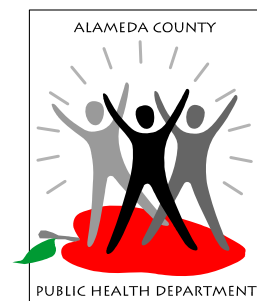


Public Health Legislation from the 2009 California Legislative Session

Prepared by Pam Willow, April, 2009
Updated, December, 2009

Legislative Council,
Alameda County Public Health Department



Purpose

This document was created to serve as a reference guide for Alameda County Public Health Department (ACPHD) staff and community members. It provides a brief summary of all public health related legislation considered during the 2009 session of the California State Legislature and is organized by Divisions and by the social determinants of health (housing, education, economic development, income, land use, transportation, and incarceration and reentry).

The intent of this document is to provide you with background on existing legislation, to help you identify gaps requiring additional legislation, and to motivate you to become active in the legislative process. A more detailed description of all included legislation can be found at www.leginfo.ca.gov, which was the main source for this document and the bill summaries.

Definitions

The final status of each bill will be listed as one of the following:

- **CHAPTERED** – A chaptered bill is one that was passed by the legislature, delivered to the governor, and signed into law by the governor.
- **VETOED** – A vetoed bill is one that was passed by the legislature, delivered to the governor, and vetoed by the governor. This bill did not become law.
- **All others** – Any other status listed other than chaptered or vetoed indicates that the bill did not make it through the legislature and was not delivered to the governor.

Legislative Council

This document was prepared under the auspices of the Alameda County Public Health Department Legislative Council. The Legislative Council is comprised of eight active members from the following divisions and areas: Administrative Services, Community Health Services, Communicable Disease Control & Prevention, Emergency Medical Services, Family Health Services, Public Health Nursing, the Office of AIDS, and the Office of the Director. The mission of the Council is to raise awareness of public health issues throughout Alameda County and to develop and implement a locally focused, strategic legislative plan for ensuring that public health policies and programs are based on community needs and interests. We encourage you to participate in the legislative process by helping to shape the legislative priorities of the department, by encouraging the department to adopt a position on legislation, and by developing legislative proposals. You are also welcome to attend one of the Council's bi-weekly meetings to observe the Council's process. For additional information about the Legislative Council contact Pam Willow, the Legislative Council Coordinator, at 208-5905 or Pam.Willow@acgov.org or visit us on the web at <http://www.acgov.org/publichealth/>.

Feedback

We would appreciate any feedback on the usefulness of this document and how it can be improved upon in the future. Please forward any questions or comments to Pam Willow, the Legislative Council Coordinator, at 208-5905 or Pam.Willow@acgov.org.

Community Health Services

AB 89	Taxation: cigarettes and other tobacco products	6
AB 91	Vehicles: driving under the influence (DUI): ignition interlock device	6
AB 100	Pupil Athletic Access and Safety Program pilot project	7
AB 171	Dental services: credit	7
AB 172	Alcohol beverages: places of consumption	8
AB 346	Joint-use school facilities	8
AB 351	Physical education	8
AB 390	Marijuana Control, Regulation, and Education Act	9
AB 403	Dental hygienists: examinations and licensure	9
AB 426	Pupil health	9
AB 517	Safe Body Art Act	9
AB 537	Farmers' markets: electronic benefit transfers	10
AB 574	Health facilities: smoking	10
AB 622	Pesticides: aerial application	10
AB 627	Child care: nutritional requirements	11
AB 667	Topical fluoride application	11
AB 689	Cigarette and Tobacco Products Tax Law: tobacco products	11
AB 719	Transitional food stamps for foster youth	11
AB 967	Pesticides: safety: playgrounds and dog parks	12
AB 1019	Alcoholic Related Services Program	12
AB 1060	Alcoholic beverage licenses: self-service checkouts	12
AB 1191	Alcoholic beverages: proof of age: passports	12
AB 1282	Alcoholic beverages	13
AB 1430	Pupil health: licensed nurses	13
AB 1478	Written acknowledgment: medical nutrition therapy	13
AB 1488	Public health: food justice	13
AB 1524	Dentistry: examination requirements	14
SB 4	Public resources: state beaches and parks: smoking ban	14
SB 53	Tobacco settlement moneys: Master Settlement Agreement	14
SB 124	Air pollution: schoolbus idling and idling at schools	14
SB 131	Alcoholic beverages: tied-house restrictions: symphony associations	15
SB 315	Pupil safety: walking schoolbus	15
SB 415	Alcoholic beverages: licenses: local government review	15
SB 468	Air pollution	16
SB 486	Medical waste: sharps waste	16
SB 554	Air pollution control districts: residential wood-burning devices	16
SB 558	Alcohol Abuse Treatments Program Fund	16
SB 600	Cigarette and Tobacco Products: Tobacco Tax and Health Protection Fund	16
SB 601	Retail tobacco licenses	17
SB 602	Food Safety	17
SB 603	Cigarette and tobacco sales: licenses: violations	17
SB 632	Ports: congestion relief: air pollution mitigation	18
SB 639	Alcoholic beverage licensees: on-sale tasting license	18
SB 728	Air pollution: parking cash-out program	19
SBX3 26	Healthy Families Program: dental-only coverage	19

Division of Communicable Diseases

AB 169	Communicable disease: involuntary testing	20
AB 221	HIV testing: skin punctures	20
AB 354	Health: immunizations	20
AB 977	Pharmacists: immunization protocols with physicians	20
AB 1045	HIV and AIDS reporting	20
AB 1201	Immunizations for children: reimbursement of physicians	21

AB 1397	Tissue donation	21
AB 1418	Communicable diseases: reporting	22
ACR 35	Viral Hepatitis Awareness Day	22
SB 158	Health care coverage: human papillomavirus vaccination	22
SB 212	Pupil health: communicable diseases	22
SB 769	Federal funding: supplemental appropriations: pandemic flu	23

Emergency Medical Services

AB 54	State government: California Emergency Management Agency	24
AB 79	Disaster relief	24
AB 254	Emergency vehicles: payment of tolls: exemptions	25
AB 472	Earthquake and emergency preparedness	25
AB 511	Medi-Cal: ambulance transportation services providers: quality assurance fees	25
AB 611	Emergency services: populations with limited English proficiency	26
AB 639	Poison control centers: funding	26
AB 865	Emergencies: communication	26
AB 866	California Earthquake Authority	26
AB 1153	Emergency air medical transportation providers: penalty levy: reimbursement augmentation	26
AB 1174	Medi-Cal: ambulance transportation services	27
AB 1272	Emergency medical services: trauma center: helicopter landing pad	27
AB 1312	Defibrillators	27
AB 1475	Emergency medical services	27
AB 1503	Emergency medical care: billing	28
SB 563	Emergency services: public safety communication	29

Family Health Services

AB 98	Maternity services	30
AB 140	Developmental disabilities	30
AB 287	Persons with developmental disabilities: employment	30
AB 302	Developmental services: regional centers	30
AB 359	Breast and cervical cancer: early detection screening: digital mammography: reimbursement rates	30
AB 367	Medi-Cal: HIV drug treatment: developmental services: provider reimbursement	31
AB 416	Developmental services: consumer abuse registry	31
AB 420	Maternal health	31
AB 438	Persons with developmental disabilities: criminal proceedings: diversion	32
AB 513	Health care coverage: breast-feeding	32
AB 543	Perinatal care: The Nurse-Family Partnership	32
AB 1307	Newborn genetic screening	33
SB 1	Health care coverage: children	33
SB 114	Medi-Cal: independent foster care adolescents	35
SB 257	Lactation accommodation: state employees	35
SB 383	Autism Spectrum Disorders: screening	35
SB 812	Developmental services: housing	36

Public Health Administration

AB 23	Cal-COBRA: premium assistance	37
AB 29	Health care coverage	37
AB 56	Health care coverage: mammographies	37
AB 73	Marriage licenses: vital records: fees: domestic violence	38
AB 119	Health care coverage: pricing	38

AB 160	Registered nurses: education program	38
AB 217	Medi-Cal: alcohol and drug screening and brief intervention services	39
AB 303	Medi-Cal: designated public hospitals: seismic safety requirement	39
AB 452	In-home supportive services: California Independence Act of 2009	39
AB 492	Community colleges: nursing faculty	40
AB 657	Health professions workforce: master plan	40
AB 722	Preexisting conditions	40
AB 861	Public health services: consolidated contracts	41
AB 896	Health care programs: provider reimbursement rates	41
AB 963	Medi-Cal eligibility	41
AB 1185	Birth certificates: new issuance: venue	42
AB 1269	Medi-Cal: eligibility	42
AB 1314	Medi-Cal: health care coverage	43
AB 1422	Health care programs: California Children and Families Act of 1998	43
AB 1427	Hospital districts	44
ACR 29	Health disparities: racial and ethnic populations	44
SB 155	Student financial aid: State Nursing Assumption Program of Loans for Education: school nurses	44
SB 208	Medi-Cal: demonstration project waiver	44
SB 311	Healthy Families Program: prospective payment system	44
SB 810	Single-payer health care coverage	45
SCR 14	Prostate Cancer Awareness Month	46

Economic Development and Income

AB 3	Workforce development: Renewable Energy Workforce Readiness Initiative: local workforce investment boards	47
AB 165	Microenterprises: economic development	47
AB 177	Economic development: California Urban Communities Collaborative Initiative Act of 2009	48
AB 290	Neighborhood Stabilization Program grants: funding priorities and criteria	48
AB 310	Employment: California Green Workforce Partnership Demonstration Program	48
AB 507	Infrastructure and Economic Development Bank Act	48
AB 699	Economic development	48
AB 700	Creative Industries and Community Economic Revitalization Act of 2010	49
AB 842	Employment	49
AB 857	Workforce development: one-step career center systems	50
AB 943	Employment: credit reports	50
AB 1000	Employment: paid sick days	51
AB 1001	Employment: familial status protection	51
AB 1139	Income taxes: credits: enterprise zones	51
AB 1394	California Workforce Investment Board: Green Collar Jobs Council	52
SB 410	California Workforce Investment Act: federal funding	52
SB 675	Energy job training: Clean Technology and Renewable Energy Job Training, Career Technical Education, and Dropout Prevention Act of 2010	53
SB 807	Employment: meal and rest periods	53

Education

AB 8	Education finance: working group	54
AB 35	Education: workforce preparation	54
AB 60	Education finance: study relating to weighted pupil funding formulas	54
AB 71	Categorical education funding: block grants	55
AB 173	Low-performing schools	55
AB 220	Public education facilities: Kindergarten-University Public Education Facilities Bond Act	56

AB 253	Career technical education: pilot program	57
AB 272	Teachers: professional development	57
AB 374	Consequences of dropping out notice	57
AB 429	Public schools accountability: advisory committee	58
AB 434	After school programs	58
AB 465	Schools: parent involvement	58
AB 554	Graduation requirements	59
AB 629	School facilities: water	59
AB 769	State preschool	59
AB 791	Oakland Unified School District: governance	59
AB 796	Pupil attendance: civic engagement activities	60
AB 821	School facilities: maintenance	60
AB 837	School attendance: online education	60
AB 976	Public schools: alternative education: accountability	61
AB 1025	Schools: employees and volunteers: Activity Supervisor Clearance Certificate	61
AB 1130	Academic performance	61
AB 1281	Pupil data: California School Racial Equality Designation Act	62
AB 1377	School districts: state receivership: audits	62
AB 1435	Public school accountability	62
ACA 7	Public education	63
ACAX3 2	Education finance	63
SB 266	Public schools: open enrollment	63
SB 272	Educational counseling	64
SB 331	Migrant education	64
SB 520	High school curriculum: community service	64
SB 604	Public education: mission	65
SB 651	Pupil retention	65
SB 688	Education: teacher evaluations: pupil surveys	65
SB 742	School accountability: low-performing public schools	66
SB 798	Before and after school programs: 21 st Century Community Learning Centers Program	66
SB 800	Pupil assessment	66

Housing

AB 123	Housing for elderly or disabled persons	67
AB 498	Affordable housing: veterans	67
AB 630	California Homebuyer's Downpayment Assistance Program: downpayment assistance: subordination	67
AB 702	Emergency Housing and Assistance Fund	67
AB 720	Land Use: housing element	68
AB 1171	Rental property: Public entity restriction	68
AB 1177	Homelessness: Interagency Council on Homelessness	69
SB 16	Low-income housing tax credits	69
SB 120	Residential: utility service	69
SB 224	Housing assistance	70
SB 251	Housing and Community Development: housing omnibus bill	71
SB 326	Land use: housing element	71
SB 500	Affordable housing: permanent revenue source	72
SB 781	Eviction procedure	72

Incarceration and Reentry

AB 61	Juvenile crime: deferred entry of judgment	73
AB 114	Juvenile court law: purpose	73
AB 250	Criminal procedure: trials: timing	73

AB 316	Wrongful convictions	73
AB 320	County jails: reentry facilities	74
AB 334	Medi-Cal: eligibility: inmates	74
AB 447	Criminal procedure: trial counsel: defendant: inability to pay	75
AB 455	California Conservation Corps: participation	75
AB 587	Vandalism: gang-related graffiti	75
AB 1198	Parole: conditions	75
AB 1211	Contributing to delinquency of minors: criminal street gang participant	76
AB 1239	Prisoners: prison education programs	76
AB 1244	Reentry	76
AB 1256	Prisoners: sentencing	76
AB 1289	Prisoners: telemedicine	77
AB 1439	Gang and youth violence: prevention	77
AB 1487	Inmate medical expenses	77
AB 1498	Firearms: possession	78
SB 151	Reentry courts: pilot program	78
SB 153	Jails: discharge of prisoners	78
SB 282	Criminal street gangs: injunction: petition to terminate	78
SB 292	Prisoners: alternative incarceration	78
SB 352	Juvenile offenders: health facilities	79
SB 492	Loitering: criminal street gangs	79
SB 698	Juvenile court schools: funding	79
SB 738	Prison inmate education	80

Land Use and Transportation

AB 266	Transportation needs assessment	81
AB 338	Transit village developments: infrastructure financing	81
AB 408	Local planning: water supplies	81
AB 444	Land use: natural resources: transfer of long-term management funds	82
AB 596	Community planning grants	82
AB 626	Bond revenues: integrated regional water management: grants	82
AB 744	Transportation: toll lanes: Express Lane Network	83
AB 782	Regional transportation plans: sustainable communities strategies	84
AB 892	Goods Movement Emission Reduction Program	85
AB 949	Transportation: State-Local Partnership Program	85
AB 956	State Air Resources Board: pavement coatings	85
AB 1158	Transit village plan	86
AB 1410	Community block funds: State Infrastructure Revolving Fund Program	86
AB 1464	Transportation: California Bicycle Routes of National, State, or Regional Significance Act	86
SB 194	Community Equity Investment Act of 2009	87
SB 205	Traffic congestion: motor vehicle registration fees	87
SB 391	California Transportation Plan	88
SB 406	Land use: environmental quality	88
SB 560	Regional transportation plans: sustainable communities strategy	88
SB 813	Community development: deferred payment future value loan programs	89
SCA 3	Transportation Investment Fund	89

Community Health Services

AB 89 *Taxation: cigarettes and other tobacco products*

Torlakson The Cigarette and Tobacco Products Tax Law, the violation of which is a crime, imposes a tax on every distributor of cigarettes and tobacco products at specified rates, including additional taxes imposed under the Tobacco Tax and Health Protection Act of 1988 (Proposition 99) and the California Families and Children Act of 1998 (Proposition 10). A provision of that law imposes a tax upon the distribution of tobacco products at a tax rate which is equivalent to the combined rate of all taxes imposed on cigarettes, which is deposited in specified accounts. This bill would, commencing on or after the first day of the first calendar quarter commencing more than 90 days on or after the effective date of the bill, impose an additional excise tax on the distribution of cigarettes at the rate of \$0.105 for each cigarette distributed, and would require a dealer or wholesaler to file a return with the State Board of Equalization showing the number of cigarettes in his or her possession or under his or her control on that date, as specified. The revenues collected from the additional tax would be deposited in the Tobacco Excise Tax Account, which would be created by the bill, and would be allocated, upon appropriation by the Legislature, for certain education-, health-, and child-related purposes. Because the bill would impose an additional tax on cigarettes under the Cigarette and Tobacco Products Tax Law, it would increase the tax upon the distribution of tobacco products under that law.

Status: In ASM. G.O. committee: Set, first hearing. Hearing canceled at the request of author. (last activity 4/30/09)

AB 91 *Vehicles: driving under the influence (DUI): ignition interlock device*

Feur (1) Existing law requires all manufacturers of ignition interlock devices that meet specified requirements and are certified in a manner approved by the Department of Motor Vehicles, that intend to market the devices in this state, to first apply to the department on forms provided by the department and to pay an accompanying fee in an amount not to exceed the amount necessary to cover the costs incurred by the department in carrying out those provisions. This bill would require a manufacturer and a manufacturer's agent, certified by the department to provide ignition interlock devices, to provide each year to the department information on the number of false positives and the time to reset the device. The bill would also require the department to use this information in evaluating the continued certification of an ignition interlock device. (2) Existing law requires a person's privilege to operate a motor vehicle to be suspended or revoked for a specified period of time if the person has been convicted of violating specified provisions prohibiting driving a motor vehicle while under the influence of an alcoholic beverage or drug or the combined influence of an alcoholic beverage and drug, or with 0.08% or more, by weight, of alcohol in his or her blood or while addicted to the use of any drug, with or without bodily injury to another. Existing law also authorizes a person whose privilege is suspended or revoked in that manner to receive a restricted driver's license if specified requirements are met, including, in some instances, the installation of an ignition interlock device on the person's vehicle. This bill would require the department to establish a pilot program from July 1, 2010, to January 1, 2016, in the Counties of Alameda, Los Angeles, Sacramento, and Tulare that requires, as a condition of being issued a restricted driver's license, being reissued a driver's license, or having the privilege to operate a motor vehicle reinstated subsequent to a conviction for a violation of the above offenses, a person to install for a specified period of time an ignition interlock device on all vehicles he or she owns or operates, except as provided. The amount of time the ignition interlock device would be required to be installed would be based upon the number of convictions, as prescribed. The bill would prohibit the implementation of the pilot program if the department fails to obtain, by January 31, 2010, nonstate funds for the programming costs of the pilot program. The bill would set up a statutory scheme under which the department would, with regard to the installation of an ignition interlock device described above, notify the person of the ignition interlock device installation requirements established under the bill, accept notification from the installer of the ignition interlock device of attempts to remove, bypass, or tamper with the ignition interlock device or if the person fails 3 or more times to comply with the maintenance requirements, monitor the installation and maintenance of the ignition interlock device, and keep specified records. The bill would also require that manufacturers and manufacturer's agents, certified by the department to provide ignition interlock devices, adopt a fee schedule for payment of

the costs of the ignition interlock device based on the offender's ability to pay, and would require the court to adopt a similar fee schedule with regard to the fees for the county alcohol and drug problem assessment program. On or before January 1, 2015, the department would be required to report to the Legislature regarding the effectiveness of the pilot program in reducing the number of first-time driving under the influence violations and repeat offenses in those counties.

Status: CHAPTERED

AB 100
Price

Pupil Athletic Access and Safety Program pilot project

Existing law, subject to an appropriation in the Budget Act of 2001, establishes the Pupil Athletic Access and Safety Program pilot project for the purpose of providing grants to private statewide nonprofit organizations in 2 regions to support a partnership to facilitate pupil participation and safety in high school interscholastic athletics that would primarily benefit low-income pupils. Existing law required the State Department of Education or its administering contracting entity, by May 1, 2002, to request and review proposals submitted by eligible organizations, and, by June 1, 2002, to select a proposal for each of the 2 regions for receipt of a grant. Existing law also required the department or its administering contracting entity, by January 1, 2005, to submit a report to the Legislature on the evaluation of the pilot project, as specified. This bill, subject to an appropriation in the annual Budget Act or other statute, would require the department or its administering contracting entity, by May 1, 2010, to request and review proposals submitted by eligible entities for the Pupil Athletic Access and Safety Program pilot project, and, by June 1, 2010, to select a proposal for each of the 2 regions for receipt of a grant. The department or its administering contracting entity, by November 1, 2012, would be required to submit a report to the Legislature on the evaluation of the pilot project, as specified. This bill would make these provisions inoperative on July 1, 2014, and would repeal them as of January 1, 2015.

Status: In Appropriations Committee: Set, second hearing. Held under submission. (last activity 5/28/09)

AB 171
Jones

Dental services: credit

Existing law prohibits a healing arts licensee, including physicians and surgeons, psychologists, acupuncturists, optometrists, dentists, podiatrists, and chiropractic practitioners, from referring a person for certain health care services if the licensee has a financial interest, as defined, with the person or entity that receives the referral. Existing law provides specified exemptions from this prohibition. Under existing law, a violation of the provisions governing referrals is a crime. This bill would prohibit a dentist, or an employee or agent of that dentist, from arranging for or establishing credit extended by a 3rd party for a patient without first providing a written notice and a written treatment plan, as specified, and would prohibit that arrangement or establishment of credit with regard to a patient who has been administered or is under the influence of general anesthesia, conscious sedation, or nitrous oxide. The bill would prohibit a dentist, or employee or agent of a dentist, from charging treatment not yet rendered or costs not yet incurred to an open-end credit extended by a 3rd party that is arranged for or established in the dental office without first providing the patient with specified information regarding the treatment and services to be rendered and ensuring the patient's receipt of the treatment plan. The bill would require a dentist to refund to the lender any payment received through credit extended by a third party, as specified, for treatment that has not been rendered or costs that have not been incurred within 15 business days of the patient's request. The bill would subject a person who willfully violates these provisions to specified civil liability. Because a violation of these provisions would be a crime, this bill would impose a state-mandated local program. Existing law, the Knox-Keene Health Care Service Plan Act of 1975, provides for the licensure and regulation of health care service plans by the Department of Managed Health Care and makes a willful violation of the act a crime. This bill would require a staff-model dental health care service plan, as defined, that arranges for or establishes credit extended by a 3rd party to establish and comply with policies and procedures that ensure compliance with the bill's provisions and to establish and comply with policies and procedures that ensure that, within 15 business days of an enrollee's request, the plan refunds to a lender any payment received through that credit for treatment that has not been rendered or costs that have not been incurred. The bill would also require a staff-model dental health care service plan that directly extends credit or establishes a payment plan to establish and comply with policies and procedures that ensure that, within 15

business days of an enrollee's request, the plan refunds to the enrollee any payment received through that credit or payment plan for treatment that has not been rendered or costs that have not been incurred.

Status: CHAPTERED

AB 172
Smyth

Alcohol beverages: places of consumption

Existing law generally prohibits the sale or consumption of alcoholic beverages at a public schoolhouse or any grounds thereof. Existing law provides that this prohibition does not apply if the alcoholic beverage is acquired, possessed, or used during events at a college-owned or college-operated stadium or other facility, but specifies that the exemption does not apply to any public education facility in which any grade from kindergarten to grade 12, inclusive, is schooled. This bill would provide that the prohibition against the sale or consumption of alcoholic beverages on the grounds of a public schoolhouse does not apply if the alcoholic beverages are acquired, possessed, or used during events at a community college-owned facility in which any grade from kindergarten to grade 12, inclusive, is schooled, if the event is held at a time when students are not present at the facility.

Status: CHAPTERED

AB 346
Torlakson

Joint-use school facilities

(1) Existing law authorizes the State Allocation Board to provide a grant to fund joint-use projects to construct facilities on kindergarten and grades 1 to 12, inclusive, schoolsites if the school district demonstrates that the project meets specified criteria. Eligibility for a joint-use grant is conditioned upon, among other things, demonstration by a school district that (a) it has entered into a joint-use agreement with a specified joint-use partner that specifies the amount of the contribution to be made by the school district and the joint-use partner toward the 50% local share of eligible project costs, and (b) the joint-use partner has agreed to contribute at least 25% of eligible project costs, except as provided. This bill would authorize the board to provide a grant to fund a joint-use project on property that is adjacent to a schoolsite and owned by a governmental entity, as defined. The joint-use agreement would be required to provide that the land would be leased to the school district for a period that reflects the useful life of the facility to be constructed. The bill would expand the types of projects that would be eligible to be built using grant funds. Those projects would include a child health and wellness clinic, career technical building or shop, science and technology laboratory, science center with exhibits or educational programs that meet current state content standards, historical or cultural education center with exhibits or educational programs that meet current state content standards, performing arts center, physical education and outdoor recreation site development. (2) Existing law requires the joint-use agreement to specify the amount of the contribution to be made by the school district and the joint-use partner toward the 50% local share of eligible project costs. The bill would authorize a school district to include, as part of the local contribution, the value of land or real property upon which the joint-use project is to be built if the school district owns the land or real property and did not pay for it or acquire it with state funds or the school district does not own the land or real property, but it will be given to the district. A portion of the contribution of a joint-use partner, up to 10% of eligible project costs, would be authorized to include equipment with an average useful life expectancy of at least 10 years. This bill also would require a joint-use agreement to ensure that the school district maintains priority for use of the facilities constructed and provide that the facility will be a public facility with access to the facility guaranteed for public use.

Status: Read second time, amended, and re-referred to Com. on APPR. (last activity 7/23/09)

AB 351
Salas

Physical education

Existing law requires all pupils who are not otherwise exempt to attend courses in physical education for a total period of time of not less than 400 minutes each 10 schooldays. This bill would authorize the governing board of a school district to exempt any high school pupil from courses in physical education if the pupil participates in California Cadet Corps, cheer team or dance team, color guard or drill team, Junior Reserve Officer Training Corps, or marching band as part of the regular course of study or regular school-sponsored extracurricular activities. The bill would specify minimum standards for the physical education substitute courses, require that a certificated employee teach the

course of study or sponsor the activity, and make other technical and clarifying changes.

Status: Re-referred to Com. on Education pursuant to Assembly Rule 77.2. (last activity 6/2/09)

AB 390 *Marijuana Control, Regulation, and Education Act*

Ammiano

Existing state law provides that every person who possesses, sells, transports, or cultivates marijuana, concentrated cannabis, or derivatives of marijuana, except as authorized by law, is guilty of one or more crimes. This bill would remove marijuana and its derivatives from existing statutes defining and regulating controlled substances. It would instead legalize the possession, sale, cultivation, and other conduct relating to marijuana and its derivatives by persons 21 years of age and older, except as specified. It would set up a wholesale and retail marijuana sales regulation program, including special fees to fund drug abuse prevention programs, as specified, to commence after regulations concerning the program have been issued, and federal law permits possession and sale consistent with the program. It would ban local and state assistance in enforcing inconsistent federal and other laws relating to marijuana, and would provide specified infraction penalties for violations of these new marijuana laws and regulations, as specified. It would make other conforming changes.

Status: In Public Safety committee: Set, first hearing. Hearing canceled at the request of author. (last activity 3/31/09)

AB 403 *Dental hygienists: examinations and licensure*

Fuller

Existing law, operative July 1, 2009, establishes the Dental Hygiene Committee of California in the Dental Board of California, and provides for the licensure and regulation of dental hygienists by the committee. Existing law requires the committee to license as a registered dental hygienist a person who completes an approved educational program, as specified, and who passes a clinical examination prescribed by the committee, an examination in California law and ethics prescribed by the committee, and a national written dental hygiene examination approved by the committee, with specified exemptions. This bill would instead provide that satisfactory performance on the state clinical examination, or satisfactory completion of the dental hygiene examination given by the Western Regional Examining Board or any other clinical dental hygiene examination approved by the Dental Hygiene Committee of California satisfies the clinical examination requirement for licensure as a dental hygienist. The bill would also provide that satisfactory completion of the National Dental Hygiene Board examination satisfies the national testing examination requirement for licensure as a dental hygienist.

Status: CHAPTERED

AB 426 *Pupil health*

Hall

Existing law requires the governing board of any school district to give diligent care to the health and physical development of pupils. This bill would require the State Department of Education, in consultation with the State Department of Public Health, the California Diabetes Program, and the State Department of Health Care Services, to recommend to the Legislature ways to address specific health-related needs of pupils on a school campus, by July 1, 2010.

Status: Re-referred to Com. on ED. (last activity 4/22/09)

AB 517 *Safe Body Art Act*

Ma

Under existing law, every person engaged in the business of tattooing, body piercing, or permanent cosmetics is required to register with the county in which that business is conducted, obtain a copy of the county's sterilization, sanitation, and safety standards, as established by the California Conference of Local Health Officers and distributed by the State Department of Public Health, as specified, and pay a one-time registration fee of \$25. Existing law allows the county to charge an additional fee if necessary to cover the cost of registration and inspection and allows a county to adopt regulations that do not conflict with, or are more comprehensive than, standards adopted by the department. Under existing law, a person who fails to register or who violates the sterilization, sanitation, and safety standards is liable for a civil penalty of up to \$500, to be collected in an action brought by the prosecuting attorney of the county or city and county in which the violation occurred. This bill would repeal these provisions and, instead, enact the Safe Body Art Act. The act would prohibit a person from performing body art, as defined, without registering annually with the local enforcement agency. The bill would require practitioners to comply with specified requirements, including, among

other things, client information and questionnaires, vaccination, bloodborne pathogen training, and sanitation. The bill would also require the owner of a body art facility, as defined, to obtain and annually renew a health permit from the local enforcement agency, as specified, and to maintain the body art facility in a specified manner. This bill would exempt from the definition of body art the piercing of an ear with a disposable, single-use, presterilized stud or solid needle that is applied using a mechanical device to force the needle or stud through the ear but would impose specified regulations on that practice. The bill would require facilities performing ear piercing to register annually with the local enforcement agency. The bill would allow the local enforcement agency to set the fee amount for registration at an amount sufficient to cover the actual costs of administering the program. This bill would regulate the performance of body art in vehicles, temporary booths, and at body art events and would require a person sponsoring a body art event to obtain a permit and fulfill specified requirements. The bill would allow inspection by an enforcement officer, and would provide for the suspension or revocation of a certificate of registration or a health permit in specified circumstances. The bill would make performing body art without being registered, operation of a body art facility without a health permit, or operation of a temporary body art event without a permit a misdemeanor and would allow the local enforcement agency to assess an administrative penalty, in an amount not less than \$25 and not more than \$1,000 for violating a provision of the chapter. This bill would allow a city, county, or city and county to adopt regulations or ordinances that do not conflict with, or are more stringent than, the provisions of the act as those provisions relate to body art.

Status: VETOED

AB 537
Arambula

Farmers' markets: electronic benefit transfers

Existing law provides for the establishment of a statewide electronic benefit transfer (EBT) system for the purpose of providing financial and food assistance benefits to needy Californians. This bill would require a farmers' market, certified farmers' market, or other open-air market selling fresh produce, that does not have an EBT system in place by January 1, 2012, to allow a Food Nutrition Service (FNS)-authorized 3rd-party organization to operate an EBT acceptance system in the market, as specified. The bill would authorize the State Department of Social Services to designate or assign a nonprofit organization that is or can be FNS-authorized to accept the EBT card on behalf of the produce sellers.

Status: In Com. on APPR.: Hearing postponed by committee. (last activity 5/28/09)

AB 574
Hall

Health facilities: smoking

Existing law establishes various programs for the prevention of disease and the promotion of health to be administered by the State Department of Public Health, including, but not limited to, a program for the licensing and regulation of health facilities. A violation of these provisions is a misdemeanor. Existing law, with certain exceptions, prohibits smoking in patient care areas, waiting rooms, and visiting rooms of specified health facilities, including general acute care hospitals. A violation of these provisions is an infraction. This bill would for a general acute care hospital, instead, prohibit smoking in all areas of the hospital and throughout the entire hospital campus, as specified. The bill would require general acute care hospitals to post specified signs and train employees on the smoking policy. The bill would specify that the smoking prohibition does not prevent smoking on a hospital campus by a patient if the treating physician determines that the patient's treatment will be substantially impaired by the denial to the patient of the use of tobacco and the physician enters a written order permitting the use of tobacco by that patient. The bill would also specify that violation of these provisions does not constitute either a misdemeanor or an infraction.

Status: VETOED

AB 622
Swanson

Pesticides: aerial application

Existing law requires the registration of pesticides, prohibits certain uses of pesticides, and authorizes the Director of Pesticide Regulation to adopt regulations to govern the possession, sale, or use of pesticides, as provided. Existing law requires the use of any pesticide by any person to be in such a manner as to prevent substantial drift to nontarget areas, and requires pesticide applications on public property which take place on school grounds, parks, or other public rights-of-way where public exposure is foreseeable to be posted with warning signs. This bill would require, with respect to

aerial applications of a pesticide, the observance of a safety zone of no less than 3.3 miles from the aerial application for residential areas, including known sensitive sites, as specified. The bill would exempt from these provisions the State Department of Public Health, local vector control agencies, and mosquito abatement and vector control districts, as provided.

Status: Re-referred to Agriculture committee. (last activity 9/3/09)

AB 627 *Child care: nutritional requirements*

Brownley Under existing law, the State Department of Education administers the child care food program pursuant to federal law, under which food is provided to child development programs and alternative child care programs, as defined. This bill would require the Superintendent of Public Instruction to establish a pilot program at least 12 months in duration in which licensed child care centers and child day care homes selected by the department that participate in the federal Child and Adult Care Food Program shall implement certain nutrition and physical activity standards in exchange for a higher state meal reimbursement. This bill would require the State Department of Education to design and implement the pilot program, as specified. The bill would specify that its provisions shall only be implemented if the Superintendent determines that non-General Fund funding sources are available for that purpose, as specified.

Status: VETOED

AB 667 *Topical fluoride application*

Block Existing law requires that pupils of public and private elementary and secondary schools, except community colleges, be offered the opportunity to receive, within the school year, the topical application of fluoride or other decay-inhibiting agent to the teeth, as specified. Existing law requires the application to be under the direction of a dentist and allows for self-application. Under existing law, a dental assistant may only perform topical fluoride applications under the direct supervision of a licensed dentist, as defined. This bill would, when services are provided to elementary or postsecondary pupils, specifically include fluoride varnish in the topical applications that may be used and allow application by any person, including a dental assistant. The bill would also permit any person, including a dental assistant, to apply topical fluoride, including fluoride varnish to the teeth of a person being served in a public health setting or program that is created or administered by a state or local governmental entity, as specified. It would require, with respect to services to which the bill applies, that they be provided in accordance with a prescription and protocol issued and established by a physician or dentist.

Status: CHAPTERED

AB 689 *Cigarette and Tobacco Products Tax Law: tobacco products*

Charles The Cigarette and Tobacco Products Tax Law imposes a tax on every distributor of cigarettes and Calderon tobacco products, as defined, at specified rates, including additional taxes imposed under the laws that were enacted by the Tobacco Tax and Health Protection Act of 1988 (Proposition 99) an initiative measure approved by the electorate, November 8, 1988, and the California Children and Families First Act of 1998 (Proposition 10) an initiative measure approved by the electorate, November 3, 1998. Provisions of the law define tobacco products to include any articles or products made of, or containing at least 50%, tobacco, other than cigarettes. The violation of provisions of the law, including requirements and prohibitions relative to tobacco products, is generally a misdemeanor. Proposition 99 prohibits the Legislature from amending provisions of the Tobacco Tax and Health Protection Act of 1988 except by a 4/5 vote of the membership of both houses of the Legislature and then only if consistent with the act. The California Children and Families First Act of 1998 may be amended only by a vote of 2/3 of the membership of both houses of the Legislature and then only if in furtherance of the act and consistent with its purposes.

Status: To inactive file on motion of Assembly Member Charles Calderon. (last activity 5/11/09)

AB 719 *Transitional food stamps for foster youth*

Bonnie Existing law declares the duty of the state to care for and protect the children that it places into foster Lowenthal care. Under existing law, the State Department of Social Services has various powers and duties relating to ensuring that the needs of foster children are met. Existing law requires the State Department of Health Care Services, if, and to the extent that, all necessary federal approvals are

obtained for federal financial participation, to implement a federal option to extend Medi-Cal benefits to independent foster care adolescents, as defined in federal law. Existing law provides for the federal Supplemental Nutrition Assistance Program (SNAP) (formerly the Food Stamp Program), under which each county distributes nutrition assistance benefits to eligible households. The SNAP is administered at the state level by the State Department of Social Services. This bill would require the department to propose a Transitional Food Stamps for Foster Youth demonstration project, effective July 1, 2010. The demonstration project would provide independent foster care adolescents, who are not eligible for CalWORKs or SSI benefits, with eligibility for food stamps without regard to income or resources. This bill would require the department to implement its provisions by all-county letter or similar instructions, and would prescribe additional duties of the department in connection with the transitional food stamp demonstration project, including obtaining necessary federal approvals. This bill would be implemented only to the extent that federal financial participation is available.

Status: CHAPTERED

AB 967
Ma

Pesticides: safety: playgrounds and dog parks

Existing law provides that the purpose of certain statutes relating to pesticides is to provide for the proper, safe, and efficient use of pesticides, protect the environment, assure worker safety, permit control of licensees by the Director of Pesticide Regulation and county commissioners, assure consumers of proper and appropriate labeling, and encourage pest management systems. This bill would establish the Healthy Parks Act of 2009. The bill would prohibit the use on a playground or dog park of certain pesticides. The bill would require the owner or operator of a playground or dog park to maintain records of all pesticide use at the playground or dog park for a period of 4 years and to make the records available to the public upon request. The bill would require the owner or operator of a playground and dog park to post warning signs in an area of pesticide application at least 24 hours prior to application and to maintain the posting until 72 hours after the application.

Status: In committee: Set, first hearing. Hearing canceled at the request of author. (last activity 4/21/09)

AB 1019
Beall

Alcohol-Related Services Program

Existing law requires the State Department of Alcohol and Drug Programs to perform various functions and duties with respect to the development and implementation of state and local substance abuse treatment programs. This bill would, in addition, establish the Alcohol-Related Services Program and the Alcohol-Related Services Program Fund and would authorize the State Board of Equalization to assess and collect specified fees from every person who is engaged in business in this state and sells alcoholic beverages for resale, as prescribed. The bill would require the fees to be deposited into the fund and would continuously appropriate those moneys exclusively for the alcohol-related services programs established pursuant to this bill. The bill would authorize the State Department of Alcohol and Drug Programs to establish, or contract or provide grants for the establishment of, component services under the program.

Status: Re-referred to Com. on HEALTH. (last activity 4/30/09)

AB 1060
De La Torre

Alcoholic beverage licenses: self-service checkouts

The Alcoholic Beverage Control Act, administered by the Department of Alcoholic Beverage Control, regulates the sale and distribution of alcoholic beverages and the granting of licenses for the manufacture, distribution, and sale of alcoholic beverages within the state. This bill would prohibit off-sale licensees from selling alcoholic beverages using a self-service checkout system. This bill makes findings and declarations regarding the effects of allowing alcoholic beverages to be sold using self-service checkouts.

Status: To inactive file on motion of Senator De Saulnier. (last activity 9/11/09)

AB 1191
Conway

Alcoholic beverages: proof of age: passports

The Alcoholic Beverage Control Act makes it a misdemeanor for any person under the age of 21 years to purchase any alcoholic beverage or consume any alcoholic beverage in any on-sale premises. The act also subjects a holder of a license to sell alcoholic beverages to criminal prosecution and suspension or revocation of that license if the licensee sells any alcoholic beverages to any person under 21 years of age. Existing law provides that a licensee's acceptance of bona fide evidence, as

defined, constitutes a defense to any action against the licensee. This bill would authorize the acceptance of a valid passport, issued by the United States government or a foreign government, as bona fide evidence that a person is 21 years of age or older. This bill makes findings and declaration with regard to the importance of tourism to California.

Status: CHAPTERED

AB 1282
Hall

Alcoholic beverages

The Alcoholic Beverage Control Act prohibits any licensee from giving a premium, gift, or free goods in connection with the sale and distribution of any alcoholic beverage, except as provided. This bill would provide that, with regard to beer, a beer manufacturer, as defined, may give consumer advertising specialties to the general public that do not exceed \$3 per unit original cost to the beer manufacturer who purchased it. This bill would prohibit a beer manufacturer from requiring a beer wholesaler to fund the purchase of these consumer advertising specialties.

Status: CHAPTERED

AB 1430
Swanson

Pupil health: licensed nurses

Existing law establishes the public elementary and secondary school system in this state. Under this system, school districts throughout the state provide instruction to pupils in kindergarten and grades 1 to 12, inclusive, at the public elementary and secondary schools. Existing law provides that any pupil who is required to take, during the regular schoolday, medication prescribed for him or her by a physician and surgeon may be assisted by the school nurse or other designated school personnel, or may carry and self-administer prescription auto-injectable epinephrine if the school district receives the appropriate written statements, as prescribed, from the physician and the parent, foster parent, or guardian of the pupil. Existing regulations of the State Department of Education specify procedures to be followed in the administration of medication to a pupil. The existing Nursing Practice Act regulates the practice of nursing, which is defined in the act as those functions, including basic health care, that help people cope with difficulties in daily living that are associated with their actual or potential health or illness problems or the treatment thereof, and that require a substantial amount of scientific knowledge or technical skill. This bill would express findings and declarations of the Legislature with respect to a Superior Court ruling relating to the administration of medication to pupils in California public elementary and secondary schools. The bill would require, with certain exceptions, that any medication that is administered to a pupil who is required to take, during the regular schoolday, medication prescribed for him or her by a physician or surgeon be administered by a health care professional operating within the scope of his or her practice. The bill would specify that, for the purposes of these provisions, the practice of nursing is defined as specified in the Nursing Practice Act. The bill would also codify the regulations of the State Department of Education with respect to the administration of medication to a pupil that are referenced above, with certain exceptions.

Status: In Com. on B. & P.: Set, first hearing. Further hearing to be set. (last activity 5/12/09)

AB 1478
Ammiano

Written acknowledgement: medical nutrition therapy

Existing law requires a health care practitioner, as specified, to obtain prior verbal and written consent of a patient or the patient's legal representative, as specified, prior to delivery of health care via telemedicine. This bill would require that a physician and surgeon obtain a patient's written acknowledgment confirming the receipt of information, as specified, regarding treatment through medical nutrition therapy prior to delivering nonemergency treatment for diabetes or heart disease.

Status: In B. & P. Committee: Set, first hearing. Hearing canceled at the request of author. (last activity 4/28/09)

AB 1488
Hall

Public health: food justice

Existing law requires the Department of Food and Agriculture, headed by the Secretary of Food and Agriculture, to promote and protect the agricultural industry of the state. This bill would require, by July 1, 2010, the Department of Food and Agriculture, in consultation with the State Department of Public Health and the State Department of Social Services, to provide recommendations to the Legislature regarding actions that need to be taken to promote food justice in the state.

Status: In Agriculture Committee: Set, first hearing. Hearing canceled at the request of author. (last

activity 4/29/09)

- AB 1524 Hayashi *Dentistry: examination requirements*
The Dental Practice Act provides for the licensing and regulation of dentists and associated professions by the Dental Board of California. Existing law requires an applicant for a license to practice dentistry to complete various examinations, including the National Board Dental Examination, an examination in California law and ethics developed by the board, and a clinical and written examination administered either by the board or the Western Regional Examining Board. This bill would abolish the clinical and written examination administered by the board. The bill would instead replace that examination with an assessment process in which an applicant is assessed while enrolled at an in-state dental school utilizing uniform standards of minimal clinical experiences and competencies and at the end of his or her dental school program.
Status: In B. & P. Committee: Hearing postponed by committee. (last activity 4/28/09)
- SB 4 Oropeza *Public resources: state beaches and parks: smoking ban*
Existing law makes it an infraction for a person to smoke a cigarette, cigar, or other tobacco-related product within 25 feet of a playground or tot lot sandbox area. This bill would make it an infraction for a person to smoke, as defined, a pipe, cigar, or cigarette on a state coastal beach or in a unit of the state park system, as defined. The bill would require that the ban on smoking be in effect in units of the state park system only if the district superintendent of the state park system has posted an order in accordance with state park regulations policy that prohibits smoking in those areas, and public notice of the proposed order has been provided for at least 30 days. The bill would establish a state-mandated local program by creating a new crime. This bill would permit the Department of Parks and Recreation or another relevant state agency to develop and post signs at a state coastal beach or a unit of the state park system to provide notice of the smoking prohibition. The bill would require the smoking prohibition to be enforced only after signs have been posted alerting the public of the prohibition, but would authorize warnings to be given before signs have been posted.
Status: Placed on inactive file on request of Assembly Member Torrico. (last activity 8/27/09)
- SB 53 DeSaulnier *Tobacco settlement moneys: Master Settlement Agreement*
Under existing law, states' attorneys general and various tobacco product manufacturers have entered into a Master Settlement Agreement, in settlement of various lawsuits, that provides for the allocation of money to the states and certain territories. The state has entered into a memorandum of understanding providing for the allocation of the state's share of moneys to be received under the Master Settlement Agreement between the state and the various local governments of the state. The Attorney General, on behalf of the state, has entered into the California escrow agreement with the California escrow agent named in the agreement relating to the division between the state and the participating jurisdictions of amounts payable under the Master Settlement Agreement. Existing law sets forth the duties of the California Infrastructure and Economic Development Bank and its board of directors generally in performing various financing transactions, including the issuance of bonds or the authorizing of the issuance of bonds by a trust, partnership, limited partnership, association, corporation, nonprofit corporation, or other entity, known as a special purpose trust. Under existing law, the bank is authorized to sell for, and on behalf of, the state all or any portion of the state's tobacco assets, as defined, to a special purpose trust consisting of a not-for-profit corporation. This bill would authorize the Attorney General to negotiate amendments to the Master Settlement Agreement, the memorandum of understanding, and the California escrow agreement, provided that those amendments do not materially adversely alter, limit, or impair the rights to receive tobacco assets sold to the special purpose trust, nor in any way materially impair the rights and remedies of bondholders or the security for their bond until those bonds, together with the interest on the bonds and costs and expenses in connection with any action or proceeding on behalf of the bondholders, are fully paid and discharged.
Status: CHAPTERED
- SB 124 Oropeza *Air pollution: schoolbus idling and idling at schools*
Existing law designates the State Air Resources Board as the state agency charged with coordinating efforts to attain and maintain ambient air quality standards. Existing law also designates the state

board as the state agency with the primary responsibility for the control of vehicular air pollution. Existing law requires the state board to identify toxic air contaminants that are emitted into the ambient air of the state, and requires the state board to establish toxic control measures for toxic air contaminants. Existing regulations adopted by the state board establish toxic control measures to limit schoolbus idling and idling at schools. Those existing regulations require drivers of schoolbuses, transit buses, school pupil activity buses, youth buses, general public paratransit vehicles, as those terms are defined in the regulations, and specified transit buses and commercial motor vehicles to, among other things, turn off the bus or vehicle engine upon stopping at or within 100 feet of a school, prohibits those drivers from turning the bus or vehicle engine on more than 30 seconds before beginning to depart from a school or within 100 feet of a school, and prohibits those drivers from causing the bus or vehicle to idle for more than 5 consecutive minutes or 5 aggregate minutes in any one hour at any location greater than 100 feet from a school. Those existing regulations provide that any violation of those requirements subjects the driver or the motor carrier to a minimum civil penalty of \$100 and to criminal penalties. Those existing regulations authorize the state board, peace officers and the authorized representatives of their law enforcement agencies, and air quality management districts and air pollution control districts, to enforce those provisions. This bill would codify those regulations, and would increase the minimum civil penalty for a violation to \$300 and authorize additional civil penalties.

Status: CHAPTERED

SB 131
Wiggins

Alcoholic beverages: tied-house restrictions: symphony associations

The Alcoholic Beverage Control Act contains limitations on sales commonly known as "tied-house" restrictions, which generally prohibit a manufacturer, winegrower, manufacturer's agent, California winegrower's agent, rectifier, distiller, bottler, importer, or wholesaler from furnishing, giving, or lending any money or other thing of value to any person engaged in operating, owning, or maintaining any off-sale licensed premises. Existing law authorizes specific exceptions to this prohibition, including exceptions for donations and sales to nonprofit corporations. This bill would additionally, until December 31, 2014, authorize monetary contributions and contributions of alcoholic beverages by specified alcoholic beverage licensees to a symphony association under specified circumstances, including that the symphony association has been incorporated in the City and County of San Francisco by and through its predecessor organizations for a specified amount of time. This bill would make findings regarding the need for special legislation.

Status: CHAPTERED

SB 315
Liu

Pupil safety: walking schoolbus

Existing law makes each school district and county office of education responsible for the overall development of all comprehensive school safety plans for its schools operating kindergarten or any of grades 1 to 12, inclusive. Existing law requires that a comprehensive school safety plan include specified elements, including, but not limited to, development of procedures for safe ingress and egress of pupils, parents, and school employees to and from school. This bill would authorize the governing board of any school district to establish and maintain a walking schoolbus, defined as a group of pupils walking to or from school with one or more supervising adults, for the purpose of ensuring the safe passage of pupils to and from school.

Status: VETOED

SB 415
Oropeza

Alcoholic beverages: licenses: local government review

Existing law requires the Department of Alcoholic Beverage Control to notify the appropriate sheriff, chief of police, district attorney, city or county planning agency, and legislative body of an application for the issuance or transfer of a liquor license, and prohibits the Department of Alcoholic Beverage Control from issuing or transferring a license until at least 30 days after these notices are provided. Existing law authorizes the department to extend that 30-day period for a period not to exceed an additional 20 days if a proper written request is made by any local law enforcement agency. This bill would authorize the department to extend the 30-day period for a period not to exceed an additional 30 days if a proper written request is made by any entity or official receiving the required notification.

Status: VETOED

SB 468 Runner	<p><i>Air pollution</i></p> <p>The Legislature finds and declares that the people of California have a primary interest in the quality of the physical environment in which they live, and that this physical environment is being degraded by the waste and refuse of civilization polluting the atmosphere, thereby creating a situation that is detrimental to the health, safety, welfare, and sense of well-being of the people of California.</p> <p>Status: To Com. on RLS. (last activity 3/12/09)</p>
SB 486 Simitian	<p><i>Medical waste: sharps waste</i></p> <p>The California Integrated Waste Management Act of 1989 requires a city's or a county's household hazardous waste element to include a program containing specified components for the safe collection, treatment, and disposal of sharps waste generated by households. The act requires the Integrated Waste Management Board, in consultation with specified entities, to develop model programs for the collection and proper disposal of drug waste. This bill would require, on or before July 1, 2010, and annually thereafter, a pharmaceutical manufacturer that sells or distributes medication that is self-injected at home through the use of hypodermic needles and other similar devices to submit to the board, or its successor agency, a plan that describes how the manufacturer supports the safe collection and proper disposal of the waste devices. The bill would require the manufacturer and the board, or its successor or agency, to post and maintain the plans on their respective Internet Web sites.</p> <p>Status: CHAPTERED</p>
SB 554 Hollingsworth	<p><i>Air pollution control districts: residential wood-burning devices</i></p> <p>Existing law designates air pollution control districts and air quality management districts as having the primary responsibility for the control of air pollution from all sources other than vehicular sources. Existing law designates the State Air Resources Board as the state agency charged with coordinating efforts to attain and maintain ambient air quality standards. Existing federal regulations establish standards of performance for new residential wood heaters. Existing law requires the state board, in consultation with the districts, to develop a list of the most readily available and cost-effective control measures that could be employed by the state board and districts to reduce emissions of PM 2.5 and PM 10 particulate matter. Existing law requires that the list include control measures for woodstoves and fireplaces among other emission source categories. Existing law requires the state board and each district to adopt an implementation schedule for the most cost-effective measures on the list. This bill would prohibit any district from adopting a rule or regulation that restricts or prohibits the installation or operation of any wood-burning device in any new or existing residential structure.</p> <p>Status: Set, first hearing. Hearing canceled at the request of author. (last activity 5/4/09)</p>
SB 558 Desaulnier	<p><i>Alcohol Abuse Treatment Program Fund</i></p> <p>Existing law requires the State Department of Alcohol and Drug Programs to perform various functions and duties with respect to the development and implementation of state and local substance abuse treatment programs. This bill would, in addition, establish the Alcohol Abuse Treatment Program Fund and would authorize the Department of Alcoholic Beverage Control to assess and collect a fee in an amount not to exceed \$0.05 per drink from every person who is engaged in business in this state and sells alcoholic beverages for resale, as prescribed. The bill would require the fees to be deposited into the fund and would make those moneys available, upon appropriation by the Legislature, exclusively for alcohol abuse programs established pursuant to this bill. The bill would authorize the State Department of Alcohol and Drug Programs to establish, or contract or provide grants for the establishment of, public education, outreach, counseling, case management, and recovery services, related to alcohol abuse.</p> <p>Status: From committee with author's amendments. Read second time. Amended. Re-referred to Com. on G.O. (last activity 4/21/09)</p>
SB 600 Padilla	<p><i>Cigarette and Tobacco Products Taxes: Tobacco Tax and Health Protection Fund</i></p> <p>The Cigarette and Tobacco Products Tax Law, the violation of which is a crime, imposes a tax on every distributor of cigarettes and tobacco products at specified rates, including additional taxes imposed under the Tobacco Tax and Health Protection Act of 1988 (Proposition 99) and the</p>

California Families and Children Act of 1998 (Proposition 10). A provision of that law imposes a tax upon the distribution of tobacco products at a tax rate which is equivalent to the combined rate of all taxes imposed on cigarettes, which is deposited in specified accounts. This bill would, commencing on or after the first day of the first calendar quarter commencing more than 90 days on or after the effective date of the bill, impose an additional tax on the distribution of cigarettes at the rate of (\$0.075) or 75 mills for each cigarette distributed, and would require a dealer or wholesaler to file a return with the State Board of Equalization showing the number of cigarettes in his or her possession or under his or her control on that date, as specified. Because the bill would impose an additional tax on cigarettes under the Cigarette and Tobacco Products Tax Law, it would increase the tax upon the distribution of tobacco products under that law. The bill would provide that the revenues collected from the additional tax would be allocated, upon appropriation by the Legislature, for certain purposes. The bill would require funds to be transferred from the fund to the California Children and Families First Trust Fund, which is a continuously appropriated fund, the Hospital Services Account, the Physician Services Account, the Unallocated Account of the Cigarette and Tobacco Products Surtax Fund, the Public Resources Account, and the Breast Cancer Fund, as necessary to offset revenue decreases to those accounts directly resulting from imposition of additional taxes by these provisions. Because this bill would require funds to be transferred to a continuously appropriated fund, it would make an appropriation.

Status: From Appropriations Committee: Do pass, but first be re-referred to Com. on Rules. (last activity 8/31/09)

SB 601
Padilla

Retail tobacco licenses

The California Cigarette and Tobacco Products Licensing Act of 2003 requires a retailer to obtain a license from the State Board of Equalization to engage in the sale of cigarette and tobacco products in this state. A retailer owning more than one retail location must obtain a separate license for each retail location. This bill would specify that a new license may not be issued to a retailer for a retail location that is located within 600 feet of a school, except as specified, and would limit the issuance of licenses to retailers for a traditional retail location, as defined. This bill would require the Department of Alcoholic Beverage Control and the State Department of Public Health to provide specified information to the board upon request.

Status: Set, first hearing. Held in committee and under submission. (last activity 5/28/09)

SB 602
Padilla

Food Safety

The California Retail Food provides for the regulation of health and sanitation standards for retail food facilities by the State Department of Public Health. Under existing law, a violation of these provisions is a misdemeanor. Local health agencies are primarily responsible for enforcing this law. This law generally requires food facilities, except temporary food facilities, to have an owner or employee who has successfully passed an approved and accredited food safety certification examination from an accredited food protection manager certification organization, except as specified. This bill would require at least one of the accredited food safety certification examinations to be offered online. This bill would also require, commencing January 1, 2011, a food handler, as defined, to obtain a food handler card within 30 days of his or her date of hire, and to maintain a valid food handler card for the duration of his or her employment as a food handler.

Status: From committee: Be re-referred to Com. on Health (10-0). (last activity 9/10/09)

SB 603
Padilla

Retail cigarette and tobacco sales: licenses: violations

(1)The California Cigarette and Tobacco Products Licensing Act of 2003 requires a retailer to obtain a license from the State Board of Equalization to engage in the sale of cigarette and tobacco products in this state, requires a retailer to obtain a separate license for each retail location, requires retailer licensees to pay a one-time license fee of \$100, no renewal fee, and a reinstatement fee of \$100 if the license is renewed after lapse, and authorizes the board to suspend or revoke the license of any retailer of tobacco products that is in violation of the act. Existing law requires all moneys collected pursuant to the act to be deposited in the Cigarette and Tobacco Products Compliance Fund, which is available for appropriation by the Legislature solely for the purpose of implementing, enforcing, and administering the California Cigarette and Tobacco Products Licensing Act of 2003. This bill would specify that a new license may not be issued to a retailer for a retail location that is located within

600 feet of a school, except as specified. This bill would prohibit the board from issuing a new license to a retailer for a retail location in an area of overconcentration, as defined. The bill would authorize the board to issue a new license if the local governing body of the area in which the applicant's premises are located, or its designated subordinate officer or body, determines that public convenience or necessity would be served by the issuance. The bill would require that determination to be made within 90 days of notification of a completed application, as specified, except that if the local governing body, or its designated subordinate officer or body, did not make a determination within 90 days the license would be deemed denied. The board would be authorized to issue a license if the determination is made within the 90-day period and the applicant shows that public convenience or necessity would be served by the issuance. The bill would set the renewal fee at \$100. This bill would allow, under specified circumstances, a retailer to transfer an existing license to another person for continued use at the same location upon the sale or transfer of the business holding the license, if the business is in an area of overconcentration. This bill would require the Department of Alcoholic Beverage Control and the State Department of Public Health to provide specified information to the board upon request. (2) Existing law, the Stop Tobacco Access to Kids Enforcement Act or STAKE Act, establishes various requirements for retailers relating to tobacco sales to minors. Existing law also makes it a misdemeanor for a retailer to knowingly or under circumstances in which it has knowledge, or should otherwise have grounds for knowledge, sell, give, or in any way furnish a minor with tobacco products or paraphernalia. Under existing law, violation of the STAKE Act or the misdemeanor provision result in State Board of Equalization action, on a set schedule, relating to the licensure of the retailer when the youth purchase survey finds that 13% or more of youth are able to purchase cigarettes, and makes the board's authority inoperative when a youth purchase survey shows less than 13% of youth were able to purchase cigarettes. This bill would allow the board to take action relating to the licensure of retailers who have violated the STAKE Act and misdemeanor provisions at any time, would require the enforcing agency to notify the board of a conviction of a violation in a timely manner, and would require the board to take appropriate action upon that notification. This bill would delete the provision conditioning the board's authority to take action against retailers on the results of a youth purchase survey. This bill would also modify the schedule of actions taken by the board for violations. This bill would require the Department of Alcoholic Beverage Control and the State Department of Public Health to provide specified information to the board upon request.

Status: Set, first hearing. Hearing canceled at the request of author. (last activity 7/8/09)

SB 632
Lowenthal

Ports: congestion relief: air pollution mitigation

Existing law regulates the operation of ports and harbors. This bill would require the Ports of Long Beach, Los Angeles, and Oakland, beginning January 1, 2010, to assess their infrastructure and air quality improvement needs, including, but not limited to, projects that improve the efficiency of the movement of cargo, reduce congestion impacts associated with the movement of cargo, and reduce pollution associated with the movement of that cargo. The bill would require each port to provide this assessment to the Legislature by July 1, 2010, and to include in the assessment the total costs of the infrastructure and air quality improvements, possible funding options for these projects, and estimated timelines for implementation.

Status: Placed on inactive file on request of Assembly Member Torrico. (last activity 7/13/09)

SB 639
Calderon

Alcoholic beverage licensees: tasting permits

The Alcoholic Beverage Control Act contains various provisions regulating the application for, the issuance of, the suspension of, and the conditions imposed upon, alcoholic beverage licenses by the Department of Alcoholic Beverage Control. Existing law provides for various annual fees for the issuance of alcoholic beverage licenses depending upon the type of license issued. This bill would add an on-sale tasting license to the Alcoholic Beverage Control Act, which would allow the licensee to furnish tastes of alcoholic beverages to consumers subject to specified limitations. The bill would impose an annual fee for a tasting permit of \$750, which would be deposited in the Alcohol Beverage Control Fund. The Alcoholic Beverage Control Act provides that a violation of its provisions is a misdemeanor, unless otherwise specified.

Status: Set, first hearing. Held in committee and under submission. (last activity 5/28/09)

- SB 728
Lowenthal *Air pollution: parking cash-out program*
Existing law requires an employer of 50 persons or more who provides a parking subsidy to employees and who is in an air basin that is designated as a nonattainment area in terms of air quality to offer a parking cash-out program, defined as an employer-funded program under which an employer offers to provide a cash allowance to an employee equivalent to the parking subsidy that the employer would otherwise pay to provide the employee with a parking space. This bill would authorize the State Air Resources Board to impose a civil penalty for a violation of this requirement. The bill would also authorize a city, county, and air pollution control district or air quality management district to adopt a penalty or other mechanism to ensure compliance. The bill would authorize the imposition of a penalty by the state board or the local agency, but not both. This bill would incorporate additional changes in Section 43845 of the Health and Safety Code proposed by AB 1186 of the 2009-10 Regular Session that would become operative only if AB 1186 and this bill are both enacted and become effective before January 1, 2010, and this bill is enacted last.
Status: CHAPTERED
- SBX3 26
Alquist *Healthy Families Program: dental-only coverage*
Existing law, the federal Children's Health Insurance Program Reauthorization Act of 2009, authorizes states with a separate Children's Health Insurance Program to provide dental-only supplemental coverage to children who are enrolled in group health care coverage or health insurance coverage offered through an employer and who would otherwise satisfy the requirements for being a targeted low-income child, as specified. Existing law creates the Healthy Families Program, administered by the Managed Risk Medical Insurance Board, to arrange for the provision of health, dental, and vision benefits to eligible children pursuant to the federal Children's Health Insurance Program. This bill would, contingent on the receipt and appropriation of funds, require the board to provide dental-only coverage consistent with the federal Children's Health Insurance Program Reauthorization Act of 2009, as specified, and would authorize the board to adopt regulations to implement that requirement. The bill would also state the intent of the Legislature to enact legislation that would implement other provisions of the federal Children's Health Insurance Program Reauthorization Act of 2009.
Status: From committee without further action. (last activity 10/26/09)

Division of Communicable Diseases

- AB 169
Portantino *Communicable disease: involuntary testing*
Existing law establishes procedures by which an arrestee's blood may be tested, either voluntarily or by court order, for specified communicable diseases when a peace officer, firefighter, or emergency medical personnel is exposed to an arrestee's blood or bodily fluids, as defined, while the peace officer, firefighter, or emergency medical personnel is acting within the scope of his or her duties. This bill would add custodial officers, to the list of persons who may seek to have an arrestee's blood tested, either voluntarily or by court order, for specified communicable diseases when the custodial officer is exposed to that arrestee's blood or bodily fluids, as defined, while the custodial officer is acting within the scope of his or her duties. Because this bill increases the duties of local officials, this bill would impose a state-mandated local program.
Status: CHAPTERED
- AB 221
Portantino *HIV testing: skin punctures*
Existing law provides for various programs relating to treatment of persons with the human immunodeficiency virus (HIV) and the acquired immunodeficiency syndrome (AIDS). Existing law permits the Office of AIDS in the department to participate in a rapid HIV test research program conducted with the federal Centers for Disease Control and Prevention. This bill would repeal this authority. Existing law also authorizes HIV counselors trained by the office to perform skin punctures for purposes of withdrawing blood for HIV test purposes, if the HIV counselor meets prescribed requirements. One of these requirements is that the HIV counselor must hold a valid certification as a phlebotomist technician by the department. This bill would exempt an HIV counselor who works under a licensed physician and surgeon, and who is trained in rapid HIV test proficiency and universal infection control precautions, as specified, from the requirement that he or she hold a valid certification as a phlebotomist technician.
Status: CHAPTERED
- AB 354
Arambula *Health: immunizations*
Existing law prohibits the governing authority of a school or other institution from unconditionally admitting any person as a pupil of any private or public elementary or secondary school, child care center, day nursery, nursery school, family day care home, or development center, unless prior to his or her first admission to that institution he or she has been fully immunized against various diseases, including hepatitis B, pertussis (whooping cough) , and varicella (chickenpox), as well as any other disease deemed appropriate by the State Department of Public Health, taking into consideration the recommendations of specified entities. This bill would add to these entities the American Academy of Family Physicians. This bill would also, in part, remove certain of the age and date restrictions. Existing law makes these provisions, as they relate to varicella (chickenpox), operative only to the extent that funds are appropriated in the annual Budget Act, and authorizes the department to adopt emergency regulations, as specified. This bill would, regarding the varicella (chickenpox) provisions, delete the requirement that it be operative only to the extent that funds are appropriated in the annual Budget Act, and would delete the department's authorization to adopt emergency regulations.
Status: In committee: Set, first hearing. Hearing canceled at the request of author. (last activity 8/24/09)
- AB 977
Skinner *Pharmacists: immunization protocols with physicians*
Existing law, the Pharmacy Law, provides for the licensing and regulation of pharmacists by the California State Board of Pharmacy. This bill would request the California Pharmacists Association to provide information to specified legislative committees on the status of immunization protocols between independent pharmacists and physicians.
Status: From B & P Com.: Do pass, and refer to Com. on HEALTH. (10-0) (last activity 5/5/09)
- AB 1045
John A. Perez *HIV and AIDS reporting*
Existing law establishes various programs for the prevention of disease and the promotion of health to be administered by the State Department of Public Health, including, but not limited to, programs

related to HIV and AIDS testing and for the reporting of information relating to HIV or AIDS infection. Existing law requires each clinical laboratory, as defined, to report all CD4+ T-Cell test results to the local health officer within 7 days. This bill would, notwithstanding that requirement, allow a clinical laboratory to refrain from reporting a CD4+/- T-Cell test result if the clinical laboratory can demonstrate that the CD4+/- T-Cell test result is not related to a diagnosed case of HIV Infection.

Status: CHAPTERED

AB 1201
V. Manuel
Perez

Immunizations for children: reimbursement of physicians

Existing law, the Knox-Keene Health Care Service Plan Act of 1975, provides for the licensure and regulation of health care service plans by the Department of Managed Health Care and makes a willful violation of that act a crime. Existing law also provides for the regulation of health insurers by the Department of Insurance. Existing law requires every health care service plan or health insurer that covers hospital, medical, or surgical expenses on a group basis to provide certain preventive health care benefits for children, including immunizations. Existing law specifies the reimbursement rate with respect to immunizations that are not part of the current contract between a health care service plan or physician group. This bill would require a health care service plan or health insurer that provides coverage for childhood and adolescent immunizations to reimburse a physician or physician group in an amount not less than the actual cost of acquiring the vaccine plus the cost of administration of the vaccine, as specified. The bill would prohibit a health care service plan contract or health insurance policy providing coverage for childhood or adolescent immunizations from imposing a deductible, copayment, coinsurance, or other cost-sharing mechanism for the administration of a childhood or adolescent immunization or for related procedures. The bill would also prohibit those contracts or policies from containing a dollar limit provision for the administration of childhood and adolescent immunizations or including the cost of those immunizations in a dollar limit provision. Existing law prohibits a risk-based contract between a health care service plan and a physician or physician group from including a provision requiring the physician or physician group to assume financial risk for the acquisition costs of required immunizations for children. Existing law prohibits a plan from requiring a physician or physician group to assume financial risk for immunizations that are not part of the current contract. This bill would make those provisions apply to all contracts between plans and physicians or physician groups rather than just risk-based contracts. The bill would prohibit a plan from requiring a physician or physician group to assume financial risk for immunizations, whether or not those immunizations are part of the current contract. The bill would make other related changes. Existing law prohibits a health care service plan from including the acquisition costs associated with required immunizations for children in the capitation rate of a physician who is individually capitated. This bill would additionally prohibit a plan from including in that capitation rate the administration costs of those immunizations. Because a willful violation of the bill's requirements relative to health care service plans would be a crime, the bill would impose a state-mandated local program. Existing law creates the Healthy Families Program, administered by the Managed Risk Medical Insurance Board, to arrange for the provision of health, dental, and vision benefits to eligible children pursuant to a federal program, the State Children's Health Insurance Program. This bill would require a health plan participating in that program to reimburse a physician or physician group for immunizations administered to program subscribers in an amount not less than the actual cost of acquiring the vaccine plus the cost of administration of the vaccine, as specified. 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.

Status: In committee: Set, second hearing. Held under submission. (last activity 5/28/09)

AB 1397
Hill

Tissue donation

Existing law prohibits the transfer of any tissues, as defined, into the body of another person by means of transplantation, unless the donor of the tissues has been screened and found nonreactive for evidence of infection with human immunodeficiency virus (HIV), agents of viral hepatitis (HBV and HCV), human T lymphotropic virus-1 (HTLV-1), and syphilis, except as provided. Existing law requires that all donors of sperm be screened and found nonreactive under the above provisions,

except as provided. Under existing law, a sperm donor who has tested reactive for HIV or HTLV-1 may be used for insemination or advanced reproductive technology for a recipient who has tested negative only after processing to minimize the infectiousness of the sperm. The State Department of Public Health is required to adopt regulations by January 1, 2010, regulating facilities that perform this processing. Existing law further requires the physician providing insemination or advanced reproductive technologies to, among other things, inform the recipient that the processing may not eliminate the risk of infection, that the sperm may be tested to ensure that it is free from HIV or HTLV-1, and about the potential adverse effects of testing on the sperm. This bill would also require the physician to inform the recipient that she must provide documentation to the physician providing insemination or advanced reproductive technology services prior to treatment that she has established an ongoing physician relationship with another physician to provide for her medical care during and after completion of fertility services and about the medical guidelines for testing after use of sperm from an HIV or HTLV reactive donor. Under existing law, the physician performing insemination or advanced reproductive technology is required to provide prophylactic treatments, followup testing, and monitoring, as specified, to the recipient to minimize the risk of infection. This bill would remove those requirements but would require the physician to recommend followup testing of the recipient for HIV and HTLV, as specified. Existing law allows the use of sperm from a donor who has tested reactive for HIV or HTLV-1 if the recipient has also previously been documented with HIV or HTLV-1 and where mutual consent has been obtained. This bill would remove this provision. The bill would also make all of the provisions above applicable to donors who have tested reactive for any of the human T lymphotropic viruses .

Status: VETOED

AB 1418
Smyth

Communicable diseases: reporting

Existing law requires a local health officer to immediately report by telegraph or telephone to the department every discovered or known case or suspect case of those diseases designated for immediate reporting by the department. This bill would also include electronic mail or electronic facsimile as permitted methods of reporting.

Status: Referred to Com. on HEALTH. (last activity 4/2/09)

ACR 35
Blakeslee

Viral Hepatitis Awareness Day

This measure would declare May 19, 2009, to be Viral Hepatitis Awareness Day in California.

Status: CHAPTERED

SB 158
Wiggins

Health care coverage: human papillomavirus vaccination

Existing law, the Knox-Keene Health Care Service Plan Act of 1975, provides for the licensure and regulation of health care service plans by the Department of Managed Health Care and makes a willful violation of the act a crime. Existing law also provides for the regulation of health insurers by the Department of Insurance. Under existing law, health care service plan contracts and health insurance policies that include coverage for the treatment or surgery of cervical cancer are deemed to provide coverage for an annual cervical cancer screening test, upon the referral of the patient's physician and surgeon, nurse practitioner, or certified nurse midwife, as specified. This bill would make those provisions apply if the referral is made by a physician assistant, as specified. In addition, the bill would require those plan contracts and insurance policies to provide coverage for a human papillomavirus vaccination, as specified.

Status: VETOED

SB 212
Florez

Pupil health: communicable diseases

Existing law requires the governing board of each school district maintaining a high school to provide for the annual cleaning, sterilization, and necessary repair of football equipment of their schools and requires that all football equipment actually worn by pupils to be cleaned and sterilized at least once a year. This bill would authorize the governing board of each school district maintaining a high school to provide for the annual cleaning and sterilization of wrestling equipment as specified by the Superintendent of Public Instruction and the State Board of Education. The Superintendent and state board would be required to develop and approve, respectively, information and guidelines on the prevention of communicable diseases at schoolsites, including the maintenance of locker

rooms, athletic equipment, and synthetic ground covers used for athletic fields and ways to minimize the spread of methicillin-resistant *Staphylococcus aureus* and meningococcal disease. The Superintendent would be required to post the information and guidelines on the department's Internet Web site.

Status: VETOED

SB 769
Alquist

Federal funding: supplemental appropriations: pandemic flu

Existing law establishes procedures and requirements to govern the allocation to, and expenditure by, local health jurisdictions of federal funding received for the prevention of, and response to, bioterrorist attacks and other public health emergencies. Existing law provides that these procedures apply only when local health jurisdictions are designated by a federal or state agency to manage the funds for public health preparedness and response to bioterrorist attacks and other public health emergencies, pursuant to a specified federally approved plan. Existing law repeals these provisions as of January 1, 2011, as specified. This bill would, commencing with the 2009-10 fiscal year, provide that federal funding received pursuant to the federal 2009 Supplemental Appropriations Act for pandemic flu for purposes of state and local public health and emergency response infrastructure would be subject to appropriation by the Legislature for allocation by the State Department of Public Health, as prescribed. This bill would also require the department to use funds allocated pursuant to the 2009 Supplemental Appropriations Act, as specified, to expand the capacity of the California Health Alert Network, or another appropriate communications network, in a manner that would allow the department to communicate electronically and in a timely manner with every general acute care hospital and primary care clinic in the state during a public health emergency.

Status: Urgency clause refused adoption. Senate refuses to concur in Assembly amendments. (Ayes 26. Noes 1.) Motion to reconsider made by Senator Alquist. Reconsideration granted. (Ayes 39. Noes 0.) (last activity 9/21/09)

Emergency Medical Services

- AB 54
Jeffries *State government: California Emergency Management Agency*
Existing law establishes, within the office of the Governor, the California Emergency Management Agency under the supervision of a Secretary of California Emergency Management. Existing law also establishes the Department of Forestry and Fire Protection, within the Resources Agency, and the Office of the State Fire Marshal, within that department. Existing law further establishes, within the Office of the State Fire Marshal, the State Board of Fire Services, consisting of 18 members. Existing law establishes the Department of the California Highway Patrol, within the Business, Transportation and Housing Agency, under the supervision of the Commissioner of the California Highway Patrol. Existing law also establishes, within the Business, Transportation and Housing Agency, the Office of Traffic Safety, under the supervision of a director. Existing law establishes the California Conservation Corps, within the Resources Agency, and the Emergency Medical Services Authority, within the Health and Welfare Agency. This bill would state the intent of the Legislature to enact legislation to transfer the Department of Forestry and Fire Protection, the Office of the State Fire Marshal, the State Board of Fire Services, the Department of the California Highway Patrol, the Office of Traffic Safety, the California Conservation Corps, and the Emergency Medical Services Authority to the office of the Governor under the California Emergency Management Agency.
Status: Re-referred to Com. on G.O. (last activity 3/27/09)
- AB 79
Duvall *Disaster relief*
(1) Existing law authorizes a county board of supervisors to provide by ordinance for the reassessment of property that is damaged or destroyed, without fault on the part of the assessee, by a major misfortune or calamity, upon the application of the assessee or upon the action of the county assessor with the board's approval. With respect to certain counties that have adopted reassessment ordinances and have been declared by the Governor to be in a state of emergency as a result of certain events, existing law provides for state allocations of the estimated amounts of the reductions in property tax revenues resulting in certain fiscal years from reassessments under those ordinances. Existing law also continuously appropriates, without regard to fiscal years, moneys in the Special Fund for Economic Uncertainties for purposes of funding these state allocations. This bill would provide for similar state allocations with respect to property tax revenue reductions resulting from a reassessment for damages incurred within the Counties of Orange, Riverside, and San Bernardino, which were declared by the Governor to be in a state of emergency due to the wildfires that commenced in November 2008. By requiring moneys continuously appropriated from the Special Fund for Economic Uncertainties to be allocated for the new purpose of reimbursing the Counties of Orange, Riverside, and San Bernardino for these property tax revenue reductions, this bill would make an appropriation. (2) Existing property tax law provides, pursuant to a specified provision of the California Constitution, for a homeowners' property tax exemption in the amount of \$7,000 of the full value of a "dwelling," as defined. This bill would also provide that any dwelling that qualified for the exemption prior to the commencement dates of the wildfires listed in the Governor's disaster proclamations of November 15, 2008, and November 17, 2008, that was damaged or destroyed by the wildfires in the Counties of Orange and Riverside, as declared by the Governor in November 2008, and that has not changed ownership since the commencement dates of these disasters as listed in the proclamations, may not be denied the exemption solely on the basis that the dwelling was temporarily damaged or destroyed or was being reconstructed by the owner, or was temporarily uninhabited as a result of restricted access to the property due to wildfires. The California Constitution requires the Legislature, in each fiscal year, to reimburse local governments for the revenue losses incurred by those governments in that fiscal year as a result of the homeowners' property tax exemption. This bill would state the intent of the Legislature to make this required reimbursement in the annual Budget Act. By requiring local tax officials to implement new exemption criteria, this bill would impose a state-mandated local program. The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement. This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions. (3) The Personal Income Tax Law and the Corporation Tax Law provide for the

carryover to specified taxable years of specified losses sustained as a result of certain disasters occurring in California in an area determined by the President of the United States to warrant specified federal assistance, or proclaimed by the Governor to be in a state of emergency. This bill would extend these provisions to losses sustained in the Counties of Orange, Riverside, and San Bernardino as a result of the wildfires that commenced in November 2008. This bill would authorize a taxpayer to make an election to claim a deduction for those losses on the tax return for the preceding year. (4) This bill would declare that it is to take effect immediately as an urgency statute. **Status:** In Appropriations Committee: Held under submission. (last activity 8/27/09)

AB 254
Jeffries *Emergency vehicles: payment of tolls: exemptions*
Under existing law, a vehicle that enters into or upon a vehicular crossing immediately becomes liable for tolls and other charges prescribed by the California Transportation Commission. Under existing law, it is unlawful to refuse to pay, or to evade or attempt to evade the payment of, tolls or other charges on any vehicular crossing, as defined, or toll highway. A violation of those provisions is a crime. This bill would, except as specified, exempt authorized emergency vehicles, as defined, from payment of a toll or charge on a vehicular crossing, toll highway, or high-occupancy toll (HOT) lane and any related fines, under specified conditions, including, but not limited to, when the vehicle is being driven while responding to or returning from an urgent or emergency call, engaged in an urgent or emergency response, or engaging in a fire station coverage assignment directly related to an emergency response. The bill would require, upon information and belief of the toll operator that an authorized emergency vehicle is not in compliance with these provisions, the fire chief, police chief, county sheriff, head of the public agency, or his or her designee, upon the written request of the owner or operator of the toll facility, to provide or otherwise make accessible to the toll operator the dispatch records or log books relevant to the time period when the vehicle was in use on the toll highway or vehicular crossing. By imposing new duties on local entities, this bill would impose a state-mandated local program.
Status: CHAPTERED

AB 472
Blumenfield *Disaster preparedness*
Existing law, the California Emergency Services Act, requires the California Emergency Management Agency (Cal EMA) to be responsible for the state's emergency and disaster response services, and requires state entities to cooperate with Cal EMA in carrying out its duties. This bill would, beginning on July 1, 2010, require any state entity that publishes an Internet Web site to prominently display on the homepage of that Internet Web site a link, as specified by Cal EMA, a user to an Internet Web page created and maintained by Cal EMA, in consultation with the Seismic Safety Commission, that provides specified information regarding earthquake preparedness for the home and workplace.
Status: VETOED

AB 511
De La Torre *Medi-Cal: ambulance transportation services providers: quality assurance fees*
Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services, under which health care services, including medical transportation services, are provided to qualified low-income persons. The Medi-Cal program is partially governed and funded under federal Medicaid provisions. Existing law establishes a quality assurance fee program for skilled nursing and intermediate care facilities, as prescribed. This bill would provide, as a condition of participation in the Medi-Cal program, that there be imposed a quality assurance fee on ambulance transportation services providers, to be administered by the Director of Health Care Services. The proceeds from the fee would be required to be deposited into the Medi-Cal Ambulance Transportation Services Providers Fund, which the bill would create. The bill would provide that moneys in the fund shall, upon appropriation by the Legislature, be available exclusively to enhance federal financial participation for ambulance transportation services under the Medi-Cal program or to provide additional reimbursement to, and to support quality improvement efforts of, ambulance transportation services providers, including increased reimbursement for, and improvement of the quality of, the provision of advanced life support services, as defined. The bill would provide that these provisions are to be implemented only if, and as long as, the state receives federal approval for the fee and legislation is enacted during the 2009-10 Regular Session of the Legislature that makes

an appropriation from the fund and from the Federal Trust Fund to fund a Medi-Cal rate increase for ambulance transportation services providers. The bill would provide that it shall remain operative only as long as certain conditions are met and if any one of the conditions is not met, its provisions shall become inoperative and be repealed.

Status: In Appropriations Committee: Held under submission. (last activity 8/27/09)

AB 611
Fong

Emergency services: populations with limited English proficiency

Existing law, the California Emergency Services Act, requires the California Emergency Management Agency to coordinate the emergency services of all state agencies in connection with emergencies, and to establish a standardized emergency management system for use by all emergency response agencies. This bill would require the Secretary of California Emergency Management to consider the multiple languages and needs of populations who have limited proficiency in the English language during emergency preparedness planning, response, and recovery. The bill would also require the secretary to work in collaboration with ethnic media and ethnic community-based organizations in developing communication strategies about alert and warning information, and to use a registry of qualified bilingual persons in public contact positions, as defined, to assist in emergency preparedness, response, and recovery, as the secretary deems necessary.

Status: VETOED

AB 639
Torlakson

Poison control centers: funding

Existing law requires the Emergency Medical Services Authority to establish minimum standards for the operation of poison control centers, as defined, and to establish geographical service areas and criteria for designation of regional poison control centers. This bill would appropriate \$3,000,000 from the General Fund to the authority for the support of poison control centers.

Status: Re-referred to Com. on U. & C. (last activity 10/30/09)

AB 865
Price

Emergencies: communication

Existing law, the California Emergency Services Act, requires the California Emergency Management Agency to coordinate the emergency services of all state agencies in connection with emergencies, and to establish a standardized emergency management system for use by all emergency response agencies. This bill would require the agency, in cooperation with the office of the State Chief Information Officer, to develop and operate a full-time wireless communications system providing the public with emergency information that is accessible by cellular telephone, text pager, or computer.

Status: In G.O. Committee: Set, first hearing. Hearing canceled at the request of author. (last activity 4/22/09)

AB 866
Niello

California Earthquake Authority

Existing law requires the California Earthquake Authority to issue policies of basic residential earthquake insurance to any owner of a qualifying residential property, as specified. The California Earthquake Authority is required to annually report, as specified, to the Legislature and the Insurance Commissioner on the authority's conditions and affairs

Status: CHAPTERED

AB 1153
Beall

Emergency air medical transportation providers: penalty levy: reimbursement augmentation

Existing law requires an additional state penalty of \$10 for every \$10, or part of \$10, to be levied upon every fine, penalty, or forfeiture imposed and collected by the courts for all criminal offenses. Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services, under which health care services, including medical transportation services, are provided to qualified low-income persons. The Medi-Cal program is partially governed and funded under federal Medicaid provisions. This bill, which is to be known as the Emergency Air Medical Transportation Act, would levy an additional penalty of \$3 upon every fine, penalty, or forfeiture imposed and collected by the courts for all offenses involving a vehicle violation, except as specified, in each county. This bill would require the additional penalty to be collected together with, and in the same manner as, the aforementioned state penalty. This bill would require each county board of

supervisors to establish in the county treasury an emergency air medical transportation act fund into which the penalty collected pursuant to this bill would be deposited. This bill would require, on the last day of each calendar quarter of the year, the county treasurer to transfer moneys in the county's emergency air medical transportation act fund to the Controller for credit to the Emergency Air Medical Transportation Act Fund, which is created by the bill and to be administered by the department. The moneys in this fund would be used by the department, appropriation by the Legislature, to augment Medi-Cal reimbursement paid to emergency air medical transportation services providers. The bill would require the department to use the moneys in the Emergency Air Medical Transportation Act Fund and federal matching funds to increase the Medi-Cal reimbursement or supplemental payments for emergency air medical transportation services in an amount not to exceed normal and customary charges charged by the emergency air ambulance transportation services provider.

Status: In committee: Set, first hearing. Referred to APPR. suspense file. (last activity 5/13/09)

- AB 1174
Hernandez *Medi-Cal: ambulance transportation services*
Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services, and under which qualified low-income individuals receive health care services, including ambulance transportation services. Existing law and regulations prescribe various requirements governing payment policies and reimbursement rates for these services. This bill would enact the Ambulance Payment Reform Act of 2009, which would, notwithstanding any other provision of law, provide that emergency basic life support and advanced life support services are covered under the Medi-Cal program when, as determined by the department, a patient could reasonably expect that an absence of immediate medical attention would result in significant adverse health effects, as provided. The bill would require the department to develop rates for specified emergency and nonemergency ambulance transportation services, but would prohibit these rates from exceeding the amount charged for these services to the general public. The bill would also require the department to adjust the rates each year in accordance with the California Consumer Price Index.
Status: In committee: Set, second hearing. Held under submission. (last activity 5/28/09)
- AB 1272
Hill *Emergency medical services: trauma center: helicopter landing pad*
Existing law, the Emergency Medical Services System and Prehospital Emergency Medical Care Personnel Act, establishes the Emergency Medical Services Authority within the California Health and Human Services Agency to, among other things, provide statewide coordination of county emergency medical service programs, including, but not limited to, designated trauma centers, and to administer the Trauma Care Fund. This bill would require a local emergency medical service to include within its trauma system plan the provision of air transport of trauma patients to, and between, trauma centers, if the local emergency medical service agency elects to implement a trauma system. The bill would make conforming changes.
Status: Re-referred to Com. on HEALTH. (last activity 7/8/09)
- AB 1312
Swanson *Defibrillators*
Existing law, until July 1, 2012, requires every health studio, as defined, to acquire an automatic external defibrillator, provides immunity for use or nonuse of the devices, except as specified, and establishes standards for the devices, including, but not limited to, maintenance and staff training regarding proper use. This bill would extend the requirements to acquire an automatic external defibrillator to July 1, 2014, however, the immunity provisions and the standards governing the maintenance of the device and the training of personnel in the use of the device would remain in effect after that date if the entities that are subject to the bill elect to continue the installation of the device, as specified. The bill would require that records of a readiness check on a defibrillator be maintained for 2 years after the check. The bill would also, beginning July 1, 2010, apply these requirements and this immunity to golf courses and amusement parks, as defined.
Status: VETOED
- AB 1475
Solorio *Emergency medical services*
Existing law establishes the Maddy Emergency Medical Services (EMS) Fund, authorizing each county to establish an emergency medical services fund for reimbursement of EMS-related costs, and

provides that the costs of administering the fund shall be reimbursed, based on the actual administrative costs, not to exceed 10% of the amount of the fund. This bill would, instead, provide that the costs of administering the EMS Fund that are reimbursed by the fund are not to exceed the actual costs of administering the fund or 10% of the amount of the fund, whichever amount is lower. Existing law, until January 1, 2014, provides for the deposit into the EMS Fund of an additional penalty levied in the amount of \$2 for every \$10 upon fines, penalties, and forfeitures collected for criminal offenses, as specified. Existing law, until January 1, 2014, requires 15% of the funds collected pursuant to this additional penalty to be expended for pediatric trauma centers. Costs of administering money deposited into the EMS Fund from this additional penalty are to be reimbursed from the money collected, not to exceed 10%. This bill would, instead, provide that the costs of administering the moneys deposited from the additional penalty are reimbursed from the moneys collected but are not to exceed the actual costs of administering these moneys or 10% of these moneys, whichever amount is lower.

Status: CHAPTERED

AB 1503
Lieu

Emergency medical care: billing

(1) Existing law establishes the Maddy Emergency Medical Services (EMS) Fund, authorizing each county to establish an emergency medical services fund and provides for deposit of certain penalties, forfeitures, and fines into the fund. Existing law requires use of the local fund for reimbursement of physicians and surgeons and hospitals for uncompensated emergency medical services pursuant to a prescribed schedule. Under this schedule, 58% of the balance in the fund is to be used for emergency medical services provided by all physicians and surgeons, except those employed in county hospitals, in general acute care hospitals that provide basic, comprehensive, or standby emergency medical services pursuant to prescribed provisions of law relating to standby emergency rooms or departments in certain small and rural hospitals and hospitals located in Los Angeles County that meet prescribed requirements, up to the time the patient is stabilized. Existing law limits reimbursement from the local fund of claims for emergency services provided by a physician and surgeon to a patient who does not have health insurance coverage for emergency services and care, cannot afford to pay for those services, and for whom payment will not be made through any private coverage or by any program funded in whole or in part by the federal government, except as specified, when the several conditions are met. This bill would revise the conditions for reimbursement to require the physician and surgeon to comply with the provisions of this bill set forth below, except as specified. (2) Existing law also provides for the licensure and regulation of health facilities by the State Department of Public Health. Existing law requires each hospital, as a condition of licensure, to maintain written policies about discount payment and charity care for financially qualified patients, as defined. These policies are required to include, among other things, a section addressing eligibility criteria, as prescribed. Existing law requires each hospital to perform various functions in connection with the hospital charity care and discount pay policies, including providing patients with notice that contains information about the hospital's discount payment and charity care policies, including information about eligibility and attempting to determine the availability of private or public health insurance coverage for each patient. Existing law also specifies billing and collection procedures to be followed by a hospital, its assignee, collection agency, or billing service. This bill would provide that uninsured patients or patients with high medical costs who are at or below 350% of the federal poverty level are eligible to apply to a physician and surgeon who provide emergency medical services in a general acute care hospital for a discount payment pursuant to a discount payment policy. The bill would require the physician and surgeon to limit expected payment for services provided to a patient at or below 350% of the federal poverty level and who is eligible under the physician and surgeon's discount payment policy to the amount of payment the physician and surgeon would expect, in good faith, to receive for providing services from specified government-sponsored health programs. The bill would require the physician and surgeon to perform various functions in connection with the discount payment policy, including providing patients with notice that contains information about the physician and surgeon's discount payment policy, including information about eligibility and attempting to determine the availability of private or public health insurance coverage for each patient. The bill would also specify billing and collection procedures to be followed by a physician and surgeon, its assignee, collection agency, or billing service. This bill would provide that a violation of the above provisions shall not constitute

a violation of the terms of a physician and surgeon's licensure.

Status: In committee: Set, first hearing. Hearing canceled at the request of author. (last activity 7/6/09)

SB 563
Hollings-
worth

Emergency services: public safety communication

Under existing law, the Public Safety Radio Strategic Planning Committee has primary responsibility in state government for developing and implementing a statewide integrated public safety communication system that facilitates interoperability among state public safety departments and other first response agencies, as the committee deems appropriate. This bill would make a technical, nonsubstantive change to these provisions.

Status: To Com. on RLS. (last activity 3/12/09)

Family Health Services

AB 98 *Maternity Services*

De la Torre Existing law provides for the regulation of health insurers by the Department of Insurance. Under existing law, a health insurer that provides maternity coverage may not restrict inpatient hospital benefits, as specified, and is required to provide notice of the maternity services coverage. This bill would require specified health insurance policies to provide coverage for maternity services, as defined.

Status: VETOED

AB 140 *Developmental disabilities*

Beall Under existing law, the Lanterman Developmental Disabilities Services Act, the State Department of Developmental Services is authorized to contract with regional centers to provide support and services to individuals with developmental disabilities. Under existing law, the regional centers purchase needed services for individuals with developmental disabilities through approved service providers or arrange for their provision through other publicly funded agencies. This bill would establish procedures for the resolution of disputes between a regional center and a generic agency, as defined, over provision of, or payment for, services that are contained in an individualized family service plan or individual program plan for any child under 6 years of age.

Status: CHAPTERED

AB 287 *Persons with developmental disabilities: employment*

Beall Existing law, the Lanterman Developmental Disabilities Services Act, grants persons with developmental disabilities the right to receive services and supports to meet their needs. Existing law requires that the State Department of Developmental Services contract with private nonprofit corporations for the operation of regional centers to obtain services and supports for an individual with a developmental disability in accordance with his or her individual program plan (IPP). Existing law establishes an independent State Council on Developmental Disabilities to, among other things, develop and implement the state plan required by the federal government. This bill would encourage the individual program planning team to discuss school-to-work opportunities for consumers commencing at 14 years of age. This bill would require the State Council on Developmental Disabilities to form a standing Employment First Committee, as specified, to implement an Employment First Policy by July 1, 2011, and annually thereafter, report to the Legislature and the Governor describing the committee's work and recommendations.

Status: CHAPTERED

AB 302 *Developmental services: regional centers*

Beall Under existing law, the Lanterman Developmental Disabilities Services Act, the State Department of Developmental Services is authorized to contract with regional centers to provide, either directly or through the purchase of finances, services and supports to individuals with developmental disabilities. Under existing law, the department is required to ensure that regional centers comply with state and federal law, including, among other things, purchase of services policies. This bill would require the department to use existing data to determine specified information, for the state as a whole and by regional center, relevant to the use of purchase of services funds by regional centers for linguistically and ethnically diverse consumers.

Status: In committee: Hearing postponed by committee. (last activity 6/22/09)

AB 359 *Breast and cervical cancer: early detection screening: digital mammography: reimbursement rates*

Nava Existing law provides for the Medi-Cal program, administered by the State Department of Health Care Services, under which qualified low-income persons are provided with health care services, including breast and cervical cancer services. Under existing law, the State Department of Public Health participates in a grant program through the federal Centers for Disease Control and Prevention to provide breast and cervical cancer early detection screening. Providers participating in the grant program may only provide screening services to individuals whose family income does not exceed 200% of the federal poverty level, and provider rates are required to be identical to the rates under the Medi-Cal program. This bill would, until January 1, 2014, authorize, to the extent

permitted by federal law, digital mammography screening to be covered when film or analog mammography services are not available from the provider, to be reimbursed at the Medi-Cal film or analog rate.

Status: CHAPTERED

AB 367
Galgiani

Medi-Cal: HIV drug treatment: developmental services: provider reimbursement

Existing law establishes the Medi-Cal program, administered by the State Department of Health Care Services, under which basic health care services are provided to qualified low-income persons. Existing law creates the continuously appropriated Medical Providers Interim Payment Fund, for the purposes of paying Medi-Cal providers, providers of drug treatment services for persons infected with HIV, and providers of services for the developmentally disabled, on and after July 1, and before September 1, of the fiscal year for which a budget has not yet been enacted or there is a deficiency in the Medi-Cal budget in any fiscal year, and appropriates, for each fiscal year in which these payments are necessary, up to \$1,000,000,000 from the General Fund, in the form of loans, and \$1,000,000,000 from the Federal Trust Fund to the Medical Providers Interim Payment Fund. This bill would, instead, provide that these transfers to the Medical Providers Interim Payment Fund shall be in an amount sufficient to make continued payments to the above-described providers on or after July 1 of the fiscal year for which no budget has been enacted until the date upon which a budget is enacted for that year or when there is a deficiency in the Medi-Cal budget. To the extent that the bill would increase the amount transferred into a continuously appropriated fund, this bill would make an appropriation. Under existing law, notwithstanding any other provision of law, and to the extent not otherwise conflicting with federal law, the department is authorized to hold, or direct the medical fiscal intermediary for the Medi-Cal program to hold, payments for Medi-Cal providers, as described, for a period of one month for a month ending prior to June 30, 2009. This bill would delete the above provisions.

Status: In committee: Set, second hearing. Held under submission. (last activity 5/28/09)

AB 416
Block

Developmental services: consumer abuse registry

Existing law, the Lanterman Developmental Disabilities Services Act, grants persons with developmental disabilities the right to receive treatment and services to meet their needs, regardless of age or degree of handicap, at each stage of life. Existing law requires that the state pay for these services through contracts with various private nonprofit corporations for the operation of regional centers for the developmentally disabled, and requires regional centers to develop an individual program plan (IPP) for each consumer that sets forth the treatment and services to be provided for the consumer. This bill would require a provider, as defined, to report a substantiated case of abuse of a consumer by a direct service worker to the appropriate investigating agencies, as defined. The bill would also require investigating agencies to report abuse of a consumer by a direct service worker to the State Department of Developmental Services. The bill would require the department to establish a registry of direct service workers or others against whom one or more substantiated reports of abuse of a consumer have been reported, and to make the registry available, pursuant to a release protocol established by the department in consultation with program stakeholders, to specified persons. The bill would require providers to access the registry before hiring a direct service worker and would prohibit providers from hiring or contracting with a direct service worker who is included in the registry. The bill would also require the department to coordinate with the State Department of Public Health and the State Department of Social Services to share information about direct service workers, and would require the department to adopt regulations to implement the bill's provisions by July 1, 2010.

Status: In committee: Set, second hearing. Held under submission. (last activity 5/28/09)

AB 420
Salas

Maternal health

Under existing law, the maternal and child health program includes provisions for pregnancy testing, perinatal health care, child health, and nutrition. This bill would require the State Department of Public Health to conduct the Perinatal Mood and Anxiety Disorders (PMAD) Community Awareness Campaign to identify barriers to accessing PMAD treatment and increase awareness and provide education to pregnant women and new mothers on postpartum mood and anxiety disorders. The bill would require the department to convene a workgroup, which would be required, by January 1, 2011,

to prepare and submit to the department specified recommendations relating to the implementation of the awareness campaign. It would prohibit public sources of funds from being used to fund the campaign. The bill would authorize the department to use nonpublic sources of funding to support the activities of the workgroup and fund the campaign. The bill would require that voluntary funds received for the purposes of this bill be deposited into the PMAD Community Awareness Campaign Fund, which the bill would create, and would continuously appropriate the moneys in the fund to the department to implement the awareness campaign. The bill would further provide that if the Department of Finance determines that, on January 1, 2011, insufficient voluntary contributions for purposes of implementing these provisions have been deposited with the state the Department of Finance shall notify either the Chief Clerk of the Assembly or the Secretary of the Senate of this fact, in which case these provisions would be repealed on the date of that notification.

Status: In committee: Set, second hearing. Held under submission. (last activity 5/28/09)

AB 438
Beall

Persons with developmental disabilities: criminal proceedings: diversion

Existing law, the Lanterman Developmental Disabilities Services Act, grants persons with developmental disabilities the right to receive treatment and services to meet their needs, regardless of age or degree of disability, at each stage of life. Existing law requires that the state pay for these services through contracts with various private nonprofit corporations for the operation of regional centers for the developmentally disabled, and requires regional centers to develop an individual program plan for each consumer that sets forth the treatment and services to be provided for the consumer. Existing law establishes a process for diversion of defendants with cognitive developmental disabilities in criminal proceedings for an offense which is charged as, or reduced to, a misdemeanor, but excludes persons who have been previously diverted. This bill would make these procedures also applicable for an offense that is charged or reduced to a nonviolent felony, as defined, or a serious felony, as defined, and would delete the exclusion for those previously diverted. This bill would also require the department, by July 1, 2010, to convene a task force to identify strategies and best practices for local interagency coordination and cooperation in addressing the needs of adults and juveniles with developmental disabilities in the criminal and juvenile justice systems. The bill would require the task force to issue its interim reports to the Legislature on the progress of its work by July 1, 2011, and July 1, 2012, and to issue its final report to the Legislature by July 1, 2013.

Status: In committee: Held under submission. (last activity 8/27/09)

AB 513
De Leon

Health care coverage: breast-feeding

Existing law, the Knox-Keene Health Care Service Plan Act of 1975 (Knox-Keene Act), provides for the licensure and regulation of health care service plans by the Department of Managed Health Care and makes a willful violation of that act a crime. Existing law also provides for the regulation of health insurers by the Department of Insurance. Under existing law, health care service plans and health insurers are required to offer specified types of coverage as part of their health care service plan contracts or health insurance policies. Existing law imposes specified requirements upon a health care service plan contract or health insurance policy that provides maternity coverage. This bill would require specified health care service plans and health insurers to include coverage for lactation consultation and the provision or rental of breast pumps as part of their health care service plan contracts or health insurance policies that provide maternity coverage.

Status: VETOED

AB 543
Ma

Perinatal care: The Nurse-Family Partnership

Existing law establishes the Nurse-Family Partnership program to provide grants for voluntary nurse home visiting programs for expectant first-time mothers, their children, and their families, as specified. Existing law prohibits the use of grant moneys to match other grants administered by the State Department of Public Health. This bill would allow the use of Nurse-Family Partnership program grant moneys as a match for other grants administered by the department. Existing law establishes the California Families and Children Account in the State Treasury to accept private donations to pay for the program. The account is continuously appropriated to the department for this purpose. Existing law only allows grants to be distributed if the Director of Finance determines that there are sufficient funds from private donations available in the account. Additionally, under

existing law, if there are not sufficient funds on deposit in the account by January 1, 2009, the account shall cease to exist. This bill would delete the continuous appropriation and would, instead, make those funds available for the program upon appropriation by the Legislature, and would permit the department to accept federal grants for purposes of the program. This bill would revise existing law to require the program to be implemented if the Director of the Department of Finance determines that at least \$500,000 is available in the account. If this determination is not made by a specified date, it would require that the account cease to exist and funds in the account immediately be distributed to each contributor.

Status: VETOED

AB 1307
Buchanan

Newborn genetic screening

Existing law requires that the State Department of Public Health establish a statewide program for the screening of newborns for specified genetic disorders, including tandem mass spectrometry screening for fatty acid oxidation, amino acid, and organic acid disorders and congenital adrenal hyperplasia. Existing law creates the Genetic Disease Testing Fund in the State Treasury, which is used to fund the newborn screening program. This bill would require the department to consider inclusion in the statewide screening program of conditions recommended by the American College of Medical Genetics (ACMG) or other specified entities. The department would be required to adopt the recommendations within one year of their publication unless the department determines that screening for the recommended conditions is not necessary for advancing newborn health and notifies appropriate committees of the Legislature of that determination. Because this bill would expand the purposes of the screening program it constitutes an appropriation.

Status: In committee: Set, first hearing. Hearing canceled at the request of author. (last activity 8/17/09)

SB 1
Steinberg

Health care coverage: children

Existing law establishes various public programs to provide health care coverage to eligible children, including the Medi-Cal program administered by the State Department of Health Care Services and county welfare agencies, and the Healthy Families Program administered by the Managed Risk Medical Insurance Board. Children through 18 years of age are eligible for health care coverage under these programs if they meet certain household income and other criteria including specified citizenship and immigration status requirements. Under existing law, the applicant's signed statement as to the value or amount of income is accepted for eligibility purposes under the Healthy Families Program if documentation cannot otherwise be provided. This bill would expand eligibility for the Medi-Cal program and the Healthy Families Program by modifying the income requirements applicable to those programs, and by making coverage available regardless of citizenship or immigration status, as specified. The bill would require a parent or caretaker relative of a child applying for the Medi-Cal program to sign a specified attestation under penalty of perjury regarding the child's immigration status, as specified, thereby expanding the crime of perjury and imposing a state-mandated local program. The bill would require the Managed Risk Medical Insurance Board, by July 1, 2011, to implement a process for an applicant's self-certification of income and income deductions for purposes of establishing eligibility for the Healthy Families Program. The bill would require the Managed Risk Medical Insurance Board and the State Department of Health Care Services, by July 1, 2011, to simplify the annual renewal forms for children enrolled in the Healthy Families Program or the Medi-Cal program and to establish a process to allow families to renew their child's coverage by telephone. The bill would require the Managed Risk Medical Insurance Board and the State Department of Health Care Services to make specified technological improvements to the existing eligibility determination and enrollment systems for the Medi-Cal program and the Healthy Families Program and to develop a process to transition the enrollment of children from local children's health initiatives into those programs. The bill would also make various related modifications to the Medi-Cal program and the Healthy Families Program and would require the State Department of Health Care Services and the Managed Risk Medical Insurance Board to maximize federal matching funds for the Medi-Cal program and the Healthy Families Program. Because the expansion of, and modifications to, the Medi-Cal program would impose certain duties on counties relative to administration of that program, the bill would impose a state-mandated local program. Existing law establishes the Healthy Families Presumptive Eligibility Program,

administered by the Managed Risk Medical Insurance Board, to provide a child who, among other requirements, has been receiving full-scope Medi-Cal benefits with health care benefits while the board determines the child's eligibility for the Healthy Families Program. Existing law also creates a Medi-Cal presumptive eligibility program to provide a child who, among other requirements, has been receiving benefits under the Healthy Families Program with health care benefits until a Medi-Cal eligibility determination is made. This bill would require the Managed Risk Medical Insurance Board and the State Department of Health Care Services to monitor those programs to ensure children are timely enrolled in the presumptive eligibility benefits for which they are eligible. Existing law requires the state to administer, to the extent allowed under federal law, and only if federal financial participation is available, the Medi-Cal to Healthy Families Presumptive Eligibility Program to provide a child not receiving no-cost Medi-Cal benefits or Healthy Families benefits who meets specified eligibility requirements, including the income requirements of the Healthy Families Program, with benefits identical to full-scope benefits under the Medi-Cal program with no share of cost for the period during which the child has an application pending for coverage under the Healthy Families Program. This bill would establish, to the extent allowed by federal law and to the extent federal financial participation is available, the Medi-Cal Presumptive Eligibility Program that would provide a child not receiving no-cost Medi-Cal benefits or Healthy Families Program benefits who meets specified eligibility requirements with presumptive eligibility benefits identical to full-scope benefits under the Medi-Cal program with no share of cost until the child's eligibility for the Medi-Cal program is determined, as specified. The bill would require the county to forward the child's application to the Healthy Families Program if it finds the child eligible for the Medi-Cal program with a share of cost. The bill would require this program to be implemented by July 1, 2011. Under existing law, the Robert W. Crown California Children's Services Act, the State Department of Health Care Services and each county administer the California Children Services Program (CCS program) for treatment services for persons under the age of 21 years diagnosed with severe chronic disease or severe physical limitations, as specified. Existing law limits eligibility for those services to persons in families with an annual adjusted gross income of \$40,000 or less. This bill would change that eligibility limitation to persons in a family with an annual, or equivalent monthly income, that is equal to or less than \$40,000, or that meets the income eligibility requirements for the Healthy Families Program, as specified. The bill would also create the Healthy Families Buy-In Program (buy-in program) and would require the Managed Risk Medical Insurance Board to implement that program by July 1, 2011. Under the buy-in program, the coverage provided under the Healthy Families Program would be available to children whose household income exceeds 300% of the federal poverty level and who meet other specified criteria. The bill would specify that coverage under the buy-in program would include services provided under the CCS program for children eligible for the CCS program and would deem the child's family financially eligible for benefits under the CCS program. Because the bill would thereby expand eligibility for the CCS program, which is administered by a county's public health or social welfare department, it would impose a state-mandated local program. The bill would specify the family contribution required for children enrolled in the buy-in program. Existing law requires the state to reimburse counties for 50% of the amount required to meet state administrative standards for that portion of the county caseload under the CCS program that is ineligible for Medi-Cal, to the extent funds are available in the state budget. This bill would also require the state to reimburse counties for 100% of the amount required to provide CCS program services to children enrolled in the buy-in program. Existing law, the California Special Supplemental Food Program for Women, Infants, and Children (WIC), authorizes establishment of a statewide program, administered by the State Department of Public Health, for providing nutritional food supplements to low-income pregnant women, low-income postpartum and lactating women, and low-income infants and children under 5 years of age, who have been determined to be at nutritional risk. The program, which implements a program authorized under existing federal law, provides for the redemption of nutrition coupons by recipients at any authorized retail food vendor. Existing law requires the Managed Risk Medical Insurance Board and the department, in collaboration with WIC program offices and other designated entities, to design, promulgate, and implement policies and procedures for an automated enrollment gateway system to obtain presumptive eligibility for, and to facilitate application for enrollment in, the Medi-Cal program and the Healthy Families Program for children applying to the WIC program. Existing law requires the WIC gateway system to be constructed with the capacity to be used by entities operating

the WIC program. This bill would require all WIC local agencies that serve large numbers of participants and a high proportion of uninsured participants, as specified, to use the WIC gateway system only to the extent funding is available, as specified, and would permit all other local WIC agencies to use the WIC gateway system at their option. Existing law creates the Healthy Families Fund, and provides that money in the fund is continuously appropriated for purposes of the Healthy Families Program. This bill would provide that the Managed Risk Medical Insurance Board may implement the provisions of the bill expanding the Healthy Families Program only to the extent that funds are appropriated for those purposes in the annual Budget Act or in another statute.

Status: Hearing postponed by Health Committee. (last activity 2/17/09)

SB 114
Liu

Medi-Cal: independent foster care adolescents

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services and under which qualified low-income persons receive health care benefits. Existing law requires the department, if, and to the extent that, all necessary federal approvals are obtained for federal financial participation, to implement a federal option to extend Medi-Cal benefits to independent foster care adolescents, as defined in federal law. This bill would specify that, if the department has exercised this option, commencing April 1, 2010, specified independent foster care adolescents would be deemed eligible for the benefits and would be automatically enrolled without requiring a new application and without an interruption in coverage. This bill would require the department to develop and implement a simplified form for the annual redetermination of benefits. An independent foster care adolescent would only be required to fill out and return the form if previously provided information was no longer accurate. This bill would specify that the bill would be implemented only if, and to the extent that, federal financial participation is available and any necessary federal approvals are obtained. This bill would also prescribe a process for terminating the eligibility of an independent foster care adolescent.

Status: Set, first hearing. Held in committee and under submission. (last activity 5/28/09)

SB 257
Pavley

Lactation accommodation: state employees

Existing law requires employers, including the state, to provide a reasonable amount of break time to employees desiring to express breast milk. Employers are also required to make reasonable efforts to provide the use of a room, or other location, other than a toilet stall, in close proximity to the employees' work area, for the employee to express milk in private. This bill would require every state agency and department, including local offices, when notified by a female employee that she is nearing maternity leave, to notify the employee, through its usual channels of communication with state employees and in the most cost-effective manner, of specified information regarding breast-feeding, including an explanation and summary of the provisions described above relating to lactation accommodation, information regarding lactation accommodation on the Internet Web site of the Department of Public Health, and a listing of other comprehensive breast-feeding support organizations with Internet links. Existing law requires the State Department of Public Health to include in its public service campaign the promotion of mothers breast-feeding their infants. This bill would require the department to provide information regarding lactation accommodation on its Internet Web site, as specified.

Status: VETOED

SB 383
Liu

Autism Spectrum Disorders: screening

Existing law, the Lanterman Developmental Disabilities Services Act, requires the State Department of Developmental Services to contract with regional centers for the provision of various services and supports to persons with developmental disabilities, including Autism Spectrum Disorders (ASD). Existing law, the California Early Start Intervention Services Act, commonly known as the Early Start program, provides various early intervention services for infants and toddlers who have disabilities or who are at risk of having disabilities to enhance their development and to minimize the potential for developmental delays. This bill would require the State Department of Developmental Services to partner with at least one regional center to implement a 2-year Autism Spectrum Disorders Early Screening, Intervention, and Treatment Pilot Program in at least 3 key geographic areas. The pilot program would establish best practices for early screening, diagnosis, referral, and treatment for children with ASD. The bill would require the department, no later than July 1, 2012, to

report to the Legislature and the Governor on the pilot program. The bill would prohibit state general funds from being used to prepare the report and to fund the pilot program in any fiscal year of the pilot program's operation. The department would be required to seek federal funding for the pilot program.

Status: Set, first hearing. Held in committee and under submission. (last activity 5/28/09)

SB 812
Ashburn

Developmental services: housing

The Planning and Zoning Law requires each city, county, or city and county to prepare and adopt a general plan for its jurisdiction that contains certain mandatory elements, including a housing element. Existing law requires the local government to make a diligent effort to achieve public participation of all economic segments of the community in the development of the housing element. This bill would require the needs of persons with autism spectrum disorders to be assessed, in consultation with specified groups, in developing the housing element. By expanding the duties of local jurisdictions in relation to the general plans, this bill would impose a state-mandated local program. Under existing law, the Department of Housing and Community Development has various duties relating to goals and policy objectives concerning housing in the state. This bill would require the department, with the cooperation of the State Department of Developmental Services, to prepare a report to the Legislature that evaluates and identifies the housing needs of persons who receive services from either the state department or a regional center and who have been diagnosed with an autism spectrum disorder.

Status: Set, first hearing. Held in committee and under submission. (last activity 5/28/09)

Public Health Administration

AB 23 *Cal-COBRA: premium assistance*

Jones

Existing federal law, the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA), requires group health plans providing coverage to employers of 20 or more employees to provide former employees with continuation of benefits, as specified. Existing federal law, the American Recovery and Reinvestment Act of 2009, provides specified premium assistance under COBRA and state programs that provide comparable continuation coverage for certain assistance eligible individuals, as defined. Existing law, the Knox-Keene Health Care Service Plan Act of 1975, provides for the licensure and regulation of health care service plans by the Department of Managed Health Care and makes a willful violation of that act a crime. Existing law also provides for regulation of health insurers by the Department of Insurance. Existing law, the California Continuation Benefits Replacement Act (Cal-COBRA), requires health care service plans and health insurers providing group coverage to employers of 2 to 19 employees to offer continuation of that coverage for a specified period of time to certain qualified beneficiaries, as specified. This bill would require health care service plans and health insurers to provide notice of the availability of premium assistance under the federal American Recovery and Reinvestment Act of 2009 to qualified beneficiaries who may be eligible for that assistance, as specified, and would require the notice to include certain information and to be sent within specified periods of time. The bill would allow a qualified beneficiary eligible for the federal premium assistance to elect Cal-COBRA coverage within a certain period of time and would allow individuals enrolled in Cal-COBRA coverage as of February 17, 2009, to request application of the federal premium assistance, as specified. The bill would authorize the Director of the Department of Managed Health Care and the Insurance Commissioner to adopt emergency regulations in the event that any federal assistance is or becomes available to persons eligible for Cal-COBRA, as specified. The bill would enact other related provisions.

Status: CHAPTERED

AB 29 *Health care coverage*

Price

Existing law, the Knox-Keene Health Care Service Plan Act of 1975 (Knox-Keene Act), provides for the licensure and regulation of health care service plans by the Department of Managed Health Care, and makes a willful violation of the act a crime. Existing law also provides for the regulation of health insurers by the Department of Insurance. Existing law requires that every health care service plan contract or group health insurance policy that provides for termination of coverage of a dependent child upon attainment of the limiting age for dependent children shall also provide that attainment of the limiting age shall not terminate the coverage of a child under certain conditions. This bill would prohibit, with a specified exception, the limiting age for dependent children covered by these health care service plan contracts and group health insurance policies from being less than 27 years of age. The bill would also provide that no employer is required to pay the cost of coverage for dependents who are at least 23 years of age, but less than 27 years of age. The bill instead would authorize subscribers and insureds to elect to provide coverage to those dependents by contributing the premium for that coverage.

Status: In committee: Set, second hearing. Held under submission. (last activity 4/28/09)

AB 56 *Health care coverage: mammographies*

Portantino

Existing law, the Knox-Keene Health Care Service Plan Act of 1975, provides for the licensure and regulation of health care service plans by the Department of Managed Health Care and makes a willful violation of the act a crime. Existing law also provides for the regulation of health insurers by the Department of Insurance. Under existing law, a health care service plan contract, except a specialized health care service plan contract, that is issued, amended, delivered, or renewed on or after January 1, 2000, is deemed to provide coverage for mammography for screening or diagnostic purposes upon referral by a participating nurse practitioner, participating certified nurse-midwife, or participating physician, providing care to the patient and operating within the scope of practice provided under existing law. Under existing law, an individual or group policy of disability insurance that is issued, amended, delivered, or renewed on or after January 1, 2000, is deemed to provide specified coverage based upon age for mammography for screening or diagnostic purposes upon

referral by a participating nurse practitioner, participating certified nurse-midwife, or participating physician, providing care to the patient and operating within the scope of practice provided under existing law. This bill would provide that health care service plan contracts and individual or group policies of health insurance issued, amended, delivered, or renewed on or after July 1, 2010, shall be deemed to provide coverage for mammographies for screening or diagnostic purposes upon referral of a participating nurse practitioner, participating certified nurse-midwife, participating physician assistant, or participating physician, as specified. The bill would, commencing July 1, 2010, require plans and insurers subject to these provisions to provide subscribers or policyholders with information regarding recommended timelines for an individual to undergo tests for the screening or diagnosis of breast cancer, as specified.

Status: VETOED

AB 73
Hayashi

Marriage licenses: vital records: fees: domestic violence

Existing law requires the collection of fees for issuing marriage licenses and for providing certified copies of vital records, including marriage certificates, birth certificates, fetal death records, and death records. Existing law provides for the establishment of county domestic violence program special funds for the purpose of funding local domestic violence programs. Certain fees payable at the time a marriage license or a certified copy of any of the above vital records is issued may be collected by the county clerks for deposit into these funds. Existing law authorizes the Alameda County Board of Supervisors, until January 1, 2010, upon making certain findings and declarations, to authorize an increase in the fees for marriage licenses and confidential marriage licenses, up to a maximum increase of \$2. Existing law authorizes the Alameda County Board of Supervisors, and the City Council of the City of Berkeley, upon making certain findings and declarations, to authorize an increase in the fees for certified copies of certain vital records, up to a maximum increase of \$2. Existing law authorizes those governmental entities to make further increases in those fees each year, as specified. Existing law requires these fees to be allocated for purposes relating to domestic violence prevention, intervention, and prosecution. This bill would extend the operation of those provisions indefinitely. Existing law requires the Alameda County Board of Supervisors and the City Council of the City of Berkeley to submit to the Assembly and Senate Committees on Judiciary, by July 1, 2009, reports regarding the above fee increases, as specified. This bill would, instead, require the Alameda County Board of Supervisors and the City Council of the City of Berkeley, if they elect to submit preliminary reports by July 1, 2009, and final reports by July 1, 2014. The bill would repeal these provisions on January 1, 2015.

Status: CHAPTERED

AB 119
Jones

Health care coverage: pricing

Existing law, the Knox-Keene Health Care Service Plan Act of 1975, provides for the licensure and regulation of health care service plans by the Department of Managed Health Care and makes a willful violation of that act a crime. Existing law prohibits health care service plans from charging premium, price, or charge differentials because of sex, but makes an exception for differentials based on specified statistical and actuarial data. This bill would eliminate that exception with respect to contracts issued, amended, or renewed on or after January 1, 2011. Because a willful violation of this provision by a health care service plan would be a crime, the bill would impose a state-mandated local program. Existing law provides for the regulation of life and disability insurers by the Department of Insurance. Existing law prohibits life and disability insurers from engaging in certain discriminatory practices, but specifies that premium, price, or charge differentials because of sex are not prohibited when based on specified statistical or actuarial data or sound underwriting practices. This bill would, commencing January 1, 2011, prohibit health insurers from charging a premium, price, or charge differential because of the sex of specified individuals.

Status: CHAPTERED

AB 160
Hayashi

Registered nurses: education program

Existing law establishes within the Health Professions Education Foundation, a nonprofit public benefit corporation, the Registered Nurse Education Program, which provides scholarships or loan repayment for registered nursing students who agree in writing prior to graduation to serve in an eligible county health facility, as defined, an eligible state-operated health facility, as defined, a

health workforce shortage area, or a California nursing school, as specified. This bill would expand that program to include registered nursing students who agree to serve in a kindergarten or grades 1 to 12, inclusive, school. The bill would also make nonsubstantive, technical changes.

Status: In B & P Committee: Hearing postponed by committee. (last activity 4/14/09)

AB 217
Beall

Medi-Cal: alcohol and drug screening and brief intervention services

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services, under which qualified low-income individuals receive health care services. This bill would establish the Medi-Cal Alcohol and Drug Screening and Brief Intervention Services Program, which would be administered by the department, in consultation with the State Department of Alcohol and Drug Programs, for the purpose of increasing the state's ability to make available alcohol and drug screening and brief intervention services to Medi-Cal beneficiaries who are pregnant women or women of childbearing age by authorizing a public entity, as defined, to provide or contract for these services for Medi-Cal beneficiaries who are pregnant women or women of childbearing age. The bill would require the department to administer the program in accordance with federal certified public expenditure requirements in certifying that a claimed expenditure for alcohol and drug screening and brief intervention services is eligible for federal financial participation. This bill would require the nonfederal share of expenditures submitted to the federal Centers for Medicare and Medicaid Services for purposes of claiming federal financial participation for services provided pursuant to the program to be comprised of only those funds that are paid by a public entity and certified in accordance with federal certified public expenditure requirements. The bill would require the department to promptly seek any necessary federal approvals for the implementation of the program. The bill would provide that participation in the program would be voluntary for a qualifying Medi-Cal beneficiary. The bill would also require the fact of whether a beneficiary participates in the program, and the results of any screening done under the program, to be maintained in the beneficiary's confidential medical records, as provided.

Status: VETOED

AB 303
Beall

Medi-Cal: designated public hospitals: seismic safety requirements

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services and under which qualified low-income persons receive health care benefits, including hospital services. The Medi-Cal program is, in part, governed and funded by federal Medicaid provisions. Existing law authorizes the California Medical Assistance Commission to negotiate selective provider contracts with eligible hospitals to provide inpatient hospital services to Medi-Cal beneficiaries. Existing law generally defines a disproportionate share hospital as a hospital that has disproportionately higher costs, volume, or services related to the provision of services to Medi-Cal or other low-income patients than the statewide average. Under existing law, an eligible disproportionate share hospital may receive supplemental Medi-Cal reimbursement for debt service on revenue bonds used for financing eligible capital projects. Under existing law, eligible projects include new capital projects funded by new debt for which final plans have been submitted to the Office of the State Architect (OSA) and the Office of Statewide Health Planning and Development (OSHDP) after September 1, 1988, and prior to June 30, 1994, except as specified. This bill would, to the extent federal financial participation is available, extend similar supplemental reimbursement provisions to capital projects of designated public hospitals, as defined, meeting prescribed requirements for which final plans have been submitted to OSHDP after January 1, 2007, and prior to December 31, 2011, provided those projects are related to meeting seismic safety deadlines. The bill would require a hospital qualifying for the supplemental reimbursement to submit documentation to the department regarding debt service on general obligation bonds or revenue bonds used for financing the construction, renovation, or replacement of hospital facilities. The bill would prohibit the expenditure of state funds for the nonfederal share of the supplemental reimbursement. The bill would require the department to claim federal expenditures through the use of certified public expenditures or intergovernmental transfers, as necessary and appropriate.

Status: CHAPTERED

AB 452
Yamada

In-home supportive services: California Independence Act of 2009

Existing law provides for the In-Home Supportive Services (IHSS) program, under which, either

through employment by the recipient or by or through contract by the county, qualified, aged, blind, and disabled persons receive services enabling them to remain in their own homes. Counties are responsible for the administration of the IHSS program. This bill would establish the California Independence Program, a voluntary program for the provision of in-home supportive services to certain aged, blind, and disabled individuals who are otherwise ineligible for IHSS services. The bill would make recipients and providers of services under the California Independence Program subject to specified requirements.

Status: In Human Services Committee: Set, first hearing. Hearing canceled at the request of author. (last activity 4/14/09)

AB 492
Conway

Community colleges: nursing faculty

Existing law establishes the California Community Colleges, under the administration of the Board of Governors of the California Community Colleges, as one of the segments of public postsecondary education in this state. Existing law establishes community college districts, administered by a governing board, throughout the state, and authorizes these districts to provide instruction to students at the community college campuses maintained by the districts. Existing law, under specified circumstances, authorizes the governing board of a district to employ any qualified individual as a temporary faculty member for a complete school year but not less than a complete semester or quarter during a school year. Existing law prohibits employment of a person as a temporary faculty member by any one district for more than 2 semesters or 3 quarters, except that a person serving as full-time or part-time clinical nursing faculty may be employed as a temporary faculty member for up to 4 semesters or 6 quarters within any period of 3 consecutive years between July 1, 2007, and June 30, 2014. Existing law prohibits a district from employing a person pursuant to that nursing faculty exception if the hiring of that person results in an increase in the ratio of part-time to full-time nursing faculty in that district. This bill would revise that exception to authorize the employment of a clinical nursing faculty member as a temporary faculty member for up to the total number of semesters or quarters within any period of 3 consecutive academic years between July 1, 2007, and June 30, 2014. The bill would also delete that hiring limitation that prevents an increase in the ratio of part-time to full-time nursing faculty in a district.

Status: In committee: Set first hearing. Failed passage. Reconsideration granted. (last activity 7/15/09)

AB 657
Hernandez

Health professions workforce: master plan

Existing law requires the Office of Statewide Health Planning and Development to take various actions related to statewide health planning and the development of policies to address health care issues in California. This bill would require the office, in collaboration with the California Workforce Investment Board, to establish the Health Professions Workforce Task Force composed of specified members, to assist in the development of a health professions workforce master plan for the state, and would prescribe the functions and duties of the task force in that regard. The bill would require the task force to submit a complete statewide health professions workforce master plan to the office and the Legislature. This bill would also require the task force to seek, and the office to accept, funds from the federal government and private entities for purposes of implementing the bill. The bill would prohibit state funds from being used to implement the bill.

Status: VETOED

AB 722
Lowenthal

Preexisting conditions

Existing law provides for licensing and regulation of health care service plans by the Department of Managed Health Care. Existing law provides for the regulation of health insurers by the Insurance Commissioner. Existing law authorizes a health care service plan or health insurer to exclude an applicant from coverage for a specified time for preexisting conditions. A willful violation of provisions governing health care service plans is a crime. This bill would prohibit an individual health care service plan contract or health insurance policy from denying coverage to, or excluding coverage for, an enrollee or insured due to a preexisting condition provision or otherwise, as specified, due to a mental or physical condition that is not life threatening nor chronic or severe, that is not considered to be a present condition at the time of enrollment, and for which the enrollee or insured has not received treatment for the past 12 months.

Status: In Health Committee: Set, first hearing. Hearing canceled at the request of author. (last activity 4/28/09)

- AB 861
Ruskin *Public health services: consolidated contracts*
Under existing law, the State Department of Public Health is authorized, within its authority to contract with a provider for the provision of health services, to enter into a single contractual instrument encompassing services in any number of specified health services subject areas. This bill, in addition, would require the department, within existing resources, to develop and implement, in consultation with local health jurisdiction representatives, a model consolidated and streamlined administration and contracting process with local health jurisdictions for the department's Center for Infectious Diseases and Center for Family Health, and the programs administered by the respective centers. The bill would require the 2 designated program centers within the department to develop a single model allocation contract between the department and local health jurisdictions that incorporates the programs administered by the program center, including, but not limited to, specified elements.
Status: VETOED
- AB 896
Galgiani *Health care programs: provider reimbursement rates*
Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services, under which qualified low-income individuals receive health care benefits. Existing law also requires the department to administer various health programs, including the California Children's Services Program, Genetically Handicapped Person's Program, Breast and Cervical Cancer Early Detection Program, State-Only Family Planning Program, and Family Planning, Access, Care, and Treatment (Family PACT) Waiver Program. Existing law requires provider rates of payment for services under these programs to be identical to the rates of payment for the same service performed by the same provider type pursuant to the Medi-Cal program, except, until January 1, 2010, with regard to hospital interim rates of payment, which existing law requires to be 90% of Medi-Cal hospital inpatient rates of payment, as provided. This bill would provide that the provisions that would have been repealed on January 1, 2010, would instead be repealed on January 1, 2011.
Status: CHAPTERED
- AB 963
Ammiano *Medi-Cal eligibility*
Existing law creates various programs to provide health care services to persons who have limited incomes and meet various eligibility requirements, including, but not limited to, the Medi-Cal program, which is administered by the State Department of Health Care Services, and under which qualified low-income individuals receive health care benefits. Existing law also provides for the Food Stamp Program, under which food stamps are allocated by each county in accordance with federal requirements, and the CalWORKS program, under which each county provides cash assistance and other benefits to qualified low-income families and individuals who meet specified eligibility criteria. Under existing law, the Food Stamp Program and the CalWORKS program are administered at the state level by the State Department of Social Services. This bill would require the department, in consultation with the State Department of Social Services, counties, representatives from the Statewide Automated Welfare System (SAWS) consortia, consumer advocates, and other stakeholder groups to make necessary technological and policy changes to update the data sharing, computer programming, and administrative procedures, as provided, to ensure the continuation of Medi-Cal benefits when a beneficiary reports a change in circumstances to the Food Stamp Program or the CalWORKS program that would continue Medi-Cal eligibility. The bill would declare these provisions to be declaratory of existing law. This bill would provide that a beneficiary who completes a periodic report or annual renewal form in the CalWORKS program or Food Stamp Program shall be deemed to have met the requirements to return and sign a periodic report or annual form for the next scheduled period in the Medi-Cal program. The bill would provide that if information a beneficiary submits in the CalWORKS program or Food Stamp Program periodic reporting or annual renewal process is sufficient to continue Medi-Cal eligibility, the county shall deem the beneficiary to have met the Medi-Cal annual redetermination requirement. This bill would provide that an individual or family that submits and signs a Food Stamp Program application

through any method accepted by the Food Stamp Program shall be deemed to have met the requirement to submit and sign a Medi-Cal application. The bill would provide that if the information an applicant submits in the Food Stamp Program application is sufficient to establish Medi-Cal eligibility, the county shall enroll the applicant into the Medi-Cal program. The bill would require the department to develop a procedure to, among other things, give applicants the opportunity to opt out of being enrolled in the Medi-Cal program based on information given in his or her Food Stamp Program application. By modifying the Medi-Cal eligibility determination process, this bill would increase the responsibilities of the counties in the administration of the Medi-Cal program, thereby imposing a state-mandated local program. The bill would require the department to issue comprehensive implementing instructions for policies and procedures, as specified, for the aforementioned provisions, on or before March 1, 2011. This bill would require the department to establish procedures and guidelines for prepopulated renewal forms for all potential and current Medi-Cal beneficiaries. The prepopulated renewal form and procedures would be used for all beneficiaries whose Medi-Cal renewal is not accomplished pursuant to the renewal procedures established pursuant to this bill. The bill would require the procedures and guidelines to include a timeline for phasing in the prepopulated renewal forms statewide, beginning January 2011, and fully phasing in the prepopulated renewal forms by January 2012.

Status: In Com. on APPR: Hearing postponed by committee. (last activity 5/20/09)

AB 1185
Lieu

Birth certificates: new issuance: venue

Under existing law, whenever a person born in this state has undergone surgical treatment for the purpose of altering his or her sexual characteristics to those of the opposite sex, a new birth certificate may be prepared reflecting the change of gender and any change of name. A petition for the issuance of a new birth certificate is permitted to be filed in the superior court of the county in which the petitioner resides. This bill would also permit the petition to be filed in the superior court of the county in which the petitioner was born.

Status: VETOED

AB 1269
Brownley

Medi-Cal: eligibility

Existing law establishes the Medi-Cal program, administered by the State Department of Health Care Services, under which basic health care services are provided to qualified low-income persons. The Medi-Cal program is partially governed and funded by federal Medicaid provisions. Existing law, subject to the receipt of federal financial participation, requires the department to adopt a federal option under which any employed individual with a disability who meets specified income and resource requirements, shall be eligible for benefits under the Medi-Cal program, subject to the payment of premiums. This bill would, to the extent that federal financial participation is available, authorize an individual who is otherwise eligible under this program but who is temporarily unemployed to elect to remain on Medi-Cal pursuant to these provisions for a period up to 26 weeks, as provided. This bill would also provide additional resource exemptions in determining Medi-Cal eligibility under these provisions. The bill would extend specified resource exemptions to apply for the beneficiary under any other Medi-Cal program under which the beneficiary later becomes eligible for medical assistance where that eligibility is based on age, blindness, or disability. This bill would make its provisions operative 30 days after the date that the increase in the state's federal medical assistance percentage (FMAP) pursuant to the federal American Recovery and Reinvestment Act of 2009 (ARRA) is no longer available. Existing law requires individuals who are eligible for Medi-Cal benefits pursuant to these provisions to be subject to premiums that are determined by a sliding scale that is based on countable income, as provided. This bill, not later than 90 days after the operative date specified above, would instead require each individual to pay a monthly premium that is equal to 5% of his or her individual or spousal countable income, as described, except that the premium cannot fall below or exceed a specified minimum and maximum premium payment, as provided. The bill would require the above-described provisions to be implemented only to the extent that federal financial participation is available, and only to the extent that the department seeks and obtains approval of all necessary state plan amendments.

Status: CHAPTERED

- AB 1314 *Medi-Cal: health care coverage*
 Jones Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services and under which qualified low-income persons receive health care benefits. The Medi-Cal program is, in part, governed and funded by federal Medicaid provisions. This bill would require the California Health and Human Services Agency, in consultation with specified entities, to develop a plan to enact comprehensive reforms to the California health care system and to make recommendations for statutory changes necessary to implement the plan. The plan would include strategies to accomplish various goals, including, but not limited to, expanding health care coverage for low- and moderate-income children and adults through a shared responsibility approach that includes contributions from individuals, employers, and the government, and reducing the number of uninsured persons in the state. The agency would be required to provide the plan and recommendations to the Legislature no later than April 1, 2010.
Status: In committee: Set, second hearing. Held under submission. (last activity 5/28/09)
- AB 1422 *Health Care Programs: California Children and Families Act of 1998*
 Bass Existing law imposes various taxes, including a tax at a specified rate on the gross premiums of an insurer, as defined. Existing law provides for the Medi-Cal program, administered by the State Department of Health Care Services, under which health care services are provided to qualified low-income recipients. One of the methods by which these services are provided is pursuant to contracts with various types of managed care plans. This bill would, until January 1, 2011, impose that tax on the total operating revenue, as specified, of a Medi-Cal managed care plan, as defined. The proceeds from the tax would be continuously appropriated (1) to the department for purposes of the Medi-Cal program in an amount equal to 38.41% of the proceeds from the tax and (2) to the Managed Risk Medical Insurance Board for purposes of the Healthy Families Program in an amount equal to 61.59% of the proceeds from the tax. The bill would provide that the tax on Medi-Cal managed care plans would have no force or effect if any of specified conditions apply. Existing law requires every return required to be filed with the State Insurance Commissioner pursuant to provisions governing taxes on the gross premiums of insurers to be signed by the insurer or an executive officer of the insurer and to be made under oath or contain a written declaration that it is made under penalty of perjury. This bill would also require Medi-Cal managed care plans to file returns with the commissioner under oath or with a written declaration that is made under penalty of perjury. By expanding the crime of perjury, this bill would impose a state-mandated local program. Existing law creates the Healthy Families Program, administered by the Managed Risk Medical Insurance Board, to arrange for the provision of health care services to children less than 19 years of age who meet certain criteria, including having a limited gross household income. Existing law requires families with children participating in the program to pay specified family contribution amounts. This bill would, commencing November 1, 2009, increase the amounts to be paid for the family contributions. This bill would require the Healthy Families Program to provide prior notice to any applicant for a subscriber whose premium will increase as a result of the increases in the family contribution amounts and would require the program to provide the applicant with an opportunity to demonstrate that, based on reduced family income, the subscriber is subject to a lower premium pursuant to the above-described provisions. The California Children and Families Act of 1998, an initiative measure approved by the voters as Proposition 10 at the November 3, 1998, statewide general election, requires that the California Children and Families Program, established by the act, be funded by certain taxes imposed on the sale and distribution of cigarettes and tobacco products, that revenues be deposited into the California Children and Families Trust Fund, and that the fund be used for the implementation of comprehensive early childhood development and smoking prevention programs. Existing law provides that 20% of moneys allocated and appropriated from the trust fund shall be deposited, in accordance with a prescribed formula, in specified accounts, including the Unallocated Account, for expenditure by the California Children and Families Commission, also known as First 5 California, for various subjects relating to, and furthering the goals and purposes of, the act. Existing law prohibits amendment of this initiative measure by the Legislature unless the amendment is approved by the voters, or the amendment is accomplished by a vote of 2/3 of the membership of both houses of the Legislature and the amendment furthers the act and is consistent with its purposes. This bill would provide that any funds not needed in specified accounts may be transferred to the Unallocated Account upon approval of the commission. The bill would make a legislative finding

and declaration that these changes further the goals and purposes of that act. This bill would require the Director of Finance to make the necessary budgetary adjustments to allow the expenditure of funds allocated by the commission pursuant to the above provisions.

Status: CHAPTERED

- AB 1427
Hayashi *Hospital districts*
Existing law authorizes a hospital district to transfer, at fair market value, any part of its assets to one or more nonprofit corporations to operate and maintain the assets. Existing law also authorizes the hospital district to transfer, for the benefit of the communities served by the district, in the absence of adequate consideration, any part of the assets of the district to one or more nonprofit corporations to operate and maintain the assets. Existing law requires, before any transfer of 50% or more of the district's assets to one or more corporations, a measure proposing the transfer to be submitted to the voters of that district. This bill would provide that the transfers may be made to a county hospital. It would additionally require, before any transfer of an emergency or urgent care department of a general acute care hospital, a measure proposing the transfer to be submitted to the voters.
Status: Referred to Com. on L. GOV. (last activity 5/27/09)
- ACR 29
Jones *Health disparities: racial and ethnic populations*
This measure would request that the California Health and Human Services Agency provide leadership to encourage departments within the agency to focus on preventing, reducing, and eliminating health disparities among racial and ethnic population subgroups. This measure would also encourage interdepartmental-collaboration on specified factors that contribute to health disparity and the consideration of the diverse health care needs of various ethnic subgroups.
Status: CHAPTERED
- SB 155
Wright *Student financial aid: State Nursing Assumption Program of Loans for Education: school nurses*
Existing law establishes within the State Nursing Assumption Program of Loans for Education (SNAPLE), a program under which any person who is enrolled in an eligible institution, and who agrees to work full time as a registered nurse in a state-operated 24-hour facility, including a prison, psychiatric hospital, or veterans home, that employs registered nurses, is eligible to receive a conditional loan assumption agreement, to be redeemed upon becoming employed as a clinical registered nurse in an eligible facility. This bill would establish a program within the SNAPLE, under which a student who is enrolled in an eligible program, and who agrees to be employed as a school nurse in an eligible school or school district, would be eligible to receive a conditional loan assumption agreement, to be redeemed upon becoming employed as a school nurse in an eligible public elementary or secondary school. The bill would provide for a progressive assumption of the amount of a qualifying loan over 4 consecutive years of qualifying employment as a school nurse, up to a total loan assumption of \$11,000. The program would be repealed on January 1, 2016.
Status: Set, second hearing. Held in committee and under submission. (last activity 5/28/09)
- SB 208
Steinberg *Medi-Cal: demonstration project waiver*
Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services and under which qualified low-income persons receive health care benefits. The Medi-Cal program is, in part, governed and funded by federal Medicaid provisions. This bill would require the department to submit an application to the federal Centers for Medicare and Medicaid Services for a waiver to implement a demonstration project that improves health care, as specified. The bill would require the department to submit the waiver application by a date that shall ensure that the waiver is approved by the federal Centers for Medicare and Medicaid Services by September 1, 2010. The bill would condition implementation of the waiver upon the enactment of subsequent statutory authorization.
Status: To Assembly Com. on Health. (last activity 5/26/09)
- SB 311
Alquist *Healthy Families Program: prospective payment system*
Existing law, the federal Children's Health Insurance Program Reauthorization Act of 2009, requires states with a Children's Health Insurance Program to reimburse federally qualified health centers and rural health clinics based on a specified prospective payment system established under the Medicaid

Program. Existing law creates the Healthy Families Program, administered by the Managed Risk Medical Insurance Board, to arrange for the provision of health, dental, and vision benefits to eligible children pursuant to the federal Children's Health Insurance Program. This bill would, contingent upon the receipt and appropriation of funds, require the board to apply the Medicaid prospective payment system to services provided under the program by federally qualified health centers and rural health clinics and would authorize the board to adopt emergency regulations to implement that requirement. This bill would also state the intent of the Legislature to enact legislation that would implement other provisions of the federal Children's Health Insurance Program Reauthorization Act of 2009.

Status: Set, first hearing. Held in committee and under submission. (last activity 5/28/09)

SB 810

Leno

Single-payer health care coverage

Existing law does not provide a system of universal health care coverage for California residents. Existing law provides for the creation of various programs to provide health care services to persons who have limited incomes and meet various eligibility requirements. These programs include the Healthy Families Program administered by the Managed Risk Medical Insurance Board, and the Medi-Cal program administered by the State Department of Health Care Services. Existing law provides for the regulation of health care service plans by the Department of Managed Health Care and health insurers by the Department of Insurance. This bill would establish the California Healthcare System to be administered by the newly created California Healthcare Agency under the control of a Healthcare Commissioner appointed by the Governor and subject to confirmation by the Senate. The bill would make all California residents eligible for specified health care benefits under the California Healthcare System, which would, on a single-payer basis, negotiate for or set fees for health care services provided through the system and pay claims for those services. The bill would provide that a resident of the state with a household income, as specified, at or below 200% of the federal poverty level would be eligible for the type of benefits provided under the Medi-Cal program. The bill would require the commissioner to seek all necessary waivers, exemptions, agreements, or legislation to allow various existing federal, state, and local health care payments to be paid to the California Healthcare System, which would then assume responsibility for all benefits and services previously paid for with those funds. The bill would create the Healthcare Policy Board to establish policy on medical issues and various other matters relating to the system. The bill would create the Office of Patient Advocacy within the agency to represent the interests of health care consumers relative to the system. The bill would create within the agency the Office of Health Planning to plan for the health care needs of the population, and the Office of Health Care Quality, headed by a chief medical officer, to support the delivery of high quality care and promote provider and patient satisfaction. The bill would create the Office of Inspector General for the California Healthcare System within the Attorney General's office, which would have various oversight powers. The bill would prohibit health care service plan contracts or health insurance policies from being issued for services covered by the California Healthcare System. The bill would create the Healthcare Fund and the Payments Board to administer the finances of the California Healthcare System. The bill would create the California Healthcare Premium Commission (Premium Commission) to determine the cost of the California Healthcare System and to develop a premium structure for the system that complies with specified standards. The bill would require the Premium Commission to recommend a premium structure to the Governor and the Legislature on or before January 1, 2012, and to make a draft recommendation to the Governor, the Legislature, and the public 90 days before submitting its final premium structure recommendation. The bill would specify that only its provisions relating to the Premium Commission would become operative on January 1, 2010, with its remaining provisions becoming operative on the date the Secretary of California Health and Human Services notifies the Legislature, as specified, that sufficient funding exists to implement the California Healthcare System. The bill would require that system to be operative within 2 years of that date and would provide for various transition processes for that period. The bill would extend the application of certain insurance fraud laws to providers of services and products under the system, thereby imposing a state-mandated local program by revising the definition of a crime. The bill would enact other related provisions relative to budgeting, regional entities, federal preemption, subrogation, collective bargaining agreements, compensation of health care providers, conflict of interest, patient grievances, independent medical review, and associated matters.

Status: Set, first hearing. Held in committee and under submission. (last activity 5/28/09)

SCR 14
Aanestad

Prostate Cancer Awareness Month

This measure would designate the month of September 2009 as Prostate Cancer Awareness Month in the State of California and would encourage public officials and citizens to observe the month with appropriate activities and programs.

Status: CHAPTERED

Economic Development and Income

AB 3
V. Manuel
Perez

Workforce development : Renewable Energy Workforce Readiness Initiative: local workforce investment boards

(1) Existing law, the California Workforce Investment Act, establishes the California Workforce Investment Board (CWIB), which is the body responsible for assisting the Governor in the development, oversight, and continuous improvement of California's workforce investment system, and prescribes the functions and duties of the board with regard to the implementation and administration of workforce training and development programs. Existing law establishes the Green Collar Jobs Council (GCJC) as a special committee in the CWIB, comprised of specified members, to assist in providing workforce development and job training relating to green collar jobs. This bill would require the CWIB, by July 1, 2010, in consultation with the Green Collar Jobs Council (GCJC), to establish a Renewable Energy Workforce Readiness Initiative to ensure green collar career placement and advancement opportunities within California's renewable energy generation, manufacturing, construction, installation, maintenance, and operation sectors that is targeted towards specified populations. The bill would require that the initiative provide guidance to local workforce investment boards on how to establish comprehensive green collar job assessment, training, and placement programs that reflect the local and regional economies, as prescribed. The bill would require the CWIB, in developing the initiative, to assist the local workforce investment boards in collecting and analyzing specified labor market data, in order to assess accurate local or regional industry cluster workforce development and training needs. The CWIB would be required to submit to the Legislature, by January 1, 2012, a report on the implementation of the initiative. The bill would require that the board only implement the initiative established pursuant to provisions of the bill if the Director of Finance determines that there are sufficient funds made available to the state for expenditure for the initiative pursuant to the American Recovery and Reinvestment Act of 2009, the federal Workforce Investment Act of 1998, or other federal law, or from other non-General Fund sources, and would require that the initiative terminate at such time that the director determines that there are no longer sufficient funds available for the initiative. (2) Existing law requires the local chief elected officials in a local workforce development to form, pursuant to specified guidelines established by the Governor and the board, a local workforce investment board, and prescribes the duties of the board with regard to the development and implementation of local workforce investment plans, as specified. This bill would revise the membership of the local workforce investment board and revise local workforce investment plan requirements. Because the bill imposes new duties on local government workforce investment boards, it would impose a state-mandated local program. (3) This bill would incorporate additional changes in Section 14230 of the Unemployment Insurance Code made by SB 410 that would become operative if both bills are enacted and this bill becomes effective after SB 410.

Status: VETOED

AB 165
Carter

Microenterprises: economic development

(1) Existing law encourages local governments as well as California communities and the public agencies that serve them to promote microenterprise, as defined, development. This bill would revise the definition of microenterprise. (2) The federal Workforce Investment Act of 1998 provides for workforce investment activities, including activities in which states may participate. Under existing law, the California Workforce Investment Board is responsible for assisting the Governor in the development, oversight, and continuous improvement of California's workforce investment system. Existing law requires the board, among other things, to assist the Governor with promoting the development of a well-educated and highly skilled workforce and developing the State Workforce Investment Plan. This bill would express findings and declarations of the Legislature with respect to the self-employment workforce in the state, and the importance of all Californians having the opportunity to receive the training for entrepreneurial and self-employment provided for under the federal act. This bill would additionally require the board to assist the Governor by developing specified guidelines for certain high-wage industry sectors and making recommendations on how to target resources to specified high-wage industry sectors, recommending policy and providing technical assistance on entrepreneurial training opportunities that could be made available through local workforce investment board programs as authorized under the federal act. (3) The bill would

also require the board, by January 1, 2011, to develop and distribute guidelines, or provide other assistance to, local workforce investment boards to help them implement entrepreneurial and self-employment training programs.

Status: In committee: Set, second hearing. Held under submission. (last activity 5/28/09)

- AB 177
Price
Economic development: California Urban Communities Collaborative Initiative Act of 2009
(1) Existing law provides for various programs and activities in the development of economic opportunities for businesses in the state. This bill would, until January 1, 2016, enact the California Urban Communities Collaborative Initiative Act of 2009. The bill would create the California Urban Communities Collaborative Initiative in state government. As part of the initiative, the bill would establish an Inter-Agency Initiative Workgroup, partnership, and local committees for designated project areas and assign these entities specified duties with respect to coordinating and improving government efforts for at-risk urban communities, as defined. The bill would require the workgroup to report annually to the Governor and Legislature on its activities. (2) The Business, Transportation and Housing Agency has various duties regarding general supervision over the operation of the departments within the agency, including the Department of Housing and Community Development. This bill would authorize the agency to develop regional plans and collaborative efforts in specified fields regarding economic development.
Status: Re-referred to Com. on J., E.D., & E. In committee: Set, first hearing. Hearing canceled at the request of author. (last activity 4/27/09)
- AB 290
Davis
Neighborhood Stabilization Program grants: funding priorities and criteria
Existing law establishes various statewide housing and community development plans and projects. Existing federal law establishes a Neighborhood Stabilization Program that assists state and local governments in redeveloping abandoned and foreclosed upon homes. This bill would declare the intent of the Legislature to enact legislation that directs a portion of the federal program's funding to accomplish specified objectives relating to the building and green-collar trades, the provision of affordable, energy-efficient housing, and the revitalization of low -to moderate-income areas.
Status: From printer. May be heard in committee March 16. (last activity 2/14/09)
- AB 310
Price
Employment: California Green Workforce Partnership Demonstration Program
Existing law declares that it is the policy and responsibility of the state to foster and promote growth in employment, productivity, income, and purchasing power. This bill would declare the Legislature's intent to establish a 3-year pilot program, known as the California Green Workforce Partnership Demonstration Program, to develop workers for employment in green industries and environmentally sustainable business activities.
Status: From printer. May be heard in committee March 20. (last activity 2/17/09)
- AB 507
Arambula
Infrastructure and Economic Development Bank Act
The Bergeson-Peace Infrastructure and Economic Development Bank Act requires the California Infrastructure and Economic Development Bank to establish criteria, priorities, and guidelines for the selection of projects to receive assistance from the bank, to be based on a minimum of specified factors. This bill would require a project selected to receive assistance from the bank to additionally have economic development benefits and meet land use criteria.
Status: In committee: set, second hearing. Held under submission. (last activity 5/28/09)
- AB 699
Portantino
Economic development
(1) Existing law requires the Secretary of Labor and Workforce Development to convene a biennial economic strategy panel, known as the California Economic Strategy Panel and consisting of specified appointed members, for purposes of providing recommendations regarding a California Economic Development Strategic Plan and to review those recommendations made by the panel in its biennial economic development strategic plan document, as specified. Existing law requires the panel to address various specified matters of concern, including the development of a system of accountability for use in the annual state budget process and in the legislative process to measure the performance of all state policies, programs, and tax expenditures intended to stimulate the economy.

Existing law also requires the panel to submit a report of its findings and recommendations to the Legislature no later than one year after its first meeting after January 1, 2005. This bill would, instead, require the California Economic Strategy Panel to prepare and submit a preliminary version of the California Economic Development Strategic Plan to the Governor and the Legislature prior to May 1, 2010, and to prepare a final version of the plan within 5 months of the conclusion of required hearings by the Legislature on the preliminary version of the plan. The bill would require the development of the plan to be funded from private donations. The bill would require the Secretary of Labor and Workforce Development to collaborate with the Secretaries of Business, Transportation and Housing and Food and Agriculture in leading the preparation of the California Economic Development Strategic Plan and would require the panel to assess specified matters in preparing the plan, to consult with other state entities, and to review and include certain materials appropriate to completion of the plan. The bill would require that particular components be included in the plan and would delete a system of accountability for use in the state budget process from required elements for the panel's consideration. The bill would require the panel to review the plan 5 years after its finalization and every 5 years thereafter and to update the plan as the panel determines necessary. The bill would modify the composition of the California Economic Strategy Panel by adding the Secretary of Business, Transportation and Housing, the Secretary of Food and Agriculture, the Director of the Office of Small Business Advocate, and the Executive Director of the California Council on Science and Technology as members of the panel and would require, beginning October 1, 2010, the panel to report biennially to the Legislature on its activities. (2) Existing law creates the California Economic Development Fund, and provides for the deposit of government and private economic development funds into it. Under existing law, these funds, upon appropriation by the Legislature, may be expended by the Secretary of Business, Transportation and Housing for economic development purposes. This bill would authorize the Secretary of Business, Transportation and Housing to accept monetary gifts, which would be deposited in the California Economic Development Fund, for the cost of developing and updating economic and workforce development studies, strategies, and policies. The bill would require the secretary to record each gift and to file a copy of the record with the Business, Transportation and Housing Agency.

Status: In committee: Set, second hearing. Held under submission. (last activity 5/28/09)

AB 700
Krekorian

Creative Industries and Community Economic Revitalization Act of 2010

The Sales and Use Tax Law imposes a tax on the gross receipts from the sale in this state of, or the storage, use, or other consumption in this state of, tangible personal property, and requires that all revenues derived from that tax, except as provided, be deposited in the State Treasury to the credit of the Retail Sales Tax Fund. Existing law establishes in state government the California Arts Council and imposes various duties on the council to foster arts development and to award grants and prizes to individuals and organizations in the arts, as provided. This bill would establish the Creative Industries and Community Economic Revitalization Act of 2010, which would create, in the State Treasury, the Creative Industries and Community Economic Revitalization Fund. The bill would require that 20% of all revenues derived from the payment of sales and use taxes that are remitted to the State Board of Equalization by the taxpayers engaged in specified lines of business, as provided, be deposited in the fund. The council would be authorized to expend the moneys in the fund, upon appropriation by the Legislature, to issue grants pursuant to the act. The bill would authorize a city, county, district, including, but not limited to, a regional park district, a joint powers authority, or a nonprofit arts organization deemed eligible by the council, to apply to the council for a local assistance program grant for organizational support. The council would be required, when issuing a grant, to encourage joint partnerships between applicants, and to submit an annual report to the Legislature that includes the status of each grant made pursuant to the act.

Status: In committee: Hearing postponed by committee. (last activity 5/28/09)

AB 842
Swanson

Employment

Existing law provides that an employer, with certain exceptions, may not order a mass layoff, relocation, or termination, as defined, at a covered establishment without giving 60 days' prior written notice to employees and the Employment Development Department and other local agencies, as well as complying with specified federal guidelines. This bill would increase the layoff notice period from 60 to 90 days. This bill would require employers, when notice is given, to provide

employees with information regarding benefits and services available to them once the notice of layoff is given. This bill would also require employers that give notice of a mass layoff, relocation, or termination to provide sufficient meeting space for the provision of rapid response activity, as defined, and to allow providers of rapid response activity services and affected employees to meet for not less than one hour for such services to be provided. Existing law provides that an employer who fails to comply with the layoff notice requirements may be subject to civil penalties, including backpay, and liability under civil actions brought by employees unless the employer can demonstrate specified exemptions. This bill would require the Labor and Workforce Development Agency to maintain a guide of benefits and services that may be available to employees who are the subject of a layoff, including unemployment assistance and COBRA information, and to transmit the guide to an employer who gives notice of an impending layoff, and to post the guide on the agency's Internet Web site. This bill would also require the Labor and Workforce Development Agency to maintain a guide for employers containing development benefits and services, including trade adjustment assistance and tax credits, that could be used to avert mass layoffs or relocations of workforce employees and to transmit the guide to an employer who gives notice of an impending layoff, and to post the guide on the agency's Internet Web site. This bill would provide that up to 10% of the civil penalties for employers who violate these provisions be used by the Labor and Workforce Development Agency to fund the new duties under this bill.

Status: In committee: Set, second hearing. Held under submission. (last activity 5/28/09)

AB 857
Galgiani

Workforce development: one-stop career center systems

The federal Workforce Investment Act of 1998 provides for workforce investment activities, including activities in which states may participate. Existing law contains various programs for job training and employment investment, including work incentive and employment training outreach programs. Existing law, the California Workforce Investment Act declares that it is the intent of the Legislature to deliver comprehensive workforce services to jobseekers, students, and employers through a system of one-stop career centers to, among other things, make job outreach, intake, job search and placement assistance, and other related services available in one location. Existing law provides for the payment of unemployment compensation benefits to eligible unemployed persons during the period that the person is unemployed, and requires the Employment Development Department to implement and administer the unemployment compensation program. This bill would require the department, on or before July 1, 2010, to provide in-person unemployment benefit assistance in at least one comprehensive state one-stop career center in each workforce area, as prescribed. The bill would require that the unemployment benefit assistance services required to be provided at these one-stop career centers be funded with existing moneys available to the department for the administration of the unemployment compensation program.

Status: In committee: Held under submission. (last activity 4/27/09)

AB 943
Mendoza

Employment: credit reports

The federal Fair Credit Reporting Act (FCRA) and the state Consumer Credit Reporting Agencies Act define and regulate consumer credit reports and authorize the use of consumer credit reports for employment purposes, pursuant to specified requirements. The FCRA provides that it does not preempt state law, except as specifically provided or to the extent that state laws are inconsistent with its provisions. Existing federal and state law specify the procedures that an employer is required to follow before requesting a report and if adverse action is taken based on the report. Under existing law, an employer may request a credit report for employment purposes so long as he or she provides written notice of the request to the person for whom the report is sought. Existing law requires that the written notice inform the person for whom the consumer credit report was sought of the source of the report and contain space for the person to request a copy of the report. Existing law further requires an employer, whenever he or she bases an adverse employment decision on information contained in a consumer credit report, to advise the person for whom the report was sought that an adverse action was taken based upon information contained in the report and provide the person with the name and address of the consumer credit agency making the report. This bill would prohibit an employer, with the exception of certain financial institutions, from obtaining a consumer credit report for employment purposes unless the information is (1) substantially job-related, meaning that the position of the person for whom the report is sought has access to money, other assets, or

confidential information, and (2) the position of the person for which the person is sought is a position in the state Department of Justice, a managerial position, a position in a city, county, or both city and county, that of a sworn peace officer or other law enforcement position, or a position for which the information contained in the report is required to be disclosed by law or to be obtained by the employer.

Status: VETOED

AB 1000
Ma

Employment: paid sick days

Existing law authorizes employers to provide their employees paid sick leave. This bill would provide that an employee who works in California for 7 or more days in a calendar year is entitled to paid sick days, as defined, which shall be accrued at a rate of no less than one hour for every 30 hours worked. An employee would be entitled to use accrued sick days beginning on the 90th calendar day of employment. The bill would require employers to provide paid sick days, upon the request of the employee, for diagnosis, care, or treatment of health conditions of the employee or an employee's family member, or for leave related to domestic violence or sexual assault. An employer would be prohibited from discriminating or retaliating against an employee who requests paid sick days. The bill would require employers to satisfy specified posting and notice and recordkeeping requirements. The bill would also make conforming changes. This bill would require the Labor Commissioner to administer and enforce these requirements, including the promulgation of regulations, investigation, mitigation, and relief of violations of these requirements. This bill would authorize the Labor Commissioner to impose specified administrative fines for violations and would authorize an aggrieved person, the commissioner, the Attorney General, or an entity a member of which is aggrieved to bring an action to recover specified civil penalties against an offender, as well as attorney's fees, costs, and interest. The bill would specify that it does not apply to employees covered by a collective bargaining agreement that provides for paid sick days, nor does it lessen any other obligations of the employer to employees. This bill would further specify that it does not apply to employees in the construction industry covered by a collective bargaining agreement if the agreement expressly waives the requirements of this article in clear and unambiguous terms. However, the bill would specify that it applies to certain public authorities, established to deliver in-home supportive services, except where a collective bargaining agreement provides for an incremental wage increase sufficient to satisfy the bill's requirements for accrual of sick days.

Status: In committee: Set, second hearing. Held under submission. (last activity 5/28/09)

AB 1001
Skinner

Employment: familial status protection

Existing law, the California Fair Employment and Housing Act, protects and safeguards the right and opportunity of all persons to seek, obtain, and hold employment without discrimination or abridgment on account of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex, age, or sexual orientation. This bill would include "familial status" as an additional basis upon which the right to seek, obtain, and hold employment cannot be denied. The bill would, for employment purposes, define "familial status" as having or providing care for a child, domestic partner, grandchild, grandparent, parent, parent-in-law, sibling, or spouse.

Status: In committee: Set, second hearing. Held under submission. (last activity 5/28/09)

AB 1139
John A.
Perez

Income taxes: credits: enterprise zones

The Personal Income Tax Law and the Corporation Tax Law authorize various credits against the taxes imposed by those laws, including a credit based on "qualified wages," which, except as specified, is that portion of wages paid or incurred by the taxpayer during the taxable year to qualified employees that does not exceed 150% of the minimum wage, for qualified taxpayers who hire qualified employees within enterprise zones, subject to specific criteria. Existing law requires a taxpayer to obtain, from specified agencies, a certification providing that a qualified employee meets the requirements of the credit. This bill would revise the definition of "qualified wages" for purposes of the credit to provide that qualified wages include that portion of wages paid or incurred by the taxpayer that do not exceed ____% of the minimum wage and to further revise the definition to provide that qualified wages include that portion of wages paid or incurred by the taxpayer that do not exceed ____% of the minimum wage for qualified employees that the qualified employer

employs for at least 35 hours per week and for whom the taxpayer pays for at least 80% of specified forms of health care coverage. This bill would also revise the definition of "qualified employee" by removing, as an element of eligibility as a qualified employee, residency in a targeted employment or targeted tax area. Additionally, this bill would require taxpayers to apply for, and obtain, the certification of a qualified employee within 21 days of the date of hire of the qualified employee. This bill would also require taxpayers to annually report specified information regarding qualified employees to certifying agencies which then must compile and report that information to the Department of Housing and Community Development, for an annual report presented by the department to the Legislature.

Status: In committee: Hearing for testimony only. (last activity 4/28/09)

AB 1394
Bass

California Workforce Investment Board: Green Collar Jobs Council

Existing law establishes the California Workforce Investment Board (CWIB), and requires the board to establish a committee known as the Green Collar Jobs Council (GCJC), comprised of specified members, and requires the GCJC to perform certain functions and duties, including the development of a strategic initiative, relating to the training and development of a skilled workforce to meet the needs of California's emerging green economy. This bill would authorize the CWIB to accept any revenues, moneys, grants, goods, or services from federal and state entities, philanthropic organizations, and other sources, to be used for purposes relating to the administration and implementation of the strategic initiative. The bill would require that all moneys and revenues received pursuant to those provisions be deposited into the Green Collar Jobs Account, which the bill would create in the State Treasury, and, upon appropriation by the Legislature, would authorize the Employment Development Department to expend those moneys and revenues for purposes related to the administration and implementation of the strategic initiative, and for the award of workforce training grants implementing the strategic initiative. The bill would require the GCJC to consult with appropriate state and local agencies to identify opportunities to coordinate the award of grant and green workforce training funds received by the state under the federal American Recovery and Reinvestment Act of 2009 or any other funding sources.

Status: VETOED

SB 410
Ducheny

California Workforce Investment Act: federal funding

(1) The federal Workforce Investment Act of 1998 provides for workforce investment activities, including activities in which states may participate. Existing law contains various programs for job training and employment investment, including work incentive and employment training outreach programs. Existing law establishes local workforce investment boards to implement and administer various workforce training and development programs in the state, and requires those local boards to establish at least one comprehensive one-stop career center in each local workforce investment area. Existing law further declares that it is the intent of the Legislature to deliver comprehensive workforce services to jobseekers, students, and employers at those comprehensive one-stop career centers to, among other things, make job outreach, intake, job search and placement assistance, and other related services available in one location. This bill would also declare that it is the intent of the Legislature that other intensive services, such as out-of-area job search assistance, literacy activities related to workforce readiness, relocation assistance, internships, financial assistance, and work experience programs also be provided at those one-stop career centers to individuals who have met specified requirements, based on an assessment or individual employment plan. The bill would prescribe eligibility criteria for recipients of financial assistance in the form of needs-related payments, as described, and would require the one-stop career centers, given sufficient resources, to take various actions with respect to the coordination and delivery of supportive services, as described, to individuals who are enrolled in job training programs. The bill also would require local boards to develop a policy on supportive services, as specified. By imposing new duties on local entities, the bill would impose a state-mandated local program. (2) Existing law requires the Employment Development Department to report annually to the Governor, the Legislature, and the California Workforce Investment Board, no later than November 30, regarding the training expenditures made by local workforce investment boards in the prior fiscal year, as provided. This bill would revise the above reporting requirement, as specified. (3) Existing law establishes the California Workforce Investment Board (CWIB), and requires the CWIB to assist the Governor with

promoting the development, oversight, and continuous development of a well-educated and highly skilled workforce, and development of the State Workforce Investment Plan. This bill would require the CWIB to develop policies, funding recommendations, and strategies that will maximize funding across all workforce programs for developing and enhancing the skills of Californians in order to meet the needs of California's businesses, as specified. The bill would require funding available through the federal American Recovery and Reinvestment Act of 2009 to be for increasing training services, and would require training priorities to be consistent with those identified in that act.

Status: VETOED

SB 675
Steinberg

Energy job training: Clean Technology and Renewable Energy Job Training, Career Technical Education, and Dropout Prevention Act of 2010

Existing law provides various funding sources for energy efficiency projects and related purposes. Existing law establishes the Public Interest Research, Development, and Demonstration Fund in the State Treasury, and provides that the money collected by the public goods charge to support cost-effective energy efficiency and conservation activities, and public interest research and development not adequately provided by competitive and regulated markets, be deposited in the fund for use by the State Energy Resources Conservation and Development Commission to develop, implement, and administer the Public Interest Research, Development, and Demonstration Program to develop technologies to improve environmental quality, enhance electrical system reliability, increase efficiency of energy-using technologies, lower electrical system costs, or provide other tangible benefits. This bill would enact the Clean Technology and Renewable Energy Job Training, Career Technical Education, and Dropout Prevention Act of 2010 and would create the Clean Technology and Renewable Energy Job Training, Career Technical Education, and Dropout Prevention Fund (fund) in the State Treasury. The bill would provide that the moneys in the fund would be available, upon appropriation by the Legislature, in the form of competitive grants that would be administered by the State Allocation Board and awarded to qualifying entities for the purposes of the construction of new facilities or the reconfiguration of existing facilities to enhance the educational opportunities for program participants, as defined, to provide them with the skills and knowledge necessary for careers directly related to clean technology, renewable energy, or energy efficiency that may also contribute to California's goal in reducing greenhouse gas emissions. The bill would create the Clean Technology and Renewable Energy Job Training, Career Technical Education, and Dropout Prevention Council comprised of 9 members. The council would be required to issue guidelines to implement the purposes of this act. The bill would authorize the council to issue and renew negotiable bonds, notes, debentures, or other sources of security of up to an unspecified amount that would be secured by moneys appropriated by the Legislature in the annual Budget Act from the Public Interest Research, Development, and Demonstration Fund. Proceeds from the sale of the bonds, notes, debentures, or other sources of security would be deposited into the fund.

Status: Set, first hearing. Held in committee and under submission. (last activity 5/28/09)

SB 807
Benoit

Employment: meal and rest periods

Under existing law an employer is prohibited from requiring an employee to work during a meal or rest period mandated by an applicable order of the Industrial Welfare Commission and is required to pay a nonexempt employee one additional hour's pay at the employee's regular rate of compensation upon failure to provide the mandated meal or rest period. This bill would provide that the payment to the employee for failure to provide a mandated meal or rest period is a statutory penalty and does not constitute additional wages to the employee. The bill also would clarify that an employer provides a meal or rest period by making one available to the employee without interfering with its use. Existing law requires an employer to provide an employee who works more than 5 hours with a meal period of not less than 30 minutes, unless the employee's total daily work period does not exceed 6 hours, in which case it may be waived by mutual agreement. This bill would provide that this meal period may commence at any time before the start of the 6th hour of work.

Status: Set, first hearing. Testimony taken. Further hearing to be set. (last activity 4/29/09)

Education

- AB 8**
Brownley *Education finance: working group*
Existing law establishes the public school system in this state, and, among other things, provides for the establishment of school districts throughout the state and for their provision of instruction at the public elementary and secondary schools they operate and maintain. Existing law establishes a public school funding system that includes, among other elements, the provision of funding to local educational agencies through state apportionments, the proceeds of property taxes collected at the local level, and other sources. This bill would express findings and declarations of the Legislature with respect to the school funding system in the state. The bill would require the Director of Finance and the Legislative Analyst to convene a working group to make findings and recommendations to the Legislature and the Governor on or before December 1, 2010, regarding restructuring California's school finance system. The bill would require those findings and recommendations to include, among other things, alternative structures for funding public schools, the policy and fiscal implications of the alternative funding structure or structures, and an evaluation mechanism to facilitate continuous improvement, maximum transparency, and accountability of the funding structures.
Status: VETOED
- AB 35**
Furutani *Education: workforce preparation*
Under existing law, the public school system of the state includes, among other schools, secondary and technical schools. Existing law provides for various career technical and workforce preparation programs in the public schools. Existing law also establishes the University of California, the California State University, and the California Community Colleges as the 3 segments of public postsecondary education in this state. Existing law declares that it is the intent of the Legislature that those institutions provide a collegiate experience that gives each student specified skills and that an undergraduate education prepare students to have the flexibility to adapt to, among other things, new workforce needs. Existing law establishes the California Postsecondary Education Commission as the statewide postsecondary education planning and coordinating agency and provides for its functions and responsibilities, including advising the Legislature and the Governor on matters related to postsecondary education. This bill would declare the intent of the Legislature to enact legislation to develop a strategic plan in the education system for workforce preparation. The bill also would require the California Postsecondary Education Commission, in conjunction with the State Department of Education and the California Workforce Investment Board, to conduct stakeholder meetings to develop recommendations for a strategic plan for workforce development and career technical education in the public education system. The bill would require the commission to report the recommendations to the Legislature.
Status: Re-referred to Com. on HIGHER ED. (last activity 4/14/09)
- AB 60**
Coto *Education finance: study relating to weighted pupil funding formulas*
Existing law requires a county superintendent of schools to calculate a revenue limit for each school district in the county pursuant to specified formulas, including the calculation of the average daily attendance of the district. Categorical programs exist to fund specific educational programs. Economic impact aid is provided to school districts based, in part, on the concentration of economically disadvantaged pupils and English language learners. This bill would express legislative intent to simplify and make transparent the process through which funding is provided for each public school pupil, to equalize the funding for pupils within significant parameters, and to focus per-pupil funding on enabling all California pupils to reach high state academic standards. The bill would require the Superintendent of Public Instruction, no later than March 1, 2010, to select a nonprofit entity or institution of higher education to complete a study related to weighted pupil funding formulas. The bill would specify topics to be included in the study. The bill would require the study to be submitted to the Superintendent for distribution to the Legislature no later than December 31, 2010. The bill would limit the amount that would be paid to the entity or institution performing the study to no more than \$150,000. This bill would make these provisions inoperative on July 1, 2011, and would repeal these provisions as of January 1, 2012.
Status: In committee: Set, second hearing. Held under submission. (last activity 5/28/09)

AB 71
Duvall

Categorical education funding: block grants

(1) Existing law established the pupil retention block grant, school safety consolidated competitive grant, teacher credentialing block grant, professional development block grant, a new targeted instructional improvement block grant, and school library improvement block grant. Existing law authorizes a school district or county office of education to expend in a fiscal year up to 15% of the amount apportioned for the school safety consolidated competitive grant, professional development block grant, targeted instructional improvement block grant, or school library improvement block grant for any other programs for which the school district or county office is eligible for funding, not to exceed 120% of the amount of state funding allocated in a fiscal year to the school district or county office for purposes of the program to which funds are transferred. This bill would repeal those block grants and instead establish the following block grants, composed of funding for specified categorical education programs: the Supplemental Professional and Staff Development Block Grant, the Supplemental Academic Support for At-Risk Pupils Block Grant, the Supplemental Academic Support Block Grant, the Supplemental Operational Support Block Grant, the Supplemental Career Technical Education Block Grant, and the Supplemental Pupil Support Block Grant. Commencing with the 2009-10 fiscal year, the Superintendent of Public Instruction would be required to apportion funds from those block grants to school districts, as defined. The bill would authorize a school district or county office of education to expend in a fiscal year up to 50% of the amount apportioned for the block grants established by the bill for any other categorical program for which the school district or county office is eligible for funding, including programs whose funding is not included in any of the block grants established by the bill, not to exceed 155% of the amount of state funding allocated in a fiscal year to the school district or county office for purposes of the program to which funds are transferred. The bill also would repeal statutory provisions that established or are related to various programs included in the block grants established by the bill. (2) Existing law specifies the formula that the Superintendent of Public Instruction is required to use in order to calculate a categorical block grant for charter schools. Existing law authorizes charter schools that elect to receive their funding directly to apply individually for federal and state categorical programs, except as specified, to the extent that they are eligible for funding and meet the provisions of the programs. This bill would repeal those provisions and instead require the Superintendent to calculate a categorical block grant for charter schools using a formula based on the supplemental block grants established by the bill as described in (1) above. The bill also would prohibit charter schools from separately applying for funding pursuant to any of the categorical programs included in the supplemental block grants. This bill would make an appropriation by allowing funds that are continuously appropriated for purposes of the After School Education and Safety Program to be used for other categorical purposes.

Status: Referred to Com. on ED. (last activity 2/5/09)

AB 173
Price

Low-performing schools

The Public Schools Accountability Act of 1999 requires the Superintendent of Public Instruction, with the approval of the State Board of Education, to develop the Academic Performance Index (API) consisting of a variety of indicators currently reported to the State Department of Education to track the achievement of schools and their pupils. Existing law requires the API to be used for specified purposes, including, but not limited to, ranking all public schools in the state. The Immediate Intervention/Underperforming Schools Program, the High Priority Schools Program, and the Quality Education Investment Act of 2006 are intended to provide support to schools ranked in the lower deciles of the API. The federal No Child Left Behind Act of 2001 requires the state accountability system to ensure that all local educational agencies and public schools make adequate yearly progress, as defined. The State Department of Education is required to identify local educational agencies that are in danger of being identified within 2 years as program improvement local educational agencies under the federal No Child Left Behind Act of 2001. This bill, subject to an appropriation of federal funds for this purpose, would require the State Department of Education to contract for the development of a new indicator that measures pupil-level growth in academic achievement over time using specified statewide tests. The new indicator would be required to allow the state to comply with the federal No Child Left Behind Act of 2001 and to measure adequate yearly progress under that act. The department would be required to convene an advisory board consisting of representatives from the state board, the Secretary for Education, the Department of

Finance, the Legislative Analyst's Office, parent groups, school districts, and education researchers to provide general guidance and make recommendations relative to modifying assessments, academic content standards, performance expectations, and eligibility criteria for state support and resources. The bill would require the department, subject to funding being provided in the annual Budget Act, to contract with a consultant for independent oversight of the project to develop a new academic performance indicator. The consultant would be required to twice annually submit a written report on the progress in developing of the new measure and how the new measure is meeting specified goals to the Superintendent of Public Instruction, the state board, the advisory board, the Director of Finance, the Legislative Analyst, and the appropriate policy and fiscal committees of the Legislature. **Status:** In committee: Set, second hearing. Held under submission. (last activity 5/28/09)

AB 220
Brownley

Public education facilities: Kindergarten-University Public Education Facilities Bond Act

(1) Existing law, the California Constitution, prohibits the Legislature from creating a debt or liability that singly or in the aggregate with any previous debts or liabilities exceeds the sum of \$300,000, except by an act that (a) authorizes the debt for a single object or work specified in the act, (b) has been passed by a 2/3 vote of all the members elected to each house of the Legislature, (c) has been submitted to the people at a statewide general or primary election, and (d) has received a majority of all the votes cast for and against it at that election. The Leroy F. Greene School Facilities Act of 1998 (Greene Act) requires the State Allocation Board (board) to allocate to applicant school districts, prescribed per-unhoused-pupil state funding for construction and modernization of school facilities, including hardship funding, and supplemental funding for site development and acquisition. This bill would state the intent of the Legislature to enact legislation that would create a Kindergarten-University Public Education Facilities Bond Act, to become operative only if approved by the voters at the next statewide general election, and to provide for the submission of that act to the voters at that election. The bill also would state that it is the intent of the Legislature that such a bond act, if approved by the voters at that election, would provide for the issuance of an unspecified amount of state general obligation bonds to provide aid to school districts, county superintendents of schools, county boards of education, the California Community Colleges, the University of California, the Hastings College of the Law, and the California State University to construct and modernize education facilities. (2) The Greene Act requires the board to allocate to applicant school districts, prescribed per-unhoused-pupil state funding for construction and modernization of school facilities, including hardship funding, and supplemental funding for site development and acquisition. This bill would define "cost of project" for purposes of the act as including the cost of all real estate property rights and easements acquired, the cost of developing the site, streets, and utilities immediately adjacent to the site, the cost of other offsite development not immediately adjacent to the site required by the project as consistent with the environmental impact report adopted by the governing board, the cost of construction, reconstruction, or modernization of buildings, and the furnishing and equipping, including the purchase of educational technology hardware, of those buildings, the supporting wiring and cabling, and the technological modernization of existing buildings to support that hardware, the cost of plans, specifications, surveys, and estimates of costs, and other expenses that are necessary or incidental to the financing of the project. (3) Existing law requires a school district to certify that the grant amount provided under the act, combined with local funds, is sufficient to complete the school construction project for which the grant is intended. This bill would modify the certification to instead be that the grant amount provided by the act, combined with local funds, is sufficient to complete the classrooms included in the construction project for which the grant is intended. (4) Existing law requires the ongoing eligibility of a school district for new construction funding to be determined by making specified calculations, one of which is to add the number of pupils who can be adequately housed in the existing school building capacity of a school district to the number of pupils for whom facilities were provided from any state or local funding source after the existing school building capacity was determined. This bill would revise the calculation described above by specifying that the 2nd addend is the number of pupils for whom permanent facilities were provided from any state source or permanent facilities provided entirely from a local funding source after the existing school building capacity was determined. (5) Existing law requires that funding for an approved new construction school facilities project be released equal to the amount of the local match when the school district certifies that it has entered into a binding contract for completion of the project. The same certification is required to be made in connection

with the release of disbursements for modernization projects. If the school district receives an apportionment, but has not met the criteria to have funds released within a period established by the board, but not to exceed 18 months, the board is required to rescind the apportionment and deny the district's application. This bill would require the school district instead to certify that it has entered into a binding contract for professional services or for construction, or both, in order to complete the approved project. The bill would no longer authorize the board to establish a period of less than 18 months within which a school district is allowed to meet the criteria to have funds released and would establish 18 months as that period. The board would be authorized, at its discretion, to extend the 18-month period.

Status: In Education Committee: Set, first hearing. Hearing canceled at the request of author. (last activity 4/29/09)

AB 253
Fuller

Career technical education: pilot program

Existing law requires that the adopted course of study for grades 7 to 12, inclusive, offer courses in career technical education designed and conducted for the purpose of preparing youth for gainful employment in the occupations and in the numbers that are appropriate to the personnel needs of the state and the community served and relevant to the career desires and needs of the pupils. This bill would state the intent of the Legislature to enact legislation that would create a pilot program in which the Superintendent of Public Instruction would invite school districts with high dropout rates to participate in a career technical education development plan.

Status: From printer. May be heard in committee March 14. (last activity 2/12/09)

AB 272
Solario

Teachers: professional development

Existing law establishes the professional development block grant to apportion funds to school districts for the purpose of funding specified staff development, credentialed teacher retention in high-priority schools, as defined, and intersegmental programs, as specified. This bill would authorize an institution of higher education, a nonprofit organization specializing in English learner research or professional development, or a county office of education with demonstrated success in establishing and implementing English learner professional development programs to offer a Leadership for English Learner Success Program for school administrators or counselors, or both, under contract or other cooperative arrangement with a school district. The program would be required to include specified components. Necessary facilities and equipment would be provided by the school district and the necessary instructional materials would be provided by the contractor. The program would be implemented with funds from the school improvement grants component of the American Recovery and Reinvestment Act. The program would become inoperative on July 1, 2015, and, as of January 1, 2016, would be repealed, unless a later enacted statute, that becomes operative on or before that date, deletes or extends the dates on which it becomes inoperative and is repealed.

Status: In committee: Set, second hearing. Held under submission. (last activity 5/28/09)

AB 374
Block

Consequences of dropping out notice

(1) Existing law subjects each person between 6 and 18 years of age who is not exempted under specified statutes to compulsory full-time or continuation education. Existing law requires each person subject to compulsory full-time or continuation education who is not exempted to attend a public full-time day school or continuation school or classes for the full time designated as the length of the schoolday by the governing board of the school district in which the residency of either the parent or legal guardian is located and requires each parent, guardian, or other person having control or charge of the pupil to send the pupil to the appropriate school or classes for the designated periods of time each schoolday. Existing law prescribes truancy procedures for pupils who do not comply with these provisions. This bill would require the Superintendent of Public Instruction to produce a consequences of dropping out notice, as described, to inform pupils of the consequences of dropping out of school prior to reaching 18 years of age or completing the requirements for graduation from high school. The bill would require the Superintendent to make the notice available to school districts by posting it on the Internet Web site of the department.

Status: VETOED

- AB 429 *Public school accountability: advisory committee*
Brownley Existing law requires the Superintendent of Public Instruction to establish an advisory committee to advise on all appropriate matters relative to the creation of the Academic Performance Index and the implementation of the Immediate Intervention/Underperforming Schools Program and the High Achieving/Improving Schools Program. Existing law requires the committee to make recommendations to the Superintendent on the appropriateness and feasibility of a methodology for generating a measurement of academic performance by using unique pupil identifiers and annual academic achievement growth to provide a more accurate measure of a school's academic achievement growth over time. This bill would require the committee, by January 1, 2011, to make recommendations to the Superintendent for the establishment of a methodology for measuring a school's academic achievement growth and a pupil's academic achievement growth more accurately and validly over time. This bill would require the committee to consider a specified pilot study of academic growth measures in making its recommendations to the Superintendent, and that the recommendations be consistent with specified federal laws. The Superintendent would be required to immediately forward the committee's recommendations to specified state entities. This bill would provide that specific provisions of the bill would not be implemented unless and until funds are appropriated by the Legislature in the annual Budget Act or another statute.
Status: VETOED
- AB 434 *After school programs*
Block (1) The After School Education and Safety Program Act of 2002, enacted by the initiative measure Proposition 49, establishes the After School Education and Safety Program to serve pupils in kindergarten and grades 1 to 9, inclusive, at participating public elementary, middle, junior high, and charter schools. The act authorizes the administrators of a program established pursuant to the act to operate during any combination of summer, intersession, or vacation periods for a minimum of 3 hours per day for the regular school year. The After School Education and Safety Program Act of 2002 requires the department to apportion moneys, from those continuously appropriated under the act, for purposes of after school programs to program applicants in the form of grants according to a specified priority scheme. The act specifies maximum grant amounts for 3-year direct grants for before and after school programs. The act requires each program to provide an amount of cash or in-kind local funds equal to not less than 1/3 of the total grant from the school district, governmental agencies, community organizations, or the private sector. The bill would also provide that facilities or space usage may fulfill not more than 15% of the required local contribution. (2) The After School Education and Safety Program Act of 2002 limits the amount of state funds a program participant may expend on administrative costs to 15% of the participant's funding. The act requires a program participant receiving state funding under the act to ensure that no less than 85% of that funding is allocated to schoolsites for direct services to pupils. This bill would authorize the cost of a program site supervisor selected under the After School Education and Safety Program Act of 2002 to be included as direct services, provided that at least 85% of the site supervisor's time is spent at the program site. (3) This bill would include a finding and declaration of the Legislature that its provisions further the purposes of the After School Education and Safety Program Act of 2002.
Status: In committee: Held under submission. (last activity 8/27/09)
- AB 465 *Schools: parent involvement*
Coto Existing law requires the governing board of a school district to adopt a policy on parent involvement and to establish a parent involvement program for each school in the district that receives specified federal funds. The program is required to contain, among other things, regular periodic programs throughout the school year that provide for training, instruction, and information for parents on ways to support and enhance the learning of their children. Existing law authorizes a school district, to the extent permitted by federal law, to contract with nonprofit organizations and agencies experienced in administering parent involvement programs to design or implement, or both, the parent involvement program of a school. This bill would encourage school districts to review and, if appropriate, contract with nonprofit community-based organizations that have a proven track record and can demonstrate their success in educating parents and building direct collaboration with school districts, administrators, and educators. A nonprofit community-based organization that contracts with a school district would be required to demonstrate and provide a culturally and linguistically competent

parent involvement program using best practices that address the diversity of the school district. A low-performing school district would be encouraged to submit an annual report to the Superintendent of Public Instruction that demonstrates its efforts to promote parent engagement and the outcomes that result from contracting with the nonprofit community-based organization.

Status: Referred to Com. on Rules. (last activity 6/4/09)

AB 554
Furutani

Graduation requirements

Existing law prohibits a pupil from receiving a diploma of graduation from high school unless he or she completes specified requirements, including, but not limited to, completing one course in visual or performing arts or foreign language. This bill would require that a pupil take at least 2 courses from the subject areas of visual or performing arts, foreign language, or career technical education, as defined, provided that at least one of these courses is a course in either visual or performing arts or foreign language. The bill would require schools, to the extent practicable, to offer courses within their existing school calendars. Because the bill would require schools to provide a higher level of service, it would impose a state-mandated local program.

Status: In committee: Set, second hearing. Held under submission. (last activity 5/28/09)

AB 629
Krekorian

School facilities: water

Existing law establishes the School Facilities Needs Assessment Grant Program under which grants are awarded to school districts on behalf of schoolsites ranked in deciles 1 to 3, inclusive, on the Academic Performance Index, as specified. A school district that receives a grant is required to use the funds to develop a comprehensive needs assessment of all schoolsites eligible for grants. Among the information the assessment is required to contain is the useful life remaining on all major building systems, including the water system, for each structure housing instructional space. This bill would require a school district by January 1, 2012, to conduct a one-time analysis of the level of lead in water in schools that were constructed before January 1, 1993, except schools with plumbing that has been completely replaced since January 1, 1993. The State Department of Public Health would be required to establish testing protocols. Water samples would be required to be analyzed by a laboratory that is certified by the State Department of Public Health or the United States Environmental Protection Agency. A school district would be required to report the results of the analysis to the State Department of Education, which would be required to make the information available to the public. The bill would authorize a school district, if the analysis reveals the presence, of lead in water that is available, as specified, for human consumption on a schoolsite, to compete for funding from the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006.

Status: In committee: Set, second hearing. Held under submission. (last activity 5/28/09)

AB 769
Torres

State preschool

Existing law requires applicants or contracting agencies that operate a state preschool program to give first priority for participation to neglected or abused children who are recipients of child protective services, or recipients who are at risk of being neglected or abused, as specified. This bill would state findings and declarations regarding children of youth that are in custody, on probation, or are in the foster care system. The bill would require priority for participation in state preschool programs also to be given to children who have a biological parent who is, or who has been within the previous 6 months, a dependent or ward of the juvenile court pursuant to specified provisions of law. The bill would prohibit priority enrollment from being used to displace children who are currently receiving care.

Status: VETOED

AB 791
Swanson

Oakland Unified School District: governance

(1) Existing law requires the Superintendent of Public Instruction to assume all the rights, duties, and powers of the governing board of the Oakland Unified School District and to appoint an administrator to act on behalf of the Superintendent in exercising the authority of the Superintendent over the school district. The authority of the Superintendent and the administrator over the school district is required to continue until certain enumerated conditions are met, including the completion of an improvement plan for the district. Existing law requires the County Office Fiscal Crisis and

Management Assistance Team (FCMAT) to prepare the improvement plan for the school district, as provided, by July 1, 2003, and requires FCMAT to report on the implementation of the plan, as specified. This bill would require the Superintendent to return the authority for each operational area for which the most recent annual progress report prepared and submitted by FCMAT recommends the authority be returned to the governing board by July 1 of each year. The bill would provide that, if FCMAT recommends in its most recent progress report that authority over any operational area or areas be within the authority of the state administrator, the Superintendent would be authorized, in his or her sole discretion, to require that authority for the operational area or areas be returned to, or retained by, the state administrator. (2) Existing law requires the governing board of the Oakland Unified School District to serve without compensation as an advisory body during the period that the Superintendent is exercising authority over the district. This bill would entitle the members of the governing board to receive full compensation for services, once authority for one or more operational areas is returned to the governing board, that they would have received prior to the transfer of authority to operate the district to the Superintendent. (3) This bill would declare that due to the unique circumstances regarding governance of the school district, a general statute cannot be made applicable.

Status: In committee: Set, second hearing. Hearing canceled at the request of author. (last activity 7/6/09)

AB 796
Carter

Pupil attendance: civic engagement activities

Existing law authorizes a pupil to be excused from school for specified reasons, including for the purpose of serving as a member of a precinct board for an election. A pupil who is absent from school for these reasons is required to be permitted to complete all assignments and tests missed during the absence that can be reasonably provided. This bill would include civic engagement activities, as defined, offered by a nonprofit organization or a governmental entity among the types of absences that are excused. The bill would prohibit a school from excusing a pupil from school when the absence is due to participation in a demonstration or political campaign.

Status: VETOED

AB 821
Brownley

School facilities: maintenance

Existing law requires the governing board of any school district to give diligent care to the health and physical development of pupils. This bill would create the Clean and Healthy Schools Act, and would make findings and declarations regarding indoor air quality and cleaning products. The bill would require all school districts and all nonpublic elementary and secondary schools with 50 or more pupils, by the 2011-12 school year, or when it is economically feasible, to purchase and use exclusively environmentally preferable cleaning and cleaning maintenance products, as specified. The bill would require a school district or school to submit a letter indicating that it will not purchase and use environmentally preferable cleaning and cleaning maintenance products to the State Department of Education and the local governing board, annually, until it determines that it is economically feasible to comply with the requirements described above. The bill also would require the State Department of Education to post on its Internet Web site information to assist school districts and schools to comply with these provisions. Because this bill would require school districts to perform new duties, the bill would impose a state-mandated local program.

Status: In committee: Set, first hearing. Referred to APPR. suspense file. (last activity 5/6/09)

AB 837
Torlakson

School attendance: online education

Existing law establishes the public elementary and secondary school system in this state, and further establishes a funding system pursuant to which the state apportions funds to local educational agencies based on the average daily attendance of pupils at the schools operated by those agencies. Numerous statutes and regulations govern the calculation and reporting of average daily attendance. This bill would provide that school districts, county offices of education, and charter schools that offer online education courses may claim one day of attendance toward average daily attendance on the basis of the attendance at a class or classes in a classroom-based setting of a pupil taking at least one high-quality online course, that satisfies prescribed criteria.

Status: In committee: Set, second hearing. Held under submission. (last activity 5/28/09)

- AB 976
Arambula *Public schools: alternative education: accountability*
(1) Existing law authorizes a school district or county office of education to offer independent study to meet the educational needs of certain pupils, including pupils taking part in alternative education programs. This bill would require a school district, prior to referring a pupil to independent study pursuant to an alternative education program, to provide the pupil and his or her parent or guardian with a listing of all other alternative education options, and to utilize independent study only as a last resort, except as specified. The bill would prohibit a school district or county office of education from offering independent study to a pupil if the school district or county office of education determines that the pupil is performing below state standards. Because this bill would require school districts and county offices of education to comply with additional requirements before referring a pupil to independent study, the bill would impose a state-mandated local program. (2) Existing law requires the Superintendent of Public Instruction to develop an Academic Performance Index (API) to measure school and pupil performance, and also requires the Superintendent, with the approval of the State Board of Education, to develop an alternative accountability system for schools under the jurisdiction of a county board of education or a county superintendent of schools, community day schools, nonpublic, nonsectarian schools, and alternative schools serving high-risk pupils and opportunity schools. Existing law authorizes schools in the alternative accountability system to receive an API score, but prohibits them from being included in the API rankings. Existing law establishes the Immediate Intervention/Underperforming Schools Program, and requires the Superintendent to invite schools that failed to meet their API growth targets and that have an API score below the 50th percentile in the previous school year, as specified, to participate in the program. This bill would include independent study as a school for purposes of the alternative accountability system. The bill would require that schools in the alternative accountability system receive an API score and be included in the API rankings. The bill would require that qualifying schools be eligible for the Immediate Intervention/Underperforming Schools Program. In addition, the bill would require school districts and county offices of education participating in the alternative accountability system to report on specified achievement indicators to the Department of Education. The bill would require the department to create a statewide standard for granting credit to pupils attending alternative education programs.
Status: In Education Committee: Hearing postponed by committee. (last activity 4/29/09)
- AB 1025
Conway *Schools: employees and volunteers: Activity Supervisor Clearance Certificate*
Existing law permits qualified credential holders to coach in a competitive sport upon authorization by action of the local governing board, as specified. This bill would require a noncertificated candidate, commencing on July 1, 2010, prior to assuming a paid or volunteer position to supervise, direct, or coach a pupil activity program sponsored by, or affiliated with, a school district, to obtain from the Commission on Teacher Credentialing an Activity Supervisor Clearance Certificate issued by the commission upon verification of the candidate's personal identification and verification that he or she meets specified requirements. The bill would require that each certificate be issued initially for a period of 5 years and may be renewed. The bill would require the commission to submit specified information relating to applicants to the Department of Justice to obtain state and federal criminal history information prior to the issuance of a certificate, as specified, and require the commission to make that information available to the Department of Justice or the Federal Bureau of Investigation, upon request. The bill would also authorize the commission to establish a fee for the certificate.
Status: CHAPTERED
- AB 1130
Solorio *Academic performance*
Existing law requires the Superintendent of Public Instruction to establish an advisory committee to make recommendations by July 1, 2005, on a methodology for generating a measurement of academic performance by utilizing unique pupil identifiers for pupils and annual academic achievement growth to provide a more accurate measure of a school's growth over time. Existing law also requires, if appropriate and feasible, the Superintendent, with the approval of the State Board of Education, to implement this measurement of academic performance. This bill would state findings and declarations regarding standards-based education reform, assessments, and accountability and the use of cohort growth measures in accountability systems and intervention determinations. This bill would state the intent of the Legislature that the committee take into consideration specified

recommendations and consider measures already in use by other states. The bill would also provide that if the committee considers any measure of annual academic achievement growth, the measure of annual academic achievement growth by cohort approved in connection with requirements described above or adopted through a state plan, as specified, shall meet certain requirements.

Status: CHAPTERED

AB 1281
Portantino

Pupil data: California School Racial Equality Designation Act

Existing law establishes the public elementary and secondary school system in this state. Under this system, school districts throughout the state provide instruction to pupils in kindergarten and grades 1 to 12, inclusive, at the public elementary and secondary schools. This bill would enact the California School Racial Equality Designation Act. The bill would express findings and declarations of the Legislature relating to the collection of data on the race or ethnicity of persons who identify themselves as members of more than one race. The bill, commencing on July 1, 2010, would require any state agency, board, or commission that directly, or by contract, collects demographic data on the race or ethnicity of pupils in any elementary or secondary school to provide written instructions for reporting racial information that specify that multiracial pupils may check 2 or more boxes. The bill would require the Superintendent of Public Instruction to notify each school district, county office of education, and charter school administrator that it is the intent of the Legislature that, commencing on July 1, 2010, a pupil asked to provide demographic data on race or ethnicity be provided written instructions that specify that multiracial pupils may select 2 or more racial categories.

Status: VETOED

AB 1377
Swanson

School districts: state receivership: audits

Existing law requires the Superintendent of Public Instruction to assume all the rights, duties, and powers of the governing board of specified school districts in order to ensure the return of the district to fiscal solvency. Existing law authorizes the payment of emergency apportionments to school districts experiencing financial difficulties and the appointment of a trustee by the Superintendent to monitor and review the operation of the district. Existing law also requires each county superintendent of schools to provide for an audit of all funds under his or her jurisdiction and control, not later than the first day of May of each fiscal year, and the governing board of each local educational agency to provide for an audit of the books and accounts of the local educational agency. This bill would provide that, if a trustee has been appointed by the Superintendent to monitor and review the operation of a school district receiving an emergency apportionment, and the Controller, or his or her designee, is required to cause an audit to be conducted of the books and accounts of the district instead of the annual audit described above, the Superintendent is required to allow the district 180 days before penalties are assessed against the district for discrepancies that are discovered by the audit. The bill also would require that, to the extent that the school district implements corrections to an apportionment significant audit exception or finding during the 180-day period specified above, and those corrections result in a reduction in the required repayment, penalty, or other fiscal impact recommended in or resulting from the audit report, the school district would only be liable for that part of an audit exception or finding remaining after the corrections are made. The bill would prohibit the repayment of an apportionment significant audit exception or payment of a penalty arising from an audit exception for a fiscal year other than the fiscal year for which that audit was conducted or the fiscal year prior to the fiscal year for which the audit is conducted.

Status: In committee: Set, second hearing. Held under submission. (last activity 5/28/09)

AB 1435
V. Manuel
Perez

Public school accountability

Existing law requires the Superintendent of Public Instruction to establish an advisory committee to advise on all appropriate matters relative to the creation of the Academic Performance Index and the implementation of the Immediate Intervention/Underperforming Schools Program and the High Achieving/Improving Schools Program. Existing law requires the committee to make recommendations to the Superintendent, by July 1, 2005, on the appropriateness and feasibility of a methodology for generating a measurement of academic performance by using unique pupil identifiers and annual academic achievement growth to provide a more accurate measure of a school's growth over time. This bill would require the advisory committee, by July 1, 2010, to make

recommendations to the Superintendent regarding the inclusion of the results of the English language development test or series of tests developed or acquired pursuant to a specified provision and the feasibility of including English learner proficiency as part of the Academic Performance Index (API). The bill would require the Superintendent, with the approval of the state board, to include the results of the English language development test or series of tests developed or acquired pursuant to a specified provision and English language proficiency levels and growth of those levels in the API.

Status: VETOED

ACA 7
Hernandez

Public education

The California Constitution prohibits the state from discriminating against, or granting preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting. This measure would delete the Public School System, as defined, and the University of California, from the scope of this constitutional prohibition.

Status: Referred to Com. on JUD. (last activity 4/20/09)

ACAX3 2
Bass

Education finance

The California Constitution requires the state, from all state revenues, to first set apart the moneys to be applied for the support of the public school system and public institutions of higher education. The Constitution requires that the moneys to be applied by the state for the support of school districts and community college districts be not less than the greater of 3 amounts computed pursuant to specified tests. The Constitution provides that school districts and community college districts are entitled to a maintenance factor, as specified, for any fiscal year in which they are allocated a reduced amount of funding pursuant to the 3rd test or pursuant to a suspension of the minimum funding guarantee. This measure would provide, commencing with the 2011-12 fiscal year, that school districts and community college districts are to receive supplemental education payments in the total amount of \$9,300,000,000, and would require the Legislature to annually appropriate that amount from a specified account until the full amount of the supplemental education payments has been allocated. The measure would provide that the payments are in lieu of the maintenance factor amounts, if any, that otherwise would be determined for the 2007-08 or 2008-09 fiscal years. The measure would make its operation contingent upon the establishment, under a separate provision of the Constitution, of the specified account from which the payments would be appropriated. The measure would require that, of the appropriations to school districts for this purpose for the 2011-12 fiscal year, an amount not exceeding \$200,000,000 be available only for the purposes set forth in a specified statute, as determined pursuant to the funding formula set forth in that statute. The measure would require that any remaining funds from the appropriations made to school districts for the 2011-12 fiscal year, and all of the funds from the appropriations made to school districts for each subsequent fiscal year, be allocated to school districts as an adjustment to revenue limit apportionments, as specified by statute, in a manner that does not limit a recipient school district with regard to the purposes of the district for which the moneys may be expended.

Status: CHAPTERED

SB 266
Huff

Public schools: open enrollment

Existing law requires each person between the ages of 6 and 18 years not otherwise exempted to attend the public full-time day school or continuation school or classes in the school district in which his or her parent or guardian is a resident. Existing law authorizes the governing board of a school district to adopt a resolution to become a school district of choice, as defined, and accept interdistrict pupil transfers. This bill would enact the Open Enrollment Act to enable pupils residing in the state to attend public schools in school districts other than their school district of residence, as defined. The bill would authorize the parent or guardian of a pupil enrolled in a low-performing school, as defined, to submit an application for the pupil to attend a school in a school district of enrollment, as defined. The bill would authorize a school district of enrollment to adopt specific, written standards for acceptance and rejection of applications for enrollment, subject to specified conditions and a specified priority scheme for applicants. Within 60 days of receiving an application for enrollment, the bill would require a school district of enrollment to notify the applicant parent or guardian and the resident school district in writing whether the application has been accepted or rejected and state in

the notification the reasons for the rejection. The bill would require that the average daily attendance for pupils enrolled in a school district of enrollment, pursuant to the bill, be credited to the school district of enrollment pursuant to a specified statute. The bill would require the State Board of Education to adopt regulations to implement these provisions. The bill would make these provisions operative on July 1, 2010, make them inoperative on July 1, 2020, and repeal them on January 1, 2021.

Status: Set, first hearing. Held in committee and under submission. (last activity 5/28/09)

SB 272
Wiggins

Educational counseling

Existing law authorizes the governing board of any school district to provide a comprehensive educational counseling program for all pupils enrolled in the district. Existing law requires that educational counseling include academic counseling, in which pupils receive counseling regarding establishment and implementation of educational plans, achievement of proficiency standards, completion of required curriculum, and access to, and success in, higher education, and career and vocational counseling, in which pupils are assisted in planning for the future, becoming aware of their career potential, developing realistic perceptions of work, and relating to the work world. This bill would state legislative intent relating to the role of school counselors and counseling programs. The bill would, to align academic counseling with the Middle and High School Supplemental Counseling Program, authorize the academic counseling component of educational counseling to also include an individualized review of pupil's academic and deportment records and of his or her career goals, and the opportunity for a counselor to meet with each pupil and his or her parents or legal guardian to explain the academic progress needed to complete middle or high school, pass the high school exit examination, and be eligible for admission to a 4-year institution of postsecondary education and the availability of career technical education, among other things. The bill would authorize the career and vocational counseling component of educational counseling to include identifying personal interests, skills, and abilities, career planning, course selection, and career transition, and assisting pupils to understand the changing work environment, the effect of work on lifestyle, the relationship between academic achievement and career success, the importance of maximizing career options, the value of participating in career technical education and work-based learning activities and programs, and the need to develop essential employable skills and work habits, among other things. The bill would require ongoing professional development related to career and vocational counseling to include strategies for pupils pursuing postsecondary education, career technical education, multiple pathways, college, and global career opportunities.

Status: VETOED

SB 331
Romero

Migrant education

(1) Existing law requires the State Board of Education to adopt a state master plan for services to migrant children, as defined, that includes the provision of specified services and activities. This bill would require the state master plan and state services delivery plan to be developed and revised as necessary by the Superintendent of Public Instruction and the statewide parent advisory council, and would require the plan to include the collection of individual and aggregate data for migrant pupils, as specified. (2) Existing law requires each operating agency that receives migrant education funds or services to establish a parent advisory council to actively solicit parent involvement in the planning, operation, and evaluation of its programs. This bill would require interpretation to be provided at each state and regional migrant parent advisory council meeting by a person trained in interpreting and who is fully fluent in English and in the language understandable to the parents.

Status: Set, first hearing. Hearing canceled at the request of author. (last activity 7/9/09)

SB 520
Pavley

High school curriculum: community service

Existing law sets forth the courses a pupil is required to complete while in grades 9 to 12, inclusive, in order to graduate from high school and authorizes the governing board of a school district to specify by rule other required coursework. This bill would authorize the governing board of a school district to offer credit, as specified, for hours of community service provided outside of regular school hours by a pupil, for a maximum of 2 semesters. The bill would require a school district that elects to offer credit for community service to establish and maintain a list of suitable community service organizations from which a pupil would be required to choose to complete the community

service hours. The bill also would require a school district to require the pupil to submit a report or other academic assignments, as determined by the district, on the community service experience and would require the community service organization to verify the hours served by the pupil.

Status: VETOED

SB 604
Romero

Public education: mission

Existing law establishes the public school system in this state, and, among other things, provides for the establishment of school districts throughout the state and for the provision of instruction at the public elementary and secondary schools that these districts operate and maintain. This bill would declare the intent of the Legislature to elicit input from pupils, parents, teachers, school administrators, and all members of the public about the core values and mission of public education in California, and to enact legislation that would add a preamble to the Education Code that reflects a collective statement of these values and that mission.

Status: Re-referred to Com. on ED. (last activity 4/13/09)

SB 651
Romero

Pupil retention

Existing law requires the governing board of each school district and each county superintendent of schools to adopt policies regarding pupil promotion and retention. Existing law requires the Commission on Teacher Credentialing, the state board, and the department to provide to the State Chief Information Officer the individual nonpersonally identifiable or aggregate data related to adequate yearly progress, graduation rates, pupils who drop out of school, and demographics of pupils and teachers. This bill would require the Superintendent, on or before August 1, 2011, and annually thereafter, to submit to the Governor, the Legislature, and the state board, a report called the Annual Report on Dropouts in California. The bill would require, among other things, the report contain specified information on dropout rates, graduation rates, pupil promotion rates, course enrollment patterns, and behavioral data. The bill would require that the report include data from the most recent year and, at a minimum, the two prior years. The bill would also require the Superintendent to make an oral presentation of the contents of the report to the state board and to make the contents of the report available on the department's Internet Web site. The bill would state the intent of the Legislature that the report be usable by specified groups for analyzing the high rate of dropouts in California. Existing law, operative only if local educational agencies receive a per pupil allocation prior to the 2010-11 fiscal year for implementation of the California Longitudinal Pupil Achievement Data System, as specified, requires, beginning July 1, 2011, that the Academic Performance Index (API) for a school or school district include test scores and other data from pupils who were referred to alternative education programs and include school and school district dropout rates, as specified. This bill would remove the requirement that local educational agencies receive the specified allocation in order for these provisions to become operative.

Status: CHAPTERED

SB 688
Romero

Education: teacher evaluations: pupil surveys

Existing law requires that the performance of a certificated employee shall be evaluated and assessed on a periodic basis as it reasonably relates to the progress of pupils toward standards, the instructional techniques and strategies used by the employee, the employee's adherence to curricular objectives, and the establishment and maintenance of a suitable learning environment, as specified. This bill would permit the governing board of any school district maintaining any of grades 9 to 12, inclusive, to establish a committee of high school pupils and teachers to develop and monitor a process by which pupils provide feedback to teachers in that district. The bill would require the committees to develop and administer a pupil survey that solicits comprehensive data on different aspects of a class and the effectiveness of the teacher in teaching the class, and allows for data to be compared among all of a teacher's classes. The bill would also provide that data derived from pupil surveys with respect to any individual teacher shall be confidential and released only to that teacher and that no administrator or any other school or district official shall view any completed pupil survey of, or data derived from pupil surveys pertaining to any individual teacher without the express written consent of that teacher. The bill would also prohibit the pupil surveys to be included in, or used to influence, the existing teacher evaluation process, if any, in any school district that adopts this pupil feedback process. The bill would also require the State Department of Education, in

consultation with the California Association of Student Councils, to develop model guidelines for the teacher evaluation process for voluntary adoption by local school districts and to post them on their Internet Web site on or before January 1, 2011.

Status: Set, first hearing. Held in committee and under submission. (last activity 5/28/09)

SB 742
Romero

School accountability: lowest performing public schools

The Public Schools Accountability Act of 1999 requires the Superintendent of Public Instruction, with approval of the State Board of Education, to develop the Academic Performance Index (API), consisting of a variety of indicators, to be used to measure the performance of schools. Existing law requires the Superintendent to develop, and the state board to adopt, expected annual percentage growth targets for all schools based on their API baseline score and prescribes a minimum percentage growth target of 5% annually. The act also establishes the Immediate Intervention/Underperforming Schools Program (IIUSP). Schools that score below the 50th percentile on certain achievement tests are invited to participate in the program and are provided program funding. Twenty-four months after receiving IIUSP funding, a school that fails to meet its growth targets each year, but demonstrates significant growth, as determined by the state board, continues to participate in the program for an additional year and to receive funding. If a school fails to meet its growth targets each year and does not demonstrate significant growth, it is deemed a state-monitored school and the Superintendent is required to take specified actions with regard to the school.

Status: Set, second hearing. Held in committee and under submission. (last activity 8/27/09)

SB 798
Desaulnier

Before and after school programs: 21st Century Community Learning Centers Program

Existing law, in accordance with the 21st Century Community Learning Centers Program contained in the federal No Child Left Behind Act of 2001, allocates funds appropriated by the Budget Act of 2002 and prescribes requirements related to the allocation of funds, including provisions governing the allocation of funds appropriated by the Budget Act. The bill would, as of January 1, 2010, revise the criteria and priorities for allocating those funds. The bill would revise the percentage of funds required to be allocated to specified high school after school programs and programs serving elementary and middle school pupils established under the act, as specified, and would establish per-day rates for the operation of year-round programs, programs operating during the regular school year, and programs operating during summer or intersession periods, as specified. The bill would specify that per-day rates and cash or in-kind match requirements would not apply for core funding grants for programs serving middle and elementary school pupils in before and after school programs. The bill would establish maximum direct grant amounts awarded under the act. The bill would delete a provision authorizing the department to adjust the core grant cap, and would require the department to give funding priority to grantees that are reapplying for grants, as specified. The bill would provide for supplemental compensation for school sites serving an average daily attendance of 55 pupils or less. The bill would require the department to periodically review the appropriateness of the percentages for allocation of funds, and, after consulting with the Advisory Committee on Before and After School Programs, would authorize the department to adjust the percentages. The bill would require all school sites operating during the summer that are eligible to provide free meals and snacks to participating children through the United States Department of Agriculture's Summer Food Service Program to offer free meals and snacks, as specified.

Status: Set, first hearing. Held in committee and under submission. (last activity 5/28/09)

SB 800
Hancock

Pupil assessment

Existing law, the Leroy Greene California Assessment of Academic Achievement Act, requires each school district, charter school, and county office of education to administer to each of its pupils in grades 2 to 11, inclusive, certain achievement tests. This bill would, commencing July 1, 2010, exclude pupils in grade 2 from the standards-based achievement test requirement and make conforming changes.

Status: Set, first hearing. Hearing canceled at the request of author. (last activity 5/5/09)

Housing

- AB 123
Portantino *Housing for elderly or disabled persons*
Existing law establishes the State Department of Social Services and sets forth its powers and duties, including, but not limited to, administration over the California Community Care Facilities Act, which, with certain exceptions, requires community care facilities, as defined, to meet prescribed licensing standards. Existing law exempts housing for elderly or disabled persons that are approved and operated pursuant to prescribed provisions of federal law from licensing requirements applicable to community care facilities, residential care facilities for persons with life-threatening illness, and residential care facilities for the elderly. This bill would, instead, exempt housing occupied by elderly or disabled persons under a regulatory agreement pursuant to these provisions of federal law, and would also exempt housing that qualifies for a low-income housing credit under provisions of the federal Tax Reform Act of 1986 or is subject to the requirements for dwellings for low-income families pursuant to the federal Housing and Community Development Act of 1974, and that is occupied by elderly or disabled persons, or both.
Status: CHAPTERED
- AB 498
Hayashi *Affordable housing: veterans*
Existing law establishes the Multifamily Housing Program under the administration of the Department of Housing and Community Development to provide a standardized set of program rules and features applicable to all housing types based on the department's California Housing Rehabilitation Program. Existing law authorizes a sponsor, as defined, of a supportive housing development funded by the Multifamily Housing Program, to restrict occupancy of a project to persons with veteran status under specified circumstances. This bill would require the Department of Veterans Affairs to collaborate with the Department of Housing and Community Development to facilitate the development of multifamily housing for military veterans and their families. The bill would require the department to take action to ensure that if land is donated to the state for the express purpose of providing land for military veterans' housing, or if the department receives funding for a housing project restricted for the use of military veterans, any such housing built on that land, or using that source of funds, may be used only for housing for military veterans. This bill would also require the department, in collaboration with the Department of Housing and Community Development, not later than July 1, 2010, and annually thereafter, to prepare and submit to the Legislature a study evaluating the most effective ways to increase the supply of affordable housing for military veterans and their families, including specified information and recommendations, as prescribed. This bill would provide for submission of an amendment to the Veterans' Bond Act of 2008 to the voters at the November 2, 2010, statewide general election in accordance with specified law.
Status: Re-referred to Com. on V.A. (last activity 4/23/09)
- AB 630
Salas *California Homebuyers Downpayment Assistance Program: downpayment assistance: subordination*
Existing law requires the California Housing Finance Agency to administer the California Homebuyer's Downpayment Assistance Program for the purpose of assisting first-time low- and moderate-income home buyers utilizing existing mortgage financing. Under the program, the amount of the downpayment assistance is due and payable at the end of the term or upon sale of or refinancing of the home. This bill would authorize the agency, in its discretion, to permit the downpayment assistance loan to be subordinated to refinancing if it determines that certain criteria have been met. The bill would authorize the agency to permit subordination on such terms and conditions as it determines are reasonable.
Status: Re-referred to Judiciary committee: Re-referred to Com. on Rules by unanimous consent. (last activity 5/11/09)
- AB 702
Salas *Emergency Housing and Assistance Fund*
Existing law creates within the State Treasury the Emergency Housing and Assistance Fund, a continuously appropriated fund, to carry out the purposes of the Emergency Housing and Assistance Program. Existing law requires the Department of Housing and Community Development to ensure that not less than 20% of the moneys in the fund be allocated to nonurban counties during any given

fiscal year. This bill would also require the department to ensure that a certain percentage of the moneys in the fund be allocated to sponsors of veterans only homeless projects or projects that give preference to veterans during any given fiscal year. The bill would require that funds not utilized to their full capacity during the fiscal year be allocated in that fiscal year for general distribution in accordance with the intent and purposes of the program.

Status: In committee: Set, first hearing. Hearing canceled at the request of author. (last activity 7/7/09)

AB 720
Caballero

Land use: housing element

The Planning and Zoning Law requires each city, county, and city and county to prepare and adopt a general plan that contains certain mandatory elements, including a housing element that analyzes existing and projected housing needs and includes a statement of goals, quantified objectives, policies, financial resources, and scheduled programs for the maintenance, preservation, improvement, and development of housing. The housing element is required to identify the existing and projected housing needs of all economic segments of the community. The Department of Housing and Community Development is authorized to allow a city, county, or city and county to substitute the provision of units for up to 25% of the community's obligation to identify adequate sites for any income category in its housing element, as specified, when the community includes in its housing element a program committing the local government to provide units in that income category within the city, county, or city and county that will be made available through the provision of committed assistance during the planning period covered by the housing element to low- and very low income households at affordable housing costs or affordable rents, as defined. Units that are to be substantially rehabilitated with committed assistance from the city, county, or city and county and constitute a net increase in the community's housing stock may be included in the aforementioned housing element program, if the units meet certain criteria. Existing law defines various terms for use of these provisions. This bill would authorize a city, county, or city and county to include weatherization and energy efficiency improvements as part of its efforts to substantially rehabilitate a unit, and modify the definition of "committed assistance" for purposes of specified provisions. The bill would also define "planning period" and "projection period" for purposes of specified provisions, if SB 575 is not enacted. The Planning and Zoning Law requires a planning agency, after a legislative body has adopted all or part of a general plan, to provide an annual report to the legislative body, the Office of Planning and Research, and the Department of Housing and Community Development on the status of the general plan and progress in meeting the community's share of regional housing needs. This bill would authorize the planning agency to include in its annual report the number of units that have been substantially rehabilitated, converted from nonaffordable to affordable by acquisition, and preserved, as defined. This bill would incorporate additional changes in Section 65583 of the Government Code proposed by SB 575, that would become operative only if SB 575 and this bill are both chaptered and become effective on or before January 1, 2010, and this bill is chaptered last.

Status: CHAPTERED

AB 1171
Ammiano

Rental property: public entity restriction

Existing law authorizes, subject to specified provisions, any public entity that has in effect any system of rent control to require the owner to notify the entity of an intention to withdraw those accommodations from rent or lease. This authorization provides that the rent control system may establish the date on which the accommodations are withdrawn from rent or lease 120 days from the delivery in person or by first-class mail of that notice to the public entity, unless the tenant or lessee is at least 62 years of age or disabled and has lived in his or her accommodations for at least one year prior to the date of delivery to the public entity of the notice of intent to withdraw, in which case the date of withdrawal of the accommodations of that tenant or lessee is required to be extended to one year after the date of delivery of that notice to the public entity. Existing law specifies that this one-year extension occurs only if the tenant or lessee gives written notice of his or her entitlement to an extension to the owner within 60 days of the date of delivery to the public entity of the notice of intent to withdraw. This bill would, instead, specify that the rent control system of a public entity may require that the one-year extension applies to all tenancies in the applicable accommodations if a tenant or lessee who is at least 62 years of age or disabled has lived in the accommodations for at

least one year prior to the delivery of notice to a public entity and gives the required 60-day notice to the owner. This bill would require an owner, as applicable in these circumstances, to notify all tenants of the one-year extension. This bill would make conforming changes to related provisions.

Status: In H. & C.D. Committee: Set, first hearing. Hearing canceled at the request of author. (last activity 5/6/09)

AB 1177

Fong

Homelessness: Interagency Council on Homelessness

Under existing law, several agencies have prescribed responsibilities relating to homeless persons. This bill would, among other things, create the California Interagency Council on Homelessness, composed of specified members, to construct cross-agency and community cooperation in responding to homelessness, use a more efficient and supportive method in implementing evidence-based approaches to address homelessness, and, to the extent possible, plan to end homelessness in the state. This bill would also require the council to submit any reports or documents that it creates, within 90 days of being finalized by the council, to specified committees of the Legislature and to perform other duties as prescribed.

Status: In committee: Held under submission. (last activity 8/27/09)

SB 16

Lowenthal

Low-income housing tax credits

Existing law establishes a low-income housing tax credit program, administered by the California Tax Credit Allocation Committee, which provides procedures and requirements for the allocation of state tax credit amounts among low-income housing projects based on federal law. This bill would, in the case of a project that has received or receives preliminary reservation of state low-income housing tax credit on or after July 1, 2008, and before January 1, 2011, allow the credit to be refundable pursuant to specified laws, and make an appropriation therefor, as provided. Existing law, in the case of a partnership, requires the allocation of the state low-income housing tax credits, on or after January 1, 2009, and before January 1, 2016, to partners based upon the partnership agreement, regardless of how the federal low-income housing tax credit, as provided, is allocated to the partners, or whether the allocation of the credit under the terms of the agreement has substantial economic effect, as specified. This bill would extend those requirements to a project that receives a preliminary reservation of the state low-income housing tax credit during calendar year 2008, as specified.

Status: Set, first hearing. Held in committee and under submission. (last activity 5/28/09)

SB 120

Lowenthal

Residential utility service

(1) Existing law governs the obligations of tenants and landlords under a lease or tenancy. This bill would authorize a tenant or occupant who has made a payment to a public utility or publicly owned utility to deduct the amount of the payment from the rent when due, as specified. (2) The California Constitution establishes the Public Utilities Commission (PUC), with jurisdiction over all public utilities, including electrical, gas, heat, and water corporations, as defined. Existing law authorizes the PUC to fix the rates and charges for every public utility, and requires that those rates and charges be just and reasonable. The existing Public Utilities Act requires every public utility to furnish and maintain adequate, efficient, just, and reasonable service, instrumentalities, equipment, and facilities as are necessary to promote the safety, health, comfort, and convenience of its patrons, employees, and the public. Existing law provides for the furnishing of utility services, including the furnishing of electricity, gas, heat, and water, by publicly owned utilities, including municipal corporations, municipal utility districts, and public utility districts. Publicly owned utilities are not subject to the jurisdiction and control of the PUC. A municipal corporation is subject to control by its governing bodies, while a municipal utility district and a public utility district are each subject to control by its board of directors. Existing law provides that if an electrical, gas, heat, or water corporation furnishes individually metered residential service to residential occupants in a multiunit residential structure, mobilehome park, or permanent residential structures in a labor camp, as defined, and the owner, manager, or operator is listed by the corporation as the customer of record, the corporation is required to make every good faith effort to inform the residential occupants, by means of a specified notice, when the account is in arrears, that service will be terminated at least 10 days prior to termination. Existing law also provides for procedures by which those residential occupants may become customers of the corporation, one option being that if one or more of the residential occupants are willing and able to assume responsibility for the entire account to the satisfaction of

the corporation, the electrical, gas, heat, or water corporation is required to make service available to the residential occupants. Similar provisions exist for a publicly owned utility that furnishes individually metered residential light, heat, water, or power to residential occupants in a multiunit residential structure, mobilehome park, or permanent residential structures in a labor camp if the owner, manager, or operator is listed by the public utility or district as the customer of record. This bill would provide that, where a landlord-tenant relationship exists, if an electrical, gas, heat, or water corporation furnishes individually metered residential service to residential occupants in a detached single-family dwelling, multiunit residential structure, mobilehome park, or permanent residential structure in a labor camp, and the owner, manager, or operator is the customer of record, the corporation is required to make every good faith effort to inform the residential occupants, by means of a specified written notice, when the account is in arrears, that service will be terminated at least 10 days prior to termination, except as specified. The bill would require that the notice be in English, Spanish, Chinese, Tagalog, Vietnamese, and Korean. The bill would revise the above-described option by which residential occupants may become customers of the corporation, to provide that if one or more of the residential occupants are willing and able to assume responsibility for the subsequent charges to the account to the satisfaction of the corporation, the electrical, gas, heat, or water corporation is required to make service available to the residential occupants. The bill would enact similar provisions for a publicly owned utility that furnishes individually metered residential light, heat, water, or power to a detached single-family residence or to residential occupants in a multiunit residential structure, mobilehome park, or permanent residential structure in a labor camp.

(3) Existing law provides that if an electrical, gas, heat, or water corporation furnishes residential service to residential occupants through a master meter in a multiunit residential structure, mobilehome park, or permanent residential structure in a labor camp, as defined, and the owner, manager, or operator is listed by the corporation as the customer of record, the corporation is required to make every good faith effort to inform the residential occupants, by means of a written notice posted on the door of each residential unit at least 15 days prior to termination, when the account is in arrears, that service will be terminated on a date specified in the notice. Existing law requires that the notice be in English and, to the extent practical, in any other language that the corporation determines is the primary language spoken by a significant number of the residential occupants. Similar provisions exist for a publicly owned utility that furnishes light, heat, water, or power to residential occupants through a master meter in a multiunit residential structure, mobilehome park, or permanent residential structure in a labor camp, as defined, if the owner, manager, or operator is listed by the public utility or district as the customer of record. This bill would require that the notice be in English, Spanish, Chinese, Tagalog, Vietnamese, and Korean.

Status: CHAPTERED

SB 224
Correa

Housing assistance

(1) Existing law establishes the CalHome Program under the administration of the Department of Housing and Community Development and authorizes funds appropriated for purposes of the program to be used to enable low- and very low income households to become or remain homeowners. The program authorizes the use of grant funds for, among other things, home rehabilitation. Existing administrative regulations require installation of an ignition resistant construction system only when a manufactured home, mobilehome, multifamily manufactured home, or commercial modular is installed in designated areas. This bill would provide that home rehabilitation includes the installation or retrofit of ignition resistant exterior components on existing manufactured homes, mobilehomes, and accessory structures required pursuant to specified administrative regulations. The bill would prohibit rehabilitation funding for these purposes under a specified circumstance. (2) Under the CalHome Program, the department provides the program funds to local public agencies or nonprofit corporations as either grants or loans to assist home ownership and requires them to meet prescribed criteria. In administering the program, the department is authorized to permit local public agencies and nonprofit corporations to apply their own guidelines with respect to the use of CalHome funds. This bill would prohibit a local public agency and a nonprofit corporation from denying funding or applying different underwriting guidelines to a housing program or project solely on the basis that the home is a manufactured home or mobilehome or the home is located in a mobilehome park or a manufactured housing community. (3) Existing law requires the California Housing Finance Agency to administer the California Homebuyer's

Downpayment Assistance Program for the purpose of assisting first-time low- and moderate-income home buyers utilizing existing mortgage financing. Under the program, the amount of the downpayment assistance is due and payable at the end of the term or upon sale of or refinancing of the home. This bill would authorize the agency, in its discretion, to permit the downpayment assistance loan to be subordinated to refinancing if it determines that certain criteria have been met. The bill would authorize the agency to permit subordination on those terms and conditions as it determines are reasonable.

Status: CHAPTERED

SB 251
Committee
on
Transporta-
tion and
Housing

Housing and Community Development: housing omnibus bill

(1) Existing law requires each city, county, or city and county to prepare and adopt a general plan for its jurisdiction that contains certain mandatory elements, including a housing element. One part of the housing element is an assessment of housing needs and an inventory of resources and constraints relevant to meeting those needs. The assessment includes the locality's share of the regional housing need. That share is determined by the appropriate council of governments, subject to revision by the Department of Housing and Community Development. The council of governments is also required to issue a proposed final allocation plan and to hold a public hearing to adopt a final allocation plan. This bill would require the council of governments to submit its final allocation plan to the department within 3 days of adoption. The bill would specify that the department determine whether the plan is consistent with the existing and projected housing need for the region within 60 days from the date of its receipt of the final allocation plan adopted by the council of governments. (2) Existing law exempts from the requirements of the Subdivision Map Act specified types of property, including the conversion of a community apartment project, and the conversion of a stock cooperative, unless a parcel or final map was approved by the legislative body of a local agency, if specified requirements are met. This bill would modify the requirements for an exemption relating to the conversion of a community apartment project and stock cooperative. (3) Existing law authorizes a manufactured home manufacturer to sell manufactured homes, as defined, directly to a licensed California general building contractor, as defined, when specified conditions are met. This bill would additionally authorize a manufactured home manufacturer to sell manufactured homes, as defined, directly to a nonprofit corporation, as defined, that is also a Community Housing Development Organization, as defined, when specified conditions are met. (4) Existing law requires all fuel-gas-burning water heater appliances in new manufactured homes or new multifamily manufactured homes installed in the state to be seismically braced, anchored, or strapped. In the event of a sale of a home, the homeowner or contractor responsible for the installation of the home is required to ensure all fuel-gas-burning water heater appliances are seismically braced, anchored, or strapped, consistent with existing law. The requirement is satisfied when the homeowner or responsible contractor both completes that work and signs a declaration stating each fuel-gas-burning water heater is secured. This bill would instead provide that the requirement is satisfied when the homeowner or responsible contractor signs the declaration. (5) Existing law establishes the Affordable Housing Revolving Development and Acquisition Program under the administration of the Department of Housing and Community Development. Existing law requires that funds in the Affordable Housing Innovation Fund be allocated in the amount of \$35,000,000 for a local housing trust fund matching grant program established under a specified provision of existing law. Existing law prescribes various funding preferences and set-aside requirements upon the department with respect to these allocated funds. This bill would, notwithstanding specified provisions of existing law, impose new requirements regarding the availability of funds for encumbrance for newly established housing trust funds, the disbursements in liquidation of the encumbrance, and the reversion of funds not encumbered, as specified.

Status: CHAPTERED

SB 326
Strickland

Land use: housing element

The Planning and Zoning Law requires each city, county, and city and county to prepare and adopt a general plan that contains certain mandatory elements, including a housing element that analyzes existing and projected housing needs and includes a statement of goals, quantified objectives, policies, financial resources, and scheduled programs for the maintenance, preservation, improvement, and development of housing. The Department of Housing and Community

Development, in consultation with each council of governments, is required to determine each region's existing and projected regional housing need, as specified. The appropriate council of governments, or for cities and counties without a council of governments, the department, is required to adopt a final regional housing need plan that allocates a share of the regional housing need to each city, county, or city and county, as specified. For specified housing elements, if a city or county in the prior planning period failed to identify or make available adequate sites to accommodate that portion of the regional housing need allocated to it, the city or county is required, within the first year of the planning period of the new housing element, to zone or rezone adequate sites to accommodate the unaccommodated portion of the regional housing need allocation from the prior planning period. This bill would, as an alternative, provide that if a city or county in the prior planning period failed to identify or make available adequate sites to accommodate that portion of the regional housing need allocated to it, the city or county, within the first year of the planning period of the new housing element, would be authorized to identify adequate sites to accommodate the unaccommodated portion of the regional housing need allocation from the prior planning period.

Status: Set, first hearing. Hearing canceled at the request of author. (last activity 6/25/09)

SB 500
Steinberg

Affordable housing: permanent revenue source

Existing law sets forth the Legislature's finding and declarations regarding the availability of affordable housing throughout California. This bill would express the intent of the Legislature to enact legislation that would provide a permanent source of revenue for affordable housing in California.

Status: To Com. on RLS. (last activity 3/12/09)

SB 781
Leno

Eviction procedure

Existing law, the California Residential Care Facilities for the Elderly Act, provides for the licensure and regulation of residential care facilities for the elderly by the State Department of Social Services. Under existing law, a violation of these provisions is a crime. Existing law sets forth notice and other requirements for a residential care facility for the elderly to evict a resident. This bill would, in addition, require that a licensee who sends an eviction notice to include specified information, including, but not limited to, information regarding the resident's right to file a complaint.

Status: CHAPTERED

Incarceration and Reentry

- AB 61
Nava *Juvenile crime: deferred entry of judgment*
Existing law, enacted by initiative statute, provides that if a minor consents and waives his or her right to a speedy jurisdictional hearing, the court may refer the case to the probation department or summarily grant deferred entry of judgment if the minor admits the charges in the petition and waives time for the pronouncement of the judgment. These provisions apply whenever a case is before the juvenile court for a determination of whether the minor is within the jurisdiction of the juvenile court because of the commission of a felony offense, and the minor meets other eligibility criteria, including that the offense charged is not one of an enumerated list of offenses for which a minor 14 years of age or older may be found unfit for treatment in juvenile court and prosecuted under the general law in a court of criminal jurisdiction. The initiative statute provides that any amendment of its provisions requires a 2/3 vote of the membership of each house of the Legislature. This bill would list additional sexual offenses for which a minor charged with the commission thereof would become ineligible for a deferred entry of judgment pursuant to these provisions. By changing the punishment for a crime, the bill would impose a state-mandated local program. Because the bill would amend an initiative statute, it would require a 2/3 vote.
Status: In committee: Set, first hearing. Failed passage. Reconsideration granted. (last activity 4/23/09)
- AB 114
Carter *Juvenile court law: purpose*
Existing law sets forth the purpose of juvenile court law, and provides that a minor under the jurisdiction of the juvenile court who is in need of protective services shall receive care, treatment, and guidance consistent with his or her best interest and the best interest of the public. Existing law provides that a minor under the jurisdiction of the juvenile court as a consequence of delinquent conduct shall, in conformity with the interests of public safety and protection, receive care, treatment, and guidance that is consistent with his or her best interest, that holds the minor accountable for his or her behavior, and that is appropriate for his or her circumstances. This bill would authorize a county to adopt a restorative justice program to address the needs of minors, victims, and the community. The bill would require the restorative justice program to be implemented through a restorative justice protocol developed by the juvenile court in conjunction with the prosecutor, public defender, and other interested groups. The bill would prohibit the use of General Fund moneys to fund the program. The bill would include related findings and declarations.
Status: To inactive file on motion of Senator Wright. (last activity 8/27/09)
- AB 250
Miller *Criminal procedure: trials: timing*
Existing law requires that a defendant be brought to trial within 60 days of arraignment on an indictment or information in a felony case, or within 30 or 45 days of arraignment or entry of plea in a misdemeanor case, as specified. Under existing law, the case must be dismissed if the defendant did not waive that time limit or consent to an extension of time, as specified, and the case is not brought to trial within the time limit. Under existing law, if the defendant does waive time, he or she may withdraw his or her waiver of time and then the case is required to be brought to trial within 60 days for a felony, or 30 or 45 days for a misdemeanor, of the withdrawal of the waiver. Existing law provides that when there is no general time waiver, and a case has been set for trial beyond the time limits specified above by request or consent, express or implied, the defendant must be brought to trial on the date set or within 10 days thereafter. This bill would require the withdrawal of a time waiver to be done in open court, as specified. The bill would specify that in the absence of an express general time waiver from the defendant, or upon the withdrawal of a general time waiver, the court shall set the trial date, as specified, and shall notify all parties of that date.
Status: CHAPTERED
- AB 316
Solorio *Wrongful convictions*
Existing law requires that an action against an attorney for a wrongful act or omission, other than for actual fraud, arising in the performance of professional services must be commenced within one year after the plaintiff discovers, or should have discovered, the wrongful act or omission, or 4 years from the date of the wrongful act or omission, whichever occurs first. This bill would provide that, if the

plaintiff is required to establish his or her factual innocence for an underlying criminal charge as an element of his or her claim against an attorney, the time period to commence this action shall be 2 years after the plaintiff achieves postconviction exoneration in the form of a final judicial disposition of the criminal case. Existing law provides that any finding that an arrestee is factually innocent, as specified, shall not be admissible as evidence in any action. This bill would provide that, notwithstanding this provision, a finding that an arrestee is factually innocent shall be admissible as evidence at a hearing before the California Victim Compensation and Government Claims Board. Existing law allows a presiding judge, whenever a person is acquitted of a charge and it appears to the judge that the defendant is factually innocent of the charge, to order that the records in the case be sealed. This bill would require a judge, upon written or oral motion of any party in the case or the court, to order that the records in a case be sealed whenever a person is convicted of a charge and the conviction is set aside because a determination was made that the person was factually innocent. Existing law allows a person erroneously convicted and imprisoned to present a claim within a period of 6 months after judgment of acquittal or discharge given, or after pardon granted, or after release from imprisonment, against the state to the California Victim Compensation and Government Claims Board for the pecuniary injury sustained by him or her through the erroneous conviction and imprisonment. This bill would instead provide that a person erroneously convicted and imprisoned may present this claim within 2 years. Existing law establishes a process for a hearing on an erroneously convicted person's claim at which the claimant is required to introduce evidence in support of the claim and the Attorney General may introduce evidence in opposition. Existing law requires the claimant to prove the facts set forth in the statement constituting the claim, including that the crime charged was either not committed at all, or, if committed, not committed by the claimant, and the fact that the claimant did not, by any act or omission, either intentionally or negligently, contribute to the bringing about of his or her arrest or conviction, and that he or she sustained pecuniary injury. If the evidence shows that the claimant has proved these facts, existing law requires the board to recommend to the Legislature that an appropriation be made for indemnifying the claimant. This bill would remove the requirement on the claimant to prove that he or she did not negligently contribute to his or her arrest or conviction. The bill would provide that when determining whether the claimant intentionally contributed to the bringing about of his or her arrest or conviction, the factfinder shall not consider statements obtained from an involuntary false confession or involuntary plea. The bill would provide that the claimant shall bear the burden of proving by a preponderance of the evidence that the statements were obtained from an involuntary false confession or involuntary plea.

Status: CHAPTERED

AB 320
Solorio

County jails: reentry facilities

Existing law provides state financing for construction of county jails, subject to matching funds from counties, as specified. Existing law requires the Department of Corrections and Rehabilitation and the Corrections Standards Authority to give funding preference for those purposes to counties that assist the state in siting reentry facilities, as specified. This bill would require the Department of Corrections and Rehabilitation and the Corrections Standards Authority to give coequal funding preference to counties that assist the state in either siting reentry facilities or providing existing beds and program space in county jails for use as reentry facilities. The bill would provide that a county interested in providing reentry services to state inmates shall be required to enter into a long-term agreement with the department to provide those services and that the department shall certify that the proposed reentry services meet its approval.

Status: VETOED

AB 334
Fuentes

Medi-Cal: eligibility: inmates

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services, and under which qualified low-income persons receive health care benefits. The Medi-Cal program is governed, in part, by federal Medicaid provisions. Existing law, commencing the later of January 1, 2010, or the date that all necessary federal approvals are obtained, requires, to the extent permitted under federal law, Medi-Cal benefits provided to an individual under 21 years of age who is an inmate of a public institution to be suspended, rather than terminated. Existing law requires county welfare departments to notify the department within 10 days

of receiving information that an individual under 21 years of age on Medi-Cal in the county is or will be an inmate of a public institution. Existing law also requires, by a specified time period, the department, in consultation with the Chief Probation Officers of California and the County Welfare Directors Association, to establish the protocols and procedures necessary to implement these provisions. This bill would expand, with certain modifications, the above provisions, commencing the later of January 1, 2011, or the date that all necessary federal approvals are obtained, to the extent permitted under federal law, to an individual who is 21 years of age or older who is an inmate of a public institution.

Status: In committee: Hearing postponed by committee. (last activity 4/28/09)

AB 447
Nestande

Criminal procedure: trial counsel: defendant: inability to pay

Existing law requires a court to assign counsel to a defendant if the defendant desires the assistance of counsel and cannot afford to pay for counsel. Under existing law, the court is authorized to require a person requesting counsel to fill out a form, under penalty of perjury, or hold a hearing at various points in the criminal proceeding to determine whether the defendant has the ability to pay for assigned counsel, as specified. This bill would, instead, require the court to have the person fill out the form. This bill would also require the court to hold a hearing to determine whether a defendant has the ability to pay for assigned counsel, as specified. Existing law authorizes a court to order the parent or guardian of a minor in a criminal proceeding to pay for any public representation to the extent that the court determines that the parent or guardian can pay that expense. This bill would require the court to order that payment to the extent the parent or guardian can pay for it.

Status: In Public Safety Committee: Set, first hearing. Hearing canceled at the request of author. (last activity 3/31/09)

AB 455
Huffman

California Conservation Corps: participation

Existing law requires the California Conservation Corps to select young men and women for participation in the corps program on the basis of motivation for hard work, personal development, and public service, and without regard to their prior employment or educational background. This bill would require that a minimum of 5% of selected participants represent young adults at risk of gang involvement, current gang members, or former gang members.

Status: In Public Safety Committee: Set, first hearing. Hearing canceled at the request of author. (last activity 4/28/09)

AB 587
Cook

Vandalism: gang-related graffiti

Existing law, amended by Proposition 21, an initiative measure enacted by voters at the March 7, 2000, statewide primary election, and requiring a 2/3 vote of the Legislature to amend, makes a person who maliciously commits specified destructive acts with respect to another's property guilty of vandalism. Existing law requires the court, when appropriate and feasible, to order a defendant who is convicted of violating this provision, or to order the defendant and his or her parents, if the defendant is a minor, to clean up, repair, or replace the damaged property or keep the damaged property or another specified property in the community free of graffiti for up to one year. This bill would provide that if the defacement, damage, or destruction is determined by the finder of fact to further criminal gang activity, the act of vandalism is punishable by imprisonment in a state prison or in the county jail not exceeding one year, or by a fine of not more than \$10,000, or by both that fine and imprisonment. The bill would also authorize a court to grant probation and, as a condition of probation, order the defendant to participate in a local intervention program and also order gang terms. By increasing the penalties for a crime, the bill would impose a state-mandated local program.

Status: In Public Safety Committee: Hearing postponed by committee. (last activity 3/31/09)

AB 1198
Swanson

Food stamps: eligibility: drug felonies

Existing law provides for the Food Stamp Program, under which food stamps allocated to the state by the federal government are distributed to eligible individuals by each county. Existing law provides that a person convicted of a drug-related felony, with certain exceptions, is eligible for aid under the Food Stamp Program, if specified drug treatment conditions are met. This bill would remove the limitation that excepts certain drug-related felonies from these provisions. The bill would authorize the State Department of Social Services to implement its provisions through an all-county

letter or similar instructions from the director.

Status: In committee: Held under submission. (last activity 8/27/09)

AB 1211
Torrico

Parole: conditions

Existing law authorizes the imposition of various conditions on persons released from prison on parole. Under existing law, one of the conditions imposed upon a prisoner released on parole is that the prisoner agree to be subject to search or seizure by a parole officer or other peace officer at any time of the day or night, with or without a search warrant and with or without cause. If the prisoner does not agree to that condition of release, he or she loses worktime credits earned and may not be released from prison until he or she agrees to that condition or the entire term of imprisonment has expired, as specified. This bill would, instead, require that any person being released on parole who was not committed to prison for a registerable sex offense, a serious felony, a violent felony, or any felony that directly or indirectly involved violence or the threat of violence, and who does not have a prior conviction for a serious or violent felony, be released on parole with only one condition. This bill would provide that the one condition imposed on an eligible parolee would be that he or she agree in writing to be subject to search or seizure by a parole officer or other peace officer at any time of the day or night, with or without a search warrant and with or without cause. This bill would provide that any eligible inmate who does not agree in writing to that condition shall lose worktime credit earned pursuant to Article 2.5 (commencing with Section 2930) of Chapter 7 on a day-for-day basis and shall not be released until he or she either agrees in writing to that condition or has no remaining worktime credit, whichever occurs first. This bill would also provide that a parolee's refusal to submit to a search or seizure while on parole is not grounds to revoke his or her parole.

Status: Re-referred to Public Safety Committee. (last activity 5/28/09)

AB 1239
Solorio

Prisoners: prison education programs

Existing law requires the Director of the Department of Corrections and Rehabilitation to appoint a Superintendent of Correctional Education to oversee and administer all prison education programs. This bill would provide, on and after January 1, 2011, that these long- and short-term goals and priorities, and the progress being made toward meeting these goals, shall be reported annually by the Superintendent of Correctional Education to the appropriate subcommittees of the Assembly Committee on Budget and Senate Committee on Budget and Fiscal Review so that the progress towards meeting these goals can be considered and assessed during budget deliberations beginning in 2011.

Status: In Public Safety Committee: Set, first hearing. Hearing canceled at the request of author. (last activity 4/21/09)

AB 1244
Block

Reentry

Existing law requires the Department of Corrections and Rehabilitation to provide various education, drug treatment, and skills training to inmates and parolees. Existing law requires the establishment of a Reentry Advisory Committee to advise the secretary on all matters related to the successful statewide planning, implementation, and outcomes of all reentry programs and services provided by the department. This bill would declare the intent of the Legislature to enact legislation that would promote the reentry of former offenders into society by ensuring that they have basic skills.

Status: Read first time. (last activity 3/2/09)

AB 1256
Swanson

Prisoners: sentencing

Existing law authorizes the Secretary of the Department of Corrections and Rehabilitation or the Board of Parole Hearings, upon a determination that a prisoner meets specified criteria, to recommend to the court that a prisoner's sentence be recalled. Specifically, a court has the discretion to resentence or recall a sentence if a prisoner is terminally ill with an incurable condition caused by illness or disease that would produce death within months, as determined by a physician, or permanently medically incapacitated, as specified, and the conditions under which the prisoner would be released or receive treatment do not pose a threat to public safety. This bill would declare the intent of the Legislature to enact legislation that would permit the early release of state prisoners who meet certain age and illness criteria.

Status: Read first time. (last activity 3/2/09)

- AB 1289 *Prisoners: telemedicine*
Galgiani Existing law, the Telemedicine Development Act of 1996, regulates the practice of telemedicine, defined as the practice of health care delivery, diagnosis, consultation, treatment, transfer of medical data, and education using interactive audio, video, or data communications, by a health care practitioner, as defined. Existing law establishes that it is the intent of the Legislature that the Department of Corrections and Rehabilitation operate in the most cost-effective and efficient manner possible when purchasing health care services for inmates. This bill would declare the Legislature's findings on the use of telemedicine in the state's prisons. The bill would require the department to establish guidelines for the use of telemedicine consultations, use telemedicine for all appropriate consultations, make use of existing external telemedicine resources, maintain current prison telemedicine programs, as specified, and establish annual performance targets regarding the use of telemedicine in prisons.
Status: In committee: Set, second hearing. Held under submission. (last activity 5/28/09)
- AB 1439 *Gang violence: prevention*
Solorio Under existing law, the Office of Gang and Youth Violence Policy, which is in the Governor's Office of Emergency Services, is responsible for identifying and evaluating gang and youth violence programs and strategies, along with funding for those efforts. The Director of the Office of Gang and Youth Violence Policy is responsible for monitoring, assessing, and coordinating the state's gang and youth violence programs, as specified. This bill would require the director, subject to statutory limits and directives, to make recommendations to streamline existing state agency gang and youth violence grant programs with a goal toward giving priority to grant programs that employ evidence-based practices. It would require the director to create a working group consisting of representatives of state offices and representatives of other specified stakeholders to assist in this effort, with the director serving as the chairperson. The bill would require the working group to advise the office on the task of streamlining grant programs that address gang and youth violence, in accordance with certain procedures. The working group would be responsible for making recommendations to streamline existing state agency gang and youth violence grant programs, including recommending procedures and requirements for state agencies and departments administering grant programs to provide incentives for grant recipients to implement evidence-based practices. The bill would require the Office of Gang and Youth Violence Policy to report the findings of the working group to the Legislature and the Governor by June 1, 2010.
Status: VETOED
- AB 1487 *Inmate medical expenses*
Hill Under existing law, a sheriff, chief or director of corrections, or a chief of police is authorized to charge a fee in the amount of \$3 for each inmate-initiated medical visit of an inmate confined in a county or city jail who has money in his or her personal account. Existing law authorizes the medical provider to waive the fee, requires the medical provider to waive the fee in any life-threatening or emergency situation, as defined, exempts followup medical visits from the fee, and requires all moneys received pursuant to this provision to be transferred to the county or city general fund. Existing law requires that the above fee be charged to the inmate's account at his or her respective facility and prohibits a denial of medical care to an inmate because of a lack of funds in that account. This bill would increase the above fee to \$6. The bill would require that any amount collected for an inmate-initiated medical visit in excess of \$3 be placed into the county inmate welfare fund. Existing law provides that the sheriff of each county may maintain an inmate welfare fund to be kept in the treasury of the county into which profit from a store operated in connection with the county jail, 10% of all gross sales of inmate hobbycraft, and any rebates or commissions received from a telephone company, as specified, is required to be deposited. Existing law authorizes the sheriff to expend money from the fund to pay for the benefit, education, and welfare of the inmates, as well as maintenance costs, as specified, if those funds are not needed for the welfare of the inmates. The bill would require that the money deposited in the inmate welfare fund pursuant to this bill be expended by the sheriff only for the benefit and education of the inmates, as specified.
Status: In committee: Set, second hearing. Hearing canceled at the request of author. (last activity 7/14/09)

AB 1498 De Leon	<p><i>Firearms: possession</i></p> <p>Existing law provides that a person convicted of specified misdemeanor crimes who, within 10 years of the conviction, owns, purchases, receives, or has in his or her possession or under his or her custody or control any firearm is guilty of a public offense, which shall be punished as specified. This bill would additionally include within this provision specified misdemeanor crimes relating to weapons and to criminal street gang activity.</p> <p>Status: In committee: Set, second hearing. Held under submission. (last activity 5/28/09)</p>
SB 151 Ducheny	<p><i>Reentry courts: pilot program</i></p> <p>Existing law requires the Department of Corrections and Rehabilitation to establish certain pilot programs to assist parolees in the successful reintegration of those parolees into the community. This bill would require, until January 1, 2015, the Judicial Council to establish a pilot program for the operation of up to 10 court-based reentry programs for parolees who would benefit from community drug treatment or mental health treatment. The program would include key components used by drug and collaborative courts using a highly structured model, including close supervision and monitoring by a judicial officer, dedicated calendars, nonadversarial proceedings, frequent drug and alcohol testing, and close collaboration between the respective entities involved to improve offender outcomes. The bill would require the Judicial Council, in collaboration with the Department of Corrections and Rehabilitation, to evaluate the program and report its findings to the Legislature and the Governor, as specified.</p> <p>Status: Set, first hearing. Held in committee and under submission. (last activity 5/28/09)</p>
SB 153 Liu	<p><i>Jails: discharge of prisoners</i></p> <p>Existing law establishes that the sheriff may discharge any prisoner from the county jail at such time on the last day a prisoner may be confined as the sheriff considers to be in the best interests of the prisoner. Existing law allows for the accelerated release of inmates, as specified, upon the authorization of the superior court. This bill would provide that the sheriff shall discharge a prisoner upon the completion of his or her sentence between the hours of 6 a.m. and 6 p.m., with certain exceptions. The bill would specify that it shall not be construed to allow jails to retain a prisoner any longer than otherwise required or to prevent the early release of prisoners, as specified.</p> <p>Status: Set, first hearing. Hearing canceled at the request of author. (last activity 3/25/09)</p>
SB 282 Wright	<p><i>Criminal street gangs: injunction: petition to terminate</i></p> <p>Existing law provides for injunctive relief from the unlawful activities of criminal street gangs, the duration of which is within the court's discretion. Existing law provides for injunctive relief from a person who engages in harassment, as specified, of a duration of not more than 3 years, and provides that, at any time within the 3 months before the expiration of the injunction prohibiting harassment, the plaintiff may apply for a renewal of that injunction by filing a new petition. This bill would provide that, in addition to any other administrative or judicial remedies, in an action relating to an injunction issued against an individual who is a criminal street gang member, the individual may file a specified petition with the court to terminate the criminal street gang injunction against the individual. The bill would require the petition to be filed under penalty of perjury and to certify that the individual has not violated the injunction or been convicted of committing a new felony or misdemeanor and that not less than 5 years have elapsed between the application of the injunction to the individual and the filing of the petition for termination. By expanding the scope of the crime of perjury, the bill would impose a state-mandated local program. The bill would require the court to grant the petition under specified circumstances. The bill would require the Judicial Council, by September 1, 2010, to develop, approve, and adopt forms and notices relating to the petition for termination of a criminal street gang injunction against an individual, as specified. The bill would express legislative findings, declarations, and intent regarding the enactment of its provisions.</p> <p>Status: Hearing postponed by committee. (last activity 6/30/09)</p>
SB 292 Hancock	<p><i>Prisoners: alternative incarceration</i></p> <p>Existing law authorizes the Secretary of the Department of Corrections and Rehabilitation to enter into contracts with various entities for the housing and other care of inmates who are subject to the department's jurisdiction, but not incarcerated in a state prison. Existing law authorizes the</p>

department to construct, establish, and operate reentry program facilities with programs to assist inmates and parole violators to reintegrate into society. This bill would state findings and declarations of the Legislature relative to alternative incarceration for nonviolent inmates. The bill would authorize the Secretary of the Department of Corrections and Rehabilitation to enter into contracts with Alternative Incarceration Facilities, as defined, for housing certain nonviolent inmates who meet certain criteria. The bill would authorize the secretary to adopt regulations to implement those purposes, set forth criteria for inmates to meet in order to be transferred to Alternative Incarceration Facilities, and establish a compensation scheme for owners of those facilities. The bill would require a retired correctional officer with certain experience to always be present at each facility purposes of providing certain technical assistance.

Status: Set, second hearing. Held in committee and under submission. (last activity 5/28/09)

SB 352
Dutton

Juvenile offenders: health facilities

(1) Under existing law, before the placement of certain minors who are wards of the court due to a violation of law may be made in an out-of-county facility, the parole or probation officer in the county of residence is required to send written notice of the placement, including specified information, to the probation officer of the receiving county. A violation of these provisions is a misdemeanor. This bill would allow the notice to be made in writing, by fax, or electronic transmission. Additionally, the bill would require gang affiliation, as defined, to be included in the information sent to the receiving county. The bill would also require that a copy of the notice be sent, at the same time it is sent to the receiving county, to the community care facility where the ward is being placed, and would require the community care facility to maintain a copy of the notice on file. (2) Under existing law, if a ward of the court, as described above, who is placed in an out-of-county community care facility, has his or her board and care funded through the Aid to Families with Dependent Children-Foster Care program, a plan for supervision and visitation is required to be developed by the county of residence. This bill would require, in addition to the plan for supervision and visitation, that the sending county document information regarding any known gang affiliation or dangerous behavior that indicates the ward may pose a safety concern to the receiving county. It would also require information related to gang affiliation to be included in a case plan required to be developed for the ward pursuant to existing law. (3) Under existing law, a group home is required to annually report all incident reports involving a response by local law enforcement or emergency services personnel that were sent to a placement agency other than the county in which the group home is located. This bill would expressly require a group home, at the request of the probation department of the county in which the group home facility is located, to notify a probation official, as specified, of unusual incidents, including those that concern runaway incidents. This bill would also require the requesting probation department to maintain the confidentiality of any identifying information about the ward contained in the notification and prohibit the probation department from sharing, transferring, or otherwise releasing the identifying information to a third party unless otherwise authorized by state or federal law. (4) Existing law requires a placement agency, as defined, to notify the appropriate licensing agency of any known or suspected incidents, as specified, that would jeopardize the health and safety of residents at a community care facility. A violation of these provisions is a misdemeanor. This bill would add sexual abuse and a situation in which the residents are inadequately supervised to the list of reportable incidents.

Status: CHAPTERED

SB 492
Maldonado

Loitering: criminal street gangs

Under existing law, it is a misdemeanor for any person to loiter after being asked to leave, as specified, about any school or public place at or near which children attend or normally congregate. Existing law establishes enhanced misdemeanor penalties, including minimum penalties, for this crime if the person is required to register as a sex offender. This bill would provide enhanced penalties for this crime if the person is required to register with the chief of police or sheriff for committing any of specified criminal street gang offenses.

Status: CHAPTERED

SB 698
Negrete

Juvenile court schools: funding

Existing law provides for the administration and operation of public schools in juvenile halls,

McLeod juvenile homes, day centers, juvenile ranches, juvenile camps, regional youth educational facilities, and Orange County youth correctional centers, as specified. Existing law requires the county board of education to provide for the administration and operation of juvenile court schools either by the county superintendent of schools, as specified, or by contract with the respective governing boards of the elementary, high school, or unified school district in which the juvenile court school is located. Existing law requires the Superintendent of Public Instruction to compute an inflation adjusted revenue limit for juvenile court school programs operated by a county superintendent of schools. This bill would require for each reporting period the use of average daily enrollment instead of average daily attendance in computing the revenue limit for each such school. The bill would define average daily enrollment. Existing law requires a revenue limit to be calculated for each county superintendent of schools, adjusted for various factors, and reduced, as specified. Existing law reduces the revenue limit for each county superintendent of schools for the 2008-09 fiscal year by a deficit factor of 7.839%, and for the 2009-10 fiscal year by a deficit factor of 13.360%. This bill would exempt the revenue limit funding generated by pupils enrolled in juvenile court school programs from the deficit factor reduction for the 2008-09 and 2009-10 fiscal years.
Status: Set, first hearing. Held in committee and under submission. (last activity 5/28/09)

SB 738 *Prison inmate education*
Hancock (1) Existing law requires the Secretary of the Department of Corrections and Rehabilitation, the Chancellor of the California State University, the Chancellor of the California Community Colleges, and the Superintendent of Public Instruction to enter into interagency agreements in order to encourage greater involvement of educational institutions in planning and developing prison-based educational programs, and to appoint an advisory committee to accomplish various duties. Existing law requires the Secretary of the Department of Corrections and Rehabilitation to appoint a Superintendent of Correctional Education to oversee all prison education programs. This bill, the Prison Education Reform Act, would instead require those officers to appoint members to the Correctional Education Committee. The bill would rename the position of the Superintendent of Correctional Education as the Deputy Director of Correctional Education, who would be required to perform specified duties in consultation with the committee, including the adoption and enforcement of all necessary rules and regulations for the management and operation of education programs within the Department of Corrections and Rehabilitation, approval of education programs in correctional institutions, and the adoption of rules and regulations for the admission of inmate students to those education programs. (2) The bill would establish the Correctional Education Committee in the Department of Corrections and Rehabilitation, which would be composed of 15 members, as specified. The committee would be required to advise the Deputy Director of Correctional Education regarding various goals and objectives, including the development of a 5-year comprehensive plan for a unified correctional school system by June 1, 2012, and to submit a report to the Legislature on or before January 1, 2012, on specified matters relating to correctional education in this state.
Status: Set, first hearing. Held in committee and under submission. (last activity 5/28/09)

Land Use and Transportation

- AB 266
Carter *Transportation needs assessment*
Existing law creates the California Transportation Commission, with various duties and responsibilities relative to the programming and allocation of funds for transportation capital projects. Existing law requires the commission to submit, by December 15 of each year, an annual report to the Legislature summarizing the commission's prior-year decisions in allocating transportation capital funds and identifying timely and relevant transportation issues facing the state. This bill would require the commission, on an every-5-year basis, to develop an assessment of the unfunded costs of programmed state projects and federally earmarked projects in the state, as well as an assessment of available funding for transportation purposes and unmet transportation needs on a statewide basis. The bill would require the Department of Transportation to assist in conducting the assessment. The bill would require the commission to submit the first assessment report to the Legislature by March 1, 2011.
Status: Referred to Senate Committee on Rules. (last activity 6/11/09)
- AB 338
Ma *Transit village developments: infrastructure financing*
Existing law authorizes a city or county to create a transit village plan for a transit village development district. A transit village plan is required to include all land within not less than ¼ mile of the exterior boundary of the parcel on which is located a transit station, as defined. A legislative body is authorized to create an infrastructure financing district, adopt an infrastructure financing plan, and issue bonds, for which only the district is liable, to finance specified public facilities, upon voter approval. This bill would recast the area included in a transit village plan to include all land within not more than 1/2 mile of the main entrance of a transit station. The requirement of voter approval for the formation of an infrastructure financing district, adoption of an infrastructure financing plan, and an issuance of bonds for the purpose of implementing a transit facility, as defined, would be eliminated. A transit village plan financed by these bonds would be required to include specified demonstrable public benefits regarding housing, replacement dwelling units at an affordable housing cost when specified dwelling units are destroyed or removed, and a provision that at least 20% of all revenues derived from the property tax increment be dedicated to increase, improve, and preserve the transit village district's supply of affordable housing, as defined. The bill also would make technical, nonsubstantive changes. This bill would incorporate additional changes in Section 65460.2 of the Government Code proposed by AB 1158, that would become operative only if AB 1158 and this bill are both chaptered and become effective on or before January 1, 2010, and this bill is chaptered last.
Status: VETOED
- AB 408
Sladana *Local planning: water supplies*
(1) The Planning and Zoning Law requires a city or county general plan to include specified mandatory elements, including a conservation element that considers, among other things, the identification of rivers, creeks, streams, flood corridors, riparian habitat, and land that may accommodate floodwater for purposes of groundwater recharge and stormwater management and a discussion and evaluation of water supply and demand. Before adopting or amending the general plan, the planning agency is required to refer the proposed action to specified entities. This bill would require the planning agency to additionally notify the California regional water quality control board servicing the area before adopting or amending the general plan. The bill would require the regional board, upon receiving this notice, to provide the planning agency with certain information regarding implementation of low-impact development water management to increase local water supplies by increasing stormwater recharge and reuse. By imposing new duties on local public officials, the bill would create a state-mandated local program. (2) The existing Porter-Cologne Water Quality Control Act requires the State Water Resources Control Board to formulate and adopt state policy for water quality control. This bill would require the state board to increase, on or before January 1, 2015, the sustainable local water supplies available for meeting existing and future beneficial uses in this state by an unspecified amount of acre-feet per year, in excess of the 2002 levels of sustainable local water supply and would specify the methods to be used, pursuant to its existing authority, in meeting this goal.

Status: In Local Government committee: Set, first hearing. Hearing canceled at the request of author. (last activity 4/15/09)

AB 444
Caballero

Land use: natural resources: transfer of long-term management funds

(1) Existing law allows a state or local public agency to authorize a nonprofit organization to hold title to, and manage an interest in, real property that the state or local public agency requires a property owner to transfer to the agency to mitigate any adverse impact upon natural resources caused by permitting the development of a project or facility, provided the nonprofit organization meets certain requirements. This bill would authorize funds set aside for the long-term management of any lands or easements conveyed to a nonprofit organization pursuant to the above provisions to also be conveyed to the nonprofit organization, on and after July 1, 2010. The bill would also require the nonprofit organization to hold, manage, invest, and disburse the funds in furtherance of managing and stewarding the land or easement for which the funds were set aside. The bill would authorize the state or local agency to impose certain requirements on the nonprofit organization and impose on the state or local agency specified due diligence requirements. (2) Existing law also authorizes a state or local public agency that, in the development of its own project, is required to transfer an interest in real property to mitigate an adverse impact upon natural resources to transfer the interest to a nonprofit organization that meets the specified requirements. This bill would instead authorize a state or local public agency that, in the development of its own project, is required to protect an interest in real property to mitigate an adverse impact upon natural resources to transfer the interest to a nonprofit organization that meets the specified requirements or to provide funds to a nonprofit organization to acquire land or easements that satisfy the agency's mitigation obligations. The bill would prohibit retroactive application of its provisions to endowment funds held by the state in the Pooled Money Investment Account. (3) This bill would provide that these changes to existing law would remain in effect until January 1, 2014, after which the provisions of existing law would become operative.

Status: VETOED

AB 596
Evans

Community planning grants

Existing law establishes the Strategic Growth Council that is required to take actions with regard to coordinating programs of member state agencies to improve air and water quality, improve natural resource protection, increase the availability of affordable housing, improve transportation, meet the goals of the California Global Warming Solutions Act of 2006, encourage sustainable land use planning, and revitalize urban and community centers in a sustainable manner. This bill would establish the Community Planning Grant and Loan Fund and would authorize the council to expend the revenues in the fund, upon appropriation by the Legislature, to carry out the Community Planning Grant and Loan Program which this bill would establish. The bill would require the council to expend these funds to provide competitive grants and loans to support community planning by providing grants and loans for projects to improve sustainability and livability of California's communities by reducing communities' contributions to global warming. The bill would specify procedures for the council to follow in managing and awarding these grants. The bill would create a local advisory committee to make recommendations to the council regarding the program and would require the council to develop guidelines for awarding financial assistance. The bill would require the council to provide an annual report to the Legislature regarding the grant and loan program.

Status: In committee: Set, second hearing. Held under submission. (last activity 5/28/09)

AB 626
Eng

Bond revenues: integrated regional water management: grants

The Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006, an initiative bond act approved by the voters at the November 7, 2006, statewide general election, authorizes the issuance of bonds in the amount of \$5,388,000,000 for the purposes of financing a safe drinking water, water quality and supply, flood control, and resource protection program. Existing law appropriates \$181,971,000 of that bond money to the Department of Water Resources for integrated regional water management activities. Of the \$181,971,000 appropriated to the department, existing law allocates \$100,000,000 for implementation grants and \$39,000,000 for planning grants, local groundwater assistance grants, and CALFED scientific research grants. Of that amount, existing law also requires the department to allocate not less than 10% to address the critical

water supply needs of disadvantaged communities and to facilitate the participation of those communities in integrated regional water management planning. This bill would require the department to achieve that 10% statewide allocation by awarding grants for those purposes to disadvantaged communities within a hydrologic region in a total dollar amount that is not less than 10% of the total dollar amount of grants awarded within that region. The bill would require the department to implement the allocation with due diligence, but would require the department to implement that specified regional allocation only to the extent that the implementation does not affect the expeditious allocation of funds, as specified. The department would be required to submit a related report to the Legislature by July 1, 2010.

Status: CHAPTERED

AB 744
Torrico

Transportation: toll lanes: Express Lane Network

Existing law specifies the respective powers and duties of the Bay Area Toll Authority and the Department of Transportation relative to the operation of the state-owned Bay Area toll bridges and the allocation of toll bridge revenues. Existing law provides for the department to designate certain lanes for the exclusive use of buses and high-occupancy vehicles (HOVs). Existing law provides for various agencies, including the Sunol Smart Carpool Lane Joint Powers Authority, the Alameda County Congestion Management Agency, and the Santa Clara Valley Transportation Authority, to implement high-occupancy toll (HOT) lanes on state highways, which are high-occupancy vehicle lanes that may also be used by vehicles without the requisite number of occupants upon payment of a toll. This bill would authorize the Bay Area Toll Authority to develop, administer, operate, and maintain a Bay Area Express Lane Network on state highways within the 9 Bay Area counties pursuant to a development plan recommended by the Bay Area Express Lane Network Project Oversight Committee, which the authority would be required to establish. The bill would authorize the authority to establish the fee structure for use of the express lanes and would require a public hearing in that regard. The bill would authorize the authority to determine the types of vehicles that may use the lanes. The bill would prohibit the authority from converting existing nontolled general purpose lanes to express lanes. The bill would provide for agreements between the authority and the Department of Transportation and the Department of the California Highway Patrol. The bill would require revenues from the express lanes to be deposited in the Bay Area Express Lane Network Account, which the authority would be required to create. The bill would authorize the authority to issue revenue bonds for the express lane program. The bill would specify the use of revenues in the account, including the net revenues remaining after expenses and obligations, including revenue bond obligations, for the express lane program are satisfied. The bill would provide for certain payments by the authority to the Department of Transportation and the Department of the California Highway Patrol relative to their responsibilities with regard to the express lane program, and would continuously appropriate the amount of those payments to those agencies for those purposes. The bill would require the Sunol Smart Carpool Lane Joint Powers Authority, the Alameda County Congestion Management Agency, and the Santa Clara Valley Transportation Authority to enter into agreements with the Bay Area Toll Authority by January 1, 2011, to provide for the transfer of their rights and obligations relative to HOT lane projects to the Bay Area Toll Authority. The bill would enact other related provisions. Existing law specifies certain major projects that may be undertaken with toll revenues from the Bay Area state-owned toll bridges. This bill would provide that the Bay Area Express Lane Network is eligible for funding from bridge toll revenues under certain conditions. Existing law provides for the Department of Transportation, in cooperation with various agencies, to develop and adopt functional specifications and standards for an automatic vehicle identification system for toll collection purposes on toll facilities. This bill would require the Bay Area Toll Authority, in its role as the administrator of the automatic vehicle identification system, among other things, to provide a cash-based opportunity for customers to obtain an account for paying tolls that does not require the customer to provide a name or address. Existing law authorizes the Department of Transportation and local authorities, with respect to highways under their respective jurisdictions, to authorize the exclusive or preferential use of highway lanes for high-occupancy vehicles. Existing law requires the department to obtain the approval of the applicable transportation planning agency or county transportation commission prior to implementing this provision. This bill would authorize the Metropolitan Transportation Commission, in cooperation with the department, to increase the vehicle occupancy qualification requirements for any vehicle

using an express lane located within the geographic jurisdiction of the commission by one additional passenger above the occupancy level required on January 1, 2010.

Status: In committee: Held under submission. (last activity 8/27/09)

AB 782
Jeffries

Regional transportation plans: sustainable communities strategies

Existing law, the California Global Warming Solutions Act of 2006, requires the State Air Resources Board to adopt a statewide greenhouse gas emissions limit equivalent to the statewide greenhouse gas emissions levels of 1990, to be achieved by 2020, as specified. Existing law requires certain transportation planning activities by designated regional transportation planning agencies, including development of a regional transportation plan. Certain of these agencies are designated under federal law as metropolitan planning organizations. Existing law requires metropolitan planning organizations to adopt a sustainable communities strategy as part of their regional transportation plan, which is to be designed to achieve certain targets established by the State Air Resources Board for the reduction of greenhouse gas emissions from automobiles and light trucks in the region. Existing law, to the extent the sustainable communities strategy is unable to achieve the greenhouse gas emissions reduction targets, requires the affected metropolitan planning organization to prepare an alternative planning strategy showing how the targets may be achieved through alternative development patterns, infrastructure, or additional transportation measures or policies. Existing law requires the State Air Resources Board to review each sustainable communities strategy or alternative planning strategy to determine its effectiveness in meeting the targets, and requires certain actions by the metropolitan planning organizations to revise the strategy if it is found not to meet the targets. This bill would provide that upon the state board's acceptance that the sustainable communities strategy or an alternative planning strategy, if implemented, will achieve the greenhouse gas emissions reduction targets established by the state board, that acceptance shall be final, and no person or entity may initiate or maintain any judicial proceeding to review the propriety of the state board's acceptance. This bill would also provide that any local government entity participating in the sustainable communities strategy or an alternative planning strategy that subsequently determines that a project proposed for approval within its jurisdiction is consistent with the applicable strategy, that project shall be deemed compliant with the requirements of AB 32 of 2006 and SB 375 of 2008, and no person or entity may initiate or maintain any judicial proceeding to review the propriety of the local government entity's determination that the project is consistent with the strategy. Existing law requires the State Air Resources Board to appoint a Regional Targets Advisory Committee, consisting of representatives of various entities, to recommend factors to be considered and methodologies to be used for setting greenhouse gas emission reduction targets for the regions required to prepare a sustainable communities strategy or alternative planning strategy as part of their regional transportation plan. This bill would add representatives of commercial builders, the business community, and entities involved in the funding of transportation projects to the entities to be appointed to the committee. The bill would also require a metropolitan planning organization preparing a sustainable communities strategy or an alternative planning strategy to create a business advisory committee to provide input on the potential impacts of the proposed strategy on business activities and the economy. Existing law generally requires transportation planning and programming activities by the metropolitan planning organization to be consistent with the sustainable communities strategy, with exceptions applicable to certain transportation projects programmed by December 31, 2011, including projects listed in a local sales tax measure prior to December 31, 2008. This bill would further exempt all projects funded by the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006 (Proposition 1B) and the federal American Recovery and Reinvestment Act of 2009 regardless of the date of programming or construction. The bill would also exempt projects listed in a local sales tax measure prior to December 31, 2010. The California Environmental Quality Act (CEQA) provides that a residential or mixed-use residential project that is consistent with the use designation, density, building intensity, and applicable policies for the project area in a sustainable community strategy or an alternative planning strategy and that, if implemented, achieves the greenhouse gas emission reduction targets and incorporates the mitigation measures required by an applicable prior environmental document is exempted from the requirement to reference, describe, or discuss growth inducing impacts or project specific or cumulative impacts from vehicle trips generated by the project on global warming or the regional transportation network in any findings or other determination for an exemption, a negative declaration, a mitigated negative

declaration, a sustainable communities environmental assessment, an environmental impact report, or addenda prepared or adopted pursuant to CEQA. This bill would extend the applicability of the above-referenced CEQA exemption to any development project, including, but not limited to, a residential or mixed-use residential project, health facility, educational facility, retail facility, commercial job center, or transportation project. By requiring a lead agency to determine whether this exemption applies to additional projects, the bill would increase the level of service provided by a local agency, thereby imposing a state-mandated local program. Existing law provides that the above-referenced CEQA exemption does not relieve a project from a requirement to comply with any conditions, exactions, or fees for the mitigation of the project's impacts on the structure, safety, or operations of the regional transportation network or local streets and roads. This bill would provide that this exemption also does not relieve a project from a requirement to comply with any conditions, exactions, or fees for the mitigation of the project's impacts on the structure, safety, or operations of the state highway system. This bill would also state the intent of the Legislature to enact legislation to resolve conflicts between the scheduling of new housing element updates and adoption of the regional transportation plans.

Status: In committee: Set, first hearing. Hearing canceled at the request of author. (last activity 4/27/09)

AB 892
Furutani

Goods Movement Emission Reduction Program

Existing law, the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006, approved by the voters as Proposition 1B at the November 7, 2006, general election, authorizes the issuance of general obligation bonds for various transportation-related purposes, including reducing emissions and improving air quality in trade corridors. The State Air Resources Board is required to allocate the funds to be used for air quality purposes pursuant to specified requirements. No project can be funded unless the project is sponsored by an applicant, as defined. Returned funds or unspent funds from obligated contracts received by the applicant prior to the end of a requirement to liquidate funds within 4 years of the date of the award of a contract between the applicant and a contractor revert to the California Ports Infrastructure, Security, and Air Quality Improvement Account for allocation upon appropriation by the Legislature. This bill would authorize the applicant to award unspent or returned funds to other equipment projects included on the same competitively ranked list approved by the state board pursuant to the grant agreement, or, if there are no other eligible projects included on that list, these funds would be returned to the state board for reallocation to an applicant consistent with guidelines to be developed by the state board. Funds awarded by the applicant would be required to be liquidated within 4 years of the date of the award of the original contract or the funds would revert to the California Ports Infrastructure, Security, and Air Quality Improvement Account for allocation upon appropriation by the Legislature.

Status: CHAPTERED

AB 949
Logue

Transportation: State-Local Partnership Program

Existing law, the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006, provides for \$1 billion of bond proceeds for the State-Local Partnership Program to be allocated by the California Transportation Commission to eligible transportation projects nominated by transportation agencies, subject to appropriation by the Legislature of moneys from the State-Local Partnership Program Account. Existing law requires a dollar-for-dollar match of local funds for projects funded with these bond funds. Existing law defines eligible local matching funds for those purposes as any voter-approved local or regional tax or fee solely dedicated to transportation improvements and uniform developer fees. This bill would expand the definition of eligible local matching funds for purposes of these provisions to include developer fees, mineral or resource extraction fees or taxes, and local or regional fees or taxes solely dedicated to transportation improvements imposed within a county or any part thereof by voter approval or by the board of supervisors.

Status: In Transportation Committee: Set second hearing. Failed passage. Reconsideration granted. (last activity 4/27/09)

AB 956
Skinner

State Air Resources Board: pavement coatings

Existing law designates the State Air Resources Board as the state agency responsible for the

preparation of the state implementation plan required by the federal Clean Air Act. Under existing law, the Department of Transportation has jurisdiction over state highway construction, and may establish and enforce standards for construction materials. Under existing law, the State Procurement Officer, when purchasing materials to be used by the Department of Transportation and other state agencies for paving materials, is required to use recycled materials unless it is determined that they are not cost effective. This bill would require the Department of Transportation, no later than January 1, 2011, to establish standards for the solar reflectance of paved surfaces consistent with the specified criteria. The bill would provide that, on and after January 1, 2012, the department, any other state or local agency, and every other person, when paving or repaving any surface, shall comply with the requirements established by the department, and would provide that, if a building permit from a local agency is required for the paving of any surface that is subject to this requirement, that permit shall not be issued unless the paving will be constructed in compliance with this requirement. The bill would provide exception of specified surfaces, including surfaces that do not have any substantial exposure to the sun.

Status: In Transportation Committee: Set, first hearing. Hearing canceled at the request of author. (last activity 4/27/09)

AB 1158
Hayashi

Transit village plan

Existing law authorizes a city or county to create a transit village plan for a transit village development district. Existing law authorizes a city or county to prepare a transit village plan for a transit village development district that addresses specified characteristics. This bill would add the characteristic of other land uses, including educational facilities, that provide direct linkages for people traveling to and from primary and secondary education schools, community colleges, and universities, to the list of specified characteristics that a transit village plan may address. This bill would incorporate additional changes in Section 65460.2 of the Government Code proposed by AB 338, that would become operative only if AB 338 and this bill are both chaptered and become effective on or before January 1, 2010, and this bill is chaptered last.

Status: VETOED

AB 1410
Bass

Community block funds: State Infrastructure Revolving Fund Program

Under the Bergeson-Peace Infrastructure and Economic Development Bank Act, the California Infrastructure and Economic Development Bank is authorized to make secured loans and to undertake related activities for the purpose of financing projects, as defined, that relate to infrastructure improvements. The act provides for the establishment of the State Infrastructure Revolving Account in the California Infrastructure and Economic Development Bank Fund, and continuously appropriates the money in the fund to the bank for expenditure for purposes of the act. This bill would, pursuant to certain definitions, authorize the bank to expend account funds, provided to this state by the federal economic stimulus plan, for purposes of the federal Community Block Grant Fund Program to create credit enhancements or to provide loan guarantees or low-interest loans to offset the State Infrastructure Revolving Fund Program's transaction costs, or to supplement the program. The bill would make an appropriation by providing for an additional expenditure from a continuously appropriated account.

Status: In J. E. D. & E. Committee: Hearing postponed by committee. (last activity 4/27/09)

AB 1464
Smyth

Transportation: California Bicycle Routes of National, State, or Regional Significance Act

Existing law requires the Department of Transportation, in cooperation with county and city governments, to establish minimum safety design criteria for the planning and construction of bikeways and roadways where bicycle travel is permitted. This bill would enact the California Bicycle Routes of National, State, or Regional Significance Act, which would authorize the department to establish a process for identifying and promoting bicycle routes of national, state, or regional significance, as specified. The bill would authorize the department to form an advisory committee to help implement the process for identifying and promoting these bicycle routes. The bill would authorize the department to establish a process for organizations, including, but not limited to, local bicycle organizations, private entities, or local or state governmental entities, to nominate a route for inclusion in the system of bicycle routes of national, state, or regional significance. The bill would authorize the department to install bicycle route signs identifying these bicycle routes, as

specified. The bill would provide that applicants or nominating entities may pay the cost for bicycle route signs, as determined by the department.

Status: CHAPTERED

SB 194
Florez

Community Equity Investment Act of 2009

(1) Existing law requires the legislative body of each county and city to adopt a comprehensive, long-term general plan for the physical development of the county or city, and of specified land outside its boundaries. This bill would enact the Community Equity Investment Act of 2009 and declare the intent of the Legislature to create incentives for communities to engage in sustainable community planning that incorporates into each element of its general plan data and analysis, goals, policies and objectives, and feasible implementation measures addressing the presence of disadvantaged unincorporated communities in or near their boundaries, as specified. (2) Existing law requires each city or county that requests funding pursuant to the federal State Community Development Block Grant Program to submit a housing element to the Department of Housing and Community Development, as specified. This bill would also require each city or county, for applications submitted on or after January 1, 2013, to certify that it has amended its general plan in accordance with specified law. The bill would also specify how funds received pursuant to a federal entitlement are expended at the local government level. (3) Existing law requires the Strategic Growth Council to manage and award financial assistance to specified entities for planning activities to achieve various environmental purposes. This bill would require the council, in awarding the financial assistance, to give funding priority to any regional plan or other planning instrument that proposes to include an assessment and analysis of island and fringe communities, as specified. (4) The Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84), an initiative bond measure, makes available \$90,000,000 for urban greening projects and \$90,000,000 for planning grants and planning incentives to encourage the development of regional and local land use plans that are designed for various purposes. Proposition 84 specifies that appropriation of those funds may be made only upon enactment of implementation legislation. This bill would require the council, in awarding the above funds, to give priority to, and as appropriate, provide additional funding for, applicants that propose to incorporate the amendments to a general plan that are specified in this bill into the planning activities receiving funding. (5) Existing law requires the Department of Transportation, in consultation with the Department of the California Highway Patrol, to establish and administer a "Safe Routes to School" construction program pursuant to authority granted under specified federal law and to use federal transportation funds for construction of bicycle and pedestrian safety and traffic calming projects. Existing law requires the department to make grants available to local agencies under the program through a competitive grant process that considers various factors in rating the proposals. This bill would additionally require, in rating a proposal, the consideration of the proposal's benefit to a disadvantaged community.

Status: Set, first hearing. Held in committee and under submission. (last activity 5/28/09)

SB 205
Hancock

Traffic congestion: motor vehicle registration fees

Existing law provides for the imposition by certain districts and local agencies of fees on the registration of motor vehicles in certain areas of the state that are in addition to the basic vehicle registration fee collected by the Department of Motor Vehicles for specific limited purposes. The bill would authorize a countywide transportation planning agency, by a majority vote of the agency's board, to impose an annual fee of up to \$10 on motor vehicles registered within the county for programs and projects for certain purposes. The bill would require voter approval of the measure. The bill would require the department, if requested, to collect the additional fee and distribute the net revenues to the agency, after deduction of specified costs, and would limit the agency's administrative costs to not more than 5% of the distributed fees. The bill would require that the fees collected may only be used to pay for programs and projects bearing a relationship or benefit to the owners of motor vehicles paying the fee and are consistent with a regional transportation plan, and would require the agency's board to make a specified finding of fact in that regard. The bill would require the governing board of the countywide transportation planning agency to adopt a specified expenditure plan.

Status: Set, second hearing. Held in committee and under submission. (last activity 8/27/09)

- SB 391
Liu *California Transportation Plan*
Existing law requires various transportation planning activities by state and regional agencies, including preparation of sustainable communities strategies by metropolitan planning organizations. Existing law provides for the Department of Transportation to prepare the California Transportation Plan for submission to the Governor by December 1, 1993, as a long-range planning document that incorporates various elements and is consistent with specified expressions of legislative intent. This bill would require the department to update the California Transportation Plan December 31, 2015, and every 5 years thereafter. The bill would require the plan to address how the state will achieve maximum feasible emissions reductions in order to attain a statewide reduction of greenhouse gas emissions to 1990 levels by 2020 and 80% below 1990 levels by 2050. The bill would require the plan to identify the statewide integrated multimodal transportation system needed to achieve these results. The bill would require the department, by December 31, 2012, to submit to the California Transportation Commission and specified legislative committee chairs an interim report providing specified information regarding sustainable communities strategies and alternative planning strategies, including an assessment of how their implementation will influence the configuration of the statewide integrated multimodal transportation system. The bill would also specify certain subject areas to be considered in the plan for the movement of people and freight. The bill would require the department to consult with and coordinate its planning activities with specified entities and to provide an opportunity for public input. The bill would make additional legislative findings and declarations and require the plan to be consistent with that statement of legislative intent.
Status: CHAPTERED
- SB 406
Desualnier *Land use: environmental quality*
The Planning and Zoning Law establishes the Planning Advisory and Assistance Council in the Office of Planning and Research, and prescribes the membership and duties of the council. Existing law authorizes the Department of Motor Vehicles to collect a surcharge imposed on vehicle registration fees by ordinance or resolution of a local entity. This bill would change the designated membership, as specified, of the Planning Advisory and Assistance Council and would require that the council work with the Strategic Growth Council, regional agencies, and cities and counties to facilitate the development and implementation of sustainable community strategies or regional blueprint projects, as specified. The bill would also require the council to report to the Legislature on specified regional performance measures and on the manner in which state agencies are implementing the 5-year infrastructure plan, as specified. The bill would authorize a municipal planning organization, as defined, a council of governments, as defined, or a county transportation commission and a subregional council of governments jointly preparing a subregional sustainable communities strategy to adopt a resolution to impose a surcharge of \$1 or \$2 on motor vehicles registered to an owner with an address in the entity's or entities' jurisdiction. The surcharge would be required to apply to an original vehicle registration occurring on or after 6 months following the adoption of the resolution, as specified, and to a renewal of registration with an expiration date on or after that 6-month period. The surcharge would be collected by the Department of Motor Vehicles and, after deducting its administrative costs, would be transmitted to the entity or entities imposing the surcharge. The bill would require that the surcharge revenue that exceeds \$1 be expended to develop and implement a regional blueprint plan and would specify that 5% of all the surcharge revenue be transmitted to the council for performance of specified functions. The bill would provide that the council is to perform specified new functions only when the council has received sufficient revenue from this source.
Status: VETOED
- SB 560
Ashburn *Regional transportation plans: sustainable communities strategy*
Existing law requires certain transportation planning activities by designated regional transportation planning agencies, including development of a regional transportation plan. Certain of these agencies are designated under federal law as metropolitan planning organizations. Existing law requires metropolitan planning organizations to adopt a sustainable communities strategy as part of their regional transportation plan, which is to be designed to achieve certain targets established by the State Air Resources Board for the reduction of greenhouse gas emissions from automobiles and light trucks in the region. Existing law generally requires transportation planning and programming

activities by the metropolitan planning organization to be consistent with the sustainable communities strategy, with certain exceptions. Existing law, to the extent the sustainable communities strategy is unable to achieve the greenhouse gas emissions reduction targets, requires the affected metropolitan planning organizations to prepare an alternative planning strategy showing how the targets may be achieved through alternative development patterns, infrastructure, or additional transportation measures or policies. This bill would provide that greenhouse gas emission credits for counties and cities that site and permit commercial wind, solar, and biomass projects may be used as credit in the formulation of the sustainable communities strategy or an alternative planning strategy. The bill would also provide that transportation trips outside of federal lands that are directly related to activities of a federal or state military installation shall not be included in the emissions inventory otherwise required to be considered to achieve any reductions in greenhouse gas emissions. Existing law requires the metropolitan planning organization or a county transportation agency, as appropriate, to consider financial incentives for cities and counties that have resource lands or farmlands, as defined, for the purposes of, for example, transportation investments for the preservation of the city street or county road system, and farm to market and interconnectivity transportation needs. This bill would add provision of access for renewable energy projects to the transportation investments that should be considered for purposes of providing financial incentives.

Status: To Coms. on EQ. and T. & H. (last activity 3/12/09)

SB 813
Kehoe

Community development: deferred payment future value loan programs

Under existing law, there are programs providing assistance for, among other things, multifamily housing, emergency housing, farmworker housing, home ownership for very low and low-income households, and downpayment assistance for first-time home buyers administered by the Department of Housing and Community Development. The Joe Serna, Jr. Farmworker Housing Grant Program provides grants and loans for the construction or rehabilitation of housing for agricultural employees and their families or for the acquisition of manufactured housing to address and remedy the impacts of displacement of farmworker families. The CalHome Program provides grants and loans to enable low- and very low income households to become or remain homeowners. The Building Equity and Growth in Neighborhoods (BEGIN) Program is established to make grants and loans to be used for downpayment assistance to qualifying first-time home buyers of low- and moderate-incomes purchasing newly constructed homes in a BEGIN project. Existing federal law establishes the HOME Investment Partnership Act, which allocated funds to states and local governments to eligible states to, among other things, expand the supply of affordable housing. The department is the state agency responsible for the state's allocation of HOME funds. This bill would make legislative findings and declarations relating to the securitization of second mortgage loans with funds made available by the department. The bill would authorize, for the purposes of each of the above programs, a grant or loan for an individual household to include a deferred payment future value loan due on sale or transfer, or when the property ceases to be owner-occupied, as specified. The bill would require the department to implement its provisions through guidelines exempt from a specified provision of existing law.

Status: VETOED

SCA 3
Wyland

Transportation Investment Fund

Article XIX B of the California Constitution requires, commencing with the 2003-04 fiscal year, that sales taxes on motor vehicle fuel that are deposited into the General Fund be transferred to the Transportation Investment Fund (TIF) for allocation to various transportation purposes. Article XIX B authorizes this transfer to be suspended in whole or in part for a fiscal year during a fiscal emergency pursuant to a proclamation by the Governor and the enactment of a statute by a 2/3 vote in each house of the Legislature, subject to various restrictions. This measure would delete the provisions authorizing the transfer of revenues to the TIF to be suspended during a fiscal emergency. The measure would also prohibit a loan of TIF revenues under any circumstances, and would prohibit any statute that would reduce the extent to which these tax revenues are deposited into the General Fund for transfer to the TIF for transportation purposes.

Status: Set, first hearing. Hearing canceled at the request of author. (last activity 4/23/09)