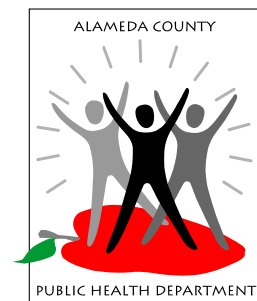


# *Public Health Legislation from the 2017 California Legislative Session*

Prepared by Pam Willow, February, 2018

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 2017 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, climate change, immigration, and voting and elections). 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, 2018.

## Legislative Council

This document was prepared under the auspices of the Alameda County Health Care Services Agency 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 40**      *CURES database: health information technology system*

Santiago

Existing law classifies certain controlled substances into designated schedules. Existing law requires the Department of Justice to maintain the Controlled Substance Utilization Review and Evaluation System (CURES) for the electronic monitoring of the prescribing and dispensing of Schedule II, Schedule III, and Schedule IV controlled substances by a health care practitioner authorized to prescribe, order, administer, furnish, or dispense a Schedule II, Schedule III, or Schedule IV controlled substance. This bill would, no later than October 1, 2018, require the Department of Justice to make the electronic history of controlled substances dispensed to an individual under a health care practitioner's or pharmacist's care, based on data contained in the CURES database, available to the practitioner or pharmacist, as specified. The bill would authorize a health care practitioner or pharmacist to submit a query to the CURES database through the department's online portal or through a health information technology system if the entity operating the system has entered into a memorandum of understanding with the department addressing the technical specifications of the system and can certify, among other requirements, that the system meets applicable patient privacy and information security requirements of state and federal law. The bill would also require an entity operating a health information technology system that is requesting to establish an integration with the CURES database to pay a reasonable system maintenance fee. The bill would prohibit the department from accessing patient-identifiable information in an entity's health information technology system. The bill would authorize the department to prohibit integration or terminate a health information technology system's ability to retrieve information in the CURES database if the health information technology system or the entity operating the health information technology system does not comply with specified provisions of the bill. This bill would declare that it is to take effect immediately as an urgency statute.

**AB 156**      *Individual market: enrollment periods*

Wood

(1) Existing federal law, the Patient Protection and Affordable Care Act (PPACA), effective June 19, 2017, requires an American Health Benefit Exchange that facilitates the purchase of qualified health plans by qualified individuals and qualified small employers to provide for the individual market an annual open enrollment period for policy years beginning on or after January 1, 2018, to begin on November 1 and extend through December 15 of the calendar year preceding the benefit year. Existing federal law establishes special enrollment periods during which a qualified individual may enroll in a qualified health plan when specified triggering events occur, such as when the qualified individual loses minimum essential coverage, as defined. Existing federal regulatory authority authorizes a state to establish additional special enrollment periods to supplement these special enrollment periods provided for under federal law under certain circumstances. Existing law establishes the California Health Benefit Exchange within state government for the purpose of facilitating the purchase of qualified health plans through the Exchange by qualified individuals and qualified small employers. 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 and health insurer, on and after October 1, 2013, to offer, market, and sell all of the plan's or health insurer's health benefit plans that are sold in the individual market for policy years on or after January 1, 2014, to all individuals and dependents in each service area in which the plan or insurer provides or arranges for the provision of health care services, as specified, but requires plans and insurers to limit enrollment in individual health benefit plans offered both through and outside of the Exchange to specified open enrollment and special enrollment periods. Existing law requires a plan and health insurer to provide an annual enrollment period for policy years beginning on or after January 1, 2016, from November 1, of the preceding calendar year, to

January 31 of the benefit year, inclusive. Existing law requires a plan and health insurer, annually on or before October 1, to issue a notice to a subscriber and policyholder, as applicable, enrolled in any individual health benefit plan offered outside of the Exchange, and requires this notice to inform the subscriber and policyholder of, among other things, the applicable open enrollment period provided through the Exchange. This bill would instead require, with respect to individual health benefit plans offered outside of the Exchange, that the annual open enrollment period for policy years beginning on or after January 1, 2019, extend from October 15 of the preceding calendar year, to January 15 of the benefit year, inclusive. The bill would instead require, with respect to individual health benefit plans offered through the Exchange, that the annual open enrollment period for policy years beginning on or after January 1, 2019, extend from November 1 to December 15 of the preceding calendar year, inclusive. The bill would require a health care service plan and a health insurer, with respect to individual health benefit plans offered through the Exchange, for policy years beginning on or after January 1, 2019, to provide a special enrollment period that will allow individuals to enroll in individual health benefit plans through the Exchange from October 15 to October 31 of the preceding calendar year, inclusive, and from December 16, of the preceding calendar year, to January 15 of the benefit year, inclusive, and would require an application for a health benefit plan submitted during this special enrollment period to be treated the same as an application submitted during the annual open enrollment period. The bill would require a plan and health insurer to also include in the annual notice described above information regarding the applicable special enrollment periods. The bill would make conforming changes. Because a willful violation of that requirement by a health care service plan would be a crime, this bill would impose a state-mandated local program. (2) The PPACA creates various premium stabilization programs, such as the transitional reinsurance program and the risk adjustment program, to stabilize premiums in the individual market inside and outside of the Exchanges. Under the transitional reinsurance program, contributions are collected from contributing entities to fund reinsurance payments to issuers of nongrandfathered reinsurance-eligible individual market plans and the administrative costs of operating the reinsurance program for the 2014, 2015, and 2016 benefit years. Existing law requires a health care service plan and health insurer to consider the claims experience of all enrollees and all insureds in all nongrandfathered individual health benefit plans offered by that plan or insurer in this state as a single risk pool for rating purposes in the individual market and to consider the claims experience of all enrollees and all insureds in all nongrandfathered small group market plans offered by that plan or insurer in this state as a single risk pool for rating purposes in the small market. Existing law requires a plan and health insurer to establish, each calendar year, an index rate for those markets in the state based on the total combined claims costs for providing essential health benefits, as defined, within the single risk pool and requires the index rate to be adjusted on a marketwide basis based on the total expected marketwide payments and charges under the risk adjustment and reinsurance programs established for the state under the federal provisions described above and the Exchange user fees. Existing law requires the premium rate for all of the individual health benefit plans and small employer health benefit plans within the single risk pool to use the applicable marketwide adjusted index rate, as specified. This bill would delete the reference to the federal transitional reinsurance program in these provisions.

AB 205  
Wood

*Medi-Cal: Medi-Cal managed care plans*

(1) Existing law establishes the Medi-Cal program, administered by the State Department of Health Care Services, under which health care services are provided to qualified, low-income persons. The Medi-Cal program is, in part, governed and funded by federal Medicaid program provisions. Under existing law, one of the methods by which Medi-Cal services are provided is pursuant to contracts with various types of managed care plans. Existing federal regulations, published on May 6, 2016, revise regulations governing Medicaid managed care plans to, among other things, align, where feasible, those rules with those of other major sources of coverage, including coverage through qualified health plans offered through an American Health Benefit Exchange, such as the California Health Benefit Exchange, and promote quality of care

and strengthen efforts to reform delivery systems that serve Medicaid and CHIP beneficiaries. These federal regulations, among other things, authorize an enrollee to request a state fair hearing only after receiving notice that the Medicaid managed care plan is upholding an adverse benefit determination, and requires the enrollee to request a state fair hearing no later than 120 calendar days from the date of the Medicaid managed care plans notice of resolution. These federal regulations require, with regards to a state fair hearing request filed by an enrollee entitled to an expedited resolution of an appeal by a managed care plan, an agency to take final administrative action as expeditiously as the enrollee's health condition requires, but not later than 3 working days after the agency receives, from the managed care plan, the case file and information for any appeal of a denial or a service that, as indicated by the managed care plan meets the criteria for expedited resolution of an appeal, but was not resolved within the timeframe for expedited resolution, or was resolved within the timeframe for expedited resolution of an appeal, but the managed care plan reached a decision wholly or partially adverse to the enrollee. Existing state law establishes hearing procedures for an applicant for or beneficiary of Medi-Cal who is dissatisfied with certain actions regarding health care services and medical assistance to request a hearing from the State Department of Social Services under specified circumstances, and requires a request for a hearing to be filed within 90 days after the order or action complained of. This bill would implement various provisions in regard to those federal regulations, as amended May 6, 2016, governing Medicaid managed care plans. The bill would authorize a person, after he or she has exhausted the Medi-Cal managed care plan's appeals process, to request a hearing involving a Medi-Cal managed care plan within 120 calendar days after he or she has either received notice from the Medi-Cal managed care plan that the adverse benefit determination, as defined, is upheld, or the person is deemed to have exhausted the Medi-Cal managed care plans appeals process, as specified, and would exclude a request from the 120-calendar day filing time if there is good cause, as defined, for filing the request beyond the 120-calendar day period. The bill would authorize the State Department of Social Services, until January 1, 2019, to implement these provisions through an all-county information letter or similar instruction. The bill would require the State Department of Social Services, by January 1, 2019, to adopt any necessary rules and regulations to implement these changes. The bill would generally require the State Department of Social Services, for a beneficiary of a Medi-Cal managed care plan who meets the criteria for an expedited resolution of an appeal, to take final administrative action as expeditiously as the individual's health condition requires, but no later than 3 working days after the State Department of Social Services receives certain information from the Medi-Cal managed care plan consistent with the federal regulation described above. The bill would require a Medi-Cal managed care plan, upon notice from the State Department of Social Services that a beneficiary has requested a state fair hearing, to provide to the department a copy of the case file and any information for any appeal of an adverse benefit determination within 3 business days of the Medi-Cal managed care plan's receipt of the department's notice of a request by a beneficiary for a state fair hearing. The bill would make conforming changes. (2) These federal regulations require a state that contracts with specified Medicaid managed care plans to develop and enforce network adequacy standards and requires each state to ensure that all services covered under the Medicaid state plan are available and accessible to enrollees of specified Medicaid managed care plans in a timely manner. This bill would establish, until January 1, 2022, certain time and distance and appointment time standards for specified services consistent with those federal regulations to ensure that all Medi-Cal managed care covered services are available and accessible to enrollees of Medi-Cal managed care plans in a timely manner, as specified. The bill would authorize the State Department of Health Care Services, upon the request of a Medi-Cal managed care plan, to allow alternative access standards for the time and distance standards, if the applying Medi-Cal managed care plan has exhausted all other reasonable options to obtain providers to meet the time and distance standards or if the department determines that the requesting Medi-Cal managed care plan has demonstrated that its delivery structure is capable of delivering the appropriate level of care and access, and would set forth the process for submitting and reviewing a request for alternative access standards. The bill would authorize the use of

clinically appropriate telecommunications technology, including telehealth, as a means of determining annual compliance with the time and distance standards established under this provision or the department's approval of a request for alternative access standards. The bill, effective for contract periods commencing on or after July 1, 2018, would require, on an annual basis and when requested by the department, a Medi-Cal managed care plan to demonstrate to the department its compliance with the time and distance and appointment time standards developed under this provision, and, effective for contract periods commencing on or after July 1, 2018, would require the department, on an annual basis, to evaluate a Medi-Cal managed care plan's compliance with the standards developed under this provision. The bill would authorize the department to implement, interpret, or make specific these provisions by means of all-county letters, plan letters, plan or provider bulletins, or similar instructions until the time regulations are adopted. The bill would require the department to seek any federal approvals necessary to implement these provisions, and would require these provisions to be implemented only to the extent that any necessary federal approvals are obtained and federal financial participation is available and is not otherwise jeopardized. The bill would require, as part of the federally required external quality review organization review of Medi-Cal managed care plans in the annual detailed technical report required under federal regulations, the external quality review organization entity designated by the department to compile specified data by Medi-Cal managed care plan and by county for the purpose of informing the status of the implementation of the time and distance and appointment time standards described above. The bill would require the department to make this information publicly available, as specified. (3) These federal regulations require specified managed care plans to have a grievance and appeal system in place for enrollees, and requires managed care plans to resolve each grievance and appeal, and to provide timely and adequate notice, as expeditiously as the enrollee's health condition requires, within certain state-established timeframes that may not exceed specified timeframes. This bill would require a Medi-Cal managed care plan, as defined, to give a beneficiary timely and adequate notice of an adverse benefit determination, as defined, in writing consistent with those federal regulations. The bill would require a Medi-Cal managed care plan to establish and maintain an expedited review process for a beneficiary or the beneficiary's provider to request an expedited resolution of an appeal based on specified circumstances, including when the beneficiary's condition is such that the beneficiary faces an imminent and serious threat to his or her health, or the standard timeline would be detrimental to the beneficiary's life or health or could jeopardize the beneficiary's ability to regain maximum function. The bill would require a Medi-Cal managed care plan to resolve a standard appeal no more than 30 calendar days from the day the Medi-Cal managed care plan receives the appeal, and would require the Medi-Cal managed care plan to resolve an expedited appeal no longer than 72 hours after the Medi-Cal managed care plan receives the appeal.

- AB 260 *Human trafficking*  
Santiago Existing law requires specified businesses and other establishments to post a notice, as specified, that contains information related to slavery and human trafficking, including information related to specified nonprofit organizations that provide services in support of the elimination of slavery and human trafficking. Existing law makes a violation of this requirement punishable by a civil penalty. This bill would additionally require hotels, motels, and bed and breakfast inns, as defined, not including personal residences, to post the notice relating to slavery and human trafficking, as specified.
- AB 265 *Prescription drugs: prohibition on price discount*  
Wood Existing law regulates the packaging, labeling, and advertising of drugs and devices. This bill would generally prohibit a person who manufactures a prescription drug from offering in California any discount, repayment, product voucher, or other reduction in an individual's out-of-pocket expenses associated with his or her health insurance, health care service plan, or other health coverage, including, but not limited to, a copayment, coinsurance, or deductible, for any prescription drug if a lower cost generic drug is covered under the individual's health insurance,

health care service plan, or other health coverage on a lower cost-sharing tier that is designated as therapeutically equivalent to the prescription drug manufactured by that person or if the active ingredients of the drug are contained in products regulated by the federal Food and Drug Administration, are available without prescription at a lower cost, and are not otherwise contraindicated for the condition for which the prescription drug is approved. The bill would specify exceptions to these prohibitions, including, among other things, if the individual has completed any applicable step therapy or prior authorization for the prescription drug as mandated by the individual's health insurer, health care service plan, or other health coverage, or if a rebate is received by a state agency. The bill would also clarify that it does not prohibit an entity, including a manufacturer of prescription drugs, from offering a pharmaceutical product free of any cost, if the product is free of cost to both the patient and his or her health insurer, health care service plan, or other health coverage, that it does not affect a pharmacist's ability to substitute a prescription drug, and that it does not prohibit or limit assistance to a patient provided by an independent charity patient assistance program, as defined.

AB 611      *Mandated reporters of suspected financial abuse of an elder or dependent adult:*  
Dababneh      *powers of attorney*

Existing law requires a mandated reporter of suspected financial abuse of an elder or dependent adult, as defined, to report financial abuse in a specified manner. Existing law provides for the creation and effect of powers of attorney. This bill would authorize a mandated reporter of suspected financial abuse of an elder or dependent adult to not honor a power of attorney as to an attorney-in-fact about whom he or she made a report to an adult protective services agency or a local law enforcement agency of any state that the natural person who executed the power of attorney may be an elder or dependent adult subject to financial abuse by that attorney-in-fact.

AB 1014      *Diesel backup generators: health facility*

Cooper

Existing law imposes various limitations on emissions of air contaminants for the control of air pollution from vehicular and nonvehicular sources. Existing law generally designates the State Air Resources Board as the state agency with the primary responsibility for the control of vehicular air pollution, and air pollution control and air quality management districts with the primary responsibility for the control of air pollution from all sources other than vehicular sources. This bill would require a health facility, as defined, to conduct specified tests and maintenance of its diesel backup generators and standby systems. By adding to the duties of air districts, this bill would impose a state-mandated local program.

AB 1048      *Health care: pain management and Schedule II drug prescriptions*

Arambula

(1) The Pharmacy Law provides for the licensing and regulation of pharmacists by the California State Board of Pharmacy in the Department of Consumer Affairs. The law specifies the functions pharmacists are authorized to perform, including to administer, orally or topically, drugs and biologicals pursuant to a prescriber's order, and to administer immunizations pursuant to a protocol with a prescriber. A violation of the Pharmacy Law is a crime. This bill would, beginning July 1, 2018, authorize a pharmacist to dispense a Schedule II controlled substance as a partial fill if requested by the patient or the prescriber. The bill would require the pharmacy to retain the original prescription, with a notation of how much of the prescription has been filled, the date and amount of each partial fill, and the initials of the pharmacist dispensing each partial fill, until the prescription has been fully dispensed. The bill would authorize a pharmacist to charge a professional dispensing fee to cover the actual supply and labor costs associated with dispensing each partial fill associated with the original prescription. By creating a new crime, this bill would impose a state-mandated local program. (2) Existing law provides for the licensure and regulation of health facilities by the State Department of Public Health. Existing law requires a health facility, as a condition of licensure, to include pain as an item to be assessed at the same time vital signs are taken and to ensure that pain assessment is performed in a consistent manner that is appropriate to the patient. This bill would remove the requirement



that pain be assessed at the same time as vital signs. (3) 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 provides for the regulation of health insurers by the Department of Insurance. Existing law imposes various requirements and restrictions on health care service plan contracts issued by health care service plans and health insurance policies issued by health insurers, including those that cover prescription drug benefits, as specified. This bill, commencing January 1, 2019, would require a health care service plan and an insurer to prorate an enrollee's or insured's cost sharing for a partial fill of a prescription of an oral, solid dosage form prescription drug. The bill would also prohibit a health care service plan or an insurer from considering a prorated cost-sharing payment made to a pharmacist for dispensing a partial fill as an overpayment. By creating a new crime under the Knox-Keene Act, this bill would impose a state-mandated local program.

**AB 1200**      *Aging and Disability Resource Connection program*

**Cervantes** Existing law, the Mello-Granlund Older Californians Act, establishes the California Department of Aging and states that the mission of the department is to provide leadership to the area agencies on aging in developing systems of home- and community-based services that maintain individuals in their own homes or least restrictive homelike environments. Existing law vests in the Department of Rehabilitation the responsibility and authority for the encouragement of the planning, development, and funding of independent living centers, which are private, nonprofit organizations that provide specified services to individuals with disabilities, in order to assist those individuals in their attempts to live fuller and freer lives outside institutions. Existing law establishes the Medi-Cal program, administered by the State Department of Health Care Services, under which qualified low-income individuals receive health care services. The Medi-Cal program is, in part, governed and funded by federal Medicaid program provisions. Existing law provides that Medi-Cal long-term services and supports, including In-Home Supportive Services (IHSS), Community-Based Adult Services (CBAS), Multipurpose Senior Services Program (MSSP) services, and certain skilled nursing facility and subacute care services, shall be covered services by a specified date under managed care health plan contracts for beneficiaries residing in counties participating in the Coordinated Care Initiative. This bill would, contingent upon the appropriation of funds for that purpose by the Legislature, establish the Aging and Disability Resource Connection (ADRC) program, to be administered by the California Department of Aging, to provide information to consumers and their families on available long-term services and supports (LTSS) programs and to assist older adults, caregivers, and persons with disabilities in accessing LTSS programs at the local level. The bill would specify the services offered by, and responsibilities of, an ADRC program, including providing short-term service coordination and transition services, as specified.

**AB 1227**      *Human Trafficking Prevention Education and Training Act*

**Bonta** (1) Existing law, the California Healthy Youth Act, requires school districts to ensure that all pupils in grades 7 to 12, inclusive, receive comprehensive sexual health education and human immunodeficiency virus (HIV) prevention education, as specified. Under the act, this instruction includes, among other things, information about sexual harassment, sexual assault, adolescent relationship abuse, intimate partner violence, and sex trafficking. This bill would require that instruction to additionally include information about sexual abuse and to include information about human trafficking instead of sex trafficking. To the extent that this requirement would impose additional duties on school districts, the bill would impose a state-mandated local program. (2) Existing law authorizes a school district to provide sexual abuse and sex trafficking prevention education, as described, and authorizes the periodic conducting of in-service training of school district personnel relating to sexual abuse and sex trafficking. This bill would recast those provisions to instead authorize a school district to provide abuse, including sexual abuse, and human trafficking prevention education, and to require the availability and periodic conducting of continuation, rather than in-service, training of school district personnel relating

to abuse, including sexual abuse, and human trafficking. (3) Existing law establishes the Commercially Sexually Exploited Children Program, which is administered by the State Department of Social Services, in order to adequately serve children who have been sexually exploited. The program requires the department, in consultation with the County Welfare Directors Association of California, to develop an allocation methodology to distribute funding for the program. The program authorizes the use of these funds by counties electing to participate in the program for certain prevention and intervention activities and services to children who are victims, or at risk of becoming victims, of commercial sexual exploitation, for the provision of training to county children's services workers to identify, intervene, and provide case management services to children who are victims of commercial sexual exploitation, and for the training of county workers and foster caregivers for the prevention and identification of potential victims, as specified. This bill would amend various provisions of the program to include components relating to education and training, as specified. Existing law requires a county that elects to receive funds from the program to develop an interagency protocol to be utilized in serving sexually exploited children. Existing law requires the protocol to be developed by a team that includes representatives from specified agencies. This bill would require that team to include representatives from the county office of education and the sheriff's department, as specified. Under existing law, the program also requires the department to ensure that the Child Welfare Services/Case Management System is capable of collecting data concerning children who are commercially sexually exploited, as specified. Existing law requires the department to implement these provisions by June 1, 2015. This bill would extend the requirement that the provision be implemented to June 1, 2018.

**AB 1538** *Alameda Health System Hospital Authority: physician services*  
**Bonta** Existing law authorizes the Board of Supervisors of Alameda County to establish the Alameda Health System Hospital Authority for the management, administration, and control of the medical center in that county. Existing law prohibits the hospital authority, before January 1, 2024, from entering into a contract with any other person or entity, including, but not limited to, a subsidiary or other entity established by the authority, to replace services being provided by physicians and surgeons who are employed by the hospital authority and in a recognized collective bargaining unit as of March 31, 2013, with services provided by that other person or entity without clear and convincing evidence that the needed medical care can only be delivered cost effectively by that other person or entity. This bill would prohibit the hospital authority, before January 1, 2024, from entering into a contract with any other person or entity to replace services being provided by physicians and surgeons who are employed by the hospital authority and in a recognized collective bargaining unit, irrespective of when they joined that bargaining unit, with services provided by that other person or entity without clear and convincing evidence that the needed medical care can only be delivered cost effectively by that other person or entity. This bill would declare that it is to take effect immediately as an urgency statute.

**SB 17** *Health care: prescription drug costs*  
**Hernandez** 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 (DMHC) 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 (DOI). Existing law requires health care service plans and health insurers to file specified rate information with DMHC or DOI, as applicable, for health care service plan contracts or health insurance policies in the individual or small group markets and for health care service plan contracts and health insurance policies in the large group market. Existing law requires health care service plans and health insurers to also disclose specified supporting information for the rate information described above. Existing law requires the DMHC and DOI, as applicable, to conduct an annual public meeting regarding large group rates within 3 months of posting that information. This bill would require health care service plans or health insurers that file the above-described rate information to report to DMHC or DOI, on a date no later than the reporting of the rate information, specified cost information

regarding covered prescription drugs, including generic drugs, brand name drugs, and specialty drugs, dispensed as provided. DMHC and DOI would be required to compile the reported information into a report for the public and legislators that demonstrates the overall impact of drug costs on health care premiums and publish the reports on their Internet Web sites by January 1 of each year. Except for the report, DMHC and DOI would be required to keep confidential all information provided pursuant to these provisions. The bill would also require health care service plans or health insurers that file the above-described rate information to disclose to DMHC and DOI with the rate information specified information regarding the relation of prescription drug costs to plan or insurer spending and premium charges. The bill would instead require DMHC and DOI to conduct an annual public meeting within 4 months of posting the rate information described above. Because a willful violation of these provisions by a health care service plan would be a crime, the bill would impose a state-mandated local program. The bill would require a manufacturer of a prescription drug with a wholesale acquisition cost of more than \$40 that is purchased or reimbursed by specified purchasers, including state agencies, health care service plans, health insurers, and pharmacy benefit managers, to notify the purchaser of an increase in the wholesale acquisition cost of a prescription drug if the increase in the wholesale acquisition cost for a course of therapy, as defined, exceeds a specified threshold. The bill would require that notice to be given at least 60 days prior to the planned effective date of the increase. Commencing no earlier than January 1, 2019, the bill would require the manufacturer to notify the Office of Statewide Health Planning and Development (OSHPD) of specified information relating to that increase in wholesale acquisition cost on a quarterly basis at a time and in a format prescribed by the office. The bill would require the manufacturer to notify OSHPD of specified information relating to the wholesale acquisition cost, marketing, and usage of a new prescription drug if the cost exceeds a specified threshold, and would require OSHPD to publish that information on its Internet Web site, as specified. The bill would require OSHPD to enforce the provisions requiring manufacturer reporting to OSHPD and would subject a manufacturer to liability for a civil penalty if the information described above is not reported. The bill would authorize OSHPD to adopt regulations or issue guidance for the implementation of these provisions. The bill would require the California Research Bureau to report to the Legislature on the implementation of these provisions, and would subject these provisions to review by the appropriate policy committees of the Legislature, as specified. Existing law establishes the California Health Data and Planning Fund within the office for the purpose of receiving and expending certain fee revenues. Existing law establishes the Managed Care Fund for the purpose of supporting the administration of DMHC. Existing law establishes the Insurance Fund for, among other things, the support of DOI as authorized in the annual Budget Act. This bill would prohibit the use of any moneys in the fund from being used for the implementation of these provisions. The bill would provide that funding for the office to conduct the activities described above shall be provided, subject to appropriation by the Legislature, from transfers of moneys from the Managed Care Fund and the Insurance Fund, as specified.

SB 133

Hernandez

Health care coverage: continuity of care

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 and a health insurer that provides services at alternative rates of payment, at the request of an enrollee or insured, to provide the completion of services by a terminated provider if the enrollee or insured is undergoing a course of treatment for one of any specified conditions, including a serious chronic condition, as defined, at the time of the contract or policy termination. Existing law also requires a health care service plan to provide for the completion of covered services by a nonparticipating provider to a newly covered enrollee who, at the time his or her coverage became effective, was receiving services from that provider for one of any specified conditions. Existing law requires a health care service plan to provide a disclosure form regarding the

benefits, services, and terms of a plan contract and requires the disclosure form to include a description of how an enrollee can request continuity of care under the provisions described above. This bill would require a health care service plan to include notice of the process to obtain continuity of care in its disclosure form and in any evidence of coverage issued after January 1, 2018. The bill would also require a plan to provide a written copy of this information to its contracting providers and provider groups, and a copy to its enrollees upon request. The bill would require a plan and health insurer to include notice of the availability of the right to request completion of covered services as part of, to accompany, or to be sent simultaneously with any termination of coverage notice sent under specified circumstances. Existing law requires a health care service plan and a health insurer to arrange for the completion of covered services by a nonparticipating provider for one of any specified conditions for a newly covered enrollee or a newly covered insured under an individual health care service plan contract or an individual health insurance policy if, at the time his or her coverage became effective, the newly covered enrollee or newly covered insured was receiving services from that nonparticipating provider for a specified condition and whose prior coverage was withdrawn from the market between December 1, 2013, and March 31, 2014, inclusive, as specified. This bill would delete the requirement that coverage was withdrawn from the market between December 1, 2013, and March 31, 2014, inclusive, thereby extending the requirement described above to any prior coverage that was withdrawn from the market, and would specify that, for purposes of these provisions, withdrawn from the market includes circumstances when a health benefit plan is withdrawn from any portion of a market.

SB 171 *Medi-Cal: Medi-Cal managed care plans*

Hernandez

(1) Existing law establishes the Medi-Cal program, administered by the State Department of Health Care Services, under which health care services are provided to qualified, low-income persons. The Medi-Cal program is, in part, governed and funded by federal Medicaid program provisions. Under existing law, one of the methods by which Medi-Cal services are provided is pursuant to contracts with various types of managed care plans. Existing federal regulations, published on May 6, 2016, revise regulations governing Medicaid managed care plans to, among other things, align, where feasible, those rules with those of other major sources of coverage, including coverage through qualified health plans offered through an American Health Benefit Exchange, such as the California Health Benefit Exchange, and promote quality of care and strengthen efforts to reform delivery systems that serve Medicaid and CHIP beneficiaries. These federal regulations, among other things, require specified Medicaid managed care plans to calculate and report a medical loss ratio (MLR) for the rating period that begins in 2017. If a state elects to mandate a minimum MLR for its Medicaid managed care plans, these regulations require that minimum MLR to be equal to or higher than 85% and authorizes the state to impose a remittance requirement consistent with the minimum standards established in these federal regulations for the failure to meet the minimum ratio standard imposed by the state. This bill would implement various provisions in regard to those federal regulations, as amended May 6, 2016, governing Medicaid managed care plans. The bill, commencing July 1, 2019, would require a Medi-Cal managed care plan to comply with a minimum 85% MLR and to calculate and report the MLR for each MLR reporting year, as defined, consistent with the MLR calculation and reporting requirements imposed under those federal regulations. The bill would require, effective for contract rating periods commencing on or after July 1, 2023, a Medi-Cal managed care plan to provide a remittance to the state if the ratio does not meet the minimum ratio of 85% for that reporting year consistent with those federal regulations. The bill would require the department to determine the remittance amount on a plan-specific basis for each rating region of the plan and to calculate the federal and nonfederal share amounts associated with each remittance. The bill would require the nonfederal share of amounts remitted by a Medi-Cal managed care plan to be transferred to the Medically Underserved Account for Physicians within the Health Professions Education Fund, and would require these funds, upon appropriation by the Legislature, to be used for purposes of the Steven M. Thompson Physician Corps Loan Repayment Program, as specified. The bill would generally provide that these MLR

requirements do not apply to a health care service plan under a subcontract with a Medi-Cal managed care plan to provide covered health care services to Medi-Cal beneficiaries enrolled in the Medi-Cal managed care plan. The bill would require the department to post specified information on its Internet Web site, including any required remittances owed by a Medi-Cal managed care plan. The bill would require the department to seek any federal approvals it deems necessary to implement these MLR provisions. The bill would require these provisions to be implemented only to the extent that any necessary federal approvals are obtained and federal financial participation is available and is not otherwise jeopardized. The bill would make a conforming change. (2) Existing federal regulations, published on March 30, 2016, revise regulations governing mental health parity requirements to address the application of certain mental health parity requirements under a specified federal law to certain Medicaid managed care plans, Medicaid benchmark and benchmark-equivalent plans, and the Children's Health Insurance Program (CHIP). This bill would require the State Department of Health Care Services to ensure that all covered mental health benefits and substance use disorder benefits, as defined, are provided in compliance with those revised federal regulations. The bill would authorize the department to implement, interpret, or make specific this provision by means of all-county letters, plan letters, or plan or provider bulletins, or similar instructions until regulations are adopted, and would require the department to adopt regulations, where appropriate, by July 1, 2022. The bill would require the department to make any findings of noncompliance and corrective action plans available on its Internet Web site. (3) Existing law requires specified percentages of newly eligible beneficiaries, such as childless adults under 65 years of age, to be assigned to public hospital health systems in an eligible county, if applicable, until the county public hospital health system meets its enrollment target, as defined. Existing law also requires, subject to specified criteria, Medi-Cal managed care plans serving newly eligible beneficiaries to pay county public hospital health systems for providing and making available services to newly eligible beneficiaries of the Medi-Cal managed care plan in amounts that are no less than the cost of providing those services, and requires the capitation rates paid to Medi-Cal managed care plans for newly eligible beneficiaries to be determined based on its obligations to provide supplemental payments to those county public hospital health systems providing services to newly eligible beneficiaries. Existing law requires the department to pay Medi-Cal managed care plans specified rate range increases, and requires those Medi-Cal managed care plans to pay all of the rate range increases as additional payments to county public hospital health systems, as specified. Existing law authorizes a designated public hospital system or affiliated governmental entity to voluntarily provide intergovernmental transfers to provide support for the nonfederal share of risk-based payments to managed care health plans to enable those plans to compensate designated public hospital systems in an amount to preserve and strengthen the availability and quality of services provided by those hospitals. These federal regulations, published on May 6, 2016, generally prohibit states from directing managed care plans' expenditures under a managed care contract. The federal regulations authorize states to direct managed care plans' expenditures for provider payment through the managed care contracts in a manner based on the delivery of services, utilization, and the outcomes and quality of the delivered services. This bill, commencing with the 2017–18 state fiscal year, would require the department to require each Medi-Cal managed care plan, as defined, to increase contract services payments, as defined, to the designated public hospital systems, as defined, by an amount determined under a prescribed directed payment methodology to be developed by the department, and would authorize these directed payments to separately account for inpatient and noninpatient hospital services and require these directed payments to be developed and applied separately for classes of designated public hospital systems. The bill would require the department, in consultation with the designated public hospital systems, to establish the classes of designated public hospital systems, as specified. The bill would require a Medi-Cal managed care plan to annually provide to the department an accounting of the amount paid or payable to a designated public hospital system to demonstrate its compliance with the directed payment requirements. The bill would authorize the department, after providing notice of its determination to the affected Medi-Cal managed care plan and allowing a reasonable

period to cure the deficiencies, to reduce the default assignment into a Medi-Cal managed care plan by up to 25% in the applicable county, as specified, if the Medi-Cal managed care plan is not in compliance with the directed payment requirements. The bill, commencing with the 2017–18 state fiscal year, would require the department, in consultation with the designated public hospital systems and applicable Medi-Cal managed care plans, to establish a program under which a designated public hospital system may earn performance-based quality incentive payments from Medi-Cal managed care plans, as specified, and would require payments to be earned by each designated public hospital system based on its performance in achieving identified targets for quality of care. The bill would require the department to establish uniform performance measures and parameters for the designated public hospital systems to select the applicable measures, and would require these performance measures to advance at least one goal identified in the state’s Medicaid quality strategy. The bill would authorize a designated public hospital system and their affiliated governmental entities, or other public entities, to voluntarily provide the nonfederal share of the portion of the capitation rates associated with the directed payments and for the quality incentive payments through an intergovernmental transfer. The bill would authorize the department to accept these elective funds and, in its discretion, to deposit the transfer in the Medi-Cal Inpatient Payment Adjustment Fund, a continuously appropriated fund, thereby making an appropriation. The bill would prohibit the department or a Medi-Cal managed care plan from being required to make any payment pursuant to the provisions described in (3) for any state fiscal year in which these provisions are implemented, as specified. The bill would authorize the department to implement, interpret, or make specific these provisions by means of all-county letters, plan letters, provider bulletins, or other similar instructions without taking regulatory action. The bill would require these provisions to be implemented only to the extent that any necessary federal approvals are obtained and federal financial participation is available and is not otherwise jeopardized, and would require the department to seek any necessary federal approvals. The bill would provide that these provisions shall cease to be operative on the first day of the state fiscal year beginning on or after the date the department determines, after consultation with the designated public hospital systems, that implementation of these provisions is no longer financially and programmatically supportive of the Medi-Cal program, as specified. The bill would require the department to post notice of the determination on its Internet Web site, and to provide written notice of the determination to the Secretary of State, the Secretary of the Senate, the Chief Clerk of the Assembly, and the Legislative Counsel.

SB 223  
Atkins

*Health care language assistance services*

(1) 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 provides for the regulation of health insurers by the Department of Insurance. Existing law requires the Department of Managed Health Care and the Department of Insurance to adopt regulations establishing standards and requirements for health care service plans and health insurers to provide enrollees and insureds with appropriate access to language assistance in obtaining health care services, including requirements for individual access to interpretation services and requirements to conduct an assessment of the language preferences and linguistic needs of the enrollee and insured population and for the translation of vital documents. For those vital documents that are not standardized but contain enrollee or insured specific information, existing law does not require a health care service plan or health insurer to translate the documents into threshold languages identified by the needs assessment, but instead requires a written notice of availability of interpretation services in threshold languages identified by the needs assessment to be included with those vital documents. This bill would also require this written notice to be made available, by a health care service plan or health insurer subject to the notification requirements described below, in the top 15 languages spoken by limited-English-proficient (LEP) individuals in California as determined by the State Department of Health Care Services. The bill, with regards to those requirements for individual access to interpretation services, would establish

minimum qualification criteria that an interpreter is required to meet in order to provide interpretation services to enrollees and insureds and would prohibit the plan or health insurer from requiring an enrollee or insured with limited English proficiency to provide his or her own interpreter or rely on a staff member who is not a qualified interpreter to communicate directly with the enrollee or insured, or from requiring an enrollee or insured to rely on an adult or minor child accompanying the enrollee or insured to interpret or facilitate communication except in an emergency, as described, if a qualified interpreter is not immediately available, or if the enrollee or insured specifically requests that an accompanying adult interpret or facilitate communication, the accompanying adult agrees to provide that assistance, and reliance on the accompanying adult for that assistance is appropriate under the circumstances. The bill would require a health care service plan and a health insurer to notify enrollees or insureds upon initial enrollment and in the annual renewal materials of the availability of language assistance services and of certain nondiscrimination protections available to individuals enrolled in a plan contract or health insurance policy, and would require this information to be included in a conspicuously visible location in the plan's or health insurer's evidence of coverage, on materials that are routinely disseminated to enrollees or insureds, and to be posted on the Internet Web site maintained by the plan or health insurer. The bill would authorize a specialized health care service plan and a specialized health insurance policy that is not a covered entity, as defined, subject to a specified provision of the federal Patient Protection and Affordable Care Act to request an exemption or a waiver, respectively, from these notification requirements, as specified. Because a willful violation of these requirements by a health care service plan would be a crime, this bill would impose a state-mandated local program. (2) Existing law establishes the Medi-Cal program, administered by the State Department of Health Care Services, under which health care services are provided to qualified, low-income persons. The Medi-Cal program is, in part, governed and funded by federal Medicaid program provisions. Under existing law, one of the methods by which Medi-Cal services are provided is pursuant to contracts with various types of managed care plans. Existing law provides that specialty mental health services are covered under the Medi-Cal program for eligible Medi-Cal beneficiaries and coverage for those services is provided through mental health managed care plans. Existing law requires the department to require all managed care plans contracting with the department to provide Medi-Cal services to provide language assistance services, including oral interpretation services and translation services, to LEP Medi-Cal beneficiaries, as defined. Existing law exempts mental health plans from these language assistance services requirements. This bill would require managed care plans, mental health plans, and the State Department of Health Care Services to provide written notice of the availability of free language assistance services in English and in the top 15 languages spoken by LEP individuals in California, as determined by the State Department of Health Care Services, and consistent with specified provisions of federal law. The bill would require oral interpretation services, provided by managed care plans and mental health plans, to be provided by an interpreter who meets specified minimum qualification criteria. The bill would prohibit a Medi-Cal managed care plan and a mental health plan from requiring a Medi-Cal beneficiary with limited English proficiency to provide his or her own interpreter or rely on a staff member who is not a qualified interpreter to communicate directly with the beneficiary, and would prohibit a managed care plan and a mental health plan from relying on an adult or minor child accompanying the beneficiary to interpret or facilitate communication except in an emergency, as defined by the department, and a qualified interpreter is not immediately available, or if the beneficiary specifically requests that the accompanying adult interpret or facilitate communication, the accompanying adult agrees to provide that assistance, and reliance on that accompanying adult for that assistance is appropriate under the circumstances. The bill would require the State Department of Health Care Services, managed care plans, and mental health plans to notify Medi-Cal beneficiaries, prospective beneficiaries, and members of the public of the availability of language assistance services and of certain nondiscrimination protections available to Medi-Cal beneficiaries, and would require this information to be included in specified materials distributed to beneficiaries, to be posted in conspicuous physical locations, and on the department's Internet Web site and on

the Internet Web site maintained by the managed care plan or mental health plan, as specified. The bill would provide that these provisions are to be implemented only to the extent that federal financial participation is available and is not otherwise jeopardized.

- SB 225      *Human trafficking: notice*  
Stern      Existing law requires specified businesses and other establishments to post a notice, as developed by the Department of Justice, that contains information relating to slavery and human trafficking, including information regarding specified nonprofit organizations that a person can call for services or support in the elimination of slavery and human trafficking. This bill would require the notice to specify that a person can also text a specified number for services and support and would revise the names of the nonprofit organizations listed in the notice. The bill, by January 1, 2019, would also require the department to revise and update the notice, as specified. The bill would provide that any business or establishment required to post the model notice would not be required to post the updated model notice until on and after January 1, 2019.
- SB 241      Medical records: access  
Monning      Existing law governs a patient's access to his or her health records. Existing law requires a health care provider to provide a patient or his or her representative with all or any part of the patient's medical records that the patient has a right to inspect, subject to the payment of clerical costs incurred in locating and making the records available, following a written request from the patient. If the patient or patient's representative presents proof to the provider that the records are needed to support an appeal regarding eligibility for a public benefit program, as defined, the health care provider must provide one copy of the relevant portion of the patient's record at no charge under specified circumstances. Existing law makes a violation of these provisions by specified health care providers an infraction. This bill would change the basis of the fee that a health care provider is authorized to charge from clerical costs to specified costs for labor, supplies, postage, and preparing an explanation or summary of the patient record. The bill would require the health care provider to provide the patient or patient's personal representative with a copy of the records in a paper or electronic copy, in the form or format requested if the records are readily producible in that form or format. By expanding the scope of a crime, this bill would create a state-mandated local program. Existing law provides that information and records obtained in the course of providing mental health and developmental services are confidential, but allows disclosure of communications under specified circumstances. This bill would allow disclosure to a business associate or for health care operations purposes, as specified.
- SB 294      *Hospice: services to seriously ill patients*  
Hernandez      The California Hospice Licensure Act of 1990 provides for the licensure and regulation by the State Department of Public Health of persons or agencies that provide hospice, which is a type of interdisciplinary health care that includes palliative care to individuals experiencing the last phases of life due to the existence of a terminal disease and supportive care to the primary caregivers and family of the hospice patient. A violation of the act is a misdemeanor. The bill would authorize, until January 1, 2022, a licensee under the act to provide any of the authorized interdisciplinary hospice services, including palliative care, to a patient who has a serious illness. The bill would require a licensee that elects to provide palliative care pursuant to this temporary authorization to report additional specified information to the department, including the number of patients receiving palliative care. By modifying the scope of a crime for a violation of the act, this bill would impose a state-mandated local program. The bill would require the department, on or before June 1, 2021, to convene a stakeholder meeting to discuss the results of the information collected pursuant to these provisions.
- SB 575      Patient access to health records  
Leyva      Existing law generally governs a patient's access to his or her health records. Existing law requires a health care provider to provide any patient, former patient, or the representative of a patient or former patient a copy, at no charge, of the relevant portion of the patient's health



records upon presenting to the health care provider a written request and proof that the health records are needed to support an appeal regarding eligibility for specified public benefit programs. Existing law makes a violation of these provisions by certain health care providers an infraction. This bill would make those health care providers provide those patients with a copy of those health records at no charge to support a claim for eligibility for a public benefit program. The bill would specify additional public benefit programs to which these requirements would apply. The bill would make related conforming changes. By making the existing criminal penalties applicable to additional duties of a health care provider, the bill would impose a state-mandated local program.

SB 597

Leyva

*Human trafficking: victim confidentiality*

Existing law authorizes victims of domestic violence, sexual assault, or stalking to complete an application to be approved by the Secretary of State for the purpose of enabling state and local agencies to respond to requests for public records without disclosing a program participant's residence address contained in any public record and otherwise provide for confidentiality of identity for that person, subject to specified conditions. Any person who makes a false statement in an application is guilty of a misdemeanor. This bill would make this program available to a victim of human trafficking, as defined. The bill would also make the program available to household members, as defined, of a victim of domestic violence, sexual assault, stalking, or human trafficking, excluding the perpetrator, if applicable. The bill would make additional conforming changes.

## Behavioral Health Care Services

- AB 89  
Levine      *Psychologists: suicide prevention training*  
Existing law, the Psychology Licensing Law, provides for the licensing and regulation of psychologists and requires a person applying for licensure as a psychologist to have completed specified coursework or training. Existing law also requires licensed psychologists to participate in continuing professional development as a prerequisite for renewing their licenses. Existing law requires a person applying for relicensure or for reinstatement to an active license status to certify under penalty of perjury that he or she has fulfilled the continuing professional development requirements. Existing law defines “continuing professional development” as certain continuing education learning activities and provides requirements for continuing education courses approved to meet the continuing professional development requirements. This bill, effective January 1, 2020, would require an applicant for licensure as a psychologist to complete a minimum of 6 hours of coursework or applied experience under supervision in suicide risk assessment and intervention. The bill would also require, effective January 1, 2020, as a one-time requirement, a licensed psychologist to have completed this suicide risk assessment and intervention training requirement prior to the time of his or her first renewal. The bill would also require, effective January 1, 2020, a person applying for reactivation or for reinstatement to have completed this suicide risk assessment and intervention training requirement. The bill would require that proof of compliance with this provision be certified under penalty of perjury that he or she is in compliance with this provision and be retained for submission to the board upon request.
- AB 191  
Wood      *Mental health: involuntary treatment*  
Under existing law, the Lanterman-Petris-Short Act, when a person, as a result of a mental health disorder, is a danger to others, or to himself or herself, or gravely disabled, he or she may, upon probable cause, be taken into custody and placed in a facility designated by the county and approved by the State Department of Health Care Services for up to 72 hours for evaluation and treatment. Existing law authorizes a person who has been detained for 72 hours and who has received an evaluation to be certified for not more than 14 days of intensive treatment related to the mental health disorder or impairment by chronic alcoholism under specified conditions. Existing law further authorizes the person to be certified for an additional period not to exceed 14 days if that person was suicidal during the 14-day period or the 72-hour evaluation period, or an additional period not to exceed more than 30 days under specified conditions. Existing law requires, for a person to be certified under any of these provisions, a notice of certification to be signed by 2 people, and, in specified circumstances, authorizes the 2nd signature to be from a licensed clinical social worker or a registered nurse who participated in the evaluation. This bill would include a licensed marriage and family therapist and a licensed professional clinical counselor in the list of professionals who are authorized to sign the notice under specified circumstances.
- AB 340  
Arambula      *Early and Periodic Screening, Diagnosis, and Treatment Program: trauma screening*  
Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services, under which qualified low-income individuals receive health care services, including early and periodic screening, diagnosis, and treatment (EPSDT) for any individual under 21 years of age who is covered under Medi-Cal consistent with the requirements under federal law. The Medi-Cal program is, in part, governed and funded by federal Medicaid program provisions. Existing federal law provides that EPSDT services include periodic screening services, vision services, dental services, hearing services, and other necessary services to correct or ameliorate defects and physical and mental illnesses and conditions discovered by the screening services, whether or not the services are covered under

the state plan. In addition to the required periodic screening services, existing federal law provides that Medicaid-eligible children are entitled to interperiodic screenings in order to identify a suspected illness or condition not present or discovered during the periodic examination. This bill would require the department, in consultation with the State Department of Social Services and others, to convene, by May 1, 2018, an advisory working group to update, amend, or develop, if appropriate, tools and protocols for screening children for trauma as defined, within the EPSDT benefit, as specified. The bill would require this group to report its findings and recommendations, as well as any appropriations necessary to implement those recommendations, to the department and to the Legislature's budget subcommittees on health and human services no later than May 1, 2019, and would provide that this group would be disbanded on December 31, 2019. The bill would also require, on or before May 1, 2019, the department to identify an existing advisory working group to periodically review and consider the protocols for the screening of trauma in children at least once every 5 years, or upon the request of the department. The bill would authorize the department to implement, interpret, or make specific these provisions by means of all-county letters, plan letters, or plan or provider bulletins, as specified.

AB 395

Bocanegra

*Substance use treatment providers*

Existing law requires the State Department of Health Care Services to license narcotic treatment programs to use narcotic replacement therapy in the treatment of addicted persons and makes legislative findings in support of coordinated narcotic treatment programs in this regard. Existing law specifies the controlled substances a licensed narcotic treatment program may use for narcotic replacement therapy by licensed narcotic treatment programs, including federally approved, controlled substances used for narcotic treatment. Existing law authorizes the department to approve an office-based narcotic treatment program in a remote site, if certain conditions are met, that include, among others, a physician at a remote site may treat up to a maximum number of 20 patients, who are provided with a specific pharmacological treatment. This bill would add the use of medication-assisted treatment as an authorized service by narcotic treatment programs licensed by the department, and would, in that regard, make legislative findings and declarations that it is in the best interest of the health and welfare of the people of this state to also coordinate medication-assisted treatments for substance use disorders. The bill would modify the specific controlled substances authorized for use by licensed narcotic treatment programs for narcotic replacement therapy and medication-assisted treatment to instead allow medication approved by the federal Food and Drug Administration for the purpose of narcotic replacement treatment or medication-assisted treatment for substance use disorders, and refer to medications, rather than controlled substances, and would authorize the department to implement, interpret, or make specific this provision by means of plan or provider bulletins, or similar instructions and require the department to adopt regulations no later than January 1, 2021. The bill would modify the conditions for the department to authorize an office-based narcotic treatment program in a remote site to authorize a physician to treat a number of patients specified under the United States Drug Enforcement Administration registration and modify the types of authorized pharmacological treatments for narcotic addiction and substance use disorder. The bill would make other conforming changes to related provisions. Existing law establishes the Medi-Cal program, which is administered by the State Department of Health Care Services, under which qualified low-income individuals receive health care services. The Medi-Cal program is, in part, governed and funded by federal Medicaid program provisions. Existing law establishes the Drug Medi-Cal Treatment Program (Drug Medi-Cal), under which the department is authorized to enter into contracts with each county for the provision of various alcohol and drug treatment services, including substance use disorder services, narcotic treatment program services, naltrexone services, and outpatient drug-free services, to Medi-Cal beneficiaries. Existing law generally requires bills for service under the Medi-Cal program to be submitted not more than 6 months after the month in which the service is rendered. This bill would require bills for services under Drug Medi-Cal to be submitted no later than 6 months from the date of service.

- AB 462 *Mental Health Services Oversight and Accountability Commission: wage*  
 Thurmond *information data access*  
 Existing law, the Mental Health Services Act (MHSA), an initiative measure enacted by the voters as Proposition 63 at the November 2, 2004, statewide general election, establishes the Mental Health Services Oversight and Accountability Commission, which consists of 16 members, to oversee the administration of various parts of the act. Existing law authorizes the commission to undertake specified activities in carrying out its duties and responsibilities. Existing law authorizes the MHSA to be amended by a 2/3 vote of the Legislature if the amendments are consistent with, and further the purposes of, the MHSA, and also permits the Legislature to clarify procedures and terms of the MHSA by a majority vote. Under existing law, the information obtained in the administration of the Unemployment Insurance Code is for the exclusive use and information of the Director of Employment Development in the discharge of his or her duties and is not open to the public. However, existing law permits the use of the information for specified purposes, and allows the director to require reimbursement for direct costs incurred. This bill would declare the intent of the Legislature to authorize the commission to receive information held by other state agencies, as it relates to outcomes established under the MHSA or adopted by the commission under the MHSA for the purposes of monitoring those outcomes and improving the mental health system. The bill would authorize the Director of Employment Development to share information to enable the commission to receive quarterly wage data of mental health consumers served by the California public mental health system for the purpose of monitoring and evaluating employment outcomes to determine the effectiveness of those services. This bill would declare that it clarifies procedures and terms of the Mental Health Services Act.
- AB 470 *Medi-Cal: specialty mental health services: performance outcome reports*  
 Arambula  
 Existing law establishes the Medi-Cal program, administered by the State Department of Health Care Services, under which basic health care services are provided to qualified low-income persons. The Medi-Cal program is, in part, governed and funded by federal Medicaid program provisions. Existing law provides that specialty mental health services are covered under the Medi-Cal program for eligible Medi-Cal beneficiaries, including both adults and children, and coverage for those services is provided through mental health managed care plans. Existing law requires the department to develop a performance outcome system for Early and Periodic Screening, Diagnosis, and Treatment mental health services provided to eligible Medi-Cal beneficiaries under 21 years of age. This bill would require the department, commencing no later than January 15, 2018, and as needed thereafter, in consultation with specified stakeholders, to inform the updates to, and build upon, the performance outcomes system reports for specialty mental health services developed for Early and Periodic Screening, Diagnosis, and Treatment mental health services provided to eligible Medi-Cal beneficiaries under 21 years of age and under the Special Terms and Conditions of the Medi-Cal Specialty Mental Health Services Waiver in order to provide data to inform strategies to reduce mental health disparities for specialty mental health services provided to all eligible Medi-Cal beneficiaries. The bill would require the department to consider specified objectives, including high-quality, culturally and linguistically competent, and accessible specialty mental health services for all eligible beneficiaries, in building upon the performance outcomes reports for specialty mental health services, and would require the performance outcomes report for specialty mental health services to be produced using existing data collected by the state, stratified at statewide and county levels and by specified data elements in certain areas, including, among others, access and quality. This bill would require the department to publish, by December 31, 2018, the performance outcomes reports based on available data for specialty mental health services on the department's Internet Web site, and to provide the performance outcomes reports to the Legislature by December 31, 2018. The bill would require the department, commencing January 1, 2019, and on an as-needed basis thereafter, to consult with specified stakeholders to incorporate additional components into the performance outcomes reports and to make

recommendations for statewide quality improvement and efforts to reduce mental health disparities, as specified. The bill, commencing January 1, 2019, and annually thereafter, would require the department to update the performance outcomes reports for specialty mental health services and to post the updated reports on the department's Internet Web site. The bill would authorize the department to implement, interpret, or make specific the requirements of the bill by all-county letters, plan letters, plan or provider bulletins, or similar instructions.

SB 501  
Ridley-  
Thomas

*Mental health: community care facilities*

(1) Existing law, the California Community Care Facilities Act, provides for the licensing and regulation of community care facilities, as defined, by the State Department of Social Services. Existing law includes within the definition of community care facility a short-term residential therapeutic program, which is a residential facility licensed by the department and operated by any public agency or private organization that provides an integrated program of specialized and intensive care and supervision, services and supports, treatment, and short-term, 24-hour care and supervision to children. A violation of the act is a misdemeanor. This bill would authorize the State Department of Social Services to, no later than January 1, 2019, and contingent upon an appropriation in the annual Budget Act for these purposes, license a short-term residential therapeutic program operating as a children's crisis residential program, as defined, and would require the department to regulate those programs, as specified. The bill would require the State Department of Health Care Services, in consultation with the State Department of Social Services and the County Behavioral Health Directors Association of California, among others, to provide guidance to counties for the provision of children's crisis residential services, including funding for children who are Medi-Cal beneficiaries and who are admitted to a children's crisis residential program. By expanding the types of facilities that are regulated as a community care facility, this bill would expand the scope of an existing crime, thus creating a state-mandated local program. (2) 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. In order to be eligible for AFDC-FC, existing law requires a child or nonminor dependent to be placed in a specified placement, including, a short-term residential therapeutic program. Existing law requires a short-term residential therapeutic program to obtain a contract with a county mental health plan to provide specialty mental health services and demonstrate the ability to meet the therapeutic needs of each child identified in specified plan documents. Existing law authorizes a short-term residential therapeutic program to accept for placement children who meet certain criteria, except as otherwise specified. This bill would authorize a short-term residential therapeutic program that is operating as a children's crisis residential program to accept for admission any child who meets specified requirements, including, among other things, that the child has a serious behavioral health disorder and is referred by a parent or guardian, physician, or licensed mental health professional, or by the representative of a public or private entity that has the right to make these decisions on behalf of a child who is experiencing a mental health crisis. The bill would require the State Department of Health Care Services, in consultation with certain stakeholders including the State Department of Social Services, to establish program standards and procedures, as specified, for a children's crisis residential mental health program approval, and would require the children's crisis residential mental health program approval to be a condition of continued licensure for a short-term residential therapeutic program operating as a children's crisis residential program. (3) Existing law establishes the Investment in Mental Health Wellness Act of 2013. Existing law provides that funds appropriated by the Legislature to the California Health Facilities Financing Authority for the purposes of the act be made available to selected counties or counties acting jointly, except as otherwise provided, and used to provide, among other things, a complete continuum of crisis services for children and youth 21 years of age and under regardless of where they live in the state. The act requires grant awards made by the authority to be used to expand local resources for the development, capital, equipment acquisition, and applicable program startup or expansion costs to increase capacity for client assistance and services generally and for client assistance and crisis services for

children and youth 21 years of age and under in specified areas, including crisis residential treatment as authorized by specified provisions. This bill would include within these specified areas crisis residential treatment provided at a children's crisis residential program. (4) The bill would require the State Department of Social Services and the State Department of Health Care Services to adopt regulations to implement the act no later than July 1, 2022, as specified, and would authorize the departments to implement and administer the changes made by this act through information notices, all-county letters, or similar written instructions until regulations are adopted.

**AB 575** *Elder and dependent adult abuse: mandated reporters: substance use disorder*  
**Jones-** *counselors*  
**Sawyer** Under existing law, any person who has assumed full or intermittent responsibility for the care or custody of an elder or dependent adult, is a mandated reporter. Under existing law, any mandated reporter who has observed or has knowledge of an incident that reasonably appears to be physical abuse, abandonment, abduction, isolation, financial abuse, or neglect, or is told by an elder or dependent adult that he or she has experienced these behaviors, is required to report the abuse immediately or as soon as practicably possible. The failure to report on the part of a mandated reporter is a crime. Under existing law, mandated reporters include administrators, supervisors, and any licensed staff of a public or private facility that provides care or services for elder or dependent adults, or any elder or dependent adult care custodian, health practitioner, clergy member, or employee of a county adult protective services agency or a local law enforcement agency. This bill would, for purposes of the above-mandated reporter law, include within the definition of "health practitioner" a substance use disorder counselor, as defined, thereby making a substance use disorder counselor a mandated reporter.

**AB 720** *Inmates: psychiatric medication: informed consent*  
**Eggman** Existing law prohibits, except as specified, a person sentenced to imprisonment in a county jail from being administered any psychiatric medication without his or her prior informed consent. Existing law authorizes a county department of mental health, or other designated county department, to administer to an inmate involuntary medication on a nonemergency basis only after the inmate is provided, among other things, a hearing before a superior court judge, a court-appointed commissioner or referee, or a court-appointed hearing officer. This bill would extend to an inmate confined in a county jail the protection from being administered any psychiatric medication without his or her prior informed consent, with certain exceptions. The bill would impose additional criteria that must be satisfied before a county department of mental health or other designated county department may administer involuntary medication. This criteria include that the jail first make a documented attempt to locate an available bed for the inmate in a community-based treatment facility, under certain conditions, in lieu of seeking involuntary administration of psychiatric medication, and, if the inmate is awaiting resolution of a criminal case, that a hearing to administer involuntary medication on a nonemergency basis be held before, and any requests for ex parte orders be submitted to, a judge in the superior court where the criminal case is pending. The bill would also set limits on the amount of time such orders are valid. The bill would require any court-ordered psychiatric medication to be administered in consultation with a psychiatrist who is not involved in the treatment of the inmate at the jail, if one is available. The bill would also make a clarifying change. The bill would require a county that administers involuntary psychiatric medication to file a report with prescribed information to certain committees of the Legislature, as specified. The bill would repeal its provisions on January 1, 2022.

**AB 727** *Mental Health Services Act: housing assistance*  
**Nazarian** The Mental Health Services Act (MHSA), an initiative statute enacted by the voters as Proposition 63 at the November 2, 2004, statewide general election, imposes a 1% tax on that portion of a taxpayer's taxable annual income that exceeds \$1,000,000 and requires that the

revenue from that tax be deposited in the Mental Health Services Fund. Existing law specifies the manner in which counties are to use the funds distributed from the Mental Health Services Fund, including using the majority of the funds for services provided by county mental health programs. Existing law specifies a target population for these programs, including seriously emotionally disturbed children or adolescents and adults or older adults who have a serious mental disorder. This bill would clarify that counties may spend MHSA moneys on housing assistance, as defined, for people in the target population.

- AB 974  
Quirk-Silva  
*Mental Health Services Act: reporting veterans spending*  
Existing law, the Mental Health Services Act (MHSA), an initiative measure enacted by the voters as Proposition 63 at the November 2, 2004, statewide general election, establishes the Mental Health Services Oversight and Accountability Commission. Existing law requires the State Department of Health Care Services, in consultation with the Mental Health Services Oversight and Accountability Commission and the County Behavioral Health Directors Association of California, to develop and administer instructions for the Annual Mental Health Services Act Revenue and Expenditure Report, which gathers specified information on mental health spending as a result of the MHSA, including the expenditures of funds distributed to each county. Existing law requires the counties to submit the required data and to certify the accuracy of the report. This bill would require counties to report spending on mental health services for veterans from MHSA funds.
- AB 1119  
Limón  
*Developmental and mental health services: information and records: confidentiality*  
Existing law requires all information and records obtained in the course of providing specified developmental services and mental services to either voluntary or involuntary recipients of services to be confidential, and authorizes disclosure only in specified cases, including in communications between qualified professional persons in the provision of services or appropriate referrals, and to the designated officer of an emergency response employee, and from that designated officer to an emergency response employee regarding possible exposure to the human immunodeficiency virus or the acquired immune deficiency syndrome. This bill would additionally authorize, during the provision of emergency services and care, the communication of patient information and records between specified individuals, including, among others, a social worker with a masters degree in social work.
- AB 1134  
Gloria  
*Mental Health Services Oversight and Accountability Commission: fellowship program*  
Existing law, the Mental Health Services Act (MHSA), an initiative statute enacted by the voters as Proposition 63 at the November 2, 2004, statewide general election, establishes the Mental Health Services Oversight and Accountability Commission, which consists of 16 members, to oversee the administration of various parts of the act. Existing law authorizes the MHSA to be amended by a 2/3 vote of the Legislature if the amendments are consistent with, and further the purposes of, the MHSA. Existing law authorizes the commission to undertake specified activities in carrying out its duties and responsibilities, including ensuring that the perspective and participation of diverse community members reflective of California populations and others suffering from severe mental illness and their family members is a significant factor in all of its decisions and recommendations. This bill would amend the act by authorizing the commission to establish a fellowship program, in accordance with specified principles, for the purpose of providing an experiential learning opportunity for a mental health consumer and a mental health professional. The bill would require the commission to establish an advisory committee to provide guidance on the fellowship program goals, design, eligibility criteria, and application process. The bill would authorize the commission to enter into an interagency agreement or other contractual agreement with a state, local, or private entity, to receive technical assistance or relevant services to support the establishment and implementation of the fellowship program. The bill would require the commission to ensure that the fellowship program does not cause the

displacement, as defined, of any civil service employee. This bill would declare that its provisions further the intent of the MHSA.

- AB 1188 *Health professions development: loan repayment*  
 Nazarian (1) Existing law authorizes any licensed mental health service provider, as defined, including a mental health service provider who is employed at a publicly funded mental health facility or a public or nonprofit private mental health facility that contracts with a county mental health entity or facility to provide mental health services, and who provides direct patient care in a publicly funded facility or a mental health professional shortage area, to apply for grants under the Licensed Mental Health Service Provider Education Program to reimburse his or her educational loans related to a career as a licensed mental health service provider, as specified. Existing law establishes the Mental Health Practitioner Education Fund and provides that moneys in that fund are available, upon appropriation, for purposes of the Licensed Mental Health Service Provider Education Program. This bill would, on and after July 1, 2018, add licensed professional clinical counselors and associate professional clinical counselors to those licensed mental health service providers eligible for grants to reimburse educational loans. (2) The Psychology Licensing Law establishes the Board of Psychology to license and regulate the practice of psychology. That law establishes a biennial license renewal fee and also requires the board to collect an additional fee of \$10 at the time of renewal and directs the deposit of that fee into the Mental Health Practitioner Education Fund. This bill would, on or after July 1, 2018, increase that additional fee to \$20. (3) The Licensed Marriage and Family Therapist Act, the Clinical Social Worker Practice Act, and the Licensed Professional Clinical Counselor Act make the Board of Behavioral Sciences responsible for the licensure and regulation of marriage and family therapists, clinical social workers, and professional clinical counselors, respectively. Those acts require the board to establish and assess biennial license renewal fees, as specified. The Licensed Marriage and Family Therapist Act and the Clinical Social Worker Practice Act also require the board to collect an additional fee of \$10 at the time of license renewal and directs the deposit of these additional fees into the Mental Health Practitioner Education Fund. This bill would, on and after July 1, 2018, increase those existing additional fees under the Licensed Marriage and Family Therapist Act and the Clinical Social Worker Practice Act from \$10 to \$20, and would amend the Licensed Professional Clinical Counselor Act to require the Board of Behavioral Sciences to collect an additional \$20 fee at the time of renewal of a license for a professional clinical counselor for deposit in the Mental Health Practitioner Education Fund. (4) This bill would declare that it is to take effect immediately as an urgency statute.
- AB 1315 *Mental health: early psychosis and mood disorder detection and intervention*  
 Mullin 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 Oversight and Accountability Commission to oversee various mental health programs funded by the act. Proposition 63 requires the State Department of Health Care Services, in coordination with counties, to establish a program designed to prevent mental illnesses from becoming severe and disabling. This bill would establish an advisory committee to the commission for purposes of creating an early psychosis and mood disorder detection and intervention competitive selection process to, among other things, expand the provision of high-quality, evidence-based early psychosis and mood disorder detection and intervention services in this state by providing funding to the counties for this purpose. The bill would require a county that receives an award of funds to contribute local funds, as specified. This bill would prescribe the membership of the advisory committee, including the chair of the commission, or his or her designee. The committee would, among other duties, provide advice and guidance on approaches to early psychosis and mood disorder detection and intervention programs. This bill also would establish the Early Psychosis and Mood Disorder Detection and Intervention Fund within the State Treasury and would provide that moneys in the fund shall be available, upon appropriation by the Legislature, to the commission for the purposes of the bill. The fund would consist of private donations and federal, state, and private grants. The bill would authorize the



commission to elect not to make awards if available funds are insufficient for that purpose. The bill would authorize the advisory committee to coordinate and recommend an allocation of funding to the commission for clinical research studies, as specified. The bill would require the results of those studies to be made available annually to the public. The bill would also state that funds shall not be appropriated from the General Fund for the purposes of the bill and that implementation of the grant program shall be contingent upon the deposit into the fund of at least \$500,000 in nonstate funds for the purpose of funding grants and administrative costs for the commission.

**AB 1340**     *Continuing medical education: mental and physical health care integration*  
**Maienschein**     The Medical Practice Act requires the Medical Board of California to adopt and administer standards for the continuing education of licensed physicians and surgeons and requires the board to require each licensed physician and surgeon to demonstrate satisfaction of the continuing education requirements at specified intervals. The act requires the board, in determining its continuing education requirements, to consider including courses on specified matters. This bill would require the board to consider including in its continuing education requirements a course in integrating mental and physical health care in primary care settings, especially as it pertains to early identification of mental health issues and exposure to trauma in children and young adults and their appropriate care and treatment.

**SB 323**     *Medi-Cal: federally qualified health centers and rural health centers: Drug Medi-Cal and specialty mental health services*  
**Mitchell**     Existing law establishes the Medi-Cal program, which is administered by the State Department of Health Care Services, under which qualified low-income individuals receive health care services. The Medi-Cal program is, in part, governed and funded by federal Medicaid program provisions. Existing law establishes the Drug Medi-Cal Treatment Program (Drug Medi-Cal), under which the department is authorized to enter into contracts with each county for the provision of various alcohol and drug treatment services, including substance use disorder services, narcotic treatment program services, naltrexone services, and outpatient drug-free services, to Medi-Cal beneficiaries. Existing law provides that specialty mental health services are covered under the Medi-Cal program for eligible Medi-Cal beneficiaries and coverage for those services is provided through mental health managed care plans. Existing law requires the department to implement managed mental health care for the delivery of specialty mental health services to eligible Medi-Cal beneficiaries through contracts with mental health plans under the Medi-Cal Specialty Mental Health Services Consolidation 1915(b) waiver. Existing law provides that federally qualified health center (FQHC) services and rural health clinic (RHC) services, as defined, are covered benefits under the Medi-Cal program, to be reimbursed, to the extent that federal financial participation is obtained, to providers on a per-visit basis. Existing law authorizes FQHCs and RHCs to elect to have pharmacy or dental services reimbursed on a fee-for-service basis, utilizing the current fee schedules established for those services and requires those costs to be adjusted out of the FQHC's or RHC's clinic base rate as scope-of-service changes. If FQHC or RHC services are partially reimbursed by a 3rd-party payer, existing law requires the department to reimburse an FQHC or RHC for the difference between its per-visit prospective payment system (PPS) rate and receipts from other plans or programs on a contract-by-contract basis, as specified. This bill, only to the extent that federal financial participation is available, would authorize FQHCs and RHCs to provide Drug Medi-Cal services pursuant to the terms of a mutually agreed upon contract entered into between the FQHC or RHC and the county or county designee, or department, as specified, and would set forth the reimbursement requirements for these services. The bill, only to the extent that federal financial participation is available, would authorize an FQHC or RHC to provide specialty mental health services to Medi-Cal beneficiaries as part of a mental health plan's provider network pursuant to the terms of a mutually agreed upon contract entered into between the FQHC or RHC and one or more mental health plans. The bill would prohibit the costs associated with providing Drug

Medi-Cal services or specialty mental health services from being included in the FQHC's or RHC's per-visit PPS rate, and would require the costs associated with providing Drug Medi-Cal services or specialty mental health services to be adjusted out of the FQHC's or RHC's clinic base PPS rate as a scope-of-service change if the costs associated with providing Drug Medi-Cal services or specialty mental health services are within the FQHC's or RHC's clinic base PPS rate, as specified. The bill would exempt the department from the reimbursement requirement described above for any payment received by an FQHC or RHC that contracts with a county or the department to provide Drug Medi-Cal services or that contracts with a mental health plan to provide specialty mental health services, as applicable. The bill would authorize the Director of Health Care Services, to implement, interpret, or make specific these provisions by means of provider bulletins or similar instructions, and would require the department to notify and consult with interested parties and appropriate stakeholders in implementing these provisions, as specified.

- SB 374  
Newman *Health insurance: discriminatory practices: mental health*  
Existing federal law generally requires a health insurance issuer that offers group or individual health insurance coverage that provides both medical and surgical benefits and mental health or substance use disorder benefits to establish parity in the terms and conditions applicable to medical and mental health benefits, as specified. Existing state law subjects nongrandfathered individual and small group health insurance policies that provide coverage for essential health benefits to those provisions of federal law governing mental health parity. Existing law requires every policy of disability insurance that covers hospital, medical, or surgical expenses in this state to provide coverage for the diagnosis and medically necessary treatment of severe mental illnesses of a person of any age, and of serious emotional disturbances of a child, as specified. This bill would require large group, individual, and small group health insurance policies to provide all covered mental health and substance use disorder benefits in compliance with those provisions of federal law governing mental health parity.
- SB 565  
Portantino *Mental health: involuntary commitment*  
Existing law provides for up to 14 days of intensive treatment for a mental disorder or impairment by chronic alcoholism for a person who has been involuntarily committed and received an evaluation that meets certain specified criteria. Under existing law, before a person may be certified for a 14-day intensive treatment program, he or she is entitled to a certification review hearing conducted by a court-appointed commissioner or referee, or a certification review hearing officer. Existing law requires the mental health facility to make reasonable attempts to notify family members or any other person designated by the patient of the time and place of the certification hearing, unless the patient requests that this information not be provided. Under existing law, upon the completion of a 14-day period of intensive treatment, a person may be certified for an additional period of not more than 30 days of intensive treatment if the professional staff of the agency or facility treating the person has found that the person remains gravely disabled as a result of a mental disorder or impairment by chronic alcoholism, and he or she remains unwilling or unable to accept treatment voluntarily. Existing law requires a person certified for an additional 30 days of treatment pursuant to these provisions to be provided a certification review hearing, as specified, unless a judicial review is requested. This bill would require the mental health facility to make reasonable attempts to notify family members or any other person designated by the patient at least 36 hours prior to the certification review hearing for the additional 30 days of treatment, except as specified.
- SB 684  
Bates *Incompetence to stand trial: conservatorship: treatment*  
(1) Existing law prohibits a person from being tried or adjudged to punishment while that person is mentally incompetent. Existing law establishes a process by which a defendant's mental competency is evaluated and by which the defendant receives treatment with the goal of returning the defendant to competency. Existing law allows a mentally incompetent defendant to

be committed to the State Department of State Hospitals or other public or private treatment facility for a period of 3 years or to a period of commitment equal to the maximum term of imprisonment provided by law for the most serious offense charged, whichever is shorter, and requires the defendant to be returned to the committing court after his or her maximum period of commitment. If the defendant is gravely disabled upon his or her return to the committing court, existing law requires the court to order the conservatorship investigator of the county to initiate conservatorship proceedings on the basis that the indictment or information pending against the person charges a felony involving death, great bodily harm, or a serious threat to the physical well-being of another person. This bill would also allow the initiation of conservatorship proceedings on the basis that person is gravely disabled due to a condition in which the person, as a result of a mental health disorder, is unable to provide for his or her basic personal needs for food, clothing, or shelter. (2) Existing law requires, if the action is on a complaint charging a felony, that a proceeding to determine mental competence be held prior to the filing of an information unless counsel for the defendant requests a preliminary examination. Existing law requires an indictment or information to be pending against the defendant at the time a conservatorship is initiated. This bill would allow, if the action is on a complaint charging a felony involving death, great bodily harm, or a serious threat to the physical well-being of another person, the prosecuting attorney, at any time before or after a defendant is determined incompetent to stand trial, to request a determination of probable cause to believe the defendant committed the offense or offenses alleged in the complaint, solely for the purpose of establishing that the defendant is gravely disabled, and would grant the defendant a preliminary hearing after restoration of competency. The bill would define “gravely disabled” for these purposes as a condition where the person has been found mentally incompetent by specified procedures, and certain other facts exist, including, among others, that the person is charged with a felony involving death, great bodily harm, or a serious threat to the physical well-being of another person. The bill would allow for the initiation of a conservatorship upon a criminal complaint if there has been a finding of probable cause on the complaint. The bill would provide that a proceeding to determine mental competence, or in the alternative, a request for a preliminary examination, as described above, would not preclude a determination of probable cause as described above, and vice versa.

## Environmental Health Services

### AB 55 *Hazardous materials management: stationary sources*

Thurmond Existing law requires the Secretary for Environmental Protection to implement a unified hazardous waste and hazardous materials management regulatory program. Existing law requires every county to apply to the secretary to be certified to implement the unified program and allows a city or local agency to implement the unified program as a unified program agency. Existing law requires a stationary source, as defined, engaging in activities with certain substances present in more than a threshold quantity to prepare and submit a risk management plan, if the unified program agency makes a determination that there is a significant likelihood of a regulated substances accident risk. Existing law requires owners and operators of certain stationary sources, when contracting for the performance of construction, alteration, demolition, installation, repair, or maintenance work at one of these stationary sources, to require that its contractors and any subcontractors use a skilled and trained workforce, including skilled journeypersons, to perform all onsite work within an apprenticeable occupation in the building and construction trades. Existing law exempts an owner or operator from that requirement if the contract was awarded before January 1, 2014, unless the contract is extended or renewed after that date. Existing law requires a worker, among other requirements, to have completed, within the prior 2 calendar years, at least 20 hours of approved advanced safety training for workers at high hazard facilities to qualify as a “skilled journeyperson” for purposes of performing this work on or after January 1, 2018. This bill would instead require a worker to have completed, within the prior 3 calendar years, at least 20 hours of this approved advanced safety training to qualify as a “skilled journeyperson” for purposes of performing this work on or after July 1, 2018. This bill would require, on or before February 1, 2018, an owner or operator who claims the exemption for a contract awarded before January 1, 2014, to file with the unified program agency a complete copy of the contract and a 2nd copy of the contract that has been redacted only to the extent necessary to protect sensitive information and that includes the identity of the contractor, the scope of the work covered by the contract, the date of execution of the contract, and the term of the contract. The bill would specify that the unredacted copy of the contract is not a public record and would require the unified program agency to keep that copy confidential. The bill would require the redacted copy to be a public record available for inspection from the unified program agency. Because the bill would add to the duties of a unified program agency and because a violation of the bill’s requirements would be a crime, the bill would impose a state-mandated local program. Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest. This bill would make legislative findings to that effect.

### AB 245 *Hazardous waste: enforcement*

Quirk Existing law permits the Department of Toxic Substances Control or an agency authorized to implement and enforce certain laws relating to hazardous materials, known as a unified program agency, to enforce the Hazardous Waste Control Law. Existing law authorizes the department or a unified program agency to issue an order that requires a violation to be corrected and imposes an administrative penalty when there is a violation of the hazardous waste control laws, laws regulating hazardous substances, or any permit, rule, regulation, standard, or requirement issued or adopted pursuant to those laws. Under existing law, a person who does not comply with the order is subject to a civil penalty of not more than \$25,000 for each day of noncompliance. In lieu of an administrative penalty, existing law makes any person who intentionally or negligently makes a false statement or representation for purposes of compliance with the hazardous waste control laws, violates a provision of the hazardous waste control laws, disposes or causes the disposal of a hazardous waste at an unauthorized site, or treats or stores a hazardous waste at an unauthorized site liable for a civil penalty not to exceed \$25,000, as specified. This bill would increase these administrative and civil penalties to \$70,000 and would

make nonsubstantive changes in these provisions.

- AB 246  
Santiago *Environmental quality: Jobs and Economic Improvement Through Environmental Leadership Act of 2011*  
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. The Jobs and Economic Improvement Through Environmental Leadership Act of 2011 authorizes the Governor, until January 1, 2018, to certify projects that meet certain requirements, including the requirement that the project is certified as LEED silver or better by the United States Green Building Council, achieves a 10% greater standard for transportation efficiency than for comparable projects, and creates high-wage, highly skilled jobs that pay prevailing wages and living wages, for streamlining benefits provided by that act. The act provides that if a lead agency fails to approve a project certified by the Governor before January 1, 2019, the certification expires and is no longer valid. The act requires a lead agency to prepare the record of proceedings for the certified project concurrent with the preparation of the environmental documents. The act is repealed by its own terms on January 1, 2019. This bill would increase the certification of the project to LEED gold or better and increase the transportation efficiency to a 15% greater standard. The bill would require the project applicant to demonstrate compliance with requirements for commercial and organic waste recycling, as applicable. The bill would extend the authority of the Governor to certify a project to January 1, 2020. The bill would provide that the certification expires and is no longer valid if the lead agency fails to approve a certified project before January 1, 2021. The bill would repeal the act on January 1, 2021. Because the bill would extend the obligation of the lead agency to prepare concurrently the record of proceedings, this bill would impose a state-mandated local program. The act requires the Judicial Council to adopt a rule of court to establish procedures for judicial review of a lead agency's certification of the EIR of a certified project or the approval of a project to ensure that the judicial review is completed within 270 days of the certification of the record of proceedings for the project. This bill would instead require the judicial review to be completed within 270 days of the filing of the certified record of proceedings with the court to the extent feasible. The bill would make other, nonsubstantive changes.
- AB 321  
Mathis *Groundwater sustainability agencies*  
Existing law, the Sustainable Groundwater Management Act, requires all groundwater basins designated as high- or medium-priority basins by the Department of Water Resources that are designated as basins subject to critical conditions of overdraft to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans by January 31, 2020, and requires all other groundwater basins designated as high- or medium-priority basins to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans by January 31, 2022, except as specified. The act authorizes any local agency or combination of local agencies overlying a groundwater basin to decide to become a groundwater sustainability agency for that basin, as prescribed. The act requires a groundwater sustainability agency to consider the interests of all beneficial uses and users of groundwater, as well as those responsible for implementing groundwater sustainability plans, including, among other interests, holders of overlying groundwater rights, including agricultural users and domestic well owners. This bill would specifically include farmers, ranchers, and dairy professionals in the agricultural users whose interests a groundwater sustainability agency is required to consider.

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| AB 355<br>Chu               | <p><i>Water pollution: enforcement</i></p> <p>Under the Porter-Cologne Water Quality Control Act, the State Water Resources Control Board (state board) and the California regional water quality control boards (regional boards) are the principal state agencies with primary authority over water quality matters. The act authorizes a regional board to investigate the quality of state waters, and grants to a regional board certain authority in connection with those investigative functions. The act authorizes a regional board to administratively impose civil liability in connection with violations of certain water quality provisions, and authorizes the executive officer of a regional board to issue a complaint to any person on whom administrative civil liability may be imposed pursuant to the act.</p> <p>The state act, with certain exceptions, imposes a mandatory minimum penalty of \$3,000 for serious violations, as defined, and for exceeding certain effluent limitations, failing to file a required report, or filing that report incomplete, if those violations occur 4 or more times in any period of 6 consecutive months. Existing law permits the state board or regional board, in lieu of assessing all or a portion of the mandatory minimum penalties against a publicly owned treatment works serving a small community, as defined, to elect to require the publicly owned treatment works to spend an equivalent amount towards completion of a compliance project proposed by the publicly owned treatment works if the state board or regional board makes certain findings. Existing law, for these purposes, defines “a publicly owned treatment works serving a small community” as a publicly owned treatment works serving a population of 10,000 persons or fewer or a rural county, with a financial hardship, as specified. This bill, for purposes of the exception, would instead define “publicly owned treatment works serving a small community” as a publicly owned treatment works serving a population of 20,000 persons or fewer or a rural county, with a financial hardship. Existing law requires the state board to continuously report and update information on its Internet Web site, but at a minimum annually on or before January 1, regarding its enforcement activities. This bill would instead require the state board to continuously report and update information on its Internet Web site and to annually report on its enforcement activities on or before December 31. Existing law provides for the regulation of underground storage tanks by the state board. Existing law imposes a civil or criminal penalty, as specified, for violations of specified provisions relating to underground storage tank systems, and requires that civil penalties or criminal fines be deposited into the State Water Pollution Cleanup and Abatement Account, to be available upon appropriation by the Legislature, for purposes of activities relating to water pollution or the cleaning up of waste or abating its effects on waters of the state. This bill would allow the state board to impose civil liability administratively for those violations pursuant to the administrative liability provisions of the Porter-Cologne Water Quality Control Act, to be deposited in the State Water Pollution Cleanup and Abatement Account. The bill would require the executive director of the state board to consult with the appropriate local agency before issuing a complaint.</p> |
| AB 367<br>Obernolte         | <p><i>Water supply: building permits</i></p> <p>Existing law prohibits a city, including a charter city, or a county from issuing a building permit for the construction of a new residential development where a source of the water supply is water transported by a water hauler, bottled water, a water-vending machine, or a retail water facility. Under existing law, this prohibition on the issuance of a building permit does not apply to a residence that will be rebuilt because of a natural disaster. This bill would exempt from the prohibition on the issuance of a building permit a residence that will be rebuilt because of a fire and would provide that this change is declaratory of existing law.</p>  |
| AB 474<br>Eduardo<br>Garcia | <p><i>Hazardous waste: spent brine solutions</i></p> <p>Existing law exempts from certain requirements of the Hazardous Waste Control Law wastes from the extraction, beneficiation, or processing of ores and minerals that are not subject to regulation under the federal Resource Conservation and Recovery Act of 1976, including spent brine solutions used to produce geothermal energy that meet specified requirements. This bill would exempt spent brine solutions that are byproducts of the treatment of groundwater to meet</p>  |

California drinking water standards from those same requirements if certain conditions are met, including that the spent brine solutions are transferred for dewatering via a closed piping system to lined surface impoundments regulated by the California regional water quality control boards. The bill would require surface impoundments used for the treatment of spent brine solutions to maintain financial assurances consistent with requirements of the Hazardous Waste Control Law.

- AB 560  
Salas      *Safe Drinking Water State Revolving Fund: project financing: severely disadvantaged communities*  
Existing law, the Safe Drinking Water State Revolving Fund Law of 1997, establishes the Safe Drinking Water State Revolving Fund to provide grants or revolving fund loans for the design and construction of projects for public water systems that will enable those systems to meet safe drinking water standards. Existing law requires the State Water Resources Control Board to establish eligibility criteria for project financing that is consistent with federal law. This bill, to the extent permitted by federal law, would authorize the board to provide grant funding, and principal forgiveness and 0% financing on loans, from the Safe Drinking Water State Revolving Fund to a project for a water system with a service area that qualifies as a severely disadvantaged community if the water system demonstrates that repaying a Safe Drinking Water State Revolving Fund loan with interest would result in unaffordable water rates, as defined.
- AB 593  
Gloria      *Structural Fumigation Enforcement Program*  
Existing law, until January 1, 2018, establishes a structural fumigation enforcement program that requires the Director of the Department of Pesticide Regulation to provide oversight for the program. Existing law requires any company performing a structural fumigation in Los Angeles County, Orange County, Santa Clara County, or San Diego County to pay the county agricultural commissioner a specified fee for each fumigation conducted at a specific location. Existing law authorizes the commissioners of those counties to perform increased structural fumigation, inspection, and enforcement activities to be funded by the required fee. Existing law requires these funds to be paid to the county and used for the sole purpose of funding enforcement and training activities directly related to the structural fumigation program. This bill would extend the operation of these provisions to January 1, 2023.
- AB 718  
Frazier      *Mosquito abatement and vector control districts: managed wetland habitat: memoranda of understanding*  
Existing law provides for the formation of mosquito abatement and vector control districts, and prescribes the powers, functions, and duties of those districts, as specified. Existing law authorizes a district to levy special taxes, to levy special benefit assessments for specified purposes, and to charge a fee to cover the cost of any service that the district provides or the cost of enforcing any regulation for which the fee is charged. Existing law requires a mosquito abatement and vector control district whose boundaries include one or more wildlife management areas or in which vectors and vectorborne diseases from a wildlife management area may enter the district to notify the Department of Fish and Wildlife of those areas that are of concern due to the potential for high mosquito populations that may incur associated mosquito control costs. Existing law requires the department to consult with districts to identify those areas within those wildlife management areas having the highest need for additional mosquito reduction through the implementation of best management practices, as defined. This bill would authorize a private landowner whose property includes managed wetland habitat, as defined, located within the boundaries of a district and meets other criteria to initiate the opportunity to enter into a memorandum of understanding with the district to establish a process to implement best management practices with regard to the managed wetland habitat. The bill would authorize the Central Valley Joint Venture, in consultation with districts, the department, and the State Department of Public Health, to periodically modify the best management practices in order to best fulfill certain purposes.

- AB 746  
Gonzalez  
Fletcher     *Public health: potable water systems: lead testing: schoolsites*  
Existing law, the California Safe Drinking Water Act, requires the State Water Resources Control Board to administer provisions relating to the regulation of drinking water to protect public health, including, but not limited to, conducting research, studies, and demonstration programs relating to the provision of a dependable, safe supply of drinking water, enforcing the federal Safe Drinking Water Act, adopting implementing regulations, and conducting studies and investigations to assess the quality of water in private domestic water supplies. The act requires the state board to establish a grant program, in consultation with the State Department of Education, to award grants to local educational agencies for the purposes of improving access to, and the quality of, drinking water in public schools serving kindergarten or any of grades 1 to 12, inclusive, and preschools and child day care facilities located on public school property. This bill would require a community water system that serves a schoolsite of a local educational agency with a building constructed before January 1, 2010, to test for lead in the potable water system of the schoolsite before January 1, 2019. The bill would require the community water system to report its findings to the schoolsite, as specified, and, if the schoolsite's lead level exceeds a certain level, to test a water sample from the point at which the schoolsite connects to the community water system's supply network. The bill would require the local educational agency, if the lead level exceeds the specified level at a schoolsite, to notify the parents and guardians of the pupils who attend the schoolsite or preschool. The bill would require the local educational agency to take immediate steps to make inoperable and shut down from use all fountains and faucets where the excess lead levels may exist and would require the local educational agency to work with the school site to ensure that a potable source of drinking water is provided for students. The bill would require a community water system to prepare a sampling plan for each schoolsite where lead sampling is required under these provisions.
- AB 836  
Chiu     *Vending machines: bulk food*  
The California Retail Food Code establishes uniform health and sanitation standards for, and provides for regulation by the State Department of Public Health of, retail food facilities and various types of food. The code establishes requirements for vending machines, including prohibiting those machines from dispensing bulk potentially hazardous food. Existing law authorizes the department to issue a variance to allow the use of an alternative practice or procedure for specified purposes, including for cooking and reheating temperatures for potentially hazardous food. A violation of these provisions is a crime. This bill would authorize the department to issue a variance for dispensing bulk potentially hazardous food from vending machines, as specified.
- AB 954  
Chiu     *Food labeling: quality and safety dates*  
Existing law provides that all food labeling regulations and any amendments to those regulations adopted pursuant to the federal Food, Drug, and Cosmetic Act shall be the food labeling regulations of this state, and authorizes the State Department of Public Health to adopt additional food labeling regulations. This bill would require the Department of Food and Agriculture, in consultation with the State Department of Public Health, on or before July 1, 2018, to publish information to encourage food manufacturers, processors, and retailers responsible for the labeling of food products to voluntarily use uniform terms on food product labels to communicate quality dates and safety dates, and would require the department to promote the consistent use of those terms. The bill would also require the department to encourage food distributors and retailers to develop alternatives to consumer-facing "sell by" dates. The bill would establish the Consumer Education Account in the Department of Food and Agriculture Fund for the deposit of nonstate funds from public and private sources. The bill would continuously appropriate the funds in the account to the department to educate consumers about the meaning of quality dates and safety dates.



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| AB 1126<br>Committee<br>on<br>Agriculture | <p><i>Pesticides: carbon monoxide</i></p> <p>Existing law authorizes the use of carbon monoxide for the control of burrowing rodent pests subject to specified conditions, including that the carbon monoxide delivery device is permanently affixed with a special warning label. Existing law repeals those provisions on January 1, 2018. This bill would instead repeal those provisions on January 1, 2023.</p>   |
| AB 1197<br>Limón                          | <p><i>Oil spill contingency plans: spill management teams</i></p> <p>The Lempert-Keene-Seastrand Oil Spill Prevention and Response Act generally requires the administrator for oil spill response, acting at the direction of the Governor, to implement activities relating to oil spill response, including drills and preparedness, and oil spill containment and cleanup, and to represent the state in any coordinated response efforts with the federal government. The act requires owners or operators of specified facilities and owners or operators of certain vessels to prepare and implement an oil spill contingency plan, containing specified provisions, that has been submitted to, and approved by, the administrator. Existing law provides for the rating of oil spill response organizations (OSROs) by the administrator pursuant to specified provisions and requires an oil spill contingency plan to identify at least one rated OSRO for each rating level established pursuant to those provisions. This bill would no longer require an oil spill contingency plan to identify at least one rated OSRO for each rating level and would instead require the plan to identify at least one OSRO rated pursuant to those provisions, and would authorize an owner or operator to rely on its own response equipment and personnel, if they have been rated by the administrator, as specified. This bill would authorize a spill management team (SMT), as defined, to apply to the administrator for a certification of that SMT's response capabilities. The bill would require the administrator to establish criteria for certifying an SMT based on the SMT's capacity to respond to spills and manage spills effectively, review applications for SMT certification, and certify SMTs, as specified. The bill would authorize the administrator to charge a reasonable administrative fee to process an application for, or renewal of, a certification. The bill would require the administrator to adopt regulations to implement these provisions as appropriate. The bill would require an oil spill contingency plan to identify at least one certified SMT, certified by the administrator pursuant to the provisions described above, and would authorize an owner or operator to rely on its own spill management team that has been certified by the administrator, as specified.</p> |
| AB 1294<br>Berman                         | <p><i>Solid waste: plastic products</i></p> <p>Existing law prohibits the sale of a plastic product, as defined, labeled as "compostable," "home compostable," or "marine degradable" unless it meets specified ASTM International standard specifications, the OK Compost HOME certification, as specified, or a standard adopted by the department, or unless the plastic product is labeled with a qualified claim for which the department has adopted an existing standard, and the plastic product meets that standard. Existing law prohibits the sale of a plastic product that is labeled as "biodegradable," "degradable," "decomposable," or as otherwise specified. Existing law, until January 1, 2018, requires a manufacturer or supplier of plastic products making an environmental marketing claim relating to the recycled content of a plastic food container product to maintain specified information and documentation in written form in its records in support of that claim. Existing law provides for the imposition of a civil penalty by a city, county, or the state for a violation of those provisions. This bill would extend indefinitely the provision concerning recycled content marketing claims.</p>  |
| AB 1316<br>Quirk                          | <p><i>Public health: childhood lead poisoning: prevention</i></p> <p>Existing law, the Childhood Lead Poisoning Prevention Act of 1991, required the State Department of Public Health (formerly the State Department of Health Services) between July 1, 1992, and July 1, 1993, to adopt regulations establishing a standard of care at least as stringent as the most recent United States Centers for Disease Control and Prevention screening guidelines, whereby all children are evaluated for risk of lead poisoning by health care providers</p>  |

during each child's periodic health assessment. The standard of care, among others, is required to provide that, upon evaluation, those children determined to be at risk for lead poisoning, according to the regulations, are required to be screened. Existing law defines "lead poisoning" to mean the disease present when the concentration of lead in whole venous blood reaches or exceeds levels constituting a health risk, as specified in the most recent United States Centers for Disease Control and Prevention guidelines for lead poisoning as determined by the department, or when the concentration of lead in whole venous blood reaches or exceeds levels constituting a health risk as determined by the department, as specified. Existing law creates the Childhood Lead Poisoning Prevention Fund consisting of fees imposed on manufacturers and other persons formerly, presently, or both formerly and presently engaged in the stream of commerce of lead or products containing lead, or who are otherwise responsible for identifiable sources of lead that have significantly contributed historically, currently contribute, or both have significantly contributed historically and contribute currently to environmental lead contamination. The moneys in the fund are required to be expended, upon appropriation by the Legislature, for the purposes of the act. This bill, among other things, would change the definition of "lead poisoning" to include concentrations of lead in arterial or cord blood. The bill would require that the regulations establishing a standard of care include the determination of risk factors for whether a child is at risk for lead poisoning and would require the department, when determining those risk factors, to consider the most significant environmental risk factors, as specified. The bill would require that the regulations be developed by July 1, 2019, in consultation with medical experts, environmental experts, appropriate professional organizations, the public, and others, as determined by the department. The bill would also clarify that the lead screening would not be paid for by funds from the Childhood Lead Poisoning Prevention Fund. This bill would further require the department, by March 1, 2019, and by every March 1 thereafter, to prepare and prominently post on its Internet Web site information that, among other things, evaluates the department's progress in identifying children with high blood lead levels and reducing the incidence of excessive childhood lead exposure in this state, as provided. The bill would require the department to use an electronic database, as provided, to support electronic laboratory reporting of blood lead tests, management of lead-exposed children, and assessment of sources of lead exposure. The bill would make conforming and technical changes, and would delete obsolete provisions. Existing law provides for the regulation of health insurers by the Department of Insurance. Existing law requires health insurers issuing group disability insurance that covers hospital, medical, or surgical expenses to provide benefits for comprehensive preventive care for children 18 years of age and younger under the terms and conditions agreed upon by the group policyholder and the insurer. Existing law requires those benefits to include periodic health evaluations, immunizations, and laboratory services in connection with those periodic health evaluations. This bill, among other things, would add screening for blood lead levels in children who are at risk for lead poisoning to those required benefits, as specified.

AB 1328  
Limón

*Oil and gas: water quality*

Under existing law, the Porter-Cologne Water Quality Control Act, the State Water Resources Control Board (state board) and the California regional water quality control boards (regional boards) are the principal state agencies with primary authority over water quality matters. The act authorizes a regional board to investigate the quality of state waters, and grants to a regional board certain authority in connection with those investigative functions, including the authority, in connection with the discharge or suspected discharge of waste by a person or entity, as specified, to require that the person or entity furnish technical or monitoring program reports to the regional board. The act provides certain protections for trade secrets that are disclosed to the regional board, upon request by the person or entity. The act authorizes the state board to carry out the above provisions if, after consulting with the appropriate regional board, the state board determines that it will not duplicate the efforts of the regional board. The act declares that a person failing or refusing to furnish technical or monitoring program reports, or falsifying any information set forth in those reports, is guilty of a misdemeanor and may be civilly liable in

accordance with certain provisions of law. Under existing law, the Division of Oil, Gas, and Geothermal Resources in the Department of Conservation regulates the drilling, operation, maintenance, and abandonment of oil and gas wells in the state. Existing law requires the owner of any well to file with the State Oil and Gas Supervisor a monthly statement that provides certain information relating to the well, including the amount of water produced from each well, the disposition of the water produced from an oil or gas field, the amount of fluid injected into a well used for enhanced recovery, and information relating to wastewater disposal. This bill would provide that, in conducting an investigation of the quality of state waters that includes collection of information about discharge of wastewater produced from an oil or gas field, a regional board or the state board may also require the person or entity, or its supplier, as specified, to furnish information to that board relating to all chemicals in the discharged wastewater. The bill would provide for the trade secret protections described above to apply to information disclosed pursuant to this requirement, when requested by a person or entity, or a supplier. The bill would require the information collected pursuant to this requirement to be made available to the public on the Internet Web site of the regional board or the state board. The bill would authorize a regional board or the state board, in collecting the above-described information, to consult with the Division of Oil, Gas, and Geothermal Resources regarding information collected by the division, pursuant to other disclosure requirements, that may be useful to the investigation.

AB 1438  
Committee on  
Environmental  
Safety and  
Toxic  
Materials

*State Water Resources Control Board: environmental laboratories: public water systems: certificates and permits: procedures*

(1) Existing law, the Environmental Laboratory Accreditation Act, requires certain laboratories that conduct analyses of environmental samples for regulatory purposes to obtain a certificate of accreditation from the State Water Resources Control Board. The act requires an accredited laboratory to report, in a timely fashion and in accordance with the request for analysis, the full and complete results of all detected contaminants and pollutants to the person or entity that submitted the material for testing. The act authorizes the state board to adopt regulations to establish reporting requirements, establish the accreditation procedures, recognize the accreditation of laboratories located outside California, and collect laboratory accreditation fees. The act requires fees and civil penalties collected under the act to be deposited in the Environmental Laboratory Improvement Fund and that moneys in the fund be available for expenditure by the board, upon appropriation by the Legislature, for the purposes of the act. Existing law authorizes the state board to implement these provisions by entering and inspecting laboratories for these purposes, as specified. Existing law makes it a crime to interfere with the state board with regard to those inspection provisions. This bill would revise and recast those provisions. The bill would, among other things, update obsolete references under those provisions with regard to the state board and the State Department of Public Health, and would update references to national accreditation and training standards that are applicable to laboratories that are accredited or certified under these provisions. The bill would modify provisions relating to petitions for reconsideration with regard to denials of certain applications for certification or accreditation, as specified. The bill would authorize the state board to require an owner of a laboratory under these provisions to provide certain information or records to the state board, as specified. Because a violation of those provisions would be a crime, the bill would impose a state-mandated local program. The bill would also set forth a hearing process with regard to the suspension or revocation of a certification or accreditation issued under these provisions, as specified. The bill would update provisions relating to civil penalties, as specified. (2) Existing law, the California Safe Drinking Water Act, requires the State Water Resources Control Board to administer provisions relating to the regulation of drinking water to protect public health and vests with the state board specified responsibilities. The act prohibits a person from operating a public water system unless he or she first submits an application to the state board and receives a permit, as specified, and allows the state board to impose permit conditions, requirements for system improvements, and time schedules as the state board deems necessary to ensure an affordable, reliable, and adequate supply of water at all times that is pure,

wholesome, and potable. Existing law requires the state board to appoint a deputy director to oversee the issuance and enforcement of public water system permits and delegates certain authorities of the state board to the deputy director. The act authorizes an applicant to appeal a decision or action of the deputy director taken pursuant to these permitting provisions to the state board. The act authorizes the state board, after notice and hearing, to suspend or revoke a permit if the state board determines that the permittee is in violation of the act or has made a false statement or representation on an application, record, or report maintained and submitted for purposes of compliance with the act. The act allows the state board to temporarily suspend a permit before a hearing when necessary to prevent an imminent or substantial danger to health, as specified, requires the state board to hold a hearing and give notice on the temporary suspension, as specified, and requires that notice of the hearing be given within 15 days of the effective date of suspension. This bill would revise and recast these provisions. The bill would instead allow the applicant to petition the state board for reconsideration of, instead of appealing, a decision or action of the deputy director with regard to issuance of a public water system permit. The bill would set forth a hearing process, including notice, with regard to the suspension, revocation, or temporary suspension of a public water system permit, as specified. The bill would authorize, within 30 days of issuance of specified orders, decisions, or final actions of an officer or employee of the state board, the person subject to the order, decision, or final action to petition the state board for reconsideration.

**AB 1439**

Committee on  
Environmental  
Safety and  
Toxic  
Materials

*Hazardous materials: reporting*

Existing law requires the Department of Toxic Substances Control to implement a procedure for the electronic reporting of all hazardous waste facilities permit modifications, to the extent the Secretary for Environmental Protection determines that the procedure is compatible with the electronic reporting standards adopted by the secretary. This bill would repeal this provision. Existing law authorizes the department to require a person submitting a report or data to submit the report or data in an electronic format. This bill would additionally authorize the department to require a person submitting a workplan, schedule, notice, request, application, or other document for purposes of compliance with certain laws and regulations to submit the document in an electronic format.

**AB 1480**

Quirk

*Pest control: violations and penalties: civil penalty*

(1) Under existing law, it is unlawful to use any fraud or misrepresentation in making an application to the Department of Pesticide Regulation for a license or for renewal of a license to conduct specified pest control operations or activities. A violation of this provision is a crime. This bill would revise this provision to provide that it is unlawful to make any false or fraudulent statement, record, report or use any fraud or misrepresentation in connection with meeting any license requirement to conduct pest control operations or activities, as specified. The bill would also make it unlawful to cheat on or subvert a licensing examination. Since a violation of these provisions would be a misdemeanor under existing law, the bill would impose a state-mandated local program by creating new crimes. (2) Existing law authorizes the civil prosecution of persons who violate specified provisions regarding pesticides and economic poisons and authorizes the Director of the Department of Pesticide Regulation, in lieu of civil prosecution, to levy a civil penalty against that person, as provided. This bill would also authorize the director to levy a civil penalty under these provisions for any violation specified in (1) above.

**AB 1572**

Aguiar-  
Curry

*Integrated waste management plans: source reduction and recycling element: review schedule*

The California Integrated Waste Management Act of 1989, which is administered by the Department of Resources Recycling and Recovery, requires each city, county, and regional agency, if any, to develop a source reduction and recycling element of an integrated waste management plan containing specified components. Those entities are required to divert 50% of

all solid waste subject to the element through source reduction, recycling, and composting, except as specified. A city, county, or regional agency is required to submit an annual report to the department summarizing its progress in reducing solid waste. Existing law requires the department, until January 1, 2018, to review a jurisdiction's compliance with those diversion requirements every 2 or 4 years, with the frequency conditioned upon the department finding in the prior review that the jurisdiction was or was not in compliance with those diversion requirements, as specified. Existing law repeals this conditional review schedule on January 1, 2018, and, as of that date, requires the department to review each jurisdiction's source reduction and recycling element and household hazardous waste element for compliance with those diversion requirements at least once every 2 years. This bill would postpone the repeal of that conditional review schedule, and postpone the corresponding operation of the department's 2-year review schedule, to January 1, 2022. Existing law requires the department to adopt regulations to achieve landfill disposal reductions of organic waste from 2014 levels of 50% by 2020 and 75% by 2025. This bill would authorize the department, in consultation with stakeholders, to make recommendations to the Legislature, by January 1, 2022, on necessary revisions to the review process described above to ensure consistency with the regulations adopted to achieve those organic waste disposal reduction goals.

**AB 1590**     *Structural Pest Control Board: complaints: structural pest control operators*  
**Chen**        Existing law defines, licenses, and regulates structural pest control operators and establishes the Structural Pest Control Board within the Department of Consumer Affairs to administer these provisions. Existing law requires all complaints against a licensee or a registered company to be filed with the board within 2 years after the act or omission alleged as the ground for disciplinary action or, in the case of fraud, within 4 years after commission of the fraudulent act or omission. Existing law requires the board to file any accusation within one year after the complaint has been filed with the board, except as specified. This bill instead would require a complaint against a nonlicensee, licensee, or registered company to be filed with the board no later than 2 years after the act or omission or, in a matter involving fraud, gross negligence, or misrepresentation, no later than 4 years after commission of the act or omission. The bill instead would require the board to file any accusation no later than 18 months after the complaint was filed with the board, except as specified.

**AB 1646**     *Hazardous materials: unified program agency: integrated alerting and notification*  
**Muratsuchi**     *system*  
 Existing law requires the Secretary for Environmental Protection to implement a unified hazardous waste and hazardous materials management regulatory program. Existing law requires every county to apply to the secretary to be certified to implement the unified program and allows a city or local agency to implement the unified program as a unified program agency, or UPA. Existing law also requires each certified UPA to institute a single fee system, which is required to include a surcharge on each person regulated by the unified program, the amount of which is determined by the secretary annually, to cover the necessary and reasonable costs of the state agencies in carrying out their responsibilities in the unified hazardous waste and hazardous materials management regulatory program. Existing law imposes certain requirements on stationary sources handling regulated substances, as defined, including, among other things, the preparation and implementation of a risk management plan. Existing law requires the UPA to review the plan and to notify the stationary source of any defects in the plan. This bill would require each local implementing agency, as defined, to develop an integrated alerting and notification system, in coordination with local emergency management agencies, UPAs, local first response agencies, petroleum refineries, and the public, to be used to notify the community surrounding a petroleum refinery in the event of an incident at the refinery warranting the use of the notification system. The bill would require the notification system to be configured, as specified, and used to alert and notify the communities surrounding a petroleum refinery, including schools, public facilities, hospitals, transient and special needs populations, as defined,

and residential care homes. If an integrated alerting and notification system has not been developed and implemented by January 1, 2018, the bill would require the local implementing agency to determine an appropriate notification system to be developed consistent with these provisions and, on or before January 1, 2019, to develop a schedule for developing and implementing the notification system. The bill would require a UPA to ensure that the notification system developed is consistent with the UPA's area plan and specified regulations regarding the California Accidental Release Prevention Program. The bill would require a petroleum refinery to immediately call the emergency 9-1-1 telephone number and notify the UPA, in the event of an incident warranting the use of the notification system. The bill would require a UPA, in coordination with the local implementing agency, to establish a fee, separate from the single fee system described above, that a petroleum refinery would be required to pay in an amount to cover the reasonable and necessary costs for the design, building, and installation of the notification system, and a fee, as part of the single fee system levied on a petroleum refinery, in an amount sufficient to cover the reasonable and necessary costs for the ongoing operation and maintenance of the notification system. The bill would require the Governor's Office of Emergency Services to work with the local implementing agencies and the UPAs to develop a model memorandum of understanding between adjacent jurisdictions for integration of alerting and notification systems that will operate across jurisdictional boundaries. The bill would require the local implementing agency to ensure that there are agreements with adjacent jurisdictions to coordinate alerts, notifications, and messaging when a release crosses or threatens to cross jurisdictional boundaries, and to document those agreements in the unified program agency area plan.

AB 1689  
Committee on  
Environmental  
Safety and  
Toxic  
Materials

*Business plans: combustible metals*

Existing law requires the Secretary for Environmental Protection to implement a unified hazardous waste and hazardous materials management regulatory program. As part of that program, existing law requires a business that handles a hazardous material or a mixture containing a hazardous material at any one time during the reporting year in quantities equal to, or greater than, 55 gallons for materials that are liquids, 500 pounds for solids, or 200 cubic feet for compressed gas to establish and implement a business plan for emergency response to a release, or threatened release, of the hazardous material. These business plan requirements are enforced primarily by local agencies certified or designated by the department for purposes of enforcement of the unified program. A person who knowingly violates business plan requirements is guilty of a misdemeanor. This bill would also require businesses that handle combustible metals or metal alloys, as described, in specified quantities, to establish and implement a business plan of this type.

SB 44  
Jackson

*State lands: coastal hazard and legacy oil and gas well removal and remediation program*

(1) Existing law establishes the State Lands Commission in the Natural Resources Agency and prescribes the functions and duties of the commission. Under existing law, the commission has jurisdiction over various state lands, including coastal lands. This bill would, upon appropriation of moneys by the Legislature, require the commission to, within 2 years, administer a coastal hazard and legacy oil and gas well removal and remediation program, as specified. The bill would authorize the commission to seek and accept on behalf of the state any gift, bequest, devise, or donation whenever the gift and the terms and conditions thereof will aid in actions undertaken to administer that program. The bill would require the commission, on or before January 1 of each year, until January 1, 2026, to submit a report to the Legislature on the activities and accomplishments of the program from the prior year. The bill would require the commission, on or before January 1, 2027, to submit a report to appropriate committees in the Legislature that covers the life of the program and includes information necessary to aid the Legislature in determining the effectiveness of the program and the extent to which funding for the program should be reauthorized. The bill would make these provisions inoperative on July 1,

2028. (2) Existing law, with specified exceptions, generally requires the State Lands Commission, on and after July 1, 2006, to deposit all revenue, money, and remittances, derived from mineral extraction leases on state tide and submerged lands, including tideland oil revenue, into the General Fund, to be available upon appropriation by the Legislature for specified purposes. Existing law establishes the Land Bank Fund, a continuously appropriated fund, from which the commission may expend moneys for management and improvement of real property held by the commission, as trustee, to provide open space, habitat for plants and animals, and public access. This bill would require that, for the 2018–19 fiscal year, out of those funds deposited into the General Fund by the commission, the sum of \$2,000,000 be transferred to the Land Bank Fund and be available, upon appropriation in the annual Budget Act, for the purpose of implementing the coastal hazard and legacy oil and gas well removal and remediation program. The bill would require that, for each fiscal year from the 2019–20 fiscal year to the 2027–28 fiscal year, inclusive, an amount sufficient to bring the unencumbered balance of the Land Bank Fund available for the purpose of implementing the program to \$2,000,000 be transferred to that fund and be available, upon an appropriation in the annual Budget Act, for the purpose of implementing the program.

SB 252

*Water wells*

Dodd

Existing law requires the State Water Resources Control Board to adopt a model water well, cathodic protection well, and monitoring well drilling and abandonment ordinance implementing certain standards for water well construction, maintenance, and abandonment and requires each county, city, or water agency, where appropriate, not later than January 15, 1990, to adopt a water well, cathodic protection well, and monitoring well drilling and abandonment ordinance that meets or exceeds certain standards. Under existing law, if a county, city, or water agency, where appropriate, fails to adopt an ordinance establishing water well, cathodic protection well, and monitoring well drilling and abandonment standards, the model ordinance adopted by the state board is required to take effect on February 15, 1990, and is required to be enforced by the county or city and have the same force and effect as if adopted as a county or city ordinance. This bill, until January 30, 2020, would require a city or county overlying a critically overdrafted basin, as defined, to request estimates of certain information from an applicant for a new well located within a critically overdrafted basin as part of an application for a well permit. The bill would require a city or county that receives an application for a well permit in a critically overdrafted basin to make the information about the new well included in the application for a well permit available to both the public and to groundwater sustainability agencies and easily accessible. The bill would authorize a city or county to issue a new well permit within a critically overdrafted basin when these requirements have been met.

SB 442

*Public health: pools: drownings*

Newman

Under the existing Swimming Pool Safety Act, upon the issuance of a building permit for construction of a new swimming pool or spa, or the remodeling of an existing pool or spa, at a private, single-family home, the pool or spa is required to be equipped with at least one of 7 drowning prevention safety features. The existing act requires the local building code official to inspect and approve the drowning safety prevention devices before the issuance of a final approval for the completion of permitted construction or remodeling work. The existing act does not apply to any pool within the jurisdiction of any political subdivision that adopts an ordinance for swimming pools, as specified. This bill would instead require, when a building permit is issued, that the pool or spa be equipped with at least 2 of 7 specified drowning prevention safety features. The bill would revise the characteristics of some of those safety features. The bill would also delete the exemption from the act of political subdivisions that adopt ordinances for swimming pools. By imposing additional duties on local officials, the bill would impose a state-mandated local program. Existing law defines terms related to paid home inspections in connection with the transfer of real property, establishes a standard of care for home inspectors, and prohibits certain inspections in which the inspector or the inspector's employer, as specified, has a financial interest. This bill would, as part of the definition of home inspection for the

transfer of real property, specify that an appropriate inspection of real property with a swimming pool or spa would include noninvasive physical examination of the pool or spa and dwelling for the purpose of identifying which, if any, of the 7 specified drowning prevention safety features the pool or spa is equipped. The bill would also require that the information be included in the home inspection report, as specified.

SB 724

Lara

*Oil and gas: wells and production facilities*

(1) Under existing law, the Division of Oil, Gas, and Geothermal Resources in the Department of Conservation regulates the drilling, operation, maintenance, and abandonment of oil and gas wells in the state. Existing law requires the State Oil and Gas Supervisor to supervise the drilling, operation, maintenance, and abandonment of wells and the operation, maintenance, and removal or abandonment of tanks and facilities related to oil and gas production within an oil and gas field, so as to prevent damage to life, health, property, and natural resources, as provided; to permit owners and operators of wells to utilize all known methods and practices to increase the ultimate recovery of hydrocarbons; and to perform the supervisor's duties in a manner that encourages the wise development of oil and gas resources to best meet oil and gas needs in this state. Under existing law, a person who fails to comply with an order issued under these provisions and other requirements relating to the regulation of oil or gas operations is guilty of a misdemeanor. Existing law requires the operator of a well to file a written notice of intention to commence drilling with, and prohibits any drilling until approval is given by, the supervisor or district deputy. Under existing law, the notice is deemed approved if the supervisor or district deputy fails to respond to the notice in writing within 10 working days from receipt and is deemed canceled if operations have not commenced within one year of receipt. This bill would extend the time period to commence operations from one year to 24 months before the notice is deemed canceled, would prohibit the notice from being extended, and would require the cancellation to be noted in the division's records. (2) Existing law requires the operator of any idle well to either file with the supervisor a certain annual fee or file a plan with the supervisor to provide for the management and elimination of all long-term idle wells, as specified. This bill would, if the operator has eliminated more wells than required in the prior 2 years under the plan, authorize the supervisor to deduct from the new requirement in the plan the net total of long-term idle wells eliminated in excess of those previously required. (3) Existing law establishes the Hazardous and Idle-Deserted Well Abatement Fund in the State Treasury. Existing law directs fee moneys collected from operators of idle wells to be deposited in the fund. The moneys in the fund are continuously appropriated to the department for expenditure to mitigate a hazardous or potentially hazardous condition, by well plugging and abandonment, decommissioning attendant production facilities, or both, at a well of a fee-paying operator. This bill would instead provide that the moneys in the fund are continuously appropriated to the department for expenditure to mitigate a hazardous or potentially hazardous condition, by well plugging and abandonment, decommissioning production facilities, or both, at a well of a fee-paying operator. Because the bill would expand the purposes for which moneys in a continuously appropriated fund may be used by no longer limiting those uses to attendant production facilities, it would make an appropriation. (4) Existing law authorizes a city or county to request from the supervisor a list of those wells within its jurisdiction that have not continuously produced oil or natural gas, or have not been utilized continuously for injection purposes for a 6-month period during any consecutive 10-year period prior to or after January 1, 1991. This bill instead would authorize a city or county to request from the supervisor a list of all idle wells, as defined, within its jurisdiction. (5) Existing law authorizes the supervisor or district deputy to order the plugging and abandonment of a well that has been deserted whether or not any damage is occurring or threatened by reason of that deserted well. This bill would additionally authorize the supervisor or district deputy to order the decommissioning of a production facility that has been deserted. Because a violation of an order issued under these provisions would be a crime, the bill would impose a state-mandated local program. (6) Existing law authorizes the supervisor to order certain operations to be carried out on any property in the vicinity of which, or on which, is located any well that the supervisor determines to be either a



hazardous or idle-deserted well, as specified. Existing law prohibits the division from expending, commencing with the 2015–16 fiscal year, more than \$1,000,000 in any one fiscal year for these purposes related to hazardous or idle-deserted wells. The Administrative Procedure Act governs the procedure for the adoption, amendment, or repeal of regulations by state agencies and for the review of those regulatory actions by the Office of Administrative Law. This bill would expand this authorization to allow the supervisor to order or undertake certain operations, as applicable, to be carried out on any property in the vicinity of which, or on which, is located any well or facility that the supervisor determines to be a hazardous well, an idle-deserted well, a hazardous facility, or a deserted facility, as defined. The bill would temporarily raise the cap on spending for these purposes from \$1,000,000 to \$3,000,000 in any one fiscal year, for the 2018–19 fiscal year to the 2021–22 fiscal year, inclusive. The bill would require these moneys to be used exclusively for plugging and abandoning hazardous or idle-deserted wells and decommissioning hazardous or deserted facilities and would prohibit the moneys from being used for nonwell or nonproduction facility-related activities and payments. The bill would require the division to develop criteria for determining the priority of plugging and abandoning hazardous or idle-deserted wells and decommissioning hazardous or deserted facilities to be remediated pursuant to these provisions, and would exempt the development of those criteria from the Administrative Procedure Act. This bill would require the department to report on October 1, 2020, to the Legislature on the estimated number of hazardous wells, idle-deserted wells, deserted facilities, and hazardous facilities remaining, the estimated costs of abandoning or decommissioning those wells and facilities, and a timeline for future well abandonment and decommissioning of facilities with a specific schedule of goals, and, as part of that report, provide recommendations to the Legislature for improving and optimizing the involvement of local agencies in the process of plugging and abandoning wells and decommissioning facilities. The bill would require the department to provide the Legislature with an update to this report on October 1, 2023, containing specified information.

## Community Health Services

- AB 323 *CalFresh: emergency food provider referrals*  
Berman Existing law provides for the federal Supplemental Nutrition Assistance Program (SNAP), known in California as CalFresh, under which supplemental nutrition assistance benefits allocated to the state by the federal government are distributed to eligible individuals by each county. Existing law requires a county welfare department to compile a list of emergency food providers and make that list available upon request. This bill, to be known as the County Human Services Information and Referral Modernization Act of 2017, would authorize a county human services agency to refer a CalFresh applicant or recipient to the 2-1-1 dial code to access information on emergency food providers and supplemental food assistance providers in lieu of providing a list if the county deems that method to be the most appropriate to serve an applicant or recipient.
- AB 465 *Urban agricultural incentive zones*  
Ting The Urban Agriculture Incentive Zones Act authorizes, under specified conditions, a city, county, or city and county to establish by ordinance an urban agriculture incentive zone for the purpose of entering into voluntary contracts with landowners to enforceably restrict the use of vacant, unimproved, or otherwise blighted lands for small-scale production of agricultural crops and animal husbandry. Existing law prohibits a city, county, or city and county from entering into a new contract or renewing an existing contract under these provisions after January 1, 2019. This bill would extend the authorization for a city, county, or city and county and a landowner to enter into those contracts to January 1, 2029. The act requires a contract entered into pursuant to these provisions to include, among other things, a provision to enforceably restrict property that is at least 0.1 acres and not more than 3 acres in size and a requirement that the entire property subject to the contract be directed toward commercial or noncommercial agricultural use. This bill would additionally require these provisions to apply to a combination of contiguous properties under a contract.
- AB 602 *Pharmacy: nonprescription diabetes test devices*  
Bonta The Pharmacy Law provides for the licensing and regulation of the practice of pharmacy by the California State Board of Pharmacy within the Department of Consumer Affairs. That law authorizes the board to take disciplinary action against any holder of a license who is guilty of unprofessional conduct, as described, or whose license has been issued by mistake. That law also requires the records of manufacture and of sale, acquisition, receipt, shipment, or disposition of dangerous drugs or dangerous devices to be open for inspection during business hours and preserved for at least 3 years, as specified. That law authorizes a board inspector to embargo any dangerous drug or dangerous device that the board inspector finds or has probable cause to believe is adulterated, misbranded, or counterfeit. Under that law, a person who fails to maintain or produce those records and who violates any provision of that law, when no other penalty is provided, is guilty of a crime. This bill would make it unprofessional conduct for a licensee to acquire a nonprescription diabetes test device from a person that the licensee knew or should have known was not the nonprescription diabetes test device's manufacturer or manufacturer's authorized distributor or to submit to specified persons a claim for reimbursement for a nonprescription diabetes test device when the licensee knew or should have known that the diabetes test device was not purchased directly from the manufacturer or from a manufacturer's authorized distributor. The bill would authorize the board to embargo any nonprescription diabetes test device that a board inspector finds or has probable cause to believe was not purchased directly from the manufacturer or from a manufacturer's authorized distributor, as specified. The bill would require pharmacies that dispense nonprescription diabetes test devices pursuant to prescriptions to retain records of acquisition and sale of those nonprescription diabetes test devices for at least 3 years and keep those records open to inspection during business hours, as described above. The bill would require a manufacturer of

nonprescription diabetes test devices to make the names of its authorized distributors available on its Internet Web site, to provide those names to the board, and to, within 30 days of making changes, update its Internet Web site and inform the board of the changes, as specified. The bill would require the board to post the names of authorized distributors on the board's Internet Web site, as specified. This bill would declare that it is to take effect immediately as an urgency statute.

- AB 609  
Santiago *Alcoholic beverages: licensee promotion events: sunset*  
Existing law, the Alcoholic Beverage Control Act, generally prohibits manufacturers, winegrowers, bottlers, importers, wholesalers, and others from performing certain activities, with specified exceptions. Existing law, until January 1, 2018, permits specified licensees, or any authorized agent of the above persons to provide, free of charge, entertainment, food, and distilled spirits, wine, or nonalcoholic beverages to consumers at an invitation-only event, held on specified premises, in connection with the sale or distribution of wine or distilled spirits, as provided. This bill would extend the repeal date for these provisions until January 1, 2023.
- AB 711  
Low *Beer manufacturers: free or discounted rides*  
Existing law, the Alcoholic Beverage Control Act, regulates the application, issuance, and suspension of alcoholic beverage licenses by the Department of Alcoholic Beverage Control. The act prohibits any licensee from giving a premium, gift, or free goods in connection with the sale and distribution of any alcoholic beverage, except as provided. Existing law, until January 1, 2018, authorizes a manufacturer of distilled spirits, distilled spirits manufacturer's agent, out-of-state distilled spirits shipper's certificate holder, winegrower, rectifier, or distiller, or its authorized unlicensed agent, to provide free ground transportation home, as described, to consumers at an invitation-only event in connection with the sale or distribution of wine or distilled spirits. Unless otherwise specified, a violation of the act is a misdemeanor. This bill would authorize a beer manufacturer, as defined, to provide consumers free or discounted rides, as described, for the purpose of furthering public safety. The bill would prohibit conditioning a free or discounted ride, or the provision of a voucher, code, or other method of delivery, upon the purchase of an alcoholic beverage. The bill would prohibit a beer and wine wholesaler from directly or indirectly underwriting, sharing in, or contributing to, the costs of free or discounted rides or from serving as an agent of a beer manufacturer to provide free or discounted rides to consumers.
- AB 768  
Aguiar-Curry *Certified farmers' markets: enforcement: civil penalties*  
Existing law regulates the direct marketing of agricultural products and generally provides that a violation of those provisions is an infraction. Existing law, until January 1, 2018, provides that in lieu of prosecution for a violation of the provisions regulating certified farmers' markets, the Secretary of Food and Agriculture or a county agricultural commissioner may levy a civil penalty against a person who violates those provisions or any regulation implemented pursuant to those provisions, as specified. This bill would delete the repeal provision, thereby indefinitely extending the operation of the provision authorizing the secretary and county agricultural commissioners to levy civil penalties in lieu of prosecution.
- AB 841  
Weber *Pupil nutrition: food and beverages: advertising: corporate incentive programs*  
Existing law requires, as a condition of receipt of funds to reimburse a school for free and reduced-price meals sold or served to pupils, a school or school district to comply with specified requirements and prohibitions, including not selling or serving a food item that contains artificial trans fat. Existing law provides that the only competitive snack foods that may be sold to pupils are fruit, vegetable, dairy, protein, or whole grain-rich food items, in an elementary, middle, or high school, as provided, and imposes other nutritional standards on competitive foods, snacks, and beverages that may be sold to pupils in an elementary, middle, or high school. This bill would prohibit, except as provided, a school, school district, or charter school

from advertising food or beverages during the schoolday, as provided, and from participating in a corporate incentive program that rewards pupils with free or discounted foods or beverages that do not comply with those nutritional standards when the pupils reach certain academic goals. The bill would provide that it is the intent of the Legislature that the governing board or body of a school district and a charter school annually review their compliance with these provisions.

- AB 997  
Aguiar-Curry  
*Alcoholic beverage licenses: winegrowers and beer manufacturers*  
The Alcoholic Beverage Control Act provides for the issuance of various categories of alcoholic beverage licenses, including the imposition of fees, conditions, and restrictions in connection with the issuance of those licenses. Existing law prohibits a licensee to have upon the licensed premises any alcoholic beverages other than the alcoholic beverage for which the licensee is authorized to sell at the premises under his or her license. Existing law provides that a violation of this prohibition is punishable as a misdemeanor and authorizes the Department of Alcoholic Beverage Control to seize any alcoholic beverages found in violation of this prohibition. This bill would authorize an exception to the above-described prohibition by allowing a licensed winegrower and a licensed beer manufacturer that holds a small beer manufacturer's license, whose licensed premises of production are immediately adjacent to each other and which are not branch offices, to, with the approval of the department, share a common licensed area in which the consumption of alcoholic beverages is permitted under specified circumstances.
- AB 1219  
Eggman  
*Food donations*  
Existing law specifies that a food facility that donates any food that is fit for human consumption at the time it was donated to a nonprofit charitable organization or a food bank is not liable for any damage or injury resulting from the consumption of the donated food, unless the injury resulted from negligence or a willful act in the preparation or handling of the donated food. This bill, the California Good Samaritan Food Donation Act, would expand these provisions to persons and gleaners who donate food, as defined. The bill would narrow the exception to protection from liability to injury resulting from gross negligence or intentional misconduct. The bill would specify that the immunity from civil liability provided by these provisions applies to the donation of food that is fit for human consumption and that has exceeded the labeled shelf life date recommended by the manufacturer, provided, in instances of perishable food, the person that distributes the food to the end recipient makes a good faith evaluation that the food is wholesome. The bill would authorize food facilities to donate food directly to end recipients for consumption. Existing law specifies that a nonprofit charitable organization or food bank is not liable for an injury or death from distributing food without charge that is fit for human consumption unless the injury or death is a direct result of negligence, recklessness, or intentional misconduct. This bill would narrow the exception to protection from liability to injury or death as a direct result of gross negligence or intentional misconduct. Existing law authorizes a person engaged in the business of processing, distributing, or selling an agricultural product to donate, free of charge, a product that is in a condition that it may be used as food for human beings, to a nonprofit charitable organization. Existing law limits the liability of a county, its agencies, and persons who donate agricultural products. Existing law provides that these provisions do not relieve any nonprofit charitable organization from any liability for any injury, including, but not limited to, injury resulting from the ingesting of an agricultural product, as a result of receiving, accepting, gathering, or removing any donated agricultural product. This bill would expand this provision to include a gleaner and also authorize food facilities to donate food directly to end recipients for consumption. The bill would specify that these donations are protected under this act if the donated food has exceeded the labeled shelf life date recommended by the manufacturer, provided, in instances of perishable food, the person that distributes the food to the end recipient makes a good faith evaluation that the food is wholesome. The bill would repeal these provisions relating to not relieving nonprofit charitable organizations from liability for injuries. Existing law authorizes a food facility to donate food to a food bank or to any other nonprofit

charitable organization for distribution to persons free of charge. Existing law exempts a food facility that donates food from civil or criminal liability or penalty for violation of any laws, regulations, or ordinances regulating the labeling or packaging of the donated product or, with respect to any other laws, regulations, or ordinances, for a violation occurring after the time of the donation. This bill would also authorize a person or gleaner to donate food to a food bank or to a nonprofit charitable organization and exempt the person or gleaner from civil or criminal liability relating to the donated food. The bill would also expand these provisions to include the donation of food by food facilities directly to end recipients. The bill would specify that the immunity from civil or criminal liability or penalty applies to the donation of food that has exceeded the labeled shelf life date recommended by the manufacturer, provided, in instances of perishable food, the person that distributes the food to the end recipient makes a good faith evaluation that the food is wholesome. The bill would require enforcement officers to promote the recovery of food fit for human consumption, as specified.

AB 1221  
Gonzalez  
Fletcher

*Alcoholic beverage control: Responsible Beverage Service Training Program Act of 2017*

The Alcoholic Beverage Control Act, administered by the Department of Alcoholic Beverage Control, regulates the granting of licenses for the manufacture, distribution, and sale of alcoholic beverages within the state. Under existing law, any on-sale license authorizes the sale of the alcoholic beverage specified in the license for consumption on the premises where sold. Currently, the Licensee Education on Alcohol and Drugs (LEAD) program is a voluntary prevention and education program for retail licensees, their employees, and applicants, regarding alcohol responsibility and the law. This bill, in addition to the LEAD program, would establish the Responsible Beverage Service (RBS) Training Program Act of 2017, and would require the department, on or before January 1, 2020, to develop, implement, and administer a curriculum for an RBS training program, as specified. The bill would, beginning July 1, 2021, require an alcohol server, as defined, to successfully complete an RBS training course offered or authorized by the department. The bill would authorize the department to charge a fee, not to exceed \$15, for any RBS training course provided by the department and require the fee to be deposited in the Alcohol Beverage Control Fund. The bill would provide that an RBS training course include information on, among other things, state laws and regulations relating to alcoholic beverage control and the impact of alcohol on the body. The bill would require the department to authorize one or more accreditation agencies to accredit training providers to offer RBS training courses that meet curriculum requirements established by the department and authorize the department to approve training providers that are not accredited, as provided. The bill would authorize the department to collect fees to cover its reasonable costs for the review, approval, and renewal of approval of accreditation agencies and nonaccredited training providers. The bill would require licensees to maintain, and provide upon request by the department, all records necessary to establish compliance with these provisions. The bill would provide that a violation of these provisions shall not be grounds for any criminal action, pursuant to the Alcoholic Beverage Control Act, against a licensee or an employee of a licensee.

AB 1277  
Daly

*Dental Board of California: regulations*

The Dental Practice Act provides for the licensure and regulation of persons engaged in the practice of dentistry by the Dental Board of California, which is within the Department of Consumer Affairs. Existing law requires a licensee to register his or her place of practice with the board, as specified, and authorizes the board to inspect the books, records, and premises of any dentist licensed under the act in response to a complaint that a licensee has violated any law or regulation that constitutes grounds for disciplinary action by the board. Existing law, the Administrative Procedure Act, governs the procedure for the adoption, amendment, or repeal of regulations by state agencies and for the review of those regulatory actions by the Office of Administrative Law. That act authorizes state agencies to adopt emergency regulations if certain procedures are followed, including making a finding of emergency and the need for immediate

action. This bill would require the board to amend regulations on the minimum standards for infection control to require water or other methods used for irrigation to be sterile or contain recognized disinfecting or antibacterial properties when performing dental procedures that expose dental pulp. The bill, until December 31, 2018, would deem the adoption and readoption of the regulation an emergency and would exempt the board from describing facts showing the need for immediate action and from review by the Office of Administrative Law. The bill would require the board to adopt final regulations on or before December 31, 2018. The bill would also state the intent of the Legislature.

- AB 1285 *Alcoholic Beverage Control Act: administrative hearings: records*  
Gipson Existing law, the Alcoholic Beverage Control Act, requires a record of any administrative hearing of the Department of Alcoholic Beverage Control, and if an appeal is made to the Alcoholic Beverage Appeals Board, requires the board to determine the appeal upon the record of the department and upon any briefs authorized to be filed by the parties. Existing law requires proceedings at an administrative hearing to be reported by a stenographic reporter unless there is consent for an electronic report. This bill would prohibit the department from creating a videographic recording of a hearing as a record and provide that a videographic recording is inadmissible in specified hearings.
- AB 1502 *Free or reduced-price school meals: direct certification*  
Thurmond Existing law requires the State Department of Education to create a computerized data matching system using existing databases from the State Department of Education and the State Department of Health Care Services to directly certify recipients of CalFresh, the CalWORKs program, and other programs authorized for direct certification for enrollment in the federal National School Lunch Program and the federal School Breakfast Program. Existing law requires the State Department of Health Care Services to conduct the data match of local school records and return a list to the State Department of Education, including only the data fields submitted by the State Department of Education and an indicator of program eligibility. This bill would instead require the State Department of Health Care Services or the State Department of Education to conduct the data match of local school records to determine program eligibility. The bill would require each state agency involved in the data match process to amend any applicable existing agreements before the State Department of Education may conduct the data match. The bill would require, before a state agency provides the State Department of Education with data to conduct a data match, the State Department of Education and that state agency to execute a written agreement that outlines the use of the data in the data match process and incorporates privacy and confidentiality procedures consistent with all applicable state and federal law.
- AB 1707 *Registered dental assistants: practical examination*  
Low Existing law, the Dental Practice Act, provides for the licensure and regulation of registered dental assistants by the Dental Board of California. The act authorizes the board to license a person as a registered dental assistant if he or she meets certain requirements, including a written and practical examination. Existing law requires the Dental Board of California, in consultation with the Office of Professional Examination Services, to conduct a review to determine on or before July 1, 2017, whether a practical examination is necessary to demonstrate the competency of registered dental assistants. Existing law authorizes the board to vote to suspend the practical examination if the review concludes that the practical examination is unnecessary or does not accurately measure the competency of registered dental assistants. Under existing law, the suspension of the practical examination commences on the date the board votes to suspend the practical examination and continues until July 1, 2017. If the board votes to suspend the practical examination, the board is required to post a notice on its Internet Web site. This bill would instead extend that suspension date until January 1, 2020, or until the board determines an alternative way to measure competency, whichever occurs first. The bill would also require the

board to post an updated suspension date notice. This bill would declare that it is to take effect immediately as an urgency statute.

- AB 1724**     *Alcoholic beverages: licenses: suspension and revocation tied-house exception*  
**Jones-**     Existing law, the Alcoholic Beverage Control Act, regulates the application, issuance, and  
**Sawyer**     suspension of alcoholic beverage licenses by the Department of Alcoholic Beverage Control.  
Existing law requires the Chief of the Bureau of Food and Drug Inspection to notify the  
Department of Alcoholic Beverage Control of the conviction of any licensee of any violation of  
the California Pure Foods Act in connection with alcoholic beverages. Existing law requires the  
department to promptly investigate whether grounds exist for suspension or revocation of the  
license. This bill would instead require the Director of the State Department of Public Health to  
notify the department of the conviction of any licensees of any violation of the Sherman Food,  
Drug, and Cosmetic Law in connection with alcoholic beverages.
- SB 65**     *Vehicles: alcohol and marijuana: penalties*  
**Hill**     Existing law makes it an infraction to drink any alcoholic beverage while driving a motor  
vehicle upon any highway or on other specified lands. Existing law also prohibits a driver or  
passenger from drinking any alcoholic beverage while in a motor vehicle upon a highway, and  
makes a violation of this provision punishable as an infraction. This bill would instead make  
drinking an alcoholic beverage or smoking or ingesting marijuana or any marijuana product  
while driving, or while riding as a passenger in, a motor vehicle being driven upon a highway or  
upon specified lands punishable as an infraction.
- SB 138**     *School meal programs: free and reduced-price meals: universal meal services*  
**McGuire**     Existing law requires a school district or county superintendent of schools maintaining a  
kindergarten or any of grades 1 to 12, inclusive, to provide a needy pupil, as defined, one  
nutritionally adequate free or reduced-price meal during each schoolday, and authorizes the  
school district or county superintendent of schools to use funds available from any federal or  
state program to comply with that requirement, as provided. Existing law requires the governing  
board of a school district and the county superintendent of schools to make paper applications  
and electronic applications for free or reduced-price meals available to pupils, as provided, and  
requires the applications to meet certain specifications and include certain information. This bill  
would, on or before September 1, 2018, require a school district or county superintendent of  
schools that has a very high poverty school, as defined, in its jurisdiction to apply to operate a  
federal universal meal service provision pursuant to specified federal law, and to begin  
providing breakfast and lunch free of charge through the universal meal service to all pupils at  
the very high poverty school upon state approval to operate that service. The bill would  
authorize a school district or county superintendent of schools to stop providing the universal  
free meal service at a school if the school ceases to be a very high poverty school. The bill  
would provide that certain charter schools are considered very high poverty schools for purposes  
of these provisions and would provide that those charter schools are required to comply with the  
requirements imposed on and are authorized to exercise the authority granted to school districts  
and county superintendents of schools pursuant to these provisions. Because the bill would  
impose additional duties on school districts, county superintendents of schools, and charter  
schools, it would impose a state-mandated local program. The bill would exempt a school  
district, county superintendent of schools, or charter school from these provisions if the  
governing board of the school district or county office of education, or the governing body of  
the charter school, adopts a resolution stating that it is unable to comply with, and demonstrating  
the reasons why it is unable to comply with, the requirements of these provisions due to fiscal  
hardship. Existing law requires the State Department of Education, in consultation with the State  
Department of Health Care Services, to develop and implement a process to use participation  
data from the Medi-Cal program to verify income to directly certify children whose families  
meet the applicable income criteria into the school meal program. This bill would require the

State Department of Education to share that participation data with local educational agencies. The bill would impose specified requirements on the State Department of Education and local educational agencies relating to the privacy and confidentiality of that participation data. The bill would require a local educational agency participating in a federal school meal program to use that participation data, commencing with the participation data of pupils in the 2017–18 school year, to directly certify pupils eligible for free and reduced-price school meals, to the extent permitted under federal law. Because the bill would impose additional duties on these local educational agencies, it would impose a state-mandated local program. The bill would authorize a school district or county superintendent of schools to determine a pupil's eligibility for free and reduced-price school meals based on data including the direct certification match and alternative measures of poverty pursuant to specified state and federal law.

- SB 228      *Alcoholic beverage control: public schoolhouses*  
Dodd      Existing law generally prohibits the sale or consumption of alcoholic beverages at a public schoolhouse or any grounds thereof. Existing law provides for various exceptions to this prohibition, including wine that is produced by a bonded winery owned or operated as part of an instructional program in viticulture and enology. 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 to beer produced by a bonded brewery owned or operated as part of an instructional program in brewing.
- SB 250      *Pupil meals: Child Hunger Prevention and Fair Treatment Act of 2017*  
Hertzberg      Existing law requires each school district or county superintendent of schools maintaining kindergarten or any of grades 1 to 12, inclusive, to provide one nutritionally adequate free or reduced-price meal for each needy pupil during each schoolday, except as specified. Existing law authorizes a school district or county office of education to use funds made available through any applicable federal or state program or to use its own funds to provide the required meals. This bill would enact the Child Hunger Prevention and Fair Treatment Act of 2017. The act would require certain local educational agencies, as defined, that provide school meals through the federal National School Lunch Program or the federal School Breakfast Program to ensure that a pupil whose parent or guardian has unpaid school meal fees is not shamed, treated differently, or served a meal that differs from what a pupil whose parent or guardian does not have unpaid school meal fees would receive under that local educational agency's policy. The act would prohibit school personnel and volunteers at a local educational agency that serves nutritionally adequate meals to pupils during the instructional day from allowing any disciplinary action that is taken against a pupil to result in the denial or delay of a nutritionally adequate meal to that pupil. The act would require a local educational agency to notify a parent or guardian of the negative balance of a pupil's school meal account no later than 10 days after the pupil's school meal account has reached a negative balance. The act would require a local educational agency, before sending this notification to the parent or guardian, to exhaust all options and methods to directly certify the pupil for free or reduced-price meals. The act would require a local educational agency to reimburse school meal fees paid by a pupil's parent or guardian when fees were paid or unpaid fees debt accrued when a pupil would have been determined to be eligible for free or reduced-price school meals.
- SB 379      *Pupil health: oral health assessment*  
Atkins      Existing law requires a pupil, while enrolled in kindergarten in a public school, or while enrolled in first grade in a public school if the pupil was not previously enrolled in kindergarten in a public school, to present proof of having received an oral health assessment by a licensed dentist or other licensed or registered dental health professional operating within his or her scope of practice that was performed no earlier than 12 months prior to the date of the initial enrollment of the pupil. Existing law specifies that a school district or county office of education is not precluded from developing a schoolsite-based oral health assessment to comply with that



requirement. Existing law requires a public school, using a standardized notification form developed and posted online by the State Department of Education in consultation with interested persons, to notify parents and legal guardians of the assessment requirement. Existing law requires a school district to send a report by December 31 of each year containing information related to the assessments to the county office of education in the county in which the school district is located. Existing law requires the Office of Oral Health of the Chronic Disease Control Branch of the State Department of Public Health to conduct an evaluation of, and submit a report related to, these requirements by January 1, 2010. This bill would require the State Department of Education to also consult with the state dental director in developing and posting online the standardized notification form and would require the department, in consultation with those entities, to revise the standardized form as necessary. The bill would require the standardized form to also include specified information on parental rights relating to schoolsite oral health assessments. The bill would require a school district to instead submit the report to a system designated by the state dental director for the collection of those reports or to the county office of education, or both, by July 1 of each year and would require a school district to include in the report the total number of pupils required to submit an assessment who are assessed and found to have had caries experience. To the extent these requirements would impose additional duties on public schools and school districts, the bill would impose a state-mandated local program. The bill would encourage all school districts that have fulfilled the annual July 1 report requirement by submitting a report to the county office of education and all county offices of education to submit the report to a system designated by the state dental director for that purpose. The bill would require the Office of Oral Health to conduct or provide for the conducting of periodic evaluations of the pupil oral health assessment requirements.

SB 461  
Allen

*Alcoholic beverage control: ties house restrictions*

Existing law creates the Department of Alcoholic Beverage Control, to which is committed the authority for the administration and enforcement of alcoholic beverage laws in the state in a strict and impartial manner. Existing law, commonly referred to as tied-house restrictions, generally prohibits a licensed manufacturer, winegrower, manufacturer's agent, California winegrower's agent, rectifier, distiller, bottler, importer, or wholesaler from having an ownership interest in an on-sale license, among other things, subject to a variety of exceptions. Existing law excepts from tied-house restrictions the issuance or transfer of a retail on-sale or off-sale license with respect to premises that are an integral part of the operations of a hotel or motel, notwithstanding that a manufacturer, winegrower, manufacturer's agent, California winegrower's agent, rectifier, distiller, bottler, importer, or wholesaler has an interest in the premises, the retail license, or the retail licensee, provided certain conditions are met. In this regard, in the case of a hotel or motel, the hotel or motel must have not less than 100 guestrooms. This bill, for the purpose of excepting a transfer of a retail on-sale or off-sale license from the tied-house restriction described above, would reduce the necessary number of guestrooms in a hotel or motel to 25. The bill would also specify that this exception applies notwithstanding the fact that an out-of-state distilled spirits shipper has an interest in the premises, the retail license, or the retail licensee.

SB 544  
McGuire

*School districts: contracting: purchases for child nutrition programs*

Existing law requires the governing board of any school district to let contracts for the purchase of equipment, materials, or supplies to be furnished, leased, or sold to the district, services other than construction services, and certain repairs, involving an expenditure of more than \$50,000, and to let contracts for public projects, as defined, involving an expenditure of \$15,000 or more, to the lowest responsible bidder who gives security as the governing board requires. This bill would require procurement bid solicitations and awards made by a school district for purchases in support of federal nonprofit child nutrition programs to be consistent with certain federal procurement standards. The bill would require awards to be let to the most responsive and responsible party, and would require price to be the primary consideration, but not the only determining factor.

- SB 557      *Food donations and pupil meals: schools*  
Hernandez      The California Retail Food Code establishes uniform health and sanitation standards for, and provides for regulation by the State Department of Public Health of, retail food facilities and various types of food. Under existing law, local health agencies are primarily responsible for enforcing the California Retail Food Code. A violation of any of these provisions is a crime. Existing law generally prohibits food that is unused or returned by the consumer, after being served or sold and in the possession of a consumer, from being offered as food for human consumption. Existing law authorizes a container of food that is not potentially hazardous to be transferred from one consumer to another if the food is dispensed so that it is protected from contamination and the container is closed between uses or if the food is in an unopened original package and is maintained in sound condition, and if the food is checked periodically on a regular basis. This bill would exempt from this prohibition specified food that food service staff, pupils, and faculty return to a sharing table at a local educational agency, as defined, and that is made available to pupils during the course of a regular school meal time or then donated to a food bank or any other nonprofit charitable organization, as specified. This bill would require the State Department of Education to update specified guidelines on the donation of leftover food.
- SB 730      *Pupil nutrition: National School Lunch Act: Buy American provision: compliance*  
Pan      Existing federal law, the National School Lunch Act, establishes a federal subsidy program to provide free and reduced-price meals to eligible children in schools. As a condition of participation, federal law requires the State Department of Education and participating local educational agencies to comply with a provision, known as the Buy American provision, that requires school food authorities, as defined, to purchase, to the maximum extent possible, domestic commodities or products. Existing federal regulations establish procedures for administrative review and compliance with specific program requirements, including the Buy American provision. Under existing state law, the State Department of Education and local educational agencies administer the National School Lunch Act programs. This bill would require the department to take certain actions to monitor and support school food authorities' compliance with the Buy American provision. The bill would state that its provisions are operative only to the extent mandated under federal law.

## Division of Communicable Diseases

### AB 658 *Clinical laboratories*

Waldron Existing federal law, the Clinical Laboratory Improvement Amendments of 1988 (CLIA), requires the federal Centers for Medicare and Medicaid Services to certify and regulate clinical laboratories that perform testing on humans. Existing law also provides for the licensure and regulation of clinical laboratories and various clinical laboratory personnel by the State Department of Public Health. Under existing law, the department inspects clinical laboratories and assesses a fee for licensure of those facilities. This bill would temporarily suspend the annual renewal fee for clinical laboratory licenses until January 1, 2020.

### SB 239 *Infectious and communicable diseases: HIV and AIDS: criminal penalties*

Wiener (1) Existing law makes it a felony punishable by imprisonment for 3, 5, or 8 years in the state prison to expose another person to the human immunodeficiency virus (HIV) by engaging in unprotected sexual activity when the infected person knows at the time of the unprotected sex that he or she is infected with HIV, has not disclosed his or her HIV-positive status, and acts with the specific intent to infect the other person with HIV. Existing law makes it a felony punishable by imprisonment for 2, 4, or 6 years for any person to donate blood, tissue, or, under specified circumstances, semen or breast milk, if the person knows that he or she has acquired immunodeficiency syndrome (AIDS), or that he or she has tested reactive to HIV. Existing law provides that a person who is afflicted with a contagious, infectious, or communicable disease who willfully exposes himself or herself to another person, or any person who willfully exposes another person afflicted with the disease to someone else, is guilty of a misdemeanor. This bill would repeal those provisions. The bill would instead make the intentional transmission of an infectious or communicable disease, as defined, a misdemeanor punishable by imprisonment in a county jail for not more than 6 months if certain circumstances apply, including that the defendant knows he or she or a 3rd party is afflicted with the disease, that the defendant acts with the specific intent to transmit or cause an afflicted 3rd party to transmit the disease to another person, that the defendant or the afflicted 3rd party engages in conduct that poses a substantial risk of transmission, as defined, that the defendant or the afflicted 3rd party transmits the disease to the other person, and if the exposure occurs through interaction with the defendant and not a 3rd party, that the person exposed to the disease during voluntary interaction with the defendant did not know that the defendant was afflicted with the disease. The bill would also make it a misdemeanor to attempt to intentionally transmit an infectious and communicable disease, as specified, punishable by imprisonment in a county jail for not more than 90 days. This bill would make willful exposure to an infectious or communicable disease, as defined, a misdemeanor punishable by imprisonment in a county jail for not more than 6 months, and would prohibit a health officer, or a health officer's designee, from issuing a maximum of 2 instructions to a defendant that would result in a violation of this provision. The bill would impose various requirements upon the court in order to prevent the public disclosure of the identifying characteristics, as defined, of the complaining witness and the defendant. By creating new crimes, the bill would impose a state-mandated local program. (2) Under existing law, if a defendant has been previously convicted of prostitution or of another specified sexual offense, and in connection with the conviction a blood test was administered, as specified, with positive test results for AIDS, of which the defendant was informed, the previous conviction and positive blood test results are to be charged in any subsequent accusatory pleading charging a violation of prostitution. Existing law makes the defendant guilty of a felony if the previous conviction and informed test results are found to be true by the trier of fact or are admitted by the defendant. This bill would delete that provision. The bill would also vacate any conviction, dismiss any charge, and legally deem that an arrest under the deleted provision never occurred. The bill would also authorize a person serving a sentence as a result of a violation of the deleted provision to petition for a recall or dismissal of sentence before the trial court that entered the judgment of conviction in his or her case. The bill would require a court to vacate the conviction

and resentence the person to any remaining counts while giving credit for any time already served. (3) Existing law requires the court to order a defendant convicted for a violation of soliciting or engaging in prostitution for the first time to complete instruction in the causes and consequences of acquired immunodeficiency syndrome (AIDS) and to submit to testing for AIDS. Existing law requires such a defendant, as a condition of either probation or participating in a drug diversion program, to participate in an AIDS education program, as specified. This bill would repeal those provisions.

## Emergency Medical Services

**AB 289**      *Office of Emergency Services: State Emergency Plan: update*

**Gray**      The California Emergency Services Act requires the Governor to coordinate the State Emergency Plan and any programs necessary for the mitigation of the effects of an emergency in this state, as specified. That act also required the Office of Emergency Services to update the State Emergency Plan by July 31, 2015, to include proposed best practices for local governments and nongovernmental entities to use to mobilize and evacuate people with disabilities, and others with access and functional needs, during an emergency or natural disaster. This bill would require the Office of Emergency Services to update the State Emergency Plan on or before January 1, 2019, and every 5 years thereafter.

**AB 607**      *Public social services: disaster assistance services*

**Gloria**      (1) Existing law provides for the California Work Opportunity and Responsibility to Kids (CalWORKs) program, under which each county provides cash assistance and other benefits to qualified low-income families and individuals. Existing law prohibits a person from receiving CalWORKs benefits unless he or she is a resident of the state. Existing law requires CalWORKs eligibility to be terminated if the recipient has received aid payment at an address outside of the state for two consecutive months, the county has made inquiry of the recipient, and the recipient has not responded and has not clearly shown that he or she has not established residence elsewhere and has been prevented by illness or other good cause from returning to this state. This bill, to be known and cited as the Community Resiliency and Disaster Preparedness Act of 2017, would, among other things, additionally authorize a person who has responded, clearly showing that he or she has not established residence elsewhere and has been prevented from returning to the state due to a disaster declared by the Governor, or the President of the United States, to continue his or her CalWORKs eligibility. To the extent that this bill affects eligibility under the CalWORKs program, the bill would create a state-mandated local program. As part of the CalWORKs program, existing law provides that a homeless family that has used all available liquid resources in excess of \$100 may be eligible for assistance to pay for temporary shelter or permanent housing, as specified, and requires a family that becomes homeless as a direct and primary result of a state or federally declared natural disaster to be eligible for the temporary and permanent homeless assistance. This bill would, in the event of a state or federally declared disaster in a county, require the county human services agency to coordinate with public and private disaster response organizations and agencies to identify and inform recipients of their eligibility for the temporary and permanent homeless assistance. By increasing the duties of county officials, this bill would impose a state-mandated local program.

(2) Existing federal law provides for the federal Supplemental Nutrition Assistance Program (SNAP), known in California as CalFresh, under which supplemental nutrition assistance benefits allocated to the state by the federal government are distributed to eligible individuals by each county. Existing federal law, through Disaster SNAP, provides for short-term food assistance benefits to families suffering in the wake of a major disaster. This bill would require the department and the county human services agency, if the President of the United States issues a major disaster declaration for individual assistance, to request to operate a federal Disaster Supplemental Nutrition Assistance Program (D-SNAP) for the regions affected by the major disaster. The bill would require the department to offer training on Disaster CalFresh to county human services agencies and others. The bill would require county human services agencies to annually submit to the department a disaster plan, as specified, to ensure there are sufficient resources necessary to continue adequate access to benefits during a disaster. By increasing the duties of county officials, the bill would impose a state-mandated local program.

(3) The bill would, in the event of a declaration by the Governor or the President of a major disaster, continuously appropriate to the State Department of Social Services from the General Fund an amount necessary to cover specified costs relating to the administration of disaster assistance services provided under CalFresh, but not to exceed \$300,000 per disaster

declaration. (4) Existing law continuously appropriates moneys from the General Fund to defray a portion of county costs under the CalWORKs program.  
This bill would instead provide that the continuous appropriation would not be made for purposes of implementing the bill.

AB 1410 *Penalty assessments: emergency services and children's health care coverage*  
Wood *funding*

Under the existing Emergency Medical Air Transportation Act, a penalty of \$4 is imposed upon every conviction for a violation of the Vehicle Code, or a local ordinance adopted pursuant to the Vehicle Code, other than a parking offense. Existing law requires the county or the court that imposed the fine to transfer the moneys collected pursuant to this act to the Emergency Medical Air Transportation Act Fund. Under existing law, money in the Emergency Medical Air Transportation Act Fund is made available, upon appropriation by the Legislature, to the State Department of Health Care Services for specified purposes relating to emergency medical air transportation. Under existing law, the assessment of this \$4 penalty will terminate on January 1, 2018, and any moneys unexpended and unencumbered in the Emergency Medical Air Transportation Act Fund on June 30, 2019, will transfer to the General Fund. Existing law repeals the Emergency Medical Air Transportation Act on January 1, 2020. This bill would rename the Emergency Medical Air Transportation Act Fund as the Emergency Medical Air Transportation and Children's Coverage Fund and would authorize the department to use money from the fund, upon appropriation by the Legislature, to fund children's health care coverage in addition to the purposes described above. This bill would extend the dates of the Emergency Medical Air Transportation Act, so that the assessment of the penalties will terminate commencing January 1, 2020, and any moneys unexpended and unencumbered in the Emergency Medical Air Transportation and Children's Coverage Fund on June 30, 2021, would be transferred to the General Fund. The bill would extend the effective date of the Emergency Medical Air Transportation Act until January 1, 2022. The bill would also make conforming changes.

SB 432 *Emergency medical services*  
Pan

Existing law, the Emergency Medical Services System and the Prehospital Emergency Medical Care Personnel Act, establishes the Emergency Medical Services Authority. The authority is responsible for the coordination and integration of all statewide activities concerning emergency medical services. The act requires all health facilities to notify prehospital emergency medical care personnel who have provided emergency medical or rescue services and have been exposed to a person afflicted with a reportable disease or condition that they have been exposed and should contact the county health officer under specified conditions. The act also requires a county health officer to immediately notify prehospital emergency medical care personnel that they have been exposed to a reportable disease or condition that the county health officer determines can be transmitted through oral contact or bodily secretions.

This bill would require the health facility infection control officer to give that notice immediately to a designated officer, as defined, upon determining, among other things, that the person to whom the prehospital emergency medical care personnel provided emergency medical or rescue services is diagnosed as being afflicted with a reportable communicable disease or condition, as specified, and to give notice to the county health officer with the name and telephone number of the prehospital emergency medical care personnel. The bill would then require the designated officer to notify the prehospital emergency medical care personnel of the exposure immediately or as otherwise specified. The bill would alternatively require the health facility infection control officer, if the names and telephone numbers of the prehospital emergency care personnel have not been provided to the facility, as specified, to notify the designated officer, as defined, of the employer of the prehospital emergency care personnel and the county health officer, and would require the designated officer to notify the prehospital emergency care personnel, if specified criteria are met. The bill would require a county health

officer to notify prehospital emergency care personnel immediately if, in addition to existing requirements, the disease or condition has an urgency reporting requirement or the exposure may have included direct contact, as specified, with an infected person's blood.

Under certain circumstances, the bill would require specified information about the act's provisions to be posted on the Internet Web sites of those entities and provided during training to personnel, as specified. The bill would require a health facility infection control officer, as defined, and designated officer, as defined, to be available 24 hours per day, as specified.

SB 443      *Pharmacy: emergency medical services automated drug delivery system*  
Hernandez   Existing law, the Pharmacy Law, provides for the licensing and regulation of the practice of pharmacy by the California State Board of Pharmacy, which is within the Department of Consumer Affairs, and makes any violation of the Pharmacy Law punishable as a crime. Existing law authorizes a pharmacy to furnish a dangerous drug or a dangerous device to a licensed health care facility for storage in a secured emergency pharmaceutical supplies container maintained within the facility or to an approved service provider within an emergency medical services system for storage in a secured emergency pharmaceutical supplies container if certain policies and procedures are met. This bill would authorize a pharmacy or licensed wholesaler that is also an emergency medical services provider agency to restock dangerous drugs or dangerous devices into an emergency medical services automated drug delivery system, as defined, that is licensed by the board if specified conditions are met, including that the emergency medical services provider agency obtain a license from the board to operate the system, and requires dangerous drugs and dangerous devices stored or maintained in an emergency medical services automated drug delivery system to be used for the sole purpose of restocking a secured emergency pharmaceutical supplies container. The bill would provide that only a medical director, a pharmacist, or a licensed designated paramedic is authorized to restock an emergency medical services automated drug delivery system. The bill would provide that a violation of these provisions constitutes unprofessional conduct and would authorize the board to take action against the license of the fire department. By expanding the scope of an existing crime, this bill would impose a state-mandated local program. The bill would authorize the board to issue a designated paramedic license to a paramedic in this state if he or she meets certain criteria and pays an application and license fee, as specified.

SB 523      *Medi-Cal: emergency medical transport providers: quality assurance fee*  
Hernandez   Existing law establishes the Medi-Cal program, which is administered by the State Department of Health Care Services, under which qualified low-income individuals receive health care services. The Medi-Cal program is, in part, governed and funded by federal Medicaid program provisions. Existing law establishes a quality assurance fee program for skilled nursing and intermediate care facilities, as prescribed. This bill, commencing July 1, 2018, and subject to federal approval and the availability of federal financial participation, would impose a quality assurance fee for each emergency medical transport provided by an emergency medical transport provider, as defined, subject to the quality assurance fee in accordance with a prescribed methodology. The bill would authorize the Director of Health Care Services to exempt categories of emergency medical transport providers from the quality assurance fee if necessary to obtain federal approval. The bill would require the Director of Health Care Services to deposit the collected quality assurance fee into the Medi-Cal Emergency Medical Transport Fund, which the bill would create in the State Treasury, to be continuously appropriated, thereby making an appropriation, to the department to be used exclusively in a specified order of priority to enhance federal financial participation for ambulance services under the Medi-Cal program, and to provide additional reimbursement to, and to support quality improvement efforts of, emergency medical transport providers, to pay for state administrative costs, and to provide funding for health care coverage for Californians. The bill would require each emergency medical transport provider to report to the department data on the number of actual emergency medical transports by payer type and on gross receipts, as defined, in accordance with a specified timeline in a manner and form prescribed by the department. The bill would authorize

the department to establish an Internet Web site for the submission of these data reports. The bill would authorize the department to require a certification by each emergency medical transport provider, under penalty of perjury, of the truth of these data reports. By expanding the scope of the crime of perjury, the bill would impose a state-mandated local program. The bill would authorize the department, upon written notice to the emergency medical transport provider, to impose a \$100 per day penalty, to be deposited into the Medi-Cal Emergency Medical Transport Fund, against the provider for each day that the provider fails to make a report within 5 business days of the date upon which the data report was due. The bill, commencing July 1, 2018, and subject to federal approval and the availability of federal financial participation, would increase the Medi-Cal reimbursement to emergency medical transport providers for emergency medical transports, including both fee-for-service transports paid by the department and managed care transports paid by Medi-Cal managed care health plans, as specified. The bill would authorize the department to implement, interpret, or make specific these provisions by means of provider bulletins, plan letters, or other similar instructions. The bill would authorize the director to decide to not implement these provisions in any state fiscal year if, before June 1 preceding the start of an applicable state fiscal year, he or she finds that the implementation is likely no longer a benefit to the General Fund for the applicable state fiscal year. The bill would provide that the provisions of the bill shall cease to be operative on the first day of the state fiscal year beginning on or after the date one or more of certain conditions, including withdrawal of federal approval, are satisfied. The bill would authorize the department to conduct appropriate close-out activities if these provisions become inoperative, and would repeal these provisions when those activities have been completed and the director notifies specified state entities.

SB 587  
Atkins

*Emergency vehicles: blue warning lights*

Existing law authorizes specified peace officers, including, among others, police officers, members of the University of California Police Department, and members of the California National Guard, in the performance of the officers' duties, to display a steady or flashing blue warning light visible from the front, sides, or rear of their emergency vehicles. This bill would also authorize probation officers to display the blue warning light from their emergency vehicles. The bill would require a probation officer to complete a 4-hour classroom training course regarding the operation of emergency vehicles that is certified by the Standards and Training for Corrections Division of the Board of State and Community Corrections before operating an emergency vehicle with a blue warning light.



## Family Health Services

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|----------------------------|--|
| AB 10<br>Cristina<br>Garci | <p><i>Feminine hygiene products: public school restrooms</i></p> <p>Existing law, Existing law, with certain exceptions, requires every public and private school, as provided, to have restroom facilities that are open as prescribed during school hours, and at all times to keep every restroom maintained and cleaned regularly, fully operational, and stocked with soap and paper supplies. This bill would require a public school maintaining any combination of classes from grade 6 to grade 12, inclusive, that meets a 40% pupil poverty threshold specified in federal law to stock 50% of the school's restrooms with feminine hygiene products, as defined. The bill would prohibit a public school from charging for any menstrual products, including feminine hygiene products, provided to pupils. By imposing additional duties on public schools, the bill would impose a state-mandated local program.</p>   |
| AB 404<br>Mark<br>Stone    | <p><i>Foster care</i></p> <p>Existing law establishes the jurisdiction of the juvenile court, which may adjudge a child to be a dependent of the court under certain circumstances, including when the child suffered, or there is a substantial risk that the child will suffer, serious physical harm, or a parent fails to provide the child with adequate food, clothing, shelter, or medical treatment. Existing law establishes the grounds for removal of a dependent child from the custody of his or her parents or guardian, and establishes procedures to determine placement of a dependent child. This bill would make various changes to these procedures relating to the placement of dependent children, including, among other things, by revising the preference to make a placement with specified relatives and, instead, to grant a preference for placement with any relative. Existing law provides for the implementation, by counties and foster family agencies, of the resource family approval process, which is a unified, family friendly, and child-centered approval process that replaces the multiple processes for licensing foster family homes, approving relatives and nonrelative extended family members as foster care providers, and approving adoptive families. This bill would make various changes to the resource family approval process by, among other things, authorizing a county or a foster family agency to approve a resource family to care for a specific child; implementing processes to place a resource family on inactive status, transfer approval as a resource family between foster family agencies and between a foster family agency and a county, and certify respite care providers; and prohibiting a resource family from being licensed to operate certain other residential facilities on the same premises as the residence of the resource family. The bill would also make changes to the hearings that are currently a part of the resource family approval process by, among other things, authorizing the testimony of a child witness or similarly vulnerable witness in a resource family hearing to be taken out of the presence of the respondent if certain circumstances are present, and imposing limits, in a resource family hearing in which a child or other minor is the victim in an allegation of inappropriate sexual conduct, on the discovery and admissibility of evidence of specific instances of sexual conduct with victims other than the alleged perpetrator. The bill would require certain hearings relating to resource families, foster homes, or certified family homes of a foster family home to be confidential and not open to the public, but would authorize an administrative law judge to admit persons deemed to have a direct and legitimate interest in the particular case or the work of the court on a case-by-case basis. The bill would require the department to develop an intensive services foster care program to serve children with specific needs, including intensive treatment and behavioral needs and specialized health care needs, whose needs for safety, permanency, and well-being require specially trained resource parents and intensive professional and paraprofessional services and supports in order to remain in a home-based setting or to avoid or exit congregate care in a short-term residential therapeutic program, group home, or out-of-state residential center. Existing law, the Aid to Families with Dependent Children-Foster Care (AFDC-FC) program, requires foster care providers to be paid a per child per month rate, established by the State Department of Social Services, for the care and supervision of the child placed with the provider. This bill would prohibit foster care</p> |

payments from being considered as income of the foster parent or child for purposes of determining eligibility and benefits for specified state or federal programs unless required by federal law as a condition of the receipt of federal financial participation. Existing law, the California Community Care Facilities Act, provides for the licensure of short-term residential therapeutic programs and foster family agencies. Existing law requires the department to establish rates for short-term residential therapeutic programs and foster family agencies that include an interim rate that is effective January 1, 2017, to December 31, 2017, and that becomes inoperative on January 1, 2018. This bill would instead make that interim rate effective January 1, 2017, to December 31, 2018, and make it inoperative on January 1, 2019. The bill would also require the department to develop, implement, and maintain a ratesetting methodology and rates schedule for specified transitional housing placement providers and, retroactive to January 1, 2017, to align the rate for county wraparound services with the rate paid to short-term residential therapeutic programs. The bill would require the department to develop performance standards and outcome measures for determining the effectiveness of the care and supervision provided to children placed in out-of-home family-based care placements. This bill would make various other related and conforming changes. By imposing additional duties on counties and by expanding the duties of foster family agencies for which the failure to comply is a crime, this bill would impose a state-mandated local program. The bill would require the State Department of Social Services and the State Department of Health Care Services to adopt regulations necessary to implement these provisions, Chapter 612 of the Statutes of 2016, and Chapter 773 of the Statutes of 2015, and would authorize those departments to implement and administer the changes made by this bill through all-county letters or similar written instructions until regulations are adopted. Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest. This bill would make legislative findings to that effect.

AB 434  
Baker

*State Web accessibility: standard and reports*

Existing law establishes, within the Government Operations Agency, the Department of Technology under the supervision of the Director of Technology, who also serves as the State Chief Information Officer. Existing law provides that the department is generally responsible for the approval and oversight of information technology projects. Existing law requires the heads of state agencies and entities to appoint chief information officers, requires state agencies and entities to report certain information to the department, and further requires state agencies to take all necessary steps to achieve the targets set forth by the department in its information technology performance management framework and report their progress to the department on a quarterly basis. This bill, before July 1, 2019, and before July 1 biennially thereafter, would require the director of each state agency or entity and the chief information officer of that state agency or entity to post on the home page of the agency's or entity's Internet Web site a signed certification that the agency's or entity's Internet Web site is in compliance with specified accessibility standards. The bill would require the director to create a standard form that each state agency's or state entity's chief information officer would be required to use to determine whether the state agency's or state entity's Internet Web site is in compliance with the specified accessibility standards.

AB 604  
Gipson

*Nonminor dependents: extended foster care benefits*

Existing law establishes the jurisdiction of the juvenile court, which is permitted to adjudge certain children to be a ward or a dependent of the court under certain circumstances, and authorizes the juvenile court to retain jurisdiction over those persons until they attain 21 years of age. Existing law provides that a minor or nonminor is within the transition jurisdiction of the court if he or she satisfies specified criteria, including that the minor is a ward who is older than 17 years and 5 months of age and younger than 18 years of age and in foster care placement, or the nonminor is a ward in foster care placement who was a ward subject to an order for foster care placement on the day he or she attained 18 years of age and has not attained 21 years of

age. 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 and to nonminor dependents up to 21 years of age. Existing law defines a nonminor dependent for purposes of AFDC-FC to mean a foster child who is a current dependent child or ward of the juvenile court, or who is a nonminor under the transition jurisdiction of the juvenile court, and who meets other specified criteria. The bill would, among other things, provide that a minor or nonminor who met or would meet the criteria to be within the transition jurisdiction of the juvenile court, but for the fact that the underlying adjudication was vacated because the minor or nonminor was a victim of human trafficking when the crime was committed, is within the court's transition jurisdiction. The bill would require the court to assume transition jurisdiction over the minor or nonminor notwithstanding that vacating of the underlying adjudication, and would require the Judicial Council, on or before January 1, 2019, to amend and adopt rules of court and develop appropriate forms to implement these provisions. Existing law authorizes a nonminor who attained 18 years of age while subject to an order for foster care placement and who has not attained 21 years of age, for whom the court has dismissed dependency, delinquency, or transition jurisdiction, to petition the court for a hearing to resume the dependency jurisdiction over a former dependent or to assume or resume transition jurisdiction over a former delinquent ward. This bill would authorize the petition to be brought notwithstanding that the underlying adjudication was vacated because the minor or nonminor was a victim of human trafficking when the crime was committed.

AB 959  
Holden

*Developmental services: regional centers*

Under existing law, the Lanterman Developmental Disabilities Services Act, the State Department of Developmental Services is authorized to contract with regional centers to provide services and supports to individuals with developmental disabilities. Existing law requires a regional center to include specified information on its Internet Web site for the purpose of promoting transparency and access to public information, including, among other things, reports on all prior fiscal year expenditures from the regional center operations budget for all administrative services. This bill would require the State Department of Developmental Services to establish and maintain a page on its Internet Web site that includes a list of services purchased or provided to consumers by regional centers and descriptions of those services. The bill would require a regional center to also include on its Internet Web site a link to that page on the department's Internet Web site. Existing law states the right of individuals with developmental disabilities to make choices in their own lives, and requires public or private agencies that receive state funds to serve persons with developmental disabilities to respect the choices made by consumers and provide consumers with understandable information to aid in their choices. Existing law also grants these rights to consumers' parents, legal guardians, or conservators. This bill would extend the right to make choices and have those choices respected to consumers' authorized representatives. The bill would require regional centers to provide information to a consumer or his or her parents, legal guardian, conservator, or authorized representative in a manner that is culturally and linguistically appropriate, as specified.

AB 1006  
Maienschein

*Foster youth*

(1) Existing law requires, if a minor is not returned to the physical custody of his or her parents, the juvenile court to devise a permanency plan, including, among others things, an order that the child be placed for adoption, an order that a legal guardian be appointed, or an order that the child remain in another planned permanent living arrangement if the child is 16 years of age or older. Existing law requires, at the time of application for adoption of a child who is potentially eligible for Adoption Assistance Program benefits is made, and at the time immediately prior to the finalization of the adoption decree, the State Department of Social Services, the county adoption agency, or the licensed adoption agency to provide the prospective adoptive family with information on the availability of mental health services through the Medi-Cal program or other programs. This bill would require, in any case in which the court has ordered a dependent child or a ward of the juvenile court placed for adoption or has appointed a relative or

nonrelative legal guardian, the social worker or probation officer to provide the prospective adoptive family or the guardian or guardians specified mental health treatment information. The bill would also require the department, the county adoption agency, or the licensed adoption agency, to provide that information to the prospective adoptive family at the time the application for adoption is made and at the time immediately prior to the finalization of the adoption decree. By requiring social workers, probation officers, and county adoption agencies to provide additional information to prospective adoptive families and guardians, this bill would impose a state-mandated local program. (2) Existing law requires the State Department of Social Services to select and award a grant to a private nonprofit or public entity for the purpose of establishing a statewide multipurpose child welfare training program. Existing law requires the training to provide practice-relevant training to county child protective services social workers who screen referrals for child abuse or neglect and for all workers assigned to provide emergency response, family maintenance, family reunification, and permanent placement services. Existing law requires the training to include, among other topics, post-traumatic stress disorder and the causes, symptoms, and treatment of post-traumatic stress disorder in children. This bill would require the training to also include the types of and behavioral manifestation of trauma, loss, and grief. (3) Existing law requires a county social worker to create a case plan for foster youth within a specified timeframe after the child is introduced into the foster care system. Existing law requires the case plan to include prescribed components, including, among other things, if the case plan has as its goal for the child a permanent plan of adoption, or legal guardianship, a statement of the child's wishes regarding their permanent placement plan and an assessment of those stated wishes. This bill would additionally require, if the case plan has as its goal for the child another planned permanent living arrangement, the case plan to include a statement of the child's wishes regarding their permanent placement plan and an assessment of those stated wishes. The bill would also require, if a child has been in care for 3 years or more, certain documentation relating to steps the agency is taking to find an adoptive family or other permanent living arrangement for the child to include a description of the specialized permanency services the agency is using or, if specialized permanency services have not been used, a statement explaining why the agency chose not to provide these services. The bill would authorize specific elements of specialized permanency services to be included in the case plan as needed to meet the permanency needs of the individual child or nonminor dependent. By imposing additional duties on county social workers and probation officers, this bill would impose a state-mandated local program.

AB 1074  
Maienschein

*Health care coverage: pervasive developmental disorder or autism*

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 a health care service plan contract or a health insurance policy to provide coverage for behavioral health treatment for pervasive developmental disorder or autism, and defines "behavioral health treatment" to mean specified services provided by, among others, a qualified autism service professional supervised and employed by a qualified autism service provider. Under existing law, to the extent required by the federal government and effective no sooner than required by the federal government, behavioral health treatment, as defined under the Knox-Keene Act, is a covered service under the Medi-Cal program for individuals under 21 years of age, as specified. This bill would revise those provisions, for purposes of health care service plans and health insurers, to require a qualified autism service professional or a qualified autism service paraprofessional to be supervised by a qualified autism service provider for purposes of providing behavioral health treatment. The bill would require a qualified autism service professional and a qualified autism service paraprofessional to be employed by a qualified autism service provider or an entity or group that employs qualified autism service providers. The bill additionally would authorize a qualified autism service professional, as specified, to supervise a qualified autism service paraprofessional. The bill would revise the

definition of a qualified autism service professional to, among other things, specify that the behavioral health treatment provided by the qualified autism service professional may include clinical case management and case supervision under the direction and supervision of a qualified autism service provider. The bill would make other technical changes. The bill would revise the definition of behavioral health treatment for purposes of the Medi-Cal program to be those services administered by the State Department of Health Care Services as described in the state plan approved by the Centers for Medicare and Medicaid Services.

**AB 1127**     *Baby diaper changing stations*

**Calderon**     (1) Existing law establishes and imposes on state and local agencies various requirements relating to the acquisition, construction, and renovation of public buildings. This bill would require new construction or renovation of a public building, as specified, that is owned by a state or a local agency, or a portion of a building that is owned by a state or local agency and includes at least one restroom that is open to the public, to provide at least one safe, sanitary, convenient, and publicly accessible baby diaper changing station, as specified. The bill would require each station to be maintained, repaired, and replaced as necessary to ensure safety and ease of use, and to be cleaned with the same frequency as the restroom in which it is located. By imposing a higher level of service on local agencies, the bill would impose a state-mandated local program. (2) Existing law also requires publicly and privately owned facilities where the public congregates to be equipped with sufficient restrooms to meet the needs of the public at peak hours. This bill would require various facilities, including a theater, sports arena, or library, to install and maintain at least one baby diaper changing station if the facility is open to the public, as specified. (3) The bill would set forth findings and declarations stating that ensuring that safe, sanitary, convenient, and publicly accessible baby diaper changing stations are widely available throughout the state is a matter of statewide concern.

**AB 1148**     *Commercial property: disclosures: disability access*

**Steinorth**     Existing law requires the State Architect to establish a program for the voluntary certification by the state of any person who meets criteria as a Certified Access Specialist (CAsp). This position requires certain knowledge and training on standards governing access to buildings for persons with disabilities. Existing law also requires a commercial property owner or lessor to state on every lease form or rental agreement executed on or after January 1, 2017, whether or not the premises have undergone inspection by a CAsp. This bill would define commercial property for the purposes of that provision as property that is offered for rent or lease to persons operating, or intending to operate, a place of public accommodation, as specified, or a facility to which the general public is invited at those premises. This bill would declare that it is to take effect immediately as an urgency statute.

**AB 1401**     *Juveniles: protective custody warrant*

**Maienschein**     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, including when the child is abused, a parent or guardian fails to adequately supervise or protect the child, as specified, or a parent or guardian fails to provide the child with adequate food, clothing, shelter, or medical treatment. Existing law requires a proceeding in the juvenile court to declare a child to be a dependent child of the court to be commenced by the filing with the court, by the social worker, of a petition in conformity with specified requirements. Existing law authorizes the court to issue a protective custody warrant for a minor under certain circumstances, including when a petition has been filed in the juvenile court alleging that the minor comes within the jurisdiction of the juvenile court as a dependent or when a dependent minor has run away from his or her court-ordered placement. This bill would authorize the court to issue a protective custody warrant, without filing a petition in the juvenile court alleging that the minor comes within the jurisdiction of the juvenile court as a dependent, if there is probable cause to believe the minor comes within the jurisdiction of the juvenile court as a dependent, there is a

substantial danger to the safety or to the physical or emotional health of the child, and there are no reasonable means to protect the child's safety or physical health without removal. The bill would require any child taken into protective custody under these provisions to immediately be delivered to the social worker who shall investigate the facts and circumstances of the child and the facts surrounding the child being taken into custody and attempt to maintain the child with the child's family through the provision of services.

- AB 1520 *Lifting Children and Families Out of Poverty Task Force*  
 Burke Existing law establishes various programs that provide cash assistance and other benefits relating to health care, food, and housing, among other things, to qualified low-income families and individuals, including, among others, the California Work Opportunity and Responsibility to Kids (CalWORKs) program, the California Earned Income Tax Credit, Medi-Cal, CalFresh, the California Special Supplemental Nutrition Program for Women, Infants, and Children (WIC Program), and the Emergency Housing and Assistance Program. This bill would establish the Lifting Children and Families Out of Poverty Task Force, for the purpose of submitting a report to the Legislature and the executive branch administration of the state, as specified, that recommends future comprehensive strategies to achieve the reduction of deep poverty among children and reduce the overall child poverty rate in the state. The bill would require the report to be completed by November 1, 2018. The bill would require the State Department of Social Services to invite and convene the task force and to assist the task force in carrying out its duties, as specified. The bill would repeal these provisions on January 1, 2020.
- AB 1688 *Community health services: California Mental Health Planning Council, California*  
 Committee on Health *Children's Services program, Alameda County pilot program, and Medi-Cal managed care*  
 (1) Existing law, the Bronzan-McCorquodale Act, contains provisions governing the organization and financing of community mental health services for persons with mental disorders in every county through locally administered and locally controlled community mental health programs. Existing law establishes the California Mental Health Planning Council, consisting of 40 members appointed from both the local and state levels, for the purpose of fulfilling certain mental health planning requirements mandated by federal law. Existing law requires members of the planning council to be appointed in a manner that will ensure that at least 1/2 of the members are persons with mental disabilities and family members of, and organizations advocating on behalf of, those persons. This bill would rename the California Mental Health Planning Council as the California Behavioral Health Planning Council and would make conforming changes. The bill would require the membership of the planning council to also include adults with serious mental illness, including persons who are dually diagnosed with serious mental illness and substance use disorders, and families of, those persons, families of children with emotional disturbance, and representatives from organizations advocating on behalf of persons with mental illness, including persons who are dually diagnosed with mental illness and substance use disorders, and would require the Director of Health Care Services to make appointments from among nominees from various substance use disorder constituency organizations and representatives from mental health or mental health and substance use disorder professional and provider organizations. The bill would revise the planning council's duties to include reviewing, assessing, and making recommendations with respect to substance use disorders, and would make related changes to the planning council's duties to incorporate substance use disorders. The bill would require, if the department determines that California's Community Mental Health Services Block Grant funding is in jeopardy due to the planning council's noncompliance with a specified federal law, the department to notify and consult with the planning council and would require the planning council to make the changes necessary to comply with federal law. (2) Existing law establishes the Medi-Cal program, which is administered by the State Department of Health Care Services, under which qualified low-income individuals receive health care services. The Medi-Cal

program is, in part, governed and funded by federal Medicaid program provisions. Existing law requires each provider, as defined, of health care services rendered under the Medi-Cal program or any other health care program administered by the department or its agents or contracts to keep and maintain records of specified information, including the beneficiary or person to whom the service was rendered and the date the service was rendered. Existing law requires the provider to retain the records required to be kept and maintained under this provision for a period of 3 years from the date the service was rendered. This bill would instead require those records to be retained by the provider for a period of 10 years from the final date of the contract period between the plan and the provider, from the date of completion of any audit, or from the date the service was rendered, whichever is later. (3) Existing law requires the State Department of Health Care Services to develop and prepare one or more reports issued on at least a quarterly basis and make the reports public within 30 days for the purpose of informing the California Health and Human Services Agency, the California Health Benefit Exchange, the Legislature, and the public about the enrollment process for all insurance affordability programs. Existing law further requires the department to collect the data for these reports pursuant to specified administrative procedures. This bill would instead require these ongoing reports to be issued on at least a biannual basis and to be made public within 90, rather than 30, days. The bill would further require the data within the reports to be aggregated and calculated on at least a quarterly basis. The bill would delete the requirement for the department to collect the data pursuant to the specified administrative procedures. (4) Existing law provides for the California Children's Services (CCS) program, which is a statewide program that provides medically necessary services for physically handicapped children whose parents are unable to pay for those services. Existing law authorizes the department to establish, no sooner than July 1, 2017, a Whole Child Model program, under which managed care plans served by a county organized health system or Regional Health Authority in designated counties provide CCS program services to Medi-Cal-eligible CCS children and youth. Existing law requires the department to contract with an independent entity that has experience in performing robust program evaluations to conduct an evaluation to assess Medi-Cal managed care plan performance and the outcomes and experience of CCS-eligible children and youth participating in the Whole Child Model program. Existing law requires the department to provide a report on the results of that evaluation by January 1, 2021. This bill would instead require the department to provide that report by January 1, 2021, or 3 years from the date when all counties in which the department is authorized to establish the Whole Child Model program are fully operational under the program, whichever is later. (5) Existing law establishes a program in the County of Alameda in which utilization controls are prohibited from being required when a county hospital-based utilization review committee has been established to determine the level of authorization for payment and a utilization plan has been filed with the department and approved by it. This bill would repeal those provisions that apply to the program in the County of Alameda. (6) Under existing law, one of the methods by which Medi-Cal services are provided is pursuant to contracts with various types of managed care plans. Existing law, the Waxman-Duffy Prepaid Health Plan Act, authorizes the department to contract with prepaid health plans to provide the benefits authorized under Medi-Cal, providing Medi-Cal beneficiaries the opportunity to enroll as regular subscribers in prepaid health plans, as specified. Existing law requires the Director of Health Care Services to terminate a contract with a prepaid health plan or a Medi-Cal managed health care plan if he or she makes a finding of noncompliance or for other good cause, as described, in accordance with specified procedures, or, in lieu of contract termination, authorizes the director to take one or more specified sanctions, including the imposition of civil penalties, against the contractor for noncompliance. Existing federal regulations set forth the maximum civil monetary penalty that a state may impose depending on the nature of the managed care plans action or failure to act. The bill would authorize the Director of Health Care Services to impose a civil penalty in specified amounts that are consistent with those federal regulations depending on the nature of the plans action or failure to act, as specified. Existing law requires the State Department of Health Care Services to monitor the quality of all Medicaid services provided in the state, and specifies that a key component of this monitoring function is the performance of annual, independent, external

reviews of the quality of services furnished under each contract with a health maintenance organization, such as a Medi-Cal managed care plan or prepaid health plan. This bill, effective for the rating period for managed care plan contracts beginning on or after July 1, 2017, would require the department, through its contracts with Medi-Cal managed care plans and prepaid health plans, to require each managed care plan to inform the department whether it has been accredited by a private independent accrediting entity, and would require each managed care plan that has received accreditation by a private independent accrediting agency to authorize the private independent accrediting agency to provide the department with a copy of its most recent accreditation review, as specified. The bill would require the department to make the accreditation status for each contracted entity available on its Internet Web site, and would require the department to update this information at least annually. (7) Existing law provides for a schedule of benefits under the Medi-Cal program, which, with some exceptions, includes certain dental services that are referred to as the Medi-Cal dental program, or Denti-Cal. Under existing law, one of the methods by which Denti-Cal services are provided is pursuant to contracts with dental managed care plans. This bill would require, effective for the rating period for contracts with dental managed care plans beginning on or after July 1, 2017, the department to require each dental managed care plan to authorize the department, the federal Centers for Medicare and Medicaid Services, the federal Office of the Inspector General, the federal Comptroller General, and their designees, to inspect and audit, at any time, any records or documents of the managed care entity, or its subcontractors, and to inspect the premises, physical facilities, and equipment where Medicaid-related activities or work is conducted, and would specify that the right to audit under this provision exists for 10 years from the final date of the contract period or from the date of completion of any audit, whichever is later. The bill would require, effective for the rating period for contracts with dental managed care plans beginning on or after July 1, 2017, the department to require each dental managed care plan, and their subcontractors, as applicable, to retain for a period of no less than 10 years certain information, such as enrollee grievance and appeals records, and medical loss ratio reports. Existing law requires the department to designate an external quality review organization (EQRO) that is required to conduct an external quality review for any dental health plan contracting with the department pursuant to a specified authority. Existing law requires an external quality review (EQR) to include specified information, including performance on the selected performance measures and benchmarks established and updated by the department. This bill would instead require the EQR to be conducted by a qualified external quality review organization, and would also require the EQR to include information that is consistent with specified federal regulations. The bill would require the department, no later than July 1, 2018, to require that the dental EQRO shall have sufficient information to use in performing its review, and would require the department to require the EQR to comply with specified requirements, including that, for each EQR-related activity, the information gathered for use in the EQR includes the elements described in a specified federal regulation. The bill would require the EQRO to produce and submit to the department an annual EQR technical report in accordance with a specified federal regulation, and would require the department to finalize this report by April 30 of each year. The bill would require the department to post by April 30 of each year the most recent copy of the annual EQR technical report on a specified Internet Web site operated by the department. The bill would require the department to provide, upon request, printed or electronic copies of the EQR results to interested parties, and would require the department to make this information available in alternative formats for persons with disabilities, when requested.

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| <p>AB 1696<br/>Committee<br/>on<br/>Insurance</p> | <p><i>Insurance omnibus: developmental services</i></p> <p>Existing law divides insurance into various classes, including long-term care insurance, which includes an insurance policy, certificate, or rider advertised, marketed, offered, solicited, or designed to provide coverage for diagnostic, preventive, therapeutic, rehabilitative, maintenance, or personal care services that are provided in a setting other than an acute care unit of a hospital. Existing law, for the purposes of long-term care insurance, defines “alternate plan of care” as a</p> |
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plan of care developed by a licensed health care practitioner that includes a specification of long-term care services required by an insured that are not specifically defined as a covered service under the policy, and specifies that an insurer is not required to include a provision in a long-term care insurance policy that authorizes an alternate plan of care. This bill, among other things, would clarify that an insurer and an insured may agree to use an alternate plan of care even if there is no provision in the long-term care insurance policy that specifically authorizes one, that neither an insurer nor an insured is obligated to negotiate an alternate plan of care, and that if an insurer does not accept an extra-contractual request for an alternate plan of care, the rejection is not a denial of a claim. Existing law requires the Insurance Commissioner to conduct an examination of the business and affairs of insurers admitted in this state at least once every 5 years. This bill would require an admitted insurer to maintain all records necessary to determine the financial condition of the insurer for the current year plus the 5 previous years. Existing law provides the means by which an insurer may redomesticate its principal place of business to this state or redomesticate to any other state in which it is admitted to transact the business of insurance. Existing law defines “redomestication” as the transfer of an insurer’s place of incorporation from another state to this state or from this state to another state. Existing law requires the Secretary of State to file the certificate of redomestication of an insurer for which articles of incorporation have previously been filed if the commissioner has approved the redomestication. This bill would delete the above-described requirement that the Secretary of State file the certificate of redomestication, would require an insurer redomesticating to this state to file articles of incorporation with the Secretary of State, as prescribed, and would require an insurer redomesticating to another state to file a statement of redomestication with the Secretary of State, as prescribed. Existing law requires a property broker-agent and a casualty broker-agent to, prior to acting in the capacity of an insurance broker, file and continuously maintain in force the required bond. This bill would also require a personal lines broker-agent to comply with these requirements and would require that the bond be filed with the commissioner. Existing law prohibits a person who has failed any Department of Insurance license qualification examination 10 times within the previous 12-month period from enrolling in any further license qualification examinations for a period of 12 months. This bill would delete the above-described prohibition and would instead prohibit a person from being admitted to more than 10 license qualification examinations of the same type in any 12-month period, as specified. The bill would also specify the types of license qualification examinations covered by these provisions. Existing law provides requirements for specified licensees to include certain information on business cards, written price quotations, and print advertisements distributed in this state for insurance products. This bill, commencing January 1, 2019, would exempt, among others, insurance adjusters from these requirements, would add personal lines licensees and limited lines automobile insurance agents to the list of licensees to whom these requirements apply, and would modify the required information, as specified. Existing law provides that the information obtained in the administration of the Unemployment Insurance Law is for the exclusive use and information of the Director of Employment Development in the discharge of his or her duties and is not open to the public. However, existing law requires the director to permit the use of specified information for specified purposes, and allows the director to require reimbursement for direct costs incurred. Existing law provides that a person who knowingly accesses, uses, or discloses this confidential information without authorization is guilty of a misdemeanor. Existing law establishes the Employment First Policy, which is the policy that opportunities for integrated, competitive employment be given the highest priority for working-age individuals with developmental disabilities, regardless of the severity of their disabilities. This bill would require the Director of Employment Development to provide any peace officer with the Enforcement Branch of the Department of Insurance with specified information that relates to specific insurance fraud investigations, as provided. The bill would also require the Director of Employment Development to disclose specified information to the State Department of Developmental Services to assist the State Department of Developmental Services in the implementation of the Employment First Policy. By providing this information to the Department of Insurance and the State Department of Developmental Services, this bill would

expand the crime related to the unauthorized disclosure of this information, and would impose a state-mandated local program. Existing law provides that all information and records obtained by the State Department of Developmental Services in the course of providing intake, assessment, and services to persons with developmental disabilities are confidential and may only be disclosed under specified circumstances. This bill would authorize the disclosure to authorized employees of the Employment Development Department of information and records obtained in the course of providing intake, assessment, and services to persons with developmental disabilities as necessary to enable the Employment Development Department to provide specific information to the State Department of Developmental Services for purposes of the Employment First Policy.

SB 63  
Jackson

Unlawful employment practice: parental leave

Existing law, the Moore-Brown-Roberti Family Rights Act, or California Family Rights Act (CFRA), makes it an unlawful employment practice for an employer, as defined, to refuse to grant a request by an eligible employee to take up to 12 workweeks of unpaid protected leave during any 12-month period (1) for reason of a child born to, adopted by, or placed for foster care with, the employee, (2) to care for the employee's parent or spouse who has a serious health condition, as defined, or (3) because the employee is suffering from a serious health condition rendering him or her unable to perform the functions of the job. Existing law prohibits an employer from refusing to allow a female employee disabled by pregnancy, childbirth, or a related medical condition to take a leave for a reasonable time of up to 4 months before returning to work. Existing law also prohibits an employer from refusing to maintain and pay for coverage under a group health plan for an employee who takes that leave, as specified. This bill would prohibit an employer, as defined, from refusing to allow an employee with more than 12 months of service with the employer, who has at least 1,250 hours of service with the employer during the previous 12-month period, and who works at a worksite in which the employer employs at least 20 employees within 75 miles, to take up to 12 weeks of parental leave to bond with a new child within one year of the child's birth, adoption, or foster care placement. The bill would also prohibit an employer from refusing to maintain and pay for coverage under a group health plan for an employee who takes this leave. The bill would allow the employer to recover coverage costs under specific circumstances. The bill would provide that it would not apply to an employee who is subject to both specified state law regarding family care and medical leave, and the federal Family and Medical Leave Act of 1993. Under the bill, if the employer employs both parents and they are entitled to leave pursuant to this bill for the same birth, adoption, or foster care placement, the parents' mandated parental leave would be capped at the amount granted to an employee by the bill. The bill would authorize the employer to grant simultaneous leave to these parents. This bill would also prohibit an employer from refusing to hire, or from discharging, fining, suspending, expelling, or discriminating against, an individual for exercising the right to parental leave provided by this bill or giving information or testimony as to his or her own parental leave, or another person's parental leave, in an inquiry or proceeding related to rights guaranteed under this bill. The bill would additionally prohibit an employer from interfering with, restraining, or denying the exercise of, or the attempt to exercise, any right provided under this bill. The bill would require the Fair Employment and Housing Council, to the extent that state regulations interpreting CFRA are within the scope of, and not inconsistent with the bill or with other state law, to incorporate those regulations by reference to govern leave under the bill. Under existing law, the Department of Fair Employment and Housing is authorized to provide mediation services to parties involved in actions under its jurisdiction. This bill, until January 1, 2020, would require the Department of Fair Employment and Housing, upon receiving funding from the Legislature, to create a parental leave mediation pilot program, as specified. Under the pilot program, within 60 days of receipt of a right-to-sue notice, an employer may request all parties to participate in the department's Mediation Division Program. If the employer makes such a request, the bill would prohibit an employee from pursuing any civil action under these provisions until the mediation is complete, as defined, which would include an employee's election not to participate in mediation. The bill would

provide that the employee's statute of limitations would be tolled during the course of the mediation, as specified.

SB 220

Pan

*Medi-Cal Children's Health Advisory Panel*

Existing law establishes the Medi-Cal program, administered by the State Department of Health Care Services, under which qualified low-income persons receive health care services. The Medi-Cal program is, in part, governed and funded by federal Medicaid program provisions. Existing law establishes the Medi-Cal Children's Health Advisory Panel for the purpose of advising the department on matters relevant to all children enrolled in Medi-Cal and their families. Existing law specifies the composition of the members of the panel, which includes three members who are parents of children who have received specified Medi-Cal services. Existing law requires the department to pay a per-meeting stipend to each advisory panel member who is a Medi-Cal enrollee or parent of a Medi-Cal enrollee. This bill would revise the qualification criteria for the 3 panel positions filled by parent members described above to instead fill those positions with 3 members who are either Medi-Cal enrollees who have received Medi-Cal benefits or services in relation to a pregnancy, or who are a parent, foster parent, relative caregiver, or legal guardian of a Medi-Cal enrollee who is 21 years of age or younger. The bill would provide that a member of the advisory panel appointed on or after January 1, 2018, shall serve a term of 3 years, except as specified, and would specify a procedure for transitioning existing panel membership to those new terms. The bill would authorize the department to remove a member of the advisory panel if the director of the department determines removal is necessary, and would authorize the chair of the panel to recommend removal of a member who obstructs the functions of the panel for cause. The bill would require the chair of the panel to notify the department of a vacancy on the panel, as specified. The bill would expand the requirement to pay a per-meeting stipend to include a foster parent, relative caregiver, or legal guardian of a Medi-Cal enrollee.

SB 233

Beall

*Foster children: records*

(1) Existing law provides that parents of currently enrolled or former pupils have an absolute right to access any and all pupil records related to their children that are maintained by school districts or private schools. Existing law prohibits a school district from permitting access to pupil records to a person without written parental consent or under judicial order except as authorized by specified state and federal law. Existing law authorizes foster family agencies with jurisdiction over currently enrolled or former pupils to access records of grades and transcripts, and any individualized education plans developed pursuant to specified law maintained by school districts or private schools of those pupils. This bill would add to the information that may be accessed records of attendance, discipline, and online communication on platforms established by schools for pupils and parents, and any plan adopted pursuant to specified federal law, as provided, and would require that these records be the current or most recent records for the pupil. The bill would additionally authorize a short-term residential treatment program staff responsible for the education or case management of a pupil and a caregiver who has direct responsibility for the care of the pupil, including a certified or licensed foster parent, an approved relative or nonrelated extended family member, or a resource family, as defined, to access this information, and would provide that a caregiver may access this information regardless of whether the caregiver has been appointed as the pupil's educational rights holder pursuant to specified law. The bill would authorize a foster family agency, short-term residential treatment program, or caregiver to review and receive these pupil records for specified purposes. The bill would extend these provisions to include pupil records maintained by county offices of education, charter schools, and nonpublic schools, in addition to school districts and private schools. The bill would require a child's caregiver to be responsible for reviewing and receiving these pupil records for those same purposes. To the extent the bill would impose additional duties on school districts, county offices of education, and charter schools, it would impose a state-mandated local program. The bill would require, if direct communication between a caregiver and an educational rights holder is appropriate, a caregiver

who is not the pupil's educational rights holder to notify the pupil's educational rights holder, and, in specified instances, the pupil's social worker, of any educational needs of the pupil that require the educational rights holder's consent or participation. If direct communication between a caregiver and an educational rights holder is inappropriate, the bill would require the pupil's social worker to direct the caregiver to communicate that information with the pupil's social worker or attorney instead of the educational rights holder. (2) Existing law establishes the jurisdiction of the juvenile court, which may adjudge children to be dependents of the court under certain circumstances, including when the child suffered or there is a substantial risk that the child will suffer serious physical harm, or a parent fails to provide the child with adequate food, clothing, shelter, or medical treatment. Existing law establishes the grounds for removal of a dependent child from the custody of his or her parents or guardian, and establishes procedures to determine temporary and permanent placement of a dependent child. Existing law prescribes various hearings, including specified review hearings, and other procedures for these purposes. Whenever a court orders a hearing to terminate parental rights to, or to establish legal guardianship of, a dependent child to be held, existing law requires the court to direct the agency supervising the child and the county adoption agency, or the State Department of Social Services when it is acting as an adoption agency, to prepare an assessment and requires this assessment to include, among other things, a preliminary assessment of the eligibility and commitment of any identified prospective adoptive parent or legal guardian, as specified, and including an evaluation of the child's medical, developmental, scholastic, mental, and emotional status. Existing law further requires the status of every dependent child in foster care to be reviewed periodically as determined by the court but no less frequently than once every 6 months. This bill would require the above evaluation and review to include providing a copy of the complete health and education summary, as specified. The bill would make conforming changes. By increasing the duties on county staff, the bill would impose a state-mandated local program. Existing law requires, when a child is placed in foster care, the case plan to include a summary of the health and education information or records, including mental health information, of the child. This bill would authorize the case plan to also include the name and contact information of the person or persons currently holding the right to make educational decisions for the child, except as specified, and would make other conforming changes. Existing law makes various findings and declarations with regard to foster parents and caregivers, including that caregivers should have certain basic information, including among other things, a plan outlining the child's needs and services, including information on family and sibling visitation. This bill would provide that a caregiver should also have access to a copy of the health and education summary, as specified, and would provide that a caregiver should have knowledge of the importance of the caregiver's role in education, as specified. Existing law requires the State Department of Social Services to implement the resource family approval process in all counties and with all foster family agencies. Existing law requires counties to be responsible for various implementing tasks, including, among other things, ensuring a resource family applicant completes a minimum of 12 hours of caregiver training, including training on permanence, well-being, and education needs of children. This bill would require counties to ensure that the above training includes, among other things, training on the importance of the caregiver's role in education, as specified.

SB 612  
Mitchell

*Foster care: transitional housing*

Existing law, the California Community Care Facilities Act, requires the State Department of Social Services to license and regulate transitional housing placement providers as a community care facility. A "transitional housing placement provider" is defined as an organization licensed by the department to provide transitional housing to foster children at least 16 years of age and not more than 18 years of age, and nonminor dependents, as defined, to promote their transition to adulthood. Existing law provides for a "Transitional Housing Placement Program" serving foster children at least 16 years of age and not more than 18 years of age, and provides for a "Transitional Housing Placement-Plus Foster Care Program" serving nonminor dependents at least 18 years of age and not more than 21 years of age. Existing law requires transitional

housing to include, among others, programs in which a participant lives independently in an apartment, single-family dwelling, or condominium owned or leased by the provider either with an adult employee of the provider or in a building in which one or more adult employees of the provider reside and provide supervision, and programs in which a participant, who is either a minor foster child placed prior to October 1, 2012, or a nonminor dependent, lives independently in an apartment, single-family dwelling, or condominium owned or leased by a provider under the supervision of the provider if the department approves. A violation of the act is a misdemeanor. This bill would revise and recast the above-described provisions, by among other things, redefining “transitional housing placement provider” to mean an organization licensed by the department to provide transitional housing to foster children who are at least 16 years of age to promote their transition to adulthood. The bill would authorize transitional housing placement providers to operate either a “Transitional Housing Placement program for minor foster children,” a program serving foster children at least 16 years of age and not more than 18 years of age, or a “Transitional Housing Placement program for nonminor dependents,” a program serving nonminor dependents at least 18 years of age and not more than 21 years of age. The bill would provide that transitional housing units include a host family certified by a transitional housing placement provider with whom a participant lives, as provided, a staffed site in which the participant lives, as provided, and a remote site in which the participant lives independently, as provided. The bill would authorize a transitional housing placement provider to cosign a lease with a nonminor dependent, as specified by the department. The bill would require the department to adopt regulations to govern transitional housing placement providers that meet minimum requirements, as specified, including regulations that expand provisions relating to the persons with whom a participant may reside. The bill would also require a program manager for a Transitional Housing Placement program for nonminor dependents to meet specified education and experience requirements, including possessing a master’s degree or higher from an accredited or state-approved graduate school in specified areas and having a minimum of 2 years’ experience in a public or private child welfare social services setting, or other equivalent education and experience, except as specified. The bill would authorize the department to grant exceptions to these requirements, as specified. By expanding the definition of a crime, the bill would impose a state-mandated local program. Existing law authorizes a foster family agency to use only a certified family home or a resource family that has been certified or approved by that agency, or a licensed foster family home or a county-approved resource family approved for this use by the county, for the placement of foster children. This bill would authorize a certified family home or resource family of a foster family agency to be concurrently certified as a host family, as provided, if the home is certified by the same private, nonprofit organization licensed to operate as a transitional housing placement provider and foster family agency. The bill would require a host family that is certified pursuant to these provisions to comply with the laws applicable to a certified family home or resource family, as determined by the department. The bill would require the department to adopt regulations to implement these provisions. Notwithstanding that provision, the bill would authorize the department to implement these provisions through all-county letters or other similar written instructions until regulations are adopted.

SB 743

Hernandez

*Medi-Cal: family planning providers*

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services, under which qualified low-income individuals receive health care services through fee-for-service or managed care delivery systems. The Medi-Cal program is, in part, governed by, and funded pursuant to, federal Medicaid program provisions. Existing law provides that family planning services are a covered Medi-Cal benefit, subject to utilization controls, as specified. This bill would prohibit a Medi-Cal managed care plan, as defined, from restricting the choice of the qualified provider, as defined, from whom a Medi-Cal beneficiary enrolled in the plan may receive family planning services. The bill would require a Medi-Cal managed care plan to reimburse an out-of-plan or out-of-network qualified provider at the applicable fee-for-service rate. If federal approval is required to implement these provisions, the

bill would be implemented only to the extent that federal approval is obtained. The bill would make related legislative findings and declarations.

## Public Health Administration

- AB 1159 *Cannabis: legal services*  
 Chiu Existing law, the Control, Regulate and Tax Adult Use of Marijuana Act (AUMA), an initiative measure enacted by the approval of Proposition 64 at the November 8, 2016, statewide general election, authorizes the consumption of nonmedical marijuana, also known as adult-use cannabis, by persons over 21 years of age and establishes a system for the licensure and regulation of certain commercial nonmedical marijuana activities. Existing law, the Medicinal and Adult-Use Cannabis Regulation and Safety Act, expands and modifies this system to also include the licensure and regulation of certain commercial medicinal cannabis activities. Existing law prescribes the manner in which contracts may be created and requires that a contract be for a lawful object. Under existing law a contract that is contrary to an express provision of law, contrary to the policy of express law, or that is otherwise contrary to good morals is not lawful. This bill would provide that commercial activity relating to medicinal cannabis or adult-use cannabis conducted in compliance with state law and any applicable local standards and regulations is a lawful object of a contract, is not contrary to an express policy or provision of law or to good morals, and is not against public policy. Existing law grants a lawyer's client a privilege to refuse to disclose, and to prevent another from disclosing, a confidential communication between the client and lawyer, as defined, if the privilege is claimed by the holder of the privilege, a person who is authorized to claim the privilege by the holder, or the person who was the lawyer at the time of the confidential communication, as specified. Existing law excepts communications from the privilege if the services of the lawyer were sought or obtained to enable or aid anyone to commit, or plan to commit, a crime or fraud. This bill would provide that the above exception does not apply to legal services rendered in compliance with state or local laws on medicinal cannabis or adult-use cannabis and that confidential communications provided for the purpose of rendering those services are confidential communications, as specified.
- AB 1229 *Healing arts: Board of Vocational Nursing and Psychiatric Technicians of the State of California*  
 Low Existing law establishes the Department of Consumer Affairs and places the department under the control of the Director of Consumer Affairs. Existing law requires the Board of Vocational Nursing and Psychiatric Technicians of the State of California, which is within the department, to license and regulate vocational nurses and psychiatric technicians and requires the board to appoint an executive officer to perform duties as delegated by the board. Existing law repeals the provisions establishing the board and the board's authority to appoint an executive officer on January 1, 2018. This bill would extend the operation of the board and its authority to license and regulate vocational nurses and psychiatric technicians until January 1, 2021. The bill would temporarily abolish the existing executive officer provision and would establish a new executive officer who would be appointed by the Governor and who would serve at the pleasure of the Governor. The bill would require the newly established executive officer to perform duties as delegated by the board, would prohibit the executive officer from being a member of the board, and would provide that the executive officer is entitled to necessary expenses in the performance of his or her duties. The bill would repeal the provisions regarding the new executive officer on January 1, 2020. The bill would, if the board becomes inoperative or is repealed, authorize the director, until December 31, 2024, to assume the duties, powers, purposes, responsibilities, and jurisdiction of the board and its executive officer that are not otherwise repealed or made inoperative. The bill would also make nonsubstantive changes. Existing law requires the director to appoint an administrative and enforcement program monitor to monitor and evaluate the administrative process and disciplinary system and procedures of the board and requires the monitor to submit a report of his or her findings and conclusions to the Legislature, the department, and the board, as specified. This bill would require the board to submit written reports to the director and the Legislature no later than April 1, 2018, July 1, 2018, October 1,

2018, January 1, 2019, July 1, 2019, and January 1, 2020, demonstrating its progress in implementing the administrative and enforcement program monitor's recommendations. This bill would require staff of the board to meet with staff from the department's Division of Investigation no later than March 1, 2018, June 1, 2018, September 1, 2018, and December 1, 2018, and each March 1, June 1, September 1, and December 1 thereafter, for the purpose of ensuring the appropriate function and operation of the board's enforcement program. The bill would require the board to submit a report to the department in advance of each meeting that includes, at a minimum, certain information. The bill would require the board and its staff to cooperate with the director and the department. The bill would repeal these provisions on January 1, 2020. The bill would authorize the director to direct department staff to review and evaluate the board's licensing systems and procedures for the purpose of identifying deficiencies and improving quality and efficiency of the board's licensing process, and would require the board and the board's staff to cooperate with the director and the department, as specified. The bill would repeal these provisions on January 1, 2020. Existing law establishes the Vocational Nursing and Psychiatric Technicians Fund in the State Treasury, and requires that all money in the fund be used to carry out the Vocational Nursing Practice Act and the Psychiatric Technicians Law, and for the refund of license fees and other moneys paid into the fund under certain provisions of law. Existing law requires that claims against the fund be audited by the Controller, and paid by the Treasurer upon warrants drawn by the Controller. This bill would specify that moneys in the fund shall be available upon appropriation by the Legislature.

AB 1726  
Committee  
on Health

*Vital records: confidentiality*

Existing law prescribes the duties of the State Registrar of Vital Statistics and local registrars of births and deaths with respect to the registration of certificates of live birth and fetal death. Existing law requires the 2nd section of the certificate of live birth, which contains specified information, including birth weight and race and ethnicity of the mother and father, the electronic file of birth information and the birth mother linkage information listed on the certificate of live birth, and the 2nd section of the certificate of fetal death to be kept confidential. Existing law requires access to the confidential portion of any certificate of live birth or fetal death, the electronic file of birth information, or the birth mother linkage information collected under the provisions described above to be limited to certain individuals, including State Department of Public Health staff and the county coroner. Existing law requires the State Registrar to maintain an accurate record of all persons who are given access to the confidential portion of the certificates, as specified. This bill would authorize access to the confidential portion of any certificate of live birth or fetal death, the electronic file of birth information, and the birth mother linkage information to the State Department of Public Health, the State Department of Health Care Services, and the Department of Finance, if those departments agree to maintain confidentiality and request the information for official government business purposes as deemed appropriate by the State Registrar and to the birth hospital responsible for preparing and submitting a record of the birth or fetal death for purposes of reviewing and correcting birth or fetal death records.

SB 179  
Atkins

*Gender identity: female, male, or nonbinary*

(1) Existing law authorizes a person who was born in this state and who has undergone clinically appropriate treatment for the purpose of gender transition to obtain a new birth certificate from the State Registrar. This bill would enact the Gender Recognition Act. For purposes of obtaining a new birth certificate under the provisions above, the bill would delete the requirement that an applicant have undergone any treatment, and instead would authorize a person to submit to the State Registrar an application to change gender on the birth certificate and an affidavit attesting, under penalty of perjury, that the request for a change of gender is to conform the person's legal gender to the person's gender identity and not for any fraudulent purpose. By requiring the affidavit to be attested to under penalty of perjury, the bill would create a crime, thereby imposing a state-mandated local program. The bill would authorize the change of gender on a new birth certificate to be female, male, or nonbinary. (2) Existing law



authorizes a person who has undergone clinically appropriate treatment for the purpose of gender transition to petition for a court judgment recognizing the change of gender, and to petition for a court order conforming the person's name to the person's gender identity. Existing law provides specific procedures to seek these orders and judgments, either separately or in combination. This bill, commencing on September 1, 2018, would delete the requirement that a person have undergone any treatment to seek a court judgment to recognize a change of gender and instead would authorize the petitioner to attest, under penalty of perjury, that the request is to conform the person's legal gender to the person's gender identity and not for any fraudulent purpose. By requiring the affidavit to be attested to under penalty of perjury, the bill would create a crime, thereby imposing a state-mandated local program. The bill would authorize a change of gender in the court judgment to female, male, or nonbinary. The bill would provide modified procedures to obtain a court order for a change of name to conform to the petitioner's gender identity and a court judgment to recognize a change in the petitioner's gender. The bill would provide a separate procedure for a person under 18 years of age to petition for a court judgment to recognize a change of gender to female, male, or nonbinary. (3) Existing law requires the Department of Motor Vehicles to issue a driver's license to an applicant when the department determines that the applicant is lawfully entitled to a license, and requires the license to contain, among other things, a brief description and engraved picture or photograph of the licensee for the purpose of identification. Existing law requires the application for an original driver's license or renewal of a driver's license to contain specified information, as provided by the applicant. Existing law also authorizes the department to issue identification cards and requires an identification card to adequately describe the applicant. Existing law requires the department, upon issuance of a new identification card or renewal of an identification card, to provide information regarding organ and tissue donation, including an enrollment form for the California Organ and Tissue Donor Registry that requires an applicant to mark his or her sex. This bill, on January 1, 2019, would require an applicant for an original driver's license or renewal of a driver's license to choose a gender category of female, male, or nonbinary, as specified, and would require the department to adopt regulations to provide a process for an amendment to a gender category under these provisions. The bill would also require the enrollment form for the California Organ and Tissue Donor Registry to instead require an applicant to mark his or her gender. This bill would make legislative findings and declarations in support of its provisions.

SB 335 *Nursing Advisory Board*

Cannella

Existing law provides for the regulation of nursery stock and generally requires that nursery stock comply with certain standards and be subject to specified labeling requirements. Existing law makes it unlawful for any person to sell nursery stock without a license. This bill would establish the Nursery Advisory Board within the Department of Food and Agriculture to advise the Secretary of Food and Agriculture and make recommendations on all matters relating to nurseries and nursery stock. The bill would require that the advisory board consist of 12 voting members, appointed by the secretary, representing persons licensed to sell nursery stock, and that the term for each member be 4 years. The bill would prohibit a member from receiving a salary but would authorize a member to receive a per diem for meetings and other advisory board meetings, as specified. The bill would authorize the advisory board to adopt and amend bylaws as it deems necessary.

SB 554 *Nurse practitioners: physician assistants: buprenorphine*

Stone

Existing federal law requires practitioners, as defined, who dispense narcotic drugs to individuals for maintenance treatment or detoxification treatment to obtain annually a separate registration with the United States Attorney General for that purpose. Existing federal law authorizes waiver of the registration requirement for a qualifying practitioner who submits specified information to the United States Secretary of Health and Human Services. Existing federal law, the Comprehensive Addiction Recovery Act of 2016, defines a qualifying practitioner for these purposes to include, among other practitioners, a nurse practitioner or

physician assistant who, among other requirements, has completed not fewer than 24 hours of prescribed initial training, or has other training or experience as specified, and is supervised by, or works in collaboration with, a qualifying physician, if the nurse practitioner or physician assistant is required by state law to prescribe medications for the treatment of opioid use disorder in collaboration with or under the supervision of a physician. Existing state law, the Nursing Practice Act, establishes the Board of Registered Nursing in the Department of Consumer Affairs for the licensure and regulation of nurse practitioners. The act authorizes a nurse practitioner to furnish or order drugs or devices under specified circumstances subject to physician and surgeon supervision. This bill would prohibit construing the Nursing Practice Act or any provision of state law from prohibiting a nurse practitioner from furnishing or ordering buprenorphine when done in compliance with the provisions of the Comprehensive Addiction Recovery Act, as specified. Existing state law, the Physician Assistant Practice Act, establishes the Physician Assistant Board within the jurisdiction of the Medical Board of California for the licensure and regulation of physician assistants. The act authorizes a physician assistant, while under the supervision of a licensed physician authorized to supervise a physician assistant, to administer or provide medication to a patient, or transmit orally, or in writing on a patient's record or in a drug order, an order to a person who may lawfully furnish the medication, as specified. This bill would prohibit construing the Physician Assistant Practice Act or any provision of state law from prohibiting a physician assistant from administering or providing buprenorphine to a patient, or transmit orally, or in writing on a patient's record or in a drug order, an order for buprenorphine to a person who may lawfully furnish buprenorphine when done in compliance with the provisions of the Comprehensive Addiction Recovery Act, as specified.

SB 799  
Hill

### *Nursing*

Existing law, the Nursing Practice Act, establishes the Board of Registered Nursing within the Department of Consumer Affairs and sets forth its powers and duties regarding the licensure and regulation of registered nurses. The act requires the board to appoint an executive officer to perform duties delegated by the board. The act on January 1, 2018, repeals the provisions establishing the board and the executive officer position. This bill would extend the repeal date of those provisions to January 1, 2022. The act prescribes various fees to be paid by licensees and applicants for licensure, and requires these fees to be credited to the Board of Registered Nursing Fund, which is a continuously appropriated fund as it pertains to fees collected by the board. This bill would delete the continuous appropriation, thereby subjecting all moneys in the fund to appropriation by the Legislature. The act requires the board, by February 1, 2016, to contract with the California State Auditor's Office to conduct a performance audit of the board's enforcement program, as specified. This bill would repeal the performance audit provisions. The act authorizes the board to take disciplinary action against certified or licensed nurses or to deny an application for a certificate or license for various acts and offenses. This bill would require the California Research Bureau to prepare and deliver a report to the Legislature by January 1, 2019, that evaluates to what extent employers voluntarily report disciplined nurses to the board and that offers options for consistent and reasonable reporting mechanisms. The act provides for an intervention program to identify and rehabilitate registered nurses whose competency may be impaired due to abuse of alcohol and other drugs, or due to mental illness. The act authorizes a registered nurse under current investigation by the board to request entry into the intervention program by contacting the board. The act authorizes the board to close an investigation of a registered nurse who enters the program under specified circumstances and requires the board to reopen the investigation only if the registered nurse withdraws or is terminated from the program. Under the act, neither acceptance nor participation in the intervention program precludes the board from investigating or continuing to investigate, or taking disciplinary action or continuing to take disciplinary action against, any registered nurse for any unprofessional conduct committed before, during, or after participation in the intervention program. This bill would delete those provisions providing for the suspension of a current investigation while a registered nurse is in the program and, instead, would authorize the board to investigate at its

discretion complaints against registered nurses participating in the intervention program. The bill would prohibit disciplinary action with regard to acts committed before or during participation in the intervention program, unless the registered nurse withdraws or is terminated from the intervention program. The act requires a person renewing his or her license to submit proof satisfactory to the board that, during the preceding 2-year period, he or she has been informed of the developments in the registered nurse field or in any special area of practice engaged in by the licensee, occurring since the last renewal thereof, either by pursuing a course or courses of continuing education in the registered nurse field or relevant to the practice of the licensee, and approved by the board, or by other means deemed equivalent by the board. The act requires the board to adopt regulations establishing standards for continuing education for licensees, as specified, including a requirement that the standards be established in a manner to ensure that a variety of alternative forms of continuing education are available to licensees. This bill would require the board, by January 1, 2019, to deliver a report to the appropriate legislative policy committees detailing a comprehensive plan for approving and disapproving continuing education opportunities, and, by January 1, 2020, to report to the appropriate legislative committees on its progress implementing this plan. The bill would require that the alternative forms of continuing education available to licensees include online forms of continuing education. Existing law requires insurers that provide liability insurance to certain licensees, including persons licensed by the board, to report to the licensing agency certain settlement or arbitration awards over \$3,000. This bill would increase the report threshold to \$10,000 for a person licensed under the act. The bill would define “insurer” for those purposes.

## Climate Change

### AB 184 *Sea level rise planning: database*

Berman Existing law requires the Natural Resources Agency, in collaboration with the Ocean Protection Council, to create, update biannually, and post on an Internet Web site a Planning for Sea Level Rise Database describing steps being taken throughout the state to prepare for, and adapt to, sea level rise. Existing law further requires that various public agencies and private entities provide to the agency, on a biannual basis, sea level rise planning information, as defined, that is under the control or jurisdiction of the public agencies or private entities, and requires the agency to determine the information necessary for inclusion in the database, as prescribed. Existing law repeals these provisions on January 1, 2018. This bill would postpone that repeal until January 1, 2023.

### AB 398 *California Global Warming Solutions Act of 2006: market-based compliance mechanisms: fire prevention fees: sales and use tax manufacturing exemption*

Eduardo Garcia (1) The California Global Warming Solutions Act of 2006 establishes the State Air Resources Board as the state agency responsible for monitoring and regulating sources emitting greenhouse gases. The act requires the state board to approve a statewide greenhouse gas emissions limit equivalent to the statewide greenhouse gas emissions level in 1990 to be achieved by 2020 and to ensure that statewide greenhouse gas emissions are reduced to at least 40% below the 1990 level by 2030. The act authorizes the state board to include the use of market-based compliance mechanisms. The act requires the state board to prepare and approve a scoping plan for achieving the maximum technologically feasible and cost-effective reductions in greenhouse gas emissions and to update the scoping plan at least once every 5 years. The act authorizes the state board to adopt a regulation that establishes a system of market-based declining annual aggregate emissions limits for sources or categories of sources that emit greenhouse gases, applicable from January 1, 2012, to December 31, 2020, inclusive, as specified. This bill would require the state board, no later than January 1, 2018, to update the scoping plan, as specified. The bill would require all greenhouse gas rules and regulations adopted by the state board to be consistent with the scoping plan. This bill would, until January 1, 2031, extend the applicability of a regulation that establishes a system of market-based declining annual aggregate emissions limits for sources or categories of sources that emit greenhouse gases to December 31, 2030. This bill would, until January 1, 2031, require the state board to include specified price ceilings, price containment points, offset credit compliance limits, and industry assistance factors for allowance allocation as part of a regulation that establishes a system of market-based declining annual aggregate emissions limits for sources or categories of sources that emit greenhouse gases from January 1, 2021, to December 31, 2030, inclusive. The bill, until January 1, 2031, additionally would require the state board to develop approaches to increase offset projects in the state and to make specified reports to the Legislature as part of that regulation. This bill would, until January 1, 2031, establish the Compliance Offsets Protocol Task Force, with a specified membership, to provide guidance to the state board in approving new offset protocols for a market-based compliance mechanism for the purposes of increasing offset projects with direct environmental benefits in the state while prioritizing disadvantaged communities, Native American or tribal lands, and rural and agricultural regions. This bill would, until January 1, 2031, establish the Independent Emissions Market Advisory Committee with a specified membership and would require the advisory committee to at least annually hold a public meeting and report to both the state board and the Joint Legislative Committee on Climate Change Policies on the environmental and economic performance of a specified market-based compliance mechanism and other relevant climate policies. This bill would, until January 1, 2031, require the California Workforce Development Board, in consultation with the state board, to submit a specified report to the Legislature, no later than January 1, 2019, on the need for increased education, career technical education, job training, and workforce development resources or capacity to help industry, workers, and communities transition to economic and labor-market changes related to

specified statewide greenhouse gas emissions reduction goals. This bill would, until January 1, 2031, require the Legislative Analyst's Office to annually report to the Legislature on the economic impacts and benefits of specified greenhouse gas emissions targets. (2) Existing law requires all moneys, except for fines and penalties, collected by the state board as part of a market-based compliance mechanism to be deposited in the Greenhouse Gas Reduction Fund and to be available upon appropriation. Existing law continuously appropriates 60% of the annual proceeds of the fund for transit, affordable housing, sustainable communities, and high-speed rail purposes. This bill would declare the intent of the Legislature that moneys collected pursuant to the market-based compliance mechanism be appropriated in accordance with a specified order of priorities. (3) Existing law provides that the California Global Warming Solutions Act of 2006 does not limit or expand the existing authority of air pollution control and air quality management districts. This bill instead would, until January 1, 2031, prohibit an air district from adopting or implementing an emission reduction rule for carbon dioxide from stationary sources that are also subject to a specified market-based compliance mechanism. (4) Existing law provides that the state has the primary financial responsibility for preventing and suppressing fires in areas that the State Board of Forestry and Fire Protection has determined are state responsibility areas, as defined. Existing law requires that a fire prevention fee be charged on each habitable structure on a parcel that is within a state responsibility area, to be used for specified fire prevention activities. This bill, until January 1, 2031, would suspend the fire prevention fee. The bill would declare that it is the intent of the Legislature that moneys derived from the auction or sale of allowances pursuant to the market-based compliance mechanism described under (1) replace the fire prevention fee to continue the funding of the fire prevention activities. The bill would repeal those provisions requiring the payment of the fire prevention fee on January 1, 2031. (5) Existing law, commencing July 1, 2017, provides that the California Department of Tax and Fee Administration is responsible for the administration of the Sales and Use Tax Law, which was previously administered by the State Board of Equalization. Existing sales and use tax laws impose taxes on retailers measured by the gross receipts from the sale of tangible personal property sold at retail in this state, or on the storage, use, or other consumption in this state of tangible personal property purchased from a retailer for storage, use, or other consumption in this state, and provide various exemptions from those taxes. Existing law exempts from those taxes, on and after July 1, 2014, and before July 1, 2022, the gross receipts from the sale of, and the storage, use, or other consumption of, qualified tangible personal property purchased by a qualified person for use primarily in manufacturing, processing, refining, fabricating, or recycling of tangible personal property, as specified; qualified tangible personal property purchased for use by a qualified person to be used primarily in research and development, as provided; qualified tangible personal property purchased for use by a qualified person to be used primarily to maintain, repair, measure, or test any qualified tangible personal property, as provided; and qualified tangible personal property purchased by a contractor purchasing that property for use in the performance of a construction contract for the qualified person, that will use that property as an integral part of specified processes. This bill would, on and after July 1, 2014, and before July 1, 2030, additionally exempt from those taxes qualified tangible personal property purchased for use by a qualified person to be used primarily in the generation or production, as defined, or storage and distribution, as defined, of electric power or purchased for use by a contractor for the qualified person, as specified. The bill, on and after January 1, 2018, and until July 1, 2030, would also exempt from those taxes special purpose buildings and foundations used for the generation or production or storage and distribution of electric power. The bill, on and after January 1, 2018, and until July 1, 2030, would expand the definition of qualified person to include, among others, a person primarily engaged in the business of electric power generation. Under existing law, no later than each March 1 next following a calendar year for which these provisions provide an exemption, the California Department of Tax and Fee Administration is required to provide to the Joint Legislative Budget Committee a report of the total dollar amount of exemptions taken for the immediately preceding calendar year. This bill would require the department to also provide that exemption report to the Department of Finance. The bill would require the total dollar amount, as reported

by the department, with the concurrence of the Department of Finance, to be transferred from the Greenhouse Gas Reduction Fund to the General Fund, as provided. This bill would also make various nonsubstantive and conforming changes and would repeal this exemption on January 1, 2031. (6) This bill would declare that it is to take effect immediately as an urgency statute.

AB 523  
Reyes

*Electric Program Investment Charge: allocation*

The California Constitution establishes the Public Utilities Commission (PUC), with jurisdiction over all public utilities, as defined. Existing decisions of the PUC institute an Electric Program Investment Charge (EPIC) to fund renewable energy and research, development, and demonstration programs. Existing law creates in the State Treasury the Electric Program Investment Charge Fund to be administered by the State Energy Resources Conservation and Development Commission (Energy Commission) and requires the PUC to forward to the Energy Commission at least quarterly moneys for those EPIC programs the PUC has determined should be administered by the Energy Commission for deposit in the fund. Existing law requires the Energy Commission, in administering moneys in the fund for research, development, and demonstration programs, to develop and implement the EPIC program for the purpose of awarding funds to projects that may lead to technological advancement and breakthroughs to overcome barriers that prevent the achievement of the state's statutory energy goals and that may result in a portfolio of projects that are strategically focused and sufficiently narrow to make advancement on the most significant technological challenges. Existing law requires the Energy Commission to prepare and submit to Legislature an annual report regarding the operation of the EPIC program. This bill would require the Energy Commission, until July 1, 2023, to allocate at least 25% of the moneys in the fund for technology demonstration and deployment at sites located in, and benefiting, disadvantaged communities, as defined. The bill would require the Energy Commission to allocate at least an additional 10% of the moneys in the fund for technology demonstration and deployment at sites located in, and benefiting, low-income communities, as defined. The bill would require the Energy Commission, under the EPIC program, to take into account adverse localized health impacts of proposed projects to the greatest extent possible, and give preference for funding to clean energy projects that benefit residents of low-income or disadvantaged communities. The bill would require the annual report regarding the operation of the EPIC program to include a description of the impact on program administration resulting from awarding funds to disadvantaged and low-income communities pursuant to the above provisions, including any information that would help the Legislature determine whether to reauthorize those allocations beyond June 30, 2023.

AB 615  
Cooper

*Air Quality Improvement Program: Clean Vehicle Rebate Project*

Existing law establishes the Air Quality Improvement Program that is administered by the State Air Resources Board for the purposes of funding projects related to, among other things, the reduction of criteria air pollutants and improvement of air quality. Pursuant to its existing statutory authority, the state board has established the Clean Vehicle Rebate Project, as a part of the Air Quality Improvement Program, to promote the production and use of zero-emission vehicles by providing rebates for the purchase of new zero-emission vehicles. Existing law, until July 1, 2017, requires the state board, for the purposes of the Clean Vehicle Rebate Project, to, among other things, offer rebates only to applicants who purchase an eligible vehicle and have a specified maximum gross annual income; increase rebate payments by \$500 for low-income applicants, as defined; and prioritize rebate payments for low-income applicants. This bill instead would extend the applicability of these provisions to January 1, 2019. This bill would require the state board to work with, and contract with, either the University of California or the California State University to prepare and submit to the Legislature a report on the impact of the Clean Vehicle Rebate Project on the state's zero-emission vehicle market no later than December 31, 2018. The bill would require the Department of Finance to submit to the Legislature a report evaluating the fiscal impacts of the Clean Vehicle Rebate Project no later than July 1, 2018. This bill would declare that it is to take effect immediately as an urgency

statute.

AB 617  
Cristina  
Garcia

Nonvehicular air pollution: criteria air pollutants and toxic air contaminants

(1) Existing law requires the State Air Resources Board to make available on its Internet Web site data concerning the emissions of greenhouse gases, criteria air pollutants, and toxic air contaminants, as specified. This bill would require the state board to develop a uniform statewide system of annual reporting of emissions of criteria air pollutants and toxic air contaminants for use by certain categories of stationary sources. The bill would require those stationary sources to report their annual emissions of criteria air pollutants and toxic air contaminants, as specified. (2) Existing law generally designates air pollution control and air quality management districts with the primary responsibility for the control of air pollution from all sources other than vehicular sources. Existing law authorizes the state board or an air district to require the owner or the operator of an air pollution emission source to take any action that the state board or the air district determines to be reasonable for the determination of the amount of air pollution emissions from that source. This bill would require the state board, by October 1, 2018, to prepare a monitoring plan regarding technologies for monitoring criteria air pollutants and toxic air contaminants and the need for and benefits of additional community air monitoring systems, as defined. The bill would require the state board to select, based on the monitoring plan, the highest priority locations in the state for the deployment of community air monitoring systems. The bill would require an air district containing a selected location, by July 1, 2019, to deploy a system in the selected location. The bill would authorize the air district to require a stationary source that emits air pollutants in, or that materially affect, the selected location to deploy a fence-line monitoring system, as defined, or other specified real-time, on-site monitoring. The bill would authorize the state board, by January 1, 2020, and annually thereafter, to select additional locations for the deployment of the systems. The bill would require air districts that have deployed a system to provide to the state board air quality data produced by the system. By increasing the duties of air districts, this bill would impose a state-mandated local program. The bill would require the state board to publish the data on its Internet Web site. This bill would require the state board, by October 1, 2018, to prepare and update, at least once every 5 years, a statewide strategy to reduce emissions of toxic air contaminants and criteria pollutants in communities affected by a high cumulative exposure burden. The bill would require the state board to select locations around the state for the preparation of community emissions reduction programs, and to provide grants to community-based organizations for technical assistance and to support community participation in the programs. The bill would require an air district containing a selected location, within one year of the state board's selection, to adopt a community emissions reduction program. By increasing the duties of air districts, this bill would impose a state-mandated local program. (3) Existing law requires air districts, prior to adopting rules to meet the requirement for best available retrofit control technology or for a specified feasible measure, to take specified actions, including, among others, identifying one or more potential control options that achieve the emissions reduction objectives for the rule. Existing law also authorizes a district to establish its own best available retrofit control technology requirement based upon the consideration of specified factors. This bill would require a district that is in nonattainment for one or more air pollutants to adopt an expedited schedule for the implementation of best available retrofit control technology, as specified. The bill would require the schedule to apply to each industrial source that, as of January 1, 2017, was subject to a specified market-based compliance mechanism and give highest priority to those permitted units that have not modified emissions-related permit conditions for the greatest period of time. This bill would require the state board to establish and maintain a statewide clearinghouse that identifies the best available control technology, best available retrofit control technology for criteria air pollutants, and related technologies for the control of toxic air contaminants. (4) Existing law establishes maximum criminal and civil penalties for any person, as defined, for violations of air pollution laws from nonvehicular sources. Existing law generally establishes the maximum criminal and civil penalties at \$1,000, unless otherwise specified. This bill would increase the maximum for the generally applicable

criminal and civil penalties under these provisions to \$5,000. The bill would annually adjust maximum penalties for violations of these laws based on the California Consumer Price Index.

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|------------------|---|
| AB 634<br>Eggman | <p><i>Real property: solar energy systems</i></p> <p>(1) Existing property law prohibits any covenant, restriction, or condition contained in any deed, contract, security instrument, or other instrument affecting the transfer or sale of, or any interest in, and any provision of a governing document from effectively prohibiting or restricting the installation or use of a solar energy system. Existing law also exempts from that prohibition provisions that impose reasonable restrictions on solar energy systems that do not significantly increase the cost of the system or significantly decrease its efficiency or specified performance. Existing law specifies that whenever approval is required for the installation or use of a solar energy system, the application for approval must be processed and approved by the appropriate approving entity in the same manner as an application for approval of an architectural modification to the property. Existing property law permits an association to impose reasonable provisions that restrict the installation of solar energy systems installed in common areas, as defined, to those systems approved by the association. This bill would prohibit an association from establishing a general policy prohibiting the installation or use of a rooftop solar energy system for household purposes on the roof of the building in which the owner resides, or a garage or carport adjacent to the building that has been assigned to the owner for exclusive use. The bill also would prohibit an association from requiring approval by a vote of members owning separate interests in the common interest development in those circumstances. Any action by an association that contravenes these provisions would be void and unenforceable. The bill would also make nonsubstantive and clarifying changes. (2) The Davis-Stirling Common Interest Development Act defines and regulates common interest developments. The act requires an affirmative vote of members owning at least 67% of the separate interests in the common interest development before the board may grant exclusive use of a portion of the common interest development to a member, unless the governing documents specify a different percentage. Existing law exempts from this requirement certain actions, including, among others, a grant of exclusive use to eliminate or correct engineering errors in recorded documents, to accommodate a disability, and to install and use an electric vehicle charging station through a license granted by the association. This bill also would exempt from that vote requirement an action to install and use a solar energy system on the common roof of a residence that meets specified requirements. The bill would require an association, when reviewing a request to install a solar energy system on a multifamily common area roof shared by more than one homeowner, to require an applicant to notify each owner of a unit in the building on which the installation will be located of the application and to require each owner to maintain a homeowner liability coverage policy, as specified. The bill would permit an association, when reviewing this request, to impose additional reasonable requirements, including a requirement to submit a solar site survey showing the placement of the solar energy system, in accordance with specific criteria.</p> |
| AB 733<br>Berman | <p><i>Enhanced infrastructure financing districts: projects: climate change</i></p> <p>Existing law authorizes the legislative body of a city or a county to establish an enhanced infrastructure financing district to finance public capital facilities or other specified projects of communitywide significance, and makes related findings and declarations. This bill would additionally authorize the financing of projects that enable communities to adapt to the impacts of climate change, including, but not limited to, specified impacts described in the bill, and would make conforming changes to the Legislature's findings and declarations.</p>   |
| AB 759<br>Dahle  | <p><i>Electricity: electrical cooperatives: integrated resource plan</i></p> <p>Existing law requires the Public Utilities Commission to adopt a process for each load-serving entity to file an integrated resource plan, and a schedule for periodic updates to the plan to ensure that load-serving entities meet specified requirements. Existing law requires each load-</p>   |



serving entity to prepare and file an integrated resource plan consistent with certain requirements on a time schedule directed by the commission and subject to commission review. This bill would provide that, for a load-serving entity that is electrical cooperative, the above requirements only apply if the electrical cooperative has an annual electrical demand exceeding 700 gigawatthours, as determined on a 3-year average commencing January 1, 2013.

AB 797

Irwin

*Solar thermal systems*

The Solar Water Heating and Efficiency Act of 2007, until August 1, 2018, requires the Public Utilities Commission, if it determines that a solar water heating program is cost effective for ratepayers and in the public interest, to implement a program to promote the installation of 200,000 solar water heating systems in homes, businesses, and buildings or facilities of eligible customer classes receiving natural gas service throughout the state by 2017. The act establishes the maximum funding for the program, for the collective service territories of all gas corporations, at \$250,000,000. The act requires the governing body of each publicly owned utility providing gas service to retail end-use customers to adopt, implement, and finance a solar water heating system incentive program to encourage the installation of 200,000 solar water heating systems by 2017. This bill would revise the program to, among other things, promote the installation of solar thermal systems throughout the state, reserve 50% of the total program budget for the installation of solar thermal systems in low-income residential housing or in buildings in disadvantaged communities, expand the program to homeowners that lack access to natural gas and rely on propane or wood burning to fulfill their space heating, water heating, and cooking needs who are being considered to receive natural gas and who reside in the San Joaquin Valley communities identified by the commission, authorize the commission to limit program eligibility based on income levels, require an assessment of the entire program through July 31, 2019, to be completed by December 31, 2019, to determine both the cost-effectiveness of the program and the program's effectiveness in achieving program goals, and extend operation of the program through July 31, 2020. Because a violation of any order, decision, rule, direction, demand, or requirement of the commission implementing these revisions would be a crime, this bill would impose a state-mandated local program. The bill would also require the governing body of each local publicly owned utility providing gas service, until August 1, 2020, to adopt, implement, and finance a solar thermal system incentive program.

AB 1070

Gonzalez  
Fletcher

*Solar energy systems: contracts: disclosures*

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law, the Contractors' State License Law, provides for the licensure and regulation of contractors by the Contractors' State License Board. Existing law requires licensed contractors to be classified and authorizes them to be classified as, among other things, a solar contractor. Under existing law, a solar contractor installs, modifies, maintains, and repairs thermal and photovoltaic solar energy systems. Existing law prohibits a solar contractor from performing building or construction trades, crafts, or skills, except when required to install a thermal or photovoltaic solar energy system. Existing law authorizes the legislative body of a public agency, as defined, to determine that it would be convenient, advantageous, and in the public interest to designate an area within which authorized public agency officials and property owners may enter into voluntary contractual assessments to finance certain improvements, and to utilize Property Assessed Clean Energy (PACE) financing for the installation of distributed generation renewable energy sources and energy or water efficiency improvements, as specified. Existing law requires a financing estimate and disclosure form to be completed and delivered to a property owner before the property owner consummates a voluntary contractual assessment pursuant to one of these programs. This bill would require the board, in collaboration with the Public Utilities Commission, on or before July 1, 2018, to develop and make available on its Internet Web site a disclosure document that provides a consumer with accurate, clear, and concise information regarding the installation of a solar energy system, as specified. The bill would require this disclosure document to be provided by the solar energy systems company to the consumer prior

to completion of a sale, financing, or lease of a solar energy system, as defined, and that it, and the contract, be written in the same language as was principally used in the sales presentation and marketing material. The bill would also require, for solar energy systems utilizing PACE financing, that the financing estimate and disclosure form satisfy these requirements with respect to the financing contract, as specified. The bill would also require the board to post the PACE Financing Estimate and Disclosure form on its Internet Web site. The bill would require the Contractors' State License Board to receive and review complaints and consumer questions, and complaints received from state agencies, regarding solar energy systems companies and solar contractors. The bill would, beginning on July 1, 2019, require the board annually to compile a report documenting complaints it received relating to solar contractors that it shall make available publicly on the board's and the Public Utilities Commission's Internet Web sites. The California Constitution establishes the Public Utilities Commission and authorizes the commission to exercise ratemaking and rulemaking authority over all public utilities, as defined, subject to control by the Legislature. This bill would require the Public Utilities Commission, on or before July 1, 2019, to develop standardized inputs and assumptions to be used in the calculation and presentation of electric utility bill savings to a consumer that can be expected by using a solar energy system by vendors, installers, or financing entities and to post them on its Internet Web site. The bill also would require electrical corporations to post the standardized inputs and assumptions.

**AB 1073**      *California Clean Truck, Bus, and Off-Road Vehicle and Equipment Technology Program*  
**Eduardo**  
**Garcia**      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 act authorizes the state board to include the use of market-based compliance mechanisms. Existing law requires all moneys, except for fines and penalties, collected by the state board as part of a market-based compliance mechanism to be deposited in the Greenhouse Gas Reduction Fund and to be available upon appropriation by the Legislature. The California Clean Truck, Bus, and Off-Road Vehicle and Equipment Technology Program, upon appropriation from the Greenhouse Gas Reduction Fund, funds zero- and near-zero-emission truck, bus, and off-road vehicle and equipment technologies and related projects, as specified. Existing law requires the state board, when funding a specified class of projects, to allocate, until January 1, 2018, no less than 20% of that available funding to support the early commercial deployment of existing zero- and near-zero-emission heavy-duty truck technology. This bill instead would require the state board, when funding a specified class of projects, to allocate, until December 31, 2020, no less than 20% of that available funding to support the early commercial deployment of existing zero- and near-zero-emission heavy-duty truck technology.

**AB 1082**      *Transportation electrification: electric vehicle charging infrastructure: school facilities and other educational institutions*  
**Burke**      Under existing law, the Public Utilities Commission (PUC) has regulatory authority over public utilities, including electrical corporations and gas corporations. Existing law requires the PUC, in consultation with the State Energy Resources Conservation and Development Commission (Energy Commission), the State Air Resources Board (state board), electrical corporations, and the motor vehicle industry, to evaluate policies to develop infrastructure sufficient to overcome any barriers to the widespread deployment and use of plug-in hybrid and electric vehicles and, by July 1, 2011, to adopt rules that address specified related issues. Existing law requires the PUC, in cooperation with the Energy Commission, the state board, air quality management districts and air pollution control districts, electrical and gas corporations, and the motor vehicle industry, to evaluate and implement policies to promote the development of equipment and infrastructure needed to facilitate the use of electric power and natural gas to fuel low-emission vehicles. Existing law, enacted as part of the Clean Energy and Pollution Reduction Act of

2015, requires the PUC, in consultation with the Energy Commission and state board, to direct electrical corporations to file applications for programs and investments to accelerate widespread transportation electrification to reduce dependence on petroleum, meet air quality standards, achieve the goals set forth in the Charge Ahead California Initiative, and reduce emissions of greenhouse gases to 40% below 1990 levels by 2030 and to 80% below 1990 levels by 2050. This bill would authorize an electrical corporation to file with the PUC, by July 30, 2018, a pilot program proposal for the installation of vehicle charging stations at school facilities and other educational institutions, giving priority to school facilities and other educational institutions located in disadvantaged communities, as defined. The bill would require the PUC to review, modify if appropriate, and decide whether to approve a pilot program proposal filed by an electrical corporation by December 31, 2018. The bill would provide that a school district, county office of education, private school, or other educational institution choosing to participate in the pilot program would have authority to establish guidelines for use of the charging stations installed pursuant to the approved pilot program, including use of these charging stations by faculty, students, and parents before, during, and after school hours at those times that the school facilities or other educational institutions are operated for purposes of providing education or school-related activities, and by others present for those activities. The bill would require that construction and maintenance of the charging stations and infrastructure be managed in coordination with the school district, county office of education, private school, or other educational institution. The bill would require that the approved pilot program include a reasonable mechanism for cost recovery by the electrical corporation if the PUC makes specified findings. The bill would require that a school facility or other educational institution receiving charging stations pursuant to the approved pilot program participate in a time-variant rate approved by the PUC and would authorize the school district, county office of education, private school, or other educational institution to require users of the charging stations to pay electricity costs.

AB 1083  
Burke

*Transportation electrification: electric vehicle charging infrastructure: state parks and beaches*

Under existing law, the Public Utilities Commission (PUC) has regulatory authority over public utilities, including electrical corporations and gas corporations. Existing law requires the PUC, in consultation with the State Energy Resources Conservation and Development Commission (Energy Commission), the State Air Resources Board (state board), electrical corporations, and the motor vehicle industry, to evaluate policies to develop infrastructure sufficient to overcome any barriers to the widespread deployment and use of plug-in hybrid and electric vehicles and, by July 1, 2011, to adopt rules that address specified issues. Existing law requires the PUC, in cooperation with the Energy Commission, the state board, air quality management districts and air pollution control districts, electrical and gas corporations, and the motor vehicle industry, to evaluate and implement policies to promote the development of equipment and infrastructure needed to facilitate the use of electric power and natural gas to fuel low-emission vehicles. Existing law, enacted as part of the Clean Energy and Pollution Reduction Act of 2015, requires the PUC, in consultation with the Energy Commission and state board, to direct electrical corporations to file applications for programs and investments to accelerate widespread transportation electrification to reduce dependence on petroleum, meet air quality standards, achieve the goals set forth in the Charge Ahead California Initiative, and reduce emissions of greenhouse gases to 40% below 1990 levels by 2030 and to 80% below 1990 levels by 2050. Existing law vests with the Department of Parks and Recreation control over the state park system, and requires the department to take various actions to develop, operate, and maintain units of the state park system. This bill would authorize an electrical corporation, in consultation with the department, PUC, Energy Commission, and state board, to file with the PUC, by July 30, 2018, a pilot program proposal for the installation of electric vehicle charging stations at state parks and beaches within its service territory. The bill would require the PUC to review, modify if appropriate, and decide whether to approve a pilot program proposal filed by an electrical corporation by December 31, 2018. The bill would require the department to

determine which state parks or beaches are suitable for charging stations. The bill would require that the approved pilot program include a reasonable mechanism for cost recovery by the electrical corporation if the PUC makes specified findings. The bill would require an electrical corporation to prioritize in its proposal those state parks and beaches that serve residents of disadvantaged communities, as defined. The bill would require that state parks and beaches receiving charging stations pursuant to the approved pilot program participate in a time-variant rate approved by the PUC.

AB 1132      *Nonvehicular air pollution: order for abatement*  
Cristina      Existing law regulates the emission of air pollutants by stationary sources and authorizes the  
Garcia      regional air quality management districts and air pollution control districts (air districts) to  
enforce those requirements. Existing law authorizes the governing boards and the hearing boards  
of air districts to issue an order for abatement, after notice and an abatement hearing, whenever  
they find a violation of those requirements. This bill would authorize an air pollution control  
officer, if the officer finds that any person is causing an imminent and substantial endangerment  
to the public health or welfare, or the environment, by violating those requirements, to issue an  
interim order for abatement pending an abatement hearing before the hearing board of the air  
district. The bill would require the officer, before issuing the interim order, to make reasonable  
efforts to meet and confer with the person and make a good faith effort to agree with the person  
on a stipulated interim order. The bill would require the officer to notify the person of issuance  
of an interim order or stipulated interim order and provide the person with an accusation stating  
the grounds for the order and procedures for challenging the order. The bill would require the air  
district to schedule an abatement hearing upon receipt of a defense to the accusation. The bill  
would provide for the interim order to expire or to be rescinded or vacated pending final  
resolution of the abatement hearing, as specified.

AB 1274      *Smog check: exemption*  
O'Donnell      Existing law establishes a motor vehicle inspection and maintenance (smog check) program that  
is administered by the Department of Consumer Affairs. The smog check program requires  
inspection of motor vehicles upon initial registration, biennially upon renewal of registration,  
upon transfer of ownership, and in certain other circumstances. Existing law, except as provided,  
exempts motor vehicles that are 6 or less model-years old from being inspected biennially upon  
renewal of registration. Existing law establishes the Carl Moyer Memorial Air Quality Standards  
Attainment Program, which is administered by the State Air Resources Board. The program  
authorizes the state board to provide grants to offset the incremental cost of eligible projects that  
reduce emissions from covered vehicular sources. The program also authorizes funding for a  
fueling infrastructure demonstration program and for technology development efforts that are  
expected to result in commercially available technologies in the near-term that would improve  
the ability of the program to achieve its goals. This bill would, beginning January 1, 2019, and  
except as provided, exempt motor vehicles that are 8 or less model-years old from being  
inspected biennially upon renewal of registration. The bill would assess an annual smog  
abatement fee of \$25 on motor vehicles that are 7 or 8 model-years old. The bill would require a  
certain amount of the fee to be deposited into the Air Pollution Control Fund and to be available  
for expenditure, upon appropriation by the Legislature, to fund the Carl Moyer Memorial Air  
Quality Standards Attainment Program. The bill would require the balance of the fee to be  
deposited into the Vehicle Inspection and Repair Fund. This bill would declare that it is to take  
effect immediately as an urgency statute.

AB 1284     *California Financing Law: Property Assessed Clean Energy program: program administrators*  
 Dababneh

Existing law, the California Finance Lenders Law, generally provides for the licensure and regulation of finance lenders and brokers by the Commissioner of Business Oversight. Existing law requires a person seeking to become licensed as a finance lender or broker to submit an application to the commissioner, and to comply with specified licensure requirements such as paying a fee and an annual assessment to the commissioner. Existing law requires a finance lender or broker licensee to comply with requirements related to the conduct of his or her business. Existing law exempts specified types of entities or financial instruments from regulation under the California Finance Lenders Law. Existing law authorizes the commissioner to take specified disciplinary actions against a licensee, including ordering the licensee to cease specified activity or suspending or revoking the license of the licensee. Existing law, known commonly as a Property Assessed Clean Energy (PACE program), authorizes a public agency, by making specified findings, to authorize public agency officials and property owners 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 fixed to real property. Existing law requires a public agency to comply with specified requirements before permitting a property owner to participate in any program established pursuant to those provisions, including that the property owner's participation would not result in the total amount of any annual property taxes and assessments exceeding 5% of the property's market value, and that the property owner is provided with specified financial documents and other forms. Existing law authorizes a private entity to administer a PACE program on behalf of, and with the written consent of, a public agency. Existing state law, the California Financial Information Privacy Act, prohibits a financial institution from selling, sharing, transferring, or otherwise disclosing nonpublic personal information to, or with, nonaffiliated 3rd parties without the explicit prior consent from the consumer to whom the information relates. This bill would rename the "California Finance Lenders Law" the "California Financing Law," and would require specified criteria related to the assessment contract to be satisfied before a program administrator approves an assessment contract for recordation by a public agency, including that all property taxes on the applicable property be current, the applicable property to not have specified debt recorded, that the property owner be current on specified debt and to have not been a party to a bankruptcy proceeding within a specified time, that the financing of the assessment, as well as the total value of all debt on the property, not exceed a specified amount, and that the terms of the assessment contract not exceed certain limitations. This bill would, commencing on April 1, 2018, prohibit a program administrator from approving an assessment contract for funding and recording by a public agency unless the program administrator makes a reasonable good faith determination that the property owner has a reasonable ability to pay the PACE assessments, subject to specified requirements and procedures. The bill would require a program administrator to comply with the requirements of the California Financial Information Privacy Act. The bill would, commencing on January 1, 2019, require a program administrator that administers a PACE program on or behalf of a public agency to be licensed by the commissioner under the California Financing Law. The bill would require a program administrator to comply with licensure requirements that are similar to those of a finance lender or broker as described above. The bill would require a program administrator licensee to comply with similar requirements to those of finance lenders and brokers as to the conduct of his or her business, including display of his or her license, location of his or her business, maintenance and preservation of his or her records, reporting, including filing a specified annual report under oath, prohibiting making false or misleading statements, and advertising. By expanding the crime of perjury, this bill would impose state-mandated local program. The bill would provide that the exemptions described above do not apply to a program administrator. The bill would require a program administrator to establish and maintain a process for the enrollment of a PACE solicitor and a PACE solicitor agent, including requiring a PACE solicitor or a PACE solicitor agent to meet specified minimum background checks, and would prohibit a program administrator from enrolling a PACE solicitor or a PACE solicitor

agent if the program administrator makes specified findings. The bill would require a program administrator to establish and maintain a process to promote and evaluate the compliance of a PACE solicitor and a PACE solicitor agent with applicable law, and to establish and maintain a process to cancel the enrollment of a PACE solicitor or PACE solicitor agents who fail to meet minimum qualifications. The bill would require a program administrator to establish and maintain a training program for PACE solicitor agents, in accordance with certain requirements. The bill would authorize the commissioner to take disciplinary actions against a program administrator that are similar to the disciplinary provisions described above for a finance lender or broker, including authorizing the commissioner to conduct an examination under oath, and would subject a program administrator to the enforcement authority of the commissioner for specified violations. The bill would authorize the commissioner, if during the course of an inspection, examination, or investigation of a program administrator the commissioner has cause to believe that the program administrator, PACE solicitor, or PACE solicitor agent may have committed a violation of the California Financing Law or that certain conditions are met, to take specified actions to investigate a PACE solicitor or a PACE solicitor agent, including authorizing the commissioner to conduct an examination under oath. The bill would authorize the commissioner to take disciplinary actions against a PACE solicitor or a PACE solicitor agent that violates any provision of the California Financing Law, subject to certain requirements and procedures. The bill would provide that if the person subject to an investigation under these provisions complies with the commissioner's demands, or otherwise reaches a mutually agreeable resolution of any issues, then any examinations and correspondence related to that investigation is confidential. This bill would require a program administrator to submit to the commissioner information beneficial to evaluating various aspects of the PACE program to be included in a specified annual report, as provided. The bill would authorize the commissioner, by rule, to require a program administrator to use a real-time registry or database system for tracking PACE assessments and the bill would require costs associated with the real-time registry or database system to be apportioned among licensed program administrators, as specified. The bill would include findings that the changes proposed by this bill address a matter of statewide concern and is not a municipal affair, and shall therefore apply equally to all cities, including charter cities. Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest. This bill would make legislative findings to that effect.

AB 1343 *Water conservation: school districts: Go Low Flow Water Conservation Partnerships*  
Chen

Existing law authorizes the governing board of a school district to initiate and carry on any program or activity, or to otherwise act in any manner, which is not in conflict or inconsistent with, or preempted by, any law and which is not in conflict with the purposes for which school districts are established. This bill would authorize the governing board of a school district to enter into a Go Low Flow Water Conservation Partnership with a public water system for purposes of reducing water use at schools, reducing stormwater and dry weather runoff at schools, reducing schoolsite water pollution, and establishing the basis for educational opportunities in water conservation. The bill would authorize a public water system to offer, as part of a partnership, a water rebate for a school that implements water-saving measures.

AB 1400 *Public Interest Research, Development, and Demonstration Program and Electric Program Investment Charge program: microgrid projects: diesel backup generators*  
Friedman

The California Constitution establishes the Public Utilities Commission (PUC), with jurisdiction over all public utilities, as defined. Existing decisions of the PUC institute an Electric Program Investment Charge (EPIC) to fund renewable energy and research, development, and demonstration programs. Existing law creates in the State Treasury the Electric Program Investment Charge Fund to be administered by the State Energy Resources Conservation and

Development Commission (Energy Commission) and requires the PUC to forward to the Energy Commission at least quarterly moneys for those EPIC programs the PUC has determined should be administered by the Energy Commission for deposit in the fund. Existing law requires the Energy Commission, in administering moneys in the fund for research, development, and demonstration programs, to develop and implement the EPIC program for the purpose of awarding funds to projects that may lead to technological advancement and breakthroughs to overcome barriers that prevent the achievement of the state's statutory energy goals and that may result in a portfolio of projects that are strategically focused and sufficiently narrow to make advancement on the most significant technological challenges. Existing law requires the Energy Commission to develop, implement, and administer the Public Interest Research, Development, and Demonstration Program to provide support for a full range of research, development, and demonstration activities to advance energy science or technologies that, as determined by the Energy Commission, are not adequately provided for by competitive and regulated energy markets. This bill would, for projects related to the deployment of microgrids, prohibit recipients of moneys awarded under the above 2 programs from expending those moneys for the purchase of diesel generators.

AB 1414  
Friedman

*Solar energy systems: permits*

Existing law, for purposes of provisions governing property rights, defines the term “solar energy system” to mean any solar collector or other solar energy device whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating or cooling, or for water heating, or any structural design feature of a building, whose primary purpose is to provide for the collection, storage, and distribution of solar energy for electricity generation, space heating or cooling, or water heating. This bill would revise the definition of “solar energy system” to specify that a design feature additionally includes any photovoltaic device or technology that is integrated into a building, including, but not limited to, photovoltaic windows, siding, and roofing shingles or tiles. Existing law requires a city, county, or city and county to administratively approve applications to install solar energy systems through the issuance of a building permit or similar nondiscretionary permit. Existing law, until January 1, 2018, prohibits permit fees for rooftop solar energy systems that produce direct current electricity, as specified, by a city, county, city and county, or charter city from exceeding the estimated reasonable cost of providing the service for which the fee is charged, which cannot exceed \$500 plus \$15 per kilowatt for each kilowatt above 15kW for residential permits and, for commercial permits, \$1,000 for systems up to 50kW plus \$7 per kW for each kW between 51kW and 250kW, plus \$5 per kW for each kW above 250kW. Existing law authorizes permit fees that exceed these charges if, as part of a written finding and adopted resolution or ordinance, the city, county, city and county, or charter city provides substantial evidence, as specified, of the reasonable cost to issue the permit. This bill would extend the applicability of the above-described limit on fees to all solar energy systems and would extend the repeal date to January 1, 2025. This bill would revise and reduce the maximum permit fees, as specified, for photovoltaic and thermal systems. This bill would authorize permit fees that exceed these charges if the city, county, city and county, or charter city provides substantial evidence, as part of a written finding and adopted resolution or ordinance, of the reasonable cost to issue the permit. The bill would require the written finding to include consideration of any reduction in permit or inspection costs.

AB 1452  
Muratsuchi

*Parking: exclusive electric charging and parking on public streets*

Existing law authorizes a local authority, by ordinance or resolution, to designate stalls or spaces in an offstreet parking facility owned or operated by that local authority for the exclusive purpose of charging and parking a vehicle that is connected for electric charging purposes. Existing law also authorizes the removal of a vehicle from an offstreet parking facility if the vehicle is not connected for electric charging purposes. Existing law makes it a crime for a person to park or leave a vehicle in a stall or space designated for electric parking purposes unless the vehicle is connected for those purposes. This bill would authorize a local authority, by

ordinance or resolution, to designate stalls or spaces on a public street within its jurisdiction for the exclusive purpose of charging and parking a vehicle that is connected for electric charging purposes. The bill would also authorize the removal of a vehicle from a designated stall or space on a public street if the vehicle is not connected for electric charging purposes, under specified conditions.

**AB 1530** Urban forestry  
**Gonzalez** The California Urban Forestry Act of 1978 has as a stated purpose the promotion of the use of  
**Fletcher** urban forest resources for purposes of increasing integrated projects with multiple benefits in urban communities. This bill would provide that the purpose of the act is also to promote policies and incentives that advance improved maintenance of urban forest canopy to optimize multiple benefits, among other purposes. The act authorizes the Department of Forestry and Fire Prevention to implement a program in urban forestry to encourage better tree management and planting in urban areas, as provided. This bill would require the department to implement this program, establish local or regional targets for urban tree canopy, and develop or update regulations as necessary, as provided. The act requires the department to provide technical assistance to urban areas with respect to certain actions, including planning for regional, county, and local land use analysis projects related to urban forestry. The bill would also, among other things, require the department to provide technical assistance to urban areas with respect to the improvement and enhancement of local water capture for urban forest maintenance, and would define “urban forest maintenance” and “local water” for these purposes. The act authorizes the director of the department to make grants to provide assistance for projects and to waive the cost sharing requirement for projects that are in disadvantaged and severely disadvantaged communities. The act defines disadvantaged community and severely disadvantaged community for these purposes. This bill would redefine a disadvantaged community as one that is identified as such pursuant to the Greenhouse Gas Reduction Fund Investment Plan and Communities Revitalization Act. The bill would delete the definition of severely disadvantaged community and instead use low-income community as that term is used in the Greenhouse Gas Reduction Fund Investment Plan and Communities Revitalization Act. The bill would authorize the director to authorize advance payments from a grant awarded to a nonprofit organization that is located in or providing service to disadvantaged or low-income communities, as provided. The act authorizes certain types of assistance, including funding for development of urban tree plans that include coordination of local agency efforts and citizen involvement. This bill would also authorize assistance for funding for improved urban forest maintenance, and projects that respond to events that impact urban forest health, as provided, and funding for planning and technical assistance for eligible applicants assisting disadvantaged communities.

**AB 1647** *Petroleum refineries: air monitoring systems*  
**Muratsuchi** Existing law generally designates air pollution control and air quality management districts with the primary responsibility for the control of air pollution from all sources other than vehicular sources. Existing law authorizes the State Air Resources Board or the air district to require the owner or the operator of an air pollution emission source to take any action that the state board or the air district determines to be reasonable for the determination of the amount of air pollution emissions from that source. This bill would require a refinery-related community air monitoring system, as defined, to be installed on or before January 1, 2020, as specified, and would require an air district to design, develop, install, operate, and maintain the refinery-related community air monitoring system or to contract with a third party to provide those services. The bill would require an owner or operator of a petroleum refinery to develop, install, operate, and maintain a fence-line monitoring system, as defined, on or before January 1, 2020, as specified. The bill would require the air district and the owner or operator of a refinery to collect real-time data from these monitoring systems, to provide that data as quickly as possible in a publicly accessible format, and to maintain records of that data. The bill would require the owner or operator of a petroleum refinery to be responsible for the costs associated with the refinery-related community air monitoring system and the fence-line monitoring system, except as



specified.

AB 1649 *Oil refineries: public safety*

Muratsuchi Existing law establishes the California Environmental Protection Agency under the supervision of the Secretary for Environmental Protection, consisting of various boards, offices, and departments, and vests the agency with authority over various environmental matters. This bill would provide for the California Environmental Protection Agency, in consultation with specified federal, state, and local agencies, to examine ways to improve public and worker safety through enhanced oversight of refineries and to strengthen emergency preparedness in anticipation of any future refinery incident. The bill would require the California Environmental Protection Agency, in consultation with those agencies, to facilitate coordination among those agencies to protect the public, fence line communities, and refinery workers from risks associated with refinery operations throughout the state. The bill would require the California Environmental Protection Agency to hold at least 2 public meetings a year, as specified, to provide members of the public with current information on refinery safety and to receive information from the public regarding health and safety concerns associated with refinery operations

SB 5 *California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Act of 2018*

De León Under existing law, programs have been established pursuant to bond acts for, among other things, the development and enhancement of state and local parks and recreational facilities. Existing law, the Water Quality, Supply, and Infrastructure Improvement Act of 2014, approved by the voters as Proposition 1 at the November 4, 2014, statewide general election, authorizes the issuance of general obligation bonds in the amount of \$7,545,000,000 to finance a water quality, supply, and infrastructure improvement program. Existing law, the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006, an initiative measure approved by the voters as Proposition 84 at the November 7, 2006, statewide general election, authorizes the issuance of bonds in the amount of \$5,388,000,000 for the purposes of financing safe drinking water, water quality and supply, flood control, natural resource protection, and park improvements. Existing law, the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002, approved by the voters as Proposition 40 at the March 5, 2002, statewide primary election, authorizes the issuance of bonds in the amount of \$2,600,000,000, for the purpose of financing a program for the acquisition, development, restoration, protection, rehabilitation, stabilization, reconstruction, preservation, and interpretation of park, coastal, agricultural land, air, and historical resources. This bill would enact the California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Act of 2018, which, if approved by the voters, would authorize the issuance of bonds in an amount of \$4,000,000,000 pursuant to the State General Obligation Bond Law to finance a drought, water, parks, climate, coastal protection, and outdoor access for all program. The bill, upon voter approval, would reallocate \$100,000,000 of the unissued bonds authorized for the purposes of Propositions 1, 40, and 84 to finance the purposes of a drought, water, parks, climate, coastal protection, and outdoor access for all program. The bill would provide for the submission of these provisions to the voters at the June 5, 2018, statewide primary direct election. This bill would declare that it is to take effect immediately as an urgency statute

SB 242 *Property Assessed Clean Energy program: program administrator*

Skinner Existing law, known commonly as a Property Assessed Clean Energy (PACE) financing program, authorizes a public agency, by making specified findings, to authorize public agency officials and property owners 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 fixed to real property. Existing law similarly authorizes a

community facilities district to be formed pursuant to an alternative procedure under which the district initially consists solely of territory proposed for annexation to the community facilities district in the future and territory is annexed and subjected to special taxes only upon unanimous approval of the owners, to finance and refinance the acquisition, installation, and improvement of energy efficiency, water conservation, and renewable energy improvements. Existing law authorizes a public agency, or an entity that administers a PACE financing program on behalf of and with the written consent of a public agency, to issue PACE bonds that are secured by voluntary contractual assessments, voluntary special taxes, or special taxes on property to assist property owners in financing the installation of distributed generation renewable energy sources, electric vehicle charging infrastructure, or energy or water efficiency improvements. The bill would require a program administrator, before a property owner executes an assessment contract, as defined, to make an oral confirmation that at least one owner of the property has a copy of specified documents and forms related to the contract, and to provide an oral confirmation of the key terms of an assessment contract with the property owner on the call or an authorized representative of the owner on the call that contains specified information. The bill would require a program administrator to record the oral confirmation, and to retain that recording for a specified period of time. The bill would require a program administrator to ask if the property owner would prefer the oral confirmation be provided in a language other than English, and would require the program administrator to deliver the oral confirmation in the property owner's language or via an interpreter chosen by the property owner in order for the contract to proceed, and would require the program administrator to provide the property owner with the translation of specified documents. This bill would prohibit a program administrator from waiving or deferring the first payment on an assessment contract, and would require that a property owner's first assessment payment be due no later than the fiscal year following the fiscal year in which the installation of the efficiency improvement is completed. The bill would prohibit a contractor or other 3rd party from advertising the availability of an assessment contract that is administered by a program administrator, or from soliciting property owners on behalf of the program administrator, unless specified requirements are met. The bill would prohibit a program administrator from providing direct or indirect cash payments or anything of a material value to a contractor or 3rd party that is in excess of the actual price charged to the property owner for the sale or installation of efficiency improvements financed by an assessment contract, except for reimbursement of bona fide and reasonable training expenses related to PACE financing, as provided. The bill would also prohibit a program administrator from providing direct or indirect cash payments or anything of a material value to a property owner that is explicitly conditioned upon the property owner entering into the assessment contract. The bill would prohibit a program administrator, contractor, or other 3rd party from making any representation as to the tax deductibility of an assessment contract, unless that representation is consistent with applicable state and federal law. The bill would prohibit a program administrator from providing information that discloses specified information relating to the property owner or the property. The bill would prohibit a contractor from providing a different price for a project financed by a PACE assessment than the contractor would provide if paid in cash by the property owner. Existing law prohibits a public agency from permitting a property owner to participate in a PACE program unless the property owner satisfies certain conditions and the property owner is given the right to cancel the contractual assessment at any time before midnight on the 3rd business day after certain events occur, without penalty or obligation, consistent with certain requirements. Existing law requires a home improvement contract to be in writing and to contain certain information, notices, and disclosures, including a statement that a consumer has a right to cancel or rescind the contract within 3 days, and authorizes the consumer to waive that right to cancel in the case of an emergency or immediately necessary repairs. The bill would make it unlawful to commence work under a home improvement contract if the property owner entered into the home improvement contract based on the reasonable belief that the work would be covered by the PACE program, and the property owner rescinds the PACE financing within the 3-day time period described above. The bill would require a contractor who violates that provision to restore the property to its original condition,

and to return any money, property, and other consideration back to the property owner. The bill would authorize a property owner to waive his or her right to cancel for a contract that the property owner initiated for emergency repair or immediately necessary repair, as provided. The bill would require a program administrator, for each PACE program that it administers, to submit reports to the public agency by a specified time that contains specified information regarding that program. This bill would include findings that the changes proposed by this bill address a matter of statewide concern, and therefore shall apply to all cities and counties, including charter cities.

**SB 338** *Integrated resource plan: peak demand*  
**Skinner** Existing law requires the Public Utilities Commission to adopt a process for each load-serving entity to file an integrated resource plan and a schedule for periodic updates to the plan to ensure that the load-serving entity meets, among other things, the state's greenhouse gas emissions reduction targets and the requirement to procure at least 50% of its electricity from eligible renewable resources by December 31, 2030. Existing law requires a local publicly owned electric utility with an annual electrical demand exceeding 700 gigawatthours, on or before January 1, 2019, to adopt an integrated resources plan and a process for updating the plan at least once every 5 years to ensure that the utility satisfies, among other things, the state's greenhouse gas emissions reduction targets and the requirement to procure at least 50% of its electricity from eligible renewable resources by December 31, 2030. This bill would require the commission and the governing boards of local publicly owned electric utilities to consider, as a part of the integrated resource plan process, the role of distributed energy resources and other specified energy- and efficiency-related tools, in helping to ensure that each load-serving entity or local publicly owned electric utility, as applicable, meets energy needs and reliability needs while reducing the need for new electricity generation and new transmission in achieving the state's energy goals at the least cost to ratepayers.

**SB 498** *Vehicle fleets: zero-emission vehicles*  
**Skinner** (1) Existing law generally designates the State Air Resources Board as the state agency with the primary responsibility for the control of vehicular air pollution. The Charge Ahead California Initiative, administered by the state board, includes goals of, among other things, placing in service at least 1,000,000 zero-emission and near-zero-emission vehicles by January 1, 2023, and increasing access for disadvantaged, low-income, and moderate-income communities and consumers to zero-emission and near-zero-emission vehicles. Existing law establishes the Air Quality Improvement Program, administered by the state board, to fund projects related to, among other things, the reduction of criteria air pollutants and improvement of air quality. Pursuant to the Air Quality Improvement Program, the state board has established the Clean Vehicle Rebate Project to promote the production and use of zero-emission vehicles and the Hybrid and Zero-Emission Truck and Bus Voucher Incentive Project to provide vouchers to help California fleets purchase hybrid and zero-emission trucks and buses. This bill would require the state board, in consultation with stakeholders, to review all programs affecting the adoption of light-duty, medium-duty, and heavy-duty zero-emission vehicles in the state and report to the Legislature no later than July 1, 2019, recommendations for increasing the use of those vehicles for vehicle fleet use and on a general-use basis in the state, as specified. (2) Existing law requires the Secretary of Government Operations, in consultation with the Department of General Services and other specified state agencies, to develop, implement, and submit to the Legislature and the Governor a plan to improve the overall state vehicle fleet's use of alternative fuels, synthetic lubricants, and fuel-efficient vehicles by reducing or displacing the consumption of petroleum products by the state fleet when compared to the 2003 consumption level, based on a specified schedule. This bill would require the Department of General Services, beginning no later than the 2024–25 fiscal year, to ensure at least 50% of the light-duty vehicles purchased for the state vehicle fleet each fiscal year are zero-emission vehicles, except as specified.

- SB 541      *Water: school facility water capture practices*  
Allen      Existing law requires the State Energy Resources Conservation and Development Commission, in consultation with the State Department of Education and the Division of the State Architect and the Office of Public School Construction within the Department of General Services, to recommend best design practices that include energy efficiency measures for all new public schools, and to report the recommendations to the Governor and the Legislature by October 1, 2003. Existing law establishes in the California Environmental Protection Agency, the State Water Resources Control Board, which exercises the adjudicatory and regulatory functions of the state in the field of water resources. This bill would require the board, in consultation with the regional water quality control boards, and the Division of the State Architect within the Department of General Services to recommend best design and use practices for stormwater and dry weather runoff capture practices, as defined, that can generally be applied to all new, reconstructed, or altered public schools, including school grounds. The bill would require the board to submit these recommendations to the Governor and the Legislature on or before January 1, 2019, and would require the board and the State Department of Education to post the recommendations on their respective Internet Web sites.
- SB 563      *Residential wood smoke*  
Lara      Existing law requires the State Air Resources Board to approve and begin implementing a comprehensive strategy to reduce emissions of short-lived climate pollutants to achieve a reduction in methane by 40%, hydrofluorocarbon gases by 40%, and anthropogenic black carbon by 50% below 2013 levels by 2030, as specified. The California Global Warming Solutions Act of 2006 establishes the state board as the state agency responsible for monitoring and regulating sources emitting greenhouse gases. The act authorizes the state board to include the use of market-based compliance mechanisms. Existing law requires all moneys, except for fines and penalties, collected by the state board from a market-based compliance mechanism to be deposited in the Greenhouse Gas Reduction Fund and to be available upon appropriation by the Legislature. This bill would establish the Woodsmoke Reduction Program to be administered by the state board, in coordination with air districts, to promote the voluntary replacement of old wood-burning stoves with cleaner and more efficient alternatives in order to achieve short- and long-term climate benefits and localized public health benefits, as specified. The bill would authorize moneys from the Greenhouse Gas Reduction Fund to be allocated for incentives offered as part of the program.
- SB 639      *Property taxation: assessment: electric generation facilities*  
Hertzberg      Existing property tax law generally requires a county assessor to assess all property subject to general property taxation at its full value, but requires the State Board of Equalization to annually value and assess all of the taxable property within the state that is to be assessed by it pursuant to the California Constitution, which includes, among other things, property, except franchises, owned or used by companies transmitting or selling electricity and property owned or used by other public utilities, as authorized by the Legislature. Existing property tax law authorizes the board to use the principle of unit valuation in valuing properties of a state assessee that are operated as a unit in a primary function of the assessee, and provides for the allocation of property tax assessed value and revenues from the unitary and operating nonunitary property, as defined, of the state assessee among the various counties in which that property is located. Existing property tax law requires the board to annually assess every electric generation facility with a generating capacity of 50 megawatts or more that is owned or operated by an electrical corporation, as defined. Existing property tax law provides an exception from this requirement for qualifying small power production facilities and qualifying cogeneration facilities, as defined by reference to specified federal law. This bill would provide an additional exception for a facility producing power from other than a conventional power source that is an exempt wholesale generator, as defined by reference to specified federal law, thereby requiring that these facilities be assessed by county assessors. By requiring county assessors to assess

certain facilities, this bill would impose a state-mandated local program. Existing property tax law specifies that the above-described provisions relating to assessment of electric generation facilities by the board supersede any contrary regulation in existence as of the effective date of the existing provisions. This bill would delete this specification.

## **Criminal Justice and Public Safety**

### **AB 7**      *Firearms: open carry*

Gipson

Existing law prohibits, with certain exceptions, openly carrying an unloaded handgun outside a vehicle while in or upon a public place or public street of an incorporated city or city and county or while in or upon a public place or public street within a prohibited area, being defined as any area in which it is unlawful to discharge a firearm. Existing law also prohibits, with certain exceptions, carrying an unloaded firearm that is not a handgun, such as a shotgun or rifle, while in an incorporated city or city and county but does not prohibit the carrying of an unloaded firearm other than a handgun in unincorporated areas of a county. This bill would prohibit the carrying of, and make it a crime to carry, an unloaded firearm other than a handgun while in or upon a public place or public street within a prohibited area located within the unincorporated area of a county.

### **AB 90**      *Criminal gangs*

Weber

Existing law, the California Street Terrorism Enforcement and Prevention Act (act), provides specified punishments for certain crimes committed for the benefit of, at the direction of, or in association with, a criminal street gang, as specified. There is established within the Department of Justice the CalGang Executive Board, which is responsible for the administration, policy, and sustainability of the CalGang system, a shared gang database of statewide gang-related information. The act defines a “shared gang database” as having various attributes, including, among others, that the database contains personal identifying information in which a person may be designated as a suspected gang member, associate, or affiliate, or for which entry of a person in the database reflects a designation of that person as a suspected gang member, associate, or affiliate. Existing law establishes a review and appeal process for a person to challenge his or her inclusion in a gang database. This bill would revise the definition of “shared gang database” for its purposes to mean any gang database that is accessed by an agency or person outside of the agency that created the database. The bill would also define “gang database” for its purposes as any database accessed by a law enforcement agency that designates a person as a gang member or associate, or includes or points to information, including, but not limited to, fact-based or uncorroborated information, that reflects a designation of that person as a gang member or associate. The bill would make the Department of Justice responsible for administering and overseeing any shared gang database in which California law enforcement agencies participate, and would provide that commencing January 1, 2018, the CalGang Executive Board would no longer administer or oversee the CalGang database. The bill would require the department to promulgate regulations governing the use, operation, and oversight of any shared gang database, including, among other things, establishing the requirements for entering and reviewing gang designations, the retention period for listed gangs, and the criteria for identifying gang members. The bill would require the department to establish the Gang Database Technical Advisory Committee with specified members to advise the department in promulgating regulations governing the use, operation, and oversight of shared gang databases, as specified. The bill would require the department to develop and implement standardized periodic training for all persons with access to the CalGang database. The bill would require the department, by January 1, 2020, to promulgate regulations to provide for periodic audits by law enforcement agencies and department staff to ensure the accuracy, reliability, and proper use of any shared gang database, and to report the results of those audits to the public. The bill would require the department, commencing February 15, 2018, to publish and post on the department’s Internet Web site an annual report regarding specified information about the CalGang database and the periodic audits. The bill would impose a moratorium on the use of the CalGang database commencing January 1, 2018, until the Attorney General certifies that specified information has been purged from the CalGang database. The bill would recast, as a petition process, the review and appeal process that authorizes challenges to the inclusion in a shared gang database, and would make additional conforming changes.

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| AB 529<br>Mark<br>Stone | <p><i>Juveniles: sealing of records</i></p> <p>Existing law generally subjects any person under 18 years of age who commits a crime to the jurisdiction of the juvenile court, which may adjudge that person to be a ward of the court. Under existing law, juvenile court proceedings to declare a minor a ward of the court are commenced by the filing of a petition by the probation officer, the district attorney after consultation with the probation officer, or the prosecuting attorney, as specified. Existing law authorizes a judge of the juvenile court to dismiss a petition, or set aside the findings and dismiss a petition, if the court finds that the interests of justice and the welfare of the minor require that dismissal, or if the court finds that the minor is not in need of treatment or rehabilitation. This bill would require, if a person who has been alleged to be a ward of the juvenile court and has his or her petition dismissed or if the petition is not sustained by the court after an adjudication hearing, the court to seal all records pertaining to that dismissed petition that are in the custody of the juvenile court, and in the custody of law enforcement agencies, the probation department, or the Department of Justice in accordance with a specified procedure. The bill would, when a record has been sealed by the court based on a dismissed petition, authorize the prosecutor, within 6 months of the date of dismissal, to petition the court to access, inspect, or utilize the sealed record for the limited purpose of refile the dismissed petition based on new circumstances, and would require court to determine whether the new circumstances alleged by the prosecutor provide sufficient justification for accessing, inspecting, or utilizing the sealed record in order to refile the dismissed petition. The bill would make additional technical changes. By imposing new duties on local agencies relating to sealing juvenile records, the bill would impose a state-mandated local program. The bill would require a probation department to seal the records of a juvenile upon satisfactory completion of a program of diversion or supervision to which a juvenile is referred by the probation department or prosecutor in lieu of filing a petition to adjudge the juvenile a ward. The bill would also require a public or private agency operating a diversion program to seal the records in its custody. The bill would require the probation department to notify the juvenile, in writing, that his or her records have been sealed or notify the juvenile, in writing, of the reasons that the records were not sealed. If the records are not sealed, the bill would allow the juvenile to petition the court to review the decision. The bill would authorize a probation department to access sealed records under these provisions for a limited purpose, as specified.</p> |
| AB 544<br>Bloom         | <p><i>Vehicles: high-occupancy vehicle lanes</i></p> <p>Existing federal law authorizes, until September 30, 2019, a state to allow low emission and energy-efficient vehicles, as specified, to use lanes designated for high-occupancy vehicles (HOVs). Existing federal law also authorizes, until September 30, 2025, a state to allow alternative fuel vehicles, as defined, and new qualified plug-in electric drive motor vehicles, as defined, to use those HOV lanes. Existing state law authorizes the Department of Transportation to designate certain lanes for the exclusive use of HOVs. Existing law also authorizes super ultra-low emission vehicles (SULEV), ultra-low emission vehicles (ULEV), advanced technology partial zero-emission vehicles (AT PZEV), or transitional zero-emission vehicles (TZEV), as specified, that display a valid identifier issued by the Department of Motor Vehicles to use these HOV lanes until January 1, 2019, or until the date federal authorization expires, or until the Secretary of State receives a specified notice, whichever occurs first. Existing law makes the use by a driver of an HOV lane without those identifiers a crime. Existing law requires the Department of Transportation to remove individual HOV lanes, or portions of those lanes, during peak periods of congestion from access by vehicles displaying the identifiers if the department makes specified findings. This bill would extend the authority of drivers of specified vehicles to use HOV lanes until the date federal authorization expires, or until the Secretary of State receives a specified notice, whichever occurs first. The bill would authorize the Department of Motor Vehicles to issue identifiers until the date federal authorization expires, or until the Secretary of State receives a certain notice, whichever occurs first. The bill would make certain existing identifiers valid until January 1, 2019, would make certain identifiers issued on or after January 1, 2019, valid until January 1, 2022, and would make other identifiers issued on</p>   |

or after January 1, 2019, valid until January 1 of the 4th year after the year in which they were issued, as specified. The bill would provide, subject to exception, that a vehicle may not be issued an identifier more than once. The bill would additionally condition eligibility for the identifiers on the applicant not having received a rebate pursuant to the Clean Vehicle Rebate Project for a vehicle purchased on or after January 1, 2018, unless the applicant meets certain income restrictions. The bill would provide that if these provisions become inoperative, the driver of a vehicle with an otherwise valid decal, label, or other identifier would not be cited for a violation of the HOV lane provisions within 60 days of the date that those provisions became inoperative. The bill would make additional conforming changes. The bill would repeal these provisions on September 30, 2025.

AB 557

Rubio

*CalWORKs: victims of abuse*

Existing federal law provides for allocation of federal funds through the federal Temporary Assistance for Needy Families (TANF) block grant program to eligible states. Existing law provides for the California Work Opportunity and Responsibility to Kids (CalWORKs) program, under which, through a combination of state and county funds and federal funds received through the TANF program, each county provides cash assistance and other benefits to qualified low-income families. Existing law requires children in a CalWORKs assistance unit for whom school attendance is compulsory, except individuals who are eligible for the Cal-Learn Program and children subject to a county school attendance project, to attend school. Under existing law, the needs of a child in the assistance unit who is 16 years of age or older are not considered in computing the specified grant of the family for any month in which the county is informed by a school district or a county school attendance review board that the child did not attend school, unless at least one of certain conditions is present, including that good cause for school nonparticipation exists at any time during the month. This bill would, among other things, commencing July 1, 2018, provide that a circumstance that shall constitute good cause includes, but is not limited to, the applicant or recipient is in a domestic violence situation that results in school nonparticipation or the failure to cooperate. Under existing law, the CalWORKs program provides that a homeless family that has used all available liquid resources in excess of \$100 may be eligible for homeless assistance benefits to pay the costs of temporary shelter and is also entitled to receive an allowance for nonrecurring special needs, as provided. Existing law requires a family to be eligible for temporary and permanent homeless assistance benefits when homelessness is a direct result of, among others things, domestic violence by a spouse, partner, or roommate, and that this circumstance may be verified by a sworn statement by the victim. This bill would, commencing July 1, 2018, provide that a CalWORKs applicant who provides a sworn statement of past or present domestic abuse and who is fleeing his or her abuser is deemed to be homeless and is eligible for temporary homeless assistance, for a limited period of time, notwithstanding any income and assets attributable to the alleged abuser. The bill would require that the homeless assistance payments be granted immediately after the family's application, as specified. The bill would provide that housing search documentation would be required only under specified circumstances. Because this bill increases the scope of a crime, the bill would impose a state-mandated local program. This bill would also require all CalWORKs applicants and recipients to be informed verbally and in writing, and to the extent required by law, in the language understood by the applicant or recipient, of the availability of services designed to assist individuals to identify, escape, or stop future domestic abuse as well as to deal with the effects of domestic abuse. By increasing the duties of counties administering the CalWORKs program, this bill would impose a state-mandated local program. This bill would, commencing July 1, 2018, require the State Department of Social Services, during the annual budget process, to update the Legislature at hearings regarding the number of CalWORKs welfare-to-work recipients, aggregated by county, who have been identified as potential victims of domestic abuse, as specified. The bill would require the report to also include a list of counties that require domestic violence survivors to be offered specified waivers and a summary of actions taken by the department to address the specific and unique needs of survivors of domestic abuse. This bill would authorize the State Department of Social Services to implement



and administer the above-described provisions through all-county letters or similar instructions until regulations are adopted, and would require the department to adopt emergency regulations and final regulations, as specified. This bill would incorporate additional changes to Section 11450 of the Welfare and Institutions Code, proposed by AB 236 and AB 607, that would become operative only if this bill and AB 236, this bill and AB 607, or all 3 bills are enacted and this bill is enacted last. Existing law continuously appropriates moneys from the General Fund to defray a portion of county costs under the CalWORKs program. This bill would instead provide that the continuous appropriation would not be made for purposes of implementing the bill.

AB 683      *Prisoners: support services*

Eduardo Garcia      Existing law requires the Department of Corrections and Rehabilitation to contract with a private nonprofit agency or agencies to establish and operate a visitor center outside each state adult prison in California that has a population of more than 300 inmates. Under existing law, those visitor centers are required to provide minimum services to prison visitors, including, among other services, assistance with transportation between public transit terminals and prisons, child care for visitors' children, and referral to other agencies and services. This bill would authorize the Counties of Alameda, Imperial, Los Angeles, Riverside, San Diego, Santa Clara, and San Joaquin to implement pilot programs to provide reentry services and support to persons who are, or who are scheduled to be, released from a county jail. The bill would require the pilot programs to include specified components, including support services for parents and a mentorship program. The bill would require each county that elects to implement one or more pilot programs pursuant to these provisions to conduct a study and submit to the Legislature on or before January 1, 2023, a report evaluating the effectiveness of the pilot programs in the county. The bill would also include a statement of legislative findings and declarations.

AB 693      *Firearms*

Irwin      Existing law generally requires that a firearms transaction be conducted through a licensed firearms dealer and prohibits the transfer of a firearm unless the person has been issued a firearms license. Existing law provides various exceptions to this requirement, including for firearms sold or transferred to an authorized law enforcement representative for use by the law enforcement agency. This bill would exempt the loan of a firearm from the requirement that the transaction be conducted through a dealer or by a dealer if the loan is made to a person enrolled in the course of basic training prescribed by the Commission on Peace Officer Standards and Training, or any other course certified by the commission, for purposes of participation in the course. Existing law, as amended by the Safety for All Act of 2016, approved by voters as Proposition 63 at the November 8, 2016, statewide general election, generally prohibits the possession of a large-capacity magazine regardless of the date the magazine was acquired. Existing law makes this prohibition inapplicable to the possession of a large-capacity magazine by a sworn peace officer or federal law enforcement officer who is authorized to carry a firearm in the course and scope of his or her duties. The Safety for All Act of 2016 also requires, commencing January 1, 2018, the sale of ammunition to be conducted by or processed through a licensed ammunition vendor. Existing law exempts the sale, delivery, or transfer of ammunition to specified individuals, including a sworn peace officer or sworn federal law enforcement officer who is authorized to carry a firearm in the course and scope of the officer's duties. A violation of this provision is a misdemeanor. Proposition 63 allows its provisions to be amended by a vote of 55% of the Legislature so long as the amendments are consistent with and further the intent of the act. This bill would make the prohibition on large-capacity magazines inapplicable to the sale, gift, or loan of a large-capacity magazine to a person enrolled in the course of basic training prescribed by the Commission on Peace Officer Standards and Training, or any other course certified by the commission, or to the possession of, or purchase by, the person, for purposes of participation in the course during his or her period of enrollment. The bill would exempt from the above-described ammunition purchasing requirement a person in the basic training academy for peace officers or any other course certified by the Commission on

Peace Officer Standards and Training, an instructor of the academy or course, or a staff member of the academy or entity providing the course, who is purchasing the ammunition for the purpose of participation or use in the course. The bill would amend the proposition by adding these new exemptions to the prohibition on large-capacity magazines and the requirement of buying ammunition through a licensed vendor. This bill would declare that it is to take effect immediately as an urgency statute.

AB 785  
Jones-  
Sawyer

*Firearms: possession of firearms by convicted person*

Existing law generally prohibits a person who has been convicted of certain misdemeanors from possessing a firearm within 10 years of the conviction. Under existing law, a violation of this prohibition is a crime, punishable by imprisonment in a county jail not exceeding one year or in the state prison, by a fine not exceeding \$1,000, or by both that imprisonment and fine. Existing law, as a result of Proposition 63, an initiative measure approved by the voters at the November 8, 2016, statewide general election, codifies these provisions in separate, nonconflicting, identically numbered sections. This bill would reorganize these provisions by incorporating these nonconflicting provisions into the section as amended by Proposition 63 and would repeal the other section as obsolete. The bill would also repeal an obsolete reference to a repealed misdemeanor. Existing law makes it a misdemeanor to, by force or threat of force, interfere with another person's free exercise of any constitutional right or privilege because of the other person's actual or perceived race, religion, national origin, disability, gender, or sexual orientation. Existing law also makes it a misdemeanor to knowingly deface, damage, or destroy the property of another person, for the purpose of intimidating or interfering with the exercise of any of those constitutional rights because of those specified characteristics. This bill would also add to the list of misdemeanors, the conviction for which is subject to the prohibition on possessing a firearm within 10 years of the conviction, the above-referenced interference with the exercise of civil rights, as specified.

AB 789  
Rubio

*Criminal procedure: release on own recognizance*

Existing law prohibits the release of any person on his or her own recognizance who is arrested for a new offense and who is currently on felony probation or felony parole or who has failed to appear in court as ordered, resulting in a warrant being issued, 3 or more times over the 3 years preceding the current arrest, and who is arrested for any felony offense or other specified crimes, including theft, until a hearing is held in open court before the magistrate or judge. This bill would further apply this prohibition to any offense involving domestic violence or any offense in which the defendant caused great bodily injury to another person, and would remove the prohibition as it pertains to an offense of theft. For all other new felony offenses, the bill would prohibit the release of a person on his or her own recognizance without a hearing in open court if the person has failed to appear in court 3 or more times over the 3 preceding years, unless the person is released under a court-operated pretrial release program or a pretrial release program with approval by the court.

AB 878  
Gipson

*Juveniles: restraints*

Under existing law, a female ward of a local juvenile facility who is known to be pregnant or in recovery from delivery may not be restrained, unless deemed necessary for the safety and security of the inmate, the staff, or the public. This bill would authorize the use of mechanical restraints on a juvenile during transportation outside of a local secure juvenile facility, camp, ranch, or forestry camp, only upon a determination by the probation department, in consultation with the transporting agency, that restraints are necessary to prevent physical harm to the juvenile or another person or due to a substantial risk of flight. The bill would require a county probation department that chooses to use mechanical restraints other than handcuffs to establish procedures for the documentation of use of mechanical restraints other than handcuffs, including the reasons for the use of those restraints. The bill would authorize the use of mechanical restraints during a juvenile court proceeding if the court determines that the individual juvenile's behavior in custody or in court establishes a manifest need to use mechanical restraints to

prevent physical harm to the juvenile or another person or due to a substantial risk of flight. The bill would require the court to document the reasons for the use of mechanical restraints in the record. If mechanical restraints are used pursuant to these provisions, the bill would require that the least restrictive form of restraint be used under the circumstances.

AB 993

*Examination of victims of sex crimes*

Baker

Existing law authorizes, the prosecution to apply for an order that a victim's testimony at the preliminary hearing be video recorded and the video recording preserved when the defendant has been charged with certain sex crimes, including rape and sodomy, and the victim is a person 15 years of age or less or is developmentally disabled as a result of an intellectual disability. This bill would also authorize the prosecution to apply for an order that a victim's testimony at the preliminary hearing be video recorded and preserved when the defendant has been charged with aggravated sexual assault of a child under 14 years of age or charged with sexual intercourse, sodomy, sexual penetration, or oral copulation with a child under 10 years of age.

AB 1008

*Employment discrimination: conviction history*

McCarty

Existing law, the California Fair Employment and Housing Act (FEHA), prohibits an employer from engaging in various defined forms of discriminatory employment practices. Existing law prohibits an employer, whether a public agency or private individual or corporation, from asking an applicant for employment to disclose, or from utilizing as a factor in determining any condition of employment, information concerning an arrest or detention that did not result in a conviction, or information concerning a referral or participation in, any pretrial or posttrial diversion program, except as specified. Existing law also prohibits a state or local agency from asking an applicant for employment to disclose information regarding a criminal conviction, except as specified, until the agency has determined the applicant meets the minimum employment qualifications for the position. This bill would repeal the prohibition on a state or local agency from asking an applicant for employment to disclose information regarding a criminal conviction, as described above. The bill would, instead, provide it is an unlawful employment practice under FEHA for an employer with 5 or more employees to include on any application for employment any question that seeks the disclosure of an applicant's conviction history, to inquire into or consider the conviction history of an applicant until that applicant has received a conditional offer, and, when conducting a conviction history background check, to consider, distribute, or disseminate information related to specified prior arrests, diversions, and convictions. This bill would also require an employer who intends to deny an applicant a position of employment solely or in part because of the applicant's conviction history to make an individualized assessment of whether the applicant's conviction history has a direct and adverse relationship with the specific duties of the job, and to consider certain topics when making that assessment. The bill would require an employer who makes a preliminary decision to deny employment based on that individualized assessment to provide the applicant written notification of the decision. The bill would require the notification to contain specified information. The bill would grant an applicant 5 business days to respond to that notification before the employer may make a final decision. If the applicant notifies the employer in writing that he or she disputes the accuracy of the conviction history and is obtaining evidence to support that assertion, the bill would grant the applicant an additional 5 business days to respond to the notice. The bill would require an employer to consider information submitted by the applicant before making a final decision. The bill would require an employer who has made a final decision to deny employment to the applicant to notify the applicant in writing of specified topics. The bill would exempt specified positions of employment from the provisions of the bill.

AB 1115

*Convictions: expungement*

Jones-

Sawyer

Existing law authorizes a court to allow a defendant sentenced to county jail for a felony to withdraw his or her plea of guilty or plea of nolo contendere and enter a plea of not guilty, after the lapse of one or 2 years following the defendant's completion of the sentence, as specified,

provided that the defendant is not under supervision as specified, and is not serving a sentence for, on probation for, or charged with the commission of any offense. Existing law requires the defendant to be released from all penalties and disabilities resulting from the offense of which he or she was convicted, except as specified. This bill would allow a defendant sentenced to state prison for a felony that, if committed after the 2011 Realignment Legislation, would have been eligible for sentencing to a county jail to obtain the above-specified relief.

- AB 1124  
Cervantes *Juvenile court school pupils: graduation requirements and continued education options*  
Existing law provides that if a pupil completes the statewide coursework requirements for graduation while attending a juvenile court school, a county office of education is required to issue to the pupil a diploma of graduation and shall not require the pupil to complete coursework or other requirements that are in addition to the statewide coursework requirements. This bill would, notwithstanding the above requirement, permit the pupil, upon agreement between the county office of education and the pupil or the person holding the right to make educational decisions for the pupil, to take coursework or other requirements adopted by the governing board of the county office of education, and to defer the granting of the diploma until the pupil is released from the juvenile detention facility. The bill would, upon the release from a juvenile detention facility of a pupil who is entitled to a diploma, permit the pupil or person holding the right to make educational decisions for the pupil to elect to decline the issuance of the diploma for the purpose of enrolling the pupil in a school operated by a local educational agency or charter school to take additional coursework, as specified. The bill would require the county office of education, when a juvenile court school pupil becomes entitled to a diploma, to notify the pupil, the person holding the right to make educational decisions for the pupil, and the pupil's social worker or probation officer of specified information, including, among other things, the pupil's or the education rights holder's, as applicable, option to allow the pupil to defer or decline the diploma and take additional coursework. The bill would authorize the filing of a complaint of noncompliance with these provisions to be filed with the local educational agency under the Uniform Complaint Procedures set forth in the California Code of Regulations. The bill would require, if a local educational agency finds merit in a complaint or if the Superintendent of Public Instruction finds merit in an appeal, the local educational agency to provide a remedy to the affected pupil. The bill would also require information regarding the requirements of these provisions to be included in a specified annual notification.
- AB 1308  
Mark Stone *Youth offender parole hearings*  
Existing law generally requires the Board of Parole Hearings to conduct youth offender parole hearings to consider the release of offenders who committed specified crimes when they were under 23 years of age and who were sentenced to state prison. This bill would instead require the Board of Parole Hearings to conduct youth offender parole hearings for offenders sentenced to state prison who committed those specified crimes when they were 25 years of age or younger. The bill would require the board to complete, by January 1, 2020, all youth offender parole hearings for individuals who were sentenced to indeterminate life terms who become entitled to have their parole suitability considered at a youth offender parole hearing on the effective date of the bill. The bill would require the board to complete all youth offender parole hearings for individuals who were sentenced to determinate terms who become entitled to have their parole suitability considered at a youth offender parole hearing on the effective date of the bill by January 1, 2022, and would require the board, for these individuals, to conduct a specified consultation before January 1, 2019.
- AB 1312  
Gonzalez Fletcher *Sexual assault victims: rights*  
(1) Existing law grants the victim of sexual assault, as specified, the right to have a victim advocate and a support person of the victim's choosing at any interview by law enforcement authorities, district attorneys, or defense attorneys. Existing law requires the law enforcement

authority or district attorney, before commencing the initial interview, to notify a victim that he or she has this right. This bill would require a law enforcement authority or district attorney to also notify the victim that he or she has the right to request to have a person of the same gender or opposite gender as the victim present in the room during any interview with a law enforcement official or district attorney, unless no such person is reasonably available. The bill would prohibit a law enforcement official from discouraging a victim from receiving a medical evidentiary or physical examination. The bill would require every local law enforcement agency to develop a card, as specified, that explains the rights of sexual assault victims, including, among other information, a clear statement that the victim is not required to participate in the criminal justice system or to receive a medical evidentiary or physical examination in order to retain his or her rights under law. The bill would require a law enforcement official or medical provider to provide this card to the victim upon the initial interaction. The bill would also require a law enforcement official, upon written request by the victim, to furnish a copy of the initial crime report related to the sexual assault, as specified. The bill would require a prosecutor, upon written request by the victim, to provide the defendant's information on a sex offender registry, if any, to the victim. The bill would specify that a victim's waiver of the right to an advocate is not admissible in court, unless the waiver is at issue in the pending litigation. (2) Existing law states the minimum standards for the examination and treatment of victims of sexual assault or attempted sexual assault, including child molestation, and the collection and preservation of evidence therefrom. Existing law requires a physician or other health care provider to give a female victim of sexual assault postcoital contraception upon the request of the victim. This bill would require the postcoital contraception to be provided at no cost to the victim. (3) Existing law requires a law enforcement officer assigned to an alleged violation of specified domestic violence or sexual assault crimes to provide the victim of the crime with a "Victims of Domestic Violence" card, as specified. Existing law requires a medical provider to notify a sexual assault victim that he or she has the right to have a sexual assault counselor and at least one other support person of his or her choosing before commencing an initial medical evidentiary or physical examination. This bill would require a law enforcement officer assigned to an alleged violation of specified domestic violence or sexual assault crimes to also provide the victim with the card developed by local law enforcement agencies, described above, that explains the rights of sexual assault victims, if applicable. The bill would also require a medical provider to give the victim the card developed by local law enforcement agencies, described above, before the commencement of any initial medical evidentiary or physical examination arising out of a sexual assault if the law enforcement agency has provided the card to the medical provider in a language understood by the victim. The bill would require the medical provider to give the victim the opportunity to shower or bathe at no cost to the victim after the examination is conducted, unless a showering or bathing facility is not available. (4) Existing law requires a law enforcement agency that intends to destroy or dispose of rape kit evidence or other crime scene evidence from an unsolved sexual assault case before the expiration of the statute of limitations to give written notification, as specified, to the victim of that intention. This bill would prohibit a law enforcement agency from destroying or disposing of rape kit evidence or other crime scene evidence from an unsolved sexual assault case before at least 20 years, or if the victim was under 18 years of age at the time of the alleged offense, before the victim's 40th birthday.

AB 1332  
Bloom

*Juveniles: dependents: removal*

Existing law authorizes the removal of a child from the physical custody of his or her parent or guardian with whom the child resides at the time the dependency petition was initiated if the court finds by clear and convincing evidence that one of several circumstances is present, including, among others, that there is or would be a substantial danger to the physical health, safety, protection, or physical or emotional well-being of the minor if the minor were returned home, and there are no reasonable means by which the minor's physical health can be protected without removing the minor from the minor's parent's or guardian's physical custody. This bill would prohibit the removal of a child from the physical custody of his or her parent with whom

the child did not reside at the time the petition was initiated, unless the juvenile court finds clear and convincing evidence that there would be a substantial danger to the physical health, safety, protection, or physical or emotional well-being of the child for the parent to live with the child or otherwise exercise the parent's right to physical custody, and there are no reasonable means available by which the child's physical and emotional health can be protected without removing the child from the child's parent's physical custody.

AB 1371  
Mark  
Stone

*Juveniles: ward, dependent, and nonminor dependent parents*

Existing law establishes the jurisdiction of the juvenile court, which may adjudge a child to be a dependent of the court under certain circumstances, including when the child suffered or there is a substantial risk that the child will suffer serious physical harm, or a parent fails to provide the child with adequate food, clothing, shelter, or medical treatment. Existing law authorizes a social worker to commence proceedings in the juvenile court to declare a child to be a dependent child of the court by the filing of a petition with the court. In any case in which a social worker, after investigation of an application for petition or other investigation, determines that a child is within the jurisdiction of the juvenile court or will probably soon be within the jurisdiction, existing law authorizes the social worker, in lieu of filing a petition or subsequent to dismissal of a petition already filed, and with the consent of the child's parent or guardian, to undertake a program of supervision of the child. If the parent is a dependent of the juvenile court at the time that a social worker seeks to undertake a program of supervision, and if counsel has been appointed for the parent, existing law prohibits the program of supervision from being undertaken until the parent has consulted with his or her counsel. This bill would make this prohibition applicable to a parent who is a nonminor dependent or ward of the juvenile court. The bill would require a ward, in cases when he or she is not represented by counsel appointed in a dependency proceeding, to be given the opportunity to confer with counsel appointed in the wardship proceeding or by counsel retained to represent the ward in the wardship proceeding. Existing law, in the case of a child for whom one or both minor parents have been adjudged to be dependent children of the juvenile court, authorizes family reunification services to be provided to the family of the dependent child under circumstances in which ordinarily those services would be denied and requires a party seeking an involuntary foster care placement of, or termination of parental rights over, a child born to a parent or parents who were minors at the time of the child's birth to demonstrate to the court that reasonable efforts were made to provide remedial services designed to prevent the removal from the minor parent or parents, and that these efforts have proved unsuccessful. This bill would extend the application of those services and requirements in the case of a child for whom one or both minor parents have been adjudged to be a ward of the court. The bill would also grant a parent who is a ward of the juvenile court or a dependent or nonminor dependent parent the right to consult with his or her legal counsel prior to a social worker or probation officer arranging any informal or formal custody agreement that includes a temporary or permanent voluntary relinquishment of custody by the parent or recommending that a nonparent seek legal guardianship of the child. The bill would require the social worker or probation officer to note in the case file whether the ward, dependent, or nonminor dependent parent consulted with legal counsel, or if the opportunity for consultation was provided and the consultation did not occur, then the reason that the consultation did not occur.

AB 1448  
Weber

*Elderly Parole Program*

Existing law requires the Board of Parole Hearings to meet with an inmate during the 6th year prior to the inmate's minimum eligible parole release date to document the inmate's activities and conduct pertinent to parole eligibility. Existing law, the Victims' Bill of Rights Act of 2008: Marsy's Law, as added by Proposition 9 at the November 4, 2008, statewide general election, requires the panel, or the board if sitting en banc, to set a release date at the meeting, unless it determines that consideration of the public and victim's safety requires a more lengthy period of incarceration, and that a parole date cannot be fixed at the meeting. Existing law requires the board to schedule the next parole consideration hearing 15, 10, 7, 5, or 3 years after any hearing

at which parole is denied. Existing law allows the board to advance a hearing set pursuant to these provisions to an earlier date when a change in circumstances or new information establishes a reasonable likelihood that consideration of the public and victim's safety does not require an additional period of incarceration. This bill would establish the Elderly Parole Program, for the purpose of reviewing the parole suitability of inmates who are 60 years of age or older and who have served a minimum of 25 years of continuous incarceration, as defined, on their sentence. When considering the release of an inmate who meets this criteria, the bill would require the board to consider whether age, time served, and diminished physical condition, if any, have reduced the elderly inmate's risk for future violence. The bill would also require the Board of Parole Hearings to consider whether an inmate will qualify for the program when determining the prisoner's next parole suitability hearing. If the inmate is found suitable for parole under the Elderly Parole Program, the bill would require the board to release the individual on parole, as specified. The bill would exempt from Elderly Parole Program eligibility a person who was sentenced pursuant to the Three Strikes Law, a person who was sentenced to life in prison without the possibility of parole or death, and a person who was convicted of the first-degree murder of a peace officer or a person who had been a peace officer, as provided. The bill would make conforming changes.

AB 1459

Quirk-Silva

*Murder: peace officers*

Under existing law, a murder perpetrated by specified means or under certain circumstances, including a killing that is willful, deliberate, and premeditated, is defined as murder of the first degree. All other kinds of murder are of the 2nd degree. Under existing law, a person convicted of first degree murder is subject to a punishment of death, life in prison without the possibility of parole, or confinement in the state prison for a term of 25 years to life. Under existing law, the 2nd degree murder of a peace officer, as specified, is punishable by imprisonment in the state prison for a term of 25 years to life, and the 2nd degree murder of a peace officer, if specified facts are charged and found true, is punishable by imprisonment in the state prison for a term of life without the possibility of parole. This bill would state the findings and declarations of the Legislature that the unlawful killing of a peace officer, as defined, that is deliberate, willful, and premeditated is murder of the first degree for purposes of the gravity of the offense and the support of the survivors. The bill would identify these findings as declaratory of existing law.

AB 1518

Weber

*Criminal justice information*

(1) Existing law requires each state and local agency that employs peace officers to annually report to the Attorney General data on all stops, as defined, conducted by the agency's peace officers, and requires that data to include specified information, including the time, date, and location of the stop, and the reason for the stop. Existing law requires agencies of differing staff sizes to issue the first annual report on or before specified dates. Existing law requires the Attorney General, not later than January 1, 2017, and in consultation with specified stakeholders, to issue regulations for the collection and reporting of the required data. This bill would set dates for the various law enforcement agencies to begin collecting the required data and would make law enforcement agencies solely responsible for ensuring that personally identifiable information of the individual stopped or any other information that is exempt from disclosure is not transmitted to the Attorney General in an open text field. The bill would extend the date by which the Attorney General is required to issue regulations for the collection and reporting of data to January 1, 2018. By expanding the duties of local law enforcement, this bill would impose a state-mandated local program. (2) Existing law requires the Department of Justice to prepare and present to the Governor an annual report containing the criminal statistics of the preceding calendar year, including, but not limited to, the total number of citizen complaints alleging racial or identity profiling, as specified. This bill would delete references to citizens' complaints and instead refer to civilians' complaints.

- AB 1525 *Firearms warnings*  
 Baker Existing law requires prescribed warnings on the packaging of any firearm and descriptive materials that accompany a firearm sold or transferred in the state by a licensed manufacturer or licensed dealer. Existing law also requires prescribed warnings to be posted within the premises of a licensed firearms dealer. Existing law requires the Department of Justice to develop an instructional manual to be made available to licensed firearms dealers, who are required to make it available to the public. This bill, on and after January 1, 2018, would require a specified statement relating to the risks of firearms and the laws regulating firearms to be included in the warnings on the packaging of firearms and descriptive materials that accompany firearms and in the instructional manual developed by the department. The bill, on and after January 1, 2019, would also require additional specified warnings to be included at the premises of a licensed firearms dealer. Existing law requires the department to develop a written objective test for the issuance of a firearm safety certificate, which is generally required for the purchase or receipt of a firearm. Existing law requires the department to update the testing material for the firearm safety certificate test every five years. This bill, on and after January 1, 2019, would require a specified warning to be given to a person who takes the firearms safety certificate examination and would require the applicant to acknowledge receipt of the prescribed warning prior to issuance of the firearm safety certificate. The bill, on and after January 1, 2019, would require the department to update the testing material at least once every five years and would require the department to update a referenced Internet Web site regularly to reflect current laws and regulations.
- AB 1583 *Proposition 65: enforcement: certificate of merit: factual basis*  
 Chau The Safe Drinking Water and Toxic Enforcement Act of 1986, an initiative measure approved by the voters as Proposition 65 at the November 4, 1986, statewide general election (Proposition 65), prohibits a person, in the course of doing business, from knowingly and intentionally exposing any individual to a chemical known to the state to cause cancer or reproductive toxicity without giving a specified warning, or from knowingly discharging or releasing such a chemical into water, or into or onto land and passing into any source of drinking water, except as specified. The act imposes civil penalties upon persons who violate those prohibitions, and provides for the enforcement of those prohibitions by the Attorney General, a district attorney, or specified city attorneys or prosecutors. The act also provides for enforcement by an action brought by any person in the public interest, if that private action is commenced more than 60 days after the person has given notice of the violation that is the subject of the action to the Attorney General and the district attorney, the city attorney, or the prosecutor in whose jurisdiction the violation is alleged to have occurred, and to the alleged violator. If the notice made by a person bringing an action in the public interest alleges a violation of the act's warning requirement, existing law requires that the notice include a certificate of merit stating that the person executing the certificate has consulted with one or more persons with relevant and appropriate experience or expertise who has reviewed facts, studies, or other data regarding the exposure to the listed chemical that is the subject of the action, and that, based on that information, the person believes there is a reasonable and meritorious case for the private action. Existing law requires factual information sufficient to establish the basis of the certificate of merit to be attached to the certificate of merit that is served on the Attorney General. This bill would require, if the Attorney General believes there is no merit to the action after reviewing the factual information sufficient to establish the basis for the certificate of merit and meeting and conferring with the noticing party regarding the basis for the certificate of merit, the Attorney General to serve a letter to the noticing party and the alleged violator stating the Attorney General believes there is no merit to the action, as specified. Existing law authorizes the trial court, upon the motion of the alleged violator or the court's own motion, to review the basis for the certificate of merit upon conclusion of an action brought in the public interest and, as part of that review, requires the information in the certificate of merit to be disclosed to the court in an in-camera proceeding at which the moving party is not present. Existing law deems the action to be frivolous if the court finds in that review that there is no credible factual basis



for the certified belief that an exposure to a listed chemical has occurred or was threatened. Existing law provides that, except when the trial court reviews the basis for the certificate of merit, the basis for the certificate is not discoverable. This bill would make the basis for the certificate of merit discoverable to the extent that the information is relevant to the subject matter of the action and not subject to the attorney-client privilege, the attorney work product privilege, or any other legal privilege. Existing law authorizes the Governor's Office of Business and Economic Development to provide various services and information to businesses relating to, among other things, business development, obtaining state and local permits, and other regulatory information pertinent to business operations in the state. This bill would require the office to post in a conspicuous location on its Internet Web site, and include with any informational materials provided to businesses relating to a business's obligations under state law, specified information relating to Proposition 65 requirements.

SB 40      *Domestic violence*

Roth      Existing law requires every law enforcement agency to develop, adopt, and implement written policies and standards for officers' responses to domestic violence calls. Existing law requires these policies to include specific standards for furnishing written notice to victims at the scene, including, among other things, information about the victim's rights. This bill would additionally require that information to include a statement informing the victim that strangulation may cause internal injuries and encouraging the victim to seek medical attention. Existing law requires each law enforcement agency to develop a system for recording all domestic violence-related calls for assistance, including whether weapons are involved, to compile the total number of domestic violence calls received and the numbers of those cases involving weapons, and to report that information annually to the Governor, the Legislature, and the public, as specified. This bill would, in addition to the information about whether weapons are involved, require this information to include whether the incident involved strangulation or suffocation. Existing law requires each law enforcement agency to develop an incident report form that includes a domestic violence identification code, and requires that incident report form to include specified information. This bill would require that incident report form to additionally include whether there were indications that the incident involved strangulation or suffocation, as specified.

SB 180      Controlled substances: sentence enhancements: prior convictions

Mitchell      Existing law imposes on a person convicted of a violation of, or of conspiracy to violate, specified crimes relating to controlled substances a sentence enhancement to include a full, separate, and consecutive 3-year term for each prior conviction of, or for each prior conviction of conspiracy to violate, specified controlled substances crimes, including possession for sale and purchase for sale of opiates, opium derivatives, and hallucinogenic substances. This bill would instead limit the above sentence enhancement to only be based on each prior conviction of, or on each prior conviction of conspiracy to violate, the crime of using a minor in the commission of offenses involving specified controlled substances.

SB 204      *Domestic violence: protective orders*

Dodd      Existing law provides for the issuance and enforcement of protective orders in cases involving domestic violence. Existing law provides for a Uniform Interstate Enforcement of Domestic Violence Protection Orders Act, which authorizes the enforcement of a valid foreign protection order in a tribunal of this state under certain conditions. Existing law establishes a Domestic Violence Restraining Order System for purposes of registering protection orders, as specified, which is administered by the Department of Justice. This bill would enact the Uniform Recognition and Enforcement of Canadian Domestic Violence Protection Orders Act, which would authorize the enforcement of a valid Canadian domestic violence protection order in a tribunal of this state under certain conditions. The bill would prescribe the criteria for a determination of the validity of a protection order under these provisions, as specified, and would authorize the registration of such a protection order in the Domestic Violence Restraining

Order System. The bill would require a law enforcement officer of this state to enforce a protection order under these provisions upon determining that there is probable cause to believe that a valid protection order exists and has been violated.

SB 312  
Skinner

*Juveniles: sealing of records*

(1) Existing law generally subjects any person under 18 years of age who commits a crime to the jurisdiction of the juvenile court, which may adjudge that person to be a ward of the court. Under existing law, juvenile court proceedings to declare a minor a ward of the court are commenced by the filing of a petition by the probation officer, the district attorney after consultation with the probation officer, or the prosecuting attorney, as specified. Existing law requires the juvenile court to order the petition of a minor who is subject to the jurisdiction of the court dismissed if the minor satisfactorily completes a term of probation or an informal program of supervision, as specified, and requires the court to seal all records pertaining to that dismissed petition in the custody of the juvenile court and in the custody of law enforcement agencies, the probation department, or the Department of Justice in accordance with a specified procedure. Existing law prohibits the court from sealing a record or dismissing a petition under this provision if the petition was sustained based on the commission of any specified serious or violent offense, including murder, that was committed when the individual was 14 years of age or older unless the finding on that offense was dismissed or was reduced to a lesser offense that is not listed among those specified offenses. (2) Existing law generally authorizes a person who is the subject of a juvenile court record, or the county probation officer, to petition the court to seal his or her records, including records of arrest, relating to the person's case in the custody of the juvenile court and the probation officer and any other agencies, including law enforcement agencies and public officials. Existing law authorizes the petition to be filed 5 years or more after the jurisdiction of the juvenile court has terminated as to the person or, if no petition was filed, 5 years or more after the person was cited to appear before a probation officer or was taken before a probation officer or law enforcement officer, or, at any time after the person reaches 18 years of age. (3) Existing law, as amended by Proposition 21 at the March 7, 2000, statewide primary election, prohibits a court from ordering the person's records sealed, as specified, in any case in which the person has been found by the juvenile court to have committed any specified serious or violent offense, including murder, when he or she was 14 years of age or older. Proposition 21 allows the Legislature to amend its provisions by the enactment of a statute passed in each house by a 2/3 vote. This bill would expand the exception described in (1) to require the court to seal a record or dismiss a petition under the provisions described in (1) if the finding on that serious or violent offense was reduced to a misdemeanor. This bill would, except as specified, repeal the limitation of Proposition 21 on the authority of the court to order the sealing of records of those persons who were found to have committed those serious or violent offenses after attaining 14 years of age, and instead would only authorize the filing of a petition to seal the record or records relating to those serious or violent offenses committed after attaining 14 years of age that resulted in the adjudication of wardship by the juvenile court under specified limited circumstances. The bill would authorize certain individuals to access, inspect, or utilize a record relating to those specified serious or violent offenses that has been sealed pursuant to the provisions described in (2) in a subsequent proceeding against the person for specified purposes, or to meet other statutory or constitutional obligations to disclose exculpatory evidence, as specified, and would prohibit the access, inspection, or utilization of a sealed record under those provisions from being deemed an unsealing of the record. The bill would provide that the above-mentioned provisions on sealing records in specified limited circumstances and the authority to access sealed records relating to those serious or violent offenses that were committed after attaining 14 years of age do not apply in cases in which the offense was dismissed or reduced to a misdemeanor by the court.

SB 336  
Anderson

*Exonerated inmates: transitional services*

Existing law allows every person who is unlawfully imprisoned or restrained of his or her liberty, under any pretense, to prosecute a writ of habeas corpus to inquire into the cause of his

or her imprisonment or restraint. Existing law requires the Department of Corrections and Rehabilitation to assist a person who is exonerated, as defined, as to a conviction for which he or she is serving a state prison sentence at the time of exoneration with specified transitional services for a period of not less than 6 months and not more than one year from the date of release. This bill would revise the definition of exonerated for the purpose of eligibility for assistance with transitional services to include a person who has been convicted and subsequently was granted a writ of habeas corpus, as specified.

SB 393

*Arrests: sealing*

Lara

Existing law authorizes a person who was arrested and has successfully completed a prefiling diversion program, a person who has successfully completed a specified drug diversion program, and a person who has successfully completed a specified deferred entry of judgment program to petition the court to seal his or her arrest records. Existing law also specifies that, with regards to arrests that resulted in the defendant participating in certain other deferred entry of judgment programs, the arrest upon which the judgment was deferred shall be deemed not to have occurred. This bill would also authorize a person who has suffered an arrest that did not result in a conviction, as specified, to petition the court to have his or her arrest sealed. Under the bill, a person would be ineligible for this relief under specified circumstances, including if he or she may still be charged with any offense upon which the arrest was based. The bill would require the Judicial Council to furnish forms to be utilized by a person applying to have his or her arrest sealed, as specified. The bill would provide that a person who is eligible to have his or her arrest sealed is entitled, as a matter of right, to that sealing unless the person has been charged with certain crimes, including, among others, domestic violence if the petitioner's record demonstrates a pattern of domestic violence arrests, convictions, or both, in which case the person may obtain sealing of his or her arrest only upon a showing that the sealing would serve the interests of justice. The bill would specify that the petitioner has the initial burden of proof to show that he or she is either entitled to have his or her arrest sealed as a matter of right or that sealing would serve the interests of justice and, if the court finds that petitioner has satisfied his or her burden of proof, then the burden of proof would shift to the respondent prosecuting attorney. The bill would require, if the petition is granted, the court to issue a written ruling and order that, among other things, states that the arrest is deemed not to have occurred and that, except as otherwise provided, the petitioner is released from all penalties and disabilities resulting from the arrest. The bill would also require the court to furnish a disposition report to the Department of Justice, as specified. The bill would prohibit, if an arrest is sealed pursuant to the above provisions or pursuant to the specified provisions of existing law that authorize the sealing of arrest records after successfully completing a prefiling diversion program, a specified drug diversion program, or a specified deferred entry of judgment program, or if an arrest is deemed to have never occurred after a defendant participates in certain other deferred entry of judgment programs, the disclosure of the arrest, or information about the arrest that is contained in other records, from being disclosed to any person or entity, except as specified. The bill would subject a person or entity to a civil penalty if he or she disseminates information relating to a sealed arrest, unless he or she is specifically authorized to disseminate that information. Because the bill would impose new duties on local agencies, the bill would impose a state-mandated local program. Existing law requires the Department of Justice to maintain state summary criminal history information, as defined, and requires the Attorney General to furnish state summary criminal history information to specified entities and individuals if needed in the course of their duties. The bill would prohibit the department from disclosing, as part of the state summary criminal history information furnished to specified entities, that an individual was granted relief pursuant to the provisions above describing having an arrest sealed.

SB 394

*Parole: youth offender parole hearings*

Lara

Existing law requires the Board of Parole Hearings to conduct a youth offender parole hearing for offenders sentenced to state prison who committed specified crimes when they were under

23 years of age. Existing law, as added by initiative statute, imposes a term of confinement in the state prison for life without the possibility of parole or, at the discretion of the court, 25 years to life, on a defendant who was 16 years of age or older and under 18 years of age at the time of the commission of the crime for which he or she was found guilty of murder in the first degree, if specified special circumstances have been found true. Existing case law prohibits a juvenile convicted of a homicide offense from being sentenced to life in prison without parole absent consideration of the juvenile's special circumstances in light of the principles and purposes of juvenile sentencing. This bill would make a person who was convicted of a controlling offense that was committed before the person had attained 18 years of age and for which a life sentence without the possibility of parole has been imposed eligible for release on parole by the board during his or her 25th year of incarceration at a youth offender parole hearing. The bill would require the board to complete, by July 1, 2020, all hearings for individuals who are or will be entitled to have their parole suitability considered at a youth offender parole hearing by these provisions before July 1, 2020.

- SB 420  
Monning *State summary criminal history information: sentencing information*  
Existing law requires the Department of Justice to maintain state summary criminal history information, including the identification and criminal history of any person, such as name, date of birth, physical description, fingerprints, photographs, dates of arrests, arresting agencies and booking numbers, charges, dispositions, and similar data about the person. Existing law specifies to whom and how the state summary criminal history information may be released and for what purposes it may be used. Existing law also specifies the type of information that may be provided to the various entities that can request state summary criminal history information. This bill would include sentencing information in the state summary criminal history information record and would require that information to be provided, if present in the department's records at the time of the response, whenever state summary criminal history information is initially furnished to specified entities, including to authorized agencies and organizations for use for peace officer employment purposes.
- SB 497  
Portantino *Firearms*  
Existing law requires a person leaving a handgun in an unattended vehicle to secure the handgun in the trunk, in a locked container that is out of plain sight, or in a locked container, as defined, which is permanently affixed to the interior of the vehicle and not in plain view. Existing law makes the failure to comply with this requirement an infraction punishable by a fine. This bill would permit a peace officer, as defined, to store a handgun in the locked center utility console of a vehicle that does not have a trunk, under specified circumstances. The bill would also define the terms "trunk" and "plain view" for purposes of these provisions.
- SB 534  
Lara *California Victim Compensation Board: claims*  
Existing law requires the California Victim Compensation Board, in cases in which evidence shows that a crime with which a claimant was charged was either not committed at all, or not committed by the claimant, to report the facts of the case and its conclusions to the Legislature with a recommendation that the Legislature make an appropriation for the purpose of indemnifying the claimant for the injury. This bill would appropriate specified sums from the General Fund to the executive officer of the board for the payment of the claims of specified individuals. This bill would declare that it is to take effect immediately as an urgency statute.
- SB 536  
Pan *Firearm Violence Research Center: gun violence restraining orders*  
Existing law requests the Regents of the University of California to establish and administer a Firearm Violence Research Center to research firearm-related violence. Existing law states the intent of the Legislature that the university report, on or before December 31, 2017, and every 5 years thereafter, specified information regarding the activities of the center and information pertaining to research grants that the center awards. Existing law requires the center and the

grant recipients to provide copies of their research publications to the Legislature and specified agencies. Existing law specifies that those provisions would apply to the university only to the extent that the regents, by resolution, make any of those provisions applicable to the university. This bill would require the Department of Justice to make information relating to gun violence restraining orders that is maintained in the California Restraining and Protective Order System, or any similar database maintained by the department, available to researchers affiliated with the center, or, at the discretion of the department, to any other entity that is concerned with the study and prevention of violence, as specified, for academic and policy research purposes, provided that any material identifying individuals is not transferred, revealed, or used for other than research or statistical activities and reports or publications derived therefrom do not identify specific individuals.

SB 620 *Firearms: crimes: enhancements*

Bradford Existing law requires that a person who personally uses a firearm in the commission of a felony be punished by an additional and consecutive term of imprisonment in the state prison for 3, 4, or 10 years. Existing law requires that a person who personally uses an assault weapon or a machinegun in the commission of a felony be punished by an additional and consecutive term of imprisonment in the state prison for 5, 6, or 10 years. Existing law requires a person who personally uses a firearm to commit certain specified felonies to be punished by an additional and consecutive term of imprisonment in the state prison for 10 years, or for 20 years if he or she discharged the firearm, or for 25 years to life if he or she discharges the firearm and proximately causes great bodily harm. Existing law prohibits the court from striking an allegation or finding that would make a crime punishable pursuant to these provisions. This bill would delete the prohibition on striking an allegation or finding and, instead, would allow a court, in the interest of justice and at the time of sentencing or resentencing, to strike or dismiss an enhancement otherwise required to be imposed by the above provisions of law.

SB 625 *Juveniles: honorable discharge*

Atkins Existing law sets forth provisions for the discharge of wards from the Department of Corrections and Rehabilitation, Division of Juvenile Facilities to the jurisdiction of the committing court. Under existing law, the department has no further jurisdiction over a ward who is discharged by the Board of Juvenile Hearings. Existing law requires the committing court to establish the conditions of the ward's supervision and requires the county of commitment to supervise the reentry of the ward. Existing law authorizes the court, if it makes a finding of a serious violation or a series of repeated violations of the conditions of supervision, to order the recommitment of the ward in a juvenile facility, a local adult facility, or the Division of Juvenile Facilities, as specified. This bill would, among other things, confer on the board the obligation to make an honorable discharge determination for a person previously committed to the division upon his or her completion of local probation supervision, but not sooner than 18 months following the date of discharge by the board. The bill would require the board to promulgate regulations setting forth the criteria for the award of an honorable discharge. The bill would state the purposes of an honorable discharge and would require the board to promote the purposes of an honorable discharge designation and inform and assist currently committed youth with regard to obtaining an honorable discharge, as specified. This bill would require the county of commitment to inform youth currently or previously under its supervision, who were previously under the jurisdiction of the division, about the opportunity and process of petitioning the board for an honorable discharge, as specified. The bill would require the board to request of the county, and would require the county to provide, a summary report of a petitioner's performance while on probation after release from the division. The bill would also make conforming changes to provisions relating to authorization to inspect juvenile case files. By creating new duties for local officials relating to honorable discharges, the bill would impose a state-mandated local program. Existing law sets forth provisions, inoperable under existing case law, requiring the board to grant an honorable discharge to a paroled person who has proven his or her ability for honorable self-support. This bill would instead authorize the board to grant an honorable

discharge to a person discharged from the division by the board if the person has proven his or her ability to desist from criminal behavior and to initiate a successful transition into adulthood. Existing law requires that all persons honorably discharged from the control of the board to thereafter be released from all penalties or disabilities resulting from the offenses for which they were committed, including, but not limited to, any disqualification for any employment or occupational license, or both. This bill would instead specify that the penalties or disabilities include, but are not limited to, those that affect access to education, employment, or occupational licenses. The bill would make conforming changes to related provisions. Existing law prohibits a person who is under the jurisdiction of the division from being admitted to an examination for a peace officer position within the division unless and until the person has been honorably discharged. This bill would additionally apply those provisions to a person who is under the jurisdiction of a county probation department.

SB 756  
Stern

*Restitution: noneconomic losses: child sexual abuse*

Existing law requires the court to order a person who is convicted of a crime to pay restitution to the victim or victims for the full amount of economic loss, unless the court finds compelling and extraordinary reasons for not doing so and states them on the record. Existing law requires the restitution order to be of a dollar amount that is sufficient to fully reimburse the victim or victims for every determined economic loss incurred as the result of the defendant's criminal conduct, including, but not limited to, noneconomic losses for psychological harm stemming from felony incidents of lewd and lascivious acts with a minor, as defined. Restitution fines are deposited in the Restitution Fund, which is continuously appropriated, to the extent that a victim has been compensated by that fund. This bill would include in the required restitution order amount noneconomic losses for psychological harm stemming from felony incidents of repeated or recurring incidents of sexual abuse of a child under 14 years of age or from felony incidents of sexual contact with a child under 10 years of age. By sending additional money to a continuously appropriated fund, this bill makes an appropriation.

## Economic Development and Income

**AB 46**      *Employers: wage discrimination*

**Cooper** Existing law prohibits an employer from paying any of its employees at wage rates less than the rates paid to employees of the opposite sex for substantially similar work, when viewed as a composite of skill, effort, and responsibility, and performed under similar working conditions, unless the employer demonstrates that one or more specific factors, reasonably applied, account for the entire wage differential. Existing law also similarly prohibits an employer from paying any of its employees at wage rates less than the rates paid to employees of another race or ethnicity for substantially similar work. Existing law authorizes an employee paid lesser wages in violation of these prohibitions to file a complaint with the Division of Labor Standards Enforcement, and authorizes the employee, the division, or the Department of Industrial Relations to commence a civil action for the wages the employee was deprived of because of the violation, interest on those wages, and liquidated damages. Under existing law, an employer or other person who violates or causes a violation of that prohibition, or who reduces the wages of any employee in order to comply with that prohibition, is guilty of a misdemeanor. This bill would define “employer” for those purposes to include public and private employers. The bill would specify that a public employer is not subject to the misdemeanor provision.

**AB 415**      *CalFresh: employment social enterprises*

**Chiu** Existing federal law provides for the federal Supplemental Nutrition Assistance Program, known in California as CalFresh, under which food assistance benefits are distributed to eligible individuals by the counties. Existing law authorizes counties to participate in the CalFresh Employment and Training Program (CalFresh E&T), established by federal law, and requires participating counties to screen CalFresh work registrants to determine whether they will participate in, or be deferred from, the CalFresh E&T program. This bill would authorize the State Department of Social Services, to the extent permitted by federal law, to contract directly with an entity that provides services on a regional or statewide basis and that has expertise in, and secures funds for, CalFresh E&T program services. The bill would authorize the department to act as the state entity for receipt of federal reimbursement on behalf of the entity in certain circumstances and would require the department to seek any county consultation necessary to implement the contract. The bill would authorize a county to contract with an employment social enterprise or designated intermediary to provide services to its CalFresh E&T program participants and would require the department to issue guidance instructing counties that elect to participate in CalFresh E&T program services of any special considerations for partnering with employment social enterprises in the development or implementation of their county CalFresh E&T programs. The bill would also make legislative findings and declarations relating to California’s employment social enterprises.

**AB 480**      *CalWORKs: welfare-to-work: necessary supportive services*

**Gonzalez  
Fletcher** Existing law provides for the California Work Opportunity and Responsibility to Kids (CalWORKs) program, under which each county provides cash assistance and other benefits to qualified low-income families and individuals. Existing law generally requires a recipient of CalWORKs benefits to participate in welfare-to-work activities as a condition of eligibility for aid. Existing law requires that necessary supportive services be available to participants in welfare-to-work activities, including child care, personal counseling, transportation costs, and ancillary expenses. This bill would, on and after April 1, 2018, require the above-described supportive services to additionally include the costs of diapers. The bill would make a participant who is participating in a welfare-to-work plan eligible for \$30 per month to assist with diaper costs for each child who is under 36 months of age. The bill would require the State Department of Social Services to implement this provision through all-county letters until regulations are adopted by January 1, 2020. By increasing the duties of counties administering the CalWORKs program, this bill would impose a state-mandated local program. Existing law

continuously appropriates moneys from the General Fund to defray a portion of county costs under the CalWORKs program. This bill would instead provide that the continuous appropriation would not be made for purposes of implementing the bill.

- AB 563      *CalFresh Employment and Training program*  
Arambula      Existing law authorizes counties to participate in the CalFresh Employment and Training program (CalFresh E&T), established by federal law, and requires a participating county to demonstrate in its CalFresh E&T plan how it is effectively using CalFresh E&T funds for each of the specified components that the county offers, including work experience or training and job search. Existing law, for a county that elects to participate in the CalFresh E&T, requires an individual to be deferred from a mandatory placement in CalFresh E&T if he or she satisfies any of various criteria, including, among others, residing in a federally determined work surplus area. Existing federal law limits a participant who is an able-bodied adult without dependents (ABAWD) to 3 months of CalFresh benefits in a 3-year period unless that participant has met specified work participation requirements or is otherwise exempt. Existing law directs the State Department of Social Services to annually seek a federal waiver of this limitation, and provides that an eligible county is included in this waiver. This bill, for a county that elects to participate in CalFresh E&T, would prohibit a person who is subject to the able-bodied adult without dependents (ABAWD) time limit described above from mandatory placement in CalFresh E&T. The bill would include job search training and job retention, among others, as CalFresh E&T components that a county may offer. The bill would require the department to adopt regulations by January 1, 2019.
- AB 818      *CalWORKs: welfare to work*  
Burke      Existing law establishes the California Work Opportunity and Responsibility to Kids (CalWORKs) program, under which each county provides cash assistance and other benefits to qualified low-income families using federal, state, and county funds. Existing law establishes a 48-month lifetime limit of CalWORKs benefits for eligible adults, as specified. Existing law requires a recipient of CalWORKs to participate in certain welfare-to-work activities as a condition of eligibility for 24 cumulative months, as specified, and then to meet other federal requirements afterwards, as specified. Existing law authorizes each county to provide an extension of the 24 months for recipients who are unlikely to meet the federal requirements, and authorizes a recipient to request the extension and present evidence to the county that he or she meets a specified circumstance, including that the recipient has achieved satisfactory progress in an educational or treatment program that has a known graduation, transfer, or completion date that would meaningfully increase the likelihood of his or her employment. This bill would provide that for purposes of the educational or treatment program circumstance, a high school education or its equivalent is presumed to meaningfully increase the likelihood of the recipient's employment. The bill would additionally include as a circumstance to be presented as evidence in requesting an extension, that the recipient obtained his or her high school diploma or its equivalent while participating in specified welfare-to-work activities during the 24 months, and an additional period of time to complete an educational program or other specified activity in which he or she is currently participating would meaningfully increase the likelihood of his or her employment.
- AB 957      *Higher education regional workforce coordination: California Workforce Development Board*  
Levine      Under existing law, the University of California, under the administration of the Regents of the University of California, and the California State University, under the administration of the Trustees of the California State University, are 2 of the segments of public postsecondary education in this state. This bill would require the California State University (CSU), and request the University of California (UC), to participate in regional conversations pursuant to the federal Workforce Innovation and Opportunity Act. The bill would require CSU, and request



the UC, to submit a summary of those first-year activities to the Legislature on or before May 1, 2019, on specified topics related to regional workforce demands. Existing law establishes the California Workforce Development Board as the body responsible for assisting the Governor in the development, oversight, and continuous improvement of California's workforce investment system. Existing law authorizes the Governor to designate as board members state agency officials responsible for education programs and specifies that those officials may include chief executive officers of community colleges and other institutions of higher education. This bill would specifically include the chief executive officers, or their designees, of institutions of higher education, including the California Community College system, the California State University system, the University of California system, and their respective individual campuses, among those persons who may be on the board.

**AB 1111**  
**Eduardo**  
**Garcia**

*Removing Barriers to Employment Act: Breaking Barriers to Employment Initiative*

Existing law, the California Workforce Innovation and Opportunity Act, establishes the California Workforce Development Board as the body responsible for assisting the Governor in the development, oversight, and continuous improvement of California's workforce investment system and the alignment of the education and workforce investment systems to the needs of the 21st century economy and workforce. That act requires the establishment of a local workforce development board in each local workforce development area of the state to, among other things, carry out analyses of the economic conditions in the local region. This bill would enact the Removing Barriers to Employment Act, which would establish the Breaking Barriers to Employment Initiative administered by the California Workforce Development Board. The bill would specify that the purpose of the initiative is to create a grant program to provide individuals with barriers to employment the services they need to enter, participate in, and complete broader workforce preparation, training, and education programs aligned with regional labor market needs. The bill would specify that people completing these programs should have the skills and competencies to successfully enter the labor market, retain employment, and earn wages that lead to self-sufficiency and economic security. The bill would require the board to develop criteria for the selection of grant recipients, as specified. The bill also would specify the criteria by which grants are required to be evaluated, the populations that are eligible to be served by grants, and the activities eligible for grant funding. The bill would make the funding of the initiative subject to an appropriation by the Legislature for that purpose and would make implementation of the initiative contingent on the board notifying the Department of Finance that sufficient moneys have been appropriated. The bill would create the Breaking Barriers to Employment Initiative Fund, as specified, in the State Treasury for the purpose of carrying out its provisions.

**AB 1336**  
**Mullin**

*California Workforce Development Board*

Under existing law, the California Workforce Development Board is the body responsible for assisting the Governor in the development, oversight, and continuous improvement of California's workforce investment system and the alignment of the education and workforce investment systems to the needs of the 21st century economy and workforce. Existing law prescribes specific tasks with which the board assists the Governor, including the development and updating of comprehensive state performance accountability measures, including state-adjusted levels of performance, to assess the effectiveness of the core programs in the state as required under specific federal law. As part of that task, the board is required to develop a workforce metrics dashboard, to be updated annually, that measures the state's human capital investments in workforce development to better understand the collective impact of these investments on the labor market. The dashboard is required to be produced using existing available data and resources that are currently collected and accessible to state agencies. Existing law requires the dashboard, among other things, to measure the performance of specific workforce programs. This bill would require the board to determine the approach for measuring labor market impacts, provided that, to the extent feasible, the board uses statistically rigorous methodologies to estimate, assess, and isolate the impact of programs on participant outcomes.

The bill would modify the requirement that the workforce metrics dashboard be produced using existing available data and resources that are currently collected and accessible to state agencies, to require that it be done to the extent feasible. The bill would additionally require the dashboard to measure the performance of workforce programs included in the federal Workforce Innovation and Opportunity Act of 2014. Existing law requires the workforce metrics dashboard, among other things, to provide a status report on credential attainment, training completion, degree attainment, and participant earnings from workforce education and training programs. Existing law authorizes the State Department of Education to collect the social security numbers of adults participating in adult education programs so that accurate participation in those programs can be represented in the report. Existing law requires the State Department of Education to keep this information confidential, with the exception of authorizing the State Department of Education to share this information, unless prohibited by federal law, with the Employment Development Department, which is required to keep the information confidential and use it only to track the labor market outcomes of program participants in compliance with all applicable state and federal laws and mandates. Existing law requires specified participating workforce programs to provide participant data in a standardized format to the Employment Development Department. Existing law requires the Employment Development Department to aggregate data provided by participating workforce programs and to report the data, organized as prescribed, to the board to assist the board in producing the dashboard. This bill would expand the authorized recipients of that confidential information to include the board or the board's designee. The bill also would expand the use of the confidential information to include using it to track, for program participants, credential attainment, training completion, degree attainment, and participant earnings from workforce education and training programs. The bill would require participating workforce programs, including but not limited to, specified programs, to provide participant data in a standardized format to the Employment Development Department, the board, or the board's designee. The bill also would require the board or the board's designee to aggregate and report data as described above. The bill would require the board to ensure that a designee has the technical and operational capability of meeting appropriate privacy and security requirements.

AB 1553  
Cervantes

*Economic development: Capital Access Loan Program*

Existing law establishes the Capital Access Loan Program to assist small businesses in financing the costs of complying with environmental mandates and the remediation of contamination on their properties, as specified. Existing law establishes within the program the California Americans with Disabilities Small Business Capital Access Loan Program (ADA program) to assist small businesses in financing the costs of projects that alter or retrofit existing small business facilities to comply with the federal Americans with Disabilities Act. Existing law requires moneys in the ADA program fund, which is continuously appropriated, to be used for contributions in support of qualified loans, costs to educate the small business community and participating lenders about the program, and administrative expenditures, as specified. Existing law, for the purposes of the ADA program, defines a small business as a business that has less than \$1,000,000 in total gross annual income and meets other requirements. Under existing law, the California Pollution Control Financing Authority administers these programs and is authorized to establish small business assistance funds for certain purposes, including, among others, funding the programs. This bill would authorize the use of moneys in the ADA program fund for direct payments to borrowers enrolling loans. The ADA program, as specified, would require the authority to adopt related regulations and would allow small business assistance funds to include nonreimbursable payments made directly to borrowers in furtherance of the ADA program, as specified, administered by the authority as part of the Capital Access Loan Program. This bill would expand the definition of small business for the purposes of the ADA program to include businesses with less than \$5,000,000 in total gross annual income, thereby expanding the types of businesses that qualify for funding under the ADA program. By expanding the authorized uses of moneys in a continuously appropriated fund, the bill would make an appropriation. The bill would rename the ADA program the California Americans with

Disabilities Act Small Business Capital Access Loan Program.

**AB 1556**     *Employment discrimination: unlawful employment practices*  
**Mark**        Existing law, the California Fair Employment and Housing Act (FEHA), protects and  
**Stone**        safeguards the right and opportunity of all persons to seek, obtain, and hold employment without  
discrimination, abridgment, or harassment on account of race, religious creed, color, national  
origin, ancestry, physical disability, mental disability, medical condition, genetic information,  
marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or  
military and veteran status, except as specified. The FEHA also prohibits the owner of any  
housing accommodation from discriminating against any person because of the race, color,  
religion, sex, gender, gender identity, gender expression, sexual orientation, marital status,  
national origin, ancestry, familial status, source of income, disability, or genetic information of  
that person. In furtherance of these purposes, the FEHA establishes the Department of Fair  
Employment and Housing and the Fair Employment and Housing Council and prescribes the  
duties of that department and council. The FEHA also establishes procedures for the prevention  
and elimination of unlawful employment practices and of discrimination in housing. Existing  
law requires every employer in this state to permit any employee who indicates in writing a  
desire in a reasonable time and can demonstrate the ability to do so, to continue his or her  
employment beyond any retirement date contained in any private pension or retirement plan.  
Existing law, the Moore-Brown-Roberti Family Rights Act, makes it an unlawful employment  
practice for an employer, as defined, to refuse to grant a request by an eligible employee to take  
up to 12 workweeks of unpaid protected leave during any 12-month period (1) to bond with a  
child who was born to, adopted by, or placed for foster care with, the employee, (2) to care for  
the employee's parent, spouse, or child who has a serious health condition, as defined, or (3)  
because the employee is suffering from a serious health condition rendering him or her unable to  
perform the functions of the job. This bill would revise these provisions by deleting gender-  
specific personal pronouns and by making other conforming changes. Existing law makes it an  
unlawful employment practice, unless based upon a bona fide occupational qualification, for the  
governing board of any school district to, among other things, refuse to hire or employ a female  
person because of pregnancy or for an employer to, among other things, refuse to allow a female  
employee disabled by pregnancy, childbirth, or a related medical condition to take a leave for a  
reasonable period of time not to exceed 4 months and thereafter return to work. This bill would  
make these provisions gender neutral by deleting references to "female person" and "female  
employee" and referring instead to "person" and "employee" and by making other conforming  
changes.

**AB 1695**     *Unemployment insurance*  
**Committee**    (1) Existing law establishes the Joint Enforcement Strike Force on the Underground Economy to  
**on**                combat tax violations and cash-pay employment, and requires the membership of the Strike  
**Insurance**      Force to be composed of representatives of specified state agencies, including representatives  
from the Office of Criminal Justice Planning. Existing law abolishes the Office of Criminal  
Justice Planning as of January 1, 2004, and transfers all powers of the former Office of Criminal  
Justice Planning to the Office of Emergency Services. This bill would remove the Office of  
Emergency Services from the membership of the Strike Force. (2) Existing law establishes the  
Employment Development Department, within the Labor and Workforce Development Agency,  
and requires the department to be administered by the Director of Employment Development.  
Existing law requires an employer to file with the Director of Employment Development a  
report of unemployment contributions and a report of wages paid to his or her workers within a  
specified time. Existing law authorizes employers who employ individuals to perform domestic  
service to file reports of wages by telephone. Existing law provides it is a violation of the  
unemployment insurance law for any person to, among other things, procure counsel advice, or  
coerce anyone to willfully make a false statement or representation, or to knowingly fail to  
disclose a material fact in order to lower or avoid any contribution or to avoid being or

remaining subject to specified provisions of law. This bill would repeal the authorization for an employer to file reports of wages by telephone. This bill would additionally provide it is a violation for any business entity, as defined, to, among other things, procure counsel advice, or coerce anyone to willfully make a false statement or representation, or to knowingly fail to disclose a material fact in order to lower or avoid any contribution or to avoid being or remaining subject to specified provisions of law. By expanding the application of an existing crime, this bill would impose a state-mandated local program. (3) Existing law authorizes an additional penalty to be assessed if any person or entity fails to report amounts of paid remuneration for personal services and exempts assessments imposed under specified sections of law from this provision. This bill would delete that exemption.

SB 285  
Atkins

*Public employers: union organizing*

Existing law prohibits using state funds to reimburse a state contractor for any costs incurred to assist, promote, or deter union organizing. Existing law prohibits a public employer receiving state funds from using those funds to assist, promote, or deter union organizing. Existing law defines public employers and public agencies with reference to provisions authorizing public employees to join organizations for purposes of negotiating the terms and conditions of their employment. This bill would prohibit a public employer from deterring or discouraging public employees from becoming or remaining members of an employee organization. The bill would define a public employer for this purpose to include counties, cities, districts, the state, schools, transit districts, the University of California, and the California State University, among others. The bill would grant the Public Employment Relations Board jurisdiction over violations of its provisions.

SB 396  
Lara

*Employment: gender identity, gender expression, and sexual orientation*

The California Fair Employment and Housing Act (FEHA) makes specified employment practices unlawful, including the harassment of an employee directly by the employer or indirectly by agents of the employer with the employer's knowledge. FEHA requires employers with 50 or more employees to provide at least 2 hours of prescribed training and education regarding sexual harassment to all supervisory employees within 6 months of their assumption of a supervisory position and once every 2 years, as specified. This bill would additionally require employers with 50 or more employees to include, as a component of that prescribed training and education for supervisors, training inclusive of harassment based on gender identity, gender expression, and sexual orientation. FEHA requires each employer to post a poster on discrimination in employment, which includes information relating to the illegality of sexual harassment, in a prominent and accessible location in the workplace. The bill would also require each employer to post a poster developed by the Department of Fair Employment and Housing regarding transgender rights in a prominent and accessible location in the workplace. The California Workforce Innovation and Opportunity Act makes programs and services available to individuals with employment barriers and creates a board, composed of the Governor and Governor-appointed members who represent specified interests, including representatives of the state workforce, to carry out specified functions in furtherance of that act. This bill would expand the definition of an "individual with employment barriers" to include transgender and gender nonconforming individuals. The bill also would authorize the appointments to the board representing the state workforce to include representatives of community-based organizations that serve transgender and gender nonconforming individuals.

SB 418  
Hernandez

*Public contracts: skilled and trained workforce*

Existing law defines a "skilled and trained workforce" to mean a workforce that meets certain conditions for when a public entity is required by statute or regulation to obtain an enforceable commitment that a bidder, contractor, or other entity will use a skilled and trained workforce to complete a contract or project. Existing law also authorizes a public entity to require that a bidder, contractor, or other entity use a skilled and trained workforce to complete a contract or

project. This bill would revise the definition of a “skilled and trained workforce” to exclude from the conditions work performed on or after specified dates, in certain occupations.

SB 598

Hueso

*Public utilities: gas and electric service disconnections*

Under existing law, the Public Utilities Commission has regulatory authority over public utilities, including electrical corporations and gas corporations, and can establish its own procedures, subject to statutory limitations or directions and constitutional requirements of due process. Existing law requires the commission to designate a baseline quantity of electricity and gas necessary for a significant portion of the reasonable energy needs of the average residential customer, and to establish a higher energy allowance above the baseline for residential customers dependent on life-support equipment. Existing law requires certain notice be given before an electrical or gas corporation may terminate residential service for nonpayment of a delinquent account and prohibits termination of service for nonpayment in certain circumstances. This bill would require the commission to develop policies, rules, or regulations with a goal of reducing, by January 1, 2024, the statewide level of gas and electric service disconnections for nonpayment by residential customers, as specified. The bill would require the commission in each gas and electrical corporation general rate case to, among other things, conduct an assessment of and properly identify the impact of any proposed increase in rates on disconnections for nonpayment. The bill would require the commission to include in an annual report to the Legislature information on residential and household gas and electric service disconnections, disaggregated by certain customer categories. This bill would require the commission to adopt residential utility disconnections for nonpayment as a metric and incorporate the metric into each gas and electrical corporation general rate case. The bill would prohibit a gas or electrical corporation from disconnecting service for nonpayment by a residential customer dependent on life-support equipment who is unable to pay for service, who is willing to enter into an amortization agreement, as provided, and who satisfies certain other conditions. The bill would authorize the commission to identify strategies for reasonable cost recovery by a gas or electrical corporation for costs incurred in providing gas or electric service to customers whom the gas or electrical corporation was unable to disconnect due to compliance with that prohibition.

SB 711

Hill

*Electrical corporations and gas corporations: rates and charges*

Under existing law, the Public Utilities Commission has regulatory authority over public utilities, including electrical corporations and gas corporations. Existing law authorizes the commission to fix the rates and charges for every public utility and requires that those rates and charges be just and reasonable. Existing law requires the commission to designate a baseline quantity of electricity and gas necessary for a significant portion of the reasonable energy needs of the average residential customer and to establish a higher energy allowance above the baseline for residential customers dependent on life-support equipment. For these purposes, “baseline quantity” is defined as a quantity of electricity or gas allocated by the commission for residential customers based on from 50% to 60% of average residential consumption of these commodities, except that, for residential gas customers and for all-electric residential customers, the baseline quantity is required to be established at from 60% to 70% of average residential consumption during the winter heating season. This bill would require the commission to make efforts to minimize bill volatility for residential customers, explicitly authorizing the commission to do this by modifying the length of baseline seasons or defining additional baseline seasons. Existing law requires the commission to ensure that errors in estimates of demand elasticity or sales do not result in material overcollection or undercollection of rates and charges by an electrical corporation. For each gas corporation and electrical corporation that, for some portion of residential customers, employs every-other-month meter reading and estimates bills for months when the customer’s meter is not read, the bill would require the commission to direct the gas corporation or electrical corporation to include in its tariffs the methodology it employs to estimate bills for those months during which the meter is not read.

**Education**

- AB 19**      *Community colleges: California College Promise*  
**Santiago**      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 authorizes the establishment of community college districts under the administration of community college governing boards, and authorizes these districts to provide instruction at community college campuses throughout the state. Existing law requires community college district governing boards to charge students an enrollment fee of \$46 per unit per semester. Existing law requires the board of governors to waive this fee for students meeting prescribed requirements. This bill would establish the California College Promise, to be administered by the Chancellor of the California Community Colleges, which shall distribute funding, upon appropriation by the Legislature, to each community college meeting prescribed requirements to be used to, among other things, accomplish specified policy goals and waive fees for one academic year for first-time students who are enrolled in 12 or more semester units or the equivalent at the college and complete and submit either a Free Application for Federal Student Aid or a California Dream Act application.
- AB 21**      *Public postsecondary education: Access to Higher Education for Every Student*  
**Kalra**      Existing law establishes the California State University, under the administration of the Trustees of the California State University; the University of California, under the administration of the Regents of the University of California; the California Community Colleges, under the administration of the Board of Governors of the California Community Colleges; and independent institutions of higher education as the 4 segments of postsecondary education in this state. Existing provisions of the Donahoe Higher Education Act set forth the missions and functions of these 4 postsecondary educational segments. No provision of the Donahoe Higher Education Act applies to the University of California except to the extent that the regents, by appropriate resolution, make that provision applicable. This bill would express findings and declarations of the Legislature relating to the possible impacts on public postsecondary educational institutions in this state of changes in federal immigration policies and enforcement. The bill would add to the Donahoe Higher Education Act provisions that would require the Trustees of the California State University, the governing boards of community college districts, and independent institutions of higher education that are qualifying institutions for purposes of the Cal Grant Program, and would request the regents, to the fullest extent consistent with state and federal law, to: refrain from disclosing personal information concerning students, faculty, and staff, except under specified circumstances; advise all students, faculty, and staff to notify the office of the chancellor or president, or his or her designee, as soon as possible, if he or she is advised that an immigration officer, as defined, is expected to enter, or has entered, the campus to execute a federal immigration order; notify, as soon as possible, the emergency contact of a student, faculty, or staff person if there is reason to suspect that the person has been taken into custody as the result of an immigration enforcement action; comply with a request from an immigration officer for access to nonpublic areas of the campus only upon presentation of a judicial warrant, except as specified; advise all students, faculty, and staff responding to or having contact with an immigration officer executing a federal immigration order, to promptly refer the entity or individual to the office of the chancellor or president, or his or her designee, for purposes of verifying the legality of any warrant, court order, or subpoena; designate a staff person to serve as a point of contact for those who may be subject to immigration actions, as specified; maintain a contact list of legal services providers who provide legal immigration representation, and provide it free of charge to any and all students who request it; adopt and implement, by March 1, 2019, the model policy developed by the Attorney General or an equivalent policy pursuant to a specified statute, limiting assistance with immigration enforcement to the fullest extent possible consistent with federal and state law, as specified; post on its Internet Web site, and provide via email quarterly or each semester to all students, faculty,

and staff, and update as often as is necessary, a copy of the policy referenced above, and guidance informing them of their rights under state and federal immigration laws and how to respond to a federal immigration action or order; and ensure that certain benefits and services provided to undocumented students are continued in the event that they are subject to a federal immigration order.

AB 81 *English learners: identification: notice*

Gonzalez  
Fletcher Existing law requires each school district to make a determination of the primary language of a pupil when the pupil enrolls in the school district and requires each parent or guardian of a pupil enrolled in a public school to receive notice of an assessment of a pupil's English proficiency no later than 30 days after the start of the school year that includes, among other things, the reason for the pupil's classification as an English learner. This bill would require the notice of assessment of a child's English proficiency to include specified additional information, including whether a child is a long-term English learner or is an English learner at risk of becoming a long-term English learner, and would authorize a local educational agency or charter school to send an alternative notice to comply with this requirement, as specified.

AB 214 *Postsecondary education: student hunger*

Weber (1) Existing law establishes the California State University, under the administration of the Trustees of the California State University; the University of California, under the administration of the Regents of the University of California; the California Community Colleges, under the administration of the Board of Governors of the California Community Colleges; and independent institutions of higher education as the 4 segments of postsecondary education in this state. This bill would express the intent of the Legislature to enact legislation to reduce the incidence of hunger and homelessness among college students in California. (2) Existing law requires each public and private postsecondary educational institution that is located in a county that participates in the Restaurant Meals Program to apply to become an approved food vendor for the program, if the institution operates any qualifying food facilities on campus, or to provide contracting on-campus food vendors with specified information about the program. This bill would provide definitions of "on-campus food vendors" and "qualifying food facility" for purposes of this provision. (3) Existing federal law provides for the Supplemental Nutrition Assistance Program (SNAP), known in California as CalFresh, formerly the Food Stamp Program, under which supplemental nutrition assistance benefits allocated to the state by the federal government are distributed to eligible individuals by each county. Under existing law, households are eligible to receive CalFresh benefits to the extent permitted by federal law. Existing federal law provides that students who are enrolled in college or other institutions of higher education at least half time are not eligible for SNAP benefits unless they meet one of several specified exemptions, including participating in specified employment training programs. Existing state law provides that, for the purposes of determining eligibility, certain educational programs, as determined by the State Department of Social Services, shall be considered employment training programs, thereby qualifying a student participating in one of those programs for an exemption, unless prohibited by federal law. Existing law also requires the State Department of Social Services, in consultation with representatives from other specified organizations, to establish a protocol to identify and verify all potential exemptions and to identify and verify participation in educational programs, including self-initiated placements, that would qualify a student for an exemption. This bill would express legislative intent to clarify educational policies for purposes of improving access for low-income students to the CalFresh program. For purposes of the federal regulation, the bill would specify the definition of half-time college enrollment. The bill would also require the Student Aid Commission to provide written notice to recipients of Cal Grant awards who qualify for participation in the CalFresh program under the federal regulation. This bill would require the Department of Social Services to maintain and regularly update a list of programs identified pursuant to existing law because they meet the employment training exemption set in the federal regulation. The bill would also require the department to issue and maintain instructions for

county human services agencies to verify exemptions to the CalFresh student eligibility rules for students who participate in these programs, as specified. To the extent that this provision would impose new duties on county human services agencies, it would constitute a state-mandated local program. (4) Existing law requires the Department of Social Services to implement the provisions described in (3) above by all-county letters or similar instructions beginning no later than October 1, 2015, until regulations are adopted, and further requires the department to adopt regulations on or before October 1, 2017. Existing law also requires the department to seek and obtain federal approval, as specified, prior to publishing that guidance or regulation, if the United States Department of Agriculture requires federal approval. This bill would adjust the dates for the implementation and adoption of regulations. The bill would delete the provision relating to federal approval.

AB 273  
Aguiar-  
Curry

*Child care services: eligibility*

Existing law, the Child Care and Development Services Act, requires the Superintendent of Public Instruction to administer child care and development programs that offer a full range of services for eligible children from infancy to 13 years of age. Existing law establishes eligibility requirements and requires families to meet at least one requirement in each of 2 specified areas, including the area relating to why the family has a need for the child care service. This bill would include in the area relating to need, as a requirement that may be satisfied for purposes of eligibility, that the family needs the child care services because the parents are engaged in an educational program for English language learners or to attain a high school diploma or general educational development certificate.

AB 435  
Thurmond

*Child care subsidy plans: Counties of Alameda, Contra Costa, Marin, and Sonoma*

Existing law authorizes the County of Alameda, as a pilot project, to develop an individualized county child care subsidy plan, as provided. Existing law requires the plan to include specified elements, including the development of a local policy, as provided. Existing law requires the local policy to, among other things, authorize an agency that provides child care and development services in the county through a contract with the State Department of Education and either provides direct services or contracts with licensed providers or centers to apply to the department to amend existing contracts in order to benefit from the local policy. This bill would instead require the local policy, among other things, to authorize an agency that provides child care and development services in the county through a contract with the department to apply to the department to amend existing contracts in order to benefit from the local policy. Existing law authorizes the local policy to supersede state law concerning child care subsidy programs with regard to certain factors, including eligibility criteria relating to CalWORKs participation, with exceptions. This bill would also authorize the local policy to supersede California state preschool eligibility periods, as specified, and would delete the above provisions relating to superseding eligibility criteria relating to CalWORKs participation and the exceptions. Existing law requires the plan to include a recognition that all funding sources utilized by direct service contractors that provide child care and development services in the County of Alameda and contractors that contract with licensed providers and centers are eligible to be included in the county's plan. This bill would instead require the plan to include a recognition that all funding sources utilized by contractors that provide child care and development services in the County of Alameda are eligible to be included in the county's plan.

AB 504  
Medina

*Community colleges: Student Success and Support Program funding*

(1) 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, known as the Seymour-Campbell Student Success Act of 2012, establishes and provides for the funding of the Student Success and Support Program. Existing law requires, as a condition for receiving Student Success and Support Program funding, that the governing board of each community college district maintain



a student equity plan, as specified. Existing law requires the student equity plan to include, for each community college in the community college district, campus-based research as to the extent of student equity by gender and for each of several specified categories of students. Existing law also requires the student equity plan to include whether significant underrepresentation of any of these categories of students is found to exist in terms of access to, and completion of, basic skills, career technical education and workforce training, and transfer courses. This bill would require the student equity plan to instead include whether that significant underrepresentation of any of these categories of students is found to exist in terms of access and retention, degree and certificate completion, English as a Second Language and basic skills completion, and transfer. The bill would require the Chancellor of the California Community Colleges to establish a standard methodology, for measurement of student equity and disproportionate impact for disaggregated subgroups of the student population of the California Community Colleges, for use in the student equity plans of community college districts, as specified. (2) Existing law requires the Chancellor of the California Community Colleges to establish a list of eligible and ineligible expenditures and activities to ensure that Student Success and Support Program funding is used to support the implementation of student equity plan goals and the coordination of services for the targeted student populations. This bill would require that Student Success and Support Program funding be used to support the implementation of student equity plan goals and the coordination of services for the targeted student population through evidence-based practices.

AB 667  
Reyes

*Pupil discipline: suspension: informal conference*

Existing law requires that suspension of a pupil be imposed only when other means of correction fail to bring about proper conduct. Existing law requires a suspension by the principal, the principal's designee, or the district superintendent of schools to be preceded by an informal conference conducted by the principal, the principal's designee, or the district superintendent of schools between the pupil and, whenever practicable, the teacher, supervisor, or school employee who referred the pupil to the principal, the principal's designee, or the district superintendent of schools. Existing law requires a pupil, at the conference, to be informed of the reason for the disciplinary action and the evidence against him or her, and given the opportunity to present his or her version and evidence in his or her defense. This bill would require a pupil, at the conference, to also be informed of the other means of correction that were attempted before the suspension.

AB 705  
Irwin

*Seymour-Campbell Student Success Act of 2012: matriculation: assessment*

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, the Seymour-Campbell Student Success Act of 2012, provides that the purpose of the act is to increase California community college student access and success by providing effective core matriculation services of orientation, assessment and placement, counseling, and other education planning services, and academic interventions. Existing law prohibits a community college district or college from using any assessment instrument for the purposes of these provisions without the authorization of the board of governors. This bill would require a community college district or college to maximize the probability that the student will enter and complete transfer-level coursework in English and mathematics within a one-year timeframe, and use, in the placement of students into English and mathematics courses in order to achieve this goal, one or more of the following: high school coursework, high school grades, and high school grade point average. The bill would authorize the board of governors to establish regulations governing the use of measures, instruments, and placement models to ensure that these measures, instruments, and placement models achieve the goal of maximizing the probability that a student will enter and complete transfer-level coursework in English and mathematics within a one-year timeframe, and that a student enrolled in English-as-a-second-language (ESL) instruction will enter and complete degree and transfer requirements in English within a timeframe of 3 years. The bill would also authorize the board

of governors to establish regulations that ensure that, for students who seek a goal other than transfer, and who are in certificate or degree programs with specific requirements that are not met with transfer-level coursework, a community college maximizes the probability that a student will enter and complete the required college-level coursework in English and mathematics within a one-year timeframe. The bill would prohibit a community college district or college from requiring students to enroll in remedial English or mathematics coursework that lengthens their time to complete a degree unless placement research that includes consideration of high school grade point average and coursework shows that those students are highly unlikely to succeed in transfer-level coursework in English and mathematics. The bill would authorize a community college district or college to require students to enroll in additional concurrent support, including additional language support for ESL students, during the same semester that they take the transfer-level English or mathematics course, but only if it is determined that the support will increase their likelihood of passing the transfer-level English or mathematics course.

AB 752  
Rubio

*Child care: state preschool programs: expulsion*

Existing law, the Child Care and Development Services Act, requires the Superintendent of Public Instruction to administer child care and development programs that offer a full range of services for eligible children from infancy to 13 years of age, including California state preschool programs. The act requires families to meet certain requirements to be eligible for federal and state subsidized child development services. The act authorizes the Superintendent to enter into and execute local contractual agreements with any public or private entity or agency for the delivery of child care and development services. This bill would prohibit a contracting agency from expelling or unenrolling a child from a state preschool program because of a child's behavior unless the contracting agency has expeditiously pursued and documented reasonable steps to maintain the child's safe participation in the program and determines, in consultation with specified parties, that the child's continued enrollment would present a continued serious safety threat to the child or other enrolled children, and has referred the parents or legal guardians to other potentially appropriate placements, the local child care resource and referral agency, or any other referral service available in the local community. Existing law provides for the licensure, by the State Department of Social Services, of facilities that provide day care for children, including day care centers and family day care homes. Existing law authorizes the department to impose civil penalties for certain violations of the licensing requirements and their corresponding regulations. Existing law requires each licensed child day care facility to post various documents and provide various notices to parents in response to certain citations. Existing law provides that failure to comply with these requirements results in an immediate civil penalty. This bill would require the department to consider, in determining whether to issue a citation to or impose a civil penalty on a child day care facility that contracts with the State Department of Education, whether the child day care facility is in the process of complying with the procedure described above.

AB 830  
Kalra

*High school exit examination: repeal*

Existing law requires the Superintendent of Public Instruction, with the approval of the State Board of Education, to develop a high school exit examination in English language arts and mathematics in accordance with state academic content standards. Existing law requires each pupil completing grade 12 to successfully pass the high school exit examination as a condition of receiving a diploma of graduation or a condition of graduation from high school, except for the 2015–16, 2016–17, and 2017–18 school years. This bill would eliminate the high school exit examination and would remove it as a condition of receiving a diploma of graduation or a condition of graduation from high school.

AB 868  
Berman

*Private postsecondary education: community-based organizations*

Existing law, the California Private Postsecondary Education Act of 2009, provides, among

other things, for student protections and regulatory oversight of private postsecondary institutions in the state. The act is enforced by the Bureau for Private Postsecondary Education within the Department of Consumer Affairs. The act exempts an institution from its provisions if any of a list of specific criteria are met. This bill would additionally exempt from the act an institution owned, controlled, operated, and maintained by a community-based organization, as defined under a specified provision of federal law as that provision exists on March 1, 2017, that meets specified conditions, including having programs on, or applying for some or all of its programs to be on, the Eligible Training Provider List established and maintained by the California Workforce Development Board.

- AB 1018      *Community colleges: student equity plans*  
Reyes      (1) Existing law requires, as a condition for receiving Student Success and Support Program funding, that the governing board of each community college district maintain a student equity plan, as specified, and requires the Chancellor of the California Community Colleges to make an annual report related to those plans. This bill would add homeless, lesbian, gay, bisexual, and transgender students to the categories of students required to be addressed in the student equity plans. The bill would also add any additional categories of students determined by the governing board of the community college. To the extent that these provisions would impose new duties on community college districts, the bill would impose a state-mandated local program. (2) Existing law requires the chancellor to establish a list of eligible and ineligible expenditures and activities to ensure that Student Success and Support Program funding is used to support evidence-based practices to implement student equity plan goals and coordinate services for the targeted student populations. This bill would, instead of the list, require the chancellor to provide guidance to community college districts regarding expenditures and activities to ensure that Student Success and Support Program funding is used to support these purposes.
- AB 1035      *Pupil assessments: interim assessments: purposes of use*  
O'Donnell      Existing law requires the Superintendent of Public Instruction, the State Board of Education, and any other entity or individual designated by the Governor to participate in the Common Core State Standards Initiative consortium or any related interstate consortium, as specified. Existing law requires the State Department of Education to acquire, and offer at no cost to local educational agencies, interim and formative assessment tools for kindergarten and grades 1 to 12, inclusive, as provided through membership in that consortium. This bill would require those interim assessments to be designed to provide timely feedback to teachers that they may use to continually adjust instruction to improve pupil learning. The bill would prohibit the results of the interim assessments from being used for any high-stakes purpose, as provided.
- AB 1176      *High school equivalency tests*  
Mullin      Existing law provides for the administration of a general educational development test. Existing law authorizes the Superintendent of Public Instruction to provide the test to, among others, persons confined in certain hospitals or correctional institutions. Existing law authorizes the Superintendent to grant a waiver to a county office of education to provide a general educational development test preparation program, not to exceed one hour per schoolday, as part of any other instructional program during the regular schoolday to certain of these confined persons. This bill would no longer limit that program from exceeding one hour per schoolday. The bill would replace all references in the Education Code of the “general educational development test” to a “high school equivalency test.”
- AB 1178      *Postsecondary education: student loans*  
Calderon      Under existing law, the segments of postsecondary education in this state are the University of California, the California State University, the California Community Colleges, independent institutions of higher education, and private postsecondary educational institutions. This bill would require, commencing with the 2018–19 award year, each higher education institution,

except for the California Community Colleges, to the extent that the institution receives a student borrower's federal, state, and private education loan information, to send an individualized letter, by regular mail or electronic mail, to that student that includes specified information.

AB 1360

Bonta

*Charter schools: pupil admissions, suspensions, and expulsions*

The Charter Schools Act of 1992 provides for the establishment and operation of charter schools and requires a petition for the establishment of a charter school to contain comprehensive descriptions of various procedures, including the charter school's admission, suspension, and expulsion procedures. This bill would require the charter petition, regardless of the chartering authority, to contain a comprehensive description of procedures by which a pupil can be suspended, expelled, or otherwise involuntarily removed from the charter school that includes an explanation of how the charter school will comply with specified federal and state constitutional due process requirements. The bill would require a school district to provide certain information to a charter school in which a pupil was enrolled and who was expelled or left the charter school if the pupil is subsequently expelled or leaves the school district. To the extent the bill would impose additional requirements on local educational agencies and charter schools, the bill would impose a state-mandated local program. Existing law requires, if the number of pupils who wish to attend a charter school exceeds capacity, for attendance to be determined by a public random drawing and requires admission preferences to be extended to pupils currently attending the charter school and pupils who reside in the school district or county, depending on the applicable chartering authority. Existing law provides that other preferences may be permitted by a chartering authority on an individual school basis, as specified. This bill would require other preferences to be approved by the chartering authority at a public hearing and would require the preferences to comply with specified other requirements. To the extent the bill would impose additional duties on local educational agencies, the bill would impose a state-mandated local program. The bill also would authorize a charter school to encourage parental involvement, but would require the charter school to notify the parents and guardians of applicant pupils and currently enrolled pupils that parental involvement is not a requirement for acceptance to, or continued enrollment at, the charter school.

AB 1567

Holden

*Public postsecondary education: California State University: California Community Colleges: foster youth: Higher Education Outreach and Assistance Act for Foster Youth*

Existing law establishes the California State University and the California Community Colleges as 2 of the segments of public postsecondary education in this state. Existing law also establishes the Higher Education Outreach and Assistance Act for Emancipated Foster Youth. The act imposes various requirements on the Trustees of the California State University and the Board of Governors of the California Community Colleges relating to outreach and retention services for foster youth in order to encourage their enrollment and retention at a campus of either segment. More specifically, the act requires the State Department of Social Services and county welfare departments, in coordination with the California State University and the California Community Colleges, to communicate with foster youth at 2 grade levels designated jointly by the 2 segments in order to facilitate the outreach and technical assistance efforts for those prospective students. This bill would change the name of the act to the Higher Education Outreach and Assistance Act for Foster Youth. The bill would also require the State Department of Social Services and county welfare departments, in coordination with the California State University and the California Community Colleges, to coordinate with staff of several designated entities, as appropriate, to verify eligibility of foster youth for participation in programs and other benefits. The bill would require each campus of the California Community Colleges, upon admission of a foster youth, and each campus of the California State University, upon determination, through receipt of the Free Application for Federal Student Aid or through another means, that a student enrolled at, or applying to, that campus is a current or former

foster youth and is eligible for financial aid, to notify that student about appropriate campus support programs, as specified, notify that student of his or her eligibility for financial aid, and provide that student with instructions for accessing the benefits for which he or she has qualified. The bill would specify that notification of students pursuant to this provision may be accomplished by methods including, but not necessarily limited to, inclusion of information in the letters of acceptance sent to foster youth who have been admitted to those campuses.

SB 468  
Leyva

*School districts: governing boards: pupil members*

Existing law requires the governing board of a school district maintaining one or more high schools to appoint to its membership one or more pupil members if pupils submit a petition to the governing board to make those appointments, as provided. Existing law requires a pupil member to be recognized as a full member of the governing board of the school district at meetings, including receiving all materials presented to the board members and participating in the questioning of witnesses and the discussion of issues. This bill would specify that a pupil member shall receive all open meeting materials presented to the board members at the same time the materials are presented to the board members and would additionally require a pupil member to be invited to staff briefings of board members or provided a separate staff briefing within the same timeframe as the staff briefing of board members. To the extent that this requirement would impose additional duties on school districts, the bill would impose a state-mandated local program.

SB 751  
Hill

*School finance: school districts: annual budgets: reserve balance*

Existing law, unless the school district is granted an exemption, limits the amount of the combined assigned or unassigned ending fund balance contained in a school district's annual budget in any fiscal year immediately after a fiscal year in which a transfer is made into the Public School System Stabilization Account. Existing law establishes formulas for calculating the maximum amount allowable for school districts with less than 400,000 units of average daily attendance and for school districts with more than 400,000 units of average daily attendance, as specified. This bill would instead make that limitation applicable in a fiscal year immediately after a fiscal year in which the amount of moneys in the Public School System Stabilization Account is equal to or exceeds 3% of the combined total of General Fund revenues appropriated for school districts and allocated local proceeds of taxes, as specified, for that fiscal year. The bill would instead provide that the school district's budget shall not contain a combined assigned or unassigned ending general fund balance, as defined, in excess of 10% of those funds. The bill would exclude from the requirements of those provisions basic aid school districts, as defined, and small school districts, as defined. To the extent the bill would impose additional duties on school districts, the bill would impose a state-mandated local program. The bill would require the Superintendent of Public Instruction to notify school districts and county offices of education whenever the conditions specified above are met. The bill would also require the Superintendent to notify school districts and county offices of education when those conditions no longer exist.

**Housing**

- AB 56** *California Infrastructure and Economic Development Bank: housing*  
**Holden** The Bergeson-Peace Infrastructure and Economic Development Bank Act authorizes the California Infrastructure and Economic Development Bank, governed by a board of directors, to, among other things, make loans, issue bonds, and provide other financial assistance for various types of projects that qualify as public development or economic development facilities. The act defines, among other things, the term “public development facilities” for these purposes to mean real and personal property, structures, conveyances, equipment, thoroughfares, buildings, and supporting components thereof, excluding any housing, that are directly related to providing, among other things, city streets, county highways, and educational facilities. The act establishes the California Infrastructure and Economic Development Bank Fund, a continuously appropriated fund, for support of the bank. This bill would revise the definition of the term “public development facilities” for purposes of the act to mean real and personal property, structures, conveyances, equipment, thoroughfares, buildings, and supporting components thereof, excluding any housing, that are directly related to providing, among other things, housing-related infrastructure, which includes city streets; drainage, water supply, and flood control; environmental mitigation measures; power and communications; public transit improvement that directly supports transit-oriented housing; sewage collection and treatment; and water treatment and distribution. By expanding the banks’ authority to expend funds in a continuously appropriated fund, the bill would make an appropriation.
- AB 72** *Housing*  
**Santiago** The Planning and Zoning Law requires a city or county to adopt a comprehensive, long-term general plan for the physical development of the city or county and of any land outside its boundaries that bears relation to its planning. That law also requires the general plan to contain specified mandatory elements, including a housing element for the preservation, improvement, and development of housing. Existing law prescribes requirements for the preparation of the housing element, including a requirement that a planning agency submit a draft of the element or draft amendment to the element to the Department of Housing and Community Development prior to the adoption of the element or amendment to the element. Existing law requires the department to review the draft and report its written findings, as specified. Existing law also requires the department, in its written findings, to determine whether the draft substantially complies with the housing element. This bill would require the department to also review any action or failure to act by the city, county, or city and county that it determines is inconsistent with an adopted housing element or a specified provision and to issue written findings, as specified, whether the action or failure to act substantially complies with the housing element. If the department finds that the action or failure to act by the city, county, or city and county does not substantially comply with the housing element, and if it has issued findings as described above that an amendment to the housing element substantially complies with the housing element, the bill would authorize the department, after allowing no more than 30 days for a local agency response, to revoke its findings until it determines that the city, county, or city and county has come into compliance with the housing element. The bill would also require the department to notify the city, county, or city and county and authorize the department to notify the Office of the Attorney General that the city, county, or city and county is in violation of state law if the department makes certain findings of noncompliance or a violation.
- AB 73** *Planning and zoning: housing sustainability districts*  
**Chiu** (1) The Planning and Zoning Law requires a city or county to adopt a general plan for land use development within its boundaries that includes, among other things, a housing element. Existing law provides for various reforms and incentives intended to facilitate and expedite the construction of affordable housing. This bill would authorize a city, county, or city and county, including a charter city, charter county, or charter city and county, to establish by ordinance a

housing sustainability district that meets specified requirements, including authorizing residential use within the district through the ministerial issuance of a permit. The bill would authorize the city, county, or city and county to apply to the Department of Housing and Community Development for approval for a zoning incentive payment and require the city, county, or city and county to provide specified information about the proposed housing sustainability district ordinance. The bill would require the department to approve a zoning incentive payment if the ordinance meets the above-described requirements and the city's housing element is in compliance with specified law. The bill would also require the department, each October 1 following the approval of the housing sustainability district, to issue a certificate of compliance if the city, county, or city and county meets specified criteria pertaining to the continued compliance with these provisions or to deny certification, as provided. The bill would provide that a city, county, or city and county with a housing sustainability district would be entitled to a zoning incentive payment, subject to appropriation of funds for that purpose, and require that 1/2 the amount be provided upon zone approval by the department and 1/2 the amount upon verification by the department of the issuance of permits for the projected units of residential construction within the zone, provided that the city, county, or city and county has received a certificate of compliance for the applicable year. The bill, if the city, county, or city and county reduces the density of sites within the district from specified levels, would require the city, county, or city and county to return the full amount of zoning incentive payments it has received to the department. The bill would also authorize a developer to develop a project in a housing sustainability district in accordance with the already existing land use approval procedures that would otherwise apply to the parcel in the absence of the establishment of the housing sustainability district pursuant to its provisions, as provided. The bill would authorize a city, county, or city and county to incorporate provisions in its housing sustainability district ordinance prescribing the contents of an application for a permit for residential development, to adopt design review standards, and to charge a project application fee to defray the costs of preparation, adoption, and administration of the housing sustainability district plan, as provided. The bill would require that a housing sustainability district ordinance be effective for no more than 10 years, but would authorize the city, county, or city and county to renew the ordinance for not more than 10 years. The bill would also require that prevailing wages be paid, and a skilled workforce employed, in connection with all projects within the housing sustainability district, as provided. The bill would establish procedures for review of an application by an approving authority, including requiring the approving authority to conduct a public hearing on an application and issue a written decision within 120 days of receipt of the application. The bill, if a proposed development within a housing sustainability district includes any parcels being used for affordable housing, would require that the approving authority condition approval of the application on the applicant's agreement to replace those affordable housing units. The bill would also prescribe procedures for review of a decision of the approving authority to deny or approve with conditions an application for a permit in the superior court. The bill would authorize the department to adopt, amend, and repeal standards, forms, or definitions to implement its provisions and exempt those standards, forms, or definitions from specified provisions of the Administrative Procedure Act governing rulemaking. The bill would require the department to publish a report containing specified information about the housing sustainability district program on its Internet Web site no later than November 1, 2018, and each November 1 thereafter. (2) 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. This bill would require a lead agency, when designating housing sustainability districts, to prepare an EIR for the designation, as specified. The bill would exempt from CEQA

housing projects undertaken in the housing sustainability districts that meet specified requirements.

- AB 74  
Chiu *Housing*  
Existing federal law requires the Secretary of the Department of Housing and Urban Development to establish a Housing Trust Fund to provide grants to states to increase the supply of rental housing for extremely low and very low income families, including homeless families, and home ownership for extremely low and very low income families. Existing law establishes the Department of Housing and Community Development in the Business, Consumer Services, and Housing Agency. The department is responsible for administering various housing and home loan programs throughout the state. Existing law designates the department as the state agency responsible for administering funds received by the state from the federal Housing Trust Fund and requires the department to administer these funds through existing or newly created programs. This bill would require the department, on or before January 1, 2019, to establish the Housing for a Healthy California Program to create supportive housing opportunities through grants to counties for capital and operating assistance, as specified, or operating reserve grants and capital loans to developers, or both. The bill would require the department to award grants to counties on a competitive basis pursuant to rating and ranking criteria, as specified. The bill would require the county to use grant funds in a specified manner and to comply with federal Housing Trust Fund regulations. The bill would require a county or developer awarded grant or loan funds to report data, as specified. The bill would require the department to submit federal Housing Trust Fund allocation plans to the Department of Housing and Urban Development, as provided. The bill would also require the department to analyze data collected pursuant to the program, as specified, and to report program data to certain legislative committees, as specified. The bill would require the department to carry out these provisions with revenues appropriated to the department from federal Housing Trust Fund allocations, as specified, or with any other revenues appropriated to the department that may be allocated for purposes of the program, or both.
- AB 210  
Santiago *Homeless multidisciplinary personnel team*  
Existing law authorizes counties to establish a child abuse multidisciplinary personnel team, as defined, to allow provider agencies to share confidential information in order to investigate reports of suspected child abuse or neglect or for the purpose of child welfare agencies making detention determinations, as specified. This bill would authorize counties to also establish a homeless adult and family multidisciplinary personnel team, as defined, with the goal of facilitating the expedited identification, assessment, and linkage of homeless individuals to housing and supportive services within that county and to allow provider agencies to share confidential information, as specified, for the purpose of coordinating housing and supportive services to ensure continuity of care. The bill would require the sharing of information permitted under these provisions to be governed by protocols developed in each county, as specified, and would require each county to provide a copy of its protocols to the State Department of Social Services. This bill would authorize the homeless adult and family multidisciplinary personnel team to designate qualified persons to be a member of the team for a particular case and would require every member who receives information or records regarding adults and families in his or her capacity as a member of the team to be under the same privacy and confidentiality obligations and subject to the same confidentiality penalties as the person disclosing or providing the information or records. The bill would also require the information or records to be maintained in a manner that ensures the maximum protection of privacy and confidentiality rights.
- AB 236  
Maienschein *CalWORKs: housing assistance*  
Existing law establishes the California Work Opportunity and Responsibility to Kids (CalWORKs) program under which, through a combination of federal, state, and county funds,



each county provides cash assistance and other benefits to qualified low-income families. As part of the CalWORKs program, a homeless family that has used all available liquid resources in excess of \$100 is eligible for homeless assistance benefits to pay the costs of temporary shelter if the family is eligible for aid under the CalWORKs program. This bill would also provide that homeless assistance is available to homeless families that would be eligible for aid under the CalWORKs program but for the fact that the only child or children in the family are in out-of-home placement pursuant to an order of the dependency court, if the family is receiving reunification services and the county determines that homeless assistance is necessary for reunification to occur. This bill would also require the department to work with county human services agencies, the County Welfare Directors Association, and advocates of CalWORKs recipients to gather information regarding actual costs of a nightly shelter and best practices for transitioning families from a temporary shelter to a permanent shelter and to provide that information to the Legislature on an annual basis. Under existing law, when the federal government provides funds for the care of a needy relative with whom a needy child is living, aid to the child for any month includes aid to meet the need of that relative, if CalWORKs payments are made with respect to the child for that month, except as prescribed. Existing law provides that the parent or parents shall be considered living with the needy child for a period of up to 180 consecutive days of the needy child's absence from the family assistance unit, and the parents shall be eligible for CalWORKs services, except as specified, if certain conditions are met, including that the child has been removed from the parents and placed in out-of-home care, and that the county has determined that the provision of services is necessary for family reunification. This bill would include the previously described homeless assistance benefit to pay the costs of temporary shelter as a service provided to those eligible parents.

AB 346  
Daly

*Redevelopment: housing successor: Low and Moderate Income Housing Asset Fund*

Existing law dissolved redevelopment agencies and community development agencies as of February 1, 2012, and provides for the designation of successor agencies to wind down the affairs of the dissolved redevelopment agencies and to, among other things, make payments due for enforceable obligations and to perform duties required by any enforceable obligation. Existing law authorizes the city, county, or city and county that created a former redevelopment agency to elect to retain the housing assets and functions previously performed by the former redevelopment agency. Existing law requires the housing successor to maintain any funds transferred to it, together with any funds generated from housing assets in a separate Low and Moderate Income Housing Asset Fund to be used in accordance with applicable housing-related provisions of the Community Redevelopment Law, except as specified. Existing law requires the housing successor to expend funds received from the successor agency to meet its enforceable obligations, and for specified administrative and monitoring costs relating to ensuring the long-term affordability of units subject to affordability restrictions. The housing successor may then expend a specified amount per fiscal year for homeless prevention and rapid rehousing services, including specified types of services described in that provision, and must use all funds remaining thereafter for the development of affordable housing, as specified. This bill would expand the specified types of services included within permissible homeless prevention and rapid rehousing services to include contributions toward the construction of local or regional homeless shelters. Existing law authorizes 2 or more of specified types of housing successors to transfer funds among their respective low and moderate income housing asset funds for the sole purpose of financing specified types of projects, if certain conditions are met. This bill would add a regional homeless shelter to the list of projects for which those types of housing successors may finance by transferring funds among their respective low and moderate income housing asset funds.

AB 352  
Santiago

*State Housing Law: efficiency units*

Existing law, the State Housing Law, authorizes a city, county, or city and county to permit the construction and occupancy of efficiency units that have a minimum area of 150 square feet if they meet certain specified criteria. This bill would prohibit a city, county, or city and county

from limiting the number of efficiency units in certain locations near public transit or university campuses, as specified.

**AB 494**      *Land use: accessory dwelling units*  
**Bloom**      The Planning and Zoning Law authorizes a local agency to provide by ordinance for the creation of accessory dwelling units in single-family and multifamily residential zones, as specified. That law requires the ordinance to require the accessory dwelling unit to comply with certain conditions, including, but not limited to, that the accessory dwelling unit is not intended for sale separate from the primary residence and may be rented. This bill would revise that condition to provide that the accessory dwelling unit may be rented separately from the primary residence. Existing law provides that no setback be required for an existing garage that is converted to an accessory dwelling unit, as specified. This bill also would provide that no setback be required for an existing garage that is converted to a portion of an accessory dwelling unit. Existing law requires that parking requirements for accessory dwelling units not exceed one parking space per unit or per bedroom and allows required parking spaces to be provided as tandem parking on an existing driveway. Existing law also requires specified offstreet parking to be permitted for an accessory dwelling unit unless, among other things, that specified offstreet parking is not allowed anywhere else in the jurisdiction. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit, and the local agency requires that those off-street parking spaces be replaced, existing law allows, with specified exceptions, the replacement spaces to be located in any configuration, including as tandem parking, on the same lot as the accessory dwelling unit. This bill instead would require that parking requirements for accessory dwelling units not exceed one parking space per unit or per bedroom, whichever is less. The bill would define tandem parking for these purposes and would also allow replacement parking spaces to be located in any configuration if a local agency requires replacement of offstreet parking spaces when a garage, carport, or covered parking structure is converted to an accessory dwelling unit. This bill would remove the prohibition on specified offstreet parking where that parking is not allowed anywhere else in the jurisdiction. Existing law requires ministerial, nondiscretionary approval of an application for a building permit to create within a single-family residential zone one accessory dwelling unit per single-family lot if the unit is contained within the existing space of a single-family residence or accessory structure and specified other conditions are met. This bill would provide that for these purposes, an accessory structure includes a studio, pool house, or other similar structure. The bill would also authorize a city to require owner occupancy for either the primary or the accessory unit created through this process.

**AB 571**      *Farmworker housing: income taxes: insurance tax: credits: low-income housing:*  
**Eduardo**      *migrant farm labor centers*  
**Garcia**      (1) Existing law establishes a low-income housing tax credit program pursuant to which the California Tax Credit Allocation Committee provides procedures and requirements for the allocation of state insurance, personal income, and corporation tax credit amounts among qualified low-income housing projects in modified conformity to federal law that have been allocated, or qualify for, a federal low-income housing tax credit, and for farmworker housing. Existing law limits the total annual amount of the state low-income housing credit for which a federal low-income housing credit is required to the sum of \$70,000,000, as increased by any percentage increase in the Consumer Price Index for the preceding calendar year, any unused credit for the preceding calendar years, and the amount of housing credit ceiling returned in the calendar year. Existing law additionally allows a state credit, which is not dependent on receiving a federal low-income housing credit, of \$500,000 per calendar year for projects to provide farmworker housing. Existing law defines “farmworker housing” to mean housing for agricultural workers that is available to, and occupied by, only farmworkers and their households. This bill, under the law governing the taxation of insurers, the Personal Income Tax Law, and the Corporation Tax Law, would modify the definition of applicable percentage

relating to qualified low-income buildings that are farmworker housing projects, as provided. The bill would authorize the California Tax Credit Allocation Committee to allocate the farmworker housing credit even if the taxpayer receives federal credits for buildings located in designated difficult development areas or qualified census tracts. The bill would also redefine farmworker housing to mean housing in which at least 50% of the units are available to, and occupied by, farmworkers and their households. The bill would make the aforementioned provisions operative on January 1, 2018. The bill would make specified declarations of legislative intent in this regard. (2) Existing law requires the Department of Housing and Community Development, through its Office of Migrant Services, to assist in the development, construction, reconstruction, rehabilitation, or operation of migrant farm labor centers, as provided. Existing law authorizes the Director of Housing and Community Development to contract with specified local public and private entities, including school districts and housing authorities, for the procurement or construction of housing or shelter and to obtain specified services for migratory agricultural workers. This bill would authorize the director to provide for advance payments of up to 20% of annual operating costs of the migrant farm labor centers to contractors, provided that the contractors do not have outstanding advance balances from prior contract periods. Under existing law, the department designates a period of 180 days each calendar year during which migrant farm labor centers are open to migratory agricultural workers and their families for occupancy, as provided. Existing law authorizes a migrant farm labor center governed by specified law to operate for an extended period prior to or beyond the standard 180-day period after approval by the department if certain conditions are met, including, among other things, that no additional subsidies provided by the department are used for the operation or administration of the migrant farm labor center during the extended occupancy period except to the extent that state funds are appropriated or authorized for the purpose of funding all or part of the cost of subsidizing occupancy periods during the first 14 days only. This bill would delete the limitation that funds appropriated or authorized to fund the cost of subsidizing occupancy periods be for the first 14 days only. The bill would also prohibit the standard 180-day occupancy period combined with any extended occupancy period under these provisions from exceeding a cumulative operating period of 275 days in any calendar year. (3) This bill would include a change in state statute that would result in a taxpayer paying a higher tax within the meaning of Section 3 of Article XIII A of the California Constitution, and thus would require for passage the approval of 2/3 of the membership of each house of the Legislature. (4) This bill would declare that it is to take effect immediately as an urgency statute.

AB 646  
Kalra

*Rental property: disclosures: flood hazard areas: areas of potential flooding*  
Existing law requires a person who is acting as an agent for a transferor of real property that is located within either a special flood hazard or an area of potential flooding, determined as provided, or the transferor if he or she is acting without an agent, to disclose to any prospective transferee the fact that the property located in a special flood hazard or an area of potential flooding if certain criteria are met. This bill would require, for every lease or rental agreement for residential property entered into on or after July 1, 2018, the owner or person offering the property for rent to disclose to the tenant specified information pertaining to the risk of flooding. The bill would make findings and declarations in this regard.

AB 678  
Bocanegra

*Housing Accountability Act*  
(1) The Housing Accountability Act, among other things, prohibits a local agency from disapproving, or conditioning approval in a manner than renders infeasible, a housing development project for very low, low-, or moderate-income households or an emergency shelter unless the local agency makes specified written findings based upon substantial evidence in the record. This bill would require the findings of the local agency to instead be based on a preponderance of the evidence in the record. (2) The act authorizes a local agency to disapprove or condition approval of a housing development or emergency shelter, as described above, if, among other reasons, the housing development project or emergency shelter is inconsistent with both the jurisdiction's zoning ordinance and general plan land use designation as specified in

any element of the general plan as it existed on the date the application was deemed complete, and the jurisdiction has adopted a revised housing element in accordance with specified law. This bill would specify that a change to the zoning ordinance or general plan land use designation subsequent to the date the application was deemed complete does not constitute a valid basis to disapprove or condition approval of the housing development project or emergency shelter. (3) The act defines various terms for purposes of its provisions, including the term “housing development project,” which is defined as a project consisting either of residential units only, mixed-use developments consisting of residential and nonresidential units, or transitional housing or supportive housing. For a mixed-use development for these purposes, the act requires that nonresidential uses be limited to neighborhood commercial uses, as defined, and to the first floor of buildings that are 2 or more stories. This bill would instead require, with respect to mixed-use developments, that 2/3 of the square footage be designated for residential use. (4) If a local agency proposes to disapprove a housing development project that complies with applicable, objective general plan and zoning standards and criteria, or to approve it on the condition that it be developed at a lower density, the act requires that the local agency base its decision upon written findings supported by substantial evidence on the record that specified conditions exist. This bill would specify that a housing development project or emergency shelter is deemed consistent, compliant, and in conformity with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision for purposes of the above-described provisions if there is substantial evidence that would allow a reasonable person to conclude that the housing development project or emergency shelter is consistent, compliant, or in conformity. The bill, if the local agency considers the housing development project to be inconsistent, not in compliance, or not in conformity, would require the local agency to provide the applicant with written documentation identifying the provision or provisions, and an explanation of the reason or reasons it considers the housing development to be inconsistent, not in compliance, or not in conformity within specified time periods. If the local agency fails to provide this documentation, the bill would provide that the housing development project would be deemed consistent, compliant, and in conformity with the applicable plan, program, policy, ordinance, standard, requirement, or other similar provision. By requiring local agencies to provide documentation related to disapprovals of housing development projects, this bill would impose a state-mandated local program. (5) The act authorizes the project applicant, a person who would be eligible to apply for residency in the development or emergency shelter, or a housing organization, as defined, to bring an action to enforce its provisions. This bill would entitle a housing organization to reasonable attorney’s fees and costs if it is the prevailing party in an action to enforce the act. (6) If a court finds that the local agency disapproved, or conditioned approval in a manner that renders infeasible the project or emergency shelter or housing for very low, low-, or moderate-income households without making the required findings or without making sufficient findings, the act requires the court to issue an order or judgment compelling compliance with its provisions within 60 days, including an order that the local agency take action on the development project or emergency shelter and awarding attorney’s fees and costs. This bill would additionally require the court to issue an order compelling compliance with the act, as described above, if it finds that either the local agency, in violation of a specified provision of the act, disapproved or conditioned approval of a housing development project in a manner rendering it infeasible for the development of an emergency shelter or certain housing without making the required findings or without making findings supported by a preponderance of the evidence, or, the local agency, in violation of another specified provision of the act, disapproved a housing development project complying with specified standards and criteria or imposed a condition that the project be developed at a lower density, without making the required findings or without making findings supported by a preponderance of the evidence. The bill would authorize the court to issue an order or judgment directing the local agency to approve the housing development project or emergency shelter if the court finds that the local agency acted in bad faith when it disapproved or conditionally approved the housing development project or emergency shelter in violation of the act. (7) The act authorizes the court to impose fines if it finds that a local agency acted in bad faith when it

disapproved or conditionally approved the housing development or emergency shelter and failed to carry out the court's order or judgment compelling compliance within 60 days of the court's judgment. The act requires that the fines be deposited into a housing trust fund and committed for the sole purpose of financing newly constructed housing units affordable to extremely low, very low, or low-income households. This bill, upon a determination that the local agency has failed to comply with the order or judgment compelling compliance with these provisions within 60 days, would instead require the court to impose fines, as described above, in every instance in which the court determines that the local agency disapproved, or conditioned approval in a manner that renders infeasible, the housing development project or emergency shelter without making the required findings or without making sufficient findings. The bill would require that the fine be in a minimum amount of \$10,000 per housing unit in the housing development project on the date the application was deemed complete. In determining the amount of fine to impose, the bill would require the court to consider the local agency's progress in attaining its target allocation of the regional housing need and any prior violations of the act. The bill would authorize the local agency to instead deposit the fine into a specified state fund, and would also provide that any funds in a local housing trust fund not expended after 5 years would revert to the state and be deposited in that fund, to be used, upon appropriation by the Legislature, for financing newly constructed housing units affordable to extremely low, very low, or low-income households. If the local agency has acted in bad faith and failed to carry out the court's order, as described above, the bill would require the court to multiply the fine by a factor of 5. This bill would also require that a petition to enforce the act be filed and served no later than 90 days from the later of (a) the effective date of a decision of the local agency imposing conditions on, disapproving, or taking any other final action on a housing development project or (b) the expiration of certain time periods specified in the Permit Streamlining Act. (8) In order to obtain appellate review of a trial court's order, the act requires a party to file a petition within 20 days after service upon it of a written notice of the entry of the order, or within such further time not exceeding an additional 20 days as the trial court may for good cause allow. This bill would allow a party to instead appeal a trial court's order or judgment to the court of appeal pursuant to specified law.

AB 879  
Grayson

*Planning and zoning: housing element*

The Planning and Zoning Law requires a city or county to adopt a general plan for land use development within its boundaries that includes, among other things, a housing element. That law requires, after the legislative body of the city or county has adopted all or part of a general plan, the planning agency to investigate and make recommendations to the legislative body of the city or county regarding reasonable and practical means to implement the general plan or element and to provide by April 1 of each year an annual report to the legislative body, the Office of Planning and Research, and the Department of Housing and Community Development that includes specified information pertaining to the implementation of the general plan. Existing law requires the housing element portion of the annual report to be prepared through the use of forms and definitions adopted by the department pursuant to the Administrative Procedure Act. Existing law excludes a charter city from these requirements. This bill would require that this report additionally include the number of housing development applications received in the prior year, units included in all development applications in the prior year, units approved and disapproved in the prior year, and a listing of sites rezoned to accommodate that portion of the city's or county's share of the regional housing need for each income level that could not be accommodated on specified sites. The bill would additionally require the housing element portion of the annual report to be prepared through the use of standards adopted by the department. The bill would eliminate the requirement that the forms and definitions be adopted by the department pursuant to the Administrative Procedure Act and would instead authorize the department to review, adopt, amend, and repeal the standards, forms, or definitions, as provided. The bill would apply the above report requirement to a charter city. The Planning and Zoning Law requires the housing element to include an analysis of potential and actual governmental and nongovernmental constraints upon the maintenance, improvement, or development of

housing for all income levels. That law requires the analysis of governmental constraints as so described to include constraints on certain types of housing and housing for persons with disabilities, as provided, including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures. That law requires the analysis of nongovernmental constraints as so described to include the availability of financing, the price of land, and the cost of construction. This bill would require the analysis of governmental constraints to also include any locally adopted ordinances that directly impact the cost and supply of residential development. The bill would require the analysis of nongovernmental constraints to also include the requests to develop housing at densities below those anticipated in a specified analysis, and the length of time between receiving approval for a housing development and submittal of an application for building permits for that housing development that hinder the construction of a locality's share of the regional housing need. The bill would require the analysis of nongovernmental constraints to demonstrate local efforts to remove nongovernmental constraints that create a gap between the locality's planning for the development of housing for all income levels and the construction of that housing. That Planning and Zoning Law also requires the housing element to include a program which sets forth a schedule of actions during the planning period, as specified, and requires the program, in order to make adequate provision for the housing needs of all economic segments of the community to address and, where appropriate and legally possible, remove governmental constraints on the maintenance, improvement, and development of housing. This bill would require the program to also address and remove nongovernmental constraints to the maintenance, improvement, and development of housing. Existing law requires the Department of Housing and Community Development to collect, publish, and make available to the public information about laws regarding housing and community development and authorizes the department to provide a statistics and research service for the collection and dissemination of information affecting housing and community development. This bill would additionally require the department, by June 30, 2019, to complete a study to evaluate the reasonableness of local fees charged to new developments, as defined. The bill would require the study to include findings and recommendations regarding potential amendments to the Mitigation Fee Act to substantially reduce fees for residential development.

AB 932

Ting

*Shelter crisis: homeless shelters*

Existing law authorizes a governing body of a political subdivision, as defined, to declare a shelter crisis if the governing body makes a specified finding. Existing law authorizes a political subdivision to allow persons unable to obtain housing to occupy designated public facilities, as defined, during the period of a shelter crisis. Existing law provides that certain state and local laws, regulations, and ordinances are suspended during a shelter crisis, to the extent that strict compliance would in any way prevent, hinder, or delay the mitigation of the effects of the shelter crisis. Existing law, upon a declaration of a shelter crisis by the City of San Jose, authorizes emergency housing to include an emergency bridge housing community for the homeless in that city. This bill, until January 1, 2021, upon a declaration of a shelter crisis by the City of Berkeley, Emeryville, Los Angeles, Oakland, or San Diego, the County of Santa Clara, or the City and County of San Francisco, would authorize emergency housing to include homeless shelters in the City of Berkeley, Emeryville, Los Angeles, Oakland, or San Diego, the County of Santa Clara, or the City and County of San Francisco, respectively. The bill, in lieu of compliance with local building approval procedures or state housing, health, habitability, planning and zoning, or safety standards, procedures, and laws, would authorize those jurisdictions to adopt by ordinance reasonable local standards for homeless shelters, as specified. The bill would require the Department of Housing and Community Development to review and approve the draft ordinance to ensure it addresses minimum health and safety standards and to provide its findings to committees of the Legislature, as provided. The bill would require the city, county, or city and county to develop a plan to address the shelter crisis, as specified. The bill would further require any of the specified jurisdictions that have declared a shelter crisis to annually report to the committees of the Legislature specific information on

homeless shelters and permanent supportive housing, through January 1, 2021. This bill would make legislative findings and declarations as to the necessity of a special statute for the Cities of Berkeley, Emeryville, Los Angeles, Oakland, and San Diego, the County of Santa Clara, and the City and County of San Francisco.

AB 990      *Public postsecondary education: California State University: University of*  
Rodriguez   *California: estimates of off-campus housing costs*  
Existing law establishes the California State University, under the administration of the Trustees of the California State University, and the University of California, under the administration of the Regents of the University of California, as 2 of the segments of public postsecondary education in this state. The California State University comprises 23 institutions of higher education, and the University of California comprises 10 institutions of higher education, and these institutions are located throughout the state. This bill would express legislative findings and declarations relating to the reporting of estimates of off-campus housing costs to students. The bill would require each campus of the California State University, and request each campus of the University of California, to post on its Internet Web site, on or before February 1, 2018, and on or before February 1 of each year thereafter, information about the market cost of a one-bedroom apartment in the areas surrounding that campus where its students commonly reside. The bill would require or request the campuses, in reporting information pursuant to this bill, to exercise due diligence and consult bona fide and reliable sources of current information about local housing market costs, as specified.

AB 1086    *Housing: regional housing needs*  
Daly        (1) The Planning and Zoning Law requires each city, county, and city and county to prepare and adopt a general plan that contains certain mandatory elements, including, but not limited to, a housing element that analyzes existing and projected housing needs. That law also requires the housing element, in turn, to include, among other things, an assessment of housing needs and an inventory of resources and constraints relevant to the meeting of those needs. That law further requires the Department of Housing and Community Development, for the 4th and subsequent revisions of the housing element, to determine the existing and projected need for housing for each region, based upon population projections produced by the Department of Finance and regional population forecasts used in preparing regional transportation plans, in consultation with each council of governments. Existing law includes a declaration of legislative intent regarding the allocation of regional housing need. This bill would make additional findings regarding the relationship between the shortage of housing and the state's environmental policies. (2) Existing law requires the population forecast developed by the council of governments to be the basis upon which the department determines the existing and projected need for that region if the total regional population forecast for the project year, developed by the council of governments and used for the preparation of the regional transportation plan, is within 3% of the total regional population forecast prepared by the Department of Finance. This bill would instead require the population forecast developed by the council of governments to be the basis upon which the department determines the existing and projected need for that region if the total regional population forecast for the project year, developed by the council of governments and used for the preparation of the regional transportation plan, is within 1.5% of the total regional population forecast prepared by the Department of Finance. (3) Existing law requires the department to meet and consult with the council of governments regarding the existing and projected housing need for a region at least 26 months prior to the scheduled revision. Existing law requires the council of governments to provide data assumptions from the council's projections, including, if available, among other things, household size data and trends in household size. This bill would require the council of governments to additionally include data on the percentage of renters' households that are overcrowded, as specified. By increasing the duties of local officials, this bill would impose a state-mandated local program. (4) Existing law requires each council of governments and delegate subregion, as applicable, to distribute a

draft allocation of regional housing needs to each local government within the region or subregion, as provided, at least 1.5 years prior to the scheduled revision of its housing element. Existing law authorizes a local government to request from the council of governments or delegate subregion, as applicable, a revision of its share of the regional housing need, in accordance with specified factors, within 60 days following receipt of the draft allocation. This bill would require that a request for a revised share pursuant to these provisions be consistent with, and not to the detriment of, the development pattern in an applicable sustainable communities strategy.

**AB 1157**     *School property: school district advisory committees: teacher and school district employee housing: property tax exemption*  
**Mullin**

(1) Existing law authorizes the governing board of any school district, and, prior to the sale, lease, or rental of any excess real property, except rentals not exceeding 30 days, requires the governing board of each school district, to appoint a school district advisory committee to advise the governing board of the school district in the development of districtwide policies and procedures governing the use or disposition of school buildings or space in school buildings which is not needed for school purposes. Notwithstanding that law, existing law authorizes the governing board of a school district to elect not to appoint an advisory committee in the case of a lease or rental to a private educational institution for the purpose of offering summer school in a facility of the school district. This bill would also authorize the governing board of a school district to elect not to appoint a school district advisory committee in the sale, lease, or rental of excess real property to be used for teacher or school district employee housing. Existing law exempts certain transactions from the requirements that otherwise apply to the sale or lease of real property by a school district if certain conditions are met, including that the financing proceeds obtained by the school district pursuant to the transaction are expended solely for specified capital outlay purposes. This bill would specify that the construction, reconstruction, or renovation of rental housing facilities for school district employees is a permissible capital outlay expenditure for purposes of those provisions. (2) The California Constitution provides that all property is taxable, and requires that it be assessed at the same percentage of fair market value, unless otherwise provided by the California Constitution or federal law. The California Constitution exempts from taxation, among other types of property, property used exclusively for public schools, community colleges, state colleges, and state universities. Existing property tax law implements these exemptions for property used exclusively for public schools, community colleges, state colleges, and state universities, including the University of California. This bill would specify that the exemption for school, college, or university property applies to an interest in property, including a possessory interest, belonging to the state, a county, a city, a school district, a community college district, or any combination thereof, that is used to provide rental housing for employees of one or more public school or community college districts.

**AB 1193**     *Property tax: welfare exemption: low-income housing*  
**Gloria**

Existing property tax law, in accordance with the California Constitution, provides for a welfare exemption for property that meets certain requirements, including that it is used exclusively for religious, hospital, scientific, or charitable purposes and is owned and operated by certain nonprofit entities. Under existing property tax law, property that meets these requirements that is used exclusively for rental housing and related facilities is entitled to a partial exemption, equal to that percentage of the value of the property that is equal to the percentage that the number of units serving lower income households represents of the total number of residential units, in any year that any of certain criteria apply, including that the owner is eligible for and receives low-income housing tax credits pursuant to specified provisions of the Internal Revenue Code. This bill, in the case of an owner of property that is eligible for the above-described federal low-income housing tax credit, would provide that a unit would continue to be treated as occupied by a lower income household if the occupants were lower income households on the lien date in the fiscal year in which occupancy of the unit commenced and the unit continues to be rent



restricted, notwithstanding an increase in the income of the occupants of the unit to 140% of area median income, but that the unit would cease to be treated as a lower income unit if the income of the occupants of the unit increases above 140% of area median income. The bill would provide that its provisions would be operative only from the 2018–19 fiscal year through the 2027–28 fiscal year. This bill would require a claim for the welfare exemption on qualified property to be accompanied by an affidavit containing specified information regarding the units occupied by lower income households for which the exemption is claimed and would provide that affidavit is not subject to public disclosure. By imposing new duties upon county tax officials, this bill would impose a state-mandated local program. Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest. This bill would make legislative findings to that effect. The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose. This bill would make legislative findings to that effect.

AB 1397

Low

*Local planning: housing element: inventory of land for residential development*

Existing law, the Planning and Zoning Law, requires each city, county, and city and county to prepare and adopt a general plan that contains certain mandatory elements, including a housing element. Existing law requires the housing element to contain, among other things, an inventory of land suitable for residential development, including vacant sites and sites having the potential for redevelopment. This bill would require the inventory of land to be available for residential development in addition to being suitable for residential development and to include vacant sites and sites that have realistic and demonstrated potential for redevelopment during the planning period to meet the locality's housing need for a designated income level. By imposing new duties upon local agencies with respect to the housing element of the general plan, this bill would impose a state-mandated local program. Existing law requires the inventory of land to include, among other things, a listing of properties by parcel number or other unique reference and a general description of existing or planned water, sewer, and other dry utilities supply, including the availability and access to distribution facilities. Existing law specifies that this information does not need to be identified on a site-specific basis. This bill would instead require the listing of properties to be by assessor parcel number and require parcels included in the inventory to have sufficient water, sewer, and dry utilities supply available and accessible to support housing development or be included in an existing general plan program or other mandatory program or plan to secure sufficient water, sewer, and dry utilities supply to support housing development. By imposing new duties upon local agencies with respect to the housing element of the general plan, this bill would impose a state-mandated local program. Existing law requires the housing element to contain a program that sets forth a schedule of actions during the planning period that the local government is undertaking, or intends to undertake, to implement the policies and achieve the goals and objectives of the housing element. Existing law requires a city or county, based on the inventory of land, to determine whether each site in the inventory can accommodate some portion of its share of the regional housing need, as specified. This bill would also require the inventory to specify for each site the number of units that can realistically be accommodated on that site and whether the site is adequate to accommodate lower income housing, moderate-income housing, or above moderate-income housing, as specified. By imposing new duties upon local agencies with respect to the housing element of the general plan, this bill would impose a state-mandated local program. Existing law requires a city or county, for specified sites, to specify additional development potential for each site within the planning period and to provide an explanation of the methodology used to determine the development potential. Existing law requires the methodology to consider specified factors, including the extent to which existing uses may constitute an impediment to additional

residential development, development trends, market conditions, and regulatory or other incentives or standards to encourage additional residential development on these sites. This bill would require the methodology to consider, among other things, the city's or county's past experience with converting existing uses to higher density residential development, the current demand for the existing use, and an analysis of existing leases or other contracts that would perpetuate the existing use or prevent redevelopment, as specified. By imposing new duties upon local agencies with respect to the housing element of the general plan, this bill would impose a state-mandated local program. Existing law requires the program to accommodate 100% of the allocated very low and low-income housing need for which site capacity has not been identified. Existing law requires these sites to be zoned to permit owner-occupied and rental multifamily residential use by right and to be zoned with specified minimum density and development standards. This bill would restrict the use by right of these sites to developments in which at least 20% of the units are affordable to lower income households during the planning period and require these sites to have sufficient water, sewer, and other dry utilities available and accessible or be included in an existing general plan program or other mandatory program or plan to secure sufficient water, sewer, dry utilities supply to support housing development.

AB 1515 *Planning and zoning: housing*

Daly The Housing Accountability Act, which is part of the Planning and Zoning Law, prohibits a local agency from disapproving, or conditioning approval in a manner that renders infeasible, a housing development project very low, low-, or moderate-income households or an emergency shelter unless the local agency makes specified findings. Under the act, the local agency may disapprove or condition approval of a housing development project or emergency shelter if, among other reasons, the housing development project or emergency shelter is inconsistent with both the jurisdiction's zoning ordinance and general plan land use designation, as provided. The act makes various findings and declarations relating to its provisions. This bill would specify that a housing development project or emergency shelter is deemed consistent, compliant, and in conformity with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision if there is substantial evidence that would allow a reasonable person to conclude that the housing development project or emergency shelter is consistent, compliant, or in conformity. The bill would make additional findings related to the Housing Accountability Act in this regard.

AB 1521 *Land use: notice of proposed change: assisted housing developments*

Bloom (1) The Planning and Zoning Law requires an owner of an assisted housing development proposing the termination of a subsidy contract or prepayment of governmental assistance, or the owner of an assisted housing development for which there will be the expiration of rental restrictions, to provide a notice of the proposed change to each affected tenant household residing in the assisted housing development, as specified, and provide a copy of any notices issued to any prospective tenant at the time he or she is interviewed for eligibility. That law provides injunctive relief for persons aggrieved by a violation of these provisions, as specified. This bill would require the owner of an assisted housing development that is within 3 years of a scheduled expiration of rental restrictions to also provide notice of the scheduled expiration of rental restrictions to any prospective tenant at the time he or she is interviewed for eligibility, and to existing tenants by posting the notice, as specified. The bill would additionally specify that injunctive relief may include, but is not limited to, the reimposition of prior restrictions, as specified, and restitution of rent increases that were collected improperly. The bill would additionally authorize the court to award attorney's fees and costs to a prevailing plaintiff bringing an action for injunctive relief pursuant to these provisions. (2) The Planning and Zoning Law prohibits an owner of an assisted housing development, as defined, from terminating a subsidy contract or prepaying the mortgage, as specified, unless the owner or its agent has first provided specified entities an offer to purchase the development. That law requires an owner of an assisted housing development in which there will be the expiration of

rental restrictions to also provide specified entities an opportunity to submit an offer to purchase the development. That law also requires an owner of an assisted housing development to provide specified entities with notice, as provided, of an opportunity to submit an offer to purchase under specified circumstances. Existing law requires an opportunity to purchase the development to be provided to entities that include, among others, regional or national nonprofit organizations, regional or national public agencies, and profit-motivated organizations. This bill would limit the opportunity to purchase the development to those agencies and organizations described above that own and operate at least 3 comparable rent- and income-restricted affordable rental properties governed under a regulatory agreement with a department or agency of the State of California or the United States, either directly or by serving as the managing general partner of limited partnerships or managing member of limited liability corporations. Existing law requires, to qualify as a purchaser of an assisted housing development, specified entities to, among other things, be capable of managing the housing and related facilities for its remaining useful life, as specified. This bill would revise that requirement by instead requiring specified entities to be certified by the Department of Housing and Community Development, based on demonstrated relevant prior experience in California and current capacity, as capable of operating the housing and related facilities, as specified. The bill would require the department to establish a process for certifying these entities and to maintain a list of entities that are certified, as specified. Existing law, if a qualified entity elects to purchase an assisted housing development, requires the qualified entity to make a bona fide offer to purchase the development, as specified. Existing law authorizes the owner or the qualified entity to request the fair market value of the property be determined by an independent appraiser. Existing law, during the first 180 days from the date of an owner's bona fide notice of the opportunity to submit an offer to purchase, requires an owner to accept a bona fide offer to purchase only from a qualified entity and requires a purchase agreement to be executed when a bona fide offer to purchase has been made to an owner and the offer is accepted. This bill would revise the offer and acceptance process described above by requiring the bona fide offer to purchase made by the qualified entity to be at the market value determined by negotiation and agreement between the parties, and if the parties fail to reach an agreement regarding market value, by an appraisal process initiated by the owner's receipt of the bona fide offer, as specified. The bill would prohibit the owner, if the owner has received a bona fide offer to purchase made within 180 days of the owner's notice of the opportunity to submit an offer, from accepting offers from any other entity, and would require the owner to either accept this bona fide offer to purchase or declare to the Department of Housing and Community Development under penalty of perjury that the owner will not sell the property for at least 5 years from the date of the declaration. By expanding the definition of the crime of perjury, this bill would impose a state-mandated local program. This bill would require an owner who wishes to sell, and who has received a bona fide offer that meets these requirements, to accept the offer and execute a purchase agreement within 90 days of receipt of the offer. The bill would require the owner to take all steps reasonably required to renew any expiring housing assistance contract, or extend any available subsidies or use restrictions, as provided, once a bona fide offer is made. Existing law requires an independent appraiser determining the fair market value of the property as described above to possess qualifications equivalent to those required by the members of the Appraisers Institute. This bill would additionally require appraisers to be certified by the Department of Housing and Community Development as having sufficient experience in appraising comparable rental properties in California. Existing law requires the Department of Housing and Community Development to undertake specified responsibilities and duties with respect to the provisions described above. This bill would additionally require the department to refer violations of these provisions to the Attorney General, as specified, and monitor compliance with specified provisions by owners of assisted housing developments and to provide a report to the Legislature, as provided. Existing law authorizes the requirements described above to be enforced either in law or in equity by specified entities. This bill would additionally authorize a tenant association at the property or any affected public entity to enforce these requirements either in law or in equity. The bill would authorize the court to waive any bond requirement and

award attorney's fees and costs to a prevailing plaintiff under these provisions.

**AB 1598**      *Affordable housing authorities*  
**Mullin**      Existing law authorizes certain local agencies to form a community revitalization authority (authority) within a community revitalization and investment area, as defined, to carry out provisions of the Community Redevelopment Law in that area for purposes related to, among other things, infrastructure, affordable housing, and economic revitalization. Existing law provides for the financing of these activities by, among other things, the issuance of bonds serviced by property tax increment revenues, and requires the authority to adopt a community revitalization and investment plan for the community revitalization and investment area that includes elements describing and governing revitalization activities. Existing law requires a community revitalization and investment plan to include a 30-year limit for establishing loans, advances, and indebtedness by the authority. This bill would authorize a city, county, or city and county to adopt a resolution creating an affordable housing authority with power limited to providing low- and moderate-income housing and affordable workforce housing, as defined, funded through a low- and moderate-income housing fund, as specified. The bill would prohibit certain local government entities from participating in the authority. The bill would authorize an authority created pursuant to those provisions to have boundaries that are identical to the boundaries of the city, county, or city and county that created the authority. The bill would require the authority to adopt, after holding a noticed public hearing, an affordable housing investment plan that includes, among other things, an affordable housing program. The bill would require an authority created pursuant to these provisions to include a 45-year limit for establishing loans, advances, and indebtedness by the authority. The bill would authorize specified local entities to adopt a resolution to provide property tax increment revenues to the authority. The bill would also authorize specified local entities to adopt a resolution allocating other tax revenues to the authority, subject to certain requirements. The bill would provide for the financing of the activities of the authority by, among other things, the issuance of bonds serviced by funds received pursuant to those property tax increment revenues or other tax revenues allocated to the authority.

**AB 1714**      *Income taxes: credits: low-income housing: farmworker housing: building*  
**Committee**      *standards: housing and home finance*  
**on Housing**      (1) Existing law establishes a low-income housing tax credit program pursuant to which the  
**and**      California Tax Credit Allocation Committee provides procedures and requirements for the  
**Community**      allocation, in modified conformity with federal law, of state insurance, personal income, and  
**Development**      corporation tax credit amounts to qualified low-income housing projects that have been  
allocated, or qualify for, a federal low-income housing tax credit, and farmworker housing  
projects. Existing law limits the total annual amount of the state low-income housing credit for  
which a federal low-income housing credit is required to the sum of \$70,000,000, as increased  
by any percentage increase in the Consumer Price Index for the preceding calendar year, any  
unused credit for the preceding calendar years, and the amount of housing credit ceiling returned  
in the calendar year. Existing law additionally allows a state credit, which is not dependent on  
receiving a federal low-income housing credit, of \$500,000 per calendar year for projects to  
provide farmworker housing. For purposes of determining the credit amount, existing law  
defines the term "applicable percentage" depending on, among other things, whether the  
qualified low-income building is a new building that is not federally subsidized, a new building  
that is federally subsidized, or is an existing building that is "at risk of conversion." Existing law  
defines "at risk of conversion" with respect to an existing property satisfying certain criteria,  
including that (1) the property is a multifamily rental housing development in which at least  
50% of the units receive government assistance pursuant to specified federal programs and (2)  
the restrictions on rent and income levels will terminate or the federally insured mortgage on the  
property is eligible for prepayment any time within 5 years before or after the date of application  
to the California Tax Credit Allocation Committee. This bill, under the law governing the

taxation of insurers, the Personal Income Tax Law, and the Corporation Tax Law, would modify that criteria necessary for an existing property to qualify as being “at risk of conversion” by expanding the eligible government assistance programs to include an additional federal program and also receiving state loans or grants through programs administered by the Department of Housing and Community Development. The bill would instead require that the restrictions on rent and income levels will terminate or the federally insured mortgage or rent subsidy contract on the property is eligible for prepayment or termination any time within those 5 years before or after the date of application to the California Tax Credit Allocation Committee. (2) Existing law, the California Building Standards Law, provides for the adoption of building standards by state agencies by requiring all state agencies that adopt or propose adoption of any building standard to submit the building standard to the California Building Standards Commission for approval and adoption. Existing law requires certain model codes, as defined to mean any building code drafted by a private organization, including, but not limited to, Appendix Chapter 1 of the Uniform Code for Building Conservation of the International Conference of Building Officials, to serve as the basis for the California Building Standards Code adopted by the commission. Existing law requires the building standards contained in the model codes as referenced in the California Building Standards Code to apply to all occupancies throughout the state. This bill would update the list of those model codes drafted by a private organization and would remove that appendix from the list. The bill would require those model codes adopted by reference into the California Building Standards Code and any other building standards adopted into this code to apply to all occupancies throughout the state. The bill would also make other related nonsubstantive changes. Existing law requires the California Building Standards Commission to receive proposed building standards from state agencies for consideration in an 18-month code adoption cycle. Existing law requires the commission to develop regulations setting forth the procedures for the 18-month adoption cycle and requires these regulations to ensure that the procedures meet the intent of specified administrative adjudication procedures. This bill would instead require that specified rulemaking procedures are complied with. (3) Existing law governing redevelopment construction loans authorizes an agency, as defined, to determine the location and character of any residential construction to be financed and to make mortgage or construction loans to participating parties through qualified mortgage lenders, purchase mortgage or construction loans without premium made by qualified mortgage lenders to participating parties, or make loans to qualified mortgage lenders, for financing specified residential construction projects. Existing law requires not less than 20% of the units in any residential project financed pursuant to these provisions to be occupied by, or made available to, individuals of low and moderate income. If the sponsor elects to establish a base rent for units reserved for lower income households, existing law requires the base rents to be adjusted for household size, as provided. Of those units, existing law requires not less than 1/2 of the units to be occupied by, or made available to, very low income households. Existing law prohibits the rental payments for those units paid from exceeding a specified amount, which is adjusted for family size, as provided. This bill would require those adjustments to be made either by adjusting household or family size, as specified, or by utilizing occupancy assumptions that are appropriate and commercially reasonable for financing extended pursuant to the law governing redevelopment construction loans. (4) Existing law, the Housing Authorities Law, authorizes a housing authority of a city or county to, among other things, provide financing for the acquisition, construction, rehabilitation, refinancing, or development of dwelling accommodations, as specified. Existing law requires not less than 20% of all units in housing projects assisted by an authority pursuant to this authorization to be available for occupancy on a priority basis to persons of low income. Existing law requires, if the sponsor elects to establish a base rent for units reserved for lower income households, the base rents to be adjusted for household size, as specified. This bill would, if the sponsor elects to establish a base rent for lower income households, require the authority to either adjust base rents for household size, as specified, or utilize occupancy assumptions that are appropriate and commercially reasonable for financing extended pursuant to the above-described authorization. (5) Existing law, the Zenovich-Moscone-Chacon Housing and Home Finance Act, authorizes a sponsor to apply for

loans for one or more rental or transitional housing developments. Existing law authorizes a housing development to utilize any combination of federal, state, local, and private financial resources necessary to make the development affordable, for the term of the state's regulatory agreement, to the eligible households. Existing law authorizes the term of a loan to be extended for additional 10-year terms as long as the rental housing development is operated in a manner consistent with the regulatory agreement and the sponsor requires an extension in order to continue to operate in a manner consistent with the act. This bill would make a nonsubstantive change to this act. (6) Existing law, the Multifamily Housing Program, is administered by the Department of Housing and Community Development to address renter housing needs through an omnibus multifamily housing program. Under the program, assistance provided to a project is required to be provided in the form of a deferred payment loan to pay for the eligible costs of development. Existing law authorizes the term of a loan and the time for repayment to be extended for additional 10-year terms if certain requirements are met. This bill, subject to specified terms, would authorize the Department of Housing and Community Development to approve an extension of an existing loan, the subordination of an existing loan to new debt, or an investment of tax credit equity if the rental housing development is being operated in a manner consistent with the regulatory agreement and the development requires an extension in order to continue to operate in that manner.

SB 2  
Atkins

*Building Homes and Jobs Act*

Under existing law, there are programs providing assistance for, among other things, emergency housing, multifamily housing, farmworker housing, home ownership for very low and low-income households, and downpayment assistance for first-time home buyers. Existing law also authorizes the issuance of bonds in specified amounts pursuant to the State General Obligation Bond Law. Existing law requires that proceeds from the sale of these bonds be used to finance various existing housing programs, capital outlay related to infill development, brownfield cleanup that promotes infill development, and housing-related parks. This bill would enact the Building Homes and Jobs Act. The bill would make legislative findings and declarations relating to the need to establish permanent, ongoing sources of funding dedicated to affordable housing development. The bill would impose a fee, except as provided, of \$75 to be paid at the time of the recording of every real estate instrument, paper, or notice required or permitted by law to be recorded, per each single transaction per single parcel of real property, not to exceed \$225. By imposing new duties on counties with respect to the imposition of the recording fee, the bill would create a state-mandated local program. The bill would require that a county recorder quarterly send revenues from this fee, after deduction of any actual and necessary administrative costs incurred by the county recorder, to the Controller for deposit in the Building Homes and Jobs Fund, which the bill would create within the State Treasury. The bill would, upon appropriation by the Legislature, except as provided, require (1) for moneys collected on and after January 1, 2018, and until December 31, 2018, that 50% of the moneys deposited in the fund be made available to local governments for specified purposes, and 50% made available to the Department of Housing and Community Development to assist persons experiencing or at risk of homelessness, and (2) for moneys collected on and after January 1, 2019, that 70% of the moneys deposited in the fund be provided to local governments in accordance with a specified formula and 30% made available to the department for specified purposes, including a continuous appropriation of moneys to the California Housing Finance Agency for the purpose of creating mixed income multifamily residential housing for lower to moderate income households, as provided. The bill would also provide that funds allocated to a local government that does not have a documented plan to expend certain moneys allocated to it within 5 years would revert and be deposited in the Housing Rehabilitation Loan Fund, to be used for specified purposes. By continuously appropriating moneys for use by the California Housing Finance Agency, this bill would make an appropriation. The bill would require that 20% of all moneys in the fund be expended for affordable owner-occupied workforce housing, and that moneys in the fund allocated to local governments be expended to support affordable housing, home ownership opportunities, and other housing-related programs, as specified. The

bill would impose certain auditing and reporting requirements.

**SB 3** *Veterans and Affordable Housing Bond Act of 2018*

**Beall** Under existing law, there are programs providing assistance for, among other things, emergency housing, multifamily housing, farmworker housing, home ownership for very low and low-income households, and downpayment assistance for first-time home buyers. Existing law also authorizes the issuance of bonds in specified amounts pursuant to the State General Obligation Bond Law and requires that proceeds from the sale of these bonds be used to finance various existing housing programs, capital outlay related to infill development, brownfield cleanup that promotes infill development, and housing-related parks. Existing law, the Veterans' Bond Act of 2008, authorized, for purposes of financing a specified program for farm, home, and mobilehome purchase assistance for veterans, the issuance, pursuant to the State General Obligation Bond Law, of bonds in the amount of \$900,000,000. This bill would enact the Veterans and Affordable Housing Bond Act of 2018, which, if adopted, would authorize the issuance of bonds in the amount of \$4,000,000,000 pursuant to the State General Obligation Bond Law. Of the proceeds from the sale of these bonds, \$3,000,000,000 would be used to finance various existing housing programs, as well as infill infrastructure financing and affordable housing matching grant programs, as provided, and \$1,000,000,000 would be used to provide additional funding for the above-described program for farm, home, and mobilehome purchase assistance for veterans, as provided. This bill would provide for submission of the bond act to the voters at the November 6, 2018, statewide general election in accordance with specified law. This bill would declare that it is to take effect immediately as an urgency statute.

**SB 35** *Planning and zoning: affordable housing: streamlined approval process*

**Wiener** (1) The Planning and Zoning Law requires a city or county to adopt a general plan for land use development within its boundaries that includes, among other things, a housing element. The Planning and Zoning Law requires a planning agency, after a legislative body has adopted all or part of a general plan, to provide an annual report to the legislative body, the Office of Planning and Research, and the Department of Housing and Community Development on the status of the general plan and progress in meeting the community's share of regional housing needs. Existing law requires the housing element portion of the annual report to be prepared through the use of forms and definitions adopted by the department pursuant to the Administrative Procedure Act. This bill would require the housing element portion of the annual report to be prepared through the use of standards, forms, and definitions adopted by the department. The bill would eliminate the requirement that the forms and definitions be adopted by the department pursuant to the Administrative Procedure Act and would instead authorize the department to review, adopt, amend, and repeal the standards, forms, or definitions, as provided. The bill would also require the planning agency to include in its annual report specified information regarding units of net new housing, including rental housing and for-sale housing that have been issued a completed entitlement, building permit, or certificate of occupancy. The bill would also require the Department of Housing and Community Development to post an annual report submitted pursuant to the requirement described above on its Internet Web site, as provided. (2) Existing law requires an attached housing development to be a permitted use, not subject to a conditional use permit, on any parcel zoned for multifamily housing if at least certain percentages of the units are available at affordable housing costs to very low income, lower income, and moderate-income households for at least 30 years and if the project meets specified conditions relating to location and being subject to a discretionary decision other than a conditional use permit. Existing law provides for various incentives intended to facilitate and expedite the construction of affordable housing. This bill would authorize a development proponent to submit an application for a multifamily housing development, which satisfies specified planning objective standards, that is subject to a streamlined, ministerial approval process, as provided, and not subject to a conditional use permit. The bill would require a local government to notify the development proponent in writing if the local government determines that the development conflicts with any of those objective standards by a specified time; otherwise, the development

is deemed to comply with those standards. The bill would limit the authority of a local government to impose parking standards or requirements on a streamlined development approved pursuant to these provisions, as provided. The bill would provide that if a local government approves a project pursuant to that process, that approval will not expire if that project includes investment in housing affordability, and would otherwise provide that the approval of a project expire automatically after 3 years, unless that project qualifies for a one-time, one-year extension of that approval. The bill would provide that approval pursuant to its provisions would remain valid for three years and remain valid thereafter so long as vertical construction of the development has begun and is in progress, and would authorize a discretionary one-year extension, as provided. The bill would prohibit a local government from adopting any requirement that applies to a project solely or partially on the basis that the project receives ministerial or streamlined approval pursuant to these provisions. The bill would repeal these provisions as of January 1, 2026. (3) The bill would make findings that ensuring access to affordable housing is a matter of statewide concern and declare that its provisions would apply to all cities and counties, including a charter city, a charter county, or a charter city and county.

SB 136  
Leyva

*Mobilehome parks: mobilehome park program funding*

Existing law authorizes the Department of Housing and Community Development to make loans from the Mobilehome Park Rehabilitation and Purchase Fund, a continuously appropriated fund, to qualified mobilehome park residents, resident organizations, and nonprofit housing sponsors, and also authorizes the use of fund moneys for related administrative costs of the department. Existing law requires the department to adopt regulations for the administration and implementation of these provisions. This bill would authorize the department to contract directly with nonprofit corporations that have significant experience working with mobilehome park residents, or acquiring, rehabilitating, and preserving affordable housing, and have statewide or regional capacity to deliver technical assistance to mobilehome park residents or community-based nonprofit corporations in order to assist them in acquiring, financing, operating, and improving mobilehome parks occupied by low- and moderate-income households. The bill would authorize moneys in the fund to be used for grants to provide these services. By adding a new purpose to a continuously appropriated fund, this bill would make an appropriation. The bill would prohibit the use of funds for the purpose of taking a mobilehome park by the state, county, or city by eminent domain. The bill would deem contracts entered into pursuant to these provisions to be for local assistance. This bill would declare that it is to take effect immediately as an urgency statute.

SB 166  
Skinner

*Residential density and affordability*

The Planning and Zoning Law requires a city, county, or city and county to ensure that its housing element inventory, as described, can accommodate its share of the regional housing need throughout the planning period. The law also prohibits a city, county, or city and county from reducing, requiring, or permitting the reduction of the residential density to a lower residential density that is below the density that was utilized by the Department of Housing and Community Development in determining compliance with housing element law, unless the city, county, or city and county makes written findings supported by substantial evidence that the reduction is consistent with the adopted general plan, including the housing element, and that the remaining sites identified in the housing element are adequate to accommodate the jurisdiction's share of the regional housing need. The city, county, or city and county may reduce the residential density for a parcel if it identifies sufficient sites, as prescribed, so that there is no net loss of residential unit capacity. This bill, among other things, would prohibit a city, county, or city and county from permitting or causing its inventory of sites identified in the housing element to be insufficient to meet its remaining unmet share of the regional housing need for lower and moderate-income households. The bill also would expand the definition of "lower residential density" if the local jurisdiction has not adopted a housing element for the current planning period or the adopted housing element is not in substantial compliance, as specified. The bill would additionally require a city, county, or city and county to make



specified written findings if the city, county, or city and county allows development of any parcel with fewer units by income category than identified in the housing element for that parcel. Where the approval of a development project results in fewer units by income category than identified in the housing element for that parcel and the remaining sites in the housing element are not adequate to accommodate the jurisdiction's share of the regional housing need by income level, the bill would require the jurisdiction within 180 days to identify and make available additional adequate sites. The bill would provide that an action that creates an obligation to identify or make available additional adequate sites and the action to identify or make available those sites would not create an obligation under the California Environmental Quality Act to identify, analyze, or mitigate the environmental impacts of that subsequent action, as specified.

SB 167  
Skinner

*Housing Accountability Act*

(1) The Housing Accountability Act, among other things, prohibits a local agency from disapproving, or conditioning approval in a manner than renders infeasible, a housing development project for very low, low-, or moderate-income households or an emergency shelter unless the local agency makes specified written findings based upon substantial evidence in the record. This bill would require the findings of the local agency to instead be based on a preponderance of the evidence in the record. (2) The act authorizes a local agency to disapprove or condition approval of a housing development or emergency shelter, as described above, if, among other reasons, the housing development project or emergency shelter is inconsistent with both the jurisdiction's zoning ordinance and general plan land use designation as specified in any element of the general plan as it existed on the date the application was deemed complete, and the jurisdiction has adopted a revised housing element in accordance with specified law. This bill would specify that a change to the zoning ordinance or general plan land use designation subsequent to the date the application was deemed complete does not constitute a valid basis to disapprove or condition approval of the housing development project or emergency shelter. (3) The act defines various terms for purposes of its provisions, including the term "housing development project," which is defined as a project consisting either of residential units only, mixed-use developments consisting of residential and nonresidential units, or transitional housing or supportive housing. For a mixed-use development for these purposes, the act requires that nonresidential uses be limited to neighborhood commercial uses, as defined, and to the first floor of buildings that are 2 or more stories. This bill would instead require, with respect to mixed-use developments, that 2/3 of the square footage be designated for residential use. (4) If a local agency proposes to disapprove a housing development project that complies with applicable, objective general plan and zoning standards and criteria, or to approve it on the condition that it be developed at a lower density, the act requires that the local agency base its decision upon written findings supported by substantial evidence on the record that specified conditions exist. This bill would specify that a housing development project or emergency shelter is deemed consistent, compliant, and in conformity with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision for purposes of the above-described provisions if there is substantial evidence that would allow a reasonable person to conclude that the housing development project or emergency shelter is consistent, compliant, or in conformity. The bill, if the local agency considers the housing development project to be inconsistent, not in compliance, or not in conformity, would require the local agency to provide the applicant with written documentation identifying the provision or provisions, and an explanation of the reason or reasons it considers the housing development to be inconsistent, not in compliance, or not in conformity within specified time periods. If the local agency fails to provide this documentation, the bill would provide that the housing development project would be deemed consistent, compliant, and in conformity with the applicable plan, program, policy, ordinance, standard, requirement, or other similar provision. By requiring local agencies to provide documentation related to disapprovals of housing development projects, this bill would impose a state-mandated local program. (5) The act authorizes the project applicant, a person who would be eligible to apply for residency in the development or emergency shelter, or a

housing organization, as defined, to bring an action to enforce its provisions. This bill would entitle a housing organization to reasonable attorney's fees and costs if it is the prevailing party in an action to enforce the act. (6) If a court finds that the local agency disapproved, or conditioned approval in a manner that renders infeasible the project or emergency shelter or housing for very low, low-, or moderate-income households without making the required findings or without making sufficient findings, the act requires the court to issue an order or judgment compelling compliance with its provisions within 60 days, including an order that the local agency take action on the development project or emergency shelter and awarding attorney's fees and costs. This bill would additionally require the court to issue an order compelling compliance with the act, as described above, if it finds that either the local agency, in violation of a specified provision of the act, disapproved or conditioned approval of a housing development project in a manner rendering it infeasible for the development of an emergency shelter or certain housing without making the required findings or without making findings supported by a preponderance of the evidence, or, the local agency, in violation of another specified provision of the act, disapproved a housing development project complying with specified standards and criteria or imposed a condition that the project be developed at a lower density, without making the required findings or without making findings supported by a preponderance of the evidence. The bill would authorize the court to issue an order or judgment directing the local agency to approve the housing development project or emergency shelter if the court finds that the local agency acted in bad faith when it disapproved or conditionally approved the housing development project or emergency shelter in violation of the act. (7) The act authorizes the court to impose fines if it finds that a local agency acted in bad faith when it disapproved or conditionally approved the housing development or emergency shelter and failed to carry out the court's order or judgment compelling compliance within 60 days of the court's judgment. The act requires that the fines be deposited into a housing trust fund and committed for the sole purpose of financing newly constructed housing units affordable to extremely low, very low, or low-income households. This bill, upon a determination that the local agency has failed to comply with the order or judgment compelling compliance with these provisions within 60 days, would instead require the court to impose fines, as described above, in every instance in which the court determines that the local agency disapproved, or conditioned approval in a manner that renders infeasible, the housing development project or emergency shelter without making the required findings or without making sufficient findings. The bill would require that the fine be in a minimum amount of \$10,000 per housing unit in the housing development project on the date the application was deemed complete. In determining the amount of fine to impose, the bill would require the court to consider the local agency's progress in attaining its target allocation of the regional housing need and any prior violations of the act. The bill would authorize the local agency to instead deposit the fine into a specified state fund, and would also provide that any funds in a local housing trust fund not expended after 5 years would revert to the state and be deposited in that fund, to be used upon appropriation by the Legislature for financing newly constructed housing units affordable to extremely low, very low, or low-income households. If the local agency has acted in bad faith and failed to carry out the court's order, as described above, the bill would require the court to multiply the fine by a factor of 5. This bill would also require that a petition to enforce the act be filed and served no later than 90 days from the later of (a) the effective date of a decision of the local agency imposing conditions on, disapproving, or taking any other final action on a housing development project or (b) the expiration of certain time periods specified in the Permit Streamlining Act. (8) In order to obtain appellate review of a trial court's order, the act requires a party to file a petition within 20 days after service upon it of a written notice of the entry of the order, or within such further time not exceeding an additional 20 days as the trial court may for good cause allow. This bill would allow a party to instead appeal a trial court's order or judgment to the court of appeal pursuant to specified law.

SB 229      *Accessory dwelling units*

Wieckowski      (1) The Planning and Zoning Law authorizes the legislative body of a city or county to regulate,

among other things, the intensity of land use, and also authorizes a local agency to provide by ordinance for the creation of accessory dwelling units in single-family and multifamily residential zones, as specified. Existing law requires the ordinance to designate areas within the jurisdiction of the local agency where these units may be permitted, impose specified standards on these units, provide that accessory dwelling units do not exceed allowable density and are a residential use, as specified, and require these units to comply with specified conditions, including a requirement that the unit is not intended for sale separate from the primary residence and may be rented. Existing law establishes the maximum standards that local agencies are required to use to evaluate a proposed accessory dwelling unit on a lot zoned for residential use that contains an existing single-family dwelling. This bill instead would authorize a local agency to provide by ordinance for the creation of accessory dwelling units in areas zoned to allow single-family or multifamily use. The bill would authorize the ordinance to prohibit the sale or other conveyance of the unit separate from the primary residence. The bill would extend the use of the maximum standards to a proposed accessory dwelling unit on a lot zoned for residential use that includes a proposed single-family dwelling. (2) Existing law authorizes the location of required replacement parking spaces in any configuration on an accessory dwelling unit lot when a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit. This bill would extend this authorization to when the garage, carport, or covered parking structure is converted to an accessory dwelling unit. The bill would also define tandem parking for these purposes. (3) Existing law prohibits an accessory dwelling unit from being considered a new residential use for the purposes of calculating local agency connection fees or capacity charges for utilities, including water and sewer service. Existing law prohibits, for an accessory dwelling unit constructed in an existing space, a local agency from requiring the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility and from imposing a related connection fee or capacity charge. This bill would extend the applicability of both of the above prohibitions to special districts and water corporations. (4) Existing law requires a local agency that has adopted an ordinance authorizing the creation of accessory dwelling units to submit a copy of the ordinance to the Department of Housing and Community Development within 60 days of adoption of the ordinance. This bill would authorize the department to review and comment on an ordinance submitted to the department pursuant to these provisions.

SB 329

Leyva

*Manufactured homes: financial assistance programs*

Under existing law, there are programs providing assistance for, among other things, emergency housing, multifamily housing, farmworker housing, veteran housing, home ownership for very low and low-income households, and downpayment assistance for first-time home buyers. This bill would require all state and local programs designed to facilitate home ownership or residence, as specified, to include manufactured homes, to the extent feasible. The bill would deem a California Housing Finance Agency's loan program to comply with this provision if it includes manufactured housing in conformance with specified guidelines. The bill would make related legislative findings and declarations.

SB 540

Roth

*Workforce Housing Opportunity Zone*

The Planning and Zoning Law requires a city or county to adopt a general plan for land use development within its boundaries that includes, among other things, a housing element. Existing law provides for various reforms and incentives intended to facilitate and expedite the construction of affordable housing. 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. This bill would

authorize a local government, as defined, to establish a Workforce Housing Opportunity Zone by preparing an EIR pursuant to CEQA and adopting a specific plan that is required to include text and a diagram or diagrams containing specified information. The bill would require a local government that proposes to adopt a Workforce Housing Opportunity Zone to hold public hearings on the specific plan. The bill would authorize a local government, after a specific plan is adopted and the zone is formed, to impose a specific plan fee upon all persons seeking governmental approvals within the zone. The bill would require a local government to comply with certain requirements when amending the specific plan for the zone, including seeking a new EIR. The bill would authorize a local government to apply for a grant or no-interest loan, or both, from the Department of Housing and Community Development to support its efforts to develop a specific plan and accompanying EIR within the zone. The bill, upon appropriation by the Legislature, would authorize a transfer from the Treasurer to the Department of Housing and Community Development for purposes of issuing grants or loans, or both, pursuant to these provisions. The bill would require a local government, for a period of 5 years after the plan is adopted, to approve a development that satisfies certain criteria, unless the local government makes certain findings regarding the site. The bill would provide that, after the zone is adopted, a lead agency is not required to prepare an EIR or negative declaration for a housing development that occurs within the zone if specified criteria are met. The bill would require a local government to approve a housing development located within the zone that is consistent with the plan and meets specific criteria within 60 days after the application for that development is deemed complete. The Planning and Zoning Law requires a planning agency, after a legislative body has adopted all or part of a general plan, to provide an annual report to the legislative body, the Office of Planning and Research, and the Department of Housing and Community Development on the status of the general plan and progress in meeting the community's share of regional housing needs. This bill would require a local government that has formed a Workforce Housing Opportunity Zone to include within this report the number of housing units approved within a zone that complies with specified criteria. The bill would declare that ensuring access to affordable housing is a matter of statewide concern and not a municipal affair.

## Immigration

AB 291  
Chiu

### *Housing: immigration*

1) Existing law, the State Bar Act, makes it a cause for suspension, disbarment, or other discipline for any member of the State Bar to report suspected immigration status or threaten to report suspected immigration status of a witness or party to a civil or administrative action or his or her family member, as defined, to a federal, state, or local agency because the witness or party exercises or has exercised a right related to his or her employment. This bill would expand that provision to make it a cause for suspension, disbarment, or other discipline for a member of the State Bar to report suspected immigration status or threaten to report suspected immigration status of a witness or party to a civil or administrative action or his or her family member, as defined, to a federal, state, or local agency because the witness or party exercises or has exercised a right related to the hiring of residential real property. (2) Existing law provides that a tenant of real property, property for a term less than life, or the executor of his or her estate, is guilty of unlawful detainer if, among other things, he or she continues in possession, in person or by subtenant, of the property or any part of the property, after the expiration of the term for which it is let to him or her, except as specified. Existing law authorizes a tenant of residential real property to assert as an affirmative defense in an unlawful detainer action based upon a default in the payment of rent that the lessor failed to comply with certain requirements relating to the safety and habitability of the dwelling. This bill would prohibit a lessor from causing a tenant or occupant to quit involuntarily or bring an action to recover possession because of the immigration or citizenship status of a tenant, occupant, or other person known to the lessor to be associated with a tenant or occupant, unless the lessor is complying with any legal obligation under any federal government program that provides for rent limitations or rental assistance to a qualified tenant. The bill would authorize a tenant or occupant to assert as an affirmative defense in an unlawful detainer action that a lessor violated this provision. The bill would also establish a rebuttable presumption that an affirmative defense is successful if the lessor approved the tenant or occupant to take possession of the unit before filing the unlawful detainer action and included in the unlawful detainer action specified claims. (3) Existing law makes it unlawful for a lessor to engage in specified activities for the purpose of influencing a lessee to vacate a dwelling, including using, or threatening to use, force, willful threats, or menacing conduct that interferes with the tenant's quiet enjoyment of the premises and that would create an apprehension of harm in a reasonable person. This bill would also prohibit a lessor from threatening to disclose information regarding or relating to the immigration status or citizenship status of a tenant, occupant, or other person associated with a tenant or occupant for the purpose of influencing a tenant to vacate a dwelling. (4) Existing law prohibits a lessor, or an agent of a lessor, from making any inquiry regarding or based on the immigration or citizenship status of a tenant, prospective tenant, occupant, or prospective occupant of residential real property, or from requiring a tenant, prospective tenant, occupant, or prospective occupant of the rental property make any statement, representation, or certification concerning his or her immigration or citizenship status. Existing law provides that the prohibitions described above do not prohibit a lessor from complying with any legal obligation under federal law. This bill would also prohibit a lessor, or an agent of a lessor, from disclosing to any person or entity information regarding or relating to the immigration or citizenship status of any tenant, prospective tenant, occupant, or prospective occupant of the rental property for the purpose of, or with the intent of, harassing or intimidating a tenant, prospective tenant, occupant, or prospective occupant, retaliating against a tenant or occupant for the exercise of his or her rights, influencing a tenant or occupant to vacate a dwelling, or recovering possession of the dwelling. The bill would clarify that the term "federal law" in the provision described above includes any legal obligation of a lessor under a federal government program that provides for rent limitations or rental assistance to a qualified tenant, and would broaden that provision to include any legal obligation of a lessor under a subpoena, warrant, or other order issued by a court. This bill would make it unlawful for a lessor to disclose to any immigration authority, law enforcement agency, or local,

state, or federal agency information regarding or relating to the immigration or citizenship status of any tenant, occupant, or other person known to the lessor to be associated with a tenant or occupant, as provided, for the purpose of, or with the intent of, harassing or intimidating a tenant or occupant, retaliating against a tenant or occupant for the exercise of his or her rights, influencing a tenant or occupant to vacate a dwelling, or recovering possession of the dwelling, unless the lessor is complying with any legal obligation under federal law, or a subpoena, warrant, or order issued by a court. The bill would require a court to order a lessor to pay specified civil penalties in the event of a violation of these provisions to the tenant, and to issue injunctive relief to prevent the lessor from engaging in similar conduct in the future, and would require the court to notify the district attorney of the county in which the real property for hire at issue was located of a potential violation of specified laws relating to extortion. The bill would also require a court to award attorney fees and costs to the prevailing party in an action under these provisions. The bill would prohibit a tenant, occupant, or person known to the landlord to be associated with a tenant or occupant, from waiving his or her rights under these provisions. The bill would authorize a nonprofit organization exempt from federal income taxation to bring an action for injunctive relief under these provisions. (5) Existing law provides that, if a lessor retaliates against a lessee of a dwelling for exercising his or her rights or because of a complaint to an appropriate agency as to tenantability and if the lessee is not in default as to the payment of rent, the lessor may not recover possession, cause the lessee to quit involuntarily, increase the rent, or decrease any services within 180 days of the occurrence of specified events. This bill would provide that a lessor would violate that prohibition if the lessor reported, or threatened to report, the lessee, or individuals known to the lessor to be associated with the lessee, to immigration authorities, but would provide that a lessor would not violate that prohibition if the lessor was complying with any legal obligation under any federal government program that provides for rent limitations or rental assistance to a qualified tenant. (6) Existing law prohibits a lessor from retaliating against a lessee because he or she has lawfully organized or participated in a lessees' association or an organization advocating lessees' rights or has lawfully and peaceably exercised any rights under the law by increasing rent, decreasing services, causing a lessee to quit involuntarily, bringing an action to recover possession, or from threatening to do any of those acts. This bill would provide that a lessor would violate that prohibition if the lessor reported, or threatened to report, the lessee, or individuals known to the lessor to be associated with the lessee, to immigration authorities, but would provide that a lessor would not violate that prohibition if the lessor was complying with any legal obligation under any federal government program that provides for rent limitations or rental assistance to a qualified tenant. (7) Existing law declares that all protections, rights, and remedies available under state law are available to all individuals in the state who have applied for employment or are employed, regardless of immigration status, as specified. Existing law also declares, for the purposes of enforcing state labor, employment, civil rights, and employee housing laws, that a person's immigration status is irrelevant to the issue of liability and that discovery into a person's immigration status is prohibited unless the person seeking to make the inquiry has shown by clear and convincing evidence that the inquiry is necessary to comply with federal immigration law. Existing law also provides that the immigration status of a minor child seeking recovery under any applicable law is irrelevant to the issues of liability or remedy and would prohibit discovery or other inquiry in a civil action or proceeding into a minor child's immigration status, with specified exceptions. This bill would declare that the immigration or citizenship status of any person is irrelevant to any issue of liability or remedy under specified provisions of law relating to the rights of tenants, and would prohibit inquiry being made in a civil action initiated to enforce those laws into a person's immigration or citizenship status unless 2 exceptions to that prohibition apply.

AB 343  
McCarty      *Public postsecondary education: holders of certain special immigrant visas*  
Existing law establishes the California State University, the California Community Colleges, and the University of California as the 3 segments of public postsecondary education in this state. Existing law exempts specified students from paying nonresident tuition at the California State University and the California Community Colleges, as specified. This bill would express

legislative findings and declarations relating to persons provided with special immigrant visa status due to their displacement because of wars taking place in their home countries. The bill would exempt students who have been granted special immigrant visas pursuant to a specified federal statute, or are refugees admitted to the United States under a specified federal statute, and who, upon entering the United States, settled in California, from paying nonresident tuition at the California Community Colleges. The bill would also authorize a community college district to report a student, who is exempt from nonresident tuition under this bill and who is enrolled as a student of that district, as a full-time equivalent student for apportionment purposes.

AB 450  
Chiu

*Employment regulation: immigration worksite enforcement actions*

Existing law prohibits an employer or other person or entity from engaging in, or to directing another person or entity to engage in, unfair immigration-related practices against a person for exercising specified rights. Existing law defines unfair immigration-related practices for these purposes. Existing law grants the Labor Commissioner access to places of labor and authorizes the commissioner to conduct investigations and prosecute actions in relation to the prescribed duties of the office. Existing law creates the Labor Enforcement and Compliance Fund, moneys in which, upon appropriation by the Legislature, are available to support the Division of Labor Standards Enforcement. This bill would impose various requirements on public and private employers with regard to federal immigration agency immigration worksite enforcement actions. Except as otherwise required by federal law, the bill would prohibit an employer or other person acting on the employer's behalf from providing voluntary consent to an immigration enforcement agent to enter nonpublic areas of a place of labor unless the agent provides a judicial warrant, except as specified. Except as required by federal law, the bill would prohibit an employer or other person acting on the employer's behalf from providing voluntary consent to an immigration enforcement agent to access, review, or obtain the employer's employee records without a subpoena or court order, subject to a specified exception. The bill would grant the Labor Commissioner or the Attorney General the exclusive authority to enforce these provisions and would require that any penalty recovered be deposited in the Labor Enforcement and Compliance Fund. The bill would prescribe penalties for failure to satisfy the prohibitions described above of \$2,000 up to \$5,000 for a first violation and \$5,000 up to \$10,000 for each subsequent violation, as defined. The bill would specify circumstances for which penalties do not apply. The bill, except as required by federal law, would require an employer to provide a current employee notice containing specified information, by posting in the language the employer normally uses to communicate employment information, of an inspection of I-9 Employment Eligibility Verification forms or other employment records conducted by an immigration agency within 72 hours of receiving the federal notice of inspection. The bill would require an employer, upon reasonable request, to provide an affected employee a copy of the notice of inspection of I-9 Employment Eligibility Verification forms. The bill would require the Labor Commissioner, by July 1, 2018, to create a template for these purposes and make it available, as specified. The bill would require an employer to provide to an affected current employee, and to the employee's authorized representative, if any, a copy of the written immigration agency notice that provides for the inspection results and written notice of the obligations of the employer and the affected employee arising from the action, as specified. The bill would define affected employee for these purposes. The bill would prescribe penalties for failure to provide the notices of \$2,000 up to \$5,000 for a first violation and \$5,000 up to \$10,000 for each subsequent violation, except as specified, to be collected by the Labor Commissioner. Except as required by federal law, the bill would prohibit an employer from reverifying the employment eligibility of a current employee at a time or in a manner not required by specified federal law. The bill would prescribe a penalty of up to \$10,000 for a violation of this prohibition to be recoverable by the Labor Commissioner.

AB 699

*Educational equity: immigration and citizenship status*

Existing law states the policy of the State of California to afford all persons in public schools,

O'Donnell regardless of their disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other specified characteristic, equal rights and opportunities in the educational institutions of the state. Existing law prohibits discrimination on the basis of those specific characteristics in any program or activity conducted by an educational institution that receives, or benefits from, state financial assistance or enrolls pupils who receive state student financial aid. Existing law requires the State Department of Education to assess whether local educational agencies have taken certain actions related to educational equity, including adopting a policy that prohibits, and adopting a process for receiving and investigating complaints of, discrimination, harassment, intimidation, and bullying based on those actual or perceived specified characteristics. This bill would expressly include immigration status in the specified characteristics for purposes of those provisions. This bill would prohibit school officials and employees of a school district, county office of education, or charter school, except as required by state or federal law or as required to administer a state or federally supported educational program, from collecting information or documents regarding citizenship or immigration status of pupils or their family members. The bill would require the superintendent of a school district, the superintendent of a county office of education, and the principal of a charter school, as applicable, to report to the respective governing board or body of the local educational agency in a timely manner any requests for information or access to a schoolsite by an officer or employee of a law enforcement agency for the purpose of enforcing the immigration laws in a manner that ensures the confidentiality and privacy of any potentially identifying information. The bill would encourage a school, when an employee of the school is aware that a pupil's parent or guardian is not available to care for the pupil, to work with parents or guardians to update the emergency contact information and not to contact Child Protective Services to arrange for the pupil's care unless the school is unable to arrange for care through the use of emergency contact information or instructions provided by the pupil's parent or guardian. The bill would require the governing board or body of a local educational agency to perform specified actions relating to pupils and immigration status, including, among others, providing information to parents and guardians, as appropriate, regarding their children's right to a free public education, regardless of immigration status or religious beliefs. The bill would require the Attorney General, by April 1, 2018, in consultation with appropriate stakeholders, to publish model policies limiting assistance with immigration enforcement at public schools, to the fullest extent possible consistent with federal and state law, and ensuring that public schools remain safe and accessible to all California residents, regardless of immigration status. The bill would require the Attorney General to, at a minimum, consider specified issues when developing the model policies. The bill would require all local educational agencies to adopt the model policies, or equivalent policies, by July 1, 2018.

SB 29 *Law enforcement: immigration*

Lara Existing law generally regulates formation and enforcement of contracts, including what constitutes an unlawful contract. Under existing law, a contract is unlawful if it is contrary to an express provision of law, contrary to the policy of express law, though not expressly prohibited, or otherwise contrary to good morals. Existing law authorizes a county board of supervisors on behalf of its sheriff, and a legislative body of a city on behalf of its chief of police, to contract to provide supplemental law enforcement services to private individuals, private entities, and private corporations in specified circumstances and subject to certain conditions. This bill would, commencing on January 1, 2018, prohibit a city, county, city and county, or a local law enforcement agency that does not, as of that date, have a contract with the federal government or any federal agency or a private corporation to detain noncitizens for the purposes of civil immigration custody from entering into a contract with those entities to house or detain in a locked detention facility noncitizens for purposes of civil immigration custody. The bill would further prohibit a city, county, city and county, or local law enforcement agency that, as of January 1, 2018, has an existing contract with the federal government or any federal agency or a private corporation to house or detain noncitizens for purposes of civil immigration custody, from renewing or modifying that contract, on and after that date, in a manner that would expand



the maximum number of contract beds that may be utilized to house or detain, in a locked detention facility, noncitizens for purposes of civil immigration custody. This bill would prohibit, on and after January 1, 2018, a city, county, city and county, or a public agency from approving or signing a deed, instrument, or other document related to a conveyance of land or issuing a permit for the building or reuse of existing buildings by a private corporation, contractor, or vendor to house or detain noncitizens for the purposes of civil immigration proceedings unless the city, county, city and county, or public agency has provided specified notice to the public and solicited and heard public comments regarding the action. The California Public Records Act requires state and local agencies to make their records available for public inspection and to make copies available upon request and payment of a fee unless the records are exempt from disclosure. This bill would specify that any facility that detains a noncitizen pursuant to a contract with a city, county, city and county, or a local law enforcement agency is subject to the California Public Records Act.

SB 31      *California Religious Freedom Act: state agencies: disclosure of religious affiliation*  
Lara      *information*

Existing law prohibits a state agency from including a question regarding an applicant's race, sex, marital status, or religion in any application form for employment. This bill would prohibit a state or local agency or a public employee acting under color of law from providing or disclosing to the federal government personal information regarding a person's religious beliefs, practices, or affiliation, as specified, when the information is sought for compiling a database of individuals based on religious belief, practice, or affiliation, national origin, or ethnicity for law enforcement or immigration purposes. The bill would also prohibit a state agency from using agency resources to assist with any government program compiling such a database, or from making state databases available in connection with an investigation or enforcement under such a program. The bill would prohibit state and local law enforcement agencies and their employees from collecting personal information on the religious beliefs, practices, or affiliation of any individual, except as part of a targeted investigation, as provided, or where necessary to provide religious accommodations. The bill would also prohibit law enforcement agencies from using agency or department moneys, facilities, property, equipment, or personnel to investigate, enforce, or assist in the investigation or enforcement of any criminal, civil, or administrative violation, or warrant for a violation, of any requirement that individuals register with the federal government or any federal agency based on religion, national origin, or ethnicity. The bill would also terminate, to the extent of any conflict, any existing agreements that make any agency or department information or database available in conflict with these provisions. The bill would not prevent the collection, retention, or disclosure of personal information or documents as required by Federal law or a court order. The bill would provide that an agency or employee would only be deemed to be in violation of its provisions if the agency or employee acted with actual knowledge that the information shared would be used for purposes prohibited by these provisions. This bill would declare that it is to take effect immediately as an urgency statute.

SB 54      *Law enforcement: sharing data*

De León      Existing law provides that when there is reason to believe that a person arrested for a violation of specified controlled substance provisions may not be a citizen of the United States, the arresting agency shall notify the appropriate agency of the United States having charge of deportation matters. This bill would repeal those provisions. Existing law provides that whenever an individual who is a victim of or witness to a hate crime, or who otherwise can give evidence in a hate crime investigation, is not charged with or convicted of committing any crime under state law, a peace officer may not detain the individual exclusively for any actual or suspected immigration violation or report or turn the individual over to federal immigration authorities. This bill would, among other things and subject to exceptions, prohibit state and local law enforcement agencies, including school police and security departments, from using money or personnel to investigate, interrogate, detain, detect, or arrest persons for immigration

enforcement purposes, as specified, and would, subject to exceptions, proscribe other activities or conduct in connection with immigration enforcement by law enforcement agencies. The bill would apply those provisions to the circumstances in which a law enforcement official has discretion to cooperate with immigration authorities. The bill would require, by October 1, 2018, the Attorney General, in consultation with the appropriate stakeholders, to publish model policies limiting assistance with immigration enforcement to the fullest extent possible for use by public schools, public libraries, health facilities operated by the state or a political subdivision of the state, and courthouses, among others. The bill would require, among others, all public schools, health facilities operated by the state or a political subdivision of the state, and courthouses to implement the model policy, or an equivalent policy. The bill would state that, among others, all other organizations and entities that provide services related to physical or mental health and wellness, education, or access to justice, including the University of California, are encouraged to adopt the model policy. The bill would require that a law enforcement agency that chooses to participate in a joint law enforcement task force, as defined, submit a report annually pertaining to task force operations to the Department of Justice, as specified. The bill would require the Attorney General, by March 1, 2019, and annually thereafter, to report on the types and frequency of joint law enforcement task forces, and other information, as specified, and to post those reports on the Attorney General's Internet Web site. The bill would require law enforcement agencies to report to the department annually regarding transfers of persons to immigration authorities. The bill would require the Attorney General to publish guidance, audit criteria, and training recommendations regarding state and local law enforcement databases, for purposes of limiting the availability of information for immigration enforcement, as specified. The bill would require the Department of Corrections and Rehabilitation to provide a specified written consent form in advance of any interview between a person in department custody and the United States Immigration and Customs Enforcement regarding civil immigration violations.

SB 156 *Military and veterans: transition assistance: citizenship*

Anderson Existing law requires, by July 1, 2015, the Department of Veterans Affairs to develop a transition assistance program for veterans who have been discharged from the Armed Forces of the United States or the National Guard of any state, as specified. This bill would require the transition assistance program for veterans to provide information to noncitizens who are leaving military service in California or who have already been discharged from military service in California on how to become citizens, including information on where to acquire state legal assistance. Existing law establishes the militia of the state, consisting of the National Guard, State Military Reserve, and the Naval Militia. Under existing law, the militia of the state consists of all able-bodied male citizens and all other able-bodied males who have declared their intention to become citizens of the United States, who are between 18 and 45 years of age, and who are residents of the state. This bill would require the California National Guard to inform its members that it will assist noncitizen members in acquiring United States citizenship as soon as they are eligible. The bill would additionally require the California National Guard to, upon request of a noncitizen member, assist the member in filing all forms and paperwork necessary to become a United States Citizen. This bill would declare that it is to take effect immediately as an urgency statute.

SB 613 *Immigration status*

De León (1) Existing law requires the Division of Juvenile Justice to cooperate with the United States Bureau of Immigration in arranging for the deportation of all aliens who are committed to it. This bill would repeal that provision. (2) Existing law requires the State Department of State Hospitals to cooperate with the United States Bureau of Immigration in arranging for the deportation of all aliens who are confined in, admitted to, or committed to any state hospital. This bill would repeal that provision. (3) Existing law requires the State Department of Developmental Services to cooperate with the United States Bureau of Immigration in arranging for the deportation of all aliens who are confined in, admitted to, or committed to any state

hospital. This bill would repeal that provision.

## Land Use and Transportation

- AB 179  
Cervantes *California Transportation Commission*  
Existing law creates the California Transportation Commission, with various powers and duties relative to the programming of transportation capital projects and allocation of funds to those projects pursuant to the state transportation improvement program and various other transportation funding programs. Under existing law, the commission consists of 13 members, 9 of whom are to be appointed by the Governor in consultation with the Senate. Existing law requires the Governor, in appointing members, to use every effort to ensure geographic balance of representation. This bill would additionally require the Governor, in appointing members, to use every effort to ensure that the commission has a diverse membership with expertise in transportation issues, taking into consideration factors including, but not limited to, socioeconomic background and professional experience, which may include experience working in, or representing, disadvantaged communities. This bill would require the commission and the State Air Resources Board to hold at least 2 joint meetings per calendar year to coordinate their implementation of transportation policies.
- AB 390  
Santiago *Pedestrian crossing signals*  
Under existing law, a pedestrian facing a “WALK” or approved “Walking Person” symbol may proceed across the roadway in the direction of the signal. Existing law makes a violation of this provision a crime. This bill would authorize a pedestrian facing a flashing “DON’T WALK” or “WAIT” or approved “Upraised hand” symbol with a “countdown” signal to proceed so long as he or she completes the crossing before the display of the steady “DON’T WALK” or “WAIT” or approved “Upraised Hand” symbol.
- AB 467  
Mullin *Local transportation authorities: transactions and use taxes*  
The Local Transportation Authority and Improvement Act provides for the creation in any county of a local transportation authority and authorizes the imposition by the authority, by ordinance, of a retail transactions and use tax, subject to approval of the ordinance by 2/3 of the voters. Existing law provides for the authority to adopt a transportation expenditure plan for the proceeds of the tax, and requires the entire adopted transportation expenditure plan to be included in the voter information guide sent to voters. This bill, upon the request of an authority, would exempt a county elections official from including the entire adopted transportation expenditure plan in the voter information guide, if the authority posts the plan on its Internet Web site, and the sample ballot and the voter information guide sent to voters include information on viewing an electronic version of the plan on the Internet Web site, as prescribed, and for obtaining a printed copy of the plan by calling the county elections office. The bill would require the county elections official to mail a printed copy of the plan at no cost to each person requesting a copy, if the county elections official exercises this authority.
- AB 468  
Santiago *Transit districts: prohibition orders*  
Existing law prohibits certain acts by a person with respect to the property, facilities, or vehicles of a transit district. A violation is generally an infraction punishable by a fine not exceeding \$75 on a first offense, or on a subsequent offense by a fine not exceeding \$250 or by community service. Existing law authorizes the Sacramento Regional Transit District, the Fresno Area Express, and, until January 1, 2018, the San Francisco Bay Area Rapid Transit District to issue a prohibition order to any person cited for committing one or more of certain prohibited acts in specified transit facilities. Existing law prohibits a person subject to the prohibition order from entering the property, facilities, or vehicles of the transit district for specified periods of time. Existing law establishes notice requirements in that regard and provides for initial and administrative review of the order. This bill would apply these provisions to the Los Angeles County Metropolitan Transportation Authority and would extend the application of these

provisions to the San Francisco Bay Area Rapid Transit District indefinitely.

- AB 546  
Chiu *Land use: local ordinances: energy systems*  
Existing law, the Planning and Zoning Law, among other things, requires the legislative body of each county and city to adopt a general plan for the physical development of the county or city and authorizes the adoption and administration of zoning laws, ordinances, rules, and regulations by counties and cities. Existing law requires a city, county, or city and county to approve an application for the installation of electric vehicle charging stations, as defined, through the issuance of specified permits unless the city or county makes specified written findings. Existing law provides that the implementation of consistent statewide standards to achieve the timely and cost-effective installation of electric vehicle charging stations is a matter of statewide concern. This bill would, on or before September 30, 2018, for a city, including a charter city, county, or city and county with a population of 200,000 or more residents, or January 31, 2019, for a city, including a charter city, county, or city and county with a population of less than 200,000 residents, require the city, county, or city and county to make all documentation and forms associated with the permitting of advanced energy storage, as defined, available on a publicly accessible Internet Web site, as specified. The bill would require a city, county, or city and county to allow for the electronic submittal of a permit application and associated documentation, except as specified. The bill would authorize the Governor's Office of Planning and Research to provide guidance on energy storage permitting, including streamlining, best practices, and potential factors for consideration by local government in establishing fees for permitting and inspection, as specified. This bill would make findings and declarations that implementation of consistent statewide standards to achieve the timely and cost-effective installation of energy storage systems is a matter of statewide concern.
- AB 669  
Berman *Department of Transportation: motor vehicle technology testing*  
Existing law establishes rules of the road for the operation of a vehicle on state highways and roads. Existing law requires motor vehicles being driven outside of a business or residence district in a caravan or motorcade, whether or not towing other vehicles, to be operated so as to allow sufficient space and in no event less than 100 feet between each vehicle or combination of vehicles so as to enable any other vehicle to overtake or pass. Existing law authorizes the Department of Transportation, in coordination with the Department of the California Highway Patrol, to conduct testing of technologies that enable drivers to safely operate motor vehicles with less than 100 feet between each vehicle or combination of vehicles and would exempt motor vehicles participating in this testing from the above-described rule. Existing law requires the department to report its findings from the testing to the Legislature on or before July 1, 2017. Existing law repeals these provisions on January 1, 2018. This bill would postpone that repeal until January 1, 2020, and would require the department to submit an updated report to the Legislature on or before July 1, 2019. The bill would prohibit a person from operating a motor vehicle participating in this testing unless the person holds a valid driver's license of the appropriate class for the participating vehicle.
- AB 730  
Quirk *Transit districts: prohibition orders*  
Existing law prohibits certain acts by a person with respect to the property, facilities, or vehicles of a transit district. A violation is generally an infraction punishable by a fine not exceeding \$75 on a first offense, or on a subsequent offense by a fine not exceeding \$250 or by community service. Existing law authorizes the Sacramento Regional Transit District, the Fresno Area Express, and, until January 1, 2018, the San Francisco Bay Area Rapid Transit District to issue a prohibition order to any person cited for committing one or more of certain prohibited acts in specified transit facilities. Existing law prohibits a person subject to the prohibition order from entering the property, facilities, or vehicles of the transit district for specified periods of time. Existing law establishes notice requirements in that regard and provides for initial and administrative review of the order. This bill would permanently apply these provisions to the

San Francisco Bay Area Rapid Transit District.

**AB 1113**      *State Transit Assistance Program*  
**Bloom**      Existing law requires the transfer of a specified portion of the sales tax on diesel fuel, in addition to various other revenues, to the Public Transportation Account, a trust fund in the State Transportation Fund. Existing law requires funds in the account to be allocated to various public transportation and transportation planning purposes, with specified revenues in the account to be allocated by the Controller to specified local transportation agencies for public transportation purposes, pursuant to the State Transit Assistance (STA) Program. Existing law requires STA funds to be allocated by formulas based 50% on population and 50% on transit operator revenues. This bill would revise and recast the provisions governing the STA program. The bill would provide that only STA-eligible operators, as defined, are eligible to receive an allocation from the portion of program funds based on transit operator revenues. The bill would provide for each STA-eligible operator within the jurisdiction of the allocating local transportation agency to receive a proportional share of the revenue-based program funds based on the qualifying revenues of that operator, as defined. The bill would revise the duties of the Controller and the Department of Transportation in administering the program. The bill would make various other conforming changes and would delete obsolete provisions. Existing law requires the Controller, relative to local transportation funds available for public transportation and other purposes in each county, to design and adopt a uniform system of accounts and records under which operators, as defined, prepare and submit annual reports of their operation. Existing law generally requires the annual report to be submitted within 90 days of the end of the fiscal year. This bill would instead require the report to be submitted within 7 months after the end of the fiscal year, and to contain underlying data from audited financial statements, as specified. The bill would also require certain information to be reported by transportation agencies with respect to eligibility for funding of STA-eligible operators under the State Transit Assistance Program. Existing law requires the Controller to calculate and publish the allocation of transit operator-based funds made pursuant to the State Transit Assistance Program for the 3rd and 4th quarters of the 2015–16 fiscal year and for all 4 quarters of the 2016–17 and 2017–18 fiscal years based on the same list of operators and the same individual operator ratios published by the Controller in a specified transmittal memo for the 4th quarter for the 2014–15 fiscal year, except as specified. This bill would only require the Controller to calculate and publish this allocation of transit operator-based funds made pursuant the State Transit Assistance Program for the 3rd and 4th quarters of the 2015–16 fiscal year and for all 4 quarters of the 2016–17 fiscal year. This bill would declare that it is to take effect immediately as an urgency statute.

**AB 1218**      *California Environmental Quality Act: exemption: bicycle transportation plans*  
**Obernolte**      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 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, until January 1, 2018, exempts from its requirements bicycle transportation plans for an urbanized area for restriping of streets and highways, bicycle parking and storage, signal timing to improve street and highway intersection operations, and related signage for bicycles, pedestrians, and vehicles under certain conditions. CEQA, until January 1, 2018, also exempts from its requirements projects consisting of restriping of streets and highways for bicycle lanes in an urbanized area that are consistent with a bicycle transportation plan under certain conditions. This bill would extend those 2 exemptions until January 1, 2021.

- AB 1282 *Transportation Permitting Task Force*  
Mullin Existing law establishes the Department of Transportation and the California Transportation Commission and provides that the department has full possession and control of all state highways and all property and rights in property acquired for state highway purposes and authorizes and directs the department to lay out and construct all state highways between the termini designated by law and on the locations as determined by the commission. This bill would require, by April 1, 2018, the Secretary of Transportation, in consultation with the Secretary of the Natural Resources Agency, to establish a Transportation Permitting Task Force consisting of representatives from specified entities to develop a process for early engagement for all parties in the development of transportation projects, establish reasonable deadlines for permit approvals, and provide for greater certainty of permit approval requirements. The bill would require the Secretary of Transportation, by December 1, 2019, to prepare and submit to the relevant policy and fiscal committees of the Legislature a report of findings based on the efforts of the task force.
- AB 1444 *Livermore Amador Valley Transit Authority: demonstration project*  
Baker Existing law permits the operation of an autonomous vehicle on public roads for testing purposes if, among other requirements, a driver is seated in the driver's seat and is capable of taking immediate manual control of the vehicle in the event of an autonomous technology failure or other emergency. Existing law, notwithstanding the above provision, until 180 days after the operative date of regulations promulgated by the Department of Motor Vehicles to allow testing of autonomous vehicles without a driver in the vehicle, authorizes the Contra Costa Transportation Authority to conduct a pilot project for the testing of autonomous vehicles that do not have a driver seated in the driver's seat and are not equipped with a steering wheel, a brake pedal, or an accelerator if the testing is conducted only at specified locations and the autonomous vehicle operates at speeds of less than 35 miles per hour. Existing law requires the authority or a private entity, or a combination of the 2, to obtain an instrument of insurance, surety bond, or proof of self-insurance in an amount of \$5,000,000 prior to the start of testing of any autonomous vehicle on or across a public road and would require evidence of the insurance, surety bond, or proof of self-insurance to be provided to the Department of Motor Vehicles in the form and manner required by the department. Existing law requires the authority or a private entity, or a combination of the 2, to provide the department with a detailed description of the testing program, as specified. Existing law requires the operator of the autonomous vehicle technology to disclose what personal information concerning a pilot project participant is collected by an autonomous vehicle. Existing law authorizes the department to require data collection for evaluating the safety of the vehicles, as provided. This bill would authorize the Livermore Amador Valley Transit Authority, in accordance with substantially similar conditions, to conduct a shared autonomous vehicle demonstration project for the testing of autonomous vehicles that do not have a driver seated in the driver's seat and are not equipped with a steering wheel, a brake pedal, or an accelerator, as specified. The bill would prohibit the authority from conducting the demonstration project if the department has adopted specified regulations by December 31, 2017. This bill would make these provisions inoperative on May 1, 2018, and would repeal them as of January 1, 2019.
- AB 1505 *Land use: zoning regulations*  
Bloom The Planning and Zoning Law authorizes the legislative body of any county or city to adopt ordinances regulating zoning within its jurisdiction, as specified. This bill would additionally authorize the legislative body of any county or city to adopt ordinances to require, as a condition of development of residential rental units, that the development include a certain percentage of residential rental units affordable to, and occupied by, moderate-income, lower income, very low income, or extremely low income households or by persons and families of low or moderate income, as specified, and would declare the intent of the Legislature in adding this provision. This bill would also authorize the Department of Housing and Community Development, within

10 years of the adoption or amendment of an ordinance by a county or city after September 15, 2017, that requires as a condition of the development of residential rental units that more than 15% of the total number of units rented in the development be affordable to, and occupied by, households at 80% or less of the area median income, to review that ordinance if the county or city meets specified conditions. The bill would authorize the department to request, and require that the county or city provide, evidence that the ordinance does not unduly constrain the production of housing by submitting an economic feasibility study that meets specified standards. If the department finds that economic feasibility study does not meet these standards, or if the county or city fails to submit the study within 180 days, the bill would require the county or city to limit any requirement to provide rental units in a development affordable to households at 80% or less of the area median income to no more than 15% of the total number of units in the development. The bill would require the department to report any findings made pursuant to these provisions to the Legislature. The bill would also declare that these provisions regarding department review of certain land use ordinances address a matter of statewide concern.

AB 1568  
Bloom

*Enhanced infrastructure financing districts*

Existing law establishes procedures for the formation of infrastructure financing districts, enhanced infrastructure financing districts, infrastructure and revitalization financing districts, and community revitalization and investment authorities, as specified, to undertake various economic development projects, including financing public facilities and infrastructure, affordable housing, and economic revitalization. Existing law authorizes an infrastructure financing plan or a community revitalization and investment plan to provide for the division of taxes levied upon taxable property, if any, between the affected taxing entities, as defined, and the district or authority. This bill would enact the Neighborhood Infill Finance and Transit Improvements Act, which would authorize a city, county, or city and county to adopt a resolution, at any time before or after the adoption of the infrastructure refinancing plan, to allocate specified tax revenues to the district under specified circumstances. This bill would require the legislative body of a city or county establishing an enhanced infrastructure financing district that will allocate those revenues, as described, to adopt an ordinance to establish the procedure by which the city or county will calculate the amount of revenues that will be dedicated to the proposed district.

SB 1  
Beall

*Transportation funding*

(1) Existing law provides various sources of funding for transportation purposes, including funding for the state highway system and the local street and road system. These funding sources include, among others, fuel excise taxes, commercial vehicle weight fees, local transactions and use taxes, and federal funds. Existing law imposes certain registration fees on vehicles, with revenues from these fees deposited in the Motor Vehicle Account and used to fund the Department of Motor Vehicles and the Department of the California Highway Patrol. Existing law provides for the monthly transfer of excess balances in the Motor Vehicle Account to the State Highway Account. This bill would create the Road Maintenance and Rehabilitation Program to address deferred maintenance on the state highway system and the local street and road system. The bill would require the California Transportation Commission to adopt performance criteria, consistent with a specified asset management plan, to ensure efficient use of certain funds available for the program. The bill would provide for the deposit of various funds for the program in the Road Maintenance and Rehabilitation Account, which the bill would create in the State Transportation Fund, including revenues attributable to a \$0.12 per gallon increase in the motor vehicle fuel (gasoline) tax imposed by the bill with an inflation adjustment, as provided, 50% of a \$0.20 per gallon increase in the diesel excise tax, with an inflation adjustment, as provided, a portion of a new transportation improvement fee imposed under the Vehicle License Fee Law with a varying fee between \$25 and \$175 based on vehicle value and with an inflation adjustment, as provided, and a new \$100 annual vehicle registration



fee applicable only to zero-emission vehicles model year 2020 and later, with an inflation adjustment, as provided. The bill would provide that the fuel excise tax increases take effect on November 1, 2017, the transportation improvement fee takes effect on January 1, 2018, and the zero-emission vehicle registration fee takes effect on July 1, 2020. This bill would annually set aside \$200,000,000 of the funds available for the program to fund road maintenance and rehabilitation purposes in counties that have sought and received voter approval of taxes or that have imposed fees, including uniform developer fees, as defined, which taxes or fees are dedicated solely to transportation improvements. These funds would be continuously appropriated for allocation pursuant to guidelines to be developed by the California Transportation Commission in consultation with local agencies. The bill would require \$100,000,000 of the funds available for the program to be available annually for expenditure, upon appropriation by the Legislature, on the Active Transportation Program. The bill would require \$400,000,000 of the funds available for the program to be available annually for expenditure, upon appropriation by the Legislature, on state highway bridge and culvert maintenance and rehabilitation. The bill would require \$5,000,000 of the funds available for the program that are not restricted by Article XIX of the California Constitution to be appropriated each fiscal year to the California Workforce Development Board to assist local agencies to implement policies to promote preapprenticeship training programs to carry out specified projects funded by the account. The bill would require \$25,000,000 of the funds available for the program to be annually transferred to the State Highway Account for expenditure on the freeway service patrol program. The bill would require \$25,000,000 of the funds available for the program to be available annually for expenditure, upon appropriation by the Legislature, on local planning grants. The bill would authorize annual appropriations of \$5,000,000 and \$2,000,000 of the funds available for the program to the University of California and the California State University, respectively, for the purpose of conducting transportation research and transportation-related workforce education, training, and development, as specified. The bill would require the remaining funds available for the program to be allocated 50% for maintenance of the state highway system or to the state highway operation and protection program and 50% to cities and counties pursuant to a specified formula. The bill would impose various requirements on the department and agencies receiving these funds. The bill would authorize a city or county to spend its apportionment of funds under the program on transportation priorities other than those allowable pursuant to the program if the city's or county's average Pavement Condition Index meets or exceeds 80. (2) Existing law creates the Department of Transportation within the Transportation Agency. This bill would create the Independent Office of Audits and Investigations within the department, with specified powers and duties. The bill would provide for the Governor to appoint the director of the office for a 6-year term, subject to confirmation by the Senate, and would provide that the director, who would be known as the Inspector General, may not be removed from office during the term except for good cause. The bill would specify the duties and responsibilities of the Inspector General with respect to the department and local agencies receiving state and federal transportation funds through the department, and would require an annual report to the Legislature and Governor. This bill would require the department to update the Highway Design Manual to incorporate the "complete streets" design concept by January 1, 2018. The bill would require the department to develop a plan by January 1, 2020, to increase by up to 100% the dollar value of contracts awarded to small businesses, disadvantaged business enterprises, and disabled veteran business enterprises, as specified. (3) Existing law provides for loans of revenues from various transportation funds and accounts to the General Fund, with various repayment dates specified. This bill would identify the amount of outstanding loans from certain transportation funds as \$706,000,000. The bill would require the Department of Finance to prepare a loan repayment schedule and would require the outstanding loans to be repaid pursuant to that schedule, as prescribed. The bill would appropriate funds for that purpose from the Budget Stabilization Account. The bill would require the repaid funds to be transferred, pursuant to a specified formula, to various state and local transportation purposes. (4) The

Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006 (Proposition 1B) created the Trade Corridors Improvement Fund and provided for allocation by the California Transportation Commission of \$2 billion in bond funds for infrastructure improvements on highway and rail corridors that have a high volume of freight movement and for specified categories of projects eligible to receive these funds. This bill would deposit the revenues attributable to 50% of the \$0.20 per gallon increase in the diesel fuel excise tax imposed by the bill into the Trade Corridor Enhancement Account, to be expended on corridor-based freight projects nominated by local agencies and the state. (5) Article XIX of the California Constitution requires gasoline excise tax revenues from motor vehicles traveling upon public streets and highways to be deposited in the Highway Users Tax Account, for allocation to city, county, and state transportation purposes. Existing law generally provides for statutory allocation of gasoline excise tax revenues attributable to other modes of transportation, including aviation, boats, agricultural vehicles, and off-highway vehicles, to particular accounts and funds for expenditure on purposes associated with those other modes, except that a specified portion of these gasoline excise tax revenues is deposited in the General Fund. Expenditure of the gasoline excise tax revenues attributable to those other modes is not restricted by Article XIX of the California Constitution. This bill, commencing November 1, 2017, would transfer the gasoline excise tax revenues attributable to boats and off-highway vehicles from the new \$0.12 per gallon increase, and future inflation adjustments from that increase, to the State Parks and Recreation Fund, to be used for state parks, off-highway vehicle programs, or boating programs. The bill would allocate revenues from future inflation adjustments of the existing gasoline excise tax rate attributable to the nonhighway modes pursuant to existing law. (6) Existing law, as of July 1, 2011, increases the sales and use tax on diesel and decreases the excise tax, as provided. Existing law requires the State Board of Equalization to annually modify both the gasoline and diesel excise tax rates on a going-forward basis so that the various changes in the taxes imposed on gasoline and diesel are revenue neutral. This bill would eliminate, effective July 1, 2019, the annual rate adjustment to maintain revenue neutrality for the gasoline and diesel excise tax rates and would reimpose on that date the higher gasoline excise tax rate that was in effect on July 1, 2010, in addition to the increase in the rate described in (1) above that becomes effective on November 1, 2017. Existing law, beyond the sales and use tax rate generally applicable, imposes an additional sales and use tax on diesel fuel at the rate of 1.75%, subject to certain exemptions, and provides for the net revenues collected from the additional tax to be transferred to the Public Transportation Account. Existing law continuously appropriates these and other revenues in the account to the Controller for allocation by formula to transportation agencies for public transit purposes under the State Transit Assistance Program. Existing law provides for appropriation of other revenues in the account to the Department of Transportation for various other transportation purposes, including intercity rail purposes. This bill would increase the additional sales and use tax rate on diesel fuel by an additional 4%. The bill would continuously appropriate revenues attributable to the 3.5% rate increase to the Controller for allocation to transportation agencies for public transit purposes under the State Transit Assistance Program. The bill would require the revenues attributable to the remaining 0.5% rate increase to be continuously appropriated to the Transportation Agency for intercity rail and commuter rail purposes. The bill would also allocate portions of the revenue from the new transportation improvement fee to the State Transit Assistance Program and to the Transit and Intercity Rail Capital Program. The bill would restrict expenditures of the fee revenues made available to the State Transit Assistance Program to transit capital purposes and certain transit services, and would require a recipient transit agency to comply with various requirements, as specified. (7) Existing law provides for the state to receive certain compact assets, as defined, from designated tribal compacts relative to Indian gaming, and authorized the compact assets to be sold by the Infrastructure and Economic Development Bank to a special purpose trust in order to generate state revenues. Existing law designated certain of these revenues to be used to repay certain loans of transportation funds that were made to the General Fund. This bill would delete the references to

the special purpose trust and revise payments to various transportation accounts to be made from compact assets. The bill would repeal various other related provisions. (8) Existing law creates the Traffic Congestion Relief Program and identifies various specific projects eligible to receive funding. This bill would deem the Traffic Congestion Relief Program to be complete and final as of June 30, 2017, and would provide that projects without approved applications are no longer eligible for funding. (9) Existing law requires the Department of Transportation to prepare a state highway operation and protection program every other year for the expenditure of transportation capital improvement funds for projects that are necessary to preserve and protect the state highway system, excluding projects that add new traffic lanes. The program is required to be based on an asset management plan, as specified. Existing law requires the department to specify, for each project in the program the capital and support budget and projected delivery date for various components of the project. Existing law provides for the California Transportation Commission to review and adopt the program, and authorizes the commission to decline and adopt the program if it determines that the program is not sufficiently consistent with the asset management plan. This bill would require the commission, as part of its review of the program, to hold at least one hearing in northern California and one hearing in southern California regarding the proposed program. The bill would require the department to submit any change to a programmed project as an amendment to the commission for its approval. This bill, on and after July 1, 2017, would also require the commission to make an allocation of capital outlay support resources by project phase for each project in the program, and would require the department to submit a supplemental project allocation request to the commission for each project that experiences cost increases above the amounts in its allocation. The bill would require the commission to establish guidelines to provide exceptions to the requirement for a supplemental project allocation requirement that the commission determines are necessary to ensure that projects are not unnecessarily delayed. (10) Existing law generally provides for transportation capital improvement projects to be nominated and programmed through the state highway operation and protection program, relative to state highway rehabilitation and similar projects, or through the state transportation improvement program, relative to capacity enhancements and other capital projects. This bill would create the Solutions for Congested Corridors Program, with funding appropriated for the program from a portion of the new transportation improvement fee to be allocated by the California Transportation Commission to projects designed to achieve a balanced set of transportation, environmental, and community access improvements within highly congested travel corridors throughout the state and that are part of a comprehensive corridor plan. The bill would provide for regional transportation agencies and the Department of Transportation to nominate projects, with preference to be given to projects that demonstrate collaboration between the regional agencies and the department. (11) 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 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. This bill would establish the Advance Mitigation Program in the Department of Transportation to enhance communications between the department and stakeholders to, among other things, protect natural resources and accelerate project delivery. The bill would require the department to set aside not less than \$30,000,000 annually for 4 years for the program from capital outlay revenues. (12) Existing law imposes various limitations on emissions of air contaminants for the control of air pollution from vehicular and nonvehicular sources. Existing law generally designates the State Air Resources Board as the state agency with the primary responsibility for the control of vehicular air pollution. This bill would prohibit, except as specified, the requiring of the retirement, replacement, retrofit, or repower of a self-propelled commercial motor vehicle during a

specified period. The bill would require the state board to, by January 1, 2025, evaluate the impact of these provisions on state and local clean air efforts to meet state and local clean air goals, as provided. (13) Existing law prohibits a person from driving, moving, or leaving standing upon a highway any motor vehicle, as defined, that has been registered in violation of provisions regulating vehicle emissions. This bill, effective January 1, 2020, would require the Department of Motor Vehicles to confirm, prior to the initial registration or the transfer of ownership and registration of a diesel-fueled vehicle with a gross vehicle weight rating of more than 14,000 pounds, that the vehicle is compliant with, or exempt from, applicable air pollution control technology requirements, pursuant to specified provisions. The bill would require the department to refuse registration, or renewal or transfer of registration, for certain diesel-fueled vehicles, based on weight and model year, that are subject to specified provisions relating to the reduction of emissions of diesel particulate matter, oxides of nitrogen, and other criteria pollutants from in-use diesel-fueled vehicles. The bill would authorize the department to allow registration, or renewal or transfer of registration, for any diesel-fueled vehicle that has been reported to the State Air Resources Board, and is using an approved exemption, or is compliant with applicable air pollution control technology requirements, pursuant to specified provisions. Existing law authorizes the department, in its discretion, to issue a temporary permit to operate a vehicle when a payment of fees has been accepted in an amount to be determined by the department and paid to the department by the owner or other person in lawful possession of the vehicle. This bill would additionally authorize the department to issue a temporary permit to operate a vehicle for which registration is otherwise required to be refused under the provisions of the bill, as prescribed. (14) The bill would enact other related provisions. (15) This bill would declare that it is to take effect immediately as an urgency statute.

**SB 20  
Hill**

*Vehicles: buses: seatbelts*

Existing law prohibits a person from operating a motor vehicle on a highway unless that person and all passengers 16 years of age or over are properly restrained by a safety belt. Existing law makes the violation of this provision an infraction. This bill would also require a passenger who is 16 years of age or older in a bus that is equipped with safety belts to be properly restrained by a safety belt and would require a motor carrier to maintain those safety belts in good working order for the use of the passengers. The bill would prohibit a parent, legal guardian, or chartering party from transporting on a bus that is equipped with safety belts, or permitting to be transported on a bus that is equipped with safety belts, a child, ward, or passenger who is 8 years of age or older, but under 16 years of age, unless he or she is properly restrained by a safety belt. The bill would also prohibit a parent, legal guardian, or chartering party from transporting on a bus that is equipped with safety belts, or permitting to be transported on a bus that is equipped with safety belts, a child, ward, or passenger who is under 8 years of age and under 4 feet 9 inches in height, unless he or she is acceptably restrained by a safety belt, except as specified. The bill would exempt a passenger leaving his or her seat to use an onboard bathroom from the seatbelt requirement. The bill would also require a motor carrier operating a bus equipped with safety belts to either: (1) require the bus driver to inform passengers of the requirement to wear a seatbelt or (2) post, or allow to be posted, signs or placards informing passengers of the requirement to wear a seatbelt, as specified. The bill would make a violation of the provisions requiring a passenger to wear a safety belt, an infraction punishable by a fine of not more than \$20 for a first offense and a fine of not more than \$50 for each subsequent offense. By creating a new crime, the bill would impose a state-mandated local program. The bill would specify that these provisions do not apply to a schoolbus or a school pupil activity bus, as defined. This bill, if the bus is equipped with a driver safety belt, would require the driver to be properly restrained by the safety belt and would require the motor carrier to maintain the driver safety belt. The bill would make violation of these provisions an infraction punishable by a fine of up to \$20 for the first violation and of up to \$50 for subsequent violations. By creating a new crime, this bill would impose a state-mandated local program. Existing law requires a charter-party carrier of passengers engaged in charter bus transportation to ensure that drivers of certain vehicles

provide each passenger with written or video instructions that include, among other things, the importance of wearing a seatbelt, if available. A violation of this provision is an infraction. This bill would instead require those written or video instructions to include, among other things, instructions on the requirement to wear a seatbelt, if available, and the penalties for violating that requirement. By changing the definition of a crime, the bill would impose a state-mandated local program. This bill would also make a technical correction and other conforming changes. The provisions of this bill would become operative on July 1, 2018.

SB 150  
Allen

*Regional transportation plans*

Existing law requires certain transportation planning activities by designated regional transportation planning agencies, including development of a regional transportation plan. Certain of these agencies are designated under federal law as metropolitan planning organizations. Existing law requires metropolitan planning organizations to adopt a sustainable communities strategy or alternative planning strategy, subject to specified requirements, as part of a regional transportation plan, which is to be designed to achieve certain targets for 2020 and 2035 established by the State Air Resources Board for the reduction of greenhouse gas emissions from automobiles and light trucks in the region. Existing law requires the state board to prepare, approve, and update a scoping plan for achieving the maximum technologically feasible and cost-effective reductions in greenhouse gas emissions. This bill would require the state board by September 1, 2018, and every 4 years thereafter, to prepare a report that assesses progress made by each metropolitan planning organization in meeting the regional greenhouse gas emission reduction targets set by the state board. The bill would require the report to include changes to greenhouse gas emissions in each region and data-supported metrics for the strategies utilized to meet the targets. The bill would also require the report to include a discussion of best practices and the challenges faced by the metropolitan planning organizations in meeting the targets, including the effect of state policies and funding. The bill would require the report to be developed in consultation with the metropolitan planning organizations and affected stakeholders, and to be transmitted to the Assembly Committee on Transportation, the Assembly Committee on Natural Resources, the Senate Committee on Transportation and Housing, and the Senate Committee on Environmental Quality.

SB 406  
Leyva

*Vehicles: high-occupancy vehicle lanes: exceptions*

Existing law authorizes the Department of Transportation and local authorities to designate certain highway lanes for the exclusive or preferential use of high-occupancy vehicles (HOVs), requires the department or local authorities to place signage advising motorists of the rules governing the use of those lanes, and prohibits the use of those lanes by motorists other than in conformity with the posted rules. Existing law provides a limited exemption allowing motorcycles, mass transit vehicles, and paratransit vehicles to use HOV lanes. This bill would provide an exemption to allow for blood transport vehicles, as defined, to use HOV lanes, regardless of the number of occupants. The bill would require certain conditions be met for the new exemption to be operative, including requiring the Director of Transportation to determine that the exemption would not result in a loss of federal funds or conflict with federal law, as specified, and requiring the director to post that determination on the Department of Transportation's Internet Web site.

SB 614  
Hertzberg

*Public transportation agencies: administrative penalties*

Existing law makes it a crime, punishable as an infraction or misdemeanor, as applicable, for a person to commit certain acts on or in a facility or vehicle of a public transportation system. Existing law authorizes a public transportation agency to adopt and enforce an ordinance to impose and enforce civil administrative penalties for fare evasion and other passenger misconduct on or in a transit facility or vehicle in lieu of the criminal penalties otherwise applicable. In setting the amounts of administrative penalties for fare evasion and other passenger misconduct violations, existing law prohibits a public transportation agency from

establishing penalty amounts that exceed the maximum penalty amount established for the criminal penalties. Existing law requires these administrative penalties to be deposited in the general fund of the county in which the citation is administered. This bill would instead require the administrative penalties to be deposited with the public transportation agency that issued the citation. In setting the amount of administrative penalties for fare evasion and other passenger misconduct violations, the bill would instead prohibit a public transportation agency from establishing penalty amounts that exceed \$125 upon a first or 2nd violation and \$200 upon a 3rd or subsequent violation. Existing law provides, following a determination by a hearing officer that a person has committed a fare evasion or passenger conduct violation, that the hearing officer may allow payment of the fare evasion or passenger conduct penalty in installments or deferred payment if the person provides satisfactory evidence of an inability to pay the fare evasion or passenger conduct penalty in full. Existing law also provides that if authorized by the issuing agency, the hearing officer may permit the performance of community service in lieu of payment of the fare evasion or passenger conduct penalty. This bill would make offering the performance of community service in lieu of payment of the fare evasion or passenger conduct penalty mandatory to persons under 18 years of age and persons who provide satisfactory evidence of an inability to pay the fare evasion or passenger conduct penalty in full. The bill would provide that the issuing agency is not required to permit the performance of community service in lieu of payment for a fare evasion or passenger conduct penalty if the person has had more than 3 fare evasion or passenger conduct penalties for which the person was permitted to perform community service and did not complete that community service, provided that the person was offered a community service placement and was given adequate time to comply with the community service requirement. The bill would make offering payment of the fare evasion or passenger conduct penalty or penalties in installments or deferred payment mandatory if the total amount of fines is \$200 or more and the person provides satisfactory evidence of an inability to pay the penalty or penalties in full.

SB 732  
Stern

*General plan: agricultural land*

(1) The Planning and Zoning Law requires each city, county, and city and county to prepare and adopt a general plan that contains certain mandatory elements, including a land use element and an open-space element. Existing law requires the land use element to, among other things, designate the proposed general distribution and general location and extent of the uses of the land for agricultural use. Existing law requires the open-space element to include a plan for the comprehensive and long-range preservation and conservation of open-space land within the city or county that prepares it. This bill would authorize a city and county to develop an agricultural land component of the city or county's open-space element, or a separate agricultural land element. The bill would require a city or county to comply with specified requirements when preparing that component or element, including identifying and mapping, where applicable, using specified data, agricultural lands that are within the city's or county's jurisdiction; establishing a comprehensive set of goals, policies, and objectives to support the long-term protection of agricultural land; identifying and designating priority land for conservation; and identifying and establishing a set of feasible implementation measures designed to promote those goals, policies, and objectives. The bill would authorize the Department of Conservation, to the extent funds are available, to award grants to a city or county to implement these provisions. The bill would, at least 45 days before adopting or amending the open-space element or the agricultural land element, require a city or county to submit to the department a draft of the agricultural land component or amendment, or agricultural land element or amendment, prepared pursuant to these provisions, and any maps used in creating that component or amendment. The bill would authorize the department to review any drafts submitted, and to provide recommendations to the city or county, as provided. The bill would require the department to give priority consideration for grants, bond proceeds, and other local assistance provided by the department to a city or county that complies with specified requirements. The bill would authorize a city or county with an existing agricultural land component of their open-

space element or an existing separate agricultural land element that substantially complies with the requirements set out in this bill, and complies with certain procedures, to receive priority consideration as described in the previous sentence. (2) Existing law requires the department to prepare, and to update biennially, Important Farmland Series maps using data compiled by the United States Soil Conservation Service, and collect or acquire information on the amount of land converted to or from agricultural use using specified data for every county for which Important Farmland Series maps exist. Existing law requires the department to submit a report to the Legislature on the data collected pursuant to these provisions by June 30, 1988, and biennially thereafter. Existing law also requires the department to update and send counties copies of current Important Farmland Series maps by August 1, 1986, and biennially thereafter. This bill would require the department to also collect or acquire information on the amount of land converted between agricultural categories. This bill would require the department to submit the report described above to the Legislature by December 31, 2018, and biennially thereafter. The bill would require the department to update and send counties copies of the updated current Important Farmland Series maps by December 31, 2018, and biennially thereafter. This bill would also make nonsubstantive changes to those provisions. (3) Existing law establishes the California Land Conservation Act of 1965, otherwise known as the Williamson Act, and authorizes a city or county to enter into 10-year contracts with owners of land devoted to agricultural use, whereby the owners agree to continue using the property for that purpose, and the city or county agrees to value the land accordingly for purposes of property taxation, as specified. Existing law authorizes the cancellation of a Williamson Act contract under certain circumstances, and authorizes the city or county to charge a cancellation fee in an amount equal to  $1\frac{1}{2}$  of the cancellation valuation of the property. Existing law requires these cancellation fees to be transmitted by the county treasurer to the Controller upon collection, and specifies that those cancellation fees are to be deposited in the General Fund, except for a portion of those cancellation fees, as approved in the final Budget Act for each fiscal year, which are to be deposited in the Soil Conservation Fund to be available upon appropriation by the Legislature to support, among other things, the cost of the farmlands mapping and monitoring program of the Department of Conservation. This bill would provide that if funds are available after providing other specified support, that those funds be used for program support costs incurred by the Department of Conservation in carrying out specified duties of the department related to open-space lands. (4) Existing law establishes the Agricultural Protection Planning Grant Program within the Department of Conservation to provide planning grants to improve the protection of agricultural lands and grazing lands, including oak woodlands and grasslands. Under existing law, the program authorizes a local government entity, nonprofit organization, authority, or joint powers authority to apply for a grant under the program, to be used for the protection of agricultural lands and grazing lands, and requires those applicants to demonstrate that the changes to the existing goals, objectives, policies, or programs of the city, county, or city and county that will logically result from the grant will improve protection of agricultural land, grazing land, or grasslands. Existing law requires the Department of Conservation, in consultation with certain parties and entities, to develop and adopt guidelines and criteria for awarding grants pursuant to this program. Existing law requires a grant proposal by a park or open-space district, resource conservation district, other special district, nonprofit organization, authority, or joint powers authority to be approved by resolution of the city, county, or city and county, or multiple cities and counties, whose jurisdiction the proposal is intended to benefit. This bill would eliminate the requirement that a proposal by a nonprofit organization be approved by resolution of the city, county, or city and county, or multiple cities and counties, whose jurisdiction the proposal is intended to benefit. The bill would require the Department of Conservation, prior to awarding funds, to instead develop guidelines and selection criteria for awarding grants in accordance with certain criteria, and would additionally specify that the adoption of guidelines and criteria by the Department of Conservation for awarding grants pursuant to these provisions is not subject to the Administrative Procedure Act.

## Voting and Elections

### AB 4 *Voter notification*

Waldron Existing law requires a county elections official, upon receipt of a properly executed affidavit of registration or address correction notice or letter, to send a voter a voter notification stating that he or she is registered to vote and providing additional information. If a person under 18 years of age submits an affidavit of registration, the county elections official is required to send that person a voter preregistration notification stating that he or she is preregistered to vote and providing additional information. This bill would authorize a county elections official to first send the recipient of a voter notification or voter preregistration notification a text message or email indicating that his or her information has been received and that a subsequent notification will follow.

### AB 187 *Political Reform Act of 1974: local ballot measure contribution and expenditure reporting*

Gloria The Political Reform Act of 1974 provides that if a committee receives contributions totaling \$2,000 or more in a calendar year and is subject to a specified reporting requirement, that committee is required to file online or electronically with the Secretary of State each time it makes contributions of independent expenditures of at least \$5,000 to support or oppose the qualification or passage of a single state ballot measure. Existing law requires that the filing occur within 10 business days of the contribution or independent expenditure and that it contain detailed information relating to the committee, ballot initiative, and contribution or independent expenditure. This bill would additionally require a committee to file a report each time it makes contributions or independent expenditures aggregating \$5,000 or more to support or oppose the qualification of a single local initiative or referendum ballot measure. The bill would require that the report be filed in a specified manner within 10 business days of reaching the aggregated dollar threshold. The bill would prescribe the information contained within the report.

### AB 195 *Local initiative measures: ballot printing specifications*

Obernolte Existing law requires that the ballots used when voting upon a proposed county, city, or district ordinance submitted to the voters as an initiative measure have printed on them a specified statement describing the nature of the proposed ordinance. This bill would extend these ballot requirements to any measure submitted to the voters that is proposed by a local governing body or submitted to the voters as an initiative or referendum measure. The bill would require the statement describing the measure to be a true and impartial synopsis of the proposed measure, as specified.

### AB 249 *Political Reform Act of 1974: campaign disclosures*

Mullin (1) Existing law, the Political Reform Act of 1974, provides for the comprehensive regulation of campaign financing and activities. The act requires a committee that supports or opposes ballot measures to name and identify itself using a name or phrase that clearly identifies the economic or other special interests of its major donors of \$50,000 or more. The act also requires that the identity of a common employer shared by major donors be disclosed. This bill would repeal these provisions. (2) The act defines “expenditure” as a payment, a forgiveness of a loan, a payment of a loan by a 3rd party, or an enforceable promise to make a payment, unless it is clear from the surrounding circumstances that it is not made for political purposes. This bill, which would be known as the California Disclose Act, would describe circumstances in which a payment would be made for political purposes within the meaning of the definition of “expenditure.” (3) The act prohibits a candidate or committee from sending a mass mailing unless the name, street address, and city of the candidate or committee are shown on the outside of each piece of mail in the mass mailing, as specified. This bill would additionally require the name of such an entity to be disclosed in a mass electronic mailing, as defined, that the entity



sends. The bill would provide that these disclosure requirements do not apply if the mass mailing or mass electronic mailing is paid for by an independent expenditure. (4) The act prohibits a candidate, committee, or slate mailer organization from expending campaign funds to pay for specified telephone calls that advocate support of, or opposition to, a candidate, ballot measure, or both, unless the name of the organization that authorized or paid for the call is disclosed to the recipient of the call during the course of each call. This bill would instead apply these requirements to a candidate, a candidate controlled committee established for an elective office for the controlling candidate, a political party committee, and a slate mailer organization that expends campaign funds to pay for such telephone calls. The bill would provide that these disclosure requirements do not apply if the telephone call is paid for by an independent expenditure. (5) The act also requires advertisements, as defined, to include prescribed disclosure statements, including, among others, a requirement that the disclosure statements include the names of the persons who made the 2 highest cumulative contributions, as defined, to the committee paying for the advertisement. This bill would repeal and recast provisions of the act relating to advertisement disclosure statements. The bill would revise the definition of “advertisement” to exclude a number of communications, including communications that involve wearing apparel, sky writing, and certain electronic media communications, as specified. The bill would also replace existing advertisement disclosure statements with newly prescribed disclosure statements that identify the name of the committee paying for the advertisement and the top contributors to that committee. The bill would define “top contributors” for purposes of these provisions as the persons from whom the committee paying for the advertisement received its 3 highest cumulative contributions, as specified. The bill would exempt certain committees, including committees that make independent expenditures totaling \$1,000 or more in a calendar year, from the requirement to disclose the top contributors in advertisement disclosure statements. The bill would also prescribe location and format criteria for the disclosure statements that are specific to radio and telephone, television and video, print, and electronic media advertisements. (6) The act imposes, in addition to other penalties, a fine of up to triple the amount of the cost of an advertisement on a person who violates the disclosure requirements for advertisements. This bill would revise the scope of violations subject to that fine by specifying that it applies to certain disclosure requirements and intentional violations. (7) The act prohibits a person from making a contribution as an intermediary on behalf of another person without disclosing to the recipient of the contribution specified information about both the intermediary and the source of the contribution. The act also prohibits a person from making a contribution to a committee on the condition or with the agreement that it will be contributed to a particular candidate unless the contribution is disclosed in compliance with those requirements for contributions made by an intermediary. This bill would prohibit a person from making a contribution to a committee or candidate that is earmarked unless the contribution is disclosed in compliance with the requirements for contributions made by an intermediary. The bill would also describe circumstances in which a contribution is deemed to be earmarked. The bill would impose additional disclosure requirements in connection with earmarked contributions from one committee to another.

AB 606  
Berman

*State voter information guides*

Existing law requires the Secretary of State to prepare and mail to voters a state voter information guide that includes, among other things, a copy of the specific constitutional or statutory provision, if any, that each state measure would repeal or revise. Existing law requires the Secretary of State to make available the complete contents of the state voter information guide over the Internet. Existing law also requires the Secretary of State to establish procedures to allow a voter to opt out of receiving the state voter information guide by mail and, instead, to either receive the guide in an electronic format or receive an electronic notification making the guide available by means of online access. This bill would require the Secretary of State to instead include before each state measure a conspicuous notice that identifies the location on the Secretary of State’s Internet Web site of the specific constitutional or statutory provision that the

state measure would repeal or revise, as specified. The bill would require that the electronic version of the state voter information guide include an active hyperlink for each cited Uniform Resource Locator. The bill would make conforming changes. Existing law requires the Secretary of State to develop a program to utilize modern communications and information processing technology to enhance the availability and accessibility of information on statewide candidates and ballot initiatives. The bill would authorize the Secretary of State to electronically send election information, including information contained within the state voter information guide, to a voter if specified requirements are met. The bill would additionally authorize the Secretary of State to utilize affidavit of voter registration information for these purposes.

AB 765  
Low

*Local initiative measures: submission to the voters*

Existing law permits a proposed county, municipal, or district ordinance to be submitted to the governing body of the county, city, or district by filing an initiative petition signed by a specified number of voters. If a county or municipal initiative measure qualifies for the ballot, existing law requires that the election for the measure be either at a special election or at the next statewide or regular election, depending on the percentage of signatures received on the initiative petition. If a district initiative measure qualifies for the ballot, existing law requires that the election for the measure be either at a special election or at the next regular election, depending on whether the initiative petition contains a specified request. This bill instead would require that the election for a county, municipal, or district initiative measure that qualifies for the ballot be the next statewide or regular election, as applicable, unless the governing body of the county, city, or district calls a special election. The bill also would make conforming changes.

AB 837  
Low

*No party preference voters: partisan primary elections*

Existing law requires a voter to disclose a preference for a political party in order to participate in the political party's primary election. Existing law permits a voter who has declined to disclose a political party preference to request the ballot of a political party at a partisan primary election if the political party, by party rule duly noticed to the Secretary of State, authorizes a voter who has declined to disclose a political party preference to vote the ballot of the political party at that election. Existing law requires the voter registration card, the vote by mail application, and the state voter information guide to notify voters that a voter is not entitled to vote the ballot of a political party at a partisan primary election unless he or she has disclosed a preference for the political party or he or she has declined to disclose a political party preference and the political party has authorized a voter who has declined to disclose a preference to vote its ballot. Existing law generally requires the Secretary of State to prepare certain election materials. Existing law requires an elections official to furnish the precinct officers with specified supplies for an election. This bill would require the Secretary of State, a county elections official, and the members of a precinct board to provide information to voters, as specified, relating to the ability of a voter who has declined to disclose a political party preference to vote a political party's ballot at a partisan primary election. The bill would require the Secretary of State and a county elections official to prepare and print specified notices and other materials.

AB 840  
Quirk

*Elections: vote by mail and provisional ballots*

(1) Under existing law, a vote by mail voter must sign the vote by mail ballot envelope. This envelope contains, among other information, a declaration under penalty of perjury that the voter resides within the precinct in which he or she is voting and is the person whose name appears on the envelope. If an elections official determines that a voter has failed to sign this identification envelope, the elections official is prohibited from rejecting the vote by mail ballot if the voter signs the identification envelope at the election official's office before 5 p.m. on the eighth day after the election or the voter completes and submits an unsigned ballot statement, as specified. Existing law requires certain instructions to accompany the unsigned ballot statement,

including the instruction that a voter may submit his or her completed unsigned ballot statement by facsimile transmission to the local elections official instead of mailing or delivering the completed unsigned ballot statement to the local elections official. Existing law requires an elections official to include the unsigned ballot statement and instructions on his or her Internet Web site, and to provide the election official's mailing address and facsimile transmission number on that site. This bill would require the unsigned ballot statement to be signed under penalty of perjury, and it would also include in that statement a representation that the voter is a resident of the precinct in which he or she voted and is the person whose name appears on the vote by mail ballot envelope. This bill would authorize a voter to submit his or her completed unsigned ballot statement to the local elections official by email by requiring that the instructions accompanying unsigned ballot statements inform a voter that a completed unsigned ballot statement can be submitted by email. The bill would also require the local elections official to include his or her email address on the Internet Web page containing the unsigned ballot statement and instructions. By requiring local election officials to take additional actions related to unsigned ballot statements, the bill would impose a state-mandated local program. By requiring the unsigned ballot statement to be signed under penalty of perjury, this bill would also create a new crime. (2) Existing law requires an elections official, immediately upon the close of the polls, to conduct a semifinal official canvass by tabulating vote by mail and precinct ballots and compiling the results. No later than the Thursday following the election, existing law requires the elections official to conduct an official canvass of the ballots cast in an election, including counting any valid vote by mail and provisional ballots that were not included in the semifinal official canvass. Existing law requires an elections official, during the official canvass of an election in which a voting system is used, to conduct a public manual tally of the ballots tabulated by the voting system, including vote by mail ballots, cast in 1% of the precincts chosen at random, as specified. This bill would specify that the 1% manual tally is a tally of the ballots canvassed in the semifinal official canvass and does not include provisional ballots.

AB 867  
Cooley

*Political Reform Act of 1974: contributions*

The Political Reform Act of 1974 provides for the comprehensive regulation of campaign financing and related matters, including campaign contributions. The act defines "contribution" as a payment, a forgiveness of a loan, a payment of a loan by a third party, or an enforceable promise to make a payment except to the extent that full and adequate consideration is received, unless it is clear from the surrounding circumstances that it is not made for political purposes. The act further describes types of payments that are expressly included or excluded from the definition, including specified payments made at the behest of a committee, elected officer, or member of the Public Utilities Commission. The act requires that certain behested payments that are made principally for legislative, governmental, or charitable purposes be reported, as specified. This bill would recast the provisions that define the term "contribution" for purposes of the act, including provisions describing behested payments that are not contributions and the reporting requirements for behested payments, as defined. The bill would also make technical, nonsubstantive conforming changes. The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes upon a 2/3 vote of each house of the Legislature and compliance with specified procedural requirements. This bill would declare that it furthers the purposes of the act.

AB 895  
Quirk

*Political Reform Act of 1974: campaign statements: filing*

The Political Reform Act of 1974 requires enumerated individuals and entities to file campaign statements with the Secretary of State. The act requires certain of these individuals and entities to file online or by electronic means, as specified, and it permits others to do so voluntarily. Existing law requires that online filers continue to file in paper format until the Secretary of State determines that the online and electronic disclosure systems are operating securely and effectively. Existing law specifies that the paper filing be considered the official filing for audit and other legal purposes. Existing law requires the Secretary of State to certify an online and

electronic disclosure system for public use, as specified. This bill would eliminate the requirement that those filers who file online or by electronic means also file in paper format pending the determination by the Secretary of State. The bill would become operative when the Secretary of State certifies the online filing and disclosure system for public use.

AB 918  
Bonta

*California Voting for All Act*

(1) In counties where the Secretary of State has determined that it is appropriate, existing law requires each precinct board to post, in a conspicuous location in the polling place, at least one facsimile copy of the ballot with the ballot measures and ballot instructions printed in Spanish. Existing law requires that facsimile ballots be printed in other languages and posted in the same manner if a significant and substantial need is found by the Secretary of State. This bill, the California Voting for All Act, would instead require the county elections official to post one facsimile copy of the ballot that is printed in Spanish or other applicable languages, as determined by the Secretary of State, and to provide at least one facsimile copy of the ballot for voters at the polling place to use as a reference when casting a private ballot. If the Secretary of State determines that the number of voting-age residents in a precinct who are members of a single language minority and who lack sufficient skills in English to vote without assistance exceeds 20% of the voting-age residents in that precinct, the bill would require the county elections official to post one facsimile copy of the ballot, as described above, and to provide at least 3 facsimile copies of the ballot for voters at the polling place to use as a reference when casting a private ballot. The bill would require, in polling places where facsimile copies of the ballot are necessary, precinct board members to be trained on the purpose and proper handling of facsimile copies of ballots. The bill would also provide that a county elections official is not required to provide facsimile copies of the ballot in a particular language if the county elections official is required to provide translated ballots in that language under other provisions of law, as specified. The bill would authorize a vote by mail voter to request that a facsimile copy of a ballot be sent by regular mail or electronic mail in the language of his or her preference, as specified. The bill would require a county elections official to prepare the requested facsimile copies no later than 10 days before election day and to process any requests for facsimile copies, as specified. By imposing new duties on county elections officials, the bill would create a state-mandated local program. (2) Existing law, the California Voter's Choice Act, authorizes 14 specified counties, on or after January 1, 2018, and on or after January 1, 2020, any county except for the County of Los Angeles, to conduct any election as an all-mailed ballot election if certain conditions are satisfied. On or after January 1, 2020, the act authorizes the County of Los Angeles to conduct any election as a vote center election if certain conditions are satisfied, including conditions related to ballot dropoff locations and vote centers. This bill would apply certain requirements relating to the availability and accessibility of non-English facsimile ballots and the public posting of voter information to the County of Los Angeles if it conducts a vote center election pursuant to the California Voter's Choice Act. For an all-mailed ballot election or vote center election conducted pursuant to the California Voter's Choice Act, the bill would require a county elections official to determine if a voter has previously identified a preferred language other than English, and would also require a county elections official to provide a facsimile copy of the ballot in the voter's language preference, as specified, if the county is providing facsimile copies of the ballot in that language. (3) Existing law states the intent of the Legislature that non-English-speaking citizens, like all other citizens, should be encouraged to vote and that appropriate efforts should be made to minimize obstacles to non-English-speaking citizens voting without assistance. Existing law requires an elections official to make reasonable efforts to recruit election officials who are fluent in a non-English language and in English, if the official finds that non-English-speaking citizens approximate 3% or more of the voting-age residents of a precinct, or if interested citizens or organizations provide information that the elections official believes indicates a need for voting assistance for qualified non-English-speaking citizens. This bill would require county elections officials to report to the Secretary of State within 150 days following each statewide general election the number of individuals

recruited to serve as members of precinct boards, including the number of those individuals recruited who are fluent in each language required to be represented at polling places. The bill would require, at each polling place, a precinct board member to identify the non-English languages spoken by him or her, other than English, by wearing a mechanism identifying the non-English languages spoken by that member.

- AB 1044  
Quirk *State voter information guide: vote by mail and provisional ballot verification*  
Existing law requires that the vote by mail ballot be available to any registered voter and that the Secretary of State prepare and distribute to appropriate elections officials uniform printed and electronic applications for vote by mail ballots. Existing law requires that each ballot delivered to a qualified applicant be accompanied by a state voter information guide, unless the voter has already been provided a state voter information guide. Existing law requires elections officials to establish processes and systems for a voter to verify that his or her vote by mail ballot or provisional ballot was counted. This bill would require that the state voter information guide display the Internet Web site address for a voter to check the status of his or her vote by mail or provisional ballot.
- AB 1194  
Dababneh *Elections: local bond measures: tax rate statement*  
Existing law requires local government agencies, when submitting for voter approval bond measures that will be secured by an ad valorem tax, to provide the voters, along with a sample ballot, a statement that includes estimates of tax rates and debt service in connection with the measure, including estimates of the tax rates required to fund the bond issue during the first fiscal year after the first sale of the bonds and the first fiscal year after the last sale of the bonds. This statement must be included in voter information guides for those bond measures, as specified. This bill would require the statement to include an estimate of the average annual tax rate required to fund the proposed bond measure for the duration of its debt service, and to identify the final fiscal year in which the tax is anticipated to be collected.
- AB 1344  
Weber *Voting rights: inmates and persons formerly incarcerated*  
Existing law provides that a person is entitled to register to vote if he or she is a United States citizen, a resident of California, not imprisoned or on parole for the conviction of a felony, and at least 18 years of age at the time of the next election. Existing law requires the Department of Corrections and Rehabilitation and county probation departments to either establish and maintain on its Internet Web site a hyperlink to the Internet Web site at which the Secretary of State's voting rights guide for incarcerated persons may be found or post a notice that contains that Internet Web site address. This bill would instead require the Department of Corrections and Rehabilitation and county probation departments to both establish and maintain on its Internet Web site a hyperlink to the Internet Web site at which information provided by the Secretary of State regarding voting rights for persons with a criminal history may be found and to post a notice that contains that Internet Web site address. The bill would also require the Department of Corrections and Rehabilitation and county probation departments to provide certain voting rights information to persons under their jurisdiction upon the request of such a person.
- AB 1367  
Berman *Improper signature-gathering tactics*  
Existing law makes it a crime punishable by a fine, imprisonment, or both a fine and imprisonment, for a person to make a false affidavit concerning any initiative, referendum, or recall petition or the signatures appended to a petition. This bill would make it a crime punishable by a fine, imprisonment, or both a fine and imprisonment, for a person, company, organization, company official, or other organizational officer in charge of a person who circulates an initiative, referendum, or recall petition and who knowingly directs an affiant to make a false affidavit concerning the initiative, referendum, or recall petition or the signatures appended to the petition or who knows or reasonably should know that an affiant has made a

false affidavit concerning the initiative, referendum, or recall petition or the signatures appended and submits the section of the petition that contains the false affidavit.

AB 1403      *Military and overseas voters*

Obernolte      Existing law authorizes a military or overseas voter to apply in person to the elections official for permission to register if he or she is released from service after the closing date of registration for an election, has returned to the county of his or her residence, and is not a registered voter, as specified. This bill would additionally allow a military or overseas voter who is required to move under official active duty military orders after the closing date of registration to apply in person to his or her elections official for permission to register after the closing date of registration, as specified.

AB 1620      *Political Reform Act of 1974: postgovernment employment*

Dababneh      The Milton Marks Postgovernment Employment Restrictions Act of 1990 prohibits a Member of the Legislature, for a period of one year after leaving office, from acting as a compensated agent or attorney for, or otherwise representing, any other person by making appearances before, or communications with, the Legislature or its committees, present Members, or officers or employees, if the appearance or communication is made for the purpose of influencing legislative action. The bill would extend the time period for these prohibitions for a Member of the Legislature who resigns from office by providing that the period commences with the effective date of the resignation and concludes one year after the adjournment sine die of the session in which the resignation occurred.

AB 1730      *Elections omnibus bill*

Committee  
on Elections  
and  
Redistricting      (1) Existing law requires the county elections official, if an affidavit of registration does not contain all the information required to be submitted, but the telephone number is legible, to telephone the affiant to attempt to collect the missing information. This bill would instead require the county elections official to attempt to contact the affiant and collect the missing information if the affidavit does not contain all of the information required. The bill would also make a conforming change. (2) Existing law requires the proponents of a recall of an elected officer to submit a notice of intention, which is required to contain, among other requirements, the printed name, signature, and residence address of each of the proponents, as specified. The bill would clarify that the residence address must include the street and number, city, and ZIP Code of each of the proponents of the recall. (3) Existing law requires an elections official to divide a jurisdiction into precincts and prepare detail maps or exterior descriptions of the precincts. Existing law requires that jurisdictional boundary changes occur at least 88 days before an election for the changes to be effective for purposes of that election. The bill would increase that time period to 125 days before an election for boundary changes to be effective.

SB 45      *Political Reform Act of 1974: mass mailing prohibition*

Mendoza      The Political Reform Act of 1974 prohibits sending mass mailings at public expense. The act defines “mass mailing” as over 200 substantially similar pieces of mail not including form letters or other mail that is sent in response to an unsolicited request, letter, or other inquiry. An existing regulation adopted by the Fair Political Practices Commission prescribes criteria for mass mailings that are prohibited by the act and for mass mailings that are permissible under the act. This bill would codify this regulation. The bill would additionally prohibit a mass mailing from being sent within the 60 days preceding an election by or on behalf of a candidate whose name will appear on the ballot, except as specified. A willful violation of the act’s provisions is punishable as a misdemeanor.

SB 226      *Political Reform Act of 1974: slate mailers*

Hertzberg      The Political Reform Act of 1974 regulates a type of mass mailings, known as slate mailers, that

support or oppose multiple candidates or ballot measures for an election. The act requires a slate mailer organization that displays a logo, insignia, emblem, or trademark that is identical or substantially similar to that of a governmental agency or specified nongovernmental organization to obtain express written permission to do so. The act requires a slate mailer organization that sends a slate mailer or other mass mailing that identifies itself or its source material as representing a nongovernmental organization with a name that would reasonably be understood to imply that the nongovernmental organization is composed of, or affiliated with, law enforcement, firefighting, emergency medical, or other public safety personnel, to disclose in the slate mailer or mass mailing the total number of members in the organization identified in the slate mailer or mass mailing. This bill, with regard to this latter category of slate mailers and mass mailings, would require the slate mailer organization to disclose on the mailing, in a specified format, whether the slate mailer organization represents public safety personnel.

**SB 235**      *Elections: ballot designation requirements*

**Allen** Existing law provides, with the exception of candidates for Justice of the State Supreme Court or court of appeal, that each candidate for elective city, county, district, state, or federal office may choose to have only one of specified designations, including his or her current principal professions, vocations, or occupations appear immediately under his or her name as a candidate on an election ballot. This bill would impose additional requirements for a designation that may appear under the name of a candidate for judicial office. The bill would apply to all judicial elections occurring on or after January 1, 2018.

**SB 286**      *Elections: voting*

**Stern** Existing law permits vote by mail voters who return to their home precincts on election day to vote if they surrender their vote by mail ballots, as specified. Existing law requires the precinct board to return these surrendered ballots to the elections official in a designated envelope. This bill would permit vote by mail voters who return to their home precincts or go to another voting location, as specified, to vote nonprovisional ballots if they surrender their ballots to the relevant voting authority or, if they are unable to surrender their vote by mail ballots, if the voting authority verifies that they have not returned their vote by mail ballots and notates their voter records accordingly.

**SB 332**      *Voter registration: foster youth*

**Stern** 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 and to nonminor dependents up to 21 years of age. Existing law requires, in order to be provided AFDC-FC benefits, one of several conditions to be satisfied, including, for a nonminor dependent, that he or she has been placed pursuant to a mutual agreement or is reentering foster care placement pursuant to a voluntary agreement. Existing law requires a county social worker to create a case plan for foster youth within a specified timeframe after the child is introduced into the foster care system. Existing law requires the case plan to include prescribed components, including, among other things, when appropriate, for a child who is 16 years of age or older and for a nonminor dependent, a transitional independent living plan (TILP). This bill would require the State Department of Social Services to include specified information relating to voter registration, including the voter registration page on the Secretary of State's Internet Web site, on a flyer for the Independent Living Program, on the form used for a nonminor dependent to enter into a mutual agreement or a voluntary reentry agreement, on the form used to create a TILP, on the department's Internet Web site for the Independent Living Program, and on the Office of the Foster Care Ombudsman's Internet Web site. The bill would authorize a county social worker to provide a voter registration form to a child 16 years of age or older or a nonminor dependent concurrent with the provision of any of those forms. The bill would authorize the department to implement, interpret, or make specific these provisions by means of an all-county letter or similar instructions, without taking any regulatory action.

- SB 358      *Political Reform Act of 1974: Secretary of State: online filing and disclosure system*  
Stern      The Political Reform Act of 1974 generally requires elected officials, candidates for elective office, and committees formed primarily to support or oppose a candidate for public office or a ballot measure, along with other entities, to file periodic campaign statements. The act requires that these campaign statements contain prescribed information related to campaign contributions and expenditures of the filing entities. Existing law, the Online Disclosure Act, requires the Secretary of State, in consultation with the Fair Political Practices Commission, to develop online and electronic filing processes for use by these persons and entities. This bill would also require the Secretary of State to conspicuously post on his or her Internet Web site hyperlinks to the Internet Web site of any local government agency that contains publicly disclosed campaign finance information and to update these hyperlinks accordingly.
- SB 511      *Elections: Secretary of State*  
Stern      Existing law declares that the Secretary of State is the chief elections officer of the state and that he or she has prescribed powers and duties. This bill would clarify the scope of those powers and duties and would require the Secretary of State to make reasonable efforts to promote voter registration and voting, as specified, especially in underrepresented communities.
- SB 568      *Primary elections: election date*  
Lara      Existing law requires that the statewide direct primary be held on the first Tuesday after the first Monday in June in each even-numbered year. Existing law requires that the presidential primary be held on the first Tuesday after the first Monday in June in any year that is evenly divisible by the number 4, and requires that the presidential primary be consolidated with the statewide direct primary held in that year. This bill would, beginning in 2019, change the date of the statewide direct primary and the presidential primary to the first Tuesday after the first Monday in March and would continue the requirement that those elections be consolidated.
- SB 665      *Elections: ballot measures*  
Moorlach      Under existing law, whenever a statewide, county, city, or school district measure qualifies for the ballot, specified entities, including bona fide associations of citizens, may file a written argument for or against the measure. If more than one of these entities or individuals submits an argument, existing law directs the appropriate official to select the argument to be printed and distributed based on the identity of the author or authors, which existing law prioritizes, as specified. This bill would require an organization or association submitting an argument for or against a measure to also submit additional information to the appropriate official to enable that official to determine if it qualifies as a bona fide association of citizens. This bill would also prohibit the official from considering the type of documentation submitted or the form of the association when selecting an argument from among associations.