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Assembly
California Legislature
Committee on Rules

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LOW, EVAN
MAIENSCHIN, BRIAN
TING, PHILIP Y.
WALDRON, MARIE

ARAMBULA, JOAQUIN (D-ALT)
DIXON, DIANE (R-ALT)

Monday, August 5, 2024
10 minutes prior to Session
State Capitol, Room 126

CONSENT AGENDA

BILL REFERRALS

1. Bill Referrals

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RESOLUTIONS

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| 5. HR-112 (Lee) | Filipino American History Month. (refer/hear) | Page 16 |
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REQUESTS TO ADD URGENCY CLAUSE

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JOAQUIN ARAMBULA (D-ALT.)
DIANE B. DIXON (R-ALT.)

Memo

To: Rules Committee Members
From: Michael Erke, Bill Referral Consultant
Date: 8/2/2024
Re: Consent Bill Referrals

Since you received your preliminary list of bill referrals, there have been no changes.

REFERRAL OF BILLS TO COMMITTEE

08/05/2024

Pursuant to the Assembly Rules, the following bills were referred to committee:

Assembly Bill No.	Committee:
<u>ACR 222</u>	RLS.
<u>ACR 223</u>	RLS.
<u>ACR 225</u>	RLS.
<u>HR 112</u>	RLS.
<u>HR 113</u>	RLS.
<u>HR 114</u>	RLS.
<u>SCR 114</u>	RLS.
<u>SJR 18</u>	E.S. & T.M.

Assembly Concurrent Resolution

No. 222

Introduced by Assembly Member Weber

July 2, 2024

Assembly Concurrent Resolution No. 222—Relative to Historically Black Colleges and Universities Week.

LEGISLATIVE COUNSEL’S DIGEST

ACR 222, as introduced, Weber. Historically Black Colleges and Universities Week.

This measure would annually designate the 4th week of September as Historically Black Colleges and Universities Week.

Fiscal committee: no.

1 WHEREAS, In 1896, the United States Supreme Court ruled
2 in *Plessy v. Ferguson* (1896) 163 U.S. 537 that segregation of the
3 races at public facilities was legal so long as these facilities were
4 “separate but equal,” which legitimized segregated public schools
5 and provided an impetus for Jim Crow legislative restrictions and
6 barriers that were upheld for nearly seven decades; and

7 WHEREAS, Historically Black Colleges and Universities
8 (HBCUs) were established in the United States in the 19th century
9 due to restrictive state policies against Black student admission
10 through legitimized segregation and racial discrimination; and

11 WHEREAS, HBCUs are dedicated to providing a supportive
12 educational environment that is built on creating diverse academic
13 opportunities, celebrating cultural awareness, and elevating positive
14 racial identity; and

1 WHEREAS, Dating back to the landmark United States Supreme
2 Court case of *Brown v. Board of Education of Topeka* (1954) 347
3 U.S. 483, in which the United States Supreme Court declared that
4 segregated schools were unconstitutional, funding allocations have
5 been earmarked to address the longstanding disparities in
6 educational outcomes between Black and African American
7 students and their non-Black peers; and

8 WHEREAS, Title III of the federal Higher Education Act of
9 1965, as amended, defines an HBCU as an institution that was
10 established prior to 1964, whose principal mission was, and is, the
11 education of Black Americans, and that is accredited by a
12 nationally recognized agency or association determined by the
13 Secretary of Education; and

14 WHEREAS, On September 22, 2023, President Joseph R. Biden
15 proclaimed the week of September 24, 2023, through September
16 30, 2023, inclusive, as National Historically Black Colleges and
17 Universities Week, and also reestablished the White House
18 Initiative on Advancing Educational Equity, Excellence, and
19 Economic Opportunity for HBCUs to increase their participation
20 in federal programs that offer greater access to funding; and

21 WHEREAS, On October 24, 2023, stemming from the
22 collaboration of Umoja, a community and critical resource
23 dedicated to enhancing the cultural and educational experiences
24 of African American and other students, a resolution established
25 the Los Angeles Community College District and Los Angeles
26 Unified School District Historical Black Colleges and Universities
27 Day; and

28 WHEREAS, California has 116 community colleges spanning
29 73 districts that are located in urban and rural communities that
30 served nearly 2.1 million students from diverse backgrounds during
31 the 2019–20 academic year; and

32 WHEREAS, In 2022, the Joint Center for Political and Economic
33 Studies’ research brief, “The State of Black Students at Community
34 Colleges,” reported that more than 36 percent, which is more than
35 one-third, of all Black undergraduate students are attending
36 community colleges; and

37 WHEREAS, The National Center for Education Statistics reports
38 that in the 2021–22 academic year, of the degrees conferred by
39 HBCUs, Black students earned 44 percent of the 5,300 associate
40 degrees, 81 percent of the 32,800 baccalaureate degrees, 70 percent

1 of the 7,600 master’s degrees, and 61 percent of the 3,000 doctoral
2 degrees; and

3 WHEREAS, A July 30, 2021, article from the McKinsey
4 Institute for Black Economic Mobility reports that HBCUs have
5 an opportunity to accelerate Black economic mobility if attention
6 and funding could be sustained and increased and estimates that
7 a strong HBCU network could increase Black worker incomes by
8 an estimated \$10,000,000,000 in addition to strengthening the
9 economy with \$1,200,000,000 in incremental business profit,
10 \$300,000,000 in decreased student-loan debt, and \$1,000,000,000
11 in additional consumer expenditures; and

12 WHEREAS, According to the Thurgood Marshall College Fund,
13 HBCUs have played a significant role in producing black
14 professionals and have graduated 40 percent of all Black engineers,
15 40 percent of all Black Representatives in the United States
16 Congress, 50 percent of all Black lawyers, 50 percent of all Black
17 doctors, and 80 percent of all Black judges; and

18 WHEREAS, The Cal Grant B awards extend financial aid grant
19 awards to low-income students and are supported by the College
20 Access Tax Credit Fund (CATCF), which provides tax credits to
21 taxpayers and businesses who make charitable contributions to
22 support California Community College transfer students attending
23 partnered HBCUs; and

24 WHEREAS, A Transfer Guarantee Pathway Agreement was
25 signed on March 17, 2015, between the office of the Chancellor
26 of the California Community Colleges and select, regionally
27 accredited HBCUs, which offers community college students who
28 complete certain academic requirements, as specified, a guaranteed
29 transfer to a participating HBCU; and

30 WHEREAS, In the 2021–22 fiscal year, a total of 53 California
31 Community Colleges transfer students enrolled at 39 HBCUs that
32 have associate degree for transfer memoranda of understanding
33 on file with the office of the Chancellor of the California
34 Community Colleges; and

35 WHEREAS, Recognizing that Assembly Bill 1400 (Chapter
36 278, Statutes of 2023), authored by Assembly Member Isaac Bryan,
37 signed by Governor Gavin Newsom, and chaptered on September
38 30, 2023, requires the CATCF moneys continuously appropriated
39 to the Student Aid Commission to be used for awards for qualifying
40 community college student transfers to regionally accredited

1 HBCUs that have associate degree for transfer memoranda of
2 understanding on file with the office of the Chancellor of the
3 California Community Colleges; and

4 WHEREAS, Assembly Bill 1400 (Chapter 278, Statutes of 2023)
5 reduces the pool of eligible CATCF-funded grant applicants to
6 less than 100 students, which enables the CATCF program to issue
7 awards of up to \$5,000; and

8 WHEREAS, It is important to support Black students in pursuit
9 of baccalaureate and postgraduate degree attainment by cultivating
10 equitable financial, social, and academic supports, which will help
11 to advance socioeconomic mobility, political participation, and
12 community empowerment; now, therefore, be it

13 *Resolved by the Assembly of the State of California, the Senate*
14 *thereof concurring,* That the Legislature hereby proclaims that the
15 fourth week of September in 2024, and annually thereafter, be
16 known as Historically Black Colleges and Universities Week in
17 the State of California; and be it further

18 *Resolved,* That the Chief Clerk of the Assembly transmit copies
19 of this resolution to the author for appropriate distribution.

O

Date of Hearing: August 5, 2024

ASSEMBLY COMMITTEE ON RULES
Blanca Pacheco, Chair
ACR 222 (Weber) – As Introduced July 2, 2024

SUBJECT: Historically Black Colleges and Universities Week.

SUMMARY: Designates the fourth week of September in 2024, and annually thereafter, as Historically Black Colleges and Universities Week in the State of California. Specifically, **this resolution** makes the following legislative findings:

- 1) Historically Black Colleges and Universities (HBCUs) were established in the United States in the 19th century due to restrictive state policies against Black student admission through legitimized segregation and racial discrimination.
- 2) HBCUs are dedicated to providing a supportive educational environment that is built on creating diverse academic opportunities, celebrating cultural awareness, and elevating positive racial identity.
- 3) Dating back to the landmark United States Supreme Court case of *Brown v. Board of Education of Topeka* (1954) 347 U.S. 483, in which the United States Supreme Court declared that segregated schools were unconstitutional, funding allocations have been earmarked to address the longstanding disparities in educational outcomes between Black and African American students and their non-Black peers.
- 4) Title III of the federal Higher Education Act of 1965, as amended, defines an HBCU as an institution that was established prior to 1964, whose principal mission was, and is, the education of Black Americans, and that is accredited by a nationally recognized agency or association determined by the Secretary of Education.
- 5) California has 116 community colleges spanning 73 districts that are located in urban and rural communities that served nearly 2.1 million students from diverse backgrounds during the 2019–20 academic year. In 2022, the Joint Center for Political and Economic Studies’ research brief, “The State of Black Students at Community Colleges,” reported that more than 36 percent, which is more than one-third, of all Black undergraduate students are attending community colleges.
- 6) The Cal Grant B awards extend financial aid grant awards to low-income students and are supported by the College Access Tax Credit Fund (CATCF), which provides tax credits to taxpayers and businesses who make charitable contributions to support California Community College transfer students attending partnered HBCUs.
- 7) According to the Thurgood Marshall College Fund, HBCUs have played a significant role in producing black professionals and have graduated 40 percent of all Black engineers, 40 percent of all Black Representatives in the United States Congress, 50 percent of all Black lawyers, 50 percent of all Black doctors, and 80 percent of all Black judges.

- 8) It is important to support Black students in pursuit of baccalaureate and postgraduate degree attainment by cultivating equitable financial, social, and academic supports, which will help to advance socioeconomic mobility, political participation, and community empowerment.

FISCAL EFFECT: This resolution is keyed non-fiscal by Legislative Counsel.

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

Analysis Prepared by: Michael Erke / RLS. / (916) 319-2800

Assembly Concurrent Resolution

No. 223

Introduced by Assembly Member Rodriguez

July 3, 2024

Assembly Concurrent Resolution No. 223—Relative to California
Emergency Preparedness Month.

LEGISLATIVE COUNSEL’S DIGEST

ACR 223, as introduced, Rodriguez. California Emergency
Preparedness Month.

This measure would proclaim September 2024 as California
Emergency Preparedness Month.

Fiscal committee: no.

1 WHEREAS, Launched in 2004, National Preparedness Month
2 is the Federal Emergency Management Agency’s national annual
3 preparedness outreach; and

4 WHEREAS, National Preparedness Month aims to educate and
5 empower Americans during the month and throughout the year to
6 prepare for and respond to all types of emergencies, including
7 natural disasters and man-made emergencies; and

8 WHEREAS, California has experienced a significant increase
9 over the last decade in emergency situations that require individuals
10 to prepare in advance; and

11 WHEREAS, These disasters include rolling blackouts, wildfires,
12 mudslides, and other occurrences that can leave Californians
13 without power or food for days; and

14 WHEREAS, In the last year, California suffered 14 declared
15 emergencies, including rainstorms, wildfire, and windstorms, and

1 several other emergency situations, such as collapsed infrastructure
2 and heat waves; and
3 WHEREAS, In response to emergencies and disasters, hundreds
4 of thousands of people have been subject to mandatory evacuations;
5 and
6 WHEREAS, It is more critical than ever before that Californians
7 have a plan prior to experiencing these events; and
8 WHEREAS, These plans should include access to adequate
9 shelter, reserves of food and water, backup power for
10 communication devices, plans for pets, and access to transportation;
11 and
12 WHEREAS, September is celebrated as National Preparedness
13 Month; now, therefore, be it
14 *Resolved by the Assembly of the State of California, the Senate*
15 *thereof concurring*, That the Legislature hereby proclaims the
16 month of September 2024 as California Emergency Preparedness
17 Month; and be it further
18 *Resolved*, That the Legislature encourages Californians to
19 acknowledge the importance of planning for emergencies to protect
20 themselves and their families; and be it further
21 *Resolved*, That the Chief Clerk of the Assembly transmit copies
22 of this resolution to the author for appropriate distribution.

O

Date of Hearing: August 5, 2024

ASSEMBLY COMMITTEE ON RULES
Blanca Pacheco, Chair
ACR 223 (Rodriguez) – As Introduced July 3, 2024

SUBJECT: California Emergency Preparedness Month.

SUMMARY: Proclaims September 2024 as California Emergency Preparedness Month and encourages Californians to acknowledge the importance of planning for emergencies to protect themselves and their families. Specifically, **this resolution** makes the following legislative findings:

- 1) Launched in 2004, National Preparedness Month is the Federal Emergency Management Agency’s national annual preparedness outreach.
- 2) National Preparedness Month aims to educate and empower Americans during the month and throughout the year to prepare for and respond to all types of emergencies, including natural disasters and man-made emergencies.
- 3) California has experienced a significant increase over the last decade in emergency situations that require individuals to prepare in advance. These disasters include rolling blackouts, wildfires, mudslides, and other occurrences that can leave Californians without power or food for days.
- 4) In the last year, California suffered 14 declared emergencies, including rainstorms, wildfire, and windstorms, and several other emergency situations. In response to emergencies and disasters, hundreds of thousands of people have been subject to mandatory evacuations.
- 5) It is more critical than ever before that Californians have a plan prior to experiencing these events. These plans should include access to adequate shelter, reserves of food and water, backup power for communication devices, plans for pets, and access to transportation.
- 6) September is celebrated as National Preparedness Month.

FISCAL EFFECT: This resolution is keyed non-fiscal by Legislative Counsel.

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

Analysis Prepared by: Michael Erke / RLS. / (916) 319-2800

Assembly Concurrent Resolution

No. 225

Introduced by Assembly Member Addis

July 3, 2024

Assembly Concurrent Resolution No. 225—Relative to Coastal Stewardship Day.

LEGISLATIVE COUNSEL’S DIGEST

ACR 225, as introduced, Addis. Coastal Stewardship Day.

This measure would proclaim August 8, 2024, as Coastal Stewardship Day in California.

Fiscal committee: no.

1 WHEREAS, The California coast is integral to the state’s
2 identity because of its natural beauty, economic impact, and
3 recreational utility; and

4 WHEREAS, Generations of indigenous tribes in California have
5 helped preserve, protect, and maintain much of California’s natural
6 coastline; and

7 WHEREAS, According to the National Oceanic Atmospheric
8 Administration, California has approximately 3,427 miles of
9 coastline; and

10 WHEREAS, California’s coastal counties are home to 68 percent
11 of the state’s population; and

12 WHEREAS, California’s beaches bring millions of people from
13 around the world each year to surf, kayak, fish, dive, or simply
14 enjoy the scenery, contributing billions of dollars to California’s
15 gross domestic product; and

1 WHEREAS, California’s mild climate and weather patterns are
2 heavily influenced by the ocean, supporting some of the most
3 productive agricultural areas in the United States; and
4 WHEREAS, On average, California’s commercial fishing
5 industry generates more than \$150,000,000 each year for fishers;
6 and
7 WHEREAS, Coastal portions of California employ 12,300,000
8 people annually, earning a total of nearly \$883.5 billion; and
9 WHEREAS, Coastal wetlands in California serve as nurseries
10 for many ocean animals and provide critical habitats for numerous
11 endangered and threatened species; and
12 WHEREAS, Thirty-four species of marine mammals call
13 California’s coast home; and
14 WHEREAS, More than 180 species of seabirds and shorebirds
15 live or visit the California coast; and
16 WHEREAS, Many migratory animals, such as sharks, fish,
17 turtles, and whales stop along California’s coast; and
18 WHEREAS, California has lost 90 percent of its coastal
19 wetlands; and
20 WHEREAS, California’s coastal wetlands protect communities
21 from floods, improve water quality, and reduce the impacts of
22 climate change by sequestering carbon dioxide; and
23 WHEREAS, Coastal communities have been hard hit by
24 recurring storms, flooding, coastal erosion, and other natural
25 disasters, highlighting the coast’s vulnerability to climate change;
26 now, therefore, be it
27 *Resolved by the Assembly of the State of California, the Senate*
28 *thereof concurring*, That the Legislature proclaims August 8, 2024,
29 as Coastal Stewardship Day in California, in recognition of the
30 fundamental importance of the coast to California’s economy,
31 communities, and identity, and in recognition of the need to protect,
32 bolster, and conserve California’s coastline, residents, and habitats;
33 and be it further
34 *Resolved*, That the Chief Clerk of the Assembly transmit copies
35 of this resolution to the author for appropriate distribution.

O

Date of Hearing: August 5, 2024

ASSEMBLY COMMITTEE ON RULES
Blanca Pacheco, Chair
ACR 225 (Addis) – As Introduced July 3, 2024

SUBJECT: Coastal Stewardship Day.

SUMMARY: Proclaims August 8, 2024, as Coastal Stewardship Day in California, in recognition of the fundamental importance of the coast to California’s economy, communities, and identity, and in recognition of the need to protect, bolster, and conserve California’s coastline, residents, and habitats. Specifically, **this resolution** makes the following legislative findings:

- 1) The California coast is integral to the state’s identity because of its natural beauty, economic impact, and recreational utility. According to the National Oceanic Atmospheric Administration, California has approximately 3,427 miles of coastline.
- 2) California’s coastal counties are home to 68 percent of the state’s population. Coastal portions of California employ 12.3 million people annually, earning a total of nearly \$883.5 billion.
- 3) California’s beaches bring millions of people from around the world each year to surf, kayak, fish, dive, or simply enjoy the scenery, contributing billions of dollars to California’s gross domestic product.
- 4) Thirty-four species of marine mammals call California’s coast home and more than 180 species of seabirds and shorebirds live or visit the California coast. Many migratory animals, such as sharks, fish, turtles, and whales stop along California’s coast.
- 5) California’s coastal wetlands protect communities from floods, improve water quality, and reduce the impacts of climate change by sequestering carbon dioxide.
- 6) Generations of indigenous tribes in California have helped preserve, protect, and maintain much of California’s natural coastline.

FISCAL EFFECT: This resolution is keyed non-fiscal by Legislative Counsel.

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

Analysis Prepared by: Michael Erke / RLS. / (916) 319-2800

House Resolution

No. 112

Introduced by Assembly Member Lee

July 1, 2024

House Resolution No. 112—Relative to Filipino American History Month.

1 WHEREAS, Filipinos and Filipino Americans have been
2 contributing to California and the United States for hundreds of
3 years, ever since October 18, 1587, when the first “Luzones Indios”
4 set foot in Morro Bay, California, on board the Nuestra Señora de
5 Esperanza, a Manila-built galleon ship captained by Pedro de
6 Unamuno of Spain; and

7 WHEREAS, In the late 1700s and early 1800s, Filipinos helped
8 Father Junípero Serra establish the California mission system; and

9 WHEREAS, Since the late 1800s, Filipino communities have
10 existed in southern Louisiana, according to oral histories recorded
11 by Rhonda Richoux Fox; and

12 WHEREAS, After the Philippines was colonized, Filipinos
13 began immigrating to San Francisco, where they contributed to
14 the city both as military personnel and as service sector workers
15 such as bellhops, dishwashers, servants, and cooks; established,
16 by the 1920s, a thriving community around Kearny and Jackson
17 Streets, which became known as “Manilatown”; and settled, during
18 the post World War II era, into the Fillmore, South of Market, and
19 Excelsior districts; and

20 WHEREAS, Between 1906 and 1935, the first large wave of
21 Filipino immigration to the United States began, as Filipinos were
22 recruited to California, Alaska, and Hawaii to work in the

1 agricultural industries, canneries, and sugarcane plantations,
2 respectively; and

3 WHEREAS, The Filipino contract workers in Hawaii, or
4 “Sakadas,” became the largest group of Asians on the sugarcane
5 plantations by the 1920s; and

6 WHEREAS, At the turn of the 20th century, Filipino students,
7 or “pensionados,” farm workers, and laborers in manufacturing
8 and in the service sector began settling in Stockton and the
9 surrounding San Joaquin Delta area, where they built a community
10 that became the largest concentration of Filipinos outside of the
11 Philippines and established a thriving six-block ethnic
12 neighborhood that became known as “Little Manila”; and

13 WHEREAS, In 2000, the Stockton City Council designated this
14 area, in downtown Stockton at the intersection of Lafayette and
15 El Dorado Streets, as the “Little Manila Historical Site,” the first
16 designation of this kind in the country; and

17 WHEREAS, In the first decades of the 20th century, thousands
18 of Filipinos in California worked in agricultural fields throughout
19 the state, in cities and regions such as the Sacramento-San Joaquin
20 Delta, the central coast, Imperial Valley, Orange County, the Inland
21 Empire, Delano, Bakersfield, Coachella Valley, and the San
22 Francisco Bay area, and became a critical element in the growth
23 and political economy of the state, often enduring harsh labor
24 conditions and poor wages, but persevering and creating a strong
25 legacy of mutual support, strikes, and organization for farm labor
26 unionization; and

27 WHEREAS, In the 1920s, Filipinos in California also worked
28 as laborers in the shipyards of Vallejo, where they established a
29 Filipino American community and business center and became so
30 successful that there were thousands of Filipinos working as
31 shipbuilders by the start of World War II; and

32 WHEREAS, During World War II, approximately 200,000
33 Filipino soldiers battled under the command of the United States
34 to preserve the liberty of our country and win back the liberty of
35 the Philippines from the Japanese occupation; and

36 WHEREAS, Thousands of these Filipino soldiers came from
37 California, served in the First and Second Filipino Infantry
38 Regiments, underwent training at Salinas and at Fort Ord,
39 California, and were stationed at Camp Beale near Sacramento
40 and Camp Cooke near Santa Maria; and

1 WHEREAS, After World War II ended, many Filipinos who
2 had served in the United States Navy settled in National City and
3 elsewhere in the County of San Diego, as well as in the Cities of
4 West Long Beach and Wilmington, where they worked in the Long
5 Beach shipyards and Terminal Island canneries, served in the
6 harbor area as nurses and medical workers, and created flourishing
7 Filipino American communities numbering in the tens of
8 thousands; and

9 WHEREAS, Between 1941 and 1959, the second wave of
10 Filipino immigration to the United States began, as nurses, students,
11 “war brides” and fiancées of World War II military personnel and
12 veterans, tourists, and Filipino members of the United States Navy
13 came to the United States; and

14 WHEREAS, In 1965, the third wave of Filipino immigration to
15 the United States began, as the passing of the Immigration and
16 Nationality Act abolished “national origins” as the basis for
17 immigration, allowing for more immigration from Asia and Latin
18 America and for much-needed Filipino medical professionals to
19 come to the United States to fill United States labor shortages; and

20 WHEREAS, On September 8, 1965, Filipino American
21 agricultural labor leaders, including Larry Itliong and Philip Vera
22 Cruz, organized more than 1,500 farm workers from the
23 Agricultural Workers Organizing Committee in the Delano Grape
24 Strike of 1965, in partnership with César Chávez, Dolores Huerta,
25 and other Mexican American labor leaders of the National Farm
26 Workers Association, sparking one of the greatest social, economic,
27 and racial justice movements in the history of California and the
28 United States, and led to the establishment of the United Farm
29 Workers of America; and

30 WHEREAS, These agricultural workers, along with other
31 volunteers, also built Agbayani Village, a retirement facility for
32 elderly Filipino farmworkers, or “Manongs,” located at Forty Acres
33 in Delano in the County of Kern; and

34 WHEREAS, In 1968, Filipino student organizers were
35 instrumental in the leadership of the Third World Liberation Front
36 that led to the founding of our nation’s first Third World College
37 at the University of California, Berkeley, and the first College of
38 Ethnic Studies, at California State University, San Francisco, that
39 was part of the larger effort to democratize higher education for
40 all; and

1 WHEREAS, From 1968 to 1977, Filipino American activists
2 and residents of San Francisco’s International Hotel organized a
3 popular, multiracial campaign that challenged local authorities and
4 private development to place people and the public good ahead of
5 profit and support affordable housing for Filipino and Chinese
6 immigrants and community members; and

7 WHEREAS, From 1972 to 1986, Filipino American activists
8 organized massive educational and political campaigns to restore
9 civil liberties in the Philippines during the period of martial law
10 in that country, creating dynamic local responses to international
11 politics and placing pressure on the United States government to
12 end its support of the Marcos dictatorship; and

13 WHEREAS, In 1973, the fourth wave of Filipino immigration
14 to the United States began, as political exiles and refugees from
15 the Marcos era, intellectuals, tourists, students, student activists,
16 professionals, semiprofessionals, and families came to the United
17 States; and

18 WHEREAS, In 2002, the City of Los Angeles, home to over
19 120,000 Filipinos, designated part of the city as the “Historic
20 Filipinotown” district, the largest designation of this kind in the
21 country; and

22 WHEREAS, The Filipino Community Center of the Los Angeles
23 Harbor area in the City of Wilmington continues to serve as a
24 model organization, facilitating community events such as
25 weddings, baptisms, pageants, and fiestas; and

26 WHEREAS, On November 8, 2013, Super Typhoon
27 Haiyan/Yolanda, one of the strongest storms ever recorded in
28 human history, struck the Philippines and devastated the lives of
29 millions of people throughout the Philippines and the world; and

30 WHEREAS, Today, numerous other community-based
31 institutions that take responsibility for the services, advocacy, and
32 civic engagement needs of the Filipino American community exist
33 throughout the state; and

34 WHEREAS, The Filipino American population is currently the
35 largest Asian American and Pacific Islander group in California
36 and the third largest Asian American and Pacific Islander group
37 in the United States; and

38 WHEREAS, Nine Filipino Americans have received the
39 Congressional Medal of Honor, the highest award for valor in

1 action against an enemy force that can be bestowed upon an
2 individual serving in the United States Armed Forces; and

3 WHEREAS, Filipino Americans have served the public in a
4 wide range of capacities, including, but not limited to, Chief Justice
5 of the California Supreme Court, representatives to the United
6 States Congress, legislators in the state legislatures of California
7 and other states, and other city, state, and federal leaders of the
8 United States; and

9 WHEREAS, Throughout the history of the United States,
10 Filipino Americans have made cultural, economic, political, social,
11 and other contributions to our country that have become a vital
12 part of the rich, diverse, and vibrant tapestry of our nation; and

13 WHEREAS, Since World War II, federal, state, and local
14 redevelopment projects, freeway and highway construction, urban
15 decay, private development, demographic shifts, and poor city
16 planning have destroyed a significant number of Filipino American
17 historic sites and ethnic neighborhoods, and many of the remaining
18 Filipino American communities and historic sites are in danger of
19 being lost; and

20 WHEREAS, Preserving our Filipino communities throughout
21 California and the United States is critical to the preservation of
22 Filipino culture, history, traditions, and heritage and to the
23 preservation of our state and national history as well as our state
24 and national future; now, therefore, be it

25 *Resolved by the Assembly of the State of California*, That the
26 Assembly recognizes the month of October 2024 as Filipino
27 American History Month and the 437th anniversary of the first
28 presence of Filipinos in the continental United States; and be it
29 further

30 *Resolved*, That the Chief Clerk of the Assembly transmit copies
31 of this resolution to the author for appropriate distribution.

O

Date of Hearing: August 5, 2024

ASSEMBLY COMMITTEE ON RULES
Blanca Pacheco, Chair
HR 112 (Lee) – As Introduced July 1, 2024

SUBJECT: Filipino American History Month.

SUMMARY: Recognizes the month of October 2024 as Filipino American History Month and the 437th anniversary of the first presence of Filipinos in the continental United States. Specifically, **this resolution** makes the following legislative findings:

- 1) Filipinos and Filipino Americans have been contributing to California and the United States for hundreds of years, ever since October 18, 1587, when the first “Luzones Indios” set foot in Morro Bay, California, on board the Nuestra Señora de Esperanza, a Manila-built galleon ship captained by Pedro de Unamuno of Spain.
- 2) In the first decades of the 20th century, thousands of Filipinos in California worked in agricultural fields throughout the state, in cities and regions such as the Sacramento-San Joaquin Delta, the central coast, Imperial Valley, Orange County, the Inland Empire, Delano, Bakersfield, Coachella Valley, and the San Francisco Bay area, and became a critical element in the growth and political economy of the state, often enduring harsh labor conditions and poor wages, but persevering and creating a strong legacy of mutual support, strikes, and organization for farm labor unionization.
- 3) The Filipino American population is currently the largest Asian American and Pacific Islander group in California and the third largest Asian American and Pacific Islander group in the United States.
- 4) Throughout the history of the United States, Filipino Americans have made cultural, economic, political, social, and other contributions to our country that have become a vital part of the rich, diverse, and vibrant tapestry of our nation.
- 5) Preserving our Filipino communities throughout California and the United States is critical to the preservation of Filipino culture, history, traditions, and heritage and to the preservation of our state and national history as well as our state and national future.

FISCAL EFFECT: This resolution is keyed non-fiscal by Legislative Counsel.

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

Analysis Prepared by: Michael Erke / RLS. / (916) 319-2800

House Resolution

No. 113

Introduced by Assembly Member Haney

**(Principal coauthors: Assembly Members Cervantes, Jackson, Lee,
Low, Ward, and Zbur)**

(Principal coauthors: Senators Atkins, Eggman, Laird, Menjivar, Padilla,
and Wiener)

July 3, 2024

House Resolution No. 113—Relative to Transgender History Month.

1 WHEREAS, The suppression of gender variance among
2 indigenous California cultures by Spanish and later Anglo settlers
3 was a foundational event of the history of the state, as documented
4 in the journal of soldier Pedro Fages, who wrote in 1775 about
5 native peoples he encountered near present-day San Diego, whom
6 he described as “those Indian men who, both here and farther
7 inland, observed in the dress, clothing, and character of women...
8 They are called joyas, and they are held in great esteem.”; and
9 WHEREAS, The social fluidity of Gold Rush-era California
10 attracted countless people who lived transgender lives in the
11 mid-19th century, including legendary stagecoach driver Charley
12 Parkhurst, whose life story was celebrated in the popular television
13 show *Death Valley Days*, hosted by Ronald Reagan; and
14 WHEREAS, San Francisco’s Tenderloin neighborhood has been
15 known as a residential district for two-spirit, transgender,
16 gender-expansive, and intersex (2STGI) people since the second
17 half of the 19th century, when it was home to people such as “Jenny
18 O.,” a trans woman who corresponded with the famous German
19 sexologist Magnus Hirschfeld about her life in the Tenderloin; and

1 WHEREAS, Some of the earliest support organizations for
2 cross-dressers were founded in Los Angeles by Virginia Prince in
3 the early 1960s; and

4 WHEREAS, The 1959 Cooper Do-nuts Riot in Los Angeles
5 and the 1966 Compton’s Cafeteria Riot in San Francisco were
6 important acts of collective resistance to police violence targeting
7 trans people, years before the better-known Stonewall Riot in New
8 York; and

9 WHEREAS, The Black transfem performer Sir Lady Java filed
10 the first antitrans employment discrimination lawsuit in the country
11 in 1969 in Los Angeles, when she fought the cancellation of her
12 show at the Redd Foxx nightclub on La Cienega Boulevard, leading
13 ultimately to the overturning of antidrag ordinances in 1969 and
14 which laid the groundwork for successful challenges of
15 employment discrimination pertaining to gay and lesbian and
16 transgender people; and

17 WHEREAS, In the 1960s and 70s, Ojai resident Reed Erickson,
18 a multimillionaire trans man, funded the establishment of
19 university-based sex reassignment clinics at Johns Hopkins
20 University, UCLA, and elsewhere, providing a foundation to
21 support the work of San Francisco-based doctor Harry Benjamin
22 and his landmark 1966 book *The Transsexual Phenomenon*, and
23 whose Erickson Educational Foundation funded the nation’s first
24 trans peer support group, the National Transsexual Counseling
25 Unit, in 1968; and

26 WHEREAS, The 1973 West Coast Lesbian Conference at UCLA
27 became the first national flashpoint for trans issues in the women’s
28 movement when attendees voted on whether to accept the
29 participation of trans lesbian singer Beth Elliott; and

30 WHEREAS, San Francisco resident Lou Sullivan, a trans man,
31 founded FTM, the first national and international support
32 organization for transmasculine people, in the 1980s; and

33 WHEREAS, Legendary media scholar and Jimi Hendrix’s
34 recording engineer, Sandy Stone, launched the academic field of
35 transgender studies with her “Posttranssexual Manifesto” while
36 earning her PhD in History of Consciousness Studies at the
37 University of California, Santa Cruz in 1987; and

38 WHEREAS, In 2016, the City and County of San Francisco
39 Mayor Ed Lee appointed Theresa Sparks as the Mayor’s Senior
40 Advisory on Transgender Initiatives, making San Francisco the

1 first city in the nation to have a position dedicated to advancing
2 the rights of and creating policies for the transgender community;
3 and

4 WHEREAS, In 2017, the City and County of San Francisco
5 established the Office of Transgender Initiatives (OTI). OTI is the
6 first and only transgender-led city government office in the country
7 and world working with communities to advance policies,
8 programs, and equity for transgender, gender nonconforming, and
9 LGBTQ San Franciscans; and

10 WHEREAS, In 2017, San Francisco's Tenderloin neighborhood
11 became home to the world's first legally recognized transgender
12 cultural district, which serves to create an urban environment that
13 empowers 2STGI individuals residing in the neighborhood through
14 cultural, economic, and historical preservation initiatives; and

15 WHEREAS, 2STGI Californians continue to win election to
16 public office, star as leads in television shows and films, lead
17 organizations, create educational initiatives, and serve in the United
18 States Armed Forces; and

19 WHEREAS, Despite the national recognition of LGBTQ+
20 history month, there is no proper representation and emphasis on
21 the imperative leadership of 2STGI individuals in the fight for
22 LGBTQ+ rights throughout history, and the 2STGI community
23 substantially trails behind the level of inclusion and acceptance
24 afforded to the broader LGBTQ+ community; and

25 WHEREAS, Despite awareness of influence on other movements
26 categorized by resistance and liberation, prominent portions of
27 2STGI history remain undiscovered, unrecognized, and outside
28 mainstream consciousness; and

29 WHEREAS, 2STGI people across the nation and the globe are
30 being dehumanized and politicized in recent culture wars and their
31 contributions to the history of the United States and its territories
32 are being erased and their existence being portrayed as a recent
33 cultural development, despite having existed throughout all known
34 human history; and

35 WHEREAS, We are now at a new pinnacle of 2STGI visibility,
36 with violence towards 2STGI people continuing with high
37 prevalence and frequency without being met with adequate
38 responses of justice and accountability; and

39 WHEREAS, California has long been the epicenter of the trans
40 liberation movement, possessing suitable historical qualities

1 sufficient for the recognition of Transgender History Month as an
2 opportunity to provide education, insight, and awareness of the
3 monumental contributions to Golden State history by 2STGI
4 Californians; and

5 WHEREAS, Discrimination, exclusion, and ignorance towards
6 the 2STGI community continue to perpetuate violence and
7 disparity; and

8 WHEREAS, While California is a leader in defending the rights
9 and safety of LGBTQ+ people, our state is not immune to the
10 national wave of LGBTQ+ hate, violence, and political attacks,
11 which disproportionately impacts 2STGI people particularly.
12 California’s commitment to the LGBTQ+ community, especially
13 the community’s 2STGI population, is needed even more in the
14 face of rising extremism and hostility in California and across the
15 nation and globe; and

16 WHEREAS, Nationally, there were over 500 anti-LGBTQ+
17 bills introduced in state legislatures across the country during the
18 2023 legislative year, and there are already over 500 anti-LGBTQ+
19 bills introduced in state legislatures across the nation as of the June
20 2024 legislative year; and

21 WHEREAS, The aforementioned anti-LGBTQ+ bills
22 disproportionately target 2STGI people and include efforts to
23 prohibit access to lifesaving gender-affirming medical care, prevent
24 2STGI youth from playing school sports alongside their friends,
25 erase 2STGI identities from vital records and state driver’s licenses,
26 ban books that include 2STGI people and history, prohibit 2STGI
27 people from using restrooms and facilities in accordance with their
28 gender identity, and criminalize 2STGI people who bravely
29 embrace their authentic selves amid rising hostility; and

30 WHEREAS, According to the Williams Institute at the
31 University of California, Los Angeles School of Law, the legal
32 landscape for trans youth shifted significantly in 2023, and 105,200
33 trans youth, about one-third of trans youth in the United States,
34 live in states that ban access to gender-affirming care, 101,500
35 trans youth, about one-third of trans youth in the United States,
36 live in states that restrict access to school sports for trans students,
37 and 32,700 trans youth live in states that ban trans students from
38 using school bathrooms and other facilities that align with their
39 gender identity; and

1 WHEREAS, California has become a safe haven for many
2 LGBTQ+ people across the United States, its territories, and
3 beyond, including for its access to health care and robust civil
4 rights laws allowing LGBTQ+ people to live their authentic lives;
5 and

6 WHEREAS, Antitrans legislation, executive actions, local
7 ordinances, school policies, practices, misinformation, and rhetoric
8 endanger the psychological and physical well-being of 2STGI
9 youth, with 86 percent of 2STGI youth reporting these actions
10 negatively impacting their mental health, as well as 45 percent
11 reporting they experienced online harassment, 24 percent reporting
12 they were bullied in school, 27 percent reporting they have been
13 physically threatened or harmed due to their gender identity, and
14 64 percent reporting that they have felt discriminated against due
15 to their gender identity; and

16 WHEREAS, Discriminatory legislation, executive actions, local
17 ordinances, school policies, practices, misinformation, and rhetoric
18 across the country and here in California have all contributed to
19 rising hate and violence directed against members of the 2STGI
20 community, in particular Black trans women, prompting a number
21 of civil rights organizations to declare an epidemic of violence
22 against 2STGI people; and

23 WHEREAS, The latest Federal Bureau of Investigation (FBI)
24 annual crime report of 2022 showed that anti-LGBTQ+ hate crimes
25 were up sharply from the prior year, with a 13.8-percent increase
26 in reports based on sexual orientation and a 32.9-percent increase
27 in reports based on gender identity; and

28 WHEREAS, The FBI-reported hate crime rates among LGBTQ+
29 victims, particularly 2STGI victims, are likely incomplete, as cities
30 and states across the nation are reporting incomplete or inaccurate
31 data, or no data at all, on hate crimes committed against the
32 LGBTQ+ community; and

33 WHEREAS, The FBI reported that schools were the third most
34 commonly known location for hate crimes against LGBTQ+ youth
35 and community members, and that hate crimes more than doubled
36 at elementary and secondary schools and universities from 2018
37 to 2022, inclusive; and

38 WHEREAS, The FBI noted that participation in the collection
39 of the aforementioned data regarding hate crime reports in schools

1 is voluntary for most agencies and is only mandatory for federal
2 agencies, and is thus likely incomplete and underreported; and

3 WHEREAS, Demonstrating actions led by principles of respect,
4 value, and honor will aid a community that continues to fight for
5 proper acknowledgment; and

6 WHEREAS, The month of August has particular significance
7 to the trans community as it is the month when the Compton’s
8 Cafeteria Riots are commemorated. One of the first LGBTQ+ civil
9 rights uprising in the United States, the Compton’s Cafeteria Riots
10 took place in August of 1966 in San Francisco’s Tenderloin
11 District, which has now been designated as the world’s first
12 transgender cultural district; and

13 WHEREAS, Supporting the 2STGI community by designating
14 August as Transgender History Month will create a culture led by
15 research, education, and scholarly recognition of the contributions
16 of 2STGI Californians to our great state’s history, and will educate
17 future generations of Californians on the importance of this history;
18 now, therefore, be it

19 *Resolved by the Assembly of the State of California,* That the
20 Assembly declares the month of August of each year as
21 Transgender History Month; and be it further

22 *Resolved,* That the Legislature joins communities across our
23 nation to increase awareness about the importance of 2STGI
24 leaders, and commits to removing all barriers to 2STGI
25 communities, individuals, and families and upholding human rights
26 for all; and be it further

27 *Resolved,* That the Chief Clerk of the Assembly transmit copies
28 of this resolution to the author for appropriate distribution.

O

Date of Hearing: August 5, 2024

ASSEMBLY COMMITTEE ON RULES
Blanca Pacheco, Chair
HR 113 (Haney) – As Introduced July 3, 2024

SUBJECT: Transgender History Month.

SUMMARY: Declares the month of August of each year as Transgender History Month. Specifically, **this resolution** makes the following legislative findings:

- 1) The suppression of gender variance among indigenous California cultures by Spanish and later Anglo settlers was a foundational event of the history of the state, as documented in the journal of soldier Pedro Fages, who wrote in 1775 about native peoples he encountered near present-day San Diego, whom he described as “those Indian men who, both here and farther inland, observed in the dress, clothing, and character of women.... They are called joyas, and they are held in great esteem.”
- 2) The social fluidity of Gold Rush-era California attracted countless people who lived transgender lives in the mid-19th century, including legendary stagecoach driver Charley Parkhurst, whose life story was celebrated in the popular television show *Death Valley Days*, hosted by Ronald Reagan.
- 3) San Francisco’s Tenderloin neighborhood has been known as a residential district for two-spirit, transgender, gender-expansive, and intersex (2STGI) people since the second half of the 19th century, when it was home to people such as “Jenny O.,” a trans woman who corresponded with the famous German sexologist Magnus Hirschfeld about her life in the Tenderloin.
- 4) The 1959 Cooper Do-nuts Riot in Los Angeles and the 1966 Compton’s Cafeteria Riot in San Francisco were important acts of collective resistance to police violence targeting trans people, years before the better-known Stonewall Riot in New York.
- 5) The 1973 West Coast Lesbian Conference at UCLA became the first national flashpoint for trans issues in the women’s movement when attendees voted on whether to accept the participation of trans lesbian singer Beth Elliott.
- 6) Legendary media scholar and Jimi Hendrix’s recording engineer, Sandy Stone, launched the academic field of transgender studies with her “Posttranssexual Manifesto” while earning her PhD in History of Consciousness Studies at the University of California, Santa Cruz in 1987.
- 7) In 2017, San Francisco’s Tenderloin neighborhood became home to the world’s first legally recognized transgender cultural district, which serves to create an urban environment that empowers 2STGI individuals residing in the neighborhood through cultural, economic, and historical preservation initiatives.
- 8) Despite the national recognition of LGBTQ+ history month, there is no proper representation and emphasis on the imperative leadership of 2STGI individuals in the fight for LGBTQ+ rights throughout history, and the 2STGI community substantially trails behind the level of inclusion and acceptance afforded to the broader LGBT+ community.

- 9) Despite awareness of influence on other movements categorized by resistance and liberation, prominent portions of 2STGI history remain undiscovered, unrecognized, and outside mainstream consciousness.
- 10) California has long been the epicenter of the trans liberation movement, possessing suitable historical qualities sufficient for the recognition of Transgender History Month as an opportunity to provide education, insight, and awareness of the monumental contributions to Golden State history by 2STGI Californians.
- 11) The month of August has particular significance to the trans community as it is the month when the Compton's Cafeteria Riots are commemorated. Supporting the 2STGI community by designating August as Transgender History Month will create a culture led by research, education, and scholarly recognition of the contributions of 2STGI Californians to our great state's history, and will educate future generations of Californians on the importance of this history.

FISCAL EFFECT: This resolution is keyed non-fiscal by Legislative Counsel.

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

Analysis Prepared by: Michael Erke / RLS. / (916) 319-2800

House Resolution

No. 114

Introduced by Assembly Member Mike Fong

July 3, 2024

House Resolution No. 114—Relative to Kimchee Day.

1 WHEREAS, Kimchee is a traditional dish in Korean cuisine
2 with a long, rich history that began over two millennia ago during
3 the period of the Three Kingdoms of Korea; and

4 WHEREAS, Korean Americans represent a vibrant, growing
5 community in the United States whose predecessors first arrived
6 in the United States over a century ago and whose members have
7 gone on to become an indispensable part of the fabric of the United
8 States and made numerous contributions to science, law, business,
9 art, and many other fields; and

10 WHEREAS, In 2013, the United Nations Educational, Scientific
11 and Cultural Organization officially recognized the Korean
12 traditional process of preparing kimchee, “kimjang,” on its
13 Representative List of the Intangible Cultural Heritage of
14 Humanity; and

15 WHEREAS, Kimchee has been widely acknowledged as a
16 probiotic food item with well-established positive health benefits
17 that serves as an excellent source of beta-carotene, calcium,
18 potassium, dietary fiber, and vitamins A, B, C, and K, which can
19 lower rates of heart disease, cancer, stroke, and diabetes; and

20 WHEREAS, The growing interest in and popularity of kimchee
21 as a dish in the United States, as evidenced by an increase in
22 available kimchee-related food products, restaurant menu items,
23 and interest from non-Korean consumers, represents a positive
24 example of multicultural exchange; and

1 WHEREAS, Kimchee is celebrated in Korea, the land of its
2 origin, each year through the designation of November 22 as
3 “Kimchee Day”; now, therefore, be it

4 *Resolved by the Assembly of the State of California, That*
5 November 22, 2024, shall be celebrated as Kimchee Day; and be
6 it further

7 *Resolved, That the Chief Clerk of the Assembly transmit copies*
8 of this resolution to the author for appropriate distribution.

O

Date of Hearing: August 5, 2024

ASSEMBLY COMMITTEE ON RULES
Blanca Pacheco, Chair
HR 114 (Mike Fong) – As Introduced July 3, 2024

SUBJECT: Kimchee Day.

SUMMARY: Celebrates November 22, 2024, as Kimchee Day in California. Specifically, **this resolution** makes the following legislative findings:

- 1) Kimchee is a traditional dish in Korean cuisine with a long, rich history that began over two millennia ago during the period of the Three Kingdoms of Korea.
- 2) In 2013, the United Nations Educational, Scientific and Cultural Organization officially recognized the Korean traditional process of preparing kimchee, “kimjang,” on its Representative List of the Intangible Cultural Heritage of Humanity.
- 3) Kimchee has been widely acknowledged as a probiotic food item with well-established positive health benefits that serves as an excellent source of beta-carotene, calcium, potassium, dietary fiber, and vitamins A, B, C, and K, which can lower rates of heart disease, cancer, stroke, and diabetes.
- 4) The growing interest in and popularity of kimchee as a dish in the United States, as evidenced by an increase in available kimchee-related food products, restaurant menu items, and interest from non-Korean consumers, represents a positive example of multicultural exchange.
- 5) Korean Americans represent a vibrant, growing community in the United States whose predecessors first arrived in the United States over a century ago and whose members have gone on to become an indispensable part of the fabric of the United States and made numerous contributions to science, law, business, art, and many other fields.
- 6) Kimchee is celebrated in Korea, the land of its origin, each year through the designation of November 22 as “Kimchee Day.”

FISCAL EFFECT: This resolution is keyed non-fiscal by Legislative Counsel.

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

Analysis Prepared by: Michael Erke / RLS. / (916) 319-2800

Introduced by Senator Seyarto
(Principal coauthors: Senators Grove, Nguyen, Niello, Roth,
Umberg, and Wilk)
(Principal coauthor: Assembly Member Mathis)

February 14, 2024

Senate Concurrent Resolution No. 111—Relative to Purple Heart Day.

LEGISLATIVE COUNSEL’S DIGEST

SCR 111, as introduced, Seyarto. Purple Heart Day.
This measure would declare August 7, 2024, as Purple Heart Day in California.
Fiscal committee: no.

1 WHEREAS, The Purple Heart is awarded to members of the
2 Armed Forces of the United States who are killed or wounded in
3 action; and
4 WHEREAS, Created in 1932, the Purple Heart has a long and
5 storied past that dates back to the founders of the United States.
6 The award takes its design from the Badge of Military Merit, which
7 was commissioned by General George Washington on August 7,
8 1782. This award consisted of a purple, heart-shaped piece of silk
9 having a narrow edge of silver stitched with the word “Merit”
10 across the face and is considered to be the first official military
11 combat badge of the Armed Forces of the United States. The
12 official successor decoration of the Badge of Military Merit is the
13 Purple Heart; and
14 WHEREAS, Originally, the Purple Heart award was only open
15 to United States Army and Air Force service members and could

1 not be awarded posthumously. President Franklin D. Roosevelt
2 changed that in 1942 with an executive order that opened the award
3 to members of the United States Navy, Marine Corps, and Coast
4 Guard. Later that year, in a separate order, the award was made
5 available for posthumous award to any member of the military;
6 and

7 WHEREAS, During World War II, 1,506,000 Purple Heart
8 medals were manufactured, many in anticipation of the estimated
9 casualties resulting from the planned Allied invasion of Japan. By
10 the end of the war, even accounting for medals lost, stolen, or
11 wasted, nearly 500,000 remained. To the present date, total
12 combined American military casualties of the 70 years following
13 the end of World War II, including the Korean and Vietnam Wars,
14 have not exceeded that number. In 2000, there remained 120,000
15 Purple Heart medals in stock. The existing surplus allowed combat
16 units in Iraq and Afghanistan to keep Purple Hearts on-hand for
17 immediate award to soldiers wounded in the field; and

18 WHEREAS, To date, approximately 2,000,000 Purple Heart
19 Medals have been awarded. The award can be awarded
20 retroactively as far back as 1917, allowing veterans from World
21 War I to be eligible; and

22 WHEREAS, Originally, the Purple Heart was awarded for
23 meritorious service, and injury was a consideration for merit. In
24 1942, the creation of the Legion of Merit award duplicated the
25 merit requirement, which became unnecessary for the Purple Heart;
26 and

27 WHEREAS, From 1942 to 1997, inclusive, civilians serving in,
28 or affiliated with, the Armed Forces of the United States were
29 eligible to receive the Purple Heart. Some of the earliest civilians
30 to receive this honor were firefighters wounded or killed while
31 fighting fires caused by the attack on Pearl Harbor; and

32 WHEREAS, Since California is home to more than 1,800,000
33 veterans and more than 200,000 active and reserve members of
34 the Armed Forces of the United States, it is especially appropriate
35 for all Californians to honor those who have been awarded the
36 Purple Heart; now, therefore, be it

37 *Resolved by the Senate of the State of California, the Assembly*
38 *thereof concurring,* That the Legislature encourages all Californians
39 to honor those who have served in the Armed Forces of the United
40 States, especially those who have been wounded and received the

- 1 Purple Heart, and declares August 7, 2024, as Purple Heart Day
- 2 in California; and be it further
- 3 *Resolved*, That the Secretary of the Senate transmit copies of
- 4 this resolution to the author for appropriate distribution.

O

Date of Hearing: August 5, 2024

ASSEMBLY COMMITTEE ON RULES
Blanca Pacheco, Chair
SCR 111 (Seyarto) – As Introduced February 14, 2024

SENATE VOTE: 40-0

SUBJECT: Purple Heart Day.

SUMMARY: Declares August 7, 2024, as Purple Heart Day in California, and encourages all Californians to honor those who have served in the Armed Forces, especially those who have been wounded and received the Purple Heart. Specifically, **this resolution** makes the following legislative findings:

- 1) The Purple Heart is awarded to members of the Armed Forces who are killed or wounded in action. Created in 1932, the Purple Heart has a long and storied past that dates back to the founders of the United States. The award takes its design from the Badge of Military Merit, which was commissioned by General George Washington on August 7, 1782. The official successor decoration of the Badge of Military Merit is the Purple Heart.
- 2) Originally, the Purple Heart award was only open to United States Army and Air Force service members and could not be awarded posthumously. President Franklin D. Roosevelt changed that in 1942 with an executive order that opened the award to members of the United States Navy, Marine Corps, and Coast Guard. Later that year, in a separate order, the award was made available for posthumous award to any member of the military.
- 3) To date, approximately 2 million Purple Heart Medals have been awarded. The award can be awarded retroactively as far back as 1917, allowing veterans from World War I to be eligible.
- 4) From 1942 to 1997, inclusive, civilians serving in, or affiliated with, the Armed Forces were eligible to receive the Purple Heart. Some of the earliest civilians to receive this honor were firefighters wounded or killed while fighting fires caused by the attack on Pearl Harbor.
- 5) Since California is home to more than 1.8 million veterans and more than 200,000 active and reserve members of the Armed Forces, it is especially appropriate for all Californians to honor those who have been awarded the Purple Heart.

FISCAL EFFECT: This resolution is keyed non-fiscal by Legislative Counsel.

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

Analysis Prepared by: Michael Erke / RLS. / (916) 319-2800

**Introduced by Senator Seyarto
(Coauthors: Senators Dahle, Dodd, Newman, Portantino, and Wilk)**

February 20, 2024

Senate Concurrent Resolution No. 114—Relative to Suicide Prevention Week in California.

LEGISLATIVE COUNSEL’S DIGEST

SCR 114, as introduced, Seyarto. Suicide Prevention Week in California.

This measure would proclaim the week of September 8 through September 14, 2024, inclusive, as “Suicide Prevention Week in California.”

Fiscal committee: no.

- 1 WHEREAS, California recognizes suicide as a public health
- 2 problem and suicide prevention as a statewide responsibility; and
- 3 WHEREAS, Designating the second week of September as
- 4 “Suicide Prevention Week in California” would overlap with World
- 5 Suicide Prevention Day, which occurs on September 10, 2024,
- 6 and is recognized internationally and supported by the World
- 7 Health Organization; and
- 8 WHEREAS, Suicide is the 12th leading cause of all deaths in
- 9 the United States and the 14th leading cause of all deaths in
- 10 California; and
- 11 WHEREAS, In the United States, on average, a person commits
- 12 suicide every 11 minutes, which equates to around 130 suicides
- 13 daily. The number of suicide deaths notably increased by about
- 14 2.6 percent in 2022, rising from 48,183 in 2021 to an estimated
- 15 49,449; and

1 WHEREAS, In the United States, the highest suicide rates are
2 among individuals 45 to 54 years of age, inclusive. Suicide rates
3 among youths 15 to 24 years of age, inclusive, have risen over 200
4 percent in the past five decades. Additionally, in 2021, suicide
5 death rates were particularly high among American Indian and
6 Alaska Native people, males, and individuals living in rural areas;
7 and

8 WHEREAS, Each day, an estimated 17 veterans in the United
9 States commit suicide, which translates to approximately one
10 veteran every 85 minutes. Suicide is the second leading cause of
11 death for veterans 18 to 44 years of age, inclusive. In California
12 alone, 461 veterans committed suicide in 2021; and

13 WHEREAS, There are 5,400,000 people in the United States,
14 known as survivors of suicide, who have lost a loved one to suicide;
15 and

16 WHEREAS, The COVID-19 pandemic heightened risk factors
17 linked to suicidal behavior such as deteriorating mental health,
18 substance abuse, and occupational or economic stress; and

19 WHEREAS, A significant number of suicides are preventable.
20 Often, individuals contemplating suicide exhibit warning signs,
21 but these signals frequently go unnoticed or unaddressed due to a
22 lack of awareness or certainty on how to respond; and

23 WHEREAS, The stigma associated with mental illness and
24 suicide works against suicide prevention by discouraging persons
25 at risk for suicide from seeking lifesaving help and further
26 traumatizes survivors of suicide; and

27 WHEREAS, Launched on July 16, 2022, the 988 Suicide and
28 Crisis Lifeline serves as an invaluable resource for those grappling
29 with emotional turmoil or suicidal crises. Trained crisis counselors
30 offer confidential support and resources 24 hours a day, seven days
31 a week through this lifeline. They operate from over 200 local
32 centers across the United States, providing a beacon of hope in
33 times of distress; and

34 WHEREAS, The State of California established the Public Health
35 Comprehensive Suicide Prevention Program (SPP), published the
36 California Strategic Plan on Suicide Prevention in 2008, and has
37 supported multiple statewide and local projects launched under
38 the Mental Health Services Act (Proposition 63 at the November
39 2, 2004, statewide general election); and

1 WHEREAS, The State of California recognizes the efforts of
2 organizations such as the American Association of Suicidology
3 that are dedicated to reducing the frequency of suicide attempts
4 and deaths and the pain of survivors of suicide through educational
5 programs, research programs, intervention services, and
6 bereavement services; and

7 WHEREAS, Suicide Prevention Week in California is a time to
8 acknowledge the tragic loss of individuals who have committed
9 suicide and to commemorate the actions of organizations and
10 individuals working to prevent suicide and raise awareness of
11 suicide as a public health issue; now, therefore, be it

12 *Resolved by the Senate of the State of California, the Assembly*
13 *thereof concurring*, That the Legislature hereby proclaims the
14 week of September 8 through September 14, 2024, inclusive, as
15 “Suicide Prevention Week in California”; and be it further

16 *Resolved*, That the Secretary of the Senate transmit copies of
17 this resolution to the author for appropriate distribution.

O

Date of Hearing: August 5, 2024

ASSEMBLY COMMITTEE ON RULES
Blanca Pacheco, Chair
SCR 114 (Seyarto) – As Introduced February 20, 2024

SENATE VOTE: 39-0

SUBJECT: Suicide Prevention Week in California.

SUMMARY: Proclaims the week of September 8 through September 14, 2024, inclusive, as “Suicide Prevention Week in California.” Specifically, **this resolution** makes the following legislative findings:

- 1) California recognizes suicide as a public health problem and suicide prevention as a statewide responsibility.
- 2) Designating the second week of September as “Suicide Prevention Week in California” would overlap with World Suicide Prevention Day, which occurs on September 10, 2024, and is recognized internationally and supported by the World Health Organization.
- 3) Suicide is the 12th leading cause of all deaths in the United States and the 14th leading cause of all deaths in California. On average, a person dies by suicide every 11 minutes, which equates to around 130 suicides daily.
- 4) A significant number of suicides are preventable. Often, individuals contemplating suicide exhibit warning signs, but these signals frequently go unnoticed or unaddressed due to a lack of awareness or certainty on how to respond.
- 5) The stigma associated with mental illness and suicide works against suicide prevention by discouraging persons at risk for suicide from seeking lifesaving help and further traumatizes survivors of suicide.
- 6) Launched on July 16, 2022, the 988 Suicide and Crisis Lifeline serves as an invaluable resource for those grappling with emotional turmoil or suicidal crises. Trained crisis counselors offer confidential support and resources 24 hours a day, seven days a week through this lifeline. They operate from over 200 local centers across the United States, providing a beacon of hope in times of distress.
- 7) Suicide Prevention Week in California is a time to acknowledge the tragic loss of individuals who have died by suicide and to commemorate the actions of organizations and individuals working to prevent suicide and raise awareness of suicide as a public health issue.

FISCAL EFFECT: This resolution is keyed non-fiscal by Legislative Counsel.

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

Analysis Prepared by: Michael Erke / RLS. / (916) 319-2800

Introduced by Senator Niello

June 5, 2024

Senate Concurrent Resolution No. 158—Relative to Chiari Malformation Awareness Month.

LEGISLATIVE COUNSEL’S DIGEST

SCR 158, as introduced, Niello. Chiari Malformation Awareness Month.

This measure would declare September 2024 as Chiari Malformation Awareness Month.

Fiscal committee: no.

- 1 WHEREAS, Chiari malformation is a serious neurological
- 2 disorder affecting more than 300,000 people in the United States;
- 3 and
- 4 WHEREAS, Chiari malformation was first identified by Austrian
- 5 pathologist Professor Hans Chiari in the 1890s and categorized
- 6 into four types, in order of severity; and
- 7 WHEREAS, Chiari malformation is a congenital malformation
- 8 in which the bottom of the brain, known as the cerebellum, is
- 9 crowded in the skull cavity and forces the lower tips of the
- 10 cerebellar hemispheres, or tonsils, into the hole in the bottom of
- 11 the skull, or foramen magnum; and
- 12 WHEREAS, Chiari malformations are defects in the cerebellum,
- 13 the part of the brain that controls balance, and this creates pressure
- 14 on the cerebellum and brain stem and may block the normal flow
- 15 of cerebral spinal fluid to and from the brain; and
- 16 WHEREAS, Symptoms usually appear during adolescence or
- 17 early adulthood and can include severe head and neck pain, vertigo,

1 muscle weakness, balance problems, blurred or double vision,
2 difficulty swallowing, and sleep apnea; and

3 WHEREAS, Individuals who have Chiari malformation may
4 often have related conditions, such as hydrocephalus, spina bifida,
5 syringomyelia, tethered spinal cord syndrome, and spinal curvature;
6 and

7 WHEREAS, The National Institute of Neurological Disorders
8 and Stroke within the National Institutes of Health, is conducting
9 research to find alternative surgical options and to identify the
10 cause of Chiari malformations to create improved treatment and
11 prevention plans; now, therefore, be it

12 *Resolved by the Senate of the State of California, the Assembly*
13 *thereof concurring*, That the Legislature declares September 2024
14 as Chiari Malformation Awareness Month; and be it further

15 *Resolved*, That the Secretary of the Senate transmit copies of
16 this resolution to the author for appropriate distribution.

O

Date of Hearing: August 5, 2024

ASSEMBLY COMMITTEE ON RULES
Blanca Pacheco, Chair
SCR 158 (Niello) – As Introduced June 5, 2024

SENATE VOTE: 40-0

SUBJECT: Chiari Malformation Awareness Month.

SUMMARY: Declares the month of September 2024 as Chiari Malformation Awareness Month. Specifically, **this resolution** makes the following legislative findings:

- 1) Chiari malformation is a serious neurological disorder affecting more than 300,000 people in the United States. It was first identified by Austrian pathologist Professor Hans Chiari in the 1890s and categorized into four types, in order of severity.
- 2) Chiari malformation is a congenital malformation in which the bottom of the brain, known as the cerebellum, is crowded in the skull cavity and forces the lower tips of the cerebellar hemispheres, or tonsils, into the hole in the bottom of the skull, or foramen magnum.
- 3) Chiari malformations are defects in the cerebellum, the part of the brain that controls balance, and this creates pressure on the cerebellum and brain stem and may block the normal flow of cerebral spinal fluid to and from the brain.
- 4) Symptoms usually appear during adolescence or early adulthood and can include severe head and neck pain, vertigo, muscle weakness, balance problems, blurred or double vision, difficulty swallowing, and sleep apnea.
- 5) The National Institute of Neurological Disorders and Stroke within the National Institutes of Health, is conducting research to find alternative surgical options and to identify the cause of Chiari malformations to create improved treatment and prevention plans.

FISCAL EFFECT: This resolution is keyed non-fiscal by Legislative Counsel.

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

Analysis Prepared by: Michael Erke / RLS. / (916) 319-2800

STATE CAPITOL
SACRAMENTO, CA 95814
(916) 651-4034

California State Senate

SENATOR
THOMAS J. UMBERG
THIRTY-FOURTH SENATE DISTRICT



7/23/2024

Assemblymember Pacheco
1021 O Street, Suite 6250
Sacramento, CA 95814

Dear Assemblymember Pacheco,

This letter is to request the addition of an Urgency Clause to SB 42.

In existing law, the Community Assistance, Recovery, and Empowerment (CARE) Act, authorizes specified adult persons to petition a civil court to create a voluntary CARE agreement or a court-ordered CARE plan and implement services, to be provided by county behavioral health agencies, to provide behavioral health care, including stabilization medication, housing, and other enumerated services, to adults who are currently experiencing a qualifying severe mental illness and who meet other specified criteria. Currently, the CARE Act is a pilot program only operative in a few counties. However, existing law requires all counties to implement the CARE act by December of 2024.

SB 42 contains important cleanup language to assist with the CARE Act's implantation. However, without an urgency clause, this bill will go into effect one month too late.

Therefore, we request the addition of an urgency clause in order to immediately make implementation changes before the CARE Act becomes effective in all 58 counties.

Sincerely,

A handwritten signature in black ink that reads "Tom Umberg". The signature is written in a cursive, flowing style.

Senator Tom Umberg
34th Senate District

PROPOSED AMENDMENTS

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PROPOSED AMENDMENTS TO SENATE BILL NO. 42

AMENDED IN ASSEMBLY JULY 3, 2024

AMENDED IN ASSEMBLY JUNE 25, 2024

AMENDED IN ASSEMBLY JUNE 11, 2024

AMENDED IN ASSEMBLY JUNE 15, 2023

SENATE BILL

No. 42



Introduced by Senator Umberg

December 5, 2022

An act to amend ~~Section 5977~~ of Sections 5352.1, 5361, 5975, 5976.5, 5977, 5977.1, 5977.4, 5982, and 5985 of, and to add Sections 5978.1 and 5978.2 to, the Welfare and Institutions Code, relating to ~~courts~~ courts, and declaring the urgency thereof, to take effect immediately.

Amendment 1

Amendment 2

LEGISLATIVE COUNSEL'S DIGEST

SB 42, as amended, Umberg. Community Assistance, Recovery, and Empowerment (CARE) Court Program: ~~notice to original petitioner~~ process and proceedings.

~~Existing~~

(1) *Existing* law, the Community Assistance, Recovery, and Empowerment (CARE) Act, authorizes specified adult persons to petition a civil court to create a voluntary CARE agreement or a court-ordered CARE plan and implement services, to be provided by county behavioral health agencies, to provide behavioral health care, including stabilization medication, housing, and other enumerated services, to adults who are currently experiencing a qualifying severe mental illness and who meet other specified criteria. Existing law authorizes specified individuals to file a petition to commence the CARE

PROPOSED AMENDMENTS

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process, including, but not limited to, a person with whom the respondent resides or a spouse, parent, sibling, child, or grandparent or an individual who stands in loco parentis to the respondent. Existing law authorizes the court to assign ongoing notification rights if the original petitioner is a person with whom the respondent resides, or a spouse, parent, sibling, child, or grandparent or an individual who stands in loco parentis to the respondent.

This bill would require, unless the court determines that it likely would be detrimental to the treatment or well-being of the respondent, that the court provide ongoing notice throughout the CARE proceedings, including, but not limited to, when a continuance is granted or if the case is dismissed, if the original petitioner is a person with whom the respondent resides, or a spouse, parent, sibling, child, or grandparent or an individual who stands in loco parentis to the respondent. The bill would require the court, in the notice, to provide a general reason for the continuance if a continuance is granted, and specified reasons if the court grants dismissal. The bill would prohibit the court from disclosing certain health or medical information in the notice without the respondent's consent.

This bill would authorize a facility, as defined, to refer an individual treated under an involuntary hold to the county behavioral health agency of the county where the individual resides or the county where the individual is receiving involuntary treatment if they believe the individual meets or is likely to meet CARE Act criteria. The bill would require the referral to include

certain information, including the contact information for the referred individual, and other information as specified by the State Department of Health Care Services.

Existing law requires the State Department of Health Care Services, in consultation with certain entities, to develop an annual CARE Act report and post the annual report to its internet website.

The bill would additionally require the department to report certain data regarding the above-described referrals in its annual CARE Act report.

Existing law authorizes the court to dismiss a case without prejudice when the court finds that a petitioner has not made a prima facie showing that they qualify for the CARE process. Existing law requires the court to, if the court finds the petitioner has made a prima facie showing, and the petitioner is a person other than the director of a county behavioral health agency or their designee, order a county

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agency or their designee to investigate and file a written report within 14 court days.

This bill would authorize the petitioner to amend the petition that was dismissed without prejudice, without refiling, subject to the discretion of the court. This bill would require the county agency or designee to file the report as soon as practicable, or within 30 court days. The bill would also make conforming changes.

(2) Existing law requires the Judicial Council to develop a mandatory form for the CARE process that includes, among other information, the name of the respondent and the respondent’s address if known, and certain evidence.

This bill would specify that the evidence may include documentary evidence or a signed declaration from an individual with personal knowledge of the respondent’s detentions. By expanding the scope of the crime of perjury, this bill would impose a state-mandated local program.

(3) Existing law authorizes a court to refer an individual from assisted outpatient treatment, misdemeanor proceedings, or specified conservatorship proceedings to CARE Act proceedings.

This bill would authorize the CARE Act court and the referring court to communicate regarding the respondent’s cases, while the cases are pending in both courts. The bill would, except as provided, require a record, as defined, of communications between the courts be maintained and be accessible to the parties.

(4) Existing law authorizes a court to establish a temporary conservatorship for a period not to exceed 30 days and appoint a temporary conservator under specified circumstances.

This bill would require, if a petition for a temporary conservatorship is based on an affidavit from a certain professional, or, upon the termination of a conservatorship where continuation of the conservatorship is required, that an affidavit include an attestation that the professional has considered all available alternatives to conservatorship and appointment of a temporary conservator is recommended because no suitable alternatives are available.

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

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

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(6) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: ~~majority~~^{2/3}. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~no~~^{yes}.

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

+ SECTION 1. Section 5352.1 of the Welfare and Institutions Code is amended to read:

+ 5352.1. (a) The court may establish a temporary conservatorship for a period not to exceed 30 days and appoint a temporary conservator, on the basis of the comprehensive report of the officer providing conservatorship investigation filed pursuant to Section 5354, or on the basis of an affidavit of the professional person who recommended conservatorship stating the reasons for their recommendation, if the court is satisfied that the comprehensive report or affidavit shows the necessity for a temporary conservatorship.

+ (b) *If the petition for establishment of a temporary conservatorship is based on an affidavit of the professional person who recommended conservatorship, the affidavit shall include an attestation by the professional person that they have considered all available alternatives to conservatorship, including, but not limited to, assisted outpatient treatment pursuant to Section 5346 and the CARE Act proceedings pursuant to Section 5978, as applicable, and that appointment of a temporary conservator is recommended because no suitable alternatives are available.*

+ (c) Except as provided in this section, a temporary conservatorship shall expire automatically after 30 days, unless prior to that date the court conducts a hearing on the issue of whether or not the proposed conservatee is gravely disabled, as defined in subdivision (h) of Section 5008.

+ (e) (d) If the proposed conservatee demands a court or jury trial on the issue of whether they are gravely disabled, the court may extend the temporary conservatorship until the date of the disposition of the issue by the court or jury trial, provided that the extension does not exceed 180 days.

Amendment 3

PROPOSED AMENDMENTS

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+ *SEC. 2. Section 5361 of the Welfare and Institutions Code is amended to read:*

+ 5361. (a) Conservatorship initiated pursuant to this chapter shall automatically terminate one year after the appointment of the conservator by the superior court. The period of service of a temporary conservator shall not be included in the one-year period. When the conservator has been appointed as conservator of the estate, the conservator shall, for a reasonable time, continue to have the authority over the estate that the superior court, on petition by the conservator, deems necessary for (1) the collection of assets or income that accrued during the period of conservatorship, but were uncollected before the date of termination, (2) the payment of expenses that accrued during period of conservatorship and of which the conservator was notified prior to termination, but were unpaid before the date of termination, and (3) the completion of sales of real property when the only act remaining at the date of termination is the actual transfer of title.

+ (b) If, upon the termination of an initial or a succeeding period of conservatorship, the conservator determines that conservatorship is still required, the conservator may petition the superior court for reappointment as conservator for a succeeding one-year period. The petition shall include the opinion of two physicians or licensed psychologists who have a doctoral degree in psychology and at least five years of postgraduate experience in the diagnosis and treatment of emotional and mental disorders that the conservatee is still gravely disabled as a result of mental disorder or impairment by chronic alcoholism. If the conservator is unable to obtain the opinion of two physicians or psychologists, the conservator shall request that the court appoint them. *The petition shall also include an attestation by the conservator that they have considered all available alternatives to conservatorship, including, but not limited to, assisted outpatient treatment pursuant to Section 5346 and the CARE Act program pursuant to Section 5978, as applicable, and that appointment of a temporary conservator is recommended because no suitable alternatives are available.*

+ (c) (1) A facility in which a conservatee is placed shall release the conservatee at the conservatee's request when the conservatorship terminates. A petition for reappointment filed by the conservator or a petition for appointment filed by a public guardian shall be transmitted to the facility at least 30 days before

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+ the automatic termination date. The facility may detain the
+ conservatee after the end of the termination date only if the
+ conservatorship proceedings have not been completed and the
+ court orders the conservatee to be held until the proceedings have
+ been completed.

+ (2) A care coordination plan shall be developed by, at a
+ minimum, the individual, the facility, the county behavioral health
+ department, the health care payer, if different from the county, and
+ other individuals designated by the individual as appropriate, and
+ shall be provided to the conservatee prior to their release. The care
+ coordination plan shall include a first followup appointment with
+ an appropriate behavioral health professional. The appointment
+ information shall be provided to the individual before the individual
+ is released. In no event may the individual be involuntarily held
+ based on the requirements of this paragraph beyond when they
+ would otherwise qualify for release. All care and treatment after
+ release shall be voluntary.

+ (3) For purposes of care coordination and to schedule a followup
+ appointment, the health plan, mental health plan, primary care
+ provider, or other appropriate provider to whom an individual
+ leaving a facility has been referred pursuant to paragraph (2) of
+ subdivision (c) shall make a good faith effort to contact the referred
+ individual no less than three times, either by email, telephone,
+ mail, or in-person outreach, whichever method or methods are
+ most likely to reach the individual.

+ (4) The requirement to develop a care coordination plan under
+ this subdivision shall take effect immediately, without waiting for
+ the department to create a model care coordination plan, as required
+ pursuant to Section 5402.5.

+ *SEC. 3. Section 5975 of the Welfare and Institutions Code is*
+ *amended to read:*

+ 5975. The Judicial Council shall develop a mandatory form
+ for use to file a CARE process petition with the court and any other
+ forms necessary for the CARE process. The petition shall be signed
+ under the penalty of perjury and contain all of the following:

+ (a) The name of the respondent and, if known, the respondent's
+ address.

+ (b) The petitioner's relationship to the respondent.

+ (c) Facts that support the petitioner's assertion that the
+ respondent meets the CARE criteria in Section 5972.

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+ (d) Either of the following:

+ (1) An affidavit of a licensed behavioral health professional,
+ stating that the licensed behavioral health professional or their
+ designee has examined the respondent within 60 days of the
+ submission of the petition, or has made multiple attempts to
+ examine, but has not been successful in eliciting the cooperation
+ of the respondent to submit to an examination, within 60 days of
+ the petition, and that the licensed behavioral health professional
+ had determined that the respondent meets, or has reason to believe,
+ explained with specificity in the affidavit, that the respondent meets
+ the diagnostic criteria for CARE proceedings.

+ (2) Evidence that the respondent was detained for a minimum
+ of two intensive treatments pursuant to Article 4 (commencing
+ with Section 5250) of Chapter 2 of Part 1, the most recent one
+ within the previous 60 days. *Evidence may include, but is not
+ limited to, documentary evidence or a signed declaration from an
+ individual with personal knowledge of the detentions.*

+ *SEC. 4. Section 5976.5 of the Welfare and Institutions Code
+ is amended to read:*

+ 5976.5. (a) Notwithstanding any other law, and except as
+ otherwise provided in this section, a hearing held under this part
+ is presumptively closed to the public.

+ (b) The respondent may demand that the hearing be public and
+ be held in a place suitable for attendance by the public.

+ (c) The respondent may request the presence of any family
+ member or friend without waiving the right to keep the hearing
+ closed to the rest of the public.

+ (d) A request by any other party to the proceeding to make the
+ hearing public may be granted if the judicial officer conducting
+ the hearing finds that the public interest in an open hearing clearly
+ outweighs the respondent's interest in privacy.

+ (e) All reports, evaluations, diagnoses, or other information
+ filed with the court related to the respondent's health shall be
+ confidential. The respondent may at any time petition the court
+ for an order sealing these records or any other court records in a
+ proceeding held under this part. Notwithstanding any rule of court
+ prohibiting records kept confidential by law from consideration
+ for sealing, if such a petition is filed, there shall exist a presumption
+ in favor of sealing.

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PROPOSED AMENDMENTS

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+ (f) The fact that evidence is admitted at a proceeding held under
+ this part shall not be the basis for admission of that evidence in
+ any subsequent legal proceeding.

+ (g) Photographs, recordings, transcripts, other records of
+ proceedings held under this part, and testimony regarding
+ proceedings held under this part shall not be admissible in any
+ subsequent legal proceeding except upon motion by one of the
+ following in that subsequent legal proceeding:

+ (1) The respondent.

+ (2) The county behavioral health agency, the public guardian,
+ or the public conservator.

+ (h) In a proceeding held under this part, this section shall not
+ affect the applicability of paragraph (2) of subdivision (c) of
+ Section 5977.1, make admissible any evidence that is not otherwise
+ admissible, or permit a witness to base an opinion on any matter
+ that is not a proper basis for that opinion. The admission or
+ exclusion of evidence shall be pursuant to the rules of evidence
+ established by the Evidence Code, including, but not limited to,
+ Section 352 of the Evidence Code, and by judicial decision.

+ (i) Before commencing a hearing, the judicial officer shall
+ inform the respondent of their rights under this ~~section~~ *section*,
+ *unless the respondent waives that right.*

1 ~~SECTION 1.~~

2 *SEC. 5.* Section 5977 of the Welfare and Institutions Code is
+ amended to read:

3 5977. (a) (1) The court shall promptly review the petition to
4 determine if the petitioner has made a prima facie showing that
5 the respondent is, or may be, a person described in Section 5972.

6 (2) If the court finds that the petitioner has not made a prima
7 facie showing that the respondent is, or may be, a person described
8 in Section 5972, the court may dismiss the case without prejudice
9 subject to consideration of Section 5975.1. *Nothing prevents a*
+ *petitioner whose petition was dismissed without prejudice from*
+ *refiling the petition with amended information.*

10 (3) If the court finds that the petitioner has made a prima facie
11 showing that the respondent is, or may be, a person described in
12 Section 5972, the court shall do one of the following:

13 (A) If the petitioner is the director of a county behavioral health
14 agency, or their designee, the court shall do the following:

Amendment 4

Amendment 5

Page 2

PROPOSED AMENDMENTS

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Page 2 15 (i) Set the matter for an initial appearance on the petition within
16 14 court days.

17 (ii) Appoint a qualified legal services project, as defined in
18 Sections 6213 to 6214.5, inclusive, of the Business and Professions
19 Code, to represent the respondent. If no legal services project has
Page 3 1 agreed to accept these appointments, a public defender or other
2 counsel working in that capacity shall be appointed to represent
3 the respondent.

4 (iii) Determine whether the petition includes all of the following
5 information and, if it does not, order the county behavioral health
6 agency to submit a written report with the court within 14 court
7 days that includes all of the following:

8 (I) A determination as to whether the respondent meets, or is
9 likely to meet, the criteria for the CARE process.

10 (II) The outcome of efforts made to voluntarily engage the
11 respondent prior to the filing of the petition.

12 (III) Conclusions and recommendations about the respondent's
13 ability to voluntarily engage in services.

14 (iv) Order the county behavioral health agency to provide notice
15 to the respondent, the appointed counsel, and the county behavioral
16 health agency in the county where the respondent resides, if
17 different from the county where the CARE process has
18 commenced.

19 (B) If the petitioner is a person other than the director of a
20 county behavioral health agency, or their designee, the court shall
21 order a county agency, or their designee, as determined by the
22 court, to investigate, as necessary, and file a written report with
23 the court ~~within 14~~ *as soon as practicable, but within 30* court
24 ~~days~~ *days*, and provide notice to the respondent and petitioner that
+ a report has been ordered. *Parties shall complete the investigation*
25 *with appropriate urgency.* The written report shall include all of
+ the following:

26 (i) A determination as to whether the respondent meets, or is
27 likely to meet, the criteria for the CARE process.

28 (ii) The outcome of efforts made to voluntarily engage the
29 respondent during the ~~14-day~~ report period.

30 (iii) Conclusions and recommendations about the respondent's
31 ability to voluntarily engage in services.

**Amendment 6
Amendments 7 & 8
Amendment 9**

Amendment 10

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PROPOSED AMENDMENTS

SB 42

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Page 3 32 (iv) The information, including protected health information,
33 necessary to support the determinations, conclusions, and
34 recommendations in the report.
35 (4) If, upon a request by the county agency ordered to investigate
36 and file a report under subparagraph (B) of paragraph (3), the court
37 finds that the county agency is making progress to engage the
38 respondent, the court may, in its discretion, grant the county agency
39 no more than 30 additional days to continue to work with, engage,
40 and enroll the individual in voluntary treatment and services. The
Page 4 1 county agency shall provide notice to the respondent and petitioner
2 that an extension for filing a report has been granted.
3 (5) Upon receipt of the report described in subparagraph (B) of
4 paragraph (3), the court shall, within five days, take one of the
5 following actions:
6 (A) If the court determines that voluntary engagement with the
7 respondent is effective, and that the individual has enrolled or is
8 likely to enroll in voluntary behavioral health treatment, the court
9 shall dismiss the matter.
10 (B) If the court ~~determines that~~ *determines, based on* the county
11 ~~agency's report~~ *report, that the evidence* does not support the
12 ~~petitioner's~~ *a prima facie* showing that the respondent is, or may be,
13 a person described in Section 5972, the court shall dismiss the
14 matter. This section shall not prevent a county behavioral health
15 agency from continuing to voluntarily engage with a person not
16 described in Section 5972 but who is in need of services and
+ supports.
17 (C) If the court ~~determines that~~ *determines, based on* the county
18 ~~agency's report~~ *report, that the evidence* does support the ~~petitioner's~~
19 *a prima facie* showing that the respondent is, or may be, a person
20 described in Section 5972, and engagement with the county agency
21 was not effective, the court shall do all of the following:
22 (i) Set an initial appearance on the petition within 14 court days.
23 (ii) Appoint a qualified legal services project, as defined in
24 Sections 6213 to 6214.5, inclusive, of the Business and Professions
25 Code or, if no legal services project has agreed to accept these
26 appointments, a public defender or other counsel working in that
27 capacity to represent the respondent.
28 (iii) Order the county agency to provide notice of the initial
29 appearance to the petitioner, the respondent, the appointed counsel,
30 the county behavioral health agency in the county where the

**Amendments 11 & 12
Amendment 13**

**Amendments 14 & 15
Amendment 16**

PROPOSED AMENDMENTS

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Page 4 31 respondent resides, and, if different, the county where the CARE
32 court proceedings have commenced.

33 (b) At the initial appearance on the petition, all of the following
34 shall apply:

35 (1) The court shall permit the respondent to substitute their own
36 counsel.

37 (2) Petitioner shall be present. If the petitioner is not present,
38 the matter may be dismissed.

39 (3) Respondent may waive personal appearance and appear
40 through counsel. If the respondent does not waive personal

Page 5 1 appearance and does not appear at the hearing, and the court makes
2 a finding in open court that reasonable attempts to elicit the

3 attendance of the respondent have failed, the court may conduct
4 the hearing in the respondent’s absence if the court makes a finding

5 in open court that conducting the hearing without the participation
6 or presence of the respondent would be in the respondent’s best

7 interest.

8 (4) A representative from the county behavioral health agency
9 shall be present.

10 (5) If the respondent asserts that they are enrolled in a federally
11 recognized Indian tribe or are receiving services from an Indian

12 health care provider, a tribal court, or a tribal organization, a
13 representative from the program, the tribe, or the tribal court shall

14 be allowed to be present, subject to the consent of the respondent.
15 The tribal representative shall be entitled to notice by the county

16 of the initial appearance.

17 (6) (A) If the petitioner is a person other than the director of a
18 county behavioral health agency, or their designee, the court shall

19 issue an order relieving the original petitioner and appointing the
20 director of the county behavioral health agency or their designee

21 as the successor petitioner.

22 (B) If the original petitioner is described in subdivision (a) or
23 (b) of Section 5974, all of the following apply:

24 (i) The original petitioner shall have the right to be present and
25 make a statement at the initial hearing on the merits of the petition

26 held pursuant to paragraph (7).
27 (ii) Unless the court determines, either upon its own motion or
28 upon the motion of the respondent, at any point in the proceedings,
29 that it likely would be detrimental to the treatment or well-being
30 of the respondent, the court shall provide ongoing notice of

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Page 5 31 proceedings to the original petitioner throughout the CARE
32 proceedings, including notice of when a continuance is granted or
33 when a case is dismissed. If a continuance is granted, the notice
36 shall provide a general reason for the continuance, including the
37 absence of the respondent or one of the grounds pursuant to Rule
38 3.1332 of the California Rules of Court. If a case is dismissed, the
39 notice shall specify whether the dismissal was granted pursuant
40 to a reason specified in Section 5977.1, 5977.3, or 5979. A notice

Page 6 1 pursuant to this clause shall not disclose any patient information
2 that is protected under the federal Health Insurance Portability and
3 Accountability Act of 1996 (Public Law 104-191), the
4 Confidentiality of Medical Information Act (Part 2.6 (commencing
5 with Section 56) of Division 1 of the Civil Code), or this act,
6 without the respondent’s consent.

7 (iii) To the extent that the respondent consents, the court may
8 allow the original petitioner to participate in the respondent’s
9 CARE proceedings.

10 (iv) The original petitioner may file a new petition with the
11 court, pursuant to Section 5974, if the matter is dismissed and there
12 is a change in circumstances.

13 (C) If the original petitioner is not described in subdivision (a)
14 or (b) of Section 5974, the court shall not assign ongoing rights to
15 the original petitioner, other than the right to be present and make
16 a statement at the hearing on the merits of the petition held pursuant
17 to paragraph (7).

18 (7) (A) The court shall set a hearing on the merits of the petition
19 within 10 days, at which time the court shall determine whether,
20 by clear and convincing evidence, the respondent meets the CARE
21 criteria in Section 5972. In making this determination, the court
22 shall consider all evidence properly before it, including any report
23 from the county behavioral health agency ordered pursuant to
24 paragraph (3) of subdivision (a) and any additional admissible
25 evidence presented by the parties, including the petition submitted
26 and any statement given by the original petitioner. *A licensed
+ behavioral health professional is qualified to testify as an expert
+ concerning whether the respondent meets the CARE criteria in
+ Section 5972.*

27 (B) The hearing on the merits of the petition may be conducted
28 concurrently with the initial appearance upon stipulation of the

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Page 6 29 successor petitioner and the respondent, subject to the approval
30 by the court.

31 (c) (1) If, at the hearing on the merits of the petition, the court
32 finds there is not clear and convincing evidence that the respondent
33 meets the CARE criteria in Section 5972, the court shall dismiss
34 the case without prejudice, unless the court makes a finding, in
35 open court, that the original petitioner’s filing was not in good
36 faith, in which case the dismissal shall be with prejudice.

37 (2) If, at the hearing on the merits of the petition, the court finds
38 by clear and convincing evidence that the respondent meets the
39 CARE criteria in Section 5972, the court shall order the county
40 behavioral health agency to work with the respondent, the
Page 7 1 respondent’s counsel, and the supporter to engage the respondent
2 in behavioral health treatment and attempt to enter into a CARE
3 agreement. The court shall set a case management hearing within
4 14 days.

5 (3) If the respondent is enrolled in a federally recognized Indian
6 tribe, the respondent shall provide notice of the case management
7 hearing to the tribe, subject to the consent of the respondent.

8 (d) The following shall apply to any written report submitted
9 by a county behavioral health agency to the court pursuant to this
10 section:

11 (1) The report is confidential and not subject to disclosure or
12 inspection under the California Public Records Act (Division 10
13 commencing with Section 7920.000) of Title 1 of the Government
14 Code).

15 (2) The report is inadmissible in any subsequent legal
16 proceeding, except upon motion of the respondent in that
17 subsequent legal proceeding.

18 (3) The report shall be confidential pursuant to subdivision (e)
19 of Section 5976.5.

20 (4) This subdivision shall not affect the applicability of
21 paragraph (2) of subdivision (c) of Section 5977.1, make admissible
22 any evidence that is not otherwise admissible, or permit a witness
23 to base an opinion on any matter that is not a proper basis for such
24 an opinion. The admission or exclusion of evidence shall be
25 pursuant to the rules of evidence established by the Evidence Code,
26 including, but not limited to, Section 352 of the Evidence Code,
27 and by judicial decision.

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+ SEC. 6. Section 5977.1 of the Welfare and Institutions Code
+ is amended to read:

+ 5977.1. (a) (1) At the case management hearing, the court
+ shall hear evidence as to whether the parties have entered, or are
+ likely to enter, into a CARE agreement.

+ (2) If the court finds that the parties have entered, or are likely
+ to enter, into a CARE agreement, the court shall do one of the
+ following:

+ (A) Approve the terms of the CARE agreement or modify the
+ terms of the CARE agreement and approve the agreement as
+ modified by the court, and continue the matter and set a progress
+ hearing for 60 days.

+ (B) Continue the matter for 14 days to allow the parties
+ additional time to enter into a CARE agreement, upon stipulation
+ of the parties.

+ (3) *Nothing in this subdivision shall prohibit the parties from
+ agreeing to, and the court from approving, amendments to the
+ CARE agreement.*

+ (b) If the court finds that the parties have not entered into a
+ CARE agreement, and are not likely to enter into a CARE
+ agreement, the court shall order the county behavioral health
+ agency, through a licensed behavioral health professional, to
+ conduct a clinical evaluation of the respondent, unless there is an
+ existing clinical evaluation of the respondent completed within
+ the last 30 days and the parties stipulate to the use of that
+ evaluation. The evaluation shall address, at a minimum, the
+ following:

+ (1) A clinical diagnosis of the respondent.

+ (2) Whether the respondent has the legal capacity to give
+ informed consent regarding psychotropic medication.

+ (3) Any other information as ordered by the court or that the
+ licensed behavioral health professional conducting the evaluation
+ determines would help the court make future informed decisions
+ about the appropriate care and services the respondent should
+ receive.

+ (4) An analysis of recommended services, programs, housing,
+ medications, and interventions that support the recovery and
+ stability of the respondent.

+ (c) (1) The court shall set a clinical evaluation hearing to review
+ the evaluation within 21 days. The court shall order the county to

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+ file the evaluation with the court and provide the evaluation to the
+ respondent’s counsel no later than five days prior to the scheduled
+ clinical evaluation hearing. The clinical evaluation hearing may
+ be continued for a maximum of 14 days upon stipulation of the
+ respondent and the county behavioral health agency, unless there
+ is good cause for a longer extension.

+ (2) At the clinical evaluation review hearing, the court shall
+ review the evaluation and other evidence from the county
+ behavioral health agency and the respondent. The county behavioral
+ health agency and the respondent may present evidence and call
+ witnesses, including the person who conducted the evaluation.
+ Only relevant and admissible evidence that fully complies with
+ the rules of evidence may be considered by the court.

+ (3) At the conclusion of the hearing, the court shall determine
+ whether the respondent, by clear and convincing evidence, meets
+ the CARE criteria in Section 5972 and make orders as follows:

+ (A) If the court finds that the respondent meets the CARE
+ criteria, the court shall order the county behavioral health agency,
+ the respondent, and the respondent’s counsel and supporter to
+ jointly develop a CARE plan within 14 days.

+ (B) If the court does not find that clear and convincing evidence
+ establishes that the respondent meets the CARE criteria, the court
+ shall dismiss the petition.

+ (4) If the respondent is a self-identified American Indian or
+ Alaska Native individual, as defined in Sections 1603(13),
+ 1603(28), and 1679(a) of Title 25 of the United States Code, has
+ been determined eligible as an Indian under Section 136.12 of
+ Title 42 of the Code of Federal Regulations, or is currently
+ receiving services from an Indian health care provider or tribal
+ court, the county behavioral health agency shall use its best efforts
+ to meaningfully consult with and incorporate the Indian health
+ care provider or tribal court available to the respondent to develop
+ the CARE plan.

+ (5) The evaluation and all reports, documents, and filings
+ submitted to the court shall be confidential.

+ (6) The date for the hearing to review and consider approval of
+ the proposed CARE plan shall be set not more than 14 days from
+ the date of the order to develop a CARE plan, unless the court
+ finds good cause for an extension. The party requesting an
+ extension of time for the CARE plan review hearing shall provide

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+ notice to the opposing party and their counsel of the request for
+ extension of time, and the court's order if the request is granted.

+ (d) (1) At the CARE plan review hearing, the parties shall
+ present their plan or plans to the court. The county behavioral
+ health agency or the respondent, or both, may present a proposed
+ CARE plan.

+ (2) After consideration of the plans proposed by the parties, the
+ court shall adopt the elements of a CARE plan that support the
+ recovery and stability of the respondent. The court may issue any
+ orders necessary to support the respondent in accessing appropriate
+ services and supports, including prioritization for those services
+ and supports, subject to applicable laws and available funding
+ pursuant to Section 5982. These orders shall constitute the CARE
+ ~~plan.~~ *plan and may be amended.*

+ (3) A court may order medication if it finds, upon review of the
+ court-ordered evaluation and hearing from the parties, that, by
+ clear and convincing evidence, the respondent lacks the capacity
+ to give informed consent to the administration of medically
+ necessary stabilization medication. To the extent the court orders
+ medically necessary stabilization medication, the medication shall
+ not be forcibly administered and the respondent's failure to comply
+ with a medication order shall not result in a penalty, including, but
+ not limited to, contempt or termination of the CARE plan pursuant
+ to Section 5979.

+ (4) If the proposed CARE plan includes services and supports,
+ such as housing, provided directly or indirectly through another
+ local governmental entity, that local entity may agree to provide
+ the service or support, or the court may consider a motion by either
+ of the parties to add the local entity as a party to the CARE
+ proceeding. If the local entity agrees to provide the service or
+ support, it may request to be added as a party by the court.

+ (5) If, after presentation of the CARE plan or plans, the court
+ determines that additional information is needed, including from
+ a licensed behavioral health professional, the court shall order a
+ supplemental report to be filed by the county behavioral health
+ agency for which the court may grant a continuance of no more
+ than 14 days, unless there is good cause for a longer extension.

+ (6) If there is no CARE plan because the parties have not had
+ sufficient time to complete it, the court may grant a continuance

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+ of no more than 14 days, unless there is good cause for a longer
+ extension.

+ (e) The issuance of an order approving a CARE plan pursuant
+ to paragraph (2) of subdivision (d) begins the CARE process
+ timeline, which shall not exceed one year.

+ *SEC. 7. Section 5977.4 of the Welfare and Institutions Code*
+ *is amended to read:*

+ 5977.4. (a) In all CARE Act proceedings, the judicial officer
+ shall control the proceedings during the hearings with a view to
+ the expeditious and effective ascertainment of the jurisdictional
+ facts and the ascertainment of all information relative to the present
+ condition and future welfare of the respondent. Except when there
+ is a contested issue of fact or law, the proceedings shall be
+ conducted in an informal nonadversarial atmosphere with a view
+ to obtaining the maximum cooperation of the respondent, all
+ persons interested in the respondent’s welfare, and all other parties,
+ with any provisions that the court may make for the disposition
+ and care of the respondent. *The court and relevant local public*
+ *agencies shall act in conformity with a comprehensive set of*
+ *objectives established to improve system performance in a vigorous*
+ *and ongoing manner. The court is authorized to initiate meetings*
+ *to improve system performance.* All evaluations and reports,
+ documents, and filings submitted to the court pursuant to CARE
+ Act proceedings shall be confidential.

+ (b) The hearings described in this chapter shall occur in person
+ unless the court, in its discretion, allows a party or witness to
+ appear remotely through the use of remote technology. The
+ respondent shall have the right to be in person for all hearings.

+ (c) Consistent with its constitutional rulemaking authority, the
+ Judicial Council shall adopt rules to implement the policies and
+ provisions in this section and in Sections ~~5977, 5977.1, 5977.2,~~
+ ~~and 5977.3~~ 5977 to 5977.4, *inclusive, to promote statewide*
+ consistency, including, but not limited to, what is included in the
+ petition form packet, communications between the CARE Act
+ court and the juvenile court, if applicable, *the role of the judiciary*
+ *to improve system performance,* and the process by which counsel
+ will be appointed.

+ (d) (1) Consistent with paragraph (9) of subdivision (b) of
+ Section 56.10 of the Civil Code, the county behavioral health
+ agency shall include in any report evaluation, or other document

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+ filed with the court, the information, including protected health
+ information, necessary to support the determinations, conclusions,
+ and recommendations in the filing. The county behavioral health
+ agency shall not, unless ordered to do so by the court, submit to
+ the court original or photocopied records underlying the
+ information in a report evaluation or other document required or
+ ordered under this subdivision. The county behavioral health
+ agency shall serve an unredacted copy of any report evaluation,
+ or other document filed with the court on the respondent and the
+ respondent’s counsel and, with the consent of the respondent, on
+ the supporter in a manner authorized by law. Neither a county nor
+ an employee or agent thereof shall be held civilly or criminally
+ liable for any disclosure authorized or required by this paragraph.

+ (2) (A) Consistent with paragraph (1) of subdivision (c) of
+ Section 56.10 of the Civil Code, a provider of health care, as
+ defined in Section 56.05 of the Civil Code, or a covered entity, as
+ defined in Section 160.103 of Title 45 of the Code of Federal
+ Regulations, may disclose to the county behavioral health agency
+ any information, including protected health information, and mental
+ health records excluding psychotherapy notes, in its possession
+ about the respondent that is relevant to the county behavioral health
+ agency’s provision, coordination, or management of services and
+ supports under this part, including, but not limited to, the
+ preparation of any required investigations, evaluations, or reports.
+ Such a disclosure is a disclosure for treatment purposes, which
+ may be made only to the extent permitted under Section 164.506
+ of Title 45 of the Code of Federal Regulations. The information
+ disclosed may include substance use disorder patient records only
+ to the extent permitted by Part 2 (commencing with Section 2.1)
+ of Title 42 of the Code of Federal Regulations.

+ (B) Consistent with paragraph (9) of subdivision (b) of Section
+ 56.10 of the Civil Code, a provider of health care, as defined in
+ Section 56.05 of the Civil Code, or a covered entity, as defined in
+ Section 160.103 of Title 45 of the Code of Federal Regulations,
+ that filed a CARE Act petition or executed an affidavit included
+ with a CARE Act petition pursuant to paragraph (1) of subdivision
+ (d) of Section 5975 shall provide to the county behavioral health
+ agency any information, including protected health information,
+ and mental health records excluding psychotherapy notes, in its
+ possession about the respondent that may be relevant in connection

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+ with an investigation, evaluation, or other report or hearing under
+ this part, or with the provision of services and supports under this
+ part. The provision of information under this paragraph is a
+ disclosure required by law, which may be made only to the extent
+ permitted under subdivision (a) of Section 164.512 of Title 45 of
+ the Code of Federal Regulations. The information disclosed shall
+ include substance use disorder patient records only to the extent
+ permitted by Part 2 (commencing with Section 2.1) of Title 42 of
+ the Code of Federal Regulations.

+ (C) The county behavioral health agency may apply to the court
+ ex parte for an order requiring any provider of health care, as
+ defined in Section 56.05 of the Civil Code, or any covered entity,
+ as defined in Section 160.103 of Title 45 of the Code of Federal
+ Regulations, to provide to the county behavioral health agency, to
+ the court, or both, any information, including, but not limited to,
+ protected health information, and mental health records excluding
+ psychotherapy notes, in its possession about the respondent that
+ may be relevant in connection with an investigation, evaluation,
+ or other report or hearing under this part, or with the provision of
+ services and supports under this part. The provision of information
+ under this paragraph is a disclosure required by law, which may
+ be made only to the extent permitted under Section 164.512 of
+ Title 45 of the Code of Federal Regulations. The information
+ ordered to be disclosed may include substance use disorder patient
+ records only to the extent permitted by Part 2 (commencing with
+ Section 2.1) of Title 42 of the Code of Federal Regulations.

+ (D) A provider of health care or covered entity shall not be held
+ civilly or criminally liable for any disclosure authorized or required
+ by this section.

+ (E) The county behavioral health agency shall notify the
+ respondent of a disclosure under this paragraph as follows:

+ (i) By mail at the respondent's last known address, if any.

+ (ii) To the respondent's counsel.

+ (iii) By including a copy of the notification under clause (i) or
+ (ii) with the next notice of hearing served upon the respondent, if
+ any.

+ (F) All information, including the facts and records, or summary
+ thereof, shared under this subdivision shall further be disclosed to
+ the respondent and the respondent's counsel, and with the consent
+ of the respondent, to the supporter.

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+ (3) (A) Except as expressly provided, further disclosure or
+ redisclosure of information is not authorized by this subdivision.

+ (B) Information disclosed to a county behavioral health agency
+ by a provider of health care, as defined in Section 56.05 of the
+ Civil Code, or a covered entity, as defined in Section 160.103 of
+ Title 45 of the Code of Federal Regulations is confidential and not
+ subject to disclosure or inspection under the California Public
+ Records Act (Division 10 (commencing with Section 7920.000)
+ of Title 1 of the Government Code).

+ (C) Disclosure of information under this part shall not be deemed
+ to in any way alter the duties or responsibilities of a county
+ behavioral health agency, of a provider of health care, as defined
+ in Section 56.05 of the Civil Code, or of a covered entity, as
+ defined in Section 160.103 of Title 45 of the Code of Federal
+ Regulations, with respect to the disclosed information under the
+ Confidentiality of Medical Information Act (Part 2.6 (commencing
+ with Section 56) of Division 1 of the Civil Code), or the federal
+ Health Insurance Portability and Accountability Act of 1996
+ (Public Law 104-191).

+ *SEC. 8. Section 5978.1 is added to the Welfare and Institutions
+ Code, to read:*

+ *5978.1. (a) For purposes of this section, "facility" means a
+ facility that provides assessment, evaluation, and crisis intervention
+ pursuant to subdivision (a) of Section 5150, or a designated facility
+ as defined in subdivision (n) of Section 5008.*

+ *(b) A facility may refer an individual treated under an
+ involuntary hold pursuant to Articles 1 to 4.7, inclusive, and Article
+ 6 of Chapter 2 of Part 1 of this Division to the county behavioral
+ health agency of the county in which the individual resides, or the
+ county in which the individual is receiving involuntary treatment,
+ if they believe that the individual meets or is likely to meet criteria
+ to qualify for the CARE process, as described in Section 5972.*

+ *(1) Referrals pursuant to this section shall be made by a licensed
+ behavioral health professional, employed, by or contracted by the
+ facility, who has knowledge of the individual's case and was
+ involved in the individual's treatment while on the involuntary
+ hold, or their designee.*

+ *(2) The facility shall make a referral pursuant to this section as
+ soon as clinically indicated as part of the individual's discharge
+ planning process.*

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+ (3) *The facility referral shall include contact information for the referred individual, including a telephone number and address, if available, and other information as specified by the department.*

+ (c) *Within 14 business days of the referral by the facility, the county behavioral health agency shall complete assessment of the individual referred pursuant to this section and shall file a petition pursuant to Section 5975 if the county behavioral health agency determines that the individual meets or is likely to meet criteria for the CARE process and the individual does not engage in voluntary treatment.*

+ (d) *In accordance with subdivision (b) of Section 5984, the department shall issue guidance regarding the following:*

+ (1) *The form and manner for a facility to refer an individual to a county behavioral health agency pursuant to this section.*

+ (2) *County behavioral health agency data reporting requirements regarding referrals made pursuant to this section include, but are not limited to, total referrals, outcomes of referrals, reason for not filing a petition, length of time from referral to outcome, and services provided for those engaged voluntarily.*

+ (e) *The department shall include data regarding referrals made pursuant to this section as part of the annual CARE Act report required by Section 5985.*

+ (f) *This section does not authorize a facility to continue an involuntary hold on a referred individual who no longer meets the criteria for involuntary treatment solely for the purpose of allowing the county behavioral health agency to complete its assessment pursuant to subdivision (b).*

+ **SEC. 9.** *Section 5978.2 is added to the Welfare and Institutions Code, to read:*

+ 5978.2. (a) (1) *If a petition to initiate CARE Act proceedings has been filed based on a referral pursuant to Section 5978, the CARE Act court and the referring court may communicate with each other regarding the respondent's cases while the cases are still pending in both courts.*

+ (2) *If a petition to initiate CARE Act proceedings has been filed for a respondent within a juvenile court's dependency, delinquency, or transition jurisdiction, the CARE Act court and the juvenile court may communicate with each other regarding the respondent's case while the cases are still pending in both courts.*

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+ (b) *The court may allow the parties to participate in the communication.*

+ (c) *Communication between courts on schedules, calendars, court records, and similar matters may occur without informing the parties. A record need not be made of the communication.*

+ (d) *Except as otherwise provided in subdivision (c), a record must be made of a communication pursuant to this section. The parties shall be informed promptly of the communication and granted access to the record.*

+ (e) *For the purposes of this section, "record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.*

+ SEC. 10. *Section 5982 of the Welfare and Institutions Code is amended to read:*

+ 5982. (a) The CARE plan may include only the following:

+ (1) Behavioral health services funded through the 1991 and 2011 Realignment, Medi-Cal behavioral health, health care plans and insurers, and services supported by the Mental Health Services Act pursuant to Part 3 (commencing with Section 5800).

+ (2) Medically necessary stabilization medications, to the extent not described in paragraph (1).

+ (3) Housing resources funded through the No Place Like Home Program (Part 3.9 (commencing with Section 5849.1) of Division 5 of the Welfare and Institutions Code); California Housing Accelerator (Chapter 6.6 (commencing with Section 50672) of Part 2 of Division 31 of the Health and Safety Code); the Multifamily Housing Program (Chapter 6.7 (commencing with Section 50675) of Part 2 of Division 31 of the Health and Safety Code); the Homeless Housing, Assistance, and Prevention Program (Chapter 6 (commencing with Section 50216) of Part 1 of Division 31 of the Health and Safety Code); the Encampment Resolution Funding Program (Chapter 7 (commencing with Section 50250) of Part 1 of Division 31 of the Health and Safety Code); the Project Roomkey and Rehousing Program pursuant to Provision 22 of Item 5180-151-0001 of the Budget Act of 2021 (Ch. 21, Stats. 2021); the Community Care Expansion Program (Chapter 20 (commencing with Section 18999.97) of Part 6 of Division 9 of the Welfare and Institutions Code); the CalWORKs Housing Support Program (Article 3.3 (commencing with Section 11330) of Chapter 2 of Part 3 of Division 9 of the Welfare and Institutions

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+ Code); the CalWORKs Homeless Assistance pursuant to clause
+ (i) of subparagraph (A) of paragraph (2) of subdivision (f) of
+ Section 11450 of Article 6 of Chapter 2 of Part 3 of Division 9 of
+ the Welfare and Institutions Code; the Housing and Disability
+ Advocacy Program (Chapter 17 (commencing with Section 18999)
+ of Part 6 of Division 9 of the Welfare and Institutions Code); the
+ Home Safe Program (Chapter 14 (commencing with Section 15770)
+ of Part 3 of Division 9 of the Welfare and Institutions Code); the
+ Bringing Families Home Program (Article 6 (commencing with
+ Section 16523) of Chapter 5 of Part 4 of Division 9 of the Welfare
+ and Institutions Code); the Transitional Housing Placement
+ program for nonminor dependents (Article 4 (commencing with
+ Section 16522) of Chapter 5 of Part 4 of Division 9 of the Welfare
+ and Institutions Code); the Transitional Housing Program-Plus
+ pursuant to subdivision (s) of Section 11400 and paragraph (2) of
+ subdivision (a) of Section 11403.2 of Article 5 of Chapter 2 of
+ Part 3 of Division 9 of the Welfare and Institutions Code and
+ Article 4 (commencing with Section 16522) of Chapter 5 of Part
+ 4 of Division 9 of the Welfare and Institutions Code; the Behavioral
+ Health Continuum Infrastructure Program (Chapter 1 (commencing
+ with Section 5960) of Part 7 of Division 5 of the Welfare and
+ Institutions Code); the Behavioral Health Bridge Housing Program;
+ HUD-Veterans Affairs Supportive Housing Program (Section
+ 8(o)(19) of the United States Housing Act of 1937 [42 U.S.C.
+ Section 1437f(o)(19)]); Supportive Services for Veteran Families
+ (Section 604 of the Veterans' Mental Health and Other Care
+ Improvements Act of 2008 [38 U.S.C. Sec. 2044]); HUD
+ Continuum of Care program (Section 103 of the McKinney-Vento
+ Homeless Assistance Act [42 U.S.C. Sec. 11302]); the Emergency
+ Solutions Grant (Subtitle B of Title IV of the McKinney-Vento
+ Homeless Assistance Act [42 U.S.C. Secs. 11371-11378]); HUD
+ Housing Choice Voucher program (Section 8 of the United States
+ Housing Act of 1937 [42 U.S.C. Sec. 1437f]); the Emergency
+ Housing Vouchers (Section 3202 of the American Rescue Plan
+ Act of 2021 [Public Law 117-2]; Section 8(o) of the United States
+ Housing Act of 1937 [42 U.S.C. Sec. 1437f(o)]); HOME
+ Investment Partnerships Program (Title II of the Cranston-Gonzalez
+ National Affordable Housing Act [42 U.S.C. Sec. 12721 et seq.]);
+ the Community Development Block Grant Program (Title 1 of the
+ Housing and Community Development Act of 1974 [42 U.S.C.

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+ Sec. 5301 et seq.]); housing supported by the Mental Health
+ Services Act pursuant to Part 3 (commencing with Section 5800);
+ community development block grants; and other state and federal
+ housing resources.

+ (4) Social services funded through Supplemental Security
+ Income/State Supplementary Payment (SSI/SSP), Cash Assistance
+ Program for Immigrants (CAPI), CalWORKs, California Food
+ Assistance Program, In-Home Supportive Services program, and
+ CalFresh.

+ (5) Services provided pursuant to Part 5 (commencing with
+ Section 17000) of Division 9.

+ (6) *Upon the consent of the respondent and the entity or*
+ *individual financially responsible for the services, additional*
+ *services to support the recovery and stability of the respondent.*

+ (b) Individuals who are CARE process participants shall be
+ prioritized for any appropriate bridge housing funded by the
+ Behavioral Health Bridge Housing program.

+ (c) If the county behavioral health agency elects not to enroll
+ the respondent into a full service partnership, as defined in Section
+ 3620 of Title 9 of the California Code of Regulations, the court
+ may request information on the reasons for this and any barriers
+ to enrollment.

+ (d) All CARE plan services and supports ordered by the court
+ are subject to available funding and all applicable federal and state
+ statutes and regulations, contractual provisions, and policy
+ guidance governing initial and ongoing program eligibility. In
+ addition to the resources funded through programs listed in
+ subdivision (a), the State Department of Health Care Services may
+ identify other adjacent covered Medi-Cal services, including, but
+ not limited to, enhanced care management and available
+ community supports, which may be suggested, although not
+ ordered, by the court, subject to all applicable federal and state
+ statutes, regulations, contractual provisions, and policy guidance.

+ (e) This section does not prevent a county or other local
+ governmental entity from recommending their own services that
+ are their own responsibility not listed in subdivision (a) or (c). Any
+ such recommendation is not required by this section and shall be
+ made at the request of the county for the purposes of Section 6 of
+ Article XIII B, and Sections 6 and 36 of Article XIII of the
+ California Constitution.

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+ (f) (1) For respondents who are Medi-Cal beneficiaries, the
+ county in which the respondent resides is the county of
+ responsibility as defined in Section 1810.228 of Title 9 of the
+ California Code of Regulations.

+ (2) If a proceeding commences in a county where the respondent
+ is found or is facing criminal or civil proceedings that is different
+ than the county in which the respondent resides, the county in
+ which the respondent is found or is facing criminal or civil
+ proceedings shall not delay proceedings under this part and is the
+ responsible county behavioral health agency for providing or
+ coordinating all components of the CARE agreement or CARE
+ plan.

+ (3) The county in which the respondent resides, as defined in
+ paragraph (1), shall be responsible for the costs of providing all
+ CARE agreement or CARE plan behavioral health services, as
+ defined in paragraph (1) of subdivision (a).

+ (4) In the event of a dispute over responsibility for any costs of
+ providing components of the CARE agreement or CARE plan, the
+ impacted counties shall resolve the dispute in accordance with the
+ arbitration process established in Section 1850.405 of Title 9 of
+ the California Code of Regulations for county mental health plans,
+ including for respondents who are not Medi-Cal beneficiaries, and
+ pursuant to any related guidance issued pursuant to subdivision
+ (b) of Section 5984.

+ *SEC. 11. Section 5985 of the Welfare and Institutions Code is
+ amended to read:*

+ 5985. (a) The department shall develop, in consultation with
+ county behavioral health agencies, other relevant state or local
+ government entities, disability rights groups, individuals with lived
+ experience, families, counsel, racial justice experts, and other
+ appropriate stakeholders, an annual CARE Act report. The
+ department shall post the annual report on its internet website.

+ (b) County behavioral health agencies and any other state or
+ local governmental entity, as identified by the department, shall
+ provide data related to the CARE Act participants, services, and
+ supports to the department. The department shall determine the
+ data measures and specifications, and shall publish them via
+ guidance issues pursuant to subdivision (b) of Section 5984.

+ (c) Each county behavioral health department and any other
+ state and local governmental entity, as identified by the department,

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- + shall provide the required data to the department, in a format and frequency as directed by the department.
- + (d) (1) In consultation with the Judicial Council, the department shall develop an annual reporting schedule for the submission of CARE Act data from the trial courts.
- + (2) Data from the trial courts shall be submitted to the Judicial Council, which shall aggregate the data and submit it to the department consistent with the reporting schedule developed pursuant to paragraph (1).
- + (3) On an annual basis to be determined by the Judicial Council and consistent with the annual reporting schedule developed pursuant to paragraph (1), the trial courts shall report to the Judicial Council the following data related to CARE Act petitions:
 - + (A) The number of petitions submitted pursuant to Section 5975.
 - + (B) The number of initial appearances on the petition set pursuant to paragraph (3) of subdivision (a) of Section 5977.
 - + (C) The total number of hearings held pursuant to this part.
- + (e) The annual report shall include process measures to examine the scope of impact and monitor the performance of CARE Act model implementation. The report shall include, at a minimum, all of the following:
 - + (1) The demographics of participants, including, but not limited to, the age, sex, race, ethnicity, disability, languages spoken, sexual orientation, gender identity, housing status, veteran status, immigration status, health coverage status, including Medi-Cal enrollment status, and county of residence, to the extent statistically relevant data is available.
 - + (2) The services and supports ordered, the services and supports provided, and the services and supports ordered but not provided.
 - + (3) The housing placements of all participants during the program and at least one year following the termination of the CARE plan, to the extent administrative data are available to report the latter. Placements include, but are not limited to, transition to a higher level of care, independent living in the person's own house or apartment, community-based housing, community-based housing with services, shelter, and no housing.
 - + (4) Treatments continued and terminated at least one year following termination of the CARE plan, to the extent administrative data are available.

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- + (5) Substance use disorder rates and rates of treatment among active CARE plan participants and former participants at least one year following termination of the CARE plan, to the extent administrative data are available to report the latter.
- + (6) Detentions and other Lanterman-Petris-Short Act involvement for participants with an active CARE plan and for former participants at least one year following termination of the CARE plan, to the extent administrative data are available to report the latter.
- + (7) Criminal justice involvement of participants with an active CARE plan and for former participants at least one year following termination of the CARE plan, to the extent administrative data are available to report the latter.
- + (8) Deaths among active participants and for former participants at least one year following termination of the CARE plan, along with causes of death, to the extent administrative data are available.
- + (9) The number, rates, and trends of petitions resulting in dismissal and hearings.
- + (10) The number, rates, and trends of supporters.
- + (11) The number, rates, and trends of voluntary CARE agreements.
- + (12) The number, rates, and trends of ordered and completed CARE plans.
- + (13) Statistics on the services and supports included in CARE plans, including court orders for stabilizing medications.
- + (14) The rates of adherence to medication.
- + (15) The number, rates, and trends of psychiatric advance directives created for participants with active CARE plans.
- + (16) The number, rates, and trends of developed graduation plans.
- + (17) Outcome measures to assess the effectiveness of the CARE Act model, such as improvement in housing status, including gaining and maintaining housing, reductions in emergency department visits and inpatient hospitalizations, reductions in law enforcement encounters and incarceration, reductions in involuntary treatment and conservatorship, and reductions in substance use.
- + (18) A health equity assessment of the CARE Act to identify demographic disparities based on demographic data in paragraph (1), and to inform disparity reduction efforts.

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+ (19) *Data regarding referrals made pursuant to Section 5978.1,*
+ *as part of the CARE Act.*

+ (f) (1) The report shall include, at a minimum, information on
+ the effectiveness of the CARE Act model in improving outcomes
+ and reducing disparities, homelessness, criminal justice
+ involvement, conservatorships, and hospitalization of participants.
+ The annual report shall include process measures to examine the
+ scope of impact and monitor the performance of CARE Act model
+ implementation, such as the number and source of petitions filed
+ for CARE Court; the number, rates, and trends of petitions resulting
+ in dismissal and hearings; the number, rates, and trends of
+ supporters; the number, rates, and trends of voluntary CARE
+ agreements; the number, rates, and trends of ordered and completed
+ CARE plans; the services and supports included in CARE plans,
+ including court orders for stabilizing medications; the rates of
+ adherence to medication; the number, rates, and trends of
+ psychiatric advance directives; and the number, rates, and trends
+ of developed graduation plans. The report shall include outcome
+ measures to assess the effectiveness of the CARE Act model, such
+ as improvement in housing status, including gaining and
+ maintaining housing; reductions in emergency department visits
+ and inpatient hospitalizations; reductions in law enforcement
+ encounters and incarceration; reductions in involuntary treatment
+ and conservatorship; and reductions in substance use. The annual
+ report shall examine these data through the lens of health equity
+ to identify racial, ethnic, and other demographic disparities and
+ inform disparity reduction efforts.

+ (2) Data shall be stratified by age, sex, race, ethnicity, languages
+ spoken, disability, sexual orientation, gender identity, housing
+ status, veteran status, immigration status, health coverage source,
+ and county, to the extent statistically relevant data is available.
+ Information released or published pursuant to this section shall
+ not contain data that may lead to the identification of respondents
+ or information that would otherwise allow an individual to link
+ the published information to a specific person. Data published by
+ the department shall be deidentified in compliance with Section
+ 164.514(a) and (b) of Title 45 of the Code of Federal Regulations.

+ (g) The outcomes shall be presented to relevant state oversight
+ bodies, including, but not limited to, the California Interagency
+ Council on Homelessness.

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

+ *SEC. 13. This act is an urgency statute necessary for the*
+ *immediate preservation of the public peace, health, or safety within*
+ *the meaning of Article IV of the California Constitution and shall*
+ *go into immediate effect. The facts constituting the necessity are:*

+ *To protect the health and safety of the state’s most vulnerable*
+ *individuals by providing additional housing and treatment services*
+ *within this state, and to avoid a waste of resources, it is necessary*
+ *that this act take effect immediately.*

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MENTAL HEALTH CAUCUS
CHAIR

LEGISLATIVE JEWISH CAUCUS
CO-CHAIR

COMMITTEES:

BUDGET & FISCAL REVIEW
CHAIR

JOINT LEGISLATIVE BUDGET
CHAIR

HEALTH

LOCAL GOVERNMENT
PUBLIC SAFETY

LEGISLATIVE ETHICS

JOINT RULES

SELECT COMMITTEE ON
BAY AREA PUBLIC TRANSIT
CHAIR

SELECT COMMITTEE ON
MENTAL HEALTH & ADDICTION
CHAIR

August 1, 2024

Hon. Blanca Pacheco
Chair, Assembly Committee on Rules
1021 O Street, Suite 6250
Sacramento, California 95814

RE: Request for Urgency Clause in Senate Bill 925

Dear Assemblywoman Pacheco:

I write to request your approval to incorporate an urgency clause into Senate Bill 925.

Fencing – the resale of stolen items – has negatively impacted various sectors of the San Francisco economy and overall public safety. SB 925 allows San Francisco to address the issue of fencing by allowing the City and County of San Francisco to create additional permitting requirements to sell items they have determined are commonly associated with retail theft. Additionally, the bill establishes that selling items commonly associated with retail theft without a permit is punishable as an infraction, and that subsequent violations after two infractions can be charged as either an infraction or misdemeanor punishable by imprisonment in the county jail not exceeding six months.

In order to address the issue of illegal fencing as quickly as possible, it is necessary for this act to take effect immediately. Should you have any questions, please don't hesitate to reach out to me directly.

Sincerely,

Scott Wiener
Senator, 11th District

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California State Senate

SENATOR
MELISSA HURTADO
SIXTEENTH SENATE DISTRICT

COMMITTEES
AGRICULTURE
CHAIR
ENVIRONMENTAL QUALITY
HEALTH
HUMAN SERVICES
NATURAL RESOURCES & WATER

July 31, 2024

Assemblymember Blanca Pacheco
Chair, Assembly Rules Committee
1021 O Street, Suite 6250
Sacramento, CA 95814

RE: Request to Amend SB 1448 (Hurtado) Urgency Clause

Dear Chair Pacheco,

I respectfully request that SB 1448 include an urgency clause amendment, subject to Assembly Rules approval. This amendment is crucial to enable the Farm to Community Food Hub Program working group to conduct its work swiftly, given the budget implementation timeline. To enhance the implementation of vital programs funded through the Budget that impact local food systems in California, it is imperative for this act to take effect immediately.

The urgency clause is essential as it ensures the timely realization of the bill's benefits, addressing critical issues such as food insecurity, economic empowerment, and public health. Immediate implementation will expedite the distribution of resources and support to local food systems, allowing them to better serve communities in need and contribute to the overall well-being of California residents.

Attached, please find a copy of the proposed amendments. Should you have any questions, please do not hesitate to contact me or my Legislative Director, Marisol Ibarra, at Marisol.Ibarra@sen.ca.gov or (916) 651-4016.

Sincerely,



MELISSA HURTADO
Senator, 16th District

PROPOSED AMENDMENTS

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PROPOSED AMENDMENTS TO SENATE BILL NO. 1448
AMENDED IN ASSEMBLY JUNE 18, 2024
AMENDED IN SENATE MARCH 18, 2024

SENATE BILL

No. 1448

Introduced by Senator Hurtado

February 16, 2024



An act to amend Sections 591 and ~~594~~ of 592 of, to amend and renumber Section 594 of, and to repeal Section 593 of, the Food and Agricultural Code, and to add Section 75129.5 to the Public Resources Code, relating to food and ~~agriculture~~: agriculture, and declaring the urgency thereof, to take effect immediately.

Amendment 1

Amendment 2

LEGISLATIVE COUNSEL'S DIGEST

SB 1448, as amended, Hurtado. Farm to Community Food Hub ~~Advisory Committee~~: Program: California Agricultural Land Equity Task Force.

(1) Existing law establishes the Farm to Community Food Hub Program, which is administered by the Office of Farm to Fork in the Department of Food and Agriculture, which is under the control of the Secretary of Food and Agriculture. Existing law requires the secretary to establish the Farm to Community Food Hub Advisory Committee for the purpose of advising the secretary with respect to their responsibilities regarding the program. Existing law requires the advisory committee to comprise 10 members from specified regions, including 4 members who are an executive or manager of a food supply chain business headquartered in California, 4 members who are an executive or director of a civil society organization or a representative of an academic institution, and one member who is a farmer or rancher

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meeting specified qualifications. *Existing law requires the program to be administered in 2 phases, and requires the office, for the first phase, to solicit and select proposals throughout the state to create farm to community food hubs and award planning grants to selected proposals and, for the second phase, to select at least 3 of the proposals that were awarded planning grants during the first phase and award to those proposals development grants for capital and operating expenses of the farm to community food hub for a 5-year period.* Existing law repeals these provisions on January 1, 2028.

~~This bill would instead require the advisory committee to comprise 7 members, and would require the secretary to ensure geographic diversity within the advisory committee. The bill would require the advisory committee to instead include 2 members who are representatives of food supply chain businesses headquartered in California, 2 members who are representatives of civil society organizations or of an academic institution, one member who is a member of the department's BIPOC Producer Advisory Committee, and one member who is a member of the department's Small-Scale Producer Advisory Committee, as specified. The bill would require a member or alternate member to recuse themselves on certain matters if an entity for which they serve on the board of directors or in any other role intends to apply, or has applied, for a grant under the program. eliminate the advisory committee and instead require the office to develop and consult with a working group comprising at least 7 individuals who possess expertise in the operation of food hubs and other specified areas, as provided. The bill would exempt the working group from the Bagley-Keene Open Meeting Act. The bill would require that the program prioritize the creation of new farm to community food hubs and would authorize, instead of require, the program to be administered in the 2 above-described phases. The bill would extend the operation of the program until January 1, 2030: 2034.~~

(2) Existing law appropriated \$1,000,000 to the Strategic Growth Council to establish the California Agricultural Land Equity Task Force to develop recommendations on how to equitably increase access to agricultural land for food production and traditional tribal agricultural uses. Existing law requires the task force, on or before January 1, 2026, to submit a report to the Legislature and Governor that includes a set of policy recommendations on how to address the agricultural land equity crisis.

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This bill would authorize the council, using existing or private funds, to provide public task force members a reasonable per diem allowance, as specified, or at a higher rate authorized by the task force, for each day’s attendance at a noticed meeting of the task force. The bill would require the report to be posted on the council’s internet website.

(3) Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

(4) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: majority²/₃. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

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

Page 2 1 SECTION 1. Section 591 of the Food and Agricultural Code
2 is amended to read:
3 591. (a) The Farm to Community Food Hub Program is hereby
4 established for the purpose of piloting investments in the capital
5 aggregation and distribution infrastructure needed to increase
6 purchasing of local, environmentally sustainable, climate-smart,
7 and equitably produced food by schools and other institutions,
8 build a better food system economy, support the local farming
9 economy, accelerate climate adaptation and resilience, and employ
10 food system workers with fair wages and working conditions.

Page 3 1 (b) The program shall be administered by the Office of Farm
2 to Fork in the department. ~~The department may consult with outside~~
3 ~~entities~~ *In administering the program, the office shall develop and*
+ *consult with a working group comprising at least seven individuals*
4 *who possess expertise in the operation of food hubs and the areas*
5 *described in subdivision (a), including, but not limited to,*
+ *representatives of the Sustainable Agriculture and Research*
6 *Education Program, housed within the University of California*
7 ~~Agriculture and Natural Resources.~~ *Resources, representatives of*
+ *the department’s BIPOC Producer Advisory Committee and*
+ *Small-Scale Producer Advisory Committee, technical experts with*
+ *experience establishing a food hub, food supply chain*

Amendment 3

Amendment 4

Amendment 5

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+ *representatives such as producers, processors, or purchasers with
+ expertise working with small and socially disadvantaged farms,
+ and at least one representative with expertise in advancing food
+ system improvements that are supportive of local food systems.*

8 ~~(e) (1) The secretary shall establish an advisory committee,
9 which shall be known as the Farm to Community Food Hub
10 Advisory Committee, for the purpose of advising the secretary in
11 their responsibilities regarding the program.~~

12 ~~(2) The advisory committee shall advise the secretary on
13 education, outreach, and technical assistance for the program.~~

14 ~~(3) (A) The advisory committee shall comprise seven members
15 appointed by the office, and the secretary shall ensure geographic
16 diversity within the advisory committee. Each member may have
17 an alternate.~~

18 ~~(B) Two members and their alternates shall be a representative
19 of a food supply chain business, including a producer, processor,
20 or purchaser, headquartered in California.~~

21 ~~(C) Two members and their alternates shall be a representative
22 of a civil society organization, or a representative of an academic
23 institution, including K-12 schools, with expertise in advancing
24 food system improvements supportive of local food systems,
25 equitable access to healthy food, labor in the food system, or
26 climate-adaptive and climate-resilient food systems.~~

27 ~~(D) One member and their alternate shall be a representative of
28 the Sustainable Agriculture and Research Education Program,
29 housed within the University of California Agriculture and Natural
30 Resources.~~

31 ~~(E) One member and their alternate shall be a member of the
32 department's BIPOC Producer Advisory Committee.~~

33 ~~(F) One member and their alternate shall be a member of the
34 department's Small-Scale Producer Advisory Committee.~~

35 ~~(4) The advisory committee may appoint officers and form
36 subcommittees, with chairpersons appointed by the advisory
37 committee, as needed, in order to carry out and fulfill its duties
38 under this subdivision. The advisory committee shall determine
39 the powers and duties of appointed officers and subcommittee
40 chairpersons.~~

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1 ~~(5) An alternate member shall serve at an advisory committee
2 meeting only in the absence of, and shall have the same powers
3 and duties as, a member in the same category as the alternate~~

Amendment 6

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~~4 member, as described in paragraph (3), except for the powers and
5 duties as an officer of the advisory committee. The number of
6 alternate members present who are not serving in the capacity of
7 a member shall not be considered in determining a quorum.~~

~~8 (6) An alternate member may serve at an advisory committee
9 subcommittee meeting only in the absence of, and shall have the
10 same powers and duties as, a member in the same category as the
11 alternate member, as described in paragraph (3), except for the
12 powers and duties as a subcommittee chairperson.~~

~~13 (7) Members and their alternates shall be reimbursed for the
14 reasonable expenses actually incurred in the performance of their
15 duties, as determined by the advisory committee and approved by
16 the secretary.~~

~~17 (8) The secretary or their representative, the State Public Health
18 Officer or their representative, and a county agricultural
19 commissioner may serve as ex officio members of the advisory
20 committee, in addition to the seven members appointed pursuant
21 to paragraph (3):~~

~~22 (9) (A) A member or alternate member shall recuse themselves
23 from any matter involving the scoring of grant applications or
24 directing of grant funds, if an entity for which they serve on the
25 board of directors or in any other role intends to apply, or has
26 applied, for a grant under the program.~~

~~27 (B) A member or alternate member who recuses themselves
28 pursuant to subparagraph (A) may still serve on the advisory
29 committee to provide general guidance on the formation of the
30 program.~~

~~+ (c) Participants of the working group shall receive a reasonable
+ per diem allowance.~~

~~+ (d) The working group is not subject to the Bagley-Keene Open
+ Meeting Act (Article 9 (commencing with Section 11120) of
+ Chapter 1 of Part 1 of Division 3 of Title 2 of the Government
+ Code).~~

~~31 SEC. 2. Section 594 of the Food and Agricultural Code is
32 amended to read:~~

~~33 594. This article shall remain in effect only until January 1,
34 2030, and as of that date is repealed, unless a later enacted statute
35 that is enacted before January 1, 2030, deletes or extends that date.~~

~~+ SEC. 2. Section 592 of the Food and Agricultural Code is
+ amended to read:~~

Amendment 7

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+ 592. (a) The program shall incentivize the creation and
+ permanency of public-serving aggregation and distribution
+ enterprises, known as farm to community food hubs, which may
+ be operated by a nonprofit organization, school district, county
+ office of education, cooperative, food and agriculture-related
+ business, or Certified B Corporation. A farm to community food
+ hub shall do all of the following:

+ (1) Serve as an aggregator and supply chain intermediary for
+ local or regional farms or ranches, particularly those optimizing
+ sustainable agriculture production practices or methods and
+ following state labor practices. The farm to community food hub
+ shall prioritize, to the greatest extent possible, but is not limited
+ to, serving farms or ranches that are 500 acres or less, cooperatively
+ owned, or owned by farmers or ranchers who are socially
+ disadvantaged, beginning, limited resource, veterans, or disabled.

+ (2) Prioritize, to the greatest extent feasible, distributing food
+ products from the farms or ranches described in paragraph (1) to
+ public institutions and nonprofit organizations, with primary
+ emphasis on public schools and food banks in the region.
+ Distribution of the food products may be contracted to a
+ value-added intermediary, such as a produce, grain, meat, or
+ seafood processor, ~~provided that~~ if the food products are ultimately
+ provided on a prioritized basis to public institutions or nonprofit
+ organizations.

+ (3) Ensure that the farms and ranches with which it works
+ comply with all laws, rules, and regulations, including labor and
+ environmental requirements and standards.

+ (b) The program shall ~~be administered~~ *prioritize the creation*
+ *of new farm to community food hubs and may be administered* in
+ two phases, as follows:

+ (1) During the first phase of the program, the office shall solicit
+ and select proposals throughout the state to create farm to
+ community food hubs that meet the requirements in subdivision
+ (a), and award planning grants to selected proposals.

+ (2) During the second phase of the program, the office shall
+ select at least three of the proposals awarded planning grants
+ pursuant to paragraph (1) and award to those proposals
+ development grants for capital and operating expenses of each
+ farm to community food hub for a five-year period.

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+ (c) As a condition of the receipt of funds pursuant to paragraph
+ (2) of subdivision (b), a farm to community food hub shall report
+ to the office and advisory committee every quarter for five years
+ after the receipt of the funds regarding the use of the funds.

+ (d) Notwithstanding Section 10231.5 of the Government Code,
+ for at least five years following the initial award of development
+ grant funding pursuant to paragraph (2) of subdivision (b), the
+ office shall provide an annual report on the status of the farm to
+ community food hubs to the Legislature, in accordance with
+ Section 9795 of the Government Code. The report shall include
+ information on the progress of the farm to community food hubs
+ in all of the following areas:

- + (1) Financial viability of self-sustainability.
- + (2) The number and type, with respect to size and ownership,
+ of farms from which food products were sourced, and the volumes
+ of food products sourced from each farm.
- + (3) The number and type of institutions served by farm to
+ community food hubs, and the volumes of food products provided
+ to each institution.

+ (e) The program or a farm to community food hub awarded a
+ development grant pursuant to paragraph (2) of subdivision (b)
+ may accept federal, state, industry, philanthropic, and private
+ sources of funding.

+ *SEC. 3. Section 593 of the Food and Agricultural Code is
+ repealed.*

+ ~~593. The implementation of this article is contingent upon an
+ appropriation of funds by the Legislature for its purposes, including
+ the department's administrative costs.~~

+ *SEC. 4. Section 594 of the Food and Agricultural Code is
+ amended and renumbered to read:*

+ ~~594.~~

+ 593. This article shall remain in effect only until January 1,
+ ~~2028~~, 2034, and as of that date is repealed, unless a later enacted
+ statute that is enacted before January 1, ~~2028~~, 2034, deletes or
+ extends that date.

+ ~~SEC. 3.~~

+ *SEC. 5. Section 75129.5 is added to the Public Resources Code,
+ to read:*

+ 75129.5. (a) Notwithstanding any other law, the council may,
+ using existing or private funds, provide public members of the

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Amendment 8

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40 California Agricultural Land Equity Task Force, established
1 pursuant to Provision 8 of Item 0650-001-0001 of the Budget Act
2 of 2022 (Chapters 43, 45, and 249 of the Statutes of 2022), a
3 reasonable per diem allowance as specified in Section 11564.5 of
4 the Government Code, or at a higher rate that may be established
5 by the task force, for each day’s attendance at a noticed meeting
6 of the task force.

7 (b) The report required pursuant to Provision 8 of Item
8 0650-001-0001 of the Budget Act of 2022 (Chapters 43, 45, and
9 249 of the Statutes of 2022) shall be posted on the council’s internet
10 website.

+ *SEC. 6. The Legislature finds and declares that Section 1 of
+ this act, which amends Section 591 of the Food and Agricultural
+ Code, imposes a limitation on the public’s right of access to the
+ meetings of public bodies or the writings of public officials and
+ agencies within the meaning of Section 3 of Article I of the
+ California Constitution. Pursuant to that constitutional provision,
+ the Legislature makes the following findings to demonstrate the
+ interest protected by this limitation and the need for protecting
+ that interest:*

+ *In order to allow the Farm to Community Food Hub Program
+ working group to conduct its work in a quick manner given the
+ budget implementation date, it is necessary to exempt the working
+ group from the Bagley-Keene Open Meeting Act. The working
+ group has no decisionmaking authority that would negatively or
+ positively impact any constituent.*

+ *SEC. 7. This act is an urgency statute necessary for the
+ immediate preservation of the public peace, health, or safety within
+ the meaning of Article IV of the California Constitution and shall
+ go into immediate effect. The facts constituting the necessity are:*

+ *In order to improve the implementation of vital programs that
+ impact local food systems in California as quickly as possible, it
+ is necessary for this act to take effect immediately.*

Amendment 9

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