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1,378 new bills, including a new attack on Prop. 8

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California lawmakers, bent on beating the Feb. 21 deadline to introduce new bills for this year’s legislative session, produced an onslaught of proposals last week, submitting a whopping 1,378 bills during the holiday-shortened work week.

The numbers are even more dizzying when you realize that both chambers combined to submit 1,927 bills since Jan. 1, meaning 72 percent of the proposed laws were pushed through in the final four days of the session. What’s more, the bill count doesn't include simple, joint or concurrent resolutions.

It will take a week, at a minimum, to study the language of all of the bills, which tackle topics from crime to dairy, gambling to greenhouse gases and vehicle licensing to public school curricula. In light of the state’s extreme drought, many are focused on water issues. Early on, we have identified at least 50 bills—both good and bad—that merit more scrutiny since legislators are fond of burying the sometimes-questionable implications of their proposals in hopes of increasing the chance of passage. The phrase “the devil is in the details” was never more pertinent than now.

One bill that is not so subtle—and woefully shameful for its blatant disregard for the will of the voters—is Senate Bill (SB) 1306, authored by Mark Leno, D-San Francisco. The bill seeks to override California’s constitutional amendment declaring marriage as between one man and one woman. The state’s voters, more than seven million people, approved the amendment in 2008 through the highly contested, but successful, Proposition 8. The law was later ruled unconstitutional by a federal judge and upheld after the U.S. Supreme Court ruled Protect Marriage—the grassroots coalition behind the measure, which included California Family Council and its 501(c)4 arm, California Family Alliance—lacked legal standing to appeal the case. Protect Marriage was forced to file the appeal after Gov. Jerry Brown and state Attorney General Kamala Harris shirked their constitutional duty to represent the voters in challenging the ruling, in essence vetoing the will of the people by fiat.

By seeking to reverse the results of the 2008 election through SB 1306, Sen. Leno is hoping to validate same-sex marriages that were conducted outside of California. Because the judicial ruling overturning Proposition 8 was limited, same-sex couples married out of state are only recognized in California if they were conducted prior to the Nov. 5, 2008 passage of the traditional marriage amendment.

In addition, Leno’s bill would strip all references to “husband” and “wife” in the state’s Family Code, replacing them with the word “spouse.” It is apparent that politicians like Senator Leno are no longer content to merely redefine marriage. Now, they seek to eliminate all references to gender characteristics that are distinctly unique to males and females. In doing so, these cultural activists are attacking the basic roles that have provided a sound foundation for cultures around the globe for thousands of years.

Several other bills which do not go as far as Leno’s but also promote other LGBT issues are on our radar this session. We will share more in the coming weeks. Others promote gambling, subject children to invasive behavioral surveys and expand cradle-to-grave education.

While many of these bills are devastating to the state’s children and the millions of families who support the healthy benefits of traditional families, there are other bills that show promising benefits in improving education, aiding foster children and protecting victims from human trafficking.
In the coming weeks we will depend on your partnership to help lobby lawmakers against the most egregious and support legislators who are working hard to protect our three major pillars—life, family and religious freedom.

Get ready.

**Actions, week of Feb. 17**

**AB 375 (Buchanan, D-San Ramon) School employees: Dismissal or suspension.**
Passed Assembly, 64-11
Passed Senate, 25-13
Passed Assembly 52-22, concurrence
Governor vetoed
Assembly floor, veto reconsideration, no action

**AB 714 (Wieckowski, D-Fremont) Roman Reed Spinal Cord Injury Research Fund.**
Passed Assembly, 68-3
Passed Senate, 39-0
Governor vetoed
Assembly floor, veto reconsideration, no action

**On the floor: week of Feb. 24**

**In Assembly Governor’s Vetoes**
*(requires two-thirds vote in each chamber to override veto)*

**AB 714 (Wieckowski, D-Fremont) Roman Reed Spinal Cord Injury Research Fund.**
Originally introduced as a $1 assessment for all moving violations to fund spinal cord research that includes the use of embryonic stem cells, author Bob Wieckowski has amended the bill to drop the traffic citation funding scheme, replacing it instead with a $1 million allocation directly out of the state’s general fund.

The amendment appears to deal with concerns raised last year by Gov. Jerry Brown, who vetoed a similar proposal, saying traffic fines were an inappropriate funding mechanism for research.

Passed Assembly, 68-3
Passed Senate, 39-0
Governor vetoed
Assembly floor, veto reconsideration, no action
Assembly floor, veto reconsideration, Feb. 18

**Talking points:**

- *Sacrificing the life of embryos is going too far in the development of cures for disabilities or diseases. Human life should not be reduced to a commodity.*

- *Much greater promise has been shown in developing cures from adult stem cells, which do not require the destruction of life.*

- *California taxpayers have already spent more than $6 billion on stem-cell research—most of it wasted on unsuccessful embryonic stem cell research—thanks to voter-approved Proposition 71.*

**AB 375 (Buchanan, D-San Ramon) School employees: Dismissal or suspension.**
Existing law prohibits a permanent employee from being dismissed except for one or more of specified causes, including, among other causes, immoral or unprofessional conduct. Existing law requires the governing board of a school district to give notice to a permanent employee of its intention to dismiss or suspend the employee, together with a written statement of charges, for unprofessional conduct or unsatisfactory performance, at the expiration of 30 days from the date of service of the notice, unless the employee demands a hearing.
This bill would have required that a notice of the governing board of the school district to an employee of its intention to dismiss or suspend the employee, together with written charges filed or formulated pursuant to those procedures, be sufficient to initiate a hearing, as prescribed, and would prohibit the governing board of the school district from being required to file or serve a separate accusation. The bill proposed to revise various procedures for providing notice of dismissal or suspension and would have authorized a notice of dismissal or suspension to be given at any time of year, except a notice for a proceeding involving only charges of unsatisfactory performance, which would only be given during the instructional year of the school site where the employee is physically employed.

Existing law requires in a dismissal or suspension proceeding against a permanent employee for unprofessional conduct or unsatisfactory performance, if a hearing is requested by the employee, that the hearing be commenced within 60 days from the date of the employee's demand for a hearing.

This bill would have required that the hearing be commenced within 6 months from the date of the employee's demand for a hearing, and be completed by a closing of the record within 7 months from the date of the employee's demand for a hearing. The bill would have required that, if the record could not be closed within that timeframe, the charges be dismissed without prejudice to the governing board of the school district to re-file, as specified.

Passed Assembly, 64-11
Passed Senate, 25-13
Passed Assembly 52-22, concurrence
Assembly floor, veto reconsideration, no action
Assembly floor, veto reconsideration, Feb. 18

**Talking points:**

- The bill puts children before teachers by protecting them from teacher misconduct.
- The bill restores control to locally elected school board members by removing a teacher's ability to appeal discipline matters to the court system.
- The bill avoids long delays in personnel matters, and saves funds from extensive appeals processes.
- Puts teachers on notice that immoral and unprofessional conduct will be swiftly considered and managed.
- Closes a ludicrous window of protection—from May 15 to September 15—for such teacher conduct. The summer freeze would still apply in instances pertaining to job performance.

**Assembly Inactive File**
*(Ready for floor vote, requires one-day notice to call for vote)*

**SB 473 (Block, D-San Diego) Human trafficking.**

Existing law, as amended by Proposition 21, as approved by the voters at the March 7, 2000, statewide primary election, provides that any person who actively participates in any criminal street gang with knowledge that its members engage in or have engaged in a pattern of criminal gang activity, and who willfully promotes, furthers, or assists in any felonious criminal conduct by members of that gang, shall be punished, as specified. Existing law defines "a pattern of criminal gang activity" as the commission of, attempted commission of, conspiracy to commit, or solicitation of, sustained juvenile petition for, or conviction of, 2 or more listed offenses.

This bill would add human trafficking as offenses that may be used to establish a pattern of criminal gang activity. Because this bill would amend Proposition 21, the bill requires a 2/3 vote.

Because this bill would change the definition of a crime and require a higher level of service from local prosecutors in pleading and proving the enhancement, it would impose a state-mandated local program.

Passed Senate Public Safety Committee, 7-0
Passed Senate Appropriations Committee, as amended, 7-0
Passed Senate, 39-0
Passed Assembly Public Safety, 7, as amended-0
Talking points:

- *Widens the definition of a “a pattern of criminal gang activity” to include human trafficking.*
- *Provides law enforcement with another tool to get human traffickers off of the streets.*
- *Further limits access to areas where minors gather for those who have been convicted of sex trafficking offenses.*

**SB 323** (Lara, D-Long Beach) **Taxes: exemptions: Prohibited discrimination.**

The Sales and Use Tax Law exempts from the taxes imposed by that law the sales of food products, nonalcoholic beverages, and other tangible personal property made or produced by an organization, as defined, but only if sold on an irregular or intermittent basis and the organization’s profits from the sales are used exclusively in furtherance of the purposes of the organization. The Corporation Tax Law, in modified conformity with federal income tax laws, exempts the income of various types of organizations from taxes imposed by that law.

This bill would revise the Sales and Use Tax Law exemption for those organizations, as provided. This bill would also provide, for taxable years beginning on or after January 1, 2014, that an organization that is a public charity youth organization that discriminates on the basis of gender identity, race, sexual orientation, nationality, religion, or religious affiliation is not exempt from the taxes imposed by that law.

This bill would include a change in state statute that would result in a taxpayer paying a higher tax within the meaning of Section 3 of Article XIII A of the California Constitution, and thus would require for passage the approval of 2/3 of the membership of each house of the Legislature.

Passed Senate, 39-0
Passed Assembly Public Safety, as amended, 7-0
Passed Assembly Appropriations, as amended, 17-0
Passed Assembly Judiciary, 6-3
Passed Assembly Appropriations, 12-5

**Talking points:**

- *Punishes nonprofit youth organizations and schools for their moral and religious beliefs.*
- *Elevates the cultural “rights” of homosexuals above religious liberties as guaranteed in the U.S. Constitution and, by doing so inflicts its own type of discrimination.*
- *Sets the state up as the purveyor of what type of thought is acceptable.*
- *The U.S. Supreme Court, in Boy Scouts of America v. Dale, has affirmed the right of nonprofit organizations to exclude from membership anyone who impacts the group’s private viewpoints.*
- *The bill is the first-step toward stripping such groups of property tax exemptions and status as a charitable organization.*

**Senate Inactive File**
(Ready for floor vote, requires one-day notice to call for vote)

**AB 496** (Gordon, D-Los Altos) **Medicine: Sexual orientation, Gender identity, and gender expression.**

This bill would require the licensed Task Force on Culturally and Linguistically Competent Physicians and Dentists members and advocate task force members to provide health services to, or advocate on behalf of, members of language and ethnic minority groups and lesbian, gay, bisexual, and transgender groups. The bill would require the task force to report its findings to the Legislature and appropriate licensing boards by January 1, 2016.
Existing law, the Cultural and Linguistic Competency of Physicians Act of 2003, establishes the cultural and linguistic physician competency program which is operated by local medical societies of the California Medical Association and is monitored by the Medical Board of California. That voluntary program consists of educational classes for all interested physicians and is designed to teach foreign language and cultural beliefs and practices that may impact patient health care practices and allow physicians to incorporate this knowledge in the diagnosis and treatment of patients who are not from the predominately culture in California. Existing law also defines “cultural and linguistic competency” for the purposes of those provisions as understanding and applying the roles that culture, ethnicity, and race play in diagnosis, treatment, and clinical care.

This bill would additionally require the program to address lesbian, gay, bisexual, and transgender groups of interest to local medical societies. The bill would require the training programs to be formulated in collaboration with California-based lesbian, gay, bisexual, and transgender medical societies. The bill would also redefine the term “cultural and linguistic competency” and understanding and applying the roles that culture, ethnicity, race, sexual orientation, gender identity, and gender expression play in diagnosis, treatment, and clinical care.

Passed Assembly Business, Professions and Consumer Protection Committee, as amended, 10-1
Passed Assembly Appropriations Committee, 12-5
Passed Assembly, 54-20
Passed Senate Business, Professions & Economic Development Committee, 8-2

Talking points:

- **Uses taxpayer funds to force “Cultural and Linguistic Competency” over LGBT issues on physicians and dentists.**
- **Contains no opt-out clause for those who oppose the homosexual lifestyle on moral or religious grounds.**
- **Adds state-mandated indoctrination upon medical entities, when the industry should be able to determine what type of cultural instruction is best suited for their own business.**
- **Establishes and promotes another protected class for homosexuals.**

No scheduled hearings week of March 3