 of the
15 13 colonial delegations, an occasion that delegate and future
16 President John Adams detailed to his wife Abigail in a letter written
17 July 3, 1776, as follows: “Yesterday the greatest Question was
18 decided, which ever was debated in America, and a greater perhaps,
19 never was or will be decided among Men”; and

20 WHEREAS, On July 4, 1776, after further debate and changes
21 to the committee document, the Continental Congress adopted the
22 Declaration of Independence establishing the United States of
23 America, to which John Hancock that day affixed his signature,
24 with 55 other delegates representing the 13 colonies — now states
25 of the newly created nation — signing the declaration within the
26 next several weeks; and

27 WHEREAS, July 4 is a day unlike any other — in the history
28 of the United States of America, and indeed, the world — in that
29 not only is it the day that an infant nation formally defied the most
30 powerful empire on earth in a quest for freedom, liberty, and
31 independence, but even more importantly because on that day this
32 new nation declared as a “self-evident truth” — known and
33 knowable to all persons at all times in all places throughout the
34 world — the radical notion that “all men are created equal ...
35 endowed by their Creator with certain unalienable rights, that
36 among these are life, liberty and the pursuit of happiness”; and

37 WHEREAS, Since its adoption and bold pronouncement more
38 than two centuries ago, the Declaration of Independence and the
39 principles which animate that timeless document have inspired
40 literally billions of persons around the world to pursue freedom in

1 their own nation, for themselves and their own loved ones, and for
2 their fellow men and women, and remain today an imperfectly
3 unrealized goal to which all Americans and all who cherish liberty
4 must rededicate themselves, just as the drafters and signers of the
5 Declaration of Independence did by declaring: “with a firm reliance
6 on the protection of divine Providence, we mutually pledge[d] to
7 each other our Lives, our Fortunes and our sacred Honor”; and

8 WHEREAS, On this and every July Fourth, it is both proper
9 and fitting that the institutions of California government, and
10 indeed all Californians, express heartfelt gratitude and indebtedness
11 to those men and women who have served in the Armed Forces
12 of the United States, and in particular to those who have suffered
13 the injuries of battle and who have made the ultimate sacrifice in
14 protecting freedom and liberty around the world, recalling the
15 words of President Abraham Lincoln that, as a result of their
16 profound sacrifice, “... this nation, under God, shall have a new
17 birth of freedom — and that government of the people, by the
18 people, for the people, shall not perish from the earth”; now,
19 therefore, be it

20 *Resolved by the Assembly of the State of California*, That the
21 Assembly of the State of California does — and intends to every
22 year immediately preceding the 4th of July — take this opportunity
23 to recognize and celebrate July 4, 2014, and the 238th anniversary
24 of the birth of our great nation and the signing of the Declaration
25 of Independence that this day represents; and be it further

26 *Resolved*, That the Assembly of the State of California calls
27 upon all the people of the great State of California, and the United
28 States of America, to take the opportunity of the 4th of July holiday
29 to obtain a greater knowledge and understanding of the facts and
30 circumstances that compelled the 13 original colonies to declare
31 their independence, and of the timeless principles of liberty,
32 equality, and self-determination that rest at the heart of the
33 Declaration of Independence; and be it further

34 *Resolved*, That the Assembly of the State of California, on behalf
35 of a grateful citizenry, hereby expresses its heartfelt thanks,
36 appreciation, and prayers to all who have served — and who
37 currently serve — in the Armed Forces of the United States, in
38 recognition of the countless sacrifices and the indispensable role
39 these brave men and women have played even before the founding
40 of our nation on July 4, 1776, in preserving, protecting, and

- 1 defending the freedoms and liberties of all Americans, and
- 2 expanding freedom throughout the world; and be it further
- 3 *Resolved*, That the Chief Clerk of the Assembly shall make
- 4 available suitable copies of this resolution for distribution by
- 5 Members of the Assembly of the State of California.

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ASSEMBLY COMMITTEE ON RULES

Richard S. Gordon, Chair

HR 36 (Quirk-Silva) – As Introduced: March 27, 2014

SUBJECT: 4th of July.

SUMMARY: Recognizes and celebrates the 4th of July, and the 238th anniversary of the birth of our nation and the signing of the Declaration of Independence; calls upon all Californians and Americans to obtain a greater knowledge and understanding of the facts, circumstances, and principles that led to the Declaration of Independence; and expresses thanks, appreciation and prayers to those who served and currently serve in the Armed Forces of the United States in recognition of the sacrifices and the role they have placed in preserving, protecting and defending the freedoms and liberties of all Americans. Specifically, this resolution makes the following legislative findings:

- 1) July 4, 2013, marks the 238th anniversary of when the United States of America officially came into being by the signing of the Declaration of Independence; and it is the day when the new nation declared as a "self-evident truth" the radical notion that "all men are created equal endowed by their Creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness."
- 2) On June 7, 1776, Richard Henry Lee brought forth a resolution which resolved that the colonies "ought to be, free and independent states...and that all political connection between them and the state of Great Britain, is , and ought to be, totally dissolved?"; and after several days of debate, a "Committee of Five" which included Thomas Jefferson of Virginia, John Adams of Massachusetts, Benjamin Franklin of Pennsylvania, Robert R. Livingston of New York, and Roger Sherman of Connecticut, was charged with drafting a declaration of independence for consideration by the Continental Congress.
- 3) On July 4, 1776, after much debate and changes to the committee document, the Continental Congress adopted the Declaration of Independence establishing the United States of America to which John Hancock signed the declaration that day with 55 other delegates representing the 13 colonies – now states of the newly created nation – signing within the next several weeks.

- 4) Since its adoption, the Declaration of Independence has inspired persons around the world to pursue freedom in their own nation and remains an unrealized goal to which all Americans must rededicate themselves just as the drafters and signers of the Declaration of Independence did more than two centuries ago.

- 5) On this and every July Fourth, it is proper and fitting that all Californians express gratitude and indebtedness to those who have served in the Armed Forces of the United States, and in particular, to those who have suffered injuries and who have made the ultimate sacrifice in protecting freedom and liberty around the world.

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 JUNE 26, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

House Resolution

No. 45

Introduced by Assembly Member Dababneh

June 10, 2014

House Resolution No. 45—Relative to the California-Ukraine National Guard Partnership.

1 *WHEREAS, The Californian National Guard is the largest and*
2 *most frequently deployed National Guard force in the United States*
3 *with a total authorized strength of 22,900 soldiers and airmen.*
4 *Since 2001 more than 38,000 soldiers and airmen have served*
5 *with distinction overseas; and*

6 *WHEREAS, Nearly every state National Guard participates in*
7 *the National Guard State Partnership Program, also known as*
8 *SPP, which helps partner nations to prevent failed states, improve*
9 *capabilities to protect citizens, and create stable regions; and*

10 *WHEREAS, The California-Ukraine National Guard Partnership*
11 *is one of 65 National Guard State Partnership Programs (also*
12 ~~*known as SPP).*~~ ~~*The California-Ukraine National Guard Partnership*~~
13 *and this partnership was formed in 1993, just two years after*
14 *Ukraine earned its independence from the Soviet Union; and*

15 *WHEREAS, The State of California's partnership with Ukraine*
16 *is among the most important and progressive partnerships in*
17 *Europe. The California National Guard has actively trained with*
18 *the Armed Forces of Ukraine to reinforce military respect for*
19 *civilian control and rule of law while improving the*
20 *professionalism of military personnel from both Ukraine and the*
21 *State of California. Thanks to its strategic location, size, and*

1 population, Ukraine has the capacity to be one of the most
2 influential countries in the region; and

3 WHEREAS, Prior to our strategic relationship, the Armed Forces
4 of Ukraine were in desperate need of restructuring, modernization
5 of forces, and information sharing. Ukraine needed the tools to
6 learn how to build a consensus among civilian populations,
7 analytical methods for achieving their goals, and how to become
8 a diplomatic leader in its ~~region. Ukraine is now putting that~~
9 ~~framework to the test, and that is thanks to the support of the~~
10 ~~California National Guard; region; and~~

11 ~~WHEREAS, As the current political and military situation~~
12 ~~escalates in Ukraine, the partnership between Ukraine and the~~
13 ~~California National Guard becomes even more critical. Through~~

14 *WHEREAS, Through the collaboration, California Guardsmen*
15 *have addressed a broad range of social, economic, military, and*
16 *political issues in Ukraine. The California National Guard has*
17 *worked to give Ukrainian armed forces the tools to help secure*
18 *their borders, provide emergency response training, and other*
19 *training to large, diverse agencies in Ukraine; and*

20 WHEREAS, Ukrainian military members have traveled to
21 California to participate in disaster-relief exercises with the
22 California National Guard and California Guardsmen have been
23 deployed to Ukraine for antiterror exercises. Currently, the focus
24 of the California-Ukraine National Guard Partnership is on English
25 language training, strategic airlift collaboration, human resources
26 and personnel management, humanitarian assistance, development
27 of the European Union Battle ~~Group, as well as how to best~~
28 ~~leverage relationships with neighboring countries; Group; and~~

29 ~~WHEREAS, As the current conflict in Ukraine becomes more~~
30 ~~dire, it is important to reflect on the Ukraine's military and political~~
31 ~~framework. Over the last several months, Ukraine's borders have~~
32 ~~shifted, political leadership has changed, and civil unrest has~~
33 ~~ignited. It is the hope that the tools that the California National~~
34 ~~Guard has provided Ukraine remain useful, and that the safety and~~
35 ~~security of Ukraine be restored; now, therefore, be it~~

36 *WHEREAS, The California-Ukraine National Guard partnership*
37 *can be a point of pride for the almost 100,000 Californian citizens*
38 *of Ukrainian origin; now, therefore, be it*

39 *Resolved by the Assembly of the State of California, That the*
40 *Assembly proclaims its support for the California National Guard*

- 1 and the California-Ukraine National Guard Partnership; and be it
- 2 further
- 3 *Resolved*, That the Chief Clerk of the Assembly shall transmit
- 4 copies of this resolution to the author for appropriate distribution.

O

Date of Hearing: June 30, 2014

ASSEMBLY COMMITTEE ON RULES

Richard S. Gordon, Chair

HR 45 (Dababneh) – As Amended: June 26, 2014

SUBJECT: California-Ukraine National Guard Partnership.

SUMMARY: Proclaims support for the California National Guard and the California-Ukraine National Guard Partnership. Specifically, this resolution makes the following legislative findings:

- 1) Nearly every state National Guard participates in the National Guard State Partnership Program, also known as SPP, which helps partner nations to prevent failed states, improve capabilities to protect citizens, and create stable regions.
- 2) The California National Guard is the largest and most frequently deployed National Guard Force in the United States with a total authorized strength of 22,900 soldiers and airmen with more than 38,000 soldiers and airmen serving with distinction overseas since 2001.
- 3) The California-Ukraine National Guard Partnership is one of 65 National Guard State Partnership Programs and was formed in 1993; just two years after Ukraine earned its independence from the Soviet Union and can be a point of pride for the almost 100,000 California citizens of Ukrainian origin.
- 4) Through the collaboration, California Guardsmen have addressed a broad range of social, economic, military, and political issue in Ukraine and the California National Guard has worked to give Ukrainian armed forces the tools to help secure their borders, provide emergency response training, and other training to large, diverse agencies in Ukraine.
- 5) Currently, the focus of the California-Ukraine National Guard Partnership is on English language training, strategic airlift collaboration, human resources and personnel

management, humanitarian assistance, and development of the European Union Battle Group.

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 Wyland

March 10, 2014

Senate Concurrent Resolution No. 98—Relative to Gerald Ford Day.

LEGISLATIVE COUNSEL’S DIGEST

SCR 98, as introduced, Wyland. Gerald Ford Day.

This measure would recognize April 5 of each year as Gerald Ford Day, to honor the 38th President of the United States during the anniversary of Operation Babylift, which he authorized to evacuate orphans from South Vietnam at the end of the Vietnam War.

Fiscal committee: no.

- 1 WHEREAS, President Gerald R. Ford served as the 38th
2 President of the United States and was a United States Navy World
3 War II Veteran and Veterans of Foreign Wars Life Member; and
4 WHEREAS, President Gerald R. Ford, in a profound
5 humanitarian act, authorized a \$2,000,000 fund and announced
6 that the United States government would begin evacuating
7 otherwise slaughtered Asian American orphans from Saigon on a
8 series of 30 planned flights, resulting in more than 2,700 children
9 adopted in the United States; and
10 WHEREAS, Operation Babylift was the name given to the mass
11 evacuation on April 3 through April 26, 1975, of orphans from
12 South Vietnam at the end of the Vietnam War; and
13 WHEREAS, On April 5, 1975, President Ford went the extra
14 mile by flying from the Palm Springs Airport to the San Francisco
15 International Airport to welcome the babies. One of the babies he
16 carried off the evacuation aircraft, Nikki Logan, grew up and joined

1 the United States Marines to give back and to serve her country;
2 and

3 WHEREAS, Operation Babylift was one of the greatest
4 humanitarian acts of the 20th century with a positive impact on
5 some 4,000 babies' lives worldwide; now, therefore, be it

6 *Resolved by the Senate of the State of California, the Assembly*
7 *thereof concurring*, That the Legislature recognizes April 5 of each
8 year as Gerald Ford Day, in honor of his heroic stand to bring our
9 children home; and be it further

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

O

Date of Hearing: June 30, 2014

ASSEMBLY COMMITTEE ON RULES

Richard S. Gordon, Chair

SCR 98 (Wyland) – As Introduced: March 10, 2014

SENATE VOTE: 28-0

SUBJECT: Gerald Ford Day.

SUMMARY: Recognizes April 5 of each year as Gerald Ford Day, to honor the 38th President of the United States during the anniversary of Operation Babylift, which he authorized to evacuate orphans from South Vietnam at the end of the Vietnam War. Specifically, this resolution makes the following legislative findings:

- 1) President Gerald R. Ford served as the 38th President of the United States and was a U.S. Navy World War II Veteran and Veterans of Foreign Wars Life Member.
- 2) President Gerald R. Ford, in a profound humanitarian act, authorized a \$2 million fund and announced that the U.S. government would begin evacuating otherwise slaughtered Asian American orphans from Saigon on a series of 30 planned flights, resulting in more than 2,700 children adopted in the U.S.
- 3) Operation Babylift was the name given to the mass evacuation on April 3 through April 26, 1975, of orphans from South Vietnam at the end of the Vietnam War.
- 4) Operation Babylift was one of the greatest humanitarian acts of the 20th century with a positive impact on some 4,000 babies' lives worldwide.

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 Lieu

April 1, 2014

Senate Concurrent Resolution No. 105—Relative to Financial Aid and Literacy Month.

LEGISLATIVE COUNSEL'S DIGEST

SCR 105, as introduced, Lieu. Financial Aid and Literacy Month.

This measure would declare the month of April 2014 as Financial Aid and Literacy Month to raise public awareness about the continuing need for increased financial literacy.

Fiscal committee: no.

1 WHEREAS, The final report of the President's Advisory Council
2 on Financial Capability issued on February 19, 2013, urges the
3 integration of personal finance into the teaching of math and
4 English language arts Common Core State Standards for K-12
5 education as well as other subjects; and

6 WHEREAS, Assembly Bill 166 (Chapter 135 of the Statutes of
7 2013) requires that financial education, including budgeting,
8 managing credit, student loans, consumer debt, and identity theft
9 security, is included in the next revision of the social sciences,
10 health, and mathematics curricula; and

11 WHEREAS, A 2013 Junior Achievement/Allstate Foundation
12 study found that 52 percent of teenagers think students are
13 borrowing too much to pay for college, yet only 9 percent report
14 they are currently saving money for college; and

15 WHEREAS, A 2013 College Savings Foundation survey of
16 teenagers found that 51 percent wished that their current high

1 school offered financial literacy instruction for them and their
2 families to prepare for college costs; and

3 WHEREAS, Only 27 percent of parents who are saving for
4 college use a 529 college savings plan, according to a 2013 Sallie
5 Mae/Ipsos study; and

6 WHEREAS, According to a NerdWallet analysis, American
7 consumers owe collectively \$11.36 trillion, including \$856.9 billion
8 in credit card debt, and more than \$1 billion in student loan debt
9 as of January 2014; and

10 WHEREAS, The Javelin Strategy & Research's 2014 Identity
11 Fraud Report notes that 13.1 million Americans were victims of
12 identity theft in 2013; and

13 WHEREAS, According to a 2013 MetLife Mature Market
14 Institute study, only one-quarter of the oldest Baby Boomers own
15 private long-term care insurance; and

16 WHEREAS, A 2013 survey by the National Foundation for
17 Credit Counseling and the Network Branded Prepaid Card
18 Association found that only 40 percent of American adults say
19 they have a budget and are keeping close track of their spending,
20 yet 43 percent of Americans (100 million people) say they do not
21 have enough money saved for emergencies, and 38 percent are
22 worried that they will not have enough savings for retirement; and

23 WHEREAS, That study also found that 78 percent of United
24 States adults believe they could benefit from professional advice
25 regarding their financial questions; and

26 WHEREAS, The United States ranks fourth among 28 nations
27 in having the most financially literate people, according to the
28 2012 Global Financial Literacy Barometer; and

29 WHEREAS, Only 33 percent of parents say they talk to their
30 children about money more than once a week, and 49 percent of
31 teenagers have not developed a budget with their parents regarding
32 the saving or spending of their own money, according to a 2012
33 Capital One survey; and

34 WHEREAS, According to the 2012 Visa International Financial
35 Literacy Barometer, families in the United States talk to their
36 children about finances only 25.8 days per year; and

37 WHEREAS, Forty percent of American adults gave themselves
38 a grade of C or less regarding their knowledge of personal finance
39 according to a 2013 study conducted on behalf of the National
40 Foundation for Credit Counseling; and

1 WHEREAS, Approximately 61 million Americans are worried
2 about paying off their debt commitments, while 65 percent have
3 not reviewed their credit report, according to the study conducted
4 on behalf of the National Foundation for Credit Counseling; and

5 WHEREAS, A 2012 College Savings Foundation study noted
6 that recent graduates are at least 50 percent more likely to put off
7 life choices often associated with financial independence than
8 those who graduated seven or more years ago; and

9 WHEREAS, Similar resolutions have been introduced and
10 passed with strong bipartisan support to increase awareness of the
11 need for financial literacy for California citizens; now, therefore,
12 be it

13 *Resolved by the Senate of the State of California, the Assembly*
14 *thereof concurring*, That the Legislature hereby declares the month
15 of April 2014 as Financial Aid and Literacy Month to raise public
16 awareness about the continuing need for increased financial
17 literacy; and be it further

18 *Resolved*, That legislators, employers, schools, service groups,
19 community organizations, libraries, financial institutions, and the
20 media shall be encouraged to provide opportunities for financial
21 literacy education for all Californians through a variety of means
22 and to collaborate with members of the California Society of
23 Certified Public Accountants, the California Jump\$tart Coalition,
24 and others as they provide outreach and education; and be it further

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

O

Date of Hearing: June 30, 2014

ASSEMBLY COMMITTEE ON RULES

Richard S. Gordon, Chair

SCR 105 (Lieu) – As Introduced: April 1, 2014

SENATE VOTE: 35-0

SUBJECT: Financial Aid and Literacy Month.

SUMMARY: Declares the month of April 2014 as Financial Aid and Literacy Month to raise public awareness about the continuing need for increased financial literacy. Specifically, this resolution makes the following legislative findings:

- 1) The final report of the President’s Advisory Council on Financial Capability (2013) urges the integration of personal finance into the teaching of math and English language arts Common Core State Standards for K-12 education as well as other subjects.
- 2) A 2013 College Savings Foundation survey of teenagers found that 51% wished that their current high school offered financial literacy instruction for them and their families to prepare for college costs. According to a 2013 Sallie Mae/Ipsos study, only 27% of parents who are saving for college use a 529 college savings plan.
- 3) Forty percent of American adults gave themselves a grade of C or less regarding their knowledge of personal finance according to a 2013 study conducted on behalf of the National Foundation for Credit Counseling.
- 4) Approximately 61 million Americans are worried about paying off their debt commitments, while 65% have not reviewed their credit report, according to the study conducted on behalf of the National Foundation for Credit Counseling.

FISCAL EFFECT: None

REGISTERED SUPPORT / OPPOSITION:

Support

California Society of Certified Public Accountants (CalCPA)

Opposition

None on file

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



1201 K Street #1000
Sacramento CA 95814-3922
(800) 922-5272
www.calcpa.org

June 26, 2014

TO: The Assembly Rules Committee (Support)
FROM: Bruce C. Allen, Director of Government Relations
RE: **SCR 105 (Lieu) – Financial Aid and Literacy Month
Senate Third Reading File**

On behalf of over 40,000 CPA members of the California Society of Certified Public Accountants, we are pleased to support Senate Concurrent Resolution 105 which would designate April 2014 as Financial Aid and Literacy Month. SCR 105 helps bring attention to this important issue.

It is critical that Californians increase their understanding of financial matters so that they may lead financially healthy and secure lives by having the tools necessary to understand the complexities of today's financial decisions.

Our CPA members are devoting hundreds of hours to making a difference in California by providing free financial education to thousands of Californians annually and we believe it is critically important to highlight the significance of financial literacy by declaring April 2014 Financial Aid and Literacy Month.

In addition, California Society of Certified Public Accountants is offering pro bono "Dollars and Sense" workshops in all legislative districts with local CPAs. These events provide financial education as well as the opportunity to communicate directly with constituents in your district on this important subject. To schedule a financial literacy workshop, please contact us at (916) 441-5351.

We urge you to support SCR 105 when it comes before you.

cc: The Honorable Ted Lieu
Jason Fox, Director of Legislation and Regulations, CalCPA

AMENDED IN SENATE MAY 15, 2014

Senate Constitutional Amendment

No. 17

Introduced by Senator Steinberg

March 28, 2014

Senate Constitutional Amendment No. 17—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 5 of Article IV thereof, relating to the Legislature.

LEGISLATIVE COUNSEL'S DIGEST

SCA 17, as amended, Steinberg. Members of the Legislature: suspension.

The California Constitution provides that each house of the Legislature shall judge the qualifications and elections of its Members and may expel a Member by a vote of $\frac{2}{3}$ of the membership of the house. The California Constitution further charges the California Citizens Compensation Commission with the responsibility to establish the annual salary and benefits of all state officers, and provides that the salary of an elected state officer may not be reduced during his or her term of office.

This measure would require that, to suspend a Member of either house of the Legislature, a motion or resolution to that effect shall be adopted by a vote of the majority $\frac{2}{3}$ of the membership of the house, *as specified*. *The measure would prohibit a suspended Member from exercising any of the rights, privileges, duties, or powers of his or her office, or from utilizing any resources of the Legislature, while the suspension is in effect. If the motion or resolution imposing the suspension does not specify the date upon which the suspension ends, this measure would require a vote of $\frac{2}{3}$ of the membership of the house to remove the*

suspension. The measure also would authorize the salary and benefits of the Member to be forfeited for all or part of the period of the suspension by express provision of the motion or resolution.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

1 *Resolved by the Senate, the Assembly concurring,* That the
2 Legislature of the State of California at its 2013–14 Regular
3 Session commencing on the third day of December 2012,
4 two-thirds of the membership of each house concurring, hereby
5 proposes to the people of the State of California that the
6 Constitution of the State be amended as follows:

7 That Section 5 of Article IV thereof is amended to read:

8 SEC. 5. (a) (1) Each house of the Legislature shall judge the
9 qualifications and elections of its Members and, by rollcall vote
10 entered in the journal, two-thirds of the membership concurring,
11 may expel a Member.

12 (2) (A) Each house may suspend a Member by motion or
13 resolution adopted by rollcall vote entered in the journal, ~~a majority~~
14 *two-thirds* of the membership concurring. *The motion or resolution*
15 *shall contain findings and declarations setting forth the basis for*
16 *the suspension.* Notwithstanding any other provision of this
17 Constitution, the house may deem the salary and benefits of the
18 Member to be forfeited for all or part of the period of the
19 suspension by express provision of the motion or resolution.

20 (B) *A Member suspended pursuant to this paragraph shall not*
21 *exercise any of the rights, privileges, duties, or powers of his or*
22 *her office, or utilize any resources of the Legislature, during the*
23 *period the suspension is in effect.*

24 (C) *The suspension of a Member pursuant to this paragraph*
25 *shall remain in effect until the date specified in the motion or*
26 *resolution or, if no date is specified, the date a subsequent motion*
27 *or resolution terminating the suspension is adopted by rollcall*
28 *vote entered in the journal, two-thirds of the membership of the*
29 *house concurring.*

30 (b) No Member of the Legislature may accept any honorarium.
31 The Legislature shall enact laws that implement this subdivision.

32 (c) The Legislature shall enact laws that ban or strictly limit the
33 acceptance of a gift by a Member of the Legislature from any

1 source if the acceptance of the gift might create a conflict of
2 interest.

3 (d) No Member of the Legislature may knowingly accept any
4 compensation for appearing, agreeing to appear, or taking any
5 other action on behalf of another person before any state
6 government board or agency. If a Member knowingly accepts any
7 compensation for appearing, agreeing to appear, or taking any
8 other action on behalf of another person before any local
9 government board or agency, the Member may not, for a period
10 of one year following the acceptance of the compensation, vote
11 upon or make, participate in making, or in any way attempt to use
12 his or her official position to influence an action or decision before
13 the Legislature, other than an action or decision involving a bill
14 described in subdivision (c) of Section 12, which he or she knows,
15 or has reason to know, would have a direct and significant financial
16 impact on that person and would not impact the public generally
17 or a significant segment of the public in a similar manner. As used
18 in this subdivision, “public generally” includes an industry, trade,
19 or profession. However, a Member may engage in activities
20 involving a board or agency which are strictly on his or her own
21 behalf, appear in the capacity of an attorney before any court or
22 the Workers’ Compensation Appeals Board, or act as an advocate
23 without compensation or make an inquiry for information on behalf
24 of a person before a board or agency. This subdivision does not
25 prohibit any action of a partnership or firm of which the Member
26 is a member if the Member does not share directly or indirectly in
27 the fee, less any expenses attributable to that fee, resulting from
28 that action.

29 (e) The Legislature shall enact laws that prohibit a Member of
30 the Legislature whose term of office commences on or after
31 December 3, 1990, from lobbying, for compensation, as governed
32 by the Political Reform Act of 1974, before the Legislature for 12
33 months after leaving office.

34 (f) The Legislature shall enact new laws, and strengthen the
35 enforcement of existing laws, prohibiting Members of the
36 Legislature from engaging in activities or having interests which
37 conflict with the proper discharge of their duties and

- 1 responsibilities. However, the people reserve to themselves the
- 2 power to implement this requirement pursuant to Article II.

O

Date of Hearing: June 30, 2014

ASSEMBLY COMMITTEE ON RULES

Richard S. Gordon, Chair

SCA 17 (Steinberg) – As Amended: May 15, 2014

SENATE VOTE: 31-3

SUBJECT: Members of the Legislature: suspension.

SUMMARY: Upon voter approval, amends the California Constitution to allow each house of the Legislature to suspend a Member and deem the salary and benefits of that Member to be forfeited. Specifically, this measure:

- 1) Provides that each house may, by a vote of two-thirds of its membership, suspend a Member and deem the salary and benefits of the Member to be forfeited for all or part of the period of the suspension. The motion or resolution must contain findings and declarations setting forth the basis for the suspension.
- 2) Prohibits a suspended Member from exercising any of the rights, privileges, duties, or powers of his/her office, or from utilizing any resources of the Legislature while the suspension is in effect. If the motion or resolution imposing the suspension does not specify the date upon which the suspension ends, this bill requires a vote of two-thirds of the membership of the house to remove the suspension.

EXISTING LAW: The California Constitution provides that each house of the Legislature shall judge the qualifications and elections of its Members and may expel a Member by a vote of two-thirds of the membership of the house. The Constitution further charges the California Citizens Compensation Commission (Commission) with the responsibility to establish the annual salary and benefits of all state officers, and provides that the salary of an elected state officer may not be reduced during his/her term of office.

FISCAL EFFECT: According to the Senate Appropriations Committee:

- 1) One-time ballot printing/mailling costs of approximately \$275,000 - \$550,000 (General Fund)
- 2) Potential salary savings of tens of thousands of dollars depending on suspensions (General Fund)

COMMENTS:

Author's Statement. “Under current law, the Senate and Assembly may suspend the authority of its respective Members to exercise the privileges of the office for a fixed, limited period of time that is reasonably necessary to preserve the honor, dignity, and efficiency of the house. However, that power is limited in that the body does not have the power to suspend its Members without pay.

“As clearly laid out in an opinion of the Legislative Counsel, a house of the Legislature may not suspend the salary or benefits of the Senator for the duration of the suspension. The Constitution vests the [...] Commission with the power to adjust the salary and benefits of Members of the Legislature. In addition, the Constitution provides that travel and living expenses for Members must be prescribed by a statute passed by two-thirds of the membership of each house. Finally, the Constitution also provides that the salaries of elected state officers may not be reduced during their term of office.

“When exercising its inherent and expressed authority to impose a range of sanctions, each house of the Legislature should be empowered to suspend its Members without pay should the circumstances warrant such an action.”

Background. Article IV, Section 5 of the California Constitution allows the Legislature "to judge the qualifications and elections of its Members and, by rollcall vote entered in the journal, two thirds of the membership concurring, may expel a Member." Further, Assembly Rule 119 dictates the application of Article IV, Section 5, and Assembly Rule 120 provides procedures for suspending a member convicted of a felony. Whereas, the constitution provides for permanent expulsion, SCA 17 prescribes procedures for the suspension and removal of the suspension (California Const. art. IV, § 5). Additionally, SCA 17 addresses the issue of whether the compensation and benefits of a member can be suspended.

Censure, Expulsion and Other Disciplinary Actions in State Legislatures. According to the National Association of State Legislatures, the power to discipline and expel Members is inherent to a legislative body. It originated with the English Parliament in the sixteenth century, and it was exercised by colonial legislatures prior to American independence.

The punishments that are usually within a legislature's authority include withdrawal of privileges, fine, imprisonment, reprimand, censure, suspension and expulsion. Formal disciplinary procedures generally are regarded as a drastic step reserved for serious situations. Most often, every effort is made to obtain a satisfactory, but informal, solution to the matter.

Although the power to judge Members is available to all legislative bodies, many chambers do not specify the procedures to investigate charges of misconduct. In addition, the actual reasons for which a lawmaker may be disciplined often are vague or not specified at all. Disorderly behavior or conduct, listed by 37 states, is the most common basis for disciplinary action.

State constitutions provide that each house, with the requisite vote, may expel a Member; however, it is a very rare occurrence. Only 17 chambers reported that they had ever taken this very serious action.

Suspension of Senators Calderon, Wright and Yee. On March 28, 2014, the Senate approved Senate Resolution 38 (Steinberg) which suspended Senator Ronald Calderon, Senator Roderick Wright, and Senator Leland Yee until all criminal proceedings currently pending against them have been dismissed.

Legislative Counsel Opinion. The vote to suspend the three Senators followed a February 25, 2014 opinion by the Legislative Counsel confirming the Senate may suspend the authority of a Senator to exercise the privileges of the office so long as the suspension is for a fixed, limited period of time and the Senate reasonably determines the suspension to be necessary to preserve the honor, dignity, and efficiency of the Senate. However, the opinion further stated that the Senate may not suspend the salary or benefits of the Senator for the duration of the suspension given the Constitution authorizes the Commission with the responsibility to establish the annual salary and benefits of Members of the Legislature.

REGISTERED SUPPORT / OPPOSITION:

Support

None

Opposition

None.

Analysis Prepared by: Mukhtar Ali / RLS. / (916) 319-2800