

ASSEMBLY BILL

No. 14

Introduced by Assembly Member Laird
(Coauthors: Assembly Members Hancock, Leno, Lieber, and
Saldana)
(Coauthors: Senators Kehoe and Kuehl)

December 4, 2006

An act to amend Sections 125.6, 16721, 16721.5, 19572, 23426.5, 23428.19, 23428.28, and 23438 of the Business and Professions Code, to amend Sections 82, 83, 84, 85, and 1747.80 of the Civil Code, to amend Sections 204 and 425.15 of the Code of Civil Procedure, to amend Sections 5047.5 and 24001.5 of the Corporations Code, to amend Sections 66030, 66251, 66270, 66292, 66292.1, 66292.2, 69535, 72011, 72014, 89757, and 92150 of the Education Code, to amend Section 2110 of the Elections Code, to amend Sections 11015, 11131, 54091, 54092, 54961, and 68088 of the Government Code, to amend Sections 1317, 1317.3, and 11801 of the Health and Safety Code, to amend Section 10115.7 of the Public Contract Code, to amend Sections 5080.18 and 5080.34 of the Public Resources Code, to amend Sections 453 and 12751.3 of the Public Utilities Code, to amend Section 24343.2 of, and to repeal and amend Section 17269 of, the Revenue and Taxation Code, and to amend Sections 4666, 5348, 5806, 10000, 16522.1, and 18907 of the Welfare and Institutions Code, relating to discrimination.

LEGISLATIVE COUNSEL'S DIGEST

AB 14, as introduced, Laird. Discrimination: Civil Rights Act of 2007.

(1) The Unruh Civil Rights Act entitles all persons within the jurisdiction of this state to the full and equal accommodations,

advantages, facilities, privileges, or services in all business establishments, regardless of sex, race, color, religion, ancestry, national origin, disability, medical condition, marital status, or sexual orientation.

Under existing law, persons holding licenses under the provisions of the Business and Professions Code are subject to disciplinary action for refusing, or aiding or inciting another licensee to refuse, to perform the licensed services because of the prospective recipient's race, color, sex, religion, ancestry, disability, marital status, or national origin. Existing law also creates an exception to that prohibition for healing arts practitioners if the licensed activity sought would pose a direct threat to the health or safety of others.

This bill would enact the Civil Rights Act of 2007, and would instead subject those licensees to disciplinary action if the above-described discrimination is based upon the prospective recipient's sex, race, color, religion, ancestry, national origin, disability, medical condition, marital status, or sexual orientation. This bill would also provide, however, that nothing in these provisions would require any healing arts practitioner to perform a licensed activity for which he or she is not qualified.

(2) Existing law provides that no person within the jurisdiction of this state shall be excluded or required to be excluded from a business transaction on the basis of a policy expressed in any document or writing and imposed by a 3rd party if that policy requires discrimination against that person on the basis of the person's sex, race, color, religion, ancestry, or national origin, or on the basis that the person conducts or has conducted business in a particular location.

This bill would instead prohibit that discrimination if based upon sex, race, color, religion, ancestry, national origin, disability, medical condition, marital status, or sexual orientation, or on the basis that the person conducts or has conducted business in a particular location.

(3) Existing law provides that it is an unlawful trust and an unlawful restraint of trade for any person to grant or accept any letter of credit, or other document that evidences the transfer of funds or credit, or enter into any contract for the exchange of goods or services, if the letter of credit, contract, or other document contains any provision that requires any person to discriminate against, or to certify that he, she, or it has not dealt with, any other person on the basis of sex, race, color, religion, ancestry, or national origin, or on the basis of a person's lawful business association.

This bill would instead prohibit that discrimination if based upon sex, race, color, religion, ancestry, national origin, disability, medical

condition, marital status, or sexual orientation, or on the basis of a person's lawful business association.

(4) The Horse Racing Law authorizes the California Horse Racing Board to provide by rule for the exclusion or ejection of specified persons from any horse racing inclosure. Notwithstanding that authorization, the law prohibits the board from providing by rule for the exclusion or ejection of a person on the ground of race, color, creed, national origin or ancestry, or sex.

This bill would instead prohibit the board from excluding or ejecting a person on the ground of sex, race, color, religion, ancestry, national origin, disability, medical condition, marital status, or sexual orientation.

(5) Existing law prohibits tennis, handball, racquetball, and beach and athletic clubs from discriminating against any person on account of specified characteristics.

This bill would conform those provisions to the Unruh Civil Rights Act, and instead prohibit those clubs from discriminating on account of sex, race, color, religion, ancestry, national origin, disability, medical condition, marital status, or sexual orientation.

(6) Existing law requires every alcoholic beverage club licensee that restricts membership or the use of its services or facilities on the basis of age, sex, race, religion, color, ancestry, or national origin to incorporate a printed statement on its receipts that the expenditures covered by those receipts are nondeductible for tax purposes.

This bill would instead impose that requirement upon every alcoholic beverage club licensee that restricts membership or the use of its services or facilities on the basis of ancestry, race, national origin, ethnic group identification, religion, age, sex, sexual orientation, color, or disability.

(7) The California Fair Dealership Law prohibits various acts of discrimination based on race, color, religion, national ancestry, or sex, with regard to the granting of dealerships, as defined.

This bill would conform those provisions to the Unruh Civil Rights Act, and instead prohibit that discrimination based upon sex, race, color, religion, ancestry, national origin, disability, medical condition, marital status, or sexual orientation.

(8) A provision of the Song-Beverly Credit Card Act of 1971 prohibits a card issuer, as defined, from refusing to issue a credit card to a person solely because of that person's race, religious creed, color, national origin, ancestry, or sex.

This bill would conform that provision to the Unruh Civil Rights Act, and instead prohibit that discrimination if based upon sex, race, color,

religion, ancestry, national origin, disability, medical condition, marital status, or sexual orientation.

(9) Existing law specifies that no eligible person shall be exempt from service as a trial juror by reason of occupation, race, color, religion, sex, national origin, economic status, or sexual orientation, or for any other reason.

This bill would instead specify that no eligible person shall be exempt from service as a trial juror by reason of occupation, economic status, race, national origin, ethnic group identification, religion, age, sex, sexual orientation, color, or disability, or for any other reason.

(10) Existing law provides that no cause of action may be maintained against a person serving without compensation as a director or officer of a nonprofit corporation incorporated pursuant to specified provisions of the nonprofit corporation law on account of any negligent act or omission by that person within the scope of that person's duties, except by court order or if the corporation unlawfully restricts membership, services, or benefits conferred on the basis of race, religious creed, color, national origin, ancestry, sex, marital status, disability, political affiliation, or age.

This bill would instead except from that immunity a director or officer of a nonprofit corporation that unlawfully restricts membership, services, or benefits on the basis of ancestry, marital status, political affiliation, race, national origin, ethnic group identification, religion, age, sex, sexual orientation, color, or disability.

(11) Existing law provides that it is the policy of the state to afford all persons equal rights and opportunities in the postsecondary institutions of the state, regardless of specified factors. Existing law prohibits those institutions from discriminating on the basis of those factors, and requires the governing board of each community college district, the Chancellor of the California State University, the president of each California State University campus, the President of the University of California, and the chancellor of each University of California campus to ensure that campus programs and activities are free from discrimination based upon those factors.

This bill would recast those factors in terms of, among others, sex, race, color, religion, ancestry, national origin, disability, medical condition, marital status, or sexual orientation.

(12) Existing law requires Cal Grant Program awards to be awarded without regard to race, religion, creed, sex, or age.

This bill would instead require Cal Grant Program awards to be awarded without regard to age, sex, race, color, religion, ancestry, national origin, disability, medical condition, marital status, or sexual orientation.

(13) Existing law prohibits the funds of a community college district, California State University, or University of California to be used for membership with, or for any participation involving a financial payment or contribution to, any private organization which membership practices are discriminatory on the basis of race, creed, color, sex, religion, or national origin.

This bill would instead prohibit those funds from being used for membership or participation with any private organization that discriminates on the basis of sex, race, color, religion, ancestry, national origin, disability, medical condition, marital status, or sexual orientation.

(14) Existing law prohibits a county elections official from refusing to deputize a person to register voters because of race, creed, color, national origin, ancestry, sex, marital status, disability, religious or political affiliation, or age.

This bill would instead prohibit that refusal to deputize if based upon a person's ancestry, marital status, political affiliation, race, national origin, ethnic group identification, religion, age, sex, sexual orientation, color, or disability.

(15) Existing law prohibits the state from using state funds for membership or any participation involving any private organization or the use of a facility which membership practices discriminate on the basis of, among others, race, creed, color, sex, religion, or national origin. Existing law also prohibits the legislative body of a local agency from using a facility which practices discriminate on the basis of those factors.

This bill would instead prohibit that state or local involvement and use of private facilities if the organization or facility discriminates on the basis of, among others, ancestry, race, national origin, ethnic group identification, religion, age, sex, sexual orientation, color, or disability.

(16) Existing law requires a city, county, or other local agency that owns, operates, or controls a public beach, or access to that beach, to allow for its use by any person regardless of color, race, religion, ancestry, sex, national origin, or residence.

This bill would conform that provision to the Unruh Civil Rights Act, and allow for that access regardless of sex, race, color, religion, ancestry,

national origin, disability, medical condition, marital status, sexual orientation, or residence.

(17) Existing law authorizes the Judicial Council to provide by rule of court for racial, ethnic, gender bias, and sexual harassment training for judges, commissioners, and referees.

This bill would further authorize the Judicial Council to provide by rule of court for training for judges, commissioners, and referees on any other bias based on race, national origin, ethnic group identification, religion, age, sex, sexual orientation, color, or disability.

(18) Existing law prohibits the provision of emergency services and care to be based upon, or affected by, a person's race, ethnicity, religion, national origin, citizenship, age, sex, preexisting medical condition, physical or mental handicap, insurance status, economic status, or ability to pay for medical services, except as specified, and requires every hospital to adopt that policy.

This bill would instead prohibit that discrimination if based upon ethnicity, citizenship, age, preexisting medical condition, insurance status, economic status, ability to pay for medical services, sex, race, color, religion, ancestry, national origin, disability, medical condition, marital status, or sexual orientation, except as specified, and would require every hospital to adopt that policy.

(19) Existing law authorizes each county to apply to the State Department of Health Services for funds for the purposes of alleviating problems in its county related to alcohol and drug abuse. Existing law authorizes each county to administer and coordinate all county alcohol and other drug programs funded by the state. Existing law requires every county alcohol and drug program administrator to assure compliance with applicable laws relating to discrimination against any person because of race, creed, age, religion, sex, sexual preference, or disabling conditions.

This bill would instead require every county alcohol and drug program administrator to assure compliance with applicable laws relating to discrimination against any person because of race, national origin, ethnic group identification, religion, age, sex, sexual orientation, color, or disability.

(20) Existing law prohibits state governmental entities and contractors from discriminating in the awarding of any contract or subcontract on the basis of race, color, sex, ethnic origin, or ancestry.

This bill would instead prohibit that discrimination on the basis of ancestry, race, national origin, ethnic group identification, religion, age, sex, sexual orientation, color, or disability.

(21) Existing law governs contracts for state park system concessions, and prohibits discrimination by a concessionaire or his or her agents or employees against any person because of the race, color, religion, sex, marital status, national origin, or ancestry of that person.

This bill would conform those provisions to the Unruh Civil Rights Act, and would instead prohibit that discrimination if based upon sex, race, color, religion, ancestry, national origin, disability, medical condition, marital status, or sexual orientation.

(22) Existing law prohibits a public utility from charging a person different rates or deposit amounts because of that person's race, religious creed, color, national origin, ancestry, physical handicap, medical condition, occupation, sex, marital status, or change in marital status.

This bill would instead prohibit that discrimination if based upon occupation, sex, race, color, religion, ancestry, national origin, disability, medical condition, marital status, or sexual orientation.

(23) The Municipal Utility District Act prohibits a municipal utility district from discriminating in the awarding and performance of district contracts on the basis of race, color, sex, national origin, marital status, sexual preference, creed, ancestry, medical condition, or retaliation.

This bill would instead prohibit that discrimination if based upon marital status, ancestry, medical condition, race, national origin, ethnic group identification, religion, age, sex, sexual orientation, color, disability, or retaliation.

(24) The Personal Income Tax Law and the Bank and Corporation Tax Law prohibit tax deductions based upon payments or expenditures made at a club that restricts membership or the use of its services or facilities on the basis of age, sex, race, religion, color, ancestry, or national origin.

This bill would instead prohibit those deductions if made at a club that discriminates on the basis of ancestry, race, national origin, ethnic group identification, religion, age, sex, sexual orientation, color, or disability. The bill would also delete an identical and duplicate provision as that described above.

(25) Existing law requires the state to contract with appropriate agencies to provide regional centers in the community for persons with developmental disabilities. Existing law prohibits those regional centers from conducting any meeting, conference, or other function in any

facility that discriminates on the basis of race, religious creed, color, national origin, ancestry, sex, or disability.

This bill would further prohibit those centers from conducting any meeting, conference, or other function in any facility that discriminates on the basis of ancestry, race, national origin, ethnic group identification, religion, age, sex, sexual orientation, color, or disability.

(26) Existing law requires any county that chooses to provide assisted outpatient treatment services to consider the cultural, linguistic, gender, age, and special needs of minorities in the target populations.

This bill would instead require those counties to consider the cultural, linguistic, and special needs based upon race, national origin, ethnic group identification, religion, age, sex, sexual orientation, color, or disability in the target populations.

(27) Existing law requires the State Department of Mental Health to establish service standards that ensure that members of the target population are identified and that services are provided to assist those members. Existing law requires those individual personal service plans to ensure that members of the target population involved in the system of care receive age, gender, and culturally appropriate services, to the extent feasible.

This bill would instead require those service plans to ensure that members of the target population receive culturally appropriate services or appropriate services based upon race, national origin, ethnic group identification, religion, age, sex, sexual orientation, color, or disability, to the extent feasible.

(28) Existing law specifies that for the purposes of the Welfare and Institutions Code that aid shall be administered and services provided promptly and humanely, with due regard for the preservation of family life, and without discrimination on account of race, national origin or ancestry, religion, sex, marital status, or political affiliation.

This bill would instead specify that those services be provided without discrimination on account of ancestry, marital status, political affiliation, race, national origin, ethnic group identification, religion, age, sex, sexual orientation, color, or disability.

(29) Existing law requires the State Department of Social Services to adopt regulations to govern county transitional housing placement programs that provide supervised housing services to youth meeting specified criteria. Existing law requires the department to review the admission criteria to ensure that the criteria are sufficient to protect

participants and that they do not discriminate on the basis of race, gender, sexual orientation, or disability.

This bill would instead require that the admission criteria do not discriminate on the basis of race, national origin, ethnic group identification, religion, age, sex, sexual orientation, color, or disability.

(30) Existing law establishes a statewide program to enable specified recipients of aid and other low-income households to receive food stamps under the federal Food Stamp Program. Existing law provides that in the determination of eligibility for food stamps, there shall be no discrimination against any household by reason of race, color, religious creed, national origin, sex, marital status, or political belief, to the extent not in conflict with federal law.

This bill would instead prohibit that discrimination if based upon marital status, political belief, race, national origin, ethnic group identification, religion, age, sex, sexual orientation, color, or disability, to the extent not in conflict with federal law.

(31) This bill would further provide that the changes made by specified provisions of the act are to be construed as illustrative, rather than restrictive.

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

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

1 SECTION 1. This act shall be known and may be cited as “The
2 Civil Rights Act of 2007.”
3 SEC. 2. Section 125.6 of the Business and Professions Code
4 is amended to read:
5 125.6. ~~Every~~ *(a) With regard to an applicant, every* person
6 who holds a license under the provisions of this code is subject to
7 disciplinary action under the disciplinary provisions of this code
8 applicable to ~~such~~ *that* person if, because of ~~the applicant's race,~~
9 ~~color, sex, religion, ancestry, disability, marital status, or national~~
10 ~~origin~~ *any characteristic listed or defined in subdivision (b) or (e)*
11 *of Section 51 of the Civil Code*, he or she refuses to perform the
12 licensed activity or aids or incites the refusal to perform ~~such~~ *that*
13 licensed activity by another licensee, or if, because of ~~the~~
14 ~~applicant's race, color, sex, religion, ancestry, disability, marital~~
15 ~~status, or national origin~~ *any characteristic listed or defined in*
16 *subdivision (b) or (e) of Section 51 of the Civil Code*, he or she

1 makes any discrimination, or restriction in the performance of the
 2 licensed activity. Nothing in this section shall be interpreted to
 3 apply to discrimination by employers with regard to employees or
 4 prospective employees, nor shall this section authorize action
 5 against any club license issued pursuant to Article 4 (commencing
 6 with Section 23425) of Chapter 3 of Division 9 because of
 7 discriminatory membership policy. The presence of architectural
 8 barriers to an individual with physical disabilities ~~which that~~
 9 conform to applicable state or local building codes and regulations
 10 shall not constitute discrimination under this section.

11 ~~Nothing~~

12 *(b) (1) Nothing* in this section requires a person licensed
 13 pursuant to Division 2 (commencing with Section 500) to permit
 14 an individual to participate in, or benefit from, the licensed activity
 15 of the licensee where that individual poses a direct threat to the
 16 health or safety of others. For this purpose, the term “direct threat”
 17 means a significant risk to the health or safety of others that cannot
 18 be eliminated by a modification of policies, practices, or procedures
 19 or by the provision of auxiliary aids and services.

20 ~~“License,” as used in this section, includes “certificate,”~~
 21 ~~“permit,” “authority,” and “registration” or any other indicia giving~~
 22 ~~authorization to engage in a business or profession regulated by~~
 23 ~~this code.~~

24 *(2) Nothing in this section requires a person licensed pursuant*
 25 *to Division 2 (commencing with Section 500) to perform a licensed*
 26 *activity for which he or she is not qualified to perform.*

27 ~~“Applicant,”~~

28 *(c) (1) “Applicant,”* as used in this section, means a person
 29 applying for licensed services provided by a person licensed under
 30 this code.

31 ~~“Disability” means any of the following with respect to an~~
 32 ~~individual:~~

33 ~~(a) A physical or mental impairment that substantially limits~~
 34 ~~one or more of the major life activities of the individual.~~

35 ~~(b) A record of such an impairment.~~

36 ~~(c) Being regarded as having such an impairment.~~

37 *(2) “License,” as used in this section, includes “certificate,”*
 38 *“permit,” “authority,” and “registration” or any other indicia*
 39 *giving authorization to engage in a business or profession*
 40 *regulated by this code.*

1 SEC. 3. Section 16721 of the Business and Professions Code
2 is amended to read:

3 16721. Recognizing that the California Constitution prohibits
4 a person from being disqualified from entering or pursuing a
5 business, profession, vocation, or employment because of sex,
6 race, creed, color, or national or ethnic origin, and guarantees the
7 free exercise and enjoyment of religion without discrimination or
8 preference; and recognizing that these and other basic, fundamental
9 constitutional principles are directly affected and denigrated by
10 certain on-going practices in the business and commercial world,
11 it is necessary that provisions protecting and enhancing a person's
12 right to enter or pursue business and to freely exercise and enjoy
13 religion, consistent with law, be established.

14 (a) No person within the jurisdiction of this state shall be
15 excluded from a business transaction on the basis of a policy
16 expressed in any document or writing and imposed by a third party
17 where ~~such~~ *that* policy requires discrimination against that person
18 on the basis of ~~the person's sex, race, color, religion, ancestry or~~
19 ~~national origin~~ *any characteristic listed or defined in subdivision*
20 *(b) or (e) of Section 51 of the Civil Code* or on the basis that the
21 person conducts or has conducted business in a particular location.

22 (b) No person within the jurisdiction of this state shall require
23 another person to be excluded, or be required to exclude another
24 person, from a business transaction on the basis of a policy
25 expressed in any document or writing ~~which~~ *that* requires
26 discrimination against ~~such~~ *that* other person on the basis of ~~that~~
27 ~~person's sex, race, color, religion, ancestry or national origin~~ *any*
28 *characteristic listed or defined in subdivision (b) or (e) of Section*
29 *51 of the Civil Code* or on the basis that the person conducts or
30 has conducted business in a particular location.

31 (c) Any violation of any provision of this section is a conspiracy
32 against trade.

33 (d) Nothing in this section shall be construed to prohibit any
34 person, on this basis of his or her individual ideology or
35 preferences, from doing business or refusing to do business with
36 any other person consistent with law.

37 SEC. 4. Section 16721.5 of the Business and Professions Code
38 is amended to read:

39 16721.5. (a) It is an unlawful trust and an unlawful restraint
40 of trade for any person to do the following:

1 ~~(a)~~
 2 (1) Grant or accept any letter of credit, or other document ~~which~~
 3 that evidences the transfer of funds or credit, or enter into any
 4 contract for the exchange of goods or services, where the letter of
 5 credit, contract, or other document contains any provision ~~which~~
 6 that requires any person to discriminate against or to certify that
 7 he, she, or it has not dealt with any other person on the basis of
 8 sex, race, color, religion, ancestry, or national origin any
 9 characteristic listed or defined in subdivision (b) or (e) of Section
 10 51 of the Civil Code, or on the basis of a person’s lawful business
 11 associations.

12 ~~(b)~~
 13 (2) To refuse to grant or accept any letter of credit, or other
 14 document ~~which~~ that evidences the transfer of funds or credit, or
 15 to refuse to enter into any contract for the exchange of goods or
 16 services, on the ground that it does not contain ~~such~~ a
 17 discriminatory provision or certification.

18 ~~The~~
 19 (b) The provisions of this section shall not apply to any letter
 20 of credit, contract, or other document ~~which~~ that contains any
 21 provision pertaining to a labor dispute or an unfair labor practice
 22 if the other provisions of ~~such~~ that letter of credit, contract, or
 23 other document do not otherwise violate the provisions of this
 24 section.

25 ~~For the~~
 26 (c) For purposes of this section, the prohibition against
 27 discrimination on the basis of a person’s business associations
 28 shall be deemed not to include the requiring of association with
 29 particular employment or a particular group as a prerequisite to
 30 obtaining group rates or discounts on insurance, recreational
 31 activities, or other similar benefits.

32 ~~For~~
 33 (d) For purposes of this section, “person” shall include, but not
 34 be limited to, individuals, firms partnerships, associations,
 35 corporations, and governmental agencies.

36 SEC. 5. Section 19572 of the Business and Professions Code
 37 is amended to read:

38 19572. The board may, by rule, provide for the exclusion or
 39 ejection from any inclosure where horse races are authorized, or
 40 from specified portions of ~~such~~ that inclosure, of any known

1 bookmaker, known tout, person who has been convicted of a
2 violation of any provision of this chapter or of any law prohibiting
3 bookmaking or any other illegal form of wagering on horse races,
4 or any other person whose presence in the inclosure would, in the
5 opinion of the board, be inimical to the interests of the state or of
6 legitimate horse racing, or both. No ~~such~~ rule shall provide for the
7 exclusion or ejection of any person on the ground of ~~race, color,~~
8 ~~creed, national origin or ancestry, or sex~~ *any characteristic listed*
9 *or defined in subdivision (b) or (e) of Section 51 of the Civil Code.*

10 SEC. 6. Section 23426.5 of the Business and Professions Code
11 is amended to read:

12 23426.5. (a) For purposes of this article, “club” also means
13 any tennis club that maintains not less than four regulation tennis
14 courts, together with the necessary facilities and clubhouse, has
15 members paying regular monthly dues, has been in existence for
16 not less than 45 years, and is not associated with a common interest
17 development as defined in Section 1351 of the Civil Code, a
18 community apartment project as defined in Section 11004 of this
19 code, a project consisting of condominiums as defined in Section
20 783 of the Civil Code, or a mobilehome park as defined in Section
21 18214 of the Health and Safety Code.

22 (b) It shall be unlawful for any club licensed pursuant to this
23 section to make any discrimination, distinction, or restriction
24 against any person on account of ~~the person’s color, race, religion,~~
25 ~~ancestry, national origin, sex, or age~~ *or any characteristic listed*
26 *or defined in subdivision (b) or (e) of Section 51 of the Civil Code.*

27 SEC. 7. Section 23428.19 of the Business and Professions
28 Code is amended to read:

29 23428.19. For purposes of this article, “club” also means any
30 private club organized to play handball or racquetball, which owns,
31 maintains, or operates a building containing not less than four
32 regulation-size handball or racquetball courts, which has members,
33 and the members of which each pay regular monthly dues. As used
34 in this section, a “regulation-size handball or racquetball court” is
35 a court meeting the standards for ~~such~~ regulation courts *as are*
36 *promulgated by the United States Handball Association or an*
37 *equivalent organization.*

38 It shall be unlawful for any club licensed pursuant to this section
39 to make any discrimination, distinction, or restriction against any
40 person on account of ~~such person’s color, race, religion, ancestry,~~

1 ~~or national origin~~ any characteristic listed or defined in subdivision
2 (b) or (e) of Section 51 of the Civil Code.

3 SEC. 8. Section 23428.28 of the Business and Professions
4 Code is amended to read:

5 23428.28. For the purposes of this article, “club” also means
6 any beach and athletic club that owns, maintains, or operates a
7 standard Amateur Athletic Union (AAU) swimming pool together
8 with the necessary facilities and clubhouse, has a minimum of 500
9 members paying regular monthly dues, and has continuously
10 operated for not less than one year.

11 No license shall be issued to any beach and athletic club
12 qualifying as a club pursuant to this section if the beach and athletic
13 club in any manner restricts membership or the use of its facilities
14 on the basis of ~~race, religion, national origin, sex, or age~~ or any
15 characteristic listed or defined in subdivision (b) or (e) of Section
16 51 of the Civil Code.

17 SEC. 9. Section 23438 of the Business and Professions Code
18 is amended to read:

19 23438. (a) Any alcoholic beverage club licensee which restricts
20 membership or the use of its services or facilities on the basis of
21 ~~age, sex, race, religion, color, ancestry, or national origin~~ or any
22 characteristic listed or defined in Section 11135 of the Government
23 Code shall, when issuing a receipt for expenses which may
24 otherwise be used by taxpayers for deduction purposes pursuant
25 to Section 162(a) of the Internal Revenue Code, for purposes of
26 the Personal Income Tax Law, or Section 24343 of the Revenue
27 and Taxation Code, for purposes of the Bank and Corporation Tax
28 Law, incorporate a printed statement on the receipt as follows:

29 “The expenditures covered by this receipt are nondeductible for
30 state income tax purposes or franchise tax purposes.”

31 (b) For purposes of this section, the following terms have the
32 following meanings:

33 (1) “Expenses” means expenses, as defined in Section 17269
34 or 24343.2 of the Revenue and Taxation Code.

35 (2) “Club” means a club holding an alcoholic beverage license
36 pursuant to the provisions of this division, except a club holding
37 an alcoholic beverage license pursuant to Section 23425.

38 SEC. 10. Section 82 of the Civil Code is amended to read:

39 82. This part shall be liberally construed and applied to promote
40 its underlying purposes and policies, which are as follows:

1 (a) The prohibition of discrimination based upon ~~race, color,~~
2 ~~religion, national origin, ancestry, or sex~~ *any characteristic listed*
3 *or defined in subdivision (b) or (e) of Section 51* in the granting,
4 sale, transfer, bequest, termination, and nonrenewal of ~~dealerships;~~
5 ~~and, dealerships.~~

6 ~~The~~

7 (b) *The* requirements of this part shall not be varied by contract
8 or agreement and any portion of a contract or agreement purporting
9 to do so is void and unenforceable.

10 SEC. 11. Section 83 of the Civil Code is amended to read:

11 83. On or after January 1, 1981, no grantor, directly or
12 indirectly, shall refuse to grant a dealership to any person because
13 ~~of the race, color, religion, national origin, ancestry, or sex of such~~
14 ~~person~~ *any characteristic listed or defined in subdivision (b) or*
15 *(e) of Section 51.*

16 SEC. 12. Section 84 of the Civil Code is amended to read:

17 84. On or after January 1, 1981, no grantor, directly or
18 indirectly, may terminate, cancel, or refuse to renew a dealership
19 agreement *with a dealer* because of ~~the race, color, religion,~~
20 ~~national origin, ancestry, or sex of the dealer~~ *any characteristic*
21 *listed or defined in subdivision (b) or (e) of Section 51.*

22 SEC. 13. Section 85 of the Civil Code is amended to read:

23 85. On or after January 1, 1981, no grantor or dealer, directly
24 or indirectly, shall refuse to make or to consent to an assignment,
25 sale, transfer, or bequest of a dealership to any person, or to the
26 intestate succession to the dealership by any person, because of
27 ~~the race, color, religion, national origin, ancestry, or sex of such~~
28 ~~person~~ *any characteristic listed or defined in subdivision (b) or*
29 *(e) of Section 51.* This section shall not be construed to create any
30 right in a dealer to assign, sell, transfer, or bequeath a dealership
31 where the right did not exist prior to January 1, 1981.

32 SEC. 14. Section 1747.80 of the Civil Code is amended to
33 read:

34 1747.80. (a) No card issuer shall refuse to issue a credit card
35 to any person solely because of ~~that person's race, religious creed,~~
36 ~~color, national origin, ancestry or sex~~ *any characteristic listed or*
37 *defined in subdivision (b) or (e) of Section 51.*

38 (b) Any card issuer who willfully violates this section is liable
39 for each and every ~~such~~ offense for the actual damages, and two
40 hundred fifty dollars (\$250) in addition thereto, suffered by any

1 person denied a credit card solely for the reasons set forth in
2 subdivision (a), ~~and in~~. *In addition such, that* person may petition
3 the court to order the card issuer to issue him *or her* a credit card
4 upon ~~such~~ *the* terms, conditions, and standards as the card issuer
5 normally utilizes in granting credit to other individuals.

6 SEC. 15. Section 204 of the Code of Civil Procedure is
7 amended to read:

8 204. (a) No eligible person shall be exempt from service as a
9 trial juror by reason of occupation, ~~race, color, religion, sex,~~
10 ~~national origin,~~ economic status, or ~~sexual orientation~~ *any*
11 *characteristic listed or defined in Section 11135 of the Government*
12 *Code*, or for any other reason. No person shall be excused from
13 service as a trial juror except as specified in subdivision (b).

14 (b) An eligible person may be excused from jury service only
15 for undue hardship, upon themselves or upon the public, as defined
16 by the Judicial Council.

17 SEC. 16. Section 425.15 of the Code of Civil Procedure is
18 amended to read:

19 425.15. (a) No cause of action against a person serving without
20 compensation as a director or officer of a nonprofit corporation
21 described in this section, on account of any negligent act or
22 omission by that person within the scope of that person's duties
23 as a director acting in the capacity of a board member, or as an
24 officer acting in the capacity of, and within the scope of the duties
25 of, an officer, shall be included in a complaint or other pleading
26 unless the court enters an order allowing the pleading that includes
27 that claim to be filed after the court determines that the party
28 seeking to file the pleading has established evidence that
29 substantiates the claim. The court may allow the filing of a pleading
30 that includes that claim following the filing of a verified petition
31 therefor accompanied by the proposed pleading and supporting
32 affidavits stating the facts upon which the liability is based. The
33 court shall order service of the petition upon the party against
34 whom the action is proposed to be filed and permit that party to
35 submit opposing affidavits prior to making its determination. The
36 filing of the petition, proposed pleading, and accompanying
37 affidavits shall toll the running of any applicable statute of
38 limitations until the final determination of the matter, which ruling,
39 if favorable to the petitioning party, shall permit the proposed
40 pleading to be filed.

1 (b) Nothing in this section shall affect the right of the plaintiff
2 to discover evidence on the issue of damages.

3 (c) Nothing in this section shall be construed to affect any action
4 against a nonprofit corporation for any negligent action or omission
5 of a volunteer director or officer occurring within the scope of the
6 person's duties.

7 (d) For the purposes of this section, "compensation" means
8 remuneration whether by way of salary, fee, or other consideration
9 for services rendered. However, the payment of per diem, mileage,
10 or other reimbursement expenses to a director or officer shall not
11 constitute compensation.

12 (e) (1) This section applies only to officers and directors of
13 nonprofit corporations that are subject to Part 2 (commencing with
14 Section 5110), Part 3 (commencing with Section 7110), or Part 4
15 (commencing with Section 9110) of Division 2 of Title 1 of the
16 Corporations Code that are organized to provide charitable,
17 educational, scientific, social, or other forms of public service and
18 that are exempt from federal income taxation under Section
19 501(c)(1), except any credit union, or Section 501(c)(4), 501(c)(5),
20 501(c)(7), or 501(c)(19) of the Internal Revenue Code.

21 (2) This section does not apply to any corporation that
22 unlawfully restricts membership, services, or benefits conferred
23 on the basis of ~~race, religious creed, color, national origin,~~ ancestry,
24 ~~sex,~~ marital status, ~~disability,~~ political affiliation, or ~~age~~ *any*
25 *characteristic listed or defined in Section 11135 of the Government*
26 *Code.*

27 SEC. 17. Section 5047.5 of the Corporations Code is amended
28 to read:

29 5047.5. (a) The Legislature finds and declares that the services
30 of directors and officers of nonprofit corporations who serve
31 without compensation are critical to the efficient conduct and
32 management of the public service and charitable affairs of the
33 people of California. The willingness of volunteers to offer their
34 services has been deterred by a perception that their personal assets
35 are at risk for these activities. The unavailability and unaffordability
36 of appropriate liability insurance makes it difficult for these
37 corporations to protect the personal assets of their volunteer
38 decisionmakers with adequate insurance. It is the public policy of
39 this state to provide incentive and protection to the individuals
40 who perform these important functions.

1 (b) Except as provided in this section, no cause of action for
2 monetary damages shall arise against any person serving without
3 compensation as a director or officer of a nonprofit corporation
4 subject to Part 2 (commencing with Section 5110), Part 3
5 (commencing with Section 7110), or Part 4 (commencing with
6 Section 9110) of this division on account of any negligent act or
7 omission occurring (1) within the scope of that person's duties as
8 a director acting as a board member, or within the scope of that
9 person's duties as an officer acting in an official capacity; (2) in
10 good faith; (3) in a manner that the person believes to be in the
11 best interest of the corporation; and (4) is in the exercise of his or
12 her policymaking judgment.

13 (c) This section shall not limit the liability of a director or officer
14 for any of the following:

15 (1) Self-dealing transactions, as described in Sections 5233 and
16 9243.

17 (2) Conflicts of interest, as described in Section 7233.

18 (3) Actions described in Sections 5237, 7236, and 9245.

19 (4) In the case of a charitable trust, an action or proceeding
20 against a trustee brought by a beneficiary of that trust.

21 (5) Any action or proceeding brought by the Attorney General.

22 (6) Intentional, wanton, or reckless acts, gross negligence, or
23 an action based on fraud, oppression, or malice.

24 (7) Any action brought under Chapter 2 (commencing with
25 Section 16700) of Part 2 of Division 7 of the Business and
26 Professions Code.

27 (d) This section only applies to nonprofit corporations organized
28 to provide religious, charitable, literary, educational, scientific,
29 social, or other forms of public service that are exempt from federal
30 income taxation under Section 501(c)(3) or 501(c)(6) of the Internal
31 Revenue Code.

32 (e) This section applies only if the nonprofit corporation
33 maintains a general liability insurance policy with an amount of
34 coverage of at least the following amounts:

35 (1) If the corporation's annual budget is less than fifty thousand
36 dollars (\$50,000), the minimum required amount is five hundred
37 thousand dollars (\$500,000).

38 (2) If the corporation's annual budget equals or exceeds fifty
39 thousand dollars (\$50,000), the minimum required amount is one
40 million dollars (\$1,000,000).

1 This section applies only if the claim against the director or
2 officer may also be made directly against the corporation and a
3 general liability insurance policy is in force both at the time of
4 injury and at the time the claim against the corporation is made,
5 so that a policy is applicable to the claim. If a general liability
6 policy is found to cover the damages caused by the director or
7 officer, no cause of action as provided in this section shall be
8 maintained against the director or officer.

9 (f) For the purposes of this section, the payment of actual
10 expenses incurred in attending meetings or otherwise in the
11 execution of the duties of a director or officer shall not constitute
12 compensation.

13 (g) Nothing in this section shall be construed to limit the liability
14 of a nonprofit corporation for any negligent act or omission of a
15 director, officer, employee, agent, or servant occurring within the
16 scope of his or her duties.

17 (h) This section does not apply to any corporation that
18 unlawfully restricts membership, services, or benefits conferred
19 on the basis of ~~race, religious creed, color, national origin,~~ ancestry,
20 ~~sex,~~ marital status, ~~disability,~~ political affiliation, or ~~age~~ *any*
21 *characteristic listed or defined in Section 11135 of the Government*
22 *Code.*

23 (i) This section does not apply to any volunteer director or
24 officer who receives compensation from the corporation in any
25 other capacity, including, but not limited to, as an employee.

26 SEC. 18. Section 24001.5 of the Corporations Code is amended
27 to read:

28 24001.5. (a) The Legislature finds and declares that the
29 services of directors or officers of nonprofit medical associations,
30 as defined in Section 21200, who serve without compensation are
31 critical to the efficient conduct and management of the public
32 service and charitable affairs of the people of California. The
33 willingness of volunteers to offer their services has been deterred
34 by a perception that their personal assets are at risk for these
35 activities. The unavailability and unaffordability of appropriate
36 liability insurance makes it difficult for these associations to protect
37 the personal assets of their volunteer decisionmakers with adequate
38 insurance. It is the public policy of this state to provide incentive
39 and protection to the individuals who perform these important
40 functions.

1 (b) Except as provided in this section, no cause of action for
2 monetary damages shall arise against any person serving without
3 compensation as a director or officer of a nonprofit medical
4 association, as defined in Section 21200, on account of any
5 negligent act or omission occurring (1) within the scope of that
6 person's duties as a director acting as a board member, or within
7 the scope of that person's duties as an officer acting in an official
8 capacity; (2) in good faith; (3) in a manner that the person believes
9 to be in the best interest of the association; and (4) is in the exercise
10 of his or her policymaking judgment.

11 (c) This section shall not limit the liability of a director or officer
12 for any of the following:

13 (1) Self-dealing transactions, as described in Sections 5233 and
14 9243.

15 (2) Conflicts of interest, as described in Section 7233.

16 (3) Actions described in Sections 5237, 7236, and 9245.

17 (4) In the case of a charitable trust, an action or proceeding
18 against a trustee brought by a beneficiary of that trust.

19 (5) Any action or proceeding brought by the Attorney General.

20 (6) Intentional, wanton, or reckless acts, gross negligence, or
21 an action based on fraud, oppression, or malice.

22 (7) Any action brought under Chapter 2 (commencing with
23 Section 16700) of Part 2 of Division 7 of the Business and
24 Professions Code.

25 (d) This section only applies to nonprofit organizations
26 organized to provide charitable, educational, scientific, social, or
27 other forms of public service that are exempt from federal income
28 taxation under Section 501(c)(3) or 501(c)(6) of the Internal
29 Revenue Code.

30 (e) This section applies only if the nonprofit association
31 maintains a general liability insurance policy with an amount of
32 coverage of at least the following amounts:

33 (1) If the association's annual budget is less than fifty thousand
34 dollars (\$50,000), the minimum required amount is five hundred
35 thousand dollars (\$500,000).

36 (2) If the association's annual budget equals or exceeds fifty
37 thousand dollars (\$50,000), the minimum required amount is one
38 million dollars (\$1,000,000).

1 This section applies only if the general liability insurance policy
2 is in force both at the time of injury and at the time that the claim
3 is made, so that the policy is applicable to the claim.

4 (f) For the purposes of this section, the payment of actual
5 expenses incurred in attending meetings or otherwise in the
6 execution of the duties of a director or officer shall not constitute
7 compensation.

8 (g) Nothing in this section shall be construed to limit the liability
9 of a nonprofit association for any negligent act or omission of a
10 director, officer employee, agent, or servant occurring within the
11 scope of his or her duties.

12 (h) This section does not apply to any association that unlawfully
13 restricts membership, services, or benefits conferred on the basis
14 of ~~race, religious creed, color, national origin, ancestry, sex, marital~~
15 ~~status, disability, political affiliation, or age~~ *any characteristic*
16 *listed or defined in Section 11135 of the Government Code.*

17 (i) This section does not apply to any volunteer director or
18 officer who receives compensation from the association in any
19 other capacity, including, but not limited to, as an employee.

20 SEC. 19. Section 66030 of the Education Code is amended to
21 read:

22 66030. (a) It is the intent of the Legislature that public higher
23 education in California strive to provide educationally equitable
24 environments ~~which~~ *that* give each Californian, regardless of ~~ethnic~~
25 ~~origin, race, gender, age, disability, or economic circumstance, or~~
26 *any other characteristic listed or defined in subdivision (b) or (e)*
27 *of Section 51 of the Civil Code, a reasonable opportunity to develop*
28 *fully his or her potential.*

29 (b) It is the responsibility of the governing boards of institutions
30 of higher education to ensure and maintain multicultural learning
31 environments free from all forms of discrimination and harassment,
32 in accordance with state and federal law.

33 SEC. 20. Section 66251 of the Education Code is amended to
34 read:

35 66251. It is the policy of the State of California to afford all
36 persons, regardless of ~~their sex, ethnic group identification, race,~~
37 ~~national origin, religion, mental or physical disability, or regardless~~
38 ~~of any characteristic listed or defined in subdivision (b) or (e) of~~
39 *Section 51 of the Civil Code or any basis that is contained in the*
40 *prohibition of hate crimes set forth in subdivision (a) of Section*

1 422.6 of the Penal Code, equal rights and opportunities in the
2 postsecondary institutions of the state. The purpose of this chapter
3 is to prohibit acts that are contrary to that policy and to provide
4 remedies therefor.

5 SEC. 21. Section 66270 of the Education Code is amended to
6 read:

7 66270. No person shall be subjected to discrimination on the
8 basis of ~~sex, ethnic group identification, race, national origin,~~
9 ~~religion, color, or mental or physical disability, any characteristic~~
10 *listed or defined in subdivision (b) or (e) of Section 51 of the Civil*
11 *Code* or any basis that is contained in the prohibition of hate crimes
12 set forth in subdivision (a) of Section 422.6 of the Penal Code in
13 any program or activity conducted by any postsecondary
14 educational institution that receives, or benefits from, state financial
15 assistance or enrolls students who receive state student financial
16 aid.

17 SEC. 22. Section 66292 of the Education Code is amended to
18 read:

19 66292. (a) The governing board of a community college district
20 shall have the primary responsibility for ensuring that community
21 college district programs and activities are free from discrimination
22 based on ~~ethnic group identification, religion, age, sex, color, or~~
23 ~~physical or mental disability or any characteristic listed or defined~~
24 *in subdivision (b) or (e) of Section 51 of the Civil Code.*

25 (b) The Chancellor's office of the California Community
26 Colleges shall have responsibility for monitoring the compliance
27 of each district with any and all regulations adopted pursuant to
28 Section 11138 of the Government Code.

29 SEC. 23. Section 66292.1 of the Education Code is amended
30 to read:

31 66292.1. The Chancellor of the California State University and
32 the president of each California State University campus shall have
33 the primary responsibility for ensuring that campus programs and
34 activities are free from discrimination based on ~~ethnic group~~
35 ~~identification, religion, age, sex, color, or physical or mental~~
36 ~~disability or any characteristic listed or defined in subdivision (b)~~
37 *or (e) of Section 51 of the Civil Code.*

38 SEC. 24. Section 66292.2 of the Education Code is amended
39 to read:

1 66292.2. The President of the University of California and the
2 chancellor of each University of California campus shall have
3 primary responsibility for ensuring that campus programs and
4 activities are free from discrimination based on ~~ethnic group~~
5 ~~identification, religion, age, sex, color, or physical or mental~~
6 ~~disability~~ *or any characteristic listed or defined in subdivision (b)*
7 *or (e) of Section 51 of the Civil Code.*

8 SEC. 25. Section 69535 of the Education Code is amended to
9 read:

10 69535. (a) Cal Grant Program awards shall be based upon the
11 financial need of the applicant. The level of financial need of each
12 applicant shall be determined by the commission pursuant to
13 Article 1.5 (commencing with Section 69503).

14 (b) For the applicants so qualifying, academic criteria or criteria
15 related to past performances shall be utilized as the criteria in
16 determining eligibility for grants.

17 (c) All Cal Grant Program award recipients shall be residents
18 of California, as determined by the commission pursuant to Part
19 41 (commencing with Section 68000), and shall remain eligible
20 only if they are in attendance and making satisfactory progress
21 through the instructional programs, as determined by the
22 commission.

23 (d) Part-time students shall not be discriminated against in the
24 selection of Cal Grant Program award recipients, and awards to
25 part-time students shall be roughly proportional to the time spent
26 in the instructional program, as determined by the commission.
27 First-time Cal Grant Program award recipients who are part-time
28 students shall be eligible for a full-time renewal award.

29 (e) Cal Grant Program awards shall be awarded without regard
30 to ~~race, religion, creed, sex, or age~~ *or any characteristic listed or*
31 *defined in subdivision (b) or (e) of Section 51 of the Civil Code.*

32 (f) No applicant shall receive more than one type of Cal Grant
33 Program award concurrently. Except as provided in subdivisions
34 (b) and (c) of Section 69535.1, no applicant shall:

35 (1) Receive one or a combination of Cal Grant Program awards
36 in excess of a total of four years of full-time attendance in an
37 undergraduate program.

38 (2) Have obtained a baccalaureate degree prior to receiving a
39 Cal Grant Program award, except as provided in Section 69540.

1 (g) Cal Grant Program awards, except as provided in subdivision
2 (c) of Section 69535.1, may only be used for educational expenses
3 of a program of study leading directly to an undergraduate degree
4 or certificate, or for expenses of undergraduate coursework in a
5 program of study leading directly to a first professional degree,
6 but for which no baccalaureate degree is awarded.

7 (h) Commencing in 1999, the commission shall, for students
8 who accelerate college attendance, increase the amount of award
9 proportional to the period of additional attendance resulting from
10 attendance in classes that fulfill requirements or electives for
11 graduation during summer terms, sessions, or quarters. In the
12 aggregate, the total amount a student may receive in a four-year
13 period may not be increased as a result of accelerating his or her
14 progress to a degree by attending summer terms, sessions, or
15 quarters.

16 (i) The commission shall notify Cal Grant award recipients of
17 the availability of funding for the summer term, session, or quarter
18 through prominent notice in financial aid award letters, materials,
19 guides, electronic information, and other means that may include,
20 but not be limited to, surveys, newspaper articles, or attachments
21 to communications from the commission and any other published
22 documents.

23 (j) The commission may provide by appropriate rules and
24 regulations for reports, accounting, and statements from the award
25 winner and college or university of attendance pertaining to the
26 use or application of the award as the commission may deem
27 proper.

28 (k) The commission may establish Cal Grant Program awards
29 in one hundred dollar (\$100) increments.

30 (l) A Cal Grant Program award may be utilized only at the
31 following institutions or programs:

32 (1) Any California private or independent postsecondary
33 educational institution or program that participates in two of the
34 three federal campus-based student aid programs and whose
35 students participate in the Pell Grant program.

36 (2) Any nonprofit regionally accredited institution headquartered
37 and operating in California that certifies to the commission that
38 10 percent of the institution's operating budget, as demonstrated
39 in an audited financial statement, is expended for the purposes of
40 institutionally funded student financial aid in the form of grants

1 and that demonstrates to the commission that it has the
2 administrative capacity to administer the funds.

3 (3) Any California public postsecondary educational institution
4 or program.

5 SEC. 26. Section 72011 of the Education Code is amended to
6 read:

7 72011. Every community college district shall provide access
8 to its services, classes, and programs without regard to ~~race,~~
9 ~~religious creed, color, national origin, ancestry, handicap, or sex~~
10 *any characteristic listed or defined in subdivision (b) or (e) of*
11 *Section 51 of the Civil Code.*

12 SEC. 27. Section 72014 of the Education Code is amended to
13 read:

14 72014. No funds under the control of a community college
15 district shall ever be used for membership or for any participation
16 involving a financial payment or contribution, on behalf of the
17 district or any individual employed by or associated therewith, in
18 any private organization whose membership practices are
19 discriminatory on the basis of ~~race, creed, color, sex, religion, or~~
20 ~~national origin~~ *any characteristic listed or defined in subdivision*
21 *(b) or (e) of Section 51 of the Civil Code.* This section does not
22 apply to any public funds which have been paid to an individual
23 officer or employee of the district as salary, or to any funds which
24 are used directly or indirectly for the benefit of student
25 organizations.

26 SEC. 28. Section 89757 of the Education Code is amended to
27 read:

28 89757. None of the funds enumerated in Section 89756, nor
29 any of the funds of an auxiliary organization, shall ever be used
30 by any university or college for membership or for any participation
31 involving a financial payment or contribution, on behalf of the
32 institution, or any individual employed by or associated therewith,
33 in any private organization whose membership practices are
34 discriminatory on the basis of ~~race, creed, color, sex, religion, or~~
35 ~~national origin~~ *any characteristic listed or defined in subdivision*
36 *(b) or (e) of Section 51 of the Civil Code.* This section does not
37 apply to any public funds which have been paid to an individual
38 employee or officer as salary, or to any funds which are used
39 directly or indirectly for the benefit of student organizations.

1 SEC. 29. Section 92150 of the Education Code is amended to
2 read:

3 92150. No state funds under the control of an officer or
4 employee of the University of California shall ever be used for
5 membership or for any participation involving a financial payment
6 or contribution, on behalf of the university, or any individual
7 employed by or associated therewith, in any private organization
8 whose membership practices are discriminatory on the basis of
9 ~~race, creed, color, sex, religion, or national origin~~ *any characteristic*
10 *listed or defined in subdivision (b) or (e) of Section 51 of the Civil*
11 *Code*. This section does not apply to any public funds which have
12 been paid to an individual employee or officer of the university as
13 salary, or to any funds which are used directly or indirectly for the
14 benefit of student organizations.

15 SEC. 30. Section 2110 of the Elections Code is amended to
16 read:

17 2110. No county elections official may refuse to depute any
18 person to register voters because of ~~race, creed, color, national~~
19 ~~origin, ancestry, sex, marital status, disability, religious or political~~
20 ~~affiliation, or age~~ *any characteristic listed or defined in Section*
21 *11135 of the Government Code*.

22 SEC. 31. Section 11015 of the Government Code is amended
23 to read:

24 11015. No state funds under the control of an officer or
25 employee of the state, or of any agency thereof, shall ever be used
26 for membership or for any participation involving a financial
27 payment or contribution, on behalf of the state agency, or any
28 individual employed by or associated therewith, in any private
29 organization whose membership practices are discriminatory on
30 the basis of ~~race, creed, color, sex, religion, or national origin~~ *any*
31 *characteristic listed or defined in Section 11135*. This section does
32 not apply to any public funds which have been paid to an individual
33 employee or officer as salary.

34 SEC. 32. Section 11131 of the Government Code is amended
35 to read:

36 11131. No state agency shall conduct any meeting, conference,
37 or other function in any facility that prohibits the admittance of
38 any person, or persons, on the basis of ~~race, religious creed, color,~~
39 ~~national origin, ancestry, or sex~~ *any characteristic listed or defined*
40 *in Section 11135*, or that is inaccessible to disabled persons, or

1 where members of the public may not be present without making
2 a payment or purchase. As used in this section, “state agency”
3 means and includes every state body, office, officer, department,
4 division, bureau, board, council, commission, or other state agency.

5 SEC. 33. Section 54091 of the Government Code is amended
6 to read:

7 54091. Any city, county, or other local agency ~~which~~ *that* owns,
8 operates, or controls any public beach shall allow the use of ~~such~~
9 *that* public beach by all persons regardless of ~~color, race, religion,~~
10 ~~ancestry, sex, national origin,~~ or residence *or any characteristic*
11 *listed or defined in subdivision (b) or (e) of Section 51 of the Civil*
12 *Code*. Nonresidents of the city, county, or other local agency shall
13 be permitted to use ~~such that~~ public beach upon the same terms
14 and conditions as are residents of ~~such the~~ city, county, or local
15 agency.

16 SEC. 34. Section 54092 of the Government Code is amended
17 to read:

18 54092. Any city, county, or other local agency ~~which~~ *that*
19 allows any property owned, operated, or controlled by it to be used
20 as a means of access to any public beach shall allow free access
21 over ~~such that~~ property to all persons regardless of ~~color, race,~~
22 ~~religion, ancestry, sex, national origin~~ or residence *or any*
23 *characteristic listed or defined in subdivision (b) or (e) of Section*
24 *51 of the Civil Code*.

25 SEC. 35. Section 54961 of the Government Code is amended
26 to read:

27 54961. (a) No legislative body of a local agency shall conduct
28 any meeting in any facility that prohibits the admittance of any
29 person, or persons, on the basis of ~~race, religious creed, color,~~
30 ~~national origin,~~ ancestry; or ~~sex~~ *any characteristic listed or defined*
31 *in Section 11135*, or which is inaccessible to disabled persons, or
32 where members of the public may not be present without making
33 a payment or purchase. This section shall apply to every local
34 agency as defined in Section 54951.

35 (b) No notice, agenda, announcement, or report required under
36 this chapter need identify any victim or alleged victim of tortious
37 sexual conduct or child abuse unless the identity of the person has
38 been publicly disclosed.

39 SEC. 36. Section 68088 of the Government Code is amended
40 to read:

1 68088. The Judicial Council may provide by rule of court for
2 racial, ethnic, and gender bias, and sexual harassment training *and*
3 *training for any other bias based on any characteristic listed or*
4 *defined in Section 11135* for judges, commissioners, and referees.

5 SEC. 37. Section 1317 of the Health and Safety Code is
6 amended to read:

7 1317. (a) Emergency services and care shall be provided to
8 any person requesting the services or care, or for whom services
9 or care is requested, for any condition in which the person is in
10 danger of loss of life, or serious injury or illness, at any health
11 facility licensed under this chapter that maintains and operates an
12 emergency department to provide emergency services to the public
13 when the health facility has appropriate facilities and qualified
14 personnel available to provide the services or care.

15 (b) In no event shall the provision of emergency services and
16 care be based upon, or affected by, the person's ~~race~~, ethnicity,
17 ~~religion, national origin,~~ citizenship, age, ~~sex,~~ preexisting medical
18 condition, ~~physical or mental handicap,~~ insurance status, economic
19 status, ~~or~~ ability to pay for medical services, *or any other*
20 *characteristic listed or defined in subdivision (b) or (e) of Section*
21 *51 of the Civil Code*, except to the extent that a circumstance such
22 as age, sex, preexisting medical condition, or physical or mental
23 ~~handicap~~ *disability* is medically significant to the provision of
24 appropriate medical care to the patient.

25 (c) Neither the health facility, its employees, nor any physician
26 and surgeon, dentist, clinical psychologist, or podiatrist shall be
27 liable in any action arising out of a refusal to render emergency
28 services or care if the refusal is based on the determination,
29 exercising reasonable care, that the person is not suffering from
30 an emergency medical condition, or that the health facility does
31 not have the appropriate facilities or qualified personnel available
32 to render those services.

33 (d) Emergency services and care shall be rendered without first
34 questioning the patient or any other person as to his or her ability
35 to pay therefor. However, the patient or his or her legally
36 responsible relative or guardian shall execute an agreement to pay
37 therefor or otherwise supply insurance or credit information
38 promptly after the services are rendered.

39 (e) If a health facility subject to this chapter does not maintain
40 an emergency department, its employees shall nevertheless exercise

1 reasonable care to determine whether an emergency exists and
2 shall direct the persons seeking emergency care to a nearby facility
3 ~~which~~ *that* can render the needed services, and shall assist the
4 persons seeking emergency care in obtaining the services, including
5 transportation services, in every way reasonable under the
6 circumstances.

7 (f) No act or omission of any rescue team established by any
8 health facility licensed under this chapter, or operated by the federal
9 or state government, a county, or by the Regents of the University
10 of California, done or omitted while attempting to resuscitate any
11 person who is in immediate danger of loss of life shall impose any
12 liability upon the health facility, the officers, members of the staff,
13 nurses, or employees of the health facility, including, but not
14 limited to, the members of the rescue team, or upon the federal or
15 state government or a county, if good faith is exercised.

16 (g) “Rescue team,” as used in this section, means a special group
17 of physicians and surgeons, nurses, and employees of a health
18 facility who have been trained in cardiopulmonary resuscitation
19 and have been designated by the health facility to attempt, in cases
20 of emergency, to resuscitate persons who are in immediate danger
21 of loss of life.

22 (h) This section shall not relieve a health facility of any duty
23 otherwise imposed by law upon the health facility for the
24 designation and training of members of a rescue team or for the
25 provision or maintenance of equipment to be used by a rescue
26 team.

27 SEC. 38. Section 1317.3 of the Health and Safety Code is
28 amended to read:

29 1317.3. (a) As a condition of licensure, each hospital shall
30 adopt, in consultation with the medical staff, policies and transfer
31 protocols consistent with this article and regulations adopted
32 hereunder.

33 (b) As a condition of licensure, each hospital shall adopt a policy
34 prohibiting discrimination in the provision of emergency services
35 and care based on ~~race, ethnicity, religion, national origin,~~
36 ~~citizenship, age, sex, preexisting medical condition, physical or~~
37 ~~mental handicap,~~ insurance status, economic status, ~~or~~ ability to
38 pay for medical services, *or any characteristic listed or defined*
39 *in subdivision (b) or (e) of Section 51 of the Civil Code*, except to
40 the extent that a circumstance such as age, sex, preexisting medical

1 condition, or physical or mental ~~handicap~~ *disability* is medically
2 significant to the provision of appropriate medical care to the
3 patient. Transfer by a hospital of a patient who requires evaluation
4 for involuntary psychiatric treatment, as determined by the
5 receiving hospital or other receiving health facility, based upon
6 the decision of a professional person duly authorized by law to
7 ~~make such a~~ *that* decision, shall not constitute discrimination for
8 the purposes of this section, if the transferring hospital has not
9 been designated as an evaluation facility by a county pursuant to
10 Section 5150 of the Welfare and Institutions Code, and if the
11 transfer is in compliance with Section 1317.2.

12 (c) As a condition of licensure, each hospital shall require that
13 physicians and surgeons who serve on an “on-call” basis to the
14 hospital’s emergency room cannot refuse to respond to a call on
15 the basis of the patient’s ~~race, ethnicity, religion, national origin,~~
16 ~~citizenship, age, sex,~~ preexisting medical condition, ~~physical or~~
17 ~~mental handicap,~~ insurance status, economic status, ~~or~~ ability to
18 pay for medical services, *or any characteristic listed or defined*
19 *in subdivision (b) or (e) of Section 51 of the Civil Code*, except to
20 the extent that a circumstance such as age, sex, preexisting medical
21 condition, or physical or mental ~~handicap~~ *disability* is medically
22 significant to the provision of appropriate medical care to the
23 patient. If a contract between a physician and surgeon and hospital
24 for the provision of emergency room coverage presently prevents
25 the hospital from imposing those conditions, the conditions shall
26 be included in the contract as soon as is legally permissible.
27 Nothing in this section shall be construed as requiring that any
28 physician serve on an “on-call” basis.

29 (d) As a condition of licensure, all hospitals shall inform all
30 persons presented to an emergency room or their representatives
31 if any are present and the person is unable to understand verbal or
32 written communication, both orally and in writing, of the reasons
33 for the transfer or refusal to provide emergency services and care
34 and of the person’s right to emergency services and care prior to
35 transfer or discharge without regard to ability to pay. Nothing in
36 this subdivision requires notification of the reasons for the transfer
37 in advance of the transfer where a person is unaccompanied and
38 the hospital has made a reasonable effort to locate a representative,
39 and because of the person’s physical or mental condition,
40 notification is not possible. All hospitals shall prominently post a

1 sign in their emergency rooms informing the public of their rights.
2 Both the posted sign and written communication concerning the
3 transfer or refusal to provide emergency services and care shall
4 give the address of the department as the government agency to
5 contact in the event the person wishes to complain about the
6 hospital's conduct.

7 (e) If a hospital does not timely adopt the policies and protocols
8 required in this article, the hospital, in addition to denial or
9 revocation of any of its licenses, shall be subject to a fine not to
10 exceed one thousand dollars (\$1,000) each day after expiration of
11 60 days' written notice from the state department that the hospital's
12 policies or protocols required by this article are inadequate unless
13 the delay is excused by the state department upon a showing of
14 good and sufficient cause by the hospital. The notice shall include
15 a detailed statement of the state department's reasons for its
16 determination and suggested changes to the hospital's protocols
17 which would be acceptable to the state department.

18 (f) Each hospital's policies and protocols required in or under
19 this article shall be submitted for approval to the state department
20 by December 31, 1988.

21 SEC. 39. Section 11801 of the Health and Safety Code is
22 amended to read:

23 11801. The alcohol and drug program administrator, acting
24 through administrative channels designated pursuant to Section
25 11795, shall do all of the following:

26 (a) Coordinate and be responsible for the planning process,
27 including preparation of the county plan executing the negotiated
28 net amount contract, and Drug Medi-Cal contract, whichever is
29 applicable.

30 (b) (1) Recommend to the board of supervisors the provision
31 of services, establishment of facilities, contracting for services or
32 facilities, and other matters necessary or desirable in accomplishing
33 the purposes of this part.

34 (2) Exercise general supervision over the alcohol and other drug
35 program services provided under the county plan, negotiated net
36 amount contract, and Drug Medi-Cal contract, whichever is
37 applicable.

38 (c) Assure compliance with applicable laws relating to
39 discrimination against any person because of ~~race, creed, age,~~
40 ~~religion, sex, sexual preference, or disabling conditions~~ any

1 *characteristic listed or defined in Section 11135 of the Government*
2 *Code.*

3 (d) (1) Provide reports and information periodically to the
4 advisory board regarding the status of alcohol and other drug
5 programs in the county and keep the advisory board informed
6 regarding changes in relevant state, federal, and local laws or
7 regulations or improvements in program design and services that
8 may affect the county alcohol and other drug program.

9 (2) Submit an annual report to the board of supervisors reporting
10 all activities of the alcohol and other drug program, including a
11 financial accounting of expenditures and a forecast of anticipated
12 needs for the upcoming year.

13 (e) Be directly responsible for the administration of all alcohol
14 or other drug program funds allocated to the county under this
15 part, administration of county operated programs, and coordination
16 and monitoring of programs that have contracts with the county
17 to provide alcohol and other drug services.

18 (f) Encourage the appropriate utilization of all other public and
19 private alcohol and other drug programs and services in the county
20 in coordination with the programs funded pursuant to this part.

21 (g) Coordinate the activities of the county alcohol and other
22 drug program with appropriate health planning agencies pursuant
23 to Chapter 5 (commencing with Section 11820).

24 (h) Assure the evaluation of alcohol and other drug programs,
25 including the collection of appropriate and necessary information,
26 pursuant to Chapter 6 (commencing with Section 11825).

27 (i) Participate in the process to assure program quality in
28 compliance with appropriate standards pursuant to Chapter 7
29 (commencing with Section 11830).

30 (j) Participate in the regulations process pursuant to Chapter 8
31 (commencing with Section 11835).

32 (k) Participate and represent the county in meetings of the
33 County Alcohol and Drug Program Administrators Association of
34 California pursuant to Section 11811.5 for the purposes of
35 representing the counties in their relationship with the state with
36 respect to policies, standards, and administration for alcohol and
37 other drug abuse services.

38 (l) Provide for the orientation of the members of the advisory
39 board, including, but not limited to, the provision of information

1 and materials on alcohol and other drug problems and programs,
2 planning, procedures, and site visits to local programs.

3 (m) Perform any other acts that may be necessary, desirable, or
4 proper to carry out the purposes of this part.

5 SEC. 40. Section 10115.7 of the Public Contract Code is
6 amended to read:

7 10115.7. (a) Nothing in this article shall be construed to
8 authorize any awarding department to discriminate in the awarding
9 of any contract on the basis of ~~race, color, sex, ethnic origin, or~~
10 ~~ancestry~~ *or any characteristic listed or defined in Section 11135*
11 *of the Government Code.*

12 (b) Nothing in this article shall be construed to authorize any
13 contractor to discriminate in the solicitation or acceptance of bids
14 for subcontracting, or for materials or equipment, on the basis of
15 ~~race, color, sex, ethnic origin, or ancestry~~ *or any characteristic*
16 *listed or defined in Section 11135 of the Government Code.*

17 SEC. 41. Section 5080.18 of the Public Resources Code is
18 amended to read:

19 5080.18. All concession contracts entered into pursuant to this
20 article shall contain, but ~~shall~~ *are not be* limited to, all of the
21 following provisions:

22 (a) The maximum term shall be 10 years, except that a term of
23 more than 10 years may be provided if the director determines that
24 the longer term is necessary to allow the concessionaire to amortize
25 improvements made by the concessionaire, to facilitate the full
26 utilization of a structure that is scheduled by the department for
27 replacement or redevelopment, or to serve the best interests of the
28 state. The term shall not exceed 20 years without specific
29 authorization by statute.

30 (b) Every concessionaire shall submit to the department all sales
31 and use tax returns.

32 (c) Every concession shall be subject to audit by the department.

33 (d) A performance bond shall be obtained and maintained by
34 the concessionaire. In lieu of a bond, the concessionaire may
35 substitute a deposit of funds acceptable to the department. Interest
36 on the deposit shall accrue to the concessionaire.

37 (e) The concessionaire shall obtain and maintain in force at all
38 times a policy of liability insurance in an amount adequate for the
39 nature and extent of public usage of the concession and naming
40 the state as an additional insured.

1 (f) Any discrimination by the concessionaire or his or her agents
 2 or employees against any person because of ~~the race, color,~~
 3 ~~religion, sex, marital status, national origin, or ancestry of that~~
 4 ~~person~~ *any characteristic listed or defined in subdivision (b) or*
 5 *(e) of Section 51 of the Civil Code* is prohibited.

6 (g) To be effective, any modification of the concession contract
 7 shall be evidenced in writing.

8 (h) Whenever a concession contract is terminated for substantial
 9 breach, there shall be no obligation on the part of the state to
 10 purchase any improvements made by the concessionaire.

11 SEC. 42. Section 5080.34 of the Public Resources Code is
 12 amended to read:

13 5080.34. Every agreement entered into pursuant to this article
 14 and every contract for a concession on lands that are subject to an
 15 agreement entered into pursuant to this article shall expressly
 16 prohibit discrimination against any person because of ~~the race,~~
 17 ~~color, religion, sex, marital status, national origin, or ancestry of~~
 18 ~~that person~~ *any characteristic listed or defined in subdivision (b)*
 19 *or (e) of Section 51 of the Civil Code.*

20 SEC. 43. Section 453 of the Public Utilities Code is amended
 21 to read:

22 453. (a) No public utility shall, as to rates, charges, service,
 23 facilities, or in any other respect, make or grant any preference or
 24 advantage to any corporation or person or subject any corporation
 25 or person to any prejudice or disadvantage.

26 (b) No public utility shall prejudice, disadvantage, or require
 27 different rates or deposit amounts from a person because of ~~race,~~
 28 ~~religious creed, color, national origin, ancestry, physical handicap,~~
 29 ~~medical condition, occupation, sex, marital status or change in~~
 30 ~~marital status~~ *or any characteristic listed or defined in subdivision*
 31 *(b) or (e) of Section 51 of the Civil Code.* A person who has
 32 exhausted all administrative remedies with the commission may
 33 institute a suit for injunctive relief and reasonable attorney’s fees
 34 in cases of an alleged violation of this subdivision. If successful
 35 in litigation, the prevailing party shall be awarded attorney’s fees.

36 (c) No public utility shall establish or maintain any unreasonable
 37 difference as to rates, charges, service, facilities, or in any other
 38 respect, either as between localities or as between classes of
 39 service.

1 (d) No public utility shall include with any bill for services or
2 commodities furnished any customer or subscriber any advertising
3 or literature designed or intended (1) to promote the passage or
4 defeat of a measure appearing on the ballot at any election whether
5 local, statewide, or national, (2) to promote or defeat any candidate
6 for nomination or election to any public office, (3) to promote or
7 defeat the appointment of any person to any administrative or
8 executive position in federal, state or local government, or (4) to
9 promote or defeat any change in federal, state, or local legislation
10 or regulations.

11 (e) The commission may determine any question of fact arising
12 under this section.

13 SEC. 44. Section 12751.3 of the Public Utilities Code is
14 amended to read:

15 12751.3. (a) The purpose of this section is to provide affected
16 districts with an alternative acquisition process that will result in
17 reduced costs to ratepayers. Notwithstanding Section 12751, when
18 the expenditure for the purchase of supplies and materials exceeds
19 fifty thousand dollars (\$50,000) and the district determines that
20 ratepayers reasonably can expect a net benefit in the cost of district
21 services, the district may provide for the purchase of the supplies
22 and materials by contract let in accordance with best value at the
23 lowest cost acquisition policies adopted by the board pursuant to
24 this section.

25 (b) The best value at the lowest cost acquisition policies adopted
26 pursuant to subdivision (a) shall include the following:

27 (1) Price and service level proposals that reduce the district's
28 overall operating costs.

29 (2) Supplies and materials standards that support the district's
30 strategic supplies and materials acquisition and management
31 program direction.

32 (3) A procedure for protest and resolution.

33 (c) For purposes of this section, "best value at the lowest cost
34 acquisition" means a competitive procurement process whereby
35 the award of a contract for supplies and materials may take into
36 consideration any of the following factors:

37 (1) The total cost to the district of its use or consumption of
38 supplies and materials.

39 (2) The operational cost or benefit incurred by the district as a
40 result of the contract award.

- 1 (3) The value to the district of vendor-added services.
- 2 (4) The quality, effectiveness, and innovation of supplies,
- 3 materials, and services.
- 4 (5) The reliability of delivery or installation schedules.
- 5 (6) The terms and conditions of product warranties and vendor
- 6 guarantees.
- 7 (7) The financial stability of the vendor.
- 8 (8) The vendor’s quality assurance program.
- 9 (9) The vendor’s experience with the provision of supplies,
- 10 materials, and services.
- 11 (10) The consistency of the vendor’s proposed supplies,
- 12 materials, and services with the district’s overall supplies and
- 13 materials procurement program.
- 14 (11) The economic benefits to the general community related
- 15 to job creation or retention.
- 16 (d) If a district that did not purchase supplies and materials by
- 17 contract let pursuant to this section before January 1, 2006, elects
- 18 to purchase supplies and materials by contract, let in accordance
- 19 with best value acquisition policies adopted by the board pursuant
- 20 to this section, the district shall submit a report to the Legislative
- 21 Analyst on or before January 1, 2011. The district shall include in
- 22 the report a summary of the costs and benefits of best value
- 23 acquisition compared to traditional low bid procurement practices.
- 24 The report shall also include statistics showing the number of
- 25 contracts awarded to small businesses, minority-owned businesses,
- 26 and new businesses and the number of years each contract awardee
- 27 had been in business. The report shall also include an analysis of
- 28 the effects of best value procurement practices on these businesses,
- 29 the nature of any disputes arising from the use of best value
- 30 procurement practices, and the status of those disputes. On or
- 31 before April 1, 2011, the Legislative Analyst shall report to the
- 32 Legislature on the use of “best value at lowest cost acquisition”
- 33 procurement practices used by municipal utility districts, and
- 34 recommend whether to modify this section and extend the authority
- 35 of additional districts to elect to purchase supplies and materials
- 36 by contract let in accordance with best value acquisition policies,
- 37 beyond January 1, 2012.
- 38 (e) The district shall ensure that all businesses have a fair and
- 39 equitable opportunity to compete for, and participate in, district
- 40 contracts and shall also ensure that discrimination in the award

1 and performance of contracts does not occur on the basis of ~~race,~~
2 ~~color, sex, national origin,~~ marital status, ~~sexual preference, creed,~~
3 ~~ancestry, medical condition, any characteristic listed or defined~~
4 ~~in Section 11135 of the Government Code,~~ or retaliation for having
5 filed a discrimination complaint in the performance of district
6 contractual obligations.

7 (f) A district that did not purchase supplies and materials by
8 contract let pursuant to this section before January 1, 2006, shall
9 not purchase supplies and materials by contract let pursuant to this
10 section after January 1, 2012.

11 SEC. 45. Section 17269 of the Revenue and Taxation Code,
12 as added by Section 4 of Chapter 1139 of the Statutes of 1987, is
13 repealed.

14 ~~17269. Whereas, the people of the State of California desire~~
15 ~~to promote and achieve tax equity and fairness among all the state's~~
16 ~~citizens and further desire to conform to the public policy of~~
17 ~~nondiscrimination, the Legislature hereby enacts the following for~~
18 ~~these reasons and for no other purpose:~~

19 (a) ~~The provisions of Section 162(a) of the Internal Revenue~~
20 ~~Code shall not be applicable to expenses incurred by a taxpayer~~
21 ~~with respect to expenditures made at, or payments made to, a club~~
22 ~~which restricts membership or the use of its services or facilities~~
23 ~~on the basis of age, sex, race, religion, color, ancestry, or national~~
24 ~~origin.~~

25 (b) ~~A club described in subdivision (a) holding an alcoholic~~
26 ~~beverage license pursuant to Division 9 (commencing with Section~~
27 ~~23000) of the Business and Professions Code, except a club holding~~
28 ~~an alcoholic beverage license pursuant to Section 23425 thereof,~~
29 ~~shall provide on each receipt furnished to a taxpayer a printed~~
30 ~~statement as follows:~~

31 ~~“The expenditures covered by this receipt are nondeductible for~~
32 ~~state income tax purposes or franchise tax purposes.”~~

33 (c) ~~For purposes of this section:~~

34 (1) ~~“Expenses” means those expenses otherwise deductible~~
35 ~~under Section 162(a) of the Internal Revenue Code, except for~~
36 ~~subdivision (a), and includes, but is not limited to, club membership~~
37 ~~dues and assessments, food and beverage expenses, expenses for~~
38 ~~services furnished by the club, and reimbursements or salary~~
39 ~~adjustments to officers or employees for any of the preceding~~
40 ~~expenses.~~

1 (2) “Club” means a club as defined in Division 9 (commencing
2 with Section 23000) of the Business and Professions Code, except
3 a club as defined in Section 23425 thereof.

4 SEC. 46. Section 17269 of the Revenue and Taxation Code,
5 as added by Section 2 of Chapter 1463 of the Statutes of 1987, is
6 amended to read:

7 17269. Whereas, the people of the State of California desire
8 to promote and achieve tax equity and fairness among all the state's
9 citizens and further desire to conform to the public policy of
10 nondiscrimination, the Legislature hereby enacts the following for
11 these reasons and for no other purpose:

12 (a) The provisions of Section 162 (a) of the Internal Revenue
13 Code shall not be applicable to expenses incurred by a taxpayer
14 with respect to expenditures made at, or payments made to, a club
15 which restricts membership or the use of its services or facilities
16 on the basis of ~~age, sex, race, religion, color, ancestry, or national~~
17 ~~origin~~ *any characteristic listed or defined in Section 11135 of the*
18 *Government Code.*

19 (b) A club described in subdivision (a) holding an alcoholic
20 beverage license pursuant to Division 9 (commencing with Section
21 23000) of the Business and Professions Code, except a club holding
22 an alcoholic beverage license pursuant to Section 23425 thereof,
23 shall provide on each receipt furnished to a taxpayer a printed
24 statement as follows:

25 “The expenditures covered by this receipt are nondeductible for
26 state income tax purposes or franchise tax purposes.”

27 (c) For purposes of this section:

28 (1) “Expenses” means those expenses otherwise deductible
29 under Section 162(a) of the Internal Revenue Code, except for
30 subdivision (a), and includes, but is not limited to, club membership
31 dues and assessments, food and beverage expenses, expenses for
32 services furnished by the club, and reimbursements or salary
33 adjustments to officers or employees for any of the preceding
34 expenses.

35 (2) “Club” means a club as defined in Division 9 (commencing
36 with Section 23000) of the Business and Professions Code, except
37 a club as defined in Section 23425 thereof.

38 SEC. 47. Section 24343.2 of the Revenue and Taxation Code
39 is amended to read:

1 24343.2. Whereas, the people of the State of California desire
2 to promote and achieve tax equity and fairness among all the state's
3 citizens and further desire to conform to the public policy of
4 nondiscrimination, the Legislature hereby enacts the following for
5 these reasons and for no other purpose:

6 (a) No deduction shall be allowed under Section 24343 for
7 expenses incurred by a taxpayer with respect to expenditures made
8 at, or payments made to, a club which restricts membership or the
9 use of its services or facilities on the basis of ~~age, sex, race,~~
10 ~~religion, color, ancestry, or national origin~~ *any characteristic listed*
11 *or defined in Section 11135 of the Government Code.*

12 (b) A club described in subdivision (a) holding an alcoholic
13 beverage license pursuant to Division 9 (commencing with Section
14 23000) of the Business and Professions Code, except a club holding
15 an alcoholic beverage license pursuant to Section 23425 thereof,
16 shall provide on each receipt furnished to a taxpayer a printed
17 statement as follows:

18 “The expenditures covered by this receipt are nondeductible for
19 state income tax purposes or franchise tax purposes.”

20 (c) For purposes of this section:

21 (1) “Expenses” means those expenses otherwise deductible
22 under Section 24343, except for subdivision (a), and includes, but
23 is not limited to, club membership dues and assessments, food and
24 beverage expenses, expenses for services furnished by the club,
25 and reimbursements or salary adjustments to officers or employees
26 for any of the preceding expenses.

27 (2) “Club” means a club as defined in Division 9 (commencing
28 with Section 23000) of the Business and Professions Code, except
29 a club as defined in Section 23425 thereof.

30 SEC. 48. Section 4666 of the Welfare and Institutions Code is
31 amended to read:

32 4666. No regional center shall conduct any meeting, conference,
33 or other function in any facility that prohibits the admittance of
34 any person, or persons, on the basis of ~~race, religious creed, color,~~
35 ~~national origin, ancestry, sex, or disability~~ *any characteristic listed*
36 *or defined in Section 11135 of the Government Code.*

37 SEC. 49. Section 5348 of the Welfare and Institutions Code is
38 amended to read:

39 5348. (a) For purposes of subdivision (e) of Section 5346, any
40 county that chooses to provide assisted outpatient treatment

1 services pursuant to this article shall offer assisted outpatient
2 treatment services including, but not limited to, all of the following:

3 (1) Community-based, mobile, multidisciplinary, highly trained
4 mental health teams that use high staff-to-client ratios of no more
5 than 10 clients per team member for those subject to court-ordered
6 services pursuant to Section 5346.

7 (2) A service planning and delivery process that includes the
8 following:

9 (A) Determination of the numbers of persons to be served and
10 the programs and services that will be provided to meet their needs.
11 The local director of mental health shall consult with the sheriff,
12 the police chief, the probation officer, the mental health board,
13 contract agencies, and family, client, ethnic, and citizen
14 constituency groups as determined by the director.

15 (B) Plans for services, including outreach to families whose
16 severely mentally ill adult is living with them, design of mental
17 health services, coordination and access to medications, psychiatric
18 and psychological services, substance abuse services, supportive
19 housing or other housing assistance, vocational rehabilitation, and
20 veterans' services. Plans shall also contain evaluation strategies,
21 that shall consider cultural, linguistic, ~~gender, age,~~ and special
22 ~~needs of minorities~~ *based on any characteristic listed or defined*
23 *in Section 11135 of the Government Code* in the target populations.
24 Provision shall be made for staff with the cultural background and
25 linguistic skills necessary to remove barriers to mental health
26 services as a result of having limited-English-speaking ability and
27 cultural differences. Recipients of outreach services may include
28 families, the public, primary care physicians, and others who are
29 likely to come into contact with individuals who may be suffering
30 from an untreated severe mental illness who would be likely to
31 become homeless if the illness continued to be untreated for a
32 substantial period of time. Outreach to adults may include adults
33 voluntarily or involuntarily hospitalized as a result of a severe
34 mental illness.

35 (C) Provisions for services to meet the needs of persons who
36 are physically disabled.

37 (D) Provision for services to meet the special needs of older
38 adults.

1 (E) Provision for family support and consultation services,
2 parenting support and consultation services, and peer support or
3 self-help group support, where appropriate.

4 (F) Provision for services to be client-directed and that employ
5 psychosocial rehabilitation and recovery principles.

6 (G) Provision for psychiatric and psychological services that
7 are integrated with other services and for psychiatric and
8 psychological collaboration in overall service planning.

9 (H) Provision for services specifically directed to seriously
10 mentally ill young adults 25 years of age or younger who are
11 homeless or at significant risk of becoming homeless. These
12 provisions may include continuation of services that would still
13 be received through other funds had eligibility not been terminated
14 as a result of age.

15 (I) Services reflecting special needs of women from diverse
16 cultural backgrounds, including supportive housing that accepts
17 children, personal services coordinator therapeutic treatment, and
18 substance treatment programs that address gender specific trauma
19 and abuse in the lives of persons with mental illness, and vocational
20 rehabilitation programs that offer job training programs free of
21 gender bias and sensitive to the needs of women.

22 (J) Provision for housing for clients that is immediate,
23 transitional, permanent, or all of these.

24 (K) Provision for clients who have been suffering from an
25 untreated severe mental illness for less than one year, and who do
26 not require the full range of services, but are at risk of becoming
27 homeless unless a comprehensive individual and family support
28 services plan is implemented. These clients shall be served in a
29 manner that is designed to meet their needs.

30 (3) Each client shall have a clearly designated mental health
31 personal services coordinator who may be part of a
32 multidisciplinary treatment team who is responsible for providing
33 or assuring needed services. Responsibilities include complete
34 assessment of the client's needs, development of the client's
35 personal services plan, linkage with all appropriate community
36 services, monitoring of the quality and follow through of services,
37 and necessary advocacy to ensure each client receives those
38 services which are agreed to in the personal services plan. Each
39 client shall participate in the development of his or her personal
40 services plan, and responsible staff shall consult with the designated

1 conservator, if one has been appointed, and, with the consent of
2 the client, shall consult with the family and other significant
3 persons as appropriate.

4 (4) The individual personal services plan shall ensure that
5 persons subject to assisted outpatient treatment programs receive
6 age, gender, and culturally appropriate services, to the extent
7 feasible, that are designed to enable recipients to:

8 (A) Live in the most independent, least restrictive housing
9 feasible in the local community, and, for clients with children, to
10 live in a supportive housing environment that strives for
11 reunification with their children or assists clients in maintaining
12 custody of their children as is appropriate.

13 (B) Engage in the highest level of work or productive activity
14 appropriate to their abilities and experience.

15 (C) Create and maintain a support system consisting of friends,
16 family, and participation in community activities.

17 (D) Access an appropriate level of academic education or
18 vocational training.

19 (E) Obtain an adequate income.

20 (F) Self-manage their illnesses and exert as much control as
21 possible over both the day-to-day and long-term decisions that
22 affect their lives.

23 (G) Access necessary physical health care and maintain the best
24 possible physical health.

25 (H) Reduce or eliminate serious antisocial or criminal behavior,
26 and thereby reduce or eliminate their contact with the criminal
27 justice system.

28 (I) Reduce or eliminate the distress caused by the symptoms of
29 mental illness.

30 (J) Have freedom from dangerous addictive substances.

31 (5) The individual personal services plan shall describe the
32 service array that meets the requirements of paragraph (4), and to
33 the extent applicable to the individual, the requirements of
34 paragraph (2).

35 (b) Any county that provides assisted outpatient treatment
36 services pursuant to this article also shall offer the same services
37 on a voluntary basis.

38 (c) Involuntary medication shall not be allowed absent a separate
39 order by the court pursuant to Sections 5332 to 5336, inclusive.

1 (d) Each county that operates an assisted outpatient treatment
2 program pursuant to this article shall provide data to the State
3 Department of Mental Health and, based on the data, the
4 department shall report to the Legislature on or before May 1 of
5 each year in which the county provides services pursuant to this
6 article. The report shall include, at a minimum, an evaluation of
7 the effectiveness of the strategies employed by each program
8 operated pursuant to this article in reducing homelessness and
9 hospitalization of persons in the program and in reducing
10 involvement with local law enforcement by persons in the program.
11 The evaluation and report shall also include any other measures
12 identified by the department regarding persons in the program and
13 all of the following, based on information that is available:

14 (1) The number of persons served by the program and, of those,
15 the number who are able to maintain housing and the number who
16 maintain contact with the treatment system.

17 (2) The number of persons in the program with contacts with
18 local law enforcement, and the extent to which local and state
19 incarceration of persons in the program has been reduced or
20 avoided.

21 (3) The number of persons in the program participating in
22 employment services programs, including competitive employment.

23 (4) The days of hospitalization of persons in the program that
24 have been reduced or avoided.

25 (5) Adherence to prescribed treatment by persons in the program.

26 (6) Other indicators of successful engagement, if any, by persons
27 in the program.

28 (7) Victimization of persons in the program.

29 (8) Violent behavior of persons in the program.

30 (9) Substance abuse by persons in the program.

31 (10) Type, intensity, and frequency of treatment of persons in
32 the program.

33 (11) Extent to which enforcement mechanisms are used by the
34 program, when applicable.

35 (12) Social functioning of persons in the program.

36 (13) Skills in independent living of persons in the program.

37 (14) Satisfaction with program services both by those receiving
38 them and by their families, when relevant.

39 SEC. 50. Section 5806 of the Welfare and Institutions Code is
40 amended to read:

1 5806. The State Department of Mental Health shall establish
2 service standards that ensure that members of the target population
3 are identified, and services provided to assist them to live
4 independently, work, and reach their potential as productive
5 citizens. The department shall provide annual oversight of grants
6 issued pursuant to this part for compliance with these standards.
7 These standards shall include, but are not limited to, all of the
8 following:

9 (a) A service planning and delivery process that is target
10 population based and includes the following:

11 (1) Determination of the numbers of clients to be served and
12 the programs and services that will be provided to meet their needs.
13 The local director of mental health shall consult with the sheriff,
14 the police chief, the probation officer, the mental health board,
15 contract agencies, and family, client, ethnic and citizen
16 constituency groups as determined by the director.

17 (2) Plans for services, including outreach to families whose
18 severely mentally ill adult is living with them, design of mental
19 health services, coordination and access to medications, psychiatric
20 and psychological services, substance abuse services, supportive
21 housing or other housing assistance, vocational rehabilitation, and
22 veterans' services. Plans shall also contain evaluation strategies,
23 that shall consider cultural, linguistic, gender, age, and special
24 needs of minorities in the target populations. Provision shall be
25 made for staff with the cultural background and linguistic skills
26 necessary to remove barriers to mental health services due to
27 limited-English-speaking ability and cultural differences.
28 Recipients of outreach services may include families, the public,
29 primary care physicians, and others who are likely to come into
30 contact with individuals who may be suffering from an untreated
31 severe mental illness who would be likely to become homeless if
32 the illness continued to be untreated for a substantial period of
33 time. Outreach to adults may include adults voluntarily or
34 involuntarily hospitalized as a result of a severe mental illness.

35 (3) Provisions for services to meet the needs of target population
36 clients who are physically disabled.

37 (4) Provision for services to meet the special needs of older
38 adults.

1 (5) Provision for family support and consultation services,
2 parenting support and consultation services, and peer support or
3 self-help group support, where appropriate for the individual.

4 (6) Provision for services to be client-directed and that employ
5 psychosocial rehabilitation and recovery principles.

6 (7) Provision for psychiatric and psychological services that are
7 integrated with other services and for psychiatric and psychological
8 collaboration in overall service planning.

9 (8) Provision for services specifically directed to seriously
10 mentally ill young adults 25 years of age or younger who are
11 homeless or at significant risk of becoming homeless. These
12 provisions may include continuation of services that would still
13 be received through other funds had eligibility not been terminated
14 due to age.

15 (9) Services reflecting special needs of women from diverse
16 cultural backgrounds, including supportive housing that accepts
17 children, personal services coordinator therapeutic treatment, and
18 substance treatment programs that address gender specific trauma
19 and abuse in the lives of persons with mental illness, and vocational
20 rehabilitation programs that offer job training programs free of
21 gender bias and sensitive to the needs of women.

22 (10) Provision for housing for clients that is immediate,
23 transitional, permanent, or all of these.

24 (11) Provision for clients who have been suffering from an
25 untreated severe mental illness for less than one year, and who do
26 not require the full range of services but are at risk of becoming
27 homeless unless a comprehensive individual and family support
28 services plan is implemented. These clients shall be served in a
29 manner that is designed to meet their needs.

30 (b) Each client shall have a clearly designated mental health
31 personal services coordinator who may be part of a
32 multidisciplinary treatment team who is responsible for providing
33 or assuring needed services. Responsibilities include complete
34 assessment of the client's needs, development of the client's
35 personal services plan, linkage with all appropriate community
36 services, monitoring of the quality and follow through of services,
37 and necessary advocacy to ensure each client receives those
38 services which are agreed to in the personal services plan. Each
39 client shall participate in the development of his or her personal
40 services plan, and responsible staff shall consult with the designated

1 conservator, if one has been appointed, and, with the consent of
2 the client, consult with the family and other significant persons as
3 appropriate.

4 (c) The individual personal services plan shall ensure that
5 members of the target population involved in the system of care
6 receive ~~age, gender, and~~ culturally appropriate services *or*
7 *appropriate services based on any characteristic listed or defined*
8 *in Section 11135 of the Government Code*, to the extent feasible,
9 that are designed to enable recipients to:

10 (1) Live in the most independent, least restrictive housing
11 feasible in the local community, and for clients with children, to
12 live in a supportive housing environment that strives for
13 reunification with their children or assists clients in maintaining
14 custody of their children as is appropriate.

15 (2) Engage in the highest level of work or productive activity
16 appropriate to their abilities and experience.

17 (3) Create and maintain a support system consisting of friends,
18 family, and participation in community activities.

19 (4) Access an appropriate level of academic education or
20 vocational training.

21 (5) Obtain an adequate income.

22 (6) Self-manage their illness and exert as much control as
23 possible over both the day-to-day and long-term decisions which
24 affect their lives.

25 (7) Access necessary physical health care and maintain the best
26 possible physical health.

27 (8) Reduce or eliminate serious antisocial or criminal behavior
28 and thereby reduce or eliminate their contact with the criminal
29 justice system.

30 (9) Reduce or eliminate the distress caused by the symptoms of
31 mental illness.

32 (10) Have freedom from dangerous addictive substances.

33 (d) The individual personal services plan shall describe the
34 service array that meets the requirements of subdivision (c), and
35 to the extent applicable to the individual, the requirements of
36 subdivision (a).

37 SEC. 51. Section 10000 of the Welfare and Institutions Code
38 is amended to read:

39 10000. The purpose of this division is to provide for protection,
40 care, and assistance to the people of the state in need thereof, and

1 to promote the welfare and happiness of all of the people of the
2 state by providing appropriate aid and services to all of its needy
3 and distressed. It is the legislative intent that aid shall be
4 administered and services provided promptly and humanely, with
5 due regard for the preservation of family life, and without
6 discrimination on account of ~~race, national origin or~~ ancestry,
7 ~~religion, sex, marital status, or political affiliation; and that, or any~~
8 *characteristic listed or defined in Section 11135 of the Government*
9 *Code. That aid shall be so administered and services so provided,*
10 *to the extent not in conflict with federal law, as to encourage*
11 *self-respect, self-reliance, and the desire to be a good citizen, useful*
12 *to society.*

13 SEC. 52. Section 16522.1 of the Welfare and Institutions Code
14 is amended to read:

15 16522.1. In order to be licensed pursuant to Section 1559.110
16 of the Health and Safety Code, an applicant shall obtain
17 certification from the county department of social services or the
18 county probation department that the facility program provides all
19 of the following:

20 (a) (1) Admission criteria for participants in the program,
21 including, but not limited to, consideration of the applicant's age,
22 previous placement history, delinquency history, history of drug
23 or alcohol abuse, current strengths, level of education, mental
24 health history, medical history, prospects for successful
25 participation in the program, and work experience. Youth who are
26 wards of the court described in Section 602 and youth receiving
27 psychotropic medications shall be eligible for consideration to
28 participate in the program, and shall not be automatically excluded
29 due to these factors.

30 (2) The department shall review the admission criteria to ensure
31 that the criteria are sufficient to protect participants and that they
32 do not discriminate on the basis of ~~race, gender, sexual orientation,~~
33 ~~or disability~~ *any characteristic listed or defined in Section 11135*
34 *of the Government Code.*

35 (b) Strict employment criteria that include a consideration of
36 the employee's age, drug or alcohol history, and experience in
37 working with persons in this age group.

38 (c) A training program designed to educate employees who
39 work directly with participants about the characteristics of persons
40 in this age group placed in long-term care settings, and designed

1 to ensure that these employees are able to adequately supervise
2 and counsel participants and to provide them with training in
3 independent living skills.

4 (d) A detailed plan for monitoring the placement of persons
5 under the licensee's care.

6 (e) A contract between the participating person and the licensee
7 that specifically sets out the requirements for each party, and in
8 which the licensee and the participant agree to the requirements
9 of this article.

10 (f) An allowance to be provided to each participant in the
11 program. In the case of a participant living independently, this
12 allowance shall be sufficient for the participant to purchase food
13 and other necessities.

14 (g) A system for payment for utilities, telephone, and rent.

15 (h) Policies regarding all of the following:

16 (1) Education requirements.

17 (2) Work expectations.

18 (3) Savings requirements.

19 (4) Personal safety.

20 (5) Visitors including, but not limited to, visitation by the
21 placement auditor pursuant to subdivision (d).

22 (6) Emergencies.

23 (7) Medical problems.

24 (8) Disciplinary measures.

25 (9) Child care.

26 (10) Pregnancy.

27 (11) Curfew.

28 (12) Apartment cleanliness.

29 (13) Use of utilities and telephone.

30 (14) Budgeting.

31 (15) Care of furnishings.

32 (16) Decorating of apartments.

33 (17) Cars.

34 (18) Lending or borrowing money.

35 (19) Unauthorized purchases.

36 (20) Dating.

37 (21) Grounds for termination that may include, but shall not be
38 limited to, illegal activities or harboring runaways.

39 (i) Apartment furnishings, and a policy on disposition of the
40 furnishings when the participant completes the program.

1 (j) Evaluation of the participant's progress in the program and
2 reporting to the independent living program and to the department
3 regarding that progress.

4 (k) A linkage to the federal Job Training and Partnership Act
5 (29 U.S.C. Sec. 1501 et seq.) program administered in the local
6 area to provide employment training to eligible participants.

7 SEC. 53. Section 18907 of the Welfare and Institutions Code
8 is amended to read:

9 18907. In the determination of eligibility for food stamps, there
10 shall be no discrimination against any household by reason of ~~race,~~
11 ~~color, religious creed, national origin, sex, marital status, or~~
12 ~~political belief, or any characteristic listed or defined in Section~~
13 ~~11135 of the Government Code~~ to the extent not in conflict with
14 federal law.

15 SEC. 54. The changes made by Sections 2, 3, 4, 5, 6, 7, 8, 10,
16 11, 12, 13, 14, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 33, 34,
17 37, 38, 41, 42, and 43 of this act that become effective January 1,
18 2008, are intended to be construed as illustrative, rather than
19 restrictive.

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