



SOLANO COUNTY

Legislative Committee Meeting

Committee
Supervisor Erin Hannigan (Chair)
Supervisor John M. Vasquez

Staff
Michelle Heppner

March 11, 2019
1:30 p.m.

Solano County Administration Center
Sixth Floor Conference Center, Room 6003
675 Texas Street
Fairfield, CA 94533

AGENDA

- i. **Introductions** (*Attendees*)
- ii. **Public Comment** (*Items not on the agenda*)
- iii. **Federal Legislative update** (*Paragon Government Relations*)
 - DC Trip Recap
 - Trump administration's FY 2020 Budget Outline
 - Infrastructure Hearings

Federal Action Items:

- [H.R.8](#) (Thompson) Bipartisan Background Checks Act of 2019

- iv. **Update from Solano County Legislative Delegation** (*Representative and/or staff*)
- v. **State Legislative Update** (*Karen Lange*)

State Action Items:

- [ACA 1](#) ([Aguiar-Curry](#) D) Local government financing: affordable housing and public infrastructure: voter approval.
- [AB 539](#) ([Limón](#) D) California Financing Law: consumer loans: charges

- vi. **Future Scheduled Meetings:** April 1, 2019
- vii. **Adjourn**

116TH CONGRESS } HOUSE OF REPRESENTATIVES { REPORT
1st Session } 116-11

BIPARTISAN BACKGROUND CHECKS ACT OF 2019

FEBRUARY 22, 2019.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. NADLER, from the Committee on the Judiciary,
submitted the following

R E P O R T

together with

DISSENTING VIEWS

[To accompany H.R. 8]

The Committee on the Judiciary, to whom was referred the bill (H.R. 8) to require a background check for every firearm sale, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

CONTENTS

	Page
Purpose and Summary	3
Background and Need for the Legislation	3
Hearings	5
Committee Consideration	5
Committee Votes	6
Committee Oversight Findings	19
New Budget Authority and Tax Expenditures and Congressional Budget Office Cost Estimate	20
Duplication of Federal Programs	20
Performance Goals and Objectives	20
Advisory on Earmarks	20
Section-by-Section Analysis	20
Changes in Existing Law Made by the Bill, as Reported	22
Dissenting Views	42

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Bipartisan Background Checks Act of 2019".

SEC. 2. PURPOSE.

The purpose of this Act is to utilize the current background checks process in the United States to ensure individuals prohibited from gun possession are not able to obtain firearms.

SEC. 3. FIREARMS TRANSFERS.

Section 922 of title 18, United States Code, is amended—

- (1) by striking subsection (s);
- (2) by redesignating subsection (t) as subsection (s); and
- (3) by inserting after subsection (s), as redesignated, the following:

“(t)(1)(A) It shall be unlawful for any person who is not a licensed importer, licensed manufacturer, or licensed dealer to transfer a firearm to any other person who is not so licensed, unless a licensed importer, licensed manufacturer, or licensed dealer has first taken possession of the firearm for the purpose of complying with subsection (s).

“(B) Upon taking possession of a firearm under subparagraph (A), a licensee shall comply with all requirements of this chapter as if the licensee were transferring the firearm from the inventory of the licensee to the unlicensed transferee.

“(C) If a transfer of a firearm described in subparagraph (A) will not be completed for any reason after a licensee takes possession of the firearm (including because the transfer of the firearm to, or receipt of the firearm by, the transferee would violate this chapter), the return of the firearm to the transferor by the licensee shall not constitute the transfer of a firearm for purposes of this chapter.

“(2) Paragraph (1) shall not apply to—

“(A) a law enforcement agency or any law enforcement officer, armed private security professional, or member of the armed forces, to the extent the officer, professional, or member is acting within the course and scope of employment and official duties;

“(B) a transfer that is a loan or bona fide gift between spouses, between domestic partners, between parents and their children, between siblings, between aunts or uncles and their nieces or nephews, or between grandparents and their grandchildren;

“(C) a transfer to an executor, administrator, trustee, or personal representative of an estate or a trust that occurs by operation of law upon the death of another person;

“(D) a temporary transfer that is necessary to prevent imminent death or great bodily harm, if the possession by the transferee lasts only as long as immediately necessary to prevent the imminent death or great bodily harm;

“(E) a transfer that is approved by the Attorney General under section 5812 of the Internal Revenue Code of 1986; or

“(F) a temporary transfer if the transferor has no reason to believe that the transferee will use or intends to use the firearm in a crime or is prohibited from possessing firearms under State or Federal law, and the transfer takes place and the transferee’s possession of the firearm is exclusively—

“(i) at a shooting range or in a shooting gallery or other area designated for the purpose of target shooting;

“(ii) while reasonably necessary for the purposes of hunting, trapping, or fishing, if the transferor—

“(I) has no reason to believe that the transferee intends to use the firearm in a place where it is illegal; and

“(II) has reason to believe that the transferee will comply with all licensing and permit requirements for such hunting, trapping, or fishing;

or

“(iii) while in the presence of the transferor.

“(3)(A) Notwithstanding any other provision of this chapter, the Attorney General may implement this subsection with regulations.

“(B) Regulations promulgated under this paragraph may not include any provision requiring licensees to facilitate transfers in accordance with paragraph (1).

“(C) Regulations promulgated under this paragraph may not include any provision requiring persons not licensed under this chapter to keep records of background checks or firearms transfers.

“(D) Regulations promulgated under this paragraph may not include any provision placing a cap on the fee licensees may charge to facilitate transfers in accordance with paragraph (1).

“(4) It shall be unlawful for a licensed importer, licensed manufacturer, or licensed dealer to transfer possession of, or title to, a firearm to another person who is not so licensed unless the importer, manufacturer, or dealer has provided such other person with a notice of the prohibition under paragraph (1), and such other

person has certified that such other person has been provided with this notice on a form prescribed by the Attorney General.”.

SEC. 4. TECHNICAL AND CONFORMING AMENDMENTS.

(a) SECTION 922.—Section 922(y)(2) of title 18, United States Code, is amended in the matter preceding subparagraph (A) by striking “, (g)(5)(B), and (s)(3)(B)(v)(II)” and inserting “and (g)(5)(B)”.

(b) CONSOLIDATED AND FURTHER CONTINUING APPROPRIATIONS ACT, 2012.—Section 511 of title V of division B of the Consolidated and Further Continuing Appropriations Act, 2012 (18 U.S.C. 922 note) is amended by striking “subsection 922(t)” each place it appears and inserting “subsection (s) or (t) of section 922”.

SEC. 5. RULE OF CONSTRUCTION.

Nothing in this Act, or any amendment made by this Act, shall be construed to—

- (1) authorize the establishment, directly or indirectly, of a national firearms registry; or
- (2) interfere with the authority of a State, under section 927 of title 18, United States Code, to enact a law on the same subject matter as this Act.

SEC. 6. EFFECTIVE DATE.

The amendments made by this Act shall take effect 210 days after the date of the enactment of this Act.

Purpose and Summary

H.R. 8, the “Bipartisan Background Checks Act of 2019,” would make it illegal for any person who is not a licensed firearm importer, manufacturer, or dealer to transfer a firearm to any other person who is not so licensed without a background check. Individuals seeking to transfer a firearm under this measure would be required to visit a licensed firearms dealer to run the necessary background check before the transfer could be finalized. H.R. 8 is intended to provide an accurate and speedy manner to ensure firearms do not end up in the wrong hands. An internal assessment by the Federal Bureau of Investigation (FBI) demonstrated that the National Instant Criminal Background Check System (NICS) background checks are approximately 99.3 percent to 99.8 percent accurate, and in 90 percent of cases, are processed within 90 seconds.¹

Background and Need for the Legislation

In any given year, more than 120,000 Americans are shot in murders, assaults, suicides and suicide attempts, unintentional shootings, or police actions. Of these, 35,000 result in death. Over 17,000 of those injured or killed are children and teens. On average, 34 people in America are murdered on account of gun violence every single day.²

Gun violence of this magnitude is a distinctly American problem. A country to country comparison is shocking. For example, in 2011 the United Kingdom had 146 deaths due to gun violence; Denmark, 71; Portugal, 142; and Japan, just 30.³ A recent study in the American Journal of Medicine found that, compared to 22 other high-in-

¹ Office of the Inspector Gen., U.S. Dep’t of Justice, Audit of the Handling of Firearms Purchase Denials Through the National Instant Criminal Background Check System (Sept. 2016), <https://oig.justice.gov/reports/2016/a1632.pdf>; Federal Bureau of Investigation, National Instant Criminal Background Check System Celebrates 20 Years of Service, Criminal Justice Information Servs. (Nov. 30, 2018), <https://www.fbi.gov/services/cjis/cjis-link/national-instantcriminal-background-check-system-celebrates-20-years-of-service>.

² Key Gun Violence Statistics, BRADY CAMPAIGN TO PREVENT GUN VIOLENCE, <http://www.bradycampaign.org/key-gun-violence-statistics> (last visited Feb. 20, 2019).

³ THE UNIVERSITY OF SYDNEY’S SYDNEY SCHOOL OF PUBLIC HEALTH, GUN FACTS, FIGURES AND THE LAW, <http://www.gunpolicy.org/>.

come countries, the gun-related murder rate in the United States is 25 times higher.⁴ Even when you adjust for population differences, Americans are disproportionately killed by gun violence.

In the modern era, the daily ravage of gun violence is, unfortunately, all too frequently punctuated by “mass shootings,” which the Federal Bureau of Investigation (FBI) defines as shootings where four or more victims are killed.⁵ Since the mass shooting at Columbine High School in Littleton, Colorado in 1999, where 12 students and one teacher were killed, there have been a number of mass shootings, including:

- Virginia Tech (2007): 27 students and five teachers were killed;
- Sandy Hook Elementary School (2012): 20 children and six adults were killed;
- Aurora, Colorado (2012): a gunman opened fire in a movie theater, killing 12 people;
- Charleston, South Carolina (2015): nine people were shot dead by a white supremacist at the historic Emanuel African Methodist Episcopal Church;
- San Bernardino (2015): 14 people were killed at an office gathering;
- Pulse nightclub, Orlando (2016): 49 people were killed inside a gay nightclub;
- Mandalay Bay, Las Vegas (2017): the shooter opened fire on a crowd of concertgoers at a country music festival, killing 58 people and injuring nearly 500 others;
- Sutherland Springs, Texas (2017): 25 people and an unborn child were killed during a Sunday morning church service;
- Parkland, Florida (2018): 17 adults and students were killed at Marjory Stoneman Douglas High School; and
- Thousand Oaks, California (2018): 12 people were killed at the Borderline Bar and Grill.⁶

The rate of mass shootings in the United States has steadily increased over the past 30 years,⁷ with a sharp escalation since 2011. Scholars from the Harvard School of Public Health found that from 1982 to 2011 public mass shootings occurred on average every 200 days. Since September 6, 2011, however, public mass shootings have occurred every 64 days on average.⁸ The increased frequency of mass public shootings is compounded by the fact that mass shooters are increasingly using more deadly semi-automatic, assault-style weapons to perpetrate their heinous acts.⁹

⁴ Daniel White, *America's Gun Homicide Rate Is 25 Times Higher Than Other Rich Countries*, TIME (Feb. 3, 2016), <http://time.com/4206484/america-violent-death-rate-higher/>.

⁵ See, e.g., *Serial Murder: Multi-Disciplinary Perspectives for Investigators*, FBI, NATIONAL CENTER FOR THE ANALYSIS OF VIOLENT CRIME, BEHAVIORAL ANALYSIS UNIT 2 (2005). The term “mass murder” is defined as “a number of murders (four or more) occurring during the same incident, with no distinctive time period between the murders.” *Id.*

⁶ *Deadliest Mass Shootings in Modern US History Fast Facts*, CNN (Dec. 15, 2018), <https://www.cnn.com/2013/09/16/us/20-deadliest-mass-shootings-in-u-s-history-fast-facts/index.html>.

⁷ Ping-I Lin et al., *What Have We Learned from the Time Trend of Mass Shootings in the U.S.?*, PUB. LIBRARY OF SCIENCE SAN FRANCISCO, Vol.13 Issue 10 (2018).

⁸ Amy P. Cohen et al., *Rate of Mass Shootings Has Tripled Since 2011*, *Harvard Research Shows*, MOTHER JONES, Oct. 5, 2014, <https://www.motherjones.com/politics/2014/10/mass-shootings-increasing-harvard-research/#>.

⁹ Christopher Ingraham, *Assault Rifles Are Becoming Mass Shooters' Weapon of Choice*, WASH. POST, June 12, 2016, https://www.washingtonpost.com/news/wonk/wp/2016/06/12/the-gun-used-in-the-orlando-shooting-is-becoming-mass-shooters-weapon-of-choice/?utm_term=.54bf5c4beaa7; C.J. Chivers et al., *With AR-15s, Mass Shooters Attack with the Rifle*

The Gun Control Act of 1968 established the framework for legally prohibiting certain categories of people from possessing firearms.¹⁰ This list of “prohibited persons” has grown over the years, and now includes categories such as felons, fugitives, domestic abusers, and those found by a court or other tribunal to be seriously mentally ill. Only in 1993, with the passage of the Brady Handgun Violence Prevention Act (Brady Act), did Congress provide the public with a pre-sale process for checking whether a prospective firearm purchaser is legally able to purchase the firearm.¹¹

The Brady Act established the National Instant Criminal Background Check System (often called “the NICS”) as a mechanism for federally licensed firearms dealers to accomplish pre-sale checks. The Brady Act background check requirement applies only to licensed dealers, allowing transactions conducted by private, unlicensed sellers to be completed without any check. Private, unlicensed sellers need not conduct any check under current law, even if the seller sells a large number of guns.

To address this gap, a bipartisan group of Members introduced H.R. 8, the “Bipartisan Background Checks Act of 2019.” This bill would make it illegal for any person who is not a licensed firearm importer, manufacturer, or dealer to transfer a firearm to any other person who is not so licensed without a background check, subject to certain exceptions. Individuals seeking to transfer a firearm under this measure would be required to visit a licensed firearms dealer to run the necessary background check before the transfer could be finalized.

Hearings

The Committee’s hearing on “Preventing Gun Violence: A Call to Action,” held on February 6, 2019, was used to consider H.R. 8. During the hearing, the Committee heard testimony on a wide variety of gun-related topics, including background check deficiencies and loophole. The Committee heard testimony from: Aalayah Eastmond, a student at Marjory Stoneman Douglas High School; Savannah Lindquist, a student at Old Dominion University; Diane Latiker, President and Founder of Kids Off the Block; Dr. Joseph V. Sakran of John Hopkins Hospital; Major Sabrina Tapp-Harper of the Baltimore City Sherriff’s Office; Chief Art Acevedo of the Houston Police Department; Dr. Joyce Lee Malcolm, professor at the Antonin Scalia Law School; and Robyn Thomas, Executive Director of the Giffords Law Center. During the hearing, the witnesses testified to the impact gun violence on communities, discussed a wide range of policy proposals, and offered suggestions on how current firearms restrictions may be improved.

Committee Consideration

On Wednesday, February 13, 2019, the Committee met in open session and ordered the bill, H.R. 8, favorably reported with an amendment, by a rollcall vote of 23 to 15, a quorum being present.

Firepower Typically Used by Infantry Troops, N.Y. Times, Feb. 28, 2018, <https://www.nytimes.com/interactive/2018/02/28/us/ar-15-rifle-mass-shootings.html>.

¹⁰ 10 Gun Control Act of 1968, Pub. L. No. 90-618, 82 Stat. 1213-2 (1968).

¹¹ Brady Handgun Violence Prevention Act, Pub. L. No. 103-159, 107 Stat. 1536 (1993).

Committee Votes

In compliance with clause 3(b) of rule XIII of the Rules of the House of Representatives, the Committee advises that the following rollcall votes occurred during the Committee's consideration of H.R. 8:

1. An amendment by Mr. Sensenbrenner amending section 3 to add a provision that would exempt from the bill's background check requirement a transfer to an individual who is the holder of a valid permit to carry a concealed firearm, which has been issued by a state was defeated by a rollcall vote of 13 to 21.

ROLLCALL NO. 1

	Ayes	Nos	Present
Jerrold Nadler (NY-10) .....	.....	X	.....
Zoe Lofgren (CA-19) .....	.....	X	.....
Sheila Jackson Lee (TX-18) .....	.....	X	.....
Steve Cohen (TN-09) .....	.....	X	.....
Hank Johnson (GA-04) .....	.....	X	.....
Ted Deutch (FL-02) .....	.....	.....	.....
Karen Bass (CA-37) .....	.....	.....	.....
Cedric Richmond (LA-02) .....	.....	X	.....
Hakeem Jeffries (NY-08) .....	.....	X	.....
David Cicilline (RI-01) .....	.....	X	.....
Eric Swalwell (CA-15) .....	.....	.....	.....
Ted Lieu (CA-33) .....	.....	X	.....
Jamie Raskin (MD-08) .....	.....	X	.....
Pramila Jayapal (WA-07) .....	.....	X	.....
Val Demings (FL-10) .....	.....	X	.....
Lou Correa (CA-46) .....	.....	X	.....
Mary Gay Scanlon (PA-05) .....	.....	X	.....
Sylvia Garcia (TX-29) .....	.....	X	.....
Joseph Neguse (CO-02) .....	.....	X	.....
Lucy McBath (GA-06) .....	.....	X	.....
Greg Stanton (AZ-09) .....	.....	X	.....
Madeleine Dean (PA-04) .....	.....	X	.....
Debbie Mucarsel-Powell (FL-26) .....	.....	X	.....
Veronica Escobar (TX-16) .....	.....	X	.....
Doug Collins (GA-27)	X	.....	.....
James F. Sensenbrenner (WI-05)	X	.....	.....
Steve Chabot (OH-01) .....	.....	.....	.....
Louie Gohmert (TX-01)	X	.....	.....
Jim Jordan (OH-04)	X	.....	.....
Ken Buck (CO-04)	X	.....	.....
John Ratcliffe (TX-04)	X	.....	.....
Martha Roby (AL-02)	X	.....	.....
Matt Gaetz (FL-01)	X	.....	.....
Mike Johnson (LA-04)	X	.....	.....
Andy Biggs (AZ-05)	X	.....	.....
Tom McClintock (CA-04)	X	.....	.....
Debbie Lesko (AZ-08) .....	.....	.....	.....
Guy Reschenthaler (PA-14) .....	.....	.....	.....
Ben Cline (VA-06)	X	.....	.....

ROLLCALL NO. 1—Continued

	Ayes	Nos	Present
Kelly Armstrong (ND-AL)	X	.....	.....
Greg Steube (FL-17) .....	.....	.....	.....
Total	13	21	.....

2. An amendment by Mr. Gohmert amending section 3 to add a provision that would exempt the exchange of firearms from the bill's background check requirement was defeated by a rollcall vote of 12 to 17.

ROLLCALL NO. 2

	Ayes	Nos	Present
Jerrold Nadler (NY-10) .....	.....	X	.....
Zoe Lofgren (CA-19) .....	.....	X	.....
Sheila Jackson Lee (TX-18) .....	.....	.....	.....
Steve Cohen (TN-09) .....	.....	.....	.....
Hank Johnson (GA-04) .....	.....	X	.....
Ted Deutch (FL-02) .....	.....	X	.....
Karen Bass (CA-37) .....	.....	.....	.....
Cedric Richmond (LA-02) .....	.....	.....	.....
Hakeem Jeffries (NY-08) .....	.....	X	.....
David Cicilline (RI-01) .....	.....	X	.....
Eric Swalwell (CA-15) .....	.....	.....	.....
Ted Lieu (CA-33) .....	.....	X	.....
Jamie Raskin (MD-08) .....	.....	X	.....
Pramila Jayapal (WA-07) .....	.....	.....	.....
Val Demings (FL-10) .....	.....	.....	.....
Lou Correa (CA-46) .....	.....	X	.....
Mary Gay Scanlon (PA-05) .....	.....	X	.....
Sylvia Garcia (TX-29) .....	.....	X	.....
Joseph Neguse (CO-02) .....	.....	X	.....
Lucy McBath (GA-06) .....	.....	X	.....
Greg Stanton (AZ-09) .....	.....	X	.....
Madeleine Dean (PA-04) .....	.....	X	.....
Debbie Mucarsel-Powell (FL-26) .....	.....	X	.....
Veronica Escobar (TX-16) .....	.....	X	.....
Doug Collins (GA-27)	X	.....	.....
James F. Sensenbrenner (WI-05)	X	.....	.....
Steve Chabot (OH-01) .....	.....	.....	.....
Louie Gohmert (TX-01)	X	.....	.....
Jim Jordan (OH-04)	X	.....	.....
Ken Buck (CO-04)	X	.....	.....
John Ratcliffe (TX-04) .....	.....	.....	.....
Martha Roby (AL-02)	X	.....	.....
Matt Gaetz (FL-01)	X	.....	.....
Mike Johnson (LA-04)	X	.....	.....
Andy Biggs (AZ-05)	X	.....	.....
Tom McClintock (CA-04)	X	.....	.....
Debbie Lesko (AZ-08) .....	.....	.....	.....

ROLLCALL NO. 2—Continued

	Ayes	Nos	Present
Guy Reschenthaler (PA-14)	X	.....	.....
Ben Cline (VA-06) .....	.....	.....	.....
Kelly Armstrong (ND-AL) .....	.....	.....	.....
Greg Steube (FL-17)	X	.....	.....
Total	12	17	.....

3. An amendment by Mr. Gaetz to require the Attorney General to promulgate regulations to cap the amount a firearms dealer may charge at zero dollars for any transfer for which the background check is not complete within 24 hours and is ultimately approved was defeated by a rollcall vote of 15 to 18.

ROLLCALL NO. 4

	Ayes	Nos	Present
Jerrold Nadler (NY-10) .....	.....	X	.....
Zoe Lofgren (CA-19) .....	.....	X	.....
Sheila Jackson Lee (TX-18) .....	.....	X	.....
Steve Cohen (TN-09) .....	.....	X	.....
Hank Johnson (GA-04) .....	.....	X	.....
Ted Deutch (FL-02) .....	.....	X	.....
Karen Bass (CA-37) .....	.....	.....	.....
Cedric Richmond (LA-02) .....	.....	.....	.....
Hakeem Jeffries (NY-08) .....	.....	.....	.....
David Cicilline (RI-01) .....	.....	X	.....
Eric Swalwell (CA-15) .....	.....	.....	.....
Ted Lieu (CA-33) .....	.....	.....	.....
Jamie Raskin (MD-08) .....	.....	X	.....
Pramila Jayapal (WA-07) .....	.....	X	.....
Val Demings (FL-10) .....	.....	X	.....
Lou Correa (CA-46) .....	.....	X	.....
Mary Gay Scanlon (PA-05) .....	.....	X	.....
Sylvia Garcia (TX-29) .....	.....	X	.....
Joseph Neguse (CO-02) .....	.....	.....	.....
Lucy McBath (GA-06) .....	.....	X	.....
Greg Stanton (AZ-09) .....	.....	X	.....
Madeleine Dean (PA-04) .....	.....	X	.....
Debbie Mucarsel-Powell (FL-26) .....	.....	X	.....
Veronica Escobar (TX-16) .....	.....	X	.....
Doug Collins (GA-27)	X	.....	.....
James F. Sensenbrenner (WI-05) .....	.....	.....	.....
Steve Chabot (OH-01)	X	.....	.....
Louie Gohmert (TX-01)	X	.....	.....
Jim Jordan (OH-04)	X	.....	.....
Ken Buck (CO-04)	X	.....	.....
John Ratcliffe (TX-04)	X	.....	.....
Martha Roby (AL-02)	X	.....	.....
Matt Gaetz (FL-01)	X	.....	.....
Mike Johnson (LA-04) .....	.....	.....	.....

ROLLCALL NO. 4—Continued

	Ayes	Nos	Present
Andy Biggs (AZ-05)	X	.....	.....
Tom McClintock (CA-04)	X	.....	.....
Debbie Lesko (AZ-08)	X	.....	.....
Guy Reschenthaler (PA-14)	X	.....	.....
Ben Cline (VA-06)	X	.....	.....
Kelly Armstrong (ND-AL)	X	.....	.....
Greg Steube (FL-17)	X	.....	.....
Total	15	18	.....

4. An amendment by Mr. Chabot amending section 3 to add an exemption from the bill's background check requirement to allow a transfer to a law enforcement officer who is authorized to carry a firearm as part of his employment was defeated by a rollcall vote of 9 to 19.

ROLLCALL NO. 6

	Ayes	Nos	Present
Jerrold Nadler (NY-10)	X	.....
Zoe Lofgren (CA-19)	X	.....
Sheila Jackson Lee (TX-18)	X	.....
Steve Cohen (TN-09)	X	.....
Hank Johnson (GA-04)	X	.....
Ted Deutch (FL-02)	X	.....
Karen Bass (CA-37)
Cedric Richmond (LA-02)
Hakeem Jeffries (NY-08)	X	.....
David Cicilline (RI-01)	X	.....
Eric Swalwell (CA-15)
Ted Lieu (CA-33)	X	.....
Jamie Raskin (MD-08)	X	.....
Pramila Jayapal (WA-07)	X	.....
Val Demings (FL-10)	X	.....
Lou Correa (CA-46)	X	.....
Mary Gay Scanlon (PA-05)	X	.....
Sylvia Garcia (TX-29)	X	.....
Joseph Neguse (CO-02)	X	.....
Lucy McBath (GA-06)	X	.....
Greg Stanton (AZ-09)	X	.....
Madeleine Dean (PA-04)	X	.....
Debbie Mucarsel-Powell (FL-26)
Veronica Escobar (TX-16)
Doug Collins (GA-27)	X	.....	.....
James F. Sensenbrenner (WI-05)
Steve Chabot (OH-01)	X	.....	.....
Louie Gohmert (TX-01)
Jim Jordan (OH-04)	X	.....	.....
Ken Buck (CO-04)
John Ratcliffe (TX-04)

ROLLCALL NO. 6—Continued

	Ayes	Nos	Present
Martha Roby (AL-02) .....	.....	.....	.....
Matt Gaetz (FL-01) .....	.....	.....	.....
Mike Johnson (LA-04)	X	.....	.....
Andy Biggs (AZ-05)	X	.....	.....
Tom McClintock (CA-04)	X	.....	.....
Debbie Lesko (AZ-08) .....	.....	.....	.....
Guy Reschenthaler (PA-14) .....	.....	.....	.....
Ben Cline (VA-06)	X	.....	.....
Kelly Armstrong (ND-AL)	X	.....	.....
Greg Steube (FL-17)	X	.....	.....
Total	9	19	.....

5. An amendment by Mr. Johnson of Louisiana eliminating from the bill's background check requirement certain requirements for a temporary transfer of a firearm to qualify under the bill's exemptions was defeated by a rollcall vote of 11 to 18.

ROLLCALL NO. 7

	Ayes	Nos	Present
Jerrold Nadler (NY-10)	X	.....
Zoe Lofgren (CA-19)	X	.....
Sheila Jackson Lee (TX-18)
Steve Cohen (TN-09)	X	.....
Hank Johnson (GA-04)
Ted Deutch (FL-02)	X	.....
Karen Bass (CA-37)
Cedric Richmond (LA-02)
Hakeem Jeffries (NY-08)	X	.....
David Cicilline (RI-01)	X	.....
Eric Swalwell (CA-15)	X	.....
Ted Lieu (CA-33)	X	.....
Jamie Raskin (MD-08)	X	.....
Pramila Jayapal (WA-07)	X	.....
Val Demings (FL-10)	X	.....
Lou Correa (CA-46)
Mary Gay Scanlon (PA-05)	X	.....
Sylvia Garcia (TX-29)	X	.....
Joseph Neguse (CO-02)	X	.....
Lucy McBath (GA-06)	X	.....
Greg Stanton (AZ-09)	X	.....
Madeleine Dean (PA-04)	X	.....
Debbie Mucarsel-Powell (FL-26)	X	.....
Veronica Escobar (TX-16)
Doug Collins (GA-27)	X	.....	.....
James F. Sensenbrenner (WI-05)
Steve Chabot (OH-01)	X	.....	.....
Louie Gohmert (TX-01)
Jim Jordan (OH-04)

ROLLCALL NO. 7—Continued

	Ayes	Nos	Present
Ken Buck (CO-04)	X	.....	.....
John Ratcliffe (TX-04) .....	.....	.....	.....
Martha Roby (AL-02) .....	.....	.....	.....
Matt Gaetz (FL-01)	X	.....	.....
Mike Johnson (LA-04)	X	.....	.....
Andy Biggs (AZ-05)	X	.....	.....
Tom McClintock (CA-04) .....	.....	.....	.....
Debbie Lesko (AZ-08)	X	.....	.....
Guy Reschenthaler (PA-14)	X	.....	.....
Ben Cline (VA-06)	X	.....	.....
Kelly Armstrong (ND-AL)	X	.....	.....
Greg Steube (FL-17)	X	.....	.....
Total	11	18	.....

6. An amendment by Mr. Biggs adding a new section to the bill expressing a Sense of Congress that rights guaranteed by the U.S. Constitution should not be hampered by financial restrictions or constraints on the exercise of those rights; that the exercise of citizens' Second Amendment rights must not be abridged or restricted by burdensome payments or delays in the conduct of background checks for lawful firearms transfers; and that financial constraints have no place in the exercise of constitutional rights in that a citizen's right to bear arms, just like a citizen's right to vote, must not be qualified by the ability to pay a certain sum of money in order to exercise those rights was defeated by a rollcall vote of 13 to 20.

ROLLCALL NO. 8

	Ayes	Nos	Present
Jerrold Nadler (NY-10)	X	.....
Zoe Lofgren (CA-19)	X	.....
Sheila Jackson Lee (TX-18)	X	.....
Steve Cohen (TN-09)	X	.....
Hank Johnson (GA-04)	X	.....
Ted Deutch (FL-02)	X	.....
Karen Bass (CA-37)
Cedric Richmond (LA-02)
Hakeem Jeffries (NY-08)	X	.....
David Cicilline (RI-01)	X	.....
Eric Swalwell (CA-15)
Ted Lieu (CA-33)	X	.....
Jamie Raskin (MD-08)	X	.....
Pramila Jayapal (WA-07)	X	.....
Val Demings (FL-10)	X	.....
Lou Correa (CA-46)	X	.....
Mary Gay Scanlon (PA-05)	X	.....
Sylvia Garcia (TX-29)	X	.....
Joseph Neguse (CO-02)	X	.....
Lucy McBath (GA-06)	X	.....
Greg Stanton (AZ-09)	X	.....

ROLLCALL NO. 8—Continued

	Ayes	Nos	Present
Madeleine Dean (PA-04) .....	.....	X	.....
Debbie Mucarsel-Powell (FL-26) .....	.....	X	.....
Veronica Escobar (TX-16) .....	.....	.....	.....
Doug Collins (GA-27)	X	.....	.....
James F. Sensenbrenner (WI-05) .....	.....	.....	.....
Steve Chabot (OH-01)	X	.....	.....
Louie Gohmert (TX-01)	X	.....	.....
Jim Jordan (OH-04)	X	.....	.....
Ken Buck (CO-04)	X	.....	.....
John Ratcliffe (TX-04) .....	.....	.....	.....
Martha Roby (AL-02) .....	.....	.....	.....
Matt Gaetz (FL-01)	X	.....	.....
Mike Johnson (LA-04) .....	.....	.....	.....
Andy Biggs (AZ-05)	X	.....	.....
Tom McClintock (CA-04)	X	.....	.....
Debbie Lesko (AZ-08)	X	.....	.....
Guy Reschenthaler (PA-14)	X	.....	.....
Ben Cline (VA-06)	X	.....	.....
Kelly Armstrong (ND-AL)	X	.....	.....
Greg Steube (FL-17)	X	.....	.....
Total	13	20	.....

7. An amendment by Mr. Steube requiring regulations promulgated pursuant to section 922 of title 18, as amended by this measure, to require notification to the field office of the Federal Bureau of Investigation, the local law enforcement agency, the state law enforcement agency; and U.S. Immigration and Customs Enforcement in the case of a person illegally or unlawfully in the United States was defeated by a rollcall vote of 14 to 20.

ROLLCALL NO. 10

	Ayes	Nos	Present
Jerrold Nadler (NY-10)	X	.....
Zoe Lofgren (CA-19)	X	.....
Sheila Jackson Lee (TX-18)	X	.....
Steve Cohen (TN-09)
Hank Johnson (GA-04)	X	.....
Ted Deutch (FL-02)	X	.....
Karen Bass (CA-37)	X	.....
Cedric Richmond (LA-02)
Hakeem Jeffries (NY-08)
David Cicilline (RI-01)	X	.....
Eric Swalwell (CA-15)
Ted Lieu (CA-33)	X	.....
Jamie Raskin (MD-08)	X	.....
Pramila Jayapal (WA-07)	X	.....
Val Demings (FL-10)	X	.....
Lou Correa (CA-46)	X	.....

ROLLCALL NO. 10—Continued

	Ayes	Nos	Present
Mary Gay Scanlon (PA-05) .....	.....	X	.....
Sylvia Garcia (TX-29) .....	.....	X	.....
Joseph Neguse (CO-02) .....	.....	X	.....
Lucy McBath (GA-06) .....	.....	X	.....
Greg Stanton (AZ-09) .....	.....	X	.....
Madeleine Dean (PA-04) .....	.....	X	.....
Debbie Mucarsel-Powell (FL-26) .....	.....	X	.....
Veronica Escobar (TX-16) .....	.....	X	.....
Doug Collins (GA-27)	X	.....	.....
James F. Sensenbrenner (WI-05) .....	.....	.....	.....
Steve Chabot (OH-01)	X	.....	.....
Louie Gohmert (TX-01)	X	.....	.....
Jim Jordan (OH-04)	X	.....	.....
Ken Buck (CO-04)	X	.....	.....
John Ratcliffe (TX-04) .....	.....	.....	.....
Martha Roby (AL-02) .....	.....	.....	.....
Matt Gaetz (FL-01)	X	.....	.....
Mike Johnson (LA-04)	X	.....	.....
Andy Biggs (AZ-05)	X	.....	.....
Tom McClintock (CA-04)	X	.....	.....
Debbie Lesko (AZ-08)	X	.....	.....
Guy Reschenthaler (PA-14)	X	.....	.....
Ben Cline (VA-06)	X	.....	.....
Kelly Armstrong (ND-AL)	X	.....	.....
Greg Steube (FL-17)	X	.....	.....
Total	14	20	.....

8. An amendment by Mrs. Lesko, as amended by Mr. Gaetz, to add an exemption from the bill's background check requirement for a transfer to a victim of domestic violence or sexual assault who is to be protected under an order of protection issued by a court of law was defeated by a rollcall vote of 15 to 19.

ROLLCALL NO. 11

	Ayes	Nos	Present
Jerrold Nadler (NY-10)	X	.....
Zoe Lofgren (CA-19)	X	.....
Sheila Jackson Lee (TX-18)	X	.....
Steve Cohen (TN-09)
Hank Johnson (GA-04)	X	.....
Ted Deutch (FL-02)	X	.....
Karen Bass (CA-37)	X	.....
Cedric Richmond (LA-02)
Hakeem Jeffries (NY-08)
David Cicilline (RI-01)
Eric Swalwell (CA-15)	X	.....
Ted Lieu (CA-33)	X	.....
Jamie Raskin (MD-08)

ROLLCALL NO. 11—Continued

	Ayes	Nos	Present
Pramila Jayapal (WA-07)		X	.....
Val Demings (FL-10)		X	.....
Lou Correa (CA-46)		X	.....
Mary Gay Scanlon (PA-05)		X	.....
Sylvia Garcia (TX-29)		X	.....
Joseph Neguse (CO-02)		X	.....
Lucy McBath (GA-06)		X	.....
Greg Stanton (AZ-09)		X	.....
Madeleine Dean (PA-04)		X	.....
Debbie Mucarsel-Powell (FL-26)		X	.....
Veronica Escobar (TX-16)		X	.....
Doug Collins (GA-27)	X		.....
James F. Sensenbrenner (WI-05) .....			.....
Steve Chabot (OH-01)	X		.....
Louie Gohmert (TX-01)	X		.....
Jim Jordan (OH-04)	X		.....
Ken Buck (CO-04)	X		.....
John Ratcliffe (TX-04) .....			.....
Martha Roby (AL-02)	X		.....
Matt Gaetz (FL-01)	X		.....
Mike Johnson (LA-04)	X		.....
Andy Biggs (AZ-05)	X		.....
Tom McClintock (CA-04)	X		.....
Debbie Lesko (AZ-08)	X		.....
Guy Reschenthaler (PA-14)	X		.....
Ben Cline (VA-06)	X		.....
Kelly Armstrong (ND-AL)	X		.....
Greg Steube (FL-17)	X		.....
Total	15	19	.....

9. An amendment by Mr. Reschenthaler to add an exemption from the bill's background check requirement for a transfer by an individual who, by his or her own determination, may be a risk to himself or herself or others to a person who is not prohibited by federal law from receiving a firearm was defeated by a rollcall vote of 15 to 20.

ROLLCALL NO. 12

	Ayes	Nos	Present
Jerrold Nadler (NY-10)		X	.....
Zoe Lofgren (CA-19)		X	.....
Sheila Jackson Lee (TX-18)		X	.....
Steve Cohen (TN-09)
Hank Johnson (GA-04)		X	.....
Ted Deutch (FL-02)		X	.....
Karen Bass (CA-37)		X	.....
Cedric Richmond (LA-02)
Hakeem Jeffries (NY-08)		X	.....

ROLLCALL NO. 12—Continued

	Ayes	Nos	Present
David Cicilline (RI-01) .....	.....	.....	.....
Eric Swalwell (CA-15) .....	.....	X	.....
Ted Lieu (CA-33) .....	.....	X	.....
Jamie Raskin (MD-08) .....	.....	.....	.....
Pramila Jayapal (WA-07) .....	.....	X	.....
Val Demings (FL-10) .....	.....	X	.....
Lou Correa (CA-46) .....	.....	X	.....
Mary Gay Scanlon (PA-05) .....	.....	X	.....
Sylvia Garcia (TX-29) .....	.....	X	.....
Joseph Neguse (CO-02) .....	.....	X	.....
Lucy McBath (GA-06) .....	.....	X	.....
Greg Stanton (AZ-09) .....	.....	X	.....
Madeleine Dean (PA-04) .....	.....	X	.....
Debbie Mucarsel-Powell (FL-26) .....	.....	X	.....
Veronica Escobar (TX-16) .....	.....	X	.....
Doug Collins (GA-27)	X	.....	.....
James F. Sensenbrenner (WI-05) .....	.....	.....	.....
Steve Chabot (OH-01)	X	.....	.....
Louie Gohmert (TX-01)	X	.....	.....
Jim Jordan (OH-04)	X	.....	.....
Ken Buck (CO-04)	X	.....	.....
John Ratcliffe (TX-04) .....	.....	.....	.....
Martha Roby (AL-02)	X	.....	.....
Matt Gaetz (FL-01)	X	.....	.....
Mike Johnson (LA-04)	X	.....	.....
Andy Biggs (AZ-05)	X	.....	.....
Tom McClintock (CA-04)	X	.....	.....
Debbie Lesko (AZ-08)	X	.....	.....
Guy Reschenthaler (PA-14)	X	.....	.....
Ben Cline (VA-06)	X	.....	.....
Kelly Armstrong (ND-AL)	X	.....	.....
Greg Steube (FL-17)	X	.....	.....
Total	15	20	.....

10. An amendment by Mr. Armstrong to add an exemption for a temporary transfer of a firearm for the purpose of hunting, trapping, fishing, ranching, farming, or target practice from the bill's background check requirement, and eliminating provisions of the temporary transfer section that require transferors to have no reason to believe that the transferee will use the firearm in a place where that is illegal and the transferor has reason to believe that the transferee will abide by all licensing and permit requirements for such hunting, trapping, and fishing; or the transferee will use the firearm in the transferor's presence was defeated by a rollcall vote of 15 to 23.

ROLLCALL NO. 13

	Ayes	Nos	Present
Jerrold Nadler (NY-10) .....	.....	X	.....
Zoe Lofgren (CA-19) .....	.....	X	.....
Sheila Jackson Lee (TX-18) .....	.....	X	.....
Steve Cohen (TN-09) .....	.....	X	.....
Hank Johnson (GA-04) .....	.....	X	.....
Ted Deutch (FL-02) .....	.....	X	.....
Karen Bass (CA-37) .....	.....	X	.....
Cedric Richmond (LA-02) .....	.....	.....	.....
Hakeem Jeffries (NY-08) .....	.....	X	.....
David Cicilline (RI-01) .....	.....	X	.....
Eric Swalwell (CA-15) .....	.....	X	.....
Ted Lieu (CA-33) .....	.....	X	.....
Jamie Raskin (MD-08) .....	.....	X	.....
Pramila Jayapal (WA-07) .....	.....	X	.....
Val Demings (FL-10) .....	.....	X	.....
Lou Correa (CA-46) .....	.....	X	.....
Mary Gay Scanlon (PA-05) .....	.....	X	.....
Sylvia Garcia (TX-29) .....	.....	X	.....
Joseph Neguse (CO-02) .....	.....	X	.....
Lucy McBath (GA-06) .....	.....	X	.....
Greg Stanton (AZ-09) .....	.....	X	.....
Madeleine Dean (PA-04) .....	.....	X	.....
Debbie Mucarsel-Powell (FL-26) .....	.....	X	.....
Veronica Escobar (TX-16) .....	.....	X	.....
Doug Collins (GA-27)	X	.....	.....
James F. Sensenbrenner (WI-05) .....	.....	.....	.....
Steve Chabot (OH-01)	X	.....	.....
Louie Gohmert (TX-01)	X	.....	.....
Jim Jordan (OH-04)	X	.....	.....
Ken Buck (CO-04)	X	.....	.....
John Ratcliffe (TX-04) .....	.....	.....	.....
Martha Roby (AL-02)	X	.....	.....
Matt Gaetz (FL-01)	X	.....	.....
Mike Johnson (LA-04)	X	.....	.....
Andy Biggs (AZ-05)	X	.....	.....
Tom McClintock (CA-04)	X	.....	.....
Debbie Lesko (AZ-08)	X	.....	.....
Guy Reschenthaler (PA-14)	X	.....	.....
Ben Cline (VA-06)	X	.....	.....
Kelly Armstrong (ND-AL)	X	.....	.....
Greg Steube (FL-17)	X	.....	.....
Total	15	23	.....

11. An amendment in the nature of a substitute by Mr. Deutch, changing the effective date of the bill from 180 days to 210 days was agreed to by a rollcall vote of 23 to 15.

ROLLCALL NO. 14

	Ayes	Nos	Present
Jerrold Nadler (NY-10)	X	.....	.....
Zoe Lofgren (CA-19)	X	.....	.....
Sheila Jackson Lee (TX-18)	X	.....	.....
Steve Cohen (TN-09)	X	.....	.....
Hank Johnson (GA-04)	X	.....	.....
Ted Deutch (FL-02)	X	.....	.....
Karen Bass (CA-37)	X	.....	.....
Cedric Richmond (LA-02) .....	.....	.....	.....
Hakeem Jeffries (NY-08)	X	.....	.....
David Cicilline (RI-01)	X	.....	.....
Eric Swalwell (CA-15)	X	.....	.....
Ted Lieu (CA-33)	X	.....	.....
Jamie Raskin (MD-08)	X	.....	.....
Pramila Jayapal (WA-07)	X	.....	.....
Val Demings (FL-10)	X	.....	.....
Lou Correa (CA-46)	X	.....	.....
Mary Gay Scanlon (PA-05)	X	.....	.....
Sylvia Garcia (TX-29)	X	.....	.....
Joseph Neguse (CO-02)	X	.....	.....
Lucy McBath (GA-06)	X	.....	.....
Greg Stanton (AZ-09)	X	.....	.....
Madeleine Dean (PA-04)	X	.....	.....
Debbie Mucarsel-Powell (FL-26)	X	.....	.....
Veronica Escobar (TX-16)	X	.....	.....
Doug Collins (GA-27) .....	.....	X	.....
James F. Sensenbrenner (WI-05) .....	.....	.....	.....
Steve Chabot (OH-01) .....	.....	X	.....
Louie Gohmert (TX-01) .....	.....	X	.....
Jim Jordan (OH-04) .....	.....	X	.....
Ken Buck (CO-04) .....	.....	X	.....
John Ratcliffe (TX-04) .....	.....	.....	.....
Martha Roby (AL-02) .....	.....	X	.....
Matt Gaetz (FL-01) .....	.....	X	.....
Mike Johnson (LA-04) .....	.....	X	.....
Andy Biggs (AZ-05) .....	.....	X	.....
Tom McClintock (CA-04) .....	.....	X	.....
Debbie Lesko (AZ-08) .....	.....	X	.....
Guy Reschenthaler (PA-14) .....	.....	X	.....
Ben Cline (VA-06) .....	.....	X	.....
Kelly Armstrong (ND-AL) .....	.....	X	.....
Greg Steube (FL-17) .....	.....	X	.....
Total	23	15	.....

12. Passage of the bill, as amended, was agreed to by a rollcall vote of 23 to 15.

ROLLCALL NO. 17

	Ayes	Nos	Present
Jerrold Nadler (NY-10)	X	.....	.....
Zoe Lofgren (CA-19)	X	.....	.....
Sheila Jackson Lee (TX-18)	X	.....	.....
Steve Cohen (TN-09)	X	.....	.....
Hank Johnson (GA-04)	X	.....	.....
Ted Deutch (FL-02)	X	.....	.....
Karen Bass (CA-37)	X	.....	.....
Cedric Richmond (LA-02) .....	.....	.....	.....
Hakeem Jeffries (NY-08)	X	.....	.....
David Cicilline (RI-01)	X	.....	.....
Eric Swalwell (CA-15)	X	.....	.....
Ted Lieu (CA-33)	X	.....	.....
Jamie Raskin (MD-08)	X	.....	.....
Pramila Jayapal (WA-07)	X	.....	.....
Val Demings (FL-10)	X	.....	.....
Lou Correa (CA-46)	X	.....	.....
Mary Gay Scanlon (PA-05)	X	.....	.....
Sylvia Garcia (TX-29)	X	.....	.....
Joseph Neguse (CO-02)	X	.....	.....
Lucy McBath (GA-06)	X	.....	.....
Greg Stanton (AZ-09)	X	.....	.....
Madeleine Dean (PA-04)	X	.....	.....
Debbie Mucarsel-Powell (FL-26)	X	.....	.....
Veronica Escobar (TX-16)	X	.....	.....
Doug Collins (GA-27) .....	.....	X	.....
James F. Sensenbrenner (WI-05) .....	.....	.....	.....
Steve Chabot (OH-01) .....	.....	X	.....
Louie Gohmert (TX-01) .....	.....	X	.....
Jim Jordan (OH-04) .....	.....	X	.....
Ken Buck (CO-04) .....	.....	X	.....
John Ratcliffe (TX-04) .....	.....	.....	.....
Martha Roby (AL-02) .....	.....	X	.....
Matt Gaetz (FL-01) .....	.....	X	.....
Mike Johnson (LA-04) .....	.....	X	.....
Andy Biggs (AZ-05) .....	.....	X	.....
Tom McClintock (CA-04) .....	.....	X	.....
Debbie Lesko (AZ-08) .....	.....	X	.....
Guy Reschenthaler (PA-14) .....	.....	X	.....
Ben Cline (VA-06) .....	.....	X	.....
Kelly Armstrong (ND-AL) .....	.....	X	.....
Greg Steube (FL-17) .....	.....	X	.....
Total	23	15	.....

13. Motion to report H.R. 8, as amended, favorably was agreed to by a rollcall vote of 23 to 15.

ROLLCALL NO. 18

	Ayes	Nos	Present
Jerrold Nadler (NY-10)	X	.....	.....
Zoe Lofgren (CA-19)	X	.....	.....
Sheila Jackson Lee (TX-18)	X	.....	.....
Steve Cohen (TN-09)	X	.....	.....
Hank Johnson (GA-04)	X	.....	.....
Ted Deutch (FL-02)	X	.....	.....
Karen Bass (CA-37)	X	.....	.....
Cedric Richmond (LA-02) .....	.....	.....	.....
Hakeem Jeffries (NY-08)	X	.....	.....
David Cicilline (RI-01)	X	.....	.....
Eric Swalwell (CA-15)	X	.....	.....
Ted Lieu (CA-33)	X	.....	.....
Jamie Raskin (MD-08)	X	.....	.....
Pramila Jayapal (WA-07)	X	.....	.....
Val Demings (FL-10)	X	.....	.....
Lou Correa (CA-46)	X	.....	.....
Mary Gay Scanlon (PA-05)	X	.....	.....
Sylvia Garcia (TX-29)	X	.....	.....
Joseph Neguse (CO-02)	X	.....	.....
Lucy McBath (GA-06)	X	.....	.....
Greg Stanton (AZ-09)	X	.....	.....
Madeleine Dean (PA-04)	X	.....	.....
Debbie Mucarsel-Powell (FL-26)	X	.....	.....
Veronica Escobar (TX-16)	X	.....	.....
Doug Collins (GA-27) .....	.....	X	.....
James F. Sensenbrenner (WI-05) .....	.....	.....	.....
Steve Chabot (OH-01) .....	.....	X	.....
Louie Gohmert (TX-01) .....	.....	X	.....
Jim Jordan (OH-04) .....	.....	X	.....
Ken Buck (CO-04) .....	.....	X	.....
John Ratcliffe (TX-04) .....	.....	.....	.....
Martha Roby (AL-02) .....	.....	X	.....
Matt Gaetz (FL-01) .....	.....	X	.....
Mike Johnson (LA-04) .....	.....	X	.....
Andy Biggs (AZ-05) .....	.....	X	.....
Tom McClintock (CA-04) .....	.....	X	.....
Debbie Lesko (AZ-08) .....	.....	X	.....
Guy Reschenthaler (PA-14) .....	.....	X	.....
Ben Cline (VA-06) .....	.....	X	.....
Kelly Armstrong (ND-AL) .....	.....	X	.....
Greg Steube (FL-17) .....	.....	X	.....
Total	23	15	.....

Committee Oversight Findings

In compliance with clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee advises that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Rep-

representatives, are incorporated in the descriptive portions of this report.

New Budget Authority and Tax Expenditures and Congressional Budget Office Cost Estimate

With respect to the requirements of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 and with respect to requirements of clause (3)(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has requested but not received a cost estimate for this bill from the Director of Congressional Budget Office. The Committee has requested but not received from the Director of the Congressional Budget Office a statement as to whether this bill contains any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

Duplication of Federal Programs

No provision of H.R. 8 establishes or reauthorizes a program of the Federal government known to be duplicative of another Federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

Performance Goals and Objectives

The Committee states that pursuant to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, H.R. 8 would require a background check on nearly every gun sale or transfer, with limited exception for certain exempt gifts to family members, hunting, target shooting, and self-defense.

Advisory on Earmarks

In accordance with clause 9 of rule XXI of the Rules of the House of Representatives, H.R. 8 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

Section-by-Section Analysis

The following discussion describes the bill as reported by the Committee.

Sec 1. *Short Title.* Section 1 sets forth the short title of the bill as the "Bipartisan Background Checks Act 2019."

Sec 2. *Purpose.* Section 2 states that purpose of this measure is to utilize the current background check process in the United States to ensure individuals prohibited from gun possession are not able to obtain firearms.

Sec. 3. *Firearms Transfers.* Section 3 amends section 922 of title 18 of the U.S. Code to make it illegal for any person who is not a licensed firearm importer, manufacturer, or dealer to transfer a firearm to any other person who is not so licensed without a background check. Individuals seeking to transfer a firearm under this

section would be required to visit a licensed firearms dealer to run the necessary background check before the transfer is finalized.

In addition, this section would require the licensed firearms dealer, upon taking possession of a firearm, to perform the background check as though the gun were part of the dealer's own inventory.

This section further provides that, if a transfer under this section cannot be completed for any reason, the return of the firearm would not constitute a transfer and the dealer would be permitted to return the firearm to the seller without having to conduct a background check.

Section 3 also sets forth certain exemptions to the bill's mandatory background check requirement. The expanded requirement would not apply to:

- A law enforcement agency or law enforcement officer, armed private security professional, or member of the armed forces, to the extent such officer, professional, or service member is acting within the course and scope of his or her employment and official duties.
- A transfer that is a loan or bona fide gift between spouses, between domestic partners, between parents and their children, between siblings, between aunts or uncles and their nieces or nephews, or between grandparents and their grandchildren.
- A transfer to an executor, administrator, trustee, or personal representative of an estate or a trust that occurs by operation of law upon the death of another person.
- A temporary transfer that is necessary to prevent imminent death or great bodily harm, if the possession by the transferee lasts only as long as immediately necessary to prevent the imminent death or great bodily harm.
- National Firearms Act transfers that pertain to special weapons, such as automatic weapons, which require a permit to own.
- A temporary transfer if the transferor has no reason to believe that the transferee will use or intends to use the firearm in a crime or is prohibited from possessing firearms under state or federal law, and the transfer takes place and the transferee's possession of the firearm is exclusively—
 - at a shooting range or in a shooting gallery or other area designated for target shooting;
 - for hunting, trapping, or fishing so long as the transferee has no reason to believe the firearm will be used in a place where it is illegal and has reason to believe all necessary licensing and permitting requirements will be followed; or
 - while in the presence of the transferor.

Additionally, section 3 would authorize the Attorney General to promulgate any necessary regulations to implement this legislation. It also would prohibit the Attorney General from requiring dealers to process private transfers, requiring private sellers to keep records of transactions, or placing a cap on the fee that dealers can charge to facilitate a private transfer.

Lastly, this section would make it unlawful for a licensed importer, manufacturer, or dealer to transfer a firearm to a person

without providing a notice to the person of the background check specified by this provision.

Sec. 4. Technical and Conforming Amendments. Section 4 makes technical and conforming revisions. In addition, it prohibits the use of any tax or fee to expand NICS and prohibits the use of funding for a system that keeps information on purchasers who are approved to purchase firearms for longer than 24-hours.¹²

Sec. 5. Rules of Construction. Section 5 sets forth a rule of construction that prohibits the establishment of a national gun registry.

Sec. 6. Effective Date. Section 6 states that the changes to current law under this bill would take effect 210 days after enactment.

Changes in Existing Law Made by the Bill, As Reported

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, H.R. 8, as reported, are shown as follows:

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, and existing law in which no change is proposed is shown in roman):

TITLE 18, UNITED STATES CODE

* * * * *

PART I—CRIMES

* * * * *

CHAPTER 44—FIREARMS

* * * * *

§ 922. Unlawful acts

(a) It shall be unlawful—

(1) for any person—

(A) except a licensed importer, licensed manufacturer, or licensed dealer, to engage in the business of importing, manufacturing, or dealing in firearms, or in the course of such business to ship, transport, or receive any firearm in interstate or foreign commerce; or

(B) except a licensed importer or licensed manufacturer, to engage in the business of importing or manufacturing ammunition, or in the course of such business, to ship, transport, or receive any ammunition in interstate or foreign commerce;

(2) for any importer, manufacturer, dealer, or collector licensed under the provisions of this chapter to ship or transport

¹² See the Consolidated Appropriations Act of 2012, Pub. L. No. 112—74, 125 Stat. 785 (2011).

in interstate or foreign commerce any firearm to any person other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector, except that—

(A) this paragraph and subsection (b)(3) shall not be held to preclude a licensed importer, licensed manufacturer, licensed dealer, or licensed collector from returning a firearm or replacement firearm of the same kind and type to a person from whom it was received; and this paragraph shall not be held to preclude an individual from mailing a firearm owned in compliance with Federal, State, and local law to a licensed importer, licensed manufacturer, licensed dealer, or licensed collector;

(B) this paragraph shall not be held to preclude a licensed importer, licensed manufacturer, or licensed dealer from depositing a firearm for conveyance in the mails to any officer, employee, agent, or watchman who, pursuant to the provisions of section 1715 of this title, is eligible to receive through the mails pistols, revolvers, and other firearms capable of being concealed on the person, for use in connection with his official duty; and

(C) nothing in this paragraph shall be construed as applying in any manner in the District of Columbia, the Commonwealth of Puerto Rico, or any possession of the United States differently than it would apply if the District of Columbia, the Commonwealth of Puerto Rico, or the possession were in fact a State of the United States;

(3) for any person, other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector to transport into or receive in the State where he resides (or if the person is a corporation or other business entity, the State where it maintains a place of business) any fire arm purchased or otherwise obtained by such person outside that State, except that this paragraph (A) shall not preclude any person who lawfully acquires a firearm by bequest or intestate succession in a State other than his State of residence from transporting the firearm into or receiving it in that State, if it is lawful for such person to purchase or possess such firearm in that State, (B) shall not apply to the transportation or receipt of a firearm obtained in conformity with subsection (b)(3) of this section, and (C) shall not apply to the transportation of any firearm acquired in any State prior to the effective date of this chapter;

(4) for any person, other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector, to transport in interstate or foreign commerce any destructive device, machinegun (as defined in section 5845 of the Internal Revenue Code of 1986), short-barreled shotgun, or short-barreled rifle, except as specifically authorized by the Attorney General consistent with public safety and necessity;

(5) for any person (other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector) to transfer, sell, trade, give, transport, or deliver any firearm to any person (other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector) who the transferor knows or has reasonable cause to believe does not reside in (or if the person is a corporation or other business entity, does not main-

tain a place of business in) the State in which the transferor resides; except that this paragraph shall not apply to (A) the transfer, transportation, or delivery of a firearm made to carry out a bequest of a firearm to, or an acquisition by intestate succession of a firearm by, a person who is permitted to acquire or possess a firearm under the laws of the State of his residence, and (B) the loan or rental of a firearm to any person for temporary use for lawful sporting purposes;

(6) for any person in connection with the acquisition or attempted acquisition of any firearm or ammunition from a licensed importer, licensed manufacturer, licensed dealer, or licensed collector, knowingly to make any false or fictitious oral or written statement or to furnish or exhibit any false, fictitious, or misrepresented identification, intended or likely to deceive such importer, manufacturer, dealer, or collector with respect to any fact material to the lawfulness of the sale or other disposition of such firearm or ammunition under the provisions of this chapter;

(7) for any person to manufacture or import armor piercing ammunition, unless—

(A) the manufacture of such ammunition is for the use of the United States, any department or agency of the United States, any State, or any department, agency, or political subdivision of a State;

(B) the manufacture of such ammunition is for the purpose of exportation; or

(C) the manufacture or importation of such ammunition is for the purpose of testing or experimentation and has been authorized by the Attorney General;

(8) for any manufacturer or importer to sell or deliver armor piercing ammunition, unless such sale or delivery—

(A) is for the use of the United States, any department or agency of the United States, any State, or any department, agency, or political subdivision of a State;

(B) is for the purpose of exportation; or

(C) is for the purpose of testing or experimentation and has been authorized by the Attorney General;

(9) for any person, other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector, who does not reside in any State to receive any firearms unless such receipt is for lawful sporting purposes.

(b) It shall be unlawful for any licensed importer, licensed manufacturer, licensed dealer, or licensed collector to sell or deliver—

(1) any firearm or ammunition to any individual who the licensee knows or has reasonable cause to believe is less than eighteen years of age, and, if the firearm, or ammunition is other than a shotgun or rifle, or ammunition for a shotgun or rifle, to any individual who the licensee knows or has reasonable cause to believe is less than twenty-one years of age;

(2) any firearm to any person in any State where the purchase or possession by such person of such firearm would be in violation of any State law or any published ordinance applicable at the place of sale, delivery or other disposition, unless the licensee knows or has reasonable cause to believe that the

purchase or possession would not be in violation of such State law or such published ordinance;

(3) any firearm to any person who the licensee knows or has reasonable cause to believe does not reside in (or if the person is a corporation or other business entity, does not maintain a place of business in) the State in which the licensee's place of business is located, except that this paragraph (A) shall not apply to the sale or delivery of any rifle or shotgun to a resident of a State other than a State in which the licensee's place of business is located if the transferee meets in person with the transferor to accomplish the transfer, and the sale, delivery, and receipt fully comply with the legal conditions of sale in both such States (and any licensed manufacturer, importer or dealer shall be presumed, for purposes of this subparagraph, in the absence of evidence to the contrary, to have had actual knowledge of the State laws and published ordinances of both States), and (B) shall not apply to the loan or rental of a firearm to any person for temporary use for lawful sporting purposes;

(4) to any person any destructive device, machinegun (as defined in section 5845 of the Internal Revenue Code of 1986), short-barreled shotgun, or short-barreled rifle, except as specifically authorized by the Attorney General consistent with public safety and necessity; and

(5) any firearm or armor-piercing ammunition to any person unless the licensee notes in his records, required to be kept pursuant to section 923 of this chapter, the name, age, and place of residence of such person if the person is an individual, or the identity and principal and local places of business of such person if the person is a corporation or other business entity.

Paragraphs (1), (2), (3), and (4) of this subsection shall not apply to transactions between licensed importers, licensed manufacturers, licensed dealers, and licensed collectors. Paragraph (4) of this subsection shall not apply to a sale or delivery to any research organization designated by the Attorney General.

(c) In any case not otherwise prohibited by this chapter, a licensed importer, licensed manufacturer, or licensed dealer may sell a firearm to a person who does not appear in person at the licensee's business premises (other than another licensed importer, manufacturer, or dealer) only if—

(1) the transferee submits to the transferor a sworn statement in the following form:

"Subject to penalties provided by law, I swear that, in the case of any firearm other than a shotgun or a rifle, I am twenty-one years or more of age, or that, in the case of a shotgun or a rifle, I am eighteen years or more of age; that I am not prohibited by the provisions of chapter 44 of title 18, United States Code, from receiving a firearm in interstate or foreign commerce; and that my receipt of this firearm will not be in violation of any statute of the State and published ordinance applicable to the locality in which I reside. Further, the true title, name, and address of the principal law enforcement officer of the locality to which the firearm will be delivered are — — — — —"

----- Signature ----- Date -----
-----.” and containing blank spaces for the attachment
of a true copy of any permit or other information required
pursuant to such statute or published ordinance;

(2) the transferor has, prior to the shipment or delivery of the firearm, forwarded by registered or certified mail (return receipt requested) a copy of the sworn statement, together with a description of the firearm, in a form prescribed by the Attorney General, to the chief law enforcement officer of the transferee’s place of residence, and has received a return receipt evidencing delivery of the statement or has had the statement returned due to the refusal of the named addressee to accept such letter in accordance with United States Post Office Department regulations; and

(3) the transferor has delayed shipment or delivery for a period of at least seven days following receipt of the notification of the acceptance or refusal of delivery of the statement.

A copy of the sworn statement and a copy of the notification to the local law enforcement officer, together with evidence of receipt or rejection of that notification shall be retained by the licensee as a part of the records required to be kept under section 923(g).

(d) It shall be unlawful for any person to sell or otherwise dispose of any firearm or ammunition to any person knowing or having reasonable cause to believe that such person—

(1) is under indictment for, or has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year;

(2) is a fugitive from justice;

(3) is an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

(4) has been adjudicated as a mental defective or has been committed to any mental institution;

(5) who, being an alien—

(A) is illegally or unlawfully in the United States; or

(B) except as provided in subsection (y)(2), has been admitted to the United States under a nonimmigrant visa (as that term is defined in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26)));

(6) who has been discharged from the Armed Forces under dishonorable conditions;

(7) who, having been a citizen of the United States, has renounced his citizenship;

(8) is subject to a court order that restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child, except that this paragraph shall only apply to a court order that—

(A) was issued after a hearing of which such person received actual notice, and at which such person had the opportunity to participate; and

(B)(i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or

(ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or

(9) has been convicted in any court of a misdemeanor crime of domestic violence.

This subsection shall not apply with respect to the sale or disposition of a firearm or ammunition to a licensed importer, licensed manufacturer, licensed dealer, or licensed collector who pursuant to subsection (b) of section 925 of this chapter is not precluded from dealing in firearms or ammunition, or to a person who has been granted relief from disabilities pursuant to subsection (c) of section 925 of this chapter.

(e) It shall be unlawful for any person knowingly to deliver or cause to be delivered to any common or contract carrier for transportation or shipment in interstate or foreign commerce, to persons other than licensed importers, licensed manufacturers, licensed dealers, or licensed collectors, any package or other container in which there is any firearm or ammunition without written notice to the carrier that such firearm or ammunition is being transported or shipped; except that any passenger who owns or legally possesses a firearm or ammunition being transported aboard any common or contract carrier for movement with the passenger in interstate or foreign commerce may deliver said firearm or ammunition into the custody of the pilot, captain, conductor or operator of such common or contract carrier for the duration of the trip without violating any of the provisions of this chapter. No common or contract carrier shall require or cause any label, tag, or other written notice to be placed on the outside of any package, luggage, or other container that such package, luggage, or other container contains a firearm.

(f)(1) It shall be unlawful for any common or contract carrier to transport or deliver in interstate or foreign commerce any firearm or ammunition with knowledge or reasonable cause to believe that the shipment transportation, or receipt thereof would be in violation of the provisions of this chapter.

(2) It shall be unlawful for any common or contract carrier to deliver in interstate or foreign commerce any firearm without obtaining written acknowledgement of receipt from the recipient of the package or other container in which there is a firearm.

(g) It shall be unlawful for any person—

(1) who has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year;

(2) who is a fugitive from justice;

(3) who is an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

(4) who has been adjudicated as a mental defective or who has been committed to a mental institution;

(5) who, being an alien—

(A) is illegally or unlawfully in the United States; or

(B) except as provided in subsection (y)(2), has been admitted to the United States under a nonimmigrant visa (as that term is defined in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26)));

(6) who has been discharged from the Armed Forces under dishonorable conditions;

(7) who, having been a citizen of the United States, has renounced his citizenship;

(8) who is subject to a court order that—

(A) was issued after a hearing of which such person received actual notice, and at which such person had an opportunity to participate;

(B) restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

(C)(i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or

(ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or

(9) who has been convicted in any court of a misdemeanor crime of domestic violence,

to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

(h) It shall be unlawful for any individual, who to that individual's knowledge and while being employed for any person described in any paragraph of subsection (g) of this section, in the course of such employment—

(1) to receive, possess, or transport any firearm or ammunition in or affecting interstate or foreign commerce; or

(2) to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

(i) It shall be unlawful for any person to transport or ship in interstate or foreign commerce, any stolen firearms or stolen ammunition, knowing or having reasonable cause to believe that the firearm or ammunition was stolen.

(j) It shall be unlawful for any person to receive, possess, conceal, store, barter, sell, or dispose of any stolen firearm or stolen ammunition, or pledge or accept as security for a loan any stolen firearm or stolen ammunition, which is moving as, which is a part of, which constitutes, or which has been shipped or transported in, interstate or foreign commerce, either before or after it was stolen, knowing or having reasonable cause to believe that the firearm or ammunition was stolen.

(k) It shall be unlawful for any person knowingly to transport, ship, or receive, in interstate or foreign commerce, any firearm which has had the importer's or manufacturer's serial number removed, obliterated, or altered or to possess or receive any firearm which has had the importer's or manufacturer's serial number re-

moved, obliterated, or altered and has, at any time, been shipped or transported in interstate or foreign commerce.

(l) Except as provided in section 925(d) of this chapter, it shall be unlawful for any person knowingly to import or bring into the United States or any possession thereof any firearm or ammunition; and it shall be unlawful for any person knowingly to receive any firearm or ammunition which has been imported or brought into the United States or any possession thereof in violation of the provisions of this chapter.

(m) It shall be unlawful for any licensed importer, licensed manufacturer, licensed dealer, or licensed collector knowingly to make any false entry in, to fail to make appropriate entry in, or to fail to properly maintain, any record which he is required to keep pursuant to section 923 of this chapter or regulations promulgated thereunder.

(n) It shall be unlawful for any person who is under indictment for a crime punishable by imprisonment for a term exceeding one year to ship or transport in interstate or foreign commerce any firearm or ammunition or receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

(o)(1) Except as provided in paragraph (2), it shall be unlawful for any person to transfer or possess a machinegun.

(2) This subsection does not apply with respect to—

(A) a transfer to or by, or possession by or under the authority of, the United States or any department or agency thereof or a State, or a department, agency, or political subdivision thereof; or

(B) any lawful transfer or lawful possession of a machinegun that was lawfully possessed before the date this subsection takes effect.

(p)(1) It shall be unlawful for any person to manufacture, import, sell, ship, deliver, possess, transfer, or receive any firearm—

(A) that, after removal of grips, stocks, and magazines, is not as detectable as the Security Exemplar, by walk-through metal detectors calibrated and operated to detect the Security Exemplar; or

(B) any major component of which, when subjected to inspection by the types of x-ray machines commonly used at airports, does not generate an image that accurately depicts the shape of the component. Barium sulfate or other compounds may be used in the fabrication of the component.

(2) For purposes of this subsection—

(A) the term “firearm” does not include the frame or receiver of any such weapon;

(B) the term “major component” means, with respect to a firearm, the barrel, the slide or cylinder, or the frame or receiver of the firearm; and

(C) the term “Security Exemplar” means an object, to be fabricated at the direction of the Attorney General, that is—

(i) constructed of, during the 12-month period beginning on the date of the enactment of this subsection, 3.7 ounces of material type 17-4 PH stainless steel in a shape resembling a handgun; and

(ii) suitable for testing and calibrating metal detectors: Provided, however, That at the close of such 12-month period, and

at appropriate times thereafter the Attorney General shall promulgate regulations to permit the manufacture, importation, sale, shipment, delivery, possession, transfer, or receipt of firearms previously prohibited under this subparagraph that are as detectable as a "Security Exemplar" which contains 3.7 ounces of material type 17-4 PH stainless steel, in a shape resembling a handgun, or such lesser amount as is detectable in view of advances in state-of-the-art developments in weapons detection technology.

(3) Under such rules and regulations as the Attorney General shall prescribe, this subsection shall not apply to the manufacture, possession, transfer, receipt, shipment, or delivery of a firearm by a licensed manufacturer or any person acting pursuant to a contract with a licensed manufacturer, for the purpose of examining and testing such firearm to determine whether paragraph (1) applies to such firearm. The Attorney General shall ensure that rules and regulations adopted pursuant to this paragraph do not impair the manufacture of prototype firearms or the development of new technology.

(4) The Attorney General shall permit the conditional importation of a firearm by a licensed importer or licensed manufacturer, for examination and testing to determine whether or not the unconditional importation of such firearm would violate this subsection.

(5) This subsection shall not apply to any firearm which—

(A) has been certified by the Secretary of Defense or the Director of Central Intelligence, after consultation with the Attorney General and the Administrator of the Federal Aviation Administration, as necessary for military or intelligence applications; and

(B) is manufactured for and sold exclusively to military or intelligence agencies of the United States.

(6) This subsection shall not apply with respect to any firearm manufactured in, imported into, or possessed in the United States before the date of the enactment of the Undetectable Firearms Act of 1988.

(q)(1) The Congress finds and declares that—

(A) crime, particularly crime involving drugs and guns, is a pervasive, nationwide problem;

(B) crime at the local level is exacerbated by the interstate movement of drugs, guns, and criminal gangs;

(C) firearms and ammunition move easily in interstate commerce and have been found in increasing numbers in and around schools, as documented in numerous hearings in both the Committee on the Judiciary the House of Representatives and the Committee on the Judiciary of the Senate;

(D) in fact, even before the sale of a firearm, the gun, its component parts, ammunition, and the raw materials from which they are made have considerably moved in interstate commerce;

(E) while criminals freely move from State to State, ordinary citizens and foreign visitors may fear to travel to or through certain parts of the country due to concern about violent crime

and gun violence, and parents may decline to send their children to school for the same reason;

(F) the occurrence of violent crime in school zones has resulted in a decline in the quality of education in our country;

(G) this decline in the quality of education has an adverse impact on interstate commerce and the foreign commerce of the United States;

(H) States, localities, and school systems find it almost impossible to handle gun-related crime by themselves--even States, localities, and school systems that have made strong efforts to prevent, detect, and punish gun-related crime find their efforts unavailing due in part to the failure or inability of other States or localities to take strong measures; and

(I) the Congress has the power, under the interstate commerce clause and other provisions of the Constitution, to enact measures to ensure the integrity and safety of the Nation's schools by enactment of this subsection.

(2)(A) It shall be unlawful for any individual knowingly to possess a firearm that has moved in or that otherwise affects interstate or foreign commerce at a place that the individual knows, or has reasonable cause to believe, is a school zone.

(B) Subparagraph (A) does not apply to the possession of a firearm—

(i) on private property not part of school grounds;

(ii) if the individual possessing the firearm is licensed to do so by the State in which the school zone is located or a political subdivision of the State, and the law of the State or political subdivision requires that, before an individual obtains such a license, the law enforcement authorities of the State or political subdivision verify that the individual is qualified under law to receive the license;

(iii) that is—

(I) not loaded; and

(II) in a locked container, or a locked firearms rack that is on a motor vehicle;

(iv) by an individual for use in a program approved by a school in the school zone;

(v) by an individual in accordance with a contract entered into between a school in the school zone and the individual or an employer of the individual;

(vi) by a law enforcement officer acting in his or her official capacity; or

(vii) that is unloaded and is possessed by an individual while traversing school premises for the purpose of gaining access to public or private lands open to hunting, if the entry on school premises is authorized by school authorities.

(3)(A) Except as provided in subparagraph (B), it shall be unlawful for any person, knowingly or with reckless disregard for the safety of another, to discharge or attempt to discharge a firearm that has moved in or that otherwise affects interstate or foreign commerce at a place that the person knows is a school zone.

(B) Subparagraph (A) does not apply to the discharge of a firearm—

(i) on private property not part of school grounds;

(ii) as part of a program approved by a school in the school zone, by an individual who is participating in the program;

(iii) by an individual in accordance with a contract entered into between a school in a school zone and the individual or an employer of the individual; or

(iv) by a law enforcement officer acting in his or her official capacity.

(4) Nothing in this subsection shall be construed as preempting or preventing a State or local government from enacting a statute establishing gun free school zones as provided in this subsection.

(r) It shall be unlawful for any person to assemble from imported parts any semiautomatic rifle or any shotgun which is identical to any rifle or shotgun prohibited from importation under section 925(d)(3) of this chapter as not being particularly suitable for or readily adaptable to sporting purposes except that this subsection shall not apply to—

(1) the assembly of any such rifle or shotgun for sale or distribution by a licensed manufacturer to the United States or any department or agency thereof or to any State or any department, agency, or political subdivision thereof; or

(2) the assembly of any such rifle or shotgun for the purposes of testing or experimentation authorized by the Attorney General.

[(s)(1) Beginning on the date that is 90 days after the date of enactment of this subsection and ending on the day before the date that is 60 months after such date of enactment, it shall be unlawful for any licensed importer, licensed manufacturer, or licensed dealer to sell, deliver, or transfer a handgun (other than the return of a handgun to the person from whom it was received) to an individual who is not licensed under section 923, unless—

[(A) after the most recent proposal of such transfer by the transferee—

[(i) the transferor has—

[(I) received from the transferee a statement of the transferee containing the information described in paragraph (3);

[(II) verified the identity of the transferee by examining the identification document presented;

[(III) within 1 day after the transferee furnishes the statement, provided notice of the contents of the statement to the chief law enforcement officer of the place of residence of the transferee; and

[(IV) within 1 day after the transferee furnishes the statement, transmitted a copy of the statement to the chief law enforcement officer of the place of residence of the transferee; and

[(ii)(I) 5 business days (meaning days on which State offices are open) have elapsed from the date the transferor furnished notice of the contents of the statement to the chief law enforcement officer, during which period the transferor has not received information from the chief law enforcement officer that receipt or possession of the handgun by the transferee would be in violation of Federal, State, or local law; or

[(II) the transferor has received notice from the chief law enforcement officer that the officer has no information indicating that receipt or possession of the handgun by the transferee would violate Federal, State, or local law;

[(B) the transferee has presented to the transferor a written statement, issued by the chief law enforcement officer of the place of residence of the transferee during the 10-day period ending on the date of the most recent proposal of such transfer by the transferee, stating that the transferee requires access to a handgun because of a threat to the life of the transferee or of any member of the household of the transferee;

[(C)(i) the transferee has presented to the transferor a permit that—

[(I) allows the transferee to possess or acquire a handgun; and

[(II) was issued not more than 5 years earlier by the State in which the transfer is to take place; and

[(ii) the law of the State provides that such a permit is to be issued only after an authorized government official has verified that the information available to such official does not indicate that possession of a handgun by the transferee would be in violation of the law;

[(D) the law of the State requires that, before any licensed importer, licensed manufacturer, or licensed dealer completes the transfer of a handgun to an individual who is not licensed under section 923, an authorized government official verify that the information available to such official does not indicate that possession of a handgun by the transferee would be in violation of law;

[(E) the Attorney General has approved the transfer under section 5812 of the Internal Revenue Code of 1986; or

[(F) on application of the transferor, the Attorney General has certified that compliance with subparagraph (A)(i)(III) is impracticable because—

[(i) the ratio of the number of law enforcement officers of the State in which the transfer is to occur to the number of square miles of land area of the State does not exceed 0.0025;

[(ii) the business premises of the transferor at which the transfer is to occur are extremely remote in relation to the chief law enforcement officer; and

[(iii) there is an absence of telecommunications facilities in the geographical area in which the business premises are located.

[(2) A chief law enforcement officer to whom a transferor has provided notice pursuant to paragraph (1)(A)(i)(III) shall make a reasonable effort to ascertain within 5 business days whether receipt or possession would be in violation of the law, including research in whatever State and local recordkeeping systems are available and in a national system designated by the Attorney General.

[(3) The statement referred to in paragraph (1)(A)(i)(I) shall contain only—

[(A) the name, address, and date of birth appearing on a valid identification document (as defined in section 1028(d)(1))

of the transferee containing a photograph of the transferee and a description of the identification used;

[(B) a statement that the transferee—

[(i) is not under indictment for, and has not been convicted in any court of, a crime punishable by imprisonment for a term exceeding 1 year, and has not been convicted in any court of a misdemeanor crime of domestic violence;

[(ii) is not a fugitive from justice;

[(iii) is not an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act);

[(iv) has not been adjudicated as a mental defective or been committed to a mental institution;

[(v) is not an alien who—

[(I) is illegally or unlawfully in the United States;

or

[(II) subject to subsection (y)(2), has been admitted to the United States under a nonimmigrant visa (as that term is defined in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26)));

[(vi) has not been discharged from the Armed Forces under dishonorable conditions; and

[(vii) is not a person who, having been a citizen of the United States, has renounced such citizenship;

[(C) the date the statement is made; and

[(D) notice that the transferee intends to obtain a handgun from the transferor.

[(4) Any transferor of a handgun who, after such transfer, receives a report from a chief law enforcement officer containing information that receipt or possession of the handgun by the transferee violates Federal, State, or local law shall, within 1 business day after receipt of such request, communicate any information related to the transfer that the transferor has about the transfer and the transferee to—

[(A) the chief law enforcement officer of the place of business of the transferor; and

[(B) the chief law enforcement officer of the place of residence of the transferee.

[(5) Any transferor who receives information, not otherwise available to the public, in a report under this subsection shall not disclose such information except to the transferee, to law enforcement authorities, or pursuant to the direction of a court of law.

[(6)(A) Any transferor who sells, delivers, or otherwise transfers a handgun to a transferee shall retain the copy of the statement of the transferee with respect to the handgun transaction, and shall retain evidence that the transferor has complied with subclauses (III) and (IV) of paragraph (1)(A)(i) with respect to the statement.

[(B) Unless the chief law enforcement officer to whom a statement is transmitted under paragraph (1)(A)(i)(IV) determines that a transaction would violate Federal, State, or local law—

[(i) the officer shall, within 20 business days after the date the transferee made the statement on the basis of which the notice was provided, destroy the statement, any record containing information derived from the statement, and any

record created as a result of the notice required by paragraph (1)(A)(i)(III);

[(ii) the information contained in the statement shall not be conveyed to any person except a person who has a need to know in order to carry out this subsection; and

[(iii) the information contained in the statement shall not be used for any purpose other than to carry out this subsection.

[(C) If a chief law enforcement officer determines that an individual is ineligible to receive a handgun and the individual requests the officer to provide the reason for such determination, the officer shall provide such reasons to the individual in writing within 20 business days after receipt of the request.

[(7) A chief law enforcement officer or other person responsible for providing criminal history background information pursuant to this subsection shall not be liable in an action at law for damages—

[(A) for failure to prevent the sale or transfer of a handgun to a person whose receipt or possession of the handgun is unlawful under this section; or

[(B) for preventing such a sale or transfer to a person who may lawfully receive or possess a handgun.

[(8) For purposes of this subsection, the term “chief law enforcement officer” means the chief of police, the sheriff, or an equivalent officer or the designee of any such individual.

[(9) The Attorney General shall take necessary actions to ensure that the provisions of this subsection are published and disseminated to licensed dealers, law enforcement officials, and the public.]

[(t)] (s)(1) Beginning on the date that is 30 days after the Attorney General notifies licensees under section 103(d) of the Brady Handgun Violence Prevention Act that the national instant criminal background check system is established, a licensed importer, licensed manufacturer, or licensed dealer shall not transfer a firearm to any other person who is not licensed under this chapter, unless—

(A) before the completion of the transfer, the licensee contacts the national instant criminal background check system established under section 103 of that Act;

(B)(i) the system provides the licensee with a unique identification number; or

(ii) 3 business days (meaning a day on which State offices are open) have elapsed since the licensee contacted the system, and the system has not notified the licensee that the receipt of a firearm by such other person would violate subsection (g) or (n) of this section; and

(C) the transferor has verified the identity of the transferee by examining a valid identification document (as defined in section 1028(d) of this title) of the transferee containing a photograph of the transferee.

(2) If receipt of a firearm would not violate subsection (g) or (n) or State law, the system shall—

(A) assign a unique identification number to the transfer;

(B) provide the licensee with the number; and

(C) destroy all records of the system with respect to the call (other than the identifying number and the date the number

was assigned) and all records of the system relating to the person or the transfer.

(3) Paragraph (1) shall not apply to a firearm transfer between a licensee and another person if—

(A)(i) such other person has presented to the licensee a permit that—

(I) allows such other person to possess or acquire a firearm; and

(II) was issued not more than 5 years earlier by the State in which the transfer is to take place; and

(ii) the law of the State provides that such a permit is to be issued only after an authorized government official has verified that the information available to such official does not indicate that possession of a firearm by such other person would be in violation of law;

(B) the Attorney General has approved the transfer under section 5812 of the Internal Revenue Code of 1986; or

(C) on application of the transferor, the Attorney General has certified that compliance with paragraph (1)(A) is impracticable because—

(i) the ratio of the number of law enforcement officers of the State in which the transfer is to occur to the number of square miles of land area of the State does not exceed 0.0025;

(ii) the business premises of the licensee at which the transfer is to occur are extremely remote in relation to the chief law enforcement officer (as defined in subsection (s)(8)); and

(iii) there is an absence of telecommunications facilities in the geographical area in which the business premises are located.

(4) If the national instant criminal background check system notifies the licensee that the information available to the system does not demonstrate that the receipt of a firearm by such other person would violate subsection (g) or (n) or State law, and the licensee transfers a firearm to such other person, the licensee shall include in the record of the transfer the unique identification number provided by the system with respect to the transfer.

(5) If the licensee knowingly transfers a firearm to such other person and knowingly fails to comply with paragraph (1) of this subsection with respect to the transfer and, at the time such other person most recently proposed the transfer, the national instant criminal background check system was operating and information was available to the system demonstrating that receipt of a firearm by such other person would violate subsection (g) or (n) of this section or State law, the Attorney General may, after notice and opportunity for a hearing, suspend for not more than 6 months or revoke any license issued to the licensee under section 923, and may impose on the licensee a civil fine of not more than \$5,000.

(6) Neither a local government nor an employee of the Federal Government or of any State or local government, responsible for providing information to the national instant criminal background check system shall be liable in an action at law for damages—

(A) for failure to prevent the sale or transfer of a firearm to a person whose receipt or possession of the firearm is unlawful under this section; or

(B) for preventing such a sale or transfer to a person who may lawfully receive or possess a firearm.

(t)(1)(A) It shall be unlawful for any person who is not a licensed importer, licensed manufacturer, or licensed dealer to transfer a firearm to any other person who is not so licensed, unless a licensed importer, licensed manufacturer, or licensed dealer has first taken possession of the firearm for the purpose of complying with subsection (s).

(B) Upon taking possession of a firearm under subparagraph (A), a licensee shall comply with all requirements of this chapter as if the licensee were transferring the firearm from the inventory of the licensee to the unlicensed transferee.

(C) If a transfer of a firearm described in subparagraph (A) will not be completed for any reason after a licensee takes possession of the firearm (including because the transfer of the firearm to, or receipt of the firearm by, the transferee would violate this chapter), the return of the firearm to the transferor by the licensee shall not constitute the transfer of a firearm for purposes of this chapter.

(2) Paragraph (1) shall not apply to—

(A) a law enforcement agency or any law enforcement officer, armed private security professional, or member of the armed forces, to the extent the officer, professional, or member is acting within the course and scope of employment and official duties;

(B) a transfer that is a loan or bona fide gift between spouses, between domestic partners, between parents and their children, between siblings, between aunts or uncles and their nieces or nephews, or between grandparents and their grandchildren;

(C) a transfer to an executor, administrator, trustee, or personal representative of an estate or a trust that occurs by operation of law upon the death of another person;

(D) a temporary transfer that is necessary to prevent imminent death or great bodily harm, if the possession by the transferee lasts only as long as immediately necessary to prevent the imminent death or great bodily harm;

(E) a transfer that is approved by the Attorney General under section 5812 of the Internal Revenue Code of 1986; or

(F) a temporary transfer if the transferor has no reason to believe that the transferee will use or intends to use the firearm in a crime or is prohibited from possessing firearms under State or Federal law, and the transfer takes place and the transferee's possession of the firearm is exclusively—

(i) at a shooting range or in a shooting gallery or other area designated for the purpose of target shooting;

(ii) while reasonably necessary for the purposes of hunting, trapping, or fishing, if the transferor—

(I) has no reason to believe that the transferee intends to use the firearm in a place where it is illegal; and

(II) has reason to believe that the transferee will comply with all licensing and permit requirements for such hunting, trapping, or fishing; or

(iii) while in the presence of the transferor.

(3)(A) *Notwithstanding any other provision of this chapter, the Attorney General may implement this subsection with regulations.*

(B) *Regulations promulgated under this paragraph may not include any provision requiring licensees to facilitate transfers in accordance with paragraph (1).*

(C) *Regulations promulgated under this paragraph may not include any provision requiring persons not licensed under this chapter to keep records of background checks or firearms transfers.*

(D) *Regulations promulgated under this paragraph may not include any provision placing a cap on the fee licensees may charge to facilitate transfers in accordance with paragraph (1).*

(4) *It shall be unlawful for a licensed importer, licensed manufacturer, or licensed dealer to transfer possession of, or title to, a firearm to another person who is not so licensed unless the importer, manufacturer, or dealer has provided such other person with a notice of the prohibition under paragraph (1), and such other person has certified that such other person has been provided with this notice on a form prescribed by the Attorney General.*

(u) It shall be unlawful for a person to steal or unlawfully take or carry away from the person or the premises of a person who is licensed to engage in the business of importing, manufacturing, or dealing in firearms, any firearm in the licensee's business inventory that has been shipped or transported in interstate or foreign commerce.

(x)(1) It shall be unlawful for a person to sell, deliver, or otherwise transfer to a person who the transferor knows or has reasonable cause to believe is a juvenile—

(A) a handgun; or

(B) ammunition that is suitable for use only in a handgun.

(2) It shall be unlawful for any person who is a juvenile to knowingly possess—

(A) a handgun; or

(B) ammunition that is suitable for use only in a handgun.

(3) This subsection does not apply to—

(A) a temporary transfer of a handgun or ammunition to a juvenile or to the possession or use of a handgun or ammunition by a juvenile if the handgun and ammunition are possessed and used by the juvenile—

(i) in the course of employment, in the course of ranching or farming related to activities at the residence of the juvenile (or on property used for ranching or farming at which the juvenile, with the permission of the property owner or lessee, is performing activities related to the operation of the farm or ranch), target practice, hunting, or a course of instruction in the safe and lawful use of a handgun;

(ii) with the prior written consent of the juvenile's parent or guardian who is not prohibited by Federal, State, or local law from possessing a firearm, except—

(I) during transportation by the juvenile of an unloaded handgun in a locked container directly from the place of transfer to a place at which an activity described in clause (i) is to take place and transportation by the juvenile of that handgun, unloaded and in a

locked container, directly from the place at which such an activity took place to the transferor; or

(II) with respect to ranching or farming activities as described in clause (i), a juvenile may possess and use a handgun or ammunition with the prior written approval of the juvenile's parent or legal guardian and at the direction of an adult who is not prohibited by Federal, State or local law from possessing a firearm;

(iii) the juvenile has the prior written consent in the juvenile's possession at all times when a handgun is in the possession of the juvenile; and

(iv) in accordance with State and local law;

(B) a juvenile who is a member of the Armed Forces of the United States or the National Guard who possesses or is armed with a handgun in the line of duty;

(C) a transfer by inheritance of title (but not possession) of a handgun or ammunition to a juvenile; or

(D) the possession of a handgun or ammunition by a juvenile taken in defense of the juvenile or other persons against an intruder into the residence of the juvenile or a residence in which the juvenile is an invited guest.

(4) A handgun or ammunition, the possession of which is transferred to a juvenile in circumstances in which the transferor is not in violation of this subsection shall not be subject to permanent confiscation by the Government if its possession by the juvenile subsequently becomes unlawful because of the conduct of the juvenile, but shall be returned to the lawful owner when such handgun or ammunition is no longer required by the Government for the purposes of investigation or prosecution.

(5) For purposes of this subsection, the term "juvenile" means a person who is less than 18 years of age.

(6)(A) In a prosecution of a violation of this subsection, the court shall require the presence of a juvenile defendant's parent or legal guardian at all proceedings.

(B) The court may use the contempt power to enforce subparagraph (A).

(C) The court may excuse attendance of a parent or legal guardian of a juvenile defendant at a proceeding in a prosecution of a violation of this subsection for good cause shown.

(y) PROVISIONS RELATING TO ALIENS ADMITTED UNDER NON-IMMIGRANT VISAS.—

(1) DEFINITIONS.—In this subsection—

(A) the term "alien" has the same meaning as in section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3)); and

(B) the term "nonimmigrant visa" has the same meaning as in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26)).

(2) EXCEPTIONS.—Subsections (d)(5)(B)I, (g)(5)(B), and (s)(3)(B)(v)(II) and (g)(5)(B) do not apply to any alien who has been lawfully admitted to the United States under a non-immigrant visa, if that alien is—

(A) admitted to the United States for lawful hunting or sporting purposes or is in possession of a hunting license or permit lawfully issued in the United States;

(B) an official representative of a foreign government who is—

(i) accredited to the United States Government or the Government's mission to an international organization having its headquarters in the United States; or

(ii) en route to or from another country to which that alien is accredited;

(C) an official of a foreign government or a distinguished foreign visitor who has been so designated by the Department of State; or

(D) a foreign law enforcement officer of a friendly foreign government entering the United States on official law enforcement business.

(3) WAIVER.—

(A) CONDITIONS FOR WAIVER.—Any individual who has been admitted to the United States under a nonimmigrant visa may receive a waiver from the requirements of subsection (g)(5), if—

(i) the individual submits to the Attorney General a petition that meets the requirements of subparagraph (C); and

(ii) the Attorney General approves the petition.

(B) PETITION.—Each petition under subparagraph (B) shall—

(i) demonstrate that the petitioner has resided in the United States for a continuous period of not less than 180 days before the date on which the petition is submitted under this paragraph; and

(ii) include a written statement from the embassy or consulate of the petitioner, authorizing the petitioner to acquire a firearm or ammunition and certifying that the alien would not, absent the application of subsection (g)(5)(B), otherwise be prohibited from such acquisition under subsection (g).

(C) APPROVAL OF PETITION.—The Attorney General shall approve a petition submitted in accordance with this paragraph, if the Attorney General determines that waiving the requirements of subsection (g)(5)(B) with respect to the petitioner—

(i) would be in the interests of justice; and

(ii) would not jeopardize the public safety.

(z) SECURE GUN STORAGE OR SAFETY DEVICE.—

(1) IN GENERAL.—Except as provided under paragraph (2), it shall be unlawful for any licensed importer, licensed manufacturer, or licensed dealer to sell, deliver, or transfer any handgun to any person other than any person licensed under this chapter, unless the transferee is provided with a secure gun storage or safety device (as defined in section 921(a)(34)) for that handgun.

(2) EXCEPTIONS.—Paragraph (1) shall not apply to—

(A)(i) the manufacture for, transfer to, or possession by, the United States, a department or agency of the United States, a State, or a department, agency, or political subdivision of a State, of a handgun; or

(ii) the transfer to, or possession by, a law enforcement officer employed by an entity referred to in clause (i) of a handgun for law enforcement purposes (whether on or off duty); or

(B) the transfer to, or possession by, a rail police officer directly employed by or contracted by a rail carrier and certified or commissioned as a police officer under the laws of a State of a handgun for purposes of law enforcement (whether on or off duty);

(C) the transfer to any person of a handgun listed as a curio or relic by the Secretary pursuant to section 921(a)(13); or

(D) the transfer to any person of a handgun for which a secure gun storage or safety device is temporarily unavailable for the reasons described in the exceptions stated in section 923(e), if the licensed manufacturer, licensed importer, or licensed dealer delivers to the transferee within 10 calendar days from the date of the delivery of the handgun to the transferee a secure gun storage or safety device for the handgun.

(3) LIABILITY FOR USE.—

(A) IN GENERAL.—Notwithstanding any other provision of law, a person who has lawful possession and control of a handgun, and who uses a secure gun storage or safety device with the handgun, shall be entitled to immunity from a qualified civil liability action.

(B) PROSPECTIVE ACTIONS.—A qualified civil liability action may not be brought in any Federal or State court.

(C) DEFINED TERM.—As used in this paragraph, the term “qualified civil liability action”—

(i) means a civil action brought by any person against a person described in subparagraph (A) for damages resulting from the criminal or unlawful misuse of the handgun by a third party, if—

(I) the handgun was accessed by another person who did not have the permission or authorization of the person having lawful possession and control of the handgun to have access to it; and

(II) at the time access was gained by the person not so authorized, the handgun had been made inoperable by use of a secure gun storage or safety device; and

(ii) shall not include an action brought against the person having lawful possession and control of the handgun for negligent entrustment or negligence per se.

* * * * *

**CONSOLIDATED AND FURTHER CONTINUING
APPROPRIATIONS ACT, 2012**

* * * * *

**DIVISION B—COMMERCE, JUSTICE,
SCIENCE, AND RELATED AGENCIES**

* * * * *

TITLE V

GENERAL PROVISIONS

(INCLUDING RESCISSIONS)

* * * * *

SEC. 511. Hereafter, none of the funds appropriated pursuant to this Act or any other provision of law may be used for—

(1) the implementation of any tax or fee in connection with the implementation of [subsection 922(t)] *subsection (s) or (t) of section 922* of title 18, United States Code; and

(2) any system to implement [subsection 922(t)] *subsection (s) or (t) of section 922* of title 18, United States Code, that does not require and result in the destruction of any identifying information submitted by or on behalf of any person who has been determined not to be prohibited from possessing or receiving a firearm no more than 24 hours after the system advises a Federal firearms licensee that possession or receipt of a firearm by the prospective transferee would not violate subsection (g) or (n) of section 922 of title 18, United States Code, or State law.

* * * * *

Dissenting Views

This views document is presented in two parts. Part I contains the Republican Minority's procedural views regarding the markup of H.R. 8. Part II presents the Minority's substantive views on the merits of H.R. 8.

PART I: PROCEDURAL VIEWS

The meeting on H.R. 8 marked a radical departure from the open process, encouraging vigorous debate, which has historically controlled the Committee's consideration of legislation. At one of the Committee's very first markups to consider legislation, the Chairman of the Committee stifled criticism of the bill, blocking consideration of dozens of amendments that would have exposed critical flaws in H.R. 8. With H.R. 8, the Committee did not fulfill its duty to fully explore every aspect and flaw of the legislation.

After permitting consideration of only ten amendments on their merits and blocking another three on germaneness, the majority took the unprecedented step of offering an amendment in the nature of a substitute—for the sole purpose of cutting off debate—that had not been noticed publicly. Despite clearly acknowledging the amendment constitutes “the text that the committee intends to mark up”, the Chairman overruled a point of order that consideration of the amendment violated Clause 2 of rule XI.

Mr. Collins. Mr. Chairman, I make a point of order that consideration of the legislation before us violates Rule 2 of

the committee rules, as well as Rule 11, Clause (2). An amendment in the nature of a substitute, when offered by the chairman or another majority member at the direction of the chairman, constitutes the text that the committee intends to mark up.

Chairman Nadler. The amendment and the—I am sorry. Mr. Johnson of Georgia. Mr. Chairman?

Chairman Nadler. The point of order is not well taken because the text of the amendment in the nature of a substitute, including the effective date at 210 days, is the text that the committee will consider.

The Chairman then refused to recognize a Member for an amendment to the amendment in the nature of a substitute, falsely claiming the amendment was not yet in order.

Chairman Nadler. For what purpose does the gentleman from Ohio seek recognition?

Voice. Mr. Chairman, I have an amendment at the desk.

Chairman Nadler. We are still on the substitute amendment, and the amendment is not in order yet.

The Chairman then recognized two Members to speak in support of the amendment in the nature of a substitute but refused to recognize any Members opposed to the amendment in the nature of a substitute. At that point he immediately moved the previous question on the amendment in the nature of a substitute and proceeded to consideration of H.R. 8 without permitting any further debate.

The marking up of legislation is one of the Committee's most important functions. It ensures that legislation is fully explored and perfected before going before the full House of Representatives. By preventing members from offering amendments to the legislation, the Chairman prevented the Committee from properly discharging its duties. It is our sincere hope that the Chairman will end his departure from regular order and allow the Committee to discharge its responsibilities.

PART II: SUBSTANTIVE VIEWS

H.R. 8 is based on false premises and provides nothing more than false hope. However, when the bill's numerous flaws were exposed during consideration of the bill, the Chairman refused to hear from Members critical of the bill and hastily and arbitrarily ended debate. The use of such questionable tactics, at the beginning of the Chairman's tenure, does not bode well for bipartisan cooperation. Since H.R. 8 would do nothing to prevent mass casualty shootings, curb violent crime or prevent suicide, we urge our colleagues to oppose this seriously flawed legislation, and we respectfully dissent.

After every major tragedy, the chorus from Democrats to "do something" has also become tragically predictable. Most of the time, these calls for action come before any of the facts are known about the shooting. The "something" most often mentioned is implementation of universal background checks, embodied in H.R. 8. Aside from the obvious and obnoxious exploitation of the tragedy and its victims, there is one very simple problem with their rush to "do something" in the wake of a mass shooting, and that is there

is no logical connection between the mass shootings and universal background checks. The unescapable fact is that H.R. 8 would not have prevented any of the mass casualty shootings over the past two decades.

H.R. 8 would have certainly not stopped the Parkland shootings, where the shooter acquired the firearms legally from a Federal Firearms Licensee (FFL) after undergoing a National Instant Criminal Background Check System (NICS) check. The NICS check showed no derogatory information that would prohibit the shooter from purchasing or possessing a firearm. This is despite the fact that the shooter had numerous interactions with law enforcement which could have potentially led to the arrest and conviction of an offense that would prohibit him from possession a firearm under 18 U.S.C. §922(g).¹ The calls included an anonymous tip on February 5, 2016, that Cruz had threatened to shoot up the school, and a tip on November 30, 2017, that he might be a “school shooter in the making” and that he collected knives and guns.² On September 23, 2016, a peer counselor notified the school resource officer of his suicide attempt and intent to buy a gun.³ The school indicated, at one point, it would do a “threat assessment” to determine if Cruz was a danger to the school and its students.⁴ Again, in September 2016, three people—a sheriff’s deputy who worked as a resource officer at Stoneman Douglas, and two of the school’s counselors—stated the shooter should be forcibly committed for mental evaluation.⁵ This, of course, would have prevented him from purchasing a firearm. On September 24, 2017, a person with a username similar to that of the shooter posted a comment to a YouTube video reading, “Im[sic] going to be a professional school shooter”. The person who uploaded the video to YouTube reported the comment to the FBI.⁶ On January 5, 2018, the FBI’s Public Access Line received a tip from a person who was close to the shooter who indicated the shooter had a “desire to kill people”.⁷ Following the shooting, the FBI released a statement stating, “the caller provided information about [the shooter’s] gun ownership, desire to kill people, erratic behavior, and disturbing social media posts, as well as the potential of him conducting a school shooting.” After conducting an investigation, the FBI said the tip line did not follow protocol when the information was not forwarded to the Miami Field Office, where investigative steps would have been taken.⁸

While the “do something” crowd’s demands were loudest after Parkland, they do not stand alone as an example where universal background checks were demanded after a tragedy. Parkland is not unique, however, when it comes to the logical disconnect between the calls for universal background checks and the actual tragedy. In fact, as pointed out earlier, they all share one common element:

¹ See Nicholas Nehamas, ‘School shooter in the making’: All the times authorities were warned about Nikolas Cruz, The Miami Herald, February 22, 2018, <https://www.miamiherald.com/news/local/community/broward/article201684874.html>

² *Id.*

³ *Id.*

⁴ See Bob Norman, School considered shooting suspect potential ‘threat’ year before massacre, wplg.com, February 16, 2018, <https://www.local10.com/news/parkland-school-shooting/school-considered-shooting-suspect-potential-threat-year-before-massacre>

⁵ See <https://www.obsnews.com/news/nikolas-cruz-parkland-shooter-mental-stability/>

⁶ Nehamas, *supra*.

⁷ *Id.*

⁸ See <https://www.fbi.gov/news/pressrel/press-releases/fbi-statement-on-the-shooting-in-parkland-florida>

not a single provision of H.R. 8 would have prevented a single one of the tragedies.

H.R. 8 would not have stopped the Sutherland Springs, TX shooting. The shooter made purchases from an FFL following a NICS Check. He should have been prohibited from purchasing or possessing firearms due to his arrest and conviction for domestic violence, which was not reported into the NICS system.⁹ Nor would H.R. 8 have stopped the Las Vegas shootings, where the shooter also purchased his firearms legally from an FFL after undergoing a background check. There was nothing in the shooter's history that would have prohibited him from purchasing or possessing a firearm.¹⁰ Likewise, the shooter in the Orlando nightclub purchased his firearms legally from an FFL following a NICS check.¹¹ The same can be said for the perpetrators of the Virginia Tech, Sandy Hook, San Bernardino, Thousand Oaks, Fort Hood, Tucson, Aurora, Navy Yard, the Pittsburgh Synagogue, and any of the other mass casualty events that the majority use to justify H.R. 8.

Many of these tragedies did, however, have some things in common. There were warning signs that were either missed or ignored by law enforcement prior to their occurrence. Simply put, H.R. 8 would not have stopped a single mass casualty shooting the majority uses to justify this bill. If any of these tragedies were preventable by H.R. 8, we would know it, because the supporters of this bill would be shouting the perpetrator's name from the rooftops. When supporters of H.R. 8 are asked which mass casualty shooting would have been prevented by this bill, the ensuing silence is deafening.

Similarly, H.R. 8 will do nothing to stem the tide of violence plaguing our urban communities. Supporters of H.R. 8 fail to recognize the way criminals obtain their firearms. A recent report from the Bureau of Justice Statistics of the Department of Justice detailed how criminals acquire their firearms.¹² A survey of prisoners incarcerated for a crime during which they possessed a firearm shows nearly half obtained their firearm either through theft (6 percent) or on the underground market (43 percent).¹³ H.R. 8 does nothing to address either of these issues. It is mind-boggling that the "do something" majority on this Committee did nothing to address the methods that nearly half of all criminals use to get their firearms. In fact, the Chairman ruled as non-germane an amendment that would have potentially prevented these tragedies. Despite the fact Committee Democrats consistently point to the gun show "loophole" as a reason for implementing the draconian requirements of H.R. 8, a mere 0.8 percent of prisoners polled purchased firearms at gun shows.¹⁴ Because the survey does not dis-

⁹ See Katie Mettler and Alex Horton, *Air Force failed 6 times to keep guns from Texas church shooter before he killed 26, report finds*, The Washington Post, December 7, 2018, https://www.washingtonpost.com/national-security/2018/12/08/air-force-failed-six-times-keep-guns-texas-church-shooter-before-he-killed-report-finds/?utm_term=.b77ea6af13c0

¹⁰ See Dakin Andone, *The Las Vegas shooter's road to 47 guns*, cnn.com, October 6, 2017, <https://www.cnn.com/2017/10/06/us/stephen-paddock-47-guns/index.html>

¹¹ See <https://www.cbsnews.com/news/gun-shop-owner-orlando-nightclub-shooter-omar-mateen-passed-background-check/>

¹² See *Source and Use of Firearms Involved in Crimes: Survey of Prison Inmates, 2016*, January 2019, Special Report, Bureau of Justice Statistics, <https://www.bjs.gov/content/pub/pdf/suficspi16.pdf>

¹³ *Id.*

¹⁴ *Id.*

tinguish between whether the criminal purchased the firearm from an FFL or a private seller at a gun show, it cannot be known if H.R. 8 would have prevented anyone from obtaining a firearm. H.R. 8 also makes the foolish assumption that criminals will all of a sudden start obeying the law.

Not only is H.R. 8 ineffective, it is also unenforceable. The National Institute of Justice of the Department of Justice concluded in 2013 that background checks are unenforceable without a gun registry.¹⁵ However, H.R. 8 explicitly prohibits the establishment of a registry. We in no way support or advocate for the establishment of a registry, but point this out as to further proof that this bill is a fraud being perpetrated upon the people being asked to support it.

Not only is H.R. 8 ineffective and unenforceable, it is simply bad policy that will do nothing more than burden the lives of law-abiding citizens wishing to exercise their Second Amendment rights. It will turn a neighbor lending his firearm to a victim of domestic abuse for her own self-defense into a criminal. It will likewise turn the victim into a criminal. If an individual sells her firearm to a police officer, they would both be criminals under H.R. 8. There are countless other scenarios that will put law-abiding Americans in legal jeopardy for a myriad of reasons that make little to no sense. When these scenarios were presented to the Majority party during Committee consideration of H.R. 8, they rejected the remedies we offered outright.

Furthermore, the bill uses undefined and vague terms, leaving it open to Constitutional challenges that will infringe upon the rights of law-abiding rights of Americans. The bill uses undefined terms such as “imminent.” What does “imminent” mean within the proposed statute? Can one cousin transfer a firearm to her cousin who fears her domestic abuser? The legislation is unclear. How long does the exemption for hunting last? Can I loan my lifelong friend my rifle to hunt deer for one day or a week? Once again, what does “great bodily harm” mean under the proposed statute? There are definitions of “substantial bodily injury” and “serious bodily injury” within the U.S. Criminal code,¹⁶ but there is no definition of “great bodily harm” in the criminal code, which is the term that this bill uses. Had the Republican minority not been prematurely and inappropriately cut off from debate on the matter, we would have offered and hoped that the majority would have accepted amendments to cure these concerns.

This bill is anything but “common sense” legislation to address mass casualty shootings or gun violence. It is a political maneuver that will do nothing to address the root causes of violence or prevent criminals from obtaining firearms. If the Democrat majority actually cared about preventing gun violence, it is hard to understand why they rejected an amendment that would notify U.S. Immigration and Customs Enforcement when an illegal alien attempts to purchase a firearm from an FFL. If they truly cared about gun violence, it seems that the amendment should have been accepted. Perhaps it had not been cleared by the special interests

¹⁵ See Greg Ridgeway, Ph.D., *Summary of Select Firearm Violence Prevention Strategies*, National Institute of Justice, January 4, 2013 <https://d3uw8jzww49g.cloudfront.net/sharedmedia/1507342/nij-gun-policy-memo.pdf>

¹⁶ See 18 U.S.C. §§ 113, 1365.

promoting this bill. Again, we urge our colleagues to reject this bad public policy that is both ineffective and unenforceable.

Sincerely,

DOUG COLLINS.
KEN BUCK.
MATT GAETZ.
JIM SENSENBRENNER.
MIKE JOHNSON.
ANDY BIGGS.
DEBBIE LESKO.
BEN CLINE.
GREG STEUBE.
GUY RESCHENTHALER.
KELLY ARMSTRONG.

Dissenting Views

H.R. 8, the “Bipartisan Background Check Act of 2019,” is dishonest, misguided, poorly drafted, ambiguous, impractical, unworkable, and intentionally designed to deprive law-abiding Americans of their fundamental rights.

LIES, DAMN LIES, AND POLLING DATA

During the markup of H.R. 8, members of the majority consistently declared “97% of Americans support universal background checks.” Is this true? In a word—NO. Supporters of this legislation are misrepresenting the polling. It should also be noted that, when given a choice at the ballot box, voters have voted down universal background checks.

The Giffords Law Center to Prevent Gun Violence explains that a “universal background check” is a policy to “require background checks by every person who sells or transfers a gun.”¹ A universal background check would require a potentially costly background check before a father can give a firearm that is a family heirloom to his son. A universal background check could unnecessarily delay the ability of a friend to loan a firearm to the victim of domestic violence, so she can protect herself from her abusive ex-husband. In this last instance, a delay could be the difference between giving the woman a chance to defend herself or death. In a universal background check system, the transferor would face criminal prosecution, jail time and a substantial fine if the individual transfers a firearm to anyone prior to completing a background check on the transferee.

Despite the majority members’ false characterization, Americans by and large have not indicated support for universal background checks if it means the father or friend described above would go to jail. Rather, polling has simply gauged support for background checks in relation to “gun sales.” The following reflects recent polling questions on this issue:

“Please tell me whether you favor or oppose each of the following approaches to prevent mass shootings at schools

¹Giffords Law Center, *Universal Background Checks*, <https://lawcenter.giffords.org/gun-laws/policy-areas/background-checks/universal-background-checks/>

. . . requiring background checks for all gun sales.”—Gallup, March 5–11, 2018.

“Do you support or oppose requiring background checks for all gun buyers?”—Quinnipiac, June 17–20, 2017.

“Do you support requiring all sellers to run background checks on anyone who buys a gun?”—Morning Consult, June 17–20, 2016.

Nowhere do these questions ask about universal background checks. Clearly, the polling is asking about gun sales—not a gift of loan of gun, as would be regulated under a universal background check scheme. A gun sale is a commercial transaction and, as is common knowledge, these transactions are primarily conducted by gun dealers. Therefore, a poll respondent could reasonably understand the poll to be asking: “Should a gun dealer be required to conduct background checks as part of any sale?” A “yes” answer to this question is entirely different than what the members of the majority have represented. That the public supports requiring gun dealers to run a background check isn’t even news-worthy because it is already required by federal law.

In addition, it should be noted that many of these polls were conducted by the media immediately following a mass shooting. For example, the Gallup poll was conducted three weeks after the Parkland shooting and Morning Consult initiated its June 2016 poll less than one week after the Orlando nightclub shooting. Could the timing of these polls skew the results given their proximity to a significant tragedy? Potentially. In that sense, not only has the public not been asked about universal background checks, but when asked about gun sales, a poll response in the mid 80-percent range as to gun sales could be somewhat overstated. The best evidence we have as to where public sentiment lies on the issue of universal background checks is the voters’ response at the ballot box. In Maine, voters rejected a 2016 referendum that would have instituted a state-based universal background system.²

LEGISLATION IS MISGUIDED

The preliminary purpose stated in the bill will “require a background check for every firearm sale.” That statement is closer to public sentiment in terms of the polling. The legislative text, however, is a bait and switch. The bill not only seeks to regulate gun sales, it would also regulate non-commercial transfers between private parties, including between family members, in significant ways. The bill criminalizes many common and often necessary firearms transfers between law-abiding citizens.

This legislation will not reduce criminals’ access to guns. During the markup, the majority cited statistics implying that H.R. 8 was necessary to prevent criminals from gaining access to a firearm. According to a Bureau of Justice Statistics survey released in January 2019, however, only 7.0% of convicted criminals purchased the gun they used during the commission of a crime “under their own name from a licensed firearm dealer.”³ The same survey indicated

²The New York Times, Maine Question 3—Expand Gun Background Checks—Results: Rejected. <https://www.nytimes.com/elections/2016/results/maine-ballot-measure-3-expand-gun-background-checks>

³U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, Source and Use of Firearms in Crimes: Survey of Prison Inmates, 2016, January 2019.

that most criminals gained access to a firearm through unlawful means—by theft, being present at a crime scene, through a straw purchaser or through the black market.

Will this legislation stem the sale of illegal guns on the black market? That's unlikely. It, therefore, strains credulity to think that H.R. 8 would have any meaningful impact on reducing criminals' access to firearms or to reduce gun crimes. Given the facts, the purpose of this legislation, therefore, is laid bare. The bill is designed to regulate gun transfers between law-abiding persons who have no criminal intent or past criminal history.

A STRAIGHTFORWARD READING OF THE STATUTE

In a weak attempt to defend H.R. 8, members of the majority party stated the bill's text has been around for "decades." It should also be noted that the bill is only six pages in length—which means it shouldn't take too long to read and comprehend the bill's language. Despite both the legislation's longevity and brevity, the members in the majority party repeatedly demonstrated their superficial understanding of the bill and its implications.

H.R. 8 consists of six sections. Section 3 contains the operative provision of the bill (amending 18 USC 922). Section 3 creates a new "paragraph "1" under which private party firearm transfers would be restricted. Paragraph 1 lays down the general rule making it "unlawful . . ." to transfer a firearm . . ." to anyone unless: (1) the transferee is federally licensed; or (2) a licensed dealer is used as an intermediary to complete a gun transfer. Paragraph 2 then sets out several narrow exceptions to the general rule established under paragraph 1.

Critical to any understanding of this statutory scheme is the fact that only the conduct of the transferor is criminalized under the bill. This bill does not, contrary to statements made during the markup, criminalize the conduct of the transferee/recipient of the firearm. (Though it should be noted that current law already makes it illegal for many convicted felons to take possession of a firearm).

POORLY CONSTRUCTED EXCEPTIONS

While paragraph 1 contains the general rule establishing criminality, paragraph 2 creates six exceptions, offering immunity for one of a few narrowly tailored qualifying transfers. If a transferor meets one of these exceptions, he or she will not need to use a dealer or dealer intermediary to run a background check to complete a firearms transfer. Because of this construct, the immunity created under these exceptions applies to the act of transfer which means these exceptions must be examined from the perspective of the transferor.

During debate on this bill, no greater misunderstanding of this legislation was evident than with respect to the language, application and implications of these exceptions. Of the six transfer exceptions found in the bill, five appear most applicable to a member of the public. These include the following:

1. Law Enforcement. This exception states paragraph (1) shall not apply to: "a law enforcement agency or any law enforcement officer, armed private security professional, or member of the armed forces to the extent the officer, professional,

or member is acting within the course and scope of their employment and official duties.”

2. Family Exception. This exception states paragraph (1) shall not apply to: “a transfer that is a loan or bona fide gift between spouses, between domestic partners, between parents and their children, between siblings, between aunts or uncles and their nieces and nephews, or between grandparents and their grandchildren.”

3. Estate Exception. This exception states paragraph (1) shall not apply to: “a transfer to an executor, administrator, trustee or personal representative of an estate or a trust that occurs by operation of law upon the death of another person.”

4. Good Samaritan Exception. This exception states paragraph (1) shall not apply to: “a temporary transfer that is necessary to prevent imminent death or great bodily harm, if the possession by the transferee lasts only as long as immediately necessary to prevent the imminent death or great bodily harm.”

5. Recreation and Sport Exception. This exception states paragraph (1) shall not apply to: “a temporary transfer if the transferor has no reason to believe that the transferee will use or intends to use the firearm in a crime or is prohibited from possessing firearms under State or Federal law, and the transfer takes place and the transferee’s possession of the firearm is exclusively—

(i) at a shooting range or in a shooting gallery or other area designated for the purpose of target shooting

(ii) while reasonably necessary for the purposes of hunting, trapping, or fishing, if the transferor (I) has no reason to believe that the transferee intends to use the firearm in a place where it is illegal; and (II) has reason to believe that the transferee will comply with all licensing and permit requirements for such hunting, trapping, or fishing, or

(iii) while in the presence of the transferor.

Law Enforcement Exception

Upon close reading and examination of the five exceptions quoted above, two exceptions relate to a “transfer” to permitted persons (family or in relation to an estate) and two others relate to a “temporary transfer” (preventing harm or in relation to certain activities such as hunting). The fifth exception is an anomaly in terms of language. The “Law Enforcement Exception” reads noticeably different than the other exceptions—it does not use the word “transfer” and therefore should not be read to suggest any transfer to law enforcement is exempt under the statutory scheme.

During debate, the Chairman stated someone contemplating suicide could safely transfer a firearm to law enforcement and the transferor would be shielded from prosecution under the Law Enforcement Exception. That conclusion certainly isn’t supported by the legislative text. The bill doesn’t, for example, exempt “any transfer or temporary transfer to or from a law enforcement agency. . . .”

Rather, this exception can only be read to give immunity to law enforcement in relation to a firearms transfer made by law enforcement. This exception does not provide immunity in relation to

“transfers to” law enforcement. How might this apply in practice? This exception gives law enforcement immunity to transfer a firearm in conjunction with an undercover operation or investigation. This is the only reasonable interpretation of the meaning and application of this exception given the bill’s language.

Where does this leave a citizen transferor who wants to transfer a firearm to law enforcement? If a child finds an abandoned gun in a park, how does this bill treat the parent who surrenders the firearm to the police? As a felon. Can someone who is contemplating suicide give their gun to police temporarily? Not under this exception. Does this provision shield a citizen participating in a state or local gun buyback program⁴ from federal prosecution under this bill? No—not at all. Is an attorney who surrenders a firearm to law enforcement on behalf of a client to allow ballistics testing immune from prosecution? No. The impact of this poorly written exception cannot be understated. Without modification, H.R. 8 criminalizes citizen transfers to law enforcement even when the transfer would promote public safety, in an emergency, or during gun buyback programs. This legislation will substantially curb public cooperation with law enforcement in many circumstances.

In addition, the text of the Law Enforcement Exception also provides special treatment for a “private security professional.” This language gives special rights and privileges to the wealthy elites, like former Mayor Bloomberg—a notorious advocate of gun control legislation to deprive citizens of their Second Amendment rights—and his bodyguards. At the same time, this bill denies similar protections to persons who have a need for personal protection but who lack the wealth and resources to hire private security. No law should be more offensive to our Constitution and the idea of freedom than a bill that denies nearly all citizens their rights while giving wealthy elites special protection, privileges and dispensations.

The minority offered an amendment to expand the bill’s exemptions to include concealed carry permit (CCP) holders. The majority argued that the training of CCP holders is inconsistent from state to state and perhaps inadequate. Couldn’t the same be said for a “private security professional?” Many states don’t require licensing of private security professionals. Many that do, do not require any form of firearms training. The result is that the majority has put forward a bill that ensures someone without firearms training, knowledge and experience can transfer a firearm while a CCP holder, who has extensive training, knowledge and experience, cannot complete a similar transfer.

Given the obvious flaws in the legislation, the minority filed at least twenty-one amendments to bring much needed clarity and fairness to the Law Enforcement Exception. These good faith amendments were offered consistent with the interests of public safety. They included:

⁴Whether gun buybacks programs are effective is debatable. Nevertheless, states and localities should be free to undertake these programs. Under these programs, citizens are free to surrender a firearm to their local police department—often with no questions asked. These programs are common in the congressional districts of many members of the Judiciary Committee. New York City, the hometown of the Chairman, conducts a year-round program. San Jose, Providence, Rhode Island, Los Angeles and Houston—all cities in districts represented by members in the majority on this committee—have conducted gun buybacks in recent years.

Buck Amendment #1—clarifying existing exceptions and allowing transfers to, among other persons, first responders, military reservists, the National Guard, Coast Guard and Coast Guard Reservists, medical professionals and in emergency situations.

Buck Amendment #5—allowing transfers to law enforcement as part of gun buyback programs and for other purposes.

Buck Amendment #35—allowing a transfer to an intermediary, such as an attorney, where the purpose of the transfer is to facilitate a firearm transfer to law enforcement.

Sensenbrenner Amendment—allowing a transfer to someone who has a concealed-carry permit (defeated in committee).

Chabot Amendment—allowing a transfer to law enforcement officers authorized to carry a firearm as part of his or her employment (defeated in committee).

Buck Amendments #15 through #19, #21 through #24, #26, and #28—allowing transfers to persons who might be present at the scene of an emergency, who might be engaged in search and rescue activities following a natural disaster or other tragedy or might, by taking possession of a firearm, be able to defuse a potentially volatile situation.

The majority defeated the Sensenbrenner and Chabot Amendments and used procedural measures to block consideration of at least nineteen other clarifying public safety amendments.

Family Exception

As admitted by the majority, the language of H.R. 8 is decades old. The language in the Family Exception clearly reflects the bill's age. Its language is outdated and, in fact, discriminatory. The language of this exception fails to recognize many of today's common family relationships that are deserving of recognition and protection by Congress, including in relation to the transfer of a firearm.

H.R. 8 creates an exception allowing a transfer between spouses. Under federal law, however, common law marriage must meet a different legal standard. Is the transfer of a firearm between spouses in a common law marriage permitted under the Family Exception? The answer is, at best, unclear but it is likely excluded from this exception. Transfers between common law spouses should be given clear and unambiguous protection.

The bill allows a firearm transfer from a parent to child. Are transfers between a step-parent and step-child, between a foster-parent and foster-child or legal guardian and child treated similarly? No—not under the bill. These relationships are legally distinct from the relationships that are covered under this exception. Is this legally defensible? Not at all. Ask a step-parent to name their children. Most will include the names of their step-children without hesitation. These relationships should not be denied equal protection.

The bill creates an exception allowing a grandparent to transfer a firearm to a grandchild. Transfers between a great-grandparent and great-grandchild, however, are not afforded the same protection. Shouldn't H.R. 8 afford legal protections based on the reality of the family makeup rather than discriminate against it? Absolutely, but the bill doesn't do that.

The bill allows a transfer between aunt and uncle and niece or nephew. First cousins are excluded from this portion of the Family Exception. Under the bill, Uncle Dave and Aunt Ruth can give their nephew, Craig, a shotgun for Christmas. But if, under the bill, Dave and Ruth's son, James, joins in the gift giving, that transfer would not be exempted from prosecution. Under the bill, transfers between cousins are not permitted without use of a dealer intermediary. That makes no logical sense.

The minority filed numerous amendments to bring much needed clarity to the Family Exception. As with other amendments, the majority used procedural measures to preclude any consideration of these amendments.

Estate Exception

The Estate Exception is incomplete, particularly in relation to the operation of state law. The exception allows the transfer of a firearm to an executor, administrator, trustee, or personal representative of a decedent. Following that, under state law, these firearms must either be transferred: (a) in accordance with the decedent's estate plan such as directed by his or her will or trust; or (b) if the individual dies intestate, then in accordance with state probate law. H.R. 8, however, contains no exemption for an executor who is under a legal obligation to complete a firearms transfer required by state law to do so without using a dealer intermediary.

As a result, this bill supersedes and interferes with an individual's estate plan and operation of state law, including by allowing potentially significant transfer fees. What if an estate lacks resources to pay the costly firearms transfer fees? Under the Family Exception, a father could transfer a firearm to his son during life but, if the father dies, under the Estate Exemption, the executor is prohibited from transferring the same firearm to the same son one day after the father's death. This makes no sense. The executor, often an attorney or bank and trust company, would be committing a crime if a dealer intermediary was not used to complete a transfer required by state law to the son.

Noticeably absent in the bill is a transfer exception allowing an individual acting under a valid power-of-attorney to lawfully take possession of a firearm. A power-of-attorney is a common component of most estate plans. This document allows the attorney-in-fact to act consistent with the document's instructions, such as to manage the affairs of the principal when he or she is hospitalized or becomes incapacitated. An attorney-in-fact should be able to take temporary possession of a firearm to secure it rather than leave it unsecured in an unoccupied home, such as while the principal is hospitalized. Under state law, the principal would be able to take such actions. H.R. 8, however, makes that common-sense action unlawful. Federal law should give clear affirmation that this kind of action would not constitute a criminal act.

The minority filed several amendments to address these concerns and bring much needed clarity to the Estate Exception. The majority engaged in procedural maneuvers to block full consideration of each of these amendments that would have aided in the administration of state probate law.

Good Samaritan Exception

The Good Samaritan Exception is another problematic and terribly ambiguous provision of the bill. The bill exempts transfers “necessary to prevent imminent death?” “Imminent” means “ready to take place” or “a danger that is menacingly near.” If an individual is having occasional suicidal thoughts and, in an abundance of caution, asks a friend, a good Samaritan, to take custody of his guns for a few days is death “imminent?” Likely, not. As such, this kind of transfer is criminalized under the bill.

This exception also permits a transfer but only where the transfer lasts as long as is “immediately necessary.” In other words, a transfer must be reversed immediately once the threat has been ameliorated. What if the return is not immediate? Could the transferor be charged with a crime if, for example, the transferee was on vacation at the time the transferor stopped having the suicidal thoughts? Under the legislation, yes. Will federal law enforcement use this as a basis to prosecute gun owners whenever there is a delayed return transfer?

Is the return of a firearm to its owner, as required under this exception, an exempt transfer? A plain reading of the legislative language provides no immunity for the return transfer by the good Samaritan—even though the bill requires such transfer. Based on this language, the gun owner (the original transferor) could face prosecution if the firearm is not immediately returned to him while the good Samaritan (acting as a return transferor) could face prosecution if he immediately returns the firearm without using the required dealer intermediary. What if the reason for delay is the lack of availability of a dealer intermediary to complete the return transfer for the good Samaritan? Under the bill, this delay puts the original transferor in criminal jeopardy.

Conflicting and ambiguous language, such as this, will frustrate the very intent of this exception. Any law-abiding gun owner who understands the overly-prescriptive nature of this exception would likely decide to keep his guns, instead of seeking help from a friend. It might also cause someone otherwise willing to act as a good Samaritan to decline to help. The result, in either event, is that the firearm will not be removed to avoid a potentially dangerous situation. A bill that creates this scenario—which could lead to the worst of all possible outcomes—is no success; it’s a failure.

The minority filed several amendments to clarify these issues, but the majority refused to allow these amendments to be offered, to hear the concerns of the minority and to debate these amendments. Consequently, the vague and ambiguous language of the bill as to this exception remains.

Sport and Hunting Exception

As with the other exceptions contained in the bill, the language allowing temporary transfers related to sport, hunting and other activities is overly prescriptive. As such, these provisions contain ambiguities that render the exception unworkable. The result, regrettably, could lead to the prosecution of unlawful firearms transfers based on mere technicalities, including in situations where no person was ever at risk. Given the statements of many supporters of this legislation, that may well be their intent.

Under the hunting component of this exception, the transferor is required to have "no reason to believe" that a transferee will use a firearm in any place that is illegal while also having a "reason to believe that the transferee will comply" with licensing and permitting requirements. Under this language, a transfer is allowed if, under the first component, the transferor possesses no knowledge as to criminality while, under the second component, the transferor must have actual, concrete knowledge in terms of hunting licensing. These are two contrary standards that could cause confusion. It remains to be seen how a transferor would be expected to satisfy the actual knowledge standard contained in the second component. Is the transferor expected to interrogate the transferee? Would he need to ask to inspect his papers, such as requiring presentment of the transferee's hunting license?

Another point eloquently made during the markup related to how rural states and portions of the United States view farming and ranching as protected activities. One amendment sought to expand this exception to make it complementary to state law. This amendment was defeated.

The minority offered amendments to clarify this exception, but these amendments were denied consideration by the majority.

EFFORTS TO PROVIDE ADDITIONAL PROTECTIONS

Another area of concern raised by the minority members is the provision of the bill that precludes any regulatory cap on the transfer fees that could be charged to facilitate a gun transfer using a dealer intermediary. The minority filed amendments to address this issue. None of these amendments were adopted. It seems clear that the majority wants to use this legislation to impose large and onerous fees on the transfer of previously-owned firearms, including perhaps, by allowing state and local authorities to impose additional significant transfer taxes on top of those fees charged by a dealer intermediary.

In addition, members of the minority filed amendments related to several other issues of Constitutional concern. These amendments would have: (a) allowed federal funds to be used to restore an individual's gun rights if the individual could prove good character to the Attorney General, using a process that already exists under current law; (b) limited the bill to regulate only interstate firearms transfers; (c) created positive incentives for licensed dealers to facilitate private party firearms transfers, such as offering immunity from tort claims if a previously owned firearm proved defective (by law, the dealer must treat the used firearm as part of his "inventory" which suggests he has put the firearm into the stream of commerce when, instead, he is merely facilitating a transfer of something already in the stream of commerce); (d) allowed states to act consistent with the Tenth Amendment by adopting a regulatory scheme that gives primacy to state regulation in relation to private party gun sales; and (e) required destruction of any government records by the bill if any court rules the bill is unconstitutional. The majority used procedural measures to defeat or block each of these amendments.

SHALL NOT BE INFRINGED

The Second Amendment protects each citizen's right to keep and bear arms. The reason a law-abiding American might chose to own a firearm is as unique as the individual gun owner. These reasons include for sport and recreation, such as hunting or target practice. For work-related reasons, as is common among farmers and ranchers, law enforcement and other security professionals. For personal protection, including the protection of loved ones and property. Regardless of the purpose, the Constitution provides that this right "shall not be infringed."

As outlined above, H.R. 8 is terribly flawed legislation. The legislation will deprive law-abiding Americans of their fundamental rights. In total, Republicans filed 107 amendments to address and fix the obvious flaws of this bill. Democrats permitted votes on only a handful of amendments and used procedural maneuvers to block debate on nearly 100 amendments. It is apparent that the markup of this bill had one purpose—to rush a flawed bill out of committee and bring it hastily to the floor of the House of Representatives, rather than taking the time to scrutinize a bill that is obviously unworkable in its present form.

While H.R. 8 may pass the House of Representatives in the near future, it will not pass the Senate this Congress. Law-abiding gun owners and defenders of the Second Amendment, however, should not rest. During the markup of this legislation, several members of the majority promised H.R. 8 was "only the first step" and suggested that "there would be more to come." That is exactly what law-abiding gun owners and defenders of the Constitution should fear. It will take nothing short of complete vigilance to protect our Second Amendment rights and to defeat this poorly crafted legislation—and whatever else its proponents have in mind.

"The laws that forbid the carrying of arms are laws of such a nature. They disarm only those who are neither inclined nor determined to commit crimes. . . . Such laws make things worse for the assaulted and better for the assailants; they serve rather to encourage than to prevent homicides, for an unarmed man may be attacked with greater confidence than an armed man."—Thomas Jefferson, *Commonplace Book*, Quoting 18th century criminologist, Cesare Beccaria.

For the reasons stated above, I dissent from the views contained in the Committee's report.

Sincerely,

KEN BUCK.

Dissenting Views

I am a strong supporter of the Second Amendment and an individual's right to keep and bear arms. The overwhelming majority of gun owners are law-abiding citizens who use firearms for sporting purposes, as historical collector's items, to go hunting with their children, and if necessary, to protect themselves and their families. The legislation that we are considering today would do nothing more than criminalize common transfers of firearms while doing nothing to prevent gun violence.

However, some lawmakers view the Second Amendment as being an inferior Amendment, to be restricted and curtailed. But the Founding Fathers included the first 10 Amendments, also known as the Bill of Rights, in the Constitution because they understood the need to place restrictions on the Federal Government in order to protect individual liberty.

The Second Amendment states that “the right of the people to keep and bear arms, shall not be infringed.” In 2008, the Supreme Court held that the Second Amendment protects an individual’s right to possess a firearm for traditionally lawful purposes, such as for self-defense within the home. Anytime we are discussing placing restrictions on an enumerated Constitutional right, we must very carefully weigh the different competing interests.

I, along with fellow colleagues here on our side of the aisle, do want to see a reduction in violent crime and rates of gun violence. Unfortunately, the legislation we are considering today would do nothing to help combat gun violence, especially in relation to mass shootings. None of the recent mass shootings that have occurred in this country would have been prevented with this legislation. The only effect this legislation would have that I can clearly determine would be preventing law-abiding citizens from exercising their Second Amendment Constitutional right.

This legislation is poorly drafted and ill considered. Some of the actions that would become illegal include loaning a gun to a long-time neighbor, say because of recent break-ins in the neighborhood, donating a historic firearm to a museum, or gifting a gun to a step-child. This legislation would even make it illegal to remove firearms from a friend’s or neighbor’s house at their request if they were having suicidal thoughts. This simply punishes lawful gun owners without addressing the realities behind gun violence.

In California, which has some of the strictest gun laws in the country, universal background checks have proven to be a failure. A recent study by the Violence Prevention Research Program at UC Davis and Johns Hopkins University found that the implementation of universal background checks had no effect on the rates of suicide or homicide by firearms. Simply put, universal background checks have been proven to not reduce gun violence and will do nothing to protect the American people.

To combat gun violence, we must look at improvements to our mental health system, and we must more effectively enforce the laws currently on the books. We should not be wasting valuable time on an ineffective bill that will only serve to impede upon the Constitutional rights of law-abiding Americans. I urge my colleagues to vote against this measure and work on finding real solutions to gun violence. We should stop playing politics with legislation that won’t benefit the American people.

MARTHA ROBY.

○



SUMMARY

ACA 1 will lower the necessary voter threshold from a two-thirds supermajority to 55 percent to approve local general obligation (GO) bonds and special taxes for affordable housing and public infrastructure projects.

ACA 1 is targeted to the urgent needs of local communities. This measure gives local governments a more realistic financing option to fund an increase in the supply of affordable housing, and to address the numerous local public infrastructure challenges cities, counties, and special districts are facing.

BACKGROUND

The California Constitution requires a two-thirds vote at the local level for both GO bonds and special taxes, regardless of what the city, county, or special district proposes to use the funds for.

However, local school districts must only achieve 55 percent voter approval for school bonds to fund the construction, reconstruction, rehabilitation, or replacement of school facilities, including the furnishing and equipping of schools, or the acquisition or lease of real property vote (Proposition 39, 2000).

From 2001 to 2013, over 2,200 local revenue measures have been placed before voters concerning school, city, county, or special district taxes or bonds. Majority vote tax measures have proven to be much more likely to pass, while just half of two-thirds vote measures succeeded. School bonds with a 55 percent have been the most successful, with four out of every five passing. In contrast, just half of two-thirds vote measures succeeded. A 55 percent voter threshold for special taxes would have made a dramatic difference. Nearly 80 percent of all two-thirds supermajority measures garnered more than 55 percent of “yes” votes.

1) AFFORDABLE HOUSING NEED

According to the Department of Housing & Community Development (HCD), in the last 10 years California has built an average of 80,000 homes per year, while the need to keep up with the housing need is approximately 180,000 homes per year. There is a shortfall of over one million rental homes affordable to extremely low and very low-income households.

2) LACK OF FUNDING FOR PUBLIC INFRASTRUCTURE

Cities, counties, and special districts face numerous challenges in securing funding for important local public infrastructure projects, including:

Water. Much of the state’s water supply, wastewater, and flood control infrastructure is aging. Rebuilding typically requires costly upgrades to meet increasingly high standards for water quality and infrastructure safety. In the last few decades, new mandates on managing stormwater runoff and climate change have added increased costs and heightened levels of management complexity. The water sector has historically relied heavily on locally generated revenues, which means that Proposition 13 (1978), Proposition 218 (1996), and Proposition 26 (2010), have made it increasingly difficult for local agencies to raise funds.

Parks and Recreation. According to the Statewide Comprehensive Outdoor Plan of 2015, 62 percent of Californians live in areas with less than 3 acres of parkland per 1,000 residents (the recognized standard for adequate parks). Additionally, 9 million people do not have a park within a half mile of their home.

Other Local Needs. Our local governments across the state know best what specific priorities matter most in their communities. For some, funding the costs of a new library or other public building is a means to create local engagement and encourage learning. For others, funding the expansion of broadband is a concern that can seem financially impossible. Strained public safety and emergency response resources in many regions could also benefit from much needed investment. Plus, with discussions underway in Washington D.C. about a possible federal infrastructure initiative, the ability to provide matching-dollars for federal grants is critical to being competitive for new grants.

3) IMPACT OF TWO-THIRDS VOTER REQUIREMENT

The California Constitution limits the opportunity for communities to decide to tax themselves to provide funding for local projects that meet goals and laws approved by the majority. One-third of local voters have the power to overrule fiscal decisions.

THIS BILL:

ACA 1 will lower the constitutional vote threshold to 55 percent for both GO bonds and special taxes, when proposed specifically for the construction, reconstruction, rehabilitation, or replacement of public infrastructure or affordable housing, or the acquisition or lease of real property for those purposes. The bill will also specify requirements for voter protection, public notice, and financial accountability.

In practice, local officials propose a local bond or special tax, and then the voters in that community decide whether they support the idea or not. The voters would still need to overwhelmingly (with 55 percent of the vote) support a bond or special tax in order for it to be approved. ACA 1 will level the playing field and create parity between school districts and cities, counties, and special districts, so that all local governments have a viable financing tool to address community needs.

ACA 1 defines “public infrastructure” to include:

- Projects to provide water or protect water quality, sanitary sewer, treat wastewater or reduce pollution from storm water runoff;
- Protect property from impacts of sea level rise;
- Public buildings, including fire and police facilities;
- Parks, open space and recreation facilities;
- Improvements to transit and streets and highways;
- Flood control;
- Broadband expansion in underserved areas; and,
- Local hospital construction.

ACA 1 defines “affordable housing” to include:

- Housing developments, or portions of housing development, that provide workforce housing affordable to households earning up to 150% of countywide median income; and,
- Housing developments or portions of housing developments, that provide housing affordable to lower, low, or very low-income households, as those terms are defined in state law.

This bill proposes an amendment to the California Constitution, which means that if passed by the Legislature, the proposal would then go to the ballot for voter approval during the next statewide election.

CONTACTS:

Angela Pontes, Assemblymember Aguiar-Curry
angela.pontes@asm.ca.gov

Debbie Michel, Assembly Local Government
debbie.michel@asm.ca.gov

Assembly Constitutional Amendment

No. 1

**Introduced by Assembly Member Aguiar-Curry
(Coauthors: Assembly Members Chiu, Eggman, Eduardo Garcia,
Gloria, McCarty, Mullin, Santiago, and Ting)**

December 3, 2018

Assembly Constitutional Amendment No. 1—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Sections 1 and 4 of Article XIII A thereof, by amending Section 2 of, and by adding Section 2.5 to, Article XIII C thereof, by amending Section 3 of Article XIII D thereof, and by amending Section 18 of Article XVI thereof, relating to local finance.

LEGISLATIVE COUNSEL'S DIGEST

ACA 1, as introduced, Aguiar-Curry. Local government financing: affordable housing and public infrastructure: voter approval.

(1) The California Constitution prohibits the ad valorem tax rate on real property from exceeding 1% of the full cash value of the property, subject to certain exceptions.

This measure would create an additional exception to the 1% limit that would authorize a city, county, or city and county to levy an ad valorem tax to service bonded indebtedness incurred to fund the construction, reconstruction, rehabilitation, or replacement of public infrastructure or affordable housing, if the proposition proposing that tax is approved by 55% of the voters of the city, county, or city and county, as applicable, and the proposition includes specified accountability requirements.

(2) The California Constitution conditions the imposition of a special tax by a local government upon the approval of $\frac{2}{3}$ of the voters of the

local government voting on that tax, and prohibits these entities from imposing an ad valorem tax on real property or a transactions or sales tax on the sale of real property.

This measure would authorize a local government to impose, extend, or increase a sales and use tax or transactions and use tax imposed in accordance with specified law or a parcel tax, as defined, for the purposes of funding the construction, rehabilitation, or replacement of public infrastructure or affordable housing, if the proposition proposing that tax is approved by 55% of its voters voting on the proposition and the proposition includes specified accountability requirements. This measure would also make conforming changes to related provisions.

(3) The California Constitution prohibits specified local government agencies from incurring any indebtedness exceeding in any year the income and revenue provided in that year, without the assent of $\frac{2}{3}$ of the voters and subject to other conditions. In the case of a school district, community college district, or county office of education, the California Constitution permits a proposition for the incurrence of indebtedness in the form of general obligation bonds for the construction, reconstruction, rehabilitation, or replacement of school facilities, including the furnishing and equipping of school facilities, or the acquisition or lease of real property for school facilities, to be adopted upon the approval of 55% of the voters of the district or county, as appropriate, voting on the proposition at an election.

This measure would similarly lower to 55% the voter-approval threshold for a city, county, or city and county to incur bonded indebtedness, exceeding in any year the income and revenue provided in that year, that is in the form of general obligation bonds issued to fund the construction, reconstruction, rehabilitation, or replacement of public infrastructure or affordable housing projects, if the proposition proposing that bond includes specified accountability requirements.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

- 1 *Resolved by the Assembly, the Senate concurring,* That the
- 2 Legislature of the State of California at its 2017–18 Regular
- 3 Session commencing on the fifth day of December 2016, two-thirds
- 4 of the membership of each house concurring, hereby proposes to
- 5 the people of the State of California, that the Constitution of the
- 6 State be amended as follows:

1 First—That Section 1 of Article XIII A thereof is amended to
2 read:

3 SECTION 1. (a) The maximum amount of any ad valorem
4 tax on real property shall not exceed ~~One 1 percent (1%)~~ of the
5 full cash value of ~~such~~ *that* property. The ~~one 1 percent (1%)~~ tax
6 ~~to~~ *shall* be collected by the counties and apportioned according to
7 law to the districts within the counties.

8 (b) The limitation provided for in subdivision (a) shall not apply
9 to ad valorem taxes or special assessments to pay the interest and
10 redemption charges on any of the following:

11 (1) Indebtedness approved by the voters ~~prior to~~ *before* July 1,
12 1978.

13 (2) Bonded indebtedness ~~for~~ *to fund* the acquisition or
14 improvement of real property approved on or after July 1, 1978,
15 by two-thirds of the votes cast by the voters voting on the
16 proposition.

17 (3) Bonded indebtedness incurred by a school district,
18 community college district, or county office of education for the
19 construction, reconstruction, rehabilitation, or replacement of
20 school facilities, including the furnishing and equipping of school
21 facilities, or the acquisition or lease of real property for school
22 facilities, approved by 55 percent of the voters of the district or
23 county, as appropriate, voting on the proposition on or after ~~the~~
24 ~~effective date of the measure adding this paragraph.~~ *November 8,*
25 *2000.* This paragraph shall apply only if the proposition approved
26 by the voters and resulting in the bonded indebtedness includes
27 all of the following accountability requirements:

28 (A) A requirement that the proceeds from the sale of the bonds
29 be used only for the purposes specified in ~~Article XIII A, Section~~
30 ~~1(b)(3),~~ *this paragraph,* and not for any other purpose, including
31 teacher and administrator salaries and other school operating
32 expenses.

33 (B) A list of the specific school facilities projects to be funded
34 and certification that the school district board, community college
35 board, or county office of education has evaluated safety, class
36 size reduction, and information technology needs in developing
37 that list.

38 (C) A requirement that the school district board, community
39 college board, or county office of education conduct an annual,

1 independent performance audit to ensure that the funds have been
2 expended only on the specific projects listed.

3 (D) A requirement that the school district board, community
4 college board, or county office of education conduct an annual,
5 independent financial audit of the proceeds from the sale of the
6 bonds until all of those proceeds have been expended for the school
7 facilities projects.

8 (4) (A) *Bonded indebtedness incurred by a city, county, or city
9 and county for the construction, reconstruction, rehabilitation, or
10 replacement of public infrastructure or affordable housing, or the
11 acquisition or lease of real property for public infrastructure or
12 affordable housing, approved by 55 percent of the voters of the
13 city, county, or city and county as appropriate, voting on the
14 proposition on or after the effective date of the measure adding
15 this paragraph. This paragraph shall apply only if the proposition
16 approved by the voters and resulting in the bonded indebtedness
17 includes all of the following accountability requirements:*

18 (i) *A requirement that the proceeds from the sale of the bonds
19 be used only for the purposes specified in this paragraph, and not
20 for any other purpose, including city, county, or city and county
21 employee salaries and other operating expenses.*

22 (ii) *A list of the specific projects to be funded, and a certification
23 that the city, county, or city and county has evaluated alternative
24 funding sources.*

25 (iii) *A requirement that the city, county, or city and county
26 conduct an annual, independent performance audit to ensure that
27 the funds have been expended only on the specific projects listed.*

28 (iv) *A requirement that the city, county, or city and county
29 conduct an annual, independent financial audit of the proceeds
30 from the sale of the bonds until all of those proceeds have been
31 expended for the public infrastructure or affordable housing
32 projects, as applicable.*

33 (v) *A requirement that the city, county, or city and county post
34 the audits required by clauses (iii) and (iv) in a manner that is
35 easily accessible to the public.*

36 (vi) *A requirement that the city, county, or city and county
37 appoint a citizens' oversight committee to ensure that bond
38 proceeds are expended only for the purposes described in the
39 measure approved by the voters.*

1 (B) For purposes of this paragraph, “affordable housing” shall
 2 include housing developments, or portions of housing
 3 developments, that provide workforce housing affordable to
 4 households earning up to 150 percent of countywide median
 5 income, and housing developments, or portions of housing
 6 developments, that provide housing affordable to lower, low-, or
 7 very low income households, as those terms are defined in state
 8 law.

9 (C) For purposes of this paragraph, “public infrastructure”
 10 shall include, but is not limited to, projects that provide any of the
 11 following:

- 12 (i) Water or protect water quality.
- 13 (ii) Sanitary sewer.
- 14 (iii) Treatment of wastewater or reduction of pollution from
 15 stormwater runoff.
- 16 (iv) Protection of property from impacts of sea level rise.
- 17 (v) Parks.
- 18 (vi) Open space and recreation facilities.
- 19 (vii) Improvements to transit and streets and highways.
- 20 (viii) Flood control.
- 21 (ix) Broadband Internet access service expansion in underserved
 22 areas.
- 23 (x) Local hospital construction.

24 (c) (1) Notwithstanding any other provisions of law or of this
 25 Constitution, a school ~~districts, district,~~ community college
 26 ~~districts, and district,~~ or county ~~office~~ office of education may
 27 levy a 55 percent vote ad valorem tax pursuant to paragraph (3)
 28 of subdivision (b).

29 (2) Notwithstanding any other provisions of law or this
 30 Constitution, a city, county, or city and county may levy a 55
 31 percent ad valorem tax pursuant to paragraph (4) of subdivision
 32 (b).

33 Second—That Section 4 of Article XIII A thereof is amended
 34 to read:

35 SEC. 4. ~~Cities, Counties and special districts, Except as~~
 36 ~~provided by Section 2.5 of Article XIII C, a city, county, or special~~
 37 ~~district, by a two-thirds vote of the qualified electors of such~~
 38 ~~district, its voters voting on the proposition, may impose special~~
 39 ~~taxes on such district, a special tax within that city, county, or~~
 40 ~~special district, except an ad valorem taxes tax on real property~~

1 or a ~~transaction~~ *transactions* tax or sales tax on the sale of real
 2 property within ~~such City, County~~ *that city, county*, or special
 3 district.

4 Third—That Section 2 of Article XIII C thereof is amended to
 5 read:

6 SEC. 2. ~~Local Government Tax Limitation.~~ Notwithstanding
 7 any other provision of this Constitution:

8 (a) ~~All taxes~~ *Any tax* imposed by ~~any a~~ *a* local government ~~shall~~
 9 ~~be deemed to be~~ *is* either ~~a general taxes tax~~ *a general tax* or ~~a special taxes.~~
 10 ~~Special purpose districts tax. A special district or agencies, agency,~~
 11 ~~including a school districts, shall have no power~~ *district, has no*
 12 ~~authority to levy a general taxes. tax.~~

13 (b) ~~No~~ *A* local government may *not* impose, extend, or increase
 14 any general tax unless and until that tax is submitted to the
 15 electorate and approved by a majority vote. A general tax ~~shall is~~
 16 ~~not be~~ deemed to have been increased if it is imposed at a rate not
 17 higher than the maximum rate so approved. The election required
 18 by this subdivision shall be consolidated with a regularly scheduled
 19 general election for members of the governing body of the local
 20 government, except in cases of emergency declared by a unanimous
 21 vote of the governing body.

22 (c) Any general tax imposed, extended, or increased, without
 23 voter approval, by any local government on or after January 1,
 24 1995, and ~~prior to~~ *before* the effective date of this article, ~~shall~~
 25 *may* continue to be imposed only if *that general tax is* approved
 26 by a majority vote of the voters voting in an election on the issue
 27 of the imposition, which election shall be held ~~within two years~~
 28 ~~of the effective date of this article~~ *no later than November 6, 1996,*
 29 and in compliance with subdivision (b).

30 (d) ~~No~~ *Except as provided by Section 2.5,* a local government
 31 may *not* impose, extend, or increase any special tax unless and
 32 until that tax is submitted to the electorate and approved by a
 33 two-thirds vote. A special tax ~~shall is~~ *is not be* deemed to have been
 34 increased if it is imposed at a rate not higher than the maximum
 35 rate so approved.

36 Fourth—That Section 2.5 is added to Article XIII C thereof, to
 37 read:

38 SEC. 2.5. (a) The imposition, extension, or increase of a sales
 39 and use tax imposed in accordance with the Bradley-Burns Uniform
 40 Local Sales and Use Tax Law (Part 1.5 (commencing with Section

1 7200) of Division 2 of the Revenue and Taxation Code) or a
2 successor law, a transactions and use tax imposed in accordance
3 with the Transactions and Use Tax Law (Part 1.6 (commencing
4 with Section 7251) of Division 2 of the Revenue and Taxation
5 Code) or a successor law, or a parcel tax imposed by a local
6 government for the purpose of funding the construction,
7 reconstruction, rehabilitation, or replacement of public
8 infrastructure or affordable housing, or the acquisition or lease of
9 real property for public infrastructure or affordable housing, is
10 subject to approval by 55 percent of the voters in the local
11 government voting on the proposition, if both of the following
12 conditions are met:

13 (1) The proposition is approved by a majority vote of the
14 membership of the governing board of the local government.

15 (2) The proposition contains all of the following accountability
16 requirements:

17 (A) A requirement that the proceeds of the tax only be used for
18 the purposes specified in the proposition, and not for any other
19 purpose, including general employee salaries and other operating
20 expenses of the local government.

21 (B) A list of the specific projects that are to be funded by the
22 tax, and a certification that the local government has evaluated
23 alternative funding sources.

24 (C) A requirement that the local government conduct an annual,
25 independent performance audit to ensure that the proceeds of the
26 special tax have been expended only on the specific projects listed
27 in the proposition.

28 (D) A requirement that the local government conduct an annual,
29 independent financial audit of the proceeds from the tax during
30 the lifetime of that tax.

31 (E) A requirement that the local government post the audits
32 required by subparagraphs (C) and (D) in a manner that is easily
33 accessible to the public.

34 (F) A requirement that the local government appoint a citizens'
35 oversight committee to ensure the proceeds of the special tax are
36 expended only for the purposes described in the measure approved
37 by the voters.

38 (b) For purposes of this section, the following terms have the
39 following meanings:

1 (1) “Affordable housing” shall include housing developments,
 2 or portions of housing developments, that provide workforce
 3 housing affordable to households earning up to 150 percent of
 4 countywide median income, and housing developments, or portions
 5 of housing developments, that provide housing affordable to lower,
 6 low-, or very low income households, as those terms are defined
 7 in state law.

8 (2) “Parcel tax” means a special tax imposed upon a parcel of
 9 real property at a rate that is determined without regard to that
 10 property’s value and that applies uniformly to all taxpayers or all
 11 real property within the jurisdiction of the local government.
 12 “Parcel tax” does not include a tax imposed on a particular class
 13 of property or taxpayers.

14 (3) “Public infrastructure” shall include, but is not limited to,
 15 the projects that provide any of the following:

- 16 (A) Water or protect water quality.
- 17 (B) Sanitary sewer.
- 18 (C) Treatment of wastewater or reduction of pollution from
 19 stormwater runoff.
- 20 (D) Protection of property from impacts of sea level rise.
- 21 (E) Parks.
- 22 (F) Open space and recreation facilities.
- 23 (G) Improvements to transit and streets and highways.
- 24 (H) Flood control.
- 25 (I) Broadband Internet access service expansion in underserved
 26 areas.
- 27 (J) Local hospital construction.

28 Fifth—That Section 3 of Article XIII D thereof is amended to
 29 read:

30 ~~SEC. 3. Property Taxes, Assessments, Fees and Charges~~
 31 ~~Limited.~~ (a) ~~No~~ *An agency shall not assess a tax, assessment, fee,*
 32 ~~or charge shall be assessed by any agency~~ upon any parcel of
 33 property or upon any person as an incident of property ownership
 34 except:

- 35 (1) The ad valorem property tax imposed pursuant to Article
 36 XIII and Article XIII A.
- 37 (2) Any special tax receiving a two-thirds vote pursuant to
 38 Section 4 of Article XIII ~~A~~ *or Section 2.5 of Article XIII C.*
- 39 (3) Assessments as provided by this article.

1 (4) Fees or charges for ~~property-related~~ *property-related* services
2 as provided by this article.

3 (b) For purposes of this article, fees for the provision of electrical
4 or gas service ~~shall are not be~~ deemed charges or fees imposed as
5 an incident of property ownership.

6 Sixth—That Section 18 of Article XVI thereof is amended to
7 read:

8 SEC. 18. (a) ~~No~~ A county, city, town, township, board of
9 education, or school district, shall *not* incur any indebtedness or
10 liability in any manner or for any purpose exceeding in any year
11 the income and revenue provided for ~~such~~ *that* year, without the
12 assent of two-thirds of the voters of the public entity voting at an
13 election to be held for that purpose, except that with respect to any
14 such public entity which is authorized to incur indebtedness for
15 public school purposes, any proposition for the incurrence of
16 indebtedness in the form of general obligation bonds for the
17 purpose of repairing, reconstructing or replacing public school
18 buildings determined, in the manner prescribed by law, to be
19 structurally unsafe for school use, shall be adopted upon the
20 approval of a majority of the voters of the public entity voting on
21 the proposition at such election; nor unless before or at the time
22 of incurring such indebtedness provision shall be made for the
23 collection of an annual tax sufficient to pay the interest on such
24 indebtedness as it falls due, and to provide for a sinking fund for
25 the payment of the principal thereof, on or before maturity, which
26 shall not exceed forty years from the time of contracting the
27 indebtedness.

28 (b) Notwithstanding subdivision (a), ~~on or after the effective~~
29 ~~date of the measure adding this subdivision, in the case of any~~
30 ~~school district, community college district, or county office of~~
31 ~~education, any proposition for the incurrence of indebtedness in~~
32 ~~the form of general obligation bonds for the construction,~~
33 ~~reconstruction, rehabilitation, or replacement of school facilities,~~
34 ~~including the furnishing and equipping of school facilities, or the~~
35 ~~acquisition or lease of real property for school facilities, for the~~
36 ~~purposes described in paragraph (3) or (4) of subdivision (b) of~~
37 ~~Section 1 of Article XIII A shall be adopted upon the approval of~~
38 55 percent of the voters of the ~~district or county, school district,~~
39 ~~community college district, county office of education, city, county,~~
40 ~~or city and county, as appropriate, voting on the proposition at an~~

1 election. This subdivision shall apply ~~only~~ to a proposition for the
2 incurrence of indebtedness in the form of general obligation bonds
3 for the purposes specified in this subdivision *only* if the proposition
4 meets all of the accountability requirements of paragraph (3) *or*
5 (4) of subdivision ~~(b)~~ (b), *as appropriate*, of Section 1 of Article
6 XIII A.

7 (c) When two or more propositions for incurring any
8 indebtedness or liability are submitted at the same election, the
9 votes cast for and against each proposition shall be counted
10 separately, and ~~when~~ *if* two-thirds or a majority or 55 percent of
11 the voters, as the case may be, voting on any one of those
12 propositions, vote in favor thereof, the proposition shall be deemed
13 adopted.

O

AB 539

Consumer Loan Reform

Assemblymember
Monique Limón
37TH DISTRICT

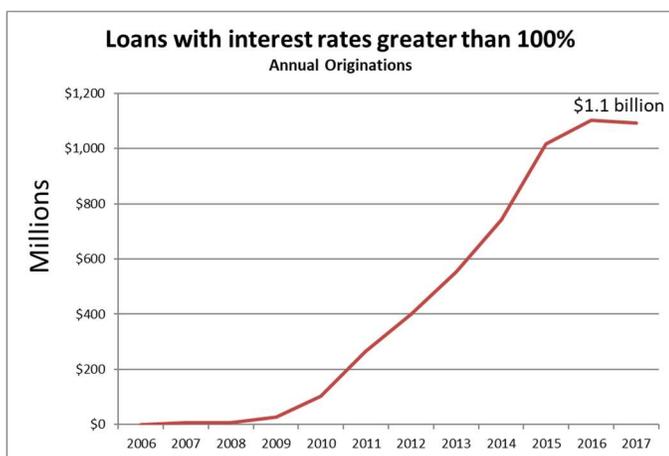


THIS BILL

Assembly Bill 539 seeks to (1) promote affordable and accessible credit for consumers by establishing an annual interest rate cap on personal loans and (2) give responsible lenders confidence in the regulatory stability of California so they can expand and offer safer loan alternatives to consumers.

BACKGROUND

Harmful, high-cost loans have proliferated in California over the past decade. In 2008 high-cost lenders originated 2,037 loans with annual interest rates above 100%. On the heels of the Great Recession, loan volume increased drastically and high-cost lenders now originate more than 350,000 loans per year with triple-digit interest rates (see chart below). These problematic loans extract more than \$1 billion in interest and fees out of financially vulnerable households each year, making this segment of the market more than twice as large as the traditional payday loan space.



Current law prohibits lenders from charging more than 36% annual interest on loans of less than \$2,500, but there are no interest rate caps for loans of \$2,500 and above. Several of the largest high-cost lenders

promote the easy availability of a \$2,600 loan with annual interest rates ranging from 132% to 224%. If repaid on schedule, these loans cost borrowers between 2x and 7x the initial amount borrowed.

High-cost loans lead many families to significant financial harm. According to data from the Department of Business Oversight, approximately one-third of high-cost loans end in default. When a borrower cannot repay a loan, lenders use collections practices that can result in devastating consequences, including wage garnishments, bank levies, and repossession of automobiles or other personal property. In 2017 lenders repossessed over 20,000 cars from borrowers in California who fell behind on auto title loans.

SUPREME COURT OPINION

In relation to an ongoing class action lawsuit against CashCall, a high-cost lender, the California Supreme Court issued an opinion on “unconscionable” loan terms in August 2018. In that opinion, the Court held that an interest rate term in a loan contract can be “unreasonably and unexpectedly harsh,” “unduly oppressive,” or “so one-sided as to shock the conscience,” making such a loan unenforceable and uncollectable. With this opinion, the Court “empower[s] the [Department of Business Oversight] – and the courts – to take action when the interest rates charged prove unreasonably and unexpectedly harsh,” but the Court did not specify an interest rate threshold at which a loan becomes unconscionable.

Without specific direction from the Legislature on allowable interest rates, the executive and judicial branches will make policy and legal decisions on a case-by-case basis. Such regulatory uncertainty negatively impacts the businesses of responsible

AB 539

Consumer Loan Reform

Assemblymember
Monique Limón
37TH DISTRICT



lenders in the state. Lacking clarity around acceptable interest rates, responsible lenders may decide to restrict their business activities in California and restrain access to credit for non-prime consumers. This uncertainty may also prevent new companies from entering California until statute is clarified by the Legislature.

POTENTIAL BALLOT INITIATIVE

After years of failed attempts by the Legislature to pass reforms, consumer advocates are considering to fund a ballot initiative that would outlaw high-cost loans. Similar efforts in Montana, South Dakota, and Colorado have passed in recent years, with an overwhelming 75% of voters supporting.

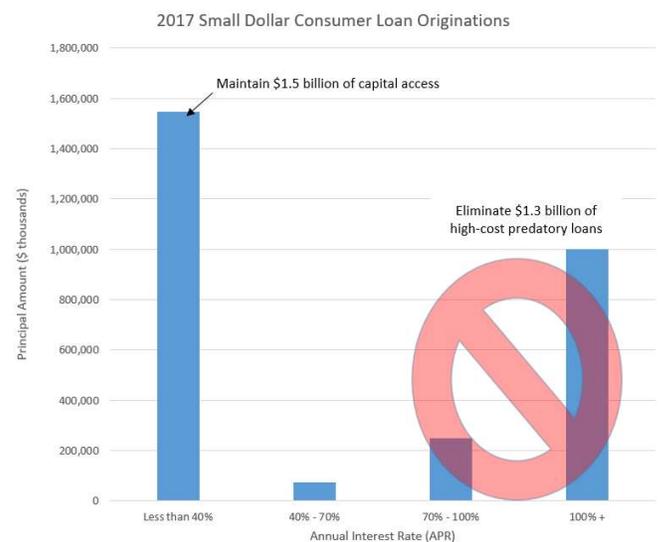
Responsible lenders prefer a deliberative legislative approach over a ballot initiative. Lenders have expressed concern that a ballot initiative could be overly restrictive, leading to a loss of credit access even for borrowers that have a demonstrated ability to repay a loan. Lenders have also expressed concern that a ballot initiative could be poorly-worded and could cause unintended consequences.

PURPOSE

The lack of an interest rate cap on consumer loans harms both consumers and responsible lenders. Too often, consumers are trapped in high-cost loans they cannot afford to repay and that destroy their financial well-being. In response to consumer harm, the three branches of government could make laws or judicial decisions that create regulatory uncertainty for responsible lenders. The status quo is not working.

This bill would establish a reasonable interest rate cap that promotes a beneficial alignment of interest between borrowers and lenders in order to expand

safe and accessible consumer credit. The proposed interest rate cap ensures that lenders will be incentivized to underwrite loans to borrowers who have a reasonable ability to repay them. High-cost lenders who consistently make loans that borrowers cannot repay will no longer be able to charge usurious interest rates to drive their profitability, even while creating high borrower default rates.



The interest rate cap proposed by this bill is 36% plus the federal funds rate (2.5% as of 1/19/19). If enacted, California would join the 39 other states that cap interest rates on these loans. This compromise reflects the higher costs for lenders to operate in California and the desire to balance the benefits of access to capital and consumer protections.

The bill also provides a safe harbor for lenders. Interest charges that comply with the proposed cap are explicitly exempt from the unconscionability standard in existing law. This safe harbor provides regulatory clarity to lenders that will instill confidence in their ability to expand access to responsible loans in California.

ASSEMBLY BILL

No. 539

Introduced by Assembly Members Limón and Grayson

February 13, 2019

An act to amend Sections 22202, 22250, 22251, 22302, 22305, and 22334 of, and to add Sections 22304.5 and 22307.5 to, the Financial Code, relating to consumer loans.

LEGISLATIVE COUNSEL'S DIGEST

AB 539, as introduced, Limón. California Financing Law: consumer loans: charges.

(1) The California Financing Law (CFL) provides for the licensure and regulation of finance lenders and brokers by the Commissioner of Business Oversight. The CFL prohibits anyone from engaging in the business of a finance lender or broker without obtaining a license. A willful violation of the CFL is a crime, except as specified. Under existing law, a licensee who lends any sum of money is authorized to contract for and receive charges at a maximum rate that does not exceed specified sums on the unpaid principal balance per month, ranging from 2 ½ % to 1%, based on the consumer loan amount, as specified. This provision, however, does not apply to any loan of a bona fide principal amount of \$2,500 or more, as determined in accordance with a provision governing regulatory ceilings and evasion of the CFL.

The CFL also authorizes a licensee, as an alternative to the above-described rate charges for consumer loan amounts, to instead contract for and receive charges at the greater of a rate not exceeding 1.6% per month on the unpaid principal balance or a rate not exceeding 5 ⅓ % of 1% per month, plus a specified percentage per month, as established by the Federal Reserve Bank of San Francisco, on advances

to member banks under federal law, or if there is no single determinable rate, the closest counterpart of this rate. Under existing law, these provisions do not apply to a loan of a bona fide principal amount of \$2,500 or more, as specified. The CFL further authorizes a licensee to contract for and receive an administrative fee of a specified amount that varies with the bona fide principal amount of the loan.

This bill would authorize a licensee, with respect to a loan of a bona fide principal amount of \$2,500 or more but less than \$10,000, to contract for or receive charges at a rate not exceeding an annual simple interest rate of 36% plus the Federal Funds Rate. The bill would specify that a licensee may contract for and receive an administrative fee, as described above, in addition to these charges.

(2) Under the CFL, certain principles apply in determining whether a loan is a loan of a bona fide principal amount under specified provisions and whether the regulatory ceiling provision is used for purposes of evading the CFL.

This bill would apply these principles to loans of a bona fide principal amount of \$2,500 or more but less than \$10,000.

(3) Existing law prohibits licensees subject to the CFL from entering into a contract for a consumer loan that provides for a scheduled repayment of principal over more than the maximum terms set forth in relation to the respective size of the loan. Among other things, this provision prohibits a loan of at least \$3,000 but less than \$5,000 from exceeding a maximum term of 60 months and 15 days.

This bill would increase the maximum principal loan amount under the above schedule to \$10,000. The bill would also prohibit a licensee from entering into a contract for a consumer loan that is in excess of \$2,500 but less than \$10,000 that provides for a scheduled repayment of principal that is less than 12 months.

(4) The CFL specifies that a loan found to be unconscionable pursuant to a specified provision shall be deemed in violation of the CFL and subject to the remedies applicable to the CFL.

This bill would specify that certain charges authorized under the CFL shall not be deemed to be unconscionable based on the costs of the charges alone. The bill would also prohibit a licensee from charging, imposing, or receiving any penalty for the prepayment of a loan under the CFL.

By expanding the application of the CFL to cover more loans, the bill would expand the scope of an existing crime, thereby imposing a state-mandated local program

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 22202 of the Financial Code is amended
2 to read:

3 22202. "Charges" do not include any of the following:

4 (a) Commissions received as a licensed insurance agent or
5 broker in connection with insurance written as provided in Section
6 22313.

7 (b) Amounts not in excess of the amounts specified in
8 subdivision (c) of Section 3068 of the Civil Code paid to holders
9 of possessory liens, imposed pursuant to Chapter 6.5 (commencing
10 with Section 3067) of Title 14 of Part 4 of Division 3 of the Civil
11 Code, to release motor vehicles that secure loans subject to this
12 division.

13 (c) Court costs, excluding attorney's fees, incurred in a suit and
14 recovered against a debtor who defaults on ~~his or her~~ *the debtor's*
15 loan.

16 ~~(d) Fees paid to a licensee for the privilege of participating in
17 an open-end credit program, which fees are to cover administrative
18 costs and are imposed upon executing the open-end loan agreement
19 and on annual renewal dates or anniversary dates thereafter.~~

20 ~~(e)~~

21 (d) Amounts received by a licensee from a seller, from whom
22 the borrower obtains money, goods, labor, or services on credit,
23 in connection with a transaction under an open-end credit program
24 that are paid or deducted from the loan proceeds paid to the seller
25 at the direction of the borrower and ~~which~~ *that* are an obligation
26 of the seller to the licensee for the privilege of allowing the seller
27 to participate in the licensee's open-end credit program. Amounts
28 received by a licensee from a seller pursuant to this subdivision
29 may not exceed 6 percent of the loan proceeds paid to the seller
30 at the direction of the borrower.

1 ~~(f)~~
 2 (e) Actual and necessary fees not exceeding five hundred dollars
 3 (\$500) paid in connection with the repossession of a motor vehicle
 4 to repossession agencies licensed pursuant to Chapter 11
 5 (commencing with Section 7500) of Division 3 of the Business
 6 and Professions Code provided that the licensee complies with
 7 Sections 22328 and 22329, and actual fees paid to a licensee in
 8 conformity with Sections 26751 and 41612 of the Government
 9 Code in an amount not exceeding the amount specified in those
 10 sections of the Government Code.

11 ~~(g)~~
 12 (f) Moneys paid to, and commissions and benefits received by,
 13 a licensee for the sale of goods, services, or insurance, whether or
 14 not the sale is in connection with a loan, that the buyer by a
 15 separately signed authorization acknowledges is optional, if sale
 16 of the goods, services, or insurance has been authorized pursuant
 17 to Section 22154.

18 SEC. 2. Section 22250 of the Financial Code is amended to
 19 read:

20 22250. (a) The following sections do not apply to any loan of
 21 a bona fide principal amount of ten thousand dollars (\$10,000) or
 22 more, or to a duly licensed finance lender in connection with any
 23 such loan or loans, if the provisions of this section are not used
 24 for the purpose of evading this division: Sections 22154, 22155,
 25 22307, 22313, 22314, 22315, 22322, 22323, 22325, 22334, and
 26 22752, and the sections enumerated in subdivision (b).

27 (b) The following sections do not apply to any loan of a bona
 28 fide principal amount of five thousand dollars (\$5,000) or more,
 29 or to a duly licensed finance lender in connection with any such
 30 loan or loans, if the provisions of this section are not used for the
 31 purpose of evading this division: Sections ~~22201, 22202~~, 22300,
 32 22305, and 22306, subdivision (a) of Section 22307, and Sections
 33 22309, 22320.5, 22322, ~~22323, 22325~~, 22326, 22327, ~~22334~~,
 34 22400, and 22751.

35 SEC. 3. Section 22251 of the Financial Code is amended to
 36 read:

37 22251. Any section that refers to this section does not apply
 38 to any loan of the bona fide principal amount specified in the
 39 regulatory ceiling provision of that section or more if that provision
 40 is not used for the purpose of evading this division. In determining

1 under Section 22250, 22303, ~~or 22304~~ 22304, or 22304.5 or any
2 section that refers to this section whether a loan is a loan of a bona
3 fide principal amount of the amount specified in that section or
4 more and whether the regulatory ceiling provision of that section
5 is used for the purpose of evading this division, the following
6 principles apply:

7 (a) If a borrower applies for a loan in a bona fide principal
8 amount of less than the specified amount and a loan to that
9 borrower of a bona fide principal amount of the specified amount
10 or more if made by a licensed finance lender, no adequate economic
11 reason for the increase in the size of the loan exists, and by
12 prearrangement or understanding between the borrower and the
13 licensee a substantial payment is to be made upon the loan with
14 the effect of reducing the bona fide principal amount of the loan
15 to less than the specified amount within a short time after the
16 making of the loan other than by reason of a requirement that the
17 loan be paid in substantially equal periodical installments, then
18 the loan shall not be deemed to be a loan of the bona fide principal
19 amount of the specified amount or more and the regulatory ceiling
20 provisions shall be deemed to be used for the purpose of evading
21 this division unless the loan complies with the other provisions of
22 the section that includes the regulatory ceiling provisions.

23 (b) If a loan made by a licensed finance lender is in a bona fide
24 principal amount of the specified amount or more, the fact that the
25 transaction is in the form of a sale of accounts, chattel paper, goods,
26 or instruments or a lease of goods, or in the form of an advance
27 on the purchase price of any of the foregoing, shall not be deemed
28 to affect the loan or the bona fides of the amount thereof or to
29 indicate that the regulatory ceiling provisions are used for the
30 purpose of evading this division.

31 (c) For the purposes of determining whether the loan amount
32 exceeds a regulatory ceiling, the “bona fide principal amount”
33 shall not be comprised of any charges or any other fees or
34 recompense specified in Sections 22200, 22201 (including, but
35 not limited to, amounts paid for insurance of the types specified
36 in Sections 22313 and 22314), 22202, 22305, 22316, 22317, 22318,
37 22319, 22320, 22320.5, and 22336. Nothing in this subdivision
38 shall be construed to prevent those specified charges, fees, and
39 recompense that have been earned and remain unpaid in an existing
40 loan from being considered as part of the bona fide principal

1 amount of a new loan to refinance that existing loan, provided the
 2 new loan is not made for the purpose of circumventing a regulatory
 3 ceiling provision. This subdivision is intended to define the
 4 meaning of “bona fide principal amount” as used in this division
 5 solely for the purposes of determining whether the loan amount
 6 exceeds a regulatory ceiling, and is not intended to affect the
 7 meaning of “principal” for any other purpose.

8 SEC. 4. Section 22302 of the Financial Code is amended to
 9 read:

10 22302. (a) Section 1670.5 of the Civil Code applies to the
 11 provisions of a loan contract that is subject to this division.

12 (b) A loan found to be unconscionable pursuant to Section
 13 1670.5 of the Civil Code shall be deemed to be in violation of this
 14 division and subject to the remedies specified in this division.

15 (c) *Charges authorized by Section 22303, 22304, or 22304.5*
 16 *shall not be deemed to be unconscionable pursuant to Section*
 17 *1670.5 of the Civil Code based on the cost of the charges alone.*

18 SEC. 5. Section 22304.5 is added to the Financial Code, to
 19 read:

20 22304.5. For any loan of a bona fide principal amount of at
 21 least two thousand five hundred dollars (\$2,500) but less than ten
 22 thousand dollars (\$10,000), as determined in accordance with
 23 Section 22251, a licensee may contract for or receive charges at a
 24 rate not exceeding an annual simple interest rate of 36 percent per
 25 annum plus the Federal Funds Rate. As used in this paragraph,
 26 “Federal Funds Rate” means the rate published by the Board of
 27 Governors of the Federal Reserve System in its Statistical Release
 28 H.15 Selected Interest Rates and in effect as of the first day of the
 29 month immediately preceding the month during which the loan is
 30 consummated. If the Federal Reserve System ceases publication
 31 of the federal funds rate, the commissioner shall designate a
 32 substantially equivalent index.

33 SEC. 6. Section 22305 of the Financial Code is amended to
 34 read:

35 22305. In addition to the charges authorized by Section-~~22303~~
 36 ~~or~~ 22303, 22304, or 22304.5, a licensee may contract for and
 37 receive an administrative fee, which shall be fully earned
 38 immediately upon making the loan, with respect to a loan of a bona
 39 fide principal amount of not more than two thousand five hundred
 40 dollars (\$2,500) at a rate not in excess of 5 percent of the principal

1 amount (exclusive of the administrative fee) or fifty dollars (\$50),
 2 whichever is less, and with respect to a loan of a bona fide principal
 3 amount in excess of two thousand five hundred dollars (\$2,500),
 4 at an amount not to exceed seventy-five dollars (\$75). No
 5 administrative fee may be contracted for or received in connection
 6 with the refinancing of a loan unless at least one year has elapsed
 7 since the receipt of a previous administrative fee paid by the
 8 borrower. Only one administrative fee may be contracted for or
 9 received until the loan has been repaid in full. For purposes of this
 10 section, “bona fide principal amount” shall be determined in
 11 accordance with Section 22251.

12 SEC. 7. Section 22307.5 is added to the Financial Code, to
 13 read:

14 22307.5. A licensee shall not charge, impose, or receive any
 15 penalty for the prepayment of a loan. This section does not apply
 16 to loans secured by real property.

17 SEC. 8. Section 22334 of the Financial Code is amended to
 18 read:

19 22334. ~~No~~(a) *Except as provided in subdivision (b), a licensee*
 20 *shall not enter into any contract for a loan that provides for a*
 21 *scheduled repayment of principal over more than the maximum*
 22 *terms set forth below opposite the respective size of loans.*

Principal amount of loan	Maximum term
24 Less than \$500	24 months and 15 days
25 \$500 but less than \$1,500	36 months and 15 days
26 \$1,500 but less than \$3,000	48 months and 15 days
27 \$3,000 but less than \$5,000 \$10,000	60 months and 15 days

28
 29
 30 (b) *The maximum loan term of 60 months and 15 days does not*
 31 *apply to loans secured by real property of a bona fide principal*
 32 *amount in excess of five thousand dollars (\$5,000).*

33 (c) *A licensee shall not enter into any contract for a loan that*
 34 *provides for a scheduled repayment of principal that is less than*
 35 *12 months. This subdivision applies to a loan of a bona fide*
 36 *principal amount in excess of two thousand five hundred dollars*
 37 *(\$2,500), but less than ten thousand dollars (\$10,000).*

38 ~~This~~

39 (d) *This section does not apply to open-end loans, or to a student*
 40 *loan made by an eligible lender under the Higher Education Act*

1 of 1965, as amended (20 U.S.C. Sec. 1070 et seq.), or to a student
2 loan made pursuant to the Public Health Service Act, as amended
3 (42 U.S.C. Sec. 294 et seq.).

4 SEC. 9. No reimbursement is required by this act pursuant to
5 Section 6 of Article XIII B of the California Constitution because
6 the only costs that may be incurred by a local agency or school
7 district will be incurred because this act creates a new crime or
8 infraction, eliminates a crime or infraction, or changes the penalty
9 for a crime or infraction, within the meaning of Section 17556 of
10 the Government Code, or changes the definition of a crime within
11 the meaning of Section 6 of Article XIII B of the California
12 Constitution.

O

**Solano State Legislative Delegation
By Author**

Aguiar-Curry, Cecilia

Bill ID/Topic	Location	Summary
<p>AB 144 Aguiar-Curry D</p> <p>Forest Management Task Force: recommendations: mass timber production facilities.</p>	<p>1/24/2019-A. NAT. RES. 1/24/2019-Referred to Com. on NAT. RES.</p>	<p>Existing law declares that a thriving in-state forest products sector provides public benefits, including employment opportunities in both rural and urban areas, and economic development for rural communities. Existing law establishes the Forest Health Task Force pursuant to a specified executive order issued by the Governor, and requires the task force or its successor entity, on or before July 1, 2020, in consultation with specified entities, to develop recommendations for the siting of additional wood product manufacturing facilities in the state. Existing law specifies that it is the intent of the Legislature, in developing those recommendations, that the location and activities of the mass timber production facilities be, among other things, located in, or be proximate to, areas that are near the locations of large landscape fires, as described, and in areas identified as federal opportunity zones or in areas that have an average household income of 5% below the state’s median household income. This bill would recast the median household income threshold from 5% below to at or below 5% of the state’s median household income.</p>
<p>AB 168 Aguiar-Curry D</p> <p>Housing: streamlined approvals.</p>	<p>1/24/2019-A. H. & C.D. 1/24/2019-Referred to Com. on H. & C.D.</p>	<p>Existing law, until January 1, 2026, authorizes a development proponent to submit an application for a multifamily housing development that is subject to a streamlined, ministerial approval process, as provided, and not subject to a conditional use permit, if the development satisfies specified objective planning standards. Under existing law the objective planning standards include, among others, a requirement that the development not be located on specified sites, including those within a coastal zone, very high fire hazard severity zone, delineated earthquake fault zone, or special flood hazard area, and sites designated as prime farmland, wetlands, or a habitat for a protected species. This bill would require the objective planning standards include a requirement that the development not be located on a site that is a tribal cultural resource.</p>
<p>AB 228 Aguiar-Curry D</p> <p>Food, beverage, and cosmetic adulterants: industrial hemp products.</p>	<p>2/4/2019-A. HEALTH 2/4/2019-Referred to Com. on HEALTH.</p>	<p>Existing state law, the Sherman Food, Drug, and Cosmetic Law, prohibits the manufacture, sale, delivery, holding, or offer for sale of adulterated foods, beverages, or cosmetics. Existing law prescribes when a food or beverage is adulterated, including if it bears or contains any poisonous or deleterious substance that may render it injurious to the health of a person or other animal that may consume it. Existing law prescribes when a cosmetic is adulterated, including when it bears or contains a poisonous or deleterious substance that may render it injurious to users under the conditions of use prescribed in the labeling or advertisement of the cosmetic, under customary or usual conditions. This bill would state that a food, beverage, or cosmetic is not adulterated by the inclusion of industrial hemp products, including cannabidiol derived from industrial hemp, and would prohibit restrictions on the sale of food, beverages, or cosmetics that include industrial hemp products or cannabidiol derived from industrial hemp based solely on the inclusion of industrial hemp products or cannabidiol derived from industrial hemp.</p>

<p>AB 256 Aguiar-Curry D</p> <p>Cotton pests abatement districts.</p>	<p>2/11/2019-A. AGRI. 2/11/2019-Referred to Com. on AGRI.</p>	<p>Existing law provides procedures for the formation of pest abatement districts for the purpose of pest control or abatement. The Cotton Pests Abatement District Act authorizes the organization and establishment of cotton pests abatement districts by the boards of supervisors of the Counties of Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Diego, and Ventura. This bill would delete the authority to establish these districts in the Counties of Orange, San Diego, and Ventura.</p>
<p>AB 324 Aguiar-Curry D</p> <p>Childcare services: state subsidized childcare: employee retention funds.</p>	<p>2/11/2019-A. HUM. S. 2/11/2019-Referred to Com. on HUM. S.</p>	<p>Existing law requires that moneys in a specified item of the Budget Act of 2000 be allocated to local child care and development planning councils based on the percentage of state-subsidized, center-based childcare funds received in the county in which the council is located, and requires that these funds be used to address the retention of qualified childcare employees in state-subsidized childcare centers. Existing law authorizes these funds, and other specified funds, appropriated for these purposes, to be used in the County of Los Angeles if specified requirements are met to address the retention of qualified persons working in licensed childcare programs that serve a majority of children who receive subsidized childcare services, including, but not limited to, family daycare homes, as defined. This bill would delete the requirement that these funds be used in the County of Los Angeles. This bill contains other related provisions and other existing laws.</p>
<p>AB 436 Aguiar-Curry D</p> <p>Alcoholic beverages: tied-house restrictions: advertising: City of Napa.</p>	<p>2/21/2019-A. G.O. 2/21/2019-Referred to Com. on G.O.</p>	<p>The Alcoholic Beverage Control Act generally prohibits a manufacturer, winegrower, distiller, bottler, or wholesaler, among other licensees, or agents of these licensees, from paying a retailer for advertising. The act creates a variety of exceptions from this prohibition, including permitting specified licensees to purchase advertising space and time from, or on behalf of, an on-sale retail licensee that is an owner, manager, or major tenant of certain stadiums, parks, entertainment complexes, and arenas, subject to specified conditions. Existing law requires the purchase of advertising space or time in this context to be conducted pursuant to a written contract with the on-sale licensee, with a specified exception. Existing law makes it a crime for an on-sale licensee to coerce certain licensees to purchase advertising space or time, as specified. This bill would expand the exceptions described above to allow beer manufacturers, winegrowers, distilled spirits rectifiers, distilled spirits manufacturers, or distilled spirits manufacturer's agents to purchase advertising space and time, in connection with described events, from, or on behalf of, on-sale retail licensees, as described above, at a specified performing arts venue and adjacent performance area located in the City of Napa. By expanding the definition of a crime, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.</p>
<p>AB 488 Aguiar-Curry D</p> <p>California Broadband Council.</p>	<p>2/21/2019-A. C. & C. 2/21/2019-Referred to Com. on C. & C.</p>	<p>Existing law establishes the California Broadband Council in state government for the purpose of promoting broadband deployment in unserved and underserved areas of the state and broadband adoption throughout the state, imposes specified duties on the council relating to that purpose, and specifies the membership of the council. This bill would add the Secretary of Food and Agriculture, or the secretary's designee, to the membership of the council. The bill would make related findings and declarations.</p>

<p>AB 530 Aquiari-Curry D</p> <p>The Fairfield-Suisun Sewer District.</p>	<p>2/21/2019-A. L. GOV. 2/21/2019-Referrred to Com. on L. GOV.</p>	<p>The existing Fairfield-Suisun Sewer District Act creates the Fairfield-Suisun Sewer District and grants to the district various powers relating to the treatment and disposal of sewage. The existing act provides for the election of a board of directors for the district and administrative procedures for the operation of the district. Violation of regulations adopted by the board is a misdemeanor. This bill would make various administrative changes to the act, including removing the requirement that the district appoint a clerk and changing the posting requirements for regulations. This bill contains other related provisions and other existing laws.</p>
<p>AB 570 Aquiari-Curry D</p> <p>Local agencies: bonds.</p>	<p>2/14/2019-A. PRINT 2/15/2019-From printer. May be heard in committee March 17.</p>	<p>Existing law requires, upon direction of the legislative body of a local agency, the treasurer, having the duty of paying interest on an issue of ad valorem special assessment district improvement bonds, to keep a register and to enter specified information on this register upon presentation of an interest coupon of a bond. This bill would make a nonsubstantive change to this provision.</p>
<p>AB 632 Aquiari-Curry D</p> <p>Counties: offices: consolidation.</p>	<p>2/25/2019-A. L. GOV. 2/25/2019-Referrred to Com. on L. GOV.</p>	<p>Existing law authorizes the board of supervisors of specified counties to, by ordinance, consolidate the duties of the offices of Auditor-Controller and Treasurer-Tax Collector into the elected office of Auditor-Controller-Treasurer-Tax Collector. This bill would additionally authorize the board of supervisors of the County of Lake to consolidate the duties of the offices of Auditor-Controller and Treasurer-Tax Collector into the elected office of Auditor-Controller-Treasurer-Tax Collector. This bill contains other related provisions.</p>
<p>AB 690 Aquiari-Curry D</p> <p>Remote dispensing site pharmacy: pharmacy technician: qualifications.</p>	<p>2/28/2019-A. B.&P. 2/28/2019-Referrred to Com. on B. & P.</p>	<p>The Pharmacy Law requires the California State Board of Pharmacy within the Department of Consumer Affairs to license and regulate the practice of pharmacy, including pharmacists, pharmacy technicians, and pharmacies. The Pharmacy Law requires the board to issue a remote dispensing site pharmacy license to a supervising pharmacy, as defined, of a remote dispensing site pharmacy, as defined, if certain requirements are met. The Pharmacy Law authorizes a registered pharmacy technician who meets certain requirements, including meeting qualifications established in regulations adopted by the board, to work at a remote dispensing site pharmacy and perform specific tasks under the supervision of a pharmacist at a supervising pharmacy using a telepharmacy system. This bill would establish qualifications for a registered pharmacy technician to work at a remote dispensing site pharmacy, relating to licensing, certification, education, and minimum work experience. This bill contains other related provisions and other existing laws.</p>
<p>AB 744 Aquiari-Curry D</p> <p>Healthcare coverage: telehealth.</p>	<p>2/28/2019-A. HEALTH 2/28/2019-Referrred to Com. on HEALTH.</p>	<p>Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services, under which qualified low-income individuals receive healthcare services. The Medi-Cal program is, in part, governed and funded by federal Medicaid program provisions. Under existing law, face-to-face contact between a health care provider and a patient is not required under the Medi-Cal program for teleophthalmology, teledermatology, and teledentistry by store and forward. Existing law requires a Medi-Cal patient receiving teleophthalmology, teledermatology, or teledentistry by store and forward to be notified of the right to receive interactive communication with a distant specialist physician, optometrist, or dentist, and authorizes a patient to request that interactive communication. This bill would delete those interactive</p>

		communication provisions. This bill contains other related provisions and other existing laws.
<p>AB 815 Aquiari-Curry D</p> <p>Integrated waste management plans: source reduction and recycling element: dual stream recycling programs.</p>	<p>2/20/2019-A. PRINT 2/21/2019-From printer. May be heard in committee March 23.</p>	<p>The California Integrated Waste Management Act of 1989, which is administered by the Department of Resources Recycling and Recovery, establishes an integrated waste management program. Existing law requires each city, county, and regional agency, if any, to develop a source reduction and recycling element of an integrated waste management plan. The act requires the source reduction and recycling element to divert from disposal 50% of all solid waste subject to the element through source reduction, recycling, and composting activities, with specified exceptions. This bill would require, for purposes of these provisions, the department to find that a jurisdiction made a good faith effort to implement its source reduction and recycling element if the jurisdiction has adopted a dual stream recycling program. This bill contains other existing laws.</p>
<p>AB 872 Aquiari-Curry D</p> <p>Property taxation: change in ownership: parent to child transfer: stock.</p>	<p>2/20/2019-A. PRINT 2/21/2019-From printer. May be heard in committee March 23.</p>	<p>The California Constitution generally limits ad valorem taxes on real property to 1% of the full cash value of that property. For purposes of this limitation, "full cash value" is defined as, among other things, the appraised value of that real property when a change in ownership has occurred. Existing property tax law provides that specified transfers are not deemed a change in ownership. The California Constitution and existing property tax law exclude from the definition of "change in ownership" real property transfers of a principal residence and the first \$1,000,000 of the value of other real property between parents and their children, as defined by the Legislature. Existing property tax law defines "real property" for purposes of this provision and excludes from this definition an interest in a legal entity. This bill would also exclude from the definition of "change in ownership" any parent to child transfer of stock in a qualified corporation, as defined, that owns qualified property, as defined, provided that the transfer is due to the death of a parent or parents. The bill would require any property reassessed in contravention of this provision between January 1, 2014, and January 1, 2020, inclusive, to obtain a reversal of that reassessment upon application to the county assessor of the county in which the property is located. The bill would require an application to be made to the assessor, in the form and manner prescribed by the assessor, no later than June 30, 2020. The bill would require any reassessment reversal granted to apply commencing with the lien date of the assessment year in which the claim is filed and would prohibit a refund from being made for any prior assessment year. This bill contains other related provisions and other existing laws.</p>
<p>AB 958 Aquiari-Curry D</p> <p>The California Organic-to-School Pilot Program.</p>	<p>2/21/2019-A. PRINT 2/22/2019-From printer. May be heard in committee March 24.</p>	<p>Existing law establishes the Office of Farm to Fork within the Department of Food and Agriculture, and requires the office, to the extent that resources are available, to work with various entities, including, among others, the agricultural industry and other organizations involved in promoting food access, to increase the amount of agricultural products available to underserved communities and schools in the state. This bill would create the California Organic-to-School Pilot Program, to be administered by the Secretary of Food and Agriculture, through the Office of Farm to Fork. The bill would require the secretary to expend moneys allocated for the program to provide grants for school districts to purchase California organic food products for school meals, as</p>

		specified. The bill would require the secretary to consult with the State Department of Education to determine the recipients and amounts of grants awarded under the program. The bill would require a school district that receives a grant under the program to submit a report to the secretary containing specified information and would require the secretary to report to the Legislature on the outcomes of the program. The bill would make the implementation of its provisions contingent on an appropriation being made for its purposes by the Legislature in the annual Budget Act or another statute.
AB 998 Aguiar-Curry D State scenic highways: State Route 128.	2/21/2019-A. PRINT 2/22/2019-From printer. May be heard in committee March 24.	Existing law designates certain portions of authorized state highway routes as part of the state scenic highway system, if certain scenic highway standards are implemented. Existing law requires the Department of Transportation to designate a state highway within the scenic highway system as an official state scenic highway if the department determines that a corridor protection program has been implemented, as specified. This bill would designate State Route 128 as a route in the state scenic highway system.
AB 1036 Aguiar-Curry D Elections: civic outreach and voter engagement.	2/21/2019-A. PRINT 2/22/2019-From printer. May be heard in committee March 24.	(1) Existing law requires the Secretary of State to provide every high school, community college, and California State University and University of California campus with voter registration forms. Existing law also expresses the intent of the Legislature that every eligible high school and college student receive a meaningful opportunity to apply to register to vote. This bill would create the High School Voter Education Pilot Program to be conducted in Yolo County. Under the pilot program, the Yolo Elections Office and Yolo County Board of Education would be authorized to conduct mock student government elections on designated high school campuses, using, to the extent possible, the same standards, processes, and voting equipment used in the county for regularly-conducted elections. This bill would require the administering agencies to provide voter registration and preregistration for eligible students in conjunction with the program, and would require the administering agencies to report to the Legislature regarding the outcome of the program, as specified. This bill contains other related provisions and other existing laws.
AB 1114 Aguiar-Curry D Crisis nurseries: study.	2/21/2019-A. PRINT 2/22/2019-From printer. May be heard in committee March 24.	Existing law requires the State Department of Social Services to license and regulate crisis nurseries. Existing law defines crisis nurseries as nonprofit corporations that care for and supervise children under 6 years of age who are voluntarily placed at the crisis nursery by a parent or guardian due to a family crisis or stressful situation for no more than 30 days. This bill, until January 1, 2022, would require the department to implement a 2-year pilot project to evaluate the effectiveness of crisis nurseries in both the Counties of Sacramento and Yolo in lowering the incidence of child abuse in those counties. The bill would require the department to report the results of its study to the Legislature. The bill would declare the intent of the Legislature to provide funding for crisis nurseries in the Budget Act of 2019 to enable crisis nurseries to continue to provide services and participate in the pilot project.
AB 1237 Aguiar-Curry D Greenhouse Gas Reduction Fund: guidelines.	2/21/2019-A. PRINT 2/22/2019-From printer. May be heard in committee March 24.	The California Global Warming Solutions Act of 2006 establishes the State Air Resources Board as the state agency responsible for monitoring and regulating sources of emissions of greenhouse gases. The act authorizes the state board to include the use of market-based compliance mechanisms. Existing law requires all moneys, except for fines and penalties, collected by the state board

		from a market-based compliance mechanism to be deposited in the Greenhouse Gas Reduction Fund and to be available upon appropriation by the Legislature. Existing law requires the Department of Finance to annually submit a report to the appropriate committees of the Legislature on the status of the projects funded with moneys from the fund. This bill would require an agency that receives an appropriation from the Greenhouse Gas Reduction Fund to post on its internet website the agency's guidelines, as specified, for how moneys from the fund are allocated.
AB 1382 Aguiar-Curry D Master Plan for an Aging California.	2/22/2019-A. PRINT 2/25/2019-Read first time.	Existing law, including, among others, the Mello-Granlund Older Californians Act, provides programs and strategies to support the state's older population. These programs include the Aging and Disability Resource Connection program, established to provide information to consumers and their families on available long-term services and supports (LTSS) programs and to assist older adults, caregivers, and persons with disabilities in accessing LTSS programs at the local level. This bill would state the intent of the Legislature to enact legislation to establish a Master Plan for an Aging California that responds to population needs in a comprehensive manner, including, but not limited to, strategies to address the needs of family caregivers and implement the recommendations offered by the California Task Force on Family Caregiving.
AB 1494 Aguiar-Curry D Medi-Cal: telehealth: state of emergency.	2/22/2019-A. PRINT 2/25/2019-Read first time.	Existing law establishes the Medi-Cal program, which is administered by the State Department of Health Care Services and under which qualified low-income individuals receive health care services. The Medi-Cal program is, in part, governed and funded by federal Medicaid program provisions. This bill would provide, only to the extent that federal financial participation is available, that neither face-to-face contact nor a patient's physical presence on the premises of an enrolled community clinic, is required for services provided by the clinic to a Medi-Cal beneficiary during or immediately following a state of emergency, as specified. The bill would authorize the department to apply this provision to services provided by another enrolled fee-for-service Medi-Cal provider, clinic, or facility. The bill would require that telehealth services, telephonic services, and other specified services be reimbursable when provided by one of those entities during or immediately following a state of emergency, as specified. This bill contains other related provisions and other existing laws.
AB 1567 Aguiar-Curry D Farmworker housing.	2/22/2019-A. PRINT 2/25/2019-Read first time.	Existing law requires the Department of Housing and Community Development, through its Office of Migrant Services, to assist in the development, construction, reconstruction, rehabilitation, or operation of migrant farm labor centers and authorizes the Director of Housing and Community Development to contract with school districts, housing authorities, health agencies, and other appropriate local public and private nonprofit agencies for the procurement or construction of housing or shelter and to obtain services for migratory agricultural workers. Existing law authorizes the department to enter into multiyear operating contracts and provide funding annually by amending those contracts, as provided. This bill would make nonsubstantive changes to the latter provision.
ACA 1 Aguiar-Curry D	12/3/2018-A. PRINT 12/4/2018-From printer. May be heard in committee January 3.	(1)The California Constitution prohibits the ad valorem tax rate on real property from exceeding 1% of the full cash value of the property, subject to certain exceptions. This measure would create an additional exception to the 1% limit

Local government financing: affordable housing and public infrastructure: voter approval.		that would authorize a city, county, or city and county to levy an ad valorem tax to service bonded indebtedness incurred to fund the construction, reconstruction, rehabilitation, or replacement of public infrastructure or affordable housing, if the proposition proposing that tax is approved by 55% of the voters of the city, county, or city and county, as applicable, and the proposition includes specified accountability requirements. This bill contains other related provisions and other existing laws.
AJR 4 Aguiar-Curry D Firearms.	2/28/2019-S. DESK 2/28/2019-Coauthors Revised. Adopted and to Senate.	This measure would urge Congress to swiftly enact House Resolution 8, the Bipartisan Background Checks Act of 2019, to require background checks for all firearm sales.

Dodd, Bill

Bill ID/Topic	Location	Summary
SB 19 Dodd D Water resources: stream gages.	1/16/2019-S. N.R. & W. 2/28/2019-From committee with author's amendments. Read second time and amended. Re-referred to Com. on N.R. & W.	Under existing law, the State Water Resources Control Board administers a water rights program pursuant to which the board grants permits and licenses to appropriate water. Existing law, the Open and Transparent Water Data Act, requires the Department of Water Resources, the board, and the Department of Fish and Wildlife to coordinate and integrate existing water and ecological data from local, state, and federal agencies. This bill would require the Department of Water Resources and the board, upon an appropriation of funds by the Legislature, to develop a plan to deploy a network of stream gages that includes a determination of funding needs and opportunities for modernizing and reactivating existing gages and deploying new gages, as specified. The bill would require the department and the board, in consultation with the Department of Fish and Wildlife, the Department of Conservation, the Central Valley Flood Protection Board, interested stakeholders, and, to the extent they wish to consult, local agencies, to develop the plan to address significant gaps in information necessary for water management and the conservation of freshwater species. The bill would require the Department of Water Resources and the board to give priority in the plan to placing or modernizing and reactivating stream gages where lack of data contributes to conflicts in water management or where water can be more effectively managed for multiple benefits and to consider specified criteria in developing the plan.
SB 20 Dodd D Surplus state property: Napa County Regional Park and Open Space District.	1/16/2019-S. G.O. 2/20/2019-Set for hearing March 12.	(1)Existing law authorizes the Director of General Services, by January 1, 2015, to sell or exchange, at fair market value based upon an appraisal approved by the Department of General Services, all or part of a specified parcel of state property only to the County of Napa upon those terms, conditions, reservations, and exceptions the director determines are in the best interest of the state, and subject to other requirements. Existing law requires reimbursement of the Department of General Services for any cost or expense incurred in the disposition of the property from the proceeds of the disposition of the property. This bill would apply the authorization described above to the Napa County Regional Park and Open Space District and the County of Napa, and would extend the period within which the sale described above may be made to

		January 1, 2026. This bill contains other related provisions and other existing laws.
<p>SB 21 Dodd D</p> <p>Alcoholic beverages: brewpub-restaurant licenses.</p>	<p>1/16/2019-S. G.O. 2/26/2019-Set for hearing March 12.</p>	<p>Existing law, the Alcoholic Beverage Control Act, which is administered by the Department of Alcoholic Beverage Control, regulates the application, issuance, and suspension of alcoholic beverage licenses. Existing law establishes specified types of alcoholic beverage licenses and prescribes the rights and duties of the respective licensees. Existing law authorizes the issuance of a brewpub-restaurant license to a person that manufactures not less than 200 barrels and not more than 5,000 barrels of beer annually on the licensed premises, subject to specified conditions. This bill would lower the required minimum brewing production of a brewpub-restaurant licensee to not less than 100 barrels of beer annually on the premises. This bill contains other related provisions.</p>
<p>SB 62 Dodd D</p> <p>Endangered species: accidental take associated with routine and ongoing agricultural activities: state safe harbor agreements.</p>	<p>1/16/2019-S. N.R. & W. 2/25/2019-From committee with author's amendments. Read second time and amended. Re-referred to Com. on N.R. & W.</p>	<p>(1)Existing law, the California Endangered Species Act, prohibits the taking of an endangered or threatened species, except in certain situations. Under the act, the Department of Fish and Wildlife may authorize the take of listed species pursuant to an incidental take permit if the take is incidental to an otherwise lawful activity, the impacts are minimized and fully mitigated, and the issuance of the permit would not jeopardize the continued existence of the species. The act requires the department to adopt regulations for the issuance of incidental take permits. Existing law also provides that a violation of the Fish and Game Code is a crime. This bill would make this exception permanent. The bill would also require a person, when an accidental take is known to occur under these provisions, to report the take to the department within 10 days. By creating a new reporting requirement, the violation of which would be a crime, the bill would impose a state-mandated local program. This bill contains other existing laws.</p>
<p>SB 137 Dodd D</p> <p>Federal transportation funds: state exchange programs.</p>	<p>1/24/2019-S. TRANS. 1/24/2019-Referred to Com. on TRANS.</p>	<p>Existing federal law apportions transportation funds to the states under various programs, including the Surface Transportation Program and the Highway Safety Improvement Program, subject to certain conditions on the use of those funds. Existing law provides for the allocation of certain of those funds to local entities. Existing law provides for the exchange of federal and state transportation funds between local entities and the state under certain circumstances. This bill would authorize the Department of Transportation to allow the above-described federal transportation funds that are allocated as local assistance to be exchanged for Road Maintenance and Rehabilitation Program funds appropriated to the department. This bill contains other existing laws.</p>
<p>SB 167 Dodd D</p> <p>Electrical corporations: wildfire mitigation plans.</p>	<p>2/6/2019-S. E. U., & C. 2/6/2019-Referred to Com. on E., U. & C.</p>	<p>Under existing law, the Public Utilities Commission has regulatory authority over public utilities, including electrical corporations and gas corporations. Existing law authorizes the commission to establish rules for all public utilities, subject to control by the Legislature. Existing law requires each electrical corporation to construct, maintain, and operate its electrical lines and equipment in a manner that will minimize the risk of catastrophic wildfire posed by those electrical lines and equipment. Existing law requires each electrical corporation to annually prepare and submit a wildfire mitigation plan to the commission for review and approval. Existing law requires those wildfire mitigation plans to include specified information, including protocols for</p>

		disabling reclosers and deenergizing portions of the electrical distribution system that consider the associated impacts on public safety, as well as protocols related to mitigating the public safety impacts of those protocols, including impacts on critical first responders and on health and communication infrastructure. This bill would require those protocols to additionally include impacts on customers enrolled in the California Alternative Rates for Energy (CARE) program, receiving medical baseline allowances of electricity or gas, and who the electrical corporation has identified as critical care customers relying on life-support equipment. This bill contains other related provisions and other existing laws.
<p>SB 173 Dodd D</p> <p>CalFresh: postsecondary student eligibility: workstudy.</p>	<p>2/6/2019-S. HUM. S. 2/14/2019-Set for hearing March 11.</p>	<p>Existing federal law provides for the Supplemental Nutrition Assistance Program (SNAP), known in California as CalFresh, formerly the Food Stamp Program, under which supplemental nutrition assistance benefits allocated to the state by the federal government are distributed to eligible individuals by each county. Under existing law, households are eligible to receive CalFresh benefits to the extent permitted by federal law. Existing federal law provides that students who are enrolled in college or other institutions of higher education at least half time are not eligible for SNAP benefits unless they meet one of several specified exemptions, including participating in specified employment training programs. This bill would additionally require the department to create a standardized form to be used by community colleges and universities to verify the workstudy eligibility of students who are approved and anticipate participating in state or federal workstudy. The bill would require community colleges and universities to distribute the form to all students approved for state or federal workstudy and to provide information required to complete that form. To the extent that this provision would impose new duties on county human services agencies and community colleges, it would constitute a state-mandated local program. This bill contains other related provisions and other existing laws.</p>
<p>SB 190 Dodd D</p> <p>Fire safety: building standards.</p>	<p>2/6/2019-S. G.O. 2/20/2019-Set for hearing March 12.</p>	<p>(1)Existing law requires a person, as defined, who owns, leases, controls, operates, or maintains a occupied dwelling or occupied structure in, upon, adjoining specified types of land areas within a very high fire hazard severity zone to maintain defensible space around the structure fire protection or a firebreak, as specified. This bill would require the Office of the State Fire Marshal to develop, in consultation with representatives from local, state, and federal fire services, local government, building officials, utility companies, the building industry, and the environmental community, a model defensible space program to be made available for use by a city, county, or city and county in the enforcement of the defensible space provisions. The bill would set forth required components of the program. This bill contains other related provisions and other existing laws.</p>
<p>SB 204 Dodd D</p> <p>State Water Project: contracts.</p>	<p>2/13/2019-S. N.R. & W. 2/26/2019-Set for hearing March 12.</p>	<p>(1)Under existing law, the Department of Water Resources operates the State Water Resources Development System, known as the State Water Project, in accordance with the California Water Resources Development Bond Act to supply water to persons and entities in the state. Existing law requires the department to present to the Joint Legislative Budget Committee and relevant policy and fiscal committees of the Legislature the details of the terms and conditions of a long-term water supply contract between the department and a</p>

		<p>state water project contractor and to submit a copy of one long-term contract, as prescribed. This bill would instead require the department to provide at least 10 days' notice to the Joint Legislative Budget Committee and relevant policy and fiscal committees of the Legislature before holding public sessions to negotiate any potential amendment of a long-term water supply contract that is of projectwide significance with substantially similar terms intended to be offered to all contractors, or that would permanently transfer a contractual water amount between contractors. The bill would require the department, before the execution of a specified proposed amendment to a long-term water supply contract and at least 60 days before final approval of such an amendment, to submit to the Joint Legislative Budget Committee and relevant policy and fiscal committees of the Legislature certain information regarding the terms and conditions of a proposed amendment of a long-term water supply contract and to submit a copy of the long-term contract as it is proposed to be amended. The bill would prohibit the department from finally approving a long-term water supply contract for 90 days after the first hearing by the Legislature to review the proposed amendment, as specified. This bill contains other related provisions and other existing laws.</p>
<p>SB 209 Dodd D</p> <p>Wildfire: California Wildfire Warning Center: weather monitoring.</p>	<p>2/13/2019-S. G.O. 2/13/2019-Referred to Coms. on G.O. and E., U. & C.</p>	<p>Existing law provides that the state has long recognized its responsibility to mitigate the effects of natural, manmade, or war-caused emergencies that result in conditions of disaster or in extreme peril to life, property, and the resources of the state, and generally to protect the health and safety and preserve the lives and property of the people of the state. This bill would establish in the state government the California Wildfire Warning Center (center). The center would be comprised of representatives from the Public Utilities Commission, the Office of Emergency Services, and the Department of Forestry and Fire Protection, as provided. The center would have various responsibilities relating to fire-threat weather conditions, including overseeing the development and deployment of a statewide network of automated weather and environmental stations designed to observe mesoscale meteorological phenomena that contribute to increased wildfire risk, including a statewide fire weather forecasting, monitoring, and threat assessment system. This bill contains other related provisions and other existing laws.</p>
<p>SB 214 Dodd D</p> <p>Medi-Cal: California Community Transitions program.</p>	<p>2/13/2019-S. HEALTH 2/13/2019-Referred to Com. on HEALTH.</p>	<p>Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services, under which qualified low-income individuals receive healthcare services. The Medi-Cal program is, in part, governed and funded by federal Medicaid program provisions. Existing federal law establishes the Money Follows the Person Rebalancing Demonstration, which is designed to achieve various objectives with respect to institutional and home and community-based long-term care services provided under State Medicaid programs. This bill would require the department to implement and administer the California Community Transitions program, as authorized under federal law and pursuant to the terms of the Money Follows the Person Rebalancing Demonstration. The bill would require the department to seek federal matching funds, and if federal matching funds are unavailable, the bill would require the department to fund the program. The bill would require the department to seek partnerships with counties and other local jurisdictions as a</p>

		means to securing enhanced and complementary funding, as specified. This bill contains other related provisions.
<p>SB 232 Dodd D</p> <p>Hazardous substances: regulated metals: packaging materials.</p>	<p>2/21/2019-S. E.Q. 2/26/2019-Set for hearing March 20.</p>	<p>The Toxics in Packaging Prevention Act, as part of the hazardous waste control laws, prohibits a person from offering for sale or for promotional purposes in this state a package, packaging component, or product in a package if the sum of the incidental total concentration levels of all regulated metals, defined as lead, cadmium, mercury, or hexavalent chromium, present in a single-component package or in an individual packaging component exceeds 100 parts per million by weight. This bill would exempt from that prohibition a package or packaging component that would not exceed that maximum regulated metal concentration level but for the addition of recycled materials, provided that the sum of the incidental total concentration levels of all regulated metals present in the package or packaging component does not exceed 200 parts per million by weight.</p>
<p>SB 235 Dodd D</p> <p>Planning and zoning: housing production report: regional housing need allocation.</p>	<p>2/21/2019-S. HOUSING 2/21/2019-Referred to Com. on HOUSING.</p>	<p>(1)The Planning and Zoning Law requires a city or county to adopt a general plan for land use development within its boundaries that includes, among other things, a housing element. That law requires the planning agency of a city or county to provide by April 1 of each year an annual report to, among other entities, the Department of Housing and Community Development (department) that includes, among other specified information, the number of net new units of housing that have been issued a completed entitlement, a building permit, or a certificate of occupancy, thus far in the housing element cycle, as provided. This portion of the annual report is known as the production report. This bill would authorize the County of Napa and the City of Napa to reach a mutually acceptable agreement to allow one of those jurisdictions to report on its annual production report to the department those completed entitlements, building permits, and certificates of occupancy issued by the other jurisdiction for the development of housing if certain conditions are met. The bill would require the board of supervisors of the County of Napa and the city council of the City of Napa to each hold a public hearing to solicit public comment on the proposed agreement and to make specified written findings based on substantial evidence before approving the agreement. The bill would make conforming changes with respect to the production report required to be submitted to the department. This bill contains other related provisions and other existing laws.</p>
<p>SB 240 Dodd D</p> <p>Insurance Adjuster Act.</p>	<p>2/11/2019-S. RLS. 2/21/2019-Referred to Com. on RLS.</p>	<p>Existing law, the Insurance Adjuster Act, sets forth various requirements with respect to operation as an insurance adjuster in this state and prohibits a person from engaging in a business regulated by the act, or acting or assuming to act as, or representing themselves to be, an insurance adjuster unless the person is licensed under the act. Existing law also prohibits a person from falsely representing that the person is employed by a licensee. This bill would make technical, nonsubstantive changes to those provisions.</p>
<p>SB 247 Dodd D</p> <p>Wildland fire prevention: vegetation: management.</p>	<p>2/11/2019-S. RLS. 2/21/2019-Referred to Com. on RLS.</p>	<p>Existing law requires the Department of Forestry and Fire Protection to assist local governments in preventing future wildland fire and vegetation management problems by making its wildland fire prevention and vegetation management expertise available to local governments to the extent possible, as provided. This bill would provide that it is the intent of the Legislature to enact</p>

		legislation that would require the department to identify trees that should be trimmed or removed to protect against contact between trees and electric power lines that could cause a fire.
<p><u>SB 253</u> <u>Dodd D</u></p> <p>Cannella Environmental Farming Act of 1995: California Agricultural Conservation Program.</p>	<p>2/21/2019-S. AGRI. 2/21/2019-Referred to Coms. on AGRI. and N.R. & W.</p>	<p>Existing law, the Cannella Environmental Farming Act of 1995, requires the Department of Food and Agriculture to establish and oversee an environmental farming program to provide incentives to farmers whose practices promote the well-being of ecosystems, air quality, and wildlife and their habitat. The act requires the Secretary of Food and Agriculture to convene the Scientific Advisory Panel on Environmental Farming, as prescribed, for the purpose of providing advice to the secretary on the implementation of the Healthy Soils Program and the State Water Efficiency and Enhancement Program and assistance to federal, state, and local government agencies on issues relating to the impact of agricultural practices on air, water, and wildlife habitat, as specified. This bill would additionally require the panel to assist government agencies to incorporate the conservation of natural resources and ecosystem services practices into agricultural programs. The bill would require the department, with advice from the panel, to establish and administer the California Agricultural Conservation Program, subject to an appropriation by the Legislature. The bill would require the program to seek to optimize habitat benefits while supporting the economic viability of California agriculture by providing incentives, educational materials, and outreach to farmers whose management practices contribute to wildlife habitat and result in on-farm activities that provide multiple conservation benefits, as prescribed. The bill would require the department, in consultation with the panel, to determine priorities for the program and give priority to specified projects, such as those that occur in and benefit certain disadvantaged communities.</p>
<p><u>SB 263</u> <u>Dodd D</u></p> <p>Taxation: savings plans: qualified ABLE program: small business cash method of accounting.</p>	<p>2/21/2019-S. GOV. & F. 2/21/2019-Referred to Com. on GOV. & F.</p>	<p>Existing federal law, the Stephen Beck, Jr., Achieving a Better Life Experience Act of 2014 (ABLE Act), for taxable years beginning on or after January 1, 2014, encourages and assists individuals and families to save private funds for the purpose of supporting persons with disabilities to maintain their health, independence, and quality of life by excluding from gross income distributions used for qualified disability expenses by a beneficiary of a Qualified ABLE Program established and maintained by a state, as specified. Existing federal law, the Tax Cuts and Jobs Act, increases the amount of contributions allowed to an ABLE account, adds special rules for the increased contribution limit, and exempts from taxation distributions from a qualified tuition program, as defined, rolled into an ABLE account. This bill, for taxable years beginning on or after January 1, 2020, and before January 1, 2026, would conform to those changes made by the Tax Cuts and Jobs Act. This bill contains other related provisions and other existing laws.</p>
<p><u>SB 274</u> <u>Dodd D</u></p> <p>Mobilehome parks: tenancies</p>	<p>2/21/2019-S. JUD. 2/21/2019-Referred to Com. on JUD.</p>	<p>The Mobilehome Residency Law governs the terms and conditions of residency in mobilehome parks. The law requires, among other things, that the management of a mobilehome park comply with noticing and other specified requirements in order to terminate a tenancy in a mobilehome park because of a change of use of the mobilehome park. This bill would require management to offer the previous homeowner a right of first refusal to a renewed tenancy in the park on the same terms at the time of the natural disaster, if the park is</p>

		destroyed due to a fire or other natural disaster and management elects to rebuild the park in the same location. This bill contains other related provisions and other existing laws.
<p>SB 290 Dodd D</p> <p>Natural disasters: insurance and related alternative risk-transfer products.</p>	<p>2/28/2019-S. G.O. 2/28/2019-Referred to Coms. on G.O. and RLS.</p>	<p>Existing law, the California Emergency Services Act, among other things, vests the Governor with various powers and duties related to that act, including coordinating the State Emergency Plan and those programs necessary for the mitigation of the effects of an emergency in this state. Existing law authorizes the Governor to expend any appropriation for support of the California Emergency Services Act to carry out its provisions. This bill, upon appropriation by the Legislature, would authorize the Governor to purchase insurance, reinsurance, insurance linked securities, or other related alternative risk-transfer products for the State of California to help mitigate against costs incurred by the state in response to a natural disaster, including, but not limited to, an earthquake, wildfire, or flood. The bill would require the Office of Emergency Services, or another agency designated by the Governor, to work with the Treasurer and the Insurance Commissioner to determine the appropriate product to be purchased by the state pursuant to these provisions.</p>
<p>SB 314 Dodd D</p> <p>Elders and dependent adults: abandonment.</p>	<p>2/28/2019-S. JUD. 2/28/2019-Referred to Com. on JUD.</p>	<p>Existing law, the Elder Abuse and Dependent Adult Civil Protection Act, provides for the award of attorney's fees and costs to, and the recovery of damages by, a plaintiff when it is proven by clear and convincing evidence that the defendant is liable for physical abuse or neglect, as defined, and the defendant has also been found guilty of recklessness, oppression, fraud, or malice in the commission of that abuse. This bill would extend those remedies to cases in which the defendant is liable for abandonment, as defined, and the above conditions have been met.</p>
<p>SB 336 Dodd D</p> <p>Transportation: fully-automated transit vehicles.</p>	<p>2/28/2019-S. TRANS. 2/28/2019-Referred to Com. on TRANS.</p>	<p>Existing law establishes regulations for the operation of an autonomous vehicle on public roads for testing purposes by a driver who possesses the proper class of license for the type of vehicle being operated if the manufacturer meets prescribed requirements. Existing law imposes various requirements on transit operators. This bill would require a transit operator, as defined, to ensure each of its fully-automated transit vehicles, as defined, is staffed by at least one of its employees, who has had specified training, while the vehicle is in service.</p>
<p>SB 352 Dodd D</p> <p>Alcoholic beverage licensees: on-sale general licenses for bona fide eating places.</p>	<p>2/28/2019-S. G.O. 2/28/2019-Referred to Com. on G.O.</p>	<p>The Alcoholic Beverage Control Act, administered by the Department of Alcoholic Beverage Control, regulates the sale and distribution of alcoholic beverages and the granting of licenses for the manufacture, distribution, and sale of alcoholic beverages within the state. The act also provides for a limitation on the amount of on-sale general licenses that may be issued by the department based on the population of the county in which the licensed premises are located, as provided. This bill would authorize the department to issue up to 10 additional new original on-sale general licenses for bona fide public eating places in the first calendar year following the year in which the county reaches the limit on on-sale general licenses, and in each calendar year thereafter, subject to specified provisions.</p>
<p>SB 442 Dodd D</p>	<p>2/21/2019-S. RLS. 2/22/2019-From printer. May be acted upon on or after March 24.</p>	<p>Under existing law, the Department of Parks and Recreation has control of the state park system. Existing law prohibits commercial exploitation of resources in state park system units, but provides certain exceptions for commercial</p>

State parks: resource exploitation exceptions: scientific investigations.		drilling for oil or gas and commercial fishing, as specified. Upon receiving prior approval from the Director of Parks and Recreation, existing law encourages qualified institutions and individuals to conduct nondestructive forms of scientific investigation within state park system units. This bill would express the intent of the Legislature to later enact legislation that would expand the opportunities for scientific investigation within the California state park system.
SB 469 Dodd D Horse racing: out-of-state thoroughbred races: Delaware Handicap.	2/21/2019-S. RLS. 2/22/2019-From printer. May be acted upon on or after March 24.	The Horse Racing Law authorizes a thoroughbred racing association or fair to distribute the audiovisual signal and accept wagers on the results of out-of-state thoroughbred races conducted in the United States during the calendar period the association or fair is conducting a race meeting, including days on which there is no live racing being conducted by the association or fair, without the consent of the organization that represents horsemen and horsewomen participating in the race meeting and without regard to the amount of purses. Under that law, the total number of thoroughbred races imported by associations or fairs on a statewide basis under these provisions are required to not exceed 50 per day on days when live thoroughbred or fair racing is being conducted in the state, with the exception of prescribed races, including races imported that are part of the race card of the Kentucky Derby, the Kentucky Oaks, the Preakness Stakes, the Belmont Stakes, the Jockey Club Gold Cup, the Travers Stakes, the Arlington Million, the Breeders' Cup, the Dubai World Cup, the Arkansas Derby, the Apple Blossom Handicap, or the Haskell Invitational. This bill would exempt from the 50 imported race per day limitation, races imported that are part of the race card of the Delaware Handicap.
SCR 14 Dodd D Eating Disorders Awareness Week.	2/28/2019-S. ENROLLMENT 2/28/2019-Read. Adopted. Ordered to the Senate. In Senate. Ordered to engrossing and enrolling.	This measure would proclaim the week of February 25, 2019, to March 3, 2019, inclusive, as Eating Disorders Awareness Week.
SR 20 Dodd D Relative to Problem Gambling Awareness Month.	2/28/2019-S. ADOPTED 2/28/2019-Read. Adopted. (Ayes 38. Noes 0.)	This measure would resolve that March 2019 shall be recognized as Problem Gambling Awareness Month in California and the agencies and organizations described herein are commended for their concerted effort to raise public awareness of problem gambling.

Frazier, Jim

Bill ID/Topic	Location	Summary
AB 145 Frazier D High-Speed Rail Authority: Senate confirmation.	1/24/2019-A. TRANS. 1/24/2019-Referred to Com. on TRANS.	Existing law creates the High-Speed Rail Authority with specified powers and duties relative to development and implementation of a high-speed train system. The authority is composed of 11 members, including 5 voting members appointed by the Governor, 4 voting members appointed by the Legislature, and 2 nonvoting legislative members. This bill would provide that the members of the authority appointed by the Governor are subject to appointment with the advice and consent of the Senate.
AB 281 Frazier D	1/28/2019-A. PRINT 1/29/2019-From printer. May be heard in committee February 28.	Existing law requires electrical corporations and local publicly owned electric utilities to construct, maintain, and operate their electrical lines and equipment in a manner that will minimize the risk of catastrophic wildfire posed by those

<p>Transmission and distribution lines: undergrounding.</p>		<p>electrical lines and equipment. Existing law requires electrical corporation and local publicly owned electric utilities to prepare annually a wildfire mitigation plan. This bill would state the intent of the Legislature to enact legislation to require electrical corporations and local publicly owned electric utilities to take certain actions related to electric transmission and distribution lines and equipment in high fire risk areas.</p>
<p>AB 284 Frazier D</p> <p>Junior hunting licenses: eligibility: age requirement.</p>	<p>2/7/2019-A. W.,P. & W. 2/7/2019-Referred to Com. on W., P., & W.</p>	<p>Under existing law, a hunting license grants the privilege to take birds and mammals and is valid from July 1 to June 30 or, if issued after July 1, for the remainder of that term. Existing law requires the Department of Fish and Wildlife to issue various types of hunting licenses, including a discounted hunting license known as a junior hunting license, upon payment of a certain fee from an eligible applicant. Existing law, until July 1, 2020, expands the eligibility for a junior hunting license from persons who are under 16 years of age on July 1 of the licensing year to persons who are under 18 years of age on July 1 of the licensing year, as specified, and makes conforming changes related to that expanded eligibility. This bill would extend, this expanded eligibility, for a junior hunting license indefinitely.</p>
<p>AB 311 Frazier D</p> <p>Regional centers: billing: daily rates.</p>	<p>2/7/2019-A. HUM. S. 2/7/2019-Referred to Com. on HUM. S.</p>	<p>Existing law, the Lanterman Developmental Disabilities Services Act, requires the State Department of Developmental Services to contract with regional centers to provide services and supports to individuals with developmental disabilities. Existing law requires the Director of Developmental Services to establish, maintain, and revise, as necessary, an equitable process for setting rates of state payment for nonresidential services purchased by regional centers. Existing law requires activity centers, adult development centers, behavior management programs, and other look-alike day programs with a daily rate to bill regional centers for services provided to consumers in terms of 1/2 days of service and full days of service, as defined, but authorizes a regional center to change the length of the declared and approved program day for a specific consumer in order to meet the needs of that consumer. This bill would repeal those provisions relating to daily rate billing.</p>
<p>AB 313 Frazier D</p> <p>Road Maintenance and Rehabilitation Account: University of California: California State University: reports.</p>	<p>2/11/2019-A. TRANS. 2/11/2019-Referred to Com. on TRANS.</p>	<p>Existing law creates the Road Maintenance and Rehabilitation Program to address deferred maintenance on the state highway system and the local street and road system. Existing law provides for the deposit of various moneys, including revenues from certain fuel taxes and vehicle fees, for the program in the Road Maintenance and Rehabilitation Account. Existing law, after deducting certain appropriations and allocations, authorizes annual appropriations of \$5,000,000 of the moneys available for the program to the University of California to conduct transportation research and of \$2,000,000 of the available moneys to the California State University to conduct transportation research and transportation-related workforce education, training, and development, as specified. This bill would require the University of California and the California State University, on or before April 1 of each year, to each submit a report to the Transportation Agency and specified legislative committees detailing its expenditures of those moneys for that fiscal year, including, but not limited to, research activities and administration.</p>

<p>AB 371 Frazier D</p> <p>Transportation: freight: statewide economic vitality assessment.</p>	<p>2/15/2019-A. J., E.D. & E. 2/15/2019-Referred to Coms. on J., E.D., & E. and TRANS.</p>	<p>The Economic Revitalization Act establishes the Governor’s Office of Business and Economic Development, also known as GO-Biz, to serve as the Governor’s lead entity for economic strategy and the marketing of California on issues relating to business development, private sector investment, and economic growth. The act authorizes the office, among other things, to make recommendations to the Governor and the Legislature regarding policies, programs, and actions to advance statewide economic goals. This bill would require GO-Biz, in consultation with the State Air Resources Board, the California Transportation Commission, and the Transportation Agency, to prepare a statewide economic vitality assessment of the California freight industry on or before December 31, 2021, and to update the assessment at least once every five years. The bill would require the assessment to identify specified information, and would require the office, in developing the assessment, to consult with representatives from a cross section of public and private sector freight stakeholders. This bill contains other related provisions and other existing laws.</p>
<p>AB 380 Frazier D</p> <p>Office of the Transportation Inspector General.</p>	<p>2/15/2019-A. TRANS. 2/15/2019-Referred to Coms. on TRANS. and A. & A.R.</p>	<p>Existing law creates the Department of Transportation within the Transportation Agency and creates the Independent Office of Audits and Investigations within the department, with specified powers and duties. Existing law requires the Governor to appoint the director of the office for a 6-year term, subject to confirmation by the Senate, and provides that the director, known as the Inspector General, may not be removed from office during the term except for good cause. Existing law specifies the duties and responsibilities of the Inspector General with respect to the department and local agencies receiving state and federal transportation funds through the department, and requires an annual report to the Legislature and Governor. This bill would eliminate the Independent Office of Audits and Investigations and would instead create the Independent Office of the Transportation Inspector General in state government, as an independent office that would not be a subdivision of any other government entity, to ensure that specified state agencies and all external entities that receive state and federal transportation funds are operating efficiently, effectively, and in compliance with federal and state laws. The bill would require the Governor to appoint the Transportation Inspector General for a 6-year term, subject to confirmation by the Senate, and would prohibit the Transportation Inspector General from being removed from office during the term except for good cause. The bill would specify the duties and responsibilities of the Transportation Inspector General and set the salary of the Transportation Inspector General. The bill would require the Transportation Inspector General to submit an annual report to the Governor, the Legislature, and the California Transportation Commission.</p>
<p>AB 390 Frazier D</p> <p>Notice to correct violations: exceptions.</p>	<p>2/15/2019-A. TRANS. 2/15/2019-Referred to Com. on TRANS.</p>	<p>Existing law requires every motor vehicle subject to registration to be equipped with an adequate muffler in constant operation and properly maintained to prevent any excessive or unusual noise and prohibits a muffler or exhaust system from being equipped with a cutout, bypass, or similar device. Existing law further prohibits the modification of an exhaust system of a motor vehicle in a manner that will amplify or increase the noise emitted by the motor of the vehicle so that the vehicle exceeds existing noise limits. Under existing law, if,</p>

		<p>after an arrest, accident investigation, or other law enforcement action, it appears that a violation has occurred involving, among other things, an infraction involving vehicle equipment, the arresting officer is required to permit the arrested person to execute a notice, prepared by the officer in triplicate, containing a promise to correct the violation and to deliver proof of correction to the issuing agency, unless the arresting officer finds that a disqualifying condition exists. Under existing law, a violation of the above-described requirements related to mufflers and exhaust systems is included among those conditions that are disqualifying. This bill would delete the requirements related to mufflers and exhaust systems from the list of disqualifying conditions, thereby making a person who is arrested for one of these offenses eligible to execute the notice as described above.</p>
<p>AB 408 Frazier D</p> <p>Vehicles: disabled veterans.</p>	<p>2/15/2019-A. TRANS. 2/27/2019-Re-referred to Com. on TRANS.</p>	<p>Existing law authorizes the Department of Motor Vehicles to issue special license plates or distinguishing placards to disabled veterans for purposes of certain parking privileges. In issuing a special license plate to a disabled veteran, existing law requires the Department of Motor Vehicles to accept as proof of disability a certificate from the United States Department of Veterans Affairs certifying that the applicant is a disabled veteran. Existing law includes in the definition of disabled veteran a person who has a disability rated at 100% by the Department of Veterans Affairs or the military service from which the veteran was discharged that was a result of injury or disease suffered while on active service with the Armed Forces of the United States. This bill would additionally require the Department of Motor Vehicles to accept a certificate from a county veterans service officer or the Department of Veterans Affairs that certifies that the applicant for a special license plate is a disabled veteran. The bill would change the definition of "disabled veteran" to instead refer to a veteran who has combined service-connected disabilities with a 100% schedular or 100% total disability individual unemployability rating by the United States Department of Veterans Affairs or the military service from which the veteran was discharged.</p>
<p>AB 422 Frazier D</p> <p>High-speed rail: performance measurement dashboards.</p>	<p>2/15/2019-A. TRANS. 2/15/2019-Referred to Com. on TRANS.</p>	<p>The California High-Speed Rail Act creates the High-Speed Rail Authority to develop and implement a high-speed rail system in the state, with specified powers and duties. Existing law requires the authority to establish an independent peer review group for purposes of reviewing the planning, engineering, financing, and other elements of the authority's plans and issuing an analysis of the appropriateness and accuracy of the authority's assumptions and an analysis of the viability of the authority's funding plan, including the funding plan for each corridor. This bill would require the authority, in consultation with the peer review group, to develop and update quarterly a set of summary performance measurement dashboards that show ongoing performance of the project and post on its internet website full sets of the summary performance measurement dashboards.</p>
<p>AB 438 Frazier D</p> <p>Regional center services: holidays.</p>	<p>2/21/2019-A. HUM. S. 2/21/2019-Referred to Com. on HUM. S.</p>	<p>Existing law, the Lanterman Developmental Disabilities Services Act, requires the State Department of Developmental Services to contract with regional centers to provide services and supports to individuals with developmental disabilities and their families. Existing law prohibits a regional center from compensating designated programs and transportation vendor services for</p>

		providing any service to a consumer on 11 specified holidays, including, July 4, Thanksgiving Day, and the 4 business days between December 25 and January 1. This bill would delete the 4 business days between December 25 and January 1 from the compensation prohibition described above. The bill would also make various technical, nonsubstantive changes.
AB 536 Frazier D Developmental services.	2/25/2019-A. HUM. S. 2/25/2019-Referred to Com. on HUM. S.	Existing law, the Lanterman Developmental Disabilities Services Act, requires the State Department of Developmental Services to contract with regional centers to provide services and supports to individuals with developmental disabilities and their families, and requires regional centers to identify and pursue all possible sources of funding for consumers receiving those services. Existing law defines a "developmental disability" as a disability that originates before an individual attains 18 years of age, continues, or can be expected to continue, indefinitely, and constitutes a substantial disability for the individual. This bill would modify that definition to mean a disability that originates before an individual attains 22 years of age, continues, or can be expected to continue, indefinitely, and constitutes a substantial disability for the individual. The bill would make various technical and nonsubstantive changes.
AB 627 Frazier D Developmental services.	2/15/2019-A. PRINT 2/19/2019-From printer. May be heard in committee March 21.	Existing law, the Lanterman Developmental Disabilities Services Act, requires the State Department of Developmental Services to contract with regional centers to provide services and supports to individuals with developmental disabilities. Existing law states the intent of the Legislature that persons with developmental disabilities have certain rights, including a right to prompt medical care and treatment and a right to be free from harm. This bill would make technical, nonsubstantive changes to those provisions.
AB 640 Frazier D Sex crimes: investigation and prosecution.	2/15/2019-A. PRINT 2/19/2019-From printer. May be heard in committee March 21.	Existing law requires the Office of Emergency Services to establish an advisory committee to develop a training course for district attorneys in the investigation and prosecution of sexual assault cases, child sexual exploitation cases, and child sexual abuse cases, including training in the unique emotional trauma experienced by victims of those crimes. This bill would require that training course to also cover the investigation and prosecution of sexual abuse cases involving victims with developmental disabilities.
AB 641 Frazier D Developmental disabilities.	2/15/2019-A. PRINT 2/19/2019-From printer. May be heard in committee March 21.	Existing law, the Lanterman Developmental Disabilities Services Act, requires the State Department of Developmental Services to contract with regional centers to provide services and supports to individuals with developmental disabilities and their families. Existing law, until January 1, 2025, requires the department to conduct a 4-year demonstration project to determine whether community-based vocational development services increase integrated competitive employment outcomes and reduce purchase of service costs for working-age adults. This bill would make technical, nonsubstantive changes to those provisions.
AB 676 Frazier D California Transportation Commission: annual report.	2/28/2019-A. TRANS. 2/28/2019-Referred to Com. on TRANS.	Existing law establishes in state government the California Transportation Commission with specified powers and duties relative to the programming of transportation capital improvement projects and other related matters. Existing law requires the commission to adopt and submit to the Legislature, by December 15 of each year, an annual report summarizing the commission's prior-year decisions in allocating transportation capital outlay appropriations

		and identifying timely and relevant transportation issues facing the state. This bill would instead require the commission to adopt and submit the annual report by December 31 of each year.
<p>AB 708 Frazier D</p> <p>Traffic violator schools.</p>	<p>2/28/2019-A. TRANS. 2/28/2019-Referred to Com. on TRANS.</p>	<p>Existing law provides for the licensing of traffic violator school owners, operators, and instructors by the Department of Motor Vehicles. Existing law authorizes the court, after a deposit of bail, a plea of guilty or no contest, or a conviction, to order persons who hold a specified noncommercial driver's license, or certain persons who hold a specified commercial driver's license, to attend a licensed traffic violator school. Existing law requires the department to provide a list of licensed traffic violator schools on its internet website. Existing law authorizes a person ordered to attend a traffic violator school to choose the traffic violator school the person will attend, and requires the court to provide to each person subject to that order or referral the department's current list of licensed traffic violator schools. This bill would instead require the department by June 1, 2020, to provide a license verification information system of licensed traffic violator schools on its internet website, indicating the license status, modalities of instruction offered, and whether the license is valid. The bill would require the system to display only the school's name and license number with expiration date. The bill would prohibit the system from including a school's telephone number or URL address. The bill would require a court or traffic assistance program only to refer consumers to the system, commencing December 31, 2020, and would prohibit those entities from advertising or publishing any list of traffic violator schools. The bill would delete the requirement that the court provide a person ordered or referred to traffic violator school with the department's current list of licensed schools, and instead would authorize the court commencing June 1, 2020, to provide the person with a link to the license verification information system. The bill would also make technical, nonsubstantive changes.</p>
<p>AB 812 Frazier D</p> <p>Developmental services: Inspector General.</p>	<p>2/20/2019-A. PRINT 2/21/2019-From printer. May be heard in committee March 23.</p>	<p>Existing law, the Lanterman Developmental Disabilities Services Act, requires the State Department of Developmental Services to contract with regional centers to provide services and supports to individuals with developmental disabilities and their families. Existing law establishes the State Council on Developmental Disabilities to, among other things, develop the California Developmental Disabilities State Plan and monitor and evaluate the implementation of the plan. This bill would require the California Health and Human Services Agency to appoint an Inspector General for both the regional centers and their oversight by the State Department of Developmental Services, consistent with the State Leadership Accountability Act. The bill would require the Inspector General to safeguard the integrity of the state's developmental disabilities system by providing oversight and transparency through monitoring, reporting, and recommending improvements on the policies and practices of the regional centers and the department. The bill would make related legislative findings and declarations. This bill contains other existing laws.</p>
<p>AB 813 Frazier D</p>	<p>2/20/2019-A. PRINT 2/21/2019-From printer. May be heard in committee March 23.</p>	<p>Existing law sets forth the Legislature's findings and declarations encouraging the use of alternative dispute resolution programs in place of formal court</p>

Alternative dispute resolution programs.		proceedings. This bill would make nonsubstantive changes to these findings and declarations.
<p>AB 939 Frazier D</p> <p>California Environmental Protection Agency: regulations.</p>	<p>2/20/2019-A. PRINT 2/21/2019-From printer. May be heard in committee March 23.</p>	<p>Existing law establishes the California Environmental Protection Agency under the supervision of the Secretary for Environmental Protection, consisting of various departments, boards, commissions, and offices and vests the agency with authority over various environmental matters. The Administrative Procedure Act generally governs the procedure for the adoption, amendment, or repeal of regulations by state agencies and requires a state agency to provide the public with a specified notice that contains certain information when proposing to adopt, amend, or repeal a regulation. Existing law requires a state agency, prior to publication of the required notice, to involve parties who would be subject to the proposed regulations in public discussions when the proposed regulation involves complex proposals or a large number of proposals that cannot be easily reviewed during the comment period. Existing law provides that if a public hearing is held, both oral and written statements, arguments, and contentions are required to be permitted, and, if a public hearing is not held, the state agency is required to afford any interested party or the party's duly authorized representative the opportunity to present statements, arguments, and contentions in writing. This bill would require the California Environmental Protection Agency and any department, board, commission, or office within the California Environmental Protection Agency to provide to the public, not later than 72 hours prior to involvement of the public through workshops or any other proceedings, all material and presentations relevant to the process regarding complex proposals described above. The bill would also require the California Environmental Protection Agency and any department, board, commission, or office within the California Environmental Protection Agency to provide to the public, not later than 72 hours before a hearing, all material and presentations relevant to the hearing.</p>
<p>AB 1018 Frazier D</p> <p>Real estate appraisers.</p>	<p>2/21/2019-A. PRINT 2/22/2019-From printer. May be heard in committee March 24.</p>	<p>Existing law, the Real Estate Appraisers' Licensing and Certification Law, establishes the Bureau of Real Estate Appraisers for the licensure, regulation, and discipline of real estate appraisers. Existing law prohibits a person from engaging in federally related real estate appraisal activity governed by the Real Estate Appraisers' Licensing and Certification Law or assuming or using the title of or any title designation or abbreviation as a licensed appraiser in the state without an active license. Existing law provides that a person who willfully violates this provision is guilty of a public offense punishable, as specified. This bill would make nonsubstantive changes to the provisions specifying the prohibition and the punishment for a willfull violation of that prohibition.</p>
<p>AB 1019 Frazier D</p> <p>Liens: general aviation aircraft.</p>	<p>2/21/2019-A. PRINT 2/22/2019-From printer. May be heard in committee March 24.</p>	<p>Under existing law a person has a lien, dependent upon possession, for the amount the person is owed for any services, materials, or storage provided for any aircraft, unless specified exceptions apply. If the lienholder is not paid the amount due within 10 days of its due date, existing law provides that the lienholder is entitled to sell the aircraft at a public auction in satisfaction of the lien. This bill would make a technical, nonsubstantive change to that provision.</p>
<p>AB 1021 Frazier D</p>	<p>2/21/2019-A. PRINT 2/22/2019-From printer. May be heard in committee March 24.</p>	<p>Existing law, the Groundwater Recharge Facilities Financing Act, authorizes the Department of Water Resources to make loans to local agencies to aid in the conduct of projects for artificial groundwater recharge, as prescribed. This bill</p>

Groundwater recharge facilities financing.		would make a nonsubstantive change in the legislative findings and declarations of the act.
AB 1023 Frazier D District Organization Law: formation.	2/21/2019-A. PRINT 2/22/2019-From printer. May be heard in committee March 24.	The District Organization Law requires a supervising authority, as defined, to fix the time and place for a final hearing on a petition of formation of a district and give notice of the hearing, as specified. This bill would make nonsubstantive changes to this provision.
AB 1024 Frazier D Home inspectors: licensing: Contractors' State License Board.	2/21/2019-A. PRINT 2/22/2019-From printer. May be heard in committee March 24.	Existing law, the Contractors' State License Law, provides for the licensure and regulation of contractors by the Contractors' State License Board in the Department of Consumer Affairs. Existing law requires the board to appoint a registrar of contractors to carry out administrative duties, as provided. This bill, beginning January 1, 2022, would require a person performing a home inspection, as defined, to be licensed by the Contractors' State License Board. The bill would authorize the board to establish criteria for licensing home inspectors and establish fees for licensing and renewal. The bill would authorize the registrar to enforce the licensing provisions. The bill would exempt a licensed general contractor, pest control operator, architect, or professional engineer from these licensing provisions. This bill contains other existing laws.
AB 1169 Frazier D Developmental services.	2/21/2019-A. PRINT 2/22/2019-From printer. May be heard in committee March 24.	Existing law, the Lanterman Developmental Disabilities Services Act, requires the State Department of Developmental Services to enter into contracts with private nonprofit corporations to operate regional centers for the provision of community services and supports for persons with developmental disabilities and their families. Existing law requires each regional center to submit, on or before August 1 of each year, to the department and the state council a program budget plan for the subsequent budget year. This bill would make technical, nonsubstantive changes to that provision.
AB 1170 Frazier D Developmental services: regional centers.	2/21/2019-A. PRINT 2/22/2019-From printer. May be heard in committee March 24.	Existing law, the Lanterman Developmental Disabilities Services Act, requires the State Department of Developmental Services to contract with regional centers to provide services and supports to individuals with developmental disabilities and their families, and requires regional centers to identify and pursue all possible sources of funding for consumers receiving those services. This bill would make technical, nonsubstantive changes to those provisions.
AB 1172 Frazier D Childcare and development services.	2/21/2019-A. PRINT 2/22/2019-From printer. May be heard in committee March 24.	The Child Care and Development Services Act has a purpose of providing comprehensive, coordinated, and cost-effective systems of childcare and development services for children from infancy to 13 years of age and their parents, including a full range of supervision, health, and support services through full- and part-time programs. Existing law requires all childcare and development programs to include plans or programs, or both, for the care of the children when they are sick. This bill would make nonsubstantive changes to that law.
AB 1177 Frazier D Planning and zoning: housing development: streamlined approval.	2/21/2019-A. PRINT 2/22/2019-From printer. May be heard in committee March 24.	Existing law, until January 1, 2026, authorizes a development proponent to submit an application for a multifamily housing development, which satisfies specified objective planning standards, that is subject to a streamlined, ministerial approval process, as provided, and not subject to a conditional use permit. Under existing law, those objective planning standards include that the development proponent must certify both (1) that the development is either a public work, for purposes of specified law, or that all construction workers

		employed in the execution of the development will be paid at least the general prevailing rate of per diem wages for the type of work and geographic area and (2) that if the development meets certain conditions, a skilled and trained workforce, as defined, will be used to complete the development if the application is approved, as provided. Existing law exempts from any requirement to pay prevailing wages or use a skilled and trained workforce a project that includes 10 or fewer units and is not a public work. This bill would delete the requirement that a skilled and trained workforce be employed on any project subject to these provisions. The bill would also limit the requirement that prevailing wages be paid on a development that is not a public work to work on market rate units within the development and revise the exemption from this requirement to instead require that the project either: (1) include 10 or fewer units and be a wholly affordable project or (2) not be a public work. This bill contains other related provisions and other existing laws.
<p>AB 1194 Frazier D</p> <p>Sacramento-San Joaquin Delta: Delta Stewardship Council.</p>	<p>2/21/2019-A. PRINT 2/22/2019-From printer. May be heard in committee March 24.</p>	<p>Existing law, the Sacramento-San Joaquin Delta Reform Act of 2009, establishes the Delta Stewardship Council, which consists of 7 members, and requires the council to develop, adopt, and commence implementation of a comprehensive management plan for the Delta, known as the Delta Plan. This bill would increase the membership of the council to 13 members, including 11 voting members and 2 nonvoting members, as specified. By imposing new duties upon local officials to appoint new members to the council, the bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.</p>
<p>AB 1496 Frazier D</p> <p>Sexual assault victims: rights.</p>	<p>2/22/2019-A. PRINT 2/25/2019-Read first time.</p>	<p>Existing law establishes the "Sexual Assault Victims' DNA Bill of Rights." Existing law, among other things, authorizes a law enforcement agency investigating certain felony sex offenses to, upon the request of the victim, and subject to the commitment of resources, inform the victim whether a DNA profile was obtained from the testing of the rape kit evidence or other crime scene evidence from their case, whether that information had been entered into the Department of Justice Data Bank of case evidence, and whether there is a match between the DNA profile developed from the rape kit evidence or other crime scene evidence and a DNA profile contained in the Department of Justice Convicted Offender DNA Data Base, as specified. Existing law provides that the victim would be given written notification by the law enforcement agency if the law enforcement agency elects not to perform DNA testing of the rape kit evidence or other crime scene evidence, or intends to destroy or dispose of the rape kit evidence or other crime scene evidence prior to the expiration of the statute of limitations, as specified. This bill would make technical, nonsubstantive changes to that provision.</p>
<p>AB 1621 Frazier D</p> <p>Alternative and Renewable Fuel and Vehicle Technology Program.</p>	<p>2/22/2019-A. PRINT 2/25/2019-Read first time.</p>	<p>Existing law establishes the California Alternative and Renewable Fuel, Vehicle Technology, Clean Air, and Carbon Reduction Act of 2007, which includes the Alternative and Renewable Fuel and Vehicle Technology Program, administered by the State Energy Resources Conservation and Development Commission, and the Air Quality Improvement Program, administered by the State Air Resources Board. Existing law requires the Alternative and Renewable Fuel and Vehicle Technology Program to provide funding measures to certain entities to develop and deploy innovative technologies that transform California's fuel and</p>

		vehicle types to help attain the state’s climate change policies. Existing law requires the state board to give preference to those projects that maximize the goals of the program based on specified criteria. This bill would make a technical, nonsubstantive change to those provisions.
AB 1653 Frazier D Sacramento-San Joaquin Delta.	2/22/2019-A. PRINT 2/25/2019-Read first time.	Existing law makes legislative findings and declarations relating to the Sacramento-San Joaquin Delta and its invaluable and unique resources of major statewide significance. This bill would make nonsubstantive changes to those findings and declarations.
AB 1654 Frazier D Reliable Electric Service Investments Act.	2/22/2019-A. PRINT 2/25/2019-Read first time.	Under existing law, the Public Utilities Commission has regulatory authority over public utilities, including electrical corporations, as defined. The Reliable Electric Service Investments Act required the commission to require the state’s 3 largest electrical corporations, until January 1, 2012, to identify a separate electrical rate component, commonly referred to as the public goods charge, to collect specified amounts to fund energy efficiency, renewable energy, and research, development, and demonstration programs that enhance system reliability and provide in-state benefits. The act provides that it shall not be construed to affect the jurisdiction of the commission over electrical distribution service. This bill would also provide that the act shall not be construed to alter the jurisdiction of the commission over electrical distribution service.
AB 1769 Frazier D Fire protection: State Fire Marshal: regulations.	2/22/2019-A. PRINT 2/25/2019-Read first time.	Existing law authorizes the State Fire Marshal to propose, adopt, and administer the regulations that the State Fire Marshal deems necessary in order to ensure fire safety in buildings and structures within the state, as provided. This bill would make a nonsubstantive change to that law.
AB 1770 Frazier D Tire recycling program: rubberized pavement.	2/22/2019-A. PRINT 2/25/2019-Read first time.	Existing law requires the Department of Resources Recycling and Recovery to administer a tire recycling program that promotes and develops alternatives to the landfill disposal of used whole tires. The California Tire Recycling Act requires a person who purchases a new tire to pay a California tire fee, for deposit in the California Tire Recycling Management Fund, for expenditure by the department, upon appropriation by the Legislature, to pay the costs of operating the tire recycling program. The act provides that the tire recycling program may include the awarding of grants, loans, subsidies, and rebates and the payment of incentives for various purposes related to reducing landfill disposal of used whole tires and tire recycling. This bill would extend the operation of the Rubberized Pavement Market Development Act to June 30, 2024. This bill contains other existing laws.
ACR 4 Frazier D CHP Officer Kirk Griess Memorial Highway.	1/28/2019-A. TRANS. 1/28/2019-Referred to Com. on TRANS.	This measure would designate the portion of Interstate 505 between the Interstate 80 interchange and the Vaca Valley Parkway in the County of Solano as the CHP Officer Kirk Griess Memorial Highway. The measure would request the Department of Transportation to determine the cost of appropriate signs showing this special designation and, upon receiving donations from nonstate sources covering that cost, to erect those signs.

Grayson, Timothy

Bill ID/Topic	Location	Summary
---------------	----------	---------

<p>AB 122 Grayson D</p> <p>Multidisciplinary teams: human trafficking and domestic violence.</p>	<p>1/24/2019-A. PUB. S. 2/26/2019-In committee: Set, first hearing. Hearing canceled at the request of author.</p>	<p>Existing law authorizes a city, county, city and county, or community-based nonprofit organization to establish a domestic violence multidisciplinary personnel team and a human trafficking multidisciplinary personnel team consisting of two or more persons who are trained in the prevention, identification, management, or treatment of domestic violence or human trafficking cases and who are qualified to provide a broad range of services related to domestic violence or human trafficking. Existing law authorizes members of those multidisciplinary personnel teams to disclose to one another information and records that may be confidential but that are relevant to the prevention, identification, management, or treatment of those crimes. Existing law prohibits members of those teams from disclosing confidential information obtained from an individual to one another unless the member has obtained that individual's informed, written, reasonably time-limited consent to the disclosure, as specified. This bill would remove the prohibition on disclosing confidential information without the individual's informed, written, and reasonably time-limited consent to the disclosure with regards to information obtained from a minor.</p>
<p>AB 185 Grayson D</p> <p>California Transportation Commission: transportation policies: joint meetings.</p>	<p>2/4/2019-A. TRANS. 2/4/2019-Referred to Com. on TRANS.</p>	<p>Existing law creates the California Transportation Commission, with various powers and duties relative to the programming of transportation capital projects and allocation of funds to those projects pursuant to the state transportation improvement program and various other transportation funding programs. Existing law requires the commission and the State Air Resources Board to hold at least 2 joint meetings per calendar year to coordinate their implementation of transportation policies. This bill would require the Department of Housing and Community Development to participate in those joint meetings.</p>
<p>AB 596 Grayson D</p> <p>Motor vehicles: recall notices: transactions.</p>	<p>2/14/2019-A. PRINT 2/15/2019-From printer. May be heard in committee March 17.</p>	<p>(1)The Uniform Electronic Transactions Act applies to electronic records and electronic signatures to a transaction, and generally prohibits a record or signature from being denied legal effect or enforceability solely because it is in electronic form. Existing law exempts from that act specific transactions, including transactions involving a motor vehicle manufacturer's responsibility to furnish notification to the registered owner of the motor vehicle of any defect in the motor vehicle or its safety equipment, and the manufacturer's duty to correct that defect without charge to the registered owner or by reimbursing the registered owner for the cost of making corrections, as specified. This bill would delete that exemption from the act. This bill contains other related provisions and other existing laws.</p>
<p>AB 651 Grayson D</p> <p>Air ambulance services.</p>	<p>2/25/2019-A. HEALTH 2/25/2019-Referred to Com. on HEALTH.</p>	<p>(1)Existing law, the Knox-Keene Health Care Service Plan Act of 1975, provides for the licensure and regulation of health care service plans by the Department of Managed Health Care and makes a willful violation of the act a crime. Existing law also provides for the regulation of health insurers by the Department of Insurance. Existing law requires that health care service plans and health insurance policies, as specified, provide coverage for certain services and treatments, including emergency medical transportation services. This bill would require a health care service plan contract or a health insurance policy issued, amended, or renewed on or after January 1, 2020, to provide that if an enrollee, insured, or subscriber, as applicable, receives covered services from a</p>

		<p>noncontracting air ambulance provider, the enrollee, insured, or subscriber shall pay no more than the same cost sharing that the enrollee, insured, or subscriber would pay for the same covered services received from a contracting air ambulance provider, referred to as the in-network cost-sharing amount. The bill would specify that an enrollee, subscriber, or insured would not owe the noncontracting provider more than the in-network cost-sharing amount for services subject to the bill, as specified. The bill would allow a noncontracting provider to advance to collections only the in-network cost-sharing amount, as determined by the health care service plan or insurer, that the enrollee, insured, or subscriber has failed to pay. The bill would authorize a health care service plan, health insurer, or provider to seek relief in any court for the purpose of resolving a payment dispute, and would not prohibit a provider from using a health care service plan's or health insurer's existing dispute resolution processes. Because a willful violation of the bill's requirements relative to health care service plans would be a crime, the bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.</p>
<p>AB 699 Grayson D</p> <p>Credit services organizations.</p>	<p>2/19/2019-A. PRINT 2/20/2019-From printer. May be heard in committee March 22.</p>	<p>Existing law, the Credit Services Act of 1984, defines and regulates the activities of credit services organizations. Existing law generally defines a credit services organizations as people who, for payment, perform specified credit-related services, such as improving a buyer's credit record and obtaining loans. Existing law requires credit services organizations to obtain a surety bond, as specified, before conducting business and requires that they register with the Attorney General, subject to a fee of \$100. Among other things, existing law prohibits a credit services organization from receiving money before full and complete performance of the service the organization has agreed to perform and from failing to perform services agreed upon within 6 months. Existing law requires that credit services be provided pursuant to a written contract, which is required to contain specified statements, and, before the execution of a contract, a credit services organization must provide a prescribed information statement. Existing law authorizes a buyer of services who is injured by a credit services organization's violation of the act, or its breach of contract, to bring an action for damages or injunctive relief, as specified. Existing law also authorizes any person, including a consumer credit reporting agency, to bring an action, as specified, for a violation of the act. This bill would replace the term "buyer" with the term "consumer" for purposes of describing a person utilizing the services of a credit services organization and would prescribe other definitions in this regard. The bill would require a credit services organization to provide a consumer an itemized receipt of each service performed for a consumer, as specified, and would require the organization to perform services agreed upon within 60 days of contracting for those services. The bill would extend prohibitions on counseling a consumer to make untrue statements to other specified parties. Among other things, the bill would prohibit a credit services organization from impersonating a consumer, from failing to identify communications originating from the organization, or from submitting a dispute to a consumer credit reporting agency, creditor, debt collector, or debt buyer after a debt has been removed. This bill contains other related provisions.</p>

<p><u>AB 721</u> <u>Grayson</u> D</p> <p>Job training.</p>	<p>2/19/2019-A. PRINT 2/20/2019-From printer. May be heard in committee March 22.</p>	<p>Existing law requires the Employment Development Department to administer various job training and placement programs and services, as specified. This bill would express the intent of the Legislature to enact legislation to increase apprenticeship, preapprenticeship, and summer employment opportunities for youth in poverty and to create a source of dedicated funding for “earn and learn” activities targeted towards individuals and families with barriers to employment.</p>
<p><u>AB 754</u> <u>Grayson</u> D</p> <p>Department of Technology: GIS data: regional notification centers.</p>	<p>2/28/2019-A. P. & C.P. 2/28/2019-Referred to Com. on P. & C.P.</p>	<p>Existing law establishes the Department of Technology within the Government Operations Agency, which is supervised by the Director of Technology. Existing law authorizes the director and the department to exercise various powers in creating and managing the information technology policy of the state. Existing law includes among the director’s duties the duty to perform enterprise information technology functions and services, including, but not limited to, implementing Geographic Information Systems (GIS), shared services, applications, and program and project management activities in partnership with the owning agency or department. This bill would require the department to provide access to GIS services to a regional notification center for purposes of determining whether the GIS services can improve the regional notification center’s accuracy in performing its functions, and, if so, would authorize a regional notification center to enter into a contract with the department to receive GIS services. The bill would authorize the department to collect payment from a regional notification center for providing GIS services pursuant to those provisions. This bill contains other existing laws.</p>
<p><u>AB 757</u> <u>Grayson</u> D</p> <p>Local public safety dispatchers: training: human trafficking.</p>	<p>2/28/2019-A. PUB. S. 2/28/2019-Referred to Com. on PUB. S.</p>	<p>Existing law requires the Commission on Peace Officer Standards and Training to adopt and amend rules establishing minimum standards relating to the recruitment and training of local public safety dispatchers, who have the primary responsibility for providing dispatching services for local law enforcement agencies. Under existing law, those requirements apply to cities, counties, cities and counties, and districts receiving specified state aid and to consolidated dispatch centers operated by independent joint powers agencies. This bill would require the commission, on or before January 1, 2021, to adopt training requirements for local public safety dispatchers that include 3 hours of training in recognizing the signs of human trafficking. The bill would require a person hired on or after January 1, 2021, to have received the training before beginning duty and would require a person employed as a local public safety dispatcher prior to January 1, 2021, to receive the training no later than January 1, 2022. By requiring local entities to train, or obtain training for, local public safety dispatchers, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.</p>
<p><u>AB 797</u> <u>Grayson</u> D</p> <p>Mandated reporters: financial abuse of elder or dependent adults.</p>	<p>2/28/2019-A. AGING & L. T.C. 2/28/2019-Referred to Coms. on AGING & L. T.C. and JUD.</p>	<p>Existing law, the Elder Abuse and Dependent Adult Civil Protection Act, establishes procedures and requirements for the reporting, investigation, and prosecution of elder and dependent adult abuse. Existing law imposes various reporting requirements on mandated reporters of suspected financial abuse, as defined, of an elder or dependent adult, and imposes a civil penalty for a violation of these provisions. Under existing law, all officers and employees of financial institutions, as defined, are mandated reporters of suspected financial abuse. Existing law, the Money Transmission Act, provides for the licensure and</p>

		regulation of certain persons engaged in the business of money transmission. This bill would expand the category of mandated reporters of suspected financial abuse to include the officers and employees of a business licensed under the Money Transmission Act.
AB 831 Grayson D Department of Housing and Community Development: study: local fees: new developments.	2/20/2019-A. PRINT 2/21/2019-From printer. May be heard in committee March 23.	Existing law requires the Department of Housing and Community Development, by June 30, 2019, to complete a study to evaluate the reasonableness of local fees charged to new developments, as defined, and requires the study to include findings and recommendations regarding potential amendments to the Mitigation Fee Act to substantially reduce fees for residential development. This bill would require the department to post the study on its internet website on or before March 1, 2020.
AB 847 Grayson D Transportation finance: priorities: housing.	2/20/2019-A. PRINT 2/21/2019-From printer. May be heard in committee March 23.	(1)The Planning and Zoning Law requires a city or county to adopt a general plan for land use development within its boundaries that includes, among other things, a housing element. The Planning and Zoning Law requires a planning agency, after a legislative body has adopted all or part of a general plan, to provide an annual report to the legislative body, the Office of Planning and Research, and the Department of Housing and Community Development on the status of the general plan and progress in meeting the community's share of regional housing needs. Existing law requires a planning agency to include in its annual report specified information, known as a production report, regarding units of net new housing, including rental housing and for-sale housing that have been issued a completed entitlement, building permit, or certificate of occupancy. This bill would require the Department of Housing and Community Development, on or before June 30, 2020, and on or before June 30 every year thereafter, to review each production report submitted by a city or county in accordance with the provisions described above to determine if that city or county has met its very low, low-, and moderate-income housing goals, as defined, for that reporting period. The bill would require the department, if it determines that a city or county has met one of those housing goals, to submit a certification of that result to the Controller by no later than June 30 of that year. This bill contains other related provisions and other existing laws.
AB 907 Grayson D Threats: schools and places of worship.	2/20/2019-A. PRINT 2/21/2019-From printer. May be heard in committee March 23.	Existing law makes it a crime to willfully threaten to commit a crime that will result in death or great bodily injury to another person, with the specific intent that the statement is to be taken as a threat and which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for his or her own safety or for his or her immediate family's safety. Under existing law, this crime is punishable by imprisonment in a county jail for no more than one year for a misdemeanor, or by imprisonment in state prison for a felony. This bill would make a person who willfully threatens damage to the property of a school or place of worship, by means that are reasonably likely to result in death or great bodily injury to any person who may be on the grounds of a school or place of worship, with specific intent and under certain circumstances, and that threat creates a disruption at the school or place of worship, guilty of a misdemeanor or felony punishable by imprisonment in a county jail for a specified term. By

		creating a new crime, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.
AB 928 Grayson D Crimes against children: subpoenas.	2/20/2019-A. PRINT 2/21/2019-From printer. May be heard in committee March 23.	Under existing law, a person who possesses, prepares, publishes, produces, develops, duplicates, or prints any data or image with the intent to distribute, exhibit, or exchange the data or image with others for commercial consideration any obscene matter knowing that the matter depicts a minor personally engaging in or personally simulating sexual conduct is punishable as a felony by, among other things, imprisonment in state prison for 2, 3, or 6 years. This bill would state the intent of the Legislature to enact legislation to implement an administrative subpoena process for collecting evidence of internet crimes against children.
AB 957 Grayson D California Housing Finance Agency: reports.	2/21/2019-A. PRINT 2/22/2019-From printer. May be heard in committee March 24.	Existing law establishes the California Housing Finance Agency with a primary purpose of meeting the housing needs of persons and families of low or moderate income and requires the agency to administer various housing finance assistance programs. Existing law, by December 31 of each year, also requires the agency to submit an annual report of its activities for the preceding year to specified state governmental entities. Existing law also requires the agency to, on or before May 1, submit to the Governor and the Legislature, a plan for using its revenue bonding authority for the succeeding fiscal year consistent with meeting the legislative goals and requirements for the agency. This bill would require the agency to post the plan and the report on its internet website.
AB 1006 Grayson D Manufactured or prefabricated housing units: statewide standards.	2/21/2019-A. PRINT 2/22/2019-From printer. May be heard in committee March 24.	Existing law, the Planning and Zoning Law, authorizes a local agency to provide, by ordinance, for the creation of manufactured homes in single-family and multifamily residential zones and sets forth required ordinance standards, including, among others, maximum unit size, parking, and roof overhang standards. This bill would prohibit a local agency from imposing additional building standards for projects that are constructed using prefabricated and manufactured units, beyond those set forth in the California Building Standards Code.
AB 1025 Grayson D Transit and Intercity Rail Capital Program.	2/21/2019-A. PRINT 2/22/2019-From printer. May be heard in committee March 24.	Existing law establishes the Transit and Intercity Rail Capital Program to fund transformative capital improvements that will modernize California's intercity, commuter, and urban rail systems and bus and ferry transit systems to achieve certain policy objectives. Existing law prescribes the eligibility requirements for projects under the program. This bill would make a nonsubstantive change to the provision related to project eligibility.
AB 1049 Grayson D Sales and use taxes: exemption: on-call volunteer fire department: equipment.	2/21/2019-A. PRINT 2/22/2019-From printer. May be heard in committee March 24.	Existing state sales and use tax laws impose a tax on retailers measured by the gross receipts from the sale of tangible personal property sold at retail in this state of, or on the storage, use, or other consumption in this state of, tangible personal property purchased from a retailer for storage, use, or other consumption in this state. The Sales and Use Tax Law provides various exemptions from those taxes. This bill would provide an exemption from those taxes for the sale of, or the storage, use, or consumption of, equipment that is purchased for exclusive use by an on-call volunteer fire department. This bill contains other related provisions and other existing laws.

<p>AB 1116 Grayson D</p> <p>Firefighters: peer support.</p>	<p>2/21/2019-A. PRINT 2/22/2019-From printer. May be heard in committee March 24.</p>	<p>Under existing law, the California Emergency Services Act, the Governor is authorized to proclaim a state of emergency, as defined, under specified circumstances. The California Emergency Services Act also authorizes the governing body of a city, county, city and county, or an official designated by ordinance adopted by that governing body, to proclaim a local emergency, as defined. This bill would make various findings and declarations regarding firefighters, including that California has a responsibility to ensure that its emergency service and public safety agencies are equipped with the tools necessary to assist firefighters to mitigate the occupational stress they experience as a result of performing their job duties and protecting the public. The bill would provide that it is the intent of the Legislature to enact legislation that would establish a Peer Support Program to enable critically needed peer support for California’s firefighters.</p>
<p>AB 1117 Grayson D</p> <p>Building standards: notice requirements.</p>	<p>2/21/2019-A. PRINT 2/22/2019-From printer. May be heard in committee March 24.</p>	<p>Existing law requires the California Building Standards Commission to mail notices of meetings with respect to its proposed action on any building standards to specified parties that have submitted a written request for notice, at least 15 days prior to any meeting, as specified. This bill would additionally require the commission to post those notices on its internet website at least 15 days prior to any meeting, as specified.</p>
<p>AB 1280 Grayson D</p> <p>Peer Support and Crisis Referral Services Pilot Program.</p>	<p>2/21/2019-A. PRINT 2/22/2019-From printer. May be heard in committee March 24.</p>	<p>Under existing law, the California Emergency Services Act, the Governor is authorized to proclaim a state of emergency, as defined, under specified circumstances. The California Emergency Services Act also authorizes the governing body of a city, county, city and county, or an official designated by ordinance adopted by that governing body, to proclaim a local emergency, as defined. Existing law provides that a person has a privilege to refuse to disclose, and prevent another from disclosing, a confidential communication with specified persons, except in specified circumstances. This bill would, until January 1, 2025, create the Firefighter Peer Support and Crisis Referral Services Pilot Program. The bill would, for purposes of the act, define a “peer support team” as a team composed of emergency service personnel, as defined, hospital staff, clergy, and educators who have been appointed to the team by a Peer Support Labor-Management Committee, as defined, and who have completed a peer support training course developed and delivered by the California Firefighter Joint Apprenticeship Committee, as specified. The bill would provide that a communication made by emergency service personnel or a peer support team member while the peer support team member provides peer support services, as defined, is confidential and shall not be disclosed in a civil, administrative, or arbitration proceeding. The bill would authorize the disclosure of that communication under limited circumstances, including, among others, when disclosure is reasonably believed to be necessary to prevent death, substantial bodily harm, or commission of a crime, or when disclosure is reasonably believed to be required pursuant to the peer support policy, as specified. The bill would also provide that, except for an action for medical malpractice, a peer support team member providing peer support services as a member of a peer support team is not liable for damages, as specified, relating to an act, error, or omission in performing peer support services, unless the act, error, or omission constitutes gross negligence or intentional misconduct.</p>

		The bill would further provide that a communication made by emergency service personnel to a crisis hotline or crisis referral service, as defined, is confidential and shall not be disclosed in a civil, administrative, or arbitration proceeding, except as specified.
<p>AB 1372 Grayson D</p> <p>Employers: prohibited disclosure of information: arrest or detention.</p>	<p>2/22/2019-A. PRINT 2/25/2019-Read first time.</p>	<p>Existing law prohibits an employer from asking an applicant to disclose, or from utilizing as a factor in determining any condition of employment, information concerning an arrest or detention that did not result in a conviction, or information concerning a referral or participation in, any pretrial or posttrial diversion program, except as specified. Existing law also prohibits an employer, as specified, from asking an applicant to disclose, or from utilizing as a factor in determining any condition of employment, information concerning a conviction that has been judicially dismissed or ordered sealed, except in specified circumstances. Applicants for employment as peace officers, or with the Department of Justice, or with other criminal justice agencies, or persons already employed as peace officers, are an exception to these prohibitions, so that information about applicants for these positions or employees may be disclosed or sought. Existing law makes it a crime to intentionally violate these provisions. This bill would additionally include persons already employed as nonsworn members of a criminal justice agency as an exception to these prohibitions, so that information about these employees may be disclosed or sought. This bill contains other related provisions and other existing laws.</p>
<p>AB 1483 Grayson D</p> <p>Housing development project applications: reporting.</p>	<p>2/22/2019-A. PRINT 2/25/2019-Read first time.</p>	<p>Existing law, the Permit Streamlining Act, requires each public agency to provide a development project applicant with a list that specifies the information that will be required from any applicant for a development project. Existing law prohibits a local agency from requiring additional information from an applicant that was not specified in that list. This bill would require a city or county to compile a list that provides zoning and planning standards, fees imposed under the Mitigation Fee Act, special taxes, and assessments applicable to housing development projects in the jurisdiction. This bill would require each local agency to post the list on its internet website and provide the list to the Department of Housing and Community Development and any applicable metropolitan planning organization. The bill would require the department to post the information submitted pursuant to these provisions on its internet website by January 1, 2021, and each year thereafter. This bill contains other related provisions and other existing laws.</p>
<p>AB 1484 Grayson D</p> <p>Mitigation Fee Act: housing developments.</p>	<p>2/22/2019-A. PRINT 2/25/2019-Read first time.</p>	<p>(1)The Mitigation Fee Act requires a local agency that establishes, increases, or imposes a fee as a condition of approval of a development project to, among other things, determine a reasonable relationship between the fee's use and the type of development project on which the fee is imposed. This bill would prohibit a local agency from imposing a fee, as defined, on a housing development project, as defined, unless the type and amount of the exaction is specifically identified on the local agency's internet website at the time the application for the development project is submitted to the local agency. This bill contains other related provisions and other existing laws.</p>
<p>AB 1633 Grayson D</p>	<p>2/22/2019-A. PRINT 2/25/2019-Read first time.</p>	<p>Existing law requires designated transportation planning agencies to, among other things, prepare and adopt a regional transportation plan. Existing law requires a regional transportation plan to include a policy element, an action</p>

<p>Regional transportation plans: traffic signal optimization plans.</p>		<p>element, a financial element, and, if the transportation planning agency is also a metropolitan planning organization, a sustainable communities strategy. Existing law requires each transportation planning agency to consider and incorporate into its regional transportation plan the transportation plans of cities, counties, districts, private organizations, and state and federal agencies, as appropriate. This bill would authorize each city located within the jurisdiction of MTC to develop and implement a traffic signal optimization plan intended to reduce greenhouse gases and particulate emissions and to reduce travel times, the number of stops, and fuel use. The bill would also require the Department of Transportation to coordinate with each city that develops a traffic signal optimization plan pursuant to these provisions to ensure that any traffic signals owned or operated by the department are adjusted and maintained in accordance with the plan. This bill contains other existing laws.</p>
<p>AB 1697 Grayson D</p> <p>Housing: Department of Housing and Community Development: data.</p>	<p>2/22/2019-A. PRINT 2/25/2019-Read first time.</p>	<p>Existing law establishes the Department of Housing and Community Development in the Business, Consumer Services, and Housing Agency. The department is administered by the Director of Housing and Community Development and is responsible for administering various housing and home loan programs throughout the state. This bill would state the Legislature's intent to enact legislation that would, among other things, establish an efficient process for the department to identify housing-related goals, identify associated data needs, and provide funding and technical support to help local jurisdictions meet the supply of needed data.</p>

Total Measures: 112