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**Assembly
California Legislature
Committee on Rules**

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PELLERIN, GAIL
RUBIO, BLANCA E.
VALENCIA, AVELINO

CERVANTES, SABRINA (D-ALT)
ZBUR, RICK CHAVEZ (D-ALT)
DIXON, DIANE (R-ALT)

Thursday, June 22, 2023
10 minutes prior to Session
State Capitol, Room 126

CONSENT AGENDA

BILL REFERRALS

1. Bill Referrals

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RESOLUTIONS

2. ACR-99 (Cervantes) Immigrant Heritage Month. (refer/hear)

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REQUESTS TO ADD URGENCY CLAUSE

3. SB 35 (Umberg) Community Assistance, Recovery, and Empowerment (CARE) Court Program
4. SB 624 (Alvarado-Gil) Horse racing: state-designated fairs: allocation of revenues: gross receipts for sales and use tax

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AVELINO VALENCIA

SABRINA CERVANTES (D-ALT.)
RICK CHAVEZ ZBUR (D-ALT.)
DIANE DIXON (R-ALT.)

Memo

To: Rules Committee Members
From: Michael Erke, Bill Referral Consultant
Date: 6/21/2023
Re: Consent Bill Referrals

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

REFERRAL OF BILLS TO COMMITTEE

06/22/2023

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

| Assembly Bill No. | Committee: |
|-------------------|------------|
| <u>ACR 96</u> | P. & C.P. |
| <u>ACR 97</u> | RLS. |
| <u>ACR 98</u> | TRANS. |
| <u>ACR 99</u> | RLS. |
| <u>HR 45</u> | RLS. |
| <u>HR 46</u> | RLS. |
| <u>SB 485</u> | ELECTIONS |
| <u>SB 485</u> | PUB. S. |
| <u>SB 532</u> | TRANS. |
| <u>SB 567</u> | H. & C.D. |
| <u>SB 567</u> | JUD. |
| <u>SB 803</u> | P.E. & R. |
| <u>SCR 76</u> | RLS. |

Assembly Concurrent Resolution

No. 99

Introduced by Assembly Members Cervantes and Ortega
(Principal coauthor: Senator Gonzalez)

June 20, 2023

Assembly Concurrent Resolution No. 99—Relative to Immigrant Heritage Month.

LEGISLATIVE COUNSEL’S DIGEST

ACR 99, as introduced, Cervantes. Immigrant Heritage Month.

This measure would designate the month of June 2023 as Immigrant Heritage Month.

Fiscal committee: no.

1 WHEREAS, Generations of immigrants from all around the
2 world built our country’s economy and created our nation’s unique
3 character; and

4 WHEREAS, More than 44,000,000 immigrants are residing in
5 the United States, constituting 17 percent of the general United
6 States workforce, and account for around one-quarter of United
7 States entrepreneurs; and

8 WHEREAS, California is home to 10.5 million immigrants, 23
9 percent of the foreign-born population nationwide, including 28
10 percent of DACA recipients (183,000 individuals), and the second
11 largest state in the United States with the majority of Temporary
12 Protected Status holders (53,840), who are considered essential
13 critical infrastructure workers; and

1 WHEREAS, Almost one-half (46 percent) of California children
2 have at least one immigrant parent, and 75 percent of noncitizens
3 live in households with citizens; and
4 WHEREAS, Immigrants have served in the Armed Forces since
5 the founding of the United States and have fought in every major
6 conflict in United States history, including the Civil War, World
7 Wars I and II, and the conflicts in Vietnam, Afghanistan, and Iraq;
8 and
9 WHEREAS, Immigrants serve in emerging industries with labor
10 shortages in the United States, such as science, technology,
11 engineering, and mathematics, and bolster the economy and global
12 leadership; and
13 WHEREAS, Immigrant essential workers, including first
14 responders, health care workers, agricultural workers, meat packers,
15 childcare providers, and hospitality and transportation workers,
16 have heroically helped provide medical care, food, and shelter in
17 California and the United States during the COVID-19 pandemic;
18 and
19 WHEREAS, The majority of farm workers in California are
20 immigrants and have been deemed “essential workers” and
21 maintain a safe food supply for California during the COVID-19
22 pandemic and beyond; and
23 WHEREAS, Immigrants comprise more than 35 percent of
24 California’s civilian workforce, accounting for over two-thirds of
25 all agricultural workers, nearly one-half of all workers in the
26 manufacturing industry, over 40 percent of all workers in wholesale
27 trade, construction, and other service industries, 41 percent of all
28 workers in computer and mathematical occupations, and 57 percent
29 of all software developers and workers in applications and systems
30 software; and
31 WHEREAS, Immigrants continue to develop and expand
32 businesses, innovate, strengthen our economy, and create American
33 jobs in California; and
34 WHEREAS, One in three small business owners in California
35 are immigrants, immigrants founded around 45 percent of all new
36 businesses from 2007 to 2011, inclusive, and immigrants make up
37 36 percent of the state’s business owners; and
38 WHEREAS, Immigrant households make up 28 percent of the
39 total household income in California, representing a substantial
40 share of spending power in the state; and

1 WHEREAS, Immigrants contribute \$715 billion of California’s
2 gross domestic product and \$26.4 billion in state and local taxes;
3 and

4 WHEREAS, Immigrants fundamentally enrich the extraordinary
5 character of our state and nation with their unique cultures,
6 heritages, religious beliefs, experiences, and rich diversity of
7 people, cuisine, literature, art, language, academia, music, media,
8 fashion, and customs; and

9 WHEREAS, Immigrants have been tireless leaders, not only in
10 securing their own rights and ensuring access to equal
11 opportunities, but also in pursuing a fairer and more just society
12 for all Americans; and

13 WHEREAS, Despite countless contributions made by
14 immigrants, we have frequently overlooked and undervalued the
15 role of immigrants in building and enriching our nation, both
16 throughout our history and in the present day; and

17 WHEREAS, Continued integration of immigrants from around
18 the world in a manner that encourages and facilitates a pathway
19 to citizenship, economic and social mobility, and civic engagement
20 will preserve the prosperity of the United States and reinforce the
21 patriotism all people of the United States feel for the United States,
22 no matter the color of skin, sexual orientation, gender identity,
23 country of origin, or religious background of the individual; now,
24 therefore, be it

25 *Resolved by the Assembly of the State of California, the Senate*
26 *thereof concurring*, That the Legislature proclaims the month of
27 June 2023 as Immigrant Heritage Month; and be it further

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

O

Date of Hearing: June 22, 2023

ASSEMBLY COMMITTEE ON RULES
James Ramos, Chair
ACR 99 (Cervantes) – As Introduced June 20, 2023

SUBJECT: Immigrant Heritage Month.

SUMMARY: Proclaims the month of June 2023 as Immigrant Heritage Month. Specifically, **this resolution** makes the following legislative findings:

- 1) Generations of immigrants from all around the world built our country’s economy and created our nation’s unique character. More than 44 million immigrants are residing in the United States, constituting 17 percent of the general United States workforce, and account for around one-quarter of United States entrepreneurs.
- 2) California is home to 10.5 million immigrants, 23 percent of the foreign-born population nationwide, including 28 percent of DACA recipients (183,000 individuals); and, is the second largest state in the United States with the majority of Temporary Protected Status holders (53,840), who are considered essential critical infrastructure workers.
- 3) Immigrants serve in emerging industries with labor shortages in the United States, such as science, technology, engineering, and mathematics, and bolster the economy and global leadership.
- 4) Immigrant essential workers, including first responders, health care workers, agricultural workers, meat packers, childcare providers, and hospitality and transportation workers, have heroically helped provide medical care, food, and shelter in California and the United States during the COVID-19 pandemic and beyond.
- 5) Immigrants continue to develop and expand businesses, innovate, strengthen our economy, and create American jobs in California. Immigrant households make up 28 percent of the total household income in California, representing a substantial share of spending power in the state. Immigrants contribute \$715 billion of California’s gross domestic product and \$26.4 billion in state and local taxes.
- 6) Immigrants fundamentally enrich the extraordinary character of our state and nation with their unique cultures, heritages, religious beliefs, experiences, and rich diversity of people, cuisine, literature, art, language, academia, music, media, fashion, and customs.
- 7) Immigrants have been tireless leaders, not only in securing their own rights and ensuring access to equal opportunities, but also in pursuing a fairer and more just society for all Americans.
- 8) Despite countless contributions made by immigrants, we have frequently overlooked and undervalued the role of immigrants in building and enriching our nation, both throughout our history and in the present day.

FISCAL EFFECT: None

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

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

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California State Senate

SENATOR
THOMAS J. UMBERG

THIRTY-FOURTH SENATE DISTRICT



STANDING COMMITTEES
JUDICIARY
CHAIR
ELECTIONS AND
CONSTITUTIONAL AMENDMENTS
HOUSING
MILITARY AND
VETERANS AFFAIRS
TRANSPORTATION

June 19, 2023

The Honorable James Ramos
Chair, Assembly Rules Committee
1021 O Street, Suite 6250
Sacramento, CA 95814

Dear Chair Ramos:

I respectfully request that the Assembly Rules Committee add an Urgency Clause to SB 35. This is needed for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution.

SB 35 is a follow-up to last year's SB 1338 which established CARE Court, which goes into effect in October of this year. SB 35 makes substantive and clarifying changes to the application of the court program created under SB 1338. Specifically, it clarifies the types of judicial officers that are authorized to conduct these types of processing, revise the rights afforded to the original petitioner, and expand the allowable circumstances for use of public defenders. Therefore, important changes to the Act must take effect immediately to ensure the CARE Act's success.

Sincerely,

A handwritten signature in black ink that reads "Tom Umberg".

Tom Umberg
Senator, District 34

AMENDED IN ASSEMBLY JUNE 12, 2023

AMENDED IN SENATE MARCH 21, 2023

SENATE BILL

No. 35

Introduced by Senator Umberg

December 5, 2022

An act to ~~amend Section 5970.5 of~~ amend Sections 5970, 5970.5, 5971, 5972, 5973, 5974, 5976, 5976.5, 5977, 5977.1, 5977.2, 5977.3, 5977.4, 5978, 5981.5, 5982, 5983, and 5986 of, and to add Sections 5975.2 and 5975.3 to, the Welfare and Institutions Code, relating to courts.

LEGISLATIVE COUNSEL'S DIGEST

SB 35, as amended, Umberg. Community Assistance, Recovery, and Empowerment (CARE) Court Program.

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 severe mental illness and have a diagnosis identified in the disorder class schizophrenia and other psychotic disorders, and who meet other specified criteria.

This bill would authorize CARE Act proceedings to be conducted by a superior court judge or by a court-appointed commissioner or other subordinate judicial officer. The bill would require that there is no fee for filing a petition nor any fees charged by any public officer for services in filing or serving papers or for the performance of any duty enjoined by the CARE Act. The bill would authorize that the respondent

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is entitled to have an interpreter in all proceedings if necessary for the respondent's full participation.

~~Existing law authorizes CARE Act proceedings to commence in the county where the respondent resides, is found, or is facing criminal or civil proceedings. a specified individual to commence the CARE process, known as the original petitioner. Under existing law, if the original petitioner is a person other than the director of a county behavioral health agency, the court is required to issue an order relieving the original petitioner and appointing the director of the county behavioral health agency, or their successor, as the substitute petitioner. Under existing law, the original petitioner retains specified rights, including the right to participate in the initial hearing to determine the merits of the petition.~~

This bill would revise the rights of the original petitioner, including giving them the right to be present and make a statement on the merits of the petition at the initial hearing and authorizing the court to assign ongoing rights to an original petitioner who resides with the respondent or is a spouse, parent, sibling, child, or grandparent or other person who stands in loco parentis to the respondent.

~~Existing law requires the court to appoint a public defender to represent the respondent in specified circumstances.~~

This bill would additionally authorize the appointment of counsel working in the capacity of a public defender.

Existing law requires the act to be implemented with technical assistance and continuous quality improvement, as specified, including expected start dates for specified counties. Existing law also requires the State Department of Health Care Services to implement guidelines under which counties can apply for and be provided additional time to implement the above-described provisions. Existing law authorizes the department to grant an extension once, and no later than December 1, 2025.

~~This bill would instead authorize the department to grant an extension no later than December 15, 2025.~~

The bill would also make technical and conforming changes.

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

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

1 **SECTION 1.** *Section 5970 of the Welfare and Institutions Code*
2 *is amended to read:*

3 5970. This part shall be known, and may be cited, as *the*
4 *Community Assistance, Recovery, and Empowerment (CARE)*
5 *Act.*

6 **SECTION 1.**

7 **SEC. 2.** Section 5970.5 of the Welfare and Institutions Code
8 is amended to read:

9 5970.5. This part shall be implemented as follows, with
10 technical assistance and continuous quality improvement, pursuant
11 to Section 5983:

12 (a) A first cohort of counties, which shall include the Counties
13 of Glenn, Orange, Riverside, San Diego, Stanislaus, and Tuolumne,
14 and the City and County of San Francisco, shall begin no later than
15 October 1, 2023, unless the county is provided additional time
16 pursuant to paragraph (2) of subdivision (c).

17 (b) A second cohort of counties, representing the remaining
18 population of the state, shall begin no later than December 1, 2024,
19 unless the county is provided additional time pursuant to paragraph
20 (2) of subdivision (c).

21 (c) (1) The department shall issue guidelines under which
22 counties can apply for, and be provided, additional time to
23 implement this part. The guidelines shall not be subject to the
24 Administrative Procedure Act (Chapter 3.5 (commencing with
25 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
26 Code).

27 (2) The department shall approve implementation delay for the
28 first or second cohort if the county experiences a state or local
29 emergency and the delay of the provision of the CARE process is
30 necessary as a result of the emergency.

31 (3) The department shall only grant ~~extensions once and no later~~
32 ~~than December 15, 2025.~~ *one extension per county and the final*
33 *date for counties to implement under any circumstances shall be*
34 *December 1, 2025.*

35 (d) This part shall become operative only upon the department,
36 in consultation with county stakeholders, developing a CARE Act
37 allocation to provide state financial assistance to counties to
38 implement the care process in this act.

1 *SEC. 3. Section 5971 of the Welfare and Institutions Code is*
2 *amended to read:*

3 5971. Unless the context otherwise requires, the following
4 definitions shall govern the construction of this part.

5 (a) “CARE agreement” means a voluntary settlement agreement
6 entered into by the parties. A CARE agreement includes the same
7 elements as a CARE plan to support the respondent in accessing
8 community-based services and supports.

9 (b) “CARE plan” means an individualized, appropriate range
10 of community-based services and supports, as set forth in this part,
11 which include clinically appropriate behavioral health care and
12 stabilization medications, housing, and other supportive services,
13 as appropriate, pursuant to Section 5982.

14 (c) “CARE process” means the court and related proceedings
15 to implement the CARE Act.

16 (d) “Counsel” means the attorney representing the respondent,
17 ~~provided~~ *appointed* pursuant to Section ~~5980~~, 5977, or chosen by
18 the respondent, in CARE Act proceedings and matters related to
19 CARE agreements and CARE plans. *Counsel’s representation*
20 *shall be consistent with subdivision (e) of Section 6068 of the*
21 *Business and Professions Code and the California Rules of*
22 *Professional Conduct.*

23 (e) “County behavioral health agency” means the local director
24 of mental health services described in Section 5607, the local
25 behavioral health director, or both as applicable, or their designee.

26 (f) “Court-ordered evaluation” means an evaluation ordered by
27 a superior court pursuant to Section ~~5977~~. 5977.1.

28 (g) “Department” means the State Department of Health Care
29 Services.

30 (h) “Graduation plan” means a voluntary agreement entered
31 into by the parties at the end of the CARE program that includes
32 a strategy to support a successful transition out of court jurisdiction
33 and that may include a psychiatric advance directive. A graduation
34 plan includes the same elements as a CARE plan to support the
35 respondent in accessing community-based services and supports.
36 The graduation plan shall not place additional requirements on the
37 local government entities and is not enforceable by the court.

38 (i) “Homeless outreach worker” means a person who engages
39 people experiencing homelessness to assess for unmet needs, offer

1 information, services, or other assistance, or provide care
2 coordination.

3 (j) “Indian health care provider” means a health care program
4 operated by the Indian Health Service, an Indian tribe, a tribal
5 organization, or urban Indian organization (I/T/U) as those terms
6 are defined in Section 4 of the Indian Health Care Improvement
7 Act (25 U.S.C. Sec. 1603).

8 (k) “Licensed behavioral health professional” means either of
9 the following:

10 (1) A licensed mental health professional, as defined in
11 subdivision (j) of Section 4096.

12 (2) A person who has been granted a waiver of licensure
13 requirements by the department pursuant to Section 5751.2.

14 (l) “Parties” means the petitioner, *the* respondent, the county
15 behavioral health agency in the county where proceedings under
16 this part are pending, and ~~other parties~~ *any local governmental*
17 *entity* added by the court pursuant to paragraph (4) of subdivision
18 (d) of Section 5977.1.

19 (m) “Petitioner” means the ~~entity~~ *person* who files the CARE
20 Act petition with the court. Additionally, if the petitioner is a
21 person listed in Section 5974 other than the director of a county
22 behavioral health agency, or their designee, the petitioner shall
23 have the right to file a petition with the court, but at the initial
24 hearing the court shall substitute the director of a county behavioral
25 health agency, or their designee, of the county in which the
26 proceedings are filed as petitioner. The *original* petitioner ~~who~~
27 ~~filed the petition~~ may, at the court’s discretion and in furtherance
28 of the interests of the respondent, retain rights as described in
29 subparagraph (A) of paragraph ~~(7)~~ (6) of subdivision (b) of Section
30 5977.

31 (n) “Psychiatric advance directive” means a legal document,
32 executed on a voluntary basis *in accordance with the requirements*
33 *for advance health care directives in Division 4.7 (commencing*
34 *with Section 4600) of the Probate Code*, by a person who has the
35 capacity to make medical decisions, that allows a person with
36 mental illness to protect their autonomy and ability to ~~self-direct~~
37 *direct their own* care by documenting their preferences for
38 treatment in advance of a mental health crisis.

39 (o) “Respondent” means the person who is *the* subject ~~to~~ *of* the
40 petition for the CARE process.

1 (p) “Stabilization medications” means medications included in
 2 the CARE plan that primarily consist of antipsychotic ~~medications,~~
 3 *medications* to reduce symptoms of hallucinations, delusions, and
 4 disorganized thinking. Stabilization medications may be
 5 administered as long-acting injections if clinically indicated.
 6 Stabilization medications shall not be forcibly administered.

7 (q) “Supporter” means an ~~adult, adult~~ designated ~~pursuant to~~
 8 ~~Chapter 4 (commencing with Section 5980), by the respondent~~
 9 who assists the person who is the subject of the petition, which
 10 *assistance* may include supporting the person to understand, make,
 11 communicate, implement, or act on their own life decisions during
 12 the CARE process, including a CARE agreement, a CARE plan,
 13 and developing a graduation plan. A supporter shall not act
 14 independently.

15 *SEC. 4. Section 5972 of the Welfare and Institutions Code is*
 16 *amended to read:*

17 5972. An individual shall qualify for the CARE process only
 18 if all of the following criteria are met:

19 (a) The person is 18 years of age or older.

20 (b) The person is currently experiencing a ~~severe mental illness,~~
 21 *serious mental disorder*, as defined in paragraph (2) of subdivision
 22 (b) of Section 5600.3 and has a diagnosis identified in the disorder
 23 class: schizophrenia spectrum and other psychotic disorders, as
 24 defined in the most current version of the Diagnostic and Statistical
 25 Manual of Mental Disorders. This section does not establish
 26 respondent eligibility based upon a psychotic disorder that is due
 27 to a medical condition or is not primarily psychiatric in nature,
 28 including, but not limited to, physical health conditions such as
 29 traumatic brain injury, autism, dementia, or neurologic conditions.
 30 A person who has a current diagnosis of substance use disorder as
 31 defined in paragraph (2) of subdivision (a) of Section 1374.72 of
 32 the Health and Safety ~~Code, Code~~ but who does not *also* meet the
 33 required criteria in this section shall not qualify for the CARE
 34 process.

35 (c) The person is not clinically stabilized in on-going voluntary
 36 treatment.

37 (d) At least one of the following is true:

38 (1) The person is unlikely to survive safely in the community
 39 without supervision and the person’s condition is substantially
 40 deteriorating.

1 (2) The person is in need of services and supports in order to
2 prevent a relapse or deterioration that would be likely to result in
3 grave disability or serious harm to the person or others, as ~~defined~~
4 *used* in Section 5150.

5 (e) Participation in a CARE plan or CARE agreement would
6 be the least restrictive alternative necessary to ensure the person's
7 recovery and stability.

8 (f) It is likely that the person will benefit from participation in
9 a CARE plan or CARE agreement.

10 *SEC. 5. Section 5973 of the Welfare and Institutions Code is*
11 *amended to read:*

12 5973. (a) Proceedings under this part may be commenced in
13 any of the following:

- 14 (1) The county in which the respondent resides.
- 15 (2) The county where the respondent is found.
- 16 (3) The county where the respondent is facing criminal or civil
17 proceedings.

18 (b) If the respondent does not reside in the county in which
19 proceedings are initiated under this subdivision, as determined in
20 accordance with Section 244 of the Government Code, except as
21 provided in subdivision ~~(e)~~ (f) of Section 5982, and this part is
22 operative in the respondent's county of residence, the proceeding
23 shall, with the respondent's consent, be transferred to the county
24 of residence as soon as reasonably feasible. Should the respondent
25 not consent to the transfer, the proceedings shall continue in the
26 county where the respondent was found.

27 *SEC. 6. Section 5974 of the Welfare and Institutions Code is*
28 *amended to read:*

29 5974. The following adult persons may file a petition to ~~initiate~~
30 *commence* the CARE process:

- 31 (a) A person with whom the respondent resides.
- 32 (b) A spouse, parent, sibling, child, or grandparent or ~~other an~~
33 individual who stands in loco parentis to the respondent.
- 34 (c) The director of a ~~hospital, or their designee,~~ *hospital* in which
35 the respondent is hospitalized, including ~~hospitalization~~
36 *hospitalized* pursuant to Section 5150 or ~~5250.~~ *5250, or the*
37 *director's designee.*
- 38 (d) The director of a public or charitable organization, agency,
39 or home, or their designee, who has, within the previous 30 days,

1 provided or who is currently providing behavioral health services
2 to the respondent or in whose institution the respondent resides.

3 (e) A licensed behavioral health professional, or their designee,
4 who is, or has been within the previous 30 days, either supervising
5 the treatment of, or treating the respondent for a mental illness.

6 (f) A first responder, including a peace officer, firefighter,
7 paramedic, emergency medical technician, mobile crisis response
8 worker, or homeless outreach worker, who has had repeated
9 interactions with the respondent in the form of multiple arrests,
10 multiple detentions and transportation pursuant to Section 5150,
11 multiple attempts to engage the respondent in voluntary treatment,
12 or other repeated efforts to aid the respondent in obtaining
13 professional assistance.

14 (g) The public guardian or public conservator, or their designee,
15 of the county in which the respondent ~~is present or reasonably~~
16 ~~believed to be present.~~ *resides or is found.*

17 (h) The director of a county behavioral health agency, or their
18 designee, of the county in which the respondent resides or is found.

19 (i) The director of county adult protective services, or their
20 designee, of the county in which the respondent resides or is found.

21 (j) The director of a California Indian health services program,
22 California tribal behavioral health department, ~~or their designee.~~
23 *who has, within the previous 30 days, provided or who is currently*
24 *providing behavioral health services to the respondent, or the*
25 *director's designee.*

26 (k) The judge of a tribal court ~~that is located in California, or~~
27 ~~their designee.~~ *located in California before which the respondent*
28 *has appeared within the previous 30 days, or the judge's designee.*

29 (l) The respondent.

30 *SEC. 7. Section 5975.2 is added to the Welfare and Institutions*
31 *Code, to read:*

32 *5975.2. CARE Act proceedings may be conducted by a superior*
33 *court judge or by a court-appointed commissioner or other*
34 *subordinate judicial officer.*

35 *SEC. 8. Section 5975.3 is added to the Welfare and Institutions*
36 *Code, to read:*

37 *5975.3. There shall be no fee for filing under this chapter nor*
38 *shall any fees be charged by any public officer for services in filing*
39 *or serving papers or for the performance of any duty enjoined by*
40 *the CARE Act.*

1 *SEC. 9. Section 5976 of the Welfare and Institutions Code is*
2 *amended to read:*

3 5976. The respondent shall:

4 (a) Receive notice of the hearings.

5 (b) Receive a copy of the court-ordered evaluation.

6 (c) Be entitled to be represented by counsel at all stages of a
7 proceeding commenced under this chapter, regardless of the ability
8 to pay.

9 (d) Be allowed to have a ~~supporter~~, as *supporter be present with*
10 *them to perform the functions* described in ~~Section 5982. Sections~~
11 *5980 and 5981, subject to the limits provided in those sections.*

12 (e) ~~Be Have the right to be present at the hearing unless the~~
13 ~~respondent waives the right to be present. that right.~~

14 (f) Have the right to present evidence.

15 (g) Have the right to call witnesses.

16 (h) Have the right to cross-examine witnesses.

17 (i) Have the right to appeal decisions, and to be informed of the
18 right to appeal.

19 (j) *Have the right to an interpreter in all proceedings if*
20 *necessary for the respondent to fully participate.*

21 *SEC. 10. Section 5976.5 of the Welfare and Institutions Code*
22 *is amended to read:*

23 5976.5. (a) Notwithstanding any other law, and except as
24 otherwise provided in this section, a hearing held under this part
25 is presumptively closed to the public.

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

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

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

35 (e) All reports, evaluations, diagnoses, or other information
36 related to the respondent's health shall be confidential.

37 (f) Before commencing a hearing, the ~~judge~~ *judicial officer* shall
38 inform the respondent of their rights under this section.

39 *SEC. 11. Section 5977 of the Welfare and Institutions Code is*
40 *amended to read:*

1 5977. (a) (1) The court shall promptly review the petition to
2 determine if the petitioner has made a prima facie showing that
3 the respondent is, or may be, a person described in Section 5972.
4 (2) If the court finds that the petitioner has not made a prima
5 facie showing that the respondent is, or may be, a person described
6 in Section 5972, the court may dismiss the case without prejudice
7 subject to consideration of Section 5975.1.
8 (3) If the court finds that the petitioner has made a prima facie
9 showing that the respondent is, or may be, a person described in
10 Section 5972, the court shall do one of the following:
11 (A) If the petitioner is the director of a county behavioral health
12 agency, or their designee, the court shall do the following:
13 (i) Set the matter for an initial appearance on the petition within
14 14 court days.
15 (ii) Appoint a qualified legal services project, as defined in
16 Sections 6213 to 6214.5, inclusive, of the Business and Professions
17 Code, to represent the respondent. If no legal services project has
18 agreed to accept these appointments, a public defender *or other*
19 *counsel working in that capacity* shall be appointed to represent
20 the respondent. ~~Unless replaced by respondent's own counsel,~~
21 ~~appointed counsel shall represent the respondent in any proceeding~~
22 ~~under this part, and shall represent the individual, as needed, in~~
23 ~~matters related to CARE agreements and CARE plans, including~~
24 ~~appeals.~~
25 (iii) Determine ~~if whether~~ the petition includes all of the
26 following ~~information, or information and, if it does not,~~ order the
27 county *behavioral health agency* to submit a report within 14 court
28 days that ~~addresses includes~~ all of the following:
29 (I) A determination as to whether the respondent meets, or is
30 likely to meet, the criteria for the CARE process.
31 (II) The outcome of efforts made to voluntarily engage the
32 respondent prior to the filing of the petition.
33 (III) Conclusions and recommendations about the respondent's
34 ability to voluntarily engage in services.
35 (iv) Order the county behavioral health ~~director or their designee~~
36 *agency* to provide notice to the respondent, the appointed counsel,
37 and the county behavioral health agency in the county where the
38 respondent resides, if different from the county where the CARE
39 process has commenced.

1 (B) If the petitioner is a person other than the director of a
2 county behavioral health agency, or their designee, the court shall
3 order a county agency, or their designee, as determined by the
4 court, to investigate, as necessary, and file a written report with
5 the court within 14 court days and provide notice to the respondent
6 and petitioner that a report has been ordered. The written report
7 shall include 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 during the 14-day report period.

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

14 (4) If, upon a request by the ~~county~~, *county agency ordered to*
15 *investigate and file a report under subparagraph (B) of paragraph*
16 *(3)*, the court finds that the county agency is making progress to
17 engage the respondent, the court may, in its discretion, grant the
18 county *agency* no more than 30 additional days to continue to work
19 with, engage, and enroll the individual in voluntary treatment and
20 services. The county *agency* shall provide notice to the respondent
21 and petitioner that an extension for filing a report has been granted.

22 (5) Upon receipt of the report described in subparagraph (B) of
23 paragraph (3), the court shall, within five days, take one of the
24 following actions:

25 (A) If the court determines that voluntary engagement with the
26 respondent is effective, and that the individual has enrolled or is
27 likely to enroll in voluntary behavioral health treatment, the court
28 shall dismiss the matter.

29 (B) If the court determines that ~~county's~~ *the county agency's*
30 report does not support the petition's prima facie showing that the
31 respondent is a person described in Section 5972, the court shall
32 dismiss the matter. This section shall not prevent a county
33 behavioral health agency from continuing to voluntarily engage
34 with ~~individuals who do not meet CARE criteria, but who are a~~
35 ~~person not described in Section 5972 but who is~~ in need of services
36 and supports.

37 (C) If the court determines that ~~county's~~ *the county agency's*
38 report does support the petition's prima facie showing that the
39 respondent is, or may be, a person described in Section 5972, and

1 engagement with the county *agency* was not effective, the court
2 shall do all of the following:

3 (i) Set an initial appearance on the petition within 14 court days.

4 (ii) Appoint a qualified legal services project, as defined in
5 Sections 6213 to 6214.5, inclusive, of the Business and Professions
6 Code or, if no legal services project has agreed to accept these
7 appointments, a public defender *or other counsel working in that*
8 *capacity* to represent the respondent for all purposes related to this
9 part, including appeals, unless the respondent has retained their
10 own counsel. Unless replaced by respondent's own counsel,
11 appointed counsel shall represent the respondent in any proceeding
12 under this part, and shall represent the individual, as needed, in
13 matters related to CARE agreements and CARE plans. *respondent.*

14 (iii) Order the county *agency* to provide notice of the hearing
15 *initial appearance* to the petitioner, the respondent, the appointed
16 counsel, the county behavioral health agency in the county where
17 the respondent resides, and, if different, the county where the
18 CARE court proceedings have commenced.

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

21 (1) The court shall permit the respondent to substitute their own
22 counsel.

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

25 (3) Respondent may waive personal appearance and appear
26 through counsel. If the respondent does not waive personal
27 appearance and does not appear at the hearing, and the court makes
28 a finding on the record that reasonable attempts to elicit the
29 attendance of the respondent have failed, the court may conduct
30 the hearing in the respondent's absence if the court makes a finding
31 on the record that conducting the hearing without the participation
32 or presence of the respondent would be in the respondent's best
33 interest.

34 (4) A representative from the county behavioral health agency
35 shall be present.

36 ~~(5) A supporter may be appointed.~~

37 ~~(6)~~

38 (5) If the respondent self-identifies *asserts* that they are enrolled
39 in a federally recognized Indian tribe or ~~otherwise~~ *are* receiving
40 services from an Indian health care provider, a tribal court, or a

1 tribal organization, a representative from the program, the tribe,
2 or the tribal court shall be allowed to be present, subject to the
3 consent of the respondent. The tribal representative shall be entitled
4 to notice by the county of the initial appearance.

5 ~~(7)~~

6 (6) (A) If the petitioner is a person ~~described in Section 5974~~
7 other than the director of a county behavioral health agency, or
8 their designee, the court shall issue an order relieving the *original*
9 petitioner and appointing the director of the county behavioral
10 health agency or their designee as the ~~substitute~~ *successor*
11 petitioner.

12 (B) If the *original* petitioner ~~who is relieved pursuant to this~~
13 ~~paragraph~~ is described in subdivision (a) or (b) of Section 5974,
14 all of the following apply:

15 (i) The *original* petitioner shall have the right to ~~participate in~~
16 ~~the initial hearing to determine~~ *be present and make a statement*
17 *at the initial hearing on the merits of the petition, petition held*
18 ~~pursuant to subparagraphs (A) and (B) of paragraph (8).~~ (7).

19 (ii) The court may, in its discretion, assign ongoing rights of
20 ~~notice.~~ *notice to the original petitioner.*

21 ~~(iii) The court may, additionally, allow for participation and~~
22 ~~engagement in the respondent's CARE proceedings if the~~
23 ~~respondent consents.~~

24 ~~(iii) To the extent that the respondent consents, the court may~~
25 ~~allow the original petitioner to participate in the respondent's~~
26 ~~CARE proceedings.~~

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

30 (C) If the *original* petitioner ~~who is relieved pursuant this~~
31 ~~paragraph~~ is described in Section 5974, ~~other than persons is not~~
32 ~~described in subparagraph (a) or (b) of that section,~~ *of Section*
33 *5974,* the court shall not assign ongoing rights to the ~~entity that~~
34 ~~originally filed the CARE petition,~~ *original petitioner,* other than
35 the right to *be present and make a statement at the hearing on the*
36 *merits of the petition as provided in subparagraphs (A) and (B) of*
37 *held pursuant to paragraph (8).* (7).

38 ~~(8)~~

39 (7) (A) The court shall set a hearing on the merits of the petition
40 within 10 days, at which time the court shall determine *whether,*

1 by clear and convincing ~~evidence~~ *evidence*, the respondent meets
 2 the CARE criteria in Section 5972. In making this determination,
 3 the court shall consider all evidence properly before it, including
 4 ~~the any~~ report from the county ~~required~~ *behavioral health agency*
 5 *ordered* pursuant to paragraph (3) of subdivision (a) and any
 6 additional *admissible* evidence presented by the parties, including
 7 the petition ~~submitted by the petitioner who is relieved.~~ *submitted*
 8 *and any statement given by the original petitioner.*

9 (B) The hearing on the merits of the petition may be conducted
 10 concurrently with the initial appearance ~~on the petition~~ upon
 11 stipulation of the *successor* petitioner and ~~respondent and~~
 12 ~~agreement by the respondent,~~ *subject to the approval* by the court.

13 (c) (1) If, at the hearing on the merits of the petition, the court
 14 ~~finds, by finds there is not~~ clear and convincing ~~evidence,~~ *evidence*
 15 that the respondent ~~does not meet~~ *meets* the CARE criteria in
 16 Section 5972, the court shall dismiss the case without prejudice,
 17 unless the court makes a finding, on the record, that the ~~initial~~
 18 *original* petitioner's filing was not in good ~~faith.~~ *faith, in which*
 19 *case the dismissal shall be with prejudice.*

20 (2) If, at the hearing on the merits of the petition, the court finds
 21 ~~that the petitioner has shown~~ by clear and convincing evidence
 22 that the respondent meets the CARE criteria in Section 5972, the
 23 court shall order the county behavioral health agency to work with
 24 the respondent, the respondent's counsel, and the supporter to
 25 engage *the respondent* in behavioral health treatment and ~~determine~~
 26 ~~if the parties will be able~~ *attempt* to enter into a CARE agreement.
 27 The court shall set a case management hearing within 14 days.

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

31 *SEC. 12. Section 5977.1 of the Welfare and Institutions Code*
 32 *is amended to read:*

33 5977.1. (a) (1) At the case management hearing, the court
 34 shall hear evidence as to whether the parties have entered, or are
 35 likely to enter, into a CARE agreement.

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

1 (A) Approve the terms of the CARE agreement or modify the
2 terms of the CARE agreement and approve the agreement as
3 modified by the court.

4 (B) Continue the matter and set a progress hearing for 60 days.

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

14 (1) A clinical diagnosis of the respondent.

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

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

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

25 (c) (1) The court shall set a clinical evaluation hearing to review
26 the evaluation within 21 days. The court shall order the county to
27 file the evaluation with the court and provide the evaluation to the
28 respondent's counsel no later than five days prior to the scheduled
29 clinical evaluation hearing. The clinical evaluation hearing may
30 be continued for a maximum of 14 days upon stipulation of the
31 respondent and the county behavioral health agency, unless there
32 is good cause for a longer extension.

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

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

4 (A) If the court finds ~~by clear and convincing evidence, after~~
5 ~~review of the evaluation and other evidence,~~ that the respondent
6 meets the CARE criteria, the court shall order the county behavioral
7 health agency, the respondent, and the respondent's counsel and
8 supporter to jointly develop a CARE plan within 14 days.

9 (B) If the court finds, ~~in reviewing the evaluation,~~ *does not find*
10 *that clear and convincing evidence does not support establishes*
11 *that the respondent meets the CARE criteria, the court shall dismiss*
12 *the petition.*

13 (4) If the respondent is a self-identified American Indian or
14 Alaska Native individual, as defined in Sections 1603(13),
15 1603(28), and 1679(a) of Title 25 of the United States Code, has
16 been determined eligible as an Indian under Section 136.12 of
17 Title 42 of the Code of Federal Regulations, or is ~~otherwise~~
18 *currently* receiving services from an Indian health care provider
19 or tribal court, the county behavioral health agency shall use *its*
20 best efforts to meaningfully consult with and incorporate the Indian
21 health care provider or tribal court available to the respondent to
22 develop the CARE plan.

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

25 (6) The date for the hearing to review and consider approval of
26 the proposed CARE plan shall be set not more than 14 days from
27 the date of the order to develop a CARE plan, unless the court
28 finds good cause for an extension. The party requesting an
29 extension of time for the CARE plan review hearing shall provide
30 notice to the opposing party and their counsel of the request for
31 extension of time, and the court's order if the request is granted.

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

36 (2) After consideration of the plans proposed by the parties, the
37 court shall adopt the elements of a CARE plan that support the
38 recovery and stability of the respondent. The court may issue any
39 orders necessary to support the respondent in accessing appropriate
40 services and supports, including prioritization for those services

1 and supports, subject to applicable laws and available funding
2 pursuant to Section 5982. These orders shall constitute the CARE
3 plan.

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

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

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

27 (6) If there is no CARE plan because the parties have not had
28 sufficient time to complete it, the court may grant a continuance
29 of no more than 14 days, unless there is good cause for a longer
30 extension.

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

34 *SEC. 13. Section 5977.2 of the Welfare and Institutions Code*
35 *is amended to read:*

36 5977.2. (a) (1) At intervals set by the ~~court~~, *but court and* not
37 less frequently than *every* 60 days after the court orders the CARE
38 plan, the court shall hold a status review hearing. The county
39 behavioral health agency shall file with the court and serve on the
40 respondent, and the respondent's counsel and supporter, a report

1 ~~not~~ no fewer than five court days prior to the review hearing with
 2 the following information:

3 (A) ~~Progress~~ *The progress that* the respondent has made on the
 4 CARE plan.

5 (B) What services and supports in the CARE plan were
 6 provided, and what services and supports were not provided.

7 (C) Any issues the respondent expressed or exhibited in adhering
 8 to the CARE plan.

9 (D) Recommendations for changes to the services and supports
 10 to make the CARE plan more successful.

11 (2) The respondent shall be permitted to respond to the report
 12 submitted by the county behavioral health agency and to the county
 13 behavioral health agency's testimony. The respondent shall be
 14 permitted to introduce their own information and recommendations.

15 (3) Subject to applicable law, intermittent lapses or setbacks
 16 described in this section of the report shall not impact access to
 17 services, treatment, or housing.

18 (b) The county behavioral health agency or the respondent may
 19 request, or the court upon its own motion may set, a hearing to
 20 occur at any time during the CARE process to address a change
 21 of circumstances.

22 *SEC. 14. Section 5977.3 of the Welfare and Institutions Code*
 23 *is amended to read:*

24 5977.3. (a) (1) In the 11th month of the ~~program~~ *process*
 25 timeline, the court shall hold a one-year status hearing. Not fewer
 26 than five court days prior to the one-year status hearing, the county
 27 behavioral health agency shall file a report with the court and shall
 28 serve the report on the respondent and the respondent's counsel
 29 and supporter. The report shall include the following information:

30 (A) ~~Progress~~ *The progress that* the respondent has made on the
 31 CARE ~~plan~~ *plan*, including a final assessment of the respondent's
 32 stability.

33 (B) What services and supports in the CARE plan were
 34 provided, and what services and supports were not provided, over
 35 the life of the program.

36 (C) Any issues the respondent expressed or exhibited in adhering
 37 to the CARE plan.

38 (D) Recommendations for next steps, including what ongoing
 39 and additional services would benefit the respondent that the county
 40 behavioral health agency can facilitate or provide.

1 (2) At an evidentiary hearing, the respondent shall be permitted
2 to respond to the report submitted by the county behavioral health
3 agency and to the county behavioral health agency's testimony.
4 Respondent shall be permitted to introduce their own information
5 and recommendations. The respondent shall have the right at the
6 hearing to call witnesses and to present evidence as to whether the
7 respondent agrees with the report. The respondent may request
8 either to be graduated from the program or to remain in the
9 program.

10 (3) The court shall issue an order as follows:

11 (A) If the respondent elects to be graduated from the program,
12 the court shall order the county behavioral health agency and the
13 respondent to work jointly on a *voluntary* graduation plan. The
14 court shall schedule a hearing in the 12th month after adoption of
15 the CARE plan for presentation of the graduation plan. The court
16 shall review the ~~voluntary~~ graduation plan and recite the terms on
17 the record. The graduation plan shall not place additional
18 requirements on local ~~government~~ *governmental* entities and is
19 not enforceable by the court, except that the graduation plan may,
20 at *the* respondent's election, include a psychiatric advance directive,
21 which shall have the force of law. Upon completion of the hearing,
22 the respondent shall be officially graduated from the program.

23 (B) If the respondent elects to remain in the CARE process,
24 respondent may request any amount of time, up to and including
25 one additional year. The court may permit the ongoing voluntary
26 participation of the respondent if the court finds both of the
27 following:

28 (i) The respondent did not successfully complete the CARE
29 plan.

30 (ii) The respondent would benefit from continuation of the
31 CARE plan.

32 (C) The court shall issue an order permitting the respondent to
33 continue in the CARE plan or denying respondent's request to
34 remain in the CARE plan, and state its reasons ~~on the record~~: *in*
35 *open court*.

36 (b) The respondent may be involuntarily reappointed to the
37 program only if the court finds, by clear and convincing evidence,
38 that all of the following conditions apply:

39 (1) The respondent did not successfully complete the CARE
40 process.

1 (2) All services and supports required through the CARE process
2 were provided to the respondent.

3 (3) The respondent would benefit from continuation in the
4 CARE process.

5 (4) The respondent currently meets the requirements in Section
6 5972.

7 (c) A respondent may only be reappointed to the CARE process
8 once, for up to one additional year.

9 *SEC. 15. Section 5977.4 of the Welfare and Institutions Code*
10 *is amended to read:*

11 5977.4. (a) In all CARE Act proceedings, the ~~judge~~ *judicial*
12 *officer* shall control the proceedings during the hearings with a
13 view to the expeditious and effective ascertainment of the
14 jurisdictional facts and the ascertainment of all information relative
15 to the present condition and future welfare of the respondent.
16 Except when there is a contested issue of fact or law, the
17 proceedings shall be conducted in an informal nonadversarial
18 atmosphere with a view to obtaining the maximum cooperation of
19 the respondent, all persons interested in the respondent's welfare,
20 and all other parties, with any provisions that the court may make
21 for the disposition and care of the respondent. All evaluations and
22 reports, documents, and filings submitted to the court pursuant to
23 CARE Act proceedings shall be confidential.

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

28 (c) Consistent with its constitutional rulemaking authority, the
29 Judicial Council shall adopt rules to implement the policies and
30 provisions in this section and in Sections 5977, 5977.1, 5977.2,
31 and 5977.3 to promote statewide consistency, including, but not
32 limited to, what is included in the petition form ~~packet, the clerk's~~
33 ~~review of the petition, packet~~ and the process by which counsel
34 will be appointed.

35 *SEC. 16. Section 5978 of the Welfare and Institutions Code is*
36 *amended to read:*

37 5978. (a) A court may refer an individual from assisted
38 outpatient treatment, as well as from conservatorship proceedings
39 pursuant Chapter 3 (commencing with Section 5350) of Part 1 of
40 Division 5 (LPS conservatorship) to CARE Act proceedings. If

1 the individual is ~~being~~ referred from assisted outpatient treatment,
2 the county behavioral health director or their designee shall be the
3 petitioner. If the individual is ~~being~~ referred from LPS
4 conservatorship proceedings, the conservator *or proposed*
5 *conservator* shall be the petitioner pursuant to Section 5974.

6 (b) A court may refer an individual from misdemeanor
7 proceedings pursuant to Section 1370.01 of the Penal ~~Code~~. *Code*
8 *to CARE Act proceedings. The county behavioral health director*
9 *or their designee shall be the petitioner.*

10 *SEC. 17. Section 5981.5 of the Welfare and Institutions Code*
11 *is amended to read:*

12 5981.5. (a) The Legal Services Trust Fund Commission at the
13 State Bar shall provide funding to qualified legal services projects,
14 as defined in Sections 6213 to 6214.5, inclusive, of the Business
15 and Professions Code, to be used to provide legal counsel appointed
16 pursuant to subdivision (c) of Section 5976, for representation in
17 CARE Act proceedings, matters related to CARE agreements and
18 CARE plans, and to qualified support centers, as defined in
19 subdivision (b) of Section 6213 of, and Section 6215 of, the
20 Business and Professions Code, for training, support, and
21 coordination.

22 (b) For purposes of implementing this part, the Legal Services
23 Trust Fund Commission may enter into exclusive or nonexclusive
24 contracts, or amend existing contracts, on a bid or negotiated basis,
25 or award grants, provided that they make a finding that both of the
26 following are satisfied:

27 (1) ~~The state agency will~~ *Legal Services Trust Fund Commission*
28 *shall* retain control over the distribution of funds to the contractor
29 or grantee.

30 (2) The contract or grant includes provisions to ensure
31 transparency, accountability, and oversight in delivering the
32 services, including measurement of outcomes established pursuant
33 to Sections 5984, 5985, and 5986.

34 *SEC. 18. Section 5982 of the Welfare and Institutions Code is*
35 *amended to read:*

36 5982. (a) The CARE plan may include only the following:

37 (1) Behavioral health services funded through the 1991 and
38 2011 Realignment, Medi-Cal behavioral health, health care plans
39 and insurers, and services supported by the Mental Health Services
40 Act pursuant to Part 3 (commencing with Section 5800).

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

3 (3) Housing resources funded through the No Place Like Home
4 Program (Part 3.9 (commencing with Section 5849.1) of Division
5 5 of the Welfare and Institutions Code); California Housing
6 Accelerator (Chapter 6.6 (commencing with Section 50672) of
7 Part 2 of Division 31 of the Health and Safety Code); the
8 Multifamily Housing Program (Chapter 6.7 (commencing with
9 Section 50675) of Part 2 of Division 31 of the Health and Safety
10 Code); the Homeless Housing, Assistance, and Prevention Program
11 (Chapter 6 (commencing with Section 50216) of Part 1 of Division
12 31 of the Health and Safety Code); the Encampment Resolution
13 Funding Program (Chapter 7 (commencing with Section 50250)
14 of Part 1 of Division 31 of the Health and Safety Code); the Project
15 Roomkey and Rehousing Program pursuant to Provision 22 of
16 Item 5180-151-0001 of the Budget Act of 2021 (Ch. 21, Stats.
17 2021); the Community Care Expansion Program (Chapter 20
18 (commencing with Section 18999.97) of Part 6 of Division 9 of
19 the Welfare and Institutions Code); the CalWORKs Housing
20 Support Program (Article 3.3 (commencing with Section 11330)
21 of Chapter 2 of Part 3 of Division 9 of the Welfare and Institutions
22 Code); the CalWORKs Homeless Assistance pursuant to clause
23 (i) of subparagraph (A) of paragraph (2) of subdivision (f) of
24 Section 11450 of Article 6 of Chapter 2 of Part 3 of Division 9 of
25 the Welfare and Institutions Code; the Housing and Disability
26 Advocacy Program (Chapter 17 (commencing with Section 18999)
27 of Part 6 of Division 9 of the Welfare and Institutions Code); the
28 Home Safe Program (Chapter 14 (commencing with Section 15770)
29 of Part 3 of Division 9 of the Welfare and Institutions Code); the
30 Bringing Families Home Program (Article 6 (commencing with
31 Section 16523) of Chapter 5 of Part 4 of Division 9 of the Welfare
32 and Institutions Code); the Transitional Housing Placement
33 program for nonminor dependents (Article 4 (commencing with
34 Section 16522) of Chapter 5 of Part 4 of Division 9 of the Welfare
35 and Institutions Code); the Transitional Housing Program-Plus
36 pursuant to subdivision (s) of Section 11400 and paragraph (2) of
37 subdivision (a) of Section 11403.2 of Article 5 of Chapter 2 of
38 Part 3 of Division 9 of the Welfare and Institutions Code and
39 Article 4 (commencing with Section 16522) of Chapter 5 of Part
40 4 of Division 9 of the Welfare and Institutions Code; the Behavioral

1 Health Continuum Infrastructure Program (Chapter 1 (commencing
2 with Section 5960) of Part 7 of Division 5 of the Welfare and
3 Institutions Code); the Behavioral Health Bridge Housing Program;
4 HUD-Veterans Affairs Supportive Housing Program (Section
5 8(o)(19) of the United States Housing Act of 1937 [42 U.S.C.
6 Section 1437f(o)(19)]); Supportive Services for Veteran Families
7 (Section 604 of the Veterans’ Mental Health and Other Care
8 Improvements Act of 2008 [38 U.S.C. Sec. 2044]); HUD
9 Continuum of Care program (Section 103 of the McKinney-Vento
10 Homeless Assistance Act [42 U.S.C. Sec. 11302]); the Emergency
11 Solutions Grant (Subtitle B of Title IV of the McKinney-Vento
12 Homeless Assistance Act [42 U.S.C. Secs. 11371-11378]); HUD
13 Housing Choice Voucher program (Section 8 of the United States
14 Housing Act of 1937 [42 U.S.C. Sec. 1437f]); the Emergency
15 Housing Vouchers (Section 3202 of the American Rescue Plan
16 Act of 2021 [Public Law 117-2]; Section 8(o) of the United States
17 Housing Act of 1937 [42 U.S.C. Sec. 1437f(o)]); HOME
18 Investment Partnerships Program (Title II of the Cranston-Gonzalez
19 National Affordable Housing Act [42 U.S.C. Sec. 12721 et seq.]);
20 the Community Development Block Grant Program (Title 1 of the
21 Housing and Community Development Act of 1974 [42 U.S.C.
22 Sec. 5301 et seq.]); housing supported by the Mental Health
23 Services Act pursuant to Part 3 (commencing with Section 5800);
24 community development block grants; and other state and federal
25 housing resources.

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

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

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

36 (c) If the county behavioral health agency elects not to enroll
37 the respondent into a full service partnership, as defined in Section
38 3620 of Title 9 of the California Code of Regulations, the court
39 may request information on the reasons for this and any barriers
40 to enrollment.

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

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

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

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

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

35 (4) In the event of a dispute over responsibility for any costs of
36 providing components of the CARE agreement or CARE plan, the
37 impacted counties shall resolve the dispute in accordance with the
38 arbitration process established in Section 1850.405 of Title 9 of
39 the California Code of Regulations for county mental health plans,
40 including for respondents who are not Medi-Cal beneficiaries, and

1 pursuant to any related guidance issued pursuant to subdivision
2 (b) of Section 5984.

3 *SEC. 19. Section 5983 of the Welfare and Institutions Code is*
4 *amended to read:*

5 5983. (a) The California Health and Human Services Agency,
6 or a designated department within the agency, shall do both of the
7 following:

8 (1) Engage an independent, research-based entity, as described
9 in Section 5986, to advise on the development of data-driven
10 process and outcome measures to guide the planning, collaboration,
11 reporting, and evaluation of the CARE Act pursuant to this part.

12 (2) Convene a working group to provide coordination and
13 on-going engagement with, and support collaboration among,
14 relevant state and local partners and other stakeholders throughout
15 the phases of county implementation to support the successful
16 implementation of the CARE Act. The working group shall meet
17 no more than quarterly. The working group shall meet during the
18 implementation and shall end no later than December 31, 2026.

19 (b) The department shall provide training and technical
20 assistance to county behavioral health agencies to support the
21 implementation of this part, including training regarding the CARE
22 process, CARE agreement and plan services and supports,
23 supported decisionmaking, the supporter role, trauma-informed
24 care, elimination of bias, psychiatric advance directives, family
25 psychoeducation, and data collection.

26 (c) The Judicial Council, in consultation with the department,
27 other relevant state entities, and the County Behavioral Health
28 Directors Association, shall provide training and technical
29 assistance to ~~judges~~ *judicial officers* to support the implementation
30 of this part, including training regarding the CARE process, CARE
31 agreement and plan services and supports, working with the
32 supporter, supported decisionmaking, the supporter role, the family
33 role, trauma-informed care, elimination of bias, best practices, and
34 evidence-based models of care for people with severe behavioral
35 health conditions.

36 (d) The department, in consultation with other relevant state
37 departments and the California Interagency Council on
38 Homelessness, shall provide training to counsel regarding the
39 CARE process and CARE agreement and plan services and
40 supports.

1 *SEC. 20. Section 5986 of the Welfare and Institutions Code is*
2 *amended to read:*

3 5986. (a) An independent, research-based entity shall be
4 retained by the department to develop, in consultation with county
5 behavioral health agencies, county CARE courts, racial justice
6 experts, and other appropriate stakeholders, including providers
7 and CARE court participants, an independent evaluation of the
8 effectiveness of the CARE Act. The independent evaluation shall
9 employ statistical research methodology and include a logic model,
10 hypotheses, comparative or quasi-experimental analyses, and
11 conclusions regarding the extent to which the CARE Act model
12 is associated, correlated, and causally related with the performance
13 of the outcome measures included in the annual reports. The
14 independent evaluation shall include results from a survey
15 conducted of program participants. The independent evaluation
16 shall highlight racial, ethnic, and other demographic disparities,
17 and include causal inference or descriptive analyses regarding the
18 impact of the CARE Act on disparity reduction efforts.

19 (b) The department shall provide a preliminary report to the
20 Legislature ~~three years after the implementation date of the CARE~~
21 ~~Act by December 31, 2026,~~ and a final report to the Legislature
22 ~~five years after the implementation date of CARE Act. by~~
23 ~~December 31, 2028.~~ The department shall post the preliminary
24 and final reports on its internet website.

25 (c) Each county behavioral health department, each county
26 CARE court, and any other state or local governmental entity, as
27 determined by the department, shall provide the required data to
28 the department, in a format and frequency as directed by the
29 department.

30 (d) A report to be submitted pursuant to this section shall be
31 submitted in compliance with Section 9795 of the Government
32 Code.

O

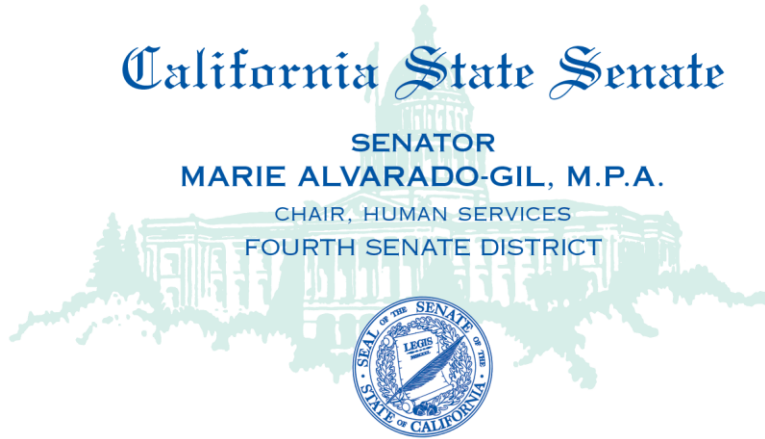
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California State Senate

SENATOR
MARIE ALVARADO-GIL, M.P.A.

CHAIR, HUMAN SERVICES
FOURTH SENATE DISTRICT



COMMITTEES
AGRICULTURE
BUSINESS, PROFESSIONS &
ECONOMIC DEVELOPMENT
GOVERNMENTAL ORGANIZATION
HUMAN SERVICES
INSURANCE
MILITARY & VETERANS AFFAIRS

June 19, 2023

Honorable James C. Ramos
Chair, Assembly Rules Committee
1021 O Street, Suite 6250
Sacramento, CA 95814

Dear Chair Ramos,

I write to request an Urgency Clause for Senate Bill 624, which would cap the Department of Food and Agriculture's (CDFA) administrative costs associated with the allocation of funds generated by Business and Professions Code Section 19620.15. The bill would also increase the percentage dedicated to fairgrounds to 3.5% of the total funds, provides funding for the education of training of CEOs and board members, and requires CDFA to provide an annual expenditure plan to the Joint Committee on Fairs Allocation and Classification.

The Urgency Clause is necessary due to time pressures regarding the upcoming end to the fiscal year. If enacted immediately, SB 624 would allow CDFA the ability to retain staff.

Thank you for your consideration,

A handwritten signature in black ink, appearing to read 'Marie Alvarado-Gil', is written in a cursive style.

Marie Alvarado-Gil
Senator, 4th District

AMENDED IN ASSEMBLY MAY 25, 2023

SENATE BILL

No. 624

Introduced by Senator Alvarado-Gil

February 16, 2023

An act to amend ~~Section 19620.15~~ *Sections 19620.1, 19620.15, and 19620.2*, of the Business and Professions Code, relating to horse racing, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 624, as amended, Alvarado-Gil. Horse racing: state-designated fairs: allocation of revenues: gross receipts for sales and use tax.

Existing law requires a tax return filed with the California Department of Tax and Fee Administration (CDTFA) that reports gross receipts for sales and use tax purposes to segregate the gross receipts of the seller and the sales price of the property on a line or a separate form when the place of sale in this state or for use in this state is on or within the real property of a state-designated fair, as defined, or any real property of a state-designated fair that is leased to another party. Existing law requires, on or before November 1 of each year, the CDTFA to report to the Department of Finance the amount of the total gross receipts segregated on these tax returns for the prior fiscal year, and that $\frac{3}{4}$ of 1% of the total gross receipts be included in the next annual Governor's Budget for use by the Department of Food and Agriculture for allocation to fairs and that those funds be transferred by the Controller to the Fair and Exposition Fund, which is continuously appropriated, as prescribed. ~~Before any allocation is made to fairs from those funds, existing law requires the CDTFA to be paid the actual cost from those funds for administering these provisions.~~ *Existing law provides that certain revenues deposited into the Fair and Exposition Fund are appropriated*

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without regard to fiscal years for allocation by the Secretary of Food and Agriculture for capital outlay to California fairs, as specified.

~~This bill would also require, before any allocation to fairs is made from these funds, the Department of Food and Agriculture to be paid the cost of administering the allocation of these funds to fairs, as determined by the Secretary of Food and Agriculture, in an amount not to exceed 5% of the funds. By expanding the use of continuously appropriated funds, the bill would make an appropriation. increase the amount of the total gross receipts required to be included in the next annual Governor's Budget for use by the Department of Food and Agriculture and transferred to the Fair and Exposition Fund, as specified, from $\frac{3}{4}$ of 1% to 3.5%. From the funds subject to allocation by the Secretary of Food and Agriculture for capital outlay to California fairs, which the bill would increase by adding this 3.5% gross receipts transfer, the bill would require, each fiscal year, the sum of \$2,500,000, or an amount equal to 5% of the fund, whichever is greater, to be paid to the department for purposes of providing administrative services to fairs, as specified. The bill would also require, each fiscal year, from the amounts available in the Fair and Exposition Fund after the payment made to the department, the sum of \$500,000 to be paid to the nonprofit organization representing all fairs in the network of California fairs for purposes of providing services to fairs, as specified. The bill would make other nonsubstantive changes regarding appropriations to the department for fairs.~~

This bill would require the Secretary of Food and Agriculture, by May 15 of each year, to prepare an annual expenditure plan for funds from the Fair and Exposition Fund for review and approval by the Joint Committee on Fairs Allocation and Classification, as provided.

By increasing the amounts to be deposited into the Fair and Exposition Fund, which is continuously appropriated, and by appropriating these amounts for new purposes, the bill would make an appropriation.

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: no.

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

- 1 SECTION 1. The Legislature finds and declares that
- 2 fairgrounds serve the needs of the citizens of California in times
- 3 of emergency by assisting federal, state, and local public health

1 *and safety agencies with emergency preparedness and response,*
2 *and in times of celebration by providing a focal point for cultural,*
3 *educational, and social interaction for the people of their local*
4 *communities throughout the state.*

5 *SEC. 2. Section 19620.1 of the Business and Professions Code*
6 *is amended to read:*

7 19620.1. From the total revenue received by the department,
8 ~~exclusive of money received pursuant to Sections 19640 and 19641,~~
9 the Legislature shall annually appropriate to the department those
10 sums as it deems necessary for the following purposes:

11 (a) For the oversight of the network of California fairs receiving
12 money from the fund.

13 (b) For the auditing of all district agricultural association fairs,
14 county fairs, and citrus fruit fairs.

15 ~~SECTION 4.~~

16 *SEC. 3. Section 19620.15 of the Business and Professions Code*
17 *is amended to read:*

18 19620.15. (a) Notwithstanding any other law, a return filed
19 with the California Department of Tax and Fee Administration
20 (CDTFA) to report gross receipts for sales and use tax purposes
21 shall segregate the gross receipts of the seller and the sales price
22 of the property on a line or a separate form as prescribed by the
23 CDTFA when the place of sale in this state or for use in this state
24 is on or within the real property of a state-designated fair or any
25 real property of a state-designated fair that is leased to another
26 party.

27 (b) For purposes of this section, “state-designated fair” means
28 a state-designated fair as defined in Sections 19418, 19418.1,
29 19418.2, and 19418.3.

30 (c) The CDTFA shall add a line to a current return form, or
31 develop a separate form for purposes of this section.

32 (d) (1) The CDTFA shall report the amount of the total gross
33 receipts segregated on the returns filed for the prior fiscal year
34 pursuant to subdivision (a) to the Department of Finance on or
35 before November 1 of each year.

36 (2) The total gross receipts shall be subject to review by the
37 CDTFA for errors. The review may be a review of a sample of
38 returns. The CDTFA shall note any errors identified in the review
39 and the approximate impact of those errors on the total gross

1 receipts in its report to the Department of Finance to allow an
2 adjusted total gross receipt amount to be determined.

3 (e) An amount equal to ~~three-quarters of~~ 3.5 percent of the
4 total amount of gross receipts, or adjusted gross receipts, for the
5 prior fiscal year reported to the Department of Finance by the
6 CDTFAs as specified in subdivision (d) shall be included in the
7 next annual Governor's Budget for the Department of Food and
8 Agriculture for allocation to fairs pursuant to Section 19620.2. No
9 later than 30 days after the enactment of the annual Budget Act,
10 the amount appropriated by the Legislature to the Department of
11 Food and Agriculture pursuant to this section shall be transferred
12 by the Controller to the Fair and Exposition Fund in the State
13 Treasury and shall be continuously appropriated and available to
14 be allocated pursuant to Section 19620.2.

15 (f) ~~(1)~~ The CDTFAs shall be paid the actual cost for
16 administering the provisions of this section from the funds
17 appropriated pursuant to subdivision (e) before any allocation is
18 made to fairs in accordance with Section 19620.2.

19 ~~(2) Before any allocation is made to fairs in accordance with~~
20 ~~Section 19620.2, the Department of Food and Agriculture shall be~~
21 ~~paid the cost of administering the allocation of funds appropriated~~
22 ~~pursuant to subdivision (e), as determined by the Secretary of Food~~
23 ~~and Agriculture. The payment made pursuant to this paragraph~~
24 ~~shall be from the funds appropriated pursuant to subdivision (e)~~
25 ~~and the amount of the payment shall not exceed 5 percent of the~~
26 ~~funds appropriated pursuant to subdivision (e).~~

27 (g) (1) Any revenues deposited into the Fair and Exposition
28 Fund pursuant to this section shall only be allocated to a
29 state-designated fair if nonmanagement employees at that
30 state-designated fair, or nonmanagement employees at any real
31 property of that state-designated fair that is leased to another party,
32 are provided the following working conditions:

33 (A) The employee receives a meal period of not less than 30
34 minutes for a work period of more than five hours per day, unless
35 the work period per day of the employee is less than six hours and
36 the meal period is waived by mutual consent of both the employer
37 and the employee.

38 (B) The employee receives a second meal period of not less
39 than 30 minutes for a work period of more than 10 hours per day,
40 unless the work period per day of the employee is less than 12

1 hours, the second meal period is waived by mutual consent of both
2 the employer and the employee, and the first meal period was not
3 waived.

4 (C) Any work in excess of eight hours in one workday, any
5 work in excess of 40 hours in any one workweek, and the first
6 eight hours worked on the seventh day of work in any one
7 workweek is compensated at the rate of no less than one and
8 one-half times the regular rate of pay for an employee.

9 (D) Any work in excess of 12 hours in one day is compensated
10 at the rate of no less than twice the regular rate of pay for an
11 employee.

12 (E) Any work in excess of eight hours on any seventh day of a
13 workweek is compensated at the rate of no less than twice the
14 regular rate of pay for an employee.

15 (2) This subdivision shall not apply to full-time carnival ride
16 operators employed by a traveling carnival.

17 (3) For purposes of this subdivision, an employee shall not
18 include an employee covered by a valid collective bargaining
19 agreement if that agreement expressly provides for all of the
20 following:

21 (A) Wages, hours of work, and working conditions of the
22 employees.

23 (B) Meal periods for the employees, including final and binding
24 arbitration of disputes concerning application of its meal period
25 provisions.

26 (C) Premium wage rates for all overtime hours worked, and a
27 regular hourly rate of pay of not less than 30 percent more than
28 the state minimum wage.

29 *SEC. 4. Section 19620.2 of the Business and Professions Code*
30 *is amended to read:*

31 19620.2. (a) Any unallocated balance from Sections 19606.1
32 and 19620.1, revenue deposited into the Fair and Exposition Fund
33 pursuant to ~~Section 19614~~, *Sections 19614 and 19620.15*, and
34 funding appropriated by the Legislature or otherwise designated
35 for California fairs pursuant to this chapter or any other law is
36 hereby appropriated without regard to fiscal years for allocation
37 by the Secretary of Food and Agriculture for capital outlay to
38 California fairs for fair projects involving public health and safety,
39 for fair projects involving major and deferred maintenance, for
40 fair projects necessary due to any emergency, for projects that are

1 required by physical changes to the fair site, for projects that are
2 required to protect the fair property or installation, such as fencing
3 and flood protection, and for the acquisition or improvement of
4 any property or facility that will serve to enhance the operation of
5 the fair.

6 (b) A portion of the funds subject to allocation pursuant to
7 subdivision (a) may be allocated to California fairs for general
8 operational support. It is the intent of the Legislature that these
9 moneys be used primarily for those fairs whose sources of revenue
10 may be limited for purposes specified in this section.

11 (c) *Each fiscal year, from the funds subject to allocation*
12 *pursuant to subdivision (a), the sum of two million five hundred*
13 *thousand dollars (\$2,500,000), or an amount equal to 5 percent*
14 *of the fund, whichever is greater, shall be paid to the Department*
15 *of Food and Agriculture for purposes of providing administrative*
16 *services to fairs as specified in Section 19620.*

17 (d) *Each fiscal year, from the amounts available in the Fair and*
18 *Exposition Fund after the payment made pursuant to subdivision*
19 *(c), the sum of five hundred thousand dollars (\$500,000), adjusted*
20 *annually for inflation with the approval of the Secretary of Food*
21 *and Agriculture, shall be paid to the nonprofit organization*
22 *representing all fairs in the network of California fairs for purposes*
23 *of providing services to fairs, including professional leadership*
24 *development and training, education, advocacy, communication,*
25 *technical advice, networking opportunities, and other professional*
26 *services to help fairgrounds continue to be vibrant and relevant*
27 *community venues.*

28 (e) *By May 15 of each year the Secretary of Food and*
29 *Agriculture shall prepare an annual expenditure plan for funds*
30 *available from the Fair and Exposition Fund for review and*
31 *approval by the Joint Committee on Fairs Allocation and*
32 *Classification. The committee shall review and concur or not*
33 *concur with the spending plan in its entirety, and may not add to,*
34 *or delete, projects, or line items from the expenditure plan. The*
35 *expenditure plan shall be deemed approved 30 days after it is*
36 *received, unless it is rejected by the committee.*

37 (f) *If the Joint Committee on Fairs Allocation and Classification*
38 *does not concur with the Secretary of Food and Agriculture's*
39 *recommendations, the secretary may submit another set of*
40 *recommendations that incorporate the committee's review and*

1 *suggestions. The committee shall approve the resubmitted*
2 *expenditure plan no later than June 30 of each year to meet the*
3 *needs of the Department of Food and Agriculture and the network*
4 *of California fairs.*

O