2023-24 SESSION

SENATE
THIRD READING PACKET

THURSDAY, APRIL 25, 2024

OFFICE OF SENATE FLOOR ANALYSES
651-1520

SENATE THIRD READING PACKET

Attached are analyses of bills on the Daily File for Thursday, April 25, 2024.

Note	Measure	Author	Location
	SB 427	Portantino	Unfinished Business
+	SB 924	Bradford	Senate Bills - Third Reading File
+ *	SB 925	Wiener	Consent Calendar First Legislative Day
+	SB 949	Blakespear	Consent Calendar Second Legislative Day
	SB 956	Cortese	Senate Bills - Third Reading File
	SB 962	Padilla	Senate Bills - Third Reading File
	SB 1001	Skinner	Senate Bills - Third Reading File
+	SB 1005	Ashby	Consent Calendar Second Legislative Day
+	SB 1034	Seyarto	Consent Calendar Second Legislative Day
+	SB 1044	Seyarto	Consent Calendar Second Legislative Day
+	SB 1046	Laird	Consent Calendar Second Legislative Day
	SB 1058	Ashby	Senate Bills - Third Reading File
+	SB 1068	Eggman	Consent Calendar Second Legislative Day
	SB 1075	Bradford	Senate Bills - Third Reading File
	SB 1091	Menjivar	Senate Bills - Third Reading File
	SB 1126	Min	Senate Bills - Third Reading File
+	SB 1132	Durazo	Senate Bills - Third Reading File
	SB 1136	Stern	Senate Bills - Third Reading File
+	SB 1172	Grove	Consent Calendar Second Legislative Day
+	SB 1175	Ochoa Bogh	Senate Bills - Third Reading File
	SB 1177	Bradford	Senate Bills - Third Reading File
RA	SB 1189	Limón	Consent Calendar Second Legislative Day
	SB 1209	Cortese	Senate Bills - Third Reading File
+	SB 1215	Committee on Governmental Organization	Consent Calendar Second Legislative Day
	SB 1225	Jones	Senate Bills - Third Reading File
+	SB 1240	Alvarado-Gil	Consent Calendar Second Legislative Day
+	SB 1257	Blakespear	Consent Calendar Second Legislative Day
	SB 1272	Laird	Senate Bills - Third Reading File
+	SB 1278	Laird	Senate Bills - Third Reading File
+	SB 1280	Laird	Senate Bills - Third Reading File
	SB 1283	Stern	Senate Bills - Third Reading File
+	SB 1290	Roth	Senate Bills - Third Reading File
	SB 1300	Cortese	Senate Bills - Third Reading File
+	SB 1308	Gonzalez	Senate Bills - Third Reading File
+	SB 1313	Ashby	Senate Bills - Third Reading File
+	SB 1320	Wahab	Consent Calendar Second Legislative Day
+	SB 1335	Archuleta	Senate Bills - Third Reading File
RA	SB 1361	Blakespear	Consent Calendar Second Legislative Day
+ *	SB 1371	Bradford	Consent Calendar First Legislative Day
	SB 1386	Caballero	Senate Bills - Third Reading File
	SB 1401	Blakespear	Senate Bills - Third Reading File
+	SB 1407	Nguyen	Consent Calendar Second Legislative Day
	SB 1445	Cortese	Senate Bills - Third Reading File
	SB 1484	Smallwood-Cuevas	Senate Bills - Third Reading File
+	SB 1490	Durazo	Senate Bills - Third Reading File

+ ADDS
RA Revised Analysis
* Analysis pending

Note	Measure	Author	Location
+	SB 1501	Glazer	Consent Calendar Second Legislative Day
RA	SB 1512	Committee on Housing	Consent Calendar Second Legislative Day
+	SB 1519	Committee on Governmental Organization	Consent Calendar Second Legislative Day
+	SB 1520	Committee on Natural Resources and Water	Consent Calendar Second Legislative Day
+	SB 1523	Committee on Governmental Organization	Consent Calendar First Legislative Day
	SCA 2	Stern	Senate Bills - Third Reading File
	SCR 93	Hurtado	Senate Bills - Third Reading File
	SCR 100	Nguyen	Senate Bills - Third Reading File
+	SCR 102	Alvarado-Gil	Consent Calendar Second Legislative Day
	SCR 110	Umberg	Senate Bills - Third Reading File
+	SCR 115	Archuleta	Consent Calendar Second Legislative Day
	SCR 119	Umberg	Senate Bills - Third Reading File
	SCR 124	Laird	Senate Bills - Third Reading File
	SCR 131	Min	Senate Bills - Third Reading File
	SCR 132	Seyarto	Senate Bills - Third Reading File
	SCR 134	Grove	Senate Bills - Third Reading File
+	SCR 135	Wiener	Senate Bills - Third Reading File
+	SCR 137	Wahab	Senate Bills - Third Reading File
+	SCR 139	Cortese	Senate Bills - Third Reading File
+	SJR 6	Caballero	Senate Bills - Third Reading File
	SJR 12	Min	Senate Bills - Third Reading File
	SJR 13	Newman	Senate Bills - Third Reading File
	SR 72	Rubio	Senate Bills - Third Reading File
	SR 74	Gonzalez	Senate Bills - Third Reading File
	SR 79	Min	Senate Bills - Third Reading File
	SR 80	Min	Senate Bills - Third Reading File
	SR 81	Min	Senate Bills - Third Reading File
	SR 82	Blakespear	Senate Bills - Third Reading File
	SR 87	Blakespear	Senate Bills - Third Reading File
+ *	SR 88	Glazer	Consent Calendar First Legislative Day
+	SR 89	Rubio	Senate Bills - Third Reading File
+	SR 90	Rubio	Senate Bills - Third Reading File
+	AB 437	Jackson	Assembly Bills - Third Reading File
	AB 438	Blanca Rubio	Assembly Bills - Third Reading File
	AB 1770	Committee on Emergency Management	Assembly Bills - Third Reading File
+	ACR 85	Villapudua	Consent Calendar Second Legislative Day
+	ACR 87	Ta	Consent Calendar Second Legislative Day
+	ACR 92	Schiavo	Consent Calendar Second Legislative Day
+	ACR 93	Dixon	Consent Calendar Second Legislative Day
+	ACR 98	Lackey	Consent Calendar Second Legislative Day
	ACR 120	Garcia	Assembly Bills - Third Reading File
	ACR 132	Santiago	Assembly Bills - Third Reading File
	ACR 157	Pacheco	Assembly Bills - Third Reading File
+	ACR 164	Garcia	Assembly Bills - Third Reading File
+	ACR 165	Schiavo	Assembly Bills - Third Reading File

+ ADDS
RA Revised Analysis
* Analysis pending

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UNFINISHED BUSINESS

Bill No: SB 427
Author: Portantino (D)
Amended: 4/4/24 in Assembly
Vote: 21

SENATE HEALTH COMMITTEE: 10-0, 4/26/23
AYES: Eggman, Glazer, Gonzalez, Hurtado, Limón, Menjivar, Roth, Rubio, Wahab, Wiener
NO VOTE RECORDED: Nguyen, Grove

SENATE APPROPRIATIONS COMMITTEE: 5-1, 5/18/23
AYES: Portantino, Ashby, Bradford, Wahab, Wiener
NOES: Jones
NO VOTE RECORDED: Seyarto

SENATE FLOOR: 33-1, 5/24/23
AYES: Allen, Archuleta, Ashby, Atkins, Becker, Blakespear, Bradford, Caballero, Cortese, Dodd, Durazo, Eggman, Glazer, Gonzalez, Hurtado, Laird, Limón, McGuire, Menjivar, Min, Newman, Ochoa Bogh, Padilla, Portantino, Roth, Rubio, Skinner, Smallwood-Cuevas, Stern, Umberg, Wahab, Wiener, Wilk
NOES: Jones
NO VOTE RECORDED: Alvarado-Gil, Dahle, Grove, Nguyen, Niello, Seyarto

ASSEMBLY FLOOR: 62-0, 4/11/24 - See last page for vote

SUBJECT: Health care coverage: antiretroviral drugs, drug devices, and drug products

SOURCE: California Insurance Commissioner Ricardo Lara

DIGEST: This bill prohibits nongrandfathered health plans and insurers to from imposing any cost-sharing or utilization review requirements, for antiretroviral drugs, drug devices, or drug products that are either approved by the federal Food and Drug Administration (FDA) or recommended by the Centers for Disease

Control and Prevention (CDC) for the prevention of HIV/AIDS. This bill requires grandfathered health plans and insurers to provide coverage, without any cost-sharing or utilization review requirements, for antiretroviral drugs, devices, or products that are either approved by the FDA or recommended by the CDC for the prevention of AIDS/HIV.

Assembly Amendments

1) Require health plan contracts and health insurance policies that are a high deductible health plan to comply with the cost-sharing requirements of this bill. Require, if not applying the minimum annual deductible to an antiretroviral drug, drug device, or drug product would conflict with federal requirements for high deductible health plans, the cost-sharing limits to apply once a contract's deductible has been satisfied for the plan year.

2) Exempt the requirements of this bill for Medi-Cal managed care plans.

3) Specify that this bill does not require a health insurer to cover preexposure prophylaxis (PrEP) or postexposure prophylaxis (PEP) by a pharmacist at an out-of-network pharmacy, unless in the case of an emergency or if a health insurance policy has an out-of-network pharmacy benefit.

4) Delay implementation of this bill for an individual and small group health plan contract or insurance policy until January 1, 2026.

ANALYSIS:

Existing law:

1) Establishes the Department of Managed Health Care (DMHC) to regulate health plans under the Knox-Keene Health Care Services Plan Act of 1975; the California Department of Insurance (CDI) to regulate health and other insurers; Covered California as California's health benefit exchange for individual and small business purchasers as authorized under the federal Patient Protection and Affordable Care Act (ACA); and, the Department of Health Care Services (DHCS) to administer the Medi-Cal program. [HSC §1340, et seq., INS §106, et seq., GOV §100500 -100522, and WIC §14000, et seq.]

2) Prohibits health plans and insurers from subjecting antiretroviral drugs that are medically necessary for the prevention of AIDS/HIV, including preexposure prophylaxis (PrEP) or postexposure prophylaxis (PEP), to prior authorization or step therapy, except that if the FDA approves one or more therapeutic equivalents of a drug, device, or product for the prevention of AIDS/HIV,

health plan and insurers are not required to cover all of the therapeutically equivalent versions without prior authorization or step therapy, if at least one therapeutically equivalent version is covered without prior authorization or step therapy. [HSC §1342.74 (a) and INS §10123.1933(a)]

3) Requires health plans and insurers, at a minimum, to provide coverage for and prohibits any cost-sharing requirements for several services including, but not limited to evidence-based items or services that have in effect a rating of "A" or "B in the recommendations of the United State Preventive Services Task Force and immunizations that have in effect a recommendation from the CDC's Advisory Committee on Immunization Practices. [HSC §1367.002 and INS §10112.2]

This bill:

1) Deletes the reference to "medically necessary" in existing law above and instead prohibits prior authorization or step therapy for devices or products approved by the FDA or recommended by the CDC for the prevention of AIDS/HIV.

2) Adds to the exception described in 2) of existing law above "and the plan provides coverage for a noncovered therapeutic equivalent antiretroviral drug, device, or product without cost-sharing pursuant to an exception request."

3) Prohibits nongrandfathered health plans and insurers from imposing any cost-sharing or utilization review requirements for antiretroviral drugs, drug devices, or drug products that are either approved by the FDA or recommended by the CDC for the prevention of AIDS/HIV, including PrEP and PEP.

4) Requires grandfathered health plans and insurers to provide coverage, without any cost-sharing or utilization review requirements, for antiretroviral drugs, drug devices, or drug products that are either approved by the FDA or recommended by the CDC for the prevention of AIDS/HIV, including PrEP and PEP.

5) Requires health plans and insurers to provide coverage under the outpatient prescription drug benefit for antiretroviral drugs, drug devices, or drug products that are either approved by the FDA or recommended by the CDC for the prevention of AIDS/HIV, including by supplying providers directly with a drug, device, or product that is not self-administered.

6) Specifies that this bill does not apply to a specialized health plan contract or health insurance policy that covers only dental or vision benefits, or to a

Medicare supplement policy. Delays implementation of this bill for an individual and small group health plan contract or insurance policy until January 1, 2026.

7) Requires health plan contracts and health insurance policies that are a high deductible health plan to comply with the cost-sharing requirements of this bill. Requires, if not applying the minimum annual deductible to an antiretroviral drug, device, or product for PEP of HIV would conflict with federal requirements for high deductible health plans, the cost-sharing limits to apply once a contract's deductible has been satisfied for the plan year.

8) Specifies that this bill does not require a health insurer to cover PrEP or PEP by a pharmacist at an out-of-network pharmacy, unless in the case of an emergency or if a health insurance policy has an out-of-network pharmacy benefit.

Comments

1) *Author's statement.* According to the author, the HIV epidemic continues to disproportionately affect historically disadvantaged communities in California. Cost and access are two major barriers to lifesaving medications. The only way to end the HIV epidemic is by ensuring effective HIV prevention and treatment reaches all communities, but especially those disproportionately affected by HIV. HIV PrEP and PEP are important for the overall health of many at-risk and historically disadvantaged communities. Under this bill, all grandfathered health insurance policies and health plans would be required to cover both HIV PrEP and PEP without any cost sharing, and in doing so this bill will expand zero-dollar coverage of PrEP to one million Californians who must currently pay out-of-pocket for PrEP. In addition, nongrandfathered health insurance policies and health plans would be required to cover PEP without cost sharing.

2) *Background.* According to the California Department of Public Health (CDPH), from 2016 through 2020, the number of persons in California living with diagnosed HIV infection increased from approximately 133,126 to over 139,000. In 2020, the prevalence rate of diagnosed HIV infection was 348.1 per 100,000 population, compared to 338.7 in 2016 (an increase of 2.8%). From 2016 through 2020, the number of persons in California living with diagnosed HIV infection increased from approximately 133,126 to over 139,000. A June 2022 Health Disparities Report published by CDPH's Office of AIDS states that HIV continues to disproportionately affect many populations. For example, the rate of new HIV diagnoses among Black/African Americans is 4.3 times higher than Whites among men and 5.4 times higher among women. Latinos are also disproportionately affected by HIV with rates of new diagnoses 2.2 times

higher than Whites among men and 1.2 times higher among women. Male-to-male sexual contact (MMSC), including MMSC with injection drug use, accounted for 60% of new HIV diagnoses and 73% of all HIV cases in 2020. Although rates for transgender people are not available, evidence suggests that they are also disproportionately affected by HIV.

PrEP and PEP are effective HIV-prevention strategies. PrEP is a daily pill taken by individuals who do not have HIV to stay HIV negative. PEP is 28-day courses of medicine people take after potential exposure to HIV to prevent infection. PEP must be started within 72 hours after a possible exposure. According to the CDC, PrEP can reduce the risk of contracting HIV from injections by 74% and from sexual activity by up to 99%. It is also a key part of the federal government's plan to reduce new HIV transmissions by 90% by 2030.

3) *CHBRP analysis.* AB 1996 (Thomson, Chapter 795, Statutes of 2002) requested the University of California to assess legislation proposing a mandated benefit or service and prepare a written analysis with relevant data on the medical, economic, and public health impacts of proposed health plan and health insurance benefit mandate legislation. CHBRP was created in response to AB 1996, and reviewed this bill. Key findings relevant to this bill include:

   a) *Utilization.* At baseline, CHBRP estimates that 130,731 enrollees per year in DMHC-regulated plans and CDI-regulated policies used antiretroviral therapy (ART) with cost sharing. Among these, 49,257 enrollees per year used ART with cost sharing and 97,658 enrollees used ART with no cost sharing. It is important to note that these two groups had some overlap (16,184 enrollees), as some enrollees had cost sharing during the year until hitting their maximum out-of-pocket limit, and then had no cost sharing for the remainder of the year. On average, each enrollee with cost sharing had on average 7.6 prescriptions annually with cost sharing at baseline, with an average of 6.5 prescriptions for enrollees with no cost sharing. Postmandate, CHBRP estimates an additional 1,402 enrollees will utilize ART (equal to 132,133 enrollees overall), representing a 1% increase in enrollees using ART overall. On average, enrollees who use ART would obtain 7.7 prescriptions without cost sharing annually, per person. This translates to an overall utilization of 1,016,959 ART prescriptions without cost sharing, postmandate, representing a 1% increase in ART prescriptions.

   b) *Expenditures.* This bill increases premiums for employers, employees, individuals and families by $157,254,000. Enrollees who will no longer

have cost-sharing for the drugs, devices and products described in this bill will have decreased cost sharing of $105,653,000. This bill would increase total net annual expenditures by total net annual $51,601,000 or total net annual 0.0352% for enrollees with DMHC-regulated plans and CDI-regulated policies, excluding DMHC-regulated Medi-Cal. For Medi-Cal beneficiaries enrolled in DMHC-regulated plans, there is no impact.

c) *Benefit Coverage.* At baseline, 100% of enrollees with DMHC- or CDI-regulated health insurance plans/policies would have coverage subject to this bill. Of these, 98.9% have coverage for ART. At baseline, 38.6% of enrollees have coverage for ART that is fully compliant with this bill. Postmandate, 100% of enrollees with coverage subject to this bill would have coverage for ART without cost sharing.

d) *Medi-Cal.* As of January 1, 2022, outpatient prescription drugs are covered on a fee-for-service basis for all Medi-Cal beneficiaries under the California DHCS' Medi-Cal Rx program. Their pharmacy benefit is "carved out" of the coverage provided by Medi-Cal managed care plans, and therefore, this bill would not impact their benefit coverage.

e) *CalPERS.* For enrollees associated with CalPERS in DMHC-regulated plans, premiums would increase by 0.08% ($0.53 per member per month, or approximately $4.7 million total increase in expenditures).

f) *Covered California – Individually Purchased.* Premiums for enrollees in individual plans purchased through Covered California would increase by 0.0721%, or approximately $14,362,000, in annual expenditures.

g) *Medical Effectiveness.* CHBRP reviewed findings from evidence on the effects of cost sharing and utilization management on ART (including PrEP and PEP) use and adherence for patients with HIV and those at risk of contracting HIV. CHBRP did not review literature on the effectiveness of ART because all ART medications have been approved by the FDA, and the efficacy of ART is well-established. CHBRP found:

   i) Inconclusive evidence on the effect of cost sharing for ART on long-term adherence and viral suppression for people living with HIV; and,

   ii) Insufficient evidence on the effect of cost sharing for ART on health care utilization and health outcomes and on the effect of utilization management for ART health care utilization and health outcomes.

h) *Public Health.* Measurable health outcomes relevant to this bill include adherence to prescribed ART regimens and viral suppression, health care utilization, and HIV-related complications or comorbidities. In the first year postmandate, CHBRP estimates an additional 1,402 enrollees would seek ART overall for the prevention or treatment for HIV/AIDS. This includes an increase in the number of individuals who do not seroconvert due to PrEP (47) and PEP (22) access, an increase in the number of HIV-positive individuals who access ART and sustain linkages to care (1,332), and a subsequent decrease in both short- and long-term adverse health outcomes. The impacts of this bill on disparities related to race or ethnicity, gender, gender identity or sexual orientation, and age are unknown.

i) *Long-Term Impacts.* The utilization increases estimated in this report are not expected to be different over the long-term. However, over time, adherence to ART may improve as cost sharing will no longer be a barrier, which could lead to an increase in overall annual utilization. However, this effect would be limited because adherence is also dependent on other factors, such as the severity of side effects and access to health care. Cost impacts over the long term would be proportional to any increase in utilization and are not anticipated to change after the first year postmandate. Although additional use of and adherence to ART will prevent HIV infection and later AIDS-related diseases, the marginal impact of this bill over the existing use of ART cannot be quantified. Additionally, the vast array of AIDS-related diseases that could occur and would be prevented cannot be quantified, but in general, prevention of these conditions and their associated costs would provide an offset to CHBRP's estimated premium increases due to this bill. The long-term public health impacts of this bill are likely to include a reduction in future HIV transmissions, increased uptake and adherence to ART, as well as a reduction in downstream effects such as impacts on premature death.

j) *Essential Health Benefits.* This bill does not exceed essential health benefits.

4) *Covered California standard plan designs.* Covered California is California's state based marketplace (or exchange), which was created as a result of the federal ACA. Covered California makes health insurance plans available to purchase for individuals (and families) and small employers. Qualified individuals can also get financial assistance when purchasing individual/family policies through Covered California. State and federal law require plans sold in the individual and small group market to meet 90/80/70/60% actuarial value (AV) requirements. This means that a platinum plan with 90% AV requires the

plan to pay on average 90% of the cost of covered benefits and the enrollee pays 10% in the form of cost-sharing. These tend to be higher cost premium plans with the lowest cost-sharing requirements. On the other end, a bronze plan has a 60% AV which means the plan pays on average 60% of costs of covered benefits and the enrollee pays 40% in the form of cost-sharing. Bronze are typically the lowest cost premium plans but have the highest enrollee cost-sharing. There is some room allowance, referred to as de minimis range, which allows designs to fall a little outside the AV ranges but beyond that the products that fall outside of the AV requirements cannot be sold.

Covered California indicates that legislation, such as this bill, that limits cost-sharing for specific drugs or medical services could impact Covered California's ability to set standard benefit designs, which also impact individual and small group products offered outside of Covered California.

Reducing the cost-sharing for one benefit could result in higher cost-sharing for other benefits. To illustrate how this works using the Silver 70 AV product from 2023, when the exact same plan design was run through the 2024 AV calculator (a federal instrument that is updated annually to reflect medical, pharmacy, and other trends), Covered California, with the consultation of their plan management advisory committee, decided on the following cost-sharing requirements for 2024:

a) Increased medical deductible by $650 (from $4750 to $5400).

b) Increased drug deductibles by $65 (from $85 to $150).

c) Increased maximum out of pocket by $350 (from $8,750 to $9,100).

d) Increased emergency room copay by $50 (from $400 to $450).

e) Increased copays by $5 for the following services: primary care, mental health and substance use disorder services, speech therapy, occupational and physical therapy, and specialist visits.

f) Increased Tier 1 generic drugs by $3 (from $16 to $19) with no deductible.

g) Increased outpatient coinsurance to 30% for outpatient facility/physician fees.

Related/Prior Legislation

SB 339 (Weiner, Chapter 1, Statutes of 2024) required health plans and insurers to cover HIV PrEP and PEP furnished by a pharmacist, including costs for the pharmacist's services and related testing ordered by the pharmacist. Permits a pharmacist to furnish up to a 90-day course of PrEP, or beyond 90-days if specified conditions are met.

SB 159 (Wiener, Chapter 532, Statutes of 2019) permitted pharmacists to furnish a 60-day supply of PrEP and PEP; prohibits health plans and insurers from requiring prior authorization or step therapy for PrEP or PEP; requires coverage of pharmacist-prescribed PrEP and PEP; and, permits Medi-Cal reimbursement for pharmacists prescribing PrEP and PEP.

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

According to the Senate Appropriations Committee:

- DMHC estimates minor and absorbable costs to administer the provisions.
- CDI estimates no fiscal impact from administering the provisions.
- CHBRP estimates an increase in CalPERS employer premiums of $4,664,000.

SUPPORT: (Verified 4/11/24)

California Insurance Commissioner Ricardo Lara (source)
American College of Obstetricians and Gynecologists District IX
Biocom California
California Academy of Family Physicians
California Department of Insurance
California State Board of Pharmacy
Equity California
Health Access California
Hemophilia Council of California
Los Angeles LGBT Center
San Francisco AIDS Center

OPPOSITION: (Verified 4/11/24)

Association of California Life and Health Insurance Companies
America's Health Insurance Plans

California Association of Health Plans
California Chamber of Commerce

ARGUMENTS IN SUPPORT: California Insurance Commissioner Ricardo Lara writes that on March 30, 2023, a federal judge in Texas struck down national protections for preventive care benefits under the federal Affordable Care Act in *Braidwood Management Inc. v. Becerra*. Although legal appeals are expected, under this bill, there will be no question that HIV PrEP and PEP and all the necessary care for delivering this life-saving medication will remain covered without cost sharing. The Insurance Commissioner states that as someone who has been committed to fighting for affordable health care and more equitable access to health services during his time in the California State Legislature and now as Insurance Commissioner, we must ensure that California can continue to provide fair and equal access to preventive care for all, as potential continued changes by some federal courts may attempt to curtail access to these essential services.

ARGUMENTS IN OPPOSITION: The California Association of Health Plans, the Association of California Life and Health Insurance Companies, and America's Health Insurance Plans submitted a joint letter expressing opposition to 23 health insurance mandate bills that are before the Legislature this year, stating that these bills include mandates for health plans and insurers to cover specific services, as well as bills that eliminate cost sharing and limit utilization management, which have similar cost impacts as coverage mandates. Moreover, they will increase costs, reduce choice and competition, and further incent some employers and individuals to avoid state regulation by seeking alternative coverage options.

ASSEMBLY FLOOR: 62-0, 4/11/24
AYES: Addis, Aguiar-Curry, Alanis, Alvarez, Arambula, Bains, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Juan Carrillo, Wendy Carrillo, Cervantes, Chen, Connolly, Davies, Flora, Mike Fong, Friedman, Gabriel, Garcia, Gipson, Haney, Hart, Holden, Irwin, Jackson, Jones-Sawyer, Kalra, Lee, Low, Lowenthal, Maienschein, McCarty, McKinnor, Muratsuchi, Stephanie Nguyen, Ortega, Pacheco, Papan, Pellerin, Petrie-Norris, Quirk-Silva, Reyes, Luz Rivas, Rodriguez, Blanca Rubio, Santiago, Schiavo, Soria, Ting, Valencia, Waldron, Wallis, Ward, Wicks, Wilson, Wood, Zbur, Robert Rivas
NO VOTE RECORDED: Bauer-Kahan, Megan Dahle, Dixon, Essayli,

Vince Fong, Gallagher, Grayson, Hoover, Lackey, Mathis, Jim Patterson, Joe Patterson, Ramos, Rendon, Sanchez, Ta, Villapudua, Weber

Prepared by: Melanie Moreno / HEALTH / (916) 651-4111
4/12/24 13:50:55

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

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THIRD READING

Bill No: SB 924
Author: Bradford (D)
Amended: 4/16/24
Vote: 21

SENATE JUDICIARY COMMITTEE: 10-1, 4/2/24
AYES: Umberg, Wilk, Allen, Ashby, Caballero, Durazo, Laird, Min, Stern, Wahab
NOES: Niello

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

SUBJECT: Tenancy: credit reporting: lower income households

SOURCE: Author

DIGEST: This bill eliminates the sunset date from provisions of the Civil Code that requires a landlord of an assisted housing development, as defined, to offer tenants the option to have their rental payments history reported to nationwide consumer credit reporting agencies, as specified, and makes other changes to the program.

ANALYSIS:

Existing law:

1) Defines, for the purposes of this section, an "assisted housing development" as having the same meaning as defined in Section 65863.10 of the Government Code, and defines a "landlord" as an owner of residential real property containing five or more dwelling units. (Civ. Code § 1954.06(k).)

2) Defines an "assisted housing development" as a multifamily rental housing development of five or more units that receives governmental assistance under specified federal laws and programs, such as under Section 8 of the U.S. Housing Act of 1937 (42 U.S.C. Section 1437(f)), and the Below-Market-

Interest-Rate Program under Section 221(d)(3) of the National Housing Act (12 U.S.C. § 1715 l(d)(3) and (5)), and specified state laws and local programs, such as local housing trust funds, as referred to in paragraph (3) of subdivision (a) of Section 50843 of the Health and Safety Code. (Gov. Code § 65863.10(a)(3).)

3) Requires, beginning July 1, 2021, that any landlord of an assisted housing development offer a tenant obligated on the leases in the housing development the option of having their rental payments reported to at least one nationwide consumer reporting agency or other consumer reporting agency, as defined. (Civ. Code § 1954.06(a).)

4) Exempts a landlord of an assisted housing development that contains 15 or fewer dwelling units from these provisions, unless the landlord owns more than one assisted housing development, regardless of the number of units in each assisted housing development, and the landlord is one of the following: (a) a real estate investment trust, (b) a corporation, or (c) a limited liability company in which at least one member is a corporation. (Civ. Code § 1954.06(j).)

5) Requires that an offer of rent reporting be in writing and contain specified information, including a statement that the reporting is optional, identification of each consumer reporting agency to which the rental payment information will be reported, a statement that all of the tenant's rental payments will be reported, regardless of whether they are timely, late, or missed, the amount of any fee charged by the landlord for reporting, instructions on how to submit the written election of rent reporting, a statement that the tenant may opt into rent reporting at any time, a statement that the tenant may elect to stop reporting at any time, but that they will not be able to resume rent reporting for at least six months afterward, instructions on how to opt out, and a signature block for the tenant to use to request rent reporting. Requires the landlord to provide a self-addressed, stamped envelope for returning the election when they provide the offer of rent reporting (Civ. Code §§ 1954.06(c)-(d).)

6) Requires that, if a tenant elects to have their rent reported, their election be in writing. Prohibits a landlord from accepting an election to begin rent reporting at the time of the offer, but allows the tenant to elect rent reporting at any time and request a copy of their election from the landlord (Civ. Code §§ 1954.06(a)-(e).)

7) Requires the offer of rent reporting, for leases entered into on and after July 1, 2021, to be made at the time of the lease agreement and at least once annually thereafter, and, for leases outstanding as of July 1, 2021, made no later than October 1, 2021, and at least once annually thereafter. (Civ. Code § 1954.06(b).)

8) Authorizes a landlord to charge a fee to a tenant who elects to have the tenant's rental payments reported to a consumer reporting agency, in an amount not to exceed the lesser of either the actual cost to the landlord to provide the service, or $10 per month. (Civ. Code § 1954.06(f).)

9) Provides that, if a tenant fails to pay the fee required by the landlord for the rent reporting, the failure of payment cannot be cause for termination of the tenancy, the unpaid fee cannot be deducted from the tenant's security deposit, and that the landlord may stop reporting the tenant's rental payments if the fee remains unpaid for 30 days or more. Provides that the tenant cannot elect rent reporting again for a period of six months from the date on which the fee first became due. Provides that the payment or nonpayment of the fee cannot be reported to a consumer reporting agency. (Civ. Code §§ 1954.06(f) - (g).)

10) Authorizes a tenant who elects to have the tenant's rental payments reported to a consumer reporting agency to subsequently file a written request with the tenant's landlord to stop that reporting; however, a tenant that does so will not be allowed to elect rent reporting again for a period of at least six months from the date of the tenant's written request. (Civ. Code § 1954.06(h).)

11) Provides that a tenant who elects to have rent reported does not forfeit any rights under Sections 1941 to 1942, inclusive, of the Civil Code, and the deduction or withholding of rent as authorized by those sections will not constitute a late rental payment. A tenant invoking the right to deduct or withhold is required to notify the landlord of the deduction or withholding prior to the date rent is due. (Civ. Code § 1954.06(i).)

12) Requires that, upon appropriation by the Legislature, an independent evaluator be selected by the Department of Financial Protection and Innovation (DFPI) to be responsible for conducting an evaluation of the impact of rental payment reporting in the state pursuant to this section, and provides the process for the evaluator to be competitively selected. Requires the evaluator to create a report that includes, but is not limited to, information about: (a) the estimated percentage of assisted housing developments in compliance with the rent

reporting requirements of this section; (b) any significant barriers to compliance with that section experienced by assisted housing developments; the estimates number of participating tenants; (c) any significant barriers to participation experienced by tenants; (d) the estimated impact of participation on the credit scores of participating tenants living in assisted housing developments; and (e) the recommendations, if any, for changes to the rental payment reporting process established by this section that could positively impact tenants of assisted housing developments. Requires this annual report be posted on the internet website of DFPI and distributed to the appropriate policy committees of the Legislature on or before January 1, 2025. If the information required to be reported cannot be obtained due to an absence of data or other methodological constraints, requires DFPI to notify the Legislature of this fact and the actions taken to attempt to obtain the information, why the information was unable to be obtained, and any recommendations for statutory changes that could produce data, by January 1, 2024. (Civ. Code § 1954.06(l).)

13) Repeals these provisions on July 1, 2025. (Civ. Code § 1954.06(l).)

This bill:

1) Extends the applicability of Civil Code section 1954.06 indefinitely.

2) Provides that, with the agreement of the tenant, the landlord may provide the offer of rent reporting to the tenant by first-class United States mail or email.

3) Provides that the landlord must provide with the offer instructions on how the tenant can submit written election of rent reporting to the landlord by first-class United States mail or by email.

4) Specifies that, if the offer is made by first-class United States mail, the landlord must provide the tenant with a self-addressed, stamped envelope for returning the written election by mail.

5) Eliminates the provisions described in 12), above, relating to the appointment of an independent evaluator to evaluate the rent reporting requirement created by these provisions.

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

SUPPORT: (Verified 4/24/24)

City of Alameda

OPPOSITION: (Verified 4/24/24)

None received

ARGUMENTS IN SUPPORT: In support of this bill, the City of Alameda writes:

> Having an established credit history is vital to accessing many consumer services and obtaining loans. Credit checks are frequently required for things like renting an apartment, buying a house, obtaining basic utility services or a cell phone, getting a credit card, and borrowing money from a bank. Some employers even check an applicant's consumer credit record as part of the hiring process.
>
> Some people are fortunate to be able to begin establishing a credit history early in their lives through things like convincing someone with good credit to co-sign on a loan or simply getting added to a parent's credit card account. For those who do not have these options, establishing a credit history can be enormously challenging because enrolling in services or obtaining loans that would establish a credit history often requires having a credit history. This catch-22 shuts many low-income individuals out of the formal economy, forcing them to make inflated deposits to obtain things like housing or utility services, steering them away from keeping money in interest-bearing accounts and driving them into the hands of financial services with hefty fees and high interest rates, like pay-day lenders and check-cashing companies. Statistics show that a lack of credit impacts a large segment of our population and disproportionately affects those with low income and communities of color.
>
> Current law, which sunsets on January 1, 2025, requires landlords of subsidized housing developments to offer their tenants the option to have their rental payments reported to at least one consumer credit reporting agency. Current law allows for the landlord to charge a tenant that elects to have this information reported to a credit reporting agency $10 per month or the actual cost to the landlord to provide this service.

SB 924 will remove the sunset in current law, making permanent the ability for renters living in subsidized housing to have the option to build their credit through the reporting of their monthly rent payments to a consumer credit reporting agency.

Prepared by: Ian Dougherty / JUD. / (916) 651-4113
4/24/24 13:52:48

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

Office of Senate Floor Analyses
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CONSENT

Bill No: SB 925
Author: Wiener (D)
Amended: 3/20/24
Vote: 21

SENATE GOVERNMENTAL ORG. COMMITTEE: 16-0, 4/23/24
AYES: Dodd, Wilk, Alvarado-Gil, Archuleta, Ashby, Bradford, Glazer, Jones, Nguyen, Ochoa Bogh, Padilla, Portantino, Roth, Rubio, Seyarto, Smallwood-Cuevas

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SUBJECT: Legislative review of state agency action

SOURCE: Author

DIGEST: This bill changes, from 10 to nine days, the objection period that members of the Joint Legislative Budget Committee (JLBC) can raise before the chairperson of the JLBC can waive the 60-day notification period required by a state agency to notify the JLBC of a change to a federal aid allocation formula.

ANALYSIS:

Existing law:

1) Requires a state agency, as specified, to notify the JLBC not less than 60 days prior to the effective date on which the state agency will establish or change a federal aid allocation formula to a local agency.

2) Requires the notification to contain the federal law or regulation necessitating authorizing the establishment or change, a description of the proposed allocation formula to be established or changed and an estimate of the resulting increase or decrease in federal aid allocated to the affected local agency.

3) Authorizes the chairperson of the JLBC to grant a waiver of the 60-day notification period if the chairperson informs members of the JLBC of the

chairperson's intention to waive the 60-day notification period and if no objection is received within 10 days.

4) Exempts from the above requirements, the establishment or changes in federal aid allocation formulas affecting less than $100,000 in federal aid in any fiscal year.

5) Exempts from the above requirements any reallocation of funds by a state agency from or to a local agency if the state agency finds that either, or both, of the following exist:

   a) The local agency cannot spend its entire allocation within the period established by the federal government.
   b) The failure to spend the funds could lead to their recapture by the federal government or to a reduced allocation of federal funds in subsequent years.

This bill changes, from 10 to nine days, the objection period by which a member of the JLBC can raise an objection to the chairperson's waiver of the 60-day notification period required by a state agency to notify the JLBC of a change to a federal aid allocation formula.

Background

Author Statement. According to the author's office, "current law, with this section of statute not having been amended since 1979, does not account for the more rapid pace by which information – objections in this case – can be received with existing technology. SB 925 takes that, and the current budget conditions, into account and provides a solution."

Current Requirements. Current law requires any state agency that is required or permitted by federal law or regulation to establish or alter a federal aid allocation formula to a local agency to notify the JLBC no less than 60 days prior to the effective date of the change in the formula. The notification is required to contain the federal law or regulation necessitating the change, a description of the proposed allocation formula, and an estimate of the resulting increase or decrease in federal aid allocated to the affected local agency. Generally, the Chairperson of the JLBC is then required to hold a hearing on the proposed changes to the allocation formula.

The chairperson of the JLBC is authorized to grant a waiver of the 60-day notification period but only if the chairperson informs members of the JLBC of the chairperson's intention to waive the 60-day notification period and if no objection is received within 10 days. This bill would reduce the time period by which a member of the JLBC can raised an objection from 10 to nine days.

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

SUPPORT: (Verified 4/23/24)

None received

OPPOSITION: (Verified 4/23/24)

None received

Prepared by: Felipe Lopez / G.O. / (916) 651-1530
4/24/24 16:19:01

**** END ****

Office of Senate Floor Analyses
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CONSENT

Bill No: SB 949
Author: Blakespear (D)
Amended: 3/5/24
Vote: 21

SENATE JUDICIARY COMMITTEE: 11-0, 4/2/24
AYES: Umberg, Wilk, Allen, Ashby, Caballero, Durazo, Laird, Min, Niello, Stern, Wahab

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

SUBJECT: Superior court: lactation accommodation

SOURCE: Author

DIGEST: This bill requires a superior court, beginning July 1, 2026, to provide a court user with a reasonable amount of break time during a court proceeding to express breast milk, as specified; requires the Judicial Council to create rules or forms necessary to implement this requirement; and clarifies the statute allowing the superior court to designate a lactation room without certain features, as specified.

ANALYSIS:

Existing law:

1) Requires every employer to provide a reasonable amount of break time to accommodate an employee desiring to express breast milk for the employee's infant child each time the employee has need to express milk. The break time shall, if possible, run concurrently with any break time already provided to the employee; if it does not run concurrently as specified, the break time may be unpaid. (Lab. Code, § 1030.)

2) Requires an employer to provide an employee with the use of a room or other location (room) for the employee to express milk in private, which must satisfy the following conditions:

   a) The room may include the place where the employee normally works, provided that it meets the requirements of b)-x);
   b) The room may not be a bathroom;
   c) The room must be in close proximity to the employee's work area, shielded from view, and free from intrusion while the employee is expressing milk;
   d) The room must be safe, clean, and free of hazardous materials, as defined;
   e) The room must contain a surface to place a breast pump and personal items;
   f) The room must contain a place to sit;
   g) The room must have access to electricity or alternative devices, including, but not limited to, extension cords or charging stations, needed to operate an electric or battery-powered breast pump;
   h) There must be access to a sink with running water and a refrigerator or other equipment suitable for storing milk in close proximity to the employee's workspace;
   i) When a multispace room is used for lactation, the use of the room for lactation must take precedence over the other uses, but only for the time it is in use for lactation purposes;
   j) An employer that employs fewer than 50 employees may be exempt from the requirement if it can demonstrate that the requirement would impose an undue hardship, as specified. (Lab. Code, § 1031.)

3) Requires, beginning July 1, 2026, a superior court to provide any court user access to a lactation room in any courthouse in which a lactation room is also provided to court employees in compliance with 2);

   a) The lactation room for court users shall be located within the court facility in an area that is accessible to the public or reasonably accessible to the public using the court facility;
   b) The lactation room shall meet all of the requirements of 2). (Gov. Code, § 69894 (operative July 1, 2026).)

4) Permits a superior court to comply with 3) without providing access to a sink with running water and a refrigerator or other cooling device suitable for storing milk if due to operational, financial, or space limitations [*sic*].[1] In such a case, the lactation room shall not be a bathroom, shall be shielded from view and free

[1] This incomplete sentence is currently in statute. This bill corrects the omission.

from intrusion while it is being used by a court user to express milk, and shall otherwise be compliant with 2). (Gov. Code, § 69894(b).)

Existing Rules of Court:

Permit a parent who is breastfeeding a child to request that jury service be deferred for up to one year, and permits the parent to renew the request as long as they are breastfeeding. If the request is made in writing, under penalty of perjury, the jury commissioner must grant it without requiring the prospective juror to appear at court. (Cal. Rules of Ct., r. 2.1006.)

This bill:

1) Corrects a drafting error in the statute requiring courts to provide lactation rooms for employees, by adding the phrase "the court is unable to comply" before "due to operational, financial, or space limitations" to the provision allowing courts to use the alternatives for compliance set forth in Labor Code section 1031.

2) Requires, beginning July 1, 2026, a superior court to provide any court user a reasonable amount of break time during a court proceeding in which the court user is participating to allow the court user to express breast milk for the individual's infant child each time the individual has need to express breast milk.

3) Requires the Judicial Council, on or before January 1, 2026, to adopt or amend rules of court or forms to implement 2), including a confidential process for the court user to request the break time.

Comments

For parents who choose to breastfeed their children, finding a private, sanitary location to do so can be a struggle. Since 2002, California has required workplaces to make accommodations for breastfeeding employees. (AB 1025 (Frommer, Chapter 821, Statutes of. 2001).) Beginning July 1, 2026, the courts will be required to provide court users access to courthouse lactation rooms provided to court employees or to another lactation space that is shielded from view and free from intrusion while being used to express milk. Current law does not, however, provide guidance as to when the courts must give breastfeeding court users time to express milk.

This bill intends to close this gap by requiring courts to provide court users with a reasonable amount of break time during a court proceeding in which the court user is participating to allow them to express breast milk for the court user's child. The break time must be provided every time the individual has need to express breast milk. The bill also requires the Judicial Council to adopt or amend rules of court or forms to implement this requirement, including a confidential process by which a court user may request break time to express milk. These provisions intend to ensure that breastfeeding individuals are not unfairly disadvantaged by the court system by virtue of their decision to breastfeed. Additionally, this bill corrects a drafting error in the statute that allows the superior court to designate a lactation space without running water or a refrigerator under certain conditions.

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

SUPPORT: (Verified 4/22/24)

American College of Obstetricians and Gynecologists District IX
California WIC Association
Consumer Attorneys of California
Judicial Council of California
One individual

OPPOSITION: (Verified 4/22/24)

None received

ARGUMENTS IN SUPPORT: According to the Consumer Attorneys of California:

> Existing law requires most employers, including superior courts, to provide lactating employees with a reasonable amount of break time and access to a lactation room or other appropriate space where the employee can express breastmilk in private. Lactating people called for jury duty can defer their services as long as they are breastfeeding.
>
> However, the tens of thousands of attorneys, parties to lawsuits, witnesses, interpreters, court reporters, and others required to attend court each day are not currently entitled access to a lactation room while at court because they are not court employees. This problem is partially solved by Government Code § 69894, which requires, by July 1, 2026, any superior court with a lactation room for court employees to also provide members of the public access to a lactation room.

Unfortunately having a lactation room available does not actually guarantee a person will be able to use it. Under current law, a person must ask a judge for a break in the proceedings to use a lactation room. Not only can a public request cause people to feel discomfort, but it is also entirely up to the judge's discretion whether to approve the request.

SB 949 solves this problem by requiring courts to grant reasonable break time during court proceedings for any lactating person. SB 949 directs the Judicial Council to adopt or amend rules of the court, including any forms, for a lactating person to confidentially request breaks. The effective date coincides with the date courts must have lactation rooms available to the public. Therefore, this bill does not require any new accommodations to be built. Instead, it simply ensures that every person can use a lactation room when necessary.

Prepared by: Allison Whitt Meredith / JUD. / (916) 651-4113
4/23/24 16:13:32

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

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THIRD READING

Bill No: SB 956
Author: Cortese (D)
Introduced: 1/22/24
Vote: 21

SENATE EDUCATION COMMITTEE: 6-0, 3/20/24
AYES: Newman, Cortese, Glazer, Gonzalez, Smallwood-Cuevas, Wilk
NO VOTE RECORDED: Ochoa Bogh

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

SUBJECT: School facilities: design-build contracts

SOURCE: Coalition for Adequate School Housing

DIGEST: This bill extends in perpetuity the authority of a school district to utilize design-build contracts for specified public works projects, awarding the contract to either the low bid or the best value.

ANALYSIS:

Existing law:

1) Includes legislative findings and declarations acknowledging the success of the design-build method in various agencies, noting benefits such as reduced costs, faster project completion, and innovative design features. This method is authorized for school districts to use but is not necessarily preferred over other procurement methods.

2) Defines "design-build" as a project delivery process in which both the design and construction of a project are procured from a single entity. Further defines a "design-build entity" as a corporation, limited liability company, partnership, joint venture, or other legal entity that is able to provide appropriately licensed contracting, architectural, and engineering services, as needed, pursuant to a design-build contract.

3) Authorizes school districts, with approval from their governing boards, to procure design-build contracts for projects exceeding one million dollars, with the flexibility to award contracts based on either the lowest bid or the best value. Additionally, each school district is mandated to develop guidelines for a standard organizational conflict-of-interest policy, ensuring compliance with applicable laws.

4) Specifies the design-build authority shall remain in effect until January 1, 2025.

This bill extends in perpetuity the authority of a school district to utilize design-build contracts for specified public works projects, awarding the contract to either the low bid or the best value.

Comments

1) *Need for the bill.* According to the author, "The statute that allows K-12 districts to use design-build contracts is set to expire on January 1, 2025. Districts use this valuable tool to expedite project construction, generate creative solutions to unique issues, and encourage collaboration between architects, engineers, and contractors.

   "Unfortunately, schools hesitate to use this delivery method near legislative sunsets because the law could change by the time they start their bidding process. Given the successful utilization of this delivery method over the last two decades, it's time to remove the sunset and make it permanent."

2) *What is design-build?* There are two primary construction delivery systems used in the public and private sectors, "design-bid-build" and "design-build."

   Current law requires that school districts award construction contracts over $15,000 to the lowest responsible bidder. Current law also allows contracts for architectural services to be awarded on the basis of demonstrated competence and professional qualifications to be performed at a fair and reasonable price (not necessarily lowest bidder). These laws have meant that schools (and most public construction work) have been built using a "design-bid-build" methodology wherein a separate contract is awarded for the design work by an architect and another contract is awarded to the lowest responsible bidder for the construction.

   In the 1990s, the state began the enactment of various legislation authorizing state and local entities to use a "design-build" system under specified circumstances. Under this approach, a single contract is awarded to a professional team, a "design-build" entity, to conduct both types of work.

Rather than awarding such a contract to the lowest responsible bidder, it may be awarded on the basis of the experience and qualifications of the competitors, or on a determination that a particular competitor provides the best value to the project. The legislative history for school districts being authorized to utilize design-build is as follows:

a) AB 1402 (Simitian, Chapter 421, Statutes of 2001) – Established the authority for K-12 school districts to use the design-build delivery method for projects over $10 million. Initial sunset date of January 1, 2007.

b) AB 127 (Nunez, Chapter 35, Statutes of 2006) – Extended the sunset from January 1, 2007 to January 1, 2010.

c) SB 614 (Simitian, Chapter 471, Statutes of 2007) – Reduced the project cost threshold from $10 million to $2.5 million and extended the sunset date from January 1, 2010 to January 1, 2014.

d) SB 1509 (Simitian, Chapter 736, Statutes of 2012) – Extended the sunset date from January 1, 2014 to January 1, 2020.

e) AB 1358 (Dababneh, Chapter 752, Statutes of 2015) – Recast the provisions of the K-12 design-build delivery method, aligning with other state and local agency design-build statutory requirements. Added skilled and trained workforce requirements, as well as contractor prequalification requirements. Reduced the project cost threshold from $2.5 million to $1 million and extended the sunset from January 1, 2020 to January 1, 2025.

3) *What does the procurement process for school districts utilizing design-build look like?* The procurement process for design-build projects involves several steps. First, the school district prepares comprehensive documents detailing the project's scope, estimated costs, and other relevant information, which are crafted by a licensed design professional. These documents exclude long-term operation contracts but may include operations during a training or transition period.

   Next, the school district issues a request for qualifications to prequalify design-build entities for evaluation based on criteria such as technical expertise and safety records. Then, a request for proposals is prepared, inviting prequalified entities to submit competitive sealed proposals. For projects using the low bid method, contracts are awarded to the lowest responsible bidder. However, for projects utilizing the best value selection method, proposals are evaluated based on criteria outlined in the request for proposals, including technical expertise,

life-cycle costs, and price. Discussions or negotiations may occur, and awards are granted to the design-build entity offering the best value.

The school district publicly announces contract awards and maintains records for external audits. Additionally, a commitment to using a skilled and trained workforce is mandated for all project work, unless certain exceptions are met, ensuring adherence to industry standards and regulations.

4) *Related Legislative Analyst's Office (LAO) reports*. In February 2005, the LAO issued a report on *Design-Build: An Alternative Construction System* in which it reported its consolidated findings on design-build across several public works sectors. Among other things, the LAO recommended that the state adopt a single statute applying to all public entities, design-build be available as an option and not a replacement for "design-bid-build" and that no cost threshold be imposed on the authority to use design-build. The LAO also noted that disadvantages of design-bid included a limited assurance of quality control since the building is not typically defined in detail at the time of entering into the contract, and a more subjective process for awarding contracts and evaluating qualifications and experience, as well as limited access for small contractors without the range of experience of larger, long-established firms.

   In January 2010, the LAO presented a summary of reports received from California counties that had completed construction projects using the design-build delivery method, as required under the legislation extending design-build authority to county governments (Public Contract Code Section 20133). The LAO noted that although difficult to draw conclusions from the reports received about the effectiveness of design-build compared to other project delivery methods, there was no evidence to discourage the Legislature from granting design-build authority to local agencies on an ongoing basis. The LAO also recommended that the Legislature consider, among other things, creating a uniform design-build statute.

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

SUPPORT: (Verified 4/10/24)

Coalition for Adequate School Housing (source)
Alameda County Office of Education
Associated General Contractors
Association of California Construction Managers
Association of California School Administrators
California Association of School Business Officials

California Retired Teachers Association
Design-Build Institute of America Western Pacific Region
Kern County Superintendent of Schools Office
Los Angeles County Office of Education
Los Angeles Unified School District

OPPOSITION: (Verified 4/10/24)

None received

Prepared by: Ian Johnson / ED. / (916) 651-4105
4/10/24 13:44:18

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

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THIRD READING

Bill No: SB 962
Author: Padilla (D)
Amended: 4/18/24
Vote: 27 - Urgency

SENATE LABOR, PUB. EMP. & RET. COMMITTEE: 5-0, 4/17/24
AYES: Smallwood-Cuevas, Wilk, Cortese, Durazo, Laird

SUBJECT: San Diego Unified Port District: public employee pension benefits

SOURCE: California Teamsters Public Affairs Council
San Diego Unified Port District

DIGEST: This bill provides legislative approval, as required by the Public Employees' Pension Reform Act (PEPRA), to allow the San Diego Unified Port District (SDUPD) to revise its pre-PEPRA (i.e., "classic") hybrid retirement plan in accordance with recently negotiated memoranda of understanding (MOUs) with the California Teamsters, Public Professional and Medical Employees Local Union 911 ("Teamsters").

ANALYSIS:

Existing law:

1) Requires on and after January 1, 2013, each public retirement system to modify its plan or plans to comply with the requirements of PEPRA. (Government Code (GC) § 7522.10)

2) Prohibits public employers from offering classic public pension formulas to new employees after December 31, 2012, and instead provides pension formulas as defined in PEPRA. Provides that existing members of CalPERS who move to a new CalPERS employer as specified remain eligible for the classic pension formula that was offered by the new employer on December 31, 2012. (GC § 7522 et seq.)

3) Requires each public employer and each public retirement system that offers a defined benefit plan to offer new members only the defined benefit formulas established pursuant to PEPRA. (GC § 7522.18)

4) Establishes, under PEPRA, the retirement benefit plans that public employers may offer new public employees, by:

    a) Requiring uniform retirement formulas, including a 2% at age 62 formula for non-safety workers, which caps out at 2.5% at age 67;

    b) Requiring a three-year final compensation period for determining a pension;

    c) Requiring employee member contributions equal to 50% of the normal cost of the employee's benefit plan;

    d) Capping the amount of compensation that can count toward a pension; and

    e) Restricting the pay items that may be included in pensionable compensation. (GC § 7522 et seq.)

5) Authorizes a public employer to continue to offer a defined benefit plan (classic plan) that was in place when PEPRA was implemented to new members if the classic plan has a lower benefit factor at normal retirement age and a lower normal cost than the defined benefit formula required by PEPRA, as specified. (GC § 7522.02 (d))

6) Provides that if an employer who continues a lower cost classic plan later adopts a new defined benefit formula on or after January 1, 2013, that formula must conform to PEPRA or the retirement system’s chief actuary and retirement board must determine and certify that it has no greater risk and no greater cost to the employer than the PEPRA formula and the formula must be approved by the Legislature. (GC § 7522.02 (d))

7) Permits new members of the defined benefit plan to participate only in the lower cost defined benefit formula that was in place before January 1, 2013, or a defined benefit formula that conforms to PEPRA or is approved by the Legislature as, specified. (GC § 7522.02 (d))

This bill:

1) Makes the following legislative findings and declarations that:

   a) PEPRA created specified defined benefit formulas that are the only defined benefit formulas that a public retirement system is permitted to offer to new members, as that term is defined in Section 7522.04 of the Government Code, unless the Legislature grants its approval for a different defined benefit formula and other requirements are met.

   b) SDUPD has negotiated MOUs with Teamsters, representing the following bargaining units: the Service, Maintenance, Operations and Crafts Unit; the Supervisory Unit; and the Non-Sworn Safety Personnel Unit.

   c) In accordance with those agreements, SDUPD will prospectively institute for existing Teamsters-represented employees and for both new Teamsters-represented employees and all unrepresented employees eligible for SDUPD's classic plan, a retirement plan that consists of a defined benefit plan component, which provides a lesser defined benefit than that prescribed by PEPRA.

   d) The San Diego City Employees' Retirement System's (SDCERS) chief actuary and retirement board have determined and certified that the new plan represents no greater risk and no greater cost to SDUPD than the relevant defined benefit formula provided by PEPRA and is thus consistent with the PEPRA principle of reducing the burden of public employee retirement benefits on public agencies.

2) States that the Legislature hereby approves of the defined benefit formula described in this act pursuant to the authority granted to the Legislature by subdivision (d) of Section 7522.02 of the Government Code.

3) Provides that this act is an urgency statute necessary because SDUPD seeks to revise a defined benefit plan that existed before the implementation of PEPRA. The revision must meet specified requirements and be approved by the Legislature. In order to implement the multiple memoranda of understanding with its employees' representatives and to provide the revised plan's benefits as soon as possible, it is necessary for this act to take effect immediately.

Background

SDUPD currently has a hybrid retirement plan that existed prior to the implementation of PEPRA. PEPRA permitted public employers to continue such plans for new employees if they result in no greater cost nor greater risk to the employer than the corresponding PEPRA plan. However, PEPRA also provided that if the employer revised the plan or implemented a new defined benefit plan, the chief actuary and retirement board of the retirement system to which the employer belonged must first determine and certify that the plan results in no greater cost nor greater risk to the employer than the corresponding PEPRA plan. The employer must also obtain the Legislature's approval to implement the plan. The committee notes that PEPRA authorized such plans as a narrow exception to PEPRA's requirement that employers modify their existing plans to offer only PEPRA plans to new employees, as specified.

SDUPD's hybrid plan (i.e., their "classic", pre-PEPRA plan) provides a 401K defined contribution benefit component (with an employer contribution) and a defined benefit component. Although employees receive a 401K-employer contribution upon starting employment, they must work five years with SDUPD before they begin earning service credit under the plan's defined benefit component.

SDUPD and the Teamsters have negotiated MOUs to adopt a prospective revision to the classic plan for current and classic-eligible new employees. (The agreements also implement a PEPRA defined benefit plan for all new SDUPD employees who have no carryover classic membership rights from another public pension system. No legislative approval is needed for this second change since the new plan is a PEPRA plan.)

The revision to SDUPD's classic plan eliminates the five-year waiting period before an eligible employee begins to earn service credit under the defined benefit component of the plan. Although the plan revision represents a benefit improvement for SDUPD's current plan members, the SDUPD states that the plan is no more costly nor a greater risk to SDUPD than a PEPRA plan and that the required determination and certification from the San Diego Employees' Retirement System chief actuary and retirement board is forthcoming.

Comments

Need for this bill? According to the author:

> SB 962 allows the Port of San Diego to eliminate the five-year waiting period on the existing plan on a prospective basis and provide existing and new employees (with pre-2013 reciprocity) the opportunity to accrue service credit upon implementation of this measure, while still maintaining employer costs below that of the standard PEPRA plan. By enacting this change, the Port's retirement benefits will be competitive with other public agencies in the San Diego region and enhance recruitment and retention of public employees.

Policy Committee Concerns. The committee has requested but has not yet received the statutorily required SDCERS determination and certification from the system chief actuary and retirement board. The author and sponsor have made a commitment to provide the committee with the required determination and certification prior to moving this bill.

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

SUPPORT: (Verified 4/19/24)

California Teamsters Public Affairs Council (co-source)
San Diego Unified Port District (co-source)
California Labor Federation

OPPOSITION: (Verified 4/19/24)

None received

ARGUMENTS IN SUPPORT: According to the San Diego Unified Port District:

> In 2008, the District collaborated with Teamsters to create a progressive "hybrid" retirement plan, blending defined contribution plans (457 and 401(a)) with a smaller defined benefit (DB) plan. This design aimed to distribute costs and risks between employees and the employer, offering both portability and long-term benefits based on employees' tenure.
>
> However, implementation of the Public Employees' Pension Reform Act (PEPRA) in 2013 resulted in increased employee contributions, causing frustration and diminishing morale due to the extended vestment period. This change made the plan less competitive compared to standard PEPRA plans adopted by other public employers and poses challenges in recruiting

> efforts. As an example, potential candidates from existing systems may be deterred by the prolonged waiting period before accruing service credit, impacting the District's ability to attract skilled individuals, and hindering its ongoing commitment to maintaining a highly qualified and dedicated workforce.
>
> SB 962 presents an opportunity for the District to eliminate the five-year waiting period prospectively, allowing existing and new employees to accrue service credit immediately. This change ensures that its retirement benefits remain competitive with other public agencies in the San Diego region, fostering improved recruitment and retention of public employees.
>
> By supporting SB 962, the District aims to enhance workforce stability, protect the security and sustainability of its pensions, and maintain employer costs below the standard PEPRA plan. The District believes this change will strengthen its ability to attract and retain top talent, ultimately benefiting both its employees and the communities it serves.

According to the California Teamsters Public Affairs Council:

> Unfortunately, the Port is hamstrung in offering competitive compensation packages to both retain and recruit employees because they have a long waiting period before workers can participate in the pension plan. By enacting the change sought in SB 962, the Port's retirement benefits will be competitive with other public agencies in the San Diego region.

Prepared by: Glenn Miles / L., P.E. & R. / (916) 651-1556
4/19/24 14:09:47

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

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THIRD READING

Bill No: SB 1001
Author: Skinner (D)
Introduced: 2/1/24
Vote: 21

SENATE PUBLIC SAFETY COMMITTEE: 4-0, 3/19/24
AYES: Wahab, Bradford, Skinner, Wiener
NO VOTE RECORDED: Seyarto

SUBJECT: Death penalty: intellectually disabled persons

SOURCE: California Anti-Death Penalty Coalition

DIGEST: This bill makes technical amendments to existing law to ensure that people who were diagnosed with an intellectual disability as an adult but can show that they meet the diagnostic criteria for intellectual disability are protected from execution.

ANALYSIS:

Existing law:

1) Establishes court procedures during death penalty cases regarding the issue of intellectual disability. (Penal Code § 1376.)

2) Defines "intellectual disability" as the condition of significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested before the end of the developmental period. (Penal Code § 1376 (a).)

3) Authorizes a defendant to apply, prior to the commencement of trial, for an order directing that a hearing to determine intellectual disability be conducted when the prosecution in a criminal case seeks the death penalty. (Penal Code § 1376 (b)(1).)

4) Provides that if the defendant does not request a court hearing, the court shall order a jury hearing to determine if the defendant is a person with an intellectual disability. (Penal Code § 1376 (b)(1).)

5) Specifies that the jury hearing on intellectual disability shall occur at the conclusion of the guilt phase of the trial in which the jury has found the defendant guilty with a finding that one or more special circumstances, as specified, are true, making the penalty death or life imprisonment without possibility of parole (LWOP). (Penal Code, §§ 190.2; 1376 . (b)(1).)

6) Provides that (a) the jury or court shall decide only the question of the defendant's intellectual disability; (b) the defendant shall present evidence in support of the claim that they are a person with an intellectual disability; (c) the prosecution shall present its case regarding the issue of whether the defendant is a person with an intellectual disability; (d) each party may offer rebuttal evidence; (e) the court, for good cause in furtherance of justice, may permit either party to reopen its case to present evidence in support of or opposition to the claim of intellectual disability; (f) nothing prohibits the court from making orders reasonably necessary to ensure the production of evidence sufficient to determine whether or not the defendant is a person with an intellectual disability, including, but not limited to, the appointment of, and examination of the defendant by, qualified experts; and (g) a statement made by the defendant during an examination ordered by the court shall not be admissible in the trial on the defendant's guilt. (Penal Code § 1376 (b)(2).)

7) Provides that the burden of proof shall be on the defendant to prove by a preponderance of the evidence that they are a person with an intellectual disability. Provides that the jury verdict must be unanimous. (Penal Code § 1376 (b)(3).)

8) Provides that if the jury is unable to reach a unanimous verdict that the defendant is a person with an intellectual disability the courts shall dismiss the jury and order a new jury impaneled to try the issue of intellectual disability. (Penal Code § 1376 (b)(3).)

9) Provides that where the hearing is conducted before trial, the following shall apply:

a) If the court finds that the defendant is a person with an intellectual disability, the court shall preclude the death penalty and the criminal trial shall proceed as in any other case in which a sentence of death is not sought by the prosecution. If the defendant is found guilty of first degree murder, with a true finding of one or more special circumstances, the court shall sentence the defendant to confinement in the state prison for LWOP. The jury shall not be informed of the prior proceedings or the finding concerning the defendant's claim of intellectual disability. (Penal Code § 1376 (c)(1).)

b) If the court finds that the defendant is not a person with an intellectual disability, the trial court shall proceed as in any other case in which a sentence of death is sought by the prosecution. The jury shall not be informed of the prior proceedings or the finding concerning the defendant's claim of intellectual disability. (Penal Code § 1376 (c)(2).)

10) Provides that when the hearing is conducted before the jury after the defendant is found guilty with a finding that one or more special circumstances is true, the following shall apply:

a) If the jury finds that the defendant is a person with an intellectual disability, the court shall preclude the death penalty and sentence the defendant to confinement in the state prison for LWOP; or,

b) If the jury finds that the defendant does not have an intellectual disability, the trial shall proceed as in any other case in which the death penalty is sought by the prosecution. (Penal Code § 1376 (d))

11) States that in any case in which the defendant has not requested a court hearing prior to trial, and has entered a plea of not guilty by reason of insanity, as specified, the hearing on intellectual disability shall occur at the conclusion of the sanity trial if the defendant is found sane. (Penal Code, § 1376 (e).)

12) Provides that the results of a test measuring intellectual functioning shall not be changed or adjusted based on race, ethnicity, national origin, or socioeconomic status. (Penal Code § 1376 (g))

This bill:

1) Provides that “manifested before the end of the developmental period” means that the deficits were present during the developmental period. Provides that it

does not require a formal diagnosis of intellectual disability, or tests of intellectual functioning in the intellectual disability range, before the end of the developmental period.

2) States, in the Penal Code, that a person with an intellectual disability is ineligible for the death penalty.

3) Deletes that provision saying that noting prohibits the court from making orders reasonably necessary to ensure the production of evidence to determine whether or not the defendant is a person with an intellectual disability including, but not limited to the appointment of and examination of the defendant by experts.

4) Provides that if the jury can't reach a unanimous verdict on whether the defendant has an intellectual disability, the court shall enter a fading that the defendant is ineligible for the death penalty.

5) Clarifies that if the defendant elects to present information at trial regarding they claim of intellectual disability, the defendant may.

6) Provides that when a court has concluded a hearing under this section is necessary, the court may order a defendant or petitioner to submit to testing by a qualified prosecution expert only if the prosecution presents a reasonable factual basis that the intellectual functioning testing presented by the defendant or petitioner is unreliable.

7) Provides that any order requiring the defendant or petitioner to submit to testing by a qualified prosecution expert shall be limited to tests directly related to the determination of the defendant or petitioner's intellectual functioning.

8) Provides that any such order shall prohibit the expert from questioning the defendant or petitioner about the facts of the case, shall permit the defendant or petitioner to have the attorney nearby during the examination and to consult with their attorney during the examination if they choose, and shall require that the prosecutions expert's examination be recorded in a manner agreed upon by the parties and the court.

9) Provides that the prosecution shall submit a proposed list of the tests its expert wishes to administer so that the defendant or petitioner may raise any

objections before testing is ordered. Provides that this is declaratory of existing law.

10) Provides (a) that intellectual disability is a question of fact; (b) that the parties to a trial or habeas proceeding may stipulate that a defendant or petitioner is a person with intellectual disability as defined in the clinical standards and in this section; and (c) whenever the parties so stipulate, or counsel representing the State concedes that the defendant or petitioner has an intellectual disability, the court shall, within g30 days, accept the stipulation or concession and declare the defendant or petitioner ineligible for the death penalty.

11) Makes the following legislative findings and declarations:

a) It is the intent of the Legislature to codify and expand upon the Court's holding in Centeno v. Superior Court (2—4) 117 Ca;. App. 4th 30.

b) The Legislature takes seriously the United States Supreme Court's acknowledgement that persons with intellectual disability face a special risk of wrongful execution. The Legislature does not wish to risk the execution of a person with an intellectual disability.

c) As with AB 2512 (Mark Stone, Chapter 331, Statutes of 2020). It is the intent of the Legislature to adopt the professional medical and physiological community's definition and understanding of intellectual disability. The Legislature continues to urge courts to quickly and accurately identify person with intellectual disability and avoid protracted and unnecessary.

Background

According the author:

> While executions are not presently taking place, California's death penalty law remains, as well as protections that apply to the implementation of the death penalty. One of those protections is a requirement of the 8th Amendment which prohibits cruel and unusual punishments, among such punishments are the execution of anyone who is intellectually disabled. SB 1001 enacts safeguard to help ensure that California does not execute people who are intellectually disabled. Specifically SB 1001 establishes a process that retains the requirement that intellectual disability be present during a person's developmental stage but allows for the person to obtain a diagnosis of intellectual disability past that time period.

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

SUPPORT: (Verified 3/19/24)

California Anti-Death Penalty Coalition (source)
8th Amendment Project
Alliance for Boys and Men of Color
Amnesty International USA
California Alliance for Youth and Community Justice
California Attorneys for Criminal Justice
California Catholic Conference
California Innocence Coalition
California Public Defenders Association
Californians for Safety and Justice
Californians United for A Responsible Budget
Communities United for Restorative Youth Justice
Death Penalty Focus
Disability Rights California
Ella Baker Center for Human Rights
Faith in Action East Bay
Felony Murder Elimination Project
Friends Committee on Legislation of California
Full Picture Justice
Grip Training Institute
Initiate Justice
Initiate Justice Action
LA Defensa
Lawyers' Committee for Civil Rights of the San Francisco Bay Area
Legal Services for Prisoner With Children
Nextgen California
Santa Cruz Barrios Unidos
Sister Warriors Freedom Coalition
Smart Justice California, a Project of Tides Advocacy
The Transformative In-prison Workgroup
Uncommon Law
University of San Francisco School of Law, Racial Justice Clinic
Young Women's Freedom Center

OPPOSITION: (Verified 3/19/24)

California District Attorneys Association

ARGUMENTS IN SUPPORT:

The California Alliance for Youth and Community Justice supports this bill:

> In 2002, the United States Supreme Court held it is unconstitutional to execute a person with intellectual disability. The following year, the California Legislature added Penal Code section 1376 to implement this decision. Since it was enacted, this code section has been amended twice: first, in 2012, to change the term "mental retardation" to "intellectual disability," and again in 2020 to modernize the statute and bring it in line with current clinical standards. SB 1001 makes further technical amendments to the statute that provide necessary and important safeguards to ensure that California is not engaging in cruel and unusual punishment by executing or sentencing to death people who are intellectually disabled.

ARGUMENTS IN OPPOSITION:

The California District Attorneys Association opposes this bill stating:

> This bill would create a de facto presumption in favor of a test by the defendant related to an intellectual disability specifically within death penalty cases. This presumption would exclude the people from even testing the defendant to confirm the intellectual disability unless the testing produced by the defendant could be shown to be unreliable. Forcing a party to show that a defendant's mental test is unreliable before having the right to access that defendant to conduct an independent examination is a novel standard that has not been applied in other criminal settings. Once a defendant has put their mental state into dispute, the state has the legal right to independently assess and test a defendant.
>
> Furthermore, even if the People could show the testing of a defendant for an intellectual disability was unreliable, this bill seeks to severely limit the ability to test a defendant. SB 1001 limits the testing of a defendant who has already presented unreliable tests. The People would be limited to tests directly related to the determination of the defendant's intellectual functioning and would be prohibited from a discussion of the facts of the case even if that discussion was necessary to testing intellectual disability. The prosecution expert will be required

to submit a proposed list of the tests prior to the evaluation so that they can be challenged by the defense in a manner that is inconsistent with current law.

Prepared by: Mary Kennedy / PUB. S. /
3/20/24 16:38:02

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

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CONSENT

Bill No: SB 1005
Author: Ashby (D)
Amended: 3/19/24
Vote: 21

SENATE PUBLIC SAFETY COMMITTEE: 5-0, 4/2/24
AYES: Wahab, Seyarto, Bradford, Skinner, Wiener

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

SUBJECT: Juveniles

SOURCE: California Judges Association
Juvenile Court Judges

DIGEST: This bill authorizes a probation officer, with the consent of the minor and the minor's parent, to refer an offense to youth court, as specified.

ANALYSIS:

Existing law:

1) Provides that in any case in which a probation officer concludes that a minor is within the jurisdiction of the juvenile court, or would come within the jurisdiction of the court if a petition were filed, the probation officer may, in lieu of filing a petition to declare a minor a ward of the court or requesting that a petition be filed by the prosecuting attorney to declare a minor a ward of the court, and with consent of the minor and the minor's parent or guardian, refer the minor to services provided by a health agency, community-based organization, local educational agency, an appropriate non-law-enforcement agency, or the probation department. (Welfare & Institutions Code (Welf. & Inst. Code) § 654, subd. (a))

2) Provides that if the services are provided by the probation department, the probation officer may delineate specific programs of supervision for the minor, not to exceed six months, and attempt to adjust the situation that brings the minor within the jurisdiction of the court. Requires the probation officer shall make a diligent effort to proceed with informal supervision when the interest of the minor and the community can be protected. (Welf. & Inst. Code § 654, subd. (a))

3) Provides that the program of supervision of the minor may call for the minor to obtain care and treatment for the misuse of, or addiction to, controlled substances from a county mental health service or other appropriate community agency. (Welf. & Inst. Code § 654, subd. (b))

4) Requires the program of supervision to encourage the parents or guardians of the minor to participate with the minor in counseling or education programs, including, but not limited to, parent education and parenting programs operated by community colleges, school districts, or other appropriate agencies designated by the court, as described. (Welf. & Inst. Code § 654, subd. (c))

5) Provides that a probation officer with consent of the minor and the minor's parent or guardian may provide the following services in lieu of filing a petition:

   a) Maintain and operate sheltered-care facilities, or contract with private or public agencies to provide these services. Provides that the placement is limited to a maximum of 90 days. Requires counseling services to be extended to the sheltered minor and the minor's family during this period of diversion services. Provides that referrals for sheltered-care diversion may be made by the minor, the minor's family, schools, any law enforcement agency, or any other private or public social service agency.
   b) Maintain and operate crisis resolution homes, or contract with private or public agencies offering these services. Provides that residence at these facilities is limited to 20 days during which period individual and family counseling shall be extended to the minor and the minor's family. Provides that failure to resolve the crisis within the 20-day period may result in the minor's referral to a sheltered-care facility for a period not to exceed 90 days. Requires referrals to be accepted from the minor, the minor's family, schools, law enforcement, or any other private or public social service agency.

c) Maintain and operate counseling and educational centers, or contract with community-based organizations or public agencies to provide vocational training or skills, counseling and mental health resources, educational supports, and arts, recreation, and other youth development services. Provides that these services may be provided separately or in conjunction with crisis resolution homes to be operated by the probation officer. Provides that the probation officer is authorized to make referrals to those organizations when available. (Welf. & Inst. Code § 654, subd. (d)(1)-(3))

6) Requires the probation officer to prepare and maintain a follow up report of the actual program measures taken at the conclusion of the program of supervision. (Welf. & Inst. Code § 654, subd. (d))

7) Delineates the types of conduct that may result in a student's suspension or recommendation for an expulsion. (Education Code (Ed. Code) § 48900)

8) Prohibits a suspension or expulsion from being imposed against a student based solely on the fact that the student is truant, tardy, or otherwise absent from school activities. (Ed. Code § 48900, subd. (w)(1))

9) Provides that it is the intent of the Legislature that the Multi-Tiered System of Supports, which includes restorative justice practices, trauma-informed practices, social and emotional learning, and school wide positive behavior interventions and support, be used to help pupils gain critical social and emotional skills, receive support to help transform trauma-related responses, understand the impact of their actions, and develop meaningful methods for repairing harm to the school community. (Ed. Code § 48900, subd. (w)(2))

This bill:

1) Authorizes a probation officer to refer an offense to a youth, peer, or teen court established and maintained by the probation officer or by a community-based organization, Indian tribe, tribal court, or private or public agency, to implement restorative justice practices designed to enable peer youth jurors to hear cases and make dispositions for offenses committed by youths. Specifies that such referral offenses may include, but are not limited to, infractions or misdemeanors specified in subdivisions (a) to (v), inclusive, of Section 48900 of the Education Code, or for any other violation the probation officer may determine appropriate for referral.

2) Provides that its provisions be implemented consistent with subdivision (w) of Section 48900 of the Education Code.

Background

Youth courts, also known as peer courts, teen courts, and student courts, were first established in the state in the 1980s. Youth are referred to youth court from probation, law enforcement, and schools and diverted away from the juvenile justice system. The Judicial Council of California describes the program as follows:

> Through direct participation, youth court is designed to educate youth about the juvenile justice system. Youth courts use a restorative and trauma-informed approach where youth offenders are held accountable for their actions and reflect on the poor decisions that brought them to youth court in the first place. By using a restorative approach, the youth's personal strengths are identified and the young person agrees to repair the harm that was done while also restoring relations with their families, schools, and communities. Teens and parents, who are required to be involved in their teen's intake session and court hearings, get exposure to the judicial process and are likely to realize the importance of being proactive in making changes in their lives. (Judicial Council of California, *Fact Sheet: Youth Courts*, available at <https://www.courts.ca.gov/documents/Youth_Courts.pdf as of Mar. 25, 2024)

Participation in youth court has yielded the following benefits: an increase in youthful offender accountability, timely resolution of cases, an increase in cost savings to the traditional court system, strengthened civic engagement, and crime prevention. (*Ibid.*)

The sponsors of this bill assert that the lack of statutory authority for youth courts may serve to discourage them from being established. To address this concern, this bill authorizes a probation officer to refer an offense to a youth, peer, or teen court established and maintained by the probation officer or by a community-based organization, Indian tribe, tribal court, or private or public agency, to implement restorative justice practices designed to enable peer youth jurors to hear cases and make dispositions for offenses committed by youths. This bill additionally specifies the types of offenses that may be referred.

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

SUPPORT: (Verified 4/22/23)

California Judges Association (co-source)
Juvenile Court Judges (co-source)
California Public Defenders Association

OPPOSITION: (Verified 4/22/23)

None received

Prepared by: Stephanie Jordan / PUB. S. /
4/24/24 14:46:19

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

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CONSENT

Bill No: SB 1034
Author: Seyarto (R), et al.
Amended: 4/4/24
Vote: 21

SENATE JUDICIARY COMMITTEE: 11-0, 4/2/24
AYES: Umberg, Wilk, Allen, Ashby, Caballero, Durazo, Laird, Min, Niello, Stern, Wahab

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

SUBJECT: California Public Records Act: state of emergency

SOURCE: City of Chino Hills

DIGEST: This bill adds an additional unusual circumstance under which the initial response time to a public records request may be extended by an agency for an additional 14 days to include the need to search for, collect, appropriately examine, and copy records during a state of emergency proclaimed by the Governor when the state of emergency has affected the agency's ability to timely respond to requests due to decreased staffing or closure of the agency's facilities, and specifies that this provision only applies to records not created during and applying to the state of emergency.

ANALYSIS:

Existing law:

1) Provides, pursuant to the California Constitution, that the people have the right of access to information concerning the conduct of the people's business, and, therefore, the meetings of public bodies and the writings of public officials and agencies are required to be open to public scrutiny. (Cal. const. art. I, § 3(b)(1).)

a) Requires a statute to be broadly construed if it furthers the people's right of access, and narrowly construed if it limits the right of access. (Cal. const. art. I, § 3(b)(1).)
b) Requires a statute that limits the public's right of access to be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest. (Cal. const. art. I, § 3(b)(1).)

2) Governs the disclosure of information collected and maintained by public agencies pursuant to the California Public Records Act (CPRA). (Gov. Code §§ 792.000 et seq.)

   a) States that, the Legislature, mindful of the right of individuals to privacy, finds and declares that access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state. (Gov. Code § 7921.000.)
   b) Defines "public records" as any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics. (Gov. Code § 7920.530.)
   c) Defines "public agency" as any state or local agency. (Gov. Code § 7920.525(a).)

3) Provides that all public records are accessible to the public upon request, unless the record requested is exempt from public disclosure. (Gov. Code § 7922.525.)

   a) Some records are prohibited from being disclosed and other records are permissively exempted from being disclosed. (See e.g. Gov. Code §§ 7920.505 & 7922.200.)
   b) There are several general categories of documents or information that are permissively exempt from disclosure under the CPRA essentially due to the character of the information. The exempt information can be withheld by the public agency with custody of the information, but it also may be disclosed if it is shown that the public's interest in disclosure outweighs the public's interest in non-disclosure of the information. (*CBS, Inc. v. Block* (1986) 42 Cal.3d 646, at 652.). [1]

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[1] *CBS, Inc. v. Block* (1986) 42 Cal.3d 646, at 652 (stating that "[t]wo exceptions to the general policy of disclosure are set forth in the [CPRA]. Section 6254 lists 19 categories of disclosure-exempt material. These exemptions are permissive, not mandatory. The [CPRA] endows the agency with discretionary authority to override the statutory exceptions when a dominating public interest favors disclosure."). The exemptions in Section 6254 were continued under the reorganization of the CPRA and may be referred to as former Section 6254 provisions. (Gov. Code § 7920.505.)

4) Requires each public agency, upon a request for a copy of public records, to determine, within 10 days from receipt of the request, whether the request seeks copies of disclosable public records in the possession of that agency and requires the agency to promptly notify the person making the request of the determination and the reasons therefor. (Gov. Code § 7922.535(a).)

   a) If the agency determines that the request seeks public records that are disclosable to the public, the agency must also state the estimated date and time when the records will be made available to the requester. (*Ibid*.)

This bill:

1) Adds an additional unusual circumstance under which the initial response time to a public records request may be extended to include the need to search for, collect, appropriately examine, and copy records during a state of emergency proclaimed by the Governor when the state of emergency has affected the agency's ability to timely respond to requests due to decreased staffing or closure of the agency's facilities, and specifies that this provision only applies to records not created during and applying to the state of emergency.

2) Defines "state of emergency" to mean a state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act.

Comments

Access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state. (Gov. Cod § 7921.000.) In 2004, the right of public access was enshrined in the California Constitution with the passage of Proposition 59 (Nov. 3, 2004, statewide general election),[2] which amended the California Constitution to specifically protect the right of the public to access and obtain government records: "The people have the right of access to information concerning the conduct of the people's business, and therefore . . . the writings of public officials and agencies shall be open to public scrutiny." (Cal. Const., art. I, sec. 3 (b)(1).) In 2014, voters approved Proposition 42 (Jun. 3, 2014, statewide direct primary election)[3] to further increase public access to government records by requiring local agencies to comply with the

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[2] Prop. 59 was placed on the ballot by a unanimous vote of both houses of the Legislature. (SCA 1 (Burton, Ch. 1, Stats. 2004).

[3] Prop. 42 was placed on the ballot by a unanimous vote of both houses of the Legislature. (SCA 3 (Leno, Ch. 123, Stats. 2013).

CPRA and the Ralph M. Brown Act[4], and with any subsequent statutory enactment amending either act, as provided. (Cal. Const., art. I, sec. 3 (b)(7).)

Under the CPRA, public records are open to inspection by the public at all times during the office hours of the agency, unless exempted from disclosure. (Gov. Cod § 7922.252.) A public record is defined as any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any public agency regardless of physical form or characteristics. (Gov. Code § 7920.530.) The CPRA requires a public agency to make a determination within 10 days of a records request on whether the agency is in possession of the requested records and whether they are disclosable records, either in part or full, including an explanation for the agency's determination and an estimated date and time the records will be made available. (Gov. Code § 7922.530(a).) The CPRA allows an agency to extend that response period by 14 days in specified "unusual circumstances." (*Id*. at subd. (b).) These "unusual circumstances" are: (1) needing to search for and collect the requested records from facilities that are separate from the office processing the request; (2) needing to search for, collect, and appropriately examine a voluminous amount of separate and distinct records that are demanded in a single request; (3) needing to consult with another agency having substantial interest in the determination of the request or among two or more components of the agency having substantial subject matter interest therein; or (4) needing to compile data, to write programming language or a computer program, or to construct a computer report to extract data. (*Id*. at subd. (b)(1)-(3).)

This bill adds an additional "unusual circumstance" that would allow an agency to extend their initial response time by 14 days to also include the need to search for, collect, appropriately examine, and copy records during a state of emergency proclaimed by the Governor when the state of emergency has affected the agency's ability to timely respond to requests due to decreased staffing or closure of the agency's facilities. The author and sponsor of this bill point to the recent COVID-19 pandemic as the reason for this bill. Recognizing that accessing records about a state of emergency during a state of emergency is important and necessary for the public, this bill specifically provides that this new "unusual circumstance" only applies to records that are not related to the state of emergency. This bill defines a "state of emergency" to mean a state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act.

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[4] The Ralph M. Brown Act is the open meetings laws that applies to local agencies. (Gov. Code §§ 59450 et. seq.)

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

SUPPORT: (Verified 4/22/24)

City of Chino Hills (source)
Association of California Healthcare Districts
Association of California School Administrators
California Association of Joint Powers Authority
California Association of Recreation and Park Districts
California Law Enforcement Association of Records Supervisors
California Special Districts Association
California State Association of Counties
Chino Valley Fire District
City Clerks Association of California
City of Brea
City of Calabasas
City of Chino
City of Chowchilla
City of Downey
City of Eastvale
City of Fortuna
City of Glendora
City of Grand Terrace
City of Lake Elsinore
City of Plymouth
City of Rancho Cucamonga
City of Roseville
City of Torrance
City of Upland
Curt Harman, 4th District Supervisor, San Bernardino County
Desert Water Agency
El Dorado Irrigation District
Orange County Sanitation District
Public Risk Innovation, Solutions, and Management
Rural County Representatives of California
Solano County Water Agency
Urban Counties of California

OPPOSITION: (Verified 4/22/24)

None received

ARGUMENTS IN SUPPORT: The author writes:

> In recent years, the COVID-19 pandemic brought unprecedented circumstances that were not captured under the current definition of "unusual circumstances" for the purposes of the California Public Records Act. Consequently, agencies were obligated to allocate limited time and resources to comply with the normal 10-day determination period in the midst of a statewide public health and safety emergency. SB 1034 provides a reasonable recognition that an "unusual circumstance" includes a state of emergency that causes decreased staffing or closure of agency facilities, thereby allowing agencies a 14-day extension to make determinations on public record requests. This new provision is only applicable to instances in which the requested record is not related to the state of emergency.

The City of Chino Hills writes:

> A state of emergency can affect state and local agencies' ability to timely respond to Records Act requests due to decreased staffing or closure of the agency's facilities. Additionally, difficulties can include a combination of resource constraints, logistical hurdles, safety concerns, and the need to prioritize immediate needs. […]
>
> SB 1034 allows agencies to focus on keeping their communities safe during a state of emergency. During a state of emergency agencies may face a surge in demand for their services while simultaneously experiencing resource constraints. These constraints can include shortages in staffing, equipment, and supplies, and immediate safety concerns, making it difficult to promptly respond to public record requests to stay within the compliance period.

Prepared by: Amanda Mattson / JUD. / (916) 651-4113
4/23/24 10:01:32

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

Office of Senate Floor Analyses
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CONSENT

Bill No: SB 1044
Author: Seyarto (R), et al.
Amended: 3/11/24
Vote: 21

SENATE GOVERNMENTAL ORG. COMMITTEE: 14-0, 4/9/24
AYES: Dodd, Wilk, Alvarado-Gil, Archuleta, Bradford, Glazer, Jones, Nguyen, Ochoa Bogh, Padilla, Portantino, Rubio, Seyarto, Smallwood-Cuevas
NO VOTE RECORDED: Ashby, Roth

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

SUBJECT: Bingo: overhead costs

SOURCE: Author

DIGEST: This bill increases the monthly limit on bingo overhead costs to $3,000 per month and annually increases the limit by the annual average percentage in the California Consumer Price Index for All Urban Consumers (CPI).

ANALYSIS:

Existing law:

1) Authorizes, under the California Constitution, the Legislature to authorize cities, counties, and cities and counties to provide for bingo games for charitable purposes.

2) Authorizes local agencies to regulate bingo games and remote caller bingo games for charitable purposes under specified criteria.

3) Requires the proceeds from authorized bingo games to be kept in a special fund and not commingled with any other fund or account. Requires funds to be used only for charitable purposes, except for specified uses.

4) Authorizes an organization to use the funds for rental costs and the purchase of bingo equipment, among other specified uses.

5) Limits the amount to be spent on overhead costs to 20% of the proceeds before deduction of prizes, or $2,000 a month, whichever is less.

This bill:

1) Increases the $2,000 per month limit on bingo overhead costs to $3,000 per month and annually increases the limit by the annual average percentage in the CPI.

2) Defines "Consumer Price Index" to mean the CPI published by the Department of Industrial Relations.

Background

Author Statement. According to the author's office, "SB 1044 is essential for the survival of our local charity bingo games. The current law's $2,000 monthly cap on administrative costs is outdated and burdensome. SB 1044 will increase the monthly limit to $3,000 and link this cap to the CPI, allowing nonprofits to adapt to economic changes. Without this change, we risk losing these games and the valuable community services they fund."

California Charitable Bingo. In 1976, California voters approved an amendment to the Constitution specifying, "the Legislature by statute may authorize cities and counties to provide for bingo games, but only for charitable purposes." The Legislature implemented this constitutional provision by enacting Penal Code section 326.5. The statute authorizes the playing of bingo where the games are conducted by a specified tax-exempt organization for charitable purposes pursuant to local ordinance. In general, these ordinances specify limitations of days, locations, and hours of operations of bingo games. Local governments have the responsibility to regulate and enforce their ordinances. Furthermore, the federal government requires charitable non-profit organizations to file annual returns that are subject to audit.

In 2008, SB 1369 (Cedillo, Chapter 748, Statutes of 2008) was enacted to allow the play of remote caller bingo in an effort to help nonprofit organizations continue their fundraising efforts. Remote caller bingo is played through the use of audio

and video technology to link any number of facilities for the purpose of transmitting the remote "calling" of a live bingo game from a single location to multiple locations owned, leased, or rented by that organization.

Under current law, a portion of the proceeds, not to exceed 20% before the deductions for prizes, or $2,000 per month, whichever is less, is authorized to be used for costs associated with rental property and for overhead costs. This can include the purchase of bingo equipment, administrative expenses, security, equipment, and security personnel.

This bill increases the monthly limit to $3,000 per month and annually increases the limit by the CPI. The last time this limit was increased was in 1993 by AB 1216 (Harvey, Chapter 394, Statutes of 1993). The bill increased the overhead monthly limit from $1,000 to $2,000. Since 1993, the percent change in the CPI is more than 120%, which is a much bigger increase than the proposed 50% increase that this bill proposes.

Related/Prior Legislation

SB 1369 (Cedillo, Chapter 748, Statutes of 2008) authorized remote caller bingo as a game in which specific tax-exempt organizations may use audio or video technology to link designated in-state facilities for playing bingo pursuant to a local ordinance and state regulations and oversight.

AB 1216 (Harvey, Chapter 394, Statutes of 1993) increased the overhead monthly cap limit from $1,000 to $2,000.

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

SUPPORT: (Verified 4/22/24)

None received

OPPOSITION: (Verified 4/22/24)

None received

Prepared by: Felipe Lopez / G.O. / (916) 651-1530
4/23/24 10:01:32

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

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CONSENT

Bill No: SB 1046
Author: Laird (D)
Amended: 4/9/24
Vote: 21

SENATE ENVIRONMENTAL QUALITY COMMITTEE: 6-0, 3/20/24
AYES: Allen, Gonzalez, Hurtado, Menjivar, Nguyen, Skinner
NO VOTE RECORDED: Dahle

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

SUBJECT: Organic waste reduction: program environmental impact report: small and medium compostable material handling facilities or operations

SOURCE: Author

DIGEST: This bill requires the California Department of Resources Recycling and Recovery (CalRecycle) to develop a Program Environmental Impact Report (PEIR) for small and medium compost facilities by January 1, 2027.

ANALYSIS:

Existing law:

1) Requires, under the California Environmental Quality Act (CEQA), lead agencies with the principal responsibility for carrying out or approving a project to prepare a negative declaration (ND), mitigated negative declaration (MND), or environmental impact report (EIR) for the project, unless the project is exempt from CEQA. (Public Resources Code (PRC) §21000 et seq.) If a project may have a significant effect on the environment, the lead agency must prepare a draft EIR. (California Environmental Quality Act (CEQA) Guidelines §15064(a)(1), (f)(1))

2) Establishes and defines a PEIR in the CEQA guidelines as an EIR which may be prepared for a series of actions that can be characterized as one large project and are related either:

    a) Geographically;
    b) As logical parts in the chain of contemplated actions;
    c) In connection with issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program; or
    d) As individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects which can be mitigated in similar ways. (California Code of Regulations CEQA Guidelines § 15168)

3) Establishes, under SB 1383 (Lara, Chapter 395, Statutes of 2016), as part of a broader short-lived climate pollutant reduction strategy, targets to achieve a 50% reduction in the level of statewide disposal of organic waste from the 2014 level by 2020, and a 75% reduction by 2025. (Health and Safety Code § 39730.6)

4) Requires CalRecycle, in consultation with CARB, to adopt regulations to achieve those targets for reducing organic waste in landfills. (Public Resources Code § 42652.5)

This bill:

1) Requires CalRecycle to develop a PEIR for small and medium compost facilities.

2) Specifies that the PEIR shall streamline the process with which jurisdictions can develop and site compost facilities.

Background

1) *The A, B, C's of CEQA.* CEQA is designed to (a) make government agencies and the public aware of the environmental impacts of a proposed project, (b) ensure the public can take part in the review process, and (c) identify and implement measures to mitigate or eliminate any negative impact the project may have on the environment. CEQA is enforced by civil lawsuits that can challenge any project's environmental review. Nonprofits, private individuals, public agencies, advocacy groups, and other organizations can all file lawsuits under CEQA.

Under CEQA, projects (unless they have a specific exemption) must undergo environmental analysis. This process starts with an initial study which determines what level of further environmental review is needed for a given project. If a project has no significant effects on the environment, or if those effects can be fully mitigated, the project can move forward with an ND or MND. If the initial study finds that the project has potential significant effects on the environment, then a full EIR is conducted. An EIR provides thorough environmental review of a proposed project, analyzing the significant direct and indirect environmental impacts of a proposed project on water quality, transportation, air quality and greenhouse gas emissions, terrestrial and aquatic biological resources, surface and subsurface hydrology, land use and agricultural resources, aesthetics, geology and soils, recreation, public services and utilities such as water supply and wastewater disposal, and cultural resources, among other factors. The EIR also includes proposed mitigation measures for any significant effects that it identifies and considers alternatives to the proposed project.

2) *What is a Program EIR?* Some projects that are similar or constitute a sequence of events may be grouped together under an umbrella EIR called a Program EIR (PEIR). The CEQA guidelines specify that a Program EIR may be useful and appropriate for projects that are related geographically, as logical parts in a chain of actions, are connected to a set of rules, regulations, are plans related to a single program, or are a set of activities.

   Program EIRs can be used in two ways. A PEIR can be so comprehensive and detailed that it covers every environmental consideration that could come up for all the projects nested under the program: for these types of PEIRs, no further project-specific EIRs are needed. However, even if a PEIR cannot cover all environmental considerations for the projects that fall under its purview, the PEIR can still be used to cover environmental review for some aspects of those projects. In this case, the PEIR will be used in conjunction with a project-specific EIR that provides additional, site specific analysis that was not include in the PEIR.

3) *PEIR at CalRecycle.* CalRecycle published a PEIR for anaerobic digestion technologies in July 2011. The final PEIR, which took a year and a half to prepare, included research on range of topics that could be applied broadly to anaerobic digestion technologies, regardless of the site-specific placement of a given project. This included research on various anaerobic digestion

technologies, typical locations of anaerobic digester facilities, environmental impacts, potential feedstocks, and best management practices to reduce environmental impacts at anaerobic digester facilities, the types of anaerobic digestion projects being considered statewide, and the regulatory, technological and economic barriers to implementing potential anaerobic digestion projects.

To evaluate the potential environmental impacts associated with anaerobic digestion projects analyzed in the PEIR, CalRecycle took input from a Technical Advisory Group made up of over 50 stakeholders.

4) *SB 1383 Goals and Targets.* In 2016, California passed SB 1383 (Lara, Chapter 395, Statutes of 2016) to reduce emissions of short-lived climate pollutants (SLCP's), and specifically to reduce methane emissions by 40% relative to 2014 levels by 2030. SB 1383 targets SLCP emissions from organic material decomposing in landfills.

When food and other organic material is discarded in a landfill, bacteria break down the material aerobically (without oxygen), a process that releases methane and other climate pollutants. While modern landfills have systems in place to capture this methane, significant amounts of SLCP's continue to escape from landfills into the atmosphere. According to CalRecycle, landfills are the third largest source of methane in California, and organic waste in landfills emits 20% of the state's methane. Approximately 8.5 million tons of carbon dioxide equivalent were released by landfills in 2020.

Compost facilities, in contrast to landfills, have significantly fewer emissions from organic waste, as composting primarily breaks material down aerobically (with oxygen), which does not produce methane.

To reduce emissions from landfills, SB 1383 set a target of reducing the landfill disposal of organic waste 50% by 2020 and 75% by 2025 relative to the 2014 disposal level. Under SB 1383, the organic waste diverted from landfills must go to organics recovery facilities to make products like compost, fertilizer, fuel, or energy. In addition to these goals, at least 20 percent of the edible food in the organic waste stream must be recovered to feed people by 2025.

Broadly, SB 1383, as developed in regulations by CalRecycle in consultation with CARB, operates by requiring every jurisdiction to provide organic waste collection services to all residents and businesses and by creating a destination

for that stream of organics by setting annual recovered organic waste procurement targets for jurisdictions.

5) *Progress towards SB 1383.* California has made progress towards the organic-waste diversion goals outlined in SB 1383: however, according to a report by the Little Hoover Commission in 2023, the State failed to reach its 2020 targets and is not on track to reach its 2025 goals. Progress towards the goals has been mixed. For example:

   a) Jurisdictions report they rescued over 200,000 tons of unsold food in 2022, which is 87 percent of the way towards the SB 1383 edible food recovery target;
   b) 464 out of 616 jurisdictions report having residential organic waste collection in place –that's 25% below SB 1383's target;
   c) Organics diverted for recycling increased from 9.9 million tons in 2021 to 11.2 million tons in 2022. CalRecycle estimates that approximately 27 million tons of organic material will need to be redirected from landfills in 2025 to meet the SB 1383 reduction goal, meaning that diversion rate in 2022 was just 41% of the way towards the 2025 goal statewide.

   Onboarding organic waste processing infrastructure has been and continues to be an essential step in achieving SB 1383's goals. As of 2024, California has 210 operating organics processing facilities, including 169 composting facilities, 17 anaerobic digestion facilities, and 24 biomass operations. From October 2022 to December 2023, CalRecycle issued permits for seven solid waste facilities that included new compost, in-vessel digestion, and transfer/processing facilities for organic material.

   CalRecycle estimates 50 to 100 new or expanded anaerobic digestion facilities must come online to support SB 1383 organics waste reduction targets.

Comments

1) *Purpose of Bill.* According to the author, "California set ambitious organic waste diversion and composting goals in an effort to curb methane emissions, a climate super pollutant 84 times more potent than carbon dioxide. However, California is not expected to meet its 2025 goal to reduce landfill disposal of organic materials by 75% below 2014 levels, which is partially attributed to insufficient infrastructure to process our organic waste.

"Senate Bill 1046 requires the Department of Resources Recycling and Recovery to develop a program environmental impact report (PEIR) for small and medium compost facilities to streamline permitting and help the state meet its climate goals, all while maintaining California's strong environmental standards. A PEIR creates a clear and streamlined path to compliance for compost facilities, permitting agencies, and local governments, and reduces the time, cost, and resource barriers associated with the current permitting process. Additionally, small and medium compost facilities will help keep the compost closer to its point of generation to reduce emissions and wear and tear of road infrastructure. SB 1046 ensures a thoughtful approach to efficient development of compost facilities to meet our climate goals, without sacrificing environmental review."

2) *Usefulness of a PEIR.* Creating a PEIR for composting facilities assumes that composting facilities across the state share many of the same technologies, siting issues, and potential environmental impacts which would be examined in an EIR. A PEIR is only useful if there are enough similarities between composting facilitates to use some or all of the environmental review completed in the PEIR for individual composting facility projects. If composting facilities are similar enough to use elements of the PEIR, then the PEIR has the potential to provide significant time-savings from the CEQA process for individual composting facilities and reduce the overall permitting timeline for these facilities. In addition to providing environmental review that could be directly used in individual project EIRs, those elements of environmental analysis would not be subject to legal challenge for individual projects once the PEIR has been approved.

Related/Prior Legislation

AB 1236 (Lackey, 2019) would have required CalRecycle to prepare a PEIR for organic waste composting facilities on or before January 1, 2023. The bill was held on the Senate Appropriations suspense file.

SB 632 (Galgiani Chapter 411, Statutes of 2019) required the State Board of Forestry and Fire Protection, as soon as practicably feasible, but no later February 1, 2020, to complete its environmental review under CEQA and certify a specific final PEIR for a vegetation treatment program.

SB 45 (Portantino Chapter 445, Statutes of 2022) directed CalRecycle, in consultation with the CARB, to provide assistance to local jurisdictions for organic waste diversion programs.

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

SUPPORT: (Verified 4/23/24)

350 Humboldt
350 Sacramento
A Voice for Choice Advocacy
Berkeley; City of
California Compost Coalition
California State Association of Counties
Californians Against Waste
Climate Action California
Climate Reality Project, Los Angeles Chapter
Climate Reality Project, San Fernando Valley
Elders Climate Action, Norcal and Socal Chapters
League of California Cities
Little Hoover Commission
Republic Services - Western Region
Rural County Representatives of California
Santa Cruz Climate Action Network
Seaside; City of
South Bayside Waste Management Authority dba Rethinkwaste
Thousand Oaks; City of

OPPOSITION: (Verified 4/23/24)

None received

Prepared by: Brynn Cook / E.Q. / (916) 651-4108
4/24/24 15:04:46

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

Office of Senate Floor Analyses
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THIRD READING

Bill No: SB 1058
Author: Ashby (D), et al.
Amended: 4/18/24
Vote: 21

SENATE LABOR, PUB. EMP. & RET. COMMITTEE: 5-0, 4/17/24
AYES: Smallwood-Cuevas, Wilk, Cortese, Durazo, Laird

SUBJECT: Peace officers: injury or illness: leaves of absence

SOURCE: Sacramento County Criminal Justice Employees' Union

DIGEST: This bill expands a limited paid leave of absence provision to park rangers employed by counties and special districts.

ANALYSIS:

Existing law:

1) Establishes a workers' compensation system that provides benefits to an employee who suffers from an injury or illness that arises out of and in the course of employment, regardless of fault. This system requires all employers to insure payment of benefits by either securing the consent of the Department of Industrial Relations to self-insure or by obtaining insurance from a company authorized by the state. (Labor Code §§3200 et seq.)

2) Establishes within the workers' compensation system temporary and permanent benefits, referred to as disability indemnity, which offer wage replacement equal to two-thirds of a specified injured employee's average weekly earnings while an employee is unable to work due to a workplace illness or injury. The current minimum benefit is $242.86 per week and the maximum is $1,619.15 per week. (Labor Code §§4653-4656)

3) Provides that specified public law enforcement employees who are employed on a regular full-time basis, regardless of their period of service, and who

experience a work-related injury or illness, are entitled to an enhanced temporary disability benefit: paid leave of absence of up to one year instead of workers' compensation temporary disability indemnity referred to as "4850 leave." If the employee retires on permanent disability, they may receive 4850 leave until they obtain a permanent disability pension. (Labor Code §4850)

4) Excludes police officers and firefighters employed by the City and County of San Francisco from 4850 leave and instead provides for somewhat similar leave pursuant to a local ordinance. (Labor Code §4850)

This bill expands 4850 leave to park rangers who are employed by a county or special district and designated by a local agency as a park ranger and regularly employed and paid in that capacity if their primary duty is the protection of the park and other agency property and preservation of peace therein.

Background

Workers' Compensation. Workers' compensation temporary disability indemnity (TDI) benefits are what an injured worker receives to make up for wages lost due to injury or illness acquired on the job or during the course of their work. The goal is to approximate an employee's take home pay, basing the benefit on two-thirds of the employee's average weekly wages. Calculation of indemnity benefits is based on the employee's type of injury and subsequent disability. Because there is a cap, employees who make more than $1,619.50 per week do not reach the two-thirds goal, but because the benefit is not taxed, employees generally receive an adequate disability benefit while they are recovering.

Certain public safety classifications receive workers' compensation benefits that other employees do not receive, such as presumptions that certain maladies are automatically deemed work-related (other employees are required to prove that their condition is work-related), and 4850 leave, which grants up to one year of full salary instead of the regular method for calculating temporary disability benefits. Because these benefits are paid due to disability, they are not subject to either state or federal taxes. Subsequently, the injured peace officer takes home more in weekly benefits than they normally would earn while working. Upon expiration of 4850 leave benefits, if the employee is still temporarily disabled, they are eligible to receive workers' compensation TDI. In most cases, TDI will not be paid beyond 104 weeks.

Employee Classification Proposed To Be Added. Park rangers who obtain peace officer's standards training, among various other duties, provide public safety services at California's parks and other public properties and are often the first responders for medical, fire, and other emergencies. Part of their duties can also entail addressing unlawful homeless encampments, which places these officers at risk of harm. The park ranger classifications proposed to be included in the 4850 leave provisions of this bill are employed by some, but not all, cities, counties, and local agencies. Currently, there are a little over 200 park rangers that would be included as a result of this bill.

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

SUPPORT: (Verified 4/19/24)

Sacramento County Criminal Justice Employees' Union (source)
California State Lodge Fraternal Order of Police
County of Sacramento
Park Rangers Association of California
Peace Officers Research Association of California
Monterey County Park Rangers Association
Sacramento County Deputy Sheriffs' Association
Sacramento County Supervisor Sue Frost
Santa Clara County Park Rangers Association

OPPOSITION: (Verified 4/19/24)

California Association of Joint Powers Authorities
California Coalition on Workers' Compensation
League of California Cities
Public Risk Innovation, Solutions, and Management
Rural County Representatives of California

ARGUMENTS IN SUPPORT: According to the sponsor, Sacramento County Criminal Justice Employees' Union (SCCJEU) states, "SCCJEU oversees a variety of county peace officers in Sacramento County, including park rangers, whose duties often times overlap with those of law enforcement and other peace officer entities who are already rightfully afforded these protections. Extending these protections to all peace officers employed on a regular, full-time basis by a county ensures parity across the state and protects many of these frontline workers."

Peace Officers' Research Association of California states, "Current law entitles, among others, peace officers employed on a regular full-time basis by a county of

the first class, to a leave of absence without loss of salary while disabled by injury or illness arising out of and in the course of their duties… Current law provides that a leave of absence under those provisions is in lieu of temporary disability payments or maintenance allowance payments otherwise payable under the workers' compensation system. This bill would expand these provisions to instead entitle a peace officer employed on a regular full-time basis by any county to this leave of absence."

ARGUMENTS IN OPPOSITION: According to the California Association of Joint Powers Authorities; the California Coalition on Workers' Compensation; the League of California Cities; the Public Risk Innovation, Solutions, and Management; and the Rural County Representatives of California states, "Our coalition opposes this expansion of salary continuation benefits as proposed by SB 1058 because no objective evidence has been offered to demonstrate that this enhanced benefit is necessary, and there has been no evaluation of the cost to our members. Local agencies typically fund workers' compensation costs out of their general fund, and every dollar spent on special enhanced benefits must come from somewhere. Funding for the special benefits proposed by [this bill] will come out of local government budgets, and our coalition would respectfully urge the legislature to fully examine both the justification and cost related to the proposal.

"Prior legislation that similarly expanded application of this benefit has been met with caution. Specifically, AB 346 (Cooper, 2019) expanded the application of salary continuation benefits to officers at local school districts and county offices of education. That bill was vetoed by Governor Newsom, who observed that the bill 'would significantly expand 4850 benefits that can be negotiated locally through the collective bargaining process. Many local school districts face financial stress, and the addition of a well-intentioned but costly benefit should be left to local entities that are struggling to balance their priorities.' We believe the same logic applies here."

Prepared by: Dawn Clover / L., P.E. & R. / (916) 651-1556
4/19/24 14:09:48

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

SENATE RULES COMMITTEE SB 1068

Office of Senate Floor Analyses
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CONSENT

Bill No: SB 1068
Author: Eggman (D)
Amended: 3/14/24
Vote: 21

SENATE TRANSPORTATION COMMITTEE: 15-0, 4/9/24
AYES: Cortese, Niello, Allen, Archuleta, Becker, Blakespear, Dahle, Dodd, Gonzalez, Limón, Newman, Nguyen, Portantino, Seyarto, Umberg

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

SUBJECT: Tri-Valley-San Joaquin Valley Regional Rail Authority: contracting: Construction Manager/General Contractor project delivery method

SOURCE: Tri-Valley-San Joaquin Valley Regional Rail Authority

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DIGEST: This bill authorizes the Tri-Valley-San Joaquin Valley Regional Rail Authority (Authority) to use the Construction Manager/General Contractor (CM/GC) project delivery method, as defined.

ANALYSIS:

Existing law:

1) Creates the Authority for purposes of planning, developing, delivering, and operating cost-effective and responsive transit connectivity, between the Bay Area Rapid Transit District (BART) and the Altamont Corridor Express (ACE) commuter rail service.

2) Grants all powers necessary for the planning, design, development, and construction of the connection between BART and ACE, including the power to contract with public and private entities for the planning, design, and construction of the connection.

3) Authorizes certain entities, including the Department of Transportation (Caltrans), the Department of Water Resources, and regional transportation agencies (RTPAs), as defined, to engage in the CM/GC project delivery method for specified public work projects.

This bill:

1) Authorizes the Authority to use the CM/GC project delivery method, as defined.

2) Clarifies that the project may extend to work on the state highway system for the construction of passenger rail service through the Altamont Pass Corridor.

3) Stipulates that any authorized contracts shall not include the authority to perform construction inspection services on, or interfacing with, the state highway system. Requires that Caltrans perform these services, as specified.

Comments

1) *Purpose of the bill.* According to the author, "SB 1068 will allow the Tri-Valley - San Joaquin Valley Regional Rail Authority to use a Construction Manager/General Contractor (CM/GC) project delivery method. The Valley Link Rail Project is moving into the design process, and having the ability to use a CM/GC process provides invaluable synergy between the design and construction firms for the 42-mile project by allowing constructability input from the contractor during the design process to avoid liability risks and increase in costs during construction."

2) *Valley Super Commuters.* The Altamont Pass serves as the commuter corridor connecting the San Joaquin Valley to the Bay Area. The I-580 is the freeway connector and ranks as one of the most congested freeways in the Northern California mega-region during peak hours due to high volume of regional and interregional commuter, freight, and recreational traffic. Additionally, San Joaquin County, and other counties in the San Joaquin Valley, are some of the fastest growing in the state. Since 1990, the number of people commuting daily from the northern San Joaquin Valley to the Bay Area has nearly tripled, growing from 32,000 to over 90,000 commuters. The Bay Area Council estimates that congestion will increase an additional 75% between 2016 and 2040. Currently, the ACE commuter train system provides an alternative to driving, bringing commuters from the northern San Joaquin Valley, such as the

cities of Stockton, Lathrop, and Tracy, to the Bay Area. Before the pandemic, ACE carried nearly 3,000 commuters daily one way or 6,000 daily round trips.

3) *No real transit connection*. Although the ACE commuter service and BART both serve the Tri-Valley region, there is no direct transit connection between the two systems. This connection has long been a priority for the local governments and businesses, and greater Bay Area region planners. In 2016, local officials created the Altamont Regional Rail Working Group to focus on potential BART to ACE linkages to better connect the Bay Area to the Central Valley region. The Working Group was made up of local officials from the area communities, and representatives from BART and ACE. Additionally, both BART and ACE were exploring ways to connect their respective systems near Livermore, including conducting environmental reviews and dedicating funding to the project effort.

4) *Valley Link*. As a direct follow on to the Working Group, AB 758 (Eggman, Chapter 747, Statutes of 2017), established the Authority, with the mandate to plan and deliver cost-effective and responsive transit connectivity between the BART and ACE that meets the goals and objectives of the communities it will serve. AB 758 created a Board of Directors structure, made up of local officials from the affected communities and BART and ACE. The bill vested the Authority with powers necessary for planning, acquiring, leasing, developing, jointly developing, owning, controlling, using, jointly using, disposing of, designing, procuring, and constructing facilities to achieve transit connectivity. The Authority conducted a feasibility study of the corridor in 2019, identifying the proposed Valley Link project.

   Specifically, the Valley Link project is a new 42-mile, 7-station passenger rail project that will connect the existing Dublin/Pleasanton BART Station in Alameda County to the planned ACE North Lathrop Station in San Joaquin County utilizing existing transportation rights-of-way where feasible. The project is planned in two phases. The 22-mile initial operating phase is between Dublin/Pleasanton and a new Mountain House Community station in San Joaquin County, with additional stations at Isabel Avenue and Southfront Road. This initial operating phase will provide all-day, bi-directional service at 15-minute frequencies during peak commute periods with 45-minute frequencies at other times. It is projected to carry 30,000 riders each day by 2040.

   Segments of the initial operating phase of the project will utilize state highway rights-of-way, including the I-580 freeway median. Final design and

construction of the initial operating phase is expected in 2025, and is estimated to cost $1.86 billion. The Authority has identified $844 million in funding from local and state funds. Additionally, Valley Link has been approved by the Federal Transit Administration (FTA) into project development through the Capital Investment Grants Program, which puts it in line for future federal funding. It is anticipated that the Valley Link service would be operated by ACE.

5) *What is CM/GC?* The CM/GC project delivery method allows an agency to engage a construction manager during the design process to provide assistance to the design team, such as constructability reviews, value engineering suggestions, construction estimates, and other construction-related recommendations. When design is nearly complete, the agency and the construction manager negotiate a guaranteed maximum price for the construction of the project based on the defined scope and schedule. If this price is acceptable to both parties, they execute a contract for construction services, and the construction manager becomes the general contractor. Studies suggest CM/GC often leads to less costly or more expediently delivered projects because of the construction manager's involvement in the design process.

   In 2012, the California Legislature passed, and Governor Brown signed into law, AB 2498 (Gordon, Chapter 752, Statutes of 2012), authorizing Caltrans to use the CM/GC delivery method on up to six projects as a pilot program. Subsequent legislation provided additional authority for six additional projects and in 2017 legislation provided authority to 10 additional projects. In 2018, SB 1262 (Beall, Chapter 465, Statutes of 2018), provided Caltrans general authority for use of the CM/GC delivery method on projects over $10 million in construction capital cost. At the local level, CM/GC has been used to deliver various transit projects statewide. Caltrans has used CM/GC authority on toll projects and recently utilized CM/GC on a $73 million project to convert toll plazas at the Antioch, Benicia, Carquinez, Dumbarton, San Mateo-Hayward, Richmond-San Rafael, and the San Francisco-Oakland Bay bridges to Open Road Tolling in Contra Costa, Solano, and Alameda counties. Similarly, Caltrans authorized the use of CM/GC project delivery method for the San Mateo US 101 express lanes, which include tolling.

6) *This allows the Authority to use CM/CG.* This bill would authorize the Authority to utilize the CM/GC project delivery method. This bill also clarifies that Caltrans work with the Authority and provide inspection services on portions of the project in the state highway system right-of-way.

Related/Prior Legislation

SB 746 (Eggman, Chapter 410, Statutes of 2023) authorized the Authority to enter into contracts related to green electrolytic hydrogen.

SB 548 (Eggman, Chapter 220, Statutes of 2021) clarified the Authority is a rail transit district and the project being developed by the Authority to connect BART and ACE commuter rail service is not required to be located in the Tri-Valley region.

SB 1262 (Beall, Chapter 465, Statutes of 2018) provided authority for Caltrans to use the CM/GC delivery method on state highway projects over $10 million in construction capital costs.

AB 758 (Eggman, Chapter 747, Statutes of 2017) created the Authority to oversee the planning, development, and delivery of a connection between the BART and the ACE in the Tri-Valley region.

AB 115 (Committee on Budget, Chapter 20, Statutes of 2017) provided authority for Caltrans to use CM/GC for 12 additional projects, at least 10 of which shall have construction costs greater than $10 million.

AB 2126 (Mullin, Chapter 750, Statutes of 2016) authorized Caltrans to use CMGC on 12 projects and required eight out of the 12 projects to use department employees or consultants under contract with the department to perform all project design and engineering services.

AB 2762 (Baker, 2016) would have created the Altamont Pass Regional Rail Authority for the purposes of planning and delivering a cost effective and responsive interregional rail connection between BART and ACE in the City of Livermore. AB 2762 was held in Assembly Transportation Committee.

AB 2498 (Gordon, Chapter 752, Statutes of 2012) authorized Caltrans to use CM/GC on up to six projects as a pilot program.

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

SUPPORT: (Verified 4/22/24)

Tri-Valley-San Joaquin Valley Regional Rail Authority (source)

Streets for All

OPPOSITION: (Verified 4/22/24)

None received

Prepared by: Melissa White / TRANS. / (916) 651-4121
4/24/24 11:16:19

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

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THIRD READING

Bill No: SB 1075
Author: Bradford (D) and Limón (D)
Amended: 4/9/24
Vote: 21

SENATE BANKING & F.I. COMMITTEE: 4-2, 4/3/24
AYES: Limón, Bradford, Caballero, Menjivar
NOES: Niello, Nguyen
NO VOTE RECORDED: Portantino

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

SUBJECT: Credit unions: overdraft and nonsufficient funds fees

SOURCE: Author

DIGEST: This bill requires state-chartered credit unions to provide a five-day grace period before charging an overdraft and limits the number of overdraft and nonsufficient funds fees that can be charged to a maximum of three per month.

ANALYSIS:

Existing federal law:

1) Provides the Truth in Lending Act and its implementing regulations, known as Regulation Z, which, among other things, requires lenders to disclose all charges and fees associated with a loan. Provides, through Regulation Z, an exception for charges imposed by a financial institution for paying items that overdraw an account, unless the payment of such items and the imposition of the charge were previously agreed upon in writing. (12 CFR 1026.4)

2) Provides the Electronic Fund Transfer Act and its implementing regulations, known as Regulation E, which are intended to protect consumers who use electronic fund transfers, such as transactions using a debit card, ACH, or

prepaid account. Provides, through Regulation E, the following related to overdraft:

a) Defines "overdraft service" as a service under which a financial institution assesses a fee or charge on a consumer's account held by the institution for paying a transaction (including a check or other item) when the consumer has insufficient or unavailable funds in the account. Provides that "overdraft service" does not include specified products or services, including but not limited to, an overdraft transaction subject to Regulation Z or a service that transfers funds from another account, like a savings account, held by a consumer.

b) Prohibits a financial institution holding a consumer's account from assessing a fee or charge on a consumer's account for paying an ATM or one-time debit card transaction pursuant to the institution's overdraft service, unless the institution obtains the consumer's affirmative consent, or opt-in, to the institution's overdraft program, as specified. (12 CFR 1005.17)

3) Provides the Truth-in-Savings Act and its implementing regulations, known as Regulation DD, which, among other things:

a) Requires the disclosure of the amount of any fee that may be imposed in connection with the account (or an explanation of how the fee will be determined) and the conditions under which the fee may be imposed. (12 CFR 1030.4)

b) Specifies how overdraft fees must be disclosed on periodic statements and provides requirements and prohibitions related to the advertising of overdraft services. (12 CFR 1030.11)

Existing state law:

1) Provides the California Credit Union Law, administered by the Department of Financial Protection and Innovation (DFPI), which prescribes the rules applicable to any person, other than a federal credit union, which engages in business as a credit union in this state. (Financial Code Section 14000 et. seq.)

2) Requires banks and credit unions subject to the examination authority of DFPI to report annually the revenue earned from overdraft fees, as specified, and requires the commissioner to publish that information in a publicly available report. (Financial Code Section 521)

This bill:

1) Defines the following terms:

    a) "Nonsufficient funds fee" means a fee resulting from the initiation of a transaction that exceed the customer's account balance if the customer's credit union declines to make the payment.

    b) "Overdraft fee" means a fee resulting from the processing of a transaction that exceeds a customer's account balance.

    c) "Fee" means a nonsufficient funds fee or an overdraft fee.

2) Requires a state-chartered credit union to provide a customer at least five business days before requiring payment of an overdraft fee to give the customer an opportunity to repay the amount that triggered the overdraft fee.

3) Prohibits a state-chartered credit union from charging more than three fees per month.

4) Requires a state-chartered credit union to disclose the information described in 2) and 3), above, to all customers by January 31, 2025, and then annually thereafter.

Background

A consumer may incur an overdraft fee when they initiate a debit transaction, such as using a check or debit card to make a payment, that exceeds their account balance. Whether an overdraft fee is charged depends on several factors, including the terms of the consumer's agreement with their depository institution and, in some cases, whether the depository institution uses its discretion to authorize the transaction and charge a fee. If the account does not offer overdraft clearing or if the depository institution decides to decline the payment, the depository institution may charge the consumer a non-sufficient fund (NSF) fee.

As described in the 'Existing federal law' section, depository institutions must comply with certain federal laws depending on the type of overdraft clearing being offered. Some overdraft services, such as overdraft lines of credit or transfers from another account held by the consumer, are of lesser concern for consumer protection purposes, as these services must comply with disclosure requirements of Regulation Z and typically have low or no fees. Overdraft services that are subject to the opt-in requirement of Regulation E, however, are of higher concern. If the consumer opts-in, these overdraft services allow the depository institution to

charge a fee on debit card and ATM transactions that the depository institution authorizes even if authorizing the transaction will cause the account to settle with a negative balance. Research from the Consumer Financial Protection Bureau (CFPB) finds that these accounts lead to the highest frequency of overdraft charges.[1]

Comments

1) *Author's statement*. According to the author:

> The purpose of SB 1075 is to address the results of the report from SB 1415 showing that state-chartered credit unions in California are generating a substantial amount of income from overdraft and non-sufficient fund fees. It will establish basic consumer protections and protect the most financially vulnerable members of credit unions.
>
> Overdraft and non-sufficient fund fees tend to disproportionately affect those who can least afford them. The Consumer Financial Protection Bureau estimates that 80% of overdraft fees come from just 9% of account holders industry wide. A substantial amount of credit unions generate over 40% of their net income from overdraft and non-sufficient fund fees alone. Six of these credit unions derive 100% or more of their net income from these fees.

2) *Who Uses Overdraft Services and How Do They Use Them*. The incidence of overdraft fees is concentrated in a relatively small portion of accountholders. CFPB research finds that 9% of accountholders account for 79% of all overdraft and NSF fees.[2] These frequent overdrafters had more than 10 overdraft and NSF fees charged to their accounts in a one-year period, which translates to a median of $380 in fees in year. Moreover, accounts that had more than 20 overdraft and NSF fees in a year accounted for 63% of all such fees. On the other hand, 75% of accountholders incurred zero overdraft fees during the period of the study. These data show that the burden of overdraft fees are not borne similarly across all accountholders, but instead, are acute challenges for a small portion of consumers.

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[1] David Low et al., CFPB, *Data Point: Frequent Overdrafters*, at 5 (Aug. 2017), **https://files.consumerfinance.gov/f/documents/201708_cfpb_data-point_frequent-overdrafters.pdf** (CFPB 2017 Data Point).
[2] *Id.*

The occurrence of overdraft fees has deep disparities across race, income, and age demographics. The Financial Health Network finds the following in 2022:

- Black and Latino households reported having overdrafted more often than White households (amongst households with checking accounts, 26% of Black and 23% of Latino households reported having incurred an overdraft fee, versus 14% of White households).
- Younger respondents were three times more likely to have overdrafted than older respondents (amongst those with accounts, 24% of respondents aged 18-25 had overdrafted, compared with 8% of those 65 and older).
- Households with incomes under $30,000 were twice as likely to report at least one overdraft as those with incomes of $100,000 or more (22% vs. 11%, among households with accounts).[3]

The Financial Health Network analysis goes on to estimate that financially vulnerable people paid over $6 billion in overdraft fees in 2022, more than 60% of all overdraft fees collected, while comprising only 15% of the U.S. population. These data provide strong evidence that overdraft fees are charged largely to households that have the least ability to afford them, a disproportionate number of whom are Black and Latino.

3) *The Downsides of Overdraft Services.* Overdraft services pose numerous risks and challenges to consumers. Some of these risks are directly related to the structure of overdraft programs, while others are interrelated with challenges a consumer faces beyond their use of overdraft services.

   a) *High fees.* Overdraft is an expensive form of short-term credit. Overdraft and NSF fees are often from $20 to $35 per transaction, though some depository institutions have reduced fees below this range in the past few years. Many depository institutions charge an overdraft fee for each transaction that results in a negative balance up to a daily limit, with many allowing three or more overdraft or NSF fees per day. This results in accumulated fees of $60 or more in a single day. The magnitude of these fees is high relative to the amount of credit being extended (often less than $50), the time period that the credit is outstanding (75% of overdrafts are repaid within five days), and the depository institution's actual and direct costs for providing the credit (estimated at $6 per overdraft).

[3] Financial Health Network (FHN), *Overdraft Trends Amid Historic Policy Shifts* (June 1, 2023), **https://finhealthnetwork.org/research/overdraft-trends-amid-historic-policy-shifts/** (FHN Brief 2023).

b) *Surprise overdraft.* A certain category of overdraft transactions, so-called "surprise" overdraft fees, has received scrutiny recently from federal and state law enforcement agencies. Surprise overdraft describes a class of transactions that are assessed an overdraft fee that a consumer would not reasonably expect. These transactions are typically initiated when a consumer has sufficient available balance in their account to cover the transaction, but by the time the transaction fully settles, the consumer balance is insufficient due to other intervening transactions.

   Many consumers charged an overdraft fee are surprised by the fee. CFPB research finds that, among consumers in households charged an overdraft fee in the last year, 43% were surprised by the most recent overdraft, 35% thought it was possible, and just 22% expected it.[4] Both the CFPB and California Attorney General Rob Bonta have called attention to this practice, which has likely persuaded many institutions to stop this practice.

c) *High frequency.* Consumer protection advocates and government regulators would likely be less concerned with overdraft practices but for the incidence and characteristics of high frequency overdrafters. As previously mentioned, a significant majority of overdraft fees are paid by 9% of accountholders, and many of these accountholders face considerable financial challenges. CFPB research shows that this segment of consumers, at the median, incurs 19 overdraft fees per year, which translates to $665 annually based on the median overdraft fee of $35.[5]

d) *The "un-banking" of consumers.* For some consumers, overdraft clearing and associated fees push them out of the banking system. Depository institutions may close a customer's account if the account balance is negative and the customer seems unwilling or unable to bring the account back to a positive balance. The CFPB finds that the great majority of involuntary account closures are due to negative balances that accountholders do not repay, and many of these closures are associated with the use of overdraft.[6] Involuntary account closures are neither common, nor exceedingly rare. The CFPB observed a 6% rate of involuntary closures in

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[4] CFPB, *Overdraft and Nonsufficient Fund Fees: Insights from the Making Ends Meet Survey and Consumer Credit Panel* (Dec. 2024), **https://files.consumerfinance.gov/f/documents/cfpb_overdraft-nsf-report_2023-12.pdf**.
[5] *Id.*
[6] CFPB, *CFPB Study of Overdraft Programs: A white paper of initial data findings*, (June 2013), **https://files.consumerfinance.gov/f/201306_cfpb_whitepaper_overdraft-practices.pdf** (CFPB 2013 White Paper).

2011 among banks in its study, though this metric likely varies significantly across depository institutions and may also vary over time.[7]

4) *The Value of Overdraft Services.* In spite of concerns discussed in the previous comment, overdraft services provide value to depository institutions and to consumers. The value to depository institutions is quite obvious. As previously discussed, the actual and direct costs of providing overdraft services are estimated to be $6 per overdraft transaction. Compared to the median overdraft fee of $35, overdraft services can be highly profitable sources of revenue.

   When faced with the choice of paying an overdraft fee or having their transaction declined, a majority of consumers prefer to pay the fee. Across the range of overdraft frequency, 60% of consumers state a preference for incurring an overdraft fee rather than having their transaction declined, which increases to 81% for frequent overdrafters. Across the range of transaction sizes, 60% of consumers prefer transactions of less than $25 to be declined rather than to incur a fee, but nearly two-thirds of consumers prefer to incur an overdraft fee rather than having a transaction of more than $25 declined.[8]

5) *Market Trends and Regulatory Response*. Depository institutions' policies and practices related to overdraft have changed considerably over the past several decades. In the mid-20th century, depository institutions provided overdraft as a courtesy, approving on an ad hoc basis the clearing and settlement of paper checks that exceeded the available balance in customer accounts.[9] Beginning around the turn of the century, overdraft services transformed into a high-capacity, automated set of processes that allowed depository institutions to make overdraft decisions on a large volume of transactions.

   The expansion of overdraft services shifted the economics of transaction accounts and depository institutions' related policies and practices. Depository institutions shifted away from upfront monthly checking account fees, relying instead on overdraft fee revenue that would grow to comprise somewhere between two-thirds and three-fourths of consumer deposit account service charges industry-wide. The CFPB estimates that consumers have paid an estimated $280 billion in overdraft fees over the past two decades.[10]

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[7] *Id.*
[8] *Id.*
[9] See Footnote 19 of CFPB Notice of Proposed Rulemaking here: **https://public-inspection.federalregister.gov/2024-01095.pdf**
[10] **https://files.consumerfinance.gov/f/documents/cfpb_overdraft-credit-very-large-financial-institutions_fact-sheet_2024-01.pdf**

In the past three years, many depository institutions have changed their policies and practices related to overdraft fees, likely spurred by regulatory pressure and competition from fintech companies. Some institutions reduced the size of overdraft fees to $10 - $15, with a few eliminating overdraft fees altogether.[11] These changes have translated to saving for consumers. In total, depository institutions generated an estimated $9.1 billion of overdraft revenue in 2022, a decrease of $3.5 billion, or 27%, compared to pre-pandemic levels.

In January 2024, the CFPB proposed a rule related to overdraft programs at depository institutions with at least $10 billion in assets.[12] The proposed rule would limit fees on most overdraft transactions to the depository institution's costs and losses for providing the overdraft program. The rule would also establish a benchmark fee, which may have the effect of establishing a de facto fee cap on overdraft transactions. The CFPB proposed and is seeking comment on four potential benchmark fee amounts: $3, $6, $7, or $14. The CFPB expects the proposed rule will be effective on October 1, 2025.

6) *Overdraft At California Credit Unions*. In 2022 California enacted SB 1415 (Limón, Chapter 847, Statutes of 2022) which required state-chartered banks and credit unions to report to the DFPI annually the revenue they generate from overdraft and NSF fees and for DFPI to make a public report of this information. In aggregate, California credit unions collected more than $250 million in overdraft and NSF fees in 2022, which surpasses the $224 million in fees that payday lenders collected in California that same year. Thirty credit unions earned half or more of their net profit from overdraft fees, with seven whose overdraft revenue exceeded their total net income. State-chartered banks, on the other hand, collected $73 million in overdraft fees, with only one bank generating overdraft revenue of more than 20% of its net income. The difference in outcomes between state credit unions and state banks is likely due, in part, to credit unions having a higher relative concentration of revenue from consumer accounts, while state banks have a higher relative concentration of revenue from commercial accounts.

7) *Policy Considerations of This Bill.*

   a) *What this bill does.* This bill proposes two substantive policies related to overdraft practices at credit unions: a mandatory five-day grace period and a

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[11] See this table reflecting overdraft and NSF practices at the 20 largest banks: **https://files.consumerfinance.gov/f/documents/cfpb_overdraft-table_2023-05.pdf**.

[12] **https://www.consumerfinance.gov/about-us/newsroom/cfpb-proposes-rule-to-close-bank-overdraft-loophole-that-costs-americans-billions-each-year-in-junk-fees/**

cap of three overdraft fees that can be collected each month. The two policies aim to address different problems with overdraft fees.

First, the mandatory grace period would allow consumers to avoid an overdraft fee if they bring their account balance back to positive within five days of going negative. As discussed in Comment 3) (a), above, many consumers bring their accounts back to positive within five days, showing that overdraft credit is very short-term in nature. Additionally, the proposed grace period would likely eliminate most instances of "surprise overdrafts," as consumers would have time to transfer money from another account or make a cash deposit to remedy the account deficit.

The proposed monthly limit of three overdraft charges is designed to limit the burden of high frequency overdrafts. At the median overdraft fee of $35, three charges in a month sum to $105 – a significant burden for someone who is likely to be financially vulnerable in the first place. As overdraft charges accrue, it becomes more difficult for the consumer to stay afloat as their successive paycheck or deposit is offset by mounting fees.

b) *Potential industry response.* If this bill is enacted into law, credit unions will likely change the structure of their overdraft programs beyond the necessary changes to comply with this bill. Some credit unions may not be comfortable extending overdraft credit for five days before assessing a fee and may discontinue their overdraft programs altogether. Others may find ways to mitigate, rather than eliminate, risk by restricting access to overdraft clearing to accounts that meet certain standards, by tightening overdraft approvals to reduce the amount that an account can go negative, and by declining to approve certain debit card and ATM transactions that they are willing to approve today.

   This bill may also have indirect effects on credit unions' business decisions. Given the likelihood of a significant revenue decline due to the requirements of this bill, credit unions may discontinue or scale back the offering of free checking accounts to generate revenue from monthly maintenance fees. There is also the possibility that a state-chartered credit union could seek to convert its charter to become a federal credit union. Charter conversions are costly and can be burdensome, but some credit unions may feel that the cost of conversion is preferred to the revenue losses from a more constrained overdraft program.

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

SUPPORT: (Verified 4/15/24)

California School Employees Association
Consumer Federation of California
Rise Economy

OPPOSITION: (Verified 4/15/24)

California Credit Union League
Mission Street Neighbors

ARGUMENTS IN SUPPORT: Rise Economy writes in support:

> Consumer Financial Protection Bureau data shows that fees like overdraft (OD) and non-sufficient fund (NSF) charges are undue burdens that disproportionately fall on those who have less cash on hand in the first place. Expensive and excessive charges can make difficult economic conditions worse, and can lead to account closures or a negative credit report which makes opening a new account even more difficult locking people out of economic opportunities and into financial precarity.
> The Financial Health Network's policy brief on overdraft trends finds Black and Latine households on average report having overdrafted more often than white households, and households with incomes under $30,000 were twice as likely to report at least one overdraft than those with household incomes of $100,000 or more. In fact, the study finds that almost half (45%) of overdrafters reported that their most recent overdraft occurred on a transaction of $50 or less." We believe that the credit union's junk fee policy is, thus, a penalty for the working poor and financially vulnerable households living paycheck to paycheck and this bill is a necessary protection from predatory practices of California credit unions…
>
> When compared to banks, credit unions reported higher percentages of income earned from NSF and OD fee revenue. The largest percentage of revenue by these fees for credit unions was a startling 15%. Collecting so much OD/NSF fee revenue and depending so heavily on this revenue for income is incongruous with the claims of being community-minded and serving the needs of members adequately — as the credit union industry often claims.
>
> The findings of DFPI's report point to a clear need for greater regulatory oversight and accountability against things like unfair and excessive

> consumer fees that hinder the economic stability of LMI and BIPOC borrowers and communities.

ARGUMENTS IN OPPOSITION: The California Credit Union League write in opposition:

> SB 1075 imposes stringent requirements on how state-chartered credit unions serve their members that utilize overdraft services by limiting the number of overdraft and nonsufficient fund (NSF) transactions to three per month and mandating a five-day waiting period before a fee can be assessed. The former will significantly affect how credit union members manage their finances…
>
> Overdraft services were introduced… to assist credit union members in accessing funds they lacked in their accounts. Members opt-in to utilize these services as a financial tool, often relying on them in crucial situations. The story of why overdraft courtesy pay matters is best understood through the experience of those who use it most. When asked, consumers who frequently utilize overdraft services—some exceeding eight times a year—shared stories of leveraging it after medical emergencies, to meet essential expenses during tough times, and to bridge financial gaps when payments are delayed…
>
> Consumers should have the opportunity to choose which financial services to utilize that best suit their needs. SB 1075 limits a consumer's access to a financial tool that continues to be desired among credit union members…
>
> [R]estricting access to overdraft protection could force credit unions into a difficult position. If this bill advances, credit unions might face a difficult choice: accepting increased risk associated with unchecked consumer overdraft behaviors or, more likely, being compelled to discontinue or scale back on consumer-friendly products such as free checking accounts. This restriction could result in reduced access to financial services and higher costs for basic necessities, disproportionately impacting financially vulnerable consumers. Such actions would contradict the objectives of

promoting access and inclusion in financial services that many policymakers and regulators strive to achieve.

Prepared by: Michael Burdick / B. & F.I. /
4/16/24 13:58:29

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

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THIRD READING

Bill No: SB 1091
Author: Menjivar (D)
Amended: 3/14/24
Vote: 21

SENATE EDUCATION COMMITTEE: 6-0, 4/3/24
AYES: Newman, Ochoa Bogh, Cortese, Gonzalez, Smallwood-Cuevas, Wilk
NO VOTE RECORDED: Glazer

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

SUBJECT: School facilities: school ground greening projects

SOURCE: Green Schoolyards America
Trust for Public Land

DIGEST: This bill limits the cost of complying with the requirement to provide an accessible path of travel to a school ground greening project that is on a school district, county office of education, charter school, or community college campus to 20% of the adjusted construction cost of the school ground greening project.

ANALYSIS:

Existing law:

1) Defines "construction or alteration" for purposes of school facilities projects to include any construction, reconstruction, or alteration of, or addition to, any school building. (Education Code (EC) 17294 and 81130.5)

2) Requires the Department of General Services (DGS) to pass upon and approve or reject all plans for the construction or, if the estimated cost exceeds $100,000, the alteration of any school building. (EC 17295 and 81133)

3) Generally requires the governing board of each school and community college district, before adopting construction or alteration plans, to submit the plans to DGS for approval and pay all associated fees. (EC 17295 and 81133)

4) Requires construction projects over $195,358 (cost threshold) to provide "an accessible path of travel" from the building entrance to the project location. (24 California Code of Regulations (CCR) § 11B-202.4)

5) Requires that an alteration that affects or could affect the usability or access to an area of a facility that contains a primary function to be made so as to ensure that, to the maximum extent feasible, the path of travel to the altered area and the restrooms, telephones, and drinking fountains serving the altered area are readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, unless the cost and scope of such alterations is disproportionate to the cost of the overall alteration. Requires that alterations made to provide an accessible path of travel to the altered area will be deemed disproportionate to the overall alteration when the cost exceeds 20% of the cost of the alteration to the primary function area. (28 Code of Federal Regulations (CFR) § 35.151)

6) Requires, when the adjusted construction cost, as defined, is less than or equal to the current valuation threshold, as defined, the cost of compliance with Section 11B-202.4 of 24 CCR to be limited to 20% of the adjusted construction cost of alterations, structural repairs or additions. When the cost of full compliance with Section 11B-202.4 would exceed 20%, compliance shall be provided to the greatest extent possible without exceeding 20%. (24 CCR § 11B-202.4)

7) Specifies that, for projects solely for the installation of freestanding, open-sided shade structures included on the Division of the State Architect (DSA) pre-checked designs list where the adjusted construction cost exceeds the valuation threshold for alterations or additions on a school district, county office of education, charter school, or community college campus shall have the cost of compliance for path of travel improvements limited to 20 % of the adjusted construction cost of the shade structure project.

This bill:

1) Defines "school greening project" as a project that uses nature-based solutions and improves pupil or student well-being or learning, or pupil play, and that improves community ecological health and climate resilience. School ground greening projects incorporate nature, including living trees, shrubs, and other plants, natural materials, and basic infrastructure, such as pathways and benches, on school grounds to support pupil and student engagement in the space. A school ground greening project shall be, at a minimum, a project described in any of the following:

a) A project to remove impervious pavement such as asphalt or concrete and replace those surfaces with healthy soil, trees, native or climate-adapted plantings, vegetable gardens, or permeable surfaces such as mulch, engineered wood fiber, wood decking, decomposed granite, or pavers.

b) A project to plant trees or create schoolyard forests in places that pupils or students can access during the schoolday, designed to shade and protect pupils or students from extreme heat and rising temperatures.

c) A project to regenerate and support local ecological systems by planting biodiverse tree and plant species intended to decrease air and water pollution, nurture birds and other beneficial wildlife, and improve local watersheds.

d) A project to support outdoor education on school grounds, including native gardens, orchards, vegetable gardens, outdoor classrooms, and other nature-based outdoor learning spaces.

e) A multibenefit child-friendly stormwater project on a school ground serving pupils in kindergarten or any of grades 1 to 12, inclusive, designed to manage runoff from the school building. These projects include permeable surfaces, rainwater harvesting, and vegetated swales.

f) A project to protect and enhance existing natural features such as heritage trees, stream corridors, and other natural areas, and make them accessible to pupils and students during the schoolday by removing fences or adding pathways, decks, stairs, ramps, interpretive signage, and other features needed to improve physical and visual access to nature for learning and play.

2) Specifies that the following projects are not considered school ground greening projects:

a) Projects that do not include any live vegetation.

b) Projects that include artificial turf, rubber surfaces, rubber tires, plastic, and other similar materials that get excessively hot or materials that contain chemicals that are toxic to pupils and students and the environment.

c) Projects that use trees and other vegetation that are not climate adapted or that are invasive.

d) Projects that consist exclusively of sports fields or sports courts.

3) Specifies that projects solely for the installation of a school ground greening project where the adjusted construction cost exceeds the valuation threshold for alterations or additions on a school district, county office of education, charter school, or community college campus shall have the cost of compliance for path of travel improvements limited to 20% of the adjusted construction cost of the school ground greening project.

Comments

1) *Need for the bill.* According to the author, "Children, especially those that attend schools in urban areas that are ill equipped to shelter students from extreme heat, are at heightened risk of suffering heat-related illnesses, poor health and learning outcomes, as heat hinders students from engaging in outdoor activities and exercising. The lack of trees and natural areas disproportionately impacts communities of color and communities with the lowest incomes. When nature is absent where children spend their time, they are denied the health and learning benefits afforded to communities with access to more resources. Long term planning and sustained public funding investments are necessary to bring green schoolyards to scale across the state. Additionally, there are policy and institutional barriers that need to be addressed to ensure that those investments are successful in creating green climate resilient school grounds that serve some of the most vulnerable children and communities. SB 1091 takes one step to expand access to school greening projects for all students."

2) *The Field Act.* All school facilities must be built in compliance with specified earthquake safety standards, commonly known as the "Field Act." The Field Act was enacted following a severe earthquake in Long Beach in 1933. The Field Act requires a comprehensive design specification and construction inspection process for K-12 public school educational facilities. Community college facilities may be constructed in accordance with either the Field Act or the California Building Standards Code.

   The Field Act requires the DSA to review the construction plans for school buildings and requires school districts to hire onsite construction inspectors to ensure compliance with the structural safety standards. School and community college construction contracts may only be awarded after DSA approval of the plans and specifications on which the contracts are based.

3) *Plan review for construction projects.* The DSA reviews plans for public school construction and certain other state-funded building projects to ensure that plans, specifications, and construction comply with the Building Code.

The majority of DSA's plan review and construction oversight focuses on new construction and alteration projects for California school and community college districts. DSA's plan review ensures the project's compliance with code requirements related to:

a) Structural safety, ensuring that facilities meet the high standards set in the Field Act to withstand an earthquake;

b) Fire and life safety, addressing the safety of occupants in buildings, as related to fire resistive building materials, fire alarms, fire suppression equipment, safe occupant egress, and firefighting equipment access;

c) Access compliance, ensuring that public schools and state-funded construction projects meet accessibility requirements for people with disabilities; and

d) Energy efficiency, including compliance with applicable California Green Building Standards Code requirements for sustainability.

4) *Accessible path of travel required by the Federal Americans with Disabilities Act and the California Building Code.* The Federal Americans with Disabilities Act (ADA) and the California Building Code require, when alterations or additions are made to existing buildings or facilities, an "accessible path of travel" to the specific area of alteration or addition to be provided. An accessible path of travel is required to include a) a primary entrance to the building or facility; b) toilet and bathing facilities serving the area; c) drinking fountains serving the area; d) public telephones serving the areap; and e) signs. If the project site already meets the accessible path of travel requirements, no improvements are required to be made.

   There are specified circumstances under federal and state law when the full cost of providing an accessible path of travel are not required. Under federal regulations, accessible path of travel costs may be deemed disproportionate—via self-certification—when their costs would exceed 20% of the project cost. Under State Building Code, accessible path of travel costs are automatically limited to 20% of the project costs if the project is less than or equal to the "valuation threshold" ($200,399 for 2024). When construction costs exceed the valuation threshold, the full costs for providing an accessible path of travel are triggered. However, requests of unreasonable hardship may be submitted to DSA in these instances. These requests are reviewed by DSA on a case-by-case basis, and take into account the nature of the projects, their impact on accessibility, cost estimates, and the financial feasibility of providing a fully

accessible path of travel. If approved, the accessible path of travel costs may be as low as 20% of the project costs.

This bill limits the accessible path of travel costs to a school ground greening project, as defined, that is on a school district, county office of education, charter school, or community college campus to 20% of the project costs. In effect, this bill is akin to automatically providing DSA approval for unreasonable hardship from providing accessible path of travel for school districts doing schoolyard greening projects—but without regard to the nature or cost of the projects, the accessible path of travel costs, or the amount of local funding that an LEA may have access to.

5) *The tradeoffs between school greening and ensuring accessibility for students with disabilities.* Greening schoolyards and ensuring accessibility for students with disabilities are important objectives, but implementing both at the same time presents tradeoffs. This bill aims to promote school greening projects by reducing the expenses associated with the necessary path of travel enhancements these projects typically require. However, it should be noted that existing path of travel requirements serve the purpose of guaranteeing equal access to the educational environment for students with disabilities, a demographic historically underserved. The committee should consider several tradeoffs when evaluating this bill, including the following:

   a) *Space Allocation*—Greening schoolyards often involves adding vegetation, gardens, and natural play areas, which may reduce the amount of space available for accessible pathways, ramps, and specialized equipment for students with disabilities. To address this tradeoff, schools may need to carefully prioritize the placement of green features and accessibility infrastructure. This might involve strategic placement of greenery around accessible pathways, ensuring that both goals are met without compromising one another.

   b) *Terrain and Surface*—Natural elements like grass, trees, and uneven terrain can enhance the aesthetic and environmental benefits of schoolyards. However, these features may pose challenges for students with mobility impairments or those using mobility aids. Maintaining a balance between natural features and smooth, accessible surfaces can be challenging.

   c) *Safety and Risk Management*—Greening schoolyards might introduce new safety considerations, such as potential allergens from plants, tripping hazards from roots or uneven ground, and wildlife encounters. Ensuring

accessibility involves mitigating these risks while still providing an environment that fosters exploration and learning.

d) *Inclusive Design*—Striking a balance between green spaces and accessibility often involves adopting principles of inclusive design. This means considering the diverse needs of all students, including those with disabilities, from the initial planning stages. This might include providing sensory-rich experiences, integrating wheelchair-accessible raised beds for gardening, or installing inclusive play equipment that accommodates various physical abilities. Engaging students, parents, teachers, and disability advocacy groups in the design process can help ensure that the final product reflects a wide range of perspectives and addresses the unique needs of all students.

6) *Concerns from Disability Rights California.* Disability Rights California writes, "Our core concern with this bill is that it subverts the way that the law provides for the built environment to become accessible over time. The Americans with Disabilities Act (ADA) and existing state law specify that school facilities built before the implementation of those laws do not need to be made accessible right away. However, new construction projects are required to be built accessible from the onset of the project. And to the extent pre-existing facilities are renovated, accessibility including an accessible and the path of travel must be provided. The intent behind existing law was to ensure accessibility to be provided over time. SB 1091 unfortunately delays or jeopardizes provisions regarding accessibility improvements that had already existed for years.

"This bill walks back state requirements about how much accessibility work needs to be done. The way the bill is structured reduces the amount in which accessibility upgrades need to be funded. And there is no time limit regarding those reductions, meaning that greening renovations could be made for decades into the future without triggering the requirement of full accessibility."

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

SUPPORT: (Verified 4/15/24)

Green Schoolyards America (co-source)
Trust for Public Land (co-source)
A Voice for Choice Advocacy
Angelenos for Green Schools
California Environmental Voters

Canopy
Center for Ecoliteracy
Climate Action Pathways for Schools
Generation Up
Growing Together
Inclusion Outdoors
Living Classroom
Los Angeles County Office of Education
Los Angeles Neighborhood Land Trust
Natural Resources Defense Council
New Buildings Institute
Non Toxic Schools
Pogo Park
Sacramento Splash
Save the Bay
Strategic Energy Innovations
Ten Strands
Tri-Valley Air Quality Climate Alliance
Undauntedk12

OPPOSITION: (Verified 4/15/24)

None received

Prepared by: Ian Johnson / ED. / (916) 651-4105
4/16/24 14:00:05

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

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THIRD READING

Bill No: SB 1126
Author: Min (D)
Amended: 4/1/24
Vote: 21

SENATE PUBLIC SAFETY COMMITTEE: 4-0, 4/9/24
AYES: Wahab, Bradford, Skinner, Wiener
NO VOTE RECORDED: Seyarto

SUBJECT: Child abuse and neglect

SOURCE: Alliance for Boys and Men of Color
California Partnership to End Domestic Violence
Family Violence Appellate Project
Futures Without Violence
Public Counsel
University of California, Irvine School of Law Domestic Violence Clinic

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DIGEST: This bill clarifies that a child who witnessed or was present during a domestic violence incident does not alone meet the definition of child abuse or neglect as outlined by the Child Abuse and Neglect Reporting Act (CANRA), and thus does not require a report from a mandated reporter on the basis of witnessing an incident of domestic violence.

ANALYSIS:

Existing law:

1) Establishes the Child Abuse and Neglect Reporting Act (CANRA). (Penal Code § 11164)

2) Defines a child as a person under the age of 18 years (Penal Code § 11165)

3) Defines child “neglect” as the negligent treatment or the maltreatment of a child by a person responsible for the child’s welfare under circumstances

indicating harm or threatened harm to the child's health or welfare. The term includes both acts and omissions on the part of the responsible person. (Penal Code § 11165.2)

4) Defines "general neglect" under CANRA as the negligent failure of a person having the care or custody of a child to provide adequate food, clothing, shelter, medical care, or supervision where no physical injury to the child has occurred. (Penal Code § 11165.2 (b).)

5) Defines "the willful harming or injuring of a child" as a situation where a person willfully causes or permits any child to suffer, or inflicts thereon, unjustifiable physical pain or mental suffering, or having the care or custody of any child, willfully causes or permits the person or health of the child to be placed in a situation in which his or her person or health is endangered. (Penal Code § 11165.3)

6) Defines "Child abuse or neglect" as physical injury or death inflicted by other than accidental means upon a child by another person, sexual abuse, neglect, the willful harming or injuring of a child or the endangering of the person or health of a child, and unlawful corporal punishment or injury. Provided the child abuse or neglect does not include a mutual affray between minors or an injury caused by reasonable and necessary force used by a peace officer acting within the course and scope of his or her employment as a peace officer. (Penal Code § 11165.6)

7) Defines "mandated reporter" under CANRA as specific child-care custodians, health practitioners, law enforcement officers, medical professionals and lists the categories of professions who are considered mandated reporters. (Penal Code § 11165.7)

8) Provides that agencies that are required to receive reports of suspected child abuse or neglect may not refuse to accept a report of suspected child abuse or neglect from a mandated reporter or another person and are required to maintain a record of all reports received. (Penal Code § 11165.9)

9) Defines "reasonable suspicion" under CANRA as meaning that it is objectively reasonable for a person to entertain a suspicion, based upon facts that could cause a reasonable person in a like position, drawing, when appropriate, on the person's training and experience, to suspect child abuse or neglect. Provides that "reasonable suspicion" does not require certainty that child abuse or neglect has occurred nor does it require a specific medical indication of child abuse or neglect; any "reasonable suspicion" is sufficient. For purposes of this

article, the pregnancy of a minor does not, in and of itself, constitute a basis for a reasonable suspicion of sexual abuse. (Penal Code § 11166 (a)(1).)

10) Requires a mandated reporter to make a report whenever, in their professional capacity or within the scope of their employment, they have knowledge of or observe a child whom they know or reasonably suspect has been the victim of child abuse or neglect. (Penal Code § 11166.)

11) Allows any other person who is not a mandated reporter, who has knowledge of or observes a child whom the person knows or reasonably suspects has been a victim of child abuse or neglect, to report the known or suspected instance of child abuse or neglect. (Penal Code § 11166 (g).)

12) States that mandated reporters who have knowledge of or reasonably suspect that a child is suffering serious emotional damage may make a report to the relevant agency (Penal Code § 11166.05)

13) Mandates reports of suspected child abuse or neglect to include (a) the name, business address, and telephone number of the mandated reporter; (b) the capacity that makes the person a mandated reporter; and (c) the information that gave rise to the reasonable suspicion of child abuse or neglect and the source or sources of that information. Provides that, if a report is made, the following information, if known, shall also be included in the report: (d) the child's name, the child's address, present location, and, if applicable, school, grade, and class; (e) the names, addresses, and telephone numbers of the child's parents or guardians; and (f) the name, address, telephone number, and other relevant personal information about the person or persons who might have abused or neglected the child. The mandated reporter shall make a report even if some of this information is not known or is uncertain to them. (Penal Code § 11167 (a).)

14) States that information relevant to the incident of child abuse or neglect may be given to an investigator from an agency that is investigating the known or suspected case of child abuse or neglect. (Penal Code § 11167 (b).)

15) Allows information relevant to the incident of child abuse or neglect, including the investigation report and other pertinent materials, to be given to the licensing agency when it is investigating a known or suspected case of child abuse or neglect. (Penal Code § 11167 (c).)

16) Requires specified government agencies to forward to the DOJ a report of every case of suspected child abuse or neglect that it investigates and

determines to be substantiated; and if a previously filed report proves to be not substantiated, the DOJ shall be notified in writing, and shall not retain that report. (Penal Code § 11169 (a).)

17) Defines "substantiated report" as a report that is determined by the investigator to constitute child abuse or neglect based on some evidence that makes it more likely than not that child abuse or neglect occurred. (Penal Code § 11165.12(b).)

18) Provides that any mandated reporter who fails to report an incident of known or reasonably suspected child abuse or neglect as required is guilty of a misdemeanor punishable by up to six months confinement in a county jail or by a fine of $1,000 or by both. If a mandated reporter intentionally conceals his or her failure to report an incident known by the mandated reporter to be abuse or severe neglect, the failure to report is a continuing offense until a specified agency discovers the offense. (Penal Code § 11166 (c).)

This bill:

1) Changes the requirements under CANRA to specify that a child witnessing domestic violence is not a sufficient basis for reporting child abuse or neglect.

2) Clarifies that a child witnessing domestic violence or residing in a household where domestic violence exists can still be used in a determination of custody or visitation or the issuance of a domestic violence restraining order under the Family Code.

Comments

This bill clarifies that a child witnessing or being present during an act of domestic violence does not meet the criteria of child abuse or neglect that forces a mandated reporter to file a report with the appropriate local law enforcement or county child welfare agency. However, it does not prevent a mandated reporter from reporting situations where domestic violence causes severe emotional or physical trauma to a child. The main goal of this bill is to clarify that mandated reporters must use their discretion when determining whether an instance of a child witnessing domestic violence meets the already defined criteria for child abuse or neglect.

Under current law, there exists some confusion as to whether mandatory reporters are required to automatically file a report when they discover a child has witnessed domestic violence and whether mandated reporters can be held liable for not reporting these situations. For example, if a child is in the custody of a survivor

parent after escaping a domestically violent situation and a mandated reporter learns of the prior situation, that mandated reporter may feel forced to file a report, subjecting the survivor parent and their child to an intrusive investigation after already taking steps to address the prior harm. In that scenario, and under existing law, a report would not be necessary because the conditions do not meet the criteria of child abuse or neglect outlined by CANRA. This bill adda language to the Penal Code's definition of child abuse or neglect that would relinquish a mandated reporter from reporting scenarios such as the aforementioned. Mandated reporters would only be required to report cases of domestic violence under CANRA when the situation is ongoing or is severely harming a child.

This bill acknowledges the complex nature of domestic violence while ensuring children can remain in the custody of their survivor parent and protects the ability of survivor parents to escape abusive situations and seek resources.

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

SUPPORT: (Verified 4/9/24)

Alliance for Boys and Men of Color (co-source)
California Partnership to End Domestic Violence (co-source)
Family Violence Appellate Project (co-source)
Futures Without Violence (co-source)
Public Counsel (co-source)
University of California, Irvine School of Law Domestic Violence Clinic (co-source)
AAPI Equity Alliance
Alliance for Children's Rights
Asian Americans for Community Involvement
California Alliance of Caregivers
California Alliance of Child and Family Services
California Public Defenders Association
California Youth Connection
Caminar Latino-Latinos United for Peace and Equity
Casa of Los Angeles
Child Abuse Prevention Center
Children's Institute
Children's Law Center of California
Coalition to Abolish Slavery and Trafficking
Community Resource Center
Crime Survivors for Safety and Justice

Dependency Advocacy Center
Downtown Women's Center
Family Violence Appellate Project
Healthy Alternatives to Violent Environments
Human Options
Jenesse Center, INC.
Legal Aid Foundation of Los Angeles
Los Angeles Center for Law and Justice
Los Angeles Dependency Lawyers, INC.
Lumina Alliance
National Center for Youth Law
Next Door Solutions to Domestic Violence
Project Sanctuary, INC.
Reimagine Child Safety Coalition
San Francisco Public Defender
Sayra & Neil Meyerhoff Center for Families, Children & the Courts
Sheedy Consulting, LLC.
The People Concern
Weave
Western Center on Law & Poverty
Woman, INC.

OPPOSITION: (Verified 4/9/24)

Alliance for Hope International
County Welfare Directors Association of California

ARGUMENT IN SUPPORT: According to Alliance for Boys and Men of Color, the California Partnership to End Domestic Violence, Family Violence Appellate Project, Futures Without Violence, Public Counsel, and University of California, Irvine School of Law Domestic Violence Clinic:

> It is with urgency that our organizations write to you as co-sponsors to support SB 1126, which would clarify that a mandated reporter of child abuse and neglect is not required to make a report to Child Protective Services (CPS) when they learn that a child has witnessed domestic violence. This bill is a critical clarification of existing law that will result in increased safety and support for parents and children who are survivors of domestic violence. It is consistent with the broader recognition of how the current mandated reporting system has harmed countless California families, including many survivor children and their parents, with specific,

disproportionate harm to California's Black, Native and Indigenous, and Hispanic/Latine communities. For survivors of domestic violence, clarifying the law would also be a significant step towards a more constructive, effective, and humane model of support that aims to keep their families together safely and address the systemic racial bias that has characterized the mandated reporting system for far too long. As such, this bill is a priority policy for our organizations this year.

Currently in California, when a child who has witnessed domestic violence comes to the attention of service providers, medical professionals, police, and other mandated reporters, both parents are often reported to CPS, including the parent who has been the victim of violence. The family is then subjected to an invasive investigation that can create toxic levels of stress for the survivor parent and child, who live for weeks with the very real threat of separation looming over them. Even worse, survivors of domestic violence often come to the attention of mandated reporters only because they are actively seeking help from the service providers, medical professionals, or police who then report them to CPS based on the belief that this is required under current law when it is suspected only that a child has witnessed domestic violence in the home.

As a result, paradoxically, survivor parents, including those who are "victims" under our criminal laws, can have their children taken from them, including as a result of their efforts to seek and receive support. Because mandated reporters face liability if they fail to report, many mandated reporters file reports even when they do not have real concerns for child safety or are actively providing services to support the survivor parent and children. Survivors report that the threat of being reported to CPS is a deterrent to seeking help, and data show Black, Native and Indigenous, and Hispanic/Latine families are reported at substantially higher rates than other families as a result of racial bias, not the risk of harm to children (*Safe and Sound, Creating a Child & Family Well-Being System: A Paradigm Shift from Mandated Reporting to Community Supporting*).

Research shows that keeping survivor parents and their children together with access to support and services is the most effective way to help children who witness domestic violence (A. Rosewater & K. Moore 2010). In contrast, studies show that separating children who witness domestic violence from their survivor parents can cause long-term harm to the child (Meier & Sankaran 2021). State separation of children from a parent and

placement in the child welfare system leads to the known harms of system involvement often caused by "vulnerabilities foster care itself creates," (Roberts 2017) and children in foster care often experience physical and sexual abuse or neglect at higher rates than children who remain with their families (Huntington 2006)(Stark 2002)(Gruskin 2000).

ARGUMENT IN OPPOSITION: According to County Welfare Directors Association of California:

> The County Welfare Directors Association of California (CWDA) respectfully opposes SB 1126 by Senator Min. This bill would establish that a child who witnesses domestic violence or is present during a domestic violence incident does not require a mandated reporter to report child abuse or neglect.
>
> CWDA supports the ongoing effort within child welfare services (CWS), to shift from a system that relies primarily on mandated reporting to one that empowers community supporting of children. CWDA does not support changing the requirements on mandated reporters in a piecemeal fashion pending the completion of the work of the task force and the issuance of its recommendations.
>
> […] CWDA is also concerned that this bill would change the legal expectations for mandated reporters without ensuring or funding additional training for mandated reporters. Assuming this change goes into effect, additional training would be needed to educate mandated reporters on when the presence of domestic violence might be one factor that could warrant a report, and when it might not warrant making a report. Simply removing the requirement without providing training risks miscommunicating to reporters that they ought not report any case where domestic violence is present, rather than empowering them with the necessary tools to determine when a report may or may not be warranted. CWDA argues that such a change should not be made without updated training, especially while the work of the task force is not completed.

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Prepared by: John Duncan / PUB. S. /
4/10/24 12:35:58

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

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THIRD READING

Bill No: SB 1132
Author: Durazo (D), et al.
Amended: 4/9/24
Vote: 21

SENATE HEALTH COMMITTEE: 8-1, 4/3/24
AYES: Roth, Gonzalez, Hurtado, Limón, Menjivar, Rubio, Smallwood-Cuevas, Wiener
NOES: Nguyen
NO VOTE RECORDED: Glazer, Grove

SENATE PUBLIC SAFETY COMMITTEE: 5-0, 4/23/24
AYES: Wahab, Seyarto, Bradford, Skinner, Wiener

SUBJECT: County health officers

SOURCE: California Collaborative for Immigrant Justice
California Immigrant Policy Center
Immigrant Defense Advocates
Next Gen California

DIGEST: This bill clarifies that "private detention facilities," as defined, are subject to inspection by local health officers.

ANALYSIS:

Existing law:

1) Requires each county board of supervisors to appoint a local health officer (LHO). Requires LHOs to enforce and observe orders of the board pertaining to public health and sanitary matters, including regulations prescribed by the California Department of Public Health (CDPH), and statutes relating to public health. [HSC §101000 and §101030]

2) Requires LHOs to investigate health and sanitary conditions in every publicly operated detention facility in the county or city (including county and city jails), and all private work furlough facilities and programs, at least annually. Requires private work furlough facilities and programs to pay an annual fee commensurate with the annual cost of investigations. Permits LHOs to make additional investigations of any detention facility as determined necessary. Requires LHOs to submit a report to the Board of State and Community Corrections (BSCC), the person in charge of the jail or detention facility, and to the board of supervisors or city governing board (in the case of a city that has an LHO). [HSC §101045]

3) Requires LHOs, whenever requested by the sheriff, the chief of police, local legislative body, or the BSCC, but not more often than twice annually, to investigate health and sanitary conditions in any jail or detention facility, and submit a report to the officer and agency requesting the investigation and to the BSCC. [HSC §101045]

4) Requires the investigating LHO to determine if the food, clothing, and bedding is of sufficient quantity and quality that at least equal minimum standards and requirements of the BSCC for the feeding, clothing, and care of prisoners in all local jails and detention facilities, and if the sanitation requirements under the California Retail Food Code (CalCode), have been maintained. [HSC §101045]

5) Defines a "detention facility" as a facility in which persons are incarcerated or otherwise involuntarily confined for purposes of execution of a punitive sentence imposed by a court or detention pending a trial hearing or other judicial or administrative proceeding. Defines a "private detention facility" as a detention facility that is operated by a private, nongovernmental, for-profit entity pursuant to a contract or agreement with a governmental entity. Specifies that a "detention facility" does not include:

    a) A facility providing rehabilitative, counseling, treatment, mental health, educational, or medical services to a juvenile that is under the jurisdiction of the juvenile court;
    b) A facility providing evaluation or treatment services to a person who has been detained, or is subject to an order of commitment by a court;
    c) A facility providing educational, vocational, medical, or other ancillary services to an inmate in the custody of, and under the direct supervision of, the Department of Corrections and Rehabilitation or a county sheriff or other law enforcement agency;

d) A residential care facility;
e) A school facility used for the disciplinary detention of a pupil;
f) A facility used for the quarantine or isolation of persons for public health reasons; or,
g) A facility used for the temporary detention of a person detained or arrested by a merchant, private security guard, or other private person. [GOV §7320]

This bill clarifies that "private detention facilities," as defined under existing law, are subject to inspection by LHOs.

Comments

Author's statement. According to the author, the ability of LHOs to enter and inspect private detention facilities is not clearly addressed under current California law. As it stands the relevant statutes empower LHOs to enter public detention facilities and private work furlough facilities. The lack of clarity on oversight of private detention facilities poses a unique and critical public health challenge. Conditions in these facilities not only affect the lives of those detained, but also impacts the surrounding communities. During the COVID-19 pandemic, an outbreak at Otay Mesa Detention Facility resulted in more than 300 staff and detained individuals becoming infected. In order to ensure public health regulations and standards are upheld in private detention facilities for the health and safety of people detained and working in these facilities, this bill clarifies that LHOs have authority to inspect private detention facilities as deemed necessary.

Background

1) The federal government contracts with private detention facilities across the country to house federal inmates and immigration detainees. According to information provided by the sponsor of this bill, there are currently six private detention facilities operating in California:

   a) San Bernardino County: Adelanto ICE Processing Center (capacity 1,940) and Desert View Annex (capacity 750);
   b) Kern County: Golden State Annex (700 capacity) and Mesa Verde ICE Processing Center (capacity 400);
   c) San Diego County: Otay Mesa Detention Center (1,994 capacity); and,
   d) Imperial County: Imperial Regional Detention Facility (704 capacity).

   According to a July 2022 California Department of Justice (DOJ) report on immigration detention in California; federal, state, and local laws (including

county public health orders) govern all immigration detention facilities operating in California. Facilities that contract to hold detained noncitizens are also bound by national detention standards, which establish requirements for emergency planning, security protocols, detainee classification, discipline, medical care, food service, activities and programming, detainee grievances, and access to legal services. The standards set the expectation that the Center for Disease Control and Prevention (CDC) guidelines "for the prevention and control of infectious and communicable diseases shall be followed," and directs that each facility have written plans that "address the management of infectious and communicable diseases." The standards also require "written plans that address the management of infectious and communicable diseases, including, but not limited to, testing, isolation, prevention, and education" as well as "reporting and collaboration with local or state health departments in accordance with state and local laws and recommendations.

2) *Reports of confusion over jurisdiction during COVID pandemic.* According to the CDC, communicable disease can easily spread in congregate living facilities (such as detention facilities, emergency/homeless shelters, dormitories, group homes, and nursing homes) or other housing where people who are not related reside in close proximity and share at least one common room, such as a sleeping room, kitchen, bathroom, or living room. Federal and state government officials convened working groups and issued guidance to public health officials and facility administrators on how to minimize outbreaks of COVID-19. However, according to a February 22, 2021 CalMatters article, throughout the pandemic there was confusion about the role state and local health authorities play within federal detention facilities, which lead to problems with COVID testing and vaccine distribution. For example, immigrant rights organizations sent a letter to public health officials in Kern County asking about LHO oversight, including how it planned to ensure detainees were being tested for COVID. In response, the county's director of public health services said they did not have jurisdiction over the center. According to the article, there were similar instances of confusion over jurisdiction in other counties.

3) *LHO inspections of detention facilities in California.* LHOs serve a number of public health functions at the local level, including to implement infectious disease control, emergency preparedness and response, and maternal, child, and adolescent health, through 61 legally-appointed physician LHOs in California (one from each of the 58 counties and the three cities of Berkeley, Long Beach, and Pasadena). Annual inspections of health and sanitary conditions in a county jail (or in the case of a city jail, where there is a city health officer) and

publicly operated detention facilities, inspection checklists for minimum standards are determined by the Title 15 California Code of Regulations and CalCode. The checklists are divided by Adult Court and Temporary Holding Facilities, Adult Jail Facilities, and Juvenile Facilities; and, into three sections: environmental, nutritional, and medical/mental health. All three sections must be completed at each inspection. The BSCC follows up on items of noncompliance, as LHOs have no enforcement duties. The BSCC publicly posts the inspection reports, and existing law (Penal Code 6031.2) also requires the BSCC to submit a report to the Legislature showing results of its biennial facility inspections and monitoring of compliance with training standards (including non-compliance items from LHO investigations).

Related/Prior Legislation

AB 263 (Arambula, Chapter 294, Statutes of 2021) requires a private detention facility operator to comply with, and adhere to, all local and state public health orders and occupational safety and health regulations.

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

SUPPORT: (Verified 4/23/24)

California Collaborative for Immigrant Justice (co-source)
California Immigrant Policy Center (co-source)
Immigrant Defense Advocates (co-source)
Next Gen California (co-source)
Alliance for Boys and Men of Color
American Civil Liberties Union California Action
Amnesty International USA
APLA Health
Asian Americans Advancing Justice Southern California
Buen Vecino
California Coalition for Women Prisoners
California Public Defenders Association
Center for Gender & Refugee Studies
Communities United for Restorative Youth Justice
Courage California
Disability Rights California
Ella Baker Center for Human Rights
Friends Committee on Legislation of California
Health Officers Association of California

Indivisible California: Statestrong
Initiate Justice
Inland Coalition for Immigrant Justice
Justice & Diversity Center of the Bar Association of San Francisco
Lawyers' Committee for Civil Rights of the San Francisco Bay Area
NorCal Resist
Oakland Privacy
ORALE: Organizing Rooted in Abolition, Liberation, and Empowerment
Public Counsel
San Francisco Marin Medical Society
Secure Justice
One individual

OPPOSITION: (Verified 4/23/24)

None received

ARGUMENTS IN SUPPORT: The sponsors of this bill write that detention facilities can pose a public health risk to individuals held inside, as well as those who work, visit, or live near these sites. In the past, the majority of private detention facilities in California operated pursuant to joint contracts with counties, but have since shifted to direct contracts with the federal government. According to their federal contracts, these private facilities remain subject to California state and local public health oversight. However, advocates have documented a lack of clarity with respect to how these facilities are viewed by public health officials. All public detention facilities have mechanisms to review poor health and safety outcomes. However, oversight of health conditions in private detention facilities is limited. The federal government contracts with the Nakamoto Group Inc. to conduct annual inspections of private civil facilities in California, while the Office of Detention Oversight inspects facilities every three years. A recent report by the Department of Homeland Security (DHS) Office of Inspector General stated that Nakamoto's inspections "do not fully examine actual conditions or identify all compliance deficiencies," while the Office of Detention Oversight inspections are "too infrequent to ensure the facilities implement all corrections." Poor health conditions in these facilities have been widely documented, with reports by Disability Rights noting that the Adelanto Detention facility, "... has an inadequate mental health care and medical care system, made worse by the facility's harsh and counter-therapeutic practices." This bill's sponsors state that private detention facilities continue to pose challenges with respect to health, safety, and sanitary conditions. Detained individuals in these facilities continue to file numerous grievances in private facilities, which primarily revolve around detainees facing

challenges in accessing timely medical attention, enduring prolonged waits for treatment of persistent conditions—stretching to months—and encountering difficulties in obtaining essential medications. One specific detainee recounted losing multiple teeth due to a two-year delay in receiving dental cavity fillings. During inspections, a prison dentist reportedly proposed that detainees could improve their dental hygiene by using strings from their shoes for flossing their teeth. The sponsors write that the goal of this bill is to ensure that county health officials have the ability to enter these facilities when necessary. The bill does not impose an annual inspection requirement to county health officials, but empowers them to ensure that these private facilities adhere to public health orders and guidelines that are necessary to keep our state safe.

Prepared by: Melanie Moreno / HEALTH / (916) 651-4111
4/24/24 11:16:20

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

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THIRD READING

Bill No: SB 1136
Author: Stern (D), et al.
Introduced: 2/13/24
Vote: 21

SENATE ENVIRONMENTAL QUAL. COMMITTEE: 6-0, 3/20/24
AYES: Allen, Gonzalez, Hurtado, Menjivar, Nguyen, Skinner
NO VOTE RECORDED: Dahle

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

SUBJECT: California Global Warming Solutions Act of 2006: report

SOURCE: Author

DIGEST: This bill updates the requirements on what the chair of California Air Resources Board (CARB) must report annually before the Joint Legislative Committee on Climate Change Policies (JLCCCP) to go beyond emission trends in specified air pollutants.

ANALYSIS:

Existing law:

1) States that under the California Global Warming Solutions Act of 2006 (Health and Safety Code (HSC) §38500 et seq.):

   a) Establishes the CARB as the state agency responsible for monitoring and regulating sources emitting greenhouse gases.

   b) Requires CARB to approve a statewide greenhouse gas (GHG) emissions limit equivalent to the statewide GHG emissions level in 1990 to be achieved by 2020 (AB 32, Nunez, Chapter 488, Statutes of 2006) and to

ensure that statewide GHG emissions are reduced to at least 40% below the 1990 level by 2030. (SB 32, Pavley, Chapter 249, Statutes of 2016)

c) Requires CARB to prepare and approve a scoping plan for achieving the maximum technologically feasible and cost-effective reductions in GHG emissions and to update the scoping plan at least once every five years.

2) States, under the California Climate Crisis Act—AB 1279 (Muratsuchi, Chapter 337, Statutes of 2022), that it is the policy of the state to achieve net zero GHG emissions no later than 2045, and to ensure that by 2045 statewide anthropogenic GHG emissions are reduced to at least 85% below the 1990 level.

3) Establishes the JLCCCP to ascertain facts and make recommendations to the Legislature concerning the state's programs, policies, and investments related to climate change. (Government Code § 9147.10)

4) Requires the chair of CARB to appear annually before JLCCCP to present an annual informational report on the reported emissions of GHGs, criteria pollutants, and toxic air contaminants from all sectors covered by the scoping plan. (Government Code § 9147.10)

This bill changes the topics to be covered by the CARB Chair at the annual JLCCCP meeting to more broadly encompass topics related to the Scoping Plan, as directed by the committee.

Background

1) *Independent oversight.* To empower CARB in its efforts to reduce statewide GHGs, the Legislature has granted broad authority to the Board under the AB 32 framework and carried that forward with SB 32 and AB 1279. These bills focus on targets and leave many implementation details to CARB. But the Legislature also made clear, by packaging AB 197 (E. Garcia, Chapter 250, Statutes of 2016) with SB 32, that greater authority would only be delegated if it came with expanded Legislative oversight and accountability. In recognition of the immense complexity of the work underway, the Legislature added two new legislatively appointed ex officio members to the CARB Board, and further strengthened its independent oversight of CARB's efforts to achieve the state's climate goals.

   At this point, there are three different entities who the Legislature has tasked

with understanding and reporting on the highly complex work being done at CARB on achieving our climate goals:

a) JLCCCP: This joint committee was established by AB 197 to ascertain facts and make recommendations to the Legislature concerning the state's programs, policies, and investments related to climate change.

b) Legislative Analyst's Office (LAO): Since 1941, the LAO has served as the "eyes and ears" for the Legislature to ensure that the executive branch is implementing legislative policy in a cost efficient and effective manner. AB 398 (E. Garcia, Chapter 135, Statutes of 2017) further required the LAO to annually report to the Legislature on the economic impacts and benefits of specified GHG emissions targets.

c) Independent Emissions Market Advisory Council (IEMAC): Established by AB 398, the IEMAC analyzes the environmental and economic performance of the state's cap-and-trade program and other relevant climate policies, then reports its findings to CARB and the JLCCCP.

Comments

1) *Purpose of Bill.* According to the author, "As we learned in the recent Joint Committee on Climate Change Policies hearing on the state's climate programs, it is imperative that the Legislature provide vigilant oversight during the transition to a zero-emission economy. California is on the bleeding edge of this difficult period of time: attempting to curb emissions, adapt to climate change, retain jobs and grow clean industries, keep electricity and transportation costs affordable, and improve health outcomes for overburdened residents all at the same time. Going forward, decisions made about climate change and various climate programs are critical to the entire state economy, and this Committee plays a role in tracking the progress."

2) *"… and then we'll get into the conversation about the Scoping Plan."* An illustrative example of why this bill is needed can be found in Chair Liane Randolph's remarks at the March 1, 2023, joint hearing of the JLCCCP, this committee, and Assembly Natural Resources Committee. While the primary focus of the hearing was about the recent update to the 2022 Scoping Plan Update, it also served as the annually required report on emission trends. As such, roughly the first five minutes of her remarks were dedicated to delivering updates on trends in criteria pollutants, toxic air contaminants, and GHGs. While important and statutorily required, those were not the topics members

subsequently showed the most interest in.

This bill imagines future JLCCCP hearings that will be able to focus more on pertinent issues to members of the committee, rather than those specific trends. Given the inherent difficulty in coordinating participants from the Legislature, CARB, and outside experts for a hearing, it is laudable that this bill attempts to make the most effective use of the limited time available.

3) *How can we make the most of these hearings?* While it is impossible to predict year-to-year what topics will be most timely and relevant, it seems wise to provide CARB more latitude in what to discuss. As written today, this bill would be expected to obviate the need for the kind of emission trend preamble one of the annual JLCCCP hearings must have today, which could make the hearings a more valuable use of everyone's time.

   But, beyond removing that requirement, what more could the Legislature gain from these hearings? Although care should be taken to avoid the hearings becoming overly prescriptive or lengthy, it may be beneficial to ensure CARB will provide the Legislature with actionable, relevant information. Some ideas for consideration could include any number of, but need not be limited to:

   a) *Major policy updates since the last year.* Between implementation of recent legislation and other regulatory efforts, CARB is responsible for a large number of actions each year that are expected to reduce emissions. In order to give legislators a sense of the magnitude of the work being done at CARB and the emission reduction impacts thereof, it may be helpful to briefly detail new efforts the Legislature may not yet be aware of.

   b) *Advancements in jobs and justice.* As detailed in the most recent JLCCCP hearing of March 11, 2024, high-road job opportunities and environmental justice are highly desirable features of California climate policies. Uplifting progress on those fronts alongside reports on GHG emission reductions could be helpful in centering those efforts and concerns.

   c) *Implementation plan.* At this point, California's success in reaching its climate goals is more dependent on the implementation of existing policies and directives than on setting or updating specific targets. This has been discussed in this committee and JLCCCP alike in the past several years. While a comprehensive assessment of all programs being implemented across all agencies to achieve the state's climate goals would be well beyond

the scope of any one hearing, this is clearly a topic of interest to members of the Legislature and may merit specific inclusion in this legislation.

d) *In state benefits of climate programs.* Many of California's climate programs are strictly in-state operations; the state's authority to regulate activities ends at the border, after all. Nevertheless, programs like the Low-Carbon Fuel Standard (LCFS) provide incentives in the form of valuable credit generation to out-of-state entities. This may in part be attributable to past concerns about LCFS conflicting with the Dormant Commerce Clause by privileging in-state low-carbon fuel production. As a result, this may be a necessary feature of the program, but it would still be useful for legislators to know what portion of LCFS credit sale revenues are kept within California. Particularly when the costs of deficits are passed along to consumers in the form of higher fuel prices, it will be important to understand where the program's benefits are most concentrated.

e) *Best and most current available GHG emissions data & trajectory towards goals.* There is an inherent trade-off in data quality vs timeliness. By the time GHG emission data can be definitively verified, it may be years past its collection date. There have been efforts to address this through budget items (i.e. Budget Item 3900-001-3237 of 2021 required CARB to, for three years, post and report to the Legislature a preliminary estimate of the prior-year GHG emissions), but that remains an imperfect solution.

   It would be invaluable for CARB and the Legislature to operate off of the same set of facts when engaging in discussions about climate programs, particularly as they pertain to meeting our GHG emission reduction goals. Rather than requiring independent experts or third parties to provide context and updates, perhaps an annual JLCCCP hearing could be an appropriate venue for CARB to definitively tell us where we are and how fast we are going.

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

SUPPORT: (Verified 4/8/24)

None received

OPPOSITION: (Verified 4/8/24)

None received

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4/10/24 12:38:08

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

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THIRD READING

Bill No: SB 1172
Author: Grove (R)
Amended: 3/18/24
Vote: 21

SENATE REVENUE AND TAXATION COMMITTEE: 6-0, 4/10/24
AYES: Glazer, Dahle, Ashby, Bradford, Dodd, Padilla
NO VOTE RECORDED: Skinner

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

SUBJECT: Personal income tax: voluntary contributions: California Breast Cancer Research Voluntary Tax Contribution Fund and California Cancer Research Voluntary Tax Contribution Fund

SOURCE: American Cancer Society Cancer Action Network Inc.
University of California

DIGEST: This bill extends the sunset dates for the California Breast Cancer Voluntary Contribution Fund and California Cancer Research Voluntary Contribution Fund from January 1, 2025 to January 1, 2032.

ANALYSIS:

Existing law:

1) Allows taxpayers to contribute money from their own resources in excess of the amount they owe in taxes to Voluntary Contribution Funds (VCF), by checking a box on their state Personal Income Tax return.

2) Establishes 18 VCFs, including the California Breast Cancer Voluntary Contribution Fund and California Cancer Research Voluntary Contribution Fund for on the Personal Income Tax (PIT) Return.

3) Generally requires contributions to exceed $250,000 annually for either VCF to remain on the Personal Income Tax form.

4) Provides that when a taxpayer donates to the California Breast Cancer Voluntary Contribution Fund, the Franchise Tax Board (FTB) deposits the total of all contributions, into a fund named for the VCF, then continuously appropriates them first to FTB and the Controller to reimburse their costs, and then to the University of California for the support of the Breast Cancer Research Program.

5) Provides that when a taxpayer donates to the California Cancer Research Voluntary Contribution Fund, FTB deposits the total of all contributions, into a fund named for the VCF, then continuously appropriates them first to FTB and the Controller to reimburse their costs, then to the Regents of the University of California for distribution of grants for the purposes of conducting research on the causes and treatments for cancer, expanding community-based education on cancer, and providing culturally sensitive and appropriate prevention and awareness activities targeted toward communities that are disproportionately at risk or afflicted by cancer, and for reimbursement of any costs incurred by the regents for administering the grants.

6) Sunsets both VCFs on January 1, 2025.

This bill:

1) Extends the sunset date on the California Breast Cancer Voluntary Contribution Fund from January 1, 2025 to January 1, 2032.

2) Extends the sunset date on the California Cancer Research Voluntary Contribution Fund from January 1, 2025 to January 1, 2032.

Background

A voluntary contribution for the California Breast Cancer Research Fund first appeared on the state PIT return in 1992. The Legislature has extend it several times, most recently in 2017 (SB 440, Hertzberg, Chapter 427, Statutes of 2017). SB 440 also reset the minimum contribution threshold for the fund to remain on the PIT return to $250,000 (it had increased to $376,556 in 2016), and deleted the previously required inflation adjustment for the minimum contribution threshold. This VCF remains one of the most popular voluntary contribution funds on the form, consistently generating between $410,000 (2023) and $516,923 (2019).

A voluntary contribution for the California Cancer Research Fund first appeared on the state PIT return in 2008, and was also last extended by SB 440. Like the VCF for breast cancer research, SB 440 also reset the minimum contribution threshold for the fund to remain on the PIT return to $250,000 (it had increased to $277,944

in 2016), and deleted the previously required inflation adjustment for the minimum contribution threshold. The VCF has received more than $400,000 in annual contributions in 2022 and 2023 and more than $500,000 the years before that, well above the $250,000 minimum.

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

SUPPORT: (Verified 4/23/24)

American Cancer Society Cancer Action Network Inc. (co-source)
University of California (co-source)
Adventist Health System West
Kern County Cancer Foundation

OPPOSITION: (Verified 4/23/24)

None received

ARGUMENTS IN SUPPORT: According to the author, "The California Breast Cancer Research Fund and the California Cancer Research Fund make important contributions to research on the causes, detection, treatment, and prevention of cancer, as well as supporting community support and education. SB 1172 will extend the sunset date for the tax checkoff that allows people to donate to these research funds so that they can continue this necessary work."

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4/23/24 16:13:33

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

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THIRD READING

Bill No: SB 1175
Author: Ochoa Bogh (R), et al.
Amended: 4/8/24
Vote: 21

SENATE ENVIRONMENTAL QUALITY COMMITTEE: 7-0, 4/3/24
AYES: Allen, Dahle, Gonzalez, Hurtado, Menjivar, Nguyen, Skinner

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

SUBJECT: Organic waste: reduction goals: local jurisdictions: waivers

SOURCE: Author

DIGEST: This bill directs Department of Resources Recycling and Recovery (CalRecycle) to consider alternatives in addition to census tracts when deciding on the boundaries of low-population and elevation waivers from SB 1383 (Lara, Chapter 395, Statutes of 2016) organics waste diversion goals.

ANALYSIS:

Existing law:

1) Requires the California Air Resources Board (CARB) to complete, approve, and implement a comprehensive strategy to reduce emissions of short-lived climate pollutants (SLCPs) in the state to achieve, among other things, a reduction in the statewide emissions of methane by 40%. (Health and Safety Code (HSC) §39730 et seq.)

   a) Requires that methane emissions reduction goals include specified targets to reduce the landfill disposal of organic waste by 50% relative to its 2014 level by 2020, and achieve a 75% reduction relative to 2014 by 2025. (HSC §39730.6)

2) Requires CalRecycle, in consultation with CARB, to adopt regulations to achieve those targets for reducing organic waste in landfills (SB 1383 regulations). These regulations include:

   a) Requirements for local jurisdictions to impose requirements on generators and authorize local jurisdictions to impose penalties for noncompliance with those requirements.
   b) Different levels of requirements and phased timelines for local jurisdictions based on different categorizations for those local jurisdictions.
   c) A process for local jurisdictions facing penalties for violations of these requirements to obtain relief by submitting a notice of intent to comply that includes an explanation of why they were unable to comply and a description of the proposed actions to come into compliance in a timely manner. (Public Resources Code (PRC) §42652.5)

3) Provides waivers for low population, elevation, and rural local jurisdictions. (14.C.C.R. § 18984.12)

4) Exempts local jurisdictions in possession of a specified rural exemption from the recovered organic waste product procurement targets until December 31, 2026. Beginning January 1, 2027, CalRecycle may provide these exempted rural jurisdictions an extended recovered organic waste product procurement target schedule. (PRC §42652.5)

5) Exempts local jurisdictions from their organic diversion and methane emission reduction targets under SB 1383 if the local jurisdictions (including a city, county, a city and county, or a special district) have fewer than 7,500 people and dispose of less than 5,000 tons of solid waste per year, but did not report their waste tonnage to CalRecycle's Disposal Reporting System in 2014. (PRC §42652.8)

This bill authorizes CalRecycle to consider the following alternatives, in addition to census tracts, when deciding the boundaries of submitted low-population and elevation waiver applications for SB 1383 collection requirements:

1) Boundaries submitted by counties, cities, or other public agencies;
2) Boundaries of incorporated cities; and
3) Boundaries of census-designated places.

Background

1) *Organic Waste and Short-Lived Climate Pollutants.* Organic material accounts for more than a third of California's waste stream: the nearly six million tons of food waste that Californians dispose of alone accounts for approximately 18% of landfilled material, and yard waste accounts for another seven percent of the total waste stream. CalRecycle reports that 2.5 billion meals worth of potentially-donatable food is landfilled in a year. Organic waste is not only a high volume problem in landfills— it also has an oversized impact on climate. According to CalRecycle, methane emissions from decomposing organic waste in landfills account for approximately 20% of the State's total methane emissions. Methane is a climate "super pollutant" that is 84 times more potent than carbon dioxide over a 20-year timescale.

2) *Organic waste and methane emission reduction goals (SB 1383 Regulations).* In 2016, the Legislature passed SB 1383 (Lara, Chapter 395, Statutes of 2016), which established emission reduction targets for short-lived climate pollutants including hydrofluorocarbon gasses, anthropogenic black carbon, and methane. SB 1383 required CARB to approve and implement a comprehensive short-lived climate pollutant strategy that included a 2030 target of reducing methane emissions by 40% relative to 2014 levels. In order to achieve these reductions in methane emissions, SB 1383 set a goal of reducing landfill disposal of organic waste 50% by 2020 and 75% by 2025 from 2014 levels; and to rescue at least 20% of currently disposed of surplus food for meals by 2025.

   CalRecycle reports that meeting the goals of SB 1383 would be equivalent to removing 3 million cars worth of climate pollution. CalRecycle was given the authority to adopt regulations that would achieve these organic waste reduction requirements. After significant public engagement and workshopping over the course of several years, in 2020, CalRecycle adopted its regulations for Short-lived Climate Pollutants (SB 1383 Regulations).

3) *Progress towards SB 1383 goals.* The ambitious waste diversion goals established in 1383 have necessitated significant changes to California's organic waste management infrastructure. Though California has made significant progress towards achieving the goals laid out in SB 1383, there is still some way to go; according to a report by the Little Hoover Commission in 2023, the state failed to reach its 2020 targets and is not on track to reach its 2025 goals. However, since its January 2022 implementation, 75% of California communities (464 out of 616 jurisdictions) report that they have residential

organic waste collection in place. According to CalRecycle, California now has 206 organic waste processing facilities and is building 20 more. CalRecycle reports having invested over $220 million in grants and loans for SB 1383 infrastructure.

4) *Existing SB 1383 waivers.* In developing SB 1383 regulations, CalRecycle recognized that certain local entities face more significant problems in developing organic waste infrastructure than others and specifically that "rural, elevation, and low-population jurisdictions have a small organic waste footprint and face significant challenges to collecting material." As a result, CalRecycle developed in regulations a set of SB 1383 waivers for some or all organics collection requirements for jurisdictions if they meet specific criteria:

   a) Low-population waivers: A jurisdiction is eligible to apply for a low-population waiver if it disposed less than 5,000 tons of solid waste in 2014 and has a total population of less than 7,500 people. A jurisdiction may also be eligible for this waiver if the census tract has a population density of less than 75 people per square mile and are located in unincorporated portions of the county. Under this waiver, jurisdictions are exempted from some or all of organics waste diversion goals of SB 1383 regulations.

   b) Rural exemptions: A jurisdiction is eligible to apply for a rural exemption if it is located entirely within 1 or more rural counties, defined as less than 70,000 people. The jurisdiction must also show evidence to CalRecycle as to the purpose of and need for the exemption. Under this exemption, a jurisdiction does not have to comply with the organic waste collection requirements of SB 1383 regulations.

   c) Elevation waivers: A jurisdiction may apply for an elevation waiver if some or all of the jurisdiction is located at or above an elevation of 4,500 feet. Under this waiver, the jurisdiction is only exempt from the requirement to separate and recover food waste and food-soiled paper.

   d) Jurisdictions can also apply for disaster and emergency waivers, and non-local entities and local education agencies that meet specific criteria can also apply.

As of the writing of this analysis, CalRecycle reports that it has issued waivers to 151 jurisdictions from some or all of the organic waste collection requirements, a substantial increase from 54 entities in 2023.

Comments

1) *Purpose of Bill.* According to the author, "Recognizing that parts of SB 1383 (Lara, 2016) were difficult to implement in mountainous, sparsely-populated, and rural areas of the state, CalRecycle began accepting applications for waivers and exemptions to SB 1383 collection requirements. One of three waivers may be granted to exempt areas from SB 1383 collection requirements for varying periods. However, these waivers are awarded based not on well-established boundaries, like city or county lines, but on census tracts, which are geographic regions defined only for census purposes. The result is that the boundaries of areas eligible for a waiver make little sense for the purposes of disposing of organic waste.

   "For example, Running Springs, an unincorporated town in the San Bernardino Mountains, is split between two census tracts: one with a low-population waiver and one with an elevation waiver. This means that neighbors living across the street from each other have to comply with different collection requirements, which poses logistical challenges for waste management entities. Due to these challenges, many households in the San Bernardino Mountains have lost regularly scheduled organic waste pickup. Given that much of this region is designated as a "Very High Fire Hazard" zone, regular disposal of highly flammable organic waste such as pine needles is of the utmost importance.

   "To provide more flexibility to local governments in their attempts to reach emission reduction goals, SB 1175 will require CalRecycle to consider alternatives to census tracts when deciding the boundaries of a jurisdiction eligible for a waiver of some or all of the collection requirements of SB 1383."

2) *Specificity of census tracts*. Unlike the rural waiver, which relies on a definition of "rural jurisdiction" (defined in statute as a "jurisdiction that is located entirely within 1 or more rural counties [less than 70,000 people]"), the low-population and elevation waivers specify eligibility based solely on census tracts. Census tracts, unlike city or county lines, can split geographic areas in ways that pose logistical challenges for waste management entities. Because waste hauling routes are typically based on town or city lines, waivers based on census tracts can create confusion on the part of collection entities in planning their waste hauling routes and cause residents to lose regularly scheduled organic waste pick up. Having certainty about which residents fall under the same collection requirements could help haulers plan more regular routes.

Additionally, relying solely on census tracts to evaluate waiver eligibility sometimes means that some sparsely populated rural areas are ineligible for an exemption because a portion of the census tract is embedded in a densely populated city or census designated place, such as in the case of areas within Nevada County. The goal of this bill is to provide local governments more flexibility in reaching the SB 1383 targets and CalRecycle more flexibility to consider alternative boundaries in addition to census tracts for determining waiver eligibility. Of note, this flexibility could result in more areas being eligible for waivers or potentially slow down SB 1383 implementation.

3) *The curious case of Running Springs.* The criteria for SB 1383 waivers currently defined in regulation are intended to aid local jurisdictions with disproportionate challenges to collecting organic material. However, in the case of Running Springs, an unincorporated jurisdiction in the San Bernardino Mountains, the waivers may have inadvertently created more challenges than they mitigated. Running Springs is split between two census tracts: one with a low-population waiver and one with an elevation waiver, leading to neighbors having to comply with different collection requirements. According to information provided by the author, waste management entities have consequently halted regularly scheduled organic waste pickup (such as pine needles, which can pose fire risks). Instead, residents must either drop off their waste at designated sites, or elect for monthly pickup services (six bags per month at an additional cost, which often times is an insufficient number of bags for the large quantities of pine needles). Allowing CalRecycle to consider other boundaries for elevation waivers, which exempt jurisdictions from the requirement to separate and recover food waste and food-soiled paper, may provide more certainty for waste haulers in towns such as Running Springs to plan their routes based on a unified collection bin requirement.

4) *Waivers, delays, extensions, oh my.* The ambitious goals of SB 1383 were established as a part of the state's statewide effort to reduce emissions of short-lived climate pollutants. However, local jurisdictions have since raised concerns about the challenges of implementing various aspects of the bill, and specifically the implementation timelines. Even though the goals under SB 1383 had been known since 2016, the final draft of regulations was not adopted until November 2020. Included in those regulations were waivers for rural, low-population, and high-elevation jurisdictions. In addition to these set of waivers, there have been several legislative actions to delay SB 1383 implementation or waive certain jurisdictions; SB 619 (Laird, Chapter 508, Statutes of 2021) allowed local jurisdictions to submit a notice of intent to comply with

CalRecycle in order to be eligible for relief from penalties for the 2022 calendar year; AB 1985 (R. Rivas, Chapter 344, Statutes of 2022) provided an exemption for rural jurisdictions and authorized CalRecycle to create a delayed and ramping enforcement timeline for penalties for rural local jurisdictions to meet their organic waste procurement requirements; and SB 613 (Seyarto, Chapter 878, Statutes of 2023) added more jurisdictions to the low population waiver by including jurisdictions that did not report their waste tonnage to CalRecycle's Disposal Reporting System.

In the 2024 legislative session, there are currently ten bills (including this bill) seeking to amend, streamline, or extend various requirements of CalRecycle's regulations for SB 1383. Viewing these bills not in isolation, but as a part of the SB 1383 universe, is critical, as they all present the question of whether the Legislature seeks to legislate additional flexibility into the regulations. SB 1383 was initially passed as an ambitious statement that California was going to take significant steps in tackling its climate goals; it is worth considering how continued legislation impacting (and in some cases, curtailing) its implementation reflects on the strength of that statement.

Related/Prior Legislation

SB 613 (Seyarto, Chapter 878, Statutes of 2023) created a waiver for low-population local jurisdictions and exempts those jurisdictions from SB 1383 organics waste diversion goals until December 31, 2028, if they do not already have another waiver.

AB 1985 (R. Rivas, Chapter 344, Statutes of 2022) provided an exemption for rural jurisdictions and authorizes CalRecycle to create a delayed and ramping enforcement timeline for penalties for rural local jurisdictions to meet their organic waste procurement targets.

SB 619 (Laird, Chapter 508, Statutes of 2022) pushed back the timeline for penalties for local jurisdictions that have not complied with SB 1383 requirements.

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

SUPPORT: (Verified 4/23/24)

League of California Cities
Rural County Representatives of California
San Bernardino County

OPPOSITION: (Verified 4/23/24)

Californians Against Waste

Prepared by: Holly Rudel / E.Q. / (916) 651-4108
4/24/24 11:16:21

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

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THIRD READING

Bill No: SB 1177
Author: Bradford (D)
Amended: 4/9/24
Vote: 21

SENATE ENERGY, U. & C. COMMITTEE: 14-0, 3/19/24
AYES: Bradford, Ashby, Becker, Caballero, Dodd, Durazo, Eggman, Gonzalez, Limón, Min, Newman, Rubio, Skinner, Stern
NO VOTE RECORDED: Dahle, Grove, Seyarto, Wilk

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

SUBJECT: Public utilities: women, minority, disabled veteran, and LGBT business enterprises

SOURCE: Author

DIGEST: This bill requires utilities with California gross annual revenues exceeding $25 million to file diversity, equity and inclusion (DEI) employment plans and adds specified information that must be included in annual reports regarding diverse supplier expenditures.

ANALYSIS:

Existing law:

1) Requires the California Public Utilities Commission (CPUC) to direct each electrical corporation, gas corporation, water corporation, wireless telecommunications service provider, electric service provider, and telephone corporation with gross annual California revenues over $25 million to annually submit a plan to increase procurement from women, minority, disabled veteran, and LGBT businesses (WMDVLGBTBEs) across all enterprises, including, but not limited to renewable energy, energy storage system, wireless telecommunications, broadband, smart grid, vegetation management, and rail

projects. Utilities with gross annual in-state revenues between $15 million and $25 million must submit data in a simplified format regarding their WMDVLGBTBE procurement. (Public Utilities Code §8283)

2) Requires the CPUC to direct each Community Choice Aggregator (CCA) with in-state gross annual revenues over $15 million to annually submit a plan for increasing procurement from small, local and diverse businesses. Requires these CCAs to annually report to the CPUC on their procurement from WMDVLGBTBEs. (Public Utilities Code §366.2)

3) Establishes annual legislative reporting requirements for the CPUC, including requirements to report on utilities' progress towards meeting diverse procurement goals. Requires the CPUC to make recommendations to increase procurement with WMDVLGBTBEs. Also requires the CPUC to conform its supplier diversity policies and recommendations for disabled veteran business enterprises (DVBEs) to the eligibility and certification requirements for DVBEs established by the Department of General Services. (Public Utilities Code §910.3)

This bill:

1) Requires each utility covered by General Order 156 to include the following information in its annual supplier diversity report to the CPUC:

   a) The number of unique, new contractors and subcontractors certified pursuant to General Order 156 with which it contracted.
   b) The total dollar amounts expended with in-state contractors certified under General Order 156.
   c) The total dollar amounts expended with in-state subcontractors certified under General Order 156.
   d) The percentage of the total workforce used by contractors and subcontractors that reside in California.
   e) Data regarding the diversity of contractor or subcontractor workforces, to the extent that the data is provided voluntarily by the employees of the contractor or subcontractor.

2) Requires utilities with in-state annual gross revenues over $25 million and CCAs with in-state revenues over $15 million to annually file DEI employment plans that include goals and timetables to promote the employment of women, minority, disabled veteran, and LGBT individuals at all levels within the

organization. This bill requires these utilities to also submit a report annually to the CPUC on efforts to implement DEI plans.

3) Makes legislative declarations encouraging utility businesses that are not required to file DEI plans to voluntarily adopt these plans.

Background

General Order 156 and the Supplier Diversity Program. AB 3678 (Moore, Chapter 1259, Statutes of 1986) required the CPUC to direct certain utilities to submit plans for increasing diverse business procurement. In 1988, the CPUC adopted General Order 156 (D. 88-04-057) to implement the legislation's requirements by establishing the Supplier Diversity Program. Under General Order 156, the CPUC monitors utilities' procurement from WMDVLGBTBEs. The CPUC also administers a certification clearinghouse that identifies businesses that have obtained certification as a WMDVLGBTBEs. The Supplier Diversity Program is a tool through which the state can leverage the economic power of the utility sector to address structural economic inequities and ensure that WMDVLGBTBEs are included in contracting opportunities.

Bill expands data reporting on utilities' diverse supplier expenditures. Since the implementation of the Supplier Diversity Program, utilities' procurements with diverse businesses have dramatically increased; however, utilities' reports on supplier diversity spending does not enough detailed information to identify the extent to which the supplier diversity program is helping grow economic opportunities for new businesses across the utilities. Additionally, reports do not indicate the extent to which diverse expenditures are supporting in-state wage growth for California workers. This bill is aimed at obtaining more detailed information about the workforce diversity of contractors and subcontractors as well as gaining more standardized and complete information about in-state economic benefits of the Supplier Diversity Program.

One size does not fit all. While the scope of business ownerships certified by the Supplier Diversity Program encompasses many different demographics, not all these demographics have similar opportunities to contract with utilities. Proposition 209 limits the extent to which government-funded utilities, including the CCAs, can use public resources to specifically address gaps related to race, sex, color, and ethnicity in supplier diversity opportunities. Native American-owned businesses have indicated that their lack of union membership and the geographic distance between worksites and tribal lands make utility contracting challenging.

Lesbian, gay, bisexual, and transgender business enterprises (LGBTBEs), DVBEs, and persons with disabilities business enterprises (PDBEs) have historically obtained fewer contracting opportunities than other diverse supplier categories. In its 2022 Supplier Diversity Program annual report, the CPUC noted that it intended to focus on finding solutions to address the ongoing contracting barriers faced by LGBTBEs, DVBEs, and PDBEs. Further improvements to diverse contracting may also rely on policy solutions addressing barriers faced by specific demographic groups. To the extent that this bill provides greater transparency about contracting with specific diverse supplier groups or enhances information about the workforce for those supplier groups in California, this bill may support better policymaking to address specific barriers to growing a diverse supplier workforce and contracting opportunities.

Beyond Procurement: bill expands diversity efforts to DEI plans. In addition to expanding data reporting requirements for the Supplier Diversity Program, this bill also expands efforts to diversify utility workforces by requiring certain utilities with in-state revenues over $25 million to file a DEI employment plan with the CPUC on an annual basis. Under this bill, these plans must include short and long-term goals and timetables to promote the employment of WMDVLGBT individuals at all levels of employment within the utility. A number of public and investor-owned utilities have already voluntarily adopted DEI plans and/or programs. However, these plans' content and specificity may vary widely. Filing specific plans with the CPUC may help standardize data across utilities to help more clearly measure utilities' progress on their DEI goals.

Related/Prior Legislation

SB 255 (Bradford, Chapter 407, Statutes of 2019) expanded the Supplier Diversity Program by establishing reporting requirement for companies with annual gross revenues between $15 million and $25 million, adding electric service providers to the program, and requiring CCAs to report certain supplier information.

AB 1678 (Gordon, Chapter 633, Statutes of 2014) added LGBT business enterprises to the Supplier Diversity Program and required the CPUC to adopt LGBT status qualifiers created by the National Gay and Lesbian Chamber of Commerce with initially adopting eligibility criteria for LGBTBEs.

AB 1386 (Bradford, Chapter 443, Statutes of 2011) encouraged cable television corporations and direct broadcast satellite providers to voluntarily adopt plans to increase diverse spending.

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

SUPPORT: (Verified 4/15/24)

California Black Chamber of Commerce

OPPOSITION: (Verified 4/15/24)

None received

ARGUMENTS IN SUPPORT: According to the Author:

> In 1986, Assembly Member Gwen Moore authored the State's first utility supplier diversity statute. At the time, utilities regulated by the California Public Utilities Commission spent less than $500,000 per year with diverse businesses. In 2022, utilities' aggregate direct diverse spending exceeded $14 billion, with an additional $2.8 billion spent with diverse subcontractors.
>
> California's utility supplier diversity law remains one of the larger engines of socioeconomic mobility for historically-disadvantaged people in the State. However, some gaps exist in the data collected by the program.
>
> Although spending on diverse contracts continues to rise, the bundling of this information hides whether utilities are procuring from the same, few businesses every year and it is unknown how much work being procured is done in California or is being performed out of state.
>
> SB 1177 adds additional transparency by requiring utilities to include a list of their contractors and the value of each contract or subcontract.

Prepared by: Sarah Smith / E., U. & C. / (916) 651-4107
4/17/24 13:55:20

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

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CONSENT

Bill No: SB 1189
Author: Limón (D)
Introduced: 2/14/24
Vote: 21

SENATE LABOR, PUB. EMP. & RET. COMMITTEE: 5-0, 4/17/24
AYES: Smallwood-Cuevas, Wilk, Cortese, Durazo, Laird

SUBJECT: County Employees Retirement Law of 1937: county board of retirement

SOURCE: Ventura County Employees' Retirement Association

DIGEST: This bill authorizes the Ventura County Employees' Retirement Association (VCERA) to add a Chief Technology Officer to the number of positions it can appoint that are exempt from the county civil service system, as specified.

ANALYSIS:

Existing law:

1) Establishes the County Employees Retirement Law of 1937 (CERL or '37 Act), which governs twenty independent county retirement associations, including the VCERA. (Government Code (GC) § 31450 et seq.)

2) Defines "district" as a district formed under the law of the state, located wholly or partially within a county, and states that these districts are public employers whose employees are eligible to participate in their respective '37 Act county retirement associations. (GC § 31468)

3) Authorizes the respective associations' boards to appoint such administrative, technical, and clerical staff personnel as are required to accomplish the necessary work of the boards. (GC § 31522.1)

4) Requires boards to make the personnel appointments from eligible lists created in accordance with the civil service or merit system rules of the county in which the retirement system governed by the boards is situated. (GC § 31522.1)

5) Provides that the associations' personnel shall be county employees and shall be subject to the county civil service or merit system rules and shall be included in the salary ordinance or resolution adopted by the respective board of supervisors for the compensation of county officers and employees. (GC § 31522.1)

6) Authorizes VCERA to appoint a retirement administrator, chief financial officer, chief operations officer, chief investment officer, and general counsel and provides that these employees are not county employees but association employees subject to terms and conditions of employment established by the VCERA retirement board, as specified. (GC § 31522.10.)

This bill authorizes VCERA to add a Chief Technology Officer position to the number of positions it can appoint exempt from the county civil service system, as specified.

Background

The '37 Act generally classifies county retirement associations as county agencies and their employees as county employees. Current law authorizes the boards of retirement of a county retirement association (or for certain associations, the board of retirement and the board of investment) to appoint staff who, as county employees, are subject to the county's civil service and merit system rules.

In order to avoid staff conflicts of interest between their status as county personnel and their fiduciary duties as retirement system administrators, a number of county retirement systems have sponsored legislation allowing them to opt to become independent retirement districts within their retirement associations rather than a county agency. This change allows the retirement association board (instead of the county board of supervisors) to appoint staff, and in the case of certain key executive staff, avoid complying with the county's civil service requirements. The change provides the retirement association with greater flexibility on compensation and other terms of employment than would otherwise be available through the county civil service system.

In 2015, the Legislature enacted AB 1291 (Williams, Chapter 223, Statutes of 2015), which authorized VCERA to shift key executive employee positions, as

specified, from county to VCERA employment. This bill adds an additional key executive position, Chief Technology Officer.

Comments

According to the VCERA:

> The Chief Technology Officer (CTO) is a critical chief-level position for VCERA that was created a few years after the original 2016 legislation (GC Section 31522.10) that listed the positions the Board of Retirement (BOR) could appoint. The position operates at the same level as the other VCERA chiefs, but has a different compensation and benefits package defined by the County instead of the VCERA BOR and has an assigned job classification from the County that does not match the CTO job duties. The County requires VCERA to use existing County job classifications for VCERA's retirement system positions which do not match the job duties of those positions and do not provide the compensation and benefits required to recruit the right level of experience and knowledge/skills/abilities for these jobs. This has resulted in lengthy recruitments in some cases due to the time and effort spent with County Human Resources to prepare job bulletins to try to attract the right candidates and to determine the right screening criteria for qualifications, as well as resulting in some positions being underpaid relative to their counterparts at other retirement systems.

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

SUPPORT: (Verified 4/21/24)

Ventura County Employees' Retirement Association (source)
California Retired County Employees Association
County of Ventura

OPPOSITION: (Verified 4/21/24)

None received

ARGUMENTS IN SUPPORT: According to the author:

> As VCERA matures, it is imperative that their executive management team can efficiently navigate technological advancements. This bill seeks to add a Chief Technology Officer to VCERA's list of employable positions.

Prepared by: Glenn Miles / L., P.E. & R. / (916) 651-1556
4/23/24 10:01:33

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

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THIRD READING

Bill No: SB 1209
Author: Cortese (D)
Introduced: 2/15/24
Vote: 21

SENATE LOCAL GOVERNMENT COMMITTEE: 6-0, 3/20/24
AYES: Durazo, Seyarto, Glazer, Skinner, Wahab, Wiener
NO VOTE RECORDED: Dahle

SUBJECT: Local agency formation commission: indemnification

SOURCE: California Association of Local Agency Formation Commissions

DIGEST: This bill authorizes a Local Agency Formation Commission (LAFCO) to require an applicant to indemnify the LAFCO, its agents, officers, and employees from and against any claim, action, or proceeding that may stem from a LAFCO decision.

ANALYSIS: Existing law gives LAFCOs specific authority to charge applicants fees for four items: (1) filing and processing applications; (2) proceedings undertaken by the LAFCO; (3) amending or updating a sphere of influence; and (4) reconsidering a resolution making determinations.

This bill authorizes a LAFCO to require an applicant to indemnify the LAFCO, its agents, officers, and employees from and against any claim, action, or proceeding, that may stem from an action or determination by the LAFCO.

Background

1) *LAFCO, not Laugh Co*. LAFCOs were established by the Legislature in 1963 to encourage the orderly formation of local government agencies, preserve agricultural land, and discourage urban sprawl.

LAFCO law was last overhauled via the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, which gave LAFCOs more independence and further clarified their purpose and mission. Each of California's 58 counties is home to a LAFCO and while there is some variation between counties in terms of how a LAFCO is built, each LAFCO is governed by a board of commissioners that is generally composed of two members from the Board of Supervisors and two members from the city councils in that county. Many commissions also have two members from the independent special districts in the county and in turn, these members select a member of the general public who doesn't sit on any elected body.

2) *What voodoo do LAFCOs do?* The 58 LAFCOs work with approximately 3,500 governmental agencies (483 cities, and 3,000+ special districts) across the state. Local governments can only exercise their powers and provide services where LAFCO allows them to. Accordingly, LAFCOs review proposals to form new local government agencies, change existing agencies' boundaries, and grant special districts the authority to exercise powers identified in their principal acts. LAFCO decisions form the basis of sustainable regional planning for government services and strive to balance the competing needs in California for efficient services, affordable housing, economic opportunity, and the conservation of natural resources.

   LAFCOs are responsible for coordinating and approving changes in local governmental boundaries, conducting special studies looking at ways to reorganize, simplify, and streamline governmental structure, and preparing a sphere of influence for each city and special district within each county. Generally speaking, LAFCOs approve or adopt:

   - Boundary changes;
   - Sphere of influence studies;
   - Municipal Service Reviews;
   - Special district consolidations; and
   - Out-of-agency service agreements.

3) *How LAFCOs are funded.* Under state law, any local agency whose council or board members are eligible to be LAFCO commissioners must help pay to fund the county LAFCO. Each agency's share is proportional to its general tax revenue and LAFCOs also receive funding from fees they charge to applicants to cover the cost of processing and reviewing applications.

4) *Indemnification.* When a private entity or a governmental agency brings a proposal before a LAFCO for review and approval, many LAFCOs have historically required the applicant to sign an indemnity agreement. Such an agreement essentially requires the applicant to indemnify the LAFCO against any lawsuits that may stem from its decision and cover the LAFCO's legal expenses should any be incurred in the process of defending its decision.

5) *Why are we here?* A May 2022 decision by California's Second District Court of Appeals in *78 Cal.App.5th 363 (2022) San Luis Obispo Local Agency Formation Commission et al. v. Central Coast Development Company* found LAFCOs have no statutory authority to include an indemnification clause in a contract it requires a project applicant to sign. The California Association of Local Agency Formation Commissions wants the Legislature to grant LAFCOs the explicit authority to require an applicant to indemnify them.

Comments

1) *San Luis Obispo LAFCO vs. Central Coast Development Company.* This bill was introduced in response to the California's Second District Court of Appeals' May 5, 2022, decision in San Luis Obispo LAFCO vs. Central Coast Development Company. A brief history of the case is as follows:

   - The Central Coast Development Company (Central Coast) owned a 154-acre parcel of property within the sphere of influence of the City of Pismo Beach.
   - Pismo Beach approved Central Coast's development permit application to build 252 single-family homes and 60 senior housing units. Together, Central Coast and Pismo Beach applied to the San Luis Obispo LAFCO to annex the property into the city.
   - The San Luis Obispo LAFCO application signed by Pismo Beach and Central Coast contained an indemnification agreement, which read in relevant part: "As part of this application, Applicant agrees to … indemnify … the San Luis Obispo Local Agency Formation Commission (LAFCO) … from any claim … to attack, set aside, void, or annul, in whole or in part, LAFCO's action on the proposal… This indemnification obligation shall include, but not be limited to, damages … that may be asserted by any person or entity, including the Applicant, arising out of or in connection with the application. In the event of such indemnification, LAFCO expressly reserves the right to provide its own defense at the reasonable expense of the Applicant."

- The San Luis Obispo LAFCO denied the annexation application, finding Pismo Beach could not provide adequate water supply to the new development. Pismo Beach and Central Coast then sued San Luis Obispo LAFCO. The San Luis Obispo LAFCO prevailed and, based on the indemnity agreement signed by the two applicants, charged Pismo Beach and Central Coast more than $400,000 for attorney fees and costs.
- Pismo Beach and Central Coast refused to pay the fees assessed by the San Luis Obispo LAFCO, at which point the LAFCO sued the city and Central Coast.
- The court ruled in favor of Pismo Beach and Central Coast, writing in part:

> … the indemnity agreement was not supported by consideration and that LAFCO has no statutory authority to impose an indemnity agreement as a condition of LAFCO's statutory duty to consider Central Coast's application.
>
> Moreover … fees and charges are authorized by Government Code section 56383. Government Code section 56383 does not include a provision for attorney fees incurred in the collection of such processing fees and charges.

2) *The limits of Government Code (GOV) 56383*. This section of law gives LAFCOs specific authority to charge applicants fees for four items: (1) Filing and processing applications; (2) Proceedings undertaken by the LAFCO; (3) Amending or updating a sphere of influence; and (4) Reconsidering a resolution making determinations. That list does not include an enumerated authority to require an applicant to indemnify the LAFCO against any legal challenges, but GOV 56383 does contain the expansive phrase "Including, but not limited to" prior to listing the four items noted above. According to the court, this terminology in GOV 56383 was not broad enough to allow LAFCOs to require applicants to indemnify them against legal challenges, noting essentially the fees did not and could not cover activities that occurred after LAFCO had acted on an application. This bill seeks to provide LAFCOs with the specific authority to require applicants to indemnify the agency.

3) *We'll have what they're having.* The indemnification sought by LAFCOs in this bill is something already provided to a number of other governmental entities. For example, Government Code 66474.9(b) of the Subdivision Map Act allows cities and counties to require a subdivider to indemnify the local agency for lawsuits challenging the local agency's approval of a subdivision. The general

argument for indemnification is if a governmental agency is at risk for being sued every time it makes a decision it is tasked with making, the cost to the agency – and, by extension, the taxpayers – could be astronomical. Alternatives to indemnification could include allowing LAFCOs to spread the cost of its litigation exposure to all of its member agencies (and taxpayers) by increasing their fees or requiring the agency asking the LAFCO for a decision to post a bond to cover any litigation costs.

4) *What's the bottom line?* The bottom line question posed by this bill is "Who should pay if a LAFCO decision is challenged in court?" The choices appear to boil down to allowing LAFCOs to increase fees across their member agencies to cover litigation costs or allowing LAFCOs to require filing entities to cover those costs, should they be incurred. This bill answers the question by allowing a LAFCO to require an entity filing an application with it to indemnify the agency and agree to pay for any litigation costs associated with the LAFCO's decision.

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

SUPPORT: (Verified 3/22/24)

California Association of Local Agency Formation Commissions (source)
Butte County Local Agency Formation Commission
Los Angeles County Local Agency Formation Commission
Mendocino County Local Agency Formation Commission
Nevada County Local Agency Formation Commission
Orange County Local Agency Formation Commission
Placer County Local Agency Formation Commission
Sonoma County Local Agency Formation Commission
Tulare County Local Agency Formation Commission

OPPOSITION: (Verified 3/22/24)

None received

ARGUMENTS IN SUPPORT: According to the source, the California Association of Local Agency Formation Commissions:

> This bill is in response to a 2022 decision of the Second District Court of Appeals, which found that existing State law does not provide LAFCOs with

the explicit authority needed to require indemnification. Absent an indemnification authority - and because LAFCO funding is statutorily required in a specified ratio from the county, cities, and special districts within a county - any costs to defend litigation end up being absorbed by a LAFCO's funding agencies.

Consequently, SB 1209 will allow LAFCOs to use indemnification agreements, similar to those already in use by counties and cities in land use applications. This will prevent costs to defend litigation from being shifted to the taxpayers of the county, cities, and special districts funding a LAFCO, and removes the possibility that an applicant threatens litigation to coerce a desirable LAFCO determination.

Prepared by: Evan Goldberg / L. GOV. / (916) 651-4119
3/27/24 14:13:36

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

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CONSENT

Bill No: SB 1215
Author: Committee on Governmental Organization
Introduced: 2/15/24
Vote: 27 - Urgency

SENATE GOVERNMENTAL ORG. COMMITTEE: 14-0, 4/9/24
AYES: Dodd, Wilk, Alvarado-Gil, Archuleta, Bradford, Glazer, Jones, Nguyen, Ochoa Bogh, Padilla, Portantino, Rubio, Seyarto, Smallwood-Cuevas
NO VOTE RECORDED: Ashby, Roth

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

SUBJECT: Fire protection: Office of the State Fire Marshal: State Board of Fire Services: membership: quorum

SOURCE: California Professional Firefighters

DIGEST: This bill authorizes ex officio members of the State Board of Fire Services (Board) to assign a designee to serve as a proxy on the Board, increases the minimum number of Board members required for a quorum, and makes other conforming changes.

ANALYSIS:

Existing law:

1) Establishes the Board, within the Office of the State Fire Marshal (SFM), to succeed to all the powers, duties, and responsibilities of the former State Fire Advisory Board.

2) Provides that the Board is composed of 18 voting members, four of whom serve ex officio and 14 of whom are appointed by the Governor.

3) Specifies that the Board be composed of the following ex officio members: the SFM, the Chief Deputy Director of the of the Department of Forestry and Fire

Protection (Cal FIRE) who is not the SFM, the Director of the Office of Emergency Services (OES), and the Chairperson of the California Fire Fighter Joint Apprenticeship Committee.

4) Requires the Governor to appoint the following members: one representative each from the insurance industry, city government, a fire district, and county government, a volunteer firefighter, three fire chiefs, five fire service labor representatives, and the cultural burning liaison, as specified.

5) Requires the Director of Cal FIRE to appoint a cultural burning liaison to, among other things, advise the department on developing increased cultural burning activity.

6) Requires the Governor to select one of the five fire service labor representatives from a list of names submitted by the Cal FIRE Firefighters.

7) Provides that a quorum of the Board consists of not less than nine members of the Board.

This bill:

1) Authorizes the four ex officio members of the Board to assign a designee to serve as a proxy on the Board.

2) Increases the minimum number of members of the Board for a quorum from nine to 10.

3) Requires the Governor to select one of the five fire service labor representatives from a list of names submitted by the Cal FIRE Firefighters Local 2881, rather than the Cal FIRE Firefighters, correcting a dated reference.

4) Makes conforming changes, including correcting the total number of members on the Board.

5) Includes an urgency clause to take effect immediately, as specified.

Background

Author Statement. According to the author's office, "current, ongoing emergencies and crises demand swift response from these officials, however, existing law does

not authorize these board members to assign a designee to serve as a proxy on the State Board of Fire Services. This has resulted in unnecessary delays in securing a quorum in order to dispense with the board's business."

State Board of Fire Services. The Board is an 18-member advisory board to the SFM. The Board is comprised of representatives of fire service labor, fire chiefs, fire districts, volunteer firefighters, city and county government, OES, and the insurance industry. The Board is chaired by the SFM.

The Board (1) provides a forum for addressing fire protection and prevention issues of statewide concern; (2) develops technical and performance standards for training of fire service personnel; (3) accredits curriculum; (4) establishes policy for the certification system for the California Fire Service; (5) advises the SFM on dissemination of regulations; and (6) sits as an appeals board on the application of SFM regulations.

The Board is comprised of four ex officio members (the SFM, the Chief Deputy Director of Cal FIRE, the Director of OES, and the Chairperson of the California Fire Fighter Joint Apprenticeship Committee) as well as 14 members appointed by the Governor, as specified. Current law does not authorize the four ex officio members to assign a designee to serve as a proxy on the Board, a privilege enjoyed by ex officio members of other similar state bodies including the California Wildfire Technology Research and Development Review Advisory Board. This has caused unnecessary delays to the Board's ability to efficiently dispense with business during regularly scheduled meetings.

This bill specifically authorizes the four ex officio members of the Board to assign a designee to serve as a proxy on the Board. Additionally, this bill increases the quorum requirement of the Board from nine to 10 members, and corrects an error in the total number of members of the Board from 17 to 18.

Current law requires the Governor to select one of the five fire service labor representatives to the Board from a list of names submitted by the Cal FIRE Firefighters. This bill corrects that dated reference and instead requires one of the five fire service labor representatives to be selected from a list of names submitted by Cal FIRE Firefighters Local 2881.

This bill includes an urgency clause, declaring that this bill is to take effect immediately in order to protect against imminent threats to life and property due to wildfires, as specified.

This bill is significantly similar to SB 817 (Committee on Governmental Organization, Chapter 142, Statutes of 2021) which was signed by Governor Newsom in July of 2021. However, the provision of SB 817 authorizing ex officio members of the Board to assign designee to serve as a proxy was subsequently chaptered out in September of that year by AB 642 (Friedman, Chapter 375, Statutes of 2021).

Related/Prior Legislation

SB 1380 (Committee on Judiciary, Chapter 28, Statutes of 2022) made various grammatical and other technical changes suggested by the Office of Legislative Counsel in order to correct non-substantive errors that exist in the text of current statutes.

SB 109 (Dodd, Chapter 239, Statutes of 2021) established the California Office of Wildfire Technology Research and Development, within Cal FIRE, to study, test, and advise regarding procurement of emerging technologies, as specified. Additionally, established the California Wildfire Technology Research and Development Review Advisory Board consisting of nine specified members, including the Secretary of the Natural Resources Agency, or their designee, the Director of OES, or their designee, and the Director of Cal FIRE, or their designee.

SB 817 (Committee on Governmental Organization, Chapter 142, Statutes of 2021) authorized the four ex officio members of the Board to assign a designee to serve as their prox,y among other things,.

AB 642 (Friedman, Chapter 375, Statutes of 2021) was an omnibus fire prevention bill that made various changes to support cultural and prescribed fire, including the creation of a Cultural Burning Liaison at Cal FIRE, and required a proposal for creating a prescribed fire training center in California.

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

SUPPORT: (Verified 4/22/24)

California Professional Firefighters (source)

OPPOSITION: (Verified 4/22/24)

None received

ARGUMENTS IN SUPPORT: In support of this bill, the California Professional Firefighters write that the Board "is an 18-member advisory board to the California State Fire Marshal. The Board is comprised of representatives of fire service labor, fire chiefs, fire districts, volunteer firefighters, city and county government, Office of Emergency Services, and the insurance industry. The Board provides a forum for addressing fire protection and prevention issues of statewide concern; develops technical and performance standards for training of fire service personnel; accredits curriculum; establishes policy for the certification system for the California Fire Service; advises the State Fire Marshal on dissemination of regulations; and sits as an appeals board on the application of California State Fire Marshal regulations."

Further, "[t]here are four positions on the State Board of Fire Services [SBFS] that are Ex-Officio positions, they are the State Fire Marshal, the Chief Deputy Director of the Department of Forestry and Fire Protection, the Director of Emergency Services and the Chairperson of the California Fire Fighter Joint Apprenticeship Program. Current, ongoing emergencies and crises demand swift response from these officials. Providing the ability for these officials to have a designee represent them on the SBFS will help ensure these offices have a voice and can participate in the important deliberations of the SBFS while also allowing them to have the flexibility to respond to other emergencies and incidents. In 2021, this proposal received bi-partisan support from both the Senate and the Assembly. SB 1215 maintains the various changes to this code section in recent years, while enacting the above-described policy change."

Prepared by: Brian Duke / G.O. / (916) 651-1530
4/23/24 10:01:34

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

SENATE RULES COMMITTEE SB 1225

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THIRD READING

Bill No: SB 1225
Author: Jones (R)
Introduced: 2/15/24
Vote: 21

SENATE BUS., PROF. & ECON. DEV. COMMITTEE: 11-0, 3/18/24
AYES: Ashby, Nguyen, Alvarado-Gil, Archuleta, Becker, Dodd, Eggman, Menjivar, Niello, Roth, Wilk
NO VOTE RECORDED: Glazer, Smallwood-Cuevas

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

SUBJECT: Real estate appraisers: disciplinary information: petitions

SOURCE: Author

DIGEST: This bill authorizes the Bureau of Real Estate Appraisers (BREA) to remove disciplinary enforcement actions from its website for licensees who demonstrate appropriate rehabilitation and for deceased licensees.

ANALYSIS:

Existing law:

1) Requires specified licensing entities within the Department of Consumer Affairs (DCA) to provide information regarding the status of all of the entity's licensees on the internet including information on license suspensions and revocations and other related enforcement action. (Business and Professions Code (BPC) § 27)

2) Requires specified health practitioner licensing entities to disclose information about various enforcement actions taken against a licensee, including a former licensee, by the entity or another state or jurisdiction, to an inquiring member of the public. Requires these entities to also disclose information about civil judgments and settlements, as well as felony convictions. (BPC § 803.1)

3) Requires various health practitioner-licensing entities to provide information about licensees on probation and licensees practicing under probationary licenses, in plain view on the licensee's profile page on the entity's online information website.

4) Requires BREA to publish a summary of public disciplinary actions, including resignations while under investigation and the violations upon which these actions are based and prohibits BREA from publishing identifying information with respect to private reprovals or letters of warning, which shall remain confidential. (BPC § 11317)

5) Requires BREA to publish the status of every license and registration issued by BREA on the Internet, including information on suspensions and licensure or registration revocations, as well as accusations filed pursuant to the Administrative Procedures Act (APA). Specifies that information shall not include personal information but requires BREA to disclose a licensee or registrant's address of record, which may be a post office box number or alternative to a home address. (BPC §11317.2)

6) Requires the Department of Real Estate (DRE) to publish the same as noted in 5) above for DRE licensees. Requires DRE to also list whether a licensee is an associate licensee as defined in the Civil Code, and if the associate licensee is a broker, identify each responsible broker with whom the licensee is contractually associated. (BPC § 10083.2)

7) Authorizes the DRE Commissioner to remove enforcement action information from its website, upon petition from a licensee, if the discipline has been posted for at least 10 years and if the licensee has provided evidence of rehabilitation indicating that public disclosure is no longer required in order to prevent a credible risk to members of the public utilizing licensed activity of the licensee. Requires DRE to take other violations that present a credible risk to the public since the enforcement action that would be removed into consideration when determining whether to remove this information. Authorizes DRE to establish a fee and materials related to a justification for DRE action through regulations. (Id.)

8) Requires DRE to maintain a list of all licensees for whom enforcement action is removed and to make that list available to other licensing bodies. (Id.)

This bill:

1) Mirrors authority for DRE and authorizes BREA to remove enforcement action information from its website, upon petition from a licensee, if the discipline has been posted for at least 10 years and if the licensee has provided evidence of rehabilitation indicating that public disclosure is no longer required in order to prevent a credible risk to members of the public utilizing licensed activity of the licensee. Requires BREA to take other violations that present a credible risk to the public since the enforcement action that would be removed into consideration when determining whether to remove this information. Authorizes BREA to establish a fee and materials related to a justification for BREA action through regulations.

2) Authorizes BREA to remove enforcement action information from its website, upon petition by an immediate family member or heir of a decreased licensee. Authorizes BREA to establish a fee and minimum information to be included in the petition through regulations.

3) Mirrors the requirement for DRE and requires BREA to maintain a list of all licensees for whom enforcement action is removed and to make that list available to other licensing bodies.

Background

In 1989, Title XI of the federal Financial Institutions Reform, Recovery and Enforcement Act (FIRREA) was adopted by the United States Congress mandating all states to license and certify real estate appraisers who appraise property for federally related transactions. In response to the federal mandate, the California Legislature enacted the Real Estate Appraisers Licensing and Certification Law in 1990 (AB 527, Chapter 491, Statutes of 1990), which established the Bureau. The Bureau licenses and regulates real estate appraisers in California, and the Bureau is entirely funded by regulatory fees.

Enforcement programs allow licensing entities to take action against licensees posing a threat to the public. The various practice acts governing boards and bureaus outline the functions for these regulatory bodies to investigate complaints and take disciplinary action against licensees when those licensees have engaged in activities that harm the public. Investigations that determine major violations of a practice act have been committed, or are of a serious nature in terms of the potential harm to the public by a licensee, move on for formal disciplinary action.

This involves forwarding a case to the Office of the Attorney General (OAG), which acts as the attorney of record for DCA licensing entities in their administrative actions relating to a license. OAG attorneys determine whether there is sufficient evidence for an accusation and file this legal document on behalf of their client board or bureau, outlining the charges against the licensee and the violations of a practice act the licensee is accused of. Licensees are able to dispute these charges at an administrative hearing conducted by an Administrative Law Judge (ALJ) in a setting that resembles a court trial. Many entities negotiate agreements to resolve a case before it goes to a hearing; in these instances, a licensee admits to some charges detailed in the original accusation and accepts some form of discipline for those charges rather than continue in the hearing process on all charges. ALJs write a proposed decision based on a hearing and send these to their board or bureau client, who subsequently adopts, modifies or rejects the proposed decision that can result in revocation or suspension of a license, surrendering of a license, placing the licensee on probation or other actions.

Comments

Concerns have been raised that the Bureau Chief of the BREA is not authorized to ever remove online postings relating to discipline, no matter the number of years since the discipline was imposed, the evidence of rehabilitation provided by the licensee subject to the discipline, or even if the licensee is deceased. This bill syncs authority for DRE to remove certain online licensee information with new authority for BREA to do the same.

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

SUPPORT: (Verified 4/10/24)

Appraisal Institute of California Government Relations Committee

OPPOSITION: (Verified 4/10/24)

None received

ARGUMENTS IN SUPPORT: Supporters note that this bill "simply recognizes that after a responsible period of time and with evidence of rehabilitation indicating the lack of any credible threat to the public, permanent online posting is not required. Currently the Bureau Chief of BREA lacks any discretion in this regard, and the bill corrects this omission."

Prepared by: Yeaphana La Marr / B., P. & E.D. /
4/10/24 12:41:06

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

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

CONSENT

Bill No: SB 1240
Author: Alvarado-Gil (D)
Amended: 3/21/24
Vote: 27 - Urgency

SENATE LABOR, PUB. EMP. & RET. COMMITTEE: 5-0, 4/10/24
AYES: Smallwood-Cuevas, Wilk, Cortese, Durazo, Laird

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

SUBJECT: Public Employees' Retirement System: contracting agencies: consolidation

SOURCE: California Professional Firefighters

DIGEST: This bill allows a successor agency for the El Dorado County Fire Protection District and the Diamond Springs Fire Protection District to provide employees the defined benefit plan or formula that those employees received from their respective employer prior to the annexation.

ANALYSIS:

Existing law:

1) Allows a public agency to participate in the California Public Employees' Retirement System (CalPERS) by contract to provide retirement benefits to its employees as specified (Government Code (GC § 20460).

2) Permits a successor agency that assumes the functions of the public agency to assume the contract of the public agency, as specified. The former agency's contract is merged into the successor agency's contract and the former agency's contract ceases to exist. The successor agency takes on the obligations and receives credit for the contributions to CalPERS from the former agency's contract as specified (GC § 20508).

3) Prohibits public employers from offering "classic" public pension formulas to new employees after December 31, 2012, and instead provides pension formulas as defined in the Public Employees' Pension Reform Act (PEPRA). However, existing members of CalPERS who move to a new CalPERS employer as specified remain eligible for the "classic" pension formula that was offered by the new employer on December 31, 2012 (GC § 7522 et seq.).

4) Prohibits a public agency from providing CalPERS retirement benefits for some but not all members of specified member classifications (e.g., local firefighters) or providing a different benefit for subgroups (e.g., bargaining units) within the member classification (GC § 20479).

This bill:

1) Authorizes a successor agency for the Diamond Springs – El Dorado Fire Protection District and the El Dorado County Fire Protection District to provide employees the defined benefit plan or formula that those employees received from their respective employer prior to the districts' merger.

2) Makes legislative findings and declarations that a special statute is necessary and that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique need to consolidate fire protection districts in the County of El Dorado to remove redundancies while continuing fire and emergency response services.

3) Declares that an urgency statute is necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect.

Comments

This bill is necessary to implement a proposed annexation/merger of two fire districts in El Dorado County. After December 31, 2012, PEPRA requires a public employer to offer less generous "PEPRA" pension formulas to new employees rather than previously available "classic" pension formulas. Because the annexed employees would technically be new employees of the new successor employer, the successor agency could not provide them their current classic formula under existing law.

This bill protects the annexed district employees' existing benefit formula, thereby facilitating the annexation/merger of the two fire districts. Proponents argue that the annexation will provide better, more efficient fire protection for the El Dorado county region, which is increasingly prone to fire hazards.

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

SUPPORT: (Verified 4/23/24)

California Professional Firefighters (source)
City of Placerville
Diamond Springs-El Dorado Fire Protection District
El Dorado County Fire Protection District
El Dorado County Professional Firefighters Association

OPPOSITION: (Verified 4/23/24)

None received

ARGUMENTS IN SUPPORT: According to the El Dorado Fire Protection District:

> SB1240 will allow for our specific annexation of Diamond Springs – El Dorado Fire District into El Dorado County Fire Protection District to occur without causing a negative impact to employees carried over, allowing them to maintain their current pension accrual formulas. Both our fire districts currently have a similar mix of legacy and Public Employees' Pension Reform Act (PEPRA) CalPERS employees, therefore, SB1240 would not cause any disparity for the successor agency.

According to the El Dorado County Professional Firefighters Association:

> To gain efficiencies and strengthen sustainability, rural fire protection districts often look to annexation and consolidation (similar to mergers) to cooperate regionally to provide a better vehicle for essential fire, rescue and emergency medical services within our communities. An unintended consequence of annexation can be the reclassification of loyal employees into lesser Public Employee Retirement accruals and benefits — even though their work remains the same as it was when wearing the shoulder patch of the agency that originally hired them.

SB 1240 will allow this specific instance of an annexation of fire protection districts to occur without causing disparate impact to the employees who are carried over — allowing them to maintain their existing pension accrual rates.

Prepared by: Glenn Miles / L., P.E. & R. / (916) 651-1556
4/24/24 11:16:22

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

SENATE RULES COMMITTEE SB 1257
Office of Senate Floor Analyses
(916) 651-1520 Fax: (916) 327-4478

CONSENT

Bill No: SB 1257
Author: Blakespear (D)
Amended: 4/15/24
Vote: 21

SENATE HEALTH COMMITTEE: 11-0, 4/10/24
AYES: Roth, Nguyen, Glazer, Gonzalez, Grove, Hurtado, Limón, Menjivar, Rubio, Smallwood-Cuevas, Wiener

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

SUBJECT: Geographic Managed Care Pilot Project: County of San Diego: advisory board

SOURCE: County of San Diego

DIGEST: This bill authorizes the County of San Diego to establish a single advisory board to advise its Health and Human Services Agency (HHSA) on the implementation of state Medi-Cal policy as it pertains to Medi-Cal managed care plans in the county. Makes additional technical changes to the advisory board.

ANALYSIS:

Existing law:

1) Establishes the Medi-Cal program, administered by the Department of Health Care Services (DHCS), under which health care services are provided to qualified, low-income persons. [WIC § 14000, et seq.]

2) Permits DHCS to implement a Geographic Managed Care (GMC) project in the County of San Diego offering multiple Medi-Cal managed care plans (MCMC plans), upon the approval of the county board of supervisors, for the provision of Medi-Cal benefits to eligible Medi-Cal recipients. [WIC § 14089.05]

3) Permits the County of San Diego to establish two advisory boards, one composed of consumer representatives and one composed of health care professional representatives, to advise the county's Department of Health Services and review and comment on all aspects of the implementation of the GMC project described in 2). [WIC § 14089.05]

4) Requires the county board of supervisors to establish the number of members to serve on each advisory board and requires each supervisor to appoint an equal number of members from their district. [WIC § 14089.05]

5) Prohibits advisory board members from being compensated for activities related to their duties as members, except for members who are Medi-Cal recipients, who are required to be reimbursed for their travel and child care expenses incurred while performing their duties as advisory board members. [WIC § 14089.05]

6) Establishes the California Advancing and Innovating Medi-Cal (CalAIM) initiative effective from January 1, 2022 until December 31, 2026. The goals of CalAIM are to (a) identify and manage the risk and needs of Medi-Cal recipients through whole-person-care approaches and addressing social determinants of health; (b) transition and transform the Medi-Cal program to a more consistent and seamless system by reducing complexity and increasing flexibility; and (c) improve quality outcomes, reduce health disparities, and drive delivery system transformation and innovation through value-based initiatives, modernization of systems, and payment reform. [WIC §14184.100]

7) Establishes, through CalAIM, new requirements on MCMC plans including new Medi-Cal populations subject to mandatory MCMC plan enrollment, new mandatory plan benefits, new optional plan benefits, new requirements to develop a population health management program, and new incentive payments to MCMC plans. [WIC §§ 14184.100-14184.207]

This bill:

1) Permits the County of San Diego to establish a single advisory board composed of consumer representatives and health care professional representatives to advise the county HHSA, review, and comment on all aspects of the implementation of the GMC project.

2) Requires the advisory board to advise on the implementation of state Medi-Cal policy as it pertains to Medi-Cal managed care plans in the County.

3) Permits the County of San Diego to reimburse members of the advisory board who are Medi-Cal recipients for their time in performing their duties as advisory board members.

Comments

1) *Author's statement.* According to the author, in 2022, California embarked on the statewide initiative to modernize the Medi-Cal program, known as CalAIM. CalAIM involves far-reaching transformations of Medi-Cal's managed care program, which is administered at the county level. Implementation of CalAIM in San Diego County is particularly challenging because the County is one of two counties that contract with multiple insurance plan providers under the GMC model. The multi-plan model adds substantial complexity and unique challenges to the County's CalAIM implementation effort. By clarifying the County advisory board's authority to support CalAIM implementation, this bill will enhance coordination, accountability, and innovation between various stakeholders, including patients, health care providers, insurance plans, and the San Diego County HHSA. Ultimately, this will maximize improvements in health care and social services for the County's patients and reduce costs for all.

2) *MCMC plans in San Diego County.* Beginning in 1981, the State began licensing different models of managed care delivery for Medi-Cal recipients in different counties. Today, over 14 million Medi-Cal recipients are enrolled in a MCMC plan and receive services through one of five managed care models, each with its own enacting statutes: Two-Plan, County Organized Health System, Regional Model, Single-Plan, and Geographic Managed Care. In 1998, San Diego became a GMC county, a model that allows several commercial plans to operate within the county to provide services to Medi-Cal recipients. As these plans are commercial plans, they are required to be licensed by the Department of Managed Health Care under the Knox-Keene Health Care Service Plan Act of 1975. Sacramento and San Diego are the only two GMC counties in the state, with the other counties all participating in one of the other models with far more restrictive choices, and in many cases, only one choice. As of February 2024, there were just under one million enrollees in San Diego's four GMC plans.

   The GMC program in San Diego is operated under an umbrella within the county HHSA called Healthy San Diego. For many years, the two statutorily

mandated advisory boards have operated as a joint consumer and health professional advisory board to advise HHSA well beyond the initial implementation of the GMC program.

Related/Prior Legislation

SB 2139 (Haynes, Chapter 717, Statutes of 1996) added further requirements to the San Diego County GMC statute, including the requirement that there be two advisory boards.

AB 2178 (Peace, Chapter 631, Statutes of 1994) enabled development of the GMC program in San Diego County.

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

SUPPORT: (Verified 4/23/24)

County of San Diego (source)

OPPOSITION: (Verified 4/23/24)

None received

ARGUMENTS IN SUPPORT: The County of San Diego writes that this bill would modernize the County of San Diego's Healthy San Diego Advisory Board to ensure health care quality for Medi-Cal recipients. Current law permits the board of supervisors of the County of San Diego to establish a multiplan managed care pilot project for the provision of Medi-Cal services. This bill establishes a single Healthy San Diego Advisory Board composed of consumers and health care professionals to advise the board on the implementation of state Medi-Cal policy in San Diego County and allows the County to reimburse Medi-Cal recipients for their time performing duties on the advisory board.

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Prepared by: Jen Flory / HEALTH / (916) 651-4111
4/24/24 11:16:23

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

Office of Senate Floor Analyses
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THIRD READING

Bill No: SB 1272
Author: Laird (D)
Amended: 4/1/24
Vote: 21

SENATE JUDICIARY COMMITTEE: 9-2, 4/9/24
AYES: Umberg, Allen, Ashby, Caballero, Durazo, Laird, Min, Stern, Wahab
NOES: Wilk, Niello

SUBJECT: Gift certificates

SOURCE: Author

DIGEST: This bill provides that a gift certificate with a cash value less than or equal to $25 must be redeemable in cash, increasing that threshold from $10.

ANALYSIS:

Existing law:

1) Makes it unlawful for any person or entity to sell a gift certificate to a purchaser that contains any of the following:
   a) An expiration date.
   b) A service fee, including, but not limited to, a service fee for dormancy, except as provided. (Civ. Code § 1749.5(a).)

2) Provides that any gift certificate sold after January 1, 1997, is redeemable in cash for its cash value, or subject to replacement with a new gift certificate at no cost to the purchaser or holder. Notwithstanding that provision, any gift certificate with a cash value of less than $10 is redeemable in cash for its cash value. (Civ. Code § 1749.5(b).

3) Provides that the above provisions do not apply to any of the following gift certificates issued on or after January 1, 1998, if the expiration date appears in capital letters in at least 10-point font on the front of the gift certificate:

a) Gift certificates that are distributed by the issuer to a consumer pursuant to an awards, loyalty, or promotional program without any money or other thing of value being given in exchange for the gift certificate by the consumer.
b) Gift certificates that are donated or sold below face value at a volume discount to employers or to nonprofit and charitable organizations for fundraising purposes if the expiration date on those gift certificates is not more than 30 days after the date of sale.
c) Gift certificates that are issued for perishable food products. (Civ. Code § 1749.5(d).)

4) Provides that a "gift certificate" includes gift cards, but does not include any gift card usable with multiple sellers of goods or services, as provided. This exemption does not apply to a gift card usable only with affiliated sellers of goods or services. (Civ. Code § 1749.45.)

5) Provides that if a legal obligation requires the performance of one of two acts, in the alternative, the party required to perform has the right of selection, unless it is otherwise provided by the terms of the obligation. (Civ. Code § 1448.)

This bill raises the threshold for eligibility for a cash redemption to $25 or less as adjusted for inflation on January 1, 2026, and annually thereafter, based on the California Consumer Price Index and rounded to the nearest whole dollar amount.

Background

Existing law makes it unlawful to sell a gift certificate or gift card that contains an expiration date or service fee, except as specified. A gift certificate sold after January 1, 1997, is redeemable in cash or subject to replacement with a new gift certificate. However, where the cash value is less than $10, the gift certificate must be redeemable in cash for its cash value.

Given the concerns with the amount of unused gift certificates that consumers are unable to meaningfully use, this bill provides that the gift certificate must be redeemable in cash if the cash value is less than or equal to $25 with annual adjustments for inflation. The author's goal is to "put more money back in the pockets of consumers."

The bill is author-sponsored. It is supported by the Consumer Attorneys of California and Public Law Center. It is opposed by a coalition of industry associations, including the California Retailers Association.

Comments

This bill deals with consumer rights in connection with gift certificates and gift cards that have gone unused. According to a CNN report:

> Almost two-thirds of American consumers have at least one unspent gift card tucked away in a drawer, pocket, wallet or purse. And at least half of those consumers lose a gift card before they use it, according to a new report from Credit Summit, an online provider of financial advisory services.
>
> The report said there is as much as $21 billion of unspent money tied up in unused and lost gift cards. Of those surveyed, a majority of respondents said their unredeemed cards were worth $200 or less.[1]

Current law prohibits such cards from having an expiration date and provides a means for redeeming the cards. A gift certificate is redeemable in cash for its cash value, or subject to replacement with a new gift certificate at no cost to the purchaser or holder. The general rule of law is that where a legal obligation requires the performance of one of two acts, in the alternative, the party required to perform has the right of selection, unless it is otherwise provided by the terms of the obligation. (Civ. Code § 1448.) Therefore, the issuer of the gift certificate could choose whether to provide a consumer a cash refund or simply issue a new card.[2]

To provide consumers more rights with respect to gift certificates with lower remaining values, SB 250 (Corbett, Chapter 640, Statutes.of 2007) amended that law providing that notwithstanding the existing provision, any gift certificate with a cash value of less than $10 is redeemable in cash for its cash value. This allows consumers the ability to get the value of their cards where the remaining balance is extremely low.

That amount has not changed in the 17 years since. In fact, the original version of SB 250 sought to make the threshold $20 but lowered it in response to opposition.

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[1] Parija Kavilanz, *Americans have a collective $21 billion in unspent gift cards* (February 23, 2023) CNN, **https://www.cnn.com/2023/02/23/business/gift-cards-unused/index.html** [as of Mar. 28, 2024].
[2] *See also Marilao v. McDonald's Corp.* (S.D. Cal. 2009) 632 F. Supp. 2d 1008, 1012 ("it is the vendor who holds the right to select whether to redeem a gift card in cash for its cash value or to provide a replacement card at no cost to the purchaser or holder").

This bill makes the first change to that threshold, providing consumers the right to redeem for cash value gift certificates of $25 or less. According to the author:

> SB 1272, the Consumer Access to Stored Holdings Act or CASH Act, will raise the maximum dollar amount on a gift card a consumer can redeem for cash. The current limit of $9.99 was set 15 years ago and an increase is long overdue. This increase will put more cash back in the wallets of Californians at a time when every penny truly counts.

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

SUPPORT: (Verified 4/10/24)

Consumer Attorneys of California
Consumer Watchdog
Public Law Center

OPPOSITION: (Verified 4/10/24)

CalAsian Chamber of Commerce
California Chamber of Commerce
California Fuels and Convenience Alliance
California Restaurant Association
California Retailers Association
National Federation of Independent Businesses
National Association of Theater Owners of California

ARGUMENTS IN SUPPORT: The Public Law Center argues:

> Once purchased, the profit from the sale of a gift card is immediately available to the issuing company. There is a nearly 100 percent profit margin if the consumer does not use the gift card. Every cent of unspent gift cards adds up to hundreds of millions of dollars captured by companies every single year with no exchange for goods or services. Gift certificates are gifted with the intention of being entirely spent by the receiver, and the law should allow them to do so.

ARGUMENTS IN OPPOSITION: The California Fuels and Convenience Alliance, write in opposition:

> Forcing merchants to offer cash back at a $25 threshold poses considerable challenges. This bill would force businesses to maintain

substantial cash on hand especially on days like Black Friday and the days after Christmas when demand for cash back could surge. This not only strains financial resources on small businesses, but also significantly heightens security risks. With retail theft on the rise, holding increased amounts of cash in-store makes these businesses prime targets for theft.

From a fraud prevention perspective, the bill potentially exacerbates the risk. Gift cards are vulnerable to fraud, and the requirement for this level of cash back may serve as a mechanism for fraudsters to launder money. The prospect of purchasing gift cards with illicit funds, only to cash them back through legitimate channels, is a concern.

Prepared by: Christian Kurpiewski / JUD. / (916) 651-4113
4/11/24 12:05:17

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

Office of Senate Floor Analyses
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THIRD READING

Bill No: SB 1278
Author: Laird (D)
Amended: 3/18/24
Vote: 21

SENATE GOVERNMENTAL ORG. COMMITTEE: 16-0, 4/23/24
AYES: Dodd, Wilk, Alvarado-Gil, Archuleta, Ashby, Bradford, Glazer, Jones, Nguyen, Ochoa Bogh, Padilla, Portantino, Roth, Rubio, Seyarto, Smallwood-Cuevas

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SUBJECT: World AIDS Day

SOURCE: Author

DIGEST: This bill requires the Governor to annually proclaim December 1 as World AIDS Day.

ANALYSIS:

Existing law:

1) Requires the Governor to annually proclaim various days as holidays and days of remembrance including May 22 as Harvey Milk Day, the month of June as LGBTQ+ Pride Month, and November 20 as Transgender Day of Remembrance.

2) Establishes the LGBTQ Veterans Memorial at the Desert Memorial Park in Cathedral City as the official state LGBTQ veterans memorial.

This bill requires the Governor to annually proclaim December 1 as World AIDS Day.

Background

Author Statement. According to the author, "when I was Executive Director of the Santa Cruz AIDS Project in the 1980s, my mission was to keep people alive. We are forty years into the AIDS epidemic, and it is clear our efforts to educate and spread awareness are as important as ever. World AIDS Day allows us to stand with those currently living with an HIV or AIDS diagnosis and honor all the lives we have lost. Establishing World AIDS Day with Senate Bill 1278 reinforces California continues its commitment to the fight against HIV."

HIV/AIDS and World AIDS Day. In June 1981, the first report on what would be known as acquired immunodeficiency syndrome (AIDS) was published in the Morbidity and Mortality Weekly Report. This first official report of the AIDS Epidemic focused on five cases of a rare lung infection in Los Angeles, all young, previously healthy gay men. Today an estimated 1.2 million people in the United States have Human Immunodeficiency Virus (HIV), the infection that causes AIDS.

HIV is a virus that attacks the body's immune system, specifically the CD4 cells (also known as helper T cells or T cells), which are a type of T cell critical for immune response. Over time, and without effective treatment, HIV can destroy so many of these cells that the body can't fight off infections and disease, leading to the most advanced stage of HIV infection: AIDS.

AIDS is defined by the development of certain cancers, infections, or other severe clinical manifestations. It's important to note that not everyone who has HIV progresses to AIDS, thanks to advances in HIV treatments that can control the virus, helping most people with HIV to live long and healthy lives without ever developing AIDS.

As of 2022, 142,772 Californians were living with an HIV infection diagnosis, according to an annual report by the California Department of Public Health. In that same year, 4,882 Californians were newly diagnosed with HIV, and 2,169 Californians with HIV infections died.

Individuals with HIV often face negative and irrational judgements, and HIV stigma commonly stops people from seeking tools, testing, or treatment which negatively affects their health. Nearly eight in ten people with HIV in the United States reported feeling internalized HIV-related stigma, according to a report from the Centers for Disease Control (CDC).

According to the World AIDS Day internet website, since 1988 communities have stood together on World AIDS Day to show strength and solidarity against HIV stigma and to remember lives lost. The red ribbon is the universal symbol of awareness and support for people living with HIV. It was first devised in 1991, when twelve artists met to discuss a new project for Visual AIDS, a New York HIV-awareness arts organization. In addition to wearing a red ribbon, World AIDS Day encourages individuals to help with fundraising and spreading awareness of issues affecting people living with HIV. World AIDS Day 2023's theme was *World AIDS Day 35: Remember and Commit.*

In November of 2023, President Biden proclaimed December 1 as World AIDS Day and encouraged the Governors of the United States and the American people to join the HIV community in activities to remember those who have lost their lives to AIDS and to provide support, dignity, and compassion to people with HIV. President Biden's proclamation shared a simple message – Let us finish the fight. The President also highlighted the historic steps the administration has taken to move us closer to the end of the HIV epidemic, including the 2021 release of the National HIV/AIDS Strategy and a $850 million request to Congress for the *Ending the HIV in the U.S.* initiative to reduce new HIV cases, fight HIV stigma, and increase access to pre-exposure prophylaxis (PrEP). Further, California Governor Gavin Newsom ordered the California State Capitol Building dome be lit up in red to commemorate World AIDS Day on December 1, 2023.

Related/Prior Legislation

AB 1741 (Low, Chapter 41, Statutes of 2022) required the Governor to annually proclaim November 20 as Transgender Day of Remembrance.

AB 1432 (Low, Chapter 947, Statutes of 2021) required the Governor to annually proclaim the month of June as LGBTQ+ Pride Month.

AB 2439 (E. Garcia, Chapter 172, Statutes of 2018) established the LGBT Veterans Memorial at the Desert Memorial Park in Cathedral City as the official state LGBT Veterans Memorial.

AB 2969 (Low, Chapter 105, Statutes of 2018) required the Governor to annually proclaim the month of June as LGBT Pride Month.

SB 572 (Leno, Chapter 626, Statutes of 2009) among other things, required the Governor to annually proclaim May 22 as Harvey Milk Day.

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

SUPPORT: (Verified 4/23/24)

AIDS Healthcare Foundation
California Legislative LGBTQ Caucus
County Health Executives Association of California
Equality California
The California LGBTQ Health and Human Services Network

OPPOSITION: (Verified 4/23/24)

None received

ARGUMENTS IN SUPPORT: In support of the bill, Equality California writes that, "California has been at the forefront of the HIV epidemic in the U.S. since the first cases of AIDS were detected in 1981. However, despite significant progress, HIV remains a major public health challenge in California, with over 4,800 new HIV diagnoses each year. Black and Latino gay and bisexual men, Black cisgender women, transgender women, and youth continue to be the populations most impacted by HIV. Over 142,700 Californians are currently living with diagnosed HIV infection. Forty years into the HIV epidemic, it is clear efforts to educate the public about HIV and how to protect against transmission are as important as ever."

Prepared by: Brian Duke / G.O. / (916) 651-1530
4/24/24 15:05:37

**** END ****

SENATE RULES COMMITTEE SB 1280

Office of Senate Floor Analyses

(916) 651-1520 Fax: (916) 327-4478

THIRD READING

Bill No: SB 1280
Author: Laird (D)
Amended: 3/20/24
Vote: 21

SENATE ENVIRONMENTAL QUALITY COMMITTEE: 4-2, 4/3/24
AYES: Allen, Gonzalez, Hurtado, Skinner
NOES: Dahle, Nguyen
NO VOTE RECORDED: Menjivar

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

SUBJECT: Waste management: propane cylinders: reusable or refillable

SOURCE: Author

DIGEST: This bill prohibits the sale or offer for sale of propane cylinders, on and after January 1, 2028, other than those propane cylinders that are reusable or refillable, as defined.

ANALYSIS:

Existing law:

1) Defines a "household hazardous waste (HHW)" as hazardous waste generated incidental to owning or maintaining a place of residence, but does not include waste generated in the course of operating a business at a residence. (Health and Safety Code (HSC) § 25218.1(e))

2) Establishes that counties and cities will provide services for the collection of HHW and that the state will provide an expedited and streamlined regulatory structure to facilitate the collection of HHW. (HSC § 25218)

3) Provides requirements for the safe handling, storing and use of liquefied petroleum (LP) gas to reduce the possibility of damage to containers, accidental releases of LP-gas, and exposure of flammable concentrations of LP-gas to ignition sources. (California Fire Code, Chapter 61)

4) States that it is the intent of the Legislature that the National Fire Protection Association (NFPA) 58 Standard supersede any inconsistent state standards, unless that standard contains a more stringent safety standard than that contained in the NFPA 58 Standard. (HSC § 13241)

This bill:

1) Defines "reusable" or "refillable" or "reuse" or "refill," in regard to propane cylinders, as a cylinder that is explicitly designed and marketed to be utilized multiple times for the same product, is designed for durability to function properly in its original condition for multiple uses, and is supported by adequate infrastructure to ensure the cylinders can be conveniently and safely reused or refilled for multiple cycles.

2) Specifies that "propane cylinder" does not include any of the following:

   a) Cylinders that are customarily designed for use in the construction industry and, when full, contain less than 15 ounces of fuel, whether filled solely with propane or no;.
   b) Cylinders that have an overall product height-to-width ratio of 3.55 to 1 or greater; and
   c) Cylinders that are offered to a state or local government agency for purchase pursuant to the United States General Services Administration's State and Local Disaster Purchasing Program, or a successor program.

3) On and after January 1, 2028, prohibits the sale or offer for sale of propane cylinders other than those propane cylinders that are reusable or refillable.

Background

1) *Household hazardous waste (HHW) disposal*. At the local level, certified local agencies, known as Certified Unified Program Agencies (CUPAs), are responsible for developing local programs to collect, recycle, or properly dispose of HHW. The California Environmental Protection Agency (CalEPA) oversees the 81 CUPAs, and the statewide implementation of the Unified

Program, which protects Californians from hazardous waste and hazardous materials by ensuring consistency throughout the state regarding the implementation of administrative requirements, permits, inspections, and enforcement at the local regulatory level. California Hazardous Waste Law provides several management requirements for HHW generators and establishes a streamlined permitting process for HHW collection facilities.

2) *Disposable propane cylinders*. Disposable propane cylinders are single-use, generally one-pound, propane cylinders, typically used in camping stoves, portable heaters, lanterns, portable showers, tailgating grills, boat engines, scooters, lawn care equipment, insect foggers, and welding equipment. It is estimated that between 40-60 million disposable one-pound propane cylinders are sold in the United States every year. As California accounts for roughly 10% of the population, it is estimated that over 4 million disposable one-pound propane cylinders are sold in California each year. The current price for a disposable one-pound propane cylinder filled with gas averages about $5.00 each.

3) *Proper disposal is expensive.* Under existing law, a consumer is permitted to dispose of an empty propane tank or cylinder in the curbside trash or recycling bin. However, if a propane tank or cylinder is not empty then it must be brought to a HHW facility. In most instances, however, it is impossible to know whether a cylinder is completely empty.

   Cylinders received at HHW facilities are typically placed into 55-gallon drums, then transported to recycling/processing facilities where the cylinders are off-gassed to ensure no residual gas remains in the cylinder. Once empty, they are punctured and then crushed, baled, and then sent to the recycled metals market.

   These safety measures, employed to avoid the risk of explosion that could cause injury to personnel or damage to infrastructure, contribute to the cost of collecting and recycling these cylinders. According to data provided by the author, the transportation and recycling/processing cost of a disposable propane cylinder is approximately $3.00.

   Based on CalRecycle data, it is estimated that only a quarter of the approximately four million disposable propane cylinders sold in California are recovered through HHW operations. Calculating in the cost of transporting and processing for these items, local governments, using ratepayer funds, are likely spending upwards of $3 million per year to handle this relatively small waste

stream. The majority of the remaining three million or more disposable propane cylinders end up in landfills.

4) *Improper disposal can wreak havoc.* According to a May 23, 2019, article from Waste 360, a waste, recycling, and organics industry trade association, "Small, disposable propane tanks are convenient commodities, but they are a safety and economic nightmare for materials recovery facilities (MRFs), landfills and parks, causing fires and explosions when tanks leak or get punctured…Disposable propane cylinders exploded at a Kent County, Mich., MRF in June 2016 and again in June 2017. "In 2016, it cost over $68,000 from one tank, and a worker was knocked off the baler," says Darwin Baas, Kent County Public Works director, "We receive dozens a week. When they are tipped on the floor, they are often covered by paper and old corrugated cardboard and easy to miss. They get punctured in the baler. They cause chemical damage and fire, and when the fire is put out, they cause water damage."

5) *Transition from single-use propane cylinders to refillable*. According to a December 21, 2020, report from the Statewide Commission on Recycling Markets and Curbside Recycling:

   "Single-use 1 lb. propane cylinders are a threat to human and environmental health. When "empty," single-use cylinders often still contain a small amount of gas, posing a danger to sanitation workers due to risk of explosion and resulting fires. Because of the high hazard level, this waste stream is very costly to manage and dispose of properly. Ironically, 80% of the purchase price is for the single-use packaging, the steel cylinder, which is the main culprit of the disposal issue…

   "Made of hot rolled steel, these cylinders have very high GHG impacts with an estimated 11 million lbs. of GHG emissions avoided if CA moved to refillables only. All other sizes of propane cylinders have been made refillable for decades including BBQ size 5 gallon and the 20-gallon size used on forklifts. The public is trained to refill BBQ tanks and can do the same with 1lbs in California, but when the cost of the 1lb has been externalized onto local governments via HHW programs when the refillables now exist and are sold and refilled in California, we believe the sale of disposables should be banned in short order."

6) *Refillable Campaigns*. In light of the disposal problems of these products, some governments, businesses and environmental nonprofits have begun pushing alternatives to disposable cylinders. One such effort, Refuel Your Fun (RFYF),

was developed by the California Product Stewardship Council (CPSC) in 2015 using CalRecycle HHW grants to transition communities to choose reusable cylinders over their single-use counterparts. The campaign works to educate the public about the advantages of using reusable propane cylinders as compared to the disadvantages of the single-use cylinders noted earlier. This is accomplished through a variety of methods including conducting outreach/exchange events to get more reusables into circulation. To date, CalRecycle has awarded 38 grants (approximately $2.7 million in funds) throughout the state that have focused on refillable propane cylinders.

Comments

1) *Purpose of Bill.* According to the author, “California can do much better when it comes to reusing and refilling our products and eliminating materials, often hazardous materials, which are discarded haphazardly. These propane cylinders place a great burden on our park systems, beaches, and material recovery facilities. It is time to transition away from single-use products that harm our environment, pose a threat to workers and end up in our landfills. SB 1280 would result in more reusable propane cylinders for consumers to refill which will lead to a cleaner and safer California.”

2) *A problematic waste stream.* Disposable propane cylinders are a problematic waste stream. The current purchase price of these cylinders does not cover the management cost of its waste stream. To date, the disposal costs of these products have been borne by local governments, who then pass along the costs to ratepayers through higher fees. Further, the improper disposal of these products can pose occupational and facility safety issues. Over the years, the state has dealt with problematic consumer products in various ways – through EPR programs, product-labeling requirements, visible deposit fees, and, in some instances, product sales bans.

3) *Look familiar?* The Senate Environmental Quality Committee has heard and approved both a ban (SB 1256, Wieckowski, 2022) and an extended producer responsibility (EPR) approach (SB 560, Laird, 2023) to managing single-use, one-pound propane cylinders. In 2022, SB 1256 (Wieckowski; 2022), which would have banned these products, was vetoed. Governor Newsom's veto message stated:

   "An outright ban without a plan for collection and refill infrastructure could inhibit the success of building a circular system in California…I encourage

the Legislature and stakeholders to work on a approach for the collection and reuse of this product that accounts for manufacturer and retail responsibility."

Following this direction, in 2023, Senator Laird introduced SB 560, which used an EPR approach instead of a ban to reduce gas cylinders in the waste stream. However, this bill stalled in Senate Appropriations Committee. This year, this bill goes back to a similar approach taken with SB 1256 (Wieckowski, 2022) it specifies that only reusable or refillable propane cylinders can be offered for sale in the state after January 1, 2028 – effectively banning the sale of disposable cylinders after that date. Another related bill currently pending before this committee is SB 1143 (Allen, 2024), which would establish a comprehensive EPR program for specified HHW, including propane cylinders.

While the committee has before it two approaches to managing this problematic waste stream, they are not incompatible: this bill would require a change in the products design (i.e., ending the use of disposable, one-pound propane cylinders), while SB 1143 focuses on end-of-life management for products. As noted previously, even refillable cylinders have a shelf-life. Thus, the committee could choose to support both bills without inconsistency.

4) *Available refill infrastructure?* For refillables to work, consumers need access to refillable cylinders and places to refill or exchange them. According to the sponsors of this proposal, there are more than 400 locations across the state that sell, refill, and/or exchange reusable cylinders. However, opponents contend that there are “minimal viable refill infrastructure or distribution network[s] within the state to refill or return” these cylinders and that refillable propane cylinders are likely only available at less 215 retail locations based on their review of the “Refuel Your Fun Retailer Map.” Opponents further claim that “*no* UHaul stores sell or refill one-pound propane cylinders; these stores represent 30 percent of the locations on the map.” While staff did not have the ability to verify all claims, from a search of its website, staff did not find evidence that UHaul offers refill services for propane tank sizes under 4.5 pounds. Proponents counter that many franchise locations for UHaul do offer refill of one-pound propane cylinders.

This bill would provide a three-year window for consumers, retailers, and propane cylinder exchange programs to transition to refillable cylinders. Given the questions about the available refill infrastructure, moving forward, the author may wish to consider whether a three-year window is sufficient to ensure

adequate refill opportunities are available.

5) *End-of-life management issues for propane cylinders remain.* Opponents argue that a ban on disposable cylinders does not address the end-of-life management issues associated with either disposable and refillable cylinders. This is a fair point. While a ban would arguably lower the overall number of cylinders entering the market, even reusables eventually need a viable disposal option. As mentioned previously, staff would note, however, that if SB 1143, the HHW EPR bill, were to pass, these cylinders could have a workable end-of-life route.

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

SUPPORT: (Verified 4/23/24)

Alameda County Board of Supervisors
California Chapters of The Solid Waste Association of North America's Legislative Task Force
California Product Stewardship Council
California Resource Recovery Association
California State Association of Counties (CSAC)
California Waste & Recycling Association
Californians Against Waste
Castro Valley Sanitary District
City of Alameda
Cleanearth4kids.org
League of California Cities
Little Kamper, Lp
National Stewardship Action Council
Republic Services - Western Region
Resource Recovery Coalition of California
Rethinkwaste
Rural County Representatives of California (RCRC)
Santa Clara County Recycling and Waste Reduction Commission
Sea Hugger
Sustainable Works
Western Placer Waste Management Authority (WPWMA)
Zero Waste Sonoma

OPPOSITION: (Verified 4/23/24)

California Retailers Association
Worthington Industries

ARGUMENTS IN SUPPORT: According to the National Stewardship Action Council (NSAC), "NSAC is proud to support SB 1280 to support source reduction of waste and GHG emissions from making and recycling of steel canisters, which will prohibit the sale non-reusable propane cylinders, as defined:

> "The California Integrated Waste Management Act of 1989, created by AB 939 (Sher), established the waste management hierarchy with source reduction first, then recycling. Millions of dollars of California grant funds, as well as non-profit funds, have been used to develop and implement a source reduction focused Campaign titled ReFuel Your Fun & $ave! (RFYF), which promotes the use of reusable 1 lb. propane gas cylinders. With the grant and non-profit funding using staff of NSAC, the Campaign established over hundreds of locations statewide that currently sell, refill, and/or exchange reusable 1 lb. propane gas cylinders.
>
> "The California Commission on Recycling Markets and Curbside Recycling, which our Executive Director Heidi Sanborn chaired and was comprised of 16 experts representing materials management companies, local governments, unions, and NGOs, unanimously recommended that the legislature, "ban the sale of single-use cylinders as reusables are already on the market broadly in California and the costs to manage cylinders are most often more than the cost to buy them", and to "transition from single-use propane cylinders to refillable."

ARGUMENTS IN OPPOSITION: According to Worthington Enterprises, "A ban of these cylinders is highly problematic given the minimal viable refill infrastructure or distribution network within the state to refill or return used 1 lb. cylinders; the concerns for retailer and consumer safety associated with refilling small format cylinders; cost and convenience considerations that hinder the use of small format refillable cylinders; and, finally, the fact that such a ban would still not address the waste management issues. Refillable cylinders also need be addressed at end-of-life.

> "The stated reasons for denying consumers the ability to buy recyclable containers is the expense and alleged safety risk these containers pose on the

waste industry and consumers. We are not aware of any studies to back up either of these allegations. We would also assume if these concerns did exist that they would apply to a wide range of non-refillable flammable products, along with refillable products when they are inappropriately handled or disposed of by consumers. According to CalRecycle's 2021 Facility-Based Waste Characterization Data, 1 pound or smaller propane cylinders comprise zero percent of the waste stream. Due to Worthington's experience supplying both non-refillable and refillable cylinders, we understand the market challenges and consumer risks related to enabling state-wide distribution of small format refillable cylinders. Notably, Worthington is concerned with the risks associated with asking consumers to refill cylinders at home…By promoting a refillable small format cylinder, SB 1280 will encourage and endorse the unsafe practice of self-filling.

"Worthington Enterprises remains committed to an Extended Producer Responsibility (EPR) program for its products…Worthington is in the process of implementing a producer responsibility program in Connecticut and is part of the group organizing to address Vermont's new HHW EPR law."

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4/24/24 13:52:49

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

SENATE RULES COMMITTEE SB 1283
Office of Senate Floor Analyses
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THIRD READING

Bill No: SB 1283
Author: Stern (D)
Amended: 4/11/24
Vote: 21

SENATE EDUCATION COMMITTEE: 6-0, 4/10/24
AYES: Newman, Ochoa Bogh, Cortese, Glazer, Gonzalez, Wilk
NO VOTE RECORDED: Smallwood-Cuevas

SUBJECT: Pupils: use of smartphones and social media

SOURCE: Author

DIGEST: This bill expands the existing authority of a local educational agency (LEA), county office of education (COE), or charter school to adopt a policy that would either limit or prohibit the use of social media by its students while on campus or under the supervision and control of an employee.

ANALYSIS:

Existing law:

1) States that the governing body of an LEA, COE, or charter school may adopt a policy to limit or prohibit the use by its pupils of smartphones while the pupils are at a schoolsite or while the pupils are under the supervision and control of an employee or employees of that LEA, COE, or charter school. (Education Code (EC) § 48901.7 (a))

2) States a pupil shall not be prohibited from possessing or using a smartphone under any of the following circumstances:

   a) In the case of an emergency, or in response to a perceived threat of danger.

   b) When a teacher or administrator of the LEA, COE, or charter school grants permission to a pupil to possess or use a smartphone,

subject to any reasonable limitation imposed by that teacher or administrator.

c) When a licensed physician and surgeon determines that the possession or use of a smartphone is necessary for the health or well-being of the pupil.

d) When the possession or use of a smartphone is required in a pupil's individualized education program. (EC § 48901.7 (b))

3) Authorizes the governing board of each school district, or its designee, to regulate the possession or use of any electronic signaling device that operates through the transmission or receipt of radio waves, including but not limited to, paging and signaling equipment, by students of the school district while the students are on campus, while attending school-sponsored activities, or while under the supervision and control of school district employees. (EC § 48901.5 (a))

4) Provides that no student shall be prohibited from possessing or using an electronic signaling device that is determined by a licensed physician and surgeon to be essential for the health of the student and use of which is limited to purposes related to the health of the student. (EC § 48901.5 (b))

5) Except as provided in this section, a government entity shall not do any of the following:

a) Compel the production of or access to electronic communication information from a service provider.

b) Compel the production of or access to electronic device information from any person or entity other than the authorized possessor of the device.

c) Access electronic device information by means of physical interaction or electronic communication with the electronic device. This section does not prohibit the intended recipient of an electronic communication from voluntarily disclosing electronic communication information concerning that communication to a government entity. (Penal Code (PEN) § 1546.1(a))

6) A government entity may compel the production of or access to electronic communication information from a service provider, or compel the production of or access to electronic device information from any person or entity other

than the authorized possessor of the device only under a warrant, wiretap order, order for electronic reader records, a subpoena, or an order for a pen register or trap and trace device, or both, as specified. (PEN § 1546.1 (b))

7) States a government entity may access electronic device information by means of physical interaction or electronic communication with the device with, including but not limited to, a warrant, wiretap order, tracking device search warrant, consent of the authorized possessor of the device, consent of the owner of the device, only when the device has been reported as lost or stolen, believes that an emergency involving danger of death or serious physical injury to any person, believes the device to be lost, stolen, or abandoned, as specified. (PEN § 1546.1 (c))

This bill expands the existing authority of an LEA, COE, or charter school to adopt a policy that would either limit or prohibit the use of social media by its students while on campus or under the supervision and control of an employee.

Comments

1) *Need for the bill.* According to the author, "As a concerned parent and legislator, I am deeply troubled by the increase in youth suicide attributed to bullying and social media usage in our schools. Recent research shows the link between excessive social media exposure and heightened depression and anxiety amongst our students. Recognizing the urgent need to protect our children, I am committed to SB 1283 which helps school district's regulate the presence of social media and smartphones on school campuses statewide. It is life or death for our students and we must move quickly to mitigate the risks of smartphone addiction and online bullying during school hours, ensuring the protection of our most vulnerable Californians."

2) *Expansion of Existing Authority: Limitation or Prohibition of Social Media on School Campus.* Existing law provides that no student shall be prohibited from possessing or using an electronic signaling device that is determined by a licensed physician and surgeon to be essential for the health of the student and use of which is limited to purposes related to the health of the student. In 2019, the Legislature passed AB 272 (Muratsuschi, Chapter 42, Statutes of 2019) which authorized governing bodies to adopt a policy to limit or prohibit the use of smartphones by students while at school or under employee supervision without prohibiting a student from possessing or using a smartphone under specified circumstances.

Related/Prior Legislation

AB 272 (Muratsuschi, Chapter 42, Statutes of 2019) provided that a student shall not be prohibited from possessing or using a smartphone under specified circumstances, and authorizes governing bodies to adopt a policy to limit or prohibit the use of smartphones by students while at school.

SB 1253 (Figueroa, Chapter 253, Statutes of 2002) allowed school district governing boards to regulate the possession and use of electronic signaling devices (cell phones, pagers, etc.) by pupils while on campus or attending school functions.

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

SUPPORT: (Verified 4/11/24)

Los Angeles County Office of Education
TechNet

OPPOSITION: (Verified 4/11/24)

American Civil Liberties Union California Action
Electronic Frontier Foundation

ARGUMENTS IN SUPPORT: According to the Los Angeles County of Education (LACOE), "Existing law grants LEAs the authority to regulate the possession and use of electronic signaling devices, including smartphones, by students while on campus or participating in school-sponsored activities. Many LEAs, including LACOE, have already implemented policies to limit or prohibit the use of smartphones during school hours or while under the supervision of school staff. SB 1283 extends this authority to include the regulation of social media use by students during school hours or while under school supervision. This expansion is crucial in addressing the growing concerns surrounding the misuse of social media platforms, particularly in a school setting. LACOE recognizes the importance of providing a safe and conducive learning environment for all students. By explicitly prohibiting the use of social media while on school grounds or under school supervision, SB 1283 will help prevent distractions, cyberbullying, and other forms of inappropriate behavior that can negatively impact students' academic performance and well-being. Moreover, the proposed language in SB 1283 will provide much-needed clarity for LEAs in addressing instances of harassment, threats, or other misconduct occurring through social media channels

during school hours or while students are under school supervision. This clarity will enable LEAs to take prompt and appropriate action to address such incidents and ensure the safety and security of all students and staff. For these reasons, we respectfully request your support and AYE vote for SB 1283 when your committee considers this bill."

ARGUMENTS IN OPPOSITION: According to the American Civil Liberties Union California Action (ACLU), "ACLU shares your interest in promoting healthy and inclusive school climates and protecting students from potential harms of social media. However, SB 1283's approach of allowing school districts, county offices of education, and charter schools to regulate student social media use while students are at school, out of school, and at home does not effectively address the issue. SB 1283 takes local educational agencies' existing authority to "limit or prohibit" student use of smartphones and replicates it to create a new authority to regulate student social media use while they are at a schoolsite or "under the supervision and control of an employee" of the school or district. Problematically, regulating social media use is a much more complicated issue than regulating smartphones, and cannot be added into the same statute. Smartphones are physical objects, so limiting their use is as non-invasive as requiring students to put them away. On the other hand, for a school employee to regulate a student's social media usage on their smartphone while at a schoolsite, the employee would have to look through the student's phone for social media apps or messaging. This butts up against students' right to privacy. SB 1283 essentially invites school employees with limited knowledge of privacy laws to violate the California Electronic Communications Privacy Act (CalECPA), which limits the ability of the government to access electronic devices without a warrant and due process. This applies in a school context – if schools want access to a smartphone's content, they need a warrant. Additionally, social media can be accessed on a tablet or computer, not just on a smartphone. Most students have a school-issued tablet or computer, and SB 1283's language around "supervision" could be interpreted to give schools a broad ability to monitor student activity and student speech on school- issued devices outside of school hours, including speech they reasonably expect to be private, such as their conversations with friends while gaming. This has First Amendment and privacy implications, and we have heard from students and families that school monitoring of these kinds of activities has led to results as severe as law enforcement officers being sent to a home. These impacts of SB 1283 will have disparate impact on Black and Brown students and students of low income because they are more likely to use school-issued devices for personal activities outside of school hours, as the schoolissued device may be the only computer or tablet in the home. SB 1238 would also have implications for school technology infrastructure. This bill may allow schools to monitor activity on any

device connected to the school's wi-fi or used on school grounds – including devices of parents or other non-pupils – and to add network devices that monitor traffic without due process safeguards. SB 1283 would allow school districts to create policies that violate California's privacy laws, infringe on students' constitutional rights, and widen educational equity gaps. For these reasons, ACLU California Action is compelled to oppose SB 1283."

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4/12/24 13:50:57

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

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THIRD READING

Bill No: SB 1290
Author: Roth (D)
Introduced: 2/15/24
Vote: 21

SENATE HEALTH COMMITTEE: 11-0, 4/10/24
AYES: Roth, Nguyen, Glazer, Gonzalez, Grove, Hurtado, Limón, Menjivar, Rubio, Smallwood-Cuevas, Wiener

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

SUBJECT: Health care coverage: essential health benefits

SOURCE: Author

DIGEST: This bill sunsets the Kaiser Foundation Health Plan Small Group HMO 30 plan as California's Essential Health Benefit benchmark for individual and small group health plan contracts and health insurance policies after the 2026 plan year.

ANALYSIS:

Existing law:

1) Establishes the Department of Managed Health Care (DMHC) to regulate health plans under the Knox-Keene Health Care Service Plan Act of 1975 (Knox-Keene Act); California Department of Insurance (CDI) to regulate health and other insurance; and, the Department of Health Care Services (DHCS) to administer the Medi-Cal program. [HSC §1340, et seq., INS §106, et seq., and WIC §14000, et seq.]

2) Requires an individual or small group health plan contract or insurance policy issued, amended, or renewed on or after January 1, 2017, to include at a minimum, coverage for essential health benefits (EHBs) pursuant to the Patient Protection and Affordable Care Act (ACA), and as outlined below:

a) Health benefits within the categories identified in the ACA:

   i) Ambulatory patient services;
   ii) Emergency services;
   iii) Hospitalization;
   iv) Maternity and newborn care;
   v) Mental health and substance use disorder services;
   vi) Prescription drugs;
   vii) Rehabilitative and habilitative services and devices;
   viii) Laboratory services;
   ix) Preventive and wellness services and chronic disease management; and,

b) Pediatric services, including oral and vision care;
c) Health benefits covered by the Kaiser Foundation Health Plan Small Group HMO 30 (Kaiser Small Group HMO), as this plan was offered during the first quarter of 2014, regardless of whether the benefits are specifically referenced in the evidence of coverage or plan contract for that plan;
d) Medically necessary basic health care services, as specified;
e) Health benefits mandated to be covered by the plan pursuant to statutes enacted before December 31, 2011, as described; and,
f) Health benefits covered by the plan that are not otherwise required to be covered, as specified. [HSC §1367.005 and INS §10112.27]

3) Establishes federal EHB requirements including that the Secretary of the federal Department of Health and Human Services (HHS) not make coverage decisions, determine reimbursement rates, establish incentive program, or design benefits in ways that discriminate against individuals because of their age, disability, or expected length of life. [42 U.S.C. §§18022]

This bill:

1) Sunsets the Kaiser Small Group HMO plan, as offered in 2014, as California's EHB benchmark plan.

2) States legislative intent to review California's EHB and establish a new benchmark plan for the 2027 plan year.

Comments

1) *Author's statement.* According to the author, California's EHBs are based upon the same 2014 benchmark plan established when California first implemented

the ACA. Updates were adopted in 2015 (effective in 2017) to incorporate the federal definition of habilitative, to base pediatric vision benefits on the Federal Employees Dental and Vision Insurance Program vision plan, and to base pediatric dental benefits on the Children's Health Insurance Program benefits. California's benchmark does not include coverage for hearing aids, infertility treatment, adult dental, chiropractic, or nutritional counseling, among other benefits. Inclusion of any of these benefits in California's EHBs requires the state to update our benchmark plan through a stakeholder process and to notify the federal Centers for Medicare and Medicare Services (CMS) by May of 2025, in order for those benefits to be in place for the 2027 plan year. This bill will help begin the review process, which requires actuarial analysis, and a stakeholder process to inform the options for policymakers, and ultimately codify any changes to California's benchmark plan. Any added health insurance mandates outside of this process require the state to pay for or "defray" the added costs of insurance mandates not included in the benchmark.

2) *California's benchmark plan.* California's current benchmark plan is the Kaiser Small Group HMO plan. The benchmark plan and other state mandates existing prior to December 31, 2011 are used to determine EHBs. Any state mandate exceeding EHBs requires the state to defray the costs associated with the mandate. California last reviewed its benchmark plan in 2015. At that time, the California Health Benefits Review Program (CHBRP) asked Milliman to analyze and compare the health services covered by the ten plans available to California as options for California's EHB benchmark effective January 1, 2017, similar to an analysis completed for Covered California in 2012. Milliman found relatively small differences in average healthcare costs among the ten benchmark options. Among the plan options, Milliman found differing coverage of acupuncture, infertility treatment, chiropractic care, and hearing aids. The three California small group plans were essentially the same average cost as the California EHB plan and the California large group and CalPERS plans were approximately 0.2% to 1% higher in cost. The estimated average costs for the three federal employee plan options was approximately 0.8% to 1.2% higher than the California EHB plan. On April 17, 2015, the Secretary of California's Health and Human Services Agency sent a letter to the federal Center for Consumer Information and Insurance Oversight (CCIIO) selecting the same Kaiser Small Group Plan to remain as California's benchmark plan.

3) *Updating EHBs.* According to a 2022 CHBRP brief on EHBs, federal HHS issued final rules in 2018 and 2019, which provided new flexibility for states by allowing three new options for the EHB benchmark plan, in addition to the

option of retaining the current EHB benchmark plan. Beginning with the 2020 plan year, states could: (a) select an EHB benchmark plan used by another state for the 2017 plan year; (b) replace one or more of the ten EHB categories in the state's EHB benchmark plan with the same category or categories of EHBs from another state's 2017 EHB benchmark plan; or, (c) otherwise select a set of benefits that would become the state's EHB benchmark plan. At a minimum, the EHB benchmark plan must provide a scope of benefits equal to or greater than a typical employer plan. Furthermore, a new "generosity test" requires that EHBs cannot exceed the generosity of the most generous among the set of ten previous 2017 benchmark comparison plan options. A mandate that is added through the benchmark plan process is not subject to the requirement that the state defray those mandate costs if it is not a state mandated benefit enacted after December 31, 2011. According to the CMS website, for plan years between 2020 and 2025, nine states have updated their EHB benchmark plans.

4) *Updated process rules.* CMS has finalized new rules for EHB benchmark updates through the HHS Notice of Benefit and Payment Parameters for 2025. As part of this update, CMS removed a regulatory prohibition on plans and insurers from including routine non-pediatric dental services as an EHB. This allows states to add routine adult dental services as an EHB by updating their EHB benchmark plans. For plan years beginning on or after January 1, 2026, CMS has approved three revisions to the standards for state selection of EHB-benchmark plans to address long-standing requests from states to improve, and reduce the burden of, the EHB-benchmark plan update process. First, CMS will allow states to consolidate the options for states to change EHB-benchmark plans such that a state may change its EHB-benchmark plan by selecting a set of benefits that would become the state's EHB-benchmark plan. Any changes to state EHB-benchmark plan options would also be applicable to states when choosing a benchmark plan used to define EHBs in a state Basic Health Programs (BHPs) established under section 1331 of the ACA and Medicaid Alternative Benefit Plans (ABPs) implemented pursuant to section 1937 of the ACA. Second, CMS has removed the generosity standard and revised the typicality standard so that, in demonstrating that a state's new EHB-benchmark plan provides a scope of benefits that is equal to the scope of benefits of a typical employer plan in the state, the scope of benefits of a typical employer plan in the state would be defined as any scope of benefits that is as or more generous than the scope of benefits in the state's least generous typical employer plan, and as or less generous than the scope of benefits in the state's most generous typical employer plan. Third, CMS removed the requirement for

states to submit a formulary drug list as part of their documentation to change EHB-benchmark plans unless the state changes its prescription drug EHBs.

5) State-mandated benefits and defrayal. Under the final rule, CMS indicates that state-mandated benefits would not be considered "in addition to EHB" under CMS' defrayal policy if the mandated benefit is an EHB in the state's EHB-benchmark plan. This proposal would help protect consumers by ensuring that existing EHB benefits in states' EHB-benchmark plans remain subject to EHB nondiscrimination rules, the annual limitation on cost-sharing, and restrictions on annual or lifetime dollar limits.

6) *Relevant stakeholder comments on federal rules.* There are many organizations that submitted comments in response to the proposed federal rule changes. Some relevant comments are summarized here, but not all comments have been included:

a) *Insurance Commissioner Lara.* Insurance Commissioner Lara writes that due to defrayal requirements, limitations imposed upon benefits that constitute state EHBs contribute to the ongoing health care inequities faced by members of historically disadvantaged communities. The Insurance Commissioner writes that in California, most durable medical equipment, as well as external prosthetic and orthotic devices, are not EHBs. Therefore, persons with disabilities and the chronically ill continue to be subjected to discriminatory plan designs. The Insurance Commissioner believes having a more efficient process for updating EHBs will allow, and encourage, states to revisit and update their benchmark plans to address historical insurance inequalities. The Insurance Commissioner also supports allowing states to include coverage of adult dental care in the EHBs, indicating that long-standing systemic inequities in our health care system have resulted in members of historically disadvantaged communities receiving inadequate access to dental care due to lack of coverage.
b) *Covered California.* Covered California writes that they appreciate and value the proposed state flexibility within the EHB framework. In addition to promoting efficiency, the proposal would allow states to tailor their benchmark plans to meet the specific needs of individuals in their respective states.
c) *National Health Law Program (NHeLP).* NHeLP urges federal HHS to outline a process for states to take advantage of the defrayal exception. NHeLP cites Washington's statute requiring coverage of behavioral health crisis and their Insurance Commissioner's memo explaining it was necessary

to comply with the federal Mental Health Parity and Addiction Equity Act, and, Colorado's action to enact a coverage mandate for infertility treatment and their Division of Insurance's explanation that the mandate ensures compliance with federal nondiscrimination requirements. NHeLP has extensive additional comments including support for removing the prohibitions on adult oral health services, non-pediatric eye exam services, and long-term/custodial nursing home care benefits.

d) *California Dental Association (CDA).* CDA writes in support of the inclusion of adult dental services and urges CMS to consider uniform minimum standards to address variation across the dental insurance market. CDA recommends a dental loss ratio be applied to adult dental benefits of 85% and a separate dental deductible, no annual or lifetime limit on covered dental services, and an annual out-of-pocket maximum for dental services.

e) *Kaiser Permanente.* Kaiser Permanente expresses concern with HHS' approach related to EHBs and state benchmark plans, including the proposal to permit inclusion of non-pediatric dental services as an EHB. Kaiser believes that some of these proposals could have a significant negative impact on affordability of coverage options across all markets, which may be exacerbated in the individual market if the current expanded premium subsidies sunset next year. Kaiser raises concerns that the rule could cause the benchmark plan design to be moved further away from popular large group major medical coverage options in the same geographic market.

f) *Delta Dental Plans Association.* Delta Dental Plans Association indicates that it does not oppose the proposal, but requests that CMS provide guidance for states on model adult dental benchmark plans so that they are comparable to commercially available dental plans in terms of coverage and cost. Additionally, Delta Dental Plans Association requests clarification that a medical qualified health plan (exchange plan) would not have to embed the adult dental EHB if there is a stand-alone dental plan on an exchange that offers such benefits, and further requests that CMS issue additional guidance on the applicability of the premium tax credit and the limitations on enrollee cost-sharing with respect to the proposed adult dental EHBs.

7) *Other ACA EHB requirements:*

a) *Annual and Lifetime Dollar Limits.* The EHB benchmark plans cannot apply annual and lifetime dollar limits to EHBs in accordance with 45 CFR 147.126. Annual and lifetime dollar limits can be converted to actuarially equivalent treatment or service limits.

b) *Coverage Limits.* Pursuant to 45 CFR 156.115(a)(2), with the exception of coverage for pediatric services, a plan may not exclude an enrollee from coverage in an entire EHB category, regardless of whether such limits exist in the EHB-benchmark plan. For example, a plan may not exclude dependent children from the category of maternity and newborn coverage.

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

SUPPORT: (Verified 4/23/24)

Children Now
Let California Kids Hear
National Health Law Program
Western Center on Law & Poverty

OPPOSITION: (Verified 4/23/24)

None received

ARGUMENTS IN SUPPORT: Western Center on Law and Poverty appreciates the opportunity that this bill will provide to conduct a comprehensive evaluation of the essential health benefit benchmark plan and look forward to the stakeholder process to ensure that the real-life impact of state policies on Californians is considered. Western Center on Law and Poverty writes that California is currently out of compliance with federal law, including federal discrimination law, and steps must be taken to correct this inequity without further delay.

National Health Law Program (NHeLP) writes like many other states, California did not select, at the time, the most comprehensive benchmark plan possible. As a result, California's benchmark plan has given way to significant and persistent gaps in coverage in areas that are contributing to health disparities, such as access to midwives and doula care that are instrumental to address and reduce Black maternal mortality and lack of access to methadone services for individuals with opioid use disorders, among others. Fortunately, California now has the chance to address those gaps. Since 2019, states can select new benchmark plans, including creating a new plan altogether. To date, this process has allowed ten states to expand access to key services to address the ongoing overdose epidemic, add new requirements to treat mental health conditions, expand upon requirements to provide services via telehealth, and strengthen prescription drug requirements to ensure access to hepatitis C medications and medications for other conditions impacting underserved populations. NHeLP also cautions that this effort should in

no way interfere with parallel efforts to enforce federal nondiscriminatory benefit design requirements in California.

Children Now and Let California Kids Hear write that they strongly support a policy solution that will permanently close coverage gaps and ensure that all children in California have access to affordable and comprehensive health insurance that meets all of their health needs. With recent federal EHB flexibilities and the introduction of this bill, California lawmakers now have the opportunity to update the benchmark, close the coverage gap, and ensure that all children in California have comprehensive coverage and services – including hearing aids – to meet their health and developmental needs. Thirty-two states already require that private individual and group health insurance plans include coverage for children's hearing aids & services through a state insurance benefit mandate or by way of the state's EHB benchmark selection, but California is not one of them.
The California Association of Health Plans (CAHP) writes that while reopening California's EHB package is not without its challenges, it offers policymakers the opportunity to engage in a more thoughtful and comprehensive analysis of affordability and accessibility to health care coverage. Together, health plans, legislators, and the administration can work on a logical approach to benefits and coverage, instead of continuing to introduce benefit mandate bills that increase premiums for everyone. This bill potentially offers this logical path. CAHP writes any discussion around EHBs should factor in and not conflict with the work that is being done by the Office of Health Care Affordability and its underlying mission of consumer affordability. Reexamining the EHB package will allow policymakers to look at the bigger picture by cumulatively reviewing how changing coverage will impact the affordability of health care premiums for Californians.

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4/24/24 11:16:24

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

SENATE RULES COMMITTEE SB 1300

Office of Senate Floor Analyses

(916) 651-1520 Fax: (916) 327-4478

THIRD READING

Bill No: SB 1300

Author: Cortese (D)

Amended: 4/8/24

Vote: 21

SENATE HEALTH COMMITTEE: 8-2, 4/3/24

AYES: Roth, Gonzalez, Hurtado, Limón, Menjivar, Rubio, Smallwood-Cuevas, Wiener

NOES: Nguyen, Grove

NO VOTE RECORDED: Glazer

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

SUBJECT: Health facility closure: public notice: inpatient psychiatric and maternity services

SOURCE: National Alliance on Mental Illness California

DIGEST: This bill extends the public notice requirement when a health facility eliminates a supplemental service, currently 90 days prior to elimination of the service, to instead be 120 days when it involves the closure of either inpatient psychiatric services or maternity services. This bill requires a health facility that is eliminating an inpatient psychiatric or maternity supplemental service to complete an impact analysis report prior to providing notice of the proposed elimination of the supplemental service.

ANALYSIS:

Existing law:

1) Licenses and regulates health facilities by the California Department of Public Health (CDPH), including general acute care hospitals, acute psychiatric hospitals, skilled nursing facilities, and intermediate care facilities, among others. [HSC §1250, et seq.]

2) Requires any hospital that provides emergency medical services (EMS) to provide notice of a planned reduction or elimination of the level of EMS to CDPH, the local government entity in charge of the provision of health services, and all health care service plans or other entities under contract with the hospital, as soon as possible but not later than 180 days prior to the planned reduction or elimination of emergency services. Requires the hospital to also provide public notice, within the same time limits, in a manner that is likely to reach a significant number of residents of the community serviced by that facility. [HSC §1255.1]

3) Specifies that a hospital is not subject to the notice requirements in 2) above if CDPH determines that the use of resources to keep the emergency center open substantially threatens the stability of the hospital as a whole, or if CDPH cites the emergency center for unsafe staffing practices. [HSC §1255.1(c)]

4) Requires a health facility implementing a downgrade or change to make reasonable efforts to ensure that the community served by its facility is informed of the downgrade or closure, including advertising the change in terms likely to be understood by a layperson, soliciting media coverage regarding the change, informing patients of the facility of the impending change, and notifying contracting health plans. [HSC §1255.2]

5) Permits a health facility license holder, with the approval of CDPH, to surrender its license or special permit for suspension or cancellation by CDPH. Requires CDPH, before approving a downgrade or closure of emergency services, to receive a copy of an impact evaluation by the county to determine impacts of the closure or downgrade on the community. Permits the county to designate the local EMS agency as the appropriate agency to conduct the impact evaluation. Requires development of the impact evaluation to incorporate at least one public hearing, and requires the impact evaluation and hearing to be completed within 60 days of the county receiving notification of intent to downgrade or close emergency services.
[HSC §1300]

6) Requires a general acute care hospital or acute psychiatric hospital, not less than 120 days prior to closing the facility, or 90 days prior to eliminating a supplemental service, or relocating a supplemental service to a different campus, to provide public notice, containing specified information, of the proposed closure, elimination, or relocation, including a notice posted at the entrance to all affected facilities and a notice to CDPH and the board of

supervisors of the county in which the health facility is located. [HSC §1255.25]

7) Excludes county facilities from the public notice requirements of 6) above, as county facilities are subject to separate provisions of law requiring counties to provide public notice and public hearings when proposing to eliminate or reduce the level of medical services provided by a county, or when selling or transferring management of these service. This process is known as the Beilenson Act. [HSC §1442.5]

This bill:

1) Extends the public notice requirement when a health facility eliminates a supplemental service, from 90 days to 120 days, when it involves the closure of either inpatient psychiatric services or maternity services.

2) Permits a hospital, notwithstanding 1) above, to close the inpatient psychiatric service or maternity service 90 days after public notice if CDPH determines that the use of resources to keep the services open for the full 120 days threatens the stability of the hospital as a whole, or if CDPH cites the hospital for unsafe staffing practices related to these services.

3) Requires a health facility that is eliminating an inpatient psychiatric or maternity supplemental service to complete an impact analysis report prior to providing notice of the proposed elimination of the supplemental service. Requires this impact analysis to be in addition to the required public notice.

4) Requires health facilities, beginning on July 1, 2025, when providing notice of elimination of a supplemental service of either inpatient psychiatric or maternity services, to submit the impact analysis report to CDPH and to the board of supervisors of the county in which the health facility is located.

5) Requires the impact analysis to include all of the following information:

   a) An analysis of the impact on the health of the community resulting from the proposed elimination of services. Requires the analysis to include a good faith estimate of the impact of the closure on the county, including potential increased annual costs to the county for providing additional inpatient psychiatric care or maternity care, and on the continuum of care capacity in the county;

b) Identification of the three nearest available comparable services. Requires the health facility, if it serves Medi-Cal or Medicare patients, to specify if the providers of the nearest available comparable services also serve these patients; and,

c) Aggregated data about the patients who had been treated by the health facility within the past five years, including but not limited to the conditions treated, the ethnicities of patients served, the ages of patients served, and what type of insurance coverage if any.

6) Requires HCAI, on or before July 1, 2025, to create a report format for the submission of the required impact analyses.

7) Requires CDPH, if the loss of beds will have an impact on the health of the community, to prioritize and expedite the licensing of additional beds to replace the number of lost beds necessary to mitigate the negative impacts identified in the impact analysis.

8) Encourages, strongly, the county board of supervisors in the county in which a health facility is proposing to close an inpatient psychiatric or maternity service, to convene a public hearing within 15 days of the receipt of a notice, to provide an overview of the impact analysis report and to hear public testimony. Strongly encourages the county to post the impact analysis on its website.

9) Encourages, strongly, the board of supervisors of the county in which the services are proposed to be eliminated, to ensure that all health facilities in the geographic area impacted are informed of the proposed elimination of services prior to the public hearing suggested in 8) above.

Comments

1) *Author's statement.* According to the author, the closure of vital psychiatric and maternity units, such as the one at Good Samaritan Hospital, can be catastrophic for families and creates a public health crisis. Some of these sudden hospital closures occur in lower-income areas. The outcome is 21st-century redlining, with underrepresented people cut off from essential services. This bill will ensure that hospitals provide sufficient notice and conduct comprehensive impact analyses when discontinuing such essential services.

This will help communities better plan for the impact of a closure and provide a lifeline to those needing access to critical health services.

2) *Sharp increase in maternity unit closures.* On November 15, 2023, CalMatters published an investigative story focusing on the increase in maternity unit closures in California, titled "As Hospitals Close Labor Wards, Large Stretches of California Are Without Maternity Care." According to this report, from 2012 to 2019, at least 19 hospitals stopped offering labor and delivery services (six of those were because the hospitals closed completely). In an acceleration, 16 more closed maternity services from 2020 to 2022. By the time of publication, 11 more had announced maternity closures in 2023, including one hospital that completely closed (Madera Community Hospital). CalMatters reported that after El Centro Regional Medical Center closed its maternity service in January of 2023, Imperial County was left with only one hospital doing births for the approximately 2,500 babies born every year in Imperial County. In total, according to CalMatters analysis, at least 46 California hospitals have shut down or suspended labor and delivery since 2012, and 27 of those have taken place in the last three years. Twelve rural counties do not have any hospitals delivering babies, and Latino and low-income communities have been hit hardest by losses. CalMatters noted that the closures come as the country and state contend with a maternal mortality crisis, with pregnancy-related deaths reaching a ten-year high in 2020 in California.

   The CalMatters report stated that hospital administrators cite a number of reasons for the closures, including high costs, labor shortages, and declining birth rates. In the past 30 years, the number of births have dropped by half in California, and the birth rate is at its lowest level on record. CalMatters noted that the trend is not unique to California, with labor and delivery units closing across the country. Many closures result from hospital systems consolidating maternity care into one location, which hospitals argue can help maintain staff training and provide a higher level of care. According to CalMatters, labor and delivery units are often the second-most expensive department for hospitals to run, second only to emergency rooms, and quoted a health researcher as stating that obstetrics units are often unprofitable for hospitals to operate.

   As recently as February 8, 2024, Adventist Health Simi Valley announced it was closing its labor and delivery department and neonatal intensive care unit effective May 8, 2024. Adventist stated that births had declined by 25% at the hospital and it could no longer sustain the service. Adventist noted that Ventura

County births dropped from 19 per 1,000 in 1990 to 10.5 per 1,000 in 2021.

3) *Closure of inpatient psychiatric unit operated by Good Samaritan Hospital.* As the author stated, one impetus for this bill was the decision by HCA Healthcare, which operates Good Samaritan Hospital in San Jose along with its Mission Oaks campus in Los Gatos, to close its 18-bed inpatient psychiatric unit at Mission Oaks, effective in August of 2023. HCA Healthcare cited the difficulty to secure and sustain physicians and therapists to maintain the program when explaining the decision to close the unit. The closure left Santa Clara County with only 211 inpatient psychiatric beds for its population of nearly 1.9 million residents.

4) *Current process for closing an Emergency Department requires an impact evaluation.* Under existing law, while most supplemental services only require a 90 day notice, hospitals are required to provide at least a 180 day notice prior to a planned reduction or elimination of the level of EMS to CDPH, the local health department, and all health plans or other entities under contract with the hospital to provide services to enrollees. A separate provision of law, which permits a hospital to surrender a license or permit with the approval of CDPH, specifies that "before approving a downgrade or closure of emergency services," the county or the local EMS agency is required to conduct an impact evaluation of the downgrade or closure upon the community, and how that downgrade or closure will affect emergency services provided by other entities. This impact evaluation is required to incorporate at least one public hearing, and must be done within 60 days of CDPH receiving notice of the intent to downgrade or close emergency services. Despite the language stating "before approving a downgrade or closure of emergency services," CDPH has not interpreted this provision of law as giving them the ability to deny a hospital the ability to close or reduce emergency services, and therefore the impact evaluation is more of a tool to help the community and the local emergency services agency prepare for the reduction or closure.

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

SUPPORT: (Verified 4/15/24)

National Alliance on Mental Illness California (source)
Alum Rock Counseling Center
American Federation of State, County, and Municipal Employees
Asian Americans for Community Involvement

Bill Wilson Center
California Council of Community Behavioral Health Agencies
California Nurses Association
County of Santa Clara
Health Access California
National Alliance on Mental Illness
The Law Foundation of Silicon Valley
Western Center on Law & Poverty

OPPOSITION: (Verified 4/15/24)

California Hospital Association
John Muir Health
Stanford Health Care

ARGUMENTS IN SUPPORT: This bill is sponsored by the National Alliance on Mental Illness California (NAMI-CA), who states that this bill responds that this bill responds to the state's mental health and maternity deserts crises by increasing accountability, transparency, and mitigating the impact to the health of the community. According to NAMI-CA, under current law, a health facility must give a 90-day notice before closing a service such as maternity or inpatient psychiatric care, but that such short notice leaves vulnerable individuals without critical support, leading to increased mental health crises, emergency room visits, and potentially escalating to homelessness and incarceration. NAMI-CA states that the HCAI-certified impact report required by this bill would inform and allow the county board of supervisors and the public to determine the magnitude of the reduction of beds and services within a locality and whether to expedite licensing of new bed services to account for the loss. By having health facilities procure an HCAI-certified impact report, communities will be better able to plan for such closures and limit service interruption to patients.

Health Access California states in support, that California currently has a shortage of beds for psychiatric care, yet despite the need, we are seeing closures of these services such as the one in Santa Clara County. The closures of labor and delivery wards leave large parts of California without access to obstetric care, disproportionately impacting low-income communities and communities of color. Health Access California states that to inform the community, the public, and local governments about the impact of the loss of these services, this bill requires the hospital to develop and pay for an impact report analyzing the loss of services.

ARGUMENTS IN OPPOSITION: The California Hospital Association (CHA) opposes this bill, stating that it does not address the underlying issues that might force a hospital to make the difficult decision to close services, and will likely make the problem worse. CHA states that it is unclear how an additional 30 days of public notice, on top of the existing 90 day notice requirement, will mitigate the effects of service closure, and is concerned that increasing the notice will exacerbate the situation as health care providers and staff leave their jobs after learning that the service is closing. CHA states that hospitals already experience this challenge with the 90 day notification requirement, and that service lines will often have to operate at an even more reduced rate or close sooner than 90 days due to a lack of staff. With regard to the impact analysis report, CHA states that this bill does not specify how HCAI will "review and certify" the impact analysis report and there is no specified deadline for HCAI to conclude this evaluation and certification process. Consequently, a hospital might have to wait indefinitely for HCAI's assessment before submitting its 120-day notice, exacerbating the strain on hospital resources. CHA also points out that the impact analysis requires information that a hospital would not be able to provide, such as the "projected annual increased costs to the county for providing additional inpatient psychiatric care or maternity care." According to CHA, hospitals would not be able to determine this information, and nor do counties provide additional inpatient psychiatric care or maternity care when another hospital is forced to reduce or eliminate these services. CHA argues that when hospitals have eliminated inpatient psychiatric services, they have most frequently cited inadequate Medi-Cal reimbursement levels as the primary reason. Regarding labor and delivery unit closures, the reasons hospitals may choose to discontinue this service are complex and finances are only one piece of the puzzle, with a low birth rate and workforce shortages among the challenges. None of these issues will be helped by the additional requirements in this bill. CHA states that the one provision of the bill that can have a positive effect is the requirement that CDPH prioritize and expedite licensing of additional beds to replace lost beds, but CHA notes that given the current shortage of inpatient psychiatric care, CDPH should already be licensing beds as quickly as possible and not waiting for service line closures.

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4/17/24 12:47:22

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

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THIRD READING

Bill No: SB 1308
Author: Gonzalez (D)
Amended: 3/18/24
Vote: 21

SENATE ENVIRONMENTAL QUALITY COMMITTEE: 6-0, 4/3/24
AYES: Allen, Gonzalez, Hurtado, Menjivar, Nguyen, Skinner
NO VOTE RECORDED: Dahle

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

SUBJECT: Ozone: indoor air cleaning devices

SOURCE: Regional Asthma Management and Prevention

DIGEST: This bill directs the California Air Resources Board (CARB) to update their regulations involving ozone production from electronic air cleaners to include a 5 part per billion (ppb) standard, as opposed to the 50 ppb standard that exists today.

ANALYSIS: Existing law directs, under AB 2276 (Pavley, Chapter 770, Statutes of 2006), CARB to regulate indoor air cleaners for ozone safety by requiring all portable indoor air cleaning devices sold in California to meet an ozone emission limit of 0.05 parts per million (ppm). (Health and Safety Code § 41985.5)

This bill:

1) Directs CARB to, no later than July 1, 2026, but without requiring new resources, to reduce the permissible level of ozone emissions from portable air cleaners from 50 parts per billion (ppb) to 5 ppb.

2) Makes other minor and conforming changes to the California- and federal government-set ozone standards.

Background

1) *Portable air cleaners.* Air cleaners are an efficient tool that has been proven to improve indoor air quality, helping people with asthma and other respiratory diseases. Air cleaning devices are available as stand-alone portable appliances, as filters, or as devices installed in a building's heating, ventilation, and air conditioning (HVAC) system. There are two types of air cleaners: mechanical and electronic.

   Mechanical air cleaners use high-efficiency particulate air (HEPA) filters that need to be changed regularly and are estimated to eliminate 99.97% of dust, pollen, mold, bacteria, and any airborne particles with a size of 0.3 microns. In physically filtering such contaminants out of the air, no other chemical byproducts are produced.

   In contrast, electronic air cleaners use technologies such as ionizers, electrostatic precipitators, photocatalytic oxidation, hydroxyl generators and UV lights to remove pollutants from the air. Unfortunately, some electronic air cleaners and other consumer products generate ozone, which can harm people's health.

2) *Ozone – friend and foe.* Ozone is a reactive gas comprised of three oxygen atoms. While ozone high up in the atmosphere protects us from the sun's harmful UV rays, ozone at ground level can cause health problems such as coughing, chest tightness and shortness of breath. Exposure to ozone may both induce and worsen asthma symptoms and worsen lung disease; and chronic exposure may also increase the risk of premature death. Some consumer products and home appliances are designed to emit ozone, either intentionally or as a by-product of their function. Such devices can produce levels of ozone several times higher than health-based standards set for ozone.

Comments

1) *Purpose of Bill.* According to the author, "Over 4.2 million children in the United States have asthma, and over 840,000 new cases of asthma are diagnosed each year. For these individuals, minimizing exposure to air pollutants and harmful byproducts like ozone is crucial. Many of the individuals living with asthma and other respiratory illnesses rely on mechanical or electronic air cleaners to improve the air quality in their homes. Unfortunately, some electronic air cleaners release ozone as a byproduct of their operation. To ensure that the state's existing ozone emission standards for

air cleaners are reflective of the latest scientific findings, researchers have recommend the state adopt a more stringent ozone emission standard for electronic air cleaners. Therefore, SB 1308 will direct the California Air Resources Board (CARB) to adopt updated regulations that will reduce the allowable level of ozone emissions from air cleaners sold in California from 0.05 parts per million (ppm) to 0.005 ppm. In adopting a more stringent ozone emission standard, the state will reduce harmful byproducts for vulnerable communities that are released by electronic air cleaners."

2) *Protecting health…* A recent CARB-sponsored UC Davis study of electronic air cleaners found that, "electronic air cleaners may alter indoor air chemistry as they directly emit reactive compounds or promote the formation of chemical byproducts through interaction with the environment, or both." They recommend California further reduce the ozone emissions from electronic air cleaners by "requiring compliance with UL2998, a more stringent ozone emission standard of 5 parts per billion (ppb) (equivalent to 0.005 ppm)." The researchers state that this new standard would, "provide a direct health benefit and subsequently reduce secondary formaldehyde and ultrafine particle formation."

3) *…and nudging markets.* Reducing ozone formation from electronic air cleaners from 50 ppb to 5 ppb would be a technology-following—not a technology-forcing—regulation. Compliant air cleaners are available to consumers today.

   According to information provided to the committee by the author, there are upwards of nine thousand air cleaners certified by CARB for sale in California, which are roughly half mechanical and half electronic. Looking just at air cleaners certified in two recent years, only 9.4% of electronic ones would exceed the proposed 5 ppb ozone limit. In other words, 90.6% of recently certified electronic air cleaners (and *all* certified mechanical air cleaners) would already meet this bill's standard.

   As such, updating the ozone limit for electronic air cleaners in statute from the 50 ppb limit set in 2006 to 5 ppb (as this bill proposes to do) could help nudge the market towards emerging, health-protective best practices without creating a major disruption to Californian consumers.

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

SUPPORT: (Verified 4/23/24)

Regional Asthma Management and Prevention (source)
Alameda Alliance for Health
American Lung Association in California
Asthma and Allergy Foundation of America
Breathe California of The Bay Area, Golden Gate and Central Coast
California Alliance for Clean Air in Schools
LA Maestra Community Health Centers
Natural Resources Defense Council
Somali Family Service of San Diego
US Green Building Council
Vision Y Compromiso
Watts Healthcare Corporation

OPPOSITION: (Verified 4/23/24)

1day Sooner
Acuity Brands Lighting
Far Uv Technologies, INC.
H7 Technologies, INC.
Prostar Technologies Dba Lit Thinking
Ushio America INC.

ARGUMENTS IN SUPPORT: According to the sponsor, Regional Asthma Management and Prevention, "To learn more about the impact of electronic air cleaners, CARB recently commissioned an in-depth report by researchers at University of California, Davis. The researchers concluded, 'While California already requires electronic air cleaners have ozone emissions less than 50 ppb, we recommend California further reduce ozone emissions from electronic air cleaners by requiring compliance with UL2998, a more stringent ozone emission standard of 5 ppb. This would reduce the allowable indoor ozone emissions by an order of magnitude which would provide a direct health benefit and subsequently reduce secondary formaldehyde and ultrafine particle formation that is driven by ozone chemistry.'

"SB 1308 would turn this recommendation into reality, thereby improving public health. SB 1308 would direct CARB to adopt regulations to protect public health from ozone emitted by portable air cleaners by reducing the allowable level of ozone emitted from no greater than 50ppb to 5 ppb. This will improve indoor air

quality and reduce health risks. For these reasons, RAMP is sponsoring SB 1308. Thank you for your consideration of this important health equity issue."

ARGUMENTS IN OPPOSITION: According to Ushio America INC., a lighting company, "The currently proposed SB 1308 targets the ozone emission of indoor air cleaners and tasks CARB to establish new regulations establishing maximum limits of 5ppb and declares no difference between common air cleaners and medical device air cleaners. Since CARB is arbitrarily expanding the definition of an air cleaner to UVC disinfection devices, this new bill will likely outlaw Far UVC 222nm devices in California.
…

"Far UVC devices create minute amounts of ozone. The measured amounts of existing devices are slightly higher than 5ppb and pass current CARB requirements of 50ppb easily. However, they would be banned in California based on the current language of SB 1308.

"CARB currently considers any disinfection device an air cleaner. I believe this is a major problem and causes unnecessary conflicts, like the one created in SB 1308. The potential of accidentally banning Far UVC technology by SB 1308 could be resolved by an amendment to SB1308 stating that Far UVC devices are not covered by the California air cleaner legislation."

Prepared by: Eric Walters / E.Q. / (916) 651-4108
4/24/24 14:46:20

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

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THIRD READING

Bill No: SB 1313
Author: Ashby (D)
Amended: 4/17/24
Vote: 21

SENATE TRANSPORTATION COMMITTEE: 15-0, 4/9/24
AYES: Cortese, Niello, Allen, Archuleta, Becker, Blakespear, Dahle, Dodd, Gonzalez, Limón, Newman, Nguyen, Portantino, Seyarto, Umberg

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

SUBJECT: Vehicle equipment: driver monitoring defeat devices

SOURCE: Author

DIGEST: This bill prohibits a person from using, buying, possessing, manufacturing, selling or distributing a device that is designed for neutralizing or interfering with a direct driver monitoring system.

ANALYSIS:

Existing law requires potential drivers to pass a test of the driver's knowledge of traffic rules and ability to understand traffic signs and to demonstrate the drivers ability to exercise ordinary and reasonable control of a vehicle.

This bill:

1) Prohibits vehicles from being equipped with devices that are designed for, or are capable of, neutralizing or interfering with a direct driver monitoring system.

2) Prohibits a person from using, buying, possessing, manufacturing, selling or distributing a device that is designed for neutralizing or interfering with a direct driver monitoring system.

3) Establishes that violations of these prohibitions are infractions punishable by a fine of up to $100 for a first infraction, up to $200 for a second, and up to $250 for subsequent infractions.

4) Defines direct driver monitoring system to include, but not be limited to, cameras, systems that require a driver to maintain their hands on the steering wheel, distracted driver sensors, and systems that warn the driver when the driver is distracted.

Comments

1) *Author's Statement*. This bill is a crucial step in ensuring the safety of drivers and pedestrians. This bill prohibits the use of devices that interfere with a vehicle's Active Driving Assistance System (ADAS) technology. ADAS technology offers safety monitoring and driving assistance, which has shown significant potential in reducing traffic collisions, injuries, and fatalities. However, the overriding of ADAS through manipulation devices undermines the effectiveness of vehicle safety technology, jeopardizing lives in the process. As active driving assistance technology becomes increasingly standard in vehicles, California's traffic laws must adapt to the misuse of technology to keep our roads safe. This bill establishes the necessary measures to preserve the functionality of safety technology and protects our roads from distracted drivers.

2) *Look Mom, No Hands.* Vehicles are increasingly equipped with driver assistance features which help the vehicle maintain speed, stay in the lane, or park. Unless the vehicle has been approved by the Department of Motor Vehicles as autonomous, the vehicle must be under the control of the driver at all times. Unfortunately, some drivers put too much faith in the technology mistaking driver assistance for vehicle autonomy, sometimes with tragic results. Vehicles are equipped with systems to deter drivers from such over-reliance, using pressure sensors to ensure the driver's hands are on the steering wheel or cameras to ensure that the driver's eyes are open and focused on the road. The bill refers to these as "direct driver monitoring systems", but those systems can be easily defeated.

   A quick search on the Internet shows several products that are explicitly marketed to over-ride the direct driver monitoring systems. These include simple devices such as steering wheel weights and more sophisticated equipment that must be plugged into the vehicle wiring. Vehicle manufacturers

view these defeat devices as dangerous, bypassing the safety features designed to ensure the vehicle operates safely.

3) *Penalty*. This bill makes it an infraction for a person to use, buy, possess, manufacture, sell or distribute such devices. The penalty is a fine of up to $100 for a first infraction, up to $200 for a second infraction that occurs within one year of the first, and up to $250 for an infraction that occurs within a year of two or more prior infractions.

4) *Unintended Consequences.* This bill is written broadly and may therefore result in unnecessary interactions with law enforcement or inappropriate fines. For example, the types of equipment which this bill captures are devices which are "designed for, or (are) capable of, neutralizing, disabling, or otherwise interfering with a direct driver monitoring system." Steering wheel weights are appropriately captured by this definition but so too are plastic water bottles (which can be jammed into the steering wheel weight to perform the same function), post-it notes (which can block the cameras which are looking at the position of the driver's eyes), and sunglasses (same). This bill may also be overly broad in that it prohibits not just the use of these devices but also their possession. The broadness of this bill may open the door for increased unnecessary interaction between law enforcement officers and citizens, something that the Legislature has been trying to minimize. The author may wish to consider narrowing this bill as it progresses through the legislative process.

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

SUPPORT: (Verified 4/24/24)

Alliance for Automotive Innovation
Tesla

OPPOSITION: (Verified 4/24/24)

None received

Prepared by: Randy Chinn / TRANS. / (916) 651-4121
4/24/24 11:16:25

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

SENATE RULES COMMITTEE SB 1320

Office of Senate Floor Analyses
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CONSENT

Bill No: SB 1320
Author: Wahab (D)
Amended: 3/18/24
Vote: 21

SENATE HEALTH COMMITTEE: 11-0, 4/10/24
AYES: Roth, Nguyen, Glazer, Gonzalez, Grove, Hurtado, Limón, Menjivar, Rubio, Smallwood-Cuevas, Wiener

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

SUBJECT: Mental health and substance use disorder treatment

SOURCE: California Association of Alcohol and Drug Program Executives, INC.

DIGEST: This bill requires health plans and insurers to establish a process to reimburse providers for mental health and substance use disorder treatment services that are integrated with primary care services.

ANALYSIS:

Existing law:

1) Establishes the Department of Managed Health Care (DMHC) to regulate health plans under the Knox-Keene Health Care Service Plan Act of 1975 (Knox-Keene Act); California Department of Insurance (CDI) to regulate health and other insurance; and, the Department of Health Care Services (DHCS) to administer the Medi-Cal program. [HSC §1340, et seq., INS §106, et seq., and WIC §14000, et seq.]

2) Requires every health plan contract and insurance policy that provides hospital, medical, or surgical coverage to provide coverage for medically necessary treatment of mental health and substance use disorders under the same terms

and conditions applied to other medical conditions, as specified. [HSC §1374.72 and INS §10144.5]

This bill:

1) Requires a health plan or disability insurer that is required to cover medically necessary treatment of mental health and substance use disorders, for contracts or policies issued, amended, or renewed on or after July 1, 2025, to establish a process to reimburse providers for mental health and substance use disorder treatment services that are integrated with primary care services.

2) Permits the process required under this bill to be based on federal rules or guidance issued for the Medicare program.

Comments

1) *Author's statement.* According to the author, this bill ensures health plans and insurers establish a process to reimburse providers for mental health and substance use disorder treatments that are integrated with primary care. This bill is part of the Senate's Working Together for a Safer California plan legislative package that will make our communities both healthier and safer. This bill builds on the DMHC's recommendations and allows Californians to get the help they deserve in a timely manner.

2) *Behavioral health investigations.* DMHC is conducting behavioral health investigations of full-service commercial health plans, with the intent to investigate an average of five health plans per year, to understand challenges enrollees are experiencing accessing behavioral health services. By focusing on health plan operations specific to behavioral health care and exploring the enrollee and provider experience, DMHC intends to identify any violations of law as well as other barriers experienced by enrollees when obtaining, and experienced by providers in delivering, medically necessary behavioral health care services. The investigations are separate from DMHC's routine medical surveys (audits), which are conducted every three years. In its first phase investigation of five plans, DMHC identified as a key barrier to care that three health plans do not have a process for providing integrated behavioral health care services. DMHC indicates that integrating and coordinating behavioral health care services in the primary care setting has been shown to result in a greater uptake in behavioral health care services, particularly for enrollees who are seeking behavioral care for the first time. DMHC notes that integrating

behavioral health care services is not required under existing law. DMHC recommends that all health plans have policies and procedures for integrated behavioral health care services. Health plans should also have a process for providers to be reimbursed for providing behavioral health integration services, use Current Procedural Terminology (CPT) codes for billing, and collect these CPT codes through fee-for-service billing processes or encounter data when reimbursement occurs through capitation. Health plans should use this data to measure and analyze potential improvement of physical and behavioral health outcomes, care delivery efficiency, and enrollee experience. The recommendation is partially based on the fact that behavioral health integration is already beginning to become part of the California delivery system. For example, on January 1, 2021, the DHCS launched the Behavioral Health Integration Incentive Program (BHII Program), which was funded by the California Healthcare, Research and Prevention Tobacco Tax Act of 2016 (Proposition 56).

3) *DHCS BHII Program.* The BHII Program is designed to incentivize improvement of physical and behavioral health outcomes, care delivery efficiency, and patient experience. The goal is to increase Medi-Cal managed care network integration for providers at all levels of integration (those just starting behavioral health integration in their practices as well as those who want to take their integration to the next level), focus on new target populations or health disparities, and improve the level of integration or impact of behavioral and physical health. The BHII Program is implemented consistent with federal regulations, and was effective from January 1, 2021 to December 31, 2022. DHCS' intention was that the behavioral health integration achieved as part of the project would continue after the end of the BHII Program. As part of the application, providers were asked how their project redesign strategies would be sustained after the BHII Program ended.

4) *Integrated behavioral health care.* According to the Academy Integrating Behavioral Health and Primary Care, integrated behavioral health care is where a team of medical and behavioral health care clinicians work together to address a patient's concerns in a primary care setting unless the patient requests or requires specialty services. Tools are available to provide guidance for primary care practices to bill using updated CPT codes, services billable by peer support specialists in states with this, updates to same-day billing allowances, telemedicine codes, substance use disorder codes, etc. While CPT and diagnostic codes are consistent across the country, state Medicaid programs determine the types of services, codes, and individuals credentialed to provider

services. The Substance Abuse and Mental Health Services Administration and the Health Resources and Service Administration have created state billing guides, including one for California. Additionally, on January 1, 2017, Medicare began making separate payment to physicians and non-physician practitioners supplying behavioral health integration using the Psychiatric Collaborative Care Model approach. This model enhances usual primary care adding care management support for patients receiving behavioral health treatment and regular psychiatric inter-specialty consultation. This is a team of three individuals: a behavioral health manager, psychiatric consultation, and the treating provider. The Center for Medicare and Medicaid Services and the Medicare Learning Network has published a resource booklet to guide provider billing for these services.

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

SUPPORT: (Verified 4/22/24)

California Association of Alcohol and Drug Program Executives, INC. (source)
California Alliance for Youth and Community Justice
California Hospital Association
California Life Sciences
California Medical Association
California State Association of Psychiatrists
Californians for Safety and Justice
Californians United for A Responsible Budget
Ella Baker Center for Human Right
Felony Murder Elimination Project
Friends Committee on Legislation of California
Health Access California
Initiate Justice
Prosecutors Alliance of California, a Project of Tides Advocacy
Rubicon Programs
Santa Cruz Barrios Unidos
Smart Justice California, a Project of Tides Advocacy
Vera Institute of Justice
Youth Leadership Institute

OPPOSITION: (Verified 4/22/24)

None received

ARGUMENTS IN SUPPORT: Health Access California writes that ensuring consumers can communicate about their behavioral health needs with a primary care provider with an integrated model promotes prevention and early interventions; and models that integrate primary care and behavioral health services have been shown to improve access to effective behavioral health services that improve outcomes, as well as reduce health care costs. Integrating care is vital for expanding access to timely behavioral health services, and this bill is a critical bill to facilitate a process for reimbursement for behavioral health services integrated with primary care.

The California Hospital Association writes the health care professionals who provide primary care are in a key position to identify patients with mental health conditions and/or substance use disorders and to connect them to the care and services they need. It is past time to recognize the interdependence of physical and mental health, and the role that primary care providers play in the assessment and treatment of both. The current proposal will update reimbursement policy to reflect this reality and represents an important step toward increased access to medically necessary care and mental health parity.

Californians United for A Responsible Budget write in an effort to address the fentanyl crisis, this bill contributes to the Senate's evidence-based approach to increase access to treatment by building on DMHC's recommendations. Felony Murder Elimination Project writes integrated models for behavioral health and primary care are essential for addressing the needs of individuals with mental health and substance use conditions. These models aim to seamlessly combine primary care and behavioral health services, ensuring comprehensiveness and holistic care for patients.

Prepared by: Teri Boughton / HEALTH / (916) 651-4111
4/24/24 11:16:26

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

Office of Senate Floor Analyses
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THIRD READING

Bill No: SB 1335
Author: Archuleta (D)
Introduced: 2/16/24
Vote: 21

SENATE MILITARY & VETERANS COMMITTEE: 5-0, 4/8/24
AYES: Archuleta, Grove, Alvarado-Gil, Menjivar, Umberg

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

SUBJECT: The California Cadet Corps

SOURCE: Author

DIGEST: This bill modernizes the California Cadet Corps (CACC) program, enhances the growth of the CACC, and permits additional CACC programs to be established.

ANALYSIS:

Existing law:

1) Establishes the CACC and requires the Adjutant General to fulfill specified responsibilities in overseeing the corps, including inspecting each corps unit every 2 years, adopting rules and regulations to determine the grade and rank to be held by specific individuals in the corps, and prescribing uniforms for the corps.

2) Specifies who may serve in corps leadership positions.

3) Requires each college, community college, and school meeting specified criteria to establish a unit and requires or authorizes those schools to fulfill certain responsibilities with regard to the corps.

4) Authorizes the Adjutant General to appoint officers in the corps, as specified, and to order members of the corps into temporary active state duty.

This bill:

1) Revises and recasts these provisions to, among other things, authorize the establishment of an independent unit outside of a school, college, or community college under the guidance and control of a sponsoring organization, as provided.

2) Authorizes the Adjutant General to appoint staff officers in support of corps operations.

3) Decreases the frequency of inspections by requiring the Adjutant General to inspect corps units once every three years or as otherwise provided.

4) Authorizes the Governor to appoint officers for the corps, including two deputy commanders and a chief of staff.

5) Authorizes the Adjutant General to adopt rules and regulations for the personnel actions of corps officers.

6) Specifies the disciplinary authority for independent corps units and would authorize the Commander of the CACC to demote or dismiss a cadet, as specified.

7) Authorizes the Adjutant General to order officers of the State Guard, Naval Militia, or California National Guard to temporary state active duty to support the corps, including serving as a marksmanship or military training instructor.

8) Authorizes marksmanship as part of corps instruction and would authorize the Adjutant General to purchase and supply rifles to units established outside of a school, college, or community college.

9) Authorizes the Adjutant General to enter into a cooperative agreement with a nonprofit public benefit education corporation to, among other things, solicit grants and other funding on behalf of a corps unit.

Background

The CACC was established in 1911 with the High School Cadet Act. The mission of the CACC is to provide California schools and students with a quality educational and leadership development program that prepares students for success in college and the workplace. The CACC's six objectives are:

- Develop Leadership
- Engender Citizenship
- Encourage Patriotism
- Foster Academic Excellence
- Teach Basic Military Knowledge
- Promote Health, Fitness, and Wellness

CACC programs can be found at over 90 schools, with an annual total enrollment of over 5,800 Cadets. The CACC is organized into 14 brigades representing different geographical areas of the State. The brigades collaboratively plan training schedules to optimize the experience for all Cadets.

Comments

The California Military Department's (CMD) Youth and Community Programs Division provides administrative oversight, logistical support, and manages CACC funds approved by the Legislature, ensuring Cadets receive uniforms, supplies, equipment, and the training materials needed to be successful. The full-time CACC cadre consists of 13 positions, tasked with managing the program and facilitating program operations. Notable annual CACC events include the State Marksmanship Championship, State Drill Championship, Outstanding Cadet-of-the-Year Program, and Cadet Corps Summer Encampment. Summer camp is the program's highlight, offering 14 diverse advanced units such as Medic, Drill Instructor, Cyber, Mountaineering, and Marksmanship. These contemporary elements reflect the CACC's commitment to shaping well-rounded leaders for tomorrow. The value of the CACC is reflected in its long history of successful graduates and its continued support from former Governor Jerry Brown (a former CACC Cadet), the Legislature, California National Guard Service members, educators, and civic leaders throughout California.

This program is similar to the Junior Reserve Officers' Training Corps program run by the Department of Defense. Both programs instill academic, physical, and leadership values in their students, providing an opportunity that is otherwise

unavailable to many students. Schools can participate in one or the other, but not both. This is already in statute and not something the bill touches on, but it is worth pointing out that there is more demand than supply at the moment, and this bill enables the CMD to offer the CACC program to more schools with a demand.

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

SUPPORT: (Verified 4/23/24)

None received

OPPOSITION: (Verified 4/23/24)

None received

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4/23/24 16:13:34

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

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CONSENT

Bill No: SB 1361
Author: Blakespear (D)
Amended: 4/8/24
Vote: 21

SENATE ENVIRONMENTAL QUALITY COMMITTEE: 7-0, 4/3/24
AYES: Allen, Dahle, Gonzalez, Hurtado, Menjivar, Nguyen, Skinner

SENATE HOUSING COMMITTEE: 10-0, 4/16/24
AYES: Skinner, Ochoa Bogh, Blakespear, Caballero, Cortese, Menjivar, Padilla, Seyarto, Umberg, Wahab

SUBJECT: California Environmental Quality Act: exemption: local agencies: contract for providing services for people experiencing homelessness

SOURCE: Author

DIGEST: This bill creates a California Environmental Quality Act (CEQA) exemption for actions taken by a local agency to approve a contract for providing services for people experiencing homelessness.

ANALYSIS:

Existing law:

1) Under CEQA, a lead agency determines whether a project is exempt from CEQA, or if it must do an initial study to determine if a project will have significant effects on the environment. If a project has no effect on the environment or effects that can be mitigated, the lead agency prepares a negative declaration or mitigated negative declaration. If the project will have significant impacts, the lead agency prepares an environmental impact report to evaluate and propose mitigation measures for any effects on the environment, including impacts or likely impacts to land, air, water, minerals, flora, fauna, ambient noise, and historic or aesthetic significance. (Public Resources Code (PRC) §§21000 et seq.)

2) Requires low-barrier navigation center (LBNC) developments use a by-right (and thus not subject to CEQA) process if the development meets certain requirements. Defines a navigation center as low barrier if it includes best practices to reduce barriers to entry, such as allowing tenants to have partners, pets, possessions, and privacy. This by-right process requirement sunsets on January 1, 2027. (PRC § 65660.2)

3) Creates a statutory CEQA exemption for low barrier navigation center, supportive housing, and transitional housing for youth and young adults within the City of Los Angeles administered by the City of Los Angeles and by other local eligible public agencies, which sunsets January 1, 2025. (PRC § 21080.27)

4) Exempts from CEQA actions taken by a local agency, the Department of Housing and Community Development or the California Housing Finance Agency to provide financial assistance or insurance for the development and construction of affordable housing if the project that is the subject of the application for financial assistance or insurance will be reviewed pursuant to CEQA by another public agency. (PRC § 21080.10)

5) Clarifies that an action to provide financial assistance in furtherance of implementing certain affordable housing projects are exempt from CEQA. (PRC § 21080.409(b))

This bill specifies that actions taken by a local agency to approve a contract for services for people experiencing homelessness are exempt from CEQA.

Background

1) *The A, B, C's of CEQA.* CEQA is designed to (a) make government agencies and the public aware of the environmental impacts of a proposed project; (b) ensure the public can take part in the review process; and (c) identify and implement measures to mitigate or eliminate any negative impact the project may have on the environment. CEQA is enforced by civil lawsuits that can challenge any project's environmental review. Nonprofits, private individuals, public agencies, advocacy groups, and other organizations can all file lawsuits under CEQA.

   A project is only subject to CEQA if it involves a public agencies' discretionary funding or approval that may cause either (a) a direct physical change in the

environment or (b) a reasonably foreseeable indirect physical change in the environment.

2) *CEQA exemptions.* Some projects may be eligible for CEQA exemptions. If a project is exempt from CEQA, the lead agency simply identifies which exemption the project is eligible for, and no further environmental review or public engagement is required.

   There are two types of CEQA exemptions: statutory and categorical exemptions. Statutory exemptions are created by the Legislature, and generally apply even if a project has the potential to significantly affect the environment. There are over 120 statutory CEQA exemptions in the Public Resources Code, Water Code, Government Code, and Health and Safety Code among others. In contrast to statutory exemptions, categorical exemptions, which are part of the CEQA guidelines, generally do not apply if there are significant environmental impacts associated with the project. There are 33 categorical CEQA exemptions listed in the CEQA guidelines, many of which cover a wide range of projects.

3) *CEQA exemptions to address the housing and homelessness crisis.* Homelessness is a statewide challenge that affects individuals in every region and county in California. In February 2022, California had 437 unhoused people per 100,000 residents. Between 2010 and 2023, the number of Californians who are unhoused increased by approximately 47 percent. The homelessness crisis is driven by the high cost of living and insufficient affordable housing.

   In recognition of the housing and homelessness crisis, the Legislature has passed numerous CEQA exemptions for affordable housing and temporary housing to speed up the deployment of these projects. In 2019, the Legislature created a by-right process (not subject to CEQA) for local actions taken to site and permit LBNCs, which provide temporary shelter and social services to Californians who are unhoused. This by-right process included not just entitlement for LBNCs, but also any action to facilitate the lease, conveyance, or encumbrance of land owned by a public agency, or to provide financial assistance to, or otherwise approve the LBNC.

   Local governments operate LBNCs by contracting with private and nonprofit partners. These contracts provide services such as case management, resource navigation, security services, residential services, and counseling services at the LBNC. Currently, while actions to permit and site LBNC's are not subject to CEQA, executing contracts for services at LBNC's are not explicitly exempt

from CEQA. This may be because contracts for services such as the ones described above may not have any real or foreseeable impacts on the environment to trigger CEQA review in the first place (in such cases, these contracts would be outside the purview of CEQA).

4) *Confusion on what constitutes a project.* Actions that supplement development projects, such as executing financing decisions or providing technical assistance on projects that either undergo CEQA or are exempt from CEQA, have historically been considered outside the purview of CEQA. These actions may be considered outside the scope of CEQA because they do not have the potential to cause direct or foreseeable indirect impacts on the environment. However, public agencies have raised concerns that any ambiguity as to whether or not these actions are subject to CEQA could provide opponents of the overall project with a lever to bring a CEQA lawsuit and delay the overall project deployment.

   The Legislature has weighed in on whether or not actions that supplement "projects" like affordable housing financing or technical assistance documents are subject to CEQA by passing a number of bills in recent years ((AB 1449, Chapter 761, Statutes of 2023); (AB 1319, Wicks, Chapter 758, Statutes of 2023); (SB 679, Kamlager, Chapter 661, Statutes of 2022)) that specifically exempt actions related to financing and technical assistance that supplement development projects that undergo CEQA or are themselves exempt from CEQA.

Comments

1) *Purpose of Bill.* According to the author, "Between 2010 and 2023, the number of Californians who are unhoused increased by approximately 47 percent. Between 2022 and 2023 alone, the number of people who were unhoused in San Diego County increased by 10,264, a 14 percent increase. Over the past seven years, the Legislature has enacted unprecedented reforms to address the root cause of rising homelessness in the state: housing underproduction. Nevertheless, experts estimate it will take years for local governments and housing developers to fully implement these laws and even more time for California's communities to achieve their housing production targets. In this interim, barriers must be cleared to ensure local governments can provide humanitarian support to people who are unhoused. SB 1361 will provide a CEQA exemption to actions local governments take to execute contracts for homelessness services. This will close a potential opportunity for frivolous lawsuits intended to hinder local homelessness aid efforts across California."

2) *Are service contracts under CEQA?* As described in the background section, in order for a project to be subject to CEQA, it must be a discretionary decision by a public agency that could have a direct or reasonably foreseeable indirect impact on the environment. Contracts for services for people experiencing homelessness include actions such as counseling services, security contracts, resource navigation services, and other actions that are unlikely to have a direct or foreseeably indirect impact on the environment. If executing contracts for services for people experiencing homelessness are not 'projects', then they would not need a CEQA exemption because that action is not under the purview of CEQA.

   The committee is not aware of any lawsuits under CEQA that have challenged homelessness service contracts in the state. However, proponents of this bill argue that any uncertainty on whether or not executing service contracts is subject to CEQA introduces a risk of litigation –especially for projects or actions that involve homeless services which can be controversial. A lawsuit alleging that a public agency violated the law by executing a contract without going through the CEQA process could slow down deployment of the project that the contract services, even if the suit does not succeed. An explicit CEQA exemption for executing these types of service contracts or other supplemental actions, while still subject to legal challenge under CEQA, would provide public agencies more legal certainty.

   Supporting the idea that public agencies find exemptions a safer bet than interpreting an action as "not a project," the City of San Diego currently uses an existing CEQA exemption (the existing facilities exemption from the CEQA guidelines) when executing these contracts.

3) *If these are subject to CEQA, what else is?* Creating a new CEQA exemption for contracts for services for individuals experiencing homelessness creates a clear path for locals to skip the CEQA review and avoid litigation for these actions. However, that same exemption also makes it explicit that these contracts are in fact under the purview of CEQA. While that may not be problematic for these specific contracts since they would have an exemption, it does imply that other similar contracts are under the purview of CEQA. These similar contracts, some of which may have justifiably considered themselves to be outside the purview of CEQA, would now be more vulnerable to legal action asserting that they are projects.

Thus, creating a specific exemption in law for one particular action that has historically not been subject to CEQA could backfire and result in more litigation for local entities.

Related/Prior Legislation

SB 1395 (Becker, 2024) makes several changes related to homelessness housing options: (1) extends the sunset on authorized emergency housing under the Shelter Crisis Act to January 1, 2036; (2) allows actions related to contracting for services for a homeless shelter under the SCA to be exempt from the California CEQA; (3) eliminates the sunset for by-right approval of low barrier navigation centers and exempts from CEQA certain actions by local agencies related to low barrier navigation centers; and (4) clarifies that state programs subject to "Housing First" includes programs that fund emergency shelters and interim housing. This bill is pending hearing in the Senate Environmental Quality Committee.

SB 406 (Cortese, Chapter 150, Statutes of 2023) established a CEQA exemption for actions taken by a local agency to provide financial assistance or insurance for the development and construction of residential housing for persons and families of low or moderate income if the project that is the subject of the application for financial assistance or insurance will be reviewed pursuant to CEQA by another public agency.

AB 1319 (Wicks, Chapter 758, Statutes of 2023) exempted specifically from CEQA actions by the Bay Area Housing Finance Authority to raise, administer, or allocate funding for tenant protection, affordable housing preservation, or new affordable housing production or to provide technical assistance consistent with the authority's purpose.

AB 101 (Committee on Budget, Chapter 159, Statutes of 2019) requires siting and permitting of low-barrier navigation center developments to be a by-right process.

SB 679 (Kamlager, Chapter 661, Statutes of 2022) specified that any action taken by the Los Angeles County Affordable Housing Solutions Agency to finance, fund, or issue grants, loans, or bonds are exempt from CEQA.

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

SUPPORT: (Verified 4/23/24)

All Home
Calchamber
California Apartment Association
City of San Diego
City of Thousand Oaks
Housing California
Leadingage California
League of California Cities
Mayor Darrell Steinberg, City of Sacramento
People Assisting the Homeless
Rural County Representatives of California
Steinberg Institute

OPPOSITION: (Verified 4/23/24)

None received

Prepared by: Brynn Cook / E.Q. / (916) 651-4108
4/24/24 11:16:28

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

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CONSENT

Bill No: SB 1371
Author: Bradford (D)
Introduced: 2/16/24
Vote: 21

SENATE GOVERNMENTAL ORG. COMMITTEE: 16-0, 4/23/24
AYES: Dodd, Wilk, Alvarado-Gil, Archuleta, Ashby, Bradford, Glazer, Jones, Nguyen, Ochoa Bogh, Padilla, Portantino, Roth, Rubio, Seyarto, Smallwood-Cuevas

SUBJECT: Alcoholic beverage control: proof of age

SOURCE: Murphy's Bowl

DIGEST: This bill makes reliance upon a system that reviews bona fide evidence of majority and biometrics to determine the age and identity of a person before admittance into premises where alcoholic beverage are sold, a defense to any criminal prosecution or proceedings against a licensee under the alcoholic beverage control (ABC) Act.

ANALYSIS:

Existing law:

1) Establishes the Department of ABC and grants it exclusive authority to administer the provisions of the ABC Act in accordance with laws enacted by the Legislature. This involves licensing individuals and businesses associated with the manufacture, importation, and sale of alcoholic beverages in this state and the collection of license fees.

2) Establishes the Responsible Beverage Service (RBS) Training program that requires the Department of ABC to develop, implement, and administer a curriculum for an RBS training program for servers of alcohol and their

managers, as specified. Alcohol servers are required to successfully complete an RBS training course offered or authorized by the department of ABC.

3) Makes it a misdemeanor for any person under 21 years of age to purchase any alcoholic beverage or consume any alcoholic beverage in any on-sale premises.

4) Subjects a holder of a license to sell alcoholic beverages to criminal prosecution and suspension or revocation of that license if the licensee sells any alcoholic beverages to any person under 21 years of age.

5) Provides that a licensee's acceptance of bona fide evidence, as defined, constitutes a defense to any prosecution or proceedings against the licensees, as specified.

6) Provides that bona fide evidence of majority and identity of the person is any of the following:

   a) A document issued by a federal, state, county or municipal government, or subdivision therefore including but not limited to, a valid motor vehicle operator's license, that contains the name, date of birth, description, and a picture of the person.
   b) A valid passport issued by the United States or by a foreign government.
   c) A valid identification card issued to a member of the Armed forces that includes a date of birth and a picture of the person.

This bill makes reliance upon a system that reviews bona fide evidence of majority and biometrics to determine age and identity of a person before admittance into a premises where alcoholic beverages may be lawfully purchased a defense to any criminal prosecution or proceedings against a licensee.

Background

1) *Author Statement.* According to the author's office, "SB 1371 would include the use of biometrics technology along with a government ID check as eligible for the affirmative defense for alcoholic beverage retail licensees. Allowing the use of this technology as an affirmative defense will further improve the safety of alcohol sales and expedite purchases, especially at larger venues."

2) *Selling Alcohol to Minors*. Except as otherwise provided in the ABC Act, every person who sells, furnishes, or gives any alcoholic beverage to any person

under the age of 21 years is guilty of a misdemeanor. Any on-sale licensee who knowingly permits a person under the age of 21 to consume any alcoholic beverage, whether or not the licensee has knowledge that the person is under the age of 21, is guilty of a misdemeanor.

Under the ABC Act, bona fide evidence of majority and identity of the person is any of the following: 1) a document issued by a federal, state, county, or municipal government, or subdivision or agency thereof, including, but not limited to, a valid motor vehicle operator's license, that contains the name, date of birth, description, and picture of the person; 2) a valid passport issued by the United States or by a foreign government; and 3) a valid identification card issued to a member of the Armed Forces that includes a date of birth and a picture of the person.

The ABC Act provides that if the licensee, or his or her employee, was shown any of these documents, and that licensee or employee relied on that identification as proof of the individual's age, then that shall be a defense to any criminal prosecution or to any proceedings for the suspension or revocation of their license. This bill makes reliance upon a system that reviews bona fide evidence of majority and biometrics to determine age and identity of a person before admittance into a premises where alcoholic beverages may be lawfully purchased a defense to any criminal prosecution or proceedings against a licensee. In other words, the bill provides that if a licensee or an employee relies upon a biometric ID system to verify the age of the customer, that licensee or employee would not be liable for prosecution to any criminal prosecution or to any proceedings for the suspension or revocation of their license.

The ABC Act authorizes any licensee, or his or her employee, to refuse to sell or serve alcoholic beverages to any person who is unable to produce adequate written evidence that he or she is over the age of 21 years. A licensee may seize any identification presented by a person that shows the person to be under the age of 21 years or that is false, so long as a receipt is given to the person from whom the identification is seized and the seized identification is given within 24 hours of seizure to the local law enforcement agency.

3) *Biometric ID Systems.* Biometric ID systems use unique biological characteristics such as fingerprints, iris patterns, facial features, or DNA to verify a person's identity. These systems convert these biological traits into

digital data and use that data to authenticate individuals for various purposes like accessing secure locations, devises, or financial transactions.

Additionally, biometric ID systems can be used for alcohol sales to verify the age of the purchaser. For example, a fingerprint scanner or facial recognition system can be integrated into a point-of-sale system at a liquor store, bar, or stadium. Before completing the sale, the customer would be required to provide their biometric data for age verification. If the system determines that the individual is of legal drinking age based on their biometric information, the transaction can be completed. Supporters of biometric ID systems argue that using biometrics are a safer and more efficient way of determining an individuals' age and that it helps prevent underage individuals from purchasing alcohol because it's more reliable than traditional ID verification.

Intuit Dome, the future home of the Los Angeles Clippers, is planning on using CLEAR – an age verification system that allows customers to digitally verify their age by simply scanning the customers face. Several venues in the United States are already using these types of systems for age verification. For example, at Allegiant Stadium in Las Vegas, fans enrolled in CLEAR's ID system can order alcohol from their seats using facial recognition on their phones. Similarly, customers at a brewery in Coors Field can verify their age by waving their palms over a scanner, provided those customers are enrolled in Amazon's One's system – which can also be used to pay using their palm at Whole Foods.

4) *Responsible Beverage Service (RBS) Training*. Anyone that is employed at an ABC on-premises licensed establishment who is responsible for checking identifications, taking customer orders, and pouring or delivering alcoholic beverages must have a valid RBS certification from the Department of ABC. Servers and their managers must register in the RBS Portal, take RBS training from an approved training provider, and pass the department's RBS exam within 60 days of their first date of employment. On-premises locations include, but are not limited to, bars, restaurants, tasting rooms, clubs, stadiums, movie theaters, hotels, and caterers. Covered licensees are required to maintain records of their various certifications, and violators are subject to unspecified "disciplinary action." The RBS training is currently available in several different languages.

Related/Prior Legislation

AB 3117 (Wilson, 2024) makes a mobile or digital driver's license or identification card a bona fide evidence of majority and identity of a person provided the Department of Motor Vehicles or Department of ABC, authorizes the use of those licenses or identification cards without the possession of a physical driver's license or identification card, as specified. (Pending in the Assembly Appropriations Committee)

AB 1221 (Gonzalez Fletcher, Chapter 847, Statutes of 2017) established the Responsible Beverage Service Training Program Act of 2017, and required the Department of ABC to develop, implement, and administer a curriculum for an RBS training program, as specified. The bill also required an alcohol sever, as defined, to successfully complete an RBS training course offered or authorized by the Department of ABC.

AB 59 (Jeffries, Chapter 405, Statutes of 2009) provided that, if a military identification card lacks a physical description but does not include date of birth and photo, further proof of majority shall not be required to purchase or consume any alcoholic beverage, as specified.

AB 1191 (Conway, Chapter 142, Statutes of 2009) authorized the acceptance of a valid passport, issued by the United State government or foreign government, as bona fide evidence that a person is 21 years of age or older.

AB 764 (Calderon, Chapter 68, Statutes of 2005) established a process where in the event an ID card issued to a member of the Armed Forces is provided as proof of age 21 when purchasing alcoholic beverages, and the ID lacks a physical description, then proof of being age 21 may be further substantiated if a motor vehicle operator's license or other valid bona fide identification issued by any government jurisdiction is also provided, as specified.

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

SUPPORT: (Verified 4/23/24)

Murphy's Bowl (source)
Los Angeles Clippers

OPPOSITION: (Verified 4/23/24)

None received

ARGUMENTS IN SUPPORT: Supporters of the bill write that, "the current law provisions were enacted many years ago prior to the availability of new technologies that can assist in confirming the age of individuals with increased accuracy. Since the advent of the COVID pandemic, many arenas and other venues have converted to electronic ticketing and purchase of concessions, etc. during events to limit the use of paper tickets and streamline the consumer experience when purchasing tickets and attending the events. Use of these advanced systems, whether at airports or sporting/concert venues assists with both security issues and confirming the age of potential consumers of alcoholic beverages prior to their admittance to the venue, resulting in greater compliance with age of purchase limitations."

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4/24/24 16:27:30

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

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THIRD READING

Bill No: SB 1386
Author: Caballero (D), et al.
Amended: 3/19/24
Vote: 21

SENATE JUDICIARY COMMITTEE: 10-0, 4/9/24
AYES: Umberg, Allen, Ashby, Caballero, Durazo, Laird, Min, Niello, Stern, Wahab
NO VOTE RECORDED: Wilk

SUBJECT: Evidence: sexual assault

SOURCE: Consumer Attorneys of California
Equal Rights Advocates

DIGEST: This bill extends the Rape Shield Law's prohibition on evidence of a plaintiff's past sexual conduct to include introduction for purposes of attacking the credibility of a plaintiff's testimony regarding consent or the amount of harm suffered. This bill extends the restrictions to cover admission for lack of harm and reworks provisions governing civil actions for sexual battery involving a minor.

ANALYSIS:

Existing law:

1) Provides that, except as otherwise provided by statute, the court or jury may consider in determining the credibility of a witness any matter that has any tendency in reason to prove or disprove the truthfulness of the witness' testimony at the hearing. (Evidence Code (Evid.Code) § 780)

2) Provides that in any civil action alleging conduct which constitutes sexual harassment, sexual assault, or sexual battery, opinion evidence, reputation evidence, and evidence of specific instances of the plaintiff's sexual conduct, or any of that evidence, is not admissible by the defendant in order to prove consent by the plaintiff or the absence of injury to the plaintiff, unless the injury

alleged by the plaintiff is in the nature of loss of consortium. This does not apply to evidence of sexual conduct between the plaintiff and alleged perpetrator. (Evid. Code § 1106)

3) Provides that notwithstanding the above, in a civil action brought for sexual battery involving a minor and adult, as specified, evidence of the plaintiff minor's sexual conduct with the defendant adult shall not be admissible to prove consent by the plaintiff or the absence of injury to the plaintiff. Such evidence of the plaintiff's sexual conduct may only be introduced to attack the credibility of the plaintiff in accordance with Section 783 of the Evidence Code or to prove something other than consent by the plaintiff if, upon a hearing of the court out of the presence of the jury, the defendant proves that the probative value of that evidence outweighs the prejudice to the plaintiff consistent with Section 352. (Evid. Code § 1106(c))

4) Authorizes the defendant, if the plaintiff introduces evidence, including testimony of a witness, or the plaintiff as a witness gives testimony, and the evidence or testimony relates to the plaintiff's sexual conduct, to cross-examine the witness who gives the testimony and offer relevant evidence limited specifically to the rebuttal of the evidence introduced by the plaintiff or given by the plaintiff. (Evid. Code § 1106(d))

5) Provides that the above shall not be construed to make inadmissible any evidence offered to attack the credibility of the plaintiff as provided in Section 783. (Evid. Code § 1106)

6) Requires the following procedures to be followed in any civil action alleging conduct which constitutes sexual harassment, sexual assault, or sexual battery, if evidence of sexual conduct of the plaintiff is offered to attack credibility of the plaintiff under Section 780:

   a) A written motion shall be made by the defendant to the court and the plaintiff's attorney stating that the defense has an offer of proof of the relevancy of evidence of the sexual conduct of the plaintiff proposed to be presented.
   b) The written motion shall be accompanied by an affidavit in which the offer of proof shall be stated.
   c) If the court finds that the offer of proof is sufficient, the court shall order a hearing out of the presence of the jury, if any, and at the hearing allow the

questioning of the plaintiff regarding the offer of proof made by the defendant.

d) At the conclusion of the hearing, if the court finds that evidence proposed to be offered by the defendant regarding the sexual conduct of the plaintiff is relevant pursuant to Section 780, and is not inadmissible pursuant to Section 352, the court may make an order stating what evidence may be introduced by the defendant, and the nature of the questions to be permitted. The defendant may then offer evidence pursuant to the order of the court. (Evid. Code § 783)

7) Authorizes the court in its discretion to exclude evidence if its probative value is substantially outweighed by the probability that its admission will either necessitate undue consumption of time or create substantial danger of undue prejudice, of confusing the issues, or of misleading the jury. (Evid. Code § 352)

This bill:

1) Provides that in any civil action alleging conduct which constitutes sexual harassment, sexual assault, or sexual battery, opinion evidence, reputation evidence, and evidence of specific instances of the plaintiff's sexual conduct, or any of that evidence, is not only inadmissible by the defendant in order to prove consent, but also to:

   a) Prove lack of harm suffered by the plaintiff, unless the injury alleged by the plaintiff is in the nature of loss of consortium.
   b) Attack the credibility of the plaintiff's testimony on consent or the lack of harm suffered by the plaintiff.

2) Modifies the provision of Section 1106(c) to make the relevant evidence inadmissible to prove absence of harm, rather than injury. It also removes the specified procedure for weighing such evidence when used to attack credibility.

3) Clarifies in Section 1106 that Section 783 controls evidence offered to attack credibility of the plaintiff's testimony as to something other than consent or lack of harm.

Background

California's Rape Shield Law restricts introduction of opinion evidence, reputation evidence, and evidence of specific instances of a plaintiff's sexual conduct in order to prove consent by the plaintiff or the absence of injury, as specified. This applies

in civil actions alleging conduct constituting sexual harassment, sexual assault, or sexual battery. However, the statute also provides that these provisions do not make inadmissible such evidence when used to attack the credibility of the plaintiff's testimony, which is subject to specified procedures and considerations.

In the wake of a California Supreme Court decision interpreting the statute, the author and sponsors seek to strengthen California's Rape Shield Law. This bill extends the law to prohibit evidence regarding the plaintiff's sexual conduct to be introduced in order to attack the plaintiff's credibility as to consent or the lack of harm suffered by the plaintiff. This bill also extends these restrictions from covering absence of injury to lack of harm. It also amends the balancing test triggered when a defendant seeks to introduce such evidence to attack the credibility of a minor plaintiff in an action for sexual battery. This bill is co-sponsored by Equal Rights Advocates and the Consumer Attorneys of California. It is supported by several other organizations. No opposition was received.

Comments

Generally, public policy disfavors the exclusion of relevant evidence at trial and, accordingly, the Evidence Code begins with a general presumption that all relevant evidence is admissible. (Evid. Code § 351) A judge may, however, exclude otherwise relevant evidence based upon the undue prejudice that the evidence would pose to the party against whom it is sought to be introduced. Specifically, Section 352 authorizes a court, in its discretion, to exclude evidence if its probative value is substantially outweighed by the probability that its admission will (a) necessitate undue consumption of time or (b) create substantial danger of undue prejudice, of confusing the issues, or of misleading the jury.

In 1985, California extended the rape shield laws applicable in the criminal context, to civil actions. Section 1106 provides that in a civil action alleging sexual harassment, sexual assault, or sexual battery, specified evidence of the plaintiff's sexual conduct is not admissible by the defendant in order to prove consent by the plaintiff or the absence of injury to the plaintiff, unless the injury alleged by the plaintiff is in the nature of loss of consortium. This does not apply to other instances of sexual conduct between the plaintiff and defendant, except where the plaintiff is a minor and the action is for sexual battery.

In passing the law, the Legislature declared:

> The discovery of sexual aspects of complainant[s'] lives, as well as those of their past and current friends and acquaintances, has the clear

> potential to discourage complaints and to annoy and harass litigants. That annoyance and discomfort, as a result of defendant or respondent inquiries, is unnecessary and deplorable. Without protection against it, individuals whose intimate lives are unjustifiably and offensively intruded upon might face the "Catch-22" of invoking their remedy only at the risk of enduring further intrusions into details of their personal lives in discovery, and in open quasi-judicial or judicial proceedings. . . . [T]he use of evidence of a complainant's sexual behavior is more often harassing and intimidating than genuinely probative, and the potential for prejudice outweighs whatever probative value that evidence may have.

However, relevant here, Section 1106(e) also specifically states that it shall not be construed to make inadmissible such evidence when presented to attack the credibility of the plaintiff as provided in Section 783. Section 783 lays out the procedures for offering such evidence in these actions to attack the plaintiff's credibility. It provides for a motion and offer of proof by the defendant, which the court shall consider. If the court finds it sufficient, it shall order a hearing outside the presence of any jury and determine if the evidence is relevant and whether it is admissible pursuant to Section 352. The court can then allow for the introduction of the evidence, or some form of it.

Using previous sexual conduct to attack a plaintiff's credibility

Concerns regarding the permissiveness of Section 1106(e) in allowing for evidence of specific instances of a plaintiff's sexual conduct in sexual harassment, sexual assault, or sexual battery actions to be used to attack a plaintiff's credibility were heightened in the wake of a recent opinion interpreting the statute by the California Supreme Court. In *Doe v. Superior Court* (2023) 15 Cal. 5th 40, 54-56, the plaintiff sued a school district for sexual abuse committed by a fourth-grade teacher when she was eight years old. "The District, seeking to undermine plaintiff's claim for emotional distress damages resulting from the teacher's conduct, planned to introduce evidence that plaintiff had been molested a few years later by another person—and that this subsequent molestation caused at least some of plaintiff's emotional distress injuries and related damages."[1]

The plaintiff sought to exclude evidence of the subsequent molestation, but the trial court ruled that "the challenged evidence was (1) not protected by any shield statute, and (2) relevant and admissible with regard to whether plaintiff's emotional

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[1] *Doe,* 15 Cal. 5th at 46.

distress was caused solely by the teacher's conduct or by a combination of his conduct and the subsequent molestation."[2] The appellate court found the evidence regarding the subsequent molestation admissible and the Supreme Court granted review to address the interrelationship of the statutory provisions and the admissibility of the challenged evidence. The Supreme Court concluded:

> [S]ection 1106, subdivision (e), *may* permit admission of evidence that would otherwise be excluded under section 1106, subdivision (a). But such admissibility is subject to the procedures set out in section 783 and especially careful review and scrutiny under section 352. . . . [T]he Legislature devised section 783 to protect against unwarranted intrusion into the private life of a plaintiff who sues for sexual assault, by identifying and circumscribing evidence that may be admitted to attack such a person's credibility. Correspondingly, section 352, as applied in this setting, requires special informed review and scrutiny, designed to protect such a plaintiff's privacy rights and to limit the introduction of evidence concerning such a person's sexual conduct.[3]

While the Supreme Court ultimately found this heightened scrutiny lacking in this case, the author and sponsors argue that this "ruling underscore[s] the need for further clarification in the rape shield laws." They state:

> Rape shield laws are designed to protect survivors from unnecessary and intrusive inquiries into their personal lives and sexual histories. Forcing survivors to disclose details about their intimate life or to relive traumatic incidents unrelated to the case in order to undermine their credibility can be as traumatizing as the assault itself. Allowing such evidence will have a chilling effect on survivors who come forward to hold perpetrators accountable, but who now fear having their personal sexual histories revealed if they do.

Extending the protections of California's rape shield law. In response to these concerns, this bill enhances and extends the restrictions in Section 1106. This bill provides that evidence of the plaintiff's sexual conduct is not admissible in order to attack the credibility of the plaintiff's testimony with regard to consent or the lack of harm suffered by the plaintiff.

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[2] *Ibid*.
[3] *Id* at 47.

This bill also extends the protections restricting the evidence to prove the "absence of injury" to now prohibiting it to prove the "lack of harm." This latter change is also made in the provision prohibiting evidence of sexual conduct between a minor plaintiff and a defendant adult in an action for sexual battery. The sponsors indicate this change is in response to oral argument in the *Doe* case discussed above that expressed some uncertainty with regard to this language. The Consumer Attorneys of California explain: "By changing the language from 'absence of injury' to 'lack of harm,' the intent is to clarify that Section 1106, subdivision (a), prohibits a defendant from introducing evidence of other sexual conduct to prove alternative sources for the harm suffered."

Currently the provision applying to minors provides a special procedure for introducing the sexual conduct evidence to attack the credibility of the minor plaintiff. This bill removes this special provision in light of the change highlighted above, thereby subjecting any such evidence to attack credibility to the procedures in Section 783.

According to the author:

> Rape shield laws create a legal environment that prioritizes justice, fairness and the protection of survivors of sexual abuse. The legislature must protect the dignity of survivors and foster a supportive environment for them to come forward and seek the justice they deserve. SB 1386 will preserve the integrity of the civil rape shield law by protecting survivors and safeguarding their rights. As a society, we should make sure that victims of rape and sexual assault are protected to ensure the opportunity for fairness and justice within our legal system.

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

SUPPORT: (Verified 4/10/24)

Consumer Attorneys of California (co-source)
Equal Rights Advocates (co-source)
California Employment Lawyers Association
California Sexual Assault Forensic Examiner Association
Californians for Safety and Justice
Oakland Privacy

OPPOSITION: (Verified 4/10/24)

None received

ARGUMENTS IN SUPPORT: The Consumer Attorneys of California and Equal Rights Advocates, co-sponsors of the bill, write:

> Rape shield laws are designed to protect survivors from unjustifiably intrusive inquiries into their personal lives and sexual histories during legal proceedings. Engaging in the legal system can create new trauma for survivors in addition to—and compounding—the trauma of the underlying incident. For many survivors, having details about their intimate life unnecessarily thrust into the spotlight or being forced to relive other harm they endured can be as traumatizing as the assault itself, if not more so, deterring reporting and opening the door to harassing cross-examination when survivors do come forward. The trauma associated with sexual violence and related legal proceedings can affect every aspect of a survivor's life, including their ability to work or learn. Because of the important function of these laws, the federal government and the overwhelming majority of states have passed some form of rape shield legislation.
> …
> SB 1386 brings greater clarity to Evidence Code Section 1106, particularly the interaction between subsections (a) and (e). This clarification is necessary following a recent California Supreme Court ruling that created new uncertainty in civil rape shield protections. In *Doe v. Mountain View School District, Real Party in Interest* (2023) ("*Mountain View*"), the Court held that evidence of a survivor's other sexual conduct may be admissible under Section 1106(e) for the purposes of impeaching their credibility as to consent or injury, even if that evidence would be otherwise excluded under Section 1106(a). This holding is inconsistent with the intent of the Legislature in enacting California's civil rape shield law. Because the Supreme Court's analysis was based on the statutory construction of Section 1106, clarity of the statute is now necessary.

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4/11/24 12:09:49

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

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THIRD READING

Bill No: SB 1401
Author: Blakespear (D)
Introduced: 2/16/24
Vote: 21

SENATE HUMAN SERVICES COMMITTEE: 5-0, 4/1/24
AYES: Alvarado-Gil, Ochoa Bogh, Blakespear, Menjivar, Wahab

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

SUBJECT: Family childcare home: United States Armed Forces

SOURCE: Author

DIGEST: This bill exempts a family childcare home administered by a person certified as a family childcare provider by a branch of the United States Armed Forces and that exclusively provides care for children of eligible federal personnel and surviving spouses as exempt from child daycare facility licensure and regulation by the California Department of Social Services (CDSS).

ANALYSIS:

Existing law**:**

1) Establishes the Child Day Care Facilities Act (CDCFA) with CDSS as the licensing entity for child care centers and family child care homes, to ensure that working families have access to healthy and safe child care providers and that child care programs contribute positively to a child's emotional, cognitive, and educational development, and are able to respond to, and provide for, the unique characteristics and needs of children. Further, creates a separate licensing category for child daycare centers and family daycare homes within CDSS's existing licensing structure through the CDCFA. (HSC 1596.70 et seq.)

2) Exempts the following list from child daycare facility licensure and regulation:

   a) Any health facility.

b) Any clinic.

c) Any community care facility.

d) Any family childcare home providing care for the children of only one family in addition to the operator's own children.

e) Any cooperative arrangement between parents for the care of their children when no payment is involved and the arrangement meets specified conditions.

f) Any arrangement for the receiving and care of children by a relative.

g) Any public recreation program operated by the state, city, county, special district, school district, community college district, chartered city, or chartered city and county, as specified.

h) Extended daycare programs operated by public or private schools.

i) Any school parenting program or adult education childcare program, as specified.

j) Any child daycare program that operates only one day per week for nor more than four hours on that day.

k) Any child daycare program that offers temporary childcare services to parents who are on the same premises as the site and is not operated on the site of a ski facility, shopping mall, department store, or any other similar site.

l) Any program that provides activities for children of an instructional nature in a classroom-like setting, as specified.

m) A program facility administered by the Department of Corrections and Rehabilitation that houses both women and their children and is specifically designated for the purpose of providing substance abuse treatment and maintaining and strengthening the family unit, as specified.

n) Any crisis nursery.

o) A California State Preschool Program operated by a local educational agency under contract with the State Department of Education and that operates in a school building, as specified. (HSC 1596.792)

3) Defines “armed forces” as meaning the Army, Navy, Air Force, Marine Corps, Space Force, and Coast Guard. (10 U.S.C. 101(a)(4))

This bill**:**

1) Corrects a citation to the proper Health & Safety Code that defines “clinic.”

2) Exempts from child daycare licensing and regulation a family childcare home administered by a person certified as a family childcare provider by a branch of the United States Armed Forces and that exclusively provides care for children of eligible federal personnel and surviving spouses.

3) Defines “United States Armed Forces” as having the same meaning as Section 101(a)(4) of Title 10 of the United State Code, or its successor.

4) Defines “Eligible” as having the same meaning as Section 4(d)(1-2) of Instruction Number 6060.02 of the United States Department of Defense, dated August 5, 2014, and as updated on September 1, 2020, or its successor.

Background

Family Child Care Home Licensure

Family child care (FCC), formerly called family day care, is regularly provided care, protection, and supervision of children in the licensee’s own home, known as a Family Child Care Home (FCCHs). Families who choose FCC for their child might do so because the FCCH is close to where they live, the provider speaks their home language, they prefer a home-like setting over a child care center, or their child is more comfortable with small class sizes.

The California Child Day Care Facilities Act of 1984 established the Child Care Licensing Program at CDSS. The mission of the Child Care Licensing Program is to ensure the health and safety of children in care and to improve the quality of their care through regulation and consultation. This mission is accomplished through prevention, compliance, and enforcement.

FCCH licensure requirements are outlined in the California Code of Regulations, Title 22, Division 12. To become licensed, a FCCH licensee applicant is required to have training in preventative health practices, as well as obtain a California criminal record clearance or exemption, fire safety clearance, and specified immunizations. After becoming licensed, a small FCCH licensee may provide care for up to eight children, while a large FCCH licensee may provide care for up to 14 children, as specified. Licensees must also adhere to regulations regarding

personnel requirements and records, reporting requirements, alterations to the FCCH or grounds, staffing ratios, and annual licensing fees, among others. The Child Care Licensing Program conducts inspections of all licensed child care facilities every three years.

According to CDSS, during Fiscal Year 2022-23, the average processing time for a FCCH license application was 93 days, with the quickest processing times from 45 to 60 days. The most common reasons for delays for a FCCH application to take longer than others to process were the need for a criminal record exemption, fire clearances (for large FCCH facilities), required immunizations, and required training (CPR/First Aid/Preventative Health). There are also many factors that impact the timelines for the Regional Offices, including an influx of large numbers of applications.

Child Care Licensure Exemptions

Under current law, a person providing care for the children of only one family in addition to their own children is not subject to licensure. These providers are known as Family, Friend, and Neighbor providers, or sometimes referred to as unlicensed providers. In addition, any cooperative arrangement between parents for child care with no exchange of payment, any arrangement for child care by a relative, any child care program that operates one day per week for less than four hours, and any temporary or drop-in child care program when parents or guardians are on the same premises, are not subject to licensure.

According to the author and sponsor, five states currently provide an exemption from state child care licensing requirements. Enacted statutes in Alaska, Connecticut, Montana, and Oklahoma are nearly identical to this bill. Florida law[1] requires a local licensing agency or the state department to instead issue a provisional license or registration if a child care facility operator or owner provides evidence that they have completed, within the previous six months, training pursuant to the U.S. Department of Defense Instruction 6060.02 and background screening by the U.S. Department of Defense, as specified, and received a favorable suitability and fitness determination. Further, the Florida statute provides that a provisional license or registration may not be issued for a period that exceeds six months; however, a provisional license or registration may be renewed for one additional six-month period in special circumstances.

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[1] http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0400-0499/0402/Sections/0402.309.html

This bill would add a FCCH administered by a person certified as a family childcare provider by a branch of the United States Armed Forces and that exclusively provides care for children of eligible federal personnel and surviving spouses as exempt from child care licensure.

Comments

This bill seeks to exempt a FCCH provider certified with a branch of the U.S. Armed Forces from child care licensure through CDSS, effectively granting the federally-certified provider reciprocity in California. There are no exemptions to child care licensure in state law that are granted on the basis of licensure or certification by an external government.

It is unclear who would have jurisdiction and responsibility to investigate should a federally-certified provider operate a FCCH off of a military base and on California land. According to the U.S. Department of Defense's website, MilitaryChildCare.com, if a provider is located off base, the state may require additional licensing, registration, or inspections in addition to those required by the Department.

The author may wish to include a reference to federal certification standards for FCCHs.

Related/Prior Legislation

SB 114 (Committee on Budget and Fiscal Review, Chapter 48, Statutes of 2023), a budget trailer bill, exempted extended daycare programs operated by public or private schools, including, but not limited to, expanded learning opportunity programs from Title 22 licensing requirements.

AB 99 (Committee on Budget, Chapter 15, Statutes of 2017), a budget trailer bill, exempted State Preschool programs operated by local educational agencies from Title 22 licensing requirements upon adoption of emergency regulations or by June 30, 2019, whichever comes first.

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

SUPPORT: (Verified 4/15/24)

Military Services in California
U.S. Department of Defense

OPPOSITION: (Verified 4/15/24)

None received

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4/16/24 14:08:58

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

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CONSENT

Bill No: SB 1407
Author: Nguyen (R)
Introduced: 2/16/24
Vote: 21

SENATE GOVERNMENTAL ORG. COMMITTEE: 14-0, 4/9/24
AYES: Dodd, Wilk, Alvarado-Gil, Archuleta, Bradford, Glazer, Jones, Nguyen, Ochoa Bogh, Padilla, Portantino, Rubio, Seyarto, Smallwood-Cuevas
NO VOTE RECORDED: Ashby, Roth

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

SUBJECT: State Capitol: victims and survivors of communism monument

SOURCE: Author

DIGEST: This bill authorizes a nonprofit organization representing victims of survivors of communism, in consultation with the Department of General Services (DGS), to construct and maintain a monument to the victims and survivors of communism on the grounds of the State Capitol, as specified.

ANALYSIS:

Existing law:

1) Provides for various memorials and monuments within the State Capitol Building and on the State Capitol grounds, and prescribes various duties of the DGS in connection with the development and maintenance of the State Capitol Building and grounds.

2) Establishes the Historic State Capitol Commission for the purposes of, among other things, reviewing and advising the Legislature on any development, improvement, or other physical change in any aspect of the historic State Capitol.

3) Authorizes, through the State Capitol Building Annex Act of 2016, the Joint Rules Committee to pursue the construction of a state capitol building annex or the restoration, rehabilitation, renovation, or reconstruction of the existing Annex, and any other ancillary improvements, as specified.

This bill:

1) Authorizes a nonprofit organization representing victims and survivors of communism, in consultation with DGS, to plan, construct, and maintain a monument to victims and survivors of communism on the grounds of the State Capitol, as specified.

2) Requires DGS, in consultation with the nonprofit organization, to do all of the following:

   a) Review the preliminary design plans to identify potential maintenance concerns.
   b) Ensure compliance with the federal Americans with Disabilities Act, and address safety concerns.
   c) Review and approve any documents prepared pursuant to the California Environmental Quality Act for the work on the grounds of the State Capitol.
   d) Review final construction documents to ensure that the documents comply with all applicable laws.
   e) Prepare the right-of-entry permit outlining the final area of work, final construction documents, construction plans, the contractor hired to perform the work, insurance, bonding, provisions for damage to state property, and inspection requirements.
   f) Prepare a maintenance agreement outlining the responsibility of the nonprofit organization representing victims and survivors of communism for the long-term maintenance of the monument due to aging, vandalism, or relocation.
   g) Inspect all construction performed by the contractor selected by the nonprofit organization representing victims and survivors of communism.

3) Provides that if a nonprofit organization representing victims and survivors of communism undertakes responsibility for a monument, it shall submit a plan for the monument to the Joint Rules Committee for its review and approval. The nonprofit organization shall not begin construction of the monument until both of the following have occurred:

a) The Joint Rules committee has approved and adopted the plan for the monument.
b) The Joint Rules Committee and the Department of Finance have determined that sufficient private funding is available to construct and maintain the monument.

4) Requires that the planning, construction, and maintenance of the monument be funded exclusively through private funding.

Background

1) *Author Statement.* According to the author's office, "SB 1407 would honor the survivors and victims of communism by authorizing a nonprofit organization representing this community to plan and construct a privately funded memorial on the grounds of the State Capitol. As a victim and survivor of communism, my family fled our home country of Vietnam following the fall of Saigon. Before our escape, my family faced the same terror and brutality that you hear bout in the stories shared by other survivors from Vietnam, Russia, and Eastern Europe, Cuba, Cambodia, and other parts of the world."

   Additionally, the author's office states that, "SB 1407 would authorize a nonprofit organization representing victims and survivors of communism, in consultation with the department of general services, to plan, construct, and maintain a monument to the victims and survivors of communism on the grounds of the state capitol. California is home to a large diaspora of people who escaped from communist regimes in Asia, Europe and South America. To place a monument dedicated to the victims and survivors of political terror and violence would show them and the world that we hear their stories."

2) *Victims of Communism Memorial.* In 1993 President Bill Clinton signed the FRIENDSHIP Act of 1993 which authorized the construction of "an international memorial to the Victims of Communism at an appropriate location within the boundaries of the District of Columbia." The bill cited, "the deaths of over 100,000,000 victims in an unprecedented imperial holocaust" and resolved that "the sacrifices of these victims should be permanently memorialized so that never again will nations and people allow so evil a tyranny to terrorize the world."

An independent organization was required to be established to construct, maintain, and operate the Victims of Communism Memorial, as well as be responsible for the collection of contributions for the construction of the memorial. In 2007, the foundation completed the Victims of Communism Memorial. The memorial is a recreation of the Goddess of Democracy, which was destroyed by the Government of China in the 1989 Tiananmen Square protests. Inscriptions on the front of the memorial read, "to the more than one hundred million victims of communism and to those who love liberty." The inscription on the back of the memorial reads, "to the freedom and independence of all captive nations and peoples."

During the opening ceremony, President George W. Bush spoke about the millions of those who suffered under Communism:

> They include innocent Ukrainians starved to death in Stalin's Great Famine; or Russians killed in Stalin's purges; Lithuanians and Latvians and Estonians loaded into cattle cars and deported to Artic death camps of Soviet Communism. They include Chinese killed in the Great Leap Forward and the Cultural Revolution; Cambodians slain in Pol Pot's Killing Fields; East Germans shot attempting to scale the Berlin Wall in order to make it to freedom; Poles massacred in the Katyn Forest, and Ethiopians slaughtered in the "Red Terror," Miskito Indians murdered in Nicaragua's Sandinista dictatorship, and Cuban balseros who drowned escaping tyranny.

3) *California State Capitol Park.* In the past 30 years, three new memorials have been erected in Capitol Park: the California Veterans Memorial, the California Firefighters Memorial, and the World Peace Rose Garden. Additionally, there are the following memorials within the boundaries of Capitol Park: California Vietnam Veterans Memorial, California Peace Officers Memorial, California Veterans of the Korean War Memorial, California Mexican-American Veterans Memorial, Spanish-American War Memorial, California Hispanic Veterans memorial, Fallen Employees of the Department of Transportation Memorial, the Military Order of the Purple Heart Memorial, and the Civil War Memorial Grove. Furthermore, Capitol Park contains a monument in honor of Thomas Starr King, and bronze seals commemorating the California Indians and Spanish/Mexican settlers.

   These memorials were originally established with the support of outside organizations, nonprofits, and commissions with financial and management

responsibility for the memorials. Over time, some of these organizations have dissolved leaving some memorials with no oversight and no statutory authority for maintenance. In 2023, AB 1350 (Soria, Chapter 684, Statutes of 2023) was signed into law which created the Capitol Park Veterans Memorial Fund. The fund is to be used for the maintenance and rehabilitation of existing veteran's memorials in the park.

Additionally, several memorials have been approved by the Legislature (see Prior/Related Legislation) but the Legislature has conditioned the start of construction of those memorials on adoption of a master plan for the Capitol Park by the Joint Committee on Rules. This requirement is intended to address logistical concerns with respect to the specific location and particular size of each memorial and the cumulative effect on the park's overall environment. For example, a particular group may desire that their specific project be placed in a more visible area of the park or be larger in size than what can be easily accommodated and overshadow existing memorials.

4) *California State Capitol Complex*. The Capitol Complex is comprised of two sections: the original west wing, completed between 1860-1874, and the attached Annex, constructed in 1952, which adjoins the east side of the historic west wing. Prior to 2022, the Annex was home to the Governor's offices, 115 of California's 120 lawmakers, and key legislative professional support offices. In 2016, the complex had nearly two million visitors, including tens of thousands of grade school children.

   The Annex was built before the invention of a number of modern technologies or adoption of accessibility standards, and was faced with failing systems and infrastructure. In 2016, the Legislature approved and the Governor signed the State Capitol Building Annex Act, which provides funding for a project to address deficiencies in the existing Annex. In 2017, the Joint Rules Committee contracted with an independent architectural and engineering firm to assess the current uses and further needs of the Annex, titled "The California State Capitol Annex Project Planning Study." The findings of this study were presented at an informational hearing held by the Joint Rules Committee.

   In December 2022, California's 3rd District Court of Appeals in Sacramento found that DGS did not include a thorough analysis of the project's impact on historical resources, aesthetics, or analysis of alternatives. The ruling requires the state to collect feedback on the design of the new annex, which was decided

after the first public comment periods originally closed. According to new plans, construction likely will continue until at least 2026.

5) *Moratorium.* The 2007 Budget Act provided $1.5 million from the General Fund to complete a Capitol Park Master Plan, which is intended to identify the historic landscape of the Park, current infrastructure conditions, security and maintenance needs, and future memorial locations, and how to address these issues over the next 50 years. The Joint Committee on Rules is currently working with DGS to develop a master plan for the Capitol Park grounds. Until the plan is developed, DGS has instituted an "unofficial" moratorium on additional memorials and monuments in Capitol Park, which is supported by the Joint Committee on Rules.

Related/Prior Legislation

AB 1350 (Soria, Chapter 684, Statutes of 2023) created the Capitol Park Veterans Memorial Fund, to be administered by the Department of Veterans Affairs, for the purpose of the maintenance and rehabilitation of existing veterans memorials in the State Capitol.

AB 298 (Mathis, Chapter 299, Statutes of 2023) authorized a nonprofit organization that represents blind veterans to plan, construct, and maintain a Braille American flag to serve as a monument to the blind veterans of California and the United States in the California State Capitol Building, as specified.

AB 1452 (Mathis, Chapter 371, Statutes of 2023) authorized the construction and maintenance of a monument to the veterans of the wars in Iraq, Afghanistan, and Kuwait on the grounds of the State Capitol, as specified.

AB 1459 (Ramos, Chapter 690, Statutes of 2023) required that any construction, restoration, rehabilitation, renovation, or reconstruction of the State Capitol Building Annex incorporate a mural honoring Native Americans in California in one of the main hearing rooms.

AB 1762 (Mathis, Chapter 205, Statutes of 2022) authorized the construction and maintenance of a monument to the Gold Star Families of California on the grounds of the State Capitol, as specified.

AB 2704 (Gipson, Chapter, Statutes of 2016) authorized the construction and maintenance of a bust in the State Capitol Building Annex to honor Mervyn M. Dymally.

AB 2358 (Hagman, Chapter 682, Statutes of 2012) authorized the construction of a memorial in the State Capitol Building Annex to honor former Governor and United State President, Ronald Reagan.

AB 2767 (W. Brown, Chapter 1757, Statutes of 1984) created the Historic State Capitol Commission to review and hold limited management over specified aspects of the State Capitol, as specified.

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

SUPPORT: (Verified 4/22/23)

None received

OPPOSITION: (Verified 4/22/23)

None received

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4/23/24 16:13:35

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THIRD READING

Bill No: SB 1445
Author: Cortese (D)
Amended: 4/18/24
Vote: 21

SENATE EDUCATION COMMITTEE: 7-0, 4/17/24
AYES: Newman, Ochoa Bogh, Cortese, Glazer, Gonzalez, Smallwood-Cuevas, Wilk

SUBJECT: Governing boards: pupil members: expulsion hearing recommendations

SOURCE: California Association of Student Councils

DIGEST: This bill allows governing board of a charter school or local educational agency (LEA) to authorize its pupil members to make restorative justice recommendations that may be considered by the governing board of a charter school or LEA in closed session expulsion hearings, as specified.

ANALYSIS:

Existing law:

1) Authorizes a student petition to be submitted to the governing board of a school district maintaining one or more high schools requesting the governing board to appoint one or more student members to the governing board. (EC § 1000(b)(1)), 35012(d)(1), and 47604.2 (b)(1))

2) Requires the petition to contain the signatures of either of the following, whichever is less:

   a) Not less than 500 students regularly enrolled in high schools of the school district.

b) Not less than 10 percent of the number of students regularly enrolled in high schools of the school district. (EC § 1000(b)(2), 35012(d)(2), 47604.2 (b)(2))

3) Requires a pupil member to receive all materials other board members receive between open meetings, except for materials about closed sessions. (EC § 1000(b)(9)(B), 35012(b)(9)(A), 47604.2 (b)(9)(A))

4) Prohibits a pupil from being suspended or recommended for expulsion unless the superintendent of the school district or the principal of the school determines that the pupil has committed certain acts, including, among other acts, the following:

   a) Caused, attempted to cause, or threatened to cause physical injury to another person.

   b) Willfully used force or violence upon the person of another, except in self-defense.

   c) Possessed, sold, or otherwise furnished a firearm, knife, explosive, or other dangerous object, except as specified. (EC § 48900)

5) Authorizes school district superintendents and school principals to use discretion to provide alternatives to suspension or expulsion that are age appropriate and designed to address and correct the pupil's specific misbehavior, as specified. (EC § 48900(v))

6) States that suspension, including supervised suspension, shall be imposed only when other means of correction fail to bring about proper conduct, but authorizes a pupil, including a pupil with exceptional needs, to be suspended upon a first offense for certain acts (not including disrupting school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties) or the pupil's presence causes a danger to persons. (EC § 48900.5)

This bill:

1) Allows the governing board of a charter school to authorize its pupil member or members to make restorative justice recommendations that may be considered by the governing board of a charter school in closed session expulsion hearings

and specifies that, if a governing board of a charter school authorizes its pupil member or members to make a restorative justice recommendation, then the governing board of a charter school must disclose limited case information that pertains to expulsion hearings to the pupil member or members to allow the pupil member or members to make those recommendations if the pupil who is subject to the expulsion hearing and the pupil's parent or guardian provides written consent with federal and state privacy laws, including, but not limited to, the federal Family Educational Rights and Privacy Act of 2001 (20 U.S.C. Sec. 1232g) and any implementing federal regulations.

2) Allows a school governing board of a LEA to authorize its pupil member or members to make restorative justice recommendations that may be considered by LEA in closed session expulsion hearings and specifies that if a LEA authorizes its pupil member or members to make a restorative justice recommendation then the LEA must disclose limited case information that pertains to an expulsion hearing to the pupil member or members to allow the pupil member or members to make those recommendations if the pupil who is subject to the expulsion hearing and the pupil's parent or guardian provides written consent with federal and state privacy laws, including, but not limited to, the federal Family Educational Rights and Privacy Act of 2001 (20 U.S.C. Sec. 1232g) and any implementing federal regulations.

Comments

1) *Need for the bill.* According to the author, "Excluding student board members from the expulsion hearing process deprives students of the opportunity to advocate for their peers. Restorative justice alternatives are necessary to protect our most vulnerable student populations by ensuring they remain in school while emphasizing the importance of collaboration and community involved conflict resolution.

   "By focusing on repairing harm and strengthening connections amongst affected individuals, peers, teachers, and the wider school community, we can provide students with the support they need. All parties should have the opportunity to contribute to the resolution process, shifting the school board's role from authority to facilitator and promoting student-centered problem-solving.

   "I've seen the benefits of restorative justice initiatives first hand. In 2011, as a Santa Clara County Supervisor, I established the Santa Clara County Peer

Court. Under Peer Court, juries composed of teenage peers judge low-level juvenile offenders facing their first misdemeanor charges. Peer Court has proven to be a cost-effective method of advancing restorative justice while allowing young people to avoid the juvenile system."

2) *Student Board Members: Eligibility, Roles, and Abilities.* Student board members enable governance teams to incorporate student voices in their district responsibilities, elevating student perspectives on education policy decisions that they may not have otherwise considered. Students get the opportunity to participate in the governance process of their district meaningfully, learn essential democratic skills, and represent and advocate for their peers. Any student elected to serve as a member of the governing board of a school district must be enrolled in a high school of the school district and chosen by the pupils enrolled in the high school or high schools of the school district.

   Student board members are full board members and have the right to attend meetings and receive all available session materials, be appointed to subcommittees, be briefed by staff, and be invited to attend other board functions. School boards may also set the roles and responsibilities of student board members within their bylaws. Examples of these duties may include:

   - Making motions on matters upon which the board can act;
   - Questioning witnesses during an open session; and
   - Attending training and conferences.

   Student board members can also express their opinions and perspectives through preferential voting. Preferential voting means that student members may formally express their preference on a motion before a vote by the board. Preferential votes do not count in the final numerical outcome of a motion. Student board members, however, cannot participate in or receive closed-session materials because they often include discussions of sensitive topics such as student discipline or personnel and labor issues.

   This bill allows pupil members to receive limited case information, upon approval of the pupil being expelled and their parents, to make a recommendation to their board, but not participate in the hearing.

3) *When Is A Pupil Recommended For Expulsion?* Expulsion is the most serious disciplinary action a school administrator may recommend, and a school district may impose on a student. Expulsion can only occur through the action of the school district governing board, but administrators have an important role in recommending expulsion. Due process procedures for student expulsion are prescribed in Education Code Section 48915, which categorizes the types of offenses that require an expulsion recommendation and those that do not require an expulsion recommendation. If an administrator does recommend expulsion for a specified offense, a student is entitled to a hearing within 30 school days after that determination unless the student or parents or guardians request in writing that the hearing be postponed. This excludes expulsion for students in kindergarten to grade twelve, inclusive, for willful defiance which is prohibited. It should be noted that the California Department of Education's (CDE) website contains a matrix tool designed to help administrators decide, when expulsion of a student is deemed mandatory, expected, or at administrators discretion.

   It is worth noting that Education Code Section 48917, empowers the local governing board to suspend the enforcement of an expulsion order and assign the student to a school, class, or program that is deemed appropriate for their rehabilitation at any time after voting to expel a pupil. The student is considered on probationary status during the suspension period for the expulsion order.

4) *Restorative Justice and Other Approaches to Suspension and Expulsion.* Several school districts, including some of the largest, have adopted board policies prohibiting willful defiance as the basis for suspension or expulsion and are committing resources to effectively implement alternative correction models, including restorative justice, positive behavior interventions and support, and other evidence-based approaches. For example, Oakland Unified School District has banned the suspension or expulsion of students based solely upon willful defiance. Oakland Unified offers restorative justice programs in their schools. Furthermore, the Legislature has made significant investments to encourage LEAs to establish alternatives to suspension and expulsion.

   In a 2019 study conducted by WestEd, *Restorative Justice in U.S. Schools,* "Educators across the United States have been looking to restorative justice as an alternative to exclusionary disciplinary actions. Two significant developments have partly driven the popularity of restorative justice in schools. First, there is a growing perception that zero-tolerance policies, popular in the United States during the 1980s– 1990s, have harmed students and schools, generally, and had a particularly pernicious impact on Black students and students with disabilities. These policies, many argue, have increased the use of

suspensions and other exclusionary discipline practices to ill effect. For example, researchers reviewing data from Kentucky found that, after controlling for a range of different factors, suspensions explained 1/5 of the Black-White achievement gap. Secondly, restorative justice has gained popularity as a means of addressing disproportionalities in exclusionary discipline. For example, it was found that Black students were 26.2 percent more likely to receive an out-of-school suspension for their first offense than White students.

"In this manner, restorative justice is viewed as a remedy to the uneven enforcement and negative consequences that many people associate with exclusionary punishment," according to the study. Exclusionary discipline can leave the victim without closure and fail to resolve the harmful situation. In contrast, because restorative justice involves the victim and the community in the process, it can open the door for more communication and resolutions to problems that do not include exclusionary punishments like suspension. Unlike punitive approaches, which rely on deterrence as the sole preventative measure for misconduct, restorative justice uses community-building to improve relationships, reducing the frequency of punishable offenses while yielding a range of benefits. There are a variety of practices that fall under the restorative justice umbrella that schools may implement. These practices include victim-offender mediation conferences; group conferences; and various circles that can be classified as community-building, peace-making, or restorative."

This bill allows the governing board of an LEA or charter school the ability to allow their pupil members to make restorative justice recommendations that may be considered by the governing board of an LEA or charter school in closed session expulsion hearings, but does not allow pupil board members to attend closed session.

5) *Student Privacy – The Family Educational Rights and Privacy Act (FERPA).* FERPA protects the privacy of students' personal records held by educational agencies or institutions that receive federal funds under programs administered by the U.S. Secretary of Education. Almost all public schools and public school districts receive some form of federal education funding and must comply with FERPA. Organizations and individuals that contract with or consult for an educational agency also may be subject to FERPA if certain conditions are met. FERPA controls the disclosure of recorded information maintained in a pupil's education record. FERPA generally limits access to all student records, and for example, only school staff with a legitimate educational interest in the

information should be able to access it. FERPA also requires schools to include in their annual notices to parents a statement indicating whether the school has a policy of disclosing information from the education file to school officials, and, if so, which parties are considered school officials and what the school considers to be a legitimate educational interest.

While this bill requires a governing board of an LEA or charter school to disclose limited case information that pertains to a closed session expulsion hearing to pupil members, if the governing board of an LEA or charter school allows pupil members to make restorative justice recommendations to be considered by the board, the requirement for disclosure is dependent on the consent of both the student and the student's parent for release of limited case information.

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

SUPPORT: (Verified 4/18/24)

California Association of Student Councils (source)
Communities United for Restorative Youth Justice
SIATech Academy South High School
Young Women's Freedom Center
1 individual

OPPOSITION: (Verified 4/18/24)

None received

ARGUMENTS IN SUPPORT: According to the California Association of Student Councils, "The California Association of Student Councils (CASC) is pleased to sponsor SB 1445 by Senator Cortese which will enable county boards of education and school districts to allow their student board member to receive limited case information in a separate pre-hearing, with the consent of the student facing expulsion and their parent or guardian, to provide restorative justice recommendations for the larger board's consideration in their closed-session meeting. Although California has made strides in recent years to address overly punitive actions in schools, low-income students, students with disabilities, and students of color are still expelled at higher rates compared to their peers. The California Department of Education (CDE) data shows that expulsion trends are returning to pre-pandemic levels. In the 2022-23 school year, 4,718 students were expelled. Of those students, 88% were considered low-income. Even more troubling, a quarter (1,036) were students with disabilities, nearly twice as many as

the previous year. Despite Black students accounting for 4.7% of California's student population, they were 12% of all students expelled. Restorative justice alternatives are necessary to protect our most vulnerable student populations by ensuring they remain in school while emphasizing the importance of collaboration and community-involved conflict resolution. SB 1445 ensures that the student perspective is considered as part of the school community seeking to produce more restorative outcomes for our students without direct involvement in the confidential hearing process."

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4/19/24 14:09:49

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

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THIRD READING

Bill No: SB 1484
Author: Smallwood-Cuevas (D)
Introduced: 2/16/24
Vote: 21

SENATE PUBLIC SAFETY COMMITTEE: 4-1, 4/16/24
AYES: Wahab, Bradford, Skinner, Wiener
NOES: Seyarto

SUBJECT: Jurisdiction of juvenile court

SOURCE: Attorney General Rob Bonta

DIGEST: This bill clarifies that a minor must be between 12 and 17 years of age, inclusive, to be within the jurisdiction of the Informal Juvenile and Traffic Court and Expedited Youth Accountability Program.

ANALYSIS:

Existing law:

1) Provides that any minor between 12 years of age and 17 years of age, inclusive, who persistently or habitually refuses to obey the reasonable and proper orders or directions of the minor's parents, guardian, or custodian, or who is beyond the control of that person, or who is a minor between 12 years of age and 17 years of age, inclusive, when the minor violated any ordinance of any city or county of this state establishing a curfew based solely on age is within the jurisdiction of the juvenile court which may adjudge the minor to be a ward of the court. (Welf. & Inst. Code, § 601, subd. (a).)

2) Provides that any minor who is between 12 and 17 years of age that violates any law of this state or of the United States or any ordinance of any city or county other than an ordinance establishing a curfew based solely on age, is

within the jurisdiction of the juvenile court, and may be adjudged to be a ward of the court, except as provided. (Welf. & Inst. Code, § 602, subd. (a).)

3) Provides that subject to the orders of the juvenile court, a juvenile hearing officer may hear and dispose of any case in which a minor under the age of 18 years as of the date of the alleged offense is charged with:

   a) A violation of the Vehicle Code, not declared to be a felony, and not including DUI offenses;
   b) Entering and occupying real property or structures of any kind without the consent of the owner, the owner's agent, or the person in lawful possession;
   c) A violation of the Fish and Game Code not declared to be a felony;
   d) A violation of any of the equipment provisions of the Harbors and Navigation Code or the vessel registration provisions of the Vehicle Code;
   e) A violation of any provision of state or local law relating to traffic offenses, loitering or curfew, or evasion of fares on a public transportation system, as defined;
   f) A violation of rules and regulations established by a bridge and highway district related to traffic control;
   g) Various infractions and misdemeanors involving public transit, including fare evasion, eating or drinking in or on a public transit system facility or vehicle in prohibited areas, skateboarding in a public transit facility, vehicle or parking structure, willfully disturbing others in a public transit facility or vehicle, among others;
   h) A violation of the rules and regulations established pursuant to the Public Resources Code intended to protect the public's use and enjoyment of the Department of Parks and Recreation's property;
   i) Dumping garbage or defacing or destroying property owned or managed by the Santa Monica Mountains Conservancy;
   j) Selling, furnishing, or giving away an alcoholic beverage to a person under 21, attempting to purchase an alcoholic beverage while under 21, presenting a fake identification card for the purpose of ordering, purchasing, or procuring alcohol when under 21, or possessing alcohol in a public place while under 21;
   k) Being under the influence of alcohol, a controlled substance, or toluene;
   l) Vandalism involving defacing property with paint or any other liquid;
   m) Purchasing spray paint or possession of spray paint in specific public places;
   n) Possession of more than 28.5 grams of cannabis or more than 8 grams of concentrated cannabis;

o) Any infraction;
p) Failure to appear in court pursuant to a notice or citation issued related to the Expedited Youth Accountability Program; or,
q) Having four or more truancies within one school year. (Welf. & Inst. Code, § 256.)

4) Provides, except in the case of infraction violations, with the consent of the minor, a hearing before a juvenile hearing officer, or a hearing before a referee or a judge of the juvenile court, when the minor is charged with a specified offense, may be conducted upon an exact legible copy of a written notice or citation, as provided. (Welf. & Inst. Code, § 257, subd. (a)(1).)

5) Provides that consent of the minor is not required prior to conducting a hearing upon written notice to appear in the case of infraction violations. (Welf. & Inst. Code, § 257, subd. (a)(2).)

6) Provides that prior to the hearing, the judge, referee, or juvenile hearing officer may request the probation officer to commence a proceeding in lieu of a hearing in Informal Juvenile and Traffic Court. (Welf. & Inst. Code, § 257, subd. (b).)

7) Establishes the Expedited Youth Accountability Program operative within the superior court in Los Angeles County. Provides that it is also operative in any other county in which a committee consisting of the sheriff, the chief probation officer, the district attorney, the public defender, and the presiding judge of the superior court votes to participate in the program, upon approval by the board of supervisors. (Welf. & Inst. Code, § 660.5, subd. (a).)

8) Provides that is the intent of the Legislature to hold nondetained, delinquent youth accountable for their crimes in a swift and certain manner. (Welf. & Inst. Code, § 660.5, subd. (b).)

9) Provides that each county participating in the Expedited Youth Accountability Program is required to establish agreed upon time deadlines for law enforcement, probation, district attorney, and court functions which must assure that a case which is to proceed as part of this program is ready to be heard within 60 calendar days after the minor is cited to the court. (Welf. & Inst. Code, § 660.5, subd. (c).)

10) Provides that if a minor is not detained for any misdemeanor or felony offense and is not cited to Informal Juvenile and Traffic Court, the peace officer or probation officer releasing the minor is required to issue a citation and obtain a written promise to appear in juvenile court, or record the minor's refusal to sign the promise to appear and serve a notice to appear in juvenile court. Prohibits the appearance from being set for more than 60 calendar days or less than 10 calendar days from the issuance of the citation. Requires the date set for the appearance of the minor to allow for sufficient time for the probation department to evaluate eligible minors for informal supervision or any other disposition provided by law. (Welf. & Inst. Code, § 660.5, subd. (d)(1).)

11) Establishes court procedures related to issuing a copy of the citation and petition, as well as distribution of the citation and promise or notice to appear. Specifies what information must be included in the citation. (Welf. & Inst. Code, § 660.5, subds. (d)(2)-(4).)

12) Provides that the willful failure to appear in court pursuant to a citation or notice issued is a misdemeanor. (Welf. & Inst. Code, § 660.5, subd. (f).)

13) Provides that if a parent or guardian to whom a citation has been issued fails to appear, a warrant of arrest may issue for that person. Provides that a warrant of arrest may also issue for a parent or guardian who is not personally served where efforts to effect personal service have been unsuccessful, upon an affidavit, under penalty of perjury, signed by a peace officer stating facts sufficient to establish that all reasonable efforts to locate the person have failed or that the person has willfully evaded service of process. (Welf. & Inst. Code, § 660.5, subd. (g)(1).)

14) Provides that if a minor to whom a citation has been issued fails to appear, and the minor's parent or guardian has either appeared or the prerequisite conditions for issuing a warrant against the minor's parent or guardian have been met, a warrant of arrest may issue for the minor. (Welf. & Inst. Code, § 660.5, subd. (g)(2).)

15) Provides that a warrant of arrest may also issue for a minor who is not personally served where each of the following occur:

   a) Efforts to effect personal service have been unsuccessful.
   b) An affidavit is submitted under penalty of perjury, signed by a peace officer, stating facts sufficient to establish that all reasonable efforts to

locate the minor have failed or that minor has willfully evaded service of process.

c) The minor's parent or guardian has either appeared or the prerequisite conditions for issuing a warrant against the minor's parent or guardian have been met. (Welf. & Inst. Code, § 660.5, subd. (g)(3).)

16) Provides that a probation officer in Los Angeles County may, in lieu of filing a petition or proceeding for informal supervision, issue a citation for any misdemeanor except the following: any crime involving a firearm; any crime involving violence; any crime involving a sex-related offense; any minor who has previously been declared a ward of the court; and any minor who has previously been referred to juvenile traffic court. Requires the probation department to conduct a risk and needs assessment for each minor eligible for citation to the Informal Juvenile and Traffic Court. Requires the risk and needs assessment to consider the best interest of the minor and the protection of the community, and to include an assessment of whether the child has any significant problems in the home, school, or community, whether the matter appears to have arisen from a temporary problem within the family which has been or can be resolved, and whether any agency or other resource in the community is better suited to serve the needs of the child, the parent or guardian, or both. (Welf. & Inst. Code, § 660.5, subd. (h).)

17) Provides that in the event that the probation officer places a minor on informal probation or cites the minor to Informal Juvenile and Traffic Court, or elects some other lawful disposition not requiring a hearing, as specified, the probation officer is required to inform the minor and the minor's parent or guardian no later than 72 hours, excluding nonjudicial days and holidays, prior to the hearing, that a court appearance is not required. (Welf. & Inst. Code, § 660.5, subd. (i).)

This bill:

1) Includes uncodified findings and declarations.

2) Clarifies that the Informal Juvenile and Traffic Court has jurisdiction of minors who are between the ages of 12 and 17, inclusive.

3) Clarifies that the Expedited Youth Accountability Program has jurisdiction of minors who are between the ages of 12 and 17, inclusive.

Background

AB 1105 (Hertzberg, Chapter 679, Statutes of 1997) established a five-year Expedited Youth Accountability Program which authorized peace officers and probation officers in Los Angeles County to cite minors accused of specified misdemeanors directly to juvenile court in lieu of filing a petition or informal probation proceeding. Unlike the regular juvenile court procedures, the Expedited Youth Accountability Program required that the initial juvenile court hearing be held within 60 days of a minor's arrest. The program's sunset was removed in 2002.

At the time the sunset for the program was removed, proponents argued:

> "[R]educing the time between arrest and hearing is essential in reducing juvenile crime as most recidivism occurs within the first three months after the commission of the crime … [and] that the program ensures that preventive measures are taken at an early stage and shows minors that there are consequences for their actions and must take responsibility for the choices they make." (Sen. Com. on Public Safety, Analysis of Assem. Bill 2154 (2001-2002 Reg. Sess.) as introduced Feb. 20, 2002, pp. 3-4.).

Welfare and Institutions Code section 256 establishes the Informal and Juvenile Traffic Court. The types of cases heard in the Informal and Juvenile Traffic Court are primarily limited to infractions, misdemeanor traffic offenses not including DUIs, and specified misdemeanors associated with young people, such as skateboarding in a public transit facility or parking garage, playing music too loudly on public transit, possession of spray paint in a prohibited place, trespassing, loitering, public intoxication, and using a fake ID to obtain alcohol, among others.

In 2018, the Legislature enacted SB 439 (Mitchell, Chapter 1006, Statutes of 2018) which established 12 years of age as the minimum age for which the juvenile court has jurisdiction and may adjudge a person a ward of the court. Welfare and Institutions Code section 602 does provide an exception to this general minimum age of jurisdiction. Specifically, Welfare and Institutions Code section 602, subdivision (b), provides that a minor under 12 years of age who is alleged to have committed any of the following offenses is within the jurisdiction of the juvenile court: murder; rape by force, violence, duress, menace, or fear of immediate and unlawful bodily injury; sodomy by force, violence, duress, menace, or fear of

immediate and unlawful bodily injury; oral copulation by force, violence, duress, menace, or fear of immediate and unlawful bodily injury; and sexual penetration by force, violence, duress, menace, or fear of immediate and unlawful bodily injury.

The purpose of SB 439 was to keep young children out of the juvenile justice system and to employ developmentally appropriate, non-criminal responses to their behavior. The sponsor of this bill asserts that there is confusion in some counties regarding whether minors under 12 are under the jurisdiction of the courts described in Welfare and Institution Code sections 256 and 660.5. To that end, this bill amends Welfare and Institution Code sections 256, 257, and 660.5 to clarify that a minor must be between 12 and 17 years of age, inclusive, to be within the jurisdiction of those courts.

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

SUPPORT: (Verified 4/16/24)

Attorney General Rob Bonta (source)
ACLU California Action
Alliance for Boys and Men of Color
California Public Defenders Association
Center on Juvenile and Criminal Justice
Pacific Juvenile Defender Center
Root & Rebound
Sister Warriors Freedom Coalition

OPPOSITION: (Verified 4/16/24)

None received

Prepared by: Stephanie Jordan / PUB. S. /
4/17/24 10:08:58

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

SENATE RULES COMMITTEE SB 1490
Office of Senate Floor Analyses
(916) 651-1520 Fax: (916) 327-4478

THIRD READING

Bill No: SB 1490
Author: Durazo (D)
Amended: 4/23/24
Vote: 21

SENATE JUDICIARY COMMITTEE: 9-2, 4/16/24
AYES: Umberg, Allen, Ashby, Caballero, Durazo, Laird, Min, Stern, Wahab
NOES: Wilk, Niello

SENATE BUS., PROF. & ECON. DEV. COMMITTEE: 9-0, 4/22/24
AYES: Ashby, Alvarado-Gil, Archuleta, Becker, Dodd, Eggman, Glazer, Roth, Smallwood-Cuevas
NO VOTE RECORDED: Nguyen, Menjivar, Niello, Wilk

SUBJECT: Food delivery platforms

SOURCE: Digital Restaurant Association

DIGEST: This bill makes various changes to laws specifying requirements and prohibitions for food delivery platforms.

ANALYSIS:

Existing law**:**

1) Prohibits food delivery platforms, as defined, from arranging for the delivery of an order from a food facility, as defined, without first obtaining an agreement with the food facility expressly authorizing the food delivery platform to take orders and deliver meals prepared by the food facility. (Business and Professions Code (BPC) § 22599)

2) Prohibits a food delivery platform from retaining any portion of amounts designated as a tip or gratuity. Requires a food delivery platform to pay the person delivering food or beverage any tip or gratuity, in its entirety, for a

delivery order. Specifies that a food delivery platform must pay a food facility any tip or gratuity, in its entirety, for a pickup order. (Id.)

3) Requires a food delivery platform to disclose an accurate, clearly identified, and itemized cost breakdown of each transaction to the customer and to the food facility that includes specified information about menu prices as well as fees, commissions, and costs to the food facility.

4) Establishes the Unfair Competition Law, which provides a statutory cause of action for any unlawful, unfair, or fraudulent business act or practice and unfair, deceptive, untrue, or misleading advertising, including over the internet. (BPC § 17200 et seq.)

This bill:

1) Adds beverage orders to the type of orders for which a food delivery platform, as defined, acts as an intermediary between consumers to submit orders from a consumer to a participating food facility and to arrange for the delivery of the order from the food facility to consumer.

2) Excludes fees, commissions, and surcharges from the definition of purchase price, in addition to the existing exclusion of taxes and gratuities.

3) Requires a food delivery platform to provide a food facility a mechanism to do the following, provided that these do not interfere with preexisting contractual obligations between a food delivery platform and a food facility:

    a) Remove the food facility, including its name, address, logo, or menu listing, from the platform within three business days of receiving a request to be removed from the platform; and

    b) Direct the food delivery platform to disclose to customers the delivery fee charged to the food facility and each fee, commission, or cost charged to the food facility.

4) Requires a food delivery platform to inform a food facility of all of the following related to errors:

    a) How charges for customer order or delivery errors are calculated;

b) How charges related to errors are allocated between the food delivery platform and the food facility; and

c) The process for food facilities to dispute charges related to errors, including whether disputes may be subject to automatic resolution.

5) Requires a food delivery platform to allow a food facility to authorize specified individuals to review the agreement between the food delivery platform and the food facility, provided that the food facility and any additional authorized individuals comply with all applicable confidentiality provisions and any other provisions that protect the food delivery platform from competitive, proprietary, or other harm.

6) Requires a food delivery platform to clearly and regularly disclose the status of the order to the food facility and the customer, including the method of delivery; the anticipated date and time the order will be delivered and; confirmation that the order has been successfully delivered or that the delivery cannot be completed.

Background

Food delivery platforms provide an alternative for restaurants that may not wish to employ their own delivery professionals, but want to be able to serve customers at home. While each food delivery platform is different, one platform provided insight on its current business model, including details about what the arrangement between an online food delivery platform and a food facility might look like. Generally speaking, the food delivery platform enters into a written contract with independent restaurants who choose to use its services. Potential agreements and contracts are not freely available on its website—a restaurant must create an account with the food delivery platform to be provided with more information about a partnership. Independent restaurants can negotiate, change, modify, or otherwise alter agreements. A partner restaurant or company is eligible to terminate an agreement within only a few days, and typically restaurants are able to pause their account at any time without incurring charges.

Restaurants experienced significant hardship throughout the COVID-19 pandemic and have continued to struggle, particularly with rising costs at every level of operating a small business as so many California restaurants are. Millions of employees have been laid off or furloughed, approximately four out of every ten restaurants has closed, and it is estimated that anywhere from 20-80% will close permanently. However, sales through third-party online delivery services grew

dramatically in 2020, growing by 122% in an industry that saw major growth even prior to the pandemic. While services can conveniently and safely connect restaurants with customers who do not wish to dine out, they can be expensive. Commissions are often around 30 percent of the sale price, and there may be additional fees. These services are often not a good fit for restaurants, as the costs for participating on a platform may impact revenues and a formidable barrier to sustained financial viability.

Three food delivery platforms currently play the biggest role in the online food delivery industry. The use of these platforms increased significantly in light of stay-at-home orders initiated at the beginning of the COVID-19 pandemic. As restaurants continued to suffer, many jurisdictions began implementing local ordinances to set limits on fees that third-party delivery companies could charge restaurants.

In response to lawsuits filed across the country for unfair business practices, labor violations, and similar concerns, particularly one predatory practice involving listing restaurants on food delivery websites without their consent, the state Legislature passed the Fair Food Delivery Act (AB 2149, Gonzalez, Chapter 125, Statutes of 2020). The bill prohibits a food delivery platform from arranging for the delivery of an order from a food facility without first obtaining an agreement with the food facility expressly authorizing the food delivery platform to take orders and deliver meals prepared by the food facility. A violation of the law constitutes an unfair business practice under the Unfair Competition Law. AB 502 (Lee, Chapter 164, Statutes of 2023) clarifies that a listing platform is expressly prohibited from associating a telephone number or other method of direct communication with a food facility on their website or application, rather than just a telephone number as prior legislative efforts specified. AB 502 (Lee, Chapter 164, Statutes of 2023) also added costs to the information that must be clearly and conspicuously disclosed by a listing website.

Comments

According to the Author, “As the popularity of online ordering increases, restaurants are losing a greater share of each sale and control of their brand while customers are left in the dark about the true costs involved. SB 1490 expands consumer and restaurant protections further than the existing law in California. The bill solves anti-competitive business practices by the large delivery platforms and enhances fee transparency that was not included in previous legislation.

The Author states that, "Current law requires only that delivery platforms inform customers that restaurants are being assessed fees, not the amount or ultimate recipient of each fee. This lack of transparency results in hidden costs for consumers. Platforms often claim that no or low delivery fees are being charged when there are actually delivery fees charged to the restaurant and built into the purchase price in the subtotal. The existing law does not cover full fee transparency for the customer and restaurant alike. SB 1490 would allow customers to understand exactly what fees they are paying and who the recipient of the fees are. Restaurants would also be able to understand a breakdown of fees and commissions."

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

SUPPORT: (Verified 4/23/24)

Digital Restaurant Association (source)
Independent Hospitality Coalition
A number of restaurants from throughout the state

OPPOSITION: (Verified 4/23/24)

None received

ARGUMENTS IN SUPPORT: According to the Digital Restaurant Association, "SB1490 aligns with our goals of fee disclosures to customers and restaurants including an itemized breakdown of purchase price, fees, commissions, and tips, so the customer understands the true costs and the restaurant can understand the specific fees for marketing, ordering and delivery. The legislation also bans delivery platforms from limiting the value or number of transactions disputed by a restaurant as evidenced by operators having to bear the brunt of delivery chargebacks. We also support the ability to increase order information sharing by requiring the disclosure of order status including delivery method, anticipated date and time and confirmation of successful delivery to assist with the customer experience and reduce miscommunication."

The Independent Hospitality Coalition, an organization of Los Angeles hospitality operators, advocates, and workers "whose purpose is to provide representation for our growing workforce and essential businesses, creating awareness of our role in the economic fabric of society", write that it is important for the state to "enact the following regulations for third-party delivery companies: fee transparency so customers, drivers, and restaurants know exactly what the fees are and who benefits from those charges; customer order information sharing so restaurants

know how, when, and if an order is delivered. They can directly communicate with their customers and respond to issues, errors, and reviews; protections against unfair business practices such as requiring a mechanism be available to restaurants to remove themselves from a food delivery platform and allow for a more equitable dispute process.

A number of restaurants from throughout the state write that "While third party online food order and delivery services are convenient, they are pay-to-play marketplaces that disconnect customers from the restaurants who serve them and more problematically, charge substantial commissions to restaurants that are hidden from customers. This has created a number of challenges including: Lack of control of the customer experience which can result in customer service issues, miscommunication and potential damage to a restaurant's reputation that restaurants often have to pay for through unilateral chargebacks; Anti-competitive practices that limit restaurant choice such as constantly changing contracts, increasing fees to force restaurants to use delivery, using restaurant's IP on their platforms without approval; and Lack of real-time customer information access, which is solely owned and controlled by third-party delivery platforms, denying restaurants the ability to directly communicate with customers to resolve issues in real-time."

Prepared by: Sarah Mason / B., P. & E.D. /
4/24/24 11:16:30

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

Office of Senate Floor Analyses
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CONSENT

Bill No: SB 1501
Author: Glazer (D)
Amended: 3/20/24
Vote: 21

SENATE REVENUE AND TAXATION COMMITTEE: 6-0, 4/10/24
AYES: Glazer, Dahle, Ashby, Bradford, Dodd, Padilla
NO VOTE RECORDED: Skinner

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

SUBJECT: Small Business Relief Act: penalties

SOURCE: Author

DIGEST: This bill provides that a taxpayer can elect to pay elective pass through entity tax without meeting the prepayment requirement if they pay a penalty equal to 5% of the elective tax paid for that taxable year.

ANALYSIS:

Existing law:

1) Enacts the Small Business Relief Act, which allows owners of pass through entities (PTEs) to elect to have the entity they own pay their portion of individual tax owed on the income they generate from the entity on its business tax return on their behalf (AB 150, Committee on Budget, Chapter 82, Statutes of 2021).

2) Allows elective PTE payments to generate personal income tax credits through the 2025 taxable year, at which time the program sunsets.

3) Permits taxpayers to carry forward credits for four additional taxable years.

4) Requires taxpayers to prepay as a requirement of electing into the Small Business Relief Act, specifically, to pay the greater of the following by June 15th of taxable year they elect to have the PTE pay tax on their behalf:

   a) 50% of their elective tax paid the previous year, or

   b) $1,000.

This bill:

1) Provides that a taxpayer can elect to pay elective PTE tax without meeting the prepayment requirement if they pay a penalty equal to 5% of the elective tax paid for that taxable year.

2) Requires the taxpayer to pay the penalty on or before the due date of their original tax return, without regard to an extension.

3) Applies commencing in the 2024 taxable year.

4) Makes technical and conforming changes, including one to ensure that interest is charged if the taxpayer does not pay the penalty on time.

Background

Federal law generally allows individuals to deduct their state and local income taxes, sales, and property taxes (SALT) on their federal income tax return. Beginning in 2018, the Federal Tax Cuts and Jobs Act (TCJA), changed several itemized deductions, including limiting the total deduction for SALT to $10,000 ($5,000 if married filing separate) for personal income taxpayers. The SALT limitation placed on individuals is set to expire after the 2025 taxable year. The SALT cap only affects individuals, not business entities. Unlike individuals, business entities can deduct ordinary and necessary businesses expenses without a limitation.

In November 2020, the Internal Revenue Service (IRS) notified taxpayers it intends to issue regulations clarifying that tax payments made at the entity level are not subject to the SALT deduction limitation applicable to partners and shareholders (Notice #2020-75). The Notice provides that PTEs can pay SALT at the entity level, and the tax deduction that flows through to the individual partners and shareholders qualifies as a business expense deduction, so not subject to the individual SALT limitation for itemized deduction purposes. Like other states, the Legislature enacted AB 150 (Committee on Budget, Chapter 82, Statutes of 2021)

to reduce the federal tax obligations of California PTE owners whose personal income tax deductions are limited by the SALT cap.

However, a taxpayer who does not make a prepayment, or pays erroneously pays less than 50%, is precluded from electing into the PTE elective tax, which can result in significantly higher federal taxes. Taxpayers can have several reasons for either accidentally paying the lower amount, or missing the prepayment deadline. For example, taxpayers who receive income from PTEs often do not have complete tax information for the previous year by June 15th, especially if the entity pays tax on extension. If the taxpayer pays what they think is the right amount by June 15th, but the entity paid more on their behalf later, they're disqualified. Likewise, some taxpayers may not elect by June 15th because they won't see a benefit, only to have an unexpected sale give rise to a tax obligation that could be offset by electing into elective PTE tax.

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

SUPPORT: (Verified 4/23/24)

California Society of Certified Public Accountants

OPPOSITION: (Verified 4/23/24)

None received

ARGUMENTS IN SUPPORT: According to the author, "AB 150's Small Business Relief Act was initially conceived by our current Pro Tempore Sen. McGuire with his SB 104 (2021), and has proven to be one of the most unique of things – a tax that people want to pay. The elective PTE tax has proven far more successful than initially thought, with nearly $20 billion in tax payments every year, which saves California taxpayers and small businesses significant amounts in federal taxes annually. However, with a few years of experience with implementation, we've learned some lessons, including that failing to make a prepayment or getting the amount wrong through no fault of your own completely disqualifies taxpayers from the program. SB 1501 provides an avenue for taxpayers who don't meet the prepayment deadline to do so after paying an extra 5%, which should ensure that almost all taxpayers continue to meet the prepayment deadline."

Prepared by: Colin Grinnell / REV. & TAX. / (916) 651-4117
4/23/24 16:13:35

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

Office of Senate Floor Analyses
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CONSENT

Bill No: SB 1512
Author: Committee on Housing
Introduced: 2/21/24
Vote: 21

SENATE HOUSING COMMITTEE: 10-0, 4/16/24
AYES: Skinner, Ochoa Bogh, Blakespear, Caballero, Cortese, Menjivar, Padilla, Seyarto, Umberg, Wahab

SUBJECT: Housing authorities

SOURCE: Author

DIGEST: This bill makes non-controversial changes to a section of law relating to housing.

ANALYSIS:

Existing law:

1) Housing Authorities Law authorizes a housing authority of a city or county to provide prepare, carry out, acquire, lease and operate housing projects and developments for persons of low income by financing the acquisition, construction, rehabilitation, refinancing, or development of dwelling accommodations, as specified. Financing may specifically entail the issuance of revenue bonds for the described purposes to develop multifamily rental housing and connected capital improvements.

2) Requires at least 20 percent of all units in such a multifamily project to be available for occupancy on a priority basis to persons of low income. If a sponsor elects to establish a base rent for units reserved for lower income households, the base rents and rental payments shall be adjusted for household size as pursuant to Section 8 of the United States Housing Act of 1937 or its successor. (Title 42 U.S.C. Section 1437f)

This bill makes non-controversial and non-policy changes to sections of law relating to housing. Specifically, this bill includes the following provision to amend existing provisions relating to household size and rent limit standards to conform with rules used by other agencies, such as for Low-Income Housing Tax Credits. This will help clarify for housing issuers which rent limits they can utilize, thus clarifying the issuance of revenue bonds for housing development.

Background

According to the Legislative Analyst's Office, the cost of producing a bill in 2001-2002 was $17,890. By combining multiple matters into one bill, the Legislature can make minor changes to law in the most cost-effective manner.

Proposals included in this housing omnibus bill must abide by the Senate Housing Committee policy on omnibus bills. The proposals must be non-controversial and non-policy changes to various committee-related statutes. The proponent of an item submits proposed language and provides background materials to the Committee for the item to be described to legislative staff and stakeholders. Committee staff provides a summary of the items and the proposed statutory changes to all majority and minority consultants in both the Senate and Assembly, as well as all known or presumed interested parties. If an item encounters any opposition and the proponent cannot work out a solution with the opposition, the item is omitted from, or amended out of, the bill. Proposals in the bill must reflect a consensus and be without opposition from legislative members, agencies, and other stakeholders.

Comments

Purpose of the bill. The purpose of omnibus bills is to include technical and non-controversial changes to various committee-related statutes into one bill. This allows the legislature to make multiple, minor changes to statutes in one bill in a cost-effective manner. If there is no consensus on a particular item, it cannot be included. There is no known opposition to any item in this bill.

Related/Prior Legislation

- SB 1252 (Senate Committee on Housing, Chapter 632, Statutes of 2022) made non-controversial changes to sections of law relating to housing.

- SB 1030 (Senate Committee on Housing, Chapter 165, Statutes of 2020) made non-controversial changes to sections of law relating to housing.

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

SUPPORT: (Verified 4/17/24)

California Housing Partnership Corporation

OPPOSITION: (Verified 4/17/24)

None received

Prepared by: Max Ladow / HOUSING / (916) 651-4124
4/24/24 14:46:21

**** END ****

Office of Senate Floor Analyses
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CONSENT

Bill No: SB 1519
Author: Committee on Governmental Organization
Introduced: 3/6/24
Vote: 21

SENATE GOVERNMENTAL ORG. COMMITTEE: 14-0, 4/9/24
AYES: Dodd, Wilk, Alvarado-Gil, Archuleta, Bradford, Glazer, Jones, Nguyen, Ochoa Bogh, Padilla, Portantino, Rubio, Seyarto, Smallwood-Cuevas
NO VOTE RECORDED: Ashby, Roth

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

SUBJECT: Gambling Control Act

SOURCE: Author

DIGEST: This bill authorizes the California Gambling Control Commission (Commission) to not apply certain provisions in the Gambling Control Act (Act) to a person whose license was denied solely because the person failed to clearly establish eligibility and qualifications for licensure, as specified. Additionally, the bill clarifies that an applicant with an out-of-state conviction, within 10 years of applying, may also be considered for licensure if the conviction has been expunged under the laws of the state in which the conviction occurred.

ANALYSIS:

Existing law:

1) Provides, under the Act, for the licensure and regulation of various legalized gambling activities and establishments by the Commission and the investigation and enforcement of those activities and establishments by the Bureau of Gambling Control (Bureau), under the California Department of Justice (DOJ).

2) Requires the Commission to deny a license application for several enumerated reasons, including the applicant being under 21 years of age, having associations with organized crime, making false or misleading statements or omissions on the application, or failing to clearly establish eligibility and qualification.

3) Prohibits a licensee from contracting with or employing a person who has been denied a license.

4) Prohibits a person who has been denied a license from retaining an interest in or receiving profits from a licensed gambling entity, and requires that person to divest themselves of any such interest at fair market value and within a specified time period.

5) Requires the Commission to deny a license application if the applicant has a conviction for a felony or a conviction, within 10 years of application, for a misdemeanor involving dishonesty or moral turpitude unless that misdemeanor conviction has been expunged, as specified.

This bill:

1) Authorizes the Commission to not apply certain provisions in the Act to a person whose license was denied solely because the person failed to clearly establish eligibility and qualifications for licensure, as specified.

2) Clarifies that an applicant with an out-of-state conviction, within 10 years of applying, for a misdemeanor involving dishonesty or moral turpitude, may also be considered for licensure if the conviction has been expunged under the laws of the state in which the conviction occurred.

Background

Author statement. According to the author's office, "SB 1519 is the Senate Governmental Organization Committee's bill that makes non-controversial changes to the Gambling Control Act. Specifically, this bill provides greater flexibility to the Commission to ensure that individuals don't simply get denied licensure because of a technicality and provides clarification on out-of-state convictions."

Gambling Regulation/Enforcement in California. The Act created a comprehensive scheme for statewide regulation of legal gambling under a bifurcated system of administration involving the Bureau within DOJ and the five-member Commission appointed by the Governor. The Commission is authorized to establish minimum regulatory standards for the gambling industry and to ensure that the state gambling licenses are not issued to, or held by, unsuitable or unqualified individuals.

The Bureau monitors the conduct of gaming operations to ensure compliance with state gambling laws and conducts extensive background investigations of applicants seeking a state gambling license. The Bureau also conducts background checks for all key employees and state gambling licensees and vendor applications.

The Bureau inspects premises where gambling is conducted, examines gambling equipment, audits papers, books, and records of the gambling establishment, investigates suspected violations of gambling laws, and is ultimately responsible for enforcing compliance with all state laws pertaining to gambling.

Out-of-State Convictions. This bill allows for applicants that have had a misdemeanor conviction involving a crime of dishonesty or crime of moral turpitude in another state expunged to be treated equally as a California applicant who has had a like misdemeanor charge expunged. Currently, the Act only provides an exception for California expungements. Without the expungement for crimes of dishonesty or crime of moral turpitude, the conviction would be cause for a mandatory denial. This bill simply provides the same level of treatment between in-state and out-of-state applicants.

Consequences of Denial. Under current law, the Commission is required to deny a license under specified conditions regardless of the merits of any individual applicant. For example, current law prohibits a licensee from contracting with or employing a person who has been denied a license. In addition, current law prohibits a person who has been denied a license from retaining an interest from a license gambling entity. This bill gives the Commission discretion to exempt situations of technical denials. Nothing in the bill requires the Commission to approve any application but simply allows the Commission discretion in order to allow them to view the whole application as a whole rather than simply requiring the Commission to deny an application because of a technical denial.

Related/Prior Legislation

SB 1524 (Committee on Governmental Organization, 2024) reduces the time by which the Governor must fill any vacancies on the Commission, from 60 to 45 days. (Pending in the Senate Governmental Organization Committee)

SB 819 (Committee on Governmental Organization, Chapter 553, Statutes of 2021) excluded from the definition of "gambling enterprise employee" a natural person employed solely to serve or prepare food or beverages if those duties are performed only in areas of the establishments in which gambling is not authorized.

AB 1082 (Low, Chapter 122, Statutes of 2020) removed from the definition of applicant, a person who is about to apply for a state gambling license, or other specified licenses, permits, or approvals.

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

SUPPORT: (Verified 4/22/23)

None received

OPPOSITION: (Verified 4/22/23)

None received

Prepared by: Felipe Lopez / G.O. / (916) 651-1530
4/23/24 16:13:36

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

SENATE RULES COMMITTEE SB 1520

Office of Senate Floor Analyses
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THIRD READING

Bill No: SB 1520
Author: Committee on Natural Resources and Water
Introduced: 3/6/24
Vote: 21

SENATE NATURAL RES. & WATER COMMITTEE: 11-0, 4/9/24
AYES: Min, Seyarto, Allen, Dahle, Eggman, Grove, Hurtado, Laird, Limón, Padilla, Stern

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

SUBJECT: Public resources

SOURCE: Author

DIGEST: This bill makes various consensus, or technical and clarifying changes to statute under the Senate Natural Resources & Water Committee's jurisdiction.

ANALYSIS:

1) Identifies the Colorado River squawfish (*Ptychocheilus lucius*) as a fully protected fish that shall not be taken or possessed at any time, unless authorized by the California Department of Fish and Wildlife for necessary scientific research, as specified. (Fish and Game Code §5515)

2) Establishes a policy of the state to discourage conveyances of federal public lands in California to third parties and establishes a process at the State Lands Commission to implement or waive this policy, as specified. (SB 50, Allen, Chapter 535, Statutes of 2017)

This bill:

1) Updates the common name of *Ptychocheilus lucius*, a fully protected fish, from Colorado squawfish to Colorado pikeminnow.

2) Repeals SB 50 (Allen, Chapter 535, Statutes of 2017).

Comments

Author's statement. From time to time, the Senate Natural Resources and Water Committee authors an omnibus bill of technical and non-controversial statutory changes affecting state agencies and law under the Committee's jurisdiction.

California Department of Fish and Wildlife. When identifying particular species, state law typically provides both the common and scientific names of a given species. Occasionally, the common name of a species changes over time. This bill updates the common name of *Ptychocheilus lucius*, a fully protected fish, from Colorado squawfish to Colorado pikeminnow.

State Lands Commission. SB 50 (Allen, Chapter 535, Statutes of 2017) established a state policy to discourage conveyances that transfer ownership of federal public lands in California from the federal government. Generally, it provides that conveyances of federal public lands in California are void ab initio unless the State Lands Commission was provided with the right of first refusal to the conveyance or the right to arrange for the transfer of the federal public land to another entity. In 2018, the U.S. District Court for the Eastern District of California declared SB 50 (Allen, Chapter 535, Statutes of 2017) unconstitutional and permanently enjoined the State Lands Commission from enforcing it (*United States v. California,* No. 2:18-cv-721-WBS-DB, 2018 LEXIS 188306 (E.D. Cal. Nov. 1, 2018)). This bill repeals SB 50 (Allen, Chapter 535, Statutes of 2017) in its entirety to reflect the 2018 decision.

Related/Prior Legislation

SB 50 (Allen, Chapter 535, Statutes of 2017) established a state policy to discourage conveyances that transfer ownership of federal public lands in California from the federal government.

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

SUPPORT: (Verified 4/22/24)

None received

OPPOSITION: (Verified 4/22/24)

None received

ARGUMENTS IN SUPPORT: According to the author, "The Senate Natural Resources and Water Committee's 2024 natural resources omnibus bill would update the common name of a fish and repeal a law that was declared unconstitutional."

Prepared by: Catherine Baxter / N.R. & W. / (916) 651-4116
4/23/24 16:13:36

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

SENATE RULES COMMITTEE
Office of Senate Floor Analyses
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CONSENT

Bill No: SB 1523
Author: Committee on Governmental Organization
Introduced: 3/12/24
Vote: 21

SENATE GOVERNMENTAL ORG. COMMITTEE: 16-0, 4/23/24
AYES: Dodd, Wilk, Alvarado-Gil, Archuleta, Ashby, Bradford, Glazer, Jones, Nguyen, Ochoa Bogh, Padilla, Portantino, Roth, Rubio, Seyarto, Smallwood-Cuevas

SUBJECT: California State Lottery

SOURCE: Author

DIGEST: This bill clarifies that a business may place, operate, or send communications using electronic communication equipment, located within the State of California, relating to the operation of a lawful lottery conducted in any other state, as specified.

ANALYSIS:

Existing law:

1) Authorizes under the California State Lottery Act of 1984 (Act), the California State Lottery and provides for its operation and administration by the California State Lottery (Commission). The Commission consists of five members and is required to promote and ensure the integrity, security, honesty, and fairness in the operation of the Lottery.

2) Clarifies that a business or entity may manufacture, assemble, repair, maintain, print, or otherwise produce and transport various devices, paraphernalia, equipment, tickets, or other products that are used in a state lottery.

3) Clarifies that is not unlawful to produce, print, or sell any advertising materials for a lawful lottery conducted outside of California if those advertising materials are not used in California.

This bill:

1) Clarifies that a business or entity may place, operate, or send communications using, any electronic communication equipment, including, without limitation, any computer server, wire, or router, located within the State of California, relating to the operation of a lottery conducted in any other state or jurisdiction where that lottery is not prohibited by the laws of the state or jurisdiction and provided that the person wagering on those games are required to be physically present in the geographic boundaries of the state or jurisdiction at the time of wagering.

2) Provides that nothing in this bill authorize the sale or resale of lottery tickets, chances, or shares from any out-of-state lottery to any person in California.

Background

Author Statement. According to the author's office, "this bill simply clarifies that a business entity may use electronic equipment in California for purposes related to the operation of lawful lotteries in other states. The bill makes it clear that nothing in the bill authorizes the sale or resale of out-of-state lottery tickets to a person in California. This change will ensure that the California State Lottery Act is updated to reflect new technologies."

California State Lottery. The Lottery was created by a ballot measure, Proposition 37, which was approved by 58% of voters on Nov. 6, 1984. The Act gave the Lottery a clear mission to provide supplemental funding to California public education on all levels from kindergarten through higher education, plus several specialized schools. The Act specifies that the Lottery shall be operated and administered by a commission appointed by the Governor. The Legislature has the authority to amend the Act by a two-thirds majority, if by doing so furthers the purposes of the Act.

On April 8, 2010, the Legislature amended the Act with AB 142 (Hayashi, Chapter 13, Statutes of 2010). The bill requires the Lottery to return at least 87% of revenues to the public in the form of prizes and contributions to education, and established a cap of 13% of revenues as the amount the Lottery may spend on

operating expenses. Prior to AB 142 (Hayashi, Chapter 13, Statutes of 2010), the Lottery was required to return, 50% of revenues to the public in the form of prizes; at least 34% to public education; and allocate no more than 16% to administrative costs. The bill required the Controller to review the amount of revenue that was allocated to public education at the end of each year for five years. If the total amount of revenue to public education fell short of the amount allocated in the last full fiscal year prior to the enactment of the bill, the bill included a provision that would have repealed the change. Such a drop never happened, the change in allocation resulted in more money being allocated to education.

The Lottery has contributed more than $41 billion in funding to California's public schools since it was established in 1985. In Fiscal Year 2021–2022, the Lottery contributed about $2 billion to public schools, or about 1% of the state's annual public school budget. Lottery funds are intended to supplement public education, not to replace state and local funding. Funds should only be used exclusively for educational purposes for students. Schools have used lottery allocations for computer labs, teacher training sessions, and programs like science, music, and art.

The Controller's office determines how to allocate lottery funds to public education institutions. For K–12 and community college districts, funding is based on average daily attendance, while funding for higher education and other specialized institutions is based on full-time enrollment.

International Game Technology. In October 2023, the California State Lottery announced the signing of a contract amendment with International Game Technology (IGT) as the lottery's primary lottery technology provider. The new seven-year extension is expected to run through October 2033, and includes an additional five, one-year extension options.

As part of the contract amendment, IGT will upgrade the California Lottery's current IGT provided second-chance platform for the company's latest cloud-based platform. Additional central system-related business will also be moved to the cloud. Like many other businesses, IGT is migrating from internally hosted physical servers to cloud date centers. As part of that transition, IGT is planning to co-locate data centers in California and Virginia that would host components of its iLottery and retail lottery solutions for out-of-state lotteries. The proposed cloud data center would be located in Fresno, California and would be "paired" with a data center located in Boydton, Virginia. One would be the primary server and the other being the back-up for any given state lottery.

The services that would be hosted for out-of-state lotteries include data transmissions for the wallet and other functionality for iLottery that is legal in the state where the wager occurs. For those out-of-state lotteries, the wager must be made while the customer is physically present in that state, which is verified through a geolocation system before the wager is accepter. Transmission of data related to the transaction would occur through the cloud data centers in California and Virginia.

SB 1523 would not change anything about how the California lottery runs its lottery games and would not change the current prohibition against playing an out-of-state lottery while in California. Rather, the bill simply allow IGT, or a future lottery technology provider, to move their back-end operations from physical servers currently located in the host state, to a cloud-based server within the State of California.

Related/ Prior Legislation

SB 818 (G.O. 2021) would have required the Director of the California State Lottery, on or before August 1, 2022, to conduct a study to determine the optimal prize payout rate to maximize the amount of funding allocated to public education and would have required the Director to recalculate the optimal prize payout rate at least once every five years. In addition, the bill would have required the Commission to use the optimal prize payout rate to set the lottery's budget each year. (Never Heard in the Assembly Governmental Organization Committee)

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

SUPPORT: (Verified 4/23/24)

None received

OPPOSITION: (Verified 4/23/24)

None received

Prepared by: Felipe Lopez / G.O. / (916) 651-1530
4/24/24 11:16:31

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

Office of Senate Floor Analyses
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THIRD READING

Bill No: SCA 2
Author: Stern (D), et al.
Amended: 4/25/23
Vote: 27

SENATE ELECTIONS & C.A. COMMITTEE: 4-1, 5/8/23
AYES: Glazer, Allen, McGuire, Menjivar
NOES: Nguyen
NO VOTE RECORDED: Newman, Umberg

SENATE APPROPRIATIONS COMMITTEE: 5-2, 9/1/23
AYES: Portantino, Ashby, Bradford, Wahab, Wiener
NOES: Jones, Seyarto

SUBJECT: Elections: voter qualifications

SOURCE: California Association of Student Councils
Generation Up, Inc.
PowerCA Action

DIGEST: This constitutional amendment, if approved by voters, lowers the voting age from 18 years of age to 17 years of age.

ANALYSIS:

Existing law:

1) Provides, pursuant to Twenty Sixth Amendment to the United States (US) Constitution that, "The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any state on account of age."

2) Permits a person who is a US citizen, a resident of California, not in prison for the conviction of a felony, and is at least 18 years of age at the time of the next election to register to vote and vote in any local, state, or federal election.

3) Allows a person who is at least 16 years old and otherwise meets all voter eligibility requirements to preregister to vote. Provides that the registration will be deemed effective as soon as the affiant is 18 years old at the time of the next election.

4) Requires every constitutional amendment, bond measure, or other legislative measure submitted to the people by the Legislature appear on the ballot of the first statewide election occurring at least 131 days after the adoption of the proposal by the Legislature.

This constitutional amendment lowers the voting age from 18 years of age to 17 years of age, subject to voter approval.

Background

Consistent with United States Constitution. The Twenty Sixth Amendment to the US Constitution states, "The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any state on account of age." Additionally, Article II, Section 2 of the California Constitution states, "A United States citizen 18 years of age and resident in this State may vote." Since the US Constitution only addresses abridging the right to vote and this measure expands voting rights, there does not appear to be a conflict with the federal constitution. In an opinion dated April 12, 2004, the Legislative Counsel opined that an amendment to the California Constitution to permit a person under the age of 18 to vote would not violate federal law.

Proposition 18 of 2020. In 2020, ACA 4 (Mullin, Resolution Chapter 30, Statutes of 2020), would have, if approved by voters, permitted a US citizen who is 17 years of age, is a resident of the state, and who will be at least 18 years of age at the time of the next general election to vote in any primary or special election that occurs before the next general election in which the citizen would be eligible to vote if at least 18 years of age. This measure appeared as Proposition 18 at the November 3, 2020 statewide general election. The measure was not approved by voters with approximately 56 percent of voters rejecting the measure.

Local Efforts to Lower the Voting Age in California. In 2016, voters in the City of Berkeley approved a charter amendment that permits the City Council to lower the voting age to 16 years old for school board elections.

Additionally, in 2020, the Oakland City Council voted to submit a ballot measure, which was subsequently approved by voters during the November 3, 2020 general election, to amend the city's charter to authorize the City Council to allow eligible

individuals who are at least 16 years old to vote for the office of School Director by ordinance.

Even though both measures passed, they have yet to be implemented by their respective jurisdictions.

Population Projections. According to population projections compiled by the Department of Finance from July 2021, it was projected that there would be 541,048 residents who are 17 years of age in 2023. It should be noted that these are projections and not actual population totals. Additionally, the actual number of 17-year-olds eligible to register to vote and who actually vote would also be different.

Preregistration Numbers. Under existing law, California permits a person who is at least 16 years old and otherwise meets all voter eligibility requirements to preregister to vote. The individual's registration is deemed effective as soon as the affiant is 18 years old at the time of the next election. According to the Secretary of State, as of February 10, 2023, there were 128,203 preregistered voters. It should be noted that voters who will be 18 years old on Election Day are included in active registration statistics, but remain preregistrants until their 18th birthday.

Other States. Although it appears that no state allows people under the age of 18 to vote in federal general elections, according to information from the National Conference of State Legislatures, at least 18 states (Colorado, Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Mississippi, Nebraska, New Mexico, North Carolina, Ohio, South Carolina, Utah, Vermont, Virginia, and West Virginia) and the District of Columbia permit a 17-year-old to vote in a primary election if the voter will turn 18 by the time of the general election. In some other states, 17-year-olds are allowed to participate in presidential caucuses if they will be 18 by the date of the general election, though the eligibility requirements for participating in a presidential caucus generally is determined by the political party conducting the caucus.

In Maryland, Takoma Park, Greenbelt, Hyattsville, Riverdale Park, and Mount Rainier allow 16- and 17-year-olds to vote in municipal elections. Takoma Park first permitted 16- and 17-year-olds to vote in its elections held in 2013, and Hyattsville first allowed 16- and 17-year-olds to vote in its 2015 elections. The city of Greenbelt, Maryland amended its charter in 2018 to allow 16- and 17-year-olds to vote in municipal elections. The first election in Greenbelt with a lower voting age requirement was held in November 2019.

Report from the Berkeley Institute for Young Americans. In April of 2023, the Berkeley Institute for Young Americans published a policy report about lowering the voting age to 17. The report reviewed research evidence, California's historical context, and the predicted turnout rates for 17-year-olds. The report concluded that if the voting age were lowered to 17, estimates showed that between 20-27 percent of all 17-year-olds in California would have participated in the 2018 midterm election, and between 26-46 percent of all 17-year-olds would have participated in the 2020 general election. It should be noted that this data depends on estimates from the Cooperative Election Study and the Current Population Survey. In addition, these turnout estimates do not account for other factors including, but not limited to, the popularity of an election, whether civics education is offered to 17-year-olds, and the newness of the voting age change.

The report also inferred that lowering the voting age has potential to increase turnout rates and establish life-long voting habits, especially if civics education plays an important role. Additionally, perceptions that 16-and 17-year-olds do not have the political maturity or cognitive ability to vote are not supported by developmental science. The report notes that researchers in the field of neuroscience and adolescent development have determined that by age 16 adolescents are capable of mature reasoning and decision-making on a similar footing with the cognitive functioning of adults. As it relates to influence, evidence also showed that youth are no more likely to be influenced by parents or peer networks than older adults. Finally, the report concluded that allowing young people to vote will weaken regulations that currently protect adolescents from special interests during election campaigns, and that changing the voting age will affect other legal definitions of adulthood.

Comments

1) According to the author, currently, in California, young voters have the lowest turnout rate of any age demographic. While this leaves them drastically underrepresented, they are by no means disengaged and uninterested in the political climate, which is currently dominated by issues such as climate change that have a greater effect on them than older voters. This is often because many 18-year-olds are in a time of transition—graduating from high school, going to college, or getting a job. Lowering the voting age to 17 will catch youth at a time when they are still connected to their school, their home, and their community. Converging research demonstrates that voting is habitual, and the earlier in life one votes, the more likely they are to continue voting. In fact, evidence suggests that when younger voters are engaged in the political process, the civic engagement trickles up to influence their parents and their

friends. Democracy is not a spectator sport. And yet, half of our high school seniors are left sitting on the sidelines, learning about government in theory, but unable to cast that crucial first vote in their hometown, where civic habits are built. Lowering the voting age will expand democracy by bringing younger voters into the electoral process, helping them and those around them to establish a lifelong habit of voting.

2) *Age of Majority.* This measure breaks with traditional notions of the age of majority and the responsibilities and privileges that accompany it. For the most part, California law does not allow minors to enter into civil contracts, including marriage, or to be held to the same standards of accountability in criminal matters, except in certain circumstances. With a few limited exceptions (most notably the legal drinking age and the legal smoking age), California confers the legal rights and responsibilities attendant with adulthood on those individuals who are 18 years of age or older.

Related/Prior Legislation

ACA 4 (Mullin, Resolution Chapter 30, Statutes of 2020), would have, if approved by voters, permitted a US citizen who is 17 years of age, is a resident of the state, and who will be at least 18 years of age at the time of the next general election to vote in any primary or special election that occurs before the next general election in which the citizen would be eligible to vote if at least 18 years of age. This was seen as Proposition 18 on the November 3, 2020 ballot where approximately 56 percent of voters rejected the measure. ACA 2 (Mullin, 2015), ACA 7 (Mullin, 2013), ACA 2 (Furutani, 2009), ACA 17 (Mullin, 2005), and ACA 25 (Mullin, 2004), all were similar to ACA 4. All of these measures were approved by the Assembly Elections & Redistricting Committee (or, in the case of ACA 25 of 2004, the Assembly Elections, Redistricting, and Constitutional Amendments Committee), but none of the measures passed off the Assembly Floor.

ACA 8 (Low, 2020) would have lowered the voting age to 17 years olds. ACA 8 was referred to this committee, but was not heard.

ACA 10 (Low, 2017) would have lowered the voting age to 17. ACA 10 failed passage on the Assembly Floor.

ACA 7 (Gonzalez, 2016) would have prop permitted 16- and 17-year-olds to vote in school and community college district governing board elections, as specified. A vote was not taken when the measure was heard in the Assembly Committee on Elections and Redistricting.

AB 2517 (Thurmond, 2016) would have allowed a charter city to permit 16- and 17- year-olds to vote in school district elections if those elections are governed by the city's charter, as specified. A vote was not taken when the bill was heard in the Assembly Committee on Elections and Redistricting.

SB 113 (Jackson, Chapter 619, Statutes of 2014) expanded preregistration by authorizing a 16-year-old to preregister to vote, provided the person meets all other eligibility requirements.

AB 30 (Price, Chapter 364, Statutes of 2009) allowed a person who is 17 years of age to preregister to vote, provided he or she would otherwise meet all eligibility requirements.

SCA 19 (Vasconcellos, 2004) would have lowered the voting age to 16, with all votes counting equally as a single vote. SCA 19 initially proposed to lower the voting age to 14 years, with votes by 14- and 15-year-olds counting as one-quarter of a vote, and votes by 16- and 17-year-olds counting as one-half of a vote, but subsequently was amended. instead to SCA 19 failed passage in the Senate Appropriations Committee.

ACA 23 (Speier, 1995) would have lowered the voting age to 14, but was never set for a hearing in the Assembly Elections, Reapportionment, and Constitutional Amendments Committee.

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

SUPPORT: (Verified 1/3/24)

ACLU California Action
California Environmental Voters
California Nurses Association/National Nurses United
Center for Information and Research on Civic Learning and Engagement
Fresno County Democratic Party
Generation Citizen
Initiate Justice Action
League of Women Voters of California
Peace and Freedom Party of California
Silicon Valley Young Democrats
Vote16 Culver City
Young Invincibles
One Individual

OPPOSITION: (Verified 1/3/24)

Alameda County Taxpayers' Association, Inc.
Election Integrity Project California, Inc.
Three Individuals

ARGUMENTS IN SUPPORT: In a letter sponsoring SCA 2, the California Association of Student Councils stated, in part, the following:

> Research has shown that the earlier in life one votes, the more likely they are to continue voting. Furthermore, a robust body of evidence demonstrates that 16- and 17-year-olds have the necessary cognitive skills and civic knowledge to vote responsibly. As a result, there has been a nationwide movement to engage youth earlier in the electoral process. California, along with ten other states, allow 16-year-olds to pre-register to vote. California's pre-registration program began in 2016, and as of 2020, more than 500,000 California teens have taken advantage of the preregistration program.
>
> Research demonstrates that voting is habitual—if someone votes in the first election for which they are eligible, they are far more likely to continue voting throughout their lifetimes. Furthermore, when younger voters participate in the political process, this civic engagement is more likely to trickle up and influence their friends and families. Lowering the voting age not only will bring younger voters into the electoral process, but will also have positive impacts on those around them.

ARGUMENTS IN OPPOSITION: In a letter opposing SCA 2, Election Integrity Project California, Inc., provided the following reasons for their position:

1) Anyone who has been 17 and is now ten or more years older knows by personal experience that 17-year-olds do NOT have the maturity or life experience to cast a reasonable, well-researched and considered vote.

2) 17-year-olds are not legally adults.

3) 17-year-olds are captive audiences in school.

4) High school students have little to no real-world experience to inform their voting choices.

5) Political participation is open to all. Voting is different.

Our youth show magnificent potential to manage the future. But let's not blur the line between potential and readiness. Voting is an adult responsibility. 18 is the age of majority. Allowing minors to vote is wrong and could be disastrous.

Prepared by: Scott Matsumoto / E. & C.A. / (916) 651-4106
1/3/24 11:30:36

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

SENATE RULES COMMITTEE

Office of Senate Floor Analyses
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THIRD READING

Bill No: SCR 93
Author: Hurtado (D), et al.
Introduced: 9/6/23
Vote: 21

SUBJECT: President Joseph Biden's goal of ending hunger and increasing healthy eating and physical activity

SOURCE: Author

DIGEST: This resolution expresses the Legislature's support for President Joseph Biden's goal of ending hunger and increasing healthy eating and physical activity by 2030.

ANALYSIS: This resolution makes the following legislative findings:

1) More than 50 years since the first White House Conference on Food, Nutrition, and Health, the United States has yet to end hunger and is facing an urgent, nutrition-related health crisis, the rising prevalence of diet-related diseases such as type 2 diabetes, obesity, hypertension, and certain cancers.

2) The consequences of food insecurity and diet-related diseases are significant, far reaching, and disproportionately impact historically underserved communities.

3) President Joseph Biden announced a goal of ending hunger and increasing healthy eating and physical activity by 2030 so fewer Americans experience diet-related diseases while reducing related health disparities.

4) The Biden-Harris Administration National Strategy on Hunger, Nutrition and Health identifies ambitious and achievable actions, across five pillars, to advance the President's goal to address hunger and diet-related diseases.

5) The President's strategy calls for improving food access and affordability, including by advancing economic security, increasing access to free and nourishing school meals, providing Summer Electronic Benefits Transfer to

more children, and expanding Supplemental Nutrition Assistance Program (SNAP) eligibility to more underserved populations.

6) The President's strategy calls for integrating nutrition and health, including by working with Congress to pilot coverage of medically tailored meals in Medicare, testing Medicaid coverage of nutrition education and other nutrition supports using Medicaid Section 1115 demonstration projects, and expanding Medicaid and Medicare beneficiaries' access to nutrition and obesity counseling.

7) The President's strategy calls for empowering all consumers to make and have access to healthy choices, including by proposing to develop a front-of-package labeling scheme for food packages, proposing to update the nutrition criteria for the "healthy" claim on food packages, expanding incentives for fruits and vegetables in SNAP, facilitating sodium reduction in the food supply by issuing longer-term, voluntary sodium targets for industry, and assessing additional steps to reduce added sugar consumption, including potential voluntary targets.

8) The federal government cannot end hunger and reduce diet-related diseases alone. The private sector, state, tribal, local, and territory governments, academia, and nonprofit and community groups must act as well. The President's strategy details "Calls to Action" for all these entities to do their part. Taken together, these collective efforts will make a difference and move us closer to achieving the 2030 goal.

This resolution supports President Joseph Biden's goal of ending hunger and increasing healthy eating and physical activity by 2030.

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

SUPPORT: (Verified 1/9/24)

None received

OPPOSITION: (Verified 1/9/24)

None received

Prepared by: Russell Manning / SFA / (916) 651-1520
1/11/24 10:36:01

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

Office of Senate Floor Analyses
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THIRD READING

Bill No: SCR 100
Author: Nguyen (R)
Introduced: 1/18/24
Vote: 21

SUBJECT: Black April Memorial Month

SOURCE: Author

DIGEST: This resolution proclaims the month of April 2024 as Black April Memorial Month.

ANALYSIS: This resolution makes the following legislative findings:

1) April 30, 2024, marks the 49th year since the Fall of Saigon, on April 30, 1975, to communism.

2) The combined United States and South Vietnamese fatalities among military personnel during the Vietnam War reached more than half a million, with approximately 800,000 additional troops being wounded in combat. Millions of Vietnamese civilians suffered casualties and death as a result of the extended conflict.

3) After the Fall of Saigon, millions of Vietnamese and their families fled Vietnam to surrounding areas and to the United States, including, but not limited to, former military personnel, government officials, and those who had worked for the United States during the war.

4) In the late 1970s to mid-1980s, thousands of Vietnamese risked their lives by fleeing Vietnam aboard small wooden boats. These emigrants reached refugee camps in Thailand, Malaysia, Indonesia, the Philippines, and Hong Kong, while approximately half of the people fleeing Vietnam in search of freedom and democracy perished at sea.

5) Human rights, religious freedom, democracy, and protection against threats of aggression are important concerns of Vietnamese Americans and Vietnamese communities worldwide stemming from human rights abuses that continue to

occur in Vietnam in the following areas, among others: child labor, human trafficking, religious and political persecution, suppression of the press, unlawful deprivation of life, forced disappearances, and land seizure.

This resolution proclaims the month of April 2024, in recognition of the great tragedy and suffering and lives lost during the Vietnam War, as Black April Memorial Month, a special time for Californians to remember the lives lost during the Vietnam War era, and to hope for a more humane and just life for the people of Vietnam.

Related/Prior Legislation

The following are the most recent measures relative to Black April Memorial Month:

- SCR 8 (Nguyen, Resolution Chapter 52, Statutes of 2023).
- ACR 5 (Ta, Resolution Chapter 48, Statutes of 2023).
- SCR 85 (Umberg, Resolution Chapter 57, Statutes of 2022).
- ACR 113 (Nguyen, Resolution Chapter 48, Statutes of 2022).
- SCR 2 (Umberg, Resolution Chapter 34, Statutes of 2021).
- ACR 4 (Nguyen, Resolution Chapter 37, Statutes of 2021).

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

SUPPORT: (Verified 4/2/24)

None received

OPPOSITION: (Verified 4/2/24)

None received

Prepared by: Russell Manning / SFA / (916) 651-1520
4/3/24 13:52:29

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

Office of Senate Floor Analyses
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CONSENT

Bill No: SCR 102
Author: Alvarado-Gil (D)
Introduced: 1/18/24
Vote: 21

SENATE TRANSPORTATION COMMITTEE: 15-0, 4/9/24
AYES: Cortese, Niello, Allen, Archuleta, Becker, Blakespear, Dahle, Dodd, Gonzalez, Limón, Newman, Nguyen, Portantino, Seyarto, Umberg

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

SUBJECT: Dave McCoy Memorial Highway

SOURCE: Author

DIGEST: This resolution designates the portion of United States Highway 395 south of Route 203 to Convict Lake in the County of Mono as the "Dave McCoy Memorial Highway".

ANALYSIS: Existing law assigns the California Department of Transportation (Caltrans) the responsibility of operating and maintaining state highways, including the installation and maintenance of highway signs.

This resolution:

1) Recounts the life and career of skier and business man Dave McCoy.

2) Designates the portion of United States Highway 395 south of Route 203 to Convict Lake in the County of Mono as the "Dave McCoy Memorial Highway."

3) Requests Caltrans to determine the cost of appropriate signs consistent with the signing requirements for the state highway system showing this special

designation and, upon receiving donations from nonstate sources sufficient to cover that cost, to erect those signs.

Background

Dave McCoy was born in El Segundo, California in 1915 and spent the first six years of his life there. A trip to the eastern Sierra Nevada at age 13 foretold a life-long connection with the mountains. In his later adolescence Dave observed Norwegian ski jumpers in the mountains near his home sparking his interest in skiing. In 1936 Dave worked as a hydrographer for the Los Angeles Department of Water working in the Mammoth Mountain area. He would go on to become a California state champion skier at 22 years old and would often ski up to 50 miles a day.

During these years Dave considered McGee Mountain as a place to set up a primitive rope tow, but eventually concluded that the snow at the lava dome complex known as Mammoth Mountain was much better, so he set his rope tow and roots in the ground in 1942 at Mammoth Mountain. McCoy and a small group of skiers worked hard to dig holes, mix concrete, and install a chairlift on their own by Thanksgiving of 1955. Dave would go on to run the Mammoth Mountain ski area for 68 years. After selling the mountain in 2006 Dave helped to grow the town around the mountain through his Mammoth Lakes Foundation launching the town's first water district, fire department, high school, and college.

The creation of this ski area contributed significantly to the economic prosperity throughout the eastern Sierra region and has inspired many to venture to this region and beyond for recreation and natural experiences. Today Mammoth Mountain is a sprawling resort that draws more than 1.3 million skiers and snowboarders annually. Dave passed away at the age of 104 on February 8, 2020 at his home in Bishop, California.

Comments

According to the author, "SCR 102 dedicates a portion of United States Highway 395 in the County of Mono as the Dave McCoy Memorial Highway to honor the life and accomplishments of Dave McCoy a California state champion skier and the founder of Mammoth Mountain Ski Area.

"This highway dedication serves as a reminder and inspiration of the life of Dave McCoy as to memorialize and highlight that anyone, regardless of where they were born or what class they were born into, can attain their own version of success."

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

SUPPORT:

None received

OPPOSITION:

None received

Prepared by: Benjamin O'Brien-Hokanson / TRANS. / (916) 651-4121
4/23/24 10:01:35

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

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THIRD READING

Bill No: SCR 110
Author: Umberg (D)
Introduced: 2/7/24
Vote: 21

SUBJECT: California Peace Officers' Memorial Day

SOURCE: Author

DIGEST: This resolution proclaims Monday, May 6, 2024, as California Peace Officers' Memorial Day.

ANALYSIS: This resolution makes the following legislative findings:

1) Monday, May 6, 2024, is California Peace Officers' Memorial Day, a day Californians observe in commemoration of those noble officers who have tragically sacrificed their lives in the line of duty.

2) Although California citizens are indebted to our California peace officers each day of the week, we make particular note of our peace officers' bravery and dedication, and we share in their losses on California Peace Officers' Memorial Day.

3) Peace officers have a job second in importance to none, and it is a job that is as difficult and dangerous as it is important.

4) California peace officers have worked dutifully and selflessly on behalf of the people of this great state, regardless of the peril or hazard to themselves.

5) By the enforcement of our laws, these same peace officers have safeguarded the lives and property of the citizens of California and have given their full measure to ensure these citizens the right to be free from crime and violence.

6) Special ceremonies and observations on behalf of California peace officers provide all Californians with the opportunity to appreciate the heroic individuals who have dedicated their lives to preserving public safety.

This resolution:

1) Recognizes California's peace officers who were killed in defense of their communities in 2023:

   - Deputy Darnell Andrew Calhoun, Riverside County Sheriff's Office, End of Watch: January 13, 2023.
   - Officer Gonzalo Carrasco, Jr., Selma Police Department, End of Watch: January 31, 2023.
   - Deputy Ryan M. Clinkunbroomer, Los Angeles County Sheriff's Department, End of Watch: September 16, 2023.
   - Officer Tuan Q. Le, Oakland Police Department, End of Watch: December 29, 2023.

2) Recognizes California's peace officers who were killed in defense of their communities in prior years, but not yet enrolled:

   - Officer Philip T. Sudario, Los Angeles Police Department, End of Watch: January 25, 2021.
   - Sergeant Patricia Elena Guillen, Los Angeles Police Department, End of Watch: January 28, 2021.
   - Sergeant Anthony White, Los Angeles Police Department, End of Watch: April 15, 2021.

3) Recognizes California's distant past honored officer:

   - Detective Donald A. Mason, San Bernardino County Sheriff's Department, End of Watch: December 23, 1959.

4) Designates Monday, May 6, 2024, as California Peace Officers' Memorial Day and urges all Californians to remember those individuals who have given their lives for our safety and express appreciation to those who continue to dedicate themselves to making California a safer place to live and raise our families.

Related/Prior Legislation

The following are the most recent measures proclaiming California Peace Officers' Memorial Day:

- SCR 20 (Umberg, Resolution Chapter 80, Statutes of 2023).
- ACR 172 (Cooper, Resolution Chapter 70, Statutes of 2022).
- SCR 69 (Grove, 2022) – Died on the Senate Inactive File.
- SR 35 (Grove, 2021) – Adopted by the Senate.
- SCR 88 (Galgiani, 2020) – Died at the Assembly Desk.
- SCR 25 (Galgiani, Resolution Chapter 67, Statutes of 2019).

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

SUPPORT: (Verified 2/12/24)

None received

OPPOSITION: (Verified 2/12/24)

None received

Prepared by: Russell Manning / SFA / (916) 651-1520
2/14/24 10:58:50

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

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CONSENT

Bill No: SCR 115
Author: Archuleta (D)
Introduced: 2/20/24
Vote: 21

SENATE TRANSPORTATION COMMITTEE: 15-0, 4/9/24
AYES: Cortese, Niello, Allen, Archuleta, Becker, Blakespear, Dahle, Dodd, Gonzalez, Limón, Newman, Nguyen, Portantino, Seyarto, Umberg

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

SUBJECT: Los Angeles County Sheriff's Deputy Michael Richard Arruda Memorial Interchange

SOURCE: Author

DIGEST: This resolution designates the interchange on State Route 60 at the 7th Avenue Undercrossing in the City of Hacienda Heights in the County of Los Angeles as the "Los Angeles County Sheriff's Deputy Michael Richard Arruda Memorial Interchange".

ANALYSIS: Existing law assigns the California Department of Transportation (Caltrans) the responsibility of operating and maintaining state highways, including the installation and maintenance of highway signs.

This resolution:

1) Memorializes the career and life of Los Angeles County Sheriff's Deputy Michael Richard Arruda.

2) Designates the interchange on State Route 60 at the 7th Avenue Undercrossing BR 53-1771 at postmile 14.262 in the City of Hacienda Heights in the County of Los Angeles as the "Los Angeles County Sheriff's Deputy Michael Richard Arruda Memorial Interchange"

3) Requests Caltrans to determine the cost of appropriate signs consistent with the signing requirements for the state highway system showing this special designation and, upon receiving donations from nonstate sources sufficient to cover that cost, to erect those signs.

Background

On the evening of June 9th, 2004 Deputy Sheriff Michael Richard Arruda along with 3 other deputies from the City of Industry Station responded to a "man with a gun" call at a Motel 6 in Hacienda Heights. When the deputies arrived at the door of the second-floor unit they were confronted by the suspect who came out shooting. The suspect's weapon was not immediately identified as a pellet gun because it closely resembled a 40 caliber semiautomatic pistol, and in the heat of the moment deputies returned fire. During the encounter, Deputy Sheriff Arruda was tragically shot and ultimately succumbed to his injuries on June 15, 2004.

Michael Richard Arruda was born in New Bedford, Massachusetts and served four years in the Navy before joining the Los Angeles County Sheriff's Department in May 1991. He was initially assigned to the men's Central Jail for eight years before transferring to the City of Industry Station in 2000. Deputy Sheriff Arruda was described by his supervisors as "an outstanding, hard-working, reliable, diligent team player", and was the recipient of many commendations during his years of dedicated service.

Deputy Sheriff Arruda is remembered as a dedicated and devoted partner to his fiancee, Sergeant Lidia Silva; a loving son to his parents, Ricardo Edward Arruda and Joyce Ann Arruda; a caring father to his son, Michael Edward Arruda, and daughter, Savannah Violet Arruda; and a thoughtful sibling to his sister, Lisa Marie Dumont; and a man who committed his life, beliefs, and career to the County of Los Angeles and the safety of its residents.

Writing in support of the resolution, the Los Angeles County Professional Peace Officers Association states, "Peace officers put themselves in harm's way daily in service to, and for the protection of, communities. Deputy Sheriff Michael Arruda succumbed to gunshot wounds on June 15, 2004 that were sustained six days earlier while responding to a call that someone was firing shots and threatening people. Honoring peace officers that have made the ultimate sacrifice serves as a reminder of their dedication and bravery – an honor that Michael Richard Arruda is

most deserving of. SCR 115 will ensure that his name and legacy are remembered by future generations."

Comments

Purpose of the resolution. To acknowledge and commemorate the life and service of Los Angeles County Sheriff's Deputy Michael Richard Arruda.

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

SUPPORT:

Association for Los Angeles Deputy Sheriffs
Los Angeles County Professional Peace Officers Association
Los Angeles Sheriff's Department

OPPOSITION:

None received

Prepared by: Benjamin O'Brien-Hokanson / TRANS. / (916) 651-4121
4/24/24 14:46:22

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

SENATE RULES COMMITTEE
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THIRD READING

Bill No: SCR 119
Author: Umberg (D)
Amended: 3/18/24
Vote: 21

SUBJECT: National Fentanyl Awareness Day

SOURCE: Author

DIGEST: This resolution designates May 7, 2024, as National Fentanyl Awareness Day.

Senate Floor Amendments of 3/18/24 update statistics throughout the resolution and add findings relating to the rise in fentanyl involved drug deaths.

ANALYSIS: This resolution makes the following legislative findings:

1) Drug traffickers mass-produce fake or counterfeit pills in an effort to falsely market them as legitimate prescription pills, resulting in deceptions and threats to the American public.

2) The United States Drug Enforcement Administration (DEA) has observed a dramatic rise in the number of counterfeit pills containing at least two milligrams of fentanyl, which is considered a deadly dose.

3) Seven out of 10 pills with fentanyl tested by the DEA contain a potentially lethal dose.

4) Illicit fentanyl is the number one cause of accidental death among persons under 55 years of age.

5) More than 20.4 million counterfeit pills have been seized with most having been laced with illicit fentanyl.

6) Fake or counterfeit pills have been identified in all 50 states and the District of Columbia.

7) Illicit fentanyl has also been detected in street drugs such as heroin and cocaine.

8) In the 12 months ending June, 2023, over 75,000 people died of fentanyl-related overdoses.

9) Over the last 20 years, drug-induced deaths among persons 15 to 35 years of age, inclusive, have increased four-fold, driven largely by the increase in illicit fentanyl drugs in recent years.

10) From 2018 to 2022, inclusive, drug overdose and poisoning deaths for persons 15 to 19 years of age, inclusive, grew by 122 percent, twice as fast as the national rate and one of the fastest of all age groups.

11) Fake or counterfeit pills are easily accessible and often sold on social media and e-commerce platforms, making them available to teens and youth.

12) Eighty percent of teen overdose deaths are caused by fentanyl.

13) Illicit fentanyl is involved in more youth deaths than all other drug-related deaths combined.

This resolution:

1) Supports the recognition and goals of National Fentanyl Awareness Day, which includes increasing individual and public awareness of the impact of fake or counterfeit fentanyl pills on families and young people.

2) Applauds the work of federal, state, and local law enforcement agencies that work to combat the proliferation of counterfeit pills.

3) Encourages the use of existing authorities to proactively stop and prevent the spread of illicit counterfeit pills.

4) Recognizes May 7, 2024, as National Fentanyl Awareness Day.

Related/Prior Legislation

- SCR 39 (Umberg, Resolution Chapter 111, Statutes of 2023).
- SCR 100 (Umberg, Resolution Chapter 76, Statutes of 2022).

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

SUPPORT: (Verified 3/18/24)

None received

OPPOSITION: (Verified 3/18/24)

None received

Prepared by: Russell Manning / SFA / (916) 651-1520
3/20/24 13:54:30

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

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THIRD READING

Bill No: SCR 124
Author: Laird (D)
Introduced: 3/6/24
Vote: 21

SUBJECT: Cystic Fibrosis Awareness Month

SOURCE: Cystic Fibrosis Research Institute

DIGEST: This resolution proclaims the month of May 2024 as Cystic Fibrosis Awareness Month.

ANALYSIS: This resolution makes the following legislative findings:

1) Cystic fibrosis, a chronic and progressive systemic disease for which there is no known cure, is the most common fatal genetic disease in the United States.

2) Cystic fibrosis impacts individuals of every race and ethnicity, but due to health disparities and newborn screening panels that fail to capture rare cystic fibrosis transmembrane conductance regulator (CFTR) mutations, many individuals with cystic fibrosis are misdiagnosed or diagnosed late.

3) Due to progress in understanding the disease and new therapeutic advances, the average life expectancy for a child diagnosed with cystic fibrosis after 2018 is in the mid-50s.

4) Despite advances in disease understanding and new therapies, the median age of death for those with cystic fibrosis is the mid-30s.

5) Prompt, aggressive treatment of the symptoms of cystic fibrosis can extend the lives of people who have the disease.

6) Recent advances in cystic fibrosis research have produced promising leads in gene, mRNA, and drug therapies beneficial to people who have the disease.

7) The Cystic Fibrosis Research Institute (CFRI) was formed in 1975 with a mission to be a global resource for the cystic fibrosis community while pursuing a cure through research, education, advocacy, and support.

This resolution:

1) Proclaims the month of May 2024 as Cystic Fibrosis Awareness Month.

2) Honors the goals and ideals of Cystic Fibrosis Awareness Month so as to promote public awareness and understanding of cystic fibrosis and the diverse communities it impacts.

3) Encourages early diagnosis and access to quality care for all people with cystic fibrosis to improve the quality of their lives, advocates for increased support for people who have cystic fibrosis and their families, and supports research to find a cure for cystic fibrosis.

Related/Prior Legislation

The following are the most recent measures proclaiming Cystic Fibrosis Awareness Month:

- SCR 103 (Pan, Resolution Chapter 90, Statutes of 2022).
- SCR 38 (Pan, Resolution Chapter 88, Statutes of 2021).
- SCR 36 (Pan, Resolution Chapter 114, Statutes of 2019).

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

SUPPORT: (Verified 3/11/24)

Cystic Fibrosis Research Institute (source)

OPPOSITION: (Verified 3/11/24)

None received

Prepared by: Russell Manning / SFA / (916) 651-1520
3/13/24 13:46:10

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

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THIRD READING

Bill No: SCR 131
Author: Min (D)
Introduced: 4/8/24
Vote: 21

SUBJECT: Native Hawaiian and Pacific Islander Heritage Month

SOURCE: Author

DIGEST: This resolution (1) declares that the Legislature commends Native Hawaiians and Pacific Islanders for their notable accomplishments and contributions to California; (2) recognizes April 2024 as Native Hawaiian and Pacific Islander Heritage Month; (3) recognizes the role that Native Hawaiians and Pacific Islanders have played in the social, economic, and political development of California throughout the state's history; and (4) encourages all federal, state, and local organizations to promote the preservation of Native Hawaiian and Pacific Islander history and culture, including the preservation of Native Hawaiian and Pacific Islander communities.

ANALYSIS: This resolution makes the following legislative findings:

1) Making up more than 337,617 community members, the Native Hawaiian and Pacific Islander (NHPI) community in California has the largest and most diverse population of Native Hawaiians and Pacific Islanders in the contiguous United States. In comparison, the NHPI population of California was approximately 221,458 persons in 2000, and 289,873 persons in 2010. The NHPI population of today represents an increase of 44,840 persons, or 15.4 percent, from 2010 to 2020, and an increase of 113,255 persons, or 51.1 percent, from 2000 to 2020.

2) The Treaty of Paris formalized Guam as a United States territory in 1898 and was placed under the jurisdiction of the United States Navy, the United States assumed formal control of Hawaiʻi following the passage of the Hawaiian Annexation in 1898, and American Samoa became a United States territory by deed of cession in 1900. Because of this, the Chamorros of Guam, the Kānaka Maoli of Hawaiʻi, and the Samoans of American Samoa became subjects of the

United States. As a result of the militarization on the Pacific Islands, according to AAPI Nexus, Native Hawaiians and Pacific Islanders serve in the military at a higher rate than any other racial group in the United States. Native Hawaiians and Pacific Islanders are the most overrepresented racial group among active duty members, making up a proportion of the military that is almost six times greater than their representation in the United States. Today, many Pacific Islanders are American citizens.

3) An influx of Native Hawaiians and Pacific Islanders arrived in California in the 1950s after World War II. Continued military service following World War II brought Pacific Islanders from the United States territories of American Samoa and Guam to California. Native Hawaiians and Tongans also came to California seeking economic opportunities, with many Tongans migrating to California via American Samoa. Many Pacific Islanders initially settled in southern California cities such as the Cities of Carson, Los Angeles, Long Beach, Oceanside, and San Diego, while others settled in the City and County of San Francisco. Most NHPI Californians today reside in the greater Sacramento, San Francisco, and Los Angeles areas.

4) Data from the Minority Business Development Agency shows that Native Hawaiians and Pacific Islanders continue to comprise a significant and growing part of our state's and nation's economy. Native Hawaiians and Pacific Islanders are overrepresented in blue-collar occupations, such as food preparation workers, grounds maintenance workers, hand laborers, health care aides, military service people, security officers, store clerks, and transportation or delivery workers. Native Hawaiians and Pacific Islanders own over 8,800 employer firms across the state, creating more than 60,100 jobs for Californians. These NHPI-owned firms generated $8.8 billion in revenue in the year 2020 alone. The firms span all sectors, with the most prominent being construction, scientific and technical services, and accommodation and food services.

This resolution:

1) Commends Native Hawaiians and Pacific Islanders for their notable accomplishments and contributions to California, and recognizes April 2024 as Native Hawaiian and Pacific Islander Heritage Month.

2) Recognizes the role that Native Hawaiians and Pacific Islanders have played in the social, economic, and political development of California throughout the state's history.

3) Encourages all federal, state, and local organizations to promote the preservation of NHPI history and culture, including the preservation of NHPI communities.

Related/Prior Legislation

The following are the most recent measures recognizing Asian and Pacific Islander American Heritage Month:

- SR 29 (Min, 2023) – Adopted by the Senate.
- HR (Low, 2023) – Adopted by the Assembly.
- SR 80 (Min, 2022) – Adopted by the Senate.
- HR 102 (Low, 2022) – Adopted by the Assembly.
- SR 32 (Pan, 2021) – Adopted by the Senate.
- HR 42 (Low, 2021) – Adopted by the Assembly.

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

SUPPORT: (Verified 4/15/24)

None received

OPPOSITION: (Verified 4/15/24)

None received

Prepared by: Russell Manning / SFA / (916) 651-1520
4/17/24 13:55:22

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

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THIRD READING

Bill No: SCR 132
Author: Seyarto (R), et al.
Introduced: 4/8/24
Vote: 21

SUBJECT: Hire a Veteran Day

SOURCE: Author

DIGEST: This resolution proclaims July 25, 2024 as Hire a Veteran Day.

ANALYSIS: This resolution makes the following legislative findings:

1) Roughly 200,000 service members retire or separate from the armed services every year, and many find themselves unable to find employment leading to an increase in the homeless veteran population in the state.

2) California is home to 1,800,000 veterans and the state's homeless veteran population makes up about 31 percent of the entire nation's homeless veteran population.

3) As service members transition from military life to the civilian world many seek new careers to apply their skills in the civilian world. Veterans bring competitive skills to civilian jobs, along with core values like loyalty, duty, respect, selflessness, honor, integrity, and personal courage.

4) Finding and competing for civilian positions can be challenging for a transitioning veteran. Veterans 35 to 54 years of age are constantly at higher levels of unemployment in California compared to the nonveteran population, and this is also true for veterans in the 55 to 64 age group.

5) United States Marine Corps Veteran and Hire Our Heroes founder Dan Caporale created National Hire a Veteran Day in 2017 as a call to action for hiring companies and also to encourage veteran job applicants.

6) National Hire a Veteran Day aims to inspire employers to recruit and hire veterans by recognizing the unique skills and values former service members can bring to the workforce.

This resolution recognizes July 25, 2024, as Hire a Veteran Day in honor of our nation's heroes.

Comments

According to the Author:

> SCR-132 recognizes July 25, 2024 as 'Hire a Veteran Day' in California. As service members retire or separate from the armed services every year, many find themselves unable to find employment. As a way to honor our nation's heroes, 'Hire a Veteran Day' aims to inspire employers to recruit, train, and hire Veterans by recognizing the unique skills they can bring to the workforce.

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

SUPPORT: (Verified 4/16/24)

None received

OPPOSITION: (Verified 4/16/24)

None received

Prepared by: Aizenia Randhawa / SFA / (916) 651-1520
4/17/24 13:55:23

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

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THIRD READING

Bill No: SCR 134
Author: Grove (R), et al.
Introduced: 4/8/24
Vote: 21

SUBJECT: Child Abuse Prevention Month

SOURCE: Author

DIGEST: This resolutions acknowledges April 2024 as Child Abuse Prevention Month and encourages Californians to work together to support youth-serving child abuse prevention activities in their communities and schools.

ANALYSIS: This resolution makes the following legislative findings:

1) Children who have been abused or neglected have a higher risk of developing various health problems as adults, including alcoholism, depression, drug abuse, eating disorders, obesity, suicide, and certain chronic diseases. California's children deserve to grow up in a safe and nurturing environment, free from fear, abuse, and neglect.

2) Effective programs succeed because of partnerships among human service agencies, community-based organizations, schools, faith-based organizations, law enforcement, and the business community.

3) Child abuse and neglect have long-term economic and societal costs. Maltreated children are 77 percent more likely to require special education than children who are not maltreated and are 59 percent more likely to be arrested as juveniles than their peers who are not maltreated.

4) Long-term health care costs for adult survivors of childhood physical and sexual abuse are 21 percent higher than for nonvictims. Adolescent survivors of child maltreatment are twice as likely to be unemployed as adults and are more likely to receive public assistance than their peers who were not maltreated.

5) Victims of child abuse, whether the abuse is physical, sexual, or emotional, or a combination of these, should have access to a safe place to live, appropriate medical care, and counseling or mental health services.

6) In recent years, Prevent Child Abuse America, the Child Abuse Prevention Center, the California Family Resource Association, and other groups have organized campaigns to increase public awareness of child abuse and to promote ways to prevent child abuse.

7) Pinwheels are displayed to increase the awareness of child abuse and to focus on the positive message of preventing child abuse and neglect by supporting families and strengthening communities during Child Abuse Prevention Month.

This resolution acknowledges April 2023 as Child Abuse Prevention Month and encourages Californians to work together to support youth-serving child abuse prevention activities in their communities and schools.

Related/Prior Legislation

SCR 34 (Ashby, Resolution Chapter 53, Statutes of 2023) acknowledged April 2023 as Child Abuse Prevention Month.

ACR 166 (Calderon, Resolution Chapter 66, Statutes of 2022) acknowledged April 2022 as Child Abuse Prevention Month.

ACR 66 (Cooley, Resolution Chapter 40, Statutes of 2021) acknowledged April 2021 as Child Abuse Prevention Month.

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

SUPPORT: (Verified 4/15/24)

None received

OPPOSITION: (Verified 4/15/24)

None received

Prepared by: Aizenia Randhawa / SFA / (916) 651-1520
4/17/24 13:55:24

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

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THIRD READING

Bill No: SCR 135
Author: Wiener (D), Allen (D), Becker (D), Glazer (D), Newman (D), Rubio (D) and Stern (D), et al.
Amended: 4/17/24
Vote: 21

SUBJECT: California Holocaust Memorial Day

SOURCE: Author

DIGEST: This resolution proclaims May 6, 2024, as California Holocaust Memorial Day and would urge all Californians to observe this day of remembrance for the victims of the Holocaust in an appropriate manner.

ANALYSIS: This resolution makes the following legislative findings:

1) More than 70 years have passed since the tragic events that we now refer to as the Holocaust transpired, in which the dictatorship of Nazi Germany murdered six million Jews as part of a systematic program of genocide known as "The Final Solution to the Jewish Question".

2) Jews were the primary victims of the Holocaust, but they were not alone. Millions of other people were murdered in Nazi concentration camps as part of a carefully orchestrated, state-sponsored program of cultural, social, and political annihilation under the Nazi regime.

3) We must recognize the heroism of those who resisted the Nazis and provided assistance to the victims of the Nazi regime, including the many American soldiers who liberated concentration camps and provided comfort to those suffering.

4) We must teach our children, and future generations, that the individual and communal acts of heroism during the Holocaust serve as a powerful example of how our nation and its citizens can, and must, respond to acts of hatred and inhumanity. We must always remind ourselves of the horrible events of the

Holocaust and remain vigilant against antisemitism, racism, hatred, persecution, and tyranny of all forms lest these atrocities be repeated.

This resolution proclaims May 6, 2024, as "California Holocaust Memorial Day" and that Californians are urged to observe this day of remembrance for victims of the Holocaust in an appropriate manner.

Related/Prior Legislation

The following are the most recent measures relating to California Holocaust Memorial Day:

- SCR 43 (Wiener, Resolution Chapter 55, Statutes of 2023).
- ACR 43 (Gabriel, Resolution Chapter 50, Statutes of 2023).
- SCR 95 (Wiener, Resolution Chapter 60, Statutes of 2022).
- ACR 170 (Gabriel, Resolution Chapter 68, Statutes of 2022).
- SCR 29 (Wiener, Resolution Chapter 65, Statutes of 2021).
- ACR 56 (Gabriel, Resolution Chapter 31, Statutes of 2021).

Comments

According to the author:

> At a time of rising ignorance around the Holocaust and as we have seen a striking rise in antisemitism it is more important than ever that we reaffirm California's commitment to remembering and learning about the Holocaust. We know that when the world forgets the horrors of the planned extermination of Jews across the world and the successful murder of 6 million Jews, such crimes will come again. There are still fewer Jews in the world today than there were in 1939. The scars of the Holocaust are still borne by our community. On Yom HaShoah, we commemorate those who lost their lives and those who survived, we recognize and celebrate the strength of our Jewish community, and we remind ourselves: Never again, not for the Jews, nor for any other people.

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

SUPPORT: (Verified 4/22/23)

None received

OPPOSITION: (Verified 4/22/23)

None received

Prepared by: Russell Manning / SFA / (916) 651-1520
4/24/24 13:52:50

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

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THIRD READING

Bill No: SCR 137
Author: Wahab (D), et al.
Introduced: 4/15/24
Vote: 21

SUBJECT: No room for hate

SOURCE: Author

DIGEST: This resolution proclaims that the Legislature joins all communities throughout the state in their commitments and affirmations that in California, there is no room for hate.

ANALYSIS: This resolution makes the following legislative findings:

1) The United States Department of Justice (U.S. DOJ) reports 2,201 incidents of hate crime in 2022 with 62.1% of reported hate crimes in California motivated by racial, ethnic, or ancestry bias, 18.9% motivated by sexual orientation bias, and 14.4% motivated by religious bias.

2) The U.S. DOJ also found that a total of 5,652 juveniles were reported as victims of hate crime from 2018 through 2022, with 30.6% of these juvenile victims, 1,729 juveniles, experiencing hate crime at school locations.

3) In schools, between 2018 and 2022, racial, ethnic, and ancestry bias is the most significant motive for reported hate crimes including 1,690 reported hate crime offenses involving anti-Black or African American bias, 245 reported hate crime offenses involving anti-White bias, 184 reported hate crime offenses involving multiple races or group bias, 183 reported hate crime offenses involving anti-Hispanic or Latino bias, and 105 reported hate crime offenses involving anti-Asian bias.

4) In January 2024 the Anti-Defamation League published an assessment of hate crime incidents between October 7, 2023 and January 7, 2024 and noted there was a 361-percent increase compared to the same period one year prior, which saw 712 incidents.

5) In 2023, the Civil Rights, Accessibility and Racial Equity Office within the State Department of Social Services awarded $91,000,000 in Stop the Hate Program Funding grants to 173 organizations to provide direct, preventative, and intervention services as they related to hate crimes and the victims.

6) The California Fair Employment and Housing Act prohibits harassment of employees, applicants, unpaid interns, volunteers, and independent contractors by any person based on protected characteristics, including race, religion, and gender. The Unruh Civil Rights Act provides protection from discrimination by all business establishments in California, including housing and public accommodations, because of age, ancestry, color, disability, national origin, race, religion, sex, and sexual orientation.

7) California, with all its diversity, antidiscrimination protections, and funding mechanisms, affirms that we are a state where there is no room for hate.

This resolution proclaims that the Legislature joins all communities throughout the state in their commitments and affirmations that in California, there is no room for hate.

Comments

According to the Author:

> In 1992, the City of Hayward created the Anti-Discrimination Action Plan with the goal of reducing discrimination incidents and assisting victims. During this time, the City of Hayward residents initiated the "No Room for Racism" campaign bumper stickers found on local vehicles. Recently, the statement "No Room for Racism" has become a second slogan for the city.
>
> As a former Hayward City Councilmember, I'm inspired by my City's commitment to anti-discrimination and inclusivity.
>
> However, it is undeniable that something more insidious has been gaining traction across California and our nation. In order to combat any issue, we must name it. So we must callout the rise in hate that threatens our communities and state.
>
> Stop AAPI Hate's 2023 Shades of Hate report examined the nuances of what hate looks like for our communities. They arrived at three key observations:

- Hate is not confined to interpersonal interactions but is bred within a larger environment of societal hate, requiring a broader approach to prevention and healing.
- Hate is also coded and hidden. Non-explicit hate is potentially more pervasive, just as harmful, and must be understood and addressed alongside more explicit forms of hate.
- Offenders are not just individuals but also institutions and their representatives leaving room for improvement in institutional policies and practices for civil rights solutions.

It’s clear to me those observations can be extended across multiple communities; across California itself. We must acknowledge the persistence of hate, and affirm that California is a place of acceptance at a time when hate is invading the hearts and minds of our country.

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

SUPPORT: (Verified 4/23/24)

None received

OPPOSITION: (Verified 4/23/24)

None received

Prepared by: Aizenia Randhawa / SFA / (916) 651-1520
4/24/24 13:52:51

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

SENATE RULES COMMITTEE
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THIRD READING

Bill No: SCR 139
Author: Cortese (D)
Introduced: 4/16/24
Vote: 21

SUBJECT: California Museums Month

SOURCE: California Association of Museums

DIGEST: This resolution declares May 2024 to be California Museums Month.

ANALYSIS: This resolution makes the following legislative findings:

1) California museums include art museums, zoos, aquaria, historical societies, science centers, botanical gardens, children's museums, and cultural centers. California is home to over 1,500 museums located in communities of all sizes and in every county throughout the state.

2) California museums help the state meet its obligations in education by serving over 2,000,000 schoolchildren per year. Studies have shown that visits to museums have a positive impact on the academic and social development of children and the well-being of adults. California museums foster exploration to advance knowledge, understanding, and appreciation of the humanities, sciences, arts, and natural world.

3) California museums have a $6.55 billion financial impact on the economy and support over 80,000 jobs.

4) Museums, residents, elected officials, civic leaders, and local governments are invited to recognize and celebrate the contributions of museums to California.

This resolution declares May 2024 as California Museums Month.

Related/Prior Legislation

The following is the most recent measure related to Museum Month in California:

ACR 193 (Bloom, Resolution Chapter 87, Statutes of 2022) proclaimed May 2022 as Museum Month in California.

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

SUPPORT: (Verified 4/22/24)

California Association of Museums (source)

OPPOSITION: (Verified 4/22/24)

None received

Prepared by: Holly Hummelt / SFA / (916) 651-1520
4/24/24 13:52:52

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THIRD READING

Bill No: SJR 6
Author: Caballero (D), Eggman (D) and Menjivar (D), et al.
Amended: 4/1/24
Vote: 21

SENATE MILITARY & VETERANS COMMITTEE: 4-0, 4/22/24
AYES: Archuleta, Alvarado-Gil, Menjivar, Umberg
NO VOTE RECORDED: Grove

SUBJECT: Don’t Ask, Don’t Tell: discharge characterizations

SOURCE: Author

DIGEST: This resolution urges the President and the Congress of the United States to address, with effective policies, the issue of servicemembers who were unjustly discharged under “Don’t Ask, Don’t Tell” (DADT) or predecessor provisions, in order to unify efforts to upgrade discharges issued under the DADT policy and to restore benefits.

ANALYSIS:

Existing federal law:

1) Provides a broad range of benefits and services to eligible veterans of the U.S. Armed Forces, delivered primarily through the U.S. Department of Veterans Affairs (VA), but also through other federal and some state agencies.

2) Repeals "Don't Ask, Don't Tell, Don’t Harass" which prohibited military personnel from discriminating against or harassing closeted homosexual or bisexual military service members or applicants, while barring openly gay, lesbian, or bisexual persons from service in the U.S. Armed Forces.

Existing state law:

1) Provides a modest array of benefits and services to veterans of the U.S. Armed Forces, delivered primarily through the California Department of Veterans Affairs (CalVet), but also through other state agencies.

2) Requires CalVet to establish the Veteran's Military Discharge Upgrade Grant Program to help fund service providers who, for free or at low cost, will educate veterans about discharge upgrades and assist qualifying veterans in filing discharge upgrade applications.

3) Requires CalVet to develop criteria, procedures, and accountability measures as may be necessary to implement the grant program.

This resolution:

1) Resolves that the Legislature denounces the obstacles and harm that members of the military discharged before, under, and even after the DADT policy have undergone and suffered.

2) Resolves that the Legislature urges the President and Congress of the United States to:

   a) Address the issue with effective policies to unify efforts to upgrade the "less than honorable" discharges issued under DADT and predecessor policies.

   b) Address the obstacles veterans and organizations have encountered to create a streamlined, simple, and immediate option to upgrade an "other than honorable" discharge and restore benefits to veterans who have served our country honorably are entitled to.

Background

In 2010, President Obama signed into law, the repeal of the DADT policy that went into effect the next year. The repeal of DADT provided a pathway for veterans that received an "other than honorable" discharge to undergo an upgrade, and veterans with a "dishonorable" discharge to apply for a "character of discharge process." While this was an important step to help right a wrong, it is the responsibility of the discharged veteran to initiate the process to clear their record. Despite that initial effort, and further changes to the policy, thousands of veterans

still have not upgraded their discharges, have not had access to their benefits, and face obstacles to access the discharge upgrade.

On September 20, 2023, the Department of Defense (DOD) announced the "DOD's Proactive Approach to Reviewing Military Records for Those Affected by DADT" to proactively work on the review of military records of veterans whose records indicate administrative separation under the DADT period, this effort still leaves out thousands of veterans discharged prior to the DADT policy because it ignores other discharged members that were not explicitly discharged on these grounds. Other discharged members were affected by the previous policies that resulted in service records with aggravating factors such as misconduct or court-martial convictions.

Comments

From October 1, 1980 to September 20, 2011, 35,801 individuals were discharged under DADT considerations. As of March 2023, only 1,375 veterans have been upgraded by discharge review boards. That is a rate of just over 1% of the troops discharged under DADT. There are potentially over 30,000 persons unaware that they are eligible for VA healthcare and benefits, and an estimated 3,000 in California, based on percentage of state population compared to total population.

According to the author, "Senate Joint Resolution (SJR) 6 calls upon the United States Congress and the President to create an effective policy to better address 'other than honorable' and 'dishonorable' discharges under the Don't Ask Don't Tell and other similar policies that have negatively impacted LBTQIA members of the military and to restore the benefits they are entitled to."

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

SUPPORT: (Verified 4/23/24)

Equality California
Swords to Plowshares

OPPOSITION: (Verified 4/23/24)

None received

Prepared by: Jenny Callison / M.&V.A. / (916) 651-1503
4/23/24 16:13:37

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

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THIRD READING

Bill No: SJR 12
Author: Min (D)
Introduced: 2/13/24
Vote: 21

SENATE NATURAL RES. & WATER COMMITTEE: 8-0, 4/15/24
AYES: Min, Allen, Eggman, Hurtado, Laird, Limón, Padilla, Stern
NO VOTE RECORDED: Seyarto, Dahle, Grove

SUBJECT: Oil and gas leases: bankruptcy

SOURCE: Author

DIGEST: This resolution urges the President of the United States and the United States Congress (1) to modify bankruptcy rules to provide, in the event of liquidation and termination of oil and gas leases under the United States Bankruptcy Code, that priority is given to plug and abandonment and restoration obligations, to protect the environment, over all secured creditor claims; and (2) to treat the plug and abandonment and lease restoration obligations as nondischargeable obligations.

ANALYSIS:

Existing law:

1) Establishes the Geologic Energy Management Division (CalGEM) in the Department of Conservation as the state's oil and gas production regulator. CalGEM authorizes the drilling/re-drilling of oil and gas wells, among other related actions. (see, for example, Public Resources Code (PRC) §3106, §3203)

2) Establishes certain bonding and other methods of financial surety to help indemnify the state in the event the operator is no longer viable and the state becomes responsible to plug-and-abandon the well, decommission associated equipment and infrastructure, and remediate the site. (e.g. PRC §3204, §3205, §3205.1, §3205.2, §3205.3, §3205.8, among others)

3) Establishes the State Lands Commission (commission) in the Natural Resources Agency. The commission has exclusive jurisdiction over ungranted tidelands and submerged lands owned by the state. The commission has had exclusive jurisdiction over the leasing of offshore state lands for oil and gas production since 1938.

4) Authorizes an oil and gas lessee of the commission to at any time make and file with the commission a written quitclaim or relinquishment of all rights under any lease or any portion thereof, as provided. The lessee remains subject to the continued obligation of applicable lease terms and regulations. No quitclaim or relinquishment shall release such lessee or his surety from any liability for breach of any obligation of the lease, as provided. (PRC 6804.1)

This resolution:

1) Urges the President of the United States and the United States Congress to modify bankruptcy rules to provide, in the event of liquidation and termination of oil and gas leases under the United States Bankruptcy Code, that priority is given to plug and abandonment and restoration obligations, to protect the environment, over all secured creditor claims, and to treat the plug and abandonment and lease restoration obligations as nondischargeable obligations.

2) Includes numerous legislative findings describing the Venoco, LLC and Rincon Island Limited Partnership (RILP) bankruptcies and the risks to the state's taxpayers stemming from onshore idle and orphan wells, among other findings.

Background

In 2016, RILP, a lessee of state oil and gas leases offshore of the County of Ventura, filed for bankruptcy in federal court. Later, in 2017, RILP quitclaimed their three leases to the state. RILP failed to fulfill their obligations to plug-and-abandon 75 oil and gas wells and decommission two related oil production facilities.

In 2017, Venoco, LLC, (Venoco), also a lessee of state oil and gas leases offshore of the County of Santa Barbara, surrendered its leases to the state and then declared bankruptcy in the Delaware. Venoco failed to plug-and-abandon 32 wells across its leases or to decommission Platform Holly and its associated facilities.

The Venoco and RILP bankruptcies allowed the two companies to avoid the costs of lease and permit compliance and decommissioning. Due to the bankruptcy protections provided in federal law, the state, largely the commission as lessor, ultimately had to take over the plugging-and-abandonment of wells, and

decommissioning and site restoration efforts in order to ensure public and environmental health and safety.

The Venoco and RILP bankruptcies have cost the state's taxpayers more than $200M in appropriated General Fund thus far. The state is likely to incur further significant expenses associated with the final disposition of Platform Holly and Rincon Island.

According to the commission, "decommissioning is a foundational part of the lessee contract – these leases were issued based on the premise the lessee would restore the land when operations end." However, because Venoco quitclaimed its leases prior to filing bankruptcy, Venoco was able to convert its obligations to permanently plug-and-abandon its wells and decommission and restore the site to an unsecured claim. All secured claims would be paid in bankruptcy before the unsecured ones which makes it likely the state would not receive full reimbursement for its expenses.

Similarly, RILP was able to largely escape its obligations to plug-and-abandon wells and decommission and restore the site through federal bankruptcy protections.

In addition to these two specific offshore examples, there are approximately 40,000 idle wells onshore currently. Recent estimates suggest that the cost to plug-and-abandon idle and certain other wells, should their operators declare bankruptcy, is on the order of billions of dollars. Indemnification bonds held to offset this expense were on the order of $107M in 2020 - far less than the potential need.

The risk remains that the oil and gas companies could use bankruptcy as a strategy to get out of their decommissioning obligations. These risks are not unique to California. For example, the recent Bipartisan Infrastructure Law signed into law by President Biden provides $4.7B for the plugging and abandonment of orphan wells and site remediation and restoration on federal, tribal, state, and private lands.

On January 31, 2019, the Supreme Court of Canada held that, consistent with an order of the Alberta State regulator, a bankruptcy debtor had to comply with end-of-life abandonment obligations prior to any distribution to creditors (Orphan Well Association v. Grant Thornton Ltd. (2019) SCC 5).

Comments

Bankruptcy appears to provide a pathway for oil and gas companies to shift decommissioning responsibilities to the state and public. While recent legislative efforts have provided authority to CalGEM and the commission to seek additional funds for indemnification, it remains unclear that implementation has been consistent. In some instances, the commission is precluded from obtaining additional indemnification due to the original lease terms.

Venoco and Rincon Island bankruptcies. Venoco filed for Chapter 11 in Delaware, and Rincon Island filed for Chapter 7 in Texas. (There is a further discussion of federal bankruptcy by the Senate Judiciary Committee below.) According to the commission, the bankruptcy code prioritizes repayments to creditors, and administrative and attorney fees over satisfying lease obligations. In both bankruptcies, the commission's costs to fulfill the lease terms were not prioritized.

The Senate Judiciary Committee has provided the following comment regarding bankruptcy. Bankruptcy is intended to provide certain insolvent debtors with a "fresh start." (*E.g.*, *Grogan v. Garner* (1991) 498 U.S. 279, 286.) Broadly speaking, bankruptcy gives persons and entities an orderly process in which the court oversees the distribution of the debtor's assets to their various creditors. In a Chapter 11 bankruptcy case, the goal is to allow the debtor-entity to reorganize and resume business, which may involve a restructuring or discharge of the entity's debts, or a change in the entity's ownership or organizational structure. In a Chapter 7 case, the purpose is liquidation: a debtor-entity's assets will be entirely liquidated, and an individual debtor's assets will be distributed to the greatest extent possible in exchange for a discharge from all remaining liabilities. (*See* 11 U.S.C. § 727.)

Bankruptcy law is exclusively federal: the United States Constitution gives Congress the authority to "establish…uniform Laws on the subject of Bankruptcies throughout the United States." (U.S. Const., art. I, § 8.) Congress, therefore, has the sole power to establish the priorities and exemptions that govern the bankruptcy process (for example, child support, alimony, and most student loans cannot be discharged in bankruptcy (11 U.S.C. § 523), which significantly hinders the ability of individuals to obtain the intended "fresh start."). Accordingly, as acknowledged by this resolution, only Congress has the authority to make the statutory changes necessary to ensure that priority is given to a debtor's outstanding plug and abandonment and restoration obligations.

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

SUPPORT: (Verified 4/16/24)

350 Humboldt
350 Sacramento
Azul
California Coastal Protection Network
California Environmental Voters
California State Lands Commission
Climate Action California
Climate Reality Project, Silicon Valley Chapter
Environment California
Environmental Defense Center
Orange County Coastkeeper
Santa Cruz Climate Action Network
Surfrider Foundation

OPPOSITION: (Verified 4/16/24)

None received

ARGUMENTS IN SUPPORT: According to the author, "My district bore the brunt of a 2021 oil spill off the Huntington Beach shore from an undersea pipeline serving offshore oil platforms. Our beaches were blackened with oil, fish and coastal wildlife were sickened or killed, sensitive coastal habitats were harmed, and the local small businesses dependent on a clean coastline suffered significant economic losses. Those responsible for the spill continue to be held to account financially.

"Unfortunately, farther up the coast other operators recently found it in their best interest to declare bankruptcy and walk away from dozens of oil wells, and associated equipment and infrastructure. The bankruptcies of Venoco and Rincon Island Limited Partners have cost the state's General Fund over $200 million so far. This doesn't even include the onshore costs to address orphan wells, which is estimated to be in the billions of dollars. In Alberta, Canada, the obligation to plug-and-abandon oil wells, decommission associated equipment and infrastructure, and remediate the site is no longer dischargeable in bankruptcy. This resolution asks our federal government to make that change to

bankruptcy law too and improve the state's position as a creditor in bankruptcy."

Prepared by: Katharine Moore / N.R. & W. / (916) 651-4116
4/17/24 10:09:42

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

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THIRD READING

Bill No: SJR 13
Author: Newman (D) and Umberg (D), et al.
Amended: 4/8/24
Vote: 21

SENATE ENVIRONMENTAL QUALITY COMMITTEE: 7-0, 4/3/24
AYES: Allen, Dahle, Gonzalez, Hurtado, Menjivar, Nguyen, Skinner

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SUBJECT: Navy North Hangar Fire: contamination cleanup

SOURCE: City of Tustin

DIGEST: This resolution urges the United States Congress and President Joseph R. Biden to support a $100,000,000 supplemental funding request to address the ongoing impacts on public health, the environment, and the local economy caused by cross-jurisdictional pollution from the Navy North Hangar Fire, and would urge President Joseph R. Biden to declare a national emergency due to these ongoing impacts, and would urge President Joseph R. Biden and the United States Congress to include funding for remediation for the Navy North Hangar Fire in future budgets.

ANALYSIS:

Existing law:

1) Grants the governing body of a city, county, or city and county, or by an official designated by ordinance adopted by that governing body, the ability to declare a local emergency, the status of which shall be reviewed at least once every 60 days and which shall be terminated at the earliest possible date that conditions warrant. Specifies that in periods of local emergency, political subdivisions have full power to provide mutual aid to any affected area in accordance with local ordinances, resolutions, emergency plans, or agreements therefore. Specifies that State agencies may provide mutual aid, to assist political subdivisions during a

local emergency or in accordance with mutual aid agreements or at the direction of the Governor. (Government Code §8630 et seq.)

2) Authorizes the local health officer to take any preventative measure that may be necessary to protect and preserve the public health from any public health hazard during any state of war emergency, state of emergency, or local emergency within her/his jurisdiction. (Health and Safety Code §101040)

3) Requires, under the federal Clean Water Act, that each federal agency or department that has jurisdiction over any property or facility, or that is engaged in any activity resulting in, or which may result in, discharge or runoff of pollutants, be subject to all federal, state, interstate, and local requirements, administrative authority, and process and sanctions respecting the control and abatement of water pollution in the same manner, and to the same extent as a nongovernmental entity. (33 United States Code (U.S.C.) § 1323(a))

4) Authorizes the President of the United States to declare a national emergency and requires the President to specify under which provisions of law the President or other officers will act before any powers or authorities are exercised. (U.S.C., art. I; 50 U.S.C. §1621 & 1631.)

This resolution:

1) Makes the following findings:

   a) The United States Navy is the owner of the site of former Marine Corps Air Station Tustin, on which the North Hangar structure was located before a fire that started on November 7, 2023 and burned for 24 days;
   b) The North Hangar fire deposited tons of debris, including toxic contaminants such as asbestos and lead, into Tustin, California and affected over 1,500 homes and businesses, 29 schools, and 14,000 individuals;
   c) The debris has been studied for exposure levels by an environmental health team that includes the South Coast Air Quality Management District, California Department of Toxic Substances Control, United States Environmental Protection Agency, Orange County Health Care Agency, United States Navy, Center for Toxicology and Environmental Health, and University of California, Irvine, and that is determined to protect against significant public health risks;
   d) The City of Tustin and the County of Orange have proclaimed a state of local emergency since November 9, 2023; the Tustin Unified School District was

closed and disrupted; and the Orange County Transportation Authority was impacted; as a result of the air quality conditions, contamination impacts, and public health concerns; and

e) The City of Tustin has contracted for emergency services in excess of $80,000,000 and is expending over 100% of its annual budget on this incident.

2) Resolves, on behalf of the Senate and the Assembly of the State of California, jointly, that:

   a) The Legislature urges the United States Congress and President Joseph R. Biden to support a $100,000,000 supplemental funding request to address the ongoing impacts on public health, the environment, and the local economy caused by pollution from the Navy North Hangar Fire;
   b) The Legislature urges President Joseph R. Biden to declare a national emergency due to the ongoing impacts to public health, the environment, and the local economy caused by cross-jurisdictional pollution from the Navy North Hangar Fire;
   c) The Legislature urges President Joseph R. Biden and the United States Congress to include in future federal budgets sufficient ongoing operational and maintenance funding for Navy North Hangar Fire remediation; and
   d) The Secretary of the Senate transmit copies of this resolution to the President and Vice President of the of the United States, to the Speaker of the House of Representatives, to the Majority Leader of the Senate, to each Senator and Representative from California in the Congress of the United States, to the Secretary of Defense, the Secretary of the Navy, to the Governor, to the Attorney General, and to the author for appropriate distribution.

Background

1) *Tustin Air Station.* The Naval Air Station Santa Ana, located in Orange County, California, was commissioned in 1942 as the southernmost of three blimp bases on the west coast. Each base had a pair of 1,000 foot long wooden hangars (the North Hangar and South Hangar) built during World War II (WWII), housing squadrons of blimps. Both hangars were entered into the National Register as a historic district in 1975 for their historic connection with WWII. The Naval Air Station was decommissioned in 1949, but then in 1951 was reactivated by the Marine Corps, which used it as a helicopter training base, until it was officially closed in 1999. A Reuse Plan was adopted by the community in 1996, which

has subsequently been amended, and the City of Tustin was working with the Navy on implementing the plan.

2) *North Hangar Fire.* On November 7, 2023, a fire at the North Hangar structure at the Tustin Air Base erupted. Due to the lack of water supply and height of the hangar (17 stories tall), the Orange County Fire Authority decided to allow the fire to burn while contained over 24 days before officials declared it "fully extinguished." The Tustin Hangar debris was found to contain asbestos and other heavy metals. On the day of the fire, air monitoring performed by South Coast Air Quality Management District showed elevated levels of lead and arsenic inside the area of the smoke plume. Due to possible airborne asbestos contamination, several parks and all Tustin Unified schools were closed, and health warnings were issued to surrounding residents.

   Two days after the fire, the County of Orange and the City of Tustin declared a local emergency due to the fire and the impact on over 1,500 homes and 14,000 people. The City of Tustin's proclamation requested that the Governor of California issue a Gubernatorial State of Emergency and provide expedited access to State and Federal resources, and recovery assistance to the City of Tustin. In January 2024, Governor Newsom said he would not issue a state of emergency proclamation for the fire, saying that the emergency had passed and that reimbursement is a federal responsibility. Subsequently, United States Representatives Young Kim and Lou Correa wrote a letter to Governor Newsom, urging him to reconsider his decision to reject the City of Tustin's request for a Proclamation of a State of Emergency. Also in January 2024, the Tustin City Council voted to renew the declaration of a local emergency while ongoing debris removal and air quality monitoring occurs.

3) *Site testing response.* The Incident Management Team (IMT), under the direction of the City of Tustin, was tasked to handle the response, including working with engineers, environmental experts, and other key agencies to put mitigation measures in place. In a December 13 letter, the Orange County Health officer reported that tests performed by South Coast Air Quality Management District, the United States Environmental Protection Agency (U.S. EPA), the United States Navy, and IMT contractors suggested that asbestos from bulk debris in the fire, not airborne asbestos, was a primary source of exposure and that "The most concerning health hazard throughout the Fire Hangar Incident that remains is Asbestos Containing Material (ACM) debris at the site and direct contact with this debris." The letter also noted that "While several heavy metals were originally detected in mobile monitoring of the

smoke plume, additional metal testing revealed these returned to normal background levels." As of December 2023, the Orange County Health Officer reported that the airborne concentrations of metals, asbestos, and particulate matter are below the level of concern. However, in response to community concern for health and safety, the City of Tustin continues to measure and report on local air quality and provide a portal for residents to report fire debris for collection.

Additionally, between November 9 and December 23, 2023, the Orange County Health Care Agency and the U.S. EPA collected soil and dust samples to test for lead and other heavy metals at multiple public locations adjacent to the Navy North Hangar site, which were below residential screening levels or within typical background concentrations.

Air monitoring and sampling locations were also set up around the perimeter of the hangar and in surrounding communities. The results of particulate matter concentrations were within the typical area ranges from November 15, 2023 (the earliest date publicly reported) onwards. This air quality monitoring remains ongoing as of the writing of this analysis.

4) *Navy involvement.* The U.S. EPA designated the United States Navy, as the owner of the North Hangar property, as the Responsible Party for the releases from the fire. On November 10, three days after the fire, the Tustin City Council authorized approval of a cooperative agreement to implement an emergency response with the United States Navy reimbursing the city for incident response costs. The initial $1 million agreement was to be used for asbestos assessment and remediation activities as well as for the City of Tustin to demolish the hangar. In the weeks and months following, three amendments to the Cooperative Agreement have been executed; the City of Tustin has received so far received $11 million, with a March 2024 agreement to contribute an additional $13 million (bringing the total to $24 million). According to information provided by the author, there is a pending 4th amendment that has not yet been delivered to the City of Tustin. The United States Navy also directly spent $6 million for a contract to finish the deconstruction of the site's North Hangar and remove debris from the footprint of the hangar.

   According to information provided by the author, as of March 14, 2024, the City of Tustin has contracted nearly $80 million in response to the fire (with the bulk of the funds used to clear asbestos debris), with an estimated remaining

scope of $44-$58 million dollars. These costs have not so far been used to directly reimburse homeowners for the expenses they've incurred. The Navy has committed to removing the debris from the incident site but has not scheduled a specific date. In the surrounding Tustin community, a large majority of the debris has been removed, though some continues to be removed in response to reports submitted by community members, a process that is expected to take several more months.

5) *Tustin's risk for insolvency.* With current contracted costs of $80 million and the U.S. Navy pledging $24 million, this currently leaves a $55 million gap, which the City of Tustin has requested with a 4th amendment to the cooperative agreement. However, the City of Tustin expects further costs will be incurred from ongoing debris removal, air monitoring, and agency costs. According to information provided by the author, the City of Tustin estimates a total of $137 million will be required, a sum that exceeds 100% of Tustin's typical operating budget of $95 million. Tustin Mayor Austin Lumbard claims that the city has already pulled $7.8 million from the City of Tustin's reserves to pay contractors, the maximum amount that could be withdrawn under their policy. Since the fire, there have been numerous calls by the City of Tustin and community members for the U.S. Federal government, as the owner of the property, to contribute more money to the cleanup.

Comments

1) *Author's statement.* According to the author, "The Navy North Hanger fire has inflicted a profound financial and environmental impact on the community. The residents of the surrounding communities deserve an expedited and comprehensive cleanup of the asbestos and other toxic materials. SJR 13 calls on President Biden and the U.S. Congress to support all necessary remediation and cleanup efforts in swiftly responding to the pressing needs created by this devastating fire."

2) *What does it mean to declare a national emergency?* This resolution urges President Joseph R. Biden to declare a national emergency due to the ongoing impacts of the November, 2023 Navy North Hangar fire. The National Emergencies Act of 1976 authorizes the President of the United Sates to declare a national emergency by signing a proclamation, but does not define a national emergency or include any criteria for issuance. By issuing a national emergency, the president must cite the specific emergency powers they are activating to make the declaration (there are nearly 150 of them). The large

majority of national emergencies have generally been used to impose economic sanctions on foreign governments, officials, or groups. Some other examples of national emergencies include in 2019, when President Trump declared a national emergency at the southern border of the United States to divert $8 billion of funds to build a wall, and in 2009 when President Obama declared a national emergency in response to the H1N1 influenza pandemic empowering the secretary of health and human services to issue waivers allowing hospitals to move patients to other locations.

Related/Prior Legislation

AJR 12 (Alvarez, 2024) urges the United States Congress to support President Joseph R. Biden's $310 million supplemental funding request for the United States Section of the International Boundary and Water Commission (IBWC) due to the ongoing impacts of pollution in the Tijuana River Valley and urged President Joseph R. Biden to declare a national emergency due to those ongoing impacts.

SJR 22 (Hueso, Resolution Chapter 241, Statutes of 2018) urged the federal government and the U.S. Section of the IBWC to take immediate action to adequately address cross-border pollution in the Tijuana River Valley.

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

SUPPORT: (Verified 4/15/24)

City of Tustin (source)

OPPOSITION: (Verified 4/15/24)

None received

ARGUMENTS IN SUPPORT: According to the City of Tustin, "The City must remain fiscally solvent so it can fulfill its core duties to provide crucial public services to the City's residents and businesses. The Navy North Hangar Fire

disaster has our community facing financial peril and has created a dire need of immediate assistance."

Prepared by: Holly Rudel / E.Q. / (916) 651-4108
4/16/24 13:49:49

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

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THIRD READING

Bill No: SR 72
Author: Rubio (D), et al.
Introduced: 2/28/24
Vote: Majority

SUBJECT: Maternal and Mental Health Awareness Month

SOURCE: Author

DIGEST: This resolution recognizes the month of May 2024 as Maternal and Mental Health Awareness Month in California.

ANALYSIS: This resolution makes the following legislative findings:

1) According to research from the California Health Care Foundation (CHCF), in 2022, 46,000 California women 18 to 44 years of age lived in counties with no hospitals with obstetrics care or birth centers, and an additional 76,000 women lived in counties with only one hospital with obstetrics care or a birth center.

2) Maternal health is a critical aspect of reproductive health care for women, girls, and birthing people of reproductive age, roughly between 15 to 44 years of age. The concept of maternal health includes all phases of reproductive life including before, during, and after pregnancy so that women can be healthy and enjoy healthy pregnancies and deliver healthy babies for whom they feel prepared and competent to mother.

3) Maternal mental health conditions can occur during pregnancy and up to one year following pregnancy and include depression, anxiety disorders, obsessive-compulsive disorder, post-traumatic stress disorder, bipolar illness, psychosis, and substance use disorders.

4) One in five mothers are impacted by mental health conditions, and mental health conditions are the most common complication of pregnancy and birth, affecting 800,000 families each year in the United States. Seventy five percent of individuals impacted by maternal mental health conditions are left untreated,

increasing the risk of long-term negative impacts on mothers, babies, and families.

5) Individuals of color and individuals of low income are more likely to experience maternal mental health conditions and less likely to be able to access care. Women of low socioeconomic status, including income, marital status, employment, and education, are 11 times more likely to develop postpartum depression symptoms than women of higher socioeconomic status.

6) Nearly 60 percent of Black and Latinx mothers do not receive any treatment or support services for prenatal and postpartum emotional complications. Reasons include lack of insurance coverage, social and cultural stigma related to mental health needs, logistical barriers to services, and lack of culturally appropriate care.

7) The role of health service providers and medical professionals is crucial in addressing maternal and mental health early and effectively by encouraging women to receive fertility wellness and mental health checks and educating women on the resources available to them by the state and federal government.

8) The treatment for maternal mental health conditions are centered through sustaining a healthy body and mind, maintaining healthy relationships and surroundings, and improving access to care, including nutrition, movement, time for oneself, peer and social support, ample uninterrupted sleep, mindfulness, and medication.

This resolution recognizes the month of May 2024 as Maternal and Mental Health Awareness Month in California.

Comments

According to the author,

> This Resolution recognizes the importance of maternal health and supports the needs and well-being of women / birthing people in California as well as advocates for more cost-effective, comprehensive, and coordinated maternal health resources and care that are critical in California in order to improve public and professional awareness of maternal health.

Related/Prior Legislation

The following resolutions proclaimed May as Maternal Mental Health Awareness Month in California:

SCR 63 (Hurtado, Resolution Chapter 101, Statutes of 2023).
SCR 110 (Caballero, Resolution Chapter 110, Statutes of 2022).
ACR 75 (Waldron, Resolution Chapter 50, Statutes of 2021).
ACR 92 (Waldron, Resolution Chapter 96, Statutes of 2019).

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

SUPPORT: (Verified 3/4/24)

Equality California
Our Family Coalition

OPPOSITION: (Verified 3/4/24)

None received

Prepared by: Jonas Austin / SFA / (916) 651-1520
3/6/24 14:20:37

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

Office of Senate Floor Analyses
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THIRD READING

Bill No: SR 74
Author: Gonzalez (D), et al.
Introduced: 3/4/24
Vote: Majority

SUBJECT: Cinco de Mayo Week

SOURCE: Author

DIGEST: This resolution declares May 1, 2024, through May 7, 2024, as Cinco de Mayo Week.

ANALYSIS: This resolution makes the following legislative findings:

1) Cinco de Mayo, or the fifth of May, is memorialized as a significant date in the history of California and Mexico in recognition of the courage of the Mexican people, who defeated a better trained and equipped army at the "Batalla de Puebla".

2) Since the beginning of the American Civil War, Latinos in California have shown their support for the institutions of freedom and democracy by joining the forces of the United States Army, Cavalry, and Navy, risking their lives to defend free institutions.

3) The American Civil War, making it impossible for the United States to enforce the Monroe Doctrine, provided an opportunity for the Emperor of France, Napoléon III, to establish a monarchy in Mexico, thereby attempting to destroy democratic institutions that derive their power from the consent of the governed.

4) Latinos, including Californians, also offered their support and risked their lives in Mexico to defend freedom and democracy in that country by joining the armed forces of that sister republic.

5) Cinco de Mayo serves to remind us that the foundation of any nation and our state is its people, in their spirit and courage in the face of adversity, in the strength of their drive to achieve self-determination, and in their willingness to sacrifice even life itself in the pursuit of freedom and liberty. Cinco de Mayo offers an opportunity to reflect on the courage and achievements not only of the Mexican forces at Puebla but also on the courage and achievements of Latinos here in California.

6) Latino resilience ensured the eventual triumph of Union forces, and were it not for Mexico's triumph at the Batalla de Puebla, the deterrence of possible French support for Confederate troops may not have occurred, and the outcome of the Civil War may have been dramatically altered.

7) California's Latinos have contributed to the state's culture and society through their many achievements in music, food, dance, poetry, literature, architecture, entertainment, sports, and a broad spectrum of artistic expression.

8) Latinos in California have challenged the frontiers of social and economic justice, thereby improving the working conditions and lives of countless Californians.

This resolution:

1) Urges all Californians to join in celebrating Cinco de Mayo, the historic day when the Mexican people defeated the French army at the Batalla de Puebla, and to recognize the Latino noncombatants in California who freely gave their votes and resources to defend free institutions, and the Latinos of California who fought to defend the freedom of the United States in every armed conflict from the Spanish American War to the conflicts in Iraq and Afghanistan.

2) Declares May 1, 2024, through May 7, 2024, as Cinco de Mayo Week.

Related/Prior Legislation

The following are the most recent measures proclaiming Cinco de Mayo Week:

SR (Gonzalez, 2023) declared May 1, 2023, through May 7, 2023, as Cinco de Mayo Week. The resolution was adopted by the Senate.

SR 79 (Durazo, 2022) declared May 1, 2022, through May 7, 2022, as Cinco de Mayo Week. The resolution was adopted by the Senate.

SR 23 (Durazo, 2021) declared May 2, 2021, through May 8, 2021, as Cinco de Mayo Week. The resolution was adopted by the Senate.

HR 36 (Robert Rivas, 2021) declared May 2, 2021, through May 8, 2021, as Cinco de Mayo Week. The resolution was adopted by the Assembly.

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

SUPPORT: (Verified 3/11/24)

None received

OPPOSITION: (Verified 3/11/24)

None received

Prepared by: Russell Manning / SFA / (916) 651-1520
3/13/24 13:46:12

**** END ****

SENATE RULES COMMITTEE
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THIRD READING

Bill No: SR 79
Author: Min (D)
Introduced: 3/19/24
Vote: Majority

SUBJECT: AAPI Day Against Bullying and Hate

SOURCE: Author

DIGEST: This resolution proclaims May 18, 2024, as AAPI Day Against Bullying and Hate, in honor of Asian Pacific American Heritage Month and Vincent Chin.

ANALYSIS: This resolution makes the following legislative findings:

1) May is Asian Pacific American Heritage Month.

2) May 18 is the birthday of Vincent Chin, who was brutally murdered in a hate crime in 1982, fueling a national Asian American activist movement that continues to this day.

3) There has been a staggering rise in bullying, discrimination, and hate crimes against the Asian American and Pacific Islander (AAPI) community during the COVID-19 pandemic.

4) In the AAPI community, this problem is often compounded by cultural, religious, and linguistic barriers that can keep these youth from seeking and receiving help.

5) A 2021 survey by Act to Change found that 80 percent of Asian American teens have experienced bullying in person or online.

6) A majority of incidents take place in spaces open to the public; public streets (31.2 percent) and businesses (26.9 percent) remain the top sites of anti-AAPI hate.

7) The Legislature will continue to empower students by advocating for systemic change and providing resources to promote healthy communities.

8) The Legislature is committed to this important issue and encourages the public to foster dialogue, share resources, and learn more about what they can do to fight bullying.

This resolution proclaims May 18, 2024, as AAPI Day Against Bullying and Hate, in honor of Asian Pacific American Heritage Month and Vincent Chin.

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

SUPPORT: (Verified 3/26/24)

None received

OPPOSITION: (Verified 3/26/24)

None received

Prepared by: Russell Manning / SFA / (916) 651-1520
4/3/24 13:52:33

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

SENATE RULES COMMITTEE
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THIRD READING

Bill No: SR 80
Author: Min (D)
Introduced: 3/19/24
Vote: Majority

SUBJECT: AAPI Women's Equal Pay Day

SOURCE: Author

DIGEST: This resolution proclaims May 3, 2024, as AAPI Women's Equal Pay Day in California, in recognition of the need to eliminate the gender gap in earnings by women and to promote policies to ensure equal pay for all.

ANALYSIS: This resolution makes the following legislative findings:

1) More than 50 years after the passage of the federal Equal Pay Act of 1963, women, especially women of color, continue to suffer the consequences of unequal pay.

2) According to the United States Census Bureau, women make $0.82 for every dollar men are paid.

3) According to the United States Department of Labor, the median annual earnings for women in 2022 was about $52,000, while the median annual earnings for men in 2022 was about $62,000.

4) The wage gap for Asian American, Native Hawaiian, and Pacific Islander women is $0.80 for every dollar White, non-Hispanic men make.

5) Four out of 10 women experience gender discrimination and are much more likely to work a part-time job compared to men.

6) Nearly 4 in 10 mothers are the primary breadwinners in their households, and nearly two-thirds of mothers are the primary or significant earners, making pay equity critical to the financial security of their families.

7) Fair pay in California would strengthen the security of individuals and families today, regardless of education or socioeconomic status, while enhancing our statewide economy.

8) May 3 symbolizes the day in 2024 when the wages paid to Asian American, Native Hawaiian, and Pacific Islander women catch up to the wages paid to males from the previous year nationwide.

This resolution proclaims May 3, 2024, as AAPI Women's Equal Pay Day in California, in recognition of the need to eliminate the gender gap in earnings by women and to promote policies to ensure equal pay for all.

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

SUPPORT: (Verified 3/26/24)

None received

OPPOSITION: (Verified 3/26/24)

None received

Prepared by: Russell Manning / SFA / (916) 651-1520
4/3/24 13:52:34

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

SENATE RULES COMMITTEE
Office of Senate Floor Analyses
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THIRD READING

Bill No: SR 81
Author: Min (D)
Introduced: 3/19/24
Vote: Majority

SUBJECT: Asian and Pacific Islander American Heritage Month

SOURCE: Author

DIGEST: This resolution commends Asian and Pacific Islander Americans for their notable accomplishments and contributions to California, and recognizes May 2024 as Asian and Pacific Islander American Heritage Month.

ANALYSIS: This resolution makes the following legislative findings:

1) Asian and Pacific Islander Americans have made indelible contributions throughout the history of California and the United States that include, but are not limited to, building the Transcontinental Railroad, serving honorably in the United States Armed Forces, fighting for the United States in foreign wars, coorganizing the Delano Grape Strike, and advocating for civil rights.

2) Asian and Pacific Islander Americans have endured hardships, including unjust working conditions, prejudice, and discrimination in some of the darkest times in our state's and nation's history, including the Chinese Exclusion Act, naturalized citizenship ineligibility, the Alien Land Law, antimiscegenation laws, and Japanese internment.

3) California is home to over 7,000,000 Asian and Pacific Islander Americans, more than any other state, and Asian and Pacific Islander Americans are one of the fastest growing ethnic populations in the state and nation.

4) Asian and Pacific Islander Americans constitute 15 percent of California's population and represent diverse ancestries that include, but are not limited to, Asian Indian, Bangladeshi, Bhutanese, Burmese, Cambodian, Chamorro, Chinese, Filipino, Guamanian, Hmong, Indonesian, Iu-Mien, Iwo Jiman, Japanese, Korean, Laotian, Malaysian, Maldivian, Mongolian, Native

Hawaiian, Nepalese, Okinawan, Pakistani, Samoan, Singaporean, Sri Lankan, Taiwanese, Thai, Tongan, Vietnamese, and other Asian and Pacific Islander groups.

5) Federal law designates May as "Asian/Pacific American Heritage Month" in Section 102 of Title 36 of the United States Code.

6) Celebrating Asian and Pacific Islander Heritage Month provides Californians with an opportunity to recognize the achievements, contributions, and history of Asian and Pacific Islander Americans.

This resolution commends Asian and Pacific Islander Americans for their notable accomplishments and contributions to California, and recognizes May 2024 as Asian and Pacific Islander American Heritage Month.

Related/Prior Legislation

The following are the most recent measures recognizing Asian and Pacific Islander American Heritage Month:

- SR 29 (Min, 2023) – Adopted by the Senate.
- HR 38 (Low, 2023) – Adopted by the Assembly.
- SR 80 (Min, 2022) – Adopted by the Senate.
- HR 102 (Low, 2022) – Adopted by the Assembly.
- SR 32 (Pan, 2021) – Adopted by the Senate.
- HR 42 (Low, 2021) – Adopted by the Assembly.

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

SUPPORT: (Verified 3/26/24)

None received

OPPOSITION: (Verified 3/26/24)

None received

Prepared by: Russell Manning / SFA / (916) 651-1520
4/3/24 13:52:35

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

SENATE RULES COMMITTEE
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THIRD READING

Bill No: SR 82
Author: Blakespear (D)
Introduced: 3/21/24
Vote: Majority

SUBJECT: World Press Freedom Day

SOURCE: Author

DIGEST: This resolution commends and honors journalists across the state for their invaluable contributions to society and recognizes May 3, 2024, as World Press Freedom Day in California.

ANALYSIS: This resolution makes the following legislative findings:

1) The California State Senate acknowledges the crucial role of journalism in our democracy, ensuring the dissemination of accurate information and holding those in power accountable.

2) May 3 marks World Press Freedom Day, a day to honor and recognize the dedication, integrity, and bravery of journalists who work tirelessly to uncover the truth and keep the public informed.

3) Journalism serves as the cornerstone of a free and democratic society, providing a vital check on government power and serving as a voice for the voiceless.

This resolution commends and honors journalists across the state for their invaluable contributions to society and recognizes May 3, 2024, as World Press Freedom Day in California.

Background

According to the author:

> As a former journalist, I am delighted to recognize World Press Freedom Day and honor the essential role the press plays in our

society. Their dedication to truth and transparency is invaluable, especially to democracy. This resolution is a testament to our gratitude for their tireless work and our commitment to supporting a free and independent press.

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

SUPPORT: (Verified 3/27/24)

None received

OPPOSITION: (Verified 3/27/24)

None received

Prepared by: Aizenia Randhawa / SFA / (916) 651-1520
4/3/24 13:52:36

**** END ****

SENATE RULES COMMITTEE

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THIRD READING

Bill No: SR 87
Author: Blakespear (D)
Introduced: 4/10/24
Vote: Majority

SUBJECT: Tardive Dyskinesia Awareness Week

SOURCE: Neurocrine Biosciences

DIGEST: This resolution proclaims the week of May 6, 2024, as Tardive Dyskinesia Awareness Week in California, and commends the observance of the week to all residents of the state.

ANALYSIS: This resolution makes the following legislative findings:

1) Many people with serious mental health conditions, such as bipolar disorder, major depression, schizophrenia, and schizoaffective disorder, or gastrointestinal disorders, including gastroparesis, nausea, and vomiting, may be treated with medications that work as dopamine receptor blocking agents (DRBAs), including antipsychotics and antiemetics.

2) While ongoing treatment with these medications can be necessary, prolonged use can also lead to Tardive Dyskinesia (TD), an involuntary movement disorder that is characterized by uncontrollable, abnormal, and repetitive movements of the face, torso, limbs, fingers, or toes that can impact people physically, socially, and emotionally.

3) It is estimated that TD affects approximately 600,000 people in the United States and approximately 65 percent of people with TD remain undiagnosed, making it important to raise awareness about the symptoms.

4) It is important for people taking these medications be monitored for TD by a health care provider. Regular screening for TD in these patients is recommended by the American Psychiatric Association.

This resolution proclaims the week of May 6, 2024, as Tardive Dyskinesia Awareness Week in California, and commends the observance of the week to all residents of the state.

Related/Prior Legislation

The following are the most recent measures relating to Tardive Dyskinesia Awareness Week:

- SR 30 (Blakespear, 2023) – adopted by the Senate on May 8, 2023.
- SR 67 (Archuleta, 2022) – adopted by the Senate on May 9, 2022.
- SR 20 (Archuleta, 2021) – adopted by the Senate on May 3, 2021.
- SR 73 (Archuleta, 2020) – adopted by the Senate on June 11, 2020.

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

SUPPORT: (Verified 4/15/24)

Neurocrine Biosciences (source)

OPPOSITION: (Verified 4/15/24)

None received

Prepared by: Russell Manning / SFA / (916) 651-1520
4/17/24 15:49:55

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

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CONSENT

Bill No: SR 88
Author: Glazer (D)
Introduced: 4/10/24
Vote: Majority

SENATE GOVERNMENTAL ORG. COMMITTEE: 16-0, 4/23/24
AYES: Dodd, Wilk, Alvarado-Gil, Archuleta, Ashby, Bradford, Glazer, Jones, Nguyen, Ochoa Bogh, Padilla, Portantino, Roth, Rubio, Seyarto, Smallwood-Cuevas

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SUBJECT: Native Americans

SOURCE: Author

DIGEST: This resolution provides that the Senate Rules Committee incorporate recognition of Native Americans in the order of business to acknowledge Native Americans as the original custodians of California and commend California Indian nations for their outstanding historical and present contributions to this great state. This resolution urges other public bodies in California to expand recognition for California's tribal nations and their citizens during official government activities.

ANALYSIS: This resolution makes the following legislative findings:

1) Throughout our state's history, Native Americans have played an important role in our culture and success.

2) California is home to more people of Native American and Alaska Native heritage than any other state in the country. According to the 2020 United States Census, California represents 14 percent of the total Native American and Alaskan Native population.

3) The State includes more federally recognized Indian Tribes than any other state in the continental United States.

4) The United States and the state recognize that these governments were the original custodians of the land and waters that now constitute California.

5) These tribal government continue to steward and protect the land and waters with their traditional ecological knowledge, specially related to fire practices.

6) The cultural and governmental contributions of the native peoples of California have shaped the course of the state throughout history.
7) California's federally recognized tribal governments have made distinct and important contributions to the United Sates and the rest of the world in many fields, including agriculture, medicine, music, language, and art.

8) California's tribal nations and their citizens leaders seek to bridge racial, socioeconomic, and environmental barriers by empowering and educating people in order to protect Native American culture and heritage for future generations.

9) On June 18, 2019, Governor Gavin Newsom recognized that the State of California historically sanctioned over a century of depredations and prejudicial policies against California Native Americans.

10) Governor Gavin Newsom commended and honored California's Tribal nations and their citizens for persisting, carrying on cultural and linguistic traditions, and stewarding and protecting this land that we now share; and apologized on behalf of the citizens of the State of California to all California Native Americans for the many instances of violence, maltreatment, and neglect California inflicted on tribes.

11) We can never undo the wrongs inflicted on the people who have lived on this land that we now call California, but we can recognize their contributions while building bridges to heal deep wounds.

12) California's tribal governments and their citizens have given much to California and it is fitting that the honor is returned by recognizing California Native Americans for their rich history and commitment to the State of California.

This resolution:

1) Provides that the Senate Rules Committee incorporate recognition of Native Americans in the order of business to acknowledge Native Americans as the original custodians of California and commend California Indian nations for their outstanding historical and present contributions to this great state.

2) Urges other public bodies in California to expand recognition for California's tribal nations and their citizens during official government activities.

Background

Author Statement. According to the author's office, "Native Americans are the original inhabitants and custodians of the land that now constitutes California. Native Americans have made important contributions to the United States and the rest of the world in many fields, including agriculture, medicine, music, language, and art. This resolution urges the Senate to create a recognition to say before Senate Floor to acknowledge the historical contributions of the native peoples of California. Unfortunately, colonization left tribes stripped of their land, independence, and culture."

The author's office adds, "In 2019, Governor Newsom issued an executive order to honor California Native Americans for persisting, carrying on cultural and linguistic traditions, and stewarding and protecting the land that we now share. For these reasons and many more, it is right to join other nations like New Zealand and Australia, to acknowledge Native Americans as the original custodians of California and commend California Indian nations for their outstanding historical and present contributions to this great state."

First Inhabitants of California. The indigenous peoples of California have inhabited the region for more than 13,000 years, with some estimates going as far as more than 15,000 years. Historians estimate that before the arrival of Europeans, there were more than 100 tribes that originally populated the land now known as California.

These various Native American groups led a mainly nomadic way of living with a hunter-gathering lifestyle. Some of the prominent tribes include the Chumash, Ohlone, Miwok, Pomo, and Yokuts, among many others. These tribes practiced varied lifestyles, depending on their geographic location. Coastal tribes like the Chumash were skilled fishermen and relied on the ocean for sustenance, while

inland tribes often engaged in hunting, gathering, and agriculture. Though Native Californians developed long lasting cultures that evolved into complex cultures, their living conditions dramatically deteriorated with the arrival of Europeans.

In the late 18th century, Spanish colonization began, bringing significant changes to Native American communities. The missions established by the Spanish brought both cultural influences and conflicts. Many Native Americans were forced to convert to Christianity and work on mission lands, leading to significant changes in their way of life. With the arrival of Europeans, Native Americans populations faced further challenges due to diseases, land displacement, and violent conflicts. Throughout the 19th century, Native Californian lands were gradually taken over, leading to loss of land of ways of life. It is estimated that by the 19th century, less than 10% of the Native population in California remained.

Today, many Native American tribes in California continue to maintain their cultural heritage and traditions while addressing ongoing challenges related to land rights, education, and healthcare. In 2019, Governor Gavin Newsom commended and honored California Native Americans for persisting, carrying on cultural and linguistic traditions, and stewarding and protecting the land in California. Additionally, he apologized on behalf of the citizens of the State of California to all California Native Americans for the many instances of violence, maltreatment, and neglect California inflicted on tribes.

This resolution would incorporate recognition of Native Americans in the order of business of the Senate Floor Sessions to acknowledge Native Americans as the original custodians of California and commend California Indian nations for their outstanding historical and present contributions to this great state. Additionally, the resolution urges other public bodies in California to expand the recognition for Native Americans during official government activities.

Related/Prior Legislation

SCR 58 (Glazer, 2023) would have proposed to incorporate recognition of Native Americans in the order of business of the Assembly and Senate Floor Sessions to acknowledge Native Americans as the original custodians of California and commend California Indian nations for their outstanding historical and present contributions to this great state. The resolution would have urged other public bodies in California to expand recognition for Native Americans during official government activities. (Held at the Assembly Desk)

ACR 17 (Ramos, Resolution Chapter 164, Statutes of 2023) recognized the importance of California Native American Day, celebrated this year on September 22, 2023, and the annual California Indian Cultural Awareness Conference, to the enhancement of awareness of California Indian culture.

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

SUPPORT: (Verified 4/24/24)

None received

OPPOSITION: (Verified 4/24/24)

None received

Prepared by: Felipe Lopez / G.O. / (916) 651-1530
4/24/24 16:05:29

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

Office of Senate Floor Analyses
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THIRD READING

Bill No: SR 89
Author: Rubio (D), et al.
Introduced: 4/16/24
Vote: Majority

SUBJECT: Sexual Assault Awareness Month

SOURCE: Author

DIGEST: This resolution designates the month of April 2024 as Sexual Assault Awareness Month.

ANALYSIS: This resolution makes the following legislative findings:

1) The National Intimate Partner and Sexual Violence Survey reports that there are over 22 million survivors of rape throughout the United States, with 2 million of those survivors of rape currently living in the State of California. According to ValorUS, formerly the California Coalition Against Sexual Assault, an estimated one million California residents are known to be sexually assaulted each year.

2) In addition to the immediate physical and emotional costs, sexual assault survivors too frequently suffer from severe and long-lasting consequences, such as post-traumatic stress disorder, substance abuse, major depression, homelessness, eating disorders, low self-esteem, and suicide.

3) It is crucial to hold perpetrators responsible for sexual attacks and to prevent sexual violence at every opportunity.

4) In 1998, the Italian Supreme Court overturned the conviction of a man who sexually assaulted an 18-year-old woman after the court determined that, "because the victim wore very, very tight jeans, she had to help him remove them, and by removing the jeans it was no longer rape but consensual sex". Enraged by the court decision, within a matter of hours, the women in the Italian Parliament launched into immediate action and protested by wearing jeans to work.

5) Nations and states throughout the world have followed the lead of the Italian Parliament by designating their own "Denim Day" to raise public awareness about rape and sexual assault.

6) In 2021, California joined the States of New Hampshire and Florida in fulfilling the promise of Denim Day by approving and enacting Assembly Bill 939 (Chapter 529 of the Statutes of 2021), which prohibits a survivor's manner of dress from serving as evidence of consent in sexual assault cases.

This resolution:

1) Designates the month of April 2024 as Sexual Assault Awareness Month.

2) Recognizes April 24, 2024, as Denim Day in California and encourages everyone to wear jeans on that day to help communicate the message that there is no excuse for, and never an invitation to commit, rape.

Comments

According to the author, "Sexual Assault Awareness Month and Denim Day present a chance to don jeans with purpose, standing in solidarity with survivors and deepening our understanding of various forms of sexual violence. Rape and sexual assault impact everyone and is perpetuated by damaging attitudes that wrongly assign blame to survivors. As a survivor of domestic violence, I understand the profound trauma and the societal pressures of silence that often ensues after sexual assault or violence. It's crucial we listen to survivors' voices as they courageously share their stories and stand up for those unable to speak up for themselves".

Related/Prior Legislation

The following are the most recent measures recognizing Sexual Assault Awareness Month and "Denim Day":

- SCR 44 (Caballero, Resolution Chapter 81, Statutes of 2023).
- HR 14 (Cervantes, 2023) – Adopted by the Assembly.
- HR 81 (Cervantes, 2022) – Adopted by the Assembly.
- HR 38 (Carrillo, 2021) – Adopted by the Assembly.
- SR 28 (Rubio, 2021) – Adopted by the Senate.
- SCR 39 (Rubio, 2020) – Died in the Assembly Rules Committee.
- ACR 67 (Blanca Rubio, Resolution Chapter 57, Statutes of 2019).

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

SUPPORT: (Verified 4/23/24)

None received

OPPOSITION: (Verified 4/23/24)

None received

Prepared by: Russell Manning / SFA / (916) 651-1520
4/24/24 13:52:53

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

Office of Senate Floor Analyses
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THIRD READING

Bill No: SR 90
Author: Rubio (D), et al.
Introduced: 4/16/24
Vote: Majority

SUBJECT: Neurodiversity Awareness Month

SOURCE: California Association of Student Councils

DIGEST: This resolution proclaims April to be Neurodiversity Awareness Month during which every Californian is encouraged to promote, understand, and accept neurodivergent students and to raise awareness of the challenges neurodivergent students face in their educational journey.

ANALYSIS: This resolution makes the following legislative findings:

1) According to the United States Department of Health and Human Services, neurodiversity represents the idea that people experience the world in different ways, with no single right way of thinking, learning, and behaving, and that these differences are not deficits. Neurodiversity refers to the diversity of all people and is often used in the context of autism spectrum disorder and other neurological or developmental disorders such as attention deficit hyperactivity disorder (ADHD) or dyslexia.

2) The Federal Centers for Disease Control Prevention has estimated that 1 in 54 children by eight years of age have characteristics within the autism spectrum and rates of diagnosis have dramatically increased by more than 600 percent in the last decades. Many cases of autism and ADHD may be undiagnosed due to cultural or socioeconomic factors, which may include stigma and the cost of diagnosis.

3) Across the nation and throughout California's schools, about 25 percent of children and youth in every classroom have some type of neurodiverse learning need, including dyslexia, dyscalculia, ADHD, anxiety disorder, autism spectrum disorder, executive function issues, trauma, and others. These

numbers are expected to increase over time, based on historical trends and the expansion of the neurodivergence spectrum.

4) Although some students may have an official disability accommodation related to a neurodivergent condition, it is essential that educators be aware of how to identify and create inclusive learning environments outside of formal accommodations for students. Moreover, not all neurodivergent students will have an official diagnosis or be enrolled with disability student services. In a 2013 study of over 17,000 children in the United States, Black children were 69 percent less likely, and Latinx children were 50 percent less likely, to receive an ADHD diagnosis than their White counterparts. Similarly, girls are underdiagnosed with autism and often must exhibit more behavioral problems or significant.

5) After high school, college represents another challenging experience for many neurodivergent students, as less than one-half of autistic young adults pursue a college degree and many of those do not complete their degree. The challenges faced by neurodivergent college students are not solely academic and include discrimination by other students, misunderstandings on the part of instructors, overstimulation at social events, and difficulty transitioning from high school into college and from college into the workforce.

This resolution proclaims April to be Neurodiversity Awareness Month during which every Californian is encouraged to promote, understand, and accept neurodivergent students and to raise awareness of the challenges neurodivergent students face in their educational journey.

Comments

According to the author, "This resolution aims to foster a culture in which all Californians actively support, comprehend, and embrace neurodivergent students, while also increasing awareness of the hurdles they encounter in their educational pursuits. It's crucial for schools across the state to safeguard all students by cultivating safe, nurturing environments."

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

SUPPORT: (Verified 4/23/24)

California Association of Student Councils (source)

OPPOSITION: (Verified 4/23/24)

None received

Prepared by: Russell Manning / SFA / (916) 651-1520
4/24/24 13:52:55

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

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THIRD READING

Bill No: AB 437
Author: Jackson (D)
Amended: 9/1/23 in Senate
Vote: 21

SENATE GOVERNMENTAL ORG. COMMITTEE: 10-3, 7/11/23
AYES: Dodd, Alvarado-Gil, Archuleta, Ashby, Bradford, Glazer, Padilla, Portantino, Roth, Rubio
NOES: Wilk, Jones, Seyarto
NO VOTE RECORDED: Grove, Ochoa Bogh

SENATE APPROPRIATIONS COMMITTEE: 5-2, 9/1/23
AYES: Portantino, Ashby, Bradford, Wahab, Wiener
NOES: Jones, Seyarto

ASSEMBLY FLOOR: 61-8, 5/25/23 - See last page for vote

SUBJECT: State government: equity

SOURCE: Author

DIGEST: This bill requires state agencies and departments, in carrying out their duties, to consider the use of more inclusive practices to advance equity, as specified.

ANALYSIS:

Existing law:

1) Creates, within the Government Operations Agency (GovOps), a Chief Equity Officer, who is appointed by, and serves at the pleasure of, the Governor. The Chief Equity Officer is required to improve equity and inclusion throughout state government operations and authorizes the Chief Equity Officer to engage with state entities for these purposes.

2) Requires, pursuant to Executive Order (EO) N-16-22, state agencies and departments to develop or update their strategic plans to reflect the use of data analysis and inclusive practices to more effectively advance equity and to respond to identified disparities with changes to the organization's mission, vision, goals, data tools, policies, programs, operations, community engagement, tribal consultation policies and practices, and other actions necessary to serve all Californians.

3) Establishes the Office of Health Equity (OHE), in the State Department of Public Health (DPH), for purposes of aligning state resources, decision-making, and programs to accomplish certain goals related to health equity and protecting vulnerable communities.

4) Requires OHE to develop department-wide plans to close the gaps in health status and access to care among the state's diverse racial and ethnic communities; women; persons with disabilities; and the lesbian, gay, bisexual, transgender, queer, and questioning communities, as specified.

5) Establishes the Strategic Growth Council (SGC) in state government, to among other things, identify and review activities and funding programs of state agencies that may be coordinated to improve air and water quality, improve natural resource protection, increase the availability of affordable housing, improve transportation, meet the goals of the California Global Warming Solutions Act of 2006, encourage sustainable land use planning, and revitalize urban and community centers in a sustainable manner, as specified.

This bill:

1) Requires, to the extent allowed by law, every state agency, in carrying out its duties under law, to consider the use of more inclusive practices to advance equity in the agency's or department's mission, vision, goals, data tools, policies, programs, operations, community engagement, tribal consultation policies and practices, and other actions as necessary to better serve all Californians.

2) Defines "equity" to mean addressing the disparities in opportunities and outcomes of undeserved populations, empowering and meeting the unique needs of diverse and undeserved populations, to ensure that communities facing the greatest inequities are not left behind, in a fair and just way.

Background

1) *Author Statement.* According to the author's office, "to ensure that California is equitable for all of its diverse communities, it is imperative to define equity. The Golden State cannot chart a course to equity for all if there is no defined goal, and no way to empirically measure progress towards that goal. AB 437 will ensure that something as integral to good governance as equity is no longer left up to interpretation. It will also create guardrails for California in its mission to become the first truly equitable state."

2) *Executive Order N-16-22.* On September 13, 2022, Governor Newsom issued EO N-16-22 directing state agencies to take additional steps to embed equity analysis and considerations in their mission, policies, and practices. Among other directives, the EO requires state agencies and departments to develop or update their strategic plans to reflect the use of data analysis and inclusive practices to more effectively advance equity and to respond to identified disparities with changes to the organization's mission, vision, goals, data tools, policies, programs, operations, community engagement, tribal consultation policies and practices, and other actions necessary to serve all Californians.

   The EO also required the Governor's Office of Planning and Research to create a Racial Equity Commission (Commission) which was tasked with developing resources, best practices, and tools for advancing racial equity. The Commission is also required to develop a statewide Racial Equity Framework, which should include methodologies and tools that can be employed in California to advance racial equity and address structural racism. Upon request by a state agency, the Commission was tasked with providing technical assistance on implementing strategies for racial equity consistent with the framework.

   The EO additionally requires the Commission to prepare an annual report, beginning on December 1, 2025, that summarizes feedback from public engagement with communities of color, provides data on racial inequities and disparities in the State, and recommends best practices on tools, methodologies, and opportunities to advance racial equity.

   This bill builds upon goals of the EO by requiring state agencies to consider the use of more inclusive practices to advance equity in the agency's mission, mission, goals, data tools, policies, programs, operations, community

engagement, tribal consultation policies and practices, and other actions as necessary to better serve all Californians.

3) *Presidential Order on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government.* On January 20, 2021, President Biden signed an executive order on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government. The executive order states, in part, that:

   "Equal opportunity is the bedrock of American democracy, and our diversity is one of our country's greatest strengths. But for too many, the American Dream remains out of reach. Entrenched disparities in our laws and public policies, and in our public and private institutions, have often denied that equal opportunity to individuals and communities. Our country faces converging economic, health, and climate crises that have exposed and exacerbated inequities, while a historic movement for justice has highlighted the unbearable human costs of systemic racism. Our Nation deserves an ambitious whole-of-government equity agenda that matches the scale of the opportunities and challenges that we face."

4) *California Office of Health Equity*. Existing law establishes the OHE, within DPH, in order to provide a leadership role in reducing health and mental health disparities experienced by vulnerable communities in California. AB 1467 (Committee on Budget, Chapter 23, Statutes of 2012) among other things, established the OHE as a consolidation of functions of the Office of Women's Health at the Department of Health Care Services (DHCS); the Office of Multicultural Services at the Department of Mental Health (DMH); and, the Office of Multicultural Health, the California's Health in All Policies (HiAP) Task Force, and the Healthy Places Team at DPH.

   Specifically, OHE is required to assist in aligning state resources, decision-making, and programs to, among other things, achieve the highest level of health and mental health for all people, with special attention focused on those who have experienced socioeconomic disadvantage and historical injustice; work collaboratively with the HiAP Task Force to promote work to prevent injury and illness through improved social and environmental factors that promote health and mental health; advise and assist other state departments in their mission to increase access to, and the quality of, culturally and linguistically competent health and mental health care and services; and,

improve the health status of all populations and places, with a priority on eliminating health and mental health disparities and inequities.

5) *Capitol Collaborative on Race & Equity*. In order to advance racial equity, the SGC works in collaboration with the Public Health Institute to support the Capitol Collaborative on Race & Equity (CCORE) – a racial equity capacity building program for California State employees. According to SGC's internet website, "CCORE offers two cohorts for participants to receive training to learn about, plan for, and implement activities that embed racial equity approaches into institutional culture, policies, and practices. Teams of up to 16 State employees represent their affiliated state departments, agencies, and offices, participate in the curriculum, and contribute to advancing racial equity in their organization. The Learning Cohort is for State entities that do not yet have Racial Equity Action Plans and the Advanced Implementation Cohort supports state entities in implementing advanced actions and system changes for racial equity."

6) *How Have Other Jurisdictions Worked to Embed Equity?* In August 2019, the California Research Bureau (CRB) released their results of a literature review on racial equity and organizational change. The CRB identified a number of examples of other states working to embed equity, including Vermont, which had recently established a Racial Equity Advisory Panel, and appointed its first executive director for racial equity. Additionally, Michigan has created a Racial Equity Toolkit to provide guidance to government, organizations, and communities to guide a longer-term capacity building effort that includes an interagency workgroup, a council for government on equity and inclusion, a truth and racial healing transformation initiative, and equity and inclusion training.

   In San Francisco, they created the San Francisco Office of Racial Equity (SFORE). SFORE has authority to enact a citywide Racial Equity Framework, to direct the Departments of the City and County of San Francisco to develop and implement mandated Racial Equity Action Plans, and to analyze the disparate impacts of pending ordinances, as well as various other policy and reporting functions. In addition, San Francisco City departments are required to designate employees as racial equity leaders acting as a liaison to SFORE, and requires the San Francisco Department of Human Resources to assess and prioritize racial equity with the city's workforce. Lastly, SFORE centers racial equity within the city's budget process, and can make recommendations on funding of departments should certain racial equity metrics not be met.

Examples of state agencies that have developed and implemented their own Racial Equity Action Plans include the Department of Transportation (Caltrans). The Caltrans Race & Equity Action Plan was developed over the course of two years, with collaboration and input from the Caltrans Alliance on Race and Equity Solutions team and its executive sponsors. The plan is intended to be a two-year plan, with priorities and strategies maintaining alignment with the administration's and department's goals. The plan identifies three primary areas of focus: Communication - including training and resources delivered to staff; Pilot Projects - to begin implementing equity solutions in areas where data can be collected and tracked over time; and, Policy - beginning to institutionalize changes by creating an equity policy and an internal structure to support the work.

Related/Prior Legislation

SB 189 (Committee on Budget and Fiscal Review, Chapter 48, Statutes of 2022) created the Chief Equity Officer within GovOps to improve equity and inclusion throughout state government operations and engage with state entities for this purpose. The Chief Equity Officer was also authorized to create, update, or publish policies, standards, and procedures regarding equity and inclusion for state entities in specified state manuals.

SB 17 (Pan, 2022) would have established the Racial Equity Commission within the Governor's Office of Planning and Research to evaluate and recommend strategies for advancing racial equity across state agencies and departments. (Died on the Assembly Inactive File)

AB 3121 (Weber, Chapter 319, Statutes of 2020) established an eight-member task force to study the issue of reparations for African Americans, propose ways to educate the California public about its findings, make recommendations on the forms that reparations might take, and submit a report of its findings to the Legislature, as specified.

AB 656 (Garcia, 2019) would have created the Office of Healthy and Safe Communities within DPH, which would have developed, implemented, and monitored a statewide violence prevention strategy. (Held on the Senate Appropriations Committee Suspense File)

AB 887 (Kalra, 2019) would have codified the role of state surgeon general and placed the OHE, currently located within DPH, under the surgeon general's office. (Held on the Assembly Appropriations Committee Suspense File)

AB 2434 (Bloom, 2018) would have codified the existing HiAP Program within the SGC and in collaboration with DPH, for the purposes of incorporating health, equity, and sustainability considerations into decision-making across sectors and policy areas.

AB 1467 (Committee on Budget, Chapter 23, Statutes of 2012) established the OHE as a consolidation of functions of the Office of Women's Health at the Department of Health Care Services, the Office of Multicultural Services at the Department of Mental Health, the Office of Multicultural Health at DPH, the HiAP Task Force at DPH, and the Healthy Places Team at DPH.

SB 732 (Steinberg, Chapter 729, Statutes of 2008) established the SGC and required the SGC to take certain actions with regard to coordinating specified programs of member state agencies, and required the SGC to manage and award grants and loans to support the planning and development of sustainable communities.

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

According to the Senate Appropriations Committee, unknown, potentially significant costs across all state agencies and departments to revise policies, data tools, programs, operations, community engagement, tribal consultations and practices, and other actions as necessary to advance equity (General Fund and various special funds).

SUPPORT: (Verified 9/1/23)

Agee Global Solutions
Association of California State Employees with Disabilities
Fresno Metro Black Chamber of Commerce
Health Officers Association of California

OPPOSITION: (Verified 9/1/23)

None received

ARGUMENTS IN SUPPORT: According to the Fresno Metro Black Chamber of Commerce, "when considering the importance of the work done by California's

state legislature, state agencies, and local governments, equity must play a vital role in public services. To achieve this aim, there must be a transparent and verifiable means to measure whether a policy, practice, or program is equitable. This bill would define 'equity' as addressing the disparities in opportunities and outcomes of underserved populations. By adequately defining equity, California will be able to directly measure the performance of practices, programs, and policies through an equity lens, and use those metrics to improve and promote equity in California using data-driven best practices."

ASSEMBLY FLOOR: 61-8, 5/25/23
AYES: Addis, Alanis, Alvarez, Arambula, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Juan Carrillo, Wendy Carrillo, Cervantes, Connolly, Mike Fong, Friedman, Gabriel, Garcia, Gipson, Grayson, Haney, Hart, Holden, Irwin, Jackson, Jones-Sawyer, Kalra, Lee, Low, Lowenthal, Maienschein, McCarty, McKinnor, Muratsuchi, Stephanie Nguyen, Ortega, Pacheco, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Reyes, Luz Rivas, Robert Rivas, Rodriguez, Blanca Rubio, Santiago, Schiavo, Soria, Ting, Valencia, Villapudua, Ward, Weber, Wicks, Wilson, Wood, Zbur, Rendon
NOES: Megan Dahle, Essayli, Vince Fong, Gallagher, Hoover, Joe Patterson, Ta, Wallis
NO VOTE RECORDED: Aguiar-Curry, Chen, Davies, Dixon, Flora, Lackey, Mathis, Papan, Jim Patterson, Sanchez, Waldron

Prepared by: Felipe Lopez / G.O. / (916) 651-1530
9/2/23 14:57:32

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

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THIRD READING

Bill No: AB 438
Author: Blanca Rubio (D), et al.
Amended: 3/5/24 in Senate
Vote: 21

SENATE EDUCATION COMMITTEE: 7-0, 7/5/23
AYES: Newman, Ochoa Bogh, Cortese, Glazer, McGuire, Smallwood-Cuevas, Wilk

SENATE APPROPRIATIONS COMMITTEE: 7-0, 9/1/23
AYES: Portantino, Jones, Ashby, Bradford, Seyarto, Wahab, Wiener

ASSEMBLY FLOOR: 80-0, 5/31/23 - See last page for vote

SUBJECT: Pupils with exceptional needs: individualized education programs: postsecondary goals and transition services

SOURCE: Autism Speaks

DIGEST: This bill changes the point at which postsecondary transition planning for students with exceptional needs begins from age 16 to when the student starts their high school experience and not later than when the student is 16 years of age, effective July 1, 2025.

Senate Floor Amendments of 3/5/24 clarify that an individualized education program (IEP), commencing July 1, 2025, including postsecondary goals and transition services shall be required only if determined appropriate by a student's IEP team and beginning when a student is starting their high school experience, and not later than the first IEP to be in effect when a student is 16 years of age.

ANALYSIS:

Existing federal law:

1) Defines, under federal Individuals with Disabilities Education Act (IDEA), transition services to mean a coordinated set of activities for a child with a disability that:

   a) Is designed to be within a results-oriented process, that is focused on improving the academic and functional achievement of the child with a disability to facilitate the child's movement from school to post-school activities, including postsecondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation; and

   b) Is based on the individual child's needs, taking into account the child's strengths, preferences, and interests, and includes:

      i) Instruction;

      ii) Related services;

      iii) Community experiences;

      iv) The development of employment and other post-school adult living objectives; and

      v) If appropriate, acquisition of daily living skills and provision of a functional vocational evaluation.

2) States that transition services for children with disabilities may be special education, if provided as specially designed instruction, or a related service, if required to assist a child with a disability to benefit from special education.

3) Requires that, beginning not later than the first IEP in effect when the child is 16, and updated annually thereafter, the IEP include:

a) Appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills;

b) The transition services (including courses of study) needed to assist the child in reaching those goals; and

c) Beginning not later than one year before the child reaches the age of majority under state law, a statement that the child has been informed of the child's rights, if any, that will transfer to the child on reaching the age of majority. (20 U.S.C. § 1400, Sec. 300.43)

4) Requires that a child with a disability, at age 16, be invited to attend the child's IEP team meeting if a purpose of the meeting will be the consideration of the postsecondary goals for the child and the transition services needed to assist the child in reaching those goals.

5) Requires that, if the child does not attend the IEP team meeting other steps are taken to ensure that the child's preferences and interests are considered.

Existing state law:

1) Restates the transition planning requirements of IDEA, and adds "or younger if determined appropriate by the IEP team" to the description of the age at which transition planning is required to begin. (Education Code (EC) 56341.5)

2) States that planning for transition from school to postsecondary environments should begin in the school system well before the student leaves the system. (EC 56460)

3) Establishes the Project Workability program, which provides instruction and experiences that reinforce core curriculum concepts and skills leading to gainful employment. Authorizes the California Department of Education (CDE) to award grants to school districts, county offices of education, state special schools, and charter schools, and nonpublic, nonsectarian schools. Requires that Project Workability grant applications include the following elements: recruitment, assessment, counseling, pre-employment skills training, vocational training, student wages for try-out employment, placement in unsubsidized employment, other assistance with transition to a quality adult life, and

utilization of an interdisciplinary advisory committee to enhance project goals. (EC 56470)

This bill:

1) Requires, effective July 1, 2025, that a student's IEP include the following information commencing with student starting their high school experience and not later than when the pupil is 16 years of age:

   a) Appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment, and where appropriate, independent living skills; and

   b) The transition services, including courses of study, needed to assist the pupil in reaching those goals.

2) Lowers the age at which a student would be required to be invited to an IEP team meeting if the purpose of the meeting is the consideration of the postsecondary goals for the child and the transition services needed to assist the child in reaching those goals.

Comments

1) *Author's statement.* According to the author, "For many youth with autism and other disabilities, the transition to adulthood begins with an Individualized Education Plan (IEP). However, California does not require planning to begin until age 16, when many students are half way complete with high school. As a result, the state is not providing students who have been identified as having a disability with the essential time needed to develop the appropriate skills for adult life, and the time for schools, parents, and service providers to develop meaningful individualized transition plans. California must catch up to other states, over half of whom start transition IEP's at 14 years of age, if we want to be an education leader again."

2) *Age of transition planning for students with disabilities.* Federal law requires that, beginning no later than the first IEP to be in effect when the child is 16, and updated annually thereafter, the IEP include a postsecondary transition plan. State law restates the federal requirement to begin transition planning at 16, and in addition states, "or younger if determined appropriate by the IEP

team." Federal law also requires that students be invited to IEP team meetings at which postsecondary goals are discussed.

According to the CDE, there are 128,172 students with disabilities ages 14 and 15 enrolled in the 2022-23 school year. This provides an estimate of the number of additional students to whom an earlier transition planning requirement would apply.

3) *Most states start transition planning at age 14.* A review of the age of transition planning among U.S. states and territories found that 29 of 56 states and U.S. territories begin transition planning at age 14. According to survey data reported by the Government Accountability Office, about 32% of school districts begin transition planning when students are 14. At least one California school district, the Los Angeles Unified School District, begins transition planning for all students with IEPs at age 14.

4) *IEP template workgroup recommends lowering transition planning age to 14.* SB 75 (Committee on Budget, Chapter 51, Statutes of 2019) required the CDE to convene a workgroup to design a state standardized IEP template. The workgroup was comprised of representatives of the CDE, the Department of Rehabilitation, the Department of Developmental Services, local education agencies, special education local plan areas legislative staff, and relevant state and national policy experts.

   The workgroup report, published in October 2021, made 25 recommendations to improve the IEP process in California and ensure that IEPs are designed to improve student outcomes, capture student needs, and inform learning strategies that support instruction that is aligned to state standards and provided in the general education setting whenever possible.

   The workgroup noted the need for the IEP template to specifically and explicitly document transition planning for the many transitions that occur throughout a child's entire public education experience. The workgroup also recognized that secondary transition planning is often focused on the goals for the student after they have exited school and neglects to focus on the needed transition supports to finish school and achieve the goal of receiving a high school diploma.

   The workgroup report recommended that state law be revised to lower the required age for postsecondary transition planning from 16 to 14. The report

noted that this is consistent with existing law which states "planning for transition from school to postsecondary environments should begin in the school system well before the student leaves the system."

The report also noted that the recommendation to move the required transition planning age from 16 to 14 was not a unanimous recommendation of the workgroup. Some members expressed concern that this would create additional burden for teachers and case managers.

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

According to the Senate Appropriations Committee, by adding up to two years to the process of planning for and implementing postsecondary transition services for students with disabilities, this bill could result in unknown but potentially significant Proposition 98 General Fund costs to LEAs. To the extent that the Commission on State Mandates deems these activities to be a reimbursable state mandate, it could create Proposition 98 General Fund cost pressure to increase the K-12 Mandate Block Grant. However, the CDE indicates that this bill could reduce LEA costs that are associated with initiating mandatory transition planning in middle and elementary schools where mandatory transition planning is less common.

SUPPORT: (Verified 3/4/24)

Autism Speaks (source)
California Alliance of Child and Family Services
California Association of School Psychologists
California School Boards Association
Center for Autism and Related Disorders
East Bay Legislative Coalition

OPPOSITION: (Verified 3/4/24)

None received

ASSEMBLY FLOOR: 80-0, 5/31/23
AYES: Addis, Aguiar-Curry, Alanis, Alvarez, Arambula, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Juan Carrillo, Wendy Carrillo, Cervantes, Chen, Connolly, Megan Dahle, Davies, Dixon, Essayli, Flora, Mike Fong, Vince Fong, Friedman, Gabriel, Gallagher, Garcia, Gipson,

Grayson, Haney, Hart, Holden, Hoover, Irwin, Jackson, Jones-Sawyer, Kalra, Lackey, Lee, Low, Lowenthal, Maienschein, Mathis, McCarty, McKinnor, Muratsuchi, Stephanie Nguyen, Ortega, Pacheco, Papan, Jim Patterson, Joe Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Reyes, Luz Rivas, Robert Rivas, Rodriguez, Blanca Rubio, Sanchez, Santiago, Schiavo, Soria, Ta, Ting, Valencia, Villapudua, Waldron, Wallis, Ward, Weber, Wicks, Wilson, Wood, Zbur, Rendon

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3/6/24 10:26:25

**** END ****

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THIRD READING

Bill No: AB 1770
Author: Committee on Emergency Management
Amended: 3/13/24 in Senate
Vote: 21

SENATE GOVERNMENTAL ORG. COMMITTEE: 14-0, 7/11/23
AYES: Dodd, Wilk, Alvarado-Gil, Archuleta, Ashby, Bradford, Glazer, Jones, Ochoa Bogh, Padilla, Portantino, Roth, Rubio, Seyarto
NO VOTE RECORDED: Grove

SENATE APPROPRIATIONS COMMITTEE: 7-0, 9/1/23
AYES: Portantino, Jones, Ashby, Bradford, Seyarto, Wahab, Wiener

ASSEMBLY FLOOR: 75-0, 5/4/23 (Consent) - See last page for vote

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SUBJECT: Emergency services: Alfred E. Alquist Seismic Safety Commission: seismic mitigation and earthquake early warning technology

SOURCE: Author

DIGEST: This bill authorizes the Alfred E. Alquist Seismic Safety Commission (Commission) to coordinate with the Department of Forestry and Fire Protection (Cal FIRE) and the California Office of Emergency Services (OES) to take actions related to implementing and funding seismic mitigation activities and earthquake early warning technology, as specified.

Senate Floor Amendments of 3/13/24 narrow the scope and requirements of the bill.

ANALYSIS:

Existing law:

1) Establishes OES, which coordinates disaster response, emergency planning, emergency preparedness, disaster recovery, disaster mitigation, and homeland security activities.

2) Establishes the Commission as a separate unit within OES and authorizes the Commission to recommend policies, hold meetings, hold hearings, set dates of the meetings or hearings, and positions on proposed state and federal legislation.

3) Requires the Commission, at a minimum, to report annually to the Governor and the Legislature on its findings, progress, and recommendations related to activities of the Commission and the state toward higher levels of seismic safety and any other seismic safety issues.

4) Provides that any report required or requested by law to be submitted by a state or local agency to the Members of either house of the Legislature, shall, generally, instead be submitted as a printed copy to the Secretary of the Senate, as an electronic copy to the Chief Clerk of the Assembly, and as an electronic or printed copy to the Legislative Counsel.

This bill:

1) Authorizes the Commission, until January 1, 2030, to coordinate with Cal FIRE and OES to do any of the following:

   a) Develop a list of all fire stations in California and each station's status in meeting the standards of the Essential Services Buildings Seismic Safety Act of 1986 (Act) to determine which stations are adequately designed and constructed to minimize fire hazards and to resist the forces generated by earthquakes, gravity, and winds.
   b) Collect data on the implementation of earthquake early warning technology in all fire stations in California and their interest in implementing that technology.

   c) Research other potential sources of funding for seismic mitigation activities.

2) Requires by January 1, 2026, and annually thereafter, the Commission to provide a report to the Assembly Emergency Management Committee and the Senate Governmental Organization Committee describing the Commission's actions and conclusions, as specified.

3) Includes a sunset date of January 1, 2030.

Background

Author Statement. According to the author, "The Essential Services Buildings Seismic Safety Act (Act) requires essential services buildings to be designed and constructed to minimize fire hazards and to resist the forces generated by earthquakes, gravity, and winds. However, it is not a retroactive requirement so these buildings only must adhere to the requirements unless a remodel or new construction project is completed. While the number of stations that have completed seismic mitigation efforts or have been built to the standards of the Act are unknown, there are likely, many fire stations that do not adhere to this standard. In addition, most fire stations throughout California have not yet employed Earthquake Early Warning (EEW) technology into their operations."

The author additionally notes, "This bill addresses the lack of available information, will assist in bringing these essential buildings up to modern standards, and identify the funding to do so. Furthermore, AB 1770 codifies a project already approved by the Seismic Safety Commission. By jointly working with Cal Fire and Cal OES, the Commission will be able to ensure California's fire stations are ready to respond regardless of the disaster."

Essential Services Buildings Seismic Safety Act of 1986. In 1986, the California Legislature determined that buildings providing essential services should be capable of providing those services to the public after a disaster. Their intent in this regard was defined in legislation known as the Essential Services Buildings Seismic Safety Act of 1986 (Act) and includes requirements that such buildings shall be: designed and constructed to minimize fire hazards and to resist the forces generated by earthquakes, gravity, and winds. In addition, the California Building Code defines how the intent of the Act is to be implemented.

Responsibility for enforcement of the Act falls to the local building jurisdiction for locally owned or leased facilities and to the Division of the State Architect (DSA) for state owned or leased facilities. However, the duties and responsibilities of the DSA include observing the implementation and administration of the Act's

provisions for all including "providing advice and assistance to local jurisdictions regarding essential services buildings."

Alfred E. Alquist Seismic Safety Commission. The Commission was established in 1975, with passage of the Seismic Safety Act to provide a coordinated framework for establishing consistent earthquake policies, advising the Governor, the Legislature, local governments, and the public, and tracking the state's progress toward higher levels of seismic safety. To support this broad mission, the Commission uses the expertise of its commissioners to review, evaluate, and translate scientific information and make recommendations to guide and influence earthquake safety policies.

The Commission works with federal, state, and local agencies, as well as the private sector, on a variety of activities that support the state's earthquake preparedness, mitigation, response, and recovery. These activities include: (1) encourage and support research related to seismic safety; (2) recommend the addition, deletion, or changing of state agency guidelines or standards to reduce damage from earthquakes or increase seismic safety when new developments would promote earthquake hazard mitigation; (3) develop findings and recommendations on lessons learned that lead to reduced losses and rapid economic recovery, following a destructive earthquake; (4) conducting public hearings on seismic safety issues; (5) using existing knowledge and conducting studies, where necessary, to improve the performance of structures in California; (6) recommending earthquake safety programs and supporting cost-effective partnerships that help reduce earthquake risks and speed economic recovery.

This bill aims to expand the responsibilities of the Commission, authorizing it to coordinate with Cal FIRE and OES on several activities related to fire stations and seismic safety. Specifically, this bill authorizes the Commission to do all of the following:

1) Develop a list of all fire stations in California, noting each station's compliance with the Act. This would involve assessing whether these stations are appropriately designed and constructed to minimize fire hazards and withstand the forces of earthquakes, gravity, and wind.

2) Collect data on the implementation of earthquake early warning technology in all California fire stations, and gauge their interest in utilizing such technology.

3) Research other potential sources of funding for seismic mitigation activities.

This bill also requires, by January 1, 2026, and annually thereafter, the Commission must provide a report to the Assembly Emergency Management Committee and the Senate Governmental Organization Committee describing the Commission's actions and conclusions related to the activities listed above. This bill includes a sunset date of January 1, 2030.

Related/Prior Legislation

AB 1505 (Rodriguez, 2023) authorizes OES to dedicate Hazard Mitigation Grant Program and Building Resilient Infrastructure and Communities application funding to specified projects to augment and support the Seismic Retrofitting Program for Soft Story Multifamily Housing. (On the Senate Inactive File)

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

SUPPORT: (3/12/24)

None received

OPPOSITION: (3/12/24)

None received

ASSEMBLY FLOOR: 75-0, 5/4/23
AYES: Addis, Aguiar-Curry, Alanis, Alvarez, Arambula, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Juan Carrillo, Wendy Carrillo, Cervantes, Chen, Connolly, Megan Dahle, Davies, Dixon, Essayli, Mike Fong, Vince Fong, Friedman, Gabriel, Gallagher, Garcia, Gipson, Grayson, Haney, Hart, Holden, Hoover, Irwin, Jackson, Jones-Sawyer, Kalra, Lackey, Lee, Low, Lowenthal, Maienschein, Mathis, McCarty, Stephanie Nguyen, Ortega, Pacheco, Papan, Jim Patterson, Joe Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Reyes, Luz Rivas, Robert Rivas, Rodriguez, Blanca Rubio, Sanchez, Santiago, Schiavo, Soria, Ta, Ting, Valencia, Villapudua, Waldron, Ward, Weber, Wilson, Wood, Zbur, Rendon
NO VOTE RECORDED: Flora, McKinnor, Muratsuchi, Wallis, Wicks

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3/15/24 11:35:56

**** END ****

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CONSENT

Bill No: ACR 85
Author: Villapudua (D), et al.
Introduced: 5/24/23
Vote: 21

ASSEMBLY FLOOR: 72-0, 2/26/24 - See last page for vote

SENATE TRANSPORTATION COMMITTEE: 15-0, 4/9/24
AYES: Cortese, Niello, Allen, Archuleta, Becker, Blakespear, Dahle, Dodd, Gonzalez, Limón, Newman, Nguyen, Portantino, Seyarto, Umberg

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

SUBJECT: Master Sergeant Richard Pittman Memorial Highway

SOURCE: Author

DIGEST: This resolution designates the portion of Interstate 5 between Roth Road, at postmile R19.584, and French Camp Road, at postmile R22.508, in the City of Stockton as the Master Sergeant Richard Pittman Memorial Highway.

ANALYSIS:

Existing law:

Assigns the California Department of Transportation (Caltrans) the responsibility of operating and maintaining state highways, including the installation and maintenance of highway signs.

This resolution:

1) Recounts the life and career of Master Sergeant Richard Pittman.

2) Designates the portion of Interstate 5 between Roth Road, at postmile R19.584, and French Camp Road, at postmile R22.508, in the City of Stockton as the Master Sergeant Richard Pittman Memorial Highway.

3) Requests Caltrans to determine the cost of appropriate signs consistent with the signing requirements for the state highway system showing this special designation and, upon receiving donations from nonstate sources sufficient to cover that cost, to erect those signs.

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

SUPPORT: (Verified 4/22/24)

None received

OPPOSITION: (Verified 4/22/24)

None received

ASSEMBLY FLOOR: 72-0, 2/26/24
AYES: Addis, Aguiar-Curry, Alanis, Alvarez, Arambula, Bains, Bauer-Kahan, Bennett, Boerner, Bonta, Bryan, Calderon, Wendy Carrillo, Connolly, Davies, Dixon, Essayli, Flora, Mike Fong, Vince Fong, Friedman, Gabriel, Gallagher, Garcia, Gipson, Grayson, Haney, Hart, Holden, Hoover, Irwin, Jackson, Jones-Sawyer, Kalra, Lackey, Lee, Low, Lowenthal, Maienschein, Mathis, McKinnor, Muratsuchi, Stephanie Nguyen, Ortega, Pacheco, Papan, Jim Patterson, Joe Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Reyes, Luz Rivas, Rodriguez, Blanca Rubio, Sanchez, Santiago, Schiavo, Soria, Ta, Ting, Valencia, Villapudua, Waldron, Wallis, Weber, Wicks, Wilson, Wood, Zbur, Robert Rivas
NO VOTE RECORDED: Berman, Juan Carrillo, Cervantes, Chen, Megan Dahle, McCarty, Rendon, Ward

Prepared by: Benjamin O'Brien-Hokanson / TRANS. / (916) 651-4121
4/23/24 9:58:58

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

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CONSENT

Bill No: ACR 87
Author: Ta (R), et al.
Amended: 6/15/23 in Assembly
Vote: 21

SENATE TRANSPORTATION COMMITTEE: 15-0, 4/9/24
AYES: Cortese, Niello, Allen, Archuleta, Becker, Blakespear, Dahle, Dodd, Gonzalez, Limón, Newman, Nguyen, Portantino, Seyarto, Umberg

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

ASSEMBLY FLOOR: 74-0, 8/14/23 (Consent) - See last page for vote

SUBJECT: "Surf City USA" interchange

SOURCE: Author

DIGEST: This resolution designates the interchange at State Highway Route 405 and State Route 39 as the "Surf City USA" interchange.

ANALYSIS: Existing law assigns the California Department of Transportation (Caltrans) the responsibility of operating and maintaining state highways, including the installation and maintenance of highway signs.

This resolution:

1) Discusses the importance of surfing as part of the City of Huntington Beach's culture and economy.

2) Designates the interchange at State Highway Route 405 and State Route 39 in the County of Orange at Beach Boulevard as the "Surf City USA" interchange.

3) Requests Caltrans to determine the cost of appropriate signs consistent with the signing requirements for the state highway system showing this special

designation and, upon receiving donations from nonstate sources sufficient to cover that cost, to erect those signs.

Comments

1) *Purpose of the resolution*. According to the author, "Since it was formally adopted over 30 years ago, the nickname "Surf City USA" has honored Huntington Beach's surf and beach culture. Home to over 100 years of surfing history, 10 miles of coastline, the US Open of Surfing, the Surfing Walk of Fame, and the Surfers' Hall of Fame, surfing is an integral aspect of Huntington Beach's culture, economy, and history. Designating the interchange at State Highway Route 405 and State Route 39 in the County of Orange at Beach Boulevard as the "Surf City USA" Interchange would not only honor the city's famous nickname, but recognize the history, economy, and culture of Huntington Beach."

2) *Huntington Beach and surfing.* Huntington Beach is home to 10 miles of uninterrupted coastline, is mentioned in popular songs such as "Surf City" by Jan and Dean, and hosts key surfing landmarks such as the Huntington Beach International Surfing Museum, the Surfers' Hall of Fame, and the Surfing Walk of Fame. Each year, Huntington Beach hosts the U.S. Open of Surfing, the world's largest surf competition that attracts spectators from across the globe. In 1991, the City of Huntington Beach adopted the nickname "Surf City USA" to recognize the city's surf and beach culture.

3) *Surf City or Surf City USA.* Huntington Beach is not the only city in California with strong cultural and economic ties to surfing. In particular the city of Santa Cruz has a rich surfing community and history. Santa Cruz was the site of first recorded surfing in California, by Hawaiians. It is home to 11 world-class surf breaks, a surfing museum and hosts the O'Neill Cold Water Classic and other international surfing contests.

   In 2004, the Huntington Beach Conference and Visitors Bureau filed several applications to register the "Surf City USA" trademark. After the trademark was registered, Santa Cruz city council agreed to purse a trademark of the name "Original Surf City USA." Huntington Beach then sent cease-and-desist letters to Santa Cruz vendors to stop selling "Surf City USA" T-shirts. This led to a protracted legal battle that was settled with neither side admitting liability and Huntington Beach retaining the trademark for "Surf City USA" while Santa Cruz generally uses "Surf City."

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

SUPPORT: (Verified 4/22/24)

Visit Huntington Beach

OPPOSITION: (Verified 4/22/24)

None received

ASSEMBLY FLOOR: 74-0, 8/14/23
AYES: Addis, Aguiar-Curry, Alanis, Alvarez, Arambula, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Juan Carrillo, Wendy Carrillo, Cervantes, Chen, Connolly, Megan Dahle, Davies, Dixon, Flora, Mike Fong, Vince Fong, Friedman, Gabriel, Gallagher, Gipson, Grayson, Haney, Hart, Holden, Hoover, Irwin, Jackson, Jones-Sawyer, Lackey, Lee, Low, Lowenthal, Maienschein, Mathis, McKinnor, Muratsuchi, Ortega, Pacheco, Papan, Jim Patterson, Joe Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Rendon, Reyes, Luz Rivas, Rodriguez, Sanchez, Santiago, Schiavo, Soria, Ta, Ting, Valencia, Villapudua, Waldron, Wallis, Ward, Weber, Wicks, Wilson, Wood, Zbur, Robert Rivas
NO VOTE RECORDED: Essayli, Garcia, Kalra, McCarty, Stephanie Nguyen, Blanca Rubio

Prepared by: Jacob O'Connor / TRANS. / (916) 651-4121
4/24/24 14:46:16

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

Office of Senate Floor Analyses
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CONSENT

Bill No: ACR 92
Author: Schiavo (D), et al.
Introduced: 6/5/23
Vote: 21

SENATE TRANSPORTATION COMMITTEE: 15-0, 4/9/24
AYES: Cortese, Niello, Allen, Archuleta, Becker, Blakespear, Dahle, Dodd, Gonzalez, Limón, Newman, Nguyen, Portantino, Seyarto, Umberg

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

ASSEMBLY FLOOR: 74-0, 8/14/23 (Consent) - See last page for vote

SUBJECT: Los Angeles County Sheriff's Deputy Hagop "Jake" Kuredjian Memorial Highway

SOURCE: Author

DIGEST: This resolution designates the portion of Interstate 5 between the Pico-Lyons Overcrossing and the McBean Parkway Overcrossing in the City of Santa Clarita as the "Los Angeles County Sheriff's Deputy Hagop "Jake" Kuredjian Memorial Highway."

ANALYSIS: Existing law assigns the California Department of Transportation (Caltrans) the responsibility of operating and maintaining state highways, including the installation and maintenance of highway signs.

This resolution:

1) Recounts the life and career of Los Angeles County Sheriff's Deputy Hagop "Jake" Kuredjian.

2) Designates the portion of Interstate 5 between the Pico-Lyons Overcrossing, 53-1783, at postmile R50.326, and the McBean Parkway Overcrossing, 53-2057, at

postmile R51.442, in the City of Santa Clarita in the County of Los Angeles as the "Los Angeles County Sheriff's Deputy Hagop "Jake" Kuredjian Memorial Highway."

3) Requests Caltrans to determine the cost of appropriate signs consistent with the signing requirements for the state highway system showing this special designation and, upon receiving donations from nonstate sources sufficient to cover that cost, to erect those signs.

Background

Los Angeles County Sheriff's Deputy Hagop "Jake" Kuredjian served the residents of the County of Los Angeles as a deputy sheriff for 17 years. Deputy Kuredjian stated that the reason he became a law enforcement officer was to be a peacekeeper and community guardian. He worked to serve those that needed his service, help those who needed help, and protect those that couldn't protect themselves, and, as a deputy sheriff, he was praised by his peers, supervisors, and members of the community for his tireless efforts to protect people, prevent incidents, and serve as a leader.

On August 21, 2001, at age 40, Deputy Kuredjian was shot in the City of Santa Clarita, while assisting federal agents who attempted to serve an arrest warrant on an individual responsible for impersonating a police officer and possessing a firearm as a convicted felon. Deputy Kuredjian was mortally wounded, and he died at the hospital a short time later. Deputy Kuredjian is survived by his father, Anahid, and his brothers Raffi and Garo. He is remembered as a devoted son, and a role model for his family and friends.

Comments

According to the author, "Local law enforcement defends our rights and helps keep our communities safe. When one loses their life in the line of duty, it is only right that they are honored for their service and sacrifice. Deputy Kuredjian had been an LA county Sheriff for over 17 years when his life was tragically taken while serving. Naming this segment of highway not only honors his memory and achievement, but also reaffirms the positive impact he had on his community."

Writing in support of the resolution, the Association for Los Angeles Deputy Sheriffs state, "In recognition of Deputy Kuredjian's dedication to his career in law enforcement, his service to the residents of Los Angeles County, and his ultimate

sacrifice, it is a fitting tribute to designate a portion of Interstate 5 in the County of Los Angeles as the Los Angeles County Sheriff's Deputy Hagop "Jake" Kuredjian Memorial Highway."

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

SUPPORT: (Verified 4/24/24)

Association for Los Angeles Deputy Sheriffs
City of Santa Clarita
Los Angeles County Sheriff's Department

OPPOSITION: (Verified 4/24/24)

None received

ASSEMBLY FLOOR: 74-0, 8/14/23
AYES: Addis, Aguiar-Curry, Alanis, Alvarez, Arambula, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Juan Carrillo, Wendy Carrillo, Cervantes, Chen, Connolly, Megan Dahle, Davies, Dixon, Flora, Mike Fong, Vince Fong, Friedman, Gabriel, Gallagher, Gipson, Grayson, Haney, Hart, Holden, Hoover, Irwin, Jackson, Jones-Sawyer, Lackey, Lee, Low, Lowenthal, Maienschein, Mathis, McKinnor, Muratsuchi, Ortega, Pacheco, Papan, Jim Patterson, Joe Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Rendon, Reyes, Luz Rivas, Rodriguez, Sanchez, Santiago, Schiavo, Soria, Ta, Ting, Valencia, Villapudua, Waldron, Wallis, Ward, Weber, Wicks, Wilson, Wood, Zbur, Robert Rivas
NO VOTE RECORDED: Essayli, Garcia, Kalra, McCarty, Stephanie Nguyen, Blanca Rubio

Prepared by: Melissa White / TRANS. / (916) 651-4121
4/24/24 13:52:45

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

Office of Senate Floor Analyses
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CONSENT

Bill No: ACR 93
Author: Dixon (R), et al.
Amended: 6/26/23 in Assembly
Vote: 21

SENATE TRANSPORTATION COMMITTEE: 15-0, 4/9/24
AYES: Cortese, Niello, Allen, Archuleta, Becker, Blakespear, Dahle, Dodd, Gonzalez, Limón, Newman, Nguyen, Portantino, Seyarto, Umberg

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

ASSEMBLY FLOOR: 73-0, 8/14/23 - See last page for vote

SUBJECT: Marian Bergeson Memorial Bridge

SOURCE: Author

DIGEST: This resolution designates the North Arm Newport Bay Bridge in honor of Marian C. Bergeson.

ANALYSIS: Existing law assigns the California Department of Transportation (Caltrans) the responsibility of operating and maintaining state highways, including the installation and maintenance of highway signs.

This resolution:

1) Recounts the life and career of Senator Marian Bergeson.

2) Requests Caltrans designate the North Arm Newport Bay Bridge on State Route 1 as the Senator Marian Bergeson Memorial Bridge.

3) Requests Caltrans to determine the cost of appropriate signs consistent with the signing requirements for the state highway system showing this special

designation and, upon receiving donations from non-state sources sufficient to cover that cost, to erect those signs.

Background

Marian Bergeson was born on August 31, 1925, in Salt Lake City, Utah. She graduated from Brigham Young University with a Bachelor of Arts degree in Education. She began her service to California as a teacher in Santa Monica. She then went on to serve on the Newport Mesa School Board, before being elected to serve in the California State Assembly in 1978 and to the California Senate in 1984, making her the first woman to serve in both the California Assembly and Senate. Marian Bergeson was appointed by Governor Pete Wilson as Secretary of Education in 1996, before being appointed by Governor Gray Davis to the State Board of Education.

Marian Bergeson passed away in 2016.

Comments

Purpose of the resolution. ACR 93 honors the life of Marian Bergeson.

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

SUPPORT: (Verified 4/24/24)

None received

OPPOSITION: (Verified 4/24/24)

None received

ASSEMBLY FLOOR: 73-0, 8/14/23
AYES: Addis, Aguiar-Curry, Alanis, Alvarez, Arambula, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bryan, Calderon, Juan Carrillo, Cervantes, Chen, Connolly, Megan Dahle, Davies, Dixon, Essayli, Flora, Mike Fong, Vince Fong, Friedman, Gabriel, Gallagher, Gipson, Grayson, Haney, Hart, Holden, Hoover, Irwin, Jones-Sawyer, Lackey, Low, Lowenthal, Maienschein, Mathis, McCarty, McKinnor, Muratsuchi, Ortega, Pacheco, Papan, Jim Patterson, Joe Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Rendon, Reyes, Luz Rivas, Rodriguez, Blanca Rubio, Sanchez, Santiago, Schiavo, Soria, Ta, Ting, Valencia, Villapudua, Waldron, Wallis, Ward, Weber, Wicks, Wilson, Wood, Zbur, Robert Rivas

NO VOTE RECORDED: Bonta, Wendy Carrillo, Garcia, Jackson, Kalra, Lee, Stephanie Nguyen

Prepared by: Randy Chinn / TRANS. / (916) 651-4121
4/24/24 11:16:16

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

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CONSENT

Bill No: ACR 98
Author: Lackey (R), et al.
Introduced: 6/19/23
Vote: 21

SENATE TRANSPORTATION COMMITTEE: 15-0, 4/9/24
AYES: Cortese, Niello, Allen, Archuleta, Becker, Blakespear, Dahle, Dodd, Gonzalez, Limón, Newman, Nguyen, Portantino, Seyarto, Umberg

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

ASSEMBLY FLOOR: 71-0, 7/13/23 - See last page for vote

SUBJECT: CHP Officer Andy Ornelas Memorial Highway

SOURCE: California Association of Highway Patrolmen

DIGEST: This resolution designates the portion of State Route 14 from the Avenue 0-8 bridge at Postmile R62.151 to the Avenue M overcrossing at Postmile R64.678, in the County of Los Angeles, as the "CHP Officer Andy Ornelas Memorial Highway."

ANALYSIS: Existing law assigns the California Department of Transportation (Caltrans) the responsibility of operating and maintaining state highways, including the installation and maintenance of highway signs.

This resolution:

1) Recounts the life and career of California Highway Patrol (CHP) Officer Andy Ornelas.

2) Designates the portion of State Route 14 from the Avenue 0-8 bridge at Postmile R62.151 to the Avenue M overcrossing at Postmile R64.678, in the

County of Los Angeles, as the "CHP Officer Andy Ornelas Memorial Highway."

3) Requests Caltrans to determine the cost of appropriate signs consistent with the signing requirements for the state highway system showing this special designation and, upon receiving donations from nonstate sources sufficient to cover that cost, to erect those signs.

Background

CHP Officer Andy Ornelas was born in Lancaster, California and raised by parents Art and Kellie Ornelas in Palmdale. Officer Ornelas graduated from Quartz Hill High School in 2011, and went on to receive a degree in fire science at the University of Antelope Valley and attended the Paramedic Program at the UCLA Center for Prehospital Care.

Officer Ornelas began his career as an Emergency Room Technician (EMT) at Antelope Valley Hospital in 2011, and served as a paramedic and EMT with American Medical Response through 2016. Ornelas was inspired by his law enforcement family and entered the California Highway Patrol Academy. His mother is a retired CHP officer from the Antelope Valley station where Andy would later work; his father is a motorcycle officer with the Los Angeles Police Department; his brother is a CHP officer in the Central Los Angeles Area office; and his uncle is a retired California Highway Patrol captain. Ornelas officially become a CHP officer on June 16, 2017, and he completed extensive motor training to become a motor officer in 2018.

As a CHP officer, Ornelas responded to many emergency incidents for individuals injured or otherwise in distress on or around California's highways. Officer Ornelas not only provided the community with the highest level of safety, service, and security, he also took an active role in community events, including participating in the holiday parade showcasing his riding skills; handing out high fives to children of the Antelope Valley; and regularly taking the time to allow children to sit on his motor and take photographs.

Officer Ornelas crashed while on his way to help two people involved in a motor accident, sustained multiple injuries, and was transported to Antelope Valley Hospital, where he received around-the-clock care but unfortunately succumbed to his injuries on December 2, 2020. He is survived by his wife Taylor, his father Art, his mother Kellie, his brother Cody, and sister Nikki.

Writing as the sponsors of the resolution, the California Association of Highway Patrolmen state, "Since the inception of the CHP in 1929, we have lost approximately 232 officers to line of duty deaths. This is a very sad statistic, but recognizes the extreme danger these officers work under on a daily basis. ACR 98 will honor Officer Ornelas and pay tribute to the ultimate sacrifice he made for the citizens of our great State."

Comments

Purpose of the resolution. According to the author, "ACR 98 dedicates a portion of State Route 14 in the County of Los Angeles as the CHP Officer Andy Ornelas Memorial Highway to honor the life of Andy Ornelas who gave his life in the line of duty selflessly rushing to aid members of his community. Officer Ornelas demonstrated nothing less than exemplary service at every opportunity, and never hesitated to put himself in danger to assist others.

"This highway dedication serves as a reminder and inspiration of the life of Andy Ornelas as to memorialize and encourage a life of service to others and one's community."

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

SUPPORT: (Verified 4/24/24)

California Association of Highway Patrolmen (source)

OPPOSITION: (Verified 4/24/24)

None received

ASSEMBLY FLOOR: 71-0, 7/13/23
AYES: Addis, Aguiar-Curry, Alanis, Arambula, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Juan Carrillo, Wendy Carrillo, Cervantes, Chen, Connolly, Megan Dahle, Davies, Dixon, Essayli, Mike Fong, Vince Fong, Friedman, Gallagher, Garcia, Gipson, Grayson, Haney, Hart, Hoover, Irwin, Jackson, Jones-Sawyer, Kalra, Lackey, Lee, Low, Lowenthal, Maienschein, Mathis, McCarty, McKinnor, Muratsuchi, Stephanie Nguyen, Ortega, Pacheco, Papan, Joe Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Reyes, Luz Rivas, Rodriguez, Sanchez, Santiago, Schiavo, Soria, Ta, Ting, Valencia,

Villapudua, Waldron, Wallis, Ward, Weber, Wicks, Wilson, Wood, Zbur, Robert Rivas

NO VOTE RECORDED: Alvarez, Bryan, Calderon, Flora, Gabriel, Holden, Jim Patterson, Rendon, Blanca Rubio

Prepared by: Melissa White / TRANS. / (916) 651-4121
4/24/24 11:16:18

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

SENATE RULES COMMITTEE
Office of Senate Floor Analyses
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THIRD READING

Bill No: ACR 120
Author: Garcia (D), et al.
Introduced: 1/8/24
Vote: 21

ASSEMBLY FLOOR: Read and adopted, 1/22/24

SUBJECT: Positive Parenting Awareness Month

SOURCE: Triple P America

DIGEST: This resolution declares the month of January 2024 as Positive Parenting Awareness Month.

ANALYSIS: This resolution makes the following legislative findings:

1) Raising children and youth in California to become healthy, confident, capable individuals is the most important job parents and caregivers have as their children's first teachers.

2) The quality of parenting or caregiving, starting prenatally, is one of the most powerful predictors of children's future social, emotional, and physical health.

3) Positive parenting is a protective factor that strengthens family relationships, increases parents' confidence, and increases children's social, emotional, relational, and problem-solving skills.

4) All people have inner strengths or resources, yet many parents, caregivers, children, and youth of every age, race, ethnicity, culture, and social identity feel stressed, isolated, and overwhelmed at times.

5) The COVID-19 pandemic, climate-related crises, and racial injustices have exacerbated economic insecurity, mental health challenges, domestic violence, discrimination, and other trauma experienced by many families, particularly Black, Indigenous, Latinx, Asian, and other families of color that already experience inequities rooted in structural racism.

6) Families in California come in many forms, with children who are raised by parents, grandparents, foster parents, and family members, and supported by other caregivers in a variety of settings such as schools, family childcare, early childhood education centers, health clinics, and home visiting programs.

7) Families can benefit from a "toolkit" of proven strategies and receive support from various positive parenting programs in many counties and tribes through numerous organizations and individual practitioners, thanks to local partnerships, including those between First 5 Commissions, community-based organizations, local government, tribal nations, health and human service providers, schools, libraries, higher education institutions, child welfare agencies, and parent leaders.

8) Counties may implement and encourage positive parenting through a population health approach so that all families have equitable opportunities to access information and support in ways that respect their unique beliefs, traditions, customs, interests, and racial, ethnic, tribal, and cultural practices.

9) Family support professionals and paraprofessionals, recognized for their excellence and compassion across California, provide essential services that support the physical, social-emotional, and behavioral health of children and families.

10) Every individual, community group, business, public agency, nonprofit agency, and tribe in California has a role to play in raising awareness of the importance of positive parenting and supporting the health and well-being of children and families.

This resolution declares the month of January 2024 as Positive Parenting Awareness Month.

Comments

According to the author,

> Decades of research have proven that the quality of parenting or caregiving during childhood is one of the most powerful predictors of future social, emotional, and physical health. Positive parenting can help prevent or mitigate the effects of trauma and adversity that many families are experiencing due to the effects of racial and environmental injustice, and other community crises.

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

SUPPORT: (Verified 2/12/24)

Triple P America (source)

OPPOSITION: (Verified 2/12/24)

None received

Prepared by: Jonas Austin / SFA / (916) 651-1520
2/13/24 13:18:00

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

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

THIRD READING

Bill No: ACR 132
Author: Santiago (D), et al.
Introduced: 1/22/24
Vote: 21

ASSEMBLY FLOOR: Read and adopted, 1/29/24

SUBJECT: CalEITC Awareness Week

SOURCE: The CalEITC Coalition

DIGEST: This resolution proclaims the week of January 26, 2024, through February 2, 2024, as CalEITC Awareness Week.

ANALYSIS: This resolution makes the following legislative findings:

1) The California Earned Income Tax Credit (CalEITC), a refundable tax credit, was enacted in 2015 and, along with the federal Earned Income Tax Credit (EITC), is one of the most effective tools we have to fight poverty for Californians.

2) Over one in three Californians struggle to meet basic needs, according to United Ways of California's Real Cost Measure report. The report calculates the "Real Cost Measure," which factors the costs of housing, food, health care, child care, and other basic needs for a measure of what it takes to make ends meet in California that is more accurate than the official poverty measure. An estimated 3,700,000 households in California have an income that falls below the Real Cost Measure, and 97 percent of those households have at least one working adult. The CalEITC could help families improve their financial stability now and into the future.

3) Individual Taxpayer Identification Number (ITIN) holders are ineligible for the majority of federal tax benefits, but California has made the groundbreaking decision to open benefits like the CalEITC and Young Child Tax Credit to ITIN

holders. This is especially important as fifty-seven percent of households led by someone without United States citizenship live below the Real Cost Measure.

4) Fifty-four percent of households in California with children under six years of age fall below the Real Cost Measure and the Young Child Tax Credit is available to all CalEITC-eligible families with children under six years of age.

5) Research shows that the EITC can improve child and maternal health and spur local economic growth. Children in families that receive the EITC perform better in both the short and the long term.

This resolution proclaims January 26, 2024, through February 2, 2024, as CalEITC Awareness Week.

Comments

According to the author:

> The CalEITC is a proven tool to help fight poverty. Many eligible households in California do not claim the tax credits they are entitled to, leaving billions of dollars unclaimed each year.

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

SUPPORT: (Verified 2/26/24)

The CalEITC Coalition (source)

OPPOSITION: (Verified 2/26/24)

None received

Prepared by: Russell Manning / SFA / (916) 651-1520
2/28/24 12:42:00

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

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

THIRD READING

Bill No: ACR 157
Author: Pacheco (D), et al.
Introduced: 3/6/24
Vote: 21

ASSEMBLY FLOOR: Read and adopted, 4/8/24

SUBJECT: Adult Education Week

SOURCE: California Adult Education Administrators Association
California Council for Adult Education

DIGEST: This resolution proclaims the week of April 7 through April 13, 2024, as Adult Education Week, and would salute the teachers, administrators, classified staff, and students of adult education programs statewide, honoring their efforts, persistence, and accomplishments.

ANALYSIS: This resolution makes the following legislative findings:

1) The first recorded adult education class in California was held in the basement of St. Mary's Cathedral in San Francisco in 1856. The class was authorized by the San Francisco Board of Education to teach English to Irish, Italian, and Chinese immigrants. John Swett, who was the first volunteer teacher for the class, later became a California State Superintendent of Public Instruction.

2) Adult schools have been used on numerous occasions to assist the state as it dealt with significant social, political, and economic issues through job training programs during World War II, immigration reform of the 1980s, and, most recently, the Great Recession.

3) In the 2022–23 school year, over 113,000 adult learners enrolled in high school diploma or equivalency classes and another 69,000 enrolled in adult basic education classes. Adult schools provide a way for adults to complete secondary studies and obtain a high school diploma or equivalency at their own

pace, and to prepare for and transition to postsecondary education and career training.

4) In the 2022–23 school year, nearly 110,000 adult learners enrolled in career training classes. Adult schools provide short-term career and technical training for adults seeking changes or enhancements in their career pathway, especially for highly educated immigrants from other countries to integrate and use their prior skills and experience.

This proclaims the week of April 7 through April 13, 2024, as Adult Education Week and salutes the teachers, administrators, classified staff, and students of adult education programs statewide, honoring their efforts, persistence, and accomplishments.

Comments

According to the author:

> I am proud to author Assembly Concurrent Resolution 157, which proclaims April 7 through April 13, 2024, as Adult Education Week. Adult education is a public education program offering free to low-cost classes for adults 18 and older in high school equivalency, basic skills, English as a Second Language, citizenship, and short term career technical education training. It provides important access to programs supporting immigrant integration and job retraining that will be critical as we navigate the current economic downturn and to insulate against the potential for an actual recession.

Related/Prior Legislation

The following are the most recent measures proclaiming Adult Education Week:

- ACR 31 (Pacheco, Resolution Chapter 40. Statutes of 2023).
- ACR 163 (Medina, Resolution Chapter 51, Statutes of 2022).
- SCR 25 (Hurtado, Resolution Chapter 62, Statutes of 2021).

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

SUPPORT: (Verified 4/15/24)

California Adult Education Administrators Association (co-source)
California Council for Adult Education (co-source)

OPPOSITION: (Verified 4/15/24)

None received

Prepared by: Russell Manning / SFA / (916) 651-1520
4/17/24 13:55:19

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

Office of Senate Floor Analyses
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THIRD READING

Bill No: ACR 164
Author: Garcia (D)
Introduced: 3/21/24
Vote: 21

ASSEMBLY FLOOR: 75-0, 4/15/24 - See last page for vote

SUBJECT: Mosquito Awareness Week

SOURCE: Author

DIGEST: This resolution declares that the week of April 14, 2024, to April 20, 2024, inclusive, be designated as Mosquito Awareness Week.

ANALYSIS: This resolution makes the following legislative findings:

1) The United States Environmental Protection Agency recognizes that mosquitoborne diseases are currently among the world's leading causes of illness and death. The World Health Organization estimates that more than 300,000,000 clinical cases each year are attributable to mosquitoborne illnesses.

2) Two invasive mosquito species in California, Aedes albopictus, the Asian tiger mosquito, which was detected in southern California in 2011, and Aedes aegypti, the yellow fever mosquito, which was detected in central and northern California in 2013 and southern California in 2014 and is currently found in 24 counties statewide, are posing new public health threats due to their capability to transmit potentially deadly or debilitating diseases, such as dengue, yellow fever, chikungunya, and Zika virus, which can cause significant birth defects.

3) Established mosquitoborne and vectorborne diseases such as plague, Lyme disease, flea-borne typhus, and encephalitis, and new and emerging vectorborne diseases such as hantavirus, arenavirus, babesiosis, and ehrlichiosis cause illness and sometimes death every year in California.

4) In 2019, the Legislature established the California Mosquito Surveillance and Research Program to support advanced data collection and analysis tools, such

as the California Vectorborne Disease Surveillance System (CalSurv), and to foster collaborative research in vector control.

5) Mosquito and vector control districts throughout California work closely with the United States Environmental Protection Agency and the State Department of Public Health to reduce pesticide risks to humans, animals, and the environment while protecting human health from mosquitoborne and vectorborne diseases and nuisances.

6) Mosquito Awareness Week will increase the public's awareness of the threat of Zika virus, West Nile virus, and other diseases, and the activities of the various mosquito vector research and control agencies working to minimize the health threat within California, and will highlight the educational programs currently available.

Comments

According to the Author, "Mosquitoes are a global threat to public health, and in 2011, invasive mosquitoes were detected for the first time in California. Invasive mosquitoes have spread to 24 counties around the state, and can transmit exotic diseases. Mosquito and vector control districts have protected public health for over a hundred years in California and prevent diseases like West Nile virus from spreading. It is critical to make the public aware of the threat of mosquitoes."

Related/Prior Legislation

Previous measures relating to Mosquito Awareness Week:

- ACR 63 (Wood, Resolution Chapter 62, Statutes of 2023)
- SCR 93 (Dodd, Resolution Chapter 75, Statutes of 2022)
- SR 21 (Pan, 2021) – Adopted by the Senate.

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

SUPPORT: (Verified 4/24/24)

Mosquito and Vector Control Association of California

OPPOSITION: (Verified 4/24/24)

None received

ASSEMBLY FLOOR: 75-0, 4/15/24

AYES: Addis, Aguiar-Curry, Alanis, Alvarez, Arambula, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Juan Carrillo, Cervantes, Chen, Connolly, Davies, Dixon, Flora, Mike Fong, Vince Fong, Friedman, Gabriel, Gallagher, Garcia, Gipson, Grayson, Haney, Hart, Holden, Hoover, Irwin, Jackson, Jones-Sawyer, Kalra, Lackey, Lee, Lowenthal, Maienschein, McCarty, McKinnor, Muratsuchi, Stephanie Nguyen, Ortega, Pacheco, Papan, Jim Patterson, Joe Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Rendon, Reyes, Luz Rivas, Rodriguez, Blanca Rubio, Sanchez, Santiago, Schiavo, Soria, Ta, Ting, Valencia, Villapudua, Waldron, Wallis, Ward, Weber, Wicks, Wilson, Wood, Zbur, Robert Rivas
NO VOTE RECORDED: Wendy Carrillo, Megan Dahle, Essayli, Low, Mathis

Prepared by: Aizenia Randhawa / SFA / (916) 651-1520
4/24/24 13:52:47

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

SENATE RULES COMMITTEE
Office of Senate Floor Analyses
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THIRD READING

Bill No: ACR 165
Author: Schiavo (D), et al.
Introduced: 4/1/24
Vote: 21

ASSEMBLY FLOOR: Read and adopted, 4/15/24

SUBJECT: Family Physician Week

SOURCE: California Academy of Family Physicians

DIGEST: This resolution designates the week of April 14, 2024, to April 20, 2024, inclusive, as Family Physician Week.

ANALYSIS: This resolution makes the following legislative findings:

1) Family physicians have studied for a minimum of seven years from medical school through residency and have received specialized training to provide continuous preventive and primary medical care from birth to end-of-life for the people of our state.

2) Family physicians provide continuity of care throughout each member of the family's life as well as intergenerational care. They receive extensive training in behavioral health, pediatrics, obstetrics, gynecology, and geriatric care.

3) Family physician care is based on knowledge of the whole person in the context of the family and the community and is not limited by age, sex, or type of health condition, and their broad skill set is particularly valuable in communities or geographical areas where certain specialists and subspecialists may not be available. In the United States, nearly one-half of all visits to physicians' offices in rural areas are to family physician offices and family physicians are the usual source of care for about one in five children.

4) The California Academy of Family Physicians is a physician organization with more than 10,000 family physicians, residents, and medical students dedicated to promoting the highest standards of the profession of family medicine,

fostering excellence through continuing medical education, and serving as an advocate for family physicians and their patients.

This resolution designates the week of April 14, 2024, to April 20, 2024, inclusive, as Family Physician Week.

Comments

Apart from the findings and declarations, the Health Care Foundation report[1] of physicians found that Family Medicine was the second largest segment of patient care physicians. Additionally, the location quotient for shows higher than national average available in the Central Valley and other areas with generally more limited access to health care professionals. Data doesn't seem to be available for NorCal.

According to the author:

> Family physicians play an integral role in our health care system, often providing primary care to rural communities and communities with limited access to larger health facilities. Thousands of family physicians in California provide preventative care, vaccines, and more, ensuring the health and wellbeing of numerous patients through quality care.

Related/Prior Legislation

The following is the most recent measure relative to Family Physician Week:

- ACR 155 (Aguiar-Curry, Resolution Chapter 38, Statutes of 2022)

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

SUPPORT: (Verified 4/22/24)

California Academy of Family Physicians (source)

OPPOSITION: (Verified 4/22/24)

None received

Prepared by: Holly Hummelt / SFA / (916) 651-1520
4/24/24 14:46:18

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

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https://www.bls.gov/oes/current/oes291215.htm#(9) [1]