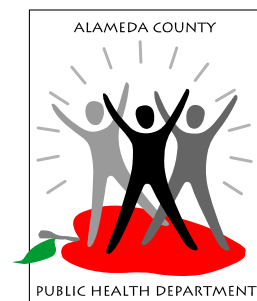


# *Public Health Legislation from the 2010 California Legislative Session*

Prepared by Pam Willow, December, 2010

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 passed and signed into law during the 2010 session of the California State Legislature and is organized by Health Care Services Agency Departments, Public Health Department Divisions and by the social determinants of health (criminal justice, economic development, income, education, housing land use and transportation). All bills are included only once under the most appropriate category, although many could appropriately be included in more than one category. You may want to browse other sections to make sure you haven't missed a bill that is of importance to you.

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](http://www.leginfo.ca.gov), which was the main source for this document and the bill summaries.

Unless otherwise indicated, all legislation will become effective on January 1, 2011.

## Legislative Council

This document was prepared under the auspices of the Alameda County Public Health Department Legislative Council. The Legislative Council is comprised of twelve active members from the following departments, divisions, and areas: Health Care Services, Behavioral Health Care Services, Environmental Health, Administrative Services, Community Health Services, Communicable Disease Control & Prevention, Emergency Medical Services, Family Health Services, Public Health Nursing, the Office of AIDS, Office of the Director, and Office of the Health Officer. 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](mailto: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](mailto:Pam.Willow@acgov.org).

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Health Care Services Agency

- AB 17  
Swanson      *Human trafficking*  
Existing law, the California Control of Profits of Organized Crime Act, provides the procedure for the forfeiture of property acquired through a pattern of criminal profiteering activity and for the forfeiture of the proceeds of a pattern of criminal profiteering activity, as specified, and requires the prosecution to file a petition for forfeiture in conjunction with certain criminal charges. Under existing law, criminal profiteering activity is defined to include specified crimes. This bill would include abduction or procurement by fraudulent inducement for prostitution within the definition of criminal profiteering activity, as specified. Under the California Control of Profits of Organized Crime Act, in all cases where property is forfeited and, if necessary, sold by the Department of General Services or a local governmental entity, the money forfeited or the proceeds of sale are required to be distributed by the state or local governmental entity in accordance with certain procedures, including to the general fund of the state or local governmental entity, whichever prosecutes. The bill would specify that in any case involving human trafficking of minors for purposes of prostitution or lewd conduct, or in any case involving abduction or procurement by fraudulent inducement for prostitution, in lieu of the distribution procedure described above, the proceeds shall be deposited in the Victim-Witness Assistance Fund to be available for appropriation to fund child sexual exploitation and child sexual abuse victim counseling centers and prevention programs. The bill would also require 50% of the funds deposited in the Victim-Witness Assistance Fund pursuant to this new requirement to be granted to community-based organizations that serve minor victims of human trafficking. Existing law authorizes the sentencing court to impose an additional fine of up to \$5,000 on any person convicted of pimping, pandering, or procurement of a child under 16 years of age, as specified. Existing law provides that every fine imposed and collected for a person convicted of pimping, pandering, or procurement of a child under 16 years of age be deposited in the Victim-Witness Assistance Fund to be available for appropriation to the California Emergency Management Agency for grants to child exploitation and child sexual abuse victim counseling centers and prevention programs. This bill would increase the maximum amount of additional authorized fine to \$20,000 for any person convicted of procurement of a child under 16 years of age, as specified. The bill would also authorize the court to order a defendant convicted of abducting a person under 18 years of age for the purpose of prostitution to pay an additional fine of \$20,000. The bill would require that 50% of those fines collected and deposited in the Victim-Witness Assistance Fund pursuant to these provisions, including the fine authorized in the bill for abducting a minor for the purpose of prostitution, be granted to community-based organizations that serve minor victims of human trafficking.
- AB 108  
Hayashi      *Individual health care coverage*  
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 its provisions a crime. Existing law provides for the regulation of health insurers by the Department of Insurance. Existing law prohibits the cancellation or nonrenewal of an enrollment or subscription by a health care service plan except in specified circumstances. Existing law prohibits the nonrenewal of individual health benefit plans by a health insurer except in specified circumstances. This bill would prohibit a health care service plan or health insurer from rescinding an individual health care service plan contract or individual health insurance policy for any reason, or from canceling, limiting, or raising the premiums of the plan contract or policy due to any omission, misrepresentation, or inaccuracy in the application form, after 24 months following the issuance of the plan contract or policy, except as specified.
- 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.

AB 278  
Monning

*Health information exchange: demonstration projects*

Existing law establishes the Office of Health Information Integrity within the California Health and Human Services Agency to ensure the enforcement of state law mandating confidentiality of medical information and to impose administrative fines for the unauthorized use of medical information. Existing law authorizes the California Health and Human Services Agency, or one of the departments under its jurisdiction, to apply for federal funds made available through the federal American Recovery and Reinvestment Act of 2009 (ARRA) for health information technology and exchange. This bill would authorize the office to establish and administer demonstration projects to evaluate potential solutions to facilitate health information exchange that promote quality of care, respect the privacy and security of personal health information, and enhance the trust of the stakeholders. This bill would authorize health care entities or governmental authorities, as defined, that receive, share, exchange, or use a California resident's medical information to submit an application with the office to be approved as demonstration project participants, as defined. The bill would authorize the office to approve annually up to 4 projects as demonstration projects. The bill would require any costs associated with the support, assistance, and evaluation of approved demonstration projects to be funded exclusively by the above-described federal funds or other non-General Fund sources. The bill would require the office to report to prescribed committees of the Legislature within 6 months after the end of the project. This bill would become inoperative on the date the Director of the Office of Health Information Integrity executes a declaration stating that the grant period for the above-described federal funds has ended, and as of that date would be repealed.

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 (OSHPD) 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 OSHPD 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.

AB 523  
Huffman

*Hospitals: seismic safety*

Existing law, the Alfred E. Alquist Hospital Facilities Seismic Safety Act of 1983, establishes, under

the jurisdiction of the Office of Statewide Health Planning and Development, a program of seismic safety building standards for certain hospitals constructed on and after March 7, 1973. Existing law authorizes the office to assess an application fee for the review of facilities design and construction, and requires that full and complete plans be submitted to the office for review and approval. Existing law requires that, after January 1, 2008, any general acute care hospital building that is determined to be at potential risk of collapse or pose significant loss of life be used only for nonacute care hospital purposes, except that the office may grant a 5-year extension under prescribed circumstances. Existing law also allows the office to grant an additional 2-year extension to the January 2008 deadline in specified circumstances. This bill would also allow the office to grant the additional 2-year extension for a hospital building that, among other requirements, is owned by a health care district that has, as owner, received the extension of the January 1, 2008, deadline, but where the hospital is operated by an unaffiliated 3rd-party lessee pursuant to a facility lease that extends at least through December 31, 2009, if the health care district requests the additional extension by March 1, 2010. This bill would require the district to file a declaration stating specified information as a condition for receiving the extension. This bill would prohibit the office from granting the extension if an unaffiliated 3rd-party lessee will operate the hospital beyond December 31, 2010, and would make the extension applicable only while the hospital is operated by the district or an entity under the control of the district. This bill would declare that it is to take effect immediately as an urgency statute.

AB 1142  
Price

*Medi-Cal: proof of eligibility*

Existing law establishes 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 services. Existing law provides that it is the responsibility of the Medi-Cal beneficiary to provide information and evidence of Medi-Cal eligibility to that person's health care provider if that information is requested by the provider prior to rendering services to that beneficiary. Existing law provides that it is the responsibility of the provider prior to rendering Medi-Cal reimbursable services to persons presenting themselves as Medi-Cal beneficiaries to make a good faith effort to verify the person's identity, if the person is not known to the provider, otherwise payment for those services may later be disallowed by the department. This bill would provide, if a hospital obtains proof of Medi-Cal eligibility for a patient subsequent to the date of service, that it is the responsibility of a hospital to provide all information regarding that person's Medi-Cal eligibility to certain providers that bill separately for all services associated with the person's treatment in the hospital rendered during the same time period for which the hospital is submitting a claim, as specified. Existing law prohibits any provider of health care services who obtains a label or copy from the Medi-Cal card or other proof of eligibility from seeking reimbursement or attempting to obtain payment for the cost of the covered health care services from the eligible applicant or recipient, or any person other than the department or a 3rd-party payor who provides a contractual or legal entitlement to health care services. This bill would require a Medi-Cal provider, if the provider receives proof of a patient's Medi-Cal eligibility and has previously referred an unpaid bill for services rendered to the patient to a debt collector, to promptly notify the debt collector of the patient's Medi-Cal coverage, instruct the debt collector to cease collection efforts on the unpaid bill for covered services, and notify the patient accordingly. This bill would provide that a provider of health care services who obtains a label from, or copy of, the Medi-Cal card or other proof of eligibility and who subsequently pursues reimbursement or payment for the cost of covered services from the beneficiary or fails to cease collection efforts against the beneficiary for covered services, as prescribed, may be subject to a penalty, payable to the department, not to exceed 3 times the amount payable by the Medi-Cal program. The bill would also require that prescribed mitigating circumstances be considered when assessing the penalty. The bill would require that a provider have the right to appeal the assessed penalty, as specified. Existing law prohibits a person furnishing information on a specific transaction or experience to any consumer credit reporting agency if the person knows or should know the information is incomplete or inaccurate. This bill would provide that if a Medi-Cal provider or debt collector receives proof of Medi-Cal coverage for services rendered and then reports the services rendered to a consumer credit reporting agency or fails to provide corrections of, or instructions to delete, as appropriate, information regarding Medi-Cal covered services to a consumer reporting agency, the provider or debt collector shall be deemed to be in violation of the above-described



provisions.

AB 1422

Bass

*Health care programs: California Children and Families Act of 1998*

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 declare that it is to take effect immediately as an urgency statute.

AB 1602

John A.  
Perez

*California Health Benefit Exchange*

Existing law provides various programs to provide health care coverage to persons with limited financial resources, including the Medi-Cal program and the Healthy Families Program. Existing law provides for the licensure and regulation of health care service plans by the Department of Managed Health Care and makes a willful violation of its provisions a crime. Existing law also provides for the regulation of health insurers by the Department of Insurance. Existing law, the federal Patient Protection and Affordable Care Act (PPACA), requires each state to, by January 1, 2014, establish an American Health Benefit Exchange that facilitates the purchase of qualified health plans by qualified individuals and qualified small employers, as specified, and meets certain other requirements. This

bill would enact the California Patient Protection and Affordable Care Act, and would, contingent on the enactment of SB 900, which would create the California Health Benefit Exchange (the Exchange), specify the powers and duties of the board governing the Exchange relative to determining eligibility for enrollment in the Exchange and arranging for coverage under qualified health plans, and would require the board to facilitate the purchase of qualified health plans through the Exchange by qualified individuals and qualified small employers by January 1, 2014. The bill would create the California Health Trust Fund as a continuously appropriated fund and would make the implementation of these provisions contingent on a determination by the board that sufficient financial resources exist or will exist in the fund, as specified. The bill would enact other related provisions. The bill would impose various requirements on participating plans and insurers and, commencing January 1, 2014, on nonparticipating plans and insurers, as specified. Because a willful violation of these requirements by a health care service plan would be a crime, the bill would impose a state-mandated local program. Under existing law, the California Health Facilities Financing Authority Act, the California Health Facilities Authority is empowered to make loans under certain conditions from the continuously appropriated California Health Facilities Financing Authority Fund to nonprofit corporations or associations for financing or refinancing the acquisition, construction, or remodeling of health facilities. This bill would authorize the authority to provide a working capital loan of up to \$5 million to assist in the establishment and operation of the California Health Benefit Exchange. The bill would require that loans awarded under the bill be made from the California Health Facilities Authority Fund and would require repayment of the loan by a specified date. Because the bill would expand the purposes for which a continuously appropriated fund may be used, it would make an appropriation.

AB 1887  
Villines

*Temporary high risk pool*

Existing law, the federal Patient Protection and Affordable Care Act, requires the United States Secretary of Health and Human Services to establish a temporary high risk health insurance pool program to provide health insurance coverage for eligible individuals until January 1, 2014. Existing law authorizes the secretary to carry out this program directly or through contracts to eligible entities, including states, and requires that money made available pursuant to these provisions be used to establish a qualified high risk pool that meets certain requirements. Existing law establishes the California Major Risk Medical Insurance Program, which is administered by the Managed Risk Medical Insurance Board (MRMIB), to provide major risk medical coverage to persons who, among other matters, have been rejected for coverage by at least one private health plan. This bill would establish the Federal Temporary High Risk Health Insurance Fund as a continuously appropriated fund to administer the qualified high risk pool required by federal law, thereby making an appropriation. The bill would repeal these provisions on January 1, 2020. Existing law exempts from the Public Records Act records of MRMIB related to contract negotiations and deliberations, and exempts from the Bagley-Keene Open Meeting Act matters related to the development of rates and contracting strategy for entities contracting or seeking to contract with MRMIB. This bill would add to those exemptions records and meetings of MRMIB with regard to contract negotiations with entities with which MRMIB is considering or enters into any arrangement under which MRMIB provides, receives, or arranges services or reimbursement, including those negotiations conducted for purposes of the qualified high risk pool and the fund created by the bill. This bill would provide that it shall become operative only if SB 227 of the 2009-10 Regular Session is also enacted and becomes operative. The bill would declare that it is to take effect immediately as an urgency statute.

AB 2028  
Hernandez

*Confidentiality of medical information disclosure*

Existing law specifies certain agencies to which mandated reports of suspected child abuse or neglect shall be made. Existing law authorizes information relevant to the incident of child abuse or neglect to be given to an investigator from an agency that is investigating the case, as provided. Existing law also authorizes information relevant to the incident of elder or dependent adult abuse to be given to an investigator from an agency investigating the case, as provided. Existing law, the Confidentiality of Medical Information Act, prohibits a health care provider, a contractor, or a health care service plan from disclosing medical information, as defined, regarding a patient of the provider or an enrollee or subscriber of the health care service plan without first obtaining an authorization, except as specified. Existing law makes a violation of the act that results in economic loss or personal injury

to a patient a misdemeanor. This bill would authorize a health care provider or a health care service plan to disclose information relevant to the incident of child abuse or neglect, or to the incident of elder or dependent adult abuse, that may be given to an investigator from an agency investigating the case, including the investigation report and other pertinent materials that may be given to the licensing agency. By changing the definition of a crime, the bill would impose a state-mandated local program. Existing law prohibits providers of health care, health care service plans, and contractors from releasing medical information to persons authorized by law to receive that information if the information specifically relates to a patient's participation in outpatient treatment with a psychotherapist, unless the requester of the information submits a specified written request for the information to the patient and to the provider of health care, health care service plan, or contractor. However, existing law excepts from those provisions specified disclosures that are made for the purpose of diagnosis or treatment of a patient or that are made to prevent or lessen a serious and imminent threat to the health or safety of a reasonably foreseeable victim or victims. This bill would also except from these provisions disclosures that are specifically authorized by law, including, but not limited to disclosures made to the federal Food and Drug Administration of adverse events related to drug products or medical devices or disclosures that authorize a health care provider or a health care service plan to disclose information relevant to the incident of child abuse or neglect, or to the incident of elder or dependent adult abuse, in the report that may be given to an investigator from an agency investigating the case or by a mandated reporter, as provided.

AB 2244  
Feuer

*Health care coverage*

Existing law, the federal Patient Protection and Affordable Care Act, on and after January 1, 2014, requires a health insurance issuer offering health insurance coverage in the individual or group market to accept every employer and individual in the state that applies for that coverage, as specified, and allows premiums for coverage in the individual or small group market to vary only by rating area, age, tobacco use, and whether the coverage is for an individual or family, as specified. The act also prohibits a health insurance issuer offering group or individual health insurance coverage from imposing any preexisting condition for children with respect to plan years beginning on or after September 23, 2010, and for adults with respect to plan years beginning on or after January 1, 2014. 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. Existing law provides for the regulation of health insurers by the Department of Insurance. 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 the exclusion or limitation of coverage for children due to any preexisting condition, except as specified. The bill would further require plans and insurers offering coverage in the individual market to offer coverage for a child subject to specified requirements. The bill would prescribe limits on the rates that may be imposed for coverage of a child depending on, among other things, whether the child applies for coverage during an open enrollment period, as defined, or is a late enrollee, as defined, and would, effective January 1, 2014, require plans and insurers to apply standard risk rates to child coverage, except as specified. The bill would prohibit a plan or carrier that does not or ceases to write new plan contracts or policies for children from offering new individual plan contracts or policies in this state for 5 years. The bill would authorize the Department of Managed Health Care and the Department of Insurance to issue guidance for purposes of implementing these provisions.

AB 2345  
De La Torre

*Health care coverage: preventive services*

Existing law, the federal Patient Protection and Affordable Care Act (PPACA), enacts various health care coverage market reforms. With respect to plan years beginning on and after September 23, 2010, the act requires health insurance issuers to provide coverage, and not impose cost-sharing requirements, for certain preventive services. 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. This bill would require health care service plan contracts and health insurance policies issued, amended, renewed, or delivered on or after September 23, 2010, to comply with the provisions of PPACA regarding

coverage of, and cost-sharing for, preventive services and any rules or regulations issued pursuant to those provisions to the extent required under federal law. Because a willful violation of this requirement by a health care service plan would be a crime, the bill would impose a state-mandated local program.

AB 2470 *Health care coverage*

De La Torre

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 its provisions a crime. Existing law provides for the regulation of health insurers by the Department of Insurance. Existing law prohibits the cancellation or nonrenewal of individual or group health benefit plans by a health care service plan or a health insurer except in specified circumstances, including for nonpayment of premiums or for fraud or misrepresentation, as specified, and gives an enrollee of a health care service plan contract a right to appeal a cancellation or nonrenewal to the Director of the Department of Managed Health Care. Existing law prohibits a plan or insurer from engaging in postclaims underwriting, as defined, and from rescinding an individual contract or policy for any reason, or canceling the contract or policy due to misrepresentation, as specified, after 24 months following issuance of the contract or policy. This bill would make that 24-month limit apply to all health care service plan contracts and health insurance policies and would consolidate various cancellation and nonrenewal provisions with respect to health care service plans. The bill would also prohibit a plan or insurer from rescinding a health care service plan contract or health insurance policy, or limiting any of the provisions of the contract or policy, once an enrollee or insured is covered under the contract or policy unless the plan or insurer can demonstrate that the enrollee or insured has performed an act or practice constituting fraud or made an intentional misrepresentation of material fact as prohibited by the terms of the contract or policy. The bill would require a plan or insurer to send a notice to the enrollee or subscriber or policyholder or insured at least 30 days prior to the effective date of the rescission containing specified information. The bill would modify the cancellation and nonrenewal appeal rights that apply to health care service plans and would make those appeal rights apply to health insurers and rescissions, as specified. The bill would require that coverage under the plan or policy shall continue pending the appeal. The bill would make other related changes and authorize the Director of the Department of Managed Health Care and the Insurance Commissioner to issue guidance to health care service plans and health insurers on compliance, as specified.

SB 227 *Health care coverage: temporary high risk pool*

Alquist

Existing law, the federal Patient Protection and Affordable Care Act, requires the United States Secretary of Health and Human Services to establish a temporary high risk health insurance pool program to provide health insurance coverage for eligible individuals until January 1, 2014. Existing law authorizes the secretary to implement this program directly or through contracts with eligible entities, including the states, and requires that federal money made available pursuant to these provisions be used to establish a qualified high risk pool that meets certain requirements. Existing law establishes the California Major Risk Medical Insurance Program, which is administered by the Managed Risk Medical Insurance Board (MRMIB), to provide major risk medical coverage to persons who, among other things, have been rejected for coverage by at least one private health plan. This bill would require MRMIB to enter into an agreement with the federal Department of Health and Human Services to administer a temporary high risk pool to provide health coverage, until January 1, 2014, to specified individuals who have preexisting conditions, consistent with the federal Patient Protection and Affordable Care Act. The bill would repeal these provisions on January 1, 2020. The bill would also appropriate \$761,000,000 from the Federal Trust Fund to MRMIB for the purposes of these provisions. 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. Existing law requires a health care service plan or a health insurer that rejects an applicant for individual coverage or offers individual coverage at a rate higher than the standard rate to inform the applicant about the California Major Risk Medical Insurance Program. This bill would also require the plan or insurer to inform the applicant about the temporary high risk pool established pursuant to the bill and would require that

information to be provided in accordance with standards developed by the Department of Managed Health Care or the Department of Insurance, as specified. Because a willful violation of this requirement by a health care service plan would be a crime, the bill would impose a state-mandated local program. The bill would also require the Department of Managed Health Care and the Department of Insurance to post information on their Internet Web sites about the temporary high risk pool established pursuant to the bill. This bill would declare that it is to take effect immediately as an urgency statute.

- SB 608  
Alquist *Hospitals: seismic safety*  
Existing law, the Alfred E. Alquist Hospital Facilities Seismic Safety Act of 1983, establishes, under the jurisdiction of the Office of Statewide Health Planning and Development, a program of seismic safety building standards for certain hospitals constructed on and after March 7, 1973. Existing law authorizes the office to assess an application fee for the review of facilities design and construction, and requires that full and complete plans be submitted to the office for review and approval. Existing law requires fees to be credited to the Hospital Building Fund, which is continuously appropriated to the office. Existing law requires that, after January 1, 2008, any general acute care hospital building that is determined to be a potential risk of collapse or pose significant loss of life be used only for nonacute care hospital purposes, except that the office may grant a 5-year extension of that deadline, under prescribed circumstances, for both structural and nonstructural requirements. Existing law also authorizes the office to grant an additional extension if the hospital building meets designated criteria, including appropriately retrofitting the facility, as specified. This bill would authorize the office to grant a 3-year extension of the 5-year extension in lieu of the previously described additional extension under specified conditions. It would grant an additional extension of up to 2 years if specified criteria are met. This bill would require a hospital owner that applies for an extension pursuant to this bill to pay to the office a fee for the costs of reporting required for this extension. Because these fees would be deposited into a continuously appropriated fund, this bill would make an appropriation.
- SB 657  
Steinberg *Human trafficking*  
The federal Victims of Trafficking and Violence Protection Act of 2000 establishes an Interagency Task Force to Monitor and Combat Trafficking, as specified. Existing state law makes human trafficking a crime. Existing state law also allows a victim of human trafficking to bring a civil action for actual damages, compensatory damages, punitive damages, injunctive relief, any combination of those, or any other appropriate relief. Existing law generally regulates various business activities and practices, including those of retail sellers and manufacturers of products. This bill would enact the California Transparency in Supply Chains Act of 2010, and would, beginning January 1, 2012, require retail sellers and manufacturers doing business in the state to disclose their efforts to eradicate slavery and human trafficking from their direct supply chains for tangible goods offered for sale, as specified. That provision would not apply to a retail seller or manufacturer having less than \$100,000,000 in annual worldwide gross receipts. The bill would also make a specified statement of legislative intent regarding slavery and human trafficking. The bill would also require the Franchise Tax Board to make available to the Attorney General a list of retail sellers and manufacturers required to disclose efforts to eradicate slavery and human trafficking pursuant to that provision, as specified.
- SB 677  
Yee *Human trafficking: property: seizure*  
Existing law defines human trafficking as the deprivation or violation of the personal liberty of another person with the intent to commit certain specified sex offenses with the person or to obtain forced labor or services, as specified. This bill would authorize real property used to facilitate the commission of that offense to be declared and treated as a nuisance, as specified.
- SB 1088  
Price *Health care coverage: dependents*  
Existing law, the federal Patient Protection and Affordable Care Act, requires a health insurance issuer issuing group or individual coverage that provides dependent coverage of children to continue to make that coverage available for an adult child until the child attains 26 years of age with respect to plan years beginning on or after September 23, 2010. Regulations promulgated under that

provision require issuers to provide certain dependents who have lost or been denied coverage an opportunity to enroll, as specified. 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 the limiting age for dependent children covered by health care service plan contracts and health insurance policies from being less than 26 years of age with respect to plan or policy years beginning on or after September 23, 2010, except for certain group contracts and policies for plan or policy years beginning before January 1, 2014, as specified. The bill would require plans and insurers to provide certain dependents who have lost or been denied coverage an opportunity to enroll, as specified.

SB 1163  
Leno

*Health care coverage: denials: premium rates*

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. Existing law requires a health care service plan that offers health care coverage in the individual market to provide an individual to whom it denies coverage or enrollment or offers coverage at a rate higher than the standard rate with the specific reason or reasons for that decision in writing. Existing law also prohibits a health care service plan or a health insurer offering coverage in the individual or group market from changing the premium rate or coverage without providing specified notice to the policyholder or subscriber at least 30 days prior to the effective date of the change. This bill would require a health care service plan that offers coverage in the group market and a health insurer that offers health care coverage in the individual or group market to provide an applicant to whom it denies coverage or enrollment, as specified, or offers coverage at a rate higher than the standard rate or standard employee risk rate with the specific reason or reasons for that decision in writing. With respect to both health insurers and health care service plans issuing individual or group policies or contracts, the bill would require that the reasons for a denial or a higher than standard rate be stated in clear, easily understandable language. The bill would require notice of a change to the premium rate of coverage to be provided at least 60 days prior to the effective date of the change. Existing law, the federal Patient Protection and Affordable Care Act, requires the United States Secretary of Health and Human Services to establish a process for the annual review of unreasonable increases in premiums for health insurance coverage in which health insurance issuers submit to the secretary and the relevant state a justification for an unreasonable premium increase prior to implementation of the increase. The act requires the secretary to carry out a program to award grants to states during the 5-year period beginning with fiscal year 2010 to assist states in carrying out this process, as specified. This bill would require a health care service plan or health insurer in the individual, small group, or large group markets to file rate information with the Department of Managed Health Care or the Department of Insurance, as specified, and would require that the information be certified by an independent actuary, as specified, and be made publicly available, except as specified. The bill would authorize the departments to review these filings and issue guidance regarding compliance, require the departments to consult with each other regarding specified actions, and require the departments to post certain findings on their Internet Web sites. The bill would enact other related provisions.

SB 1279  
Pavley

*Commercially sexually exploited minors*

Existing law, until January 1, 2012, authorizes the District Attorney of Alameda County to create a pilot project, contingent upon local funding, for the purposes of developing a comprehensive, replicative, multidisciplinary model to address the needs and effective treatment of commercially sexually exploited minors, as specified. Existing law authorizes the District Attorney of Alameda County, as part of the pilot project, to develop protocols for identifying and assessing minors, upon arrest or detention by law enforcement, who may be victims of commercial sexual exploitation, and to develop a diversion program reflecting the best practices to address the needs and requirements of

those minors. The district attorney is also authorized to develop, offer, and provide a training curriculum that would provide training for certain county employees on the commercial sexual exploitation of minors in Alameda County, as specified. This bill would authorize an identical pilot project for the County of Los Angeles. The bill would provide that if the county establishes this pilot project, the district attorney of the county would be required, contingent upon local funding, to submit a report to the Legislature summarizing the activities performed pursuant to the pilot project. These provisions would be in effect only until January 1, 2014.

SCR 76  
Corbett

*Human trafficking awareness*

This measure would proclaim the Legislature's support of human trafficking awareness events.

## Behavioral Health Care Services

- AB 1571  
Committee on Veterans Affairs  
*Mental Health services: county plans: veterans*  
Existing law, the Bronzan-McCorquodale Act, contains provisions governing the operation and financing of community mental health services for the mentally disordered in every county through locally administered and locally controlled community mental health programs. Existing law, the Mental Health Services Act, an initiative measure enacted by the voters as Proposition 63 at November 2, 2004, statewide general election, establishes the Mental Health Services Fund to fund various county mental health programs. The act may be amended by the Legislature only by a 2/3 vote of both houses and only so long as the amendment is consistent with and furthers the intent of the act. The Legislature may clarify procedures and terms of the act by majority vote. Existing law requires each county mental health program to prepare and submit a 3-year plan to be updated at least annually and approved by the department after review and comment by the Mental Health Services Oversight and Accountability Commission. Existing law requires the plan to be developed with specified local stakeholders. This bill would require the local stakeholder planning group to include veterans and representatives from veterans organizations and would require the department, as part of its review of the county plan, to inform the Department of Veterans Affairs of county plans that have outreach programs specifically for veterans or that provide services specifically for veterans.
- AB 2268  
Chesbro  
*Mental Health services: county plans: veterans*  
Existing law, with certain exceptions, requires any narcotic controlled substance employed in treating an addict for addiction to be administered by a physician and surgeon, a registered nurse acting under the instruction of a physician and surgeon, or a licensed physician assistant acting under the patient-specific authority of his or her physician and surgeon supervisor, as specified. Existing law prohibits a person from treating an addict for addiction to a narcotic drug except in specified locations, including, a facility licensed by the State Department of Alcohol and Drug Programs, as specified. Existing law restricts the amounts of certain controlled substances that a physician treating an addict for addiction may prescribe for or furnish to the addict during each day of treatment, as specified. Existing federal law requires a practitioner, including a physician and surgeon, who dispenses narcotics to individuals for maintenance treatment or detoxification treatment to annually register with the federal Attorney General for that purpose. Under existing federal law, this requirement is waived if specified circumstances exist. This bill would authorize a physician and surgeon who is registered with the federal Attorney General pursuant to the above-described federal law to provide treatment for addiction pursuant to this federal law.
- AB 2645  
Chesbro  
*Mental health: skilled nursing facilities: reimbursement rate*  
Existing law provides for the licensure and regulation of health facilities, including skilled nursing facilities, by the State Department of Public Health. Existing law requires the State Department of Health Care Services to contract with skilled nursing facilities that have been designated by the State Department of Mental Health as institutions for mental disease to provide services to the residents. Under existing law, as long as contracts require institutions for mental disease to continue to be licensed as skilled nursing facilities, they shall be reimbursed at a specified rate, subject to an annual increase of 4.7 percent. This bill would, from July 1, 2010, to June 30, 2012, inclusive, set the reimbursement rate for services in institutions for mental disease licensed and certified as skilled nursing facilities at the same rate as was in effect on July 1, 2009. This bill would declare that it is to take effect immediately as an urgency statute.
- SB 543  
Leno  
*Minors: consent to mental health services*  
Existing law authorizes a minor who is 12 years of age or older to consent to mental health treatment or counseling, except as specified, on an outpatient basis, or to residential shelter services, if specified conditions are met. This bill would, notwithstanding any provision of law, instead, provide that a minor who is 12 years of age or older may consent to outpatient mental health services, if, in the opinion of the professional person, as defined, the minor is mature enough to participate intelligently in the mental health treatment or counseling services. The bill would expand the definition of a professional person to include a licensed clinical social worker, as specified, and a



board certified or board eligible psychiatrist. 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 provide that the above mental health services will not apply to the receipt of benefits under the Medi-Cal program.

SB 1392  
Steinberg

*Mental health: community mental health services*

Existing law, the Bronzan-McCorquodale Act, contains provisions governing the operation and financing of community mental health services for the mentally disordered in every county through locally administered and locally controlled community mental health programs. Under existing law, the State Department of Mental Health is allowed to advance, in equal monthly increments, up to 95% of the annual funds due to community mental health programs. This bill would remove the restriction to 12 monthly installments and a maximum of 95% for advances. Existing law provides for administration of the Early and Periodic Screening, Diagnosis, and Treatment Program (EPSDT) by the State Department of Mental Health. Existing law separately establishes the Medi-Cal program, administered by the State Department of Health Care Services, under which basic health care services, including mental health services are provided to qualified low-income persons. The Medi-Cal program is partially governed and funded under federal Medicaid provisions. Under existing law, the State Department of Mental Health is required to implement managed mental health care for Medi-Cal recipients through fee-for-service or capitated contracts with counties, counties acting jointly, qualified individuals or organizations, or nongovernmental entities. Existing law requires the department to allocate the contracted amount to the mental health plan (MHP) at the beginning of the contract period. This bill would require the State Department of Mental Health to allocate and distribute annually the full appropriated amount to the MHP for the managed mental health program, exclusive of the EPSDT component. Existing law requires MHPs to have sufficient matching funds on deposit with the department as matching funds necessary for federal financial participation, as specified. This bill would eliminate this requirement. Existing law, the Mental Health Services Act, an initiative measure enacted by the voters as Proposition 63 at the November 2, 2004, statewide general election, establishes the Mental Health Services Fund (MHSF) to fund various county mental health programs. The act may be amended by the Legislature only by a 2/3 vote of both houses and only so long as the amendment is consistent with and furthers the intent of the act. The Legislature may clarify procedures and terms of the act by majority vote. Under existing law, funding for the Mental Health Services Act is required to be used to expand mental health services, but may be loaned to the General Fund, as provided. This bill would, instead, subject to the availability of funding in the MHSF, require the State Department of Mental Health to distribute in a single lump sum the total approved funding, as defined, to the counties for the provision of programs and other activities, as specified.

## Environmental Health Services

AB 1674  
Saldana

*Hazardous substances: storage tanks*

(1) Existing law generally regulates the storage of hazardous substances in underground storage tanks, including imposing certain requirements on those underground storage tanks installed on or after July 1, 2003, and before July 1, 2004, or on or after July 1, 2004. Existing law exempts from the underground storage tank requirements an underground storage tank that meets all of the specified criteria, one of which is that the applicable local agency determines, without objection from the State Water Resources Control Board, that the underground storage tank meets or exceeds the requirements generally imposed on underground storage tanks under existing law. This bill, with respect to the criteria that an underground storage tank is required to meet for an exemption, would delete the requirement that the board not object to the local agency's determination. To qualify for the exemption, the bill also would provide that if the underground storage tank is installed on or after July 1, 2003, the local agency would be required to determine that the tank meets or exceeds the requirements for underground storage tanks installed after January 1, 1984, except for certain in lieu conditions for motor vehicle fuel tanks, and that any portion of a vent line, vapor recovery line, or fill pipe that is beneath the surface of the ground is subject to regulation as a pipe. This bill would additionally exempt a tank if it is located in a below-grade structure and connected to an emergency generator tank system and meets specified conditions, from the requirements imposed upon underground storage tanks. (2) The Aboveground Petroleum Storage Act defines terms for its purposes, including defining "tank facility" as one or more aboveground storage tanks, including any piping that is integral to the tanks, that contain petroleum and that are used by a single business entity at a single location or site. This bill, instead, would define "tank facility" for those purposes as one of those tanks that is used by an owner or operator, rather than a single business entity, at a single location or site. (3) The Aboveground Petroleum Storage Act authorizes the Unified Program Agency (UPA) to waive a specified fee, that pays the necessary and reasonable costs incurred by the UPA in administering the act, when a state or local government agency submits a tank facility statement, the submission of which triggers payment of the fee. This bill would delete the authorization for the UPA to waive that fee for a state or local government agency that submits the tank facility statement.

AB 1846  
V. Manuel  
Perez

*Environment: expedited environmental review: climate change regulations*

The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report (EIR) on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA requires specified state agencies to perform, at the time of adoption of a rule or regulation requiring the installation of pollution control equipment or a performance standard or treatment requirement, an environmental analysis of the reasonably foreseeable methods of compliance. CEQA authorizes the use of a focused environmental impact report for a project that consists solely of the installation of pollution control equipment required by the specified state agencies. This bill would additionally require that the above environmental analysis be performed for a rule or regulation that requires the installation of pollution control equipment or a performance standard or treatment requirement adopted pursuant to the California Global Warming Solutions Act of 2006, including those for rules and regulations requiring the installation of pollution control equipment adopted by the State Energy Resources Conservation and Development Commission and the California Public Utilities Commission. The bill would authorize the use of the focused environmental impact report for a project that consists solely of the installation of pollution control equipment or other components that are necessary to complete the installation of that equipment that reduces greenhouse gas emissions in compliance with a rule or regulation adopted pursuant to the California Global Warming Solutions Act of 2006.

- AB 2432 *Food facilities: prepackaged nonpotentially hazardous foods*  
John A. Existing law, the California Retail Food Code, provides for the regulation of health and sanitation  
Perez standards for retail food facilities, including mobile food facilities and satellite food service, as  
defined, by the State Department of Public Health. Under existing law, local health agencies are  
primarily responsible for enforcing this code. A violation of these provisions is punishable as a  
misdemeanor. This bill would, notwithstanding any provision of law to the contrary, exempt a  
permanent food facility that has less than 300 square feet of display area and that sells only  
prepackaged food that is not potentially hazardous food, from the requirements of the California  
Retail Food Code, except for prescribed provisions, and would permit the enforcement agency to  
recover investigation and enforcement costs.
- SB 346 *Hazardous materials: motor vehicle brake friction materials*  
Kehoe Existing law establishes the Department of Toxic Substances Control in the California  
Environmental Protection Agency, with powers and duties regarding the management of hazardous  
waste. Existing law, administered by the department, prohibits the management of hazardous waste  
except in accordance with the hazardous waste control laws, including laws governing the removal of  
any mercury-containing vehicle light switch from a vehicle, and the regulations adopted by the  
department. A violation of the hazardous waste control laws is a crime. The bill, commencing on  
January 1, 2014, would prohibit the sale of any motor vehicle brake friction materials containing  
specified constituents in amounts that exceed certain concentrations. The bill would allow, until  
December 31, 2023, motor vehicle manufacturers and distributors, wholesalers, or retailers of  
replacement brake friction materials to deplete their inventory of noncompliant materials. The bill,  
commencing on January 1, 2021, would prohibit motor vehicle brake friction materials containing  
more than 5% copper by weight from being sold in the state, and, commencing on January 1, 2025,  
would prohibit motor vehicle brake friction materials exceeding 0.5% copper by weight from being  
sold in the state. A violation of these provisions by certain manufacturers would be subject to a civil  
fine of up to \$10,000 per violation. The bill would create the Brake Friction Materials Water  
Pollution Fund in the State Treasury, and would require those fines to be deposited in the fund. The  
moneys in the fund would be available, upon appropriation in the annual Budget Act, to implement  
the bill's requirements. Because a violation of these provisions also would be a crime pursuant to the  
hazardous waste control laws, the bill would impose a state-mandated local program. The bill would  
establish a process by which a manufacturer may apply to the department for an extension of the  
prohibition against selling motor vehicle brake friction materials containing more than 0.5% copper  
by weight, including providing for the establishment of an advisory committee to be involved in that  
process. The bill would require the Secretary for Environmental Protection to issue a decision  
regarding the extension. In making the determination whether to approve or disapprove the  
extension, the bill would require the secretary to rely upon certain recommendations made by the  
advisory committee. The bill would require the department to assess a fee for each extension  
application, and the department would be authorized to expend those fees, upon appropriation by the  
Legislature, for reimbursement for the costs incurred in implementing this process. The bill would  
exempt brake friction materials used for certain motor vehicle classes from its requirements and  
would exempt from certain prohibitions the sale of vehicles or brake friction materials manufactured  
prior to certain dates. The bill would require a vehicle brake friction material manufacturer to screen  
potential alternatives to copper using the existing Toxics Information Clearinghouse and to use an  
open source alternatives assessment or this screening analysis to select alternatives to copper that  
pose less potential hazard to public health and the environment. The vehicle brake friction material  
manufacturer or importer of record would be required to provide the department with a  
demonstration, upon request, of the manner in which the selection of alternatives is informed. The  
bill would require all new motor vehicles offered for sale, on and after the specified compliance  
dates, to be equipped with brake friction materials meeting the requirements of this bill and would  
require all vehicle brake friction material manufacturers, on or after those compliance dates, to certify  
compliance with those requirements and mark proof of certification on all brake friction materials.  
The bill would require a vehicle brake friction materials manufacturer to file a copy of the  
certification with a testing certification agency. The bill would require the department and the State  
Water Resources Control Board, by January 1, 2023, to submit a report to the Governor and the  
Legislature, on the implementation of the bill's requirements toward meeting the copper total

maximum daily load (TMDL) allocations in the state. The bill would repeal this report requirement on January 1, 2027.

SB 435  
Pavley

*Vehicles: pollution control devices*

Existing federal regulations require a motorcycle manufactured on and after January 1, 1983, and exhaust emission systems for those motorcycles, to meet specified noise emissions standards and require that a label be affixed onto the motorcycle or exhaust emission system indicating that the motorcycle or exhaust emission system meets the noise emissions standards. This bill would make it a crime for a person to park, use, or operate a motorcycle, registered in the state, that is manufactured on and after January 1, 2013, or a motorcycle, registered in the state, with aftermarket exhaust system equipment that is manufactured on or after January 1, 2013, that does not have the above label, and would make a violation of this provision punishable by a specified fine, thereby imposing a state-mandated local program by creating a new crime. The bill would require the person to whom a notice to appear is issued, or against whom a complaint is filed, for the above violation, to provide proof of correction. The bill would authorize a court to dismiss the penalty imposed for a first violation if the person produces proof of correction to the satisfaction of the court.

SB 888  
Yee

*Food safety: Asian rice based noodles*

Existing law, the Sherman Food, Drug, and Cosmetic Law, contains various provisions regarding the packaging, labeling, and advertising of food, drugs, and cosmetics. A violation of any of these provisions is punishable as a misdemeanor. This bill would require all manufacturers of Asian rice based noodles to place labels on the Asian rice based noodles that indicate the date of manufacture and to include a warning that the Asian rice based noodles are perishable and must be consumed within 4 hours of manufacture. Existing law, the California Retail Food Code, establishes uniform health and sanitation standards for retail food facilities, as defined. The law requires the State Department of Public Health to adopt regulations to implement and administer those provisions, and delegates primary enforcement duties to local health agencies. A violation of any of these provisions is punishable as a misdemeanor. This bill would permit the sale of Asian rice based noodles, as defined, that have been at room temperature for no more than 4 hours and would prohibit the sale of Asian rice based noodles unless they are labeled according to the requirements of this bill. This bill would also require the local enforcement agency to approve the manner in which Asian rice based noodles kept at room temperature are to be consumed, cooked, or destroyed.

SB 929  
Pavley

*Hazardous materials: children's jewelry: heavy metals*

(1) Existing law prohibits the manufacturing, shipping, selling, or offering for sale of jewelry, as defined, for retail sale in the state, unless the jewelry is made entirely from specified materials. Existing law also prohibits any person from taking those actions with regard to children's jewelry, as defined, unless the children's jewelry is made entirely from certain specified materials. Existing law prohibits parties that are signatories to a specified consent judgment from being subject to enforcement under those provisions. This bill would additionally prohibit a person from manufacturing, shipping, selling, offering for sale, or offering for promotional purposes children's jewelry that contains any component or is made of any material that is more than 0.03% cadmium by weight. This bill would exempt from this prohibition any toy regulated for cadmium exposure under the federal Consumer Product Safety Improvement Act of 2008 and would make conforming changes. The bill would provide that the exemption from enforcement action for signatories to that consent judgment does not apply to this prohibition. (2) Existing law requires the Department of Toxic Substances Control to adopt regulations to establish a process by which chemicals or chemical ingredients in products may be identified and prioritized for consideration as being chemicals of concern and to adopt regulations to establish a process by which chemicals of concern may be evaluated. The department is prohibited from duplicating or adopting conflicting regulations for regulated product categories. This bill would prohibit cadmium-containing jewelry from being considered as a product category already regulated or subject to pending regulation for purposes of those regulations. (3) Existing law imposes criminal penalties upon a manufacturer or supplier of jewelry who knowingly and intentionally manufactures, ships, sells, offers for sale, or offers for promotional purposes jewelry containing lead in violation of those provisions or who knowingly and with intent to deceive falsifies any document or certificate required to be kept or produced pursuant

to those provisions. This bill would additionally impose those criminal penalties upon a manufacturer or supplier of jewelry containing cadmium, thereby imposing a state-mandated local program by creating new crimes.

- SB 1006  
Pavley *Natural resources: climate change: Strategic Growth Council*  
Existing law requires the Strategic Growth Council to take certain 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. Existing law defines certain terms for the purposes of the Strategic Growth Council. Existing law requires the council, to support the planning and development of sustainable communities, to manage and award financial assistance to a city, county, or nonprofit organization, and other entities, for the preparation, planning, and implementation of specified urban greening projects and the creation of urban greening plans, as specified. This bill would, instead, require the council to manage and award revolving loans or grants to a city, county, special district, nonprofit organization, or entity formed under a joint powers agreement. The bill would require that these revolving loans or grants be awarded for urban greening plans and projects.
- SB 1224  
Wright *Air discharges*  
Existing law provides that, except as specified, a person is prohibited from discharging air contaminants or other materials that cause injury, detriment, nuisance, or annoyance to the public, or that endanger the comfort, repose, health, or safety of the public, or that cause injury or damage to business or property, as provided. This bill, until January 1, 2014, would authorize a local air pollution control district or air quality management district to adopt a rule or regulation, consistent with protecting the public's comfort, repose, health, and safety, and not causing injury, detriment, nuisance, or annoyance, that ensures district staff and resources are not used to investigate complaints determined to be repeated and unsubstantiated, alleging a nuisance odor violation of that discharge prohibition. If a district adopts such a rule or regulation, the bill would require the district to submit the rule or regulation to the Senate Committee on Environmental Quality and the Assembly Committee on Natural Resources within 30 days of adopting the rule or regulation.
- SB 1328  
Lowenthal *Greenhouse gas emissions: motor vehicle cabin temperature*  
The California Global Warming Solutions Act of 2006 designates the State Air Resources Board as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases. The state board is required to adopt a statewide greenhouse gas emissions limit equivalent to the statewide greenhouse gas emissions level in 1990 to be achieved by 2020, and to adopt rules and regulations in an open public process to achieve the maximum technologically feasible and cost-effective greenhouse gas emission reductions. This bill would require the state board to consider specified matters if adopting or amending regulations to reduce motor vehicle cabin temperature in order to reduce greenhouse gas emissions.
- SB 1402  
Dutton *State Air Resources Board: administrative and civil penalties*  
(1) Existing law subjects violators of air pollution laws to specified civil and administrative penalties. Existing law imposes various duties on the State Air Resources Board relative to the reduction of air pollution. This bill would require a written communication from the state board alleging that an administrative or civil penalty will be, or could be, imposed either by the state board or another party, including the Attorney General, for a violation of air pollution law, to contain specified information. The bill would require this information and final mutual settlement agreements reached between the state board and a person alleged to have violated air pollution laws to be made available to the public. The bill would require the state board to prepare and submit to the Legislature and the Governor a report summarizing the motor vehicle pollution administrative penalties imposed by the state board for calendar year 2011, and annually thereafter, and would require the state board to publish a penalty policy for motor vehicle pollution laws that is based on specified criteria. (2) This bill would declare that it is to take effect immediately as an urgency statute.

SB 1477      *California Pollution Control Financing Authority*  
Committee on      The California Pollution Control Financing Authority Act establishes the California Pollution  
Environmental      Control Financing Authority, with specified powers and duties, and authorizes the authority to  
Quality      approve financing for projects or pollution control facilities to prevent or reduce environmental  
pollution. This bill would make various changes to the financial and administrative provisions of the  
act, including changes to the definitions of "project," and "pollution control facility." This bill would  
declare that it is to take effect immediately as an urgency statute.

## Community Health Services

- AB 605      *Alcoholic beverages: instructional tasting events*  
Portantino      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. The Alcoholic Beverage Control Act provides that a violation of its provisions is a misdemeanor, unless otherwise specified. This bill would authorize the department to issue to the holder of any off-sale retail license an instructional tasting license that would allow the licenseholder to allow an authorized licensee, as defined, or designated representative of that licensee, to conduct, on a designated portion of, or contiguous to, an existing licensed premises, an instructional tasting event at which tastes of alcoholic beverages may be served to consumers, as provided. The bill would impose an original fee of \$300 and an annual renewal fee of \$261 for the license, which would be deposited in the Alcohol Beverage Control Fund. Because the violation of a specified provision of the instructional tasting license by a licensee or by a person under 21 years of age is punishable as a misdemeanor, the bill both creates a new crime and expands the definition of an existing crime, thereby creating a state-mandated local program.
- AB 1524      *Alcoholic beverage control: public schoolhouses*  
Hayashi      The Dental Practice Act provides for the licensure and regulation of dentists and associated professions by the Dental Board of California within the Department of Consumer Affairs. 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. Existing law prescribes the maximum amount of fees to be charged for examination, licensure, and renewal, for deposit into the State Dentistry Fund. This bill would abolish the clinical and written examination administered by the board. The bill would instead replace that examination with a portfolio examination of an applicant's competence to enter the practice of dentistry, which would be conducted while the applicant is enrolled in a dental school program at a board-approved dental school. The bill would require this examination to utilize uniform standards of clinical experiences and competencies, as approved by the board. At the end of that dental school program, the bill would then require the passage of a final assessment of the applicant's portfolio, subject to certification by his or her dean and payment of a \$350 fee. Under the bill, the portfolio examination would not be conducted until the board adopts regulations to implement the portfolio examination. The bill would require the board to provide specified notice on its Internet Web site and to the Legislature and the Legislative Counsel when these regulations have been adopted by the board. The bill would require the board to oversee the portfolio examination and final assessment process, and would require the board to biennially review each dental school with regard to the standardization of the portfolio examination. The bill would also set forth specified examination standards. The bill would also, as part of the ongoing implementation of the portfolio examination, require the board, by December 1, 2016, to review the examination to ensure compliance with certain requirements applicable to all board examinations under the department's jurisdiction. The bill would provide that the examination shall cease to be an option for applicants if the board determines the examination fails to meet those requirements. The bill would require the board to submit its review and certification or determination to the Legislature and the department, by December 1, 2016.
- AB 1643      *Alcoholic beverage licensees*  
Smyth      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.

AB 1860  
Tom  
Berryhill

*Alcoholic 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 possessed, consumed, or sold, pursuant to a license, for an event during the weekend or at other times when pupils are not on the grounds of an overnight retreat facility owned and operated by a county office of education in a county of the 18<sup>th</sup> or 20<sup>th</sup> class. This bill would expand the exception to the prohibition to allow the possession, consumption, or sale of alcoholic beverages at such a retreat facility that is owned or operated by a county office of education in a county of any class or by a school district.

AB 1896  
Jeffries

*Alcoholic beverage control: proof of age*

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 the age of 21 years. Existing law provides that a licensee's acceptance of bona fide evidence, as defined, constitutes a defense to any action against the licensee. Existing law requires that evidence to contain a description of the person. Existing law includes, as bona fide evidence of age, a military identification card issued to a member of the Armed Forces that contains, among other things, a description of the cardholder. Existing law also provides, however, that, if the military identification card lacks a physical description but does include date of birth and a photo, further proof of age is not required. This bill would revise the provision relating to the use of military identification cards as proof of age for purposes of purchasing or consuming alcoholic beverages, to directly specify that a valid identification card issued to a member of the Armed Forces that includes the date of birth and a photo of the person would, under all circumstances, constitute bona fide evidence of age.

AB 1999  
Portantino

*Underage drinkers: immunity from prosecution*

The Alcoholic Beverage Control Act provides that any person under the age of 21 years who purchases any alcoholic beverage, who consumes any such beverage in any on-sale premises, or who possesses any such beverage on any street or highway or in any public place open to the public is guilty of a misdemeanor. Existing law also provides that any person under the age of 21 years who attempts to purchase any alcoholic beverage from a licensee, or the licensee's agent or employee, is guilty of an infraction. This bill would grant limited immunity from criminal prosecution for any person under the age of 21 years who is subject to prosecution under the above-described provisions where the person under the age of 21 years called 911 and reported that either himself or herself or another person was in need of medical assistance due to alcohol consumption and conformed to other specified requirements.

AB 2275  
Hayashi

*Dental coverage: noncovered benefits*

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 its provisions a crime. Existing law also provides for the regulation of health insurers by the Department of Insurance. Existing law requires contracts between plans or insurers and providers to be fair and reasonable and requires plans and insurers to reimburse a claim for covered services within a specified period of time of receiving the claim. This bill would, with respect to a contract between a health care service plan, specialized health care service plan, or insurer covering dental services and a dentist to provide dental services to enrollees or insureds, prohibit the contract from requiring a dentist to accept an amount set by the plan or insurer as payment for dental care services provided to an enrollee or insured that are not covered services under the enrollee's contract or the insured's policy. The bill would also prohibit a provider from charging more than his or her usual and customary rate for dental services not covered under a health



care service plan contract or health insurance policy. The bill would require the evidence of coverage and disclosure form for a plan contract or health insurance policy covering dental services that is issued, amended, or renewed on or after July 1, 2011, to contain a specified statement regarding noncovered services.

AB 2496  
Nava

*Cigarette and tobacco products*

(1) The California Cigarette and Tobacco Products Licensing Act of 2003 (hereafter the act) provides for the licensure, by the State Board of Equalization, of manufacturers, distributors, wholesalers, importers, and retailers of cigarette or tobacco products that are engaged in business in California and prohibits retailers, manufacturers, distributors, and wholesalers from distributing or selling those cigarette and tobacco products unless they are in compliance with those licensure requirements. The act requires a manufacturer or importer to comply with specified requirements in order to be eligible for obtaining and maintaining a license under that act, including consent to jurisdiction of the California courts for the purpose of enforcement of that act and appointment of a registered agent for service of process in this state. This bill would require a manufacturer or importer to additionally consent to jurisdiction of the California courts for the purpose of enforcement of the Master Settlement Agreement and the Cigarette and Tobacco Products Tax Law or, in lieu of this consent, to post a surety bond, as specified. The bill would provide that a licensee who does not waive the sovereign immunity defense or post the surety bond is ineligible to obtain or maintain a license and would also make a licensee who raises a sovereign immunity defense in a specified action subject to revocation of its license. This bill would require the manufacturer or importer to additionally identify the registered agent to the Attorney General. The act authorizes a peace officer or board employee granted limited peace officer status to conduct inspections at any site where evidence of activities involving evasion of cigarette or tobacco products tax may be discovered. This bill would additionally authorize those officers to inspect any site with respect to violations of a specified provision of the Cigarette and Tobacco Products Tax Law. The act prohibits an importer, distributor, or wholesaler, or distributor functioning as a wholesaler, or retailer, to purchase, obtain, or otherwise acquire any package of cigarettes to which a stamp or meter impression may not be affixed in accordance with the Cigarette and Tobacco Products Tax Law. A violation of this provision is a misdemeanor. This bill would additionally prohibit those persons from acquiring a package of cigarettes unless the brand family or product manufacturer of the cigarettes is included on a directory posted by the Attorney General described in (3). By changing the definition of a crime, this bill would impose a state-mandated local program. (2) Existing law prohibits the retail sale of cigarettes in California unless the sale is a vendor-assisted, face-to-face sale, as defined. This bill would allow delivery sales, as defined, in specified circumstances. The bill would make violation of this provision a misdemeanor. By creating a new crime, this bill would impose a state-mandated local program. (3) Under existing law, states' attorneys general and various tobacco product manufacturers have entered into a Master Settlement Agreement (MSA), 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 MSA between the state and counties and certain cities in the state. Existing law requires any tobacco product manufacturer selling cigarettes to consumers in California to place specified amounts into a qualified escrow fund by April 15 of each year. This bill would authorize a tobacco product manufacturer that elects to place funds into a qualified escrow fund to make an irrevocable assignment of its interest in the funds to the benefit of the State of California, as specified. This bill would require any funds assigned to the state that are withdrawn to be deposited into the General Fund as a credit against any judgment or settlement which may be obtained against the tobacco product manufacturer that has assigned the funds. (4) The Cigarette and Tobacco Products Tax Law requires every tobacco product manufacturer whose cigarettes are sold in this state to make a certification to the Attorney General regarding certain information. That law makes a false certification a misdemeanor. This bill would require certification of additional information, as specified. By changing the definition of a crime, this bill would impose a state-mandated local program. The Cigarette and Tobacco Products Tax Law requires the Attorney General to post on the Attorney General's Internet Web site a directory of tobacco product manufacturers that are participating manufacturers under the MSA, and that have made all required escrow payments and provided certification of related information to the Attorney General. That law also requires the

Attorney General's Internet Web site to include specified brand families, as defined, that have been identified by the tobacco product manufacturers. Existing law also requires that a manufacturer and brand families be excluded from the directory, if any of certain circumstances occur. This bill would establish circumstances under which a manufacturer and brand families are to be excluded from the directory of manufacturers and brand families, and would require the Attorney General to provide distributors and wholesalers with written notice of each tobacco product that is added to or removed from the directory and to provide notice to each licensed distributor, wholesaler, retailer, or other person who has provided an electronic mail address for this purpose. This bill would also require a newly qualified nonparticipating manufacturer, as defined, or a nonparticipating manufacturer that poses an elevated risk of noncompliance with that law or the MSA, to post a surety bond, as specified before inclusion onto the directory. This bill would specify that a person is prohibited from shipping or distributing into or within this state for personal consumption in this state cigarettes of a tobacco product manufacturer or brand family not included in the directory, and would provide that this specification is declaratory of existing law. This bill would require any nonparticipating manufacturer located outside of the United States, as an additional condition precedent to having its brand families listed or retained in the directory, to cause its importers to appoint an agent, as specified, and would impose additional specified responsibilities upon such a manufacturer. This bill would give the Attorney General additional specified authority regarding the administration of that law. This bill would, as a condition of selling cigarettes in the state, require a tobacco product manufacturer, as specified, to submit, or authorize to disclose, a copy of its applicable return. This bill would provide that failure to comply with that provision would subject the manufacturer and its brand families to removal from the directory. This bill would impose a civil penalty on any manufacturer that intentionally provides an applicable return with materially false information. (5) Existing law prohibits the offer, sale, distribution, or importation of a tobacco product know as "bidis" or "beedies," as defined, unless it is sold or intended for sale in business establishments that exclude minors. This bill would amend the definition of "bidis" or "beedies" to include any product that is marketed and sold as "bidis" or "beedies," and would clarify that persons who violate this prohibition are subject to both criminal and civil liability.

AB 2650  
Buchanan

*Medical marijuana*

Existing law added by initiative, the Compassionate Use Act of 1996, prohibits any physician from being punished, or denied any right or privilege, for having recommended marijuana to a patient for medical purposes. The act prohibits the provisions of law making unlawful the possession or cultivation of marijuana from applying to a qualified patient, the qualified patient's primary caregiver, or an individual who provides assistance to the qualified patient or the qualified patient's primary caregiver, who possesses, cultivates, or distributes marijuana for the personal medical purposes of the qualified patient upon the written or oral recommendation or approval of a physician. Existing statutory law requires the State Department of Public Health to establish and maintain a voluntary program for the issuance of identification cards to qualified patients and establishes procedures under which a qualified patient with an identification card may use marijuana for medical purposes. Existing law regulates qualified patients, a qualified patient's primary caregiver, and individuals who provide assistance to the qualified patient or the qualified patient's primary caregiver, as specified. A violation of these provisions is generally a misdemeanor. This bill would provide that no medical marijuana cooperative, collective, dispensary, operator, establishment, or provider authorized by law to possess, cultivate, or distribute medical marijuana that has a storefront or mobile retail outlet which ordinarily requires a local business license shall be located within a 600-foot radius of any public or private school providing instruction in kindergarten or grades 1 to 12, inclusive, except as specified. The bill also would provide that local ordinances, adopted prior to January 1, 2011, that regulate the location or establishment of these medical marijuana establishments would not be preempted by its provisions; and that nothing in the bill shall prohibit a city, county, or city and county from adopting ordinances that further restrict the location or establishment of these medical marijuana establishments. The bill would express a legislative finding and declaration that establishing a uniform standard regulating the proximity of these medical marijuana establishments to schools is a matter of statewide concern and not a municipal affair and that, therefore, all cities and counties, including charter cities and charter counties, shall be subject to the provisions of the bill. By creating a new crime, this bill would impose a state-mandated local

program.

AB 2733 *Cigarettes and tobacco products*  
 Ruskin Existing law, the California Cigarette and Tobacco Products Licensing Act of 2003, provides for the licensure by the State Board of Equalization of manufacturers, distributors, wholesalers, importers, and retailers of cigarette or tobacco products that are engaged in business in California. The act prohibits retailers, manufacturers, distributors, and wholesalers from distributing or selling those cigarette and tobacco products unless they are licensed. The act authorizes the board to suspend or revoke the license of any manufacturer, distributor, wholesaler, importer, or retailer of tobacco products that is in violation of the act's provisions. Violation of the act is a misdemeanor. This bill would, among other things, prohibit the transfer of title or possession of cigarettes or tobacco products without consideration, exchange, or barter if the cigarettes or tobacco products had been purchased for resale under a license issued pursuant to the act and the transfer occurs during the suspension or after revocation of the license. It would also prohibit specified displays of cigarettes or tobacco products. It would require prescribed notices to be posted when a license has been suspended or revoked by the board, and would make violation of these notice posting requirements subject to a civil penalty. By adding a new crime, this bill would impose a state-mandated local program. This bill would incorporate additional changes in Section 22979 of the Business and Professions Code proposed by AB 2496, that would become operative only if AB 2496 and this bill are both chaptered and become operative on or before January 1, 2011, and this bill is chaptered last.

AB 2793 *Alcoholic beverage control: advertising: club licenses: tied-house restrictions: nonprofit theaters: venues*  
 Committee on Governmental Organization (1) Existing law provides for the issuance of a club license for the sale of alcoholic beverages to specified organizations. This bill would authorize the Department of Alcoholic Beverage Control to issue a club license to nonprofit lawn bowls clubs, that do not discriminate or restrict membership, as specified. The Alcoholic Beverage Control Act provides that a violation of its provisions is a misdemeanor, unless otherwise specified. This bill, by including provisions that would be subject to those existing criminal sanctions, would impose a state-mandated local program. (2) Under the Alcoholic Beverage Control Act, the Department of Alcoholic Beverage Control may issue a special on-sale general license to any nonprofit theater company, subject to specified requirements. Existing law permits a licensed manufacturer, winegrower, manufacturer's agent, California winegrower's agent, rectifier, distiller, bottler, importer, or wholesaler, or any officer, director, employee, or agent of that person, to serve on the board of trustees of a nonprofit theater company operating a theater in Napa County licensed pursuant to these provisions. This bill would additionally permit a licensed manufacturer, winegrower, manufacturer's agent, California winegrower's agent, rectifier, distiller, bottler, importer, or wholesaler, or any officer, director, employee, or agent of that person, to serve on the board of trustees of a nonprofit theater company operating a theater in the City of Livermore licensed pursuant to these provisions. This bill would make legislative findings and declarations as to the necessity of a special statute for the City of Livermore. (3) Existing law generally restricts certain alcoholic beverage licensees, including manufacturers and winegrowers, from paying, crediting, or compensating a retailer for advertising in connection with the advertising and sale of alcoholic beverages but expressly authorizes specified licensees to purchase advertising space or time from specified fully enclosed venues located in Los Angeles County that have a patronage capacity in excess of 2,000, as described, under specified conditions. This bill would limit the patronage capacity allowed in the described venues to at least 2,000, but not more than 3,000.

SB 882 *Electronic cigarettes*  
 Corbett Existing law contains various provisions governing cigarettes and tobacco products. This bill would make it unlawful for a person to sell or otherwise furnish an electronic cigarette, as defined, to a person under 18 years of age and would make a violation punishable as an infraction, as specified. By creating a new infraction, this bill would impose a state-mandated local program.

SB 1260 *Alcoholic beverages: lodging establishments*  
 Yee The Alcoholic Beverage Control Act authorizes motels and hotels having an on-sale general license for restricted service lodging establishments, as described, to sell or furnish alcoholic beverages for

consumption on the premises by specified means. This bill would extend that authorization to allow those motels and hotels having an on-sale general license for restricted service lodging establishments to sell beer and wine for consumption on the premises, where the beer or wine is sold in a food sale area, as defined, located within the lodging establishment.

- SB 1290  
Kehoe *Physical education: self-defense and safety instruction*  
Existing law requires that all pupils in grades 7 to 12, inclusive, except those excused or exempted pursuant to a prescribed provisions of law, attend physical education courses for a total period of time of not less than 400 minutes each 10 schooldays. Pursuant to its authority to issue program guidelines to serve as models or examples, the State Board of Education has adopted physical education model content standards for California public schools. This bill would require the State Board of Education and the Curriculum Development and Supplemental Materials Commission to include self-defense instruction, as defined, and safety instruction, as defined, in the next revision of the physical education framework for pupils in grades 7, 8, 9, 11, and 12.
- SB 1413  
Leno *Schools: pupil nutrition: availability of tap water*  
Existing law authorizes the governing board of a school district to establish cafeterias in the schools under its jurisdiction whenever in its judgment it is advisable to do so and to make the cost of water, electricity, gas, coal, wood, fuel oil, and garbage disposal a charge against the funds of the school district. Existing law permits the sale of only certain beverages to pupils at schools. The beverages that may be sold include fruit-based and vegetable-based drinks, drinking water, milk, and an electrolyte replacement beverage if those beverages meet certain nutritional requirements. This bill would require a school district to provide access to free, fresh drinking water during meal times in school food service areas by July 1, 2011, unless the governing board of a school district adopts a resolution stating that it is unable to comply with this requirement and demonstrating the reasons why it is unable to comply due to fiscal constraints or health and safety concerns. The resolution would be required to be publicly noticed on at least 2 consecutive meeting agendas and approved by at least a majority of the governing board.
- SB 1449  
Leno *Marijuana: possession*  
Existing law provides that, except as authorized by law, every person who possesses not more than 28.5 grams of marijuana, other than concentrated cannabis, is guilty of a misdemeanor and shall be punished by a fine of not more than \$100. This same penalty is imposed for the crime of possessing not more than 28.5 grams of marijuana while driving on a highway or on lands, as specified. Existing law provides with respect to these offenses that, under specified conditions, (1) the court shall divert and refer the defendant for education, treatment, or rehabilitation, as specified, and (2) an arrested person who gives satisfactory evidence of identity and a written promise to appear in court shall not be subjected to booking. This bill would provide that any person who commits any of the above offenses is instead guilty of an infraction punishable by a fine of not more than \$100. This bill would eliminate the above-described provisions relating to booking and to diversion and referral for education, treatment, or rehabilitation.
- SCR 77  
Correa *Childhood Obesity Prevention and Fitness Week*  
This measure would proclaim the last full week in September in each year as Childhood Obesity Prevention and Fitness Week, and would express the Legislature's support of various programs that work to reduce obesity and increase exercise among children.

## Division of Communicable Diseases

- 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), and 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 delete the department's authorization to adopt emergency regulations. Existing law prohibits the governing authority from unconditionally admitting, or advancing, a pupil into the 7th grade unless the pupil has been fully immunized against hepatitis B. This bill would delete immunizations against hepatitis B as a 7<sup>th</sup> grade admission or advancement requirement and would, instead, prohibit the governing authority from unconditionally admitting, or advancing, a pupil into the 7th and, for one year, the 8th through 12th grades unless the pupil has been fully immunized, as prescribed, including, but not limited to, having received all pertussis boosters appropriate for that age.
- AB 1701  
Chesbro *Hypodermic needles and syringes*  
Existing law regulates the sale, possession, and disposal of hypodermic needles and syringes. Under existing law, a prescription is generally required to purchase a hypodermic needle or syringe for human use, except to administer adrenaline or insulin. Existing law, until December 31, 2010, authorizes a city or county to authorize a licensed pharmacist to sell or furnish 10 or fewer hypodermic needles or syringes to a person for human use without a prescription if the pharmacy is registered with a local health department in the Disease Prevention Demonstration Project. Existing law prohibits the possession and sale of drug paraphernalia, but until December 31, 2010, allows a person, if authorized by a city or county, to possess 10 or fewer hypodermic needles or syringes if acquired through an authorized source. This bill would delete the December 31, 2010, end dates for these authorizations and would reestablish these authorizations until December 31, 2018.
- AB 1937  
Fletcher *Pupil health: immunizations*  
Existing law requires the governing board of a school district to cooperate with the local health officer in measures necessary for the prevention and control of communicable diseases in schoolage children, and authorizes the board to permit a licensed physician and surgeon or a licensed registered nurse acting under the direction of a supervising physician and surgeon to administer an immunizing agent to a pupil whose parents have consented, as specified. This bill would also authorize a school district to permit certain other licensed health care practitioners who are acting under the direction of a supervising physician and surgeon to administer certain immunizing agents to those pupils. The bill would authorize those health care practitioners to administer immunizing agents subject to specified conditions, including notification of the school nurse, who would maintain control as necessary in accordance with his or her duties as supervisor of health. The bill would make other technical changes. This bill would declare that it is to take effect immediately as an urgency statute.

- AB 2541  
Portantino *Reporting of certain communicable diseases*  
Existing law establishes various communicable disease prevention and control programs. Existing law requires the State Department of Public Health to establish a list of reportable diseases and conditions and authorizes the department to adopt regulations requiring isolation or quarantine for any contagious, infectious, or communicable diseases, if necessary, for the protection of the public health. Existing law requires the local health officer to report the listed diseases to the department, and requires that, within one year after the establishment of a state electronic laboratory reporting system, reports generated by a laboratory be submitted electronically in a manner specified by the department, except for reports of HIV infections. Existing law requires health care providers and laboratories to report cases of HIV infection to the local health officer using patient names. This bill would delete the exemption from electronic reporting for HIV infections and would make conforming changes. This bill would require health care providers and laboratories to report cases of HIV infection to the local health officer using patient names and set guidelines regarding such reports. To the extent that this bill would impose additional requirements on a local public health officer and because this bill changes the definition of a crime, this bill would impose a state-mandated local program. Existing law prohibits the disclosure of public health records relating to HIV and AIDS, and the information contained in those records, with specified exceptions for public health purposes, or pursuant to a written authorization. Existing law requires a disclosure of these records or information to include only the information necessary for the purpose of the disclosure, and to be made only upon agreement that the information will be kept confidential and will not be further disclosed without written authorization. Existing law imposes civil penalties for the disclosure, whether negligent or willful and malicious, of the content of a confidential public health record, as defined, as well as specified criminal penalties, under certain circumstances. This bill would expand information disclosure provisions applicable to the information contained in public health records relating to HIV and AIDS, including when the person who is the subject of the record is coinfecting with HIV/AIDS, tuberculosis, and a sexually transmitted disease, as specified. The bill would also increase the maximum civil penalties applicable for the disclosure of the content of a public health record, as specified.
- AB 2635  
Portantino *Communicable diseases: 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, custodial officer, custody assistant, nonsworn uniformed employee of a law enforcement agency, or emergency medical personnel is exposed to an arrestee's blood or bodily fluids, as defined, while the peace officer, firefighter, custodial officer, custody assistant, nonsworn uniformed employee of a law enforcement agency, or emergency medical personnel is acting within the scope of his or her duties. This bill would add nonsworn employees of a law enforcement agency whose job description includes the collection of fingerprints to the list of persons to which these provisions apply. Because this bill increases the duties of local officials, this bill would impose a state-mandated local program.
- SB 769  
Alquist *Federal funding: supplemental appropriations: pandemic influenza*  
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 extend the repeal date to January 1, 2013, and would provide that federal funding received pursuant to the federal 2009 Supplemental Appropriations Act for pandemic influenza 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 and would modify the methodology for allocation of those funds. This bill would declare that it is to take effect immediately as an urgency statute.
- SJR 15  
Alquist *Public health laboratories*  
This measure would encourage the Centers for Medicare and Medicaid Services to amend the

Clinical Laboratory Improvement Amendments regulations to, and the Congress and the President of the United States to enact legislation that would, allow qualified nondoctoral, nonboard certified persons to serve as laboratory directors of local public health laboratories, if they are qualified to direct those laboratories under the law of the state in which the laboratory is located, with the express goals of ensuring adequate local public health laboratory support for response to communicable disease events, ensuring an adequate supply of local public health laboratory directors, and ensuring protection for the balance of the nation by increasing national security through adequate disease identification. This measure would encourage specified federal entities to also encourage CMS and the Congress and President of the United States to accomplish these goals in this manner.

## Emergency Medical Services

- AB 1503  
Lieu *Health facilities: emergency physicians: emergency medical care: billing*  
Existing law 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 the emergency physician, as defined, who provides emergency medical services in a general acute care hospital for a discount payment pursuant to a discount payment policy. The bill would require the emergency physician 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 emergency physician's discount payment policy, as specified. The bill would require the above-described written notice that hospitals are required to provide patients regarding the hospital's charity care and discount pay policies to include a statement that the emergency physician who provides emergency medical care in a hospital that provides emergency care is also required by law to provide discounts to uninsured patients or patients with high medical costs who are at or below 350% of the federal poverty level. The bill would also specify billing and collection procedures to be followed by the emergency physician, 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.
- AB 1660  
Salas *Airports: emergency aircraft flights for medical purposes*  
Existing law exempts an emergency aircraft flight for medical purposes, as defined, by law enforcement, firefighting, military, or certain other persons, from local ordinances adopted by a city, county, or city and county, that restrict flight departures and arrivals to particular hours of the day or night, that restrict the departure or arrival of aircraft based upon the aircraft's noise level, or that restrict the operation of certain types of aircraft. This bill would also exempt from the above types of local ordinances the aircraft or equipment used during a medical emergency, or emergency personnel and first responders involved in treating the medical emergency, for purposes of returning to its base of operation. The bill would also make a clarifying change.
- AB 1931  
Torrico *Injury prevention*  
Existing law, the Roman Reed Spinal Cord Injury Research Act of 1999, establishes the Spinal Cord Injury Research Fund, continuously appropriated to the University of California, for the purpose of awarding grants to perform spinal cord injury research projects. The fund consists of moneys from private entities, as specified, as well as public moneys transferred to the fund. Existing law, with the approval of the Regents of the University of California, also creates a Spinal Cord Injury Research Program in the University of California to promote spinal cord injury research in California. The program and the fund are repealed as of January 1, 2011. This bill would eliminate the Spinal Cord Injury Research Fund, and instead permit the University of California to establish a spinal cord injury research fund, independent of the State Treasury, to accept public and private funds for spinal cord injury research programs and grants, as prescribed. It would delete the repeal date of provisions relating to the Spinal Cord Injury Research Program thus indefinitely extending the duration of those provisions.
- AB 2791  
Committee  
on  
Governmental *California Emergency Management Agency*  
Existing law creates the California Emergency Management Agency and requires it to perform a variety of duties with respect to specified emergency preparedness, mitigation, and response activities in the state. Prior to the creation of the California Emergency Management Agency, these



Organization activities were the responsibility of the Governor's Office of Emergency Services and the Office of Homeland Security. The Budget Act of 2003 eliminated the Office of Criminal Justice Planning, and its responsibilities for administering a variety of planning, training, education, and crime suppression and mitigation programs ultimately were assigned to the Office of Emergency Services. This bill would make conforming changes to reference the California Emergency Management Agency and the Secretary of Emergency Management as the entities responsible for the programs and activities described above. The bill would require, beginning July 1, 2011, that the agency report biennially to the Legislature, as specified, and delete other reporting requirements, both current and previously due. The bill would require the secretary to establish a Curriculum Development Advisory Committee, which would make recommendations regarding terrorism awareness curriculum and response training and would eliminate the Emergency Response Training Advisory Committee. Among other things, the bill would also eliminate the requirement that the Seismic Safety Commission establish an urban search and rescue emergency response advisory committee and the responsibility of the California Emergency Management Agency to monitor, evaluate, and report on various projects related to runaway youth. This bill would make technical nonsubstantive changes. Existing law defines specified persons as peace officers and provides that these peace officers may carry firearms under the terms and conditions of their employment as specified by their employing agencies. Existing law authorizes the Director of Consumer Affairs to designate 3 persons as peace officers to be assigned to the special investigations unit of the Contractors' State License Board. This bill would authorize the director to designate 12 persons as peace officers for assignment to the special investigations unit of the Contractors' State License Board.

SB 127 *Automatic external defibrillators: health studios*  
Calderon Existing law, until July 1, 2012, requires every health studio, as defined, to acquire an automatic external defibrillator and to meet specified training and maintenance standards relating to that device. Under existing law, when a health studio employee uses an automatic external defibrillator, as specified, the owners, managers, employees, or otherwise responsible authorities of the facility shall not be liable for civil damages resulting from an act or omission in the course of rendering that emergency care or treatment, as required. This bill would extend these provisions indefinitely. This bill would also provide that a health studio that allows its members access to its facilities during operating hours when employees trained in the use of automatic external defibrillators are not on the facility premises, waives the above exemption from liability for civil damages and the affirmative defense of primary assumption of the risk, whether express or implied, as to a claim arising out of the absence of trained staff. This bill would also require a health studio that allows its members access when an employee is not present to comply with specified requirements, including, but not limited to, that it deny access to members when an employee is not present if the facility is larger than 6,000 square feet, and that on or before January 1, 2012, and before January 1 of each of the following three years, the health studio would be required to report to the Legislature certain information as prescribed.

## Family Health Services

AB 12  
Beall

### *California Fostering Connections to Success Act*

(1) Existing law provides for the out-of-home placement of children who are unable to remain in the custody and care of their parent or parents, and provides for a range of child welfare, foster care, and adoption assistance services for which these children may be eligible. Existing federal law, the Fostering Connections to Success and Increasing Adoptions Act of 2008, revises and expands federal programs and funding for certain foster and adopted children. Existing law, the California Community Care Facilities Act, provides for the licensure and regulation of community care facilities, including facilities that provide care for foster children, by the State Department of Social Services. A violation of these provisions is a misdemeanor. Existing law authorizes the placement of children with varying designations and varying needs in the same facility under specified circumstances. This bill would extend these provisions to also include nonminor dependents commencing January 1, 2012. The bill would define the term "nonminor dependent" and related terms for purposes of the bill. This bill, commencing no later than July 1, 2012, would require the department, in consultation with specified government and other entities, to revise regulations regarding health and safety standards for licensing foster family homes and community care facilities in which nonminor dependents of the juvenile court are placed under the responsibility of the county welfare or probation department or an Indian tribe that has entered into a specified agreement with the department. Under existing law, the California Community Care Facilities Act does not apply to designated categories of facilities, including, among others, the home of a relative caregiver or nonrelative extended family member of a child placed by a juvenile court, as specified. This bill would include, on and after January 1, 2012, a supervised independent living setting, and a THP-Plus-Foster Care placement, as established by the bill, for a nonminor dependent placed by the juvenile court on the list of facilities to which the act does not apply. The bill would require the department to convene a workgroup to establish a new rate structure for THP-Plus-Foster Care placements, and would require counties to submit to the department a plan setting forth how the county would provide for the THP-Plus-Foster Care program, as specified. By requiring counties to perform additional duties with respect to implementation of the THP-Plus-Foster Care program, this bill would impose a state-mandated local program. (2) Existing law establishes the jurisdiction of the juvenile court, which is permitted to adjudge certain children to be dependents of the court under certain circumstances. This bill would expand the jurisdiction of the juvenile court, effective January 1, 2012, to include a child who had been previously removed from the custody of his or her parent and placed in foster care, who was also declared a delinquent ward of the court, as specified. The bill would authorize a court to modify an existing order with respect to the delinquent ward under these circumstances and assert dependency jurisdiction, as specified. Existing law authorizes a juvenile court to retain jurisdiction over any person who is found to be a dependent child of the juvenile court until the ward or dependent child attains 21 years of age. Existing law places certain minors for whom a guardianship has been established within the jurisdiction of the juvenile court. This bill would expand the court's jurisdiction to include, on and after January 1, 2012, a nonminor dependent who is receiving specified kinship guardian assistance payments. This bill would extend the court's jurisdiction to a ward who has been placed into foster care or a dependent who reaches the age of majority before jurisdiction is terminated until the nonminor reaches 21 years of age. The bill, commencing January 1, 2012, would allow a nonminor who left foster care at or after the age of majority to petition the court to have dependency or delinquency jurisdiction resumed, in accordance with a provision of existing law. The bill would authorize a local entity to obtain specified background information regarding a nonminor who may be placed in a foster care setting with minor dependent children under these circumstances. By making various conforming changes in provisions relating to the duties of local agency employees in dependency and delinquency proceedings, this bill would create a state-mandated local program. (3) Existing law authorizes a social worker to place a child whom the court has ordered to be removed from his or her home into one of 7 designated placements, including the home of a noncustodial parent or the approved home of a relative. This bill would add to this list of approved placements, on and after January 1, 2012, a supervised independent living setting, as defined by the bill, for a nonminor dependent between 18 and 21 years of age. (4) Existing law authorizes a change in the placement of a child on an emergency basis due to the sudden unavailability of a foster caregiver. This bill, on and after January 1, 2012, would require, under

these emergency circumstances, when a nonminor dependent is placed in the home of a relative or nonrelative, that the home be approved using the health and safety standards established by the department for the placement of nonminor dependents, as required by the bill. The bill would require the department, in consultation with specified stakeholders, to prepare for the implementation of these provisions by publishing all-county letters or similar instructions from the director, pending the adoption of emergency regulations, as specified. (5) Existing law requires the status of dependent children to be periodically reviewed, and requires the court to consider the safety of the child and make certain determinations. This bill similarly would require a status review for every nonminor dependent who is in foster care to be conducted pursuant to specified provisions. This bill, commencing January 1, 2012, would require the court to ensure that the child's transitional independent living case plan includes a plan for the child to meet one or more criteria that would allow the child to remain a nonminor dependent, and to ensure that the child has been informed of his or her right to seek the termination of dependency jurisdiction. This bill, on and after October 1, 2012, would authorize a court to continue jurisdiction over a nonminor dependent with a permanent plan of long-term foster care, and would designate the responsibilities of the court in this regard. (6) Existing law establishes procedures for a hearing to terminate the court's jurisdiction over a dependent child who has reached the age of majority. This bill would delete the existing hearing procedures as of January 1, 2012, and would set forth revised hearing requirements for determining whether to terminate or continue dependency jurisdiction. The bill would require the court to continue dependency jurisdiction for a child participating in certain educational or vocational activities. This bill would impose various duties on county welfare departments in connection with the hearing process, thereby creating a state-mandated local program. This bill would require a court to authorize a trial period of independence from foster care, as defined, when it terminates dependency jurisdiction over a nonminor dependent youth, as authorized by specified federal law. (7) Existing law requires the State Department of Social Services to develop statewide standards for the Independent Living Program for emancipated foster youth, which is established and funded pursuant to federal law to assist these individuals in making the transition to self-sufficiency. Under existing law, the department is required to develop and adopt emergency regulations that counties are required to meet when administering the program, that are achievable within available resources. This bill would require the department to develop and adopt the Independent Living Program regulations on or before July 1, 2012, and would specify that the regulations be achievable within both available program resources and available federal funds for case management and case plan review provided for in the federal act. The bill would require the department, by a specified date, to review and develop modifications to the Independent Living Program to also serve the needs of nonminor dependent youth, as specified. (8) Existing law prohibits benefits under the CalWORKs program from being paid to or on behalf of any child who has attained 18 years of age, unless the child is engaged in specified educational or training activities. This bill, on and after January 1, 2012, also would authorize a nonminor dependent, as defined, to receive CalWORKs aid, as specified. (9) Existing law authorizes a child who is declared a ward or dependent child of the court who is 16 years of age or older, to retain specified cash resources and still remain eligible to receive public social services. This bill would apply this provision, on and after January 1, 2012, to a current or former dependent child or ward of the court between 18 and 21 years of age, who is participating in a transitional independent living case plan pursuant to the federal act. (10) Existing law, through the Kinship Guardianship Assistance Payment Program (Kin-GAP), which is a part of the CalWORKs program, provides aid on behalf of eligible children who are placed in the home of a relative caretaker. The program is funded by state and county funding and available federal funds. Existing eligibility requirements for the Kin-GAP Program include a requirement that a child has been living with a relative for at least 12 consecutive months. This bill would reduce the above requirement to 6 months, consistent with federal law. To the extent that this would increase duties of counties administering the Kin-GAP program, this bill would impose a state-mandated local program. This bill would revise the Kin-GAP Program, by repealing the existing program and enacting similar provisions, effective on the date that the Director of Social Services executes a declaration, as required by the bill, declaring that increased federal financial participation in the Emergency Contingency Fund for State TANF Programs is no longer available pursuant to the federal American Recovery and Reinvestment Act of 2009 (ARRA) (Public Law 111-5), or subsequent federal legislation that maintains or extends increased federal financial participation to provide state-funded

assistance for youth not eligible under the federally funded program and would require the state to exercise its option under specified federal law to establish a kinship guardianship assistance payment program, with components as set forth in the bill, for youth eligible for federal financial participation. This bill would require, as a condition of receiving payments under the revised Kin-GAP Program provisions, that a county welfare agency, probation department, or Indian tribe, as applicable, negotiate and enter into a written, binding kinship guardianship assistance agreement with the relative guardian of an eligible child, as prescribed. The bill also would specify the state's share of cost for the support and care of children eligible for Kin-GAP benefits. The bill would make related conforming changes. This bill, under the revised Kin-GAP Program provisions, also would require a county, at the time of the annual redetermination of state-funded Kin-GAP benefits, to determine whether a child was receiving federal AFDC-FC benefits before receiving Kin-GAP, while a dependent child or ward of the juvenile court. The bill would require the county to reassign these children to the county social worker for information regarding transition to the federal Kin-GAP program. By increasing county responsibilities, this bill would impose a state-mandated local program. (11) Existing law establishes the Aid to Families with Dependent Children-Foster Care (AFDC-FC) program, under which counties provide payments to foster care providers on behalf of qualified children in foster care. The program is funded by a combination of federal, state, and county funds. Under existing law, AFDC-FC benefits are available, with specified exceptions, on behalf of qualified children under 18 years of age. Existing law requires a county to annually redetermine AFDC-FC eligibility, as specified. This bill would require the department to amend its foster care state plan required under specified federal law, to extend AFDC-FC benefits, commencing January 1, 2012, to specified individuals up to 21 years of age, in accordance with a designated provision of federal law. The bill would repeal the existing annual redetermination requirement. This bill would extend AFDC-FC benefits to nonminor dependents, as specified, on and after January 1, 2012, including revising AFDC-FC rate provisions to apply to these individuals. This bill would require an annual review of a child's or nonminor's payment amount, as specified. The bill also would require a county to contribute to the cost of extending aid to eligible nonminor dependents who have reached 18 years of age and who are under the jurisdiction of the county, and to the cost of providing permanent placement services and administering the AFDC-FC program, as specified. The bill would provide that the county's total contribution for these purposes would not exceed the amount of savings realized by the county as a result of the implementation of the federally funded Kin-GAP Program. By expanding eligibility and duties under the county-administered AFDC-FC program, the bill would impose a state-mandated local program. (12) Under existing law, in order to be eligible for AFDC-FC benefits, a child must be placed in one of 8 designated placements. This bill would add to the eligible AFDC-FC placements, with respect to an otherwise eligible youth over 18 years of age, a supervised independent living setting. By increasing county duties in administering the AFDC-FC program, the bill would impose a state-mandated local program. (13) Under existing law, a minor between 16 and 18 years of age who is eligible for AFDC-FC benefits and who meets other specified requirements is eligible for certain transitional housing placement program services in a participating county. This bill, commencing January 1, 2012, would make a nonminor dependent who is eligible for AFDC-FC benefits also eligible for transitional housing benefits. This bill would revise existing provisions relating to the resolution of certain foster care overpayments to apply to Kin-GAP guardian homes and payments on behalf of nonminor dependents residing in supervised independent living settings. (14) Under existing law, a parent or caretaker relative is ineligible to receive CalWORKs aid when he or she has received aid for a cumulative total of 60 months. Existing law excludes from this calculation months when designated conditions exist. This bill, commencing January 1, 2012, would additionally exclude from the above calculation months when a recipient is a nonminor dependent participating in educational or training activities, as prescribed. Moneys from the General Fund are continuously appropriated to pay for a portion of CalWORKs aid grant costs, and for the state's share of AFDC-FC costs. This bill would provide that no appropriation from the General Fund would be made for the purposes of implementing these provisions. By increasing duties of counties administering the AFDC-FC program, this bill also would impose a state-mandated local program. (15) Existing law, the federal Social Security Act, provides for benefits for eligible beneficiaries, including survivorship and disability benefits and Supplemental Security Income (SSI) benefits for, among others, blind and disabled children. The act authorizes a person or entity to be appointed as a representative payee for a beneficiary who cannot manage or direct the management

of his or her money. Existing law also provides for State Supplemental Payments (SSP) in supplementation of SSI benefits. Existing law, the Foster Care Social Security and Supplemental Security Income Assistance Program, requires the county to apply to be appointed representative payee on behalf of a child beneficiary in its custody when no other appropriate party is available to serve. This bill would additionally require the county, when a child beneficiary reaches 18 years of age and elects to remain in the custody of the county as a nonminor dependent, to provide specified information to the youth regarding the process for becoming his or her own payee, and to assist the youth in this process, unless becoming his or her own payee is not in the youth's best interests, as specified. It would, as part of this process, express the intent of the Legislature that the county ensure direct payment of SSI benefits at least one month each year. Existing law requires every youth who is in foster care and nearing emancipation to be screened by the county for potential eligibility for SSI benefits, as prescribed. Existing law authorizes a county, under certain circumstances, to forgo a youth's federally funded AFDC-FC benefits in the month of application for SSI benefits, and instead to use state resources to fund the placement, in order to ensure that the youth meets all of the SSI eligibility requirements. This bill would establish similar requirements for a county child welfare agency, with respect to a nonminor dependent who has been approved for SSI payments but is receiving an AFDC-FC or Kin-GAP benefit that includes federal financial participation in an amount that exceeds the SSI payment, causing the SSI payment to be placed in suspense. By placing new duties on county child welfare agencies, this bill would impose a state-mandated local program. (16) Existing law provides for the Adoption Assistance Program (AAP), to be established and administered by the State Department of Social Services or the county, for the purpose of benefiting children residing in foster homes by providing the stability and security of permanent homes. The AAP provides for the payment by the department and counties, of cash assistance to eligible families that adopt eligible children, and bases the amount of the payment on the needs of the child and the resources of the family to meet those needs. Existing law sets forth eligibility requirements for the AAP, including that a child must be under 18 years of age, or under 21 years of age with a mental or physical disability that warrants continued assistance. This bill would additionally include children under 21 years of age who turned 16 years of age before the adoption assistance agreement became effective, and is involved in designated education or employment activities, or is incapable of engaging in these activities due to a medical condition. Payment of adoption assistance would be available for these individuals commencing January 1, 2012, as long as specified federal funds remain available and the state continues to exercise its option to extend payments up to 21 years of age, pursuant to the federal act. (17) Existing law requires the state, through the department and county welfare departments, to establish and support a public system of statewide child welfare services. Under existing law, the term "child welfare services" includes various services provided on behalf of children alleged to be the victims of child abuse, neglect, or exploitation. Existing law establishes the case plan as the foundation and central unifying tool in the provision of child welfare services. This bill would revise the definition of child welfare services to include transitional independent living services, as needed in connection with the provision of other permanent placement services. The bill would revise the requirements for the case plan, effective January 1, 2012, with respect to nonminor dependents, to address the developmental needs of young adults, as specified. The bill would also require the case plan to specify why a group home placement, if made, is necessary for the nonminor dependent's transition to independent living, and would require the nonminor dependent to participate and develop, and to sign, his or her case plan, commencing January 1, 2012. By increasing the duties of counties in preparing case plans, the bill would impose a state-mandated local program. This bill would revise the definition of a whole family foster home, to include a home that provides foster care for a nonminor dependent parent and his or her child, for purposes of the AFDC-FC program. Effective January 1, 2012, the bill would require that the same rate be paid for the care and supervision of the child of a nonminor dependent as is paid for the child of a teen parent in a whole family foster home. The bill would make other provisions applicable to a teen parent, for purposes of the child welfare services program, also applicable to certain nonminor dependents living in a whole family foster home.

AB 2160  
Bass

*Teacher credentialing: instruction to pupils with autism*  
The Commission on Teacher Credentialing is authorized to issue teaching and services credentials, and is required to establish standards and procedures for the issuance and renewal of credentials.

Existing law authorizes a local educational agency or school to assign a teacher who holds a level 1 education specialist credential to provide instruction to pupils with autism, subject to specified requirements. Existing law makes those provisions inoperative 2 years after the commission adopts regulations relating to the requirements for obtaining a specialist credential in special education, or on August 31, 2011, whichever occurs first, and repeals those provisions on January 1, 2012. This bill would delete the provision requiring the education specialist credential to be a level 1 credential, would extend the inoperative date to October 1, 2013, and would repeal those provisions on January 1, 2014. The bill would express various findings and declarations of the Legislature, and would delete obsolete provisions.

AB 2474  
Beall

*Community care facilities: foster family agencies*

The California Community Care Facilities Act requires any holder of a valid license issued by the State Department of Social Services to engage in any foster family functions to use only a certified family home, as defined, that has been certified by that agency or a licensed foster family home approved for this use by the licensing county. The act requires, until January 1, 2011, a foster family agency that provides treatment of children in foster families to employ one full-time social work supervisor for every 8 social workers or fraction thereof in the agency. This bill would repeal that employment provision on January 1, 2012.

SB 110  
Liu

*People with disabilities: victims of crime*

Existing law addresses aspects of the jurisdiction of state agencies and law enforcement in regard to long-term care facilities and elder and dependent adult abuse, as specified. This bill would further specify the jurisdiction of various state agencies and of law enforcement in regard to investigating those facilities and that conduct. Existing law regulates the investigation and prosecution of crimes against a dependent adult, which is defined to include a person who is between 18 and 64 years of age, inclusive, and who has a physical or mental limitation which restricts his or her ability, or substantially restricts his or her ability, to carry out normal activities or to protect his or her rights, including, but not limited to, a person who has a physical or developmental disability or whose physical or mental abilities have diminished, or significantly diminished, because of age. Under existing law, the term also includes any person between 18 and 64 years of age, inclusive, who is admitted as an inpatient to certain 24-hour health facilities. Existing law authorizes any county to establish an interagency elder death review team to assist local agencies in identifying and reviewing suspicious elder deaths and facilitating communications among persons who perform autopsies and persons involved in the investigation or reporting of elder abuse or neglect. Existing law establishes procedures for the sharing or disclosure of information by elder death review teams. This bill would rename these teams "elder and dependent adult death review teams" and would expand the authority of these teams to cover dependent adult death, abuse, and neglect, as specified. Existing law provides for the training of peace officers. This bill would require the Commission on Peace Officer Standards and Training and the Bureau of Medi-Cal Fraud and Elder Abuse to consult with each other and with other subject matter experts when producing new or updated training materials relating to elder and dependent adult abuse, as specified. Existing law provides for the creation of an advisory committee responsible for developing a course of training for district attorneys in the investigation and prosecution of sexual assault cases, child sexual exploitation cases, and child sexual abuse cases. Existing law requires that the courses shall include training in the unique emotional trauma experienced by victims of these crimes. Existing law requires that the committee shall consist of 11 members of which 6 shall be public members appointed by the Commission on the Status of Women, as specified. This bill would require that one of the appointees of the Commission on the Status of Women be an expert on crimes against persons with disabilities or other representative of the disability community, appointed as specified. Existing law provides that each county shall establish an emergency response adult protective services program that shall provide in-person response, 24 hours per day, 7 days per week, to reports of abuse of an elder or dependent adult, as specified. This bill would make technical changes to those provisions.

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. That law also requires the housing element to contain an analysis of any special housing needs. Existing law defines "developmental disability" as a disability that originates before an individual attains 18 years of age, continues or may continue indefinitely, and constitutes a substantial disability for that individual. Existing law expressly includes specified disabling conditions within that definition. This bill would require the local government to include in the special housing needs analysis, needs of individuals with a developmental disability within the community. By expanding the duties of local jurisdictions in relation to the general plans, this bill would impose a state-mandated local program.

SCR 91  
Steinberg

*Autism Awareness Month*

This measure would designate April 2010 as Autism Awareness Month, would affirm the Legislature's commitment to the important issues related to autism spectrum disorders (ASDs), would emphasize that each and every individual with an ASD is a valued and important member of our society, would recognize and commend the parents and relatives of individuals with ASDs for their sacrifice and dedication in providing for the special needs of individuals with ASDs, would recognize and commend the work of all nonprofit organizations that are contributing to the well-being of individuals with autism and their families, and would stress the need to identify children with ASDs and to begin early intervention services immediately after a child has been diagnosed with an ASD.

## Public Health Administration

- AB 867  
Nava  
*California State University: Doctor of Nursing Practice degree pilot program*  
Existing law establishes the California State University and its various campuses under the administration of the Trustees of the California State University. Existing law requires the California State University to offer undergraduate and graduate instruction through the master's degree in the liberal arts and sciences and professional education, including teacher education. This bill, until July 1, 2018, would authorize the California State University to establish a Doctor of Nursing Practice degree pilot program at 3 campuses chosen by the Board of Trustees to award the Doctor of Nursing Practice degree. The bill would distinguish the Doctor of Nursing Practice degree from the doctor of philosophy degree offered at the University of California. The bill would require the Doctor of Nursing Practice degree pilot program to be designed to enable professionals to earn the degree while working full time, train nurses for advanced practice, and prepare clinical faculty to teach in postsecondary nursing programs. The bill would require the California State University to enroll and maintain no more than 90 full-time equivalent students in the degree pilot program at all 3 campuses combined. The bill would require initial funding to come from existing budgets, without diminishing the quality of undergraduate programs or reducing enrollment therein. The bill would require the California State University, the Legislative Analyst's Office, and the Department of Finance to jointly conduct a statewide evaluation of the degree pilot program and report the results to the Legislature and the Governor on or before January 1, 2017.
- AB 2344  
Nielsen  
*Nursing: approved schools*  
Existing law, the Nursing Practice Act, provides for the licensure and regulation of registered nurses by the Board of Registered Nursing. Existing law requires the board to prepare and maintain a list of approved schools of nursing in this state and defines an approved school of nursing as one that, among other requirements, is an institution of higher education or is affiliated with an institution of higher education. For purposes of this provision, existing law specifies that the term "institution of higher education" includes community colleges offering an associate degree. This bill would instead specify that the term "institution of higher education" includes, but is not limited to, community colleges and private postsecondary institutions offering an associate of arts or associate of science degree.
- AB 2385  
John A. Perez  
*Pilot Program for Innovative Nursing and Allied Health Care Profession Education at the California Community Colleges*  
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, each of which is 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. The bill would establish the Pilot Program for Innovative Nursing and Allied Health Care Profession Education at the California Community Colleges under the administration of the Office of the Chancellor of the California Community Colleges to facilitate the graduation of community college nursing and allied health students by piloting innovative models to expand the state's capacity to prepare a qualified health care workforce. The bill would require the chancellor's office to establish the pilot program at up to 5 campuses throughout the state according to specified requirements. The bill would express legislative intent that the pilot program be funded with a combination of state apportionment funding, federal grants, employer-based partnerships, and private philanthropic resources. The bill would require the chancellor's office to collect appropriate data for the purpose of evaluating the effectiveness of the pilot program. The bill would require the chancellor's office to analyze this data, and contract with an external evaluator to conduct an independent evaluation, with findings and recommendations with respect to the pilot program to be reported to the Legislature on or before January 1, 2017. The bill would provide that its provisions would be implemented in any fiscal year only to the extent that the chancellor's office determines that sufficient moneys are available to administer the program. The bill would provide that the pilot program would become inoperative on July 1, 2017, and as of January 1, 2018, would be repealed.



## Criminal Justice

- AB 2350  
Hill *Interstate Compact for Juveniles*  
Existing law, the Interstate Compact for Juveniles, which has been adopted by this state, establishes an interstate commission to oversee, supervise, and coordinate the interstate movement of juveniles. Pursuant to the compact, any state statutory law that conflicts with the rules and regulations adopted by the commissioners is superseded. Existing law generally provides that a minor who is persistently or habitually disobedient or has 4 or more truancies within one school year, as specified, or a person who was a minor when he or she violated a curfew based solely on age, is within the jurisdiction of the juvenile court. Existing law provides that a minor who comes within that description may not be held for more than 24 hours in order to locate the child's parent or guardian as soon as possible and arrange the return of the minor to his or her parent or guardian. Existing law further provides that a minor whose parent or guardian is a resident outside of the state may not be held in a secure facility for more than 24 hours, or no more than 72 hours under specified circumstances. This bill would delete the provisions of state law regarding a minor whose parent or guardian is a resident outside of the state as described above and would instead exclude an out-of-state minor who is being held pursuant to the Interstate Compact for Juveniles from the provisions authorizing the detention of a minor for no more than 24 hours.
- AB 2632  
Davis *Gang injunctions: violations: contempt of court*  
Existing law provides for injunctive relief from the unlawful activities of criminal street gangs. Existing law provides that disobedience of the terms of any court order constitutes a contempt of court, and is punishable as a misdemeanor. This bill would specify that disobedience of the terms of an injunction that restrains the activities of a criminal street gang or any of its members constitutes contempt of court, and is punishable as a misdemeanor.
- SB 76  
Committee on Public Safety *Committee on Public Safety: Inmates: incentive credits*  
Existing law provides time credit for work performance and good behavior to prisoners confined to a county jail, industrial farm, or road camp, or any city jail, industrial farm, or road camp. Specifically, except regarding certain prisoners who are limited to 15% credit against sentenced time, existing law provides that a term of 4 days will be deemed to have been served for every 2 days spent in actual custody in one of these facilities, except that a term of 6 days will be deemed to have been served for every 4 days in actual custody for prisoners required to register as sex offenders, prisoners committed for a serious felony, or prisoners with a prior conviction for a serious or violent felony. This bill would instead provide that prisoners sentenced to state prison for whom the sentence is executed, except for those required to register as sex offenders, committed for a serious felony, or with a previous conviction for a serious or violent felony, who are confined in a city or county jail, industrial farm, or road camp, from the date of arrest until state prison credits are applicable, shall have one day deducted from his or her period of confinement for every day the prisoner served in a city or county jail, industrial farm, or road camp. The bill would provide that a prisoner sentenced to state prison who is confined in a city or county jail, industrial farm, or road camp may not receive the day-for-day credit if it appears by the record that the prisoner refused to satisfactorily perform labor or failed to satisfactorily comply with rules and regulations, as specified. The bill would provide that, for prisoners otherwise in a county jail, industrial farm, or road camp, or any city jail, industrial farm, or road camp for a crime committed on or after the effective date of this bill, except those subject to the 15% limitation on credits noted above, a term of 6 days will be deemed to have been served for every 4 days spent in actual custody.
- SB 945  
Liu *Juvenile court jurisdiction: services and benefits*  
Existing law provides that a minor may be adjudged a dependent child or a ward of the juvenile court under specified circumstances. Existing law authorizes the court to place a minor who has been removed from the custody of his or her parent or guardian in foster care, among other placements. Existing law provides for the termination of the juvenile court jurisdiction when the minor reaches a specified age. Existing law authorizes the State Department of Social Services to develop statewide standards for the implementation and administration of the Independent Living Program. Existing regulations specify eligibility requirements for the Independent Living Program, and require county

social workers and probation officers to determine eligibility for the program in conjunction with the preparation of a Transitional Independent Living Plan. An existing regulation requires county social workers and probation officers to ensure that foster or probation youth are given appropriate information about the opportunity to participate in the Independent Living Program. This bill would require a probation officer or parole officer, whenever the juvenile court terminates jurisdiction over a ward, or upon release of a ward from a facility that is not a foster care facility, to provide to the person a written notice stating that the person is a former foster child and may be eligible for the services and benefits that are available to a former foster child through public and private programs, and information that informs the person of the availability of assistance to enable the ward to apply for, and gain acceptance into, federal and state programs that provide independent living services and benefits to former foster children for which the person is or may be eligible. The bill would make related findings and declarations.

SB 962  
Liu

*Prisoners: adjudication of parental rights: participation*

Existing law requires notice of, and the opportunity for an incarcerated parent to be physically present in, proceedings terminating his or her parental rights or seeking to adjudicate the child of a prisoner a dependent child of the court. These proceedings may not be adjudicated without the physical presence of the parent unless the court receives a knowing waiver from the parent of his or her right to be physically present at the proceedings, or an affidavit signed by a person in charge of the incarcerating institution that the prisoner does not intend to appear at the proceeding. Existing law provides that, for all other kinds of actions not specified above in which an incarcerated parent's legal rights are adjudicated, the court may order the physical presence of the parent at the proceeding. This bill would provide that an incarcerated parent who has either waived the right to be physically present at the proceeding or who has not been ordered by the court to be present at the proceeding may be given the opportunity, at the discretion of the court, to participate in the proceeding by videoconference or teleconference, if that technology is available, as long as the parent's participation otherwise complies with the law. This bill would state the intent of the Legislature to preserve internal job placement opportunities and earned privileges of prisoners, and to prevent the removal of prisoners from court-ordered courses, as a result of participation in child dependency proceedings. This bill would permit the Department of Corrections and Rehabilitation to accept donated materials and services related to videoconferencing and teleconferencing in order to implement a program, at a prison to be determined by the department, to facilitate the participation of incarcerated parents in dependency court hearings. The bill would specify that the implementation of the program is contingent upon the receipt of sufficient donations of materials and services by the department.

SB 1032  
Wright

*Corrections: audits and investigations*

Existing law establishes the Office of the Inspector General for the purpose of conducting audits and investigations of the Department of Corrections and Rehabilitation, as specified. Under existing law, the Inspector General may require any employee of the department to be interviewed on a confidential basis. Existing law provides that it is not the purpose of these communications to address disciplinary action or grievance procedures that may routinely occur and that if it appears that the facts of the case could lead to punitive action, the Inspector General shall be subject to specified provisions governing interrogations and investigations of public safety officers. This bill would include among those provisions applicable to the Inspector General in interviewing employees of the department a provision that makes it unlawful for any public safety department to deny or refuse to any public safety officer the rights and protections guaranteed to him or her concerning interrogations and investigations, as specified.

SB 1266  
Liu

*Inmates: alternative custody*

Existing law provides a system of prisons under the Department of Corrections and Rehabilitation to house inmates committed to state prison for felonies. This bill would authorize the Secretary of the Department of Corrections and Rehabilitation to offer a program under which female inmates, pregnant inmates, or inmates who, immediately prior to incarceration, were primary caregivers of dependent children, as defined, who are committed to state prison may be allowed to participate in a voluntary alternative custody program in lieu of confinement in state prison. The bill would define an alternative custody program to include confinement to a residential home, a residential drug or

treatment program, or a transitional care facility that offers appropriate services. The bill would authorize the department to enter into contracts with county agencies, not-for-profit organizations, for-profit organizations, and others in order to promote alternative custody placements. The bill would require the department to determine the recidivism rate of each participant in an alternative custody program. The bill would, among other things, provide inmate eligibility criteria, authorize the secretary to prescribe rules and regulations for the program, including imposing certain inmate participation requirements, and authorize certain inmate compliance verification procedures. The bill would make the escape or attempted escape from this program a misdemeanor, thereby creating a state-mandated local program.

SB 1447  
Padilla

*Juveniles: secure detention facilities*

Existing law requires the annual inspection of any jail, juvenile hall, or special purpose juvenile hall that, in the preceding calendar year, was used for confinement, for more than 24 hours, of any minor. Existing law requires the Corrections Standards Authority to establish minimum standards for state and local correctional facilities. The federal Juvenile Justice and Delinquency Prevention Act of 2002 provides grants to the states to support state and local programs that address juvenile delinquency, as specified. The act requires that a state submit a state plan that meets specified criteria in order to be eligible for those grants. Among other criteria, the state plan must provide that certain juveniles will not be placed in secure detention facilities, must ensure that juveniles will not be detained or confined in any institution in which they have contact with adult inmates, and must provide for an adequate system of monitoring jails, detention facilities, correctional facilities, and nonsecure facilities to ensure that these and other criteria set forth in the act are met. The act also requires annual reporting of the results of that monitoring, except as specified. This bill would require the Corrections Standards Authority to inspect and collect relevant data from any facility that may be used for the secure detention of minors, in accordance with the federal Juvenile Justice and Delinquency Prevention Act of 2002.

## Economic Development and Income

- AB 2696  
Bass *California Workforce Investment Board: Green Collar Jobs Council*  
Existing law establishes the California Workforce Investment Board, and requires the board to establish a committee known as the Green Collar Jobs Council (GCJC), comprised of specified members. Existing law 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 revise the duties of the GCJC, as specified. The bill would authorize the board 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 authorize the Employment Development Department, upon appropriation by the Legislature, to expend those moneys and revenues for purposes related to the strategic initiative and the award of grants, as provided. 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. The bill would require the board, on or before April 1, 2011, and annually each April 1 thereafter, to report to the Legislature on the status of GCJC activities, grants awarded, and the development and implementation of a green workforce strategic initiative.
- AB 2774  
Swanson *Occupational safety and health*  
Existing law requires an employer to provide employees with a safe workplace and authorizes the Division of Occupational Safety and Health within the Department of Industrial Relations to enforce health and safety standards in places of employment and to investigate and to issue a citation and impose civil penalties when an employer commits a serious violation that causes an employee to suffer or potentially suffer, among other things, "serious injury or illness" or "serious physical harm." This bill would establish a rebuttable presumption as to when an employer commits a serious violation of these provisions and would define serious physical harm, as specified. The bill would also establish new procedures and standards for an investigation and the determination by the division of a serious violation by an employer which causes harm or exposes an employee to the risk of harm.
- AB 2798  
Committee on Jobs, Economic Development and the Economy *Economic development*  
Existing law designates the Business, Transportation and Housing Agency as the primary state agency responsible for facilitating economic development in the state, establishes the California Economic Development Fund in the State Treasury for the purpose of receiving specified economic development funds, authorizes the Secretary of Business, Transportation and Housing to expend moneys in the fund, upon appropriation by the Legislature, for specified purposes relating to economic development, authorizes the secretary to administer the federal Economic Adjustment Assistance Grant, as defined, and defines various terms for the purposes of these provisions relating to economic development. This bill would define additional terms for the purposes of these provisions in existing law relating to economic development.
- SB 71  
Padilla *Economic development: sales and use tax exclusions: environmental technology project*  
The California Alternative Energy and Advanced Transportation Financing Authority Act established the California Alternative Energy and Advanced Transportation Financing Authority. The authority is authorized to do all things necessary and convenient to carry out the purposes of the act. The authority is also required to establish a renewable energy program to provide financial assistance, as defined, to certain entities for projects to generate new and renewable energy sources, develop clean and efficient distributed generation, and demonstrate the economic feasibility of new technologies. Existing law provides that the transfer of title of tangible personal property constituting a project under the act to the authority by a participating party, or the lease or transfer of tangible personal property constituting a project under the act by the authority to a participating party pursuant to the act is not a "sale" or "purchase" for the purposes of the Sales and Use Tax Law. This bill would, for purposes of the act until January 1, 2021, expand the definition of "alternative sources" and "projects," as specified. The bill would, until January 1, 2021, authorize the authority to evaluate

project applications, and to approve projects, as defined, for financial assistance under the existing exclusion from a "sale" or "purchase" subject to sales or use tax, as provided. This bill would require the Legislative Analyst's Office to submit a report to the Joint Legislative Budget Committee, as provided. The Bradley-Burns Uniform Local Sales and Use Tax Law authorizes counties and cities to impose local sales and use taxes in conformity with the Sales and Use Tax Law, and districts, as specified, may impose transactions and use taxes in accordance with the Transactions and Use Tax Law, which conforms to the Sales and Use Tax Law. Amendments to the Sales and Use Tax Law are automatically incorporated into these laws. Section 2230 of the Revenue and Taxation Code provides that the state will reimburse counties and cities for revenue losses caused by the enactment of sales and use tax exemptions. This bill would provide that, notwithstanding Section 2230 of the Revenue and Taxation Code, no appropriation is made and the state shall not reimburse local agencies for sales and use tax revenues lost by them pursuant to this bill. This bill would declare that it is to take effect immediately as an urgency statute.

SB 1304  
DeSaulnier

*Employment: leave and benefits*

Existing law requires that employees of the state who have exhausted all available sick leave be permitted to take a leave of absence with pay, not exceeding 30 days for the purpose of organ donation and not exceeding 5 days for bone marrow donation, as prescribed. This bill would require private employers to permit employees to take similar paid leaves of absence for organ and bone marrow donation. The bill would require a private employer to restore an employee returning from leave for organ or bone marrow donation to the same position held by the employee when the leave began or an equivalent position. The bill would prohibit a private employer from interfering with an employee taking organ or bone marrow donation leave and from retaliating against an employee for taking that leave or opposing an unlawful employment practice related to organ or bone marrow donation leave. The bill would also create a private right of action for an aggrieved employee to seek enforcement of these provisions.

SCR 73  
DeSaulnier

*California Task Force on Youth and Workplace Wellness*

This measure would continue the existence and set forth the membership of the California Task Force on Youth and Workplace Wellness, to perform duties to promote fitness and health in schools and workplaces. It would permit the task force to accept private funds and in-kind donations, require the task force to submit a report on its work to the Legislature on or before June 30, 2012, and provide that the task force would cease to exist on July 1, 2014, unless its existence is extended by a later enacted resolution.

## Education

- AB 185  
Buchanan *Education: federal funds*  
Existing law, the Budget Act of 2009, makes appropriations from various funds in support of elementary, secondary, and postsecondary education. This bill would appropriate \$903,845,000 from the Federal Trust Fund, pursuant to a specified schedule, to the State Department of Education, the Board of Governors of the California Community Colleges, the University of California, and the California State University for the 2010-11 fiscal year. This bill would declare that it is to take effect immediately as a usual and current expense of the state.
- AB 434  
Block *After school programs*  
Existing law 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. Existing law requires the State Department of Education to apportion moneys, from those continuously appropriated for purposes of after school programs, to program applicants in the form of grants according to a specified priority scheme and specifies maximum grant amounts for 3-year direct grants for before and after school programs. Existing law limits the amount of state funds a program participant may expend on administrative costs to 15% of the participant's funding. Existing law requires a program participant receiving state funding 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 to be included as direct services, provided that at least 85% of the site supervisor's time is spent at the program site.
- AB 1742  
Coto *Education: special education*  
Existing law requires a nonpublic, nonsectarian school that provides special education and related services to an individual with exceptional needs in any of the grades from kindergarten through grade 12 to certify in writing to the Superintendent of Public Instruction that it meets specified requirements, including the requirement that it will not accept a pupil with exceptional needs if it cannot provide the services outlined in the pupil's individualized education program, as specified. This bill would specify the required standards-based, core curriculum and instructional materials used to provide the special education and related services including technology-based materials, as specified.
- AB 1933  
Brownley *Foster children: education*  
Existing law requires a local educational agency, at the initial detention or placement or any subsequent change in placement of a foster child, to allow the foster child to continue his or her education in the school of origin, as defined, for the duration of the school year. This bill would instead require a local educational agency to allow the foster child to continue at the school of origin at the foster child's initial detention, placement, or any subsequent change in placement for the duration of the jurisdiction of the court, and would require the local educational agency to allow the child to continue his or her education at that school of origin for the duration of the school year if the court's jurisdiction is terminated prior to the end of the academic year. The bill would specify other requirements for a foster child's placement in school when the foster child is transitioning between school grade levels, as specified. By requiring local educational agencies to perform additional duties, this bill would impose a state-mandated local program.
- SB 798  
DeSaulnier *Before and after school programs: 21<sup>st</sup> 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. This bill would require, in any fiscal year in which the total state appropriation for that fiscal year under this program exceeds the total state appropriation for the 2008-09 fiscal year after certain funds have been allocated, that the excess amount be allocated for direct grants to community learning centers in accordance with a prescribed schedule. The bill would require priority for funds allocated to programs serving elementary and middle school pupils to be given to programs with expiring grants, subject to specified requirements.

- SB 851  
Committee on Budget and Fiscal Review  
*Education finance: Proposition 98: suspension*  
The California Constitution requires the state to apply a minimum amount of funding for each fiscal year for the support of school districts and community college districts. Existing law authorizes the Legislature to suspend that minimum funding obligation for one year by the enactment of an urgency statute, as provided. This bill would suspend the minimum funding obligation for the 2010-11 fiscal year and would declare that the amount of money that will be applied by the state for the support of school districts and community college districts during the 2010-11 fiscal year is \$49,658,220,000, which would include the amount of the outstanding maintenance factor required to be allocated in the 2010-11 fiscal year. This bill would declare that it is to take effect immediately as an urgency statute.
- SB 1143  
Liu  
*Community colleges: students success and completion: taskforce and plan*  
Existing law establishes the California Community Colleges, under the administration of the Board of Governors of the California Community Colleges, as one of the 3 segments of public postsecondary education in this state. This bill would require the board to adopt a plan for promoting and improving student success within the California Community Colleges and to establish a taskforce to examine specified best practices and models for accomplishing student success. The bill would require the taskforce to develop and present specified recommendations to the board for incorporation into the plan to improve student success and completion within the California Community Colleges. The bill would require the board, prior to implementation of the plan, to report the contents of the plan, and the recommendations of the taskforce, to specified legislative committees by March 1, 2012.
- SB 1317  
Leno  
*Truancy*  
(1) Existing law defines a truant as any pupil subject to compulsory full-time education or to compulsory continuation education who is absent from school without a valid excuse 3 full days in one school year, or tardy or absent for more than any 30-minute period during the schoolday without a valid excuse on 3 occasions in one school year, or any combination thereof. This bill would define a chronic truant as any pupil subject to compulsory full-time education or to compulsory continuing education who is absent from school without a valid excuse for 10% or more of the schooldays in one school year, from the date of enrollment to the current date, provided that the appropriate school district officer or employee has complied with specified provisions of law. (2) Existing law provides that, if a person is a parent of a minor child, he or she is guilty of a misdemeanor punishable by a fine not exceeding \$2,000, or by imprisonment in a county jail for a period not exceeding one year, or by both that fine and imprisonment, if he or she willfully omits, without lawful excuse, to furnish necessary clothing, food, shelter, medical attendance, or other remedial care for the child. Under existing law, the parent or guardian of a pupil, who is subject to compulsory full-time education or to compulsory continuation education, whose child is habitually truant, as defined, or fails to perform his or her duty to compel attendance of the pupil, is guilty of a crime. This bill would provide that a parent or guardian of a pupil of 6 years of age or more who is in kindergarten or any of grades 1 to 8, inclusive, and who is subject to compulsory full-time education or to compulsory continuation education, whose child is a chronic truant, who has failed to reasonably supervise and encourage the pupil's school attendance, and who has been offered language accessible support services to address the pupil's truancy, is guilty of a misdemeanor punishable by a fine not exceeding \$2,000, or by imprisonment in a county jail for a period not exceeding one year, or by both that fine and imprisonment. The bill would provide that a parent or guardian may not be punished for a violation of both these provisions and another specified law involving criminal liability for parents or guardians of truant children. By changing the definition of an existing crime, this bill would impose a state-mandated local program. The bill would authorize a superior court to establish a deferred entry of judgment program, meeting specified conditions, to adjudicate cases involving parents or guardians of elementary school pupils who are chronic truants. The bill would authorize a deferred entry of judgment program established under the bill to refer defendant parents or guardians for services, including, but not necessarily limited to, case management, mental and physical health services, parenting classes and support, substance abuse treatment, and child care and housing. The bill would authorize the deferment of entry of judgment in these cases upon the defendant's compliance with terms and conditions set forth by the court. The bill would require that funding for the deferred entry of judgment program come solely from nonstate sources.

- SB 1353  
Wright      *Education: foster youth*  
(1) Existing law expresses the Legislature's intent that all pupils in foster care who are homeless, as defined, have a meaningful opportunity to meet the pupil academic achievement standards to which all pupils are held. Educators and specified juvenile justice entities must work together to maintain school placements and educational programs and resources, as specified. In all instances, educational and school placement decisions must be based on the best interests of the child. This bill would define "best interests of the child" for purposes of that provision. (2) If out-of-home placement is used to attain case plan goals, existing law requires the decision regarding choice of placement to be based upon selection of a safe setting that, among other things, is available in close proximity to the parent's home, to the child's school, or both. This bill instead would require a setting that is available in close proximity to the parent's home and promotes educational stability.
- SB 1354  
Hancock      *Partnership academies*  
Existing law provides for the establishment of partnership academies for pupils at risk of dropping out of school by participating school districts that meet specified eligibility requirements, and requires the Superintendent of Public Instruction to issue grants to school districts for planning, establishing, and maintaining the partnership academies. The Superintendent is authorized to issue a maximum of 155 grants per year for purposes of planning partnership academies. Existing law sets forth criteria for a pupil to be considered at risk of dropping out of school. This bill would delete the limit on the number of grants the Superintendent is authorized to issue for planning partnership academies. The bill would expand the criteria for determining whether a pupil is at risk of dropping out of school, and would revise the requirements for the enrollment of pupils who are not at risk. The bill would require a school district to provide an assurance that each academy pupil will be provided with career technical courses in each grade level that are part of an occupational course sequence that targets comprehensive skills, and meets certain other requirements. The bill would make other conforming changes, and would also make technical, nonsubstantive changes. The bill would become operative on July 1, 2011, and would require its provisions to be implemented commencing with the 2011-12 school year.
- SB 1357  
Steinberg      *California Longitudinal Pupil Achievement Data System*  
Existing law establishes the California Education Information System, which consists of the California Longitudinal Pupil Achievement Data System (CALPADS) and the California Longitudinal Teacher Integrated Data Education System. Existing law requires the State Department of Education under CALPADS to contract for the development of proposals that will provide for the retention and analysis of longitudinal pupil achievement data. Existing law requires local educational agencies to retain individual pupil records for each test taker, including other data elements deemed necessary by the Superintendent of Public Instruction, with approval of the State Board of Education, to comply with federal reporting requirements delineated in the federal No Child Left Behind Act of 2001. This bill would require the department, contingent on federal funding for this purpose and in consultation with the Department of Finance and the Legislative Analyst's Office, to prepare CALPADS to include data on a quarterly rate of pupil attendance. The bill would require that CALPADS be capable of issuing to local educational agencies periodic reports on district, school, class, and individual pupil rates of absence and chronic absentees, as defined. The bill would state the intent of the Legislature to support the development of early warning systems to identify and support individual pupils who are at risk of academic failure or of dropping out of school. Existing law requires the Superintendent annually to submit to the Governor, the Legislature, and the State Board of Education a report on dropouts using the data produced by CALPADS. This bill would require the report to include chronic absentee rates when that data is available. The bill would make implementation of the provisions regarding the inclusion of pupil attendance data in CALPADS contingent upon the appropriation of federal funds specifically for the purposes of those provisions.
- SB 1381  
Simitian      *Kindergarten: age of admission*  
Existing law requires that a child be admitted to kindergarten at the beginning of a school year, or at any time later in the same year if the child will have his or her 5th birthday on or before December 2 of that school year. An elementary school is required to admit a child to the first grade during the first month of a school year if the child will have his or her 6th birthday on or before December 2 of



that school year. This bill would change the required birthday for admission to kindergarten and first grade to November 1 for the 2012-13 school year, October 1 for the 2013-14 school year, and September 1 for the 2014-15 school year and each school year thereafter, and would require a child whose admission to a traditional kindergarten is delayed to be admitted to a transitional kindergarten program, as defined. The bill would require pupils who are participating in transitional kindergarten to be included in computing the average daily attendance of a school district in accordance with specified requirements. To the extent those changes establish new administrative duties on the governing boards of school districts in implementing the changes, they would impose a state-mandated local program.

SB 1422  
Romero

*Teachers: pupil survey*

Existing law requires the governing board of each school district to evaluate and assess certificated employee performance as it reasonably relates to the progress of pupils toward the standards of expected pupil achievement and the state adopted academic content 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. This bill would authorize the student government of a school maintaining any of grades 9 to 12, inclusive, to establish a committee of pupils and teachers to develop a survey by which pupils may provide feedback to teachers. The survey would be required to solicit pupil opinion on different aspects of a class and the effectiveness of the teacher of the class. The survey would be provided annually to teachers who would survey the pupils in the classes they teach. Survey responses would be confidential and made known only to the teacher whose class is surveyed. Administrators and school or district officials would be prohibited from viewing or having access to any completed pupil survey without the express written consent of the teacher to whom the survey relates. The surveys would be prohibited from becoming part of a teacher's personnel record, from being included in or used to influence the existing teacher evaluation process, and from being used for collective bargaining purposes.

SBX5 1  
Steinberg

*Public schools: Race to the Top*

(1) The Education Data and Information Act of 2008 requires the State Chief Information Officer to convene a working group representing specified governmental entities that collect, report, or use individual pupil education data to create a strategic plan to link education data systems and to accomplish objectives relating to the accessibility of education data. This bill, in addition, would authorize the State Department of Education, the University of California, the California State University, the Chancellor of the California Community Colleges, the Commission on Teacher Credentialing, the Employment Development Department, and the California School Information Services to enter into interagency agreements in order to facilitate specified objectives regarding the implementation of a longitudinal education data system and the transfer of education data. (2) Existing law establishes the Commission on Teacher Credentialing to, among other things, establish professional standards and procedures for the issuance and renewal of teaching and services credentials. This bill would establish the Science, Technology, Engineering, Math, and Career Technical Education Educator Credentialing Program for purposes of providing alternative routes to credentialing in accordance with the guidelines for the federal Race to the Top Fund, and would require the commission, together with the Committee on Accreditation, to develop a process to authorize additional high-quality alternative route educator preparation programs provided by school districts, county offices of education, community-based organizations, and nongovernmental organizations. The bill would authorize the commission to assess a fee on community-based and nongovernmental organizations that are seeking approval to participate in the program. (3) Federal law, the federal Family Educational Rights and Privacy Act (FERPA), requires schools and educational agencies receiving federal financial assistance to comply with specified provisions regarding the release of pupil data. State law prescribes additional rules relating to the authorized release of pupil data. This bill would authorize the department, to the extent permissible under FERPA and specified state law, and commencing July 1, 2010, to conduct pupil data management on behalf of local educational agencies. The bill would require the department to establish, no earlier than July 1, 2010, an education data team to act as an institutional review board to review and respond to all requests for pupil data, as specified. The bill would make the department responsible for data management decisions for data under its jurisdiction and make the department and a local

educational agency jointly liable for any data management decisions in which the department and the local educational agency participate jointly, as specified. The bill would require the department to develop appropriate policies and procedures for the education data team by July 1, 2010, that includes fees or charges that shall be imposed upon research applicants, as specified. The bill would require the department to perform the duties specified in these provisions with its existing resources. The bill would make these provisions inoperative on July 1, 2013, and repeal them on January 1, 2014. (4) 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. This bill would require the Superintendent and the state board, in consultation with the advisory committee, by July 1, 2013, to make recommendations to the Legislature and the Governor on, among other things, the establishment of a methodology for generating a measurement of group and individual academic performance growth by using individual pupil results from a longitudinally valid achievement assessment system. (5) The federal American Recovery and Reinvestment Act of 2009 (ARRA), provides \$4.3 billion for the State Incentive Grant Fund (Race to the Top Fund), which is a competitive grant program designed to encourage and reward states that are implementing specified educational objectives. The ARRA requires a Governor to apply on behalf of a state seeking a Race to the Top grant, and requires the application to include specified information. The United States Secretary of Education has issued regulations and guidelines regarding state eligibility under the Race to the Top program. This bill would state the Legislature's intent to implement education reforms to, among other things, ensure that California is positioned to be successful in the Race to the Top competition. This bill would authorize the Superintendent and the President of the State Board of Education to enter into a memorandum of understanding with a local educational agency for the purposes of implementing the Race to the Top program. The bill would require the Governor, the Superintendent, and the state board, in collaboration with participating local educational agencies, as necessary, to develop a high-quality plan or plans to submit as part of an application for federal Race to the Top funds that includes specified elements. The bill would require the Department of Finance, concurrent with the submission of the plan to the Attorney General, to provide the appropriate policy and fiscal committees of both houses of the Legislature with a copy of the plan or plans. The bill would require the Superintendent, on or before January 1, 2011, to contract with an independent evaluator relating to the implementation of the state plan. The bill would require the Superintendent, on or before June 1, 2014, to provide the final evaluation to the Legislature, the Governor, and the state board, and require the department to use federal Race to the Top program funds for this evaluation. This bill would require the Superintendent and the state board to establish a list of low-achieving schools and persistently lowest-achieving schools, as defined, according to specific criteria. The bill would require the Superintendent to notify the governing board of a school district, county superintendent of schools, or the governing body of a charter school or its equivalent, that one or more of the schools in its jurisdiction have been identified as a persistently lowest-achieving school. The bill, except as specified, would require the governing board of a school district, county office of education, or the governing body of a charter school or its equivalent to implement, for any school identified by the Superintendent as persistently lowest-achieving, one of four interventions for turning around lowest-achieving schools described in federal regulations and guidelines for the Race to the Top program, thereby imposing a state-mandated local program. The bill would authorize a persistently lowest-achieving school implementing specified intervention models to participate in a school-to-school partnership program by working with a mentor school that has successfully transitioned from a low-achieving school to a higher-achieving school. (6) Existing law establishes the California Education Information System, which consists of the California Longitudinal Pupil Achievement Data System, known as CALPADS, and the California Longitudinal Teacher Integrated Data System, known as CALTIDES. This bill would require CALPADS to be used to report data pursuant to specified federal programs, and would authorize data in the California Education Information System to be used by local educational agencies for purposes of evaluating teachers and administrators and making employment decisions, if those decisions comply with specified provisions of law. (7) Existing law, the Leroy Greene California Assessment of Academic Achievement Act (hereafter the Greene Act), requires the Superintendent to design and implement a statewide pupil assessment program, and requires school districts, charter schools, and county offices of education to administer to each of its

pupils in grades 2 to 11, inclusive, certain achievement tests, including a standards-based achievement test pursuant to the Standardized Testing and Reporting (STAR) Program. This bill would express the intent of the Legislature that the reauthorization of the statewide pupil assessment program include specified elements, including a plan for transitioning to a system of high-quality assessments, as defined in the federal Race to the Top guidelines and regulations. The bill would establish the Academic Content Standards Commission, consisting of 12 appointed members, as specified. The commission would be required to develop academic content standards in language arts and mathematics, and would be required, on or before July 15, 2010, to present its recommended academic content standards to the state board. The bill would require the state board, on or before August 2, 2010, to adopt or reject the academic content standards, and would also require the Superintendent and the state board to present specified information to the Governor and appropriate policy and fiscal committees of the Legislature. This bill would exempt instructional materials adopted pursuant to those provisions from specified requirements relating to the approval and adoption of basic instructional materials by the state board. This bill would require the Superintendent, the state board, and any other entity or individual designated by the Governor to participate in the Common Core State Standards Initiative consortium sponsored by the National Governors Association and the Council of Chief State School Officers or any associated or related interstate collaboration to jointly develop common high-quality standards or assessments aligned with the common set of standards. Existing law makes certain provisions of the Greene Act inoperative on July 1, 2011, and repeals all of the act's provisions on January 1, 2012. This bill would make the act inoperative on July 1, 2013, and would repeal the act as of January 1, 2014. By extending the time period during which school districts are required to perform various duties relating to the administration of achievement tests, the bill would impose a state-mandated local program. (8) Existing law requires the State Department of Education under CALPADS to contract for the development of proposals that will provide for the retention and analysis of longitudinal pupil achievement data. Existing law requires local educational agencies to retain individual pupil records for each test taker, including other data elements deemed necessary by the Superintendent, with approval of the state board, to comply with federal reporting requirements delineated in the federal Elementary and Secondary Education Act. This bill would require local educational agencies to also retain other data elements deemed necessary by the Superintendent, with the approval of the state board, to comply with programs implemented pursuant to specified provisions of federal law, subject to the submission of an expenditure plan to the Department of Finance, as specified. (9) Existing law requires the director of the Employment Development Department to permit the use of any information in his or her possession to the extent necessary for specified purposes. The bill would authorize the State Department of Education, the University of California, the California State University, and the Chancellor of the California Community Colleges to obtain quarterly wage data on students in order to meet the requirements of the federal American Recovery and Reinvestment Act of 2009, to the extent permitted by federal law.

SBX5 2  
Simitian

*Pupil data*

(1) Federal law requires schools and educational agencies receiving federal financial assistance to comply with specified provisions regarding the release of pupil data. State law prescribes additional rules relating to the authorized release of pupil data. Under existing law, the State Department of Education is required to contract for the development of proposals to provide for the retention and analysis of longitudinal pupil achievement data on the tests administered pursuant to the Standardized Testing and Reporting Program (STAR), the English language development tests, and the high school exit examination. This longitudinal achievement data is known as the California Longitudinal Pupil Achievement Data System (CALPADS). Under existing law, the CALPADS is required to be used to accomplish specified goals, including providing school districts and the department access to the data necessary to comply with federal reporting requirements, as specified, providing a better means of evaluating educational progress and investments over time, providing local educational agencies information that can be used to improve pupil achievement, and providing an efficient, flexible, and secure means of maintaining longitudinal statewide pupil data. Existing law requires the department to establish a process by which local educational agencies issue, maintain, and report information using unique pupil identifiers for child care and development programs, as specified. This bill would require the department to establish this process no later than January 1,

2011. The bill would state the Legislature's intent that on or before January 1, 2011, the department ensure that certain data elements pertaining to preschool be collected for all preschool programs operated by a local educational agency. This bill would authorize the department, to the extent permissible under the federal Family Educational Rights and Privacy Act (FERPA) and specified state law, and commencing July 1, 2010, to conduct pupil data management on behalf of local educational agencies. The bill would state the intent of the Legislature to accomplish specified objectives related to these provisions, including, but not limited to, complying with the United States Constitution and all applicable federal laws, including FERPA and its implementing regulations, the California Constitution, and all applicable state laws and their implementing regulations, in order to protect pupil rights and privacy. The bill would authorize local educational agencies to access specified data via the CALPADS, and, to the extent permissible under federal and state law, to share specified data via the CALPADS. The bill would require the department to establish, no earlier than July 1, 2010, an education data team to act as an institutional review board to review and respond to all requests for pupil data, as specified. The bill would require the department, to the extent feasible, to redirect department personnel for the purposes of the education data team rather than establishing new positions. The bill would make the department responsible for data management decisions for data under its jurisdiction and make the department and a local educational agency jointly liable for any data management decisions in which the department and the local educational agency participate jointly, as specified. The bill would require the department to develop appropriate policies and procedures for the education data team by July 1, 2010. The bill would authorize the department, with certain exceptions, to assess a fee on research applicants to cover prescribed costs. The bill would require the department to perform the duties specified in these provisions with its existing resources. The bill would make these provisions inoperative on July 1, 2013, and repeal them on January 1, 2014. (2) Existing law prohibits a state agency from disclosing any personal information in a manner that would link the information disclosed to the individual to whom it pertains. Existing law provides exceptions to this prohibition, including authorizing a state agency to release personally identifiable data to a nonprofit educational institution conducting scientific research, provided the request for information is approved by the Committee for the Protection of Human Subjects (CPHS) for the California Health and Human Services Agency. Existing law authorizes the CPHS to enter into written agreements to enable other institutional review boards to provide the required data security approvals. This bill would delete the authorization to release data to a nonprofit educational institution conducting scientific research and, instead, authorize data to be released to a nonprofit entity conducting scientific research. The bill would require the CPHS to enter into a written agreement with the institutional review board to provide the required data security approvals for the release of data to researchers, as specified. (3) The bill would state the intent of the Legislature to create a preschool through higher education (P-20) statewide longitudinal educational data system in order to inform education policy and improve instruction, and to use this P-20 system for state-level research to improve instruction. The bill would additionally state the Legislature's intent to require the State Department of Education, the Commission on Teacher Credentialing, the California Community Colleges, the University of California, the California State University, and any other state education agency to be required to disclose, or redisclose, personally identifiable pupil records to this P-20 system, as permissible under federal and state law.

SBX5 4  
Romero

*Public schools: Race to the Top*

(1) 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 2 school districts to enter into an agreement that allows pupils to transfer between the 2 districts. This bill would establish 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-achieving 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, as defined, 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 school district of residence, as

defined, in writing whether the application has been accepted or rejected and, if an application is rejected, state in the notification the reasons for the rejection. The bill would require the State Board of Education to adopt emergency regulations to implement these provisions. The bill would require the Superintendent to contract for an independent evaluation of the program using federal funds appropriated for that purpose and to provide a final evaluation report to the Legislature, the Governor, and the state board on or before October 1, 2014. By requiring school districts to perform additional duties regarding the enrollment of nonresident pupils, this bill would impose a state-mandated local program. (2) The federal American Recovery and Reinvestment Act of 2009 (ARRA), provides \$4.3 billion for the State Incentive Grant Fund (Race to the Top Fund), which is a competitive grant program designed to encourage and reward states that are implementing specified educational objectives. The ARRA requires a governor to apply on behalf of a state seeking a Race to the Top grant, and requires the application to include specified information. The United States Secretary of Education has issued regulations and guidelines regarding state eligibility under the Race to the Top program. This bill would require a local educational agency to implement one of several specified reforms for any other school which, after one full school year, is subject to corrective action pursuant to a specified provision of federal law and continues to fail to make adequate yearly progress, and have an Academic Performance Index score of less than 800, and where at least 1/2 of the parents or legal guardians of pupils attending the school, or a combination of at least 1/2 of the parents or legal guardians of pupils attending the school and the elementary or middle schools that normally matriculate into a middle or high school, as applicable, sign a petition requesting the local educational agency to implement one of the alternative governance arrangements, unless the local educational agency makes a finding in writing why it cannot implement the recommended arrangement and instead designates in writing which of the other alternative governance arrangements it will implement in the subsequent school year. The bill would require the local educational agency to notify the Superintendent and the state board if it decides to implement a different alternative governance option. The bill would limit this procedure to no more than 75 schools.

SCR 47  
DeSaulnier

*Education funding: child development centers and preschools*

This measure would state the intent of the Legislature to increase the funding of child development centers and preschools in future years, as resources become available, in order to provide staff with adequate salaries and benefits, provide adequate resources to support program quality for children, and keep programs open to serve parents and children.

## Housing

- AB 1865  
Audra  
Strickland  
*Local Housing Trust Fund Matching Grant Program*  
Existing law establishes the Local Housing Trust Fund Matching Grant Program for the purpose of supporting local housing trust funds dedicated to the creation or preservation of affordable housing. Under the grant program, the Department of Housing and Community Development is authorized to make matching grants available to cities, counties, city and counties, and existing charitable nonprofit organizations that have created, funded, and operated housing trust funds. Existing law establishes the minimum allocation to a program applicant at \$500,000 for a newly established trust, as defined, that is in a county with a population of less than 425,000 persons, based on the decennial United States Census for the year 2000, and at \$1,000,000 for all other trusts. This bill would establish the minimum allocation to a program applicant at \$500,000 for all newly established trusts.
- AB 1867  
Harkey  
*Land use: local planning housing element program*  
The Planning and Zoning Law authorizes the Department of Housing and Community Development to allow a city or county to substitute the provision of units for up to 25% of the city's or county's obligation to identify adequate sites for any income category in its housing element if the city or county includes in its housing element a program committing the city or county to provide units in that income category within the city or county that will be made available through the provision of committed assistance, during the planning period covered by the element, to low- and very low income households at affordable housing costs or affordable rents, as defined. In order for a unit to qualify for inclusion in this program, it must meet one of several specified criteria, including the criterion of being located in a multifamily rental housing complex of 4 or more units, converted with committed assistance from nonaffordable to affordable by acquisition of the unit or the purchase of affordability covenant and restrictions for the unit, and not acquired by eminent domain, and constituting a net increase in the community's stock of low- and very low income housing. This bill would revise the above-described criterion by changing the element of that criterion of being located in a multifamily rental or ownership housing complex of 4 or more units to, instead, being located in a multifamily rental or ownership housing complex of 3 or more units. The Planning and Zoning Law requires specified requirements to be met in order for a unit to be considered as converted by acquisition or the purchase of affordability covenants, and thereby within the above-described criterion. This bill would add to those requirements the requirement, for units located in multifamily ownership housing complexes with 3 or more units, that at least an equal number of new-construction multifamily rental units affordable to lower income households have been constructed in the city or county within the same planning period as the number of ownership units to be converted.
- AB 2325  
Lieu  
*Mortgage foreclosure consultants: loan audits*  
Existing law defines a foreclosure consultant as any person who makes any solicitation, representation, or offer to any homeowner to perform for compensation or who, for compensation, performs specified services relating to foreclosure sales, including performing debt, budget, or financial counseling of any type and giving any advice, explanation, or instruction to an owner of a residence in foreclosure which in any manner relates to the cure of a default in or reinstatement of an obligation secured by a lien on the residence. Existing law requires a person to register with, and obtain a certificate from, the Department of Justice to provide foreclosure consultant services. Existing law establishes various prohibited acts applicable to foreclosure consultants, including prohibiting a foreclosure consultant from claiming, demanding, charging, collecting, or receiving any compensation before fully performing the services which the foreclosure consultant was contracted to perform. Existing law makes it a crime to perform foreclosure consultant services without being registered with the department or to violate the prohibited acts applicable to foreclosure consultants. This bill would provide that foreclosure consultant services include arranging or attempting to arrange the audit of any obligation secured by a lien on a residence in foreclosure and thereby would require a foreclosure consultant to register with the department to arrange or attempt to arrange those audits.
- AB 2327  
Harkey  
*Affordable housing: risk retention pool*  
Existing law authorizes local agencies to enter into a joint pooling agreement to form a single

statewide insurance pooling arrangement for the payment of tort liability or public liability losses incurred by those agencies. This bill would authorize an affordable housing entity, defined to include affordable housing entities that are created under the laws of another jurisdiction or organized under the laws of another state, to join with one or more affordable housing entities in an arrangement providing for the pooling of self-insured claims or losses, as specified. The pool would be authorized to be organized as a nonprofit corporation, limited liability company, partnership, or trust, whether organized under the laws of this state or another state or operating in another state. The pool would be required to furnish a copy of the pool's audited financial statement and most recent actuarial review to specified legislative committees within 180 days of the close of the pool's fiscal year and, if specified events have occurred since the last statement and review was submitted, the pool would be required to so indicate and provide a brief description of each occurrence. The bill would prohibit the pooling arrangement from being considered insurance or being subject to regulation under the Insurance Code, and would require written notice to be given as specified.

AB 2406  
Blakeslee

*Redevelopment: pooled housing funds*

The Community Redevelopment Law authorizes the establishment of redevelopment agencies in communities to address the effects of blight, as defined, in blighted areas in those communities known as project areas. Section 16 of Article XVI of the California Constitution authorizes a redevelopment agency to receive funding through tax increments attributable to increases in assessed property tax valuation of property in a project area due to redevelopment. Not less than 20% of tax increments generated from a project area are required to be used by a redevelopment agency to increase and improve the community's supply of low- and moderate-income housing. This bill would authorize contiguous agencies located within adjoining cities in a metropolitan statistical area to create and participate in a joint powers authority in order to pool their housing funds to pay for the direct costs of constructing, substantially rehabilitating, and preserving the affordability of housing units affordable to extremely low income persons or households, as defined. The bill would require that specified terms and conditions be set forth in a mutually binding contract between the joint powers authority and each participating agency and a receiving entity for the use and transfer of pooled housing funds. The bill would also require that pooled housing funds be spent within a project area of a participating agency and would also prohibit the creation of a new joint project funded pursuant to its provisions on or after January 1, 2020.

AB 2508  
Caballero

*Housing: Infill Incentive Grant Program of 2007*

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. One part of the housing element is an assessment of housing needs and an inventory of land suitable for residential development. Existing law sets forth various classifications and definitions for purposes of determining a city's or county's inventory. Existing law establishes the Infill Incentive Grant Program of 2007, administered by the Department of Housing and Community Development, a competitive grant program to facilitate the development of qualifying infill residential projects. This bill would, notwithstanding a specified provision of law, authorize a city meeting certain population criteria to petition the department for an exception to the classification of its jurisdiction under a specified provision of the Planning and Zoning Law, if that city believes it is unable to meet threshold density requirements for the Infill Incentive Grant Program of 2007. The bill would authorize the department to grant the petition. The bill would establish procedures for the exception request and make these provisions inoperative on January 1, 2015.

AB 2762  
Committee  
on Housing  
and  
Community  
Development

*Housing and community development: housing omnibus bill*

(1) Existing law imposes numerous requirements upon licensed real estate brokers that, among other things, relate to the sale and advertisement of any mobilehome. This bill would expand the requirements to include a manufactured home, in addition to a mobilehome. (2) The existing California Building Standards Law governs the adoption and proposal of building standards and requires the California Building Standards Commission to review, approve or reject, and codify proposed standards. This bill would grant the commission the powers and authority to carry out specified duties, including the power to accept federal or outside funds. (3) Under existing law, a redevelopment agency requires that a "Notice of Affordability Restrictions on Transfer of Property"

be recorded in the office of the county recorder for all new or substantially rehabilitated units developed or otherwise assisted with moneys from the Low and Moderate Income Housing Fund. The notice is required to contain specified information, including the street address of the property. This bill would exempt the address information requirement if the property is used to confidentially house victims of domestic violence. (4) Existing law establishes the Affordable Housing Revolving Development and Acquisition Program, under the administration of the Department of Housing and Community Development, for the purpose of funding the acquisition of property to develop or preserve affordable housing. Existing law requires the department to adopt and administer guidelines for the operation of the program for a 24-month period, and to adopt regulations. This bill would eliminate the 24-month period limitation on the effectiveness of the guidelines. The bill would instead require the department to adopt regulations for the program prior to issuing any request for qualification funded with loan repayments. (5) Existing law establishes the Housing and Emergency Shelter Trust Fund Act of 2006, which authorizes the issuance of bonds to finance various housing programs, capital outlay related to infill development, housing-related parks, and transit-oriented development programs. Existing law also requires the Bureau of State Audits to conduct periodic audits of the awarding and use of bond proceeds according to prescribed requirements relating to specified programs funded under the act. This bill would expand the scope of the bureau's audit to include requirements relating to the deposit and expenditure of bond proceeds in the Regional Planning, Housing, and Infill Incentive Account, the Transit-Oriented Development Account, and the Housing Urban-Suburban-and-Rural Parks Account. By providing for a new use for the Housing and Emergency Shelter Trust Fund of 2006, a continuously appropriated fund, this bill would make an appropriation. (6) Existing law establishes the Joe Serna, Jr. Farmworker Family Wellness Act to provide for various health and community-based services to serve the varied needs of agricultural workers and their families. This bill would repeal these and implementing provisions of the act. (7) Existing law establishes the California Housing Finance Agency in the Business, Transportation and Housing Agency with the primary purpose of meeting the housing needs of persons and families of low or moderate income. This bill would require the California Housing Finance Agency to report to the Legislature, on or before December 31 of 2011 and 2012 on the status of funding awarded to the agency through a specified federal housing fund and program.

SB 782  
Yee

*Residential tenancies: domestic violence*

Existing law governs the hiring of real property based on the terms of the agreement, or on the behavior of the parties. Under existing law, a tenant may notify the landlord in writing that he or she, or a household member, was a victim of an act of domestic violence, sexual assault, or stalking, and intends to terminate the tenancy. The tenant is released from any rent payment obligation 30 days following the giving of the notice, or as specified. Existing law establishes the criteria for determining when a tenant is guilty of unlawful detainer of a premises, and includes committing nuisance in this regard. Existing law provides, until January 1, 2012, for the purposes of the law of unlawful detainer, that if a person commits any specified act or acts of domestic violence, sexual assault, or stalking against another tenant or subtenant on the premises, there is a rebuttable presumption affecting the burden of proof that the person has committed a nuisance on the premises if the victim or a member of the victim's household has not vacated the premises. This bill would, except as specified, prohibit a landlord from terminating a tenancy or failing to renew a tenancy based upon an act of domestic violence, sexual assault, or stalking against a protected tenant, as defined, or a protected tenant's household member when that act is documented, as specified, and the person who is restrained from contact with the protected tenant under a court order, as defined, or is named in a police report of that act is not a tenant of the same dwelling unit. The bill would require the landlord to change the locks, as defined, within 24 hours of a written request, as specified, when the restrained person is not a tenant of the same dwelling unit. The bill would also require, under specified circumstances, the landlord to change the locks when the restrained person is a tenant of the same dwelling unit. The bill would declare the landlord not liable to a restrained person who is excluded from the dwelling unit if the locks are changed pursuant to that provision. The bill would state that a restrained person who has been excluded from a dwelling unit under that provision remains liable under the lease with all other tenants of the dwelling unit for rent as provided in the lease. The bill would authorize a protected tenant to change the locks without the landlord's permission, as specified, notwithstanding any provision in the lease to the contrary, if the landlord



does not change the locks within 24 hours, as specified, with regard to leases executed on or after the date the bill would take effect. The bill would also specify the manner in which a protected tenant is required to change the locks if the protected tenant changes the locks without the permission of the landlord. The bill would also require the Judicial Council, on or before January 1, 2012, to develop a new form or revise an existing form that may be used by a party to assert in the responsive pleading the grounds set forth in this section as an affirmative defense to an unlawful detainer action.

SB 1137

Committee  
on Banking,  
Finance and  
Insurance

*Mortgage lending*

(1) Existing law, the Real Estate Law, provides for the licensure and regulation of real estate brokers and real estate salespersons by the Real Estate Commissioner and makes a willful violation of its provisions a crime. Existing law makes it unlawful for a real estate broker to employ or compensate, directly or indirectly, any unlicensed person for performing any acts for which a real estate broker or real estate salesperson license is required. Existing law makes it a crime for a person to act as a real estate broker or real estate salesperson, or to advertise themselves as a real estate broker, without having a license. This bill would make it unlawful for a real estate broker to employ or compensate, directly or indirectly, any licensee for engaging in any activity for which a mortgage loan originator license endorsement is required if that licensee does not hold a mortgage loan originator license endorsement. The bill would make it a crime for a person to act as a mortgage loan originator without a license endorsement or to advertise using words indicating the person is a real estate salesperson or a mortgage loan originator without having a license or license endorsement. The bill would also authorize the commissioner to deny, suspend, revoke, restrict, condition, or decline to renew a mortgage loan originator license endorsement, or take other actions, after notice and opportunity for a hearing, under specified conditions. Existing law requires a real estate broker who acts, as specified, to make, arrange, or service loans secured by real property containing one to 4 residential units, and any real estate person who acts in a similar capacity under the supervision of the broker, to notify the Department of Real Estate within 30 days of commencing that activity. Existing law makes a real estate broker that fails to notify the department subject to specified penalties and authorizes the commissioner to suspend or revoke the license of the real estate broker. This bill would specify that these penalties also apply to a real estate salesperson who fails to notify the commissioner within 30 days of commencing those activities. Because a willful violation of these provisions would be a crime, the bill would impose a state-mandated local program. (2) Existing law provides for the licensure and regulation of finance lenders and brokers, residential mortgage lenders and servicers, and mortgage loan originators by the Department of Corporations. The California Finance Lenders Law requires a licensed finance lender or broker employing one or more mortgage loan originators to continuously maintain a minimum net worth of \$250,000. This bill would, instead, require a licensed finance lender or broker that employs one or more mortgage loan originators and that makes residential mortgage loans to continuously maintain that net worth of \$250,000 and would require a licensed finance broker that employs one or more mortgage loan originators and that arranges, but does not make, residential mortgage loans, to continuously maintain a net worth of \$50,000. Existing law requires each finance lender and broker licensee to pay to the commissioner its pro rata share of all costs and expenses associated with the administration of the California Finance Lenders Law. Existing law requires the commissioner to notify a licensee, on or before the 30th day of November in each year, the amount levied against it for its pro rata share of those costs and requires a licensee to pay that amount by December 31. This bill would, instead, require the commissioner to notify each finance lender and broker licensee by the 30th day of September in each year and would require a licensee to pay by October 31. Existing law requires each finance lender and broker licensee to maintain a surety bond in a minimum amount of \$25,000. Existing law authorizes the commissioner to, by rule, require a higher bond amount for a licensee employing one or more mortgage loan originators. This bill would, instead, authorize the commissioner to, by rule, require a higher bond amount for a licensee who employs one or more mortgage loan originators and who makes or arranges residential mortgage loans. The California Finance Lenders Law and the California Residential Mortgage Lending Act prohibit the commissioner from issuing a mortgage loan originator license unless the commissioner makes specified findings relating to the background, financial responsibility, and education of the applicant. Those laws also require a mortgage loan originator to comply with specified minimum standards by December 31 of each year and require a mortgage loan originator license to expire at midnight on January 31 if the licensee fails to satisfy

those standards. This bill would, instead, require the commissioner to deny an application for a mortgage loan originator license unless the commissioner makes those specified findings and would require the commissioner, before denying an application for licensure, to proceed pursuant to specified administrative hearing procedures. The bill would also require a mortgage loan originator license to expire at midnight on December 31, instead of January 31, if a licensee fails to satisfy the minimum standards.

SB 1149  
Corbett

*Residential tenancies: foreclosure*

Existing law governs unlawful detainer proceedings. Existing law authorizes the court clerk to allow access to limited civil case records filed under these provisions to certain persons, including a party to the action or a resident of the premises, under certain conditions, without regard to when they request that access. Existing law also authorizes the clerk to allow access to any other person 60 days after the complaint has been filed, unless a defendant prevails in the action within 60 days of the filing of the complaint, in which case the clerk may not allow access to any court records in the action, except as specified. This bill would additionally authorize the clerk to allow access to those records to any other person in the case of a complaint involving residential property that has been sold in foreclosure, or under other, specified proceedings, as indicated in the caption of the complaint, if 60 days have elapsed since the complaint was filed with the court and judgment against all defendants has been entered for the plaintiff, after a trial. The bill would also require the plaintiff in those proceedings to include a specified caption in the complaint. If judgment is not entered under these conditions, the bill would prohibit the clerk from allowing access to any court records in the action, except to the persons described above who are permitted access without regard to when they request access. Existing law governing unlawful detainer proceedings also requires that a tenant or subtenant in possession of a rental housing unit, as defined, which has been sold by reason of certain enumerated causes, including foreclosure, who rents or leases the rental housing unit either on a periodic basis, as specified, or for a fixed period of time, be given written notice to quit, as specified, at least as long as the term of hiring itself but not exceeding 30 days, before the tenant or subtenant may be removed from that rental housing unit. This bill would additionally require, until January 1, 2013, that any notice to quit regarding a housing unit served within one year after a foreclosure sale include a separate cover sheet that contains an additional notice to renters. The bill would set forth the content of this notice providing the tenant with specified information regarding tenants' rights. The bill would also provide that under certain circumstances the cover sheet need not be served, as specified.

SB 1252  
Corbett

*Housing: discrimination*

(1) Existing law presumes that a housing development for senior citizens constructed on or after January 1, 2001, is designed to meet the physical and social needs of senior citizens for purposes of meeting existing laws regarding age discrimination in housing if the housing development includes specified elements, except housing as to which these provisions are preempted by federal law, as provided. This bill would provide that selection preferences based on age, imposed in connection with federally approved housing programs, do not constitute age discrimination in housing. (2) Under the California Fair Employment and Housing Act, it is unlawful for the owner of any housing accommodation to discriminate against or harass any person because of the race, color, religion, sex, sexual orientation, marital status, national origin, ancestry, familial status, source of income, or disability of that person. The act also provides that, with respect to these unlawful practices, proof of a violation of these provisions includes an act that demonstrates an intent to, or has the effect of, discriminating against a person on the basis of race, color, religion, sex, sexual orientation, marital status, national origin, ancestry, familial status, or disability. This bill would specify that an act that demonstrates an intent to, or has the effect of, discriminating against a person based on his or her source of income is proof of a violation of these provisions. The bill would also define "source of income" for purposes of these provisions. (3) Existing law requires the Fair Employment and Housing Commission, if it finds that a respondent has engaged in any unlawful practice under the California Fair Employment and Housing Act, to require the respondent to cease and desist from the practice and take actions to effectuate the purposes of the act, including, but not limited to, the payment to the complainant of a civil penalty, not to exceed \$10,000, or not to exceed \$25,000 if there had been a prior violation within 5 years preceding the filing of the complaint, or not to exceed

\$50,000 if there had been 2 or more violations within 7 years preceding the filing of the complaint. This bill would increase the payment of a civil penalty to not exceed \$16,000, or not to exceed \$37,500 if there had been a prior violation within 5 years preceding the filing of the complaint, or not to exceed \$65,000 if there had been 2 or more violations within 7 years preceding the filing of the complaint. (4) The bill would also include a statement of legislative intent regarding discrimination in housing.

SB 1427  
Price

*Foreclosures: property maintenance*

Existing law, until January 1, 2013, requires a legal owner to maintain vacant residential property purchased at a foreclosure sale, or acquired by that owner through foreclosure under a mortgage or deed of trust. Existing law authorizes a governmental entity to impose civil fines and penalties for failure to maintain that property of up to \$1,000 per day per violation. This bill would require a governmental entity, prior to imposing a fine or penalty for failure to maintain a vacant property that is subject to a notice of default, that is purchased at a foreclosure sale, or that is acquired through foreclosure, to provide the owner of that property with a notice of the violation and an opportunity to correct the violation. This notice requirement would not apply if the governmental entity determines that a specific condition of the property threatens public health or safety. The bill would further provide that the costs of nuisance abatement measures taken by a governmental entity with regard to property that is subject to a notice of default, that is purchased at a foreclosure sale, or acquired through foreclosure, shall not exceed the actual and reasonable costs of nuisance abatement. This bill would also prohibit a governmental entity from imposing an assessment or lien for the costs of nuisance abatement prior to the adoption of those costs by the elected officials of that governmental entity at a public hearing.

## Land Use and Transportation

- AB 987  
Ma *Transit village development districts*  
Existing law, the Transit Village Development Planning Act of 1994, authorizes a city or county to create a transit village plan for a transit village development district. A transit village development district is required to include all land within not less than 1/4 mile of the exterior boundary of the parcel on which is located a transit station, as defined. This bill would recast the area included in a transit village development district to include all land within not more than 1/2 mile of the main entrance of a transit station and make additional legislative findings. The bill also would make technical, nonsubstantive changes.
- AB 1641  
Hall *Redevelopment: blighted areas*  
The Community Redevelopment Law authorizes the establishment of redevelopment agencies in communities in order to address the effects of blight, as defined, in those communities and requires those agencies to prepare, or cause to be prepared, and to approve a redevelopment plan for each area. The Legislature has found and declared that blighted areas may include housing areas constructed as temporary government-owned wartime housing projects, which may be characterized by one or more of the physical and economic conditions that cause blight. Existing law provides that a blighted area containing specified conditions may also be characterized by the existence of inadequate public improvements or inadequate water or sewer utilities. This bill would provide that blighted areas may also be characterized by the existence of housing constructed as government-owned projects constructed prior to January 1, 1960. The bill would require a redevelopment agency undertaking activities and funding involving the described housing areas to comply with the Community Redevelopment Law, in addition to new project requirements relating to the inclusion of replacement dwelling units of all existing public housing. The bill would authorize a project in these areas to include the development of other housing, including privately owned housing units available to persons and families of low and moderate income and workforce market-rate housing units.
- AB 2324  
John A. Perez *Transit: public transit facilities*  
Existing law prohibits a person from knowingly possessing specified weapons and other items within any sterile area, as defined, of an airport or passenger vessel terminal, except as specified. This bill would make it a misdemeanor, punishable as specified, for any person to knowingly possess at a public transit vehicle facility, as defined, specified weapons, if a notice is posted at the facility, as specified. By creating a new crime, the bill would impose a state-mandated local program. Existing law prohibits an unauthorized person from knowingly entering any airport operations area or passenger vessel terminal, as defined, if the area has been posted with certain notices, and makes this conduct punishable by a fine. Existing law provides that a violation of this provision is punishable by a specified fine or term of imprisonment, or both, if the person refuses to leave the area after being requested to do so by a peace officer or authorized personnel. This bill would apply these prohibitions and penalties, in addition, to knowingly entering, and to entering and refusing to leave, a public transit facility, as defined. By expanding an existing crime, the bill would impose a state-mandated local program. Existing law prohibits a person from intentionally avoiding submission to screening and inspection when entering or reentering a sterile area of an airport or passenger vessel terminal, except as specified. Existing law provides that a violation of this prohibition that is responsible for the evacuation of an airport terminal or passenger vessel terminal is punishable by not more than one year in a county jail under certain circumstances. This bill would apply this prohibition, in addition, to the sterile area of a public transit facility, if a notice is posted at the facility, as specified. This bill would recast the penalties for avoiding submission to screening to impose a \$500 fine for a first offense that does not result in an evacuation or delay, and a fine of \$1,000 and imprisonment of not more than one year in a county jail for any 2nd or subsequent offense. For a first offense that results in the evacuation of the terminal or facility, as specified, this bill would impose a penalty of not more than one year in a county jail. By expanding an existing crime, the bill would impose a state-mandated local program. Existing law provides that it is an infraction, punishable by a fine not to exceed \$250 and by specified community service, to evade the payment of any fare of, or engage in specified passenger misconduct on or in, a described facility or vehicle. This bill would recast these provisions, making some of these acts of misconduct

misdemeanors upon a first offense, making others misdemeanors upon the 3rd or subsequent offense, while providing that some would remain as infractions, as specified. The bill would additionally make it a misdemeanor to willfully tamper with, remove, displace, injure, or destroy any part of any facility or vehicle of a public transportation system. By creating a new crime and by increasing the penalties for existing crimes, the bill would impose a state-mandated local program. Existing law makes it an infraction to carry an explosive or acid, flammable liquid, or toxic or hazardous materials in a public transit facility or vehicle. This bill would instead make it a misdemeanor, punishable as specified, to carry explosives, acids, or flammable liquids in a public transit facility or vehicle.

AB 2777  
Committee  
on  
Transportation

*Transportation: omnibus bill*

(1) Existing law establishes the California Transportation Financing Authority, which consists of 7 members, with all powers reasonably necessary to carry out the powers and responsibilities expressly granted or imposed under the California Transportation Financing Authority Act. The act requires that 4 members of the authority constitute a quorum and that the affirmative vote of a quorum of the members present at a duly constituted meeting of the authority is necessary for any action taken by the authority. This bill would instead require that an affirmative vote of a majority of the members present at a duly constituted meeting of the authority is necessary for any action to be taken by the authority. (2) Existing law authorizes specified persons to apply for a set of commemorative Olympic reflectorized license plates and the Department of Motor Vehicles is required to issue those special license plates in lieu of regular license plates. Existing law requires that the commemorative Olympic reflectorized license plates be of a distinctive design and available in a special series of letters or numbers, or both, as determined by the department after consultation with the United States Olympic Committee. Existing law authorizes specified persons to apply for a set of commemorative collegiate reflectorized license plates, and the department is required to issue those special license plates in lieu of the regular license plates. Existing law requires that the collegiate reflectorized license plates be of a distinctive design, and available in a special series of letters or numbers, or both, as determined by the department. This bill would authorize the department to also issue those commemorative reflectorized license plates as environmental license plates in a combination of numbers or letters, or both, as requested by the owner or lessee of the vehicle. (3) Existing law allows any registrant issued apportioned fleet registration, 20 days to file a written request for a hearing following a determination by the Department of Motor Vehicles that fees are due, including penalties and service fees, for the operation of a fleet of apportionately registered vehicles and requires that a lien be placed upon all vehicles operated as part of the fleet and on any other fleet vehicles operated by the registrant. This bill would extend the time to file a written request for a hearing to 30 days in order to conform to federal law.

SB 77  
Pavely

*Energy: California Alternative Energy and Advanced Transportation Financing Authority*

(1) The California Alternative Energy and Advanced Transportation Financing Authority Act establishes the California Alternative Energy and Advanced Transportation Financing Authority and authorizes the authority to issue revenue bonds to provide industry with an alternative method of financing in providing and promoting the establishment of facilities utilizing alternative methods and sources of energy and facilities needed for the development and commercialization of advanced transportation technologies. Existing law authorizes a public agency and a property owner to enter into voluntary contractual assessments to finance the installation of distributed generation renewable energy sources or energy or water efficiency improvements that are permanently affixed on real property. This bill would require the authority to establish a Property Assessed Clean Energy (PACE) Reserve program to assist local jurisdictions in financing the installation of distributed generation renewable energy sources or energy or water efficiency improvements meeting specified requirements that are permanently affixed on real property through the use of a voluntary contractual assessment. The bill would, until January 1, 2015, appropriate up to \$50,000,000 from the Renewable Resource Trust Fund to the authority for the purposes of the PACE Reserve program. The bill would require the authority, on March 31, 2011, and annually thereafter until January 1, 2015, to submit to the Legislature a report containing specified information regarding the implementation of the above provisions. (2) Existing law vests the authority with specified powers in the implementation of the California Alternative Energy and Advanced Transportation Financing Authority Act. This bill would authorize the authority to purchase bonds issued by a public agency

meeting specified criteria. The bill would authorize the authority to hold the purchased bonds or to sell the purchased bonds, in whole or in part, to public or private purchasers. (3) This bill would declare that it is to take effect immediately as an urgency statute.

SB 454  
Lowenthal

*Land Use: zoning regulations*

The Planning and Zoning Law authorizes the legislative body of a city or county to adopt zoning ordinances regulating, among other things, the use of buildings, structures, and land as between industry, business, residences, open space, and other uses. Existing law, until January 1, 2011, imposes notice and procedural requirements on an owner of specified types of government-subsidized rental housing regarding the owner's decision not to extend or renew participation in specified government-subsidized housing programs, including the requirement that the owner, in specified circumstances relating to the property's status as government-subsidized rental housing, give notice of the opportunity to submit an offer to purchase the property to specified entities. Existing law requires the initial notice of a bona fide opportunity to submit an offer to purchase to include specified information. This bill would delete the repeal of these provisions, thereby extending their operation indefinitely, and modify the information required to be included in the initial notice of a bona fide opportunity to submit an offer to purchase.

SB 535  
Yee

*Vehicles: high-occupancy vehicle lanes*

(1) Existing law authorizes the Department of Transportation to designate certain lanes for the exclusive use of high-occupancy vehicles (HOVs), which lanes may also be used, until January 1, 2011, or until the Secretary of State receives a specified notice, by certain low-emission, hybrid, or alternative fuel vehicles not carrying the requisite number of passengers otherwise required for the use of an HOV lane, if the vehicle displays a valid identifier. A violation of provisions relating to HOV lane use by vehicles with those identifiers is a crime. This bill would revise that provision to provide that it shall remain in effect only until January 1, 2015, or until the Secretary of State receives that specified notice, with respect to a vehicle that meets California's super ultra-low exhaust emission standard and the federal inherently low-emission evaporative emission (ILEV) standard and a vehicle produced during the 2004 model-year or earlier that meets the California ultra-low emission vehicle standard and the ILEV standard. With respect to all other vehicles described above, this provision shall be operative only until July 1, 2011, or only until the Secretary of State receives that specified notice, whichever occurs first. Existing law requires the Department of Transportation to remove individual HOV lanes, or portions of those lanes, during periods of peak congestion, after making certain findings, including, among other things, a finding that the department demonstrate the infeasibility of alleviating the congestion by other means, including, but not limited to, reducing the use of the lane by noneligible vehicles or further increasing vehicle occupancy. This bill would delete this required finding. The bill, between January 1, 2012, and January 1, 2015, would require the Department of Motor Vehicles to issue up to 40,000 identifiers, that are distinguishable from the identifiers issued for low-emission, hybrid, and alternative fuel vehicles, to vehicles that meet California's enhanced advanced technology partial zero-emission vehicle (enhanced AT PZEV) standard, except the department's authorization to do so would end if the secretary receives the specified notice before then. The bill would authorize vehicles with that identifier to use HOV lanes until January 1, 2015, or until the Secretary of State receives a specified notice, whichever occurs first.

SB 1374  
Kehoe

*Redevelopment: plan amendment procedures*

Existing law authorizes a redevelopment agency to amend a redevelopment plan to extend the time limit on the effectiveness of the plan for up to 10 additional years beyond a specified limit. Existing law requires that in order to adopt this amendment, the agency, among other things, adopt a report containing specified information to the legislative body no later than 45 days prior to the public hearing on the proposed amendment. Existing law also requires that after receiving the agency's recommendation on the proposed amendment, the legislative body, or alternatively, the agency and the legislative body, hold a public hearing on the proposed amendment. This bill would modify the information required to be included in the agency's report to the legislative body. The bill would also require the legislative body, or alternatively, the agency and the legislative body, to consider any objections with the proposed amendment expressed by the affected taxing entities, a project area

committee, if any, residents, and community organizations at the public hearing.

SB 1483

Wright

*Multifamily improvement districts*

Existing law establishes the Multifamily Improvement District Law to provide, until January 1, 2012, for the establishment of multifamily improvement districts within a city or county to levy assessments on residential rental properties within the district for the purpose of financing certain improvements and promoting certain activities beneficial to those properties. This bill would extend these provisions until January 1, 2022.