

AMENDED IN ASSEMBLY APRIL 12, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

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 amended, 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 horseracing 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, *or medical condition*.

(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~~ *age, ethnic group identification*, 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~~ *ethnic group identification*, 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~~ *age, ethnic group identification*, 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,

age, ethnic group identification, 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, *age, ethnic group identification*, 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, *age, ethnic group identification*, 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 *the* Civil Rights Act of ~~2007.~~ 2007.
3 SEC. 2. Section 125.6 of the Business and Professions Code
4 is amended to read:
5 125.6. (a) With regard to an applicant, every person who holds
6 a license under the provisions of this code is subject to disciplinary
7 action under the disciplinary provisions of this code applicable to
8 that person if, because of any characteristic listed or defined in
9 subdivision (b) or (e) of Section 51 of the Civil Code, he or she
10 refuses to perform the licensed activity or aids or incites the refusal
11 to perform that licensed activity by another licensee, or if, because
12 of any characteristic listed or defined in subdivision (b) or (e) of
13 Section 51 of the Civil Code, he or she makes any discrimination,
14 or restriction in the performance of the licensed activity. Nothing
15 in this section shall be interpreted to apply to discrimination by
16 employers with regard to employees or prospective employees,

1 nor shall this section authorize action against any club license
2 issued pursuant to Article 4 (commencing with Section 23425) of
3 Chapter 3 of Division 9 because of discriminatory membership
4 policy. The presence of architectural barriers to an individual with
5 physical disabilities that conform to applicable state or local
6 building codes and regulations shall not constitute discrimination
7 under this section.

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

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

19 (c) (1) “Applicant,” as used in this section, means a person
20 applying for licensed services provided by a person licensed under
21 this code.

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

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

28 16721. Recognizing that the California Constitution prohibits
29 a person from being disqualified from entering or pursuing a
30 business, profession, vocation, or employment because of sex,
31 race, creed, color, or national or ethnic origin, and guarantees the
32 free exercise and enjoyment of religion without discrimination or
33 preference; and recognizing that these and other basic, fundamental
34 constitutional principles are directly affected and denigrated by
35 certain ongoing practices in the business and commercial world,
36 it is necessary that provisions protecting and enhancing a person’s
37 right to enter or pursue business and to freely exercise and enjoy
38 religion, consistent with law, be established.

39 (a) No person within the jurisdiction of this state shall be
40 excluded from a business transaction on the basis of a policy

1 expressed in any document or writing and imposed by a third party
2 where that policy requires discrimination against that person on
3 the basis of any characteristic listed or defined in subdivision (b)
4 or (e) of Section 51 of the Civil Code or on the basis that the person
5 conducts or has conducted business in a particular location.

6 (b) No person within the jurisdiction of this state shall require
7 another person to be excluded, or be required to exclude another
8 person, from a business transaction on the basis of a policy
9 expressed in any document or writing that requires discrimination
10 against that other person on the basis of any characteristic listed
11 or defined in subdivision (b) or (e) of Section 51 of the Civil Code
12 or on the basis that the person conducts or has conducted business
13 in a particular location.

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

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

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

22 16721.5. (a) It is an unlawful trust and an unlawful restraint
23 of trade for any person to do the following:

24 (1) Grant or accept any letter of credit, or other document that
25 evidences the transfer of funds or credit, or enter into any contract
26 for the exchange of goods or services, where the letter of credit,
27 contract, or other document contains any provision that requires
28 any person to discriminate against or to certify that he, she, or it
29 has not dealt with any other person on the basis of any
30 characteristic listed or defined in subdivision (b) or (e) of Section
31 51 of the Civil Code, or on the basis of a person's lawful business
32 associations.

33 (2) To refuse to grant or accept any letter of credit, or other
34 document that evidences the transfer of funds or credit, or to refuse
35 to enter into any contract for the exchange of goods or services,
36 on the ground that it does not contain a discriminatory provision
37 or certification.

38 (b) The provisions of this section shall not apply to any letter
39 of credit, contract, or other document that contains any provision
40 pertaining to a labor dispute or an unfair labor practice if the other

1 provisions of that letter of credit, contract, or other document do
2 not otherwise violate the provisions of this section.

3 (c) For purposes of this section, the prohibition against
4 discrimination on the basis of a person’s business associations
5 shall be deemed not to include the requiring of association with
6 particular employment or a particular group as a prerequisite to
7 obtaining group rates or discounts on insurance, recreational
8 activities, or other similar benefits.

9 (d) For purposes of this section, “person” shall include, but not
10 be limited to, individuals, firms partnerships, associations,
11 corporations, and governmental agencies.

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

14 19572. The board may, by rule, provide for the exclusion or
15 ejection from any inclosure where horseraces are authorized, or
16 from specified portions of that inclosure, of any known bookmaker,
17 known tout, person who has been convicted of a violation of any
18 provision of this chapter or of any law prohibiting bookmaking or
19 any other illegal form of wagering on horseraces, or any other
20 person whose presence in the inclosure would, in the opinion of
21 the board, be inimical to the interests of the state or of legitimate
22 horseracing, or both. No rule shall provide for the exclusion or
23 ejection of any person on the ground of any characteristic listed
24 or defined in subdivision (b) or (e) of Section 51 of the Civil Code.

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

27 23426.5. (a) For purposes of this article, “club” also means
28 any tennis club that maintains not less than four regulation tennis
29 courts, together with the necessary facilities and clubhouse, has
30 members paying regular monthly dues, has been in existence for
31 not less than 45 years, and is not associated with a common interest
32 development as defined in Section 1351 of the Civil Code, a
33 community apartment project as defined in Section 11004 of this
34 code, a project consisting of condominiums as defined in Section
35 783 of the Civil Code, or a mobilehome park as defined in Section
36 18214 of the Health and Safety Code.

37 (b) It shall be unlawful for any club licensed pursuant to this
38 section to make any discrimination, distinction, or restriction
39 against any person on account of age or any characteristic listed
40 or defined in subdivision (b) or (e) of Section 51 of the Civil Code.

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

3 23428.19. For purposes of this article, “club” also means any
4 private club organized to play handball or racquetball, which owns,
5 maintains, or operates a building containing not less than four
6 regulation-size handball or racquetball courts, which has members,
7 and the members each pay regular monthly dues. As used in this
8 section, a “regulation-size handball or racquetball court” is a court
9 meeting the standards for regulation courts as are promulgated by
10 the United States Handball Association or an equivalent
11 organization.

12 It shall be unlawful for any club licensed pursuant to this section
13 to make any discrimination, distinction, or restriction against any
14 person on account of any characteristic listed or defined in
15 subdivision (b) or (e) of Section 51 of the Civil Code.

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

18 23428.28. For the purposes of this article, “club” also means
19 any beach and athletic club that owns, maintains, or operates a
20 standard Amateur Athletic Union (AAU) swimming pool together
21 with the necessary facilities and clubhouse, has a minimum of 500
22 members paying regular monthly dues, and has continuously
23 operated for not less than one year.

24 No license shall be issued to any beach and athletic club
25 qualifying as a club pursuant to this section if the beach and athletic
26 club in any manner restricts membership or the use of its facilities
27 on the basis of age or any characteristic listed or defined in
28 subdivision (b) or (e) of Section 51 of the Civil Code.

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

31 23438. (a) Any alcoholic beverage club licensee which restricts
32 membership or the use of its services or facilities on the basis of
33 ancestry or any characteristic listed or defined in Section 11135
34 of the Government Code shall, when issuing a receipt for expenses
35 which may otherwise be used by taxpayers for deduction purposes
36 pursuant to Section 162(a) of the Internal Revenue Code, for
37 purposes of the Personal Income Tax Law, or Section 24343 of
38 the Revenue and Taxation Code, for purposes of the Bank and
39 Corporation Tax Law, incorporate a printed statement on the receipt
40 as follows:

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

3 (b) For purposes of this section, the following terms have the
4 following meanings:

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

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

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

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

13 (a) The prohibition of discrimination based upon any
14 characteristic listed or defined in subdivision (b) or (e) of Section
15 51 in the granting, sale, transfer, bequest, termination, and
16 nonrenewal of dealerships.

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

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

21 83. On or after January 1, 1981, no grantor, directly or
22 indirectly, shall refuse to grant a dealership to any person because
23 of any characteristic listed or defined in subdivision (b) or (e) of
24 Section 51.

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

26 84. On or after January 1, 1981, no grantor, directly or
27 indirectly, may terminate, cancel, or refuse to renew a dealership
28 agreement with a dealer because of any characteristic listed or
29 defined in subdivision (b) or (e) of Section 51.

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

31 85. On or after January 1, 1981, no grantor or dealer, directly
32 or indirectly, shall refuse to make or to consent to an assignment,
33 sale, transfer, or bequest of a dealership to any person, or to the
34 intestate succession to the dealership by any person, because of
35 any characteristic listed or defined in subdivision (b) or (e) of
36 Section 51. This section shall not be construed to create any right
37 in a dealer to assign, sell, transfer, or bequeath a dealership where
38 the right did not exist prior to January 1, 1981.

39 SEC. 14. Section 1747.80 of the Civil Code is amended to
40 read:

1 1747.80. (a) No card issuer shall refuse to issue a credit card
2 to any person solely because of any characteristic listed or defined
3 in subdivision (b) or (e) of Section 51.

4 (b) Any card issuer who willfully violates this section is liable
5 for each and every offense for the actual damages, and two hundred
6 fifty dollars (\$250) in addition thereto, suffered by any person
7 denied a credit card solely for the reasons set forth in subdivision
8 (a). In addition, that person may petition the court to order the card
9 issuer to issue him or her a credit card upon the terms, conditions,
10 and standards as the card issuer normally utilizes in granting credit
11 to other individuals.

12 SEC. 15. Section 204 of the Code of Civil Procedure is
13 amended to read:

14 204. (a) No eligible person shall be exempt from service as a
15 trial juror by reason of occupation, economic status, or any
16 characteristic listed or defined in Section 11135 of the Government
17 Code, or for any other reason. No person shall be excused from
18 service as a trial juror except as specified in subdivision (b).

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

22 SEC. 16. Section 425.15 of the Code of Civil Procedure is
23 amended to read:

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

1 filing of the petition, proposed pleading, and accompanying
2 affidavits shall toll the running of any applicable statute of
3 limitations until the final determination of the matter, which ruling,
4 if favorable to the petitioning party, shall permit the proposed
5 pleading to be filed.

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

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

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

17 (e) (1) This section applies only to officers and directors of
18 nonprofit corporations that are subject to Part 2 (commencing with
19 Section 5110), Part 3 (commencing with Section 7110), or Part 4
20 (commencing with Section 9110) of Division 2 of Title 1 of the
21 Corporations Code that are organized to provide charitable,
22 educational, scientific, social, or other forms of public service and
23 that are exempt from federal income taxation under Section
24 501(c)(1), except any credit union, or Section 501(c)(4), 501(c)(5),
25 501(c)(7), or 501(c)(19) of the Internal Revenue Code.

26 (2) This section does not apply to any corporation that
27 unlawfully restricts membership, services, or benefits conferred
28 on the basis of ~~ancestry, marital status,~~ political affiliation, *age*,
29 or any characteristic listed or defined in ~~Section 11135 of the~~
30 ~~Government~~ *subdivision (b) or (e) of Section 51 of the Civil Code.*

31 SEC. 17. Section 5047.5 of the Corporations Code is amended
32 to read:

33 5047.5. (a) The Legislature finds and declares that the services
34 of directors and officers of nonprofit corporations who serve
35 without compensation are critical to the efficient conduct and
36 management of the public service and charitable affairs of the
37 people of California. The willingness of volunteers to offer their
38 services has been deterred by a perception that their personal assets
39 are at risk for these activities. The unavailability and unaffordability
40 of appropriate liability insurance makes it difficult for these

1 corporations to protect the personal assets of their volunteer
2 decisionmakers with adequate insurance. It is the public policy of
3 this state to provide incentive and protection to the individuals
4 who perform these important functions.

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

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

19 (1) Self-dealing transactions, as described in Sections 5233 and
20 9243.

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

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

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

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

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

28 (7) Any action brought under Chapter 2 (commencing with
29 Section 16700) of Part 2 of Division 7 of the Business and
30 Professions Code.

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

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

1 (1) If the corporation’s annual budget is less than fifty thousand
 2 dollars (\$50,000), the minimum required amount is five hundred
 3 thousand dollars (\$500,000).

4 (2) If the corporation’s annual budget equals or exceeds fifty
 5 thousand dollars (\$50,000), the minimum required amount is one
 6 million dollars (\$1,000,000).

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

15 (f) For the purposes of this section, the payment of actual
 16 expenses incurred in attending meetings or otherwise in the
 17 execution of the duties of a director or officer shall not constitute
 18 compensation.

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

23 (h) This section does not apply to any corporation that
 24 unlawfully restricts membership, services, or benefits conferred
 25 on the basis of ~~ancestry, marital status,~~ political affiliation, *age*,
 26 or any characteristic listed or defined in ~~Section 11135 of the~~
 27 ~~Government~~ *subdivision (b) or (e) of Section 51 of the Civil Code.*

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

31 SEC. 18. Section 24001.5 of the Corporations Code is amended
 32 to read:

33 24001.5. (a) The Legislature finds and declares that the
 34 services of directors or officers of nonprofit medical associations,
 35 as defined in Section 21200, who serve without compensation are
 36 critical to the efficient conduct and management of the public
 37 service and charitable affairs of the people of California. The
 38 willingness of volunteers to offer their services has been deterred
 39 by a perception that their personal assets are at risk for these
 40 activities. The unavailability and unaffordability of appropriate

1 liability insurance makes it difficult for these associations to protect
2 the personal assets of their volunteer decisionmakers with adequate
3 insurance. It is the public policy of this state to provide incentive
4 and protection to the individuals who perform these important
5 functions.

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

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

18 (1) Self-dealing transactions, as described in Sections 5233 and
19 9243.

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

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

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

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

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

27 (7) Any action brought under Chapter 2 (commencing with
28 Section 16700) of Part 2 of Division 7 of the Business and
29 Professions Code.

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

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

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

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

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

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

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

15 (h) This section does not apply to any association that unlawfully
16 restricts membership, services, or benefits conferred on the basis
17 of ~~ancestry, marital status,~~ political affiliation, *age*, or any
18 characteristic listed or defined in ~~Section 11135 of the Government~~
19 *subdivision (b) or (e) of Section 51 of the Civil Code*.

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

23 SEC. 19. Section 66030 of the Education Code is amended to
24 read:

25 66030. (a) It is the intent of the Legislature that public higher
26 education in California strive to provide educationally equitable
27 environments that give each Californian, regardless of age,
28 economic circumstance, or any other characteristic listed or defined
29 in ~~subdivision (b) or (e) of Section 51 of the Civil Section 11135~~
30 *of the Government Code*, a reasonable opportunity to develop fully
31 his or her potential.

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

36 SEC. 20. Section 66251 of the Education Code is amended to
37 read:

38 66251. It is the policy of the State of California to afford all
39 persons, regardless of any characteristic listed or defined in
40 ~~subdivision (b) or (e) of Section 51 of the Civil Section 11135 of~~

1 *the Government* Code or any basis that is contained in the
2 prohibition of hate crimes set forth in subdivision (a) of Section
3 422.6 of the Penal Code, equal rights and opportunities in the
4 postsecondary institutions of the state. The purpose of this chapter
5 is to prohibit acts that are contrary to that policy and to provide
6 remedies therefor.

7 SEC. 21. Section 66270 of the Education Code is amended to
8 read:

9 66270. No person shall be subjected to discrimination on the
10 basis of any characteristic listed or defined in ~~subdivision (b) or~~
11 ~~(e) of Section 51 of the Civil Section 11135 of the Government~~
12 Code or any basis that is contained in the prohibition of hate crimes
13 set forth in subdivision (a) of Section 422.6 of the Penal Code in
14 any program or activity conducted by any postsecondary
15 educational institution that receives, or benefits from, state financial
16 assistance or enrolls students who receive state student financial
17 aid.

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

20 66292. (a) The governing board of a community college district
21 shall have the primary responsibility for ensuring that community
22 college district programs and activities are free from discrimination
23 based on ~~age or~~ any characteristic listed or defined in ~~subdivision~~
24 ~~(b) or (e) of Section 51 of the Civil Section 11135 of the~~
25 *Government Code*.

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

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

32 66292.1. The Chancellor of the California State University and
33 the president of each California State University campus shall have
34 the primary responsibility for ensuring that campus programs and
35 activities are free from discrimination based on ~~age or~~ any
36 characteristic listed or defined in ~~subdivision (b) or (e) of Section~~
37 ~~51 of the Civil Section 11135 of the Government 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 ~~age or any~~
5 characteristic listed or defined in ~~subdivision (b) or (e) of Section~~
6 ~~51 of the Civil Section 11135 of the Government Code.~~

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

9 69535. (a) Cal Grant Program awards shall be based upon the
10 financial need of the applicant. The level of financial need of each
11 applicant shall be determined by the commission pursuant to
12 Article 1.5 (commencing with Section 69503).

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

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

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

28 (e) Cal Grant Program awards shall be awarded without regard
29 to ~~age or any characteristic listed or defined in subdivision (b) or~~
30 ~~(e) of Section 51 of the Civil Section 11135 of the Government~~
31 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 *ancestry*
9 *or any characteristic listed or defined in ~~subdivision (b) or (c) of~~*
10 *Section 51 of the Civil Section 11135 of the Government Code.*

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

13 72014. No funds under the control of a community college
14 district shall ever be used for membership or for any participation
15 involving a financial payment or contribution, on behalf of the
16 district or any individual employed by or associated therewith, in
17 any private organization whose membership practices are
18 discriminatory on the basis of any characteristic listed or defined
19 *in ~~subdivision (b) or (c) of Section 51 of the Civil Section 11135~~*
20 *of the Government Code.* This section does not apply to any public
21 funds which have been paid to an individual officer or employee
22 of the district as salary, or to any funds which are used directly or
23 indirectly for the benefit of student organizations.

24 SEC. 28. Section 89757 of the Education Code is amended to
25 read:

26 89757. None of the funds enumerated in Section 89756, nor
27 any of the funds of an auxiliary organization, shall ever be used
28 by any university or college for membership or for any participation
29 involving a financial payment or contribution, on behalf of the
30 institution, or any individual employed by or associated therewith,
31 in any private organization whose membership practices are
32 discriminatory on the basis of any characteristic listed or defined
33 *in ~~subdivision (b) or (c) of Section 51 of the Civil Section 11135~~*
34 *of the Government Code.* This section does not apply to any public
35 funds which have been paid to an individual employee or officer
36 as salary, or to any funds which are used directly or indirectly for
37 the benefit of student organizations.

38 SEC. 29. Section 92150 of the Education Code is amended to
39 read:

1 92150. No state funds under the control of an officer or
2 employee of the University of California shall ever be used for
3 membership or for any participation involving a financial payment
4 or contribution, on behalf of the university, or any individual
5 employed by or associated therewith, in any private organization
6 whose membership practices are discriminatory on the basis of
7 any characteristic listed or defined in ~~subdivision (b) or (c) of~~
8 ~~Section 51 of the Civil~~ *Section 11135 of the Government Code*.
9 This section does not apply to any public funds which have been
10 paid to an individual employee or officer of the university as salary,
11 or to any funds which are used directly or indirectly for the benefit
12 of student organizations.

13 SEC. 30. Section 2110 of the Elections Code is amended to
14 read:

15 2110. No county elections official may refuse to deputize any
16 person to register voters because of ancestry, marital status,
17 political affiliation, or any characteristic listed or defined in Section
18 11135 of the Government Code.

19 SEC. 31. Section 11015 of the Government Code is amended
20 to read:

21 11015. No state funds under the control of an officer or
22 employee of the state, or of any agency thereof, shall ever be used
23 for membership or for any participation involving a financial
24 payment or contribution, on behalf of the state agency, or any
25 individual employed by or associated therewith, in any private
26 organization whose membership practices are discriminatory on
27 the basis of any characteristic listed or defined in Section 11135.
28 This section does not apply to any public funds which have been
29 paid to an individual employee or officer as salary.

30 SEC. 32. Section 11131 of the Government Code is amended
31 to read:

32 11131. No state agency 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 ancestry or any characteristic
35 listed or defined in Section 11135, or that is inaccessible to disabled
36 persons, or where members of the public may not be present
37 without making a payment or purchase. As used in this section,
38 “state agency” means and includes every state body, office, officer,
39 department, division, bureau, board, council, commission, or other
40 state agency.

1 SEC. 33. Section 54091 of the Government Code is amended
 2 to read:

3 54091. Any city, county, or other local agency that owns,
 4 operates, or controls any public beach shall allow the use of that
 5 public beach by all persons regardless of *ancestry*, residence, or
 6 any characteristic listed or defined in ~~subdivision (b) or (e) of~~
 7 ~~Section 51 of the Civil Code~~ *Section 11135*. Nonresidents of the
 8 city, county, or other local agency shall be permitted to use that
 9 public beach upon the same terms and conditions as are residents
 10 of the city, county, or local agency.

11 SEC. 34. Section 54092 of the Government Code is amended
 12 to read:

13 54092. Any city, county, or other local agency that allows any
 14 property owned, operated, or controlled by it to be used as a means
 15 of access to any public beach shall allow free access over that
 16 property to all persons regardless of *ancestry*, residence, or any
 17 characteristic listed or defined in ~~subdivision (b) or (e) of~~ *Section*
 18 ~~51 of the Civil Code~~ *Section 11135*.

19 SEC. 35. Section 54961 of the Government Code is amended
 20 to read:

21 54961. (a) No legislative body of a local agency shall conduct
 22 any meeting in any facility that prohibits the admittance of any
 23 person, or persons, on the basis of ancestry or any characteristic
 24 listed or defined in Section 11135, or which is inaccessible to
 25 disabled persons, or where members of the public may not be
 26 present without making a payment or purchase. This section shall
 27 apply to every local agency as defined in Section 54951.

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

32 SEC. 36. Section 68088 of the Government Code is amended
 33 to read:

34 68088. The Judicial Council may provide by rule of court for
 35 racial, ethnic, and gender bias, and sexual harassment training and
 36 training for any other bias based on any characteristic listed or
 37 defined in Section 11135 for judges, commissioners, and referees.

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

1 1317. (a) Emergency services and care shall be provided to
2 any person requesting the services or care, or for whom services
3 or care is requested, for any condition in which the person is in
4 danger of loss of life, or serious injury or illness, at any health
5 facility licensed under this chapter that maintains and operates an
6 emergency department to provide emergency services to the public
7 when the health facility has appropriate facilities and qualified
8 personnel available to provide the services or care.

9 (b) In no event shall the provision of emergency services and
10 care be based upon, or affected by, the person's ethnicity,
11 citizenship, age, preexisting medical condition, insurance status,
12 economic status, ability to pay for medical services, or any other
13 characteristic listed or defined in subdivision (b) or (e) of Section
14 51 of the Civil Code, except to the extent that a circumstance such
15 as age, sex, preexisting medical condition, or physical or mental
16 disability is medically significant to the provision of appropriate
17 medical care to the patient.

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

26 (d) Emergency services and care shall be rendered without first
27 questioning the patient or any other person as to his or her ability
28 to pay therefor. However, the patient or his or her legally
29 responsible relative or guardian shall execute an agreement to pay
30 therefor or otherwise supply insurance or credit information
31 promptly after the services are rendered.

32 (e) If a health facility subject to this chapter does not maintain
33 an emergency department, its employees shall nevertheless exercise
34 reasonable care to determine whether an emergency exists and
35 shall direct the persons seeking emergency care to a nearby facility
36 that can render the needed services, and shall assist the persons
37 seeking emergency care in obtaining the services, including
38 transportation services, in every way reasonable under the
39 circumstances.

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

10 (g) “Rescue team,” as used in this section, means a special group
11 of physicians and surgeons, nurses, and employees of a health
12 facility who have been trained in cardiopulmonary resuscitation
13 and have been designated by the health facility to attempt, in cases
14 of emergency, to resuscitate persons who are in immediate danger
15 of loss of life.

16 (h) This section shall not relieve a health facility of any duty
17 otherwise imposed by law upon the health facility for the
18 designation and training of members of a rescue team or for the
19 provision or maintenance of equipment to be used by a rescue
20 team.

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

23 1317.3. (a) As a condition of licensure, each hospital shall
24 adopt, in consultation with the medical staff, policies and transfer
25 protocols consistent with this article and regulations adopted
26 hereunder.

27 (b) As a condition of licensure, each hospital shall adopt a policy
28 prohibiting discrimination in the provision of emergency services
29 and care based on ethnicity, citizenship, age, preexisting medical
30 condition, insurance status, economic status, ability to pay for
31 medical services, or any characteristic listed or defined in
32 subdivision (b) or (e) of Section 51 of the Civil Code, except to
33 the extent that a circumstance such as age, sex, preexisting medical
34 condition, or physical or mental disability is medically significant
35 to the provision of appropriate medical care to the patient. Transfer
36 by a hospital of a patient who requires evaluation for involuntary
37 psychiatric treatment, as determined by the receiving hospital or
38 other receiving health facility, based upon the decision of a
39 professional person duly authorized by law to make that decision,
40 shall not constitute discrimination for the purposes of this section,

1 if the transferring hospital has not been designated as an evaluation
2 facility by a county pursuant to Section 5150 of the Welfare and
3 Institutions Code, and if the transfer is in compliance with Section
4 1317.2.

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

21 (d) As a condition of licensure, all hospitals shall inform all
22 persons presented to an emergency room or their representatives
23 if any are present and the person is unable to understand verbal or
24 written communication, both orally and in writing, of the reasons
25 for the transfer or refusal to provide emergency services and care
26 and of the person’s right to emergency services and care prior to
27 transfer or discharge without regard to ability to pay. Nothing in
28 this subdivision requires notification of the reasons for the transfer
29 in advance of the transfer where a person is unaccompanied and
30 the hospital has made a reasonable effort to locate a representative,
31 and because of the person’s physical or mental condition,
32 notification is not possible. All hospitals shall prominently post a
33 sign in their emergency rooms informing the public of their rights.
34 Both the posted sign and written communication concerning the
35 transfer or refusal to provide emergency services and care shall
36 give the address of the department as the government agency to
37 contact in the event the person wishes to complain about the
38 hospital’s conduct.

39 (e) If a hospital does not timely adopt the policies and protocols
40 required in this article, the hospital, in addition to denial or

1 revocation of any of its licenses, shall be subject to a fine not to
 2 exceed one thousand dollars (\$1,000) each day after expiration of
 3 60 days' written notice from the state department that the hospital's
 4 policies or protocols required by this article are inadequate unless
 5 the delay is excused by the state department upon a showing of
 6 good and sufficient cause by the hospital. The notice shall include
 7 a detailed statement of the state department's reasons for its
 8 determination and suggested changes to the hospital's protocols
 9 which would be acceptable to the state department.

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

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

15 11801. The alcohol and drug program administrator, acting
 16 through administrative channels designated pursuant to Section
 17 11795, shall do all of the following:

18 (a) Coordinate and be responsible for the planning process,
 19 including preparation of the county plan executing the negotiated
 20 net amount contract, and Drug Medi-Cal contract, whichever is
 21 applicable.

22 (b) (1) Recommend to the board of supervisors the provision
 23 of services, establishment of facilities, contracting for services or
 24 facilities, and other matters necessary or desirable in accomplishing
 25 the purposes of this part.

26 (2) Exercise general supervision over the alcohol and other drug
 27 program services provided under the county plan, negotiated net
 28 amount contract, and Drug Medi-Cal contract, whichever is
 29 applicable.

30 (c) Assure compliance with applicable laws relating to
 31 discrimination against any person because of any characteristic
 32 listed or defined in Section 11135 of the Government Code.

33 (d) (1) Provide reports and information periodically to the
 34 advisory board regarding the status of alcohol and other drug
 35 programs in the county and keep the advisory board informed
 36 regarding changes in relevant state, federal, and local laws or
 37 regulations or improvements in program design and services that
 38 may affect the county alcohol and other drug program.

39 (2) Submit an annual report to the board of supervisors reporting
 40 all activities of the alcohol and other drug program, including a

1 financial accounting of expenditures and a forecast of anticipated
2 needs for the upcoming year.

3 (e) Be directly responsible for the administration of all alcohol
4 or other drug program funds allocated to the county under this
5 part, administration of county operated programs, and coordination
6 and monitoring of programs that have contracts with the county
7 to provide alcohol and other drug services.

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

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

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

17 (i) Participate in the process to assure program quality in
18 compliance with appropriate standards pursuant to Chapter 7
19 (commencing with Section 11830).

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

22 (k) Participate and represent the county in meetings of the
23 County Alcohol and Drug Program Administrators Association of
24 California pursuant to Section 11811.5 for the purposes of
25 representing the counties in their relationship with the state with
26 respect to policies, standards, and administration for alcohol and
27 other drug abuse services.

28 (l) Provide for the orientation of the members of the advisory
29 board, including, but not limited to, the provision of information
30 and materials on alcohol and other drug problems and programs,
31 planning, procedures, and site visits to local programs.

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

34 SEC. 40. Section 10115.7 of the Public Contract Code is
35 amended to read:

36 10115.7. (a) Nothing in this article shall be construed to
37 authorize any awarding department to discriminate in the awarding
38 of any contract on the basis of ancestry or any characteristic listed
39 or defined in Section 11135 of the Government Code.

1 (b) Nothing in this article shall be construed to authorize any
2 contractor to discriminate in the solicitation or acceptance of bids
3 for subcontracting, or for materials or equipment, on the basis of
4 ancestry or any characteristic listed or defined in Section 11135
5 of the Government Code.

6 SEC. 41. Section 5080.18 of the Public Resources Code is
7 amended to read:

8 5080.18. All concession contracts entered into pursuant to this
9 article shall contain, but are not limited to, all of the following
10 provisions:

11 (a) The maximum term shall be 10 years, except that a term of
12 more than 10 years may be provided if the director determines that
13 the longer term is necessary to allow the concessionaire to amortize
14 improvements made by the concessionaire, to facilitate the full
15 utilization of a structure that is scheduled by the department for
16 replacement or redevelopment, or to serve the best interests of the
17 state. The term shall not exceed 20 years without specific
18 authorization by statute.

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

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

22 (d) A performance bond shall be obtained and maintained by
23 the concessionaire. In lieu of a bond, the concessionaire may
24 substitute a deposit of funds acceptable to the department. Interest
25 on the deposit shall accrue to the concessionaire.

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

30 (f) Any discrimination by the concessionaire or his or her agents
31 or employees against any person because of *the marital status or*
32 *ancestry of that person or any characteristic listed or defined in*
33 ~~subdivision (b) or (c) of Section 51 of the Civil Section 11135 of~~
34 *the Government Code* is prohibited.

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

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

1 SEC. 42. Section 5080.34 of the Public Resources Code is
2 amended to read:

3 5080.34. Every agreement entered into pursuant to this article
4 and every contract for a concession on lands that are subject to an
5 agreement entered into pursuant to this article shall expressly
6 prohibit discrimination against any person because of *the marital*
7 *status or ancestry of that person or* any characteristic listed or
8 defined in ~~subdivision (b) or (c) of Section 51 of the Civil Section~~
9 *11135 of the Government Code.*

10 SEC. 43. Section 453 of the Public Utilities Code is amended
11 to read:

12 453. (a) No public utility shall, as to rates, charges, service,
13 facilities, or in any other respect, make or grant any preference or
14 advantage to any corporation or person or subject any corporation
15 or person to any prejudice or disadvantage.

16 (b) No public utility shall prejudice, disadvantage, or require
17 different rates or deposit amounts from a person because of
18 *ancestry, medical condition, marital status or change in marital*
19 *status*, occupation, or any characteristic listed or defined in
20 ~~subdivision (b) or (c) of Section 51 of the Civil Section 11135 of~~
21 *the Government Code.* A person who has exhausted all
22 administrative remedies with the commission may institute a suit
23 for injunctive relief and reasonable attorney's fees in cases of an
24 alleged violation of this subdivision. If successful in litigation, the
25 prevailing party shall be awarded attorney's fees.

26 (c) No public utility shall establish or maintain any unreasonable
27 difference as to rates, charges, service, facilities, or in any other
28 respect, either as between localities or as between classes of
29 service.

30 (d) No public utility shall include with any bill for services or
31 commodities furnished any customer or subscriber any advertising
32 or literature designed or intended (1) to promote the passage or
33 defeat of a measure appearing on the ballot at any election whether
34 local, statewide, or national, (2) to promote or defeat any candidate
35 for nomination or election to any public office, (3) to promote or
36 defeat the appointment of any person to any administrative or
37 executive position in federal, state, or local government, or (4) to
38 promote or defeat any change in federal, state, or local legislation
39 or regulations.

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

3 SEC. 44. Section 12751.3 of the Public Utilities Code is
4 amended to read:

5 12751.3. (a) The purpose of this section is to provide affected
6 districts with an alternative acquisition process that will result in
7 reduced costs to ratepayers. Notwithstanding Section 12751, when
8 the expenditure for the purchase of supplies and materials exceeds
9 fifty thousand dollars (\$50,000) and the district determines that
10 ratepayers reasonably can expect a net benefit in the cost of district
11 services, the district may provide for the purchase of the supplies
12 and materials by contract let in accordance with best value at the
13 lowest cost acquisition policies adopted by the board pursuant to
14 this section.

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

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

19 (2) Supplies and materials standards that support the district's
20 strategic supplies and materials acquisition and management
21 program direction.

22 (3) A procedure for protest and resolution.

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

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

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

31 (3) The value to the district of vendor-added services.

32 (4) The quality, effectiveness, and innovation of supplies,
33 materials, and services.

34 (5) The reliability of delivery or installation schedules.

35 (6) The terms and conditions of product warranties and vendor
36 guarantees.

37 (7) The financial stability of the vendor.

38 (8) The vendor's quality assurance program.

39 (9) The vendor's experience with the provision of supplies,
40 materials, and services.

1 (10) The consistency of the vendor’s proposed supplies,
2 materials, and services with the district’s overall supplies and
3 materials procurement program.

4 (11) The economic benefits to the general community related
5 to job creation or retention.

6 (d) If a district that did not purchase supplies and materials by
7 contract let pursuant to this section before January 1, 2006, elects
8 to purchase supplies and materials by contract, let in accordance
9 with best value acquisition policies adopted by the board pursuant
10 to this section, the district shall submit a report to the Legislative
11 Analyst on or before January 1, 2011. The district shall include in
12 the report a summary of the costs and benefits of best value
13 acquisition compared to traditional low bid procurement practices.
14 The report shall also include statistics showing the number of
15 contracts awarded to small businesses, minority-owned businesses,
16 and new businesses and the number of years each contract awardee
17 had been in business. The report shall also include an analysis of
18 the effects of best value procurement practices on these businesses,
19 the nature of any disputes arising from the use of best value
20 procurement practices, and the status of those disputes. On or
21 before April 1, 2011, the Legislative Analyst shall report to the
22 Legislature on the use of “best value at lowest cost acquisition”
23 procurement practices used by municipal utility districts, and
24 recommend whether to modify this section and extend the authority
25 of additional districts to elect to purchase supplies and materials
26 by contract let in accordance with best value acquisition policies,
27 beyond January 1, 2012.

28 (e) The district shall ensure that all businesses have a fair and
29 equitable opportunity to compete for, and participate in, district
30 contracts and shall also ensure that discrimination in the award
31 and performance of contracts does not occur on the basis of marital
32 status, ancestry, medical condition, any characteristic listed or
33 defined in Section 11135 of the Government Code, or retaliation
34 for having filed a discrimination complaint in the performance of
35 district contractual obligations.

36 (f) A district that did not purchase supplies and materials by
37 contract let pursuant to this section before January 1, 2006, shall
38 not purchase supplies and materials by contract let pursuant to this
39 section after January 1, 2012.

1 SEC. 45. Section 17269 of the Revenue and Taxation Code,
 2 as added by Section 4 of Chapter 1139 of the Statutes of 1987, is
 3 repealed.

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 ancestry or any characteristic listed or defined in
 17 Section 11135 of the Government Code.

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

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

26 (c) For purposes of this section:

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

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

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

39 24343.2. Whereas, the people of the State of California desire
 40 to promote and achieve tax equity and fairness among all the state’s

1 citizens and further desire to conform to the public policy of
2 nondiscrimination, the Legislature hereby enacts the following for
3 these reasons and for no other purpose:

4 (a) No deduction shall be allowed under Section 24343 for
5 expenses incurred by a taxpayer with respect to expenditures made
6 at, or payments made to, a club which restricts membership or the
7 use of its services or facilities on the basis of ancestry or any
8 characteristic listed or defined in Section 11135 of the Government
9 Code.

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

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

18 (c) For purposes of this section:

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

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

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

30 4666. No regional center shall conduct any meeting, conference,
31 or other function in any facility that prohibits the admittance of
32 any person, or persons, on the basis of ancestry or any characteristic
33 listed or defined in Section 11135 of the Government Code.

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

36 5348. (a) For purposes of subdivision (e) of Section 5346, any
37 county that chooses to provide assisted outpatient treatment
38 services pursuant to this article shall offer assisted outpatient
39 treatment services including, but not limited to, all of the following:

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

5 (2) A service planning and delivery process that includes the
6 following:

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

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

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

34 (D) Provision for services to meet the special needs of older
35 adults.

36 (E) Provision for family support and consultation services,
37 parenting support and consultation services, and peer support or
38 self-help group support, where appropriate.

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

1 (G) Provision for psychiatric and psychological services that
2 are integrated with other services and for psychiatric and
3 psychological collaboration in overall service planning.

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

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

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

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

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

39 (4) The individual personal services plan shall ensure that
40 persons subject to assisted outpatient treatment programs receive

1 age, gender, and culturally appropriate services, to the extent
2 feasible, that are designed to enable recipients to:

3 (A) Live in the most independent, least restrictive housing
4 feasible in the local community, and, for clients with children, to
5 live in a supportive housing environment that strives for
6 reunification with their children or assists clients in maintaining
7 custody of their children as is appropriate.

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

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

12 (D) Access an appropriate level of academic education or
13 vocational training.

14 (E) Obtain an adequate income.

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

18 (G) Access necessary physical health care and maintain the best
19 possible physical health.

20 (H) Reduce or eliminate serious antisocial or criminal behavior,
21 and thereby reduce or eliminate their contact with the criminal
22 justice system.

23 (I) Reduce or eliminate the distress caused by the symptoms of
24 mental illness.

25 (J) Have freedom from dangerous addictive substances.

26 (5) The individual personal services plan shall describe the
27 service array that meets the requirements of paragraph (4), and to
28 the extent applicable to the individual, the requirements of
29 paragraph (2).

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

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

35 (d) Each county that operates an assisted outpatient treatment
36 program pursuant to this article shall provide data to the State
37 Department of Mental Health and, based on the data, the
38 department shall report to the Legislature on or before May 1 of
39 each year in which the county provides services pursuant to this
40 article. The report shall include, at a minimum, an evaluation of

1 the effectiveness of the strategies employed by each program
2 operated pursuant to this article in reducing homelessness and
3 hospitalization of persons in the program and in reducing
4 involvement with local law enforcement by persons in the program.
5 The evaluation and report shall also include any other measures
6 identified by the department regarding persons in the program and
7 all of the following, based on information that is available:

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

11 (2) The number of persons in the program with contacts with
12 local law enforcement, and the extent to which local and state
13 incarceration of persons in the program has been reduced or
14 avoided.

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

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

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

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

22 (7) Victimization of persons in the program.

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

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

25 (10) Type, intensity, and frequency of treatment of persons in
26 the program.

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

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

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

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

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

35 5806. The State Department of Mental Health shall establish
36 service standards that ensure that members of the target population
37 are identified, and services provided to assist them to live
38 independently, work, and reach their potential as productive
39 citizens. The department shall provide annual oversight of grants
40 issued pursuant to this part for compliance with these standards.

1 These standards shall include, but are not limited to, all of the
2 following:

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

5 (1) Determination of the numbers of clients to be served and
6 the programs and services that will be provided to meet their needs.
7 The local director of mental health shall consult with the sheriff,
8 the police chief, the probation officer, the mental health board,
9 contract agencies, and family, client, ethnic, and citizen
10 constituency groups as determined by the director.

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

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

31 (4) Provision for services to meet the special needs of older
32 adults.

33 (5) Provision for family support and consultation services,
34 parenting support and consultation services, and peer support or
35 self-help group support, where appropriate for the individual.

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

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

1 (8) Provision for services specifically directed to seriously
2 mentally ill young adults 25 years of age or younger who are
3 homeless or at significant risk of becoming homeless. These
4 provisions may include continuation of services that would still
5 be received through other funds had eligibility not been terminated
6 due to age.

7 (9) Services reflecting special needs of women from diverse
8 cultural backgrounds, including supportive housing that accepts
9 children, personal services coordinator therapeutic treatment, and
10 substance treatment programs that address gender specific trauma
11 and abuse in the lives of persons with mental illness, and vocational
12 rehabilitation programs that offer job training programs free of
13 gender bias and sensitive to the needs of women.

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

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

22 (b) Each client shall have a clearly designated mental health
23 personal services coordinator who may be part of a
24 multidisciplinary treatment team who is responsible for providing
25 or assuring needed services. Responsibilities include complete
26 assessment of the client's needs, development of the client's
27 personal services plan, linkage with all appropriate community
28 services, monitoring of the quality and follow through of services,
29 and necessary advocacy to ensure each client receives those
30 services which are agreed to in the personal services plan. Each
31 client shall participate in the development of his or her personal
32 services plan, and responsible staff shall consult with the designated
33 conservator, if one has been appointed, and, with the consent of
34 the client, consult with the family and other significant persons as
35 appropriate.

36 (c) The individual personal services plan shall ensure that
37 members of the target population involved in the system of care
38 receive culturally appropriate services or appropriate services based
39 on any characteristic listed or defined in Section 11135 of the

1 Government Code, to the extent feasible, that are designed to
2 enable recipients to:

3 (1) Live in the most independent, least restrictive housing
4 feasible in the local community, and for clients with children, to
5 live in a supportive housing environment that strives for
6 reunification with their children or assists clients in maintaining
7 custody of their children as is appropriate.

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

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

12 (4) Access an appropriate level of academic education or
13 vocational training.

14 (5) Obtain an adequate income.

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

18 (7) Access necessary physical health care and maintain the best
19 possible physical health.

20 (8) Reduce or eliminate serious antisocial or criminal behavior
21 and thereby reduce or eliminate their contact with the criminal
22 justice system.

23 (9) Reduce or eliminate the distress caused by the symptoms of
24 mental illness.

25 (10) Have freedom from dangerous addictive substances.

26 (d) The individual personal services plan shall describe the
27 service array that meets the requirements of subdivision (c), and
28 to the extent applicable to the individual, the requirements of
29 subdivision (a).

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

32 10000. The purpose of this division is to provide for protection,
33 care, and assistance to the people of the state in need thereof, and
34 to promote the welfare and happiness of all of the people of the
35 state by providing appropriate aid and services to all of its needy
36 and distressed. It is the legislative intent that aid shall be
37 administered and services provided promptly and humanely, with
38 due regard for the preservation of family life, and without
39 discrimination on account of ancestry, marital status, political
40 affiliation, or any characteristic listed or defined in Section 11135

1 of the Government Code. That aid shall be so administered and
2 services so provided, to the extent not in conflict with federal law,
3 as to encourage self-respect, self-reliance, and the desire to be a
4 good citizen, useful to society.

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

7 16522.1. In order to be licensed pursuant to Section 1559.110
8 of the Health and Safety Code, an applicant shall obtain
9 certification from the county department of social services or the
10 county probation department that the facility program provides all
11 of the following:

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

22 (2) The department shall review the admission criteria to ensure
23 that the criteria are sufficient to protect participants and that they
24 do not discriminate on the basis of any characteristic listed or
25 defined in Section 11135 of the Government Code.

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

29 (c) A training program designed to educate employees who
30 work directly with participants about the characteristics of persons
31 in this age group placed in long-term care settings, and designed
32 to ensure that these employees are able to adequately supervise
33 and counsel participants and to provide them with training in
34 independent living skills.

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

37 (e) A contract between the participating person and the licensee
38 that specifically sets out the requirements for each party, and in
39 which the licensee and the participant agree to the requirements
40 of this article.

- 1 (f) An allowance to be provided to each participant in the
- 2 program. In the case of a participant living independently, this
- 3 allowance shall be sufficient for the participant to purchase food
- 4 and other necessities.
- 5 (g) A system for payment for utilities, telephone, and rent.
- 6 (h) Policies regarding all of the following:
- 7 (1) Education requirements.
- 8 (2) Work expectations.
- 9 (3) Savings requirements.
- 10 (4) Personal safety.
- 11 (5) Visitors including, but not limited to, visitation by the
- 12 placement auditor pursuant to subdivision (d).
- 13 (6) Emergencies.
- 14 (7) Medical problems.
- 15 (8) Disciplinary measures.
- 16 (9) Child care.
- 17 (10) Pregnancy.
- 18 (11) Curfew.
- 19 (12) Apartment cleanliness.
- 20 (13) Use of utilities and telephone.
- 21 (14) Budgeting.
- 22 (15) Care of furnishings.
- 23 (16) Decorating of apartments.
- 24 (17) Cars.
- 25 (18) Lending or borrowing money.
- 26 (19) Unauthorized purchases.
- 27 (20) Dating.
- 28 (21) Grounds for termination that may include, but shall not be
- 29 limited to, illegal activities or harboring runaways.
- 30 (i) Apartment furnishings, and a policy on disposition of the
- 31 furnishings when the participant completes the program.
- 32 (j) Evaluation of the participant's progress in the program and
- 33 reporting to the independent living program and to the department
- 34 regarding that progress.
- 35 (k) A linkage to the federal Job Training and Partnership Act
- 36 (29 U.S.C. Sec. 1501 et seq.) program administered in the local
- 37 area to provide employment training to eligible participants.
- 38 SEC. 53. Section 18907 of the Welfare and Institutions Code
- 39 is amended to read:

1 18907. In the determination of eligibility for food stamps, there
 2 shall be no discrimination against any household by reason of
 3 marital status, political belief, or any characteristic listed or defined
 4 in Section 11135 of the Government Code to the extent not in
 5 conflict with federal law.

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

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13 **CORRECTIONS:**
 14 **Text—Page 26.**

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