2021-22 SESSION

SENATE
THIRD READING PACKET

MONDAY, JUNE 21, 2021

JONAS AUSTIN
Director

OFFICE OF SENATE FLOOR ANALYSES
651-1520

SENATE THIRD READING PACKET

Attached are analyses of bills on the Daily File for Monday, June 21, 2021.

Note	Measure	Author	Location
+	SB 79	Nielsen	Unfinished Business
	SCR 34	Archuleta	Senate Bills - Third Reading File
	SCR 37	Archuleta	Senate Bills - Third Reading File
	SCR 49	Hueso	Senate Bills - Third Reading File
	SCR 51	Pan	Senate Bills - Third Reading File
	SR 39	Eggman	Senate Bills - Third Reading File
	SR 40	Leyva	Senate Bills - Third Reading File
	AB 251	Choi	Assembly Bills - Third Reading File
+	AB 272	Kiley	Assembly Bills - Third Reading File
	AB 302	Ward	Consent Calendar Second Legislative Day
	AB 439	Bauer-Kahan	Assembly Bills - Third Reading File
	AB 477	Blanca Rubio	Assembly Bills - Third Reading File
+	AB 583	Davies	Assembly Bills - Third Reading File
	AB 591	Villapudua	Consent Calendar Second Legislative Day
+	AB 861	Bennett	Assembly Bills - Third Reading File
+	AB 900	Reyes	Assembly Bills - Third Reading File
+	AB 1096	Luz Rivas	Assembly Bills - Third Reading File
	AB 1579	Committee on Judiciary	Assembly Bills - Third Reading File
	ACR 2	Quirk-Silva	Assembly Bills - Third Reading File
	ACR 17	Voepel	Assembly Bills - Third Reading File
	ACR 36	O'Donnell	Assembly Bills - Third Reading File
	ACR 41	Holden	Assembly Bills - Third Reading File
	ACR 68	O'Donnell	Assembly Bills - Third Reading File
	ACR 70	Choi	Assembly Bills - Third Reading File
	ACR 77	Bennett	Assembly Bills - Third Reading File
	ACR 84	Cooley	Assembly Bills - Third Reading File
	ACR 86	Gipson	Assembly Bills - Third Reading File
	ACR 87	Gipson	Assembly Bills - Third Reading File
	AJR 2	O'Donnell	Assembly Bills - Third Reading File
	AJR 4	Cristina Garcia	Assembly Bills - Third Reading File

+ ADDS
RA Revised Analysis
* Analysis pending

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UNFINISHED BUSINESS

Bill No: SB 79
Author: Nielsen (R)
Amended: 5/27/21
Vote: 27 - Urgency

SENATE GOVERNANCE & FIN. COMMITTEE: 5-0, 4/8/21
AYES: McGuire, Nielsen, Durazo, Hertzberg, Wiener

SENATE TRANSPORTATION COMMITTEE: 15-0, 4/27/21
AYES: Gonzalez, Bates, Allen, Archuleta, Becker, Cortese, Dahle, McGuire, Melendez, Min, Newman, Rubio, Skinner, Wieckowski, Wilk
NO VOTE RECORDED: Dodd, Umberg

SENATE FLOOR: 36-0, 5/3/21 (Consent)
AYES: Allen, Archuleta, Atkins, Becker, Borgeas, Bradford, Caballero, Cortese, Dahle, Dodd, Durazo, Eggman, Glazer, Gonzalez, Grove, Hertzberg, Hueso, Hurtado, Jones, Kamlager, Laird, Leyva, McGuire, Min, Newman, Nielsen, Ochoa Bogh, Pan, Portantino, Roth, Rubio, Skinner, Umberg, Wieckowski, Wiener, Wilk
NO VOTE RECORDED: Bates, Limón, Melendez, Stern

ASSEMBLY FLOOR: 72-0, 6/17/21 (Consent) - See last page for vote

SUBJECT: County road commissioner: Counties of Colusa and Glenn

SOURCE: Author

DIGEST: This bill allows Glenn County and Colusa County to make the county director of public works responsible for the county road commissioner's duties, regardless of whether the director is a civil engineer.

Assembly Amendments give the County of Glenn the authority to abolish the office of road commissioner if the board of supervisors transfers all duties of the road commissioner to the county director of the department of public works.

ANALYSIS:

Existing law:

1) Creates the office of road commissioner in each county and, except in San Francisco, requires every person who is appointed as a road commissioner to be a civil engineer.

2) Requires a road commissioner to annually submit to the county board of supervisors a tentative road budget covering all proposed expenditures for county road purposes.

3) Allows a county to abolish the office of road commissioner if the board transfers all of the road commissioner's duties to the county director of transportation as specified.

4) Allows counties to create an office entitled "public works director", combining the duties of road commissioner and surveyor and any other compatible duties not legally required to be performed by another county officer.

5) Permits the Orange County Board of Supervisors to abolish the office of road commissioner if the board of supervisors transfers all of the road commissioner's duties to an environmental management agency as specified.

6) Permits the Merced County Board of Supervisors to abolish the office of road commissioner if it transfers all of the road commissioner's duties to the county director of the department of public works as specified.

7) Provides that cities and counties receive revenue from the motor vehicle fuel taxes through a fund called the Highway User Tax Account (HUTA), which is designed to provide local agencies an apportionment of specified tax revenues available for limited transportation purposes.

8) Prohibits the State Controller, or any other state officer, from making HUTA allocations to counties that have vacancies in the position of road commissioner after 180 days have passed since the position became vacant.

This bill:

1) Allows the Board of Supervisors of the County of Glenn and County of Colusa to abolish the county road commissioner if the county transfers the duties of the road commissioner to the county director of the department of public works.

2) Provides that the director of the department of public works is not required to have a special permit, registration, or license.

3) Requires any civil engineering functions that are required to be performed by the road commissioner to be performed by a registered civil engineer acting under the authority of the director of the department of public works.

Comments

1) *Purpose of the bill.* According to the author, "SB 79 would bring relief to the County of Colusa by allowing the Board of Supervisors to transfer county road commissioner authority to the Director of Public Works. Right now, current law only allows a county to transfer road commissioner duties to the Director of Transportation. Colusa County has been unable to fill the road commissioner position for quite some time now and there are serious consequences if the position is left vacant for more than six months - the County won't be able to access its monthly Highway User Tax Account (HUTA) apportionments. This would be an important and necessary change for this small, rural community."

2) *Home rule.* California's 44 general law counties, including Glenn County and Colusa County, must adhere to the state laws that govern counties. With majority voter approval, a county can adopt, amend, or repeal a charter that grants it home rule authority over specified matters, including county officers' qualifications and county office consolidations. By adopting a county charter, local voters can empower their county supervisors to appoint a director of public works to act as the county road commissioner and determine what qualifications a person must meet to be appointed. The county does not need to wait for the Legislature to act. The Legislature may wish to consider whether Glenn County and Colusa County voters should get to decide whether the responsibility for performing county road commissioner functions should be transferred to the director of public works regardless of whether the director is a registered civil engineer.

3) *Another one?* Since 1979, a county board of supervisors may abolish the position of road commissioner and transfer its duties to the county department of transportation. Since then, the Legislature has authorized Orange County and Merced County to abolish their road commissioner positions if the duties were transferred to the environmental management agency and the department of public works. Colusa County and Glenn County would be the third and fourth counties to receive special statutory authority to reorganize their county road commissioner positions. Rather than continue this piecemeal approach, the Legislature may wish to consider whether to allow all counties to transfer

the duties of road commissioner to any department similar to a department of transportation.

FISCAL EFFECT: Appropriation: No Fiscal Com.: No Local: No

SUPPORT: (Verified 6/18/21)

Colusa County
Glenn County

OPPOSITION: (Verified 6/18/21)

None received

ASSEMBLY FLOOR: 72-0, 6/17/21
AYES: Aguiar-Curry, Arambula, Bauer-Kahan, Bennett, Berman, Bigelow, Bloom, Boerner Horvath, Bryan, Burke, Calderon, Carrillo, Cervantes, Chau, Chen, Chiu, Choi, Cooley, Cooper, Cunningham, Megan Dahle, Daly, Davies, Flora, Fong, Frazier, Friedman, Gabriel, Gallagher, Cristina Garcia, Eduardo Garcia, Gipson, Grayson, Holden, Irwin, Jones-Sawyer, Kalra, Kiley, Lackey, Lee, Levine, Low, Maienschein, Mathis, Mayes, McCarty, Medina, Mullin, Muratsuchi, Nazarian, Nguyen, O'Donnell, Patterson, Petrie-Norris, Quirk-Silva, Reyes, Luz Rivas, Robert Rivas, Rodriguez, Blanca Rubio, Salas, Santiago, Smith, Stone, Ting, Villapudua, Voepel, Waldron, Ward, Akilah Weber, Wicks, Rendon
NO VOTE RECORDED: Lorena Gonzalez, Gray, Quirk, Ramos, Seyarto, Valladares, Wood

Prepared by: Jaleel Baker / GOV. & F. / (916) 651-4119
6/18/21 10:50:39

****** END ******

SENATE RULES COMMITTEE SCR 34
Office of Senate Floor Analyses
(916) 651-1520 Fax: (916) 327-4478

THIRD READING

Bill No: SCR 34
Author: Archuleta (D)
Introduced: 4/8/21
Vote: 21

SUBJECT: Veterans' Home of California

SOURCE: Author

DIGEST: This resolution acknowledges the Department of Veterans Affairs staff for their service to California's veterans during the COVID-19 pandemic.

ANALYSIS: This resolution makes the following legislative findings:

1) The COVID-19 pandemic has had a devastating impact on California, disproportionately affecting aged and disabled individuals for nearly a year.

2) While the large number of nursing home deaths have been the greatest horror of the COVID-19 crisis across the country, the long-term care system operated by California's Department of Veterans Affairs (CalVet) has experienced a tiny fraction of these most tragic outcomes.

3) Weeks before the Governor's stay-at-home order, in spring 2020, CalVet enacted in its Veterans' Home of California facilities an ambitious action plan designed to aggressively ward off the virus and safeguard California's veterans under their care. CalVet leaders adapted this plan over the course of the pandemic to include a rigorous program of testing, contact tracing, screening, and stocking of personal protective equipment.

4) The leaders of the Veterans' Home of California established designated isolation areas at each facility and established protocols for specialized care and infection containment when necessary.

5) CalVet's success in limiting the impacts of the virus within its system and the staff's continued devotion to their mission sets these homes apart from other health care facilities across the state and nation.

This resolution:

1) Recognizes the staff at all levels in the Veterans' Home of California facilities for their hard work and dedication. The staff have been second to none in their commitment to provide quality care and have saved the lives of countless veterans during the pandemic.

2) Thanks CalVet staff in all divisions for continuing to fulfil their sacred mission to honor and serve all California veterans through administering clinical care, providing housing assistance, offering home loans, and connecting veterans with their earned benefits through education and advocacy even in times of crisis.

3) Honors the tireless efforts of CalVet's employees to protect the health, safety, and prosperity of California's veterans.

FISCAL EFFECT: Appropriation: No Fiscal Com.: No Local: No

SUPPORT: (Verified 4/21/21)

None received

OPPOSITION: (Verified 4/21/21)

None received

Prepared by: Karen Chow / SFA / (916) 651-1520
4/21/21 15:22:49

****** END ******

SENATE RULES COMMITTEE SCR 37
Office of Senate Floor Analyses
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THIRD READING

Bill No: SCR 37
Author: Archuleta (D), et al.
Amended: 5/20/21
Vote: 21

SUBJECT: Latino Veterans Day

SOURCE: Author

DIGEST: This resolution proclaims September 20, 2021, as Latino Veterans Day.

Senate Floor Amendments of 5/20/21 delete a finding relative to Loreta Janeta Velázquez.

ANALYSIS: This resolution makes the following legislative findings:

1) The history of California veterans of Latino descent abounds with acts of heroism and exhibits a heritage of valor that has brought honor and earned the gratitude of our country.

2) As early as 1863, the United States government authorized the military commander in California to raise four companies of native Mexican American Californians in order to take advantage of their extraordinary horsemanship.

3) Several thousand Latino volunteers, mostly from the southwestern United States, fought with distinction in the United States Army during the Spanish-American War.

4) Discrimination, racism, and language barriers meant that many Latinos were relegated to menial jobs or served in segregated units. A number of Mexican American cavalry militias chased bandits and guarded trains and border crossings for the Union during the Civil War.

5) The bravery of countless Latinos in World Wars I and II and the conflicts of Korea and Vietnam is consistent with the greatest acts of heroism known in our

history, as exemplified by the 20th and the 515th Coast Artillery Battalions, which were comprised of a majority of Latinos, many of whom were from California, who fought to the bitter end at Bataan in World War II.

6) The 65th Infantry Regiment, "the Borinqueneers" from Puerto Rico, served valiantly in both World War II and Korea. Fighting as a segregated unit from 1950 to 1952, the regiment participated in some of the fiercest battles of the Korean War, and its toughness, courage, and loyalty earned the admiration of many who had preciously harbored reservations about Puerto Rican soldiers based on lack of previous fighting experience and negative stereotypes, including Brigadier General William W. Harris, whose experience eventually led him to regard the regiment as "the best damn soldiers that I had ever seen".

7) Operation Desert Shield and Operation Desert Storm provided another opportunity for Latinos to serve their country. Approximately 20,000 Latino servicemen and women participated in Operations Desert Shield and Desert Storm.

8) Today, Latinos make up approximately 14 percent of America's fighting force. Since the beginning of this century, Latinos have been among the boots on the ground in antiterrorism operations.

9) Latino veterans, both men and women, have shown and continue to show a superb dedication to the United States, evidenced by the award of 60 Congressional Medals of Honor, the greatest number received by any ethnic group.

This resolution proclaims September 20, 2021, as Latino Veterans Day.

Related/Prior Legislation

SCR 80 (Archuleta, 2020) would have proclaimed September 20, 2020, as Latino Veterans Day. The resolution died in the Assembly.

FISCAL EFFECT: Appropriation: No Fiscal Com.: No Local: No

SUPPORT: (Verified 5/21/21)

None received

OPPOSITION: (Verified 5/21/21)

None received

Prepared by: Melissa Ward / SFA / (916) 651-1520
5/25/21 10:47:30

****** END ******

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THIRD READING

Bill No: SCR 49
Author: Hueso (D), et al.
Introduced: 5/28/21
Vote: 21

SUBJECT: Public Power Week

SOURCE: Northern California Power Agency

DIGEST: This resolution designates the first full week of October of each year as "Public Power Week" in the State of California in honor of public power utilities and their customer-owners, policymakers, and employees who work together to provide the best possible energy service for the benefit of their communities.

ANALYSIS: This resolution makes the following legislative findings:

1) Public power utilities:

   a) Have served California for more than a century with reliable, affordable, and sustainable electricity.

   b) Provide homes, businesses, schools, and government agencies with safe, reliable, and efficient electricity and employ sound business practices designed to ensure the best possible service at not-for-profit rates.

   c) Are valuable community assets that contribute to the well-being of local residents through energy efficiency, customer service, environmental protection, economic development, and safety awareness.

   d) Are dependable and trustworthy institutions whose local operations continue to make California a better place to live and work, all while making contributions to enhancing statewide climate solutions.

2) Over 10,000,000 Californians in 46 communities are served by a community-owned, not-for-profit public power utility.

3) The residents and businesses in those communities have a direct say in utility operations and policies that shape their community's energy future.

4) California's public power communities are part of a national community of more than 2,000 other public power systems in the United States.

This resolution designates the first full week of October each year as "Public Power Week" in the State of California in honor of public power utilities and their customer-owners, policymakers, and employees who work together to provide the best possible energy service for the benefit of their communities.

FISCAL EFFECT: Appropriation: No Fiscal Com.: No Local: No

SUPPORT: (Verified 6/10/21)

Northern California Power Agency (source)
California Municipal Utilities Association
Southern California Public Power Authority

OPPOSITION: (Verified 6/10/21)

None received

Prepared by: Melissa Ward / SFA / (916) 651-1520
6/10/21 9:06:29

****** END ******

SENATE RULES COMMITTEE SCR 51
Office of Senate Floor Analyses
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THIRD READING

Bill No: SCR 51
Author: Pan (D), et al.
Introduced: 6/7/21
Vote: 21

SUBJECT: Sacramento Municipal Utility District: zero-carbon emissions goal

SOURCE: Sacramento Municipal Utility District

DIGEST: This resolution (1) recognizes the Sacramento Municipal Utility District (SMUD) for setting the most ambitious carbon reduction goal of any large utility in the country and applaud SMUD's commitment to finding innovative ways to reach its zero-carbon emissions goal without impacting reliability or rates; and (2) recognizes that SMUD's zero-carbon emissions goal puts the Sacramento region on the map as an example to follow and as a region where innovative, climate-friendly businesses want to be, the achieving the zero-carbon emissions goal that brings benefits not only globally, but also locally, the reduced emissions improve our local air quality and overall health and create jobs, and that SMUD is helping create a cleaner, more prosperous, and healthier region for all.

ANALYSIS: This resolution makes the following legislative findings:

1) Globally, 2016 and 2020 were the hottest years on record and Californians have witnessed firsthand the devastating impacts of carbon on our climate, including devastating wildfires, rising temperatures, and decreased snowpacks.

2) Locally, Sacramento is one of the most polluted cities in the country—a recent report by the American Lung Association ranked the Sacramento area sixth in the nation based on days of unhealthy and unsafe levels of air pollution in the ozone layer.

3) For nearly 75 years, the community-owned, not-for-profit Sacramento Municipal Utility District has been the Sacramento region's committed electricity partner and has led the way in providing environmentally responsible electricity and environmental stewardship to benefit its customers and community.

4) SMUD has been a consistent leader in carbon reduction and became the first large California utility to have at least 20% of its electricity come from renewable sources. SMUD has reduced its emissions of greenhouse gases (GHG) by nearly 50% from 1990 levels in 2017, 2018, and 2019 and has reduced the carbon intensity of its electricity mix, which is now, on average, more than 50% carbon free.

5) Through SMUD's Sustainable Communities Program, the utility engages community partners to target and maximize GHG emissions reduction benefits to neighborhoods that are likely to be underserved or in distress due to lack of community development, livable wage employment, training opportunities, affordable housing options, education, or transportation, among other factors.

6) SMUD spearheaded the development of the California Mobility Center, a public-private consortium to foster clean, scalable e-mobility technologies and solutions that are poised to generate $2.5 billion, in economic activity and 8,500 new jobs over the next five years.

7) On April 28, 2021, SMUD's Board of Directors solidified SMUD's commitment to leading the way to a clean energy future with the approval of SMUD's 2030 Zero Carbon Plan. The Plan is a flexible roadmap to completely eliminate carbon emissions from SMUD's electricity supply by 2030, without compromising affordability or reliability and in a manner that engages all customers and promotes environmental justice and equity.

8) SMUD has committed to keeping rate increases within the rate of inflation; and is committed to working in partnership with its customers, the community, government agencies, community leaders and organizations, business leaders and the business community, legislators, regulators, and others to help align resources and programs for maximum impact in all communities.

This resolution recognizes SMUD for setting the most ambitious carbon reduction goal of any large utility in the country and applauds SMUD's commitment to finding innovative ways to reach its zero-carbon emissions goal without impacting reliability or rates, which are among the lowest in California; and recognizes (1) that this ambitious zero-carbon emissions goal puts the Sacramento region on the map as an example to follow and as a region where innovative, climate-friendly businesses want to be; (2) that achieving the zero-carbon emissions goal brings benefits not only globally, but also locally, and reduced emissions improve our local air quality and overall health and create jobs; and (3) that SMUD is helping create a cleaner, more prosperous, and healthier region for all.

FISCAL EFFECT: Appropriation: No Fiscal Com.: No Local: No

SUPPORT: (Verified 6/15/21)

Sacramento Municipal Utility District (source)

OPPOSITION: (Verified 6/15/21)

None received

Prepared by: Melissa Ward / SFA / (916) 651-1520
6/16/21 14:54:20

****** END ******

SENATE RULES COMMITTEE SR 39
Office of Senate Floor Analyses
(916) 651-1520 Fax: (916) 327-4478

THIRD READING

Bill No: SR 39
Author: Eggman (D), Atkins (D), Laird (D) and Wiener (D)
Introduced: 5/24/21
Vote: Majority

SUBJECT: Lesbian, Gay, Bisexual, Transgender, and Queer (LGBTQ+) Pride Month

SOURCE: Author

DIGEST: This resolution proclaims June 2021 as Lesbian, Gay, Bisexual, Transgender, and Queer (LGBTQ+) Pride Month.

ANALYSIS: This resolution makes the following legislative findings:

1) Our great state and nation strives to promote the principles of equality and justice and the inalienable rights of all people to life, liberty, and the pursuit of happiness.

2) To achieve a more just and fair society, we must teach our children to respect one another, to appreciate our differences, and to recognize the common good in all of us.

3) Lesbian, gay, bisexual, transgender, and queer people come from all walks of life, regardless of race, ethnicity, color, religion, ancestry, national origin, economic status, physical or mental ability, medical condition, sex, or gender identity or expression.

4) Lesbian, gay, bisexual, transgender, and queer people have made important and lasting contributions to our great state and nation in every field of endeavor, including, but not limited to, business, medicine, law, humanities, science, literature, politics, education, music, philanthropy, sports and athletics, arts, and culture, that enrich our national life.

5) In 2012, for the first time in the history of the United States, a sitting President, former President Barack Obama, affirmed support for the fundamental right to marry, regardless of sexual orientation or gender.

6) Married same-sex couples now enjoy the same rights and privileges granted to other married couples, including joint tax filings, military benefits, family and medical leave, and the ability to sponsor a foreign spouse.

7) The transgender community in particular, has gained newfound prominence in the media, entertainment, sports, and business, raising awareness about gender identity and the obstacles this community continues to face.

8) While our great state and nation have progressed in our journey toward dignity, understanding, and mutual respect for all, we still have a long way to go in eradicating the prejudice and discrimination that lesbian, gay, bisexual, transgender, and queer people and their families encounter, and to this end, we continue working for the passage of the federal Equality Act, comprehensive immigration reform, and increased awareness of the difficulties facing the transgender community.

9) To build a stronger and better state and nation, we must continue to help advance the cause of equality for all people.

10) Each year, June marks the anniversary of the Stonewall Rebellion that gave birth to the modern lesbian, gay, bisexual, transgender, and queer civil rights movement.

11) Lesbian, gay, bisexual, transgender, and queer Americans, their families and friends, and all those committed to justice and equality celebrate, during the month of June, the rich culture, the notable achievements, and the outstanding services that lesbian, gay, bisexual, transgender, and queer Americans make to our great state and nation.

This resolution proclaims June 2021 as Lesbian, Gay, Bisexual, Transgender, and Queer (LGBTQ+) Pride Month, urges all Californians to join in celebrating the culture, accomplishments, and contributions of lesbian, gay, bisexual, transgender, and queer people, and encourages the people of California to work to help advance the cause of equality for lesbian, gay, bisexual, transgender, and queer people, and their families.

Related/Prior Legislation

SR 44 (Wiener, 2019) proclaimed June 2019 as LGBTQ Pride Month.

HR 41 (Gloria, 2019) proclaimed June 2019 as LGBTQ Pride Month.

FISCAL EFFECT: Appropriation: No Fiscal Com.: No Local: No

SUPPORT: (Verified 6/1/21)

None received

OPPOSITION: (Verified 6/1/21)

None received

Prepared by: Karen Chow / SFA / (916) 651-1520
6/2/21 16:04:26

****** END ******

SENATE RULES COMMITTEE SR 40
Office of Senate Floor Analyses
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THIRD READING

Bill No: SR 40
Author: Leyva (D), et al.
Introduced: 6/2/21
Vote: Majority

SUBJECT: The 49th anniversary of Title IX

SOURCE: Author

DIGEST: This resolution commemorates, on June 23, 2021, the 49th anniversary of Title IX, and commends the national movement toward increased equality and fair treatment of all students.

ANALYSIS: This resolution makes the following legislative findings:

1) Title IX of the Education Amendments of 1972 is a federal law that specifically states that no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance. All public and private elementary schools and secondary schools, school districts, colleges, and universities receiving any federal funding must comply with Title IX.

2) Title IX requires equal access in recruitment, admissions, counseling, financial assistance, discipline, employment, and athletics; protection from sex-based harassment; and equitable treatment of pregnant and parenting students. Prior to the enactment of Title IX, many women and girls faced discrimination and limited opportunities in athletics, academics, and extracurricular activities.

3) Nearly all of the members of the United States Women's National Soccer Team, which is ranked #1 in the world and continues to make our nation proud, played collegiate level soccer and had Title IX protections.

4) Title IX has been the basis for California laws that protect graduate students from discrimination on the basis of pregnancy in research projects in California

universities, laws requiring affirmative consent, and laws requiring lactation accommodations in California schools.

5) As of 2017, the girls' high school athletics participation rate is greater than 10 times what it was when Title IX passed, an increase of more than 1,000 percent.

6) Title IX regulations require that pregnant and parenting students have equal access to schools and activities, and that all separate programs for pregnant or parenting students be completely voluntary.

7) The educational equity guaranteed in Title IX does not solely apply to women. It protects everyone from sex-based discrimination, regardless of real or perceived sex, gender identity, or gender expression.

8) Although Title IX has increased opportunities for girls and women in academics, sports, and other educational activities, it has not yet achieved the goal of full equality.

This resolution:

1) Urges Californians to continue to work together to achieve the goals set by Title IX of increased opportunities for girls and women in academics, sports, and other educational activities.

2) Commemorates, on June 23, 2021, the 49th anniversary of Title IX, and commends the national movement toward increased equality and fair treatment of all students.

FISCAL EFFECT: Appropriation: No Fiscal Com.: No Local: No

SUPPORT: (Verified 6/9/21)

None received

OPPOSITION: (Verified 6/9/21)

None received

Prepared by: Jonas Austin / SFA / (916) 651-1520
6/9/21 14:28:52

****** END ******

SENATE RULES COMMITTEE AB 251
Office of Senate Floor Analyses
(916) 651-1520 Fax: (916) 327-4478

THIRD READING

Bill No: AB 251
Author: Choi (R) and McCarty (D)
Amended: 3/8/21 in Assembly
Vote: 21

SENATE EDUCATION COMMITTEE: 7-0, 6/9/21
AYES: Leyva, Ochoa Bogh, Cortese, Dahle, Glazer, McGuire, Pan

ASSEMBLY FLOOR: 74-0, 4/8/21 - See last page for vote

SUBJECT: Public postsecondary education: admission by exception

SOURCE: Author

DIGEST: This bill prohibits certain senior administrators from being one of the three senior administrators tasked with approving students' admission by exception applications to a campus within the California State University (CSU) and if adopted by the University of California (UC) Board of Regents, the UC system.

ANALYSIS:

Existing law:

1) Establishes the UC as a public trust to be administered by the Regents and grants the Regents full powers of organization and governance subject only to legislative control as necessary to ensure the security of funds, compliance with terms of its endowments, and the statutory requirements around competitive bidding and contracts, sales of property, and the purchase of materials, goods, and services (Article IX, Section (9)(a)of the California Constitution).

2) Provides that statutes related to UC (and most other aspects of the governance and operation of UC) are applicable only to the extent that the Regents of UC make such provisions applicable. (EC § 67400)

3) Establishes the CSU system, made of 23 campuses, and bestows upon the CSU Trustees, through the Board of Trustees, the power, duties, and functions with

respect to the management, administration, and control of the CSU system (EC Section 66606 and 89030 et. Seq.).

4) Prohibits a campus of the CSU and, if adopted by the Regents of the UC by appropriate resolution, the UC, from admitting an applicant by admission by exception, as defined, unless the admission by exception has been approved, before the student's enrollment, by at least three senior campus administrators, the applicant is a California resident who is receiving an institution-based scholarship to attend the campus, or the applicant is accepted by an educational opportunity program for admission to the campus. (Education Code § 66022.5 et. al.)

This bill prohibits certain senior administrators from being one of the three senior administrators tasked with approving students' admission by exception applications to a campus within the CSU and if adopted by the UC Board of Regents, the UC system. Specifically, for purposes related to admission by exception decisions, this bill defines a "senior campus administrator," to mean staff that are *not associated* with campus development, external affairs, fundraising, donor relations, alumni relations or alumni outreach.

Comments

1) *Need for the bill*. According to the author, "AB 251 builds upon the solution enacted by AB 1383 by prohibiting senior campus administrators who engage in the admission by exception approval process from working in various departments identified by the California State Auditor's audit of UC Admissions as improperly influencing admissions procedures. By closing this loophole, AB 251 will not only restore the public's trust in the college admission process, but will also ensure there is a procedure in place to verify that prospective students are admitted by merit and not by who they know."

2) *Admission gaming*. In 2019, the Department of Justice charged several dozen individuals accused of cheating and accepting bribes to gain students' unlawful admission to top universities, including to UCs. Athletic coaches from Yale, Stanford, University of Southern California, Wake Forest and Georgetown, among others, were implicated, as well as parents and exam administrators. In response, the Legislature approved AB 1383 (McCarty, Chapter 522, Statutes of 2019) which required approval from three campus administrators prior to UC or CSU admitting a student through their respective admission by exception policies. Although the CSU had no part in the scandal, the CSU is subject to the provisions established by AB 1383 and this bill.

3) *California State Audit of the University of California Admission Process*. In September 2020, the California State Auditor (Auditor) published an audit report which reviewed the general admission practices and the admission of athletes at three UC campuses: UC, Berkeley, UC, Los Angeles, UC, San Diego, and the admission of athletes at UC, Santa Barbara. The report concluded that, over a six-year period, the identified campuses admitted 64 applicants based on their personal or family connections to donors and university staff. Campuses admitted 22 students through their student-athlete admissions process, despite those students lacking the athletic qualifications required to compete at the university. UC, Berkeley admitted the remaining students, most of whom were referred to the admissions office because of their families histories as donors or because they were related or connected to university staff. The Auditor's report asserts that their records did not demonstrate competitive qualifications for admissions to UC, Berkeley.

   Additionally, the report identified cases in which the admission office of a campus actively engaged with development offices to ensure students who were connected to donors or potential donors would receive admission to the university. The Auditor's report issued 12 recommendations to UC, including a recommendation related to this bill, to establish protocols for admissions processes that prohibit communication between a campus's development office and its admissions office about applicants and prospective applicants. The CSU was included in the audit.

4) *UC's response to the audit*. In their August 2020 letter, the UC stated it is committed to safeguarding the integrity of its admissions practices and will take prompt action to address issues raised in the State Auditor's draft report. It further states that many of the report's recommendations are similar to those that UC internal audits identified and presented to the Board of Regents over the past year, and that UC campuses and the Office of the President have largely implemented. This bill seeks to establish firmer parameters around which types of senior administrators may be tasked with approving UC and CSU students' admission by exception applications.

Related/Prior Legislation

AB 233 (Boerner Horvath, 2021) requests the UC Regents to require the UC Office of the President to establish systemwide protocols based to the Auditor recommendations related to the student admissions processes by April 15, 2022. AB 233 has been referred to the Senate Education Committee.

AB 1215 (Boerner Horvath, 2021) requests the UC Regents to adopt a policy directing the UC Office of the President implement other various Auditor recommendations related to the student admission process to be effective for the UC's 2023 admissions cycle. AB 1215 has been referred to the Senate Education Committee.

FISCAL EFFECT: Appropriation: No Fiscal Com.: No Local: No

SUPPORT: (Verified 6/10/21)

None received

OPPOSITION: (Verified 6/10/21)

None received

ASSEMBLY FLOOR: 74-0, 4/8/21
AYES: Aguiar-Curry, Arambula, Bauer-Kahan, Bennett, Berman, Bigelow, Bloom, Boerner Horvath, Bonta, Burke, Calderon, Carrillo, Cervantes, Chau, Chen, Chiu, Choi, Cooley, Cooper, Cunningham, Megan Dahle, Daly, Davies, Flora, Fong, Frazier, Friedman, Gabriel, Gallagher, Cristina Garcia, Eduardo Garcia, Gipson, Lorena Gonzalez, Gray, Grayson, Irwin, Jones-Sawyer, Kalra, Kiley, Lackey, Lee, Levine, Low, Maienschein, Mathis, Mayes, McCarty, Medina, Muratsuchi, Nazarian, Nguyen, O'Donnell, Petrie-Norris, Quirk, Quirk-Silva, Ramos, Reyes, Luz Rivas, Robert Rivas, Rodriguez, Blanca Rubio, Salas, Santiago, Seyarto, Smith, Stone, Ting, Valladares, Villapudua, Voepel, Waldron, Ward, Wicks, Rendon
NO VOTE RECORDED: Holden, Mullin, Patterson, Wood

Prepared by: Olgalilia Ramirez / ED. / (916) 651-4105
6/11/21 8:31:18

****** END ******

Office of Senate Floor Analyses
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THIRD READING

Bill No: AB 272
Author: Kiley (R), et al.
Introduced: 1/19/21
Vote: 21

SENATE JUDICIARY COMMITTEE: 10-0, 6/15/21
AYES: Umberg, Borgeas, Caballero, Durazo, Gonzalez, Jones, Laird, Stern, Wieckowski, Wiener
NO VOTE RECORDED: Hertzberg

ASSEMBLY FLOOR: 72-0, 5/10/21 - See last page for vote

SUBJECT: Enrollment agreements

SOURCE: Author

DIGEST: This bill authorizes a minor to disaffirm a provision in an educational institution's enrollment agreement that purports to waive a legal right, remedy, forum, proceeding, or procedure, arising out of a criminal sexual assault or criminal sexual battery, as defined, on that minor regardless of whether a parent or legal guardian has signed the enrollment agreement on the minor's behalf.

ANALYSIS:

Existing law:

1) Provides that a contract must include parties capable of contracting, their consent, a lawful object of the contract, and a sufficient cause or consideration. (Civ. Code § 1550.)

2) Provides that a minor may make a contract in the same manner as an adult, subject to the power of disaffirmance. (Fam. Code § 6700.) The only exceptions are that a minor cannot give a delegation of power; make a contract relating to real property or any interest therein; or make a contract relating to any personal

property not in the immediate possession or control of the minor. (Fam. Code § 6701.)

3) Provides that, except as otherwise provided by statute, a contract of a minor may be disaffirmed by the minor before the age of majority or within a reasonable time afterwards or, in case of the minor's death within that period, by the minor's heirs or personal representative. (Fam. Code § 6710.)

4) Prohibits a contract, otherwise valid, entered into during minority, from being disaffirmed on that ground either during the actual minority of the person entering into the contract, or at any time thereafter, if all of the following requirements are satisfied:

   a) the contract is to pay the reasonable value of things necessary for the support of the minor or the minor's family;
   b) these things have been actually furnished to the minor or to the minor's family; and
   c) the contract is entered into by the minor when not under the care of a parent or guardian able to provide for the minor or the minor's family. (Fam. Code § 6712.)

5) Provides that if, before the contract of a minor is disaffirmed, goods the minor has sold are transferred to another purchaser who bought them in good faith for value and without notice of the transferor's defect of title, the minor cannot recover the goods from an innocent purchaser. (Fam. Code § 6713.)

6) Establishes various matters involving medical treatment to which a minor may consent and which are not subject to disaffirmance. (Fam. Code § 6920 et seq.)

7) Provides that, if the court as a matter of law finds a contract or any clause of the contract to have been unconscionable at the time it was made the court may refuse to enforce the contract, or it may enforce the remainder of the contract without the unconscionable clause, or it may so limit the application of any unconscionable clause as to avoid any unconscionable result. (Civ. Code § 1670.5.)

8) Provides, pursuant to the Federal Arbitration Act (FAA), that agreements to arbitrate shall be valid, irrevocable, and enforceable, except on such grounds as exist at law or in equity for the revocation of any contract. (9 U.S.C. § 2.)

9) Establishes the California Arbitration Act, which provides that agreements to arbitrate shall be valid, irrevocable, and enforceable, except on such grounds as exist at law or in equity for the revocation of any contract. (Code Civ. Proc. § 1280 et seq.)

This bill:

1) Provides that, notwithstanding Family Code Section 6710 et seq., a provision in an educational institution's enrollment agreement that purports to waive a legal right, remedy, forum, proceeding, or procedure may be disaffirmed by the minor, regardless of whether a parent or legal guardian has signed the enrollment agreement on the minor's behalf, to the extent that the provision is construed to require the minor to waive a legal right, remedy, forum, proceeding, or procedure arising out of a criminal sexual assault or criminal sexual battery on that minor.

2) Clarifies that the fact that a provision in an enrollment agreement has been disaffirmed by the minor does not affect the validity or enforceability of any other provision of the enrollment agreement.

3) Defines the following terms:

    a) "criminal sexual assault" means an act that was perpetrated against a person under 18 years of age and that would be a crime under Section 261.5, 286, 287, 288, 288.7, or 289 of the Penal Code, or any predecessor statute;
    b) "criminal sexual battery" means an act that was perpetrated against a person under 18 years of age and that would be a crime under Section 243.4 of the Penal Code;
    c) "educational institution" means a public or private school maintaining a kindergarten or any of grades 1 through 12; and
    d) "enrollment agreement" means a written contract between a student and institution concerning an educational program.

4) States the Legislature finds and declares that it is unconscionable for a parent, on behalf of the parent's minor child, to be required to waive a legal right, remedy, forum, proceeding, or procedure, including the right to file and pursue a civil action, belonging to that minor child with respect to claims arising out of a criminal sexual assault or criminal sexual battery as a condition of enrollment in an educational institution.

Background

Four elements are essential to the existence of a contract: parties capable of contracting; their consent; a lawful object; and a sufficient cause or consideration. As to consent, the law requires it to be free, mutual, and communicated by each to the other. A minor cannot make a contract relating to real property or relating to any personal property not in the immediate possession or control of the minor. However, a minor may otherwise make a contract in the same manner as an adult, subject to the power of disaffirmance. A minor may disaffirm the contract any time before reaching the age of majority or within a reasonable time afterwards, with limited exceptions.

This bill allows a minor to disaffirm a provision in an educational institution's enrollment agreement that purports to waive a legal right, remedy, forum, proceeding, or procedure, regardless of whether a parent or legal guardian has signed on the minor's behalf, to the extent that the provision is construed to require the minor to waive a legal right, remedy, forum, proceeding, or procedure arising out of a criminal sexual assault or criminal sexual battery on that minor.

This bill is author-sponsored. It is supported by the Children's Advocacy Institute at the University of San Diego, School of Law, the Consumer Attorneys of California, and the Capitol Resource Institute. It is opposed by the California Chamber of Commerce. For a more thorough discussion, see the Senate Judiciary Committee analysis of the bill.

Comments

Empowering minors in connection with school enrollment agreements. This bill authorizes a minor to disaffirm a provision in an educational institution's enrollment agreement that purports to waive a legal right, remedy, forum, proceeding, or procedure, to the extent that the provision is construed to require the minor to waive a legal right, remedy, forum, proceeding, or procedure arising out of a criminal sexual assault or criminal sexual battery on that minor. This applies regardless of whether a parent or legal guardian has signed the agreement on the minor's behalf. It applies to a public or private school maintaining a kindergarten or any of grades 1 through 12. The bill makes clear that the disaffirmance of such a provision does not affect the validity or enforceability of any other provision of the enrollment agreement.

As discussed above, generally a minor may make a contract in the same manner as an adult, however, such contracts are subject to the power of disaffirmance by the minor. This bill narrowly addresses the situation where enrollment agreements

signed by parents or guardians are construed to require the minor at issue to waive legal rights in connection with specified sexual crimes perpetrated against the minor.

According to the author:

> Assembly Bill 272 clarifies that a person should not be required to waive their right to recourse as part of a school enrollment agreement in respect to claims of childhood sexual assault. Students in California should expect a safe learning environment. AB 272 furthers this right and ensures that students will no longer be silenced by educational institutions meant to protect them.

Arbitration laws. The Federal Arbitration Act (FAA) provides:

> A written provision in any maritime transaction or a contract evidencing a transaction involving commerce to settle by arbitration a controversy thereafter arising out of such contract or transaction, or the refusal to perform the whole or any part thereof, or an agreement in writing to submit to arbitration an existing controversy arising out of such a contract, transaction, or refusal, shall be valid, irrevocable, and enforceable, save upon such grounds as exist at law or in equity for the revocation of any contract.[1]

In assessing whether a state law is preempted by the FAA, three key aspects of the law surrounding arbitration and preemption are especially relevant. First, the federal courts have ruled that the FAA was intended to promote arbitration.[2] Second, state laws or rules that interfere with the enforcement of arbitration agreements are preempted, except on such grounds as exist at law or in equity for the revocation of any contract.[3] Third, state laws that explicitly or covertly discriminate against arbitration agreements as compared to other contracts are also preempted.[4]

The author disputes arguments that this bill is likely preempted by the FAA: "*Concepcion* made it clear that rules generally applicable to contracts (and not only to arbitration agreements) are allowable under the FAA, even where there is a disproportionate effect on arbitration agreements." The author points to case law

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[1] 9 U.S.C. § 2.
[2] *Epic Sys. Corp. v. Lewis* (2018) ___U.S.___ [138 S.Ct. 1612, 1621].
[3] 9 U.S.C. Sec. 2; *AT&T Mobility LLC v. Concepcion* (2011) 563 U.S. 333, 339.
[4] *Epic Sys. Corp.*, 138 S.Ct. at 1645-1646.

strongly supporting the operation of this bill. For instance, in *In re Marriage of Bereznak* (2003) 110 Cal.App.4th 1062, 1069, the California Appellate Court found:

> Children have the "right to have the court hear and determine all matters [that] concern their welfare and they cannot be deprived of this right by any agreement of their parents." (*In re Marriage of Lambe & Meehan* (1995) 37 Cal.App.4th 388, 393 [44 Cal. Rptr. 2d 641].) Thus, these agreements are not binding on the children or the court . . . .

There is no doubt that the reach of the FAA's preemptive effect is vast and that a bill such as this is likely to be challenged on such grounds. However, the savings clause of the FAA provides some room that this bill arguably finds itself. The clause provides that arbitration provisions are enforceable "save upon such grounds as exist at law or in equity for the revocation of any contract." This bill states the following findings and declaration:

> The Legislature finds and declares that it is unconscionable for a parent, on behalf of the parent's minor child, to be required to waive a legal right, remedy, forum, proceeding, or procedure, including the right to file and pursue a civil action, belonging to that minor child with respect to claims arising out of a criminal sexual assault or criminal sexual battery as a condition of enrollment in an educational institution.

This bill thus urges that it does not run afoul of the FAA because its enforcement would simply be applying a well-recognized ground for the revocation of a contract, unconscionability, in the very limited circumstances laid out in this bill. The author writes:

> Unlike contracts for services or other business ventures, a student does not have the ability to opt-out of their education. California law requires minors to attend school, and education is crucial to their future success. The Federal Arbitration Act does not speak to the issue of a parent's capacity to contractually bind a minor. Further, childhood sexual assault is an unconscionable and unforeseeable circumstance during the signing of a contract. The unconscionable standard is continually upheld even after *Concepcion*. Thus, this is an issue that we can act on at the state level.

FISCAL EFFECT: Appropriation: No Fiscal Com.: No Local: No

SUPPORT: (Verified 6/17/21)

Capitol Resource Institute
Children's Advocacy Institute at the University of San Diego, School of Law
Consumer Attorneys of California

OPPOSITION: (Verified 6/17/21)

California Chamber of Commerce

ARGUMENTS IN SUPPORT: The Children's Advocacy Institute at the University of San Diego, School of Law, writes in support: "If our child-serving institutions always elevated the interests of children above all other interests, your bill would not be necessary. It should go without saying -- or legislating -- that our schools should [not] aggressively seek to obtain tactical legal advantage over children who are sexually abused by adults in their employ.

"But, for example, when a chemistry teacher at a Los Angeles School was indicted for felony counts of sexual assault and rape, the school successfully brought a motion to compel arbitration of the child's claims based on a clause in the enrollment agreement.

"It has long been the law that while children may sign contracts [those] contracts may not be enforced against minors. (*See* Family Code section 6710.) Parents signing a contract allegedly waiving the right of a child who has been the victim of criminal sexual assault or criminal sexual battery to have the child's claims heard in court should be subject to the same ability of the child to disaffirm the contract as if the child had signed it.

"That is what your bill does in the narrow circumstances of school employees sexually assaulting and battering children. Holding schools accountable to the maximum extent permitted by the law, and preventing them from unilaterally in boilerplate enrollment agreements achieving tactical legal advantage over sexually abused children, laudably motivates schools to take maximum care in their treatment of the vulnerable children under their care."

ARGUMENTS IN OPPOSITION: Writing in opposition, the California Chamber of Commerce argues the bill is likely preempted by the FAA: "As the Supreme Court made clear in *Concepcion*, states cannot utilize state contract law to

attempt to create defenses to a contract that apply only to arbitration. In *Concepcion*, the Court discussed explicitly whether, under the FAA's so called "savings clause", a state law relating to a contract defense could render arbitration agreements invalid. The court was explicit:

"[The FAA] permits agreements to arbitrate to be invalidated by 'generally applicable contract defenses, such as fraud, duress, or unconscionability,' but not by defenses that apply only to arbitration or that derive their meaning from the fact that an agreement to arbitrate is at issue.

"Here, AB 272 does just that – it provides that a generally applicable contract defense (unconscionability) applies specifically to arbitration clauses in otherwise valid enrollment agreements. As a result, AB 272, if passed, would be preempted. In case that was not clear enough, AB 272's specific mechanism underlies this discrimination against arbitration. It would allow individuals to disaffirm any arbitration provision – but no other types of provisions – which their parents signed on their behalf in an enrollment agreement. In other words: no generally applicable changes are being made to state contract law related to parents' ability to contract for their children – an arbitration-specific contract defense is being created. That is exactly what the Supreme Court made clear was unacceptable in *Concepcion*."

ASSEMBLY FLOOR: 72-0, 5/10/21
AYES: Aguiar-Curry, Arambula, Bauer-Kahan, Bennett, Berman, Bigelow, Bloom, Boerner Horvath, Burke, Calderon, Carrillo, Cervantes, Chau, Chiu, Choi, Cooley, Cooper, Cunningham, Megan Dahle, Daly, Davies, Flora, Fong, Friedman, Gabriel, Gallagher, Cristina Garcia, Gipson, Lorena Gonzalez, Grayson, Irwin, Jones-Sawyer, Kalra, Kiley, Lackey, Lee, Levine, Low, Maienschein, Mathis, Mayes, McCarty, Medina, Mullin, Muratsuchi, Nazarian, Nguyen, O'Donnell, Petrie-Norris, Quirk, Quirk-Silva, Ramos, Reyes, Luz Rivas, Robert Rivas, Rodriguez, Blanca Rubio, Salas, Santiago, Seyarto, Smith, Stone, Ting, Valladares, Villapudua, Voepel, Waldron, Ward, Akilah Weber, Wicks, Wood, Rendon
NO VOTE RECORDED: Chen, Frazier, Eduardo Garcia, Gray, Holden, Patterson

Prepared by: Christian Kurpiewski / JUD. / (916) 651-4113
6/18/21 10:50:35

****** END ******

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CONSENT

Bill No: AB 302
Author: Ward (D)
Amended: 6/16/21 in Senate
Vote: 21

SENATE TRANSPORTATION COMMITTEE: 17-0, 6/15/21
AYES: Gonzalez, Bates, Allen, Archuleta, Becker, Cortese, Dahle, Dodd, McGuire, Melendez, Min, Newman, Rubio, Skinner, Umberg, Wieckowski, Wilk

ASSEMBLY FLOOR: 74-0, 4/8/21 (Consent) - See last page for vote

SUBJECT: San Diego Metropolitan Transit Development Board: regulation of for-hire vehicle and passenger jitney services

SOURCE: San Diego Metropolitan Transit System

DIGEST: This bill expands the ability of the San Diego Metropolitan Transit System (MTS) to enter into contracts to license or regulate certain transportation services.

ANALYSIS:

Existing law:

1) Establishes the San Diego Metropolitan Transit Development Board, also known as MTS.

2) Provides for local regulation of taxicab services to protect the public health, safety and welfare, as specified.

This bill:

1) Provides that MTS may enter into contracts with any city in the County of San Diego to license or regulate by ordinance any for-hire vehicle services, as specified.

2) Defines "for-hire vehicle services" as vehicles, other than public transportation vehicles, transporting passengers over public streets for compensation, which includes taxicabs, passenger jitney service, low-speed vehicles, non-emergency medical vehicles, charters, and sightseeing vehicles. The term "for-hire vehicle services" does not include any public transportation services operated by the North County Transit District, as specified.

3) Specifies that MTS may, by ordinance, regulate vehicle safety and driver qualifications for passenger jitney service operating between cities in the County of San Diego and between a city in the County of San Diego and unincorporated portions of the County of San Diego.

4) Defines, for purposes of MTS regulation, "passenger jitney service" to include every corporation or person engaged as a common carrier, for compensation, in the ownership, control, operation, or management of a passenger transportation service by motor vehicles of not more than 15-passenger capacity, excluding the driver, which operate between fixed termini and over a regular route and generally on short, nonscheduled, headways.

Background

MTS is a public entity that provides bus, light rail, and freight service through much of San Diego county, as well as regulating taxicabs, jitneys, and other private for-hire passenger transportation services by contract with the Cities of San Diego, Chula Vista, El Cajon, Imperial Beach, La Mesa, Lemon Grove, National City, Poway, and Santee. It is governed by a 15-member board appointed from the mayors and members of the governing boards of the cities and county in which it operates.

A Bit of a Mess. Regulation of passenger transportation companies is jurisdictionally complicated. Some is regulated by the California Public Utilities Commission (e.g. Lyft, Uber, limousines) and some is regulated at the local level (e.g. taxis) and some is administered at the local level because they are the providers (e.g. public transit). This bill allows the regulation to be simplified a bit by permitting cities in San Diego County to turn over that responsibility to MTS, potentially reducing the regulatory burden on some companies by creating a more consistent regulatory structure with fewer regulators.

Comments

Author's Statement. AB 302 expands the authority of MTS to regulate for-hire vehicle services in San Diego County and any City within the County of San

Diego, regardless of MTS jurisdiction. This provides San Diego County, and each of the San Diego County cities outside of the MTS jurisdiction, the option to transfer for-hire vehicle regulatory safety responsibilities to MTS, which provides vital cost savings without sacrificing vehicle safety.

FISCAL EFFECT: Appropriation: No Fiscal Com.: No Local: No

SUPPORT: (Verified 6/16/21)

San Diego Metropolitan Transit System (source)
County of San Diego
North County Transit District

OPPOSITION: (Verified 6/16/21)

None received

ASSEMBLY FLOOR: 74-0, 4/8/21
AYES: Aguiar-Curry, Arambula, Bauer-Kahan, Bennett, Berman, Bigelow, Bloom, Boerner Horvath, Bonta, Burke, Calderon, Carrillo, Cervantes, Chau, Chen, Chiu, Choi, Cooper, Cunningham, Megan Dahle, Daly, Davies, Flora, Fong, Frazier, Friedman, Gabriel, Gallagher, Cristina Garcia, Eduardo Garcia, Gipson, Lorena Gonzalez, Gray, Grayson, Irwin, Jones-Sawyer, Kalra, Kiley, Lackey, Lee, Levine, Low, Maienschein, Mathis, Mayes, McCarty, Medina, Muratsuchi, Nazarian, Nguyen, O'Donnell, Patterson, Petrie-Norris, Quirk, Quirk-Silva, Ramos, Reyes, Luz Rivas, Robert Rivas, Rodriguez, Blanca Rubio, Salas, Santiago, Seyarto, Smith, Stone, Ting, Valladares, Villapudua, Voepel, Waldron, Ward, Wicks, Rendon
NO VOTE RECORDED: Cooley, Holden, Mullin, Wood

Prepared by: Randy Chinn / TRANS. / (916) 651-4121
6/16/21 16:00:05

****** END ******

SENATE RULES COMMITTEE AB 439
Office of Senate Floor Analyses
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THIRD READING

Bill No: AB 439
Author: Bauer-Kahan (D), et al.
Amended: 6/15/21 in Senate
Vote: 21

SENATE HEALTH COMMITTEE: 9-1, 6/10/21
AYES: Pan, Eggman, Gonzalez, Hurtado, Leyva, Limón, Roth, Rubio, Wiener
NOES: Grove
NO VOTE RECORDED: Melendez

ASSEMBLY FLOOR: 65-2, 4/19/21 - See last page for vote

SUBJECT: Certificates of death: gender identity

SOURCE: Equality California

DIGEST: This bill specifies that gender identity includes female, male, or nonbinary for purposes of completing a death certificate.

Senate Floor Amendments of 6/15/21 add a coauthor.

ANALYSIS:

Existing law:

1) Establishes the Department of Public Health (CDPH) and sets forth its powers and duties, including, but not limited to, the duties as State Registrar relating to vital records and health statistics. [HSC §102100, et seq.]

2) Requires deaths to be registered with the local registrar of births and deaths in the district in which the death was officially pronounced or the body was found, within eight calendar days after death and prior to any disposition of the human remains. Requires a funeral director, or person acting in lieu, to prepare the certificate and register it with the local registrar. Requires the funeral director to obtain the required information other than medical and health section data from

the person or source best qualified to supply this information (referred to as an informant). [HSC §102775, 102780, 102790]

3) Requires a person completing a death certificate to record the decedent's sex to reflect the decedent's gender identity. Requires the decedent's gender identity to be reported by the informant, unless the person completing the certificate is presented with a birth certificate, a driver's license, a social security record, a court order approving a name or gender change, a passport, an advanced health care directive, or proof of clinical treatment for gender transition, in which case the person completing the certificate is required to record the decedent's sex as that which corresponds to the decedent's gender identity as indicated in that document. If none of these documents are presented and the person with the right, or a majority of persons who have equal rights, to control the disposition of the remains is in disagreement with the gender identity reported by the informant, the gender identity of the decedent recorded on the death certificate is required to be as reported by that person or majority of persons. [HSC §102875(a)(1)(B)]

This bill specifies that gender identity includes female, male, or nonbinary for purposes of completing a death certificate.

Comments

1) *Author's statement.* According to the author, California has made great strides in adding inclusive options for official documentation for those who identify as nonbinary through SB 179 (Atkins, Chapter 853, Statutes of 2017), however, existing law leaves out the crucial area of death certificates. Adding nonbinary as a gender option ensures nonbinary individual's right to equal treatment under the law, and is a needed step towards true inclusivity throughout our legal codes and accurate language that honors nonbinary Californians in death as well as in life.

2) *The State Registrar*. CDPH's Vital Records Registration Branch (VRRB) is charged with maintaining a uniform, comprehensive, and continuous index for all birth, death, fetal death, and marriage vital events which occur in California, of which there are over one million each year. Certified copies of vital records are available from CDPH, 58 county recorders, and 61 local health jurisdictions. CDPH maintains, and can provide, birth and death records from 1905 to the present. For marriage records, CDPH maintains and can provide those from 1946 to the present, with some years excluded. CDPH uses the data collected through death certificates for public health research and planning.

3) *Local registrars and county recorders*. Local health officers serve as the local registrars for their respective health jurisdictions, and perform all the related duties. According to the County Recorders' Association of California, the local registrar is required to send each original birth or death certificate to the State Registrar, either directly or through the county recorder's office. Local registrars either send the original birth or death certificate to the county recorder, who makes a special county record and forwards the original to the State Registrar, or the local registrar sends the county recorder a copy of the certificate at the same time they forward the original to State Registrar. The local registrar keeps birth and death records for current year events and one year prior, but records for all years are maintained by the county recorder.

Related/Prior Legislation

AB 218 (Ward, 2021) provides processes for petitioners changing their names and/or genders to update their marriage certificates and the birth certificates of their children within the framework under existing law for petitioners to update their own birth certificates.

AB 741 (Galgiani, 2019) was substantially similar to AB 218. *AB 741 was vetoed by Governor Newsom, who stated:*

> *"This bill fails to give the State Registrar, which is within CDPH, clear authority to issue a new marriage certificate. As a result, CDPH would only be able to amend the marriage certificates under other applicable amendment statutes, resulting in the original gender, and the fact that there was a change to the listed gender, visible and open to the public. I am concerned that this would shine a spotlight on any individual who has changed their gender and I believe that this runs contrary to the intent of this legislation".*

SB 179 (Atkins, Chapter 853, Statutes of 2017) provided for a third gender option on the state driver's license, identification card, and birth certificate; restructured the process for individuals to change their name to conform with their gender identity; and created a new procedure for an individual to secure a court-ordered change of gender.

AB 1951 (Gomez, Chapter 334, Statutes of 2014) required the State Registrar, beginning January 1, 2016, to modify birth certificates to recognize same-sex couples, allowing for a gender-neutral option on the certificate identifying a "parent."

AB 1577 (Atkins, Chapter 631, Statutes of 2014) required a person completing a death certificate to record the decedent's sex reflecting the decedent's gender identity as reported by the person or source best qualified to supply this information, unless presented with specified legal documents identifying the decedent's gender.

AB 1121 (Atkins, Chapter 651, Statutes of 2013) created an optional administrative procedure for a transgender individual born in California to amend gender and name on the individual's birth certificate without first obtaining a court order.

AB 433 (Lowenthal, Chapter 718, Statutes of 2011) authorized an individual who has undergone certain medical procedures, as specified, to file a petition with a superior court to seek a judgment recognizing the change of gender, and required that the physician's accompanying affidavit must be accepted as conclusive proof of the gender change.

FISCAL EFFECT: Appropriation: No Fiscal Com.: No Local: No

SUPPORT: (Verified 6/14/21)

Equality California (source)
American Civil Liberties Union of California
American College of Obstetricians and Gynecologists District IX
APLA Health
Desert Aids Project
El/La Para Translatinas
Gender Spectrum
Los Angeles LGBT Center
National Center for Lesbian Rights
PFLAG Los Angeles
Sacramento LGBT Community Center
Santa Barbara Women's Political Committee

OPPOSITION: (Verified 6/14/21)

None received

ARGUMENTS IN SUPPORT: Equality California, the sponsor of this bill, states that when a nonbinary person is ascribed the incorrect gender, whether on official documents or in the media, it is disrespectful to the memory of the deceased person and can be deeply painful and stigmatizing to grieving friends, family, and fellow community members. Equality California contends that California has made important progress towards ensuring that transgender and nonbinary people are able to update their identity documents while living, and that progress should extend to documentation of their death.

The American Civil Liberties Union of California (ACLU) states that people who do not identify as male or female face erasure at every turn. Historically, US society has not recognized the many ways people experience gender. This denial of their existence causes serious pain and marginalization for nonbinary communities. For example, nonbinary youth who reported their pronouns were not respected by those in their lives were twice as likely to attempt suicide as those whose preferred pronouns were used. With suicide rates among nonbinary youth quadruple those of their peers, affirming language on death certificates is all the more essential to ensure their identities are not erased in death. Though administrative practice may soon include nonbinary options, ACLU states that it is important to codify inclusive language to establish uniformity and recognition of nonbinary Californians across the legal system. The ACLU concludes that incorrectly assigning them a gender is disrespectful, and official recognition comforts grieving loved ones and honors the identity of those in the nonbinary community.

ASSEMBLY FLOOR: 65-2, 4/19/21
AYES: Aguiar-Curry, Arambula, Bauer-Kahan, Bennett, Berman, Bloom, Boerner Horvath, Bonta, Burke, Calderon, Carrillo, Cervantes, Chau, Chiu, Cooley, Cooper, Cunningham, Daly, Davies, Frazier, Friedman, Gabriel, Cristina Garcia, Eduardo Garcia, Gipson, Lorena Gonzalez, Grayson, Holden, Irwin, Jones-Sawyer, Kalra, Lackey, Lee, Levine, Low, Maienschein, Mathis, McCarty, Medina, Mullin, Muratsuchi, Nazarian, O'Donnell, Petrie-Norris, Quirk, Quirk-Silva, Ramos, Reyes, Luz Rivas, Robert Rivas, Rodriguez, Blanca Rubio, Salas, Santiago, Stone, Ting, Valladares, Villapudua, Voepel, Waldron, Ward, Akilah Weber, Wicks, Wood, Rendon
NOES: Bigelow, Gallagher

NO VOTE RECORDED: Chen, Choi, Megan Dahle, Flora, Fong, Gray, Kiley, Mayes, Nguyen, Patterson, Seyarto, Smith

Prepared by: Melanie Moreno / HEALTH / (916) 651-4111
6/16/21 14:52:05

****** END ******

SENATE RULES COMMITTEE AB 477
Office of Senate Floor Analyses
(916) 651-1520 Fax: (916) 327-4478

THIRD READING

Bill No: AB 477
Author: Blanca Rubio (D)
Amended: 5/26/21 in Senate
Vote: 21

SENATE HUMAN SERVICES COMMITTEE: 4-0, 6/8/21
AYES: Hurtado, Jones, Cortese, Pan
NO VOTE RECORDED: Kamlager

ASSEMBLY FLOOR: 78-0, 4/19/21 (Consent) - See last page for vote

SUBJECT: Child abuse multidisciplinary personnel team: children's advocacy centers

SOURCE: Child Abuse Listening Interviewing Coordination Center
Child Advocacy Centers of California

DIGEST: This bill provides that if a county utilizes a child advocacy center (CAC) to implement their local multidisciplinary response to investigate reports of child abuse or neglect, the CAC may be included in the county child abuse multidisciplinary personnel team (MDT); and allows, in the case of an Indian child, for a representative from a child's tribe to be included in the county's MDT.

ANALYSIS:

Existing law:

1) Establishes a state and local system of child welfare services with the intent to provide a statewide system of services where all children are entitled to be safe and free from abuse and neglect. (WIC 16500)

2) States legislative intent that law enforcement agencies and the county welfare or probation department in each county shall develop and implement cooperative arrangements in order to coordinate existing duties in connection

with the investigation of suspected child abuse or neglect cases. (PEN 11166.3(a))

3) Mandates a local law enforcement agency having jurisdiction over a reported child abuse or neglect case to report to the district office of the California Department of Social Services (CDSS) any case reported under this section if the case involves a specified facility and the licensing of facility has not been delegated to a county agency. The law enforcement agency shall send a copy of its investigation report and any other pertinent materials to the licensing agency upon its request. (PEN 11166.3(b))

4) Defines a "multidisciplinary personnel" as any team of three or more persons who are trained in the prevention, identification, management, or treatment of child abuse or neglect cases and who are qualified to provide a broad range of services related to child abuse or neglect and may include, but not be limited to, psychiatrists, police officer, medical personnel, and social workers, among others. (WIC 18951(d))

5) Defines "child abuse or neglect" as physical injury or death inflicted by other than accidental means upon a child by another person, sexual abuse, willful harm or injury, endangerment of the person or health of a child, or unlawful corporal punishment or injury, as specified. (PEN 11165.6)

6) Includes in the definition of "child welfare services" the provision of "emergency response services," which consist of a response system providing an in-person response, 24 hours a day, seven days a week, to reports of abuse, neglect, or exploitation for the purpose of an investigation, and to determine the necessity for providing initial intake services and crisis intervention to maintain the child safely in their home, or to protect the safety of the child, as specified. (WIC 16501(2))

7) Authorizes a county, in order to implement a multidisciplinary response to investigate reports involving child physical or sexual abuse, exploitation, or maltreatment, to use a children's advocacy center that includes representatives from specified disciplines and provides dedicated child-focused settings for interviews and other services. (PEN 11166.4)

8) Mandates the Department of Justice, in cooperation with CDSS, to prescribe by regulation guidelines to investigate child abuse or neglect, as defined, in facilities licensed to care for children. (PEN 11174.1(a))

9) Requires reports of suspected child abuse or neglect to be made by mandated reporters to certain entities, including any police department or sheriff's department, county probation department, or the county welfare department, as specified. (PEN 11165.9)

10) Authorizes members of a MDT engaged in the prevention, identification, and treatment of child abuse to disclose and exchange information and writings to and with one another relating to any incidents of child abuse that may also be part of a juvenile court record or otherwise designated as confidential under state law if the member of the team having that information reasonably believes it is generally relevant to the prevention, identification, or treatment of child abuse. (WIC 830(a))

11) Provides that any county may establish a computerized database system within that county to allow provider agencies to share information, as specified, regarding families at risk for child abuse and neglect, for the purposes of forming an MDT. Requires counties to develop standards for the identification, prevention and management, or treatment of child abuse or neglect and specifies processes for sharing information regarding a child or family. (WIC 18961.5)

This bill:

1) Provides that if a county uses a CAC to implement their local, coordinated multidisciplinary response to investigate reports of child abuse or neglect, the CAC may be included in the child abuse MDT.

2) Allows, in the case of an Indian child, a representative from the child's tribe, including but not limited to a tribal social worker, tribal social services director, or tribal mental health professional, to be included in the MDT.

Background

According to the author, "as codified under AB 2741 (Rubio, 2020), Children's Advocacy Centers (CAC's) coordinate with a multidisciplinary team to provide services and protections to abused children. UC Berkeley researchers estimated that child maltreatment cost California over $19 Billion in 2017. In 2018, over 12,000 children were served in California by a CAC according to the National Children's Alliance. The use of CACs to coordinate investigations of child abuse and neglect has been shown to save as much as $1,000 per child in investigation costs. Currently, there are 22 CACs in California fully accredited by the National Children's Alliance (NCA). However, some lawyers - particularly county counsels

- interpret the laws surrounding these multidisciplinary teams to not include CACs which AB 477 would remedy. Ensuring consistent definitions and roles for these services prevents any delay in serving some of California's most vulnerable populations."

Child Abuse and Neglect Investigations. Suspicion of child abuse or neglect can be reported to either law enforcement or a county child welfare agency, usually through the Child Protective Services (CPS) hotline. Through the hotline, which is staffed 24-hours, trained social workers are available to receive calls on suspected abuse cases. These reports are often made by mandated reporters who, because of their profession, are legally required to report any suspicion of child abuse or neglect. In California, mandated reporters include: teachers, doctors, social workers, mental health professionals, and child care providers, among others. In addition to mandated reporters, any individual who believes a child may be suffering abuse or neglect can make a report to law enforcement or the county child welfare agency.

Calls received by the CPS hotline are screened by social workers who attempt to determine if the caller is reporting alleged abuse, neglect, or exploitation. Based on the information gathered in the report, CPS determines if the report warrants an in-person visit from a county social worker to investigate the allegations. If an in-person visit substantiates the allegations, the social worker may determine the family is in need of services to ensure the child's well-being and avoid court involvement, or determine it is in the child's best interests to be removed from home. If removal is determined to be in the best interest of the child, the county petitions the court to adjudicate the child as a dependent of the court, which enters the child into the state's foster care system.

In 2020, there were 391,464 reports of possible child abuse or neglect recorded in California. Out of these 391,464 reports, 102,837 were allegations of sexual or physical abuse, 198,626 were allegations of severe or general neglect, and 46,621 were allegations of emotional abuse. The remaining cases fall into the following categories: 548 were reports of exploitation; 3,701 were allegations of caretaker absence or incapacity; and 39,131 were allegations of a child being at risk because a sibling was alleged to be abused or neglected. Additionally, of the 391,464 reports of abuse or neglect, 281,663 of the allegations were investigated and 109,801 were determined to not warrant an investigation. Of the total allegations, 59,971 were substantiated and of those substantiated cases 22,562 children entered foster care. As of October 1, 2020, there were a total of 60,045 youth placed in the state's child welfare system.

Child Advocacy Centers. A CAC is a child-focused environment that provides safety and security to children who have been abused or neglected. According to the National Children's Alliance, which is the national association and crediting body for more than 800 CACs serving approximately 335,000 children around the country, under the CAC model a child involved with an investigation is generally asked to relay their story "only once to a trained interviewer who knows what questions to ask." This means that when a child is believed to have been subjected to abuse, maltreatment, or exploitation, instead of potentially having to relay their experience repeatedly to doctors, police, lawyers, therapists, investigators, judges, and others on multiple different occasions, they are only put into this difficult position for one interview. The MDT associated with the CAC, which per the National Children's Alliance model, includes medical professionals, law enforcement, mental health, prosecution, child protective services, victim advocacy, and other professionals, can view the recorded interview and transcripts while working together to make decisions about the child's best interests and needs. Additionally, a CAC is often a much warmer and welcoming environment, as they are designed to be child focused, as opposed to a District Attorney's office, police office, or other location where these interviews and investigations may occur. This model reduces the trauma experienced by a child victim of abuse or neglect while still ensuring all involved parties have access to necessary information.

According to the National Children's Alliance, 21 of the state's 58 counties are serviced by a CAC associated with the Alliance. An additional 31 counties are covered by a CAC or MDT that is not affiliated with the National Children's Alliance. Thus, 52 of California's 58 counties have a CAC or Child Abuse MDT.

In 2020, AB 2741 (Blanca Rubio, Chapter 353, Statutes of 2020) authorized a county to utilize a CAC in order to implement a multidisciplinary response to investigate reports involving child physical or sexual abuse, exploitation, or maltreatment. It also sets forth specified standards and requirements that a CAC must meet in order for the county to utilize their services, including the requirement of certain members being included in the associated MDT, training requirements for these members, the designation of a legal entity responsible for the governance of the CAC's operations, and the provision of a child-focused setting designed to provide a safe, comfortable, and neutral place for interviews.

Child Abuse Multidisciplinary Personnel Teams. MDTs have been authorized in California to allow for a coordinated interagency response to elder and child abuse cases since the passage of AB 1049 (Bader, Chapter 353, Statutes of 1987). MDTs are formed and operated at the county level and afford their members with the

ability to share confidential information among team members for the purposes of preventing, identifying, or treating child or elder abuse. MDTs are seen as an effective tool for conducting a timely and objective investigation, with the added benefit of facilitating coordination among the different agencies and entities participating on the team, enabling decisions to be made through team decision-making.

For the purposes of child abuse MDTs, current law defines a "provider agency" as meaning a governmental or other agency that has as one of its purposes the prevention, identification, management, or treatment of child abuse or neglect and includes, but is not limited to, the following entities or service agencies: social services; children's services; health services; mental health services; probation; law enforcement; and schools. Additionally, existing law provides for these teams to be made up of two or more persons who are trained in the prevention, identification, or treatment of child abuse and neglect cases and who are qualified for provide a broad range of services related to child abuse. Child abuse MDTs may include: marriage and family therapists clinical social workers, or other trained counseling personnel; police officers or other law enforcement agents; social services workers with experience or training in child abuse prevention; among others.

This bill specifies that counties utilizing CACs to implement a coordinated multidisciplinary response to child abuse, may include the CAC in a county child abuse MDT.

Indian Child Welfare Act (ICWA). In the 1970s, a multiyear Congressional investigation found that Indian children were being removed from their homes at significantly high rates, and that such removal was often unwarranted. This research found that 25 to 35 percent of all Indian children were being removed from their families and that of those removed 85 percent were placed outside their families in non-Indian foster homes. This investigation found that four main factors were contributing to the high rate of removal and unnecessary termination of parental rights: state child welfare standards for assessing Indian families lacked cultural competence; due-process violations against Indian children and their parents that existed on a system-wide basis; economic incentives that favored the removal of Indian children from their families and communities; and, social conditions existing in Indian country.

In response to this investigation, ICWA was enacted by Congress in 1978 to address states "often fail[ing] to recognize the essential tribal relations of Indian people and the cultural and social standards prevailing in Indian communities and families," and the resulting unwarranted removal of Indian children. Congress's

goal through the enactment of ICWA was to "protect the best interests of Indian children and to promote the stability and security of Indian tribes and families."[1] In an effort to meet this goal, ICWA established minimum federal standards for state courts to meet any time an Indian child is removed from their family or custodial home and placed in foster care or adoptive homes. This results in a presumption that it is in the best interest of the Indian child to retain tribal ties.

ICWA authorized states to establish higher standards that go above the federal baseline. In 2006, California adopted a state-level implementation of ICWA through the passage of SB 678 (Ducheny, Chapter 838, Statutes of 2006). SB 687 established Cal-ICWA, revising and recasting portions of state code that address Indian child custody proceedings and codifying into state law various provisions of ICWA, the Bureau of Indian Affairs Guidelines for State courts, and state Rules of Court. As a result, in any child custody proceeding in which the court knows or has reason to know that an Indian child is involved, the child's tribe must be notified of the proceeding and of their right to intervene in the proceeding.

This bill allows a representative from the child's tribe, such as a tribal social worker, tribal social services director, or tribal mental health professional, to be part of a county's child abuse MDT in the case of an Indian child.

Related/Prior Legislation

AB 2741 (Blanca Rubio, Chapter 353, Statutes of 2020) authorized counties to create CACs to implement a coordinated, multidisciplinary approach to investigating reports of child abuse.

AB 1221 (Cooley, 2019) would have authorized counties to utilize a CAC in order to implement a coordinated, multidisplinary response to child abuse and set certain standards and requirements, as provided. The bill was vetoed by the Governor for providing overly broad immunity from civil and criminal liability for persons providing services to children and non-offending family members.

SB 1352 (Corbett, 2012) would have authorized each county to establish a CAC and interagency protocol agreements. SB 1352 was vetoed by the Governor.

AB 1049 (Bader, Chapter 353, Statutes of 1987) authorized the use of MDTs for both child and elder abuse.

FISCAL EFFECT: Appropriation: No Fiscal Com.: No Local: No

[1] See *25 U.S.C. 1902*

SUPPORT: (Verified 6/9/21)

Child Abuse Listening Interviewing Coordination Center (co-source)
Child Advocacy Centers of California (co-source)
Peace Officers Research Association of California
San Mateo County Board of Supervisors

OPPOSITION: (Verified 6/9/21)

None received

ASSEMBLY FLOOR: 78-0, 4/19/21
AYES: Aguiar-Curry, Arambula, Bauer-Kahan, Bennett, Berman, Bigelow, Bloom, Boerner Horvath, Bonta, Burke, Calderon, Carrillo, Cervantes, Chau, Chen, Chiu, Choi, Cooley, Cooper, Cunningham, Megan Dahle, Daly, Davies, Flora, Fong, Frazier, Friedman, Gabriel, Gallagher, Cristina Garcia, Eduardo Garcia, Gipson, Lorena Gonzalez, Gray, Grayson, Holden, Irwin, Jones-Sawyer, Kalra, Kiley, Lackey, Lee, Levine, Low, Maienschein, Mathis, McCarty, Medina, Mullin, Muratsuchi, Nazarian, Nguyen, O'Donnell, Patterson, Petrie-Norris, Quirk, Quirk-Silva, Ramos, Reyes, Luz Rivas, Robert Rivas, Rodriguez, Blanca Rubio, Salas, Santiago, Seyarto, Smith, Stone, Ting, Valladares, Villapudua, Voepel, Waldron, Ward, Akilah Weber, Wicks, Wood, Rendon
NO VOTE RECORDED: Mayes

Prepared by: Marisa Shea / HUMAN S. / (916) 651-1524
6/9/21 14:03:04

****** END ******

Office of Senate Floor Analyses
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THIRD READING

Bill No: AB 583
Author: Davies (R) and Chiu (D), et al.
Amended: 5/20/21 in Assembly
Vote: 27 - Urgency

SENATE JUDICIARY COMMITTEE: 10-0, 6/15/21
AYES: Umberg, Borgeas, Caballero, Durazo, Gonzalez, Jones, Laird, Stern, Wieckowski, Wiener
NO VOTE RECORDED: Hertzberg

ASSEMBLY FLOOR: 75-0, 5/24/21 - See last page for vote

SUBJECT: Remote marriage license issuance and solemnization

SOURCE: California Association of Clerks and Election Officials

DIGEST: This bill authorizes, until January 1, 2024, county clerks to enable couples to receive a marriage license, and solemnize their marriage, using remote technology, as defined. This bill contains an urgency clause.

ANALYSIS:

Existing law:

1) Provides that marriage is a personal relation arising out of a civil contract between two consenting persons. (Fam. Code § 300(a).)[1] Requires a license to be issued and solemnized. (*Id.*) States that the document issued by the county clerk is a marriage license until it is registered with the county recorder, at which time it becomes a marriage certificate. (*Id.* at (b).)

2) Requires that a marriage be licensed, solemnized, and authenticated, and that the authenticated marriage license be returned to the county recorder of the county where the license was issued. (§ 306.)

[1] All further references are to the Family Code unless otherwise indicated.

3) Requires the parties, before entering marriage, to first obtain a marriage license from a county clerk. (§ 350.) The parties must present authentic photo identification to the county clerk, who may examine the applicants on oath and who may request additional documentary proof as to the facts stated. (§ 354(a)-(c).) The license expires 90 days after its issuance. (§ 356.)

4) Requires the applicants to first appear together in person before the county clerk to obtain a marriage license. (§ 359(a).) The issued marriage license must be presented to the person solemnizing the marriage by the parties to be married. (*Id.* at (c).) The person solemnizing the marriage must complete the solemnization sections on the marriage license, and ensure that the license is witnessed. (*Id.* at (d).) Within 10 days of the ceremony, the marriage license must be presented in person, or postmarked, by the person solemnizing the marriage to the county recorder of the county in which the license was issued. (*Id.* at (e), (f).)

5) Provides that no particular form for the ceremony of marriage is required for its solemnization, but does require that the parties declare, in the physical presence of the person solemnizing the marriage and necessary witnesses, that they take each other as spouses. (§ 420(a).) Authorizes members of the Armed Forces stationed overseas to appear for licensure and solemnization by appearance of attorney in fact. (*Id.* at (b).)

6) Provides that before solemnizing a marriage, the person solemnizing the marriage must require the presentation of the marriage license. (§ 421.)

7) Prescribes information that must be included on the certificate of registry of marriage. (§ 422; Health & Saf. Code § 103175.)

8) Provides that if no record of the solemnization of a California marriage is known to exist, the parties may purchase a License and Certificate of Declaration of Marriage from the county clerk in the parties' county of residence one year or more from the date of the marriage. (§ 425.) The license and certificate must be returned to the county record of the county in which the license was issued. (*Id.*)

This bill:

1) Authorizes, until January 1, 2024, a county clerk to issue a marriage license or solemnize or witness a marriage ceremony using remote technology, defined as audio-visual technology provided by a county clerk that allows the couple and others participating in a marriage solemnization to appear together from the same physical location and directly interact with each other and the county clerk.

2) Requires a couple seeking a remote marriage license or solemnization to present, in a manner requested by the county clerk, a copy of a valid government-issued photo identification and any additional documentary proof requested by the county clerk.

3) Requires each member of the couple to be physically located in California when obtaining a marriage license remotely, and physically located in the same location in California when solemnizing their marriage remotely.

4) Provides that the county clerk may require the couple to complete an affidavit affirming their physical presence in California, and that of others participating, in a remote solemnization.

5) Gives the clerk discretion to determine whether the marriage license may be signed electronically or with an original wet signature. A signed, legible copy of the license must be sent to the county clerk by mail or electronic means, as specified by the county clerk. However, if the marriage was solemnized by anyone other than a county clerk, the signature must be a wet signature and the original document must be submitted to the county clerk.

6) Provides that a county clerk may provide guidance relating to marriage license applications, marriage license issuance, and the witnessing or solemnizing of the marriage ceremony within their jurisdiction using remote technology.

7) Contains an urgency clause.

Comments

"The state has a vital interest in the institution of marriage and plenary power to fix the conditions under which the marital status may be created or terminated. [Citation.] The regulation of marriage is solely within the province of the

Legislature. [Citation.]" *Estate of DePasse* (2002) 97 Cal.App.4th 92, overruled in part on unrelated grounds by *Ceja v. Rudolph & Sletten, Inc*. (2013) 56 Cal.4th 1113, 1126.) For a marriage to be legally recognized, the parties must first appear together in person before the county clerk to obtain the marriage license. (§ 359(a).) Within 90 days of its issuance, the license must be filled out, solemnized, and witnessed. (§§ 350, 356, 359(c), (d).) Within 10 days of the ceremony, the person who solemnized the marriage must return the license to the county recorder, either in person or by mail. (§ 359(e).) Once registered with the county recorder, the license becomes a marriage certificate. (§ 300(b).)

In response to the COVID-19 pandemic, Governor Newsom issued an Executive Order (EO) that enables adults to obtain a marriage license at the discretion of the county clerk through video-conferencing, provided that both adults are located in California, are present at the same time, and presents identification during the video conference.[2] The license is then issued by email or other electronic means and can be filled out and signed electronically. The EO also provides that marriages may be solemnized through video-conferencing, provided that both parties, the person solemnizing the marriage, and at least one witness can join the live video conference. The EO also applies to confidential marriages, for which witnesses are not required and records are not public. (*See* § 500 et seq.) It does not, however, apply to marriages of minors, which require judicial approval. (§§ 302-304.) The EO will cease to be in effect 60 days after the Governor lifts the state of emergency related to the pandemic.

This bill seeks to extend these provisions statutorily until January 1, 2024. While the bill closely resembles the EO with respect to obtaining a marriage license, it is narrower than the EO when it comes to solemnization. Instead of allowing anyone to conduct a solemnization remotely, this bill only authorizes county clerks to perform remote solemnizations. If the clerk solemnizes the marriage remotely, the license may be transmitted to the clerk by mail or electronic means using an electronic signature. If the solemnization was not performed by the county clerk, the license must be signed in ink with an original wet signature and the original document must be submitted to the county clerk.

FISCAL EFFECT: Appropriation: No Fiscal Com.: No Local: No

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[2] Executive Order N-58-20 (Apr. 30, 2020) **https://www.gov.ca.gov/wp-content/uploads/2020/04/4.30.20-EO-N-58-20.pdf** (as of May 20, 2021); *see also Governor Newsom Signs Executive Oder* (Apr. 30, 2020) Office of Governor Gavin Newsom, **https://www.gov.ca.gov/2020/04/30/governor-newsom-signs-executive-order-on-marriages/** (as of May 20, 2021). On June 30, 2020, the Governor extended the remote marriage executive order until the COVID State of Emergency is terminated, or until the order is otherwise modified or rescinded. (Governor Newsom Executive Order N-71-20.)

SUPPORT: (Verified 6/17/21)

California Association of Clerks and Election Officials (source)
Family Law Section of the Los Angeles County Bar Association

OPPOSITION: (Verified 6/17/21)

None received

ARGUMENTS IN SUPPORT: The author writes:

> AB 583 codifies the Governor's Executive Order and memorializes the best practices for electronic issuance of marriage licenses and solemnization ceremonies through live, interactive video technology that California's counties have employed over the last year. In order to ensure we provide as many options as possible for Californians to obtain marriage licenses, no matter in times of emergency or not, the Legislature should codify the Governor's Executive Order and allow this practice to continue as a standard mode of operation for those who want it.

The sponsor writes:

> AB 583 explores, collates and memorializes in Code the best practices that have been employed by California's counties during the past year with regard to remote and electronic issuance of marriage licenses and solemnization ceremonies through live, interactive video technology. The framework proposed by AB 583 is the product of months of discussion, troubleshooting and problem-solving over the course of this challenging year; as counties and the State evolved to meet the immediate needs of our constituents.

ASSEMBLY FLOOR: 75-0, 5/24/21
AYES: Aguiar-Curry, Arambula, Bauer-Kahan, Bennett, Berman, Bloom, Boerner Horvath, Burke, Calderon, Carrillo, Cervantes, Chau, Chen, Chiu, Choi, Cooley, Cooper, Cunningham, Megan Dahle, Daly, Davies, Fong, Frazier, Friedman, Gabriel, Gallagher, Cristina Garcia, Eduardo Garcia, Gipson, Lorena Gonzalez, Gray, Grayson, Holden, Irwin, Jones-Sawyer, Kalra, Kiley, Lackey, Lee, Levine, Low, Maienschein, Mathis, Mayes, McCarty, Medina, Mullin, Muratsuchi, Nazarian, Nguyen, O'Donnell, Patterson, Petrie-Norris, Quirk, Quirk-Silva, Ramos, Reyes, Luz Rivas, Robert Rivas, Rodriguez, Blanca Rubio,

Salas, Santiago, Seyarto, Stone, Ting, Valladares, Villapudua, Voepel, Waldron, Ward, Akilah Weber, Wicks, Wood, Rendon
NO VOTE RECORDED: Bigelow, Flora, Smith

Prepared by: Josh Tosney / JUD. / (916) 651-4113
6/18/21 10:50:36

****** END ******

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CONSENT

Bill No: AB 591
Author: Villapudua (D)
Introduced: 2/11/21
Vote: 21

SENATE TRANSPORTATION COMMITTEE: 17-0, 6/15/21
AYES: Gonzalez, Bates, Allen, Archuleta, Becker, Cortese, Dahle, Dodd, McGuire, Melendez, Min, Newman, Rubio, Skinner, Umberg, Wieckowski, Wilk

ASSEMBLY FLOOR: 77-0, 4/22/21 (Consent) - See last page for vote

SUBJECT: Vessels: arrests

SOURCE: California State Sheriffs' Association

DIGEST: This bill authorizes an officer to issue a fix-it ticket in cases involving certain existing violations pertaining to vessels.

ANALYSIS:

Existing law:

1) Requires an officer, unless certain specified conditions exist, to permit a person arrested for the following offenses to execute a notice containing a violator's promise to correct the alleged violation:

   a) A vehicle registration infraction.

   b) A violation relating to possession of a driver's license.

   c) A violation related to bicycle equipment.

   d) A violation relating to the requirement for minor bicyclists to wear a helmet.

   e) Other specified violations of vehicle equipment requirements.

2) Defines "vessel" to include every watercraft used or capable of being used as a means of transportation on water, with certain exceptions.

3) Requires undocumented vessels using waters in the state to be currently numbered.

4) Requires an operator card to operate a vessel, as specified.

5) Requires, through regulation, that vessels be equipped with lifejackets and fire extinguishers, as specified.

This bill requires an officer, unless certain specified conditions exists, to permit a person arrested for the following vessel-related offenses to execute a notice containing a violator's promise to correct the alleged violation:

1) Expired registration.

2) Failure to paint the vessel identification number on the forward half of the boat.

3) Operating a vessel propelled by an engine without possessing an operating license.

4) Failure to display registration stickers.

5) Using a recreational boat without a proper floatation device, as specified.

6) Operating a vessel without a properly serviced fire extinguisher.

7) Having a fire extinguisher without the proper metallic name plate, as specified.

Comments

Author's Statement. California has enacted laws to guide the safe operation and appropriate registration of vessels. While there are consequences for failing to abide by these requirements, the main desire should be compliance and remediation when rules are not followed. AB 591 allows certain vessel operation and registration violations to be corrected to not only gain compliance but increase boater and public safety.

Fix It Tickets: Vehicles. California provides drivers the opportunity to fix relatively minor violations of state law relating to vehicles, such as failing to have valid vehicle registration and failure of a minor to wear a helmet while riding a bicycle, without incurring fines. This bill extends that principle to similar violations relating to vessels.

Making the Punishment Fit the Crime. Fines for various violations regarding vessel registration and equipment are relatively expensive once all additional fines and surcharges are accounted for. The fines for the provisions covered by this bill are below:

Violation	**Ticket Amount**
VC 9850 (expired vessel registration)	$197
VC 9853.2 (display vessel identification)	$197
HNC 678.11 (vessel operator card)	$233
13 CCR 190.01 (vessel registration stickers)	$192
14 CCR 6565.8 (floatation devices on vessel)	$233
14 CCR 6569 (serviceable fire extinguishers)	$233
14 CCR 6572 (markings on fire extinguishers)	$233

Rather than imposing these fines this bill provides a chance to correct the violation and pay a much smaller $25 fee. Supporters believe this will encourage compliance making boaters safer. The specific violations covered by this bill aren't addressing behavior that is dangerous to others, and therefore deserving of harsher punishment. Rather, these violations are more about boater safety and identification.

Crime Not Running Rampant. The violations covered by this bill do not result in large numbers of tickets. The most often cited violations are registration related, of which there were 816 in 2018-19 and 669 in 2019-20. The next most cited violation is the lack of a lifejacket, of which there were 234 in 2018-19 and 203 in 2019-20.

FISCAL EFFECT: Appropriation: No Fiscal Com.: No Local: No

SUPPORT: (Verified 6/16/21)

California State Sheriffs' Association (source)
Boat Owner's Association of The United States
Marina Recreation Association
National Marine Manufacturers Association
Recreational Boaters of California

OPPOSITION: (Verified 6/16/21)

None received

ASSEMBLY FLOOR: 77-0, 4/22/21
AYES: Aguiar-Curry, Arambula, Bauer-Kahan, Bennett, Berman, Bigelow, Bloom, Boerner Horvath, Bonta, Burke, Calderon, Carrillo, Cervantes, Chau, Chen, Chiu, Choi, Cooley, Cooper, Cunningham, Megan Dahle, Daly, Davies, Flora, Fong, Frazier, Friedman, Gabriel, Gallagher, Cristina Garcia, Eduardo Garcia, Gipson, Lorena Gonzalez, Gray, Grayson, Irwin, Jones-Sawyer, Kalra, Kiley, Lackey, Lee, Levine, Low, Maienschein, Mathis, Mayes, McCarty, Medina, Mullin, Muratsuchi, Nazarian, Nguyen, O'Donnell, Patterson, Petrie-Norris, Quirk, Quirk-Silva, Ramos, Luz Rivas, Robert Rivas, Rodriguez, Blanca Rubio, Salas, Santiago, Seyarto, Smith, Stone, Ting, Valladares, Villapudua, Voepel, Waldron, Ward, Akilah Weber, Wicks, Wood, Rendon
NO VOTE RECORDED: Holden, Reyes

Prepared by: Randy Chinn / TRANS. / (916) 651-4121
6/16/21 14:52:07

****** END ******

SENATE RULES COMMITTEE AB 861
Office of Senate Floor Analyses
(916) 651-1520 Fax: (916) 327-4478

THIRD READING

Bill No: AB 861
Author: Bennett (D)
Amended: 6/17/21 in Senate
Vote: 21

SENATE JUDICIARY COMMITTEE: 8-1, 6/15/21
AYES: Umberg, Caballero, Durazo, Gonzalez, Laird, Stern, Wieckowski, Wiener
NOES: Jones
NO VOTE RECORDED: Borgeas, Hertzberg

ASSEMBLY FLOOR: 41-20, 5/10/21 - See last page for vote

SUBJECT: Mobilehome parks: rental restrictions: management

SOURCE: Author

DIGEST: This bill confirms and codifies existing law which provides that if a mobilehome park prohibits park residents from renting or subleasing their mobilehomes, then the park itself is bound by the same rule as to mobilehomes that the park owns.

ANALYSIS:

Existing law:

1) Establishes the Mobilehome Residency Law (MRL), which regulates the rights, responsibilities, obligations, and relationships between mobilehome park management and park residents. (Civ. Code § 798, *et seq*.)

2) Specifies that the owner of the park, and any person employed by the park, shall be subject to, and must comply with, all park rules and regulations, to the same extent as residents and their guests, except as follows:

   a) Any rule or regulation that governs the age of any resident or guest.

b) Acts of a park owner or park employee which are undertaken to fulfill a park owner's maintenance, management, and business operation responsibilities. (Civ. Code § 798.23.)

3) Requires mobilehome rental agreements to be in writing and include certain information including the term of the tenancy and rent as well as the rules and regulations of the park. (Civ. Code § 798.15 *et seq*.)

4) Prohibits a mobilehome owner from charging a renter or sublessee more than an amount necessary to cover the cost of space rent, utilities, and scheduled loan payments on the mobilehome, if any. (Civ. Code § 798.23.5(c).)

5) Allows local jurisdictions to impose mobilehome rent control laws, provided that parks can still earn a fair return on their investment. (*Cacho v. Boudreau* (2007) 40 Cal.4th 341, 350.)

This bill:

1) Specifies that park management shall be subject to, and must comply with, all rules and regulations that prohibit a homeowner from renting or subleasing a homeowner's mobilehome or mobilehome space.

2) Establishes that, if a rule or regulation has been enacted that prohibits either renting or subleasing by a homeowner, park management shall not directly rent a mobilehome that the park owns.

3) Creates an exception to 2) above, allowing park management to sublease or rent out mobilehomes that the park owns as follows:

   a) A maximum of two mobilehomes, plus one additional mobilehome for every 200 mobilehomes in the park, for use as on-site employee housing, as defined.

   b) Any mobilehome where there is an existing tenancy as of January 1, 2022 for as long as any tenant listed on the lease continues to occupy the mobilehome.

Comments

1) *Existing law generally requires mobilehome parks to abide by their own rules*

   Since 1993, the MRL has contained a provision requiring the owner of a mobilehome park, and any person employed by the park, to abide by all park rules and regulations to the same extent as the park's residents and their guests.

(Civ. Code § 798.23(a).) The provision only allows for two exceptions: (a) rules governing the age of residents or guests; and (b) things done by park owners or employees to fulfill maintenance, management, and business operation responsibilities. (Civ. Code § 798.23(b).)

2) *Attorney General Opinion applying existing law to renting and subleasing*

There has been a longstanding dispute over how exactly Civil Code Section 798.23 applies in the context of subleasing and rental of mobilehomes. While the plain language appears to suggest otherwise, some parks apparently insist that Section 798.23 does not prevent them from renting out the mobilehomes that they own, even as they deny that same possibility to the park residents who own their own homes.

In an attempt to put the controversy to rest, in 2013, then-Assemblymember Das Williams requested a legal opinion on the subject from the California Attorney General. (96 Ops. Cal. Atty. Gen. 29 (2013).) The Attorney General's response was clear:

> If the management of a mobilehome park has enacted rules and regulations generally prohibiting mobilehome owners from renting their mobilehomes, is park management bound by these same rules and regulations?
>
> CONCLUSION
>
> With the possible exception of rentals to park employees under appropriate circumstances that satisfy certain statutory requirements, if the management of a mobilehome park has enacted rules and regulations generally prohibiting mobilehome owners from renting their mobilehomes, then park management is also bound by these same rules and regulations. (*Ibid* at 1.)

This bill is a straightforward codification of the Attorney General's conclusion. The author and sponsor state that such a codification is needed even though it is declaratory of existing law because, even in the wake of the Attorney General Opinion, some parks continue to prohibit their residents from renting out their units even as the park rents out its own units.

3) *Background policy issues regarding subleasing in the mobilehome context*

Despite the strong argument that this bill does no more than codify existing law, this bill is contentious. This reflects longstanding policy debate between parkowners and residents regarding the merits of allowing renting and

subleasing in the context of mobilehomes. That policy debate is well summarized at the outset of the Attorney General's Opinion as follows:

> Park owners who favor [prohibitions on renting and subleasing] have observed that, whereas a "rental agreement" under the MRL is a contract between park management and a homeowner, a homeowner's subsequent rental of his or her mobilehome, and subletting of the space on which the mobilehome is situated, creates a contract only between the homeowner/tenant and the tenant's renter/sublessee. Some park owners maintain that the absence of any contract privity between park management and a park tenant's renter/sublessee makes enforcement of park rules and regulations difficult, to the potential detriment of other park residents, because under such circumstances, management can enforce the rental agreement (and its associated rules and regulations) only against the homeowner/sublessor, who in some or many cases may no longer reside in the park. No-renting/no-subletting rules are also warranted, some park owners say, because permitting homeowners to rent their mobilehomes and sublet their spaces could result in a park composed of multiple absentee landlords or a few landlords who purchase mobilehomes in order to engage in rental as a business enterprise. Such a circumstance, we are told, can lead to degradation of the park's overall physical and social environment.
>
> Some mobilehome owners, on the other hand, complain that no-renting/no-subletting rules often unreasonably hamstring homeowners, whose homes have been recognized as difficult and expensive to relocate. When the option of renting a mobilehome is not available because park rules prohibit such rentals and/or subletting the mobilehome space, a mobilehome owner who wants or needs to leave his or her mobilehome-residence at a park where such rules are imposed must either sell or abandon the mobilehome. (96 Ops. Cal. Atty. Gen. 29 (2013) at 4-5.)

On top of these concerns, the author adds his belief that parks commonly purchase and rent out mobilehomes as a way to get around local rent control laws, thus reducing the amount of affordable housing in the park.

4) *How to handle on-site employee housing?*

This bill in print codifies an exception, recognized in the Attorney General's Opinion, that parks may rent out park-owned mobilehomes to park employees even where the park generally prohibits resident homeowners from renting out their units to others. This is consistent with existing law that says parks need not abide by the same rules as they impose on their residents and their residents'

guests when undertaking maintenance, management, and business operation responsibilities. (Civ. Code § 798.23(b)(2).)

In correspondence with the Senate Judiciary Committee, park owners have pointed out that a strict rule against renting to non-employees would creates a practical problem. Generally, parks will maintain ownership of at least one or two mobilehomes in order to be able to rent them out to employees who will live on-site. At times, however, the on-site employees will own their own mobilehome in the park and have no need to rent a mobilehome from the park. If the parks were subject to a rule prohibiting them from ever renting out a park-owned mobilehome to anyone except a park employee, park-owned mobilehomes would have to sit vacant during periods in which the on-site employees happen to own their own mobilehome. Such vacancies would be an inefficient use of available housing.

To try to avoid that outcome while still restricting parks' ability to rent park-owned mobilehomes when they do not permit residents to do the same, this bill uses a simple formula. In parks that do not allow their residents to rent or sublease their mobilehomes, the park itself would be limited to owning and renting out two mobilehomes, plus one more for every 200 mobilehomes in the park. Thus, a park with 30 mobilehomes could own and rent out two of them; a park with 205 mobilehomes could own and rent out three of them; a park with 460 mobilehomes could own and rent out four of them; and so on, even if the park prohibits residents from renting out their mobilehomes. This formula should provide parks with a sufficient supply of housing to rent out to on-site employees, without forcing parks to leave one of those mobilehomes vacant during times when the mobilehome is not needed for employee housing.

FISCAL EFFECT: Appropriation: No Fiscal Com.: No Local: No

SUPPORT: (Verified 6/17/21)

Disability Rights California
Golden State Manufactured Homeowners League
Four individuals

OPPOSITION: (Verified 6/17/21)

California Association of Realtors
California Mobilehome Parkowners Alliance
Western Manufactured Housing Communities Association

ARGUMENTS IN SUPPORT: According to the author:

> The MRL states that park management, employees, and residents are subject to the rules and regulations of the park, but this has often gone unenforced. Clarifying this section of the MRL will prevent an unfair double standard from arising, one where park management are able to rent and sublease their spaces while residents are not. It is important to me that park residents are protected and treated fairly because for a low-income park resident, losing housing is much more devastating than it is for traditional renters. For park residents, losing housing means paying high fees to relocate their home or potentially losing lifelong investments.

In support of this bill, the Golden State Manufactured Homeowners League writes:

> The [MRL] allows park management to prevent homeowners from renting out their manufactured homes or subletting the space where their mobilehome is located. Although the law states that all park rules apply equally to owners and residents, some park owners felt that rules regarding renting and subleasing did not apply to owners. […] AB 861 would avoid an unfair double-standard by clarifying current MRL and codifying the Attorney General Opinion requiring park management to comply with all park rules relating to renting and subleasing manufactured homes and units without limiting their ability to rent or sublease to a park employee.

In support, Disability Rights California writes:

> DRC is aware of the injustices and challenges that are associated with renting and subleasing as a park resident. AB 861 would avoid an unfair double-standard by clarifying current MRL and codifying the Attorney General opinion requiring park management to comply with all park rules relating to renting and subleasing manufactured homes and units without limiting their ability to rent or sublease to a park employee.

ARGUMENTS IN OPPOSITION: In opposition to this bill, Western Manufactured Housing Communities Association (WMA) writes:

> Most residents (especially senior citizens) want to be ensured a certain quality of life and comfort that their neighbors know the rules and regulations and abide by them. Having residents adhere to rules and regulations helps ensure peace of mind and helps with home sales. If a resident sublets a home, where is there stability for the park, and how can the parkowner ensure a promised quality of life for other residents in the park? […] WMA believes AB 861 is

> bad housing policy because allowing subletting does not put one more roof over anyone's [sic] and eliminates housing which could be available to an incoming resident. We further believe this legislation diminishes the quality of life for all current residents.

In further opposition to this bill, the California Mobilehome Parkowners Alliance writes:

> Subleasing of a home by a resident who owns only their home and not the property it is installed on is fundamentally different than a parkowner who owns the property and the home and who has an obligation to maintain their community to the benefit of all park residents. We believe it is inappropriate to curtail a parkowner's management of their own property in this way. The bill also has the potential to reduce the supply of affordable housing in the market by creating a disincentive for parkowners to lease park-owned homes.

ASSEMBLY FLOOR: 41-20, 5/10/21
AYES: Aguiar-Curry, Bauer-Kahan, Bennett, Berman, Bloom, Boerner Horvath, Calderon, Carrillo, Cervantes, Chau, Chiu, Friedman, Gabriel, Cristina Garcia, Gipson, Lorena Gonzalez, Holden, Irwin, Jones-Sawyer, Kalra, Lee, Low, Maienschein, McCarty, Medina, Mullin, Muratsuchi, Nazarian, O'Donnell, Quirk, Quirk-Silva, Reyes, Luz Rivas, Robert Rivas, Santiago, Stone, Ting, Ward, Akilah Weber, Wicks, Rendon
NOES: Bigelow, Choi, Cunningham, Megan Dahle, Davies, Flora, Frazier, Gallagher, Kiley, Lackey, Levine, Mathis, Nguyen, Petrie-Norris, Salas, Seyarto, Smith, Valladares, Voepel, Waldron
NO VOTE RECORDED: Arambula, Burke, Chen, Cooley, Cooper, Daly, Fong, Eduardo Garcia, Gray, Grayson, Mayes, Patterson, Ramos, Rodriguez, Blanca Rubio, Villapudua, Wood

Prepared by: Timothy Griffiths / JUD. / (916) 651-4113
6/18/21 10:50:37

****** END ******

SENATE RULES COMMITTEE AB 900
Office of Senate Floor Analyses
(916) 651-1520 Fax: (916) 327-4478

THIRD READING

Bill No: AB 900
Author: Reyes (D)
Introduced: 2/17/21
Vote: 21

SENATE JUDICIARY COMMITTEE: 8-2, 6/15/21
AYES: Umberg, Caballero, Durazo, Hertzberg, Laird, Stern, Wieckowski, Wiener
NOES: Borgeas, Jones
NO VOTE RECORDED: Gonzalez

ASSEMBLY FLOOR: 54-15, 4/5/21 - See last page for vote

SUBJECT: Charitable trusts

SOURCE: Author

DIGEST: This bill requires a trustee holding assets subject to a charitable trust to give written notice to the Attorney General at least 20 days before the trustee sells, leases, conveys, exchanges, transfers, or otherwise disposes of all or substantially all of the charitable assets.

ANALYSIS:

Existing law:

1) Provides that the Attorney General is the chief law officer of the state with broad duties to see that the laws of the State are uniformly and adequately enforced. (Cal. Const., art. V, § 13; Gov. Code § 12510.)

2) Establishes the Supervision of Trustees and Fundraisers for Charitable Purposes Act under the supervision of the Attorney General. (Gov. Code §§ 12580-12599.8.)
   a) Provides for regulation of charitable corporations, unincorporated associations, trustees, and other legal entities holding property for charitable purposes, commercial fundraisers for charitable purposes, fundraising

counsel for charitable purposes, and commercial covertures. (Gov. Code §§ 12581.)

b) Vests the primary responsibility for supervising charitable trusts in California, for ensuring compliance with trusts and articles of incorporation, and for protection of assets held by charitable trusts and public benefit corporations, in the Attorney General, and provides that the Attorney General has broad powers under common law and California statutory law to carry out these charitable trust enforcement responsibilities. (Gov. Code § 12598(a).)

3) Requires the Attorney General to maintain a registry of charitable corporations, unincorporated associations, and trustees subject to the Act and of the particular trust or other relationship under which they hold property for charitable purposes. (Gov. Code §§ 12584.)

4) Requires, generally, every charitable corporation, unincorporated association, and trustee subject to the Act to file with the Attorney General periodic written reports, under oath, setting forth information as to the nature of the assets held for charitable purposes and the administration thereof by the corporation, unincorporated association, or trustee, in accordance with rules and regulations of the Attorney General. Requires the Attorney General to make rules and regulations as to the time for filing reports, the contents thereof, and the manner of executing and filing the reports. (Gov. Code § 12586(a), (b).) Exempts corporate trustees subject to the jurisdiction of the Commissioner of Financial Institutions of California or to the Comptroller of the Currency of the United States. (*Id.* at (a).)

5) Defines a "charitable trust" as an organization described under the federal Internal Revenue Code provision governing charitable trusts. (Prob. Code § 16100(a); 26 U.S.C. § 4947(a)(1).)

6) Provides that during any period when a trust is deemed to be a charitable trust, the trustee must distribute its income for each taxable year, and principal if necessary, at a time and in a manner that will not subject the property of the trust to tax under the Internal Revenue Code. (§ 16101.)

7) Prohibits the trustee, during any period when a trust is deemed to be a charitable trust, from any of the following activities, as defined in the Internal Revenue Code:

a) engaging in self-dealing;

b) retaining any excess business holdings;

c) making any investments in such manner as to subject the property of the trust to tax; or

d) making any taxable expenditure. (§ 16102.)

This bill requires a trustee holding assets subject to a charitable trust to give written notice to the Attorney General at least 20 days before the trustee sells, leases, conveys, exchanges, transfers, or otherwise disposes of all or substantially all of the charitable assets.

Comments

The Supervision of Trustees and Fundraisers for Charitable Purposes Act (Gov. Code 12580 et seq.; Chapter 1258, Statutes of 1959) requires the Attorney General to oversee charitable trusts in California (Gov. Code § 12598). As the California Supreme Court noted: "Beneficiaries of a charitable trust, unlike beneficiaries of a private trust, are ordinarily indefinite and therefore unable to enforce the trust in their own behalf. Since there is usually no one willing to assume the burdens of a legal action, or who could properly represent the interests of the trust or the public, the Attorney General has been empowered to oversee charities as the representative of the public, a practice having its origin in the early common law." (*Holt v. College of Osteopathic Physicians & Surgeons* (1964) 61 Cal.2d 750, 754 [citations omitted].) The Attorney General has broad powers under common law and California statutory law to carry out these charitable trust enforcement responsibilities. (Gov. Code § 12598.)

As a general matter, charitable trusts operating in California must register with the Attorney General and file annual financial reports listing revenues and expenditures. (Gov. Code §§ 12584, 12586.) These reports are used by the Attorney General to investigate and litigate cases of charity fraud and mismanagement by trustees and directors of charities. Additionally, the Probate Code sets forth specific duties applicable to trustees of charitable trusts, including the provision of certain notices (§ 1209 [any notice required to be given to the State of California]; § 16061.7 [key events related to revocable trusts]) and requirements relating to the management of trust assets to ensure compliance with federal tax laws, including a prohibition on self-dealing (§§ 16101 & 16102). These provisions collectively establish a statutory scheme for the regulation of charitable trusts.

This bill requires a trustee holding assets subject to a charitable trust to give written notice to the Attorney General at least 20 days before the trustee sells, leases, conveys, exchanges, transfers, or otherwise disposes of all or substantially all of the charitable assets. This mirrors provisions applicable to nonprofit public benefit corporations and nonprofit religious corporations. (Corp. Code §§ 5913, 9633.) There, as here, the information provided in the notice enables proactive enforcement action, including legal action to halt malfeasant disposal of charitable assets.[1] This bill harmonizes these modest, longstanding transparency requirements among similarly situated entities subject to the Attorney General's oversight.

FISCAL EFFECT: Appropriation: No Fiscal Com.: No Local: No

SUPPORT: (Verified 6/17/21)

California Association of Nonprofits
California Judges Association

OPPOSITION: (Verified 6/17/21)

California Bankers Association

ARGUMENTS IN SUPPORT: The author argues:

> This legislation is long overdue, and essential to ensuring that bad actors are unable to engage in self-dealing transactions. California charities should not be allowed to bypass the simple act of giving notice when making large transfers. Current California law is inconsistent, as it requires public benefit corporations to give advance notice to the Attorney General, but not charitable trusts. AB 900 will make the law consistent and equitable.

The California Association of Nonprofits writes:

> Under existing California law, charitable trusts and nonprofit public benefit corporations must register with and report information to the AG. Nonprofit public benefit corporations are also required to give notice to the AG when the corporation plans to sell, lease, convey, or transfer substantially all of its assets. Existing law does not currently create a comparable notification requirement for charitable trusts.

[1] According to the author, the Attorney General's Office has investigated several matters involving self-dealing trustees in recent years. (*See, e.g. People of the State of California v. Bishop* (Super. Ct. Napa. County, 2014) No. 26-65141 [action to remove the trustees of the Jean Schroeder Education Trust and to recover real property that was improperly sold to the trustee].)

> This notification requirement allows the AG to monitor transactions for possible self-dealing. But without a comparable notification requirement for charitable trusts, donors to charitable trusts remain vulnerable to possible self-dealing by unscrupulous trustees. Donor giving is vital to the wellbeing of the nonprofit sector, and if donors lose confidence in the mechanisms of giving, nonprofits, and the communities they serve, will suffer.

The California Judges Association writes:

> Far too often the Attorney General, who is charged with supervision of charitable trusts, and other interested parties find out about disposition of all or substantially all of the charitable assets of a trust well after that disposition. This lack of knowledge poses severe logistical and statute-of-limitations problems for the Attorney General.
>
> AB 900 adds a new requirement that a trustee holding assets of a charitable trust give written notice to the Attorney General at least 20 days before the trustee sells, leases, coveys, exchanges, transfers or otherwise disposes of all or substantially all of the charitable assets. We believe this bill will help the Attorney General in their oversight of charitable trusts and will help the court in determining the statute of limitations period as well.

ARGUMENTS IN OPPOSITION: The California Bankers Association writes:

> We are not opposed to the underlying objective of the measure. Rather, our requested amendments are intended to help trustees comply with the law. Our primary concern is the lack of definition for "substantially all." While we understand that "substantially all" may be used elsewhere in the California code, its undefined usage elsewhere fails to provide guidance for trustees who are struggling to understand what "substantially all" means in this context and who need to know when their legal obligation to provide notice arises.
>
> Further, we believe that the lack of a definition for "substantially all" elsewhere shouldn't discourage the Legislature from defining it in this instance. In fact, AB 900 provides an opportunity to improve upon previous law by more clearly stating statutory obligations. We also understand that the Attorney General's office informally advises non-profit public benefit corporations relative to their compliance with Corporations Code Section 5913 that 75 percent or more should be considered substantially all. Accordingly, our requested amendment aligns with the informal guidance provided to those that may have a notice obligation under Section 5913.

ASSEMBLY FLOOR: 54-15, 4/5/21
AYES: Aguiar-Curry, Arambula, Bauer-Kahan, Bennett, Berman, Bloom, Boerner Horvath, Bonta, Burke, Calderon, Carrillo, Cervantes, Chau, Chiu, Cooley, Cooper, Daly, Frazier, Friedman, Gabriel, Cristina Garcia, Eduardo Garcia, Gipson, Lorena Gonzalez, Gray, Grayson, Holden, Irwin, Jones-Sawyer, Kalra, Lee, Levine, Low, Maienschein, Medina, Muratsuchi, Nazarian, O'Donnell, Quirk, Quirk-Silva, Ramos, Reyes, Luz Rivas, Robert Rivas, Rodriguez, Blanca Rubio, Salas, Santiago, Stone, Ting, Villapudua, Ward, Wood, Rendon
NOES: Bigelow, Chen, Choi, Megan Dahle, Davies, Fong, Gallagher, Kiley, Lackey, Mathis, Nguyen, Seyarto, Smith, Voepel, Waldron
NO VOTE RECORDED: Cunningham, Flora, Mayes, McCarty, Mullin, Patterson, Petrie-Norris, Valladares, Wicks

Prepared by: Josh Tosney / JUD. / (916) 651-4113
6/18/21 10:50:38

****** END ******

SENATE RULES COMMITTEE AB 1096
Office of Senate Floor Analyses
(916) 651-1520 Fax: (916) 327-4478

THIRD READING

Bill No: AB 1096
Author: Luz Rivas (D), et al.
Amended: 4/7/21 in Assembly
Vote: 21

SENATE JUDICIARY COMMITTEE: 8-2, 6/15/21
AYES: Umberg, Caballero, Durazo, Gonzalez, Laird, Stern, Wieckowski, Wiener
NOES: Borgeas, Jones
NO VOTE RECORDED: Hertzberg

ASSEMBLY FLOOR: 71-0, 5/20/21 - See last page for vote

SUBJECT: Alien: change of terms

SOURCE: Author

DIGEST: This bill makes nonsubstantive changes to the Codes by removing the term "alien" and replacing it with more appropriate terms, depending on the context.

ANALYSIS: Existing law uses the term "alien" throughout the Codes to describe a person who is not a citizen or national of the United States. (*E.g.*, Bus. & Prof. Code §§ 2064.3-2064.4; Civ. Code § 671; Educ. Code §§ 32400-32401; Gov. Code §§ 241-242; Health & Saf. Code §§ 1796.22 & 1796.32; Ins. Code § 12693.76; Lab. Code § 350; Mil. & Vet. Code § 550; Pen. Code §§ 112-114; Prob. Code § 6411; Pub. Contract Code § 6101; Pub. Resources Code § 6403; Unemp. Ins. Code § 1264; Veh. Code § 12801.7; and Welf. & Inst. Code § 219.5.)

This bill:

1) States that it is the intent of the Legislature in enacting this bill to make only nonsubstantive changes that remove the dehumanizing term "alien" from all California code sections, and that nothing in this bill shall be interpreted to make any substantive change to existing law, including, but not limited to,

eligibility for federal programs or benefits that are available to a person who meets the definition of "alien" under state or federal law.

2) Replaces the term "alien" in the Codes, where used to refer to a person who is not a citizen or national of the United States, and replaces it with appropriate substitutions, including definitions where necessary.

3) Makes additional technical and nonsubstantive changes.

Comments

The term "alien" conveys inhuman otherness—by definition, an alien could be from a different country or from a different planet.[1] Today, when used to describe people, the term is generally used as a derogatory or othering way to describe immigrants; the belittling effect is compounded when the term is used with "illegal," for a dehumanizing (and often legally incorrect) way to describe undocumented immigrants.[2] Recently, use of the term has been used as a racist tool to dehumanize immigrants from Mexico, Central, and South America.[3] The term has also been used to distance "other" U.S. citizens whom racist government officials deemed insufficiently "American" (i.e., white). For example, in World War II, the forced relocation of persons of Japanese descent to concentration camps referred to "alien and non-alien" persons, not aliens and *citizens*; the word "alien" thus did the linguistic work of distancing native-born persons of Japanese ancestry from their status as U.S. citizens and instead presenting them as a security threat.[4]

This bill eliminates the negative connotations of the word "alien"—however inadvertent—in our state's laws by removing the term from the Codes and replacing it with neutral, legally correct terms. This is not a novel proposition. In California, this Legislature passed, and the Governor signed, legislation to remove the term "alien" from the Labor Code[5] and "illegal alien" from the Education Code.[6] At the federal level, Congress is considering the U.S. Citizenship Act of

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[1] *E.g.*, "Alien," *Merriam-Webster.com Dictionary*, Merriam-Webster, https://www.merriam-webster.com/dictionary/alien [last visited Jun. 17, 2021].
[2] Stribley, *The Way We Speak About Unauthorized Immigrants Matters*, HuffPost.com (Oct. 19, 2016; updated Sept. 6, 2017), https://www.huffpost.com/entry/the-language-of-illegal-immigration_b_58076b62e4b00483d3b5cdba [last visited Jun. 17, 2021].
[3] *E.g.*, Fritze, *Trump used words like 'invasion' and 'killer' to discuss immigrants at rallies 500 times: USA Today* (Aug. 8, 2019; updated Aug. 21, 2019), https://www.usatoday.com/story/news/politics/elections/2019/08/08/trump-immigrants-rhetoric-criticized-el-paso-dayton-shootings/1936742001/ [last visited Jun. 17, 2021].
[4] Saito, *Alien and Non-Alien Alike: Citizenship, Foreignness, and Racial Hierarchy in American Law*, 76 Or. Law. Rev. 261, 275 (1997).
[5] SB 432 (Mendoza, Ch. 160, Stats. 2015).
[6] AB 1850 (Eduardo Garcia, Ch. 69, Stats. 2016).

2021, which, among other things, would remove the term "alien" from federal immigration laws and replace it with "noncitizen" and ensure that no executive branch uses the term in its signage or literature.[7] And since President Joseph R. Biden took office, the top officials at Customs and Border Patrol, U.S. Immigration and Customs Enforcement, and U.S. Citizenship and Immigration Services have already issued guidance memos directing their agencies to stop using "alien" when referring to immigrants in the United States.[8]

Unless and until Congress passes legislation removing "alien" from federal statutes, the term will remain in federal law.[9] On review, it appears that AB 1096 is appropriately drafted to replace "alien" with terms that will not give rise to confusion or conflict with the use of "alien" in federal law, including by cross-referencing federal law where appropriate. Out of an abundance of caution, however, the author has included a statement of intent for this bill making clear that the Legislature's intent is to make nonsubstantive changes only and not affect eligibility for state and federal programs by people who currently fall under the definition of "alien" under state and federal law.

FISCAL EFFECT: Appropriation: No Fiscal Com.: No Local: No

SUPPORT: (Verified 6/17/21)

Lieutenant Governor Eleni Kounalakis
Anti-Defamation League
California Faculty Association
California Teachers Association
Consumer Attorneys of California
Dolores Huerta Foundation
National Association of Social Workers, California Chapter
TechNet

OPPOSITION: (Verified 6/17/21)

America First Latinos
We The People Rising
Three individuals

---

[7] S. 348 (Menendez, 2021); H.R. 1177 (Sanchez, 2021). Colorado's legislature is also considering legislation to eliminate the term "illegal alien" from the one statute where it appears. (*See* Colo. HB 21-1075 (Lontine,2021).)
[8] Sacchetti, *ICE, CBP to stop using 'illegal alien' and 'assimilation' under new Biden administration order*, Washington Post (Apr. 19, 2021), https://www.washingtonpost.com/immigration/illegal-alien-assimilation/2021/04/19/9a2f878e-9ebc-11eb-b7a8-014b14aeb9e4_story.html [last visited Jun. 17, 2021].
[9] *E.g.*, 8 U.S.C. § 1101(a)(3) ("The term 'alien' means any person not a citizen or national of the United States").

ARGUMENTS IN SUPPORT:

According to bill supporter, Anti-Defamation League:

> Employing the outdated term "alien" to describe a person is dehumanizing. Although it is not an explicit racial slur, it has become a code word for bigotry against immigrant communities. Language shapes attitudes, and using terms like "alien" to refer to a person can lead to prejudice and even harmful actions.
>
> In 2015, SB 432 (Mendoza, Chapter 160, Statutes of 2015) first began to modernize California law by deleting the definition of "alien" and eliminating the requirement that "aliens" should be hired on public-works contracts only after U.S. citizens. However, the term "alien" is still found extensively throughout California statutes, including the Labor Code. By keeping this dehumanizing term in our statutes, we continue to normalize its use without acknowledging the pain it causes.

According to bill supporter, California Teachers Association (CTA):

> CTA believes immigrants and their contributions have a positive effect on our communities. Immigrants' ideas, customs, languages, traditions, and values enrich our culture and the foundational fabric of society. Use of the word "alien" dehumanizes undocumented immigrants. The current political climate has shown an increase in hate crimes targeting immigrants, and we should do everything we can to put a stop to this inhumane, unconscionable, and cruel behavior. Political leaders may fan those tensions rather than diffuse them, as part of an agenda to divert attention from their own lack of governance. Changing the language we use in state law can help change attitudes, curb discrimination, and treat people more humanely.

ARGUMENTS IN OPPOSITION:

According to bill opponent, We The People Rising:

> AB 1096 is legislation that deals with specific language and seeks to muddy the clarity of the existing government term, alien. The word is defined as meaning noncitizen. It is a short and concise word used by the government because it is a precise and clear definition. This legislation would remove the word and replace it with an undefined list of terms.
>
> In reality, this legislation appears to be political grandstanding…

It is a monumental waste of legislative energy and time as well as the taxpayers' money to proceed with this legislation.

ASSEMBLY FLOOR: 71-0, 5/20/21
AYES: Aguiar-Curry, Arambula, Bauer-Kahan, Bennett, Berman, Bloom, Boerner Horvath, Burke, Calderon, Carrillo, Cervantes, Chau, Chen, Chiu, Cooley, Cooper, Megan Dahle, Daly, Davies, Flora, Fong, Frazier, Friedman, Gabriel, Gallagher, Cristina Garcia, Eduardo Garcia, Gipson, Lorena Gonzalez, Gray, Grayson, Holden, Irwin, Jones-Sawyer, Kiley, Lackey, Lee, Levine, Low, Maienschein, Mathis, Mayes, McCarty, Medina, Mullin, Muratsuchi, Nazarian, Nguyen, O'Donnell, Petrie-Norris, Quirk, Quirk-Silva, Ramos, Reyes, Luz Rivas, Robert Rivas, Rodriguez, Blanca Rubio, Salas, Santiago, Smith, Stone, Ting, Valladares, Villapudua, Waldron, Ward, Akilah Weber, Wicks, Wood, Rendon
NO VOTE RECORDED: Bigelow, Choi, Cunningham, Kalra, Patterson, Seyarto, Voepel

Prepared by: Allison Meredith / JUD. / (916) 651-4113
6/18/21 10:50:38

****** END ******

SENATE RULES COMMITTEE AB 1579
Office of Senate Floor Analyses
(916) 651-1520 Fax: (916) 327-4478

THIRD READING

Bill No: AB 1579
Author: Committee on Judiciary
Introduced: 3/8/21
Vote: 21

SENATE JUDICIARY COMMITTEE: 11-0, 6/8/21
AYES: Umberg, Borgeas, Caballero, Durazo, Gonzalez, Hertzberg, Jones, Laird, Stern, Wieckowski, Wiener

ASSEMBLY FLOOR: 78-0, 4/19/21 (Consent) - See last page for vote

SUBJECT: Family law omnibus

SOURCE: Author

DIGEST: This bill, a technical clean-up bill, updates cross-references in two sections of the Family Code.

ANALYSIS:

Existing law:

1) Establishes a rebuttable presumption that an award of sole or joint physical or legal custody to a party found to have perpetrated domestic violence against specified individuals in the previous five years is detrimental to the best interest of the child. (Fam. Code § 3044(a).)[1] Specifies that the individuals against whom domestic violence is perpetrated for these purposes includes a child, the other parent, or a parent, current spouse, or cohabitant, of the parent or person seeking custody, or a person with whom the parent or person seeking custody has a dating or engagement relationship, as provided in Section 3011. (*Id.*) Refers to an obsolete provision in that section. (*Id.*)

[1] All further section references are to the Family Code unless otherwise indicated.

2) Requires a court, in an evidentiary hearing or trial in which custody orders are sought and where there has been an allegation of domestic violence, to determine whether the rebuttable presumption described above applies before issuing a custody order, unless the court finds that a continuance is necessary, in which case the court may issue a temporary custody order for a reasonable amount of time, provided that the order complies with Sections 3011 and 3020, which set forth factors a court must consider in making a determination of the best interests of a child, and Section 3020. (§ 3044(g).) Refers to an obsolete provision in Section 3011. (*Id.*)

3) Provides that any supervised visitation maintained or imposed by the court must be administered in accordance with a specified provision of the California Standards of Judicial Administration recommended by the Judicial Council. (§ 3201.) Refers to an obsolete section of those standards. (*Id.*)

This bill updates the cross-references described above.

FISCAL EFFECT: Appropriation: No Fiscal Com.: No Local: No

SUPPORT: (Verified 6/9/21)

None received

OPPOSITION: (Verified 6/9/21)

None received

ASSEMBLY FLOOR: 78-0, 4/19/21
AYES: Aguiar-Curry, Arambula, Bauer-Kahan, Bennett, Berman, Bigelow, Bloom, Boerner Horvath, Bonta, Burke, Calderon, Carrillo, Cervantes, Chau, Chen, Chiu, Choi, Cooley, Cooper, Cunningham, Megan Dahle, Daly, Davies, Flora, Fong, Frazier, Friedman, Gabriel, Gallagher, Cristina Garcia, Eduardo Garcia, Gipson, Lorena Gonzalez, Gray, Grayson, Holden, Irwin, Jones-Sawyer, Kalra, Kiley, Lackey, Lee, Levine, Low, Maienschein, Mathis, McCarty, Medina, Mullin, Muratsuchi, Nazarian, Nguyen, O'Donnell, Patterson, Petrie-Norris, Quirk, Quirk-Silva, Ramos, Reyes, Luz Rivas, Robert Rivas, Rodriguez, Blanca Rubio, Salas, Santiago, Seyarto, Smith, Stone, Ting, Valladares, Villapudua, Voepel, Waldron, Ward, Akilah Weber, Wicks, Wood, Rendon
NO VOTE RECORDED: Mayes

Prepared by: Josh Tosney / JUD. / (916) 651-4113
6/10/21 10:03:25

****** END ******

Office of Senate Floor Analyses
(916) 651-1520 Fax: (916) 327-4478

THIRD READING

Bill No: ACR 2
Author: Quirk-Silva (D) and Choi (R), et al.
Introduced: 12/7/20
Vote: 21

ASSEMBLY FLOOR: Read and adopted, 1/15/21

SUBJECT: Korean American Day

SOURCE: Author

DIGEST: This resolution proclaims January 13, 2021, as Korean American Day.

ANALYSIS: This resolution makes the following legislative findings:

1) On January 13, 1903, the history of Korean immigration to America began when 102 courageous Korean adults and children landed in the State of Hawaii after venturing across the vast Pacific Ocean aboard the S.S. Gaelic.

2) Between 1904 and 1907, approximately 1,000 Korean Americans entered the United States mainland from the State of Hawaii through the city of San Francisco,where the first Korean American political organizations and Korean language publications were established.

3) While the city of San Francisco remained the center of the Korean American community, there was a gradual migration from northern California to southern California as more employment opportunities opened up, and a new, burgeoning community of Korean Americans began to thrive in Los Angeles and surrounding areas.

4) Korean Americans are the largest and the fastest growing citizens of Orange County, making Orange County the second largest Korean population in any county in the nation.

5) While the first Korean immigrants to the United States fought and sacrificed to establish themselves, their children grew up to be patriotic citizens, many of

whom went on to serve in the Armed Forces of the United States during World War II and to make other important contributions to mainstream American society.

6) The 1965 amendments to the Federal Immigration and Nationality Act (Public Law 89-236) opened the door for a new wave of Korean immigrants to enter the United States. Since its enactment, Korean Americans have become one of the fastest growing groups of Asian Americans in the United States.

7) In 1994, the National Association of Korean Americans (NAKA), was founded in the state of New York, becoming the first national civil and human rights organization of Korean Americans.

8) On June 27, 2002, the NAKA was instrumental in the passing the historic resolution S.R. 185 by the United States Senate, recognizing the 100th anniversary of Korean immigration to the United States.

9) Korean American Day is celebrated on January 13 of each year, to not only commemorate the arrival of the first Korean immigrants to the United States but also to honor the Korean American's immense contributions to every aspect of society.

This resolution proclaims January 13, 2021, as Korean American Day.

Related/Prior Legislation

SCR 78 (Pan, Resolution Chapter 6, Statutes of 2020) proclaimed January 13, 2020, as Korean American Day.

ACR 142 (Choi, Resolution Chapter 3, Statutes of 2020) proclaimed January 13, 2020, as Korean American Day.

ACR 3 (Choi, Resolution Chapter 2, Statutes of 2019) proclaimed January 13, 2019, as Korean American Day.

ACR 144 (Choi, Resolution Chapter 6, Statutes of 2018) proclaimed January 13, 2018, as Korean American Day.

FISCAL EFFECT: Appropriation: No Fiscal Com.: No Local: No

SUPPORT: (Verified 6/14/21)

None received

OPPOSITION: (Verified 6/14/21)

None received

Prepared by: Karen Chow / SFA / (916) 651-1520
6/16/21 14:54:15

****** END ******

SENATE RULES COMMITTEE ACR 17
Office of Senate Floor Analyses
(916) 651-1520 Fax: (916) 327-4478

THIRD READING

Bill No: ACR 17
Author: Voepel (R), et al.
Introduced: 2/1/21
Vote: 21

ASSEMBLY FLOOR: 76-0, 5/20/21 (Consent) - See last page for vote

SUBJECT: Special Districts Week

SOURCE: Author

DIGEST: This resolution proclaims the week of May 16, 2021, to May 22, 2021, inclusive, to be Special Districts Week and encourages all Californians to be involved in their communities and be civically engaged with their local government.

ANALYSIS: This resolution makes the following legislative findings:

1) Special districts are local governmental entities created by a community's residents, funded by those residents, and overseen by those residents, to provide specialized services and infrastructure.

2) Today, just over 2,000 independent special districts provide millions of Californians with essential services, including services related to water, sanitation and water recycling, fire protection, electricity, parks and recreation, health care, open space, ports and harbors, flood protection, mosquito abatement, cemeteries, resource conservation, airports, transit, road maintenance, veterans' facilities, and more.

3) In the 20th century, special districts increased dramatically in both number and scope, and during the periods of prosperity and population growth that followed both world wars when the demand for all types of public services increased, and special districts met that need.

4) Although originally created to provide individual services, in 1961 the Legislature authorized special districts to address multiple needs, when it provided for multipurpose, community services districts.

5) Local residents own special districts and govern them through locally elected or appointed boards. A series of sunshine laws ensure special districts remain transparent and accountable to the communities they serve, as these laws require open and public meetings, public access to records, regular audits, online posting of finances and compensation, and more.

6) To prevent overlapping services and ensure that local agencies are operating effectively and efficiently to meet community needs, special districts are formed, reviewed, consolidated, or dissolved through a methodical local process that includes the oversight of a local agency formation commission and the consent of local voters.

7) The Legislature seeks to promote and educate the public about their local public service providers, including awareness and understanding of special districts.

This resolution proclaims the week of May 16, 2021, to May 22, 2021, inclusive, to be Special Districts Week and encourages all Californians to be involved in their communities and be civically engaged with their local government.

FISCAL EFFECT: Appropriation: No Fiscal Com.: No Local: No

SUPPORT: (Verified 6/1/21)

California Municipal Utilities Association
California Special Districts Association
Vista Irrigation District

OPPOSITION: (Verified 6/1/21)

None received

ASSEMBLY FLOOR: 76-0, 5/20/21
AYES: Aguiar-Curry, Arambula, Bauer-Kahan, Bennett, Berman, Bigelow, Bloom, Boerner Horvath, Burke, Calderon, Carrillo, Cervantes, Chau, Chen, Chiu, Choi, Cooley, Cooper, Megan Dahle, Daly, Davies, Flora, Fong, Frazier, Friedman, Gabriel, Gallagher, Cristina Garcia, Eduardo Garcia, Gipson, Lorena Gonzalez, Gray, Grayson, Holden, Irwin, Jones-Sawyer, Kiley, Lackey, Lee, Levine, Low, Maienschein, Mathis, Mayes, McCarty, Medina, Mullin,

Muratsuchi, Nazarian, Nguyen, O'Donnell, Patterson, Petrie-Norris, Quirk, Quirk-Silva, Ramos, Reyes, Luz Rivas, Robert Rivas, Rodriguez, Blanca Rubio, Salas, Santiago, Seyarto, Smith, Stone, Ting, Valladares, Villapudua, Voepel, Waldron, Ward, Akilah Weber, Wicks, Wood, Rendon
NO VOTE RECORDED: Cunningham, Kalra

Prepared by: Jonas Austin / SFA / (916) 651-1520
6/2/21 16:04:23

****** END ******

SENATE RULES COMMITTEE ACR 36
Office of Senate Floor Analyses
(916) 651-1520 Fax: (916) 327-4478

THIRD READING

Bill No: ACR 36
Author: O'Donnell (D), et al.
Introduced: 3/1/21
Vote: 21

ASSEMBLY FLOOR: 75-0, 6/2/21 (Consent) - See last page for vote

SUBJECT: California's regional occupational centers and programs

SOURCE: Author

DIGEST: This resolution commemorates California's regional occupational centers and programs for over 50 years of service to students, industry, and communities.

ANALYSIS: This resolution makes the following legislative findings:

1) For the last 50 years, California's regional occupational centers and programs ("ROC/Ps") have been promoting and supporting the regional delivery of exemplary career education, career development, and workforce preparation that contributes to student academic and career success and to the economic development of California.

2) ROC/Ps provide students with valuable career technical education ("CTE") so those students can enter the workforce with the skills and competencies needed to be successful, pursue advanced training in postsecondary institutions, and upgrade their existing skills and knowledge.

3) ROC/Ps have been operated by school districts, consortia of districts operating under joint powers agreements, or by county offices of education; and, have served as many as 500,000 students each year during the last 50 years.

4) ROC/P students represent the full diversity of California, both rural and urban communities, and all geographic regions of the state.

5) ROC/Ps have been a major factor in assisting students to prepare for careers and college by offering CTE pathways, access and equity for all students to participate in real-world instruction, many courses that meet "A-G" admission requirements, and courses that offer college credit through articulation and dual enrollment opportunities.

6) Students who enroll in CTE classes are more likely to graduate or transition into postsecondary opportunities at a consistently higher rate than students who do not participate in CTE learning opportunities.

7) ROC/Ps employ thousands of highly qualified CTE professionals, including teachers, administrators, counselors, and support staff, all of whom benefit from a close professional network and professional development opportunities.

This resolution commemorates California's regional occupational centers and programs for over 50 years of service to students, industry, and communities.

FISCAL EFFECT: Appropriation: No Fiscal Com.: No Local: No

SUPPORT: (Verified 6/14/21)

None received

OPPOSITION: (Verified 6/14/21)

None received

ASSEMBLY FLOOR: 75-0, 6/2/21
AYES: Aguiar-Curry, Arambula, Bauer-Kahan, Bennett, Berman, Bloom, Boerner Horvath, Bryan, Burke, Calderon, Carrillo, Cervantes, Chau, Chen, Chiu, Choi, Cooley, Cooper, Cunningham, Megan Dahle, Daly, Davies, Flora, Fong, Frazier, Friedman, Gabriel, Gallagher, Cristina Garcia, Eduardo Garcia, Gipson, Gray, Grayson, Holden, Irwin, Jones-Sawyer, Kalra, Kiley, Lackey, Lee, Levine, Low, Maienschein, Mathis, Mayes, McCarty, Medina, Muratsuchi, Nazarian, Nguyen, O'Donnell, Patterson, Petrie-Norris, Quirk, Quirk-Silva, Ramos, Reyes, Luz Rivas, Robert Rivas, Rodriguez, Blanca Rubio, Salas, Santiago, Seyarto, Smith, Stone, Ting, Valladares, Villapudua, Voepel, Waldron, Ward, Akilah Weber, Wicks, Wood

NO VOTE RECORDED: Bigelow, Lorena Gonzalez, Mullin, Rendon

Prepared by: Jonas Austin / SFA / (916) 651-1520
6/16/21 14:54:16

****** END ******

SENATE RULES COMMITTEE
Office of Senate Floor Analyses
(916) 651-1520 Fax: (916) 327-4478

THIRD READING

Bill No: ACR 41
Author: Holden (D), et al.
Introduced: 3/8/21
Vote: 21

ASSEMBLY FLOOR: Read and adopted, 5/24/21

SUBJECT: COVID-19 direct support professionals appreciation

SOURCE: Author

DIGEST: This resolution recognizes the skills and dedication of direct support professionals, and shows appreciation for the direct support professionals who have faithfully served Californians with intellectual and developmental disabilities (IDD) during the COVID-19 public health crisis.

ANALYSIS: This resolution makes the following legislative findings:

1) The COVID-19 pandemic has a disproportionate impact on people with IDD, who are especially vulnerable to complications and mortality due to the coronavirus. More than 350,000 Californians with IDD receive regional center services.

2) During this pandemic, direct support professionals throughout the state prioritized the health and safety of people with IDD, often placing the needs of people in their care over their own personal interests.

3) Direct support professionals showed flexibility, consistently responding to changing public health conditions and state guidelines for health and safety, while also addressing the changing needs of the people they serve.

4) Direct support professionals were guided by person-centered philosophy to meet the support needs of people with IDD during a historic pandemic that changed every aspect of their life.

5) Direct support professionals demonstrated innovation in creating new programs to safely support individuals with IDD during the pandemic and mitigate the isolating impact of health and safety measures.

This resolution:

1) Values the heroism and commitment of direct support professionals in the service of Californians with IDD; and appreciates all direct support professionals who have faithfully served Californians with IDD during the COVID-19 public health crisis.

2) Finds that, having acknowledged the rights of Californians with IDD and the state's responsibility to them through the Lanterman Developmental Disabilities Services Act, direct support professionals are essential to carrying out this responsibility.

3) Recognizes the skills and dedication of direct support professionals.

FISCAL EFFECT: Appropriation: No Fiscal Com.: No Local: No

SUPPORT: (Verified 6/1/21)

California Disability Services Association
Los Angeles Coalition of Service Providers
The Arc
United Cerebral Palsy California Collaboration

OPPOSITION: (Verified 6/1/21)

None received

ARGUMENTS IN SUPPORT: The author states, "The COVID-19 pandemic has had an enormously disruptive and traumatic impact on the lives of Californians with Intellectual and Developmental Disabilities (IDD). In situations throughout the state direct support workers put their own health at risk and sacrificed time with their own families in order to support the vulnerable people with IDD who depended upon them. ACR 41 is a modest action to recognize and honor the dedication and sacrifice of our direct support workers in California."

Prepared by: Melissa Ward / SFA / (916) 651-1520
6/2/21 16:04:24

****** END ******

SENATE RULES COMMITTEE
Office of Senate Floor Analyses
(916) 651-1520 Fax: (916) 327-4478

THIRD READING

Bill No: ACR 68
Author: O'Donnell (D), et al.
Introduced: 4/7/21
Vote: 21

ASSEMBLY FLOOR: 75-0, 5/13/21 (Consent) - See last page for vote

SUBJECT: Student Mental Health Week

SOURCE: California Association of School Counselors

DIGEST: This resolution declares the week of May 10, 2021, to May 14, 2021, inclusive, as Student Mental Health Week.

ANALYSIS: This resolution makes the following legislative findings:

1) Student mental health needs too often go unnoticed or unaddressed at school.

2) Reducing the stigma surrounding mental health will empower students to speak up when they need help.

3) The early identification of, intervention in, and treatment of mental health and behavioral issues is paramount for a healthy student body and school community.

4) The need for comprehensive, coordinated mental health services for students in school is a critical responsibility as part of an overall education plan.

5) Addressing the complex mental health needs of California students today is fundamental to the future of California.

6) It is appropriate that a week should be set aside each year for the direction of our thoughts towards our students' mental health and well-being.

This resolution declares the week of May 10, 2021, to May 14, 2021, inclusive, as Student Mental Health Week in California.

Related/Prior Legislation

ACR 172 (Low, 2020) declared the week of May 4, 2020, to May 8, 2020, as Student Mental Health Week. The resolution was not heard due to the shortened 2020 legislative calendar brought on by the COVID-19 pandemic.

FISCAL EFFECT: Appropriation: No Fiscal Com.: No Local: No

SUPPORT: (Verified 5/24/21)

California Association of School Counselors (source)
California Alliance of Child and Family Services
California Association for School Psychologists
California Children's Trust
Californians for Justice
Children's Partnership
Humboldt County Office of Education
Los Angeles County Office of Education
Los Angeles Unified School District
Office of the Riverside County Superintendent of Schools
Santa Clara County Office of Education

OPPOSITION: (Verified 5/24/21)

None received

ASSEMBLY FLOOR: 75-0, 5/13/21
AYES: Aguiar-Curry, Arambula, Bauer-Kahan, Bennett, Berman, Bigelow, Bloom, Boerner Horvath, Burke, Calderon, Carrillo, Chau, Chen, Chiu, Choi, Cooley, Cooper, Cunningham, Megan Dahle, Daly, Davies, Flora, Fong, Frazier, Friedman, Gabriel, Cristina Garcia, Eduardo Garcia, Gipson, Lorena Gonzalez, Gray, Grayson, Holden, Irwin, Jones-Sawyer, Kalra, Kiley, Lackey, Lee, Levine, Low, Maienschein, Mathis, Mayes, McCarty, Mullin, Muratsuchi, Nazarian, Nguyen, O'Donnell, Patterson, Petrie-Norris, Quirk, Quirk-Silva, Ramos, Reyes, Luz Rivas, Robert Rivas, Rodriguez, Blanca Rubio, Salas, Santiago, Seyarto, Smith, Stone, Ting, Valladares, Villapudua, Voepel, Waldron, Ward, Akilah Weber, Wicks, Wood, Rendon
NO VOTE RECORDED: Cervantes, Gallagher, Medina

Prepared by: Melissa Ward / SFA / (916) 651-1520
5/27/21 11:07:39

****** END ******

SENATE RULES COMMITTEE ACR 70
Office of Senate Floor Analyses
(916) 651-1520 Fax: (916) 327-4478

THIRD READING

Bill No: ACR 70
Author: Choi (R), et al.
Introduced: 4/13/21
Vote: 21

ASSEMBLY FLOOR: 75-0, 6/2/21 (Consent) - See last page for vote

SUBJECT: Secure Your Load Day

SOURCE: Author

DIGEST: This resolution declares June 6, 2021, as Secure Your Load Day in California.

ANALYSIS: This resolution makes the following legislative findings:

1) The State of California is the nation's most populous state with 38.8 million residents and growing. Traffic in California has become more congested in recent years, resulting in an increase in road debris and automobile collisions.

2) Over 200,000 accidents and 500 traffic deaths occurred in the United States between 2011 and 2014 due to dangerous road debris from unsecured loads.

3) Ethan Hawks, a 17-year-old senior and football star from Whittier Christian High School, was a victim of a tragic accident in the County of Orange caused by a heavy piece of metal escaping from another vehicle and striking the car that he was riding in, ultimately taking his life.

4) All residents of California should recognize the dangers of driving, and be accountable for their habits while in a vehicle.

5) Section 23114 of the Vehicle Code prohibits a vehicle from being driven on a highway unless it is constructed, covered, or loaded so as to prevent any of its contents or load from escaping from the vehicle.

6) The commonsense, routine act of securing every load protects the lives of California residents, and this precaution must not be overlooked.

7) The State of California recognizes and honors the profound suffering of those harmed by unsecured load; and stands in solidarity with persons impacted by those instances of avoidable incidents caused by unsecured loads.

This resolution declares June 6, 2021, as Secure Your Load Day in California to increase public awareness of the necessity of securing loads on vehicles using the state's highways.

Comments

The author states, "Every day people are injured or killed due to unsecured debris in California. This resolution will bring awareness to Californians the importance of securing one's load."

Related/Prior Legislation

The following are the most recent measures, which declared Secure Your Load Day:

- ACR 95 (Choi, Resolution Chapter 116, Statutes of 2019).
- ACR 225 (Choi, Resolution Chapter 108, Statutes of 2018).
- ACR 92 (Choi, Resolution Chapter 94, Statutes of 2017).

FISCAL EFFECT: Appropriation: No Fiscal Com.: No Local: No

SUPPORT: (Verified 6/15/21)

None received

OPPOSITION: (Verified 6/15/21)

None received

ASSEMBLY FLOOR: 75-0, 6/2/21
AYES: Aguiar-Curry, Arambula, Bauer-Kahan, Bennett, Berman, Bloom, Boerner Horvath, Bryan, Burke, Calderon, Carrillo, Cervantes, Chau, Chen, Chiu, Choi, Cooley, Cooper, Cunningham, Megan Dahle, Daly, Davies, Flora, Fong, Frazier, Friedman, Gabriel, Gallagher, Cristina Garcia, Eduardo Garcia, Gipson, Gray, Grayson, Holden, Irwin, Jones-Sawyer, Kalra, Kiley, Lackey, Lee, Levine, Low, Maienschein, Mathis, Mayes, McCarty, Medina, Muratsuchi, Nazarian, Nguyen,

O'Donnell, Patterson, Petrie-Norris, Quirk, Quirk-Silva, Ramos, Reyes, Luz Rivas, Robert Rivas, Rodriguez, Blanca Rubio, Salas, Santiago, Seyarto, Smith, Stone, Ting, Valladares, Villapudua, Voepel, Waldron, Ward, Akilah Weber, Wicks, Wood

NO VOTE RECORDED: Bigelow, Lorena Gonzalez, Mullin, Rendon

Prepared by: Melissa Ward / SFA / (916) 651-1520
6/16/21 14:54:17

****** END ******

Office of Senate Floor Analyses
(916) 651-1520 Fax: (916) 327-4478

THIRD READING

Bill No: ACR 77
Author: Bennett (D), et al.
Introduced: 4/26/21
Vote: 21

SUBJECT: Sea Level Rise Awareness Month

SOURCE: Author

DIGEST: This resolution proclaims May 2021 as Sea Level Rise Awareness Month in California in order to recognize the devastating effects of climate change and encourage local governments to take action.

ANALYSIS: This resolution makes the following legislative findings:

1) Human development and pressures from a rising sea threaten the already diminished coastal wetlands along the California coast. Hundreds of miles of roads and railways, harbors and airports, and power plants and wastewater treatment facilities, in addition to thousands of businesses and homes, are at risk from future flooding, inundation, and coastal retreat. The total potential impact of such coastal risks is significantly larger. Not only are economic assets and households in flood zones increasingly exposed, but also people's safety could be threatened and lives could be disrupted.

2) California also has the nation's largest ocean economy with the great majority of California's ocean economy connected to coastal recreation and tourism, as well as ports and shipping. Many of the facilities and much of the infrastructure that support this ocean economy, as well as the state's many miles of public beaches, lie within a few feet of present high tide.

3) Sea level rise is a slow-moving threat, but it demands immediate action. Global warming creates extreme hazards that cause significant harm to people, homes, infrastructure, and the environment. Thus, various cities and counties have taken steps to address global warming, including preventing sea level rise.

4) The Legislature recognizes that sea level rise will continue to threaten coastal communities and infrastructure through more frequent flooding and inundation,

as well as increased cliff, bluff, dune, and beach erosion. It is the obligation of the Legislature to encourage local governments to form coalitions to counter sea level rise and beach erosion and preserve marine life.

This resolution proclaims May 2021 as Sea Level Rise Awareness Month in California in order to recognize the devastating effects of climate change and encourage local governments to take action.

Comments

According to the author, "Sea levels are already intruding into existing wetlands, and urban areas in California. In addition, the state window to act is closing. With coastal communities already experiencing major flood events, and two thirds of the beaches in Southern California on track to disappear. In San Francisco, it took around 39 years for the sea level to rise around 6 inches, while current projections estimate another 6-inch rise in sea level in the next 16 years. San Diego's coastline has only risen by less than an inch, however this small increase has resulted in tidal flooding since 2000 and threatens cities like La Jolla and Imperial Beach. Planning for these changes requires data and information outlined Orange County damages that would result from 6 feet of sea-level rise: 11 square miles of land and 20 miles of roads would be underwater, affecting 50,000 residents. The Central Coast is no different. The rate of sea-level rise in the Santa Barbara region is expected to accelerate significantly in upcoming years. The Santa Barbara Vulnerability Assessment evaluated hazards for three sea-level rise scenarios: 0.8 feet by 2030, 2.5 feet by 2060, and 6.6 feet by 2100. With over 25 million people living near the sea, and over $100 billion worth of property along the coast, California's natural ecosystems and residence are at risk. As climate change threatens California's coast it is imperative that we not only call attention to sea level rise, but also recognize organizations that are working to preserve our coastline."

FISCAL EFFECT: Appropriation: No Fiscal Com.: No Local: No

SUPPORT: (Verified 5/24/21)

None received

OPPOSITION: (Verified 5/24/21)

None received

Prepared by: Melissa Ward / SFA / (916) 651-1520
5/27/21 11:07:42

****** END ******

SENATE RULES COMMITTEE ACR 84
Office of Senate Floor Analyses
(916) 651-1520 Fax: (916) 327-4478

THIRD READING

Bill No: ACR 84
Author: Cooley (D), et al.
Introduced: 5/10/21
Vote: 21

ASSEMBLY FLOOR: Read and adopted, 5/24/21

SUBJECT: Foster Care Month

SOURCE: Author

DIGEST: This resolution declares the month of May 2021 as Foster Care Month.

ANALYSIS: This resolution makes the following legislative findings:

1) There are nearly 60,000 California children and youth in foster care who need and deserve safe, permanent connections to loving adults, a stable home, and adequate preparation for a secure future.

2) Many California counties and community partners have successfully supported permanent family connections for foster youth, provided support for families at risk of entering the child welfare system, and changed practices to fully engage youth, family, and communities, thereby reducing the number of children in foster care.

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

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

5) California is engaged in continuum of care reform, which is a comprehensive approach to improving the experience and outcomes of children and youth in foster care by improving assessments of children and families to make more informed and appropriate initial placement decisions, emphasizing home-based family care placements of children, appropriately supporting these placements with needed services, creating short-term residential therapeutic programs for youth whose needs cannot be met safely in families, and increasing transparency and accountability for child outcomes.

This resolution declares the month of May 2021 as Foster Care Month.

Related/Prior Legislation

ACR 90 (Cooley, Resolution Chapter 124, Statutes of 2019) declared the month of May 2019 as Foster Care Month.

SCR 137 (Lara, Resolution Chapter 78, Statutes of 2018) recognized the month of May 2018 as Foster Care Month.

ACR 237 (Cooley, Resolution Chapter 100, Statutes of 2018) declared the month of May 2018 as Foster Care Month.

FISCAL EFFECT: Appropriation: No Fiscal Com.: No Local: No

SUPPORT: (Verified 6/2/21)

None received

OPPOSITION: (Verified 6/2/21)

None received

Prepared by: Karen Chow / SFA / (916) 651-1520
6/2/21 16:04:25

****** END ******

SENATE RULES COMMITTEE ACR 86
Office of Senate Floor Analyses
(916) 651-1520 Fax: (916) 327-4478

THIRD READING

Bill No: ACR 86
Author: Gipson (D), et al.
Introduced: 5/19/21
Vote: 21

ASSEMBLY FLOOR: 75-0, 6/2/21 (Consent) - See last page for vote

SUBJECT: California Fishing and Boating Week

SOURCE: Author

DIGEST: This resolution proclaims the week of June 5, 2021, through June 13, 2021, as California Fishing and Boating Week.

ANALYSIS: This resolution makes the following legislative findings:

1) National Fishing and Boating Week, June 5, 2021, through June 13, 2021, is a fantastic opportunity for families to spend time together on the water; it is a special week, filled with events nationwide that provide families an opportunity to reconnect, create new memories, and have fun together on the water.

2) Fishing and boating are cherished American traditions, activities that promote family values and unity, as well as wholesome recreation and outdoor lifestyles.

3) Anglers and boaters are stewards of the environment, contributing $1.6 billion in excise taxes annually to the federal Sport Fish Restoration and Boating Trust Fund, which funds habitat conservation and restoration efforts, preserving our natural resources for future generations.

4) Recreational boating is vital to the California economy, with an annual impact of $13 billion, including 41,125 jobs, 2,820 businesses, and 745,641 registered boats.

5) Recreational boating and angling has seen a resurgence of interest during the COVID-19 pandemic as families and individuals look for safe and responsible recreational outdoor activities.

This resolution proclaims the week of June 5, 2021, through June 13, 2021, as California Fishing and Boating Week.

Related/Prior Legislation

ACR 81 (Gipson, Resolution Chapter 85, Statutes of 2019) proclaimed the week of June 1 through June 9, 2019, as California Fishing and Boating Week.

FISCAL EFFECT: Appropriation: No Fiscal Com.: No Local: No

SUPPORT: (Verified 6/16/21)

None received

OPPOSITION: (Verified 6/16/21)

None received

ASSEMBLY FLOOR: 75-0, 6/2/21
AYES: Aguiar-Curry, Arambula, Bauer-Kahan, Bennett, Berman, Bloom, Boerner Horvath, Bryan, Burke, Calderon, Carrillo, Cervantes, Chau, Chen, Chiu, Choi, Cooley, Cooper, Cunningham, Megan Dahle, Daly, Davies, Flora, Fong, Frazier, Friedman, Gabriel, Gallagher, Cristina Garcia, Eduardo Garcia, Gipson, Gray, Grayson, Holden, Irwin, Jones-Sawyer, Kalra, Kiley, Lackey, Lee, Levine, Low, Maienschein, Mathis, Mayes, McCarty, Medina, Muratsuchi, Nazarian, Nguyen, O'Donnell, Patterson, Petrie-Norris, Quirk, Quirk-Silva, Ramos, Reyes, Luz Rivas, Robert Rivas, Rodriguez, Blanca Rubio, Salas, Santiago, Seyarto, Smith, Stone, Ting, Valladares, Villapudua, Voepel, Waldron, Ward, Akilah Weber, Wicks, Wood
NO VOTE RECORDED: Bigelow, Lorena Gonzalez, Mullin, Rendon

Prepared by: Karen Chow / SFA / (916) 651-1520
6/16/21 14:54:18

****** END ******

SENATE RULES COMMITTEE
Office of Senate Floor Analyses
(916) 651-1520 Fax: (916) 327-4478

THIRD READING

Bill No: ACR 87
Author: Gipson (D), et al.
Introduced: 5/20/21
Vote: 21

ASSEMBLY FLOOR: Read and adopted, 6/3/21

SUBJECT: National Gun Violence Awareness Day

SOURCE: Author

DIGEST: This resolution proclaims June 4, 2021, as National Gun Violence Awareness Day and encourages all citizens to support their communities' efforts to prevent the tragic effects of gun violence and to honor and value human lives.

ANALYSIS: This resolution makes the following legislative findings:

1) Every day, more than 100 Americans are killed by gun violence alongside more than 230 who are shot and wounded, and on average there are more than 14,000 gun homicides every year. Americans are 25 times more likely to die by gun homicide than people in other high-income countries.

2) California has the 45th highest rate of gun deaths in the United States, with over 3,000 gun deaths every year, a rate of 7.6 deaths per 100,000 people.

3) Gun violence prevention is more important than ever as the COVID-19 pandemic continues to exacerbate gun violence after more than a year of increased gun sales, increased calls to suicide and domestic violence hotlines, and an increase in city gun violence.

4) In January 2013, 15-year-old Hadiya Pendleton was tragically shot and killed, and on June 4, 2021, to recognize the 24th birthday of Hadiya Pendleton, people across the United States will recognize National Gun Violence Awareness Day and wear orange in tribute to Hadiya, other victims of gun violence, and their loved ones.

5) The idea was inspired by a group of Hadiya's friends, who asked their classmates to commemorate her life by wearing orange because hunters wear orange to announce themselves to other hunters when out in the woods and orange is a color that symbolizes the value of human life.

6) By wearing orange on June 4, 2021, Americans will raise awareness about gun violence and honor the lives of gun violence victims and survivors.

This resolution:

1) Declares the first Friday in June, June 4, 2021, to be National Gun Violence Awareness Day.

2) States that the Legislature renews their commitment to reduce gun violence and pledges to do all that can be done to keep firearms out of the wrong hands and to encourage responsible gun ownership to help keep our children safe.

3) Encourages all citizens to support their communities' efforts to prevent the tragic effects of gun violence and to honor and value human lives.

Comments

According to the author,

> ACR 87 seeks to proclaim Friday, June 4, 2021 as National Gun Violence Awareness Day. The intent of this effort is raise awareness about an issue that many communities collectively share in California and across the [United States] Prevention is more important than ever, as gun violence issues have been exacerbated by the COVID-19 pandemic. And while Americans are 25 times more likely to die by gun homicide than people in other high-income countries, Black and Latino/Latina communities have borne the heaviest burden of gun violence in cities for years. I cannot describe to you the feeling I get in the pit of my stomach when I hear that another one of my friends or family members was shot and killed, and it is important that strides continue with a goal that, one day, no one will have to deal with such tragic news ever again.

FISCAL EFFECT: Appropriation: No Fiscal Com.: No Local: No

SUPPORT: (Verified 6/14/21)

None received

OPPOSITION: (Verified 6/14/21)

None received

Prepared by: Jonas Austin / SFA / (916) 651-1520
6/16/21 14:54:19

****** END ******

Office of Senate Floor Analyses
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THIRD READING

Bill No: AJR 2
Author: O'Donnell (D), et al.
Introduced: 12/7/20
Vote: 21

SENATE ENVIRONMENTAL QUALITY COMMITTEE: 7-0, 6/14/21
AYES: Allen, Bates, Dahle, Gonzalez, Skinner, Stern, Wieckowski

ASSEMBLY FLOOR: 75-0, 4/29/21 - See last page for vote

SUBJECT: Coastal and marine waters: Santa Catalina Island: dichloro-diphenyl-trichloroethane

SOURCE: Author

DIGEST: This resolution requests that the Congress of the United States and the United States Environmental Protection Agency (US EPA) take all measures necessary to prevent further damage to California's citizens, wildlife, and natural resources by the dichloro-diphenyl-trichloroethane (DDT) waste dumped in the waters near Santa Catalina Island.

ANALYSIS:

Existing federal law:

1) Prohibits, under the Marine Protection, Research, and Sanctuaries Act (MPRSA, also known as the Ocean Dumping Act), the dumping of material into the ocean that would unreasonably degrade or endanger human health, welfare, or amenities, or the marine environment, ecological systems, or economic potentialities. (16 United States Code (U.S.C.) §1431 et seq. and 33 U.S.C. §1401 et seq.)

2) Provides, under the Comprehensive Environmental Response Compensation and Liability Act (CERCLA, also known as the federal Superfund law), the US EPA with authority over the remediation of uncontrolled or abandoned

hazardous-waste sites as well as accidents, spills, and other emergency releases of pollutants and contaminants into the environment. (42 U.S.C. §9601 et seq.)

Existing state law, under the Marine Life Protection Act, directs the state to redesign California's system of marine protected areas (MPAs) to function as a network in order to: increase coherence and effectiveness in protecting the state's marine life and habitats, marine ecosystems, and marine natural heritage, as well as to improve recreational, educational and study opportunities provided by marine ecosystems subject to minimal human disturbance. (Fish and Game Code (FGC) §2850 et seq.)

This resolution:

1) Recognizes that California's coastal waters are precious resources and their conservation is essential to the preservation of marine wildlife and the state's ocean economy and that Santa Catalina Island is a key part of Southern California's ocean tourism economy.

2) Finds that, despite protections provided by the federal Marine Protection, Research, and Sanctuaries Act of 1972, the dumping of hazardous material in ocean waters before the implementation of that act continues to threaten the health of California’s citizens and wildlife.

3) States that the rediscovered DDT waste dumping site off the north coast of Santa Catalina Island represents a significant threat to the health of marine life in those waters, animals dependent on the food chain on that marine life, as well as to the ecosystems on and around Santa Catalina Island and the economy of the Island and California.

4) Declares that it is incumbent upon both state and federal government to ensure that natural resources are protected for future generations and from further damage by past ecological mistakes.

5) Resolves, on behalf of the Senate and the Assembly of the State of California, jointly, that the Legislature requests that the Congress of the United States and US EPA take all measures necessary to prevent further damage to California’s citizens, wildlife, and natural resources by the DDT waste dumped in the waters near Santa Catalina Island.

6) Resolves that the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the United States House of Representatives, to the Majority Leader of the United

States Senate, to each Senator and Representative from California in the Congress of the United States, and to the author for appropriate distribution.

Background

1) *DDT.* Dichloro-diphenyl-trichloroethane, commonly known as DDT, is a colorless, tasteless, and almost odorless insecticide that was in use in the United States from the 1940's until it was banned in 1972. The US EPA issued a cancellation order for DDT based on its adverse impacts to the environment, such as those to wildlife, as well as its potential impacts to human health.

   DDT is a bioaccumulating chemical, meaning that it is stored in the fatty tissue of animals, and concentrations increase farther up the food chain. It is toxic to fish and aquatic invertebrates and threatens the reproduction of predatory birds by causing eggshell thinning and is considered a major factor in the decline of several bird species, including the bald eagle. Human health effects of DDT at low levels in the environment are unknown according to the Centers for Disease Control and Prevention (CDC), however DDT is listed as a possible human carcinogen. A growing number of studies have also linked it to endocrine disrupting effects like increased incidences of obesity and early onset of menstruation.

   During its more than 30 years of use, an estimated 675,000 tons of DDT were applied domestically. DDT is persistent in the environment, absorbing into soils and sediments. In aquatic environments it has a half-life of 150 years, meaning that it will take hundreds of years to break down fully and remains a relevant environmental and health concern today.

2) *Santa Catalina Island*. Santa Catalina Island is a 75 square mile island home to over 4,000 people located off the coast of Southern California, 29 miles southwest of Long Beach. It is known for its ocean tourism, drawing more than one million people per year and generating over $160 million in economic activity, as of 2016. The Island and its surrounding waters provide habitats for a variety of marine creatures, including mantis shrimp, horn and leopard sharks, moray eels, and several species of sea birds. Most of the island is managed by the Catalina Island Conservancy, a private nonprofit focused on conservation, education, and recreation, responsible for stewarding 88% of the land and 62 miles of shoreline on the island.

3) *A Legacy of DDT Dumping off the Southern California Coast*. The Montrose Chemical Corporation, formerly located in Torrance, California, was the largest producer of DDT in the United States from 1947 until it stopped production in

1982. Even though DDT was banned for use in the United States after 1972, production continued in order to export DDT to other countries. Between the late 1950s and the early 1970s, the company was responsible for discharging an estimated 870-1450 tons of DDT into the ocean via the county's sewer system, which contaminated sediment on the ocean floor off the coast of Los Angeles on the Palos Verdes Shelf.

In 2011 and 2013, 60 sunken barrels of DDT were discovered by University of California Santa Barbara researchers 3,000 feet deep on the ocean floor between the California Coast and the North Coast of Santa Catalina Island. Since then, a team of scientists have detected more than 27,000 barrels over a 56 square mile area, with potentially hundreds of thousands more still to be discovered. Shipping logs from Montrose confirmed that thousands of barrels of acid waste from the DDT manufacturing process were transported monthly and discarded in the sea, with some dumped considerably closer to the coast than the designated deep sea site. Many of the barrels were also punctured to ensure that they would sink.

a) *Government Action.* The former Montrose Chemical site was designated Superfund site by the US EPA in 1989. Both the United States and California filed lawsuits against Montrose Chemical and three other companies and by 2000, the companies settled for a total of up to $140 million to fund restoration of the Palos Verdes Shelf Marine Environment.

   In a letter to the agency penned on March 12, California Senator Dianne Feinstein requested that the US EPA "prioritize urgent and meaningful action to remediate this serious threat to human and environmental health."

b) *A Lasting Impact*. The DDT from the barrels have leaked over time and concentrations around the barrels have been measured to be up to 40 times higher than those at the Superfund site. Since 1985, fish consumption advisories and health warnings have been posted in Southern California because of elevated levels of DDT and other contaminants. Until as recently as 2007, bald eagles on Santa Catalina Island were unable to reproduce. Marine mammals in the area have some of the highest concentrations of DDT in the world and California sea lions have also experienced high rates of cancer as a result of DDT exposure.

Comments

1) *Purpose of Bill.* According to the author, “California’s coastal and marine waters are among the state’s most precious resources and their conservation is

essential to the preservation of both marine wildlife and California's thriving ocean economy. While numerous actions have been taken to limit the dumping of hazardous waste in the waters off the California coast, waste sites created prior to modern environmental protections continue to pose a threat to oceanic wildlife and human health. The recently rediscovered DDT waste dumping site near Santa Catalina Island has likely done significant damage to our ocean's ecosystem and will continue to do so unless further action is taken. AJR 2 calls upon the Environmental Protection Agency and the United States Congress to take the necessary actions to protect our environment and the public health."

2) *Further Investigation*. While elevated levels of DDT have been detected near some of the barrels, additional testing and exploration is needed to understand the extensiveness of the dumping grounds and to verify the contents and origin of the barrels. Shipping logs show that multiple industrial companies in southern California used the basin as a dumping ground until 1972 when the Ocean Dumping Act was enacted.

Related/Prior Legislation

AB 78 (O'Donnell, 2021) expands the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy to include the Dominguez Channel watershed and Santa Catalina Island. AB 78 is pending in the Senate Natural Resources and Water Committee.

AB 1511 (Bloom, 2019) would have replaced the State Water Resources Control Board with the State Coastal Conservancy as the state agency that provides administrative services for the Santa Monica Bay Restoration Commission (Commission) and would have established the purposes of the Commission to promote, support, and achieve the restoration and enhancement of the Santa Monica Bay and its watershed. AB 1511 was vetoed by the Governor.

FISCAL EFFECT: Appropriation: No Fiscal Com.: No Local: No

SUPPORT: (Verified 6/14/21)

City of Rancho Palos Verdes
Los Angeles County Board of Supervisors

OPPOSITION: (Verified 6/14/21)

None received

ASSEMBLY FLOOR: 75-0, 4/29/21
AYES: Aguiar-Curry, Arambula, Bauer-Kahan, Bennett, Berman, Bigelow, Bloom, Boerner Horvath, Burke, Calderon, Carrillo, Cervantes, Chau, Chen, Chiu, Choi, Cooley, Cooper, Cunningham, Megan Dahle, Daly, Davies, Flora, Fong, Frazier, Friedman, Gabriel, Gallagher, Cristina Garcia, Eduardo Garcia, Gipson, Lorena Gonzalez, Gray, Grayson, Holden, Irwin, Kalra, Lackey, Lee, Levine, Low, Maienschein, Mathis, Mayes, McCarty, Medina, Mullin, Muratsuchi, Nazarian, Nguyen, O'Donnell, Patterson, Petrie-Norris, Quirk, Quirk-Silva, Ramos, Reyes, Robert Rivas, Rodriguez, Blanca Rubio, Salas, Santiago, Seyarto, Smith, Stone, Ting, Valladares, Villapudua, Voepel, Waldron, Ward, Akilah Weber, Wicks, Wood, Rendon
NO VOTE RECORDED: Jones-Sawyer, Kiley, Luz Rivas

Prepared by: Rylie Ellison / E.Q. / (916) 651-4108
6/16/21 16:04:46

****** END ******

Office of Senate Floor Analyses
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THIRD READING

Bill No: AJR 4
Author: Cristina Garcia (D), et al.
Introduced: 1/12/21
Vote: 21

SENATE ENVIRONMENTAL QUALITY COMMITTEE: 5-0, 6/14/21
AYES: Allen, Gonzalez, Skinner, Stern, Wieckowski
NO VOTE RECORDED: Bates, Dahle

ASSEMBLY FLOOR: 60-0, 4/5/21 - See last page for vote

SUBJECT: Basel Convention: ratification

SOURCE: Author

DIGEST: This resolution urges the United States' ratification of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal (Basel Convention) at the earliest opportunity and requests that the Biden Administration accomplish the ratification as a matter of urgency.

ANALYSIS: Existing law establishes, under the Integrated Waste Management Act of 1989 (IWMA), a state recycling goal of 75% of solid waste generated to be diverted from landfill disposal through source reduction, recycling, and composting by 2020. Requires each state agency and each large state facility to divert at least 50% of all solid waste through source reduction, recycling, and composting activities. (Public Resources Code § 41780.01, 42921, 42924.5)

This resolution:

1) Acknowledges that the United States is one of the few countries that has failed to ratify the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, which protects developing countries from the dumping of wastes from rich industrialized countries.

2) Emphasizes the importance of doing so now that China banned the import of plastic waste and the Basel Convention was amended to include mixed and contaminated plastic waste.

3) States that California, which leads the nation in exports of plastic wastes to developing countries, does not wish to be a part of the problem and must avoid being complicit in trafficking of plastic waste.

4) Asserts that California and the United States should prevent the use of single-use plastics and better recycle their own plastic waste and create sustainable industries and jobs.

5) Resolves that the State Assembly and Senate supports the goals of the Basel Convention and is in favor of the United Sates' ratification of the Basel Convention as a matter of urgency.

Background

1) *The Basel Convention*. The Basel Convention is an international treaty, opened for signature in 1989, which limits the international transfer of hazardous waste in response to the discovery that toxic wastes were being exported to less developed countries. For the 188 parties of the Convention (to which the United States and Haiti are the sole absentees), there are obligations to, among other specifications, prohibit both the import and export of hazardous waste without prior informed consent, to reduce and appropriately dispose domestic hazardous waste, to consider and appropriately enforce non-compliant hazardous waste trafficking as illegal, and to make other efforts to ensure waste is disposed only in environmentally sound ways.

   In May of 2019, it was amended to include most plastic scrap (i.e., recycled plastic) destined for recycling or disposal beginning January 1, 2021. The specific types of plastic material covered by the amendment are: plastic scrap and waste that is contaminated (e.g., with food residue or other non-hazardous waste); plastic scrap and waste mixed with other types of scrap and waste; and, plastic scrap and waste containing halogenated polymers; mixed plastic scrap and waste, with the exception of shipments consisting of polyethylene (PE), polypropylene, and polyethylene terephthalate (PET) that meet specified criteria. Generally, plastic scrap that is “almost exclusively” limited to one polymer or resin type, as specified, are not subject to the Basel Convention.

Although the United States signed the treaty in 1989, the necessary legislative actions needed to ratify the Convention were never taken.

2) *California's Waste Problem.* For three decades, the Department of Resources Recycling and Recovery (CalRecycle) has been tasked with reducing disposal of municipal solid waste and promoting recycling in California through IWMA. Under IWMA, the state established a statewide 75% source reduction, recycling, and composting goal by 2020 and over the years the Legislature has enacted various laws relating to increasing the amount of waste that is diverted from landfills. According to the latest *State of Disposal and Recycling* report for 2019 published by CalRecycle, of the 77.5 million tons of waste produced in California, almost half was sent to landfill, meaning that California did not meet its 2020 goal. Approximately 37% was recycled or diverted, down from a peak of 50% in 2014 as recycling markets have been diminished. Despite that, seaborne exports of recyclable materials were still the largest destination for statewide recycling. Currently, recycling infrastructure for plastics is severely lacking in California and in the United States in general. The only types of plastic that are consistently recycled are beverage containers and other PET and HDPE (high-density polyethylene) bottles and jugs.

3) *Recycling Market Challenges*. One major driver of recycling efforts is the broader market for recyclable materials. In order for material to be recycled and not end up in a landfill, either domestically or abroad, or in the environment, the cost of processing and using the recycled material must be less than that of virgin material. Prices for materials can fluctuate wildly over both the short term and the long term, leading to instability in recycling markets.

   Historically the United States, including California, has exported most of its recycling. The Basel Convention Amendment follows several years of increasing efforts to manage the flood of plastic waste exported from countries like the United States. China, a Basel Convention member and historically the largest importer of recycled plastic, enacted Operation Green Fence in 2013, under which it increased inspections of imported bales of recyclables and returned bales that did not meet specified requirements at the exporters' expense. In 2017, China established Operation National Sword, which included additional inspections of imported recycled materials and a filing with the World Trade Organization indicating its intent to ban the import of 24 types of scrap, including mixed paper and paperboard, PET, PE, polyvinyl chloride, and polystyrene beginning January 1, 2018. In November 2017, China announced that imports of recycled materials that are not banned would be required to

include no more than 0.5% contamination. In January 2019, China announced that it would be expanding its ban even further – to encompass 32 types of scraps for recycling and reuse, including post-consumer plastics such as shampoo and soda bottles.

Following China's actions, other Southeast Asian countries have enacted policies limiting or banning the importation of recycled materials, primarily plastic and mixed paper. Last year, Malaysia and Vietnam implemented import restrictions. Last year, India also announced that it would ban scrap plastic imports. Thailand has announced a ban that will go into effect this year. These policies create serious challenges for recyclers. Recycling requires markets for recycled materials to create new products and close the loop.

4) *The Impacts of Exporting Plastic Waste.* The Center for International Environmental Law published several reports on the negative impacts of plastics on the environment, climate, and human health. While there are impacts throughout the lifecycle of plastics, the end-of-life impacts of disposal disproportionately affect the countries where a large fraction of the world's plastic waste is exported, primarily in Asia. Waste management techniques, including incineration, co-incineration, gasification, and pyrolysis result in the release of toxic metals and compounds into the air, water, and soil and exposure to these chemicals in nearby communities. Incineration is also more common in less developed countries, which leads to greater emissions of greenhouse gases and toxic fumes. Plastics that aren't burned or recycled get broken down over time into fragments and microplastics, which end up in the environment and in the food chain when they are ingested by fish and animals. Other chemicals additives can leach out as well, which may be harmful to humans and other organisms.

A significant fraction of plastic waste ends up in the environment, primarily in the ocean. Plastics are estimated to comprise 60-80% of all marine debris and 90% of all floating debris. According to the California Coastal Commission, the primary source of marine debris is urban runoff (i.e., litter). By 2050, by weight there will be more plastic than fish in the ocean if we keep producing (and failing to properly manage) plastics at predicted rates, according to *The New Plastics Economy: Rethinking the Future of Plastics*, a January 2016 report by the World Economic Forum.

Comments

1) *Purpose of Resolution.* According to the author, "Right now, floating in the Pacific Ocean is a patch of plastic trash twice the size of the state of Texas. The effects of that plastic patch negatively impact ocean life and island and mainland communities from Japan, to the Philippines, to Australia, to Peru, to the United States–no one is spared. That's the chilling reality of the state of plastics management on our planet. Ratifying the Basel Agreement will show the United States takes responsibility for our role in this crisis and that we are willing to work toward solutions."

Related/Prior Legislation

SB 54 (Allen, 2021) prohibits producers of single-use, disposable packaging or single-use, disposal food service ware producers from offering for sale, selling, distributing, or importing in or into the state those products manufactured after January 1, 2032, unless it is recyclable or compostable. SB 54 has been moved to the Senate Inactive File.

SR 47 (Wieckowski, 2019) stated how California's efforts to achieve solid waste reduction goals may be advanced by the United States ratifying the Basel Convention, and resolved that the State Senate urge the United States Congress to take the needed actions to ratify the Convention. SR 47 was adopted by the Senate and enrolled on July 8, 2019, with the Secretary of Senate.

FISCAL EFFECT: Appropriation: No Fiscal Com.: No Local: No

SUPPORT: (Verified 6/14/21)

350 Bay Area Action
350 Silicon Valley
7th Generation Advisors
Active San Gabriel Valley
Alliance of Mission-based Recyclers
American Chemistry Council
Ban SUP (Single Use Plastic)
Beyond Plastics
Breast Cancer Prevention Partners
California Product Stewardship Council
California Public Interest Research Group
Californians Against Waste

Center for Biological Diversity
Center for Oceanic Awareness, Research, & Education
Chicago Recycling Coalition
City of Sunnyvale
Clean Water Action
Colorado Medical Waste, Inc.
Container Recycling Institute
Contra Costa County
Detroiters Working for Environmental Justice
Ecology Center, Berkeley
Elders Climate Action, NorCal and SoCal Chapters
Environment California
Environmental Working Group
Full Circle Environmental
Heal the Bay
Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force
Marin Sanitary Service
Merced County Regional Waste Management Authority
Ming's Resource East Bay Corp
Monterey Bay Aquarium Foundation
National Stewardship Action Council
Natracare
Northern California Recycling Association
Plastic Oceans International
Plastic Pollution Coalition
PreZero US, Inc.
Resource Recovery Coalition of California
RethinkWaste
Santa Barbara Standing Rock Coalition
Save Our Shores
Save the Albatross Coalition
Sea Hugger
Southwest Detroit Environmental Vision
StopWaste
Surfrider Foundation
The 5 Gyres Institute
The Last Plastic Straw
The Nature Conservancy
Tomra Systems ASA

Tri-CED Community Recycling
Upcyclers Network
Upstream
Wishtoyo Chumash Foundation
Zanker Recycling
Zero Waste Capital District
Zero Waste Sonoma
Zero Waste Strategies LLC
Zero Waste USA

OPPOSITION: (Verified 6/14/21)

None received

ASSEMBLY FLOOR: 60-0, 4/5/21
AYES: Aguiar-Curry, Arambula, Bauer-Kahan, Bennett, Berman, Bloom, Boerner Horvath, Bonta, Burke, Calderon, Carrillo, Cervantes, Chau, Chen, Chiu, Cooley, Cooper, Cunningham, Davies, Frazier, Friedman, Gabriel, Cristina Garcia, Eduardo Garcia, Gipson, Lorena Gonzalez, Gray, Holden, Irwin, Jones-Sawyer, Kalra, Lee, Levine, Low, Maienschein, Mathis, Mayes, McCarty, Medina, Muratsuchi, Nazarian, O'Donnell, Quirk, Quirk-Silva, Ramos, Reyes, Luz Rivas, Robert Rivas, Rodriguez, Blanca Rubio, Salas, Santiago, Stone, Ting, Valladares, Villapudua, Voepel, Ward, Wood, Rendon
NO VOTE RECORDED: Bigelow, Choi, Megan Dahle, Daly, Flora, Fong, Gallagher, Grayson, Kiley, Lackey, Mullin, Nguyen, Patterson, Petrie-Norris, Seyarto, Smith, Waldron, Wicks

Prepared by: Rylie Ellison / E.Q. / (916) 651-4108
6/16/21 14:52:10

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