

December 2, 2011

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INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICEHAND DELIVEREDHonorable Kamala Harris
Attorney General of California
Attn: Initiative Coordinator
Department of Justice
1300 I Street, 17th Floor
Sacramento, CA 95814Re: Request for Title and Summary for The California Opportunity and Prosperity Act

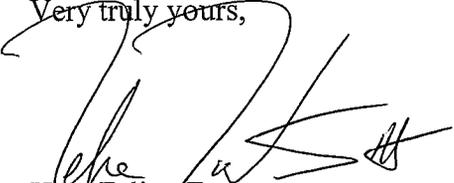
Dear Attorney General Harris:

This letter is to request that the Attorney General prepare a title and summary for the California Opportunity and Prosperity Act, a proposed initiate statute. Enclosed herein are the text of the proposed initiative statute, the statements required by Elections Code Sections 9001(b) and 9608, the name and residence address for the proponents, and a check payable to the State of California in the amount of \$200.

The public contact for the proponents is:

Angela Sanbrano
c/o Carecen
2845 W. 7th Street
Los Angeles, CA 90005
(323) 371-7305

Very truly yours,


Hon. Felipe Fuentes

John Cruz



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December 1, 2011

VIA FEDEX

Honorable Kamala Harris
Attorney General of California
Attn: Initiative Coordinator
Department of Justice
1300 I Street, 17th Floor
Sacramento, CA 95814

Re: Request for Title and Summary for The California Opportunity and Prosperity Act

Dear Attorney General Harris:

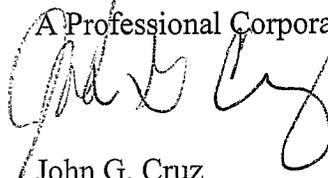
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ALVARADOSMITH
A Professional Corporation



John G. Cruz

Enclosure

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

SEC. 1. This measure shall be known and may be cited as the California Opportunity and Prosperity Act.

SEC. 2. Part 3 (commencing with Section 90) is added to Division 1 of the Civil Code, to read:

PART 3. PILOT PROGRAM RELATING TO PAYMENT OF STATE INCOME TAXES BY CERTAIN PERSONS NOT ELIGIBLE FOR SOCIAL SECURITY NUMBERS

90. As used in this part:

(a) "Qualified person" means a natural person who:

(1) is not eligible to receive a social security number;

(2) filed a state tax return with a valid individual taxpayer identification number for the most recent taxable year that a return was required to be made under Part 10 (commencing with Section 17001) of the Revenue and Taxation Code;

(3) is not employed by a public entity including, without limitation, the federal government, the State of California or any administrative subunit of the state, or any political subdivision of the state including any city, city and county, county, district or other local governmental agency or public agency authorized by law;

(4) declares that he or she is able to speak and understand the English language or is enrolled in, or has applied to enroll in, an English-as-a-second language class;

(5) has not been convicted of a felony under the laws of the United States, the State of California or any other state;

(6) is not a member or suspected member of a terrorist organization and has not engaged and is not expected to engage in terrorist activities as those terms are defined in Section 1182(a)(3)(B) of Title 8 of the United States Code;

(7) is not a public charge, within the meaning of Section 1182(a) (4) of Title 8 of the United States Code;

(8) declares that he or she has been a resident of California continuously since at least January 1, 2008;

(9) consents to a background check and the disclosure of any information necessary to confirm eligibility for the program; and

(10) consents to the disclosure of his or her name and federal individual taxpayer identification number to the Franchise Tax Board in accordance with Section 94.

(b) The language requirement in subsection (a)(4) shall not apply to any person who:

(1) is unable because of physical or developmental disability or mental impairment to comply therewith;

(2) is over the age of 50 and has been living in the United States for at least 20 years; or

(3) is over the age of 55 and has been living in the United States for at least 15 years.

(c) "Program" means the program created by this part.

91. Notwithstanding any other law, on January 1, 2013, the voluntary program created by this part shall be established. The program shall be administered by the Department of Justice unless on or before December 31, 2012, the Governor by executive order designates another state agency to administer the program. For purposes of this part, the agency that administers the program shall be referred to as the "administering agency."

92. (a) A written application for admission to the program shall be made in the form prescribed by the administering agency. The application shall require that

the applicant provide a photograph or other electronically transmissible image of the applicant.

(b) Upon receipt of an application for admission to the program and the fee provided for in Section 93, the administering agency shall cause an investigation to be made to determine whether the applicant meets the definition of a qualified person under Section 90(a). If the administering agency determines that an applicant meets the definition of a qualified person, the administering agency shall admit such applicant into the program and shall provide such applicant with a confirmation of admission, which shall be valid for 1 year from the date of issue. The administering agency shall renew a person's admission into the program for successive periods of 1 year each upon payment of the renewal application fee provided for in Section 93 and a demonstration that such person continues to meet the definition of a qualified person under Section 90(a).

93. The administering agency shall charge each applicant for the program a fee in an amount that allows such agency to recover all reasonable costs incurred by it in administering the program, including startup costs and costs associated with confirming eligibility for the program.

94. On or before December 31, 2013, and on or before December 31 of each successive year that the program continues in existence, the administering agency shall provide the Franchise Tax Board with the name and federal individual taxpayer identification number of each qualified person who was admitted into the program during that calendar year. The Franchise Tax Board shall use such information solely to prepare the report required by Section 19534 of the Revenue and Taxation Code and shall not disclose such information for any purpose unless expressly provided for in this part.

95. (a) Any information disclosed by an applicant for, or qualified person in, the program shall be used solely to administer the program and shall not be used for any other purpose unless expressly provided for in this part.

(b) No record containing any identifying information of an applicant for, or qualified person in, the program shall be disclosed for any purpose, except as provided for in this part, to the extent that such information is necessary to enforce a liability that arises out of the Revenue and Taxation Code or the Family Code, or as otherwise required by state or federal law. If identifying information of an applicant for, or qualified person in, the program is disclosed for a purpose authorized by this subsection, the recipient shall use the information solely for such purpose and shall not disseminate the information any further.

(c) All identifying information of an applicant for, or qualified person in, the program shall be confidential and exempt from disclosure under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code).

96. Unless expressly authorized or required by federal law, this part shall not grant a qualified person any right or privilege in any other state and shall not be used for any purpose in any other state.

97. The administering agency and the Franchise Tax Board may adopt regulations in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code as necessary to implement this part.

98. This part shall remain in effect only until January 1, 2018, and as of that date is repealed.

SEC. 3. Section 19534 is added to the Revenue and Taxation Code to read:

19534. On or before December 31, 2014, and on or before December 31 of

each successive year, the Franchise Tax Board shall submit a report to the legislature that details the tax receipts collected during the immediately preceding taxable year from qualified persons who participated in the program created by Part 3 (commencing with Section 90) of Division 1 of the Civil Code. The report submitted by the Franchise Tax Board pursuant to this section shall not contain any information that identifies any specific qualified person who participated in the program. The obligation of the Franchise Tax Board to submit the report required by this section shall cease 1 year after the program created by Part 3 (commencing with Section 90) of Division 1 of the Civil Code terminates and as of that date, this section is repealed.

SEC 4. (a) On January 1, 2018, the program created by Part 3 (commencing with Section 90) of Division 1 of the Civil Code shall terminate and membership in such program shall not be effective for the purposes described in that part or have any other effect in law.

(b) On January 1, 2018, or as soon as practicable thereafter, all records relating to the program created by Part 3 (commencing with Section 90) of Division 1 of the Civil Code that contain any identifying information of applicants for, or qualified persons who participated in, the program shall be destroyed including, without limitation, any applications for the program and records provided to the Franchise Tax Board pursuant to Section 95 of the Civil Code. This section shall not obligate the Franchise Tax Board to destroy any tax returns or other records that are necessary to conduct an audit or appeal pursuant to the Revenue and Taxation Code or to process any taxpayer claim for refund. The date specified herein for the destruction of records may be extended by the legislature in accordance with Section 7.

SEC. 5. On or before January 1, 2013, the Governor is authorized and

directed to submit, as a ministerial act on behalf of the state, a request to the President of the United States asking that the President direct the Department of Homeland Security, United States Immigration and Customs Enforcement (ICE) and other relevant federal agencies not to expend resources during the term of the program established by Part 3 (commencing with Section 90) of Division 1 of the Civil Code on (1) the apprehension, detention or removal of a qualified person in the program or such qualified person's spouse or eligible dependent, unless such qualified person, spouse or eligible dependent meets one of the priority enforcement criteria set forth in the then-existing ICE policy on civil immigration enforcement, or (2) the prosecution pursuant to Section 1324a of Title 8 of the United States Code of a person for employing such qualified person. On such date, the Governor is further authorized and directed, as a ministerial act on behalf of the state, to request that the President provide any available waivers, exemptions or authorizations necessary to provide a safe harbor for individuals and businesses from federal civil and criminal liability arising out of a qualified person's participation in the program or the employment of such qualified person during the term of the program.

SEC. 6. Section 95 of the Civil Code, as added by this measure, 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 people of California make the following finding to demonstrate the interest protected by this limitation and the need to protect that interest:

In order to protect the confidentiality and safety of any person who participates in the program created by this act, it is necessary for any identifying information that relates to such person be exempt from disclosure.

SEC. 7. The provisions of this measure may be amended to further its purposes by statute, passed in each house of the Legislature by rollcall vote entered in the journal, the majority of the membership concurring.

SEC. 8. The provisions of this measure are severable. If any provision of this measure or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.