

AMENDED IN SENATE AUGUST 22, 2014
AMENDED IN SENATE JUNE 26, 2014
AMENDED IN ASSEMBLY MAY 23, 2014
AMENDED IN ASSEMBLY APRIL 22, 2014
AMENDED IN ASSEMBLY MARCH 24, 2014
CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1899

Introduced by Assembly Member Brown

February 19, 2014

An act to amend Sections 1569.19, 1569.50, and 1569.682 of the Health and Safety Code, relating to residential care facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 1899, as amended, Brown. Residential care facilities for the elderly.

Existing law, the California Residential Care Facilities for the Elderly Act, provides for the licensure and regulation of residential care facilities for the elderly by the State Department of Social Services.

Existing law sets forth the qualifications of a licensee and requires a license to be forfeited by operation of law when the licensee abandons the facility. Existing law also authorizes the department to deny an application for, or to suspend or revoke a license upon specified grounds, including conduct inimical to the health, morals, welfare, or safety of an individual in or receiving services from a facility. Existing law authorizes a person whose license has been revoked to petition the department for reinstatement of the license after one year has elapsed

since the revocation. Under existing law, if an application for a license indicates that the applicant was previously issued a license to operate a residential care facility for the elderly or specified other licenses, and that license was revoked within the last 2 years, the department is required to cease reviewing the application until 2 years has elapsed since the revocation.

This bill would additionally exclude a licensee, who abandons the residential care facility for the elderly and the residents in care resulting in an immediate and substantial threat to the health and safety of the abandoned residents, from licensure in facilities licensed by the department without the right to petition for reinstatement.

Existing law requires a licensee of a licensed residential care facility for the elderly, prior to transferring a resident of the facility to another facility or to an independent living arrangement as a result of a license forfeiture due to abandonment of the facility, among other things, or *due to* a change of use of the facility pursuant to the department's regulations, to take all reasonable steps to transfer affected residents safely, to minimize possible transfer trauma, and to take specified actions. A licensee who fails to comply with these requirements is subject to certain penalties, including, but not limited to, civil penalties in the amount of \$100 per violation per day for each day that the licensee is in violation, until the violation has been corrected.

This bill, on and after January 1, 2015, would additionally exclude a licensee, who fails to comply with the above provisions and abandons the residential care facility for the elderly and the residents in care resulting in an immediate and substantial threat to the health and safety of the abandoned residents, from licensure in facilities licensed by the department without the right to petition for reinstatement.

This bill would incorporate changes to Section 1569.682 of the Health and Safety Code as proposed by either AB 1477 or SB 873 of the 2013–14 Regular Session that would only become operative if either AB 1477 or SB 873 is enacted and becomes effective immediately, either bill amends Section 1569.682 of the Health and Safety Code, and this bill is enacted after either bill.

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. Section 1569.19 of the Health and Safety Code
2 is amended to read:

3 1569.19. A license shall be forfeited by operation of law prior
4 to its expiration date when one of the following occurs:

5 (a) The licensee sells or otherwise transfers the facility or facility
6 property, except when change of ownership applies to transferring
7 of stock when the facility is owned by a corporation and when the
8 transfer of stock does not constitute a majority change in
9 ownership. The sale of a facility shall be subject to the requirements
10 of this chapter.

11 (b) The licensee surrenders the license to the department.

12 (c) The licensee moves a facility from one location to another.
13 The department shall develop regulations to ensure that the
14 facilities are not charged a full licensing fee and do not have to
15 complete the entire application process when applying for a license
16 for the new location.

17 (d) The licensee is convicted of an offense specified in Section
18 220, 243.4, or 264.1, or paragraph (1) of Section 273a, Section
19 273d, 288, or 289 of the Penal Code, or is convicted of another
20 crime specified in subdivision (c) of Section 667.5 of the Penal
21 Code.

22 (e) The licensee dies. When a licensee dies, the continued
23 operation shall be subject to the requirements of Section 1569.193.

24 (f) The licensee abandons the facility. A licensee who abandons
25 the facility and the residents in care resulting in an immediate and
26 substantial threat to the health and safety of the abandoned
27 residents, in addition to forfeiture of the license pursuant to this
28 section, shall be excluded from licensure in facilities licensed by
29 the department without the right to petition for reinstatement.

30 SEC. 2. Section 1569.50 of the Health and Safety Code is
31 amended to read:

32 1569.50. (a) The department may deny an application for a
33 license or may suspend or revoke a license issued under this chapter
34 upon any of the following grounds and in the manner provided in
35 this chapter:

36 (1) Violation by the licensee of this chapter or of the rules and
37 regulations adopted under this chapter.

1 (2) Aiding, abetting, or permitting the violation of this chapter
2 or of the rules and regulations adopted under this chapter.

3 (3) Conduct that is inimical to the health, morals, welfare, or
4 safety of either an individual in or receiving services from the
5 facility or the people of the State of California.

6 (4) The conviction of a licensee, or other person mentioned in
7 Section 1569.17 at any time before or during licensure, of a crime
8 as defined in Section 1569.17.

9 (5) Engaging in acts of financial malfeasance concerning the
10 operation of a facility, including, but not limited to, improper use
11 or embezzlement of client moneys and property or fraudulent
12 appropriation for personal gain of facility moneys and property,
13 or willful or negligent failure to provide services for the care of
14 clients.

15 (b) The director may temporarily suspend a license, prior to a
16 hearing when, in the opinion of the director, the action is necessary
17 to protect residents or clients of the facility from physical or mental
18 abuse, abandonment, or any other substantial threat to health or
19 safety. The director shall notify the licensee of the temporary
20 suspension and the effective date of the temporary suspension and
21 at the same time shall serve the provider with an accusation. Upon
22 receipt of a notice of defense to the accusation by the licensee, the
23 director shall, within 15 days, set the matter for hearing, and the
24 hearing shall be held as soon as possible but not later than 30 days
25 after receipt of the notice. The temporary suspension shall remain
26 in effect until the time the hearing is completed and the director
27 has made a final determination on the merits. However, the
28 temporary suspension shall be deemed vacated if the director fails
29 to make a final determination on the merits within 30 days after
30 the original hearing has been completed.

31 (c) A licensee who abandons the facility and the residents in
32 care resulting in an immediate and substantial threat to the health
33 and safety of the abandoned residents, in addition to revocation of
34 the license pursuant to this section, shall be excluded from licensure
35 in facilities licensed by the department without the right to petition
36 for reinstatement.

37 SEC. 3. Section 1569.682 of the Health and Safety Code is, as
38 amended by Section 27 of Chapter 29 of the Statutes of 2014, is
39 amended to read:

1 1569.682. (a) A licensee of a licensed residential care facility
2 for the elderly shall, prior to transferring a resident of the facility
3 to another facility or to an independent living arrangement as a
4 result of the forfeiture of a license, as described in subdivision (a),
5 (b), or (f) of Section 1569.19, or a change of use of the facility
6 pursuant to the department's regulations, take all reasonable steps
7 to transfer affected residents safely and to minimize possible
8 transfer trauma, and shall, at a minimum, do all of the following:
9 (1) Prepare, for each resident, a relocation evaluation of the
10 needs of that resident, which shall include both of the following:
11 (A) Recommendations on the type of facility that would meet
12 the needs of the resident based on the current service plan.
13 (B) A list of facilities, within a 60-mile radius of the resident's
14 current facility, that meet the resident's present needs.
15 (2) Provide each resident or the resident's responsible person
16 with a written notice no later than 60 days before the intended
17 eviction. The notice shall include all of the following:
18 (A) The reason for the eviction, with specific facts to permit a
19 determination of the date, place, witnesses, and circumstances
20 concerning the reasons.
21 (B) A copy of the resident's current service plan.
22 (C) The relocation evaluation.
23 (D) A list of referral agencies.
24 (E) The right of the resident or resident's legal representative
25 to contact the department to investigate the reasons given for the
26 eviction pursuant to Section 1569.35.
27 (F) The contact information for the local long-term care
28 ombudsman, including address and telephone number.
29 (3) Discuss the relocation evaluation with the resident and his
30 or her legal representative within 30 days of issuing the notice of
31 eviction.
32 (4) Submit a written report of any eviction to the licensing
33 agency within five days.
34 (5) Upon issuing the written notice of eviction, a licensee shall
35 not accept new residents or enter into new admission agreements.
36 (6) (A) For paid preadmission fees in excess of five hundred
37 dollars (\$500), the resident is entitled to a refund in accordance
38 with all of the following:
39 (i) A 100-percent refund if preadmission fees were paid within
40 six months of notice of eviction.

1 (ii) A 75-percent refund if preadmission fees were paid more
2 than six months but not more than 12 months before notice of
3 eviction.

4 (iii) A 50-percent refund if preadmission fees were paid more
5 than 12 months but not more than 18 months before notice of
6 eviction.

7 (iv) A 25-percent refund if preadmission fees were paid more
8 than 18 months but less than 25 months before notice of eviction.

9 (B) No preadmission refund is required if preadmission fees
10 were paid 25 months or more before the notice of eviction.

11 (C) The preadmission refund required by this paragraph shall
12 be paid within 15 days of issuing the eviction notice. In lieu of the
13 refund, the resident may request that the licensee provide a credit
14 toward the resident's monthly fee obligation in an amount equal
15 to the preadmission fee refund due.

16 (7) If the resident gives notice five days before leaving the
17 facility, the licensee shall refund to the resident or his or her legal
18 representative a proportional per diem amount of any prepaid
19 monthly fees at the time the resident leaves the facility and the
20 unit is vacated. Otherwise the licensee shall pay the refund within
21 seven days from the date that the resident leaves the facility and
22 the unit is vacated.

23 (8) Within 10 days of all residents having left the facility, the
24 licensee, based on information provided by the resident or
25 resident's legal representative, shall submit a final list of names
26 and new locations of all residents to the department and the local
27 ombudsman program.

28 (b) If seven or more residents of a residential care facility for
29 the elderly will be transferred as a result of the forfeiture of a
30 license or change in the use of the facility pursuant to subdivision
31 (a), the licensee shall submit a proposed closure plan to the
32 department for approval. The department shall approve or
33 disapprove the closure plan, and monitor its implementation, in
34 accordance with the following requirements:

35 (1) Upon submission of the closure plan, the licensee shall be
36 prohibited from accepting new residents and entering into new
37 admission agreements for new residents.

38 (2) The closure plan shall meet the requirements described in
39 subdivision (a), and describe the staff available to assist in the
40 transfers. The department's review shall include a determination

1 as to whether the licensee’s closure plan contains a relocation
2 evaluation for each resident.

3 (3) Within 15 working days of receipt, the department shall
4 approve or disapprove the closure plan prepared pursuant to this
5 subdivision, and, if the department approves the plan, it shall
6 become effective upon the date the department grants its written
7 approval of the plan.

8 (4) If the department disapproves a closure plan, the licensee
9 may resubmit an amended plan, which the department shall
10 promptly either approve or disapprove, within 10 working days
11 of receipt by the department of the amended plan. If the department
12 fails to approve a closure plan, it shall inform the licensee, in
13 writing, of the reasons for the disapproval of the plan.

14 (5) If the department fails to take action within 20 working days
15 of receipt of either the original or the amended closure plan, the
16 plan, or amended plan, as the case may be, shall be deemed
17 approved.

18 (6) Until such time that the department has approved a licensee’s
19 closure plan, the facility shall not issue a notice of transfer or
20 require any resident to transfer.

21 (7) Upon approval by the department, the licensee shall send a
22 copy of the closure plan to the local ombudsman program.

23 (c) (1) If a licensee fails to comply with the requirements of
24 this section, and if the director determines that it is necessary to
25 protect the residents of a facility from physical or mental abuse,
26 abandonment, or any other substantial threat to health or safety,
27 the department shall take any necessary action to minimize trauma
28 for the residents, including caring for the residents through the use
29 of a temporary manager as provided for in Section 1569.481 when
30 the director determines the immediate relocation of the residents
31 is not feasible based on transfer trauma or other considerations
32 such as the unavailability of alternative placements. The department
33 shall contact any local agency that may have assessment placement,
34 protective, or advocacy responsibility for the residents, and shall
35 work together with those agencies to locate alternative placement
36 sites, contact relatives or other persons responsible for the care of
37 these residents, provide onsite evaluation of the residents, and
38 assist in the transfer of residents.

39 (2) The participation of the department and local agencies in
40 the relocation of residents from a residential care facility for the

1 elderly shall not relieve the licensee of any responsibility under
2 this section. A licensee that fails to comply with the requirements
3 of this section shall be required to reimburse the department and
4 local agencies for the cost of providing the relocation services or
5 the costs incurred in caring for the residents through the use of a
6 temporary manager as provided for in Section 1569.481. If the
7 licensee fails to provide the relocation services required in this
8 section, then the department may request that the Attorney
9 General's office, the city attorney's office, or the local district
10 attorney's office seek injunctive relief and damages in the same
11 manner as provided for in Chapter 5 (commencing with Section
12 17200) of Part 2 of Division 7 of the Business and Professions
13 Code, including restitution to the department of any costs incurred
14 in caring for the residents through the use of a temporary manager
15 as provided for in Section 1569.481.

16 (d) A licensee who fails to comply with requirements of this
17 section shall be liable for the imposition of civil penalties in the
18 amount of one hundred dollars (\$100) per violation per day for
19 each day that the licensee is in violation of this section, until such
20 time that the violation has been corrected. The civil penalties shall
21 be issued immediately following the written notice of violation.
22 However, if the violation does not present an immediate or
23 substantial threat to the health or safety of residents and the licensee
24 corrects the violation within three days after receiving the notice
25 of violation, the licensee shall not be liable for payment of any
26 civil penalties pursuant to this subdivision related to the corrected
27 violation.

28 (e) A licensee, on and after January 1, 2015, who fails to comply
29 with this section and abandons the facility and the residents in care
30 resulting in an immediate and substantial threat to the health and
31 safety of the abandoned residents, in addition to forfeiture of the
32 license pursuant to Section 1569.19, shall be excluded from
33 licensure in facilities licensed by the department without the right
34 to petition for reinstatement.

35 (f) A resident of a residential care facility for the elderly covered
36 under this ~~section~~, *section* may bring a civil action against any
37 person, firm, partnership, or corporation who owns, operates,
38 establishes, manages, conducts, or maintains a residential care
39 facility for the elderly who violates the rights of a resident, as set
40 forth in this section. Any person, firm, partnership, or corporation

1 who owns, operates, establishes, manages, conducts, or maintains
2 a residential care facility for the elderly who violates this section
3 shall be responsible for the acts of the facility's employees and
4 shall be liable for costs and attorney's fees. Any such residential
5 care facility for the elderly may also be enjoined from permitting
6 the violation to continue. The remedies specified in this section
7 shall be in addition to any other remedy provided by law.

8 (g) This section shall not apply to a licensee that has obtained
9 a certificate of authority to offer continuing care contracts, as
10 defined in paragraph (8) of subdivision (c) of Section 1771.

11 *SEC. 3.5. Section 1569.682 of the Health and Safety Code, as*
12 *proposed to be amended by AB 1477 or SB 873 of the 2013-14*
13 *Regular Session, is amended to read:*

14 1569.682. (a) A licensee of a licensed residential care facility
15 for the elderly shall, prior to transferring a resident of the facility
16 to another facility or to an independent living arrangement as a
17 result of the forfeiture of a license, as described in subdivision (a),
18 (b), or (f) of Section 1569.19, or a change of use of the facility
19 pursuant to the department's regulations, take all reasonable steps
20 to transfer affected residents safely and to minimize possible
21 transfer trauma, and shall, at a minimum, do all of the following:

22 (1) Prepare, for each resident, a relocation evaluation of the
23 needs of that resident, which shall include both of the following:

24 (A) Recommendations on the type of facility that would meet
25 the needs of the resident based on the current service plan.

26 (B) A list of facilities, within a 60-mile radius of the resident's
27 current facility, that meet the resident's present needs.

28 (2) Provide each resident or the resident's responsible person
29 with a written notice no later than 60 days before the intended
30 eviction. The notice shall include all of the following:

31 (A) The reason for the eviction, with specific facts to permit a
32 determination of the date, place, witnesses, and circumstances
33 concerning the reasons.

34 (B) A copy of the resident's current service plan.

35 (C) The relocation evaluation.

36 (D) A list of referral agencies.

37 (E) The right of the resident or resident's legal representative
38 to contact the department to investigate the reasons given for the
39 eviction pursuant to Section 1569.35.

- 1 (F) The contact information for the local long-term care
2 ombudsman, including address and telephone number.
- 3 (3) Discuss the relocation evaluation with the resident and his
4 or her legal representative within 30 days of issuing the notice of
5 eviction.
- 6 (4) Submit a written report of any eviction to the licensing
7 agency within five days.
- 8 (5) Upon issuing the written notice of eviction, a licensee shall
9 not accept new residents or enter into new admission agreements.
- 10 (6) (A) For paid preadmission fees in excess of five hundred
11 dollars (\$500), the resident is entitled to a refund in accordance
12 with all of the following:
- 13 (i) A 100-percent refund if preadmission fees were paid within
14 six months of notice of eviction.
- 15 (ii) A 75-percent refund if preadmission fees were paid more
16 than six months but not more than 12 months before notice of
17 eviction.
- 18 (iii) A 50-percent refund if preadmission fees were paid more
19 than 12 months but not more than 18 months before notice of
20 eviction.
- 21 (iv) A 25-percent refund if preadmission fees were paid more
22 than 18 months but less than 25 months before notice of eviction.
- 23 (B) No preadmission refund is required if preadmission fees
24 were paid 25 months or more before the notice of eviction.
- 25 (C) The preadmission refund required by this paragraph shall
26 be paid within 15 days of issuing the eviction notice. In lieu of the
27 refund, the resident may request that the licensee provide a credit
28 toward the resident's monthly fee obligation in an amount equal
29 to the preadmission fee refund due.
- 30 (7) If the resident gives notice five days before leaving the
31 facility, the licensee shall refund to the resident or his or her legal
32 representative a proportional per diem amount of any prepaid
33 monthly fees at the time the resident leaves the facility and the
34 unit is vacated. Otherwise the licensee shall pay the refund within
35 seven days from the date that the resident leaves the facility and
36 the unit is vacated.
- 37 (8) Within 10 days of all residents having left the facility, the
38 licensee, based on information provided by the resident or
39 resident's legal representative, shall submit a final list of names

1 and new locations of all residents to the department and the local
2 ombudsman program.

3 (b) If seven or more residents of a residential care facility for
4 the elderly will be transferred as a result of the forfeiture of a
5 license or change in the use of the facility pursuant to subdivision
6 (a), the licensee shall submit a proposed closure plan to the
7 department for approval. The department shall approve or
8 disapprove the closure plan, and monitor its implementation, in
9 accordance with the following requirements:

10 (1) Upon submission of the closure plan, the licensee shall be
11 prohibited from accepting new residents and entering into new
12 admission agreements for new residents.

13 (2) The closure plan shall meet the requirements described in
14 subdivision (a), and describe the staff available to assist in the
15 transfers. The department's review shall include a determination
16 as to whether the licensee's closure plan contains a relocation
17 evaluation for each resident.

18 (3) Within 15 working days of receipt, the department shall
19 approve or disapprove the closure plan prepared pursuant to this
20 subdivision, and, if the department approves the plan, it shall
21 become effective upon the date the department grants its written
22 approval of the plan.

23 (4) If the department disapproves a closure plan, the licensee
24 may resubmit an amended plan, which the department shall
25 promptly either approve or disapprove, within 10 working days
26 of receipt by the department of the amended plan. If the department
27 fails to approve a closure plan, it shall inform the licensee, in
28 writing, of the reasons for the disapproval of the plan.

29 (5) If the department fails to take action within 20 working days
30 of receipt of either the original or the amended closure plan, the
31 plan, or amended plan, as the case may be, shall be deemed
32 approved.

33 (6) Until such time that the department has approved a licensee's
34 closure plan, the facility shall not issue a notice of transfer or
35 require any resident to transfer.

36 (7) Upon approval by the department, the licensee shall send a
37 copy of the closure plan to the local ombudsman program.

38 (c) (1) If a licensee fails to comply with the requirements of
39 this section, or if the director determines that it is necessary to
40 protect the residents of a facility from physical or mental abuse,

1 abandonment, or any other substantial threat to health or safety,
2 the department shall take any necessary action to minimize trauma
3 for the residents, including caring for the residents through the use
4 of a temporary manager or receiver as provided for in Sections
5 1569.481 and 1569.482 when the director determines the immediate
6 relocation of the residents is not feasible based on transfer trauma
7 or other considerations such as the unavailability of alternative
8 placements. The department shall contact any local agency that
9 may have assessment placement, protective, or advocacy
10 responsibility for the residents, and shall work together with those
11 agencies to locate alternative placement sites, contact relatives or
12 other persons responsible for the care of these residents, provide
13 onsite evaluation of the residents, and assist in the transfer of
14 residents.

15 (2) The participation of the department and local agencies in
16 the relocation of residents from a residential care facility for the
17 elderly shall not relieve the licensee of any responsibility under
18 this section. A licensee that fails to comply with the requirements
19 of this section shall be required to reimburse the department and
20 local agencies for the cost of providing the relocation services or
21 the costs incurred in caring for the residents through the use of a
22 temporary manager or receiver as provided for in Sections
23 1569.481 and 1569.482. If the licensee fails to provide the
24 relocation services required in this section, then the department
25 may request that the Attorney General’s office, the city attorney’s
26 office, or the local district attorney’s office seek injunctive relief
27 and damages in the same manner as provided for in Chapter 5
28 (commencing with Section 17200) of Part 2 of Division 7 of the
29 Business and Professions Code, including restitution to the
30 department of any costs incurred in caring for the residents through
31 the use of a temporary manager or receiver as provided for in
32 Sections 1569.481 and 1569.482.

33 (d) A licensee who fails to comply with requirements of this
34 section shall be liable for the imposition of civil penalties in the
35 amount of one hundred dollars (\$100) per violation per day for
36 each day that the licensee is in violation of this section, until such
37 time that the violation has been corrected. The civil penalties shall
38 be issued immediately following the written notice of violation.
39 However, if the violation does not present an immediate or
40 substantial threat to the health or safety of residents and the licensee

1 corrects the violation within three days after receiving the notice
2 of violation, the licensee shall not be liable for payment of any
3 civil penalties pursuant to this subdivision related to the corrected
4 violation.

5 *(e) A licensee, on and after January 1, 2015, who fails to comply*
6 *with this section and abandons the facility and the residents in*
7 *care resulting in an immediate and substantial threat to the health*
8 *and safety of the abandoned residents, in addition to forfeiture of*
9 *the license pursuant to Section 1569.19, shall be excluded from*
10 *licensure in facilities licensed by the department without the right*
11 *to petition for reinstatement.*

12 ~~(e)~~

13 *(f) A resident of a residential care facility for the elderly covered*
14 *under this section, section may bring a civil action against any*
15 *person, firm, partnership, or corporation who owns, operates,*
16 *establishes, manages, conducts, or maintains a residential care*
17 *facility for the elderly who violates the rights of a resident, as set*
18 *forth in this section. Any person, firm, partnership, or corporation*
19 *who owns, operates, establishes, manages, conducts, or maintains*
20 *a residential care facility for the elderly who violates this section*
21 *shall be responsible for the acts of the facility's employees and*
22 *shall be liable for costs and attorney's fees. Any such residential*
23 *care facility for the elderly may also be enjoined from permitting*
24 *the violation to continue. The remedies specified in this section*
25 *shall be in addition to any other remedy provided by law.*

26 ~~(f)~~

27 *(g) This section shall not apply to a licensee that has obtained*
28 *a certificate of authority to offer continuing care contracts, as*
29 *defined in paragraph (8) of subdivision (c) of Section 1771.*

30 *SEC. 4. Section 3.5 of this bill incorporates amendments to*
31 *Section 1569.682 of the Health and Safety Code proposed by this*
32 *bill and either Assembly Bill 1477 or Senate Bill 873. It shall only*
33 *become operative if (1) this bill and either Assembly Bill 1477 or*
34 *Senate Bill 873 are enacted and become effective on or before*
35 *January 1, 2015, (2) each bill amends Section 1569.682 of the*
36 *Health and Safety Code, and (3) this bill is enacted after either*
37 *Assembly Bill 1477 or Senate Bill 873, in which case Section*
38 *1569.682 of the Health and Safety Code, as amended by either*
39 *Assembly Bill 1477 or Senate Bill 873, shall remain operative only*
40 *until the operative date of this bill, at which time Section 3.5 of*

- 1 *this bill shall become operative, and Section 3 of this bill shall not*
- 2 *become operative.*

O