

AMENDED IN ASSEMBLY JUNE 12, 2013

SENATE BILL

No. 71

Introduced by Committee on Budget and Fiscal Review

January 10, 2013

~~An act relating to the Budget Act of 2013.~~ *An act to amend Sections 100010 and 100115 of, and to add Section 94874.8 to, the Education Code, to amend Sections 8592.1, 8592.5, 8592.7, 8690.6, 11542, 13964, 14615.1, 15251, 15253, 15254, 15275, 15277, 18671.2, 23025, 25008, 53108.5, 53114.1, 53115.1, and 53126.5 of, to add Sections 6252.8, 8250.1, 11543, 13295.5, 13963.1, and 50021 to, to add Chapter 9 (commencing with Section 14930) to Part 5.5 of Division 3 of Title 2 and Chapter 3 (commencing with Section 15278) to Part 6.5 of Division 3 of Title 2 of, and to add and repeal Article 8 (commencing with Section 19210) of Chapter 5 of Part 2 of Division 5 of Title 2 of, to repeal Section 8169.6 of, and to repeal and add Section 18662 of, the Government Code, to amend Sections 6060 and 7047 of the Harbors and Navigation Code, to amend Sections 2851, 4733, 6489, and 32103 of the Health and Safety Code, to amend Section 10089.7 of the Insurance Code, to amend Sections 62.5, 139.48, 1024, 1771.3, 1771.5, 7852, 7856, and 7870 of, to amend and repeal Section 62.7 of, to add Sections 62.8 and 1063.5 to, and to repeal 62.9 of, the Labor Code, to amend Section 1197 of the Military and Veterans Code, to amend Sections 1203, 13518.1, 13701, 13710, and 13730 of the Penal Code, to amend Sections 10351, 12100, 12100.5, 12100.7, 12101, 12101.2, 12101.5, 12102, 12103, 12103.5, 12104, 12104.5, 12105, 12106, 12108, 12109, 12112, 12120, 12125, 12126, and 12128 of, to add Sections 12102.1 and 12102.2 to, and to repeal Section 12121 of, the Public Contract Code, to amend Sections 9303 and 75121 of the Public Resources Code, to amend Sections 2872.5, 2892, 2892.1 11908.1, 11908.2, and 22407 of the Public Utilities Code, to amend Sections*

41030, 41031, 41032, 41136, 41136.1, 41137, 41137.1, 41138, 41139, 41140, 41141, and 41142 of the Revenue and Taxation Code, to amend Section 5066 of the Vehicle Code, to amend Sections 21166, 30507, 30507.1, 34741, 40355, 50605, 56031, 60143, 70078, 71255, and 74208 of the Water Code, and to amend Section 656.2 of the Welfare and Institutions Code, relating to state and local government, and making an appropriation therefor, to take effect immediately, bill related to the budget.

LEGISLATIVE COUNSEL'S DIGEST

SB 71, as amended, Committee on Budget and Fiscal Review. ~~Budget Act of 2013.~~ State government.

(1) Existing law, the California Private Postsecondary Education Act of 2009, provides, among other things, for student protections and regulatory oversight of private postsecondary institutions in the state. The act is enforced by the Bureau for Private Postsecondary Education within the Department of Consumer Affairs. The act exempts specified institutions, including institutions accredited by certain federally recognized accrediting agencies and institutions accredited by a regional accrediting agency, from its provisions, and is repealed on January 1, 2015.

This bill would authorize certain institutions, which are otherwise exempt from the requirement in the act that they obtain approval to operate from the bureau, to apply to the bureau for an approval to operate under the act. The bill would specify the authority of the bureau with regard to those institutions and would provide that, upon being issued an approval to operate, those institutions would be subject to the act and regulations adopted pursuant to the act. The bill would require these institutions to report certain placement and salary or wage data to the bureau and provide certain information to prospective students. This bill would provide that an institution that was approved to operate by the bureau before its effective date shall be deemed to have been approved pursuant to the bill's provisions. All of these provisions would be repealed on January 1, 2015, as part of the act.

(2) The California Constitution authorizes the Legislature, at any time after the approval by the voters of a law authorizing the issuance of bonded indebtedness, to reduce the amount of the indebtedness authorized by the law to an amount not less than the amount contracted at the time of the reduction.

This bill would reduce the amount of bonded indebtedness authorized by the Public Education Facilities Bond Act of 1996 by \$12,965,000.

(3) Existing law, the California Public Records Act (CPRA), requires state and local agencies to make public records available upon receipt of a request that reasonably describes an identifiable record not otherwise exempt from disclosure, upon the payment of fees to cover costs.

This bill would, commencing on the effective date of this bill, make compliance with certain provisions of the CPRA, which among other things relate to the delivery of electronic data, optional for local agencies. The bill would encourage local agencies to follow these provisions as “best practices” and would require a local agency that determines that it will not follow these best practices to so announce orally at its next regularly scheduled public meeting and annually thereafter. By requiring this announcement, this bill would impose a state-mandated local program.

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

This bill would make legislative findings to that effect.

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

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

(4) Existing law authorizes the Director of General Services to purchase, exchange, or otherwise acquire real property and construct facilities, including any improvements, betterments, and related facilities, within the jurisdiction of the Capital Area Plan in the City of Sacramento and authorizes the State Public Works Board to issue up to \$391,000,000 in revenue bonds, negotiable notes, or negotiable bond anticipation notes to finance the costs associated with the acquisition, design, and construction of office and parking facilities in the Capital Area Plan.

This bill would repeal this authority given to the Director of General Services and the State Public Works Board.

(5) Existing law creates within state government the Commission on the Status of Women and Girls. Existing law requires the commission to act as an information center on the status of women and women's educational, employment, and other related needs.

This bill would create a fund in the State Treasury to carry out these provisions.

(6) Existing law, the California Disaster Assistance Act, establishes, until January 1, 2014, the Disaster Response-Emergency Operations Account in the Special Fund for Economic Uncertainties and continuously appropriates its revenue for allocation by the Director of Finance to state agencies for disaster response operation costs incurred as a result of a proclamation by the Governor of a state of emergency.

This bill would extend the termination date for these provisions until January 1, 2019, and would thereby make an appropriation by extending the time during which funds are continuously appropriated from the account.

(7) The California Victim Compensation and Government Claims Board administers a program to assist state residents to obtain compensation for their pecuniary losses suffered as a direct result of criminal acts. Payment is made under these provisions from the Restitution Fund, which is continuously appropriated to the board for these purposes.

This bill would authorize the board, as specified, to administer a program to award, upon appropriation by the Legislature, up to \$2,000,000 in grants, annually, to trauma recovery centers, as defined, funded from the Restitution Fund.

(8) Existing law authorizes a state agency to furnish services, materials, or equipment to, or perform work for, any other state agency upon terms and conditions and for such consideration as they may determine, and to enter into agreements for that purpose, subject to approval of the Director of General Services. Existing law requires a state agency that furnishes the services, materials, or equipment to, or performs the work for, the other state agency to compute charges in a manner approved by the Director of Finance.

This bill would authorize the Department of Finance to furnish services to, or provide work for, any other state agency, as requested by the state agency, the Governor, or the Legislature, or as otherwise needed or directed, which agreement would not require approval by

the Director of General Services. The bill would require the department to charge the state agency an amount sufficient to recover the costs of furnishing services to, or the work performed for, the state agency, and would require the Controller to transfer to the department the amount of the charge for services rendered or the work performed from the state agency's support appropriation to the appropriation for the support of the department, as specified.

(9) Existing law governing the acquisition of information technology goods and services requires all contracts for the acquisition of information technology goods and services, whether by lease or purchase, to be made under the supervision of the Department of General Services. Existing law requires procedures developed by the Department of General Services to provide for, among other things, the expeditious and value-effective acquisition of information technology goods and services to satisfy state requirements and the acquisition of information technology goods and services within a competitive framework. Existing law requires the Department of General Services to maintain, in the State Administrative Manual, policies and procedures governing the acquisition and disposal of information technology goods and services. Existing law requires the acquisition of information technology goods and services to be conducted through competitive means, except when the Director of General Services makes specified determinations. Under existing law, the Regents of the University of California, the Trustees of the California State University, and the Board of Governors of the California Community Colleges are not subject to those provisions governing the acquisition of information technology goods and services, except that the board is required to adopt policies and procedures that further the legislative policies of those provisions.

This bill would establish the Golden State Financial Marketplace Program or GS \$Mart Program (program). The bill would authorize the Department of General Services to structure, administer, and maintain the program, the state's centralized financing program available for state agencies to finance certain goods and services, as described. The bill would make state agencies, defined to include every state office, officer, department, division, bureau, board, and commission and the California State University and the Regents of the University of California, eligible to apply to the program in order to enter into agreements for financing those specified assets, including, but not limited to, energy efficiency measures, energy savings contracts, or

technology goods or services, without further competitive bidding. The bill would also authorize state agencies to refinance any eligible asset through the program for various purposes. The bill would require the Department of General Services to develop a financing process for the program that requires, among other things, confirmation that the term of financing shall be limited to the average expected economic life of the asset or assets and the preparation and submission of payment schedules to the Controller for use by the Controller in transferring funds appropriated in the annual Budget Act to a state agency participating in the program for payments due under the financing program. The bill would authorize the Controller to direct the transfer of funds according to the schedule or schedules submitted by the Department of General Services pursuant to the program. This bill would require the Department of General Services to annually provide a report to the Joint Legislative Budget Committee, the State Treasurer's Office, and the Department of Finance to include specified information, including the total amount of outstanding GS \$Mart loans.

(10) Existing law authorizes the State Personnel Board to conduct an audit of an appointing authority's personnel practices to ensure compliance with the civil service laws and board regulations, including selection and examination procedures, appointments, promotions, the management of probationary periods, personal services contracts, discipline and adverse actions, or any other area related to the operation of merit principle in state civil service. Existing law requires the board to recover the cost of any audit or investigation from the audited department.

This bill would delete that cost recovery provision, and, instead, require the board to determine costs associated with the board's audit and special investigative authority and recover costs by billing appointing authorities in accordance with prescribed procedures. This bill would require the Controller to transfer to the board any moneys owed to the board by any appointing authority under these provisions. The bill would require the board to report annually on its audit and special investigation activities pursuant to the bill from the preceding fiscal year to the Chairperson of the Joint Legislative Budget Committee.

(11) Existing law authorizes the board to hold hearings and make investigations concerning all matters relating to the enforcement and effect of the State Civil Service Act, as specified, and to determine and recover the attendant costs.

This bill would require the Controller to transfer to the board any moneys owed to the board by any state agency or department for charges determined by the board.

(12) Existing law establishes the Department of Human Resources in state government to operate the state civil service system in accordance with Article VII of the California Constitution, the Government Code, the merit principle, and applicable rules duly adopted by the State Personnel Board. Existing law requires that civil service positions be filled by appointment, except as provided.

This bill would require the Department of Human Resources to submit reports to the Joint Legislative Budget Committee and certain fiscal committees of the Legislature, by November 30, 2013, and November 30, 2014, regarding additional appointments held by state employees, as specified. The bill would also require, by November 30, 2013, the State Personnel Board to submit a report to the Joint Legislative Budget Committee and certain fiscal committees of the Legislature regarding the policies and practices included in the Personnel Management Policy and Procedures Manual, as specified.

(13) Existing law provides for the California Earthquake Authority (CEA) governed by a 3-member governing board consisting of the Governor, the Treasurer, and the Insurance Commissioner. The Speaker of the Assembly and the Chairperson of the Senate Committee on Rules serve as nonvoting, ex officio members of the board. The CEA is vested with certain powers and duties, including, but not limited to, the authorization to employ a maximum of 25 people subject to civil service provisions.

This bill would remove the limit on the number of people, subject to civil service provisions, that the CEA can employ.

(14) Existing law provides for the establishment and operation of cities, counties, cities and counties, districts, and other local government agencies, the composition of their governing bodies, and the compensation of the members of those governing bodies.

Existing law, for certain of those local agencies, requires that the members be compensated for their services, be reimbursed for their expenses, or both.

This bill would recast those provisions to, instead, authorize the members of local agency governing boards to receive compensation or reimbursement. The bill would declare that, notwithstanding any other law, any statute that requires that a governing board member of a local agency receive compensation, or be reimbursed for expenses, for

services as a board member, shall, instead be construed to confer upon the local agency the discretion to authorize, by ordinance or resolution, compensation or reimbursement as otherwise set forth in the statute.

(15) Existing law establishes a return-to-work program, administered by the Department of Industrial Relations, to make supplemental payments to workers whose permanent disability benefits are disproportionately low in comparison to their earnings loss. Existing law appropriates \$120,000,000 per year to fund this program.

This bill would specify that the moneys remain available for use by the program without respect to fiscal year and that the program applies only to injuries that occur on or after January 1, 2013.

(16) Existing law creates the Occupational Safety and Health Fund (OSHF) as a special account in the State Treasury, and authorizes the expenditure of moneys in the account by the Department of Industrial Relations, upon appropriation by the Legislature, for support of the Division of Occupational Safety and Health, the Occupational Safety and Health Standards Board, and the Occupational Safety and Health Appeals Board, and the activities these entities perform as set forth in existing law. Existing law creates the Labor Enforcement and Compliance Fund (LECF) as a special account in the State Treasury and authorizes the expenditure of moneys in the account by the department, upon appropriation by the Legislature, for the support of specified activities that the Division of Labor Standards Enforcement performs. Existing law requires the Director of Industrial Relations to impose separate surcharges on employers for purposes of deposit in the OSHF and LECF and establishes \$52,000,000 and \$37,000,000 revenue caps for those surcharges, respectively, to be adjusted as prescribed. The provisions for the LECF, and the OSHF revenue cap, become inoperative on July 1, 2013.

This bill would increase those revenue caps to \$57,000,000 for the OSHF, to be adjusted as prescribed, and \$46,000,000 for the LECF, to be adjusted as prescribed. The bill would delete that July 1, 2013, inoperative provision, thereby making the provisions for the LECF, and the OSHF revenue cap, operative indefinitely.

Existing law establishes the Cal-OSHA Targeted Inspection and Consultation Fund (TICF) as a special account in the State Treasury, and authorizes the expenditure of moneys in the account by the department, upon appropriation by the Legislature, for the costs of a Cal-OSHA targeted inspection program and a Cal-OSHA targeted consultation program. Existing law requires the director to levy and

collect assessments as prescribed to produce revenue sufficient to fund those programs.

This bill would make the TICF inoperative on June 30, 2014, and repeal that fund as of January 1, 2015. The bill would require any moneys in the TICF on the effective date of the bill, less \$5,000,000, to be deposited in the OSHF, and, effective June 30, 2014, the remaining balance in that fund, to be transferred to, and become part of, the OSHF. The bill would require, for the 2013–14 fiscal year only, the OSHF revenue cap to be reduced by an amount equivalent to the balance transferred from the TICF, less any amount of that balance loaned to the State Public Works Enforcement Fund.

Existing law creates the State Public Works Enforcement Fund as a special fund in the State Treasury, and requires all moneys in the fund to be continuously appropriated to the Department of Industrial Relations, to monitor and enforce compliance with the applicable prevailing wage requirements on public works projects paid for in whole or part out of public funds that are derived from bonds issued by the state, and on other projects for which the department provides prevailing wage monitoring and enforcement activities and for which it is to be reimbursed by the awarding body, as provided.

This bill would appropriate for transfer by the State Controller upon order by the Department of Finance from the TICF a loan to the State Public Works Enforcement Fund. Because the State Public Works Enforcement Fund is a continuously appropriated fund, this transfer would make an appropriation. This bill would require the loan to be repaid to the OSHF by June 15, 2015, with interest, as calculated.

(17) Under existing law, a person without a valid state contractor's license who employs a worker to perform services for which such a license is required is subject to a specified civil penalty. Civil penalties collected pursuant to these provisions are required to be deposited in the Industrial Relations Construction Industry Enforcement Fund to be used, upon appropriation by the Legislature, for the purpose of enforcing these provisions relating to prohibited employment by unlicensed contractors.

This bill would, as of July 1, 2013, eliminate the Industrial Relations Construction Industry Enforcement Fund, and direct the civil penalties to be deposited in the Labor Enforcement and Compliance Fund, a special fund used for, among others, the purpose of enforcing the provisions relating to prohibited employment by unlicensed contractors. The bill would also provide for the transfer of the remaining balance,

assets, liabilities, revenue, and expenditures of the Industrial Relations Construction Industry Enforcement Fund to the Labor Enforcement and Compliance Fund.

(18) Existing law requires the Occupational Safety and Health Standards Board to, no later than July 1, 1992, adopt specified process safety management standards for prescribed petroleum refineries, chemical plants, and other manufacturing facilities. The law requires certain employers to establish and implement an emergency action plan unless a prescribed business plan for emergency response meets the standards established by the board.

Existing law, notwithstanding the availability of federal funds, authorizes the Division of Occupational Safety and Health to fix and collect reasonable fees for consultation, inspection, adoption of standards, and other duties conducted pursuant to these provisions and, upon appropriation by the Legislature, authorizes expenditure of those fees for these purposes.

This bill would, instead, require the board to adopt these regulations and fees by March 31, 2014. The bill would require that the annual fees be sufficient to support, at a minimum, 15 positions.

This bill would require that the fees be deposited into the Occupational Safety and Health Fund.

(19) Existing law, the Displaced Janitor Opportunity Act, requires contractors and subcontractors, as defined, that are awarded contracts or subcontracts to provide janitorial or building maintenance services at a particular job site or sites, to retain, for a period of 60 days, certain employees who were employed at that site by the previous contractor or subcontractor. The act also requires that employees retained for that 60-day period be offered continued employment if their performance during that 60-day period is satisfactory. The act authorizes an employee who was not offered employment or who has been discharged in violation of these provisions by a successor contractor or successor subcontractor, or an agent of the employee, to bring an action against a successor contractor or successor subcontractor in any superior court of the state having jurisdiction over the successor contractor or successor subcontractor, as specified.

This bill would, until December 31, 2014, apply the provisions of the Displaced Janitor Opportunity Act to every contractor, as defined, that provides food and beverage services at a publicly owned entertainment venue, as defined.

(20) Existing law defines the term “public works” for purposes of requirements regarding the payment of prevailing wages, the regulation of working hours, and the securing of workers’ compensation for public works projects.

Existing law authorizes the awarding body for a public works project to not require the payment of the general prevailing rate of per diem wages on public works projects of specified sizes and types of work, if, among other things, the awarding body elects to reimburse the Department of Industrial Relations for the cost of monitoring and enforcing compliance with prevailing wage requirements for every public works project of the awarding body. Under existing law, the department is required to determine the rate of reimbursement the department will charge an awarding body for the costs of those monitoring and enforcement services, which may not exceed $\frac{1}{4}$ of 1% of the total public works project costs.

This bill would delete that limitation on the amount the department may charge an awarding body as reimbursement for those costs.

Under existing law, the Department of Industrial Relations is required to monitor and enforce compliance with applicable prevailing wage requirements for any public works project paid for in whole or in part out of public funds that are derived from bonds issued by the state. The department is required to charge the awarding body for the reasonable and directly related costs of monitoring and enforcing compliance with the prevailing wage requirements on each project. Under existing law, the department, with approval of the Director of Finance, is required to determine the rate of reimbursement the department will charge an awarding body for the costs of those monitoring and enforcement services, which may not exceed $\frac{1}{4}$ of 1% of the state bond proceeds used for the public works project.

This bill would delete that limitation on the amount the department may charge an awarding body as reimbursement for those costs, and instead limit the amount of bond funds utilized by an awarding body to pay the department’s fee to $\frac{1}{4}$ of 1% of the state bond proceeds used for the public works project. This bill would require the remaining costs of monitoring and enforcing compliance to be paid from other funds authorized to be used to finance the project.

This bill would require the department to annually provide specified information to assist an awarding body to reasonably estimate the annual cost of monitoring and enforcing compliance.

Money that is collected by the department for the cost of monitoring and enforcing compliance for those public works projects is deposited into the State Public Works Enforcement Fund, a continuously appropriated fund.

By increasing the amount of fees that would be deposited into the fund, this bill would make an appropriation.

(21) Existing law requires that a county that provides emergency services to provide deaf teletype equipment at a central location within the county to relay requests for the emergency services.

This bill would state that a county is encouraged to provide deaf teletype equipment in order to comply with the Americans with Disabilities Act and other applicable federal provisions.

(22) Existing law requires a court to require a probation officer to prepare a written probation report when a person is convicted of a felony and is eligible for probation. Existing law requires the probation officer to include a recommendation in the report of the amount the defendant may be required to pay as a restitution fine and whether the court shall require restitution to the victim or the Restitution Fund as a condition of probation.

This bill would instead provide that a probation officer may include these provisions in his or her probation report.

(23) Existing law requires every law enforcement agency that employs peace officers that are required to meet the training standards prescribed by the Emergency Medical Services Authority for the administration of first aid and cardiopulmonary resuscitation to provide each of these peace officers an appropriate portable manual mask and airway assembly for use when applying cardiopulmonary resuscitation.

This bill would instead provide that a law enforcement agency may provide these masks and airway assemblies to the above-specified peace officers.

(24) Existing law requires every law enforcement agency in the state to adopt written policies and standards for officers' responses to domestic violence calls, and requires the policies to contain specified provisions, as provided. Existing law requires the policies to be available to the public upon request.

This bill would instead provide that these law enforcement agencies may adopt written policies as a best practice, and would provide that the policies may contain the specified provisions.

(25) Existing law requires law enforcement agencies to maintain a complete and systematic record of all protection orders with respect to

domestic violence incidents, and requires that these be used to inform law enforcement officers responding to domestic violence calls of the existence, terms, and effective dates of protection orders in effect.

This bill would instead provide that law enforcement agencies may maintain these records as a best practice, and that they may be used to inform law enforcement officers responding to domestic violence calls of the existence, terms, and effective dates of protection orders in effect.

(26) Existing law requires each law enforcement agency to develop a system for recording all domestic violence-related calls for assistance made to the department, and requires these calls to be supported with a written incident report. Existing law requires that the total number of domestic violence calls be compiled by each law enforcement agency monthly and submitted to the Attorney General. Existing law requires each law enforcement agency to develop an incident report form, as specified.

This bill would instead provide that each law enforcement agency may develop the above system, and that the calls may be supported with a written incident report. The bill would provide that the total number of domestic calls may be compiled, and that each law enforcement agency may develop an incident report form.

(27) Existing law requires that a victim has the right to present a victim impact statement in all juvenile court hearings alleging the commission of any criminal offense. If the victim exercises the right to submit a victim impact statement to a probation officer, existing law requires the probation officer to include the statement in his or her social study.

This bill would instead provide that the probation officer is encouraged to include the statement in his or her social study.

(28) Existing law provides for Department of General Services approval of state agency contracts for services. However, contracts under \$75,000 are exempt if a state agency complies with certain requirements.

This bill would increase the exemption amount to apply to those contracts under \$150,000.

(29) Existing law authorizes the Department of General Services to maintain, develop, and prescribe procedures and policies for the procurement of information technology for the state, and requires the department to maintain in the State Administrative Manual policies and procedures governing the acquisition and disposal of information technology goods and services. Existing law also authorizes the

Department of Technology to, among other duties related to technology services for the state, oversee information technology projects.

This bill would, as of July 1, 2013, realign and modify the duties relating to the procurement of information technology goods and services and information projects between the Department of General Services and the Department of Technology, and exempt the Department of Technology from the Administrative Procedure Act when promulgating rules relating to these duties.

(30) Existing law authorizes the Department of Motor Vehicles, in conjunction with the California Highway Patrol, to design and make available for issuance the California memorial license plate. Existing law requires the revenue from specified fees imposed in connection with the issuance, renewal, transfer, and substitution of California memorial license plates to be deposited in the Antiterrorism Fund within the General Fund, and provides that one half of the money, upon appropriation by the Legislature, be allocated solely for antiterrorism activities, as provided. Existing law provides that the administering agency shall not use more than 5% of the money appropriated to it from the fund for administrative purposes.

This bill would revise those provisions to prohibit the administering agency, the Office of Emergency Services, from using more than 5% of the money appropriated from the fund for local antiterrorism efforts for administrative purposes. The bill would make additional technical conforming changes.

(31) The Governor's Reorganization Plan No. 2 of 2012 (GRP No. 2), operative July 1, 2013, generally requires the Office of Emergency Services, rather than the California Emergency Management Agency, to develop and implement the state's preparedness for emergencies and the Department of Technology, rather than the California Technology Agency or the State Chief Information Officer, to perform specified duties relating to communications technology.

This bill would, on July 1, 2013, enact statutory changes related to the responsibilities of the Office of Emergency Services under GRP No. 2 to perform specified duties related to emergency and public safety communications, and, in this regard, transfer certain duties from the California Emergency Management Agency, the Department of Technology, and the State Chief Information Officer to the Office of Emergency Services. This bill would also enact the Public Safety Communications Act of 2013, and establish the Public Safety

Communications Division within the Office of Emergency Services to be under the supervision of a chief.

(32) Existing law creates the Strategic Growth Council, consisting of specified state officers and a public member appointed by the Governor, with specified duties relating to coordination of actions of state agencies relative to improvement of air and water quality, natural resource protection, transportation, and various other matters.

Existing law and the Governor’s Reorganization Plan No. 2 of 2012, effective July 3, 2012, and operative July 1, 2013, assigns and reorganizes the various functions of state government among executive officers and agencies by, among other things, creating the Business, Consumer Services, and Housing Agency headed by a secretary.

This bill would add the Secretary of Business, Consumer Services, and Housing to the council.

(33) This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.

~~*This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2013.*~~

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

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

1 *SECTION 1. Section 94874.8 is added to the Education Code,*
2 *to read:*

3 *94874.8. (a) An institution exempt from all or part of this*
4 *chapter pursuant to subdivision (i) or (j) of Section 94874 or*
5 *Section 94874.1 may apply to the bureau for an approval to operate*
6 *pursuant to this section, but only subject to all of the following*
7 *provisions:*

8 *(1) The bureau may approve the operation of an institution that*
9 *is exempt from all or part of this chapter as specified above in*
10 *accordance with the authority granted pursuant to Article 6*
11 *(commencing with Section 94885). Upon issuing an approval to*
12 *operate to an institution pursuant to this section, the bureau is*
13 *authorized to regulate that institution through the full set of powers*
14 *granted, and duties imposed, by this chapter, as those powers and*
15 *duties would apply to an institution that is not exempt from this*
16 *chapter.*

1 (2) *Notwithstanding any other law, upon issuance of an approval*
2 *to operate pursuant to this section, the institution is no longer*
3 *eligible for exemption, from the provisions of this chapter pursuant*
4 *to subdivision (i) or (j) of Section 94874 or Section 94874.1, unless*
5 *authorized by subsequent legislation.*

6 (3) *Upon issuance of an approval to operate pursuant to this*
7 *section, an institution is subject to all provisions of this chapter,*
8 *and any regulations adopted pursuant to this chapter, that apply*
9 *to an institution subject to this chapter, except as expressly*
10 *provided in paragraph (4).*

11 (4) (A) *With respect to the placement and salary or wage data*
12 *required to be collected, calculated, and reported by Article 16*
13 *(commencing with Section 94928), an institution issued an*
14 *approval to operate pursuant to this section is not required to*
15 *report on its first School Performance Fact Sheet any data from*
16 *the period prior to the date of the issuance of the approval to*
17 *operate that the institution was not required to collect and does*
18 *not have available to it. An institution shall, however, report*
19 *available data collected and calculated in accordance with this*
20 *chapter and applicable regulations, regardless of the purpose for*
21 *which the data was collected. If the required data is unavailable,*
22 *the institution shall also disclose the unavailability of the data on*
23 *all documents required by this chapter and regulations adopted*
24 *pursuant to this chapter. Upon receiving an approval to operate*
25 *pursuant to this section, an institution shall commence to collect*
26 *and calculate all information necessary to comply with Article 16*
27 *(commencing with Section 94928).*

28 (B) *An institution receiving an approval to operate pursuant to*
29 *this section shall provide to prospective students the School*
30 *Performance Fact Sheet, file that fact sheet with the bureau, and*
31 *post it on the institution's Internet Web site no later than the first*
32 *August 1 after the institution is approved to operate and no later*
33 *than August 1 of each year thereafter. These School Performance*
34 *Fact Sheets shall report data for the previous two calendar years*
35 *based upon the number of students who began the program or the*
36 *number of graduates for each reported calendar year. If two*
37 *calendar years have not passed since the issuance of the approval*
38 *to operate by the August 1 deadline for the School Performance*
39 *Fact Sheet, unless data for two years is available, the institution*

1 shall report the required data for the period subsequent to the date
2 of the issuance of the notice of approval.

3 (b) An institution exempt from all or part of this chapter
4 pursuant to subdivision (i) or (j) of Section 94874 or Section
5 94874.1 that was approved to operate by the bureau before the
6 effective date of this section shall be deemed to have been approved
7 pursuant to this section.

8 SEC. 2. Section 100010 of the Education Code is amended to
9 read:

10 100010. ~~An amount of up to two~~Two billion twenty-five twelve
11 million ~~thirty-five thousand~~ dollars—~~(\$2,025,000,000)~~
12 ~~(\$2,012,035,000)~~ of the proceeds of bonds issued and sold pursuant
13 to this chapter shall be deposited in the State School Building
14 Lease-Purchase Fund.

15 SEC. 3. Section 100115 of the Education Code is amended to
16 read:

17 100115. ~~An amount of up to nine~~Nine hundred seventy-five
18 million dollars (\$975,000,000) of the proceeds of bonds issued
19 and sold pursuant to this chapter shall be deposited in the 1996
20 Higher Education Capital Outlay Bond Fund, which is hereby
21 created.

22 SEC. 4. Section 6252.8 is added to the Government Code, to
23 read:

24 6252.8. (a) Commencing on the effective date of the act adding
25 this section, notwithstanding any other law, any mandates set forth
26 in the following provisions shall not apply to a local agency.
27 Compliance with these provisions shall be at the discretion of the
28 local agency. For local agencies, these provisions represent best
29 practices which they are encouraged, but are not required, to
30 follow:

31 (1) The requirement in subdivision (c) of Section 6253 that:

32 (A) Within 10 days from receipt of a request for a copy of
33 records, provide to the person making the request verbal or written
34 notice of the disclosure determination and the reasons for the
35 determination. This activity includes, where applicable:

36 (i) Drafting, editing, and reviewing a written notice to the person
37 making the request, setting forth the reasons for the determination.

38 (ii) Obtaining agency head, or his or her designee, approval
39 and signature of a written notice of determination.

40 (iii) Sending or transmitting the notice to the requestor.

1 (B) If the 10-day time limit to notify the person making the
 2 records request of the disclosure determination is extended due
 3 to “unusual circumstances,” as defined by paragraphs (1) through
 4 (4), inclusive, of subdivision (c) of Section 6253 of the Government
 5 Code, the agency head, or his or her designee, shall provide written
 6 notice to the person making the request, setting forth the reasons
 7 of the extension and the date on which a determination is expected
 8 to be dispatched. This activity includes, where applicable:

9 (i) Drafting, editing, and reviewing a written notice to the person
 10 making the request, setting forth the reasons for the extension of
 11 time.

12 (ii) Obtaining agency head, or his or her designee, approval
 13 and signature of the notice of determination or notice of extension.

14 (iii) Sending or transmitting the notice to the requestor.

15 (2) Section 6253.1.

16 (3) Section 6253.9. As on this requirement, the local agency
 17 may determine the format of electronic data to be provided in
 18 response to a request for information.

19 (4) Section 6254.3.

20 (5) Subdivision (b) of Section 6255.

21 (b) Beginning on January 1, 2014, a local agency that
 22 determines that it will not follow these best practices, shall so
 23 announce orally at its next regularly scheduled public meeting
 24 and annually thereafter at a regularly scheduled public meeting.

25 SEC. 5. Section 8169.6 of the Government Code is repealed.

26 ~~8169.6. (a) (1) In furtherance of the Capitol Area Plan, the~~
 27 ~~objectives of Resolution Chapter 131 of the Statutes of 1991, and~~
 28 ~~the legislative findings and declarations contained in Chapter 193~~
 29 ~~of the Statutes of 1996, relative to the findings by the Urban Land~~
 30 ~~Institute, the director may purchase, exchange, or otherwise acquire~~
 31 ~~real property and construct facilities, including any improvements,~~
 32 ~~betterments, and related facilities, within the jurisdiction of the~~
 33 ~~Capitol Area Plan in the City of Sacramento pursuant to this~~
 34 ~~section. The total authorized scope of the project shall consist of~~
 35 ~~approximately 1,400,000 gross square feet of office space on~~
 36 ~~state-owned land in the Capitol area in downtown Sacramento on~~
 37 ~~Block 204 (bounded by 7th, 8th, O, and P Streets) or Block 203~~
 38 ~~(bounded by 7th, 8th, N, and O Streets), or both of those blocks.~~
 39 ~~The project shall include associated parking onsite and in a parking~~
 40 ~~garage to be constructed on Block 266 (bounded by 8th, 9th, Q,~~

1 and R Streets). The project cost shall include the cost of
2 rehabilitation of the Heilbron House currently located on Block
3 204, and the project cost may include the cost of relocation of the
4 Heilbron House.

5 (2) The project may include residential development and
6 additional commercial space, subject to all of the following
7 conditions:

8 (A) The inclusion of the residential development and additional
9 commercial space shall not reduce the scope of the approximately
10 1,400,000 gross square feet of office space described in paragraph
11 (1).

12 (B) The inclusion of the residential development and additional
13 commercial space shall not expand the state's cost beyond that
14 authorized in paragraph (3) of subdivision (b).

15 (C) Any cost associated with the residential space shall not be
16 funded by any lease-revenue bonds authorized for the project.

17 (D) Notwithstanding subdivision (b) of Section 8169, the
18 department may sell, lease, or otherwise transfer a portion of the
19 parcel not used to develop the approximately 1,400,000 gross
20 square feet of office space described in paragraph (1) to the Capitol
21 Area Development Authority created by the joint powers agreement
22 executed pursuant to Section 8169.4, a private developer, or both,
23 for the residential or additional commercial development.

24 (E) The residential and additional commercial development
25 may be funded and constructed by the Capitol Area Development
26 Authority, a private developer, or both.

27 (F) In order to address security concerns, no part of the
28 residential development may be included in the same structure as
29 the approximately 1,400,000 gross square feet of office space
30 described in paragraph (1). This restriction applies to residential
31 living quarters, residential parking, and any utilities necessary for
32 the residential development.

33 (b) (1) The department may contract for the lease,
34 lease-purchase, lease with an option to purchase, acquisition,
35 design, design-build, construction, deconstruction, construction
36 management, and other services related to the design and
37 construction of the office and parking facilities. If the director
38 selects design-build as the method of delivery, the department shall
39 use the method of design-build authorized by clause (i) of
40 subparagraph (A) of paragraph (3) of subdivision (d) of Section

1 ~~14661. The State Public Works Board may issue revenue bonds,~~
2 ~~negotiable notes, or negotiable bond anticipation notes pursuant~~
3 ~~to the State Building Construction Act of 1955 (Part 10b~~
4 ~~(commencing with Section 15800) of Division 3) to finance all~~
5 ~~costs associated with the acquisition, design, and construction of~~
6 ~~office and parking facilities for the purposes of this section. The~~
7 ~~State Public Works Board and the department may borrow funds~~
8 ~~for project costs from the Pooled Money Investment Account~~
9 ~~pursuant to Sections 16312 and 16313. In the event the bonds~~
10 ~~authorized by the project are not sold, the Department of General~~
11 ~~Services shall commit a sufficient amount of its support budget to~~
12 ~~repay any outstanding loans. It is the intent of the Legislature that~~
13 ~~this commitment shall be included in future Budget Acts until all~~
14 ~~outstanding loans are repaid either through the proceeds from the~~
15 ~~sale of bonds or from an appropriation.~~

16 ~~(2) The amount of revenue bonds, negotiable notes, or negotiable~~
17 ~~bond anticipation notes to be sold may equal, but shall not exceed,~~
18 ~~the cost of land, planning, preliminary plans, working drawings~~
19 ~~or concept drawings, performance criteria, construction,~~
20 ~~deconstruction, furnishings, equipment, construction management~~
21 ~~and supervision, other costs relating to the design and construction~~
22 ~~of the facilities, exercising any purchase option, and any additional~~
23 ~~sums necessary to pay interim and permanent financing costs. The~~
24 ~~additional amount may include interest and the establishment of~~
25 ~~a reasonable construction reserve fund to ensure that the funds are~~
26 ~~available in the event future augmentations are needed to complete~~
27 ~~the facilities authorized by this section. If the construction reserve~~
28 ~~funds are not needed to complete construction, they shall be used~~
29 ~~to repay the future debt payments.~~

30 ~~(3) Authorized costs of the facilities for planning, concept~~
31 ~~drawings or preliminary plans, working drawings, demolition,~~
32 ~~construction, and other costs shall not exceed three hundred~~
33 ~~ninety-one million dollars (\$391,000,000). Notwithstanding Section~~
34 ~~13332.11, the State Public Works Board may authorize the~~
35 ~~augmentation of the amount authorized under this paragraph by~~
36 ~~up to 10 percent of the amount authorized.~~

37 ~~(4) The net present value of the cost to acquire and operate the~~
38 ~~facilities authorized by subdivision (a) may not exceed the net~~
39 ~~present value of the cost to lease and operate an equivalent amount~~
40 ~~of comparable consolidated office space over the same time period.~~

1 The department shall perform this analysis and shall obtain interest
2 rates, discount rates, and Consumer Price Index figures from the
3 Treasurer. For purposes of this analysis, the department shall
4 compare the cost of acquiring and operating the proposed facilities
5 with the amount saved from not having to pay the cost of leasing
6 and operating an equivalent amount of comparable consolidated
7 office space that would no longer need to be leased.

8 ~~(5) The department is authorized and directed to execute and~~
9 ~~deliver any and all leases, contracts, agreements, or other~~
10 ~~documents necessary or advisable to consummate the sale of bonds~~
11 ~~or otherwise effectuate the financing of the project described in~~
12 ~~this section.~~

13 ~~(6) The State Public Works Board shall not itself be deemed a~~
14 ~~lead or responsible agency for purposes of the California~~
15 ~~Environmental Quality Act (Division 13 (commencing with Section~~
16 ~~21000) of the Public Resources Code) for any activities under the~~
17 ~~State Building Construction Act of 1955 (Part 10b (commencing~~
18 ~~with Section 15800) of Division 3). This paragraph does not~~
19 ~~exempt the department from the requirements of the California~~
20 ~~Environmental Quality Act. This paragraph is declarative of~~
21 ~~existing law.~~

22 *SEC. 6. Section 8250.1 is added to the Government Code, to*
23 *read:*

24 *8250.1. The Women and Girls Fund is hereby created as a*
25 *fund in the State Treasury to carry out this chapter in support of*
26 *the commission upon appropriation by the Legislature in the*
27 *annual Budget Act. Subject to the approval of the Department of*
28 *Finance, all moneys collected or received by the commission from*
29 *gifts, bequests, or donations shall be deposited in the State*
30 *Treasury to the credit of the Women and Girls Fund, in accordance*
31 *with the terms of the gift or donation from which the moneys are*
32 *derived and in accordance with Sections 8647, 11005, 11005.1,*
33 *and 16302 of the Government Code. Upon the approval and the*
34 *establishment of the Women and Girls Fund, any funds deposited*
35 *and remaining in the Commission on the Status of Women and*
36 *Girls Fund special deposit fund for the purposes of supporting the*
37 *activities of the Commission on the Status of Women and Girls*
38 *shall be transferred to the Women and Girls Fund.*

39 *SEC. 7. Section 8592.1 of the Government Code is amended*
40 *to read:*

1 8592.1. For purposes of this article, the following terms have
2 the following meanings:

3 (a) “Backward compatibility” means that the equipment is able
4 to function with older, existing equipment.

5 (b) “Committee” means the Public Safety Radio Strategic
6 Planning Committee, that was established in December 1994 in
7 recognition of the need to improve existing public radio systems
8 and to develop interoperability among public safety departments
9 and between state public safety departments and local or federal
10 entities, and that consists of representatives of the following state
11 entities:

12 (1) ~~The California Emergency Management Agency, Office of~~
13 ~~Emergency Services~~, who shall serve as chairperson.

14 (2) The Department of the California Highway Patrol.

15 (3) The Department of Transportation.

16 (4) The Department of Corrections and Rehabilitation.

17 (5) The Department of Parks and Recreation.

18 (6) The Department of Fish and ~~Game~~ *Wildlife*.

19 (7) The Department of Forestry and Fire Protection.

20 (8) The Department of Justice.

21 (9) The Department of Water Resources.

22 (10) The State Department of Public Health.

23 (11) The Emergency Medical Services Authority.

24 (12) ~~The California Technology Agency~~. *Department of*
25 *Technology*.

26 (13) The Military Department.

27 (14) The Department of Finance.

28 (c) “First response agencies” means public agencies that, in the
29 early stages of an incident, are responsible for, among other things,
30 the protection and preservation of life, property, evidence, and the
31 environment, including, but not limited to, state fire agencies, state
32 and local emergency medical services agencies, local sheriffs’
33 departments, municipal police departments, county and city fire
34 departments, and police and fire protection districts.

35 (d) “Nonproprietary equipment or systems” means equipment
36 or systems that are able to function with another manufacturer’s
37 equipment or system regardless of type or design.

38 (e) “Open architecture” means a system that can accommodate
39 equipment from various vendors because it is not a proprietary
40 system.

1 (f) “Public safety radio subscriber” means the ultimate end user.
2 Subscribers include individuals or organizations, including, for
3 example, local police departments, fire departments, and other
4 operators of a public safety radio system. Typical subscriber
5 equipment includes end instruments, including mobile radios,
6 hand-held radios, mobile repeaters, fixed repeaters, transmitters,
7 or receivers that are interconnected to utilize assigned public safety
8 communications frequencies.

9 (g) “Public safety spectrum” means the spectrum allocated by
10 the Federal Communications Commission for operation of
11 interoperable and general use radio communication systems for
12 public safety purposes within the state.

13 *SEC. 8. Section 8592.5 of the Government Code is amended*
14 *to read:*

15 8592.5. (a) Except as provided in subdivision (c), a state
16 department that purchases public safety radio communication
17 equipment shall ensure that the equipment purchased complies
18 with applicable provisions of the following:

19 (1) The common system standards for digital public safety radio
20 communications commonly referred to as the “Project 25
21 Standard,” as that standard may be amended, revised, or added to
22 in the future jointly by the Association of Public-Safety
23 Communications Officials, Inc., National Association of State
24 Telecommunications Directors, and agencies of the federal
25 government, commonly referred to as “APCO/NASTD/FED.”

26 (2) The operational and functional requirements delineated in
27 the Statement of Requirements for Public Safety Wireless
28 Communications and Interoperability developed by the SAFECOM
29 Program under the United States Department of Homeland
30 Security.

31 (b) Except as provided in subdivision (c), a local first response
32 agency that purchases public safety radio communication
33 equipment, in whole or in part, with state funds or federal funds
34 administered by the state, shall ensure that the equipment purchased
35 complies with paragraphs (1) and (2) of subdivision (a).

36 (c) Subdivision (a) or (b) shall not apply to either of the
37 following:

38 (1) Purchases of equipment to operate with existing state or
39 local communications systems where the latest applicable standard

1 will not be compatible, as verified by the ~~California Technology~~
2 ~~Agency~~. *Office of Emergency Services*.

3 (2) Purchases of equipment for existing statewide low-band
4 public safety communications systems.

5 (d) This section may not be construed to require an affected
6 state or local governmental agency to compromise its immediate
7 mission or ability to function and carry out its existing
8 responsibilities.

9 *SEC. 9. Section 8592.7 of the Government Code is amended*
10 *to read:*

11 8592.7. (a) A budget proposal submitted by a state agency for
12 support of a new or modified radio system shall be accompanied
13 by a technical project plan that includes all of the following:

- 14 (1) The scope of the project.
- 15 (2) Alternatives considered.
- 16 (3) Justification for the proposed solution.
- 17 (4) A project implementation plan.
- 18 (5) A proposed timeline.
- 19 (6) Estimated costs by fiscal year.

20 (b) The committee shall review the plans submitted pursuant to
21 subdivision (a) for consistency with the statewide integrated public
22 safety communication strategic plan ~~included in the annual report~~
23 ~~required pursuant to Section 8592.6.~~

24 (c) ~~The California Technology Agency~~ *Office of Emergency*
25 *Services* shall review the plans submitted pursuant to subdivision
26 (a) for consistency with the technical requirements of the statewide
27 integrated public safety communication strategic plan ~~included in~~
28 ~~the annual report required pursuant to Section 8592.6.~~

29 *SEC. 10. Section 8690.6 of the Government Code is amended*
30 *to read:*

31 8690.6. (a) The Disaster Response-Emergency Operations
32 Account is hereby established in the Special Fund for Economic
33 Uncertainties. Notwithstanding Section 13340, moneys in the
34 account are continuously appropriated, subject to the limitations
35 specified in subdivisions (c) and (d), without regard to fiscal years,
36 for allocation by the Director of Finance to state agencies for
37 disaster response operation costs incurred by state agencies as a
38 result of a proclamation by the Governor of a state of emergency,
39 as defined in subdivision (b) of Section 8558. These allocations

1 may be for activities that occur within 120 days after a
2 proclamation of emergency by the Governor.

3 (b) It is the intent of the Legislature that the Disaster
4 Response-Emergency Operations Account have an unencumbered
5 balance of one million dollars (\$1,000,000) at the beginning of
6 each fiscal year. If this account requires additional moneys to meet
7 claims against the account, the Director of Finance may transfer
8 moneys from the Special Fund for Economic Uncertainties to the
9 account in an amount sufficient to pay the amount of the claims
10 that exceed the unencumbered balance in the account.

11 (c) Funds shall be allocated from the account subject to the
12 conditions of this section and upon notification by the Director of
13 Finance to the Chairperson of the Joint Legislative Budget
14 Committee and the chairpersons of the fiscal committees in each
15 house.

16 (d) Notwithstanding any other law, authorizations for
17 acquisitions, relocations, and environmental mitigations related to
18 activities, as described in subdivision (a), shall be authorized
19 pursuant to this section. However, these funds shall be authorized
20 only for needs that are a direct consequence of the proclaimed
21 emergency if failure to undertake the project may interrupt essential
22 state services or jeopardize public health or safety. In addition,
23 any acquisition accomplished under this subdivision shall comply
24 with any otherwise applicable law, except as provided in the first
25 sentence of this subdivision.

26 (e) ~~No funds~~ *Funds* allocated under this section shall *not* be
27 used to supplant federal funds otherwise available in the absence
28 of state financial relief.

29 (f) The amount of financial assistance provided to an individual,
30 business, or governmental entity under this section, or pursuant to
31 any other program of state-funded disaster assistance, shall be
32 deducted from sums received in payment of damage claims asserted
33 against the state, its agents, or employees, for causing or
34 contributing to the effects of the proclaimed disaster.

35 (g) ~~No~~ *Any* public entity administering disaster assistance to
36 individuals shall *not* receive funds under this section unless it
37 administers that assistance pursuant to the following criteria:

38 (1) All applications, forms, and other written materials presented
39 to persons seeking assistance shall be available in English and in

1 the same language as that used by the major non-English-speaking
2 group within the disaster area.

3 (2) Bilingual staff who reflect the demographics of the disaster
4 area shall be available to applicants.

5 (h) Notwithstanding any other ~~provision of law, no~~ funds in the
6 Disaster Response-Emergency Operations Account shall *not* be
7 expended for conditions in the state's prisons, medical facilities,
8 or youth correctional facilities resulting solely from the action or
9 inaction of the Department of Corrections and Rehabilitation in
10 administering those facilities.

11 (i) This section shall remain in effect only until January 1, ~~2014~~
12 ~~2019~~, and as of that date is repealed, unless a later enacted statute,
13 that is enacted before January 1, ~~2014~~ ~~2019~~, deletes or extends
14 that date.

15 *SEC. 11. Section 11542 of the Government Code is amended*
16 *to read:*

17 11542. (a) ~~(1)~~—The Stephen P. Teale Data Center and the
18 California Health and Human Services Agency Data Center are
19 consolidated within, and their functions are transferred to, the
20 Office of Technology Services.

21 ~~(2)~~

22 (b) Except as expressly provided otherwise in this chapter, the
23 Office of Technology Services is the successor to, and is vested
24 with, all of the duties, powers, purposes, responsibilities, and
25 jurisdiction of the Stephen P. Teale Data Center, and the California
26 Health and Human Services Agency Data Center. Any reference
27 in statutes, regulations, or contracts to those entities with respect
28 to the transferred functions shall be construed to refer to the Office
29 of Technology Services unless the context clearly requires
30 otherwise.

31 ~~(3) No~~

32 (c) A lease, license, or any other agreement to which either the
33 Stephen P. Teale Data Center or the California Health and Human
34 Services Agency Data Center is a party shall *not* be void or
35 voidable by reason of this chapter, but shall continue in full force
36 and effect, with the Office of Technology Services assuming all
37 of the rights, obligations, and duties of the Stephen P. Teale Data
38 Center or the California Health and Human Services Agency Data
39 Center, respectively.

40 ~~(4)~~

1 (d) Notwithstanding subdivision (e) of Section 11793 and
2 subdivision (e) of Section 11797, on and after the effective date
3 of this chapter, the balance of any funds available for expenditure
4 by the Stephen P. Teale Data Center and the California Health and
5 Human Services Agency Data Center, with respect to business
6 telecommunications systems and services functions in carrying
7 out any functions transferred to the Office of Technology Services
8 by this chapter, shall be transferred to the Technology Services
9 Revolving Fund created by Section 11544, and shall be made
10 available for the support and maintenance of the Office of
11 Technology Services.

12 ~~(5) All references in statutes, regulations, or contracts~~

13 (e) Any reference in statute regulation, or contract to the former
14 Stephen P. Teale Data Center Fund or the California Health and
15 Human Services Data Center Revolving Fund shall be construed
16 to refer to the Technology Services Revolving Fund unless the
17 context clearly requires otherwise.

18 ~~(6)~~

19 (f) All books, documents, records, and property of the Stephen
20 P. Teale Data Center and the California Health and Human Services
21 Agency Data Center, excluding the Systems Integration Division,
22 shall be transferred to the Office of Technology Services.

23 ~~(7)(A)~~

24 (g) (1) All officers and employees of the former Stephen P.
25 Teale Data Center and the California Health and Human Services
26 Agency Data Center, are transferred to the Office of Technology
27 Services.

28 ~~(B)~~

29 (2) The status, position, and rights of any officer or employee
30 of the Stephen P. Teale Data Center and the California Health and
31 Human Services Agency Data Center, shall not be affected by the
32 transfer and consolidation of the functions of that officer or
33 employee to the Office of Technology Services.

34 ~~(b) (1) All duties and functions of the Telecommunications~~
35 ~~Division of the Department of General Services are transferred to~~
36 ~~the California Technology Agency.~~

37 (2) ~~Unless the context clearly requires otherwise, whenever the~~
38 ~~term “Telecommunications Division of the Department of General~~
39 ~~Services” appears in any statute, regulation, or contract, it shall be~~
40 ~~deemed to refer to the California Technology Agency.~~

1 ~~(3) All employees serving in state civil service, other than~~
2 ~~temporary employees, who are engaged in the performance of~~
3 ~~functions transferred to the California Technology Agency, are~~
4 ~~transferred to the California Technology Agency. The status,~~
5 ~~positions, and rights of those persons shall not be affected by their~~
6 ~~transfer and shall continue to be retained by them pursuant to the~~
7 ~~State Civil Service Act (Part 2 (commencing with Section 18500)~~
8 ~~of Division 5), except as to positions the duties of which are vested~~
9 ~~in a position exempt from civil service. The personnel records of~~
10 ~~all transferred employees shall be transferred to the California~~
11 ~~Technology Agency.~~

12 ~~(4) The property of any office, agency, or department related~~
13 ~~to functions transferred to the California Technology Agency, are~~
14 ~~transferred to the California Technology Agency. If any doubt~~
15 ~~arises as to where that property is transferred, the Department of~~
16 ~~General Services shall determine where the property is transferred.~~

17 ~~(5) All unexpended balances of appropriations and other funds~~
18 ~~available for use in connection with any function or the~~
19 ~~administration of any law transferred to the California Technology~~
20 ~~Agency shall be transferred to the California Technology Agency~~
21 ~~for the use and for the purpose for which the appropriation was~~
22 ~~originally made or the funds were originally available. If there is~~
23 ~~any doubt as to where those balances and funds are transferred,~~
24 ~~the Department of Finance shall determine where the balances and~~
25 ~~funds are transferred.~~

26 *SEC. 12. Section 11543 is added to the Government Code, to*
27 *read:*

28 *11543. If the Legislature directs or authorizes the Department*
29 *of Technology to maintain, develop, or prescribe processes,*
30 *procedures, or policies in connection with the administration of*
31 *its duties under this chapter, Chapter 5.6 (commencing with Section*
32 *11545), Part 6.5 (commencing with Section 15250), Section 6611*
33 *of the Public Contract Code, or Chapter 3 (commencing with*
34 *Section 12100) or Chapter 3.5 (commencing with Section 12120)*
35 *of Part 2 of Division 2 of the Public Contract Code, the action by*
36 *the department shall be exempt from the rulemaking provisions of*
37 *the Administrative Procedure Act (Chapter 3.5 (commencing with*
38 *Section 11340) of Part 1). This section shall apply to actions taken*
39 *by the department with respect to the State Administrative Manual*
40 *and the State Contracting Manual.*

1 *SEC. 13. Section 13295.5 is added to the Government Code,*
2 *to read:*

3 *13295.5. (a) Notwithstanding Section 11256, or any other law,*
4 *the department may furnish services to, or provide work for, any*
5 *other state agency, as requested by the state agency, the Governor,*
6 *or the Legislature, or as otherwise needed or directed.*

7 *(b) Prior to the commencement of any service or work, the*
8 *department shall provide to the relevant state agency estimates of*
9 *charges and the scope of work to be performed or services to be*
10 *furnished.*

11 *(c) The department shall charge an amount sufficient to recover*
12 *the costs of furnishing services or the work performed. The*
13 *department shall certify to both the Controller and the relevant*
14 *state agency the actual charges that are due and payable for*
15 *services furnished or the work performed.*

16 *(d) Pursuant to Section 11255, the Controller shall transfer to*
17 *the department the amount of the charges for services rendered*
18 *or the work performed from the agencies' appropriation to the*
19 *appropriation for the support of the department. The amounts are*
20 *to be transferred to the Department of Finance reimbursement*
21 *account within the General Fund.*

22 *SEC. 14. Section 13963.1 is added to the Government Code,*
23 *to read:*

24 *13963.1. (a) The Legislature finds and declares all of the*
25 *following:*

26 *(1) Without treatment, approximately 50 percent of people who*
27 *survive a traumatic, violent injury experience lasting or extended*
28 *psychological or social difficulties. Untreated psychological*
29 *trauma often has severe economic consequences, including overuse*
30 *of costly medical services, loss of income, failure to return to*
31 *gainful employment, loss of medical insurance, and loss of stable*
32 *housing.*

33 *(2) Victims of crime should receive timely and effective mental*
34 *health treatment.*

35 *(3) The board shall administer a program to evaluate*
36 *applications and award grants to trauma recovery centers.*

37 *(b) The board shall award a grant only to a trauma recovery*
38 *center that meets both of the following criteria:*

39 *(1) The trauma recovery center demonstrates that it serves as*
40 *a community resource by providing services, including, but not*

1 *limited to, making presentations and providing training to law*
2 *enforcement, community-based agencies, and other health care*
3 *providers on the identification and effects of violent crime.*

4 *(2) Any other related criteria required by the board.*

5 *(c) Upon appropriation by the Legislature, the board shall*
6 *award grants totaling up to two million dollars (\$2,000,000) per*
7 *year. All grants shall be funded only from the Restitution Fund.*

8 *(d) The board may award a grant providing funding for up to*
9 *a maximum period of three years. Any portion of a grant that a*
10 *trauma recovery center does not use within the specified grant*
11 *period shall revert to the Restitution Fund. The board may award*
12 *consecutive grants to a trauma recovery center to prevent a lapse*
13 *in funding. The board shall not award a trauma recovery center*
14 *more than one grant for any period of time.*

15 *(e) The board, when considering grant applications, shall give*
16 *preference to a trauma recovery center that conducts outreach to,*
17 *and serves, both of the following:*

18 *(1) Crime victims who typically are unable to access traditional*
19 *services, including, but not limited to, victims who are homeless,*
20 *chronically mentally ill, of diverse ethnicity, members of immigrant*
21 *and refugee groups, disabled, who have severe trauma-related*
22 *symptoms or complex psychological issues, or juvenile victims,*
23 *including minors who have had contact with the juvenile*
24 *dependency or justice system.*

25 *(2) Victims of a wide range of crimes, including, but not limited*
26 *to, victims of sexual assault, domestic violence, physical assault,*
27 *shooting, stabbing, and vehicular assault, and family members of*
28 *homicide victims.*

29 *(f) The trauma recovery center sites shall be selected by the*
30 *board through a well-defined selection process that takes into*
31 *account the rate of crime and geographic distribution to serve the*
32 *greatest number of victims.*

33 *(g) A trauma recovery center that is awarded a grant shall do*
34 *both of the following:*

35 *(1) Report to the board annually on how grant funds were spent,*
36 *how many clients were served (counting an individual client who*
37 *receives multiple services only once), units of service, staff*
38 *productivity, treatment outcomes, and patient flow throughout*
39 *both the clinical and evaluation components of service.*

1 (2) *In compliance with federal statutes and rules governing*
2 *federal matching funds for victims' services, each center shall*
3 *submit any forms and data requested by the board to allow the*
4 *board to receive the 60 percent federal matching funds for eligible*
5 *victim services and allowable expenses.*

6 (h) *For purposes of this section, a trauma recovery center*
7 *provides, including, but not limited to, all of the following*
8 *resources, treatments, and recovery services to crime victims:*

9 (1) *Mental health services.*

10 (2) *Assertive community-based outreach and clinical case*
11 *management.*

12 (3) *Coordination of care among medical and mental health care*
13 *providers, law enforcement agencies, and other social services.*

14 (4) *Services to family members and loved ones of homicide*
15 *victims.*

16 (5) *A multidisciplinary staff of clinicians that includes*
17 *psychiatrists, psychologists, and social workers.*

18 SEC. 15. *Section 13964 of the Government Code is amended*
19 *to read:*

20 13964. (a) *Claims under this chapter shall be paid from the*
21 *Restitution Fund.*

22 (b) *Notwithstanding Section 13340, except for funds to support*
23 *trauma recovery center grants pursuant to Section 13963.1, the*
24 *proceeds in the Restitution Fund are hereby continuously*
25 *appropriated to the board, without regard to fiscal years, for the*
26 *purposes of this chapter. However, the funds appropriated pursuant*
27 *to this section for administrative costs of the board shall be subject*
28 *to annual review through the State Budget process.*

29 (c) *A sum not to exceed 15 percent of the amount appropriated*
30 *annually to pay claims pursuant to this chapter may be withdrawn*
31 *from the Restitution Fund, to be used as a revolving fund by the*
32 *board for the payment of emergency awards pursuant to Section*
33 *13961.*

34 SEC. 16. *Section 14615.1 of the Government Code is amended*
35 *to read:*

36 14615.1. (a) *Where the Legislature directs or authorizes the*
37 *department to maintain, develop, or prescribe processes,*
38 *procedures, or policies in connection with the administration of*
39 *its duties under this chapter, Chapter 2 (commencing with Section*
40 *14650), or Section 6611 of the Public Contract Code, or Part 2*

1 (commencing with Section 10100) of Division 2 of the Public
 2 Contract Code, the action by the department shall be exempt from
 3 the Administrative Procedure Act (Chapter 3.5 (commencing with
 4 Section 11340), Chapter 4 (commencing with Section 11370),
 5 Chapter 4.5 (commencing with Section 11400), and Chapter 5
 6 (commencing with Section 11500)). This section shall apply to
 7 actions taken by the department with respect to the State
 8 Administrative Manual and the State Contracting Manual.

9 (b) To the extent permitted by the United States and California
 10 Constitutions, subdivision (a) also applies to actions taken by the
 11 department prior to January 1, 1999, with respect to competitive
 12 procurement in the State Administrative Manual and the State
 13 Contracting Manual.

14 *SEC. 17. Chapter 9 (commencing with Section 14930) is added*
 15 *to Part 5.5 of Division 3 of Title 2 of the Government Code, to*
 16 *read:*

17
 18 *CHAPTER 9. GOLDEN STATE FINANCIAL MARKETPLACE*
 19 *PROGRAM (GS \$MART PROGRAM)*
 20

21 *14930. This chapter shall be known and may be cited as the*
 22 *Golden State Financial Marketplace Program or GS \$Mart*
 23 *Program.*

24 *14932. The department is authorized to structure, administer,*
 25 *and maintain the GS \$Mart Program, the state's centralized*
 26 *financing program available for state agencies to finance certain*
 27 *goods and services as set forth in this chapter.*

28 *14934. (a) Notwithstanding any other law, state agencies that*
 29 *are statutorily authorized to acquire assets listed in subdivision*
 30 *(b) are hereby eligible to apply to the GS \$Mart Program to enter*
 31 *into agreements for financing those assets without further*
 32 *competitive bidding.*

33 *(b) (1) Assets eligible for financing pursuant to the GS \$Mart*
 34 *Program include all of the following:*

35 *(A) Energy efficiency measures as described in Section 4217.11*
 36 *or energy savings contracts as described in Section 388 of the*
 37 *Public Utilities Code.*

38 *(B) Goods as defined in Section 10290 of the Public Contract*
 39 *Code.*

1 (C) Services as described in Section 10335 of the Public
2 Contract Code.

3 (D) Technology goods or services as described in Section 11532
4 or information technology as defined in paragraph (2) that are
5 capital assets eligible for tax exempt financing consistent with the
6 Internal Revenue Code as confirmed by an opinion of bond counsel,
7 as described in paragraph (3) of subdivision (a) of Section 14936.

8 (2) Information technology includes, but is not limited to, all
9 electronic technology systems and services, automated information
10 handling, system design and analysis, conversion of data, computer
11 programming, information storage and retrieval,
12 telecommunications, including voice, video, and data
13 communications, requisite system controls, simulation, electronic
14 commerce, and all related interactions between people and
15 machines.

16 (c) State agencies may refinance any eligible asset through the
17 GS \$Mart Program for the purpose of lowering financing costs
18 or consolidating payments, or when refinancing will achieve an
19 overall benefit and cost savings to the state.

20 (d) The department shall annually provide a report by September
21 1 of each year to the Joint Legislative Budget Committee, the State
22 Treasurer's Office, and the Department of Finance that shall
23 include, but not be limited to, the following information for each
24 loan entered into during the preceding fiscal year:

25 (1) Each agency that entered into a GS Mart loan.

26 (2) The amount financed by each loan.

27 (3) The term of each loan.

28 (4) A description of the item, good, or service financed by each
29 loan.

30 (5) The total amount of outstanding GS \$Mart loans.

31 14936. (a) The department shall develop a financing process
32 that requires, but shall not be limited to, all of the following:

33 (1) Confirmation that the term of financing shall be limited to
34 the average expected economic life of the asset or assets.

35 (2) Certification that the asset or assets to be financed are
36 eligible under Section 14934.

37 (3) A submission of an opinion of counsel from an independent
38 law firm of recognized standing in the field of law relating to the
39 exemption from federal income taxation on state or local bonds

1 *confirming that the assets subject to the financing qualify for tax*
 2 *exempt financing consistent with the Internal Revenue Code.*

3 (4) *The preparation and submission of payment schedules to*
 4 *the Controller for use by the Controller in transferring funds*
 5 *appropriated in the annual Budget Act to the state agency for*
 6 *payments due under the financing program.*

7 (5) *Prior approval by the Department of Finance and prior*
 8 *approval of the terms and conditions of the financing by the*
 9 *Treasurer for each financing over \$10,000,000.*

10 (b) *The Controller may direct the transfer of funds according*
 11 *to the schedule or schedules submitted by the department pursuant*
 12 *to the GS \$Mart Program.*

13 (c) *The department, in consultation with the Department of*
 14 *Finance, shall be responsible for the continued development and*
 15 *administration of, at a minimum, financing applications,*
 16 *instructions, and application approval pursuant to the GS \$Mart*
 17 *Program.*

18 14938. *As used in this chapter, “state agency” or “state*
 19 *agencies” means every state office, officer, department, division,*
 20 *bureau, board, and commission and the California State University*
 21 *and the Regents of the University of California.*

22 SEC. 18. *Section 15251 of the Government Code is amended*
 23 *to read:*

24 15251. *Unless the context requires otherwise, as used in this*
 25 *part, the following terms shall have the following meanings:*

26 (a) ~~“Agency” means the California Technology Agency.~~

27 ~~(b)~~

28 (a) *“Division” means the Public Safety Communications*
 29 *Division established by this part.*

30 (b) *“Office” means the Office of Emergency Services.*

31 SEC. 19. *Section 15253 of the Government Code is amended*
 32 *to read:*

33 15253. *This part shall apply only to those communications*
 34 *facilities which are owned and operated by public agencies in*
 35 *connection with official business of law enforcement services, fire*
 36 *services, natural resources services, agricultural services, and*
 37 *highway maintenance and control of the state or of cities, counties,*
 38 *and other political subdivisions in this state. This part shall not be*
 39 *construed as conferring upon the ~~agency~~ office control of programs*
 40 *or broadcasts intended for the general public.*

1 *SEC. 20. Section 15254 of the Government Code is amended*
2 *to read:*

3 15254. Radio and other communications facilities owned or
4 operated by the state and subject to the jurisdiction of the ~~agency~~
5 *office* shall not be used for political, sectarian, or propaganda
6 purposes. The facilities shall not be used for the purpose of
7 broadcasts intended for the general public, except for fire, flood,
8 frost, storm, catastrophe, and other warnings and information for
9 the protection of the public safety as the ~~agency~~ *office* may
10 prescribe.

11 *SEC. 21. Section 15275 of the Government Code is amended*
12 *to read:*

13 15275. The ~~agency~~ *office* may do all of the following:

14 (a) Provide adequate representation of local and state
15 governmental bodies and agencies before the Federal
16 Communications Commission in matters affecting the state and
17 its cities, counties, and other public agencies regarding public
18 safety communications issues.

19 (b) Provide, upon request, adequate advice to state and local
20 agencies in the state concerning existing or proposed public safety
21 communications facilities between any and all of the following:
22 cities, counties, other political subdivisions of the state, state
23 departments, agencies, boards, and commissions, and departments,
24 agencies, boards, and commissions of other states and federal
25 agencies.

26 (c) Recommend to the appropriate state and local agencies rules,
27 regulations, procedures, and methods of operation that it deems
28 necessary to effectuate the most efficient and economical use of
29 publicly owned and operated public safety communications
30 facilities within this state.

31 (d) Provide, upon request, information and data concerning the
32 public safety communications facilities that are owned and operated
33 by public agencies in connection with official business of public
34 safety services.

35 (e) Carry out the policy of this part.

36 *SEC. 22. Section 15277 of the Government Code is amended*
37 *to read:*

38 15277. The Public Safety Communications Division is
39 established within the ~~agency~~ *office*. The duties of the division
40 shall include, but not be limited to, all of the following:

- 1 (a) Assessing the overall long-range public safety
2 communications needs and requirements of the state considering
3 emergency operations, performance, cost, state-of-the-art
4 technology, multiuser availability, security, reliability, and other
5 factors deemed to be important to state needs and requirements.
- 6 (b) Developing strategic and tactical policies and plans for public
7 safety communications with consideration for the systems and
8 requirements of the state and all public agencies in this state, and
9 preparing an annual strategic communications plan that includes
10 the feasibility of interfaces with federal and other state
11 telecommunications networks and services.
- 12 (c) Recommending industry standards for public safety
13 communications systems to ensure multiuser availability and
14 compatibility.
- 15 (d) Providing advice and assistance in the selection of
16 communications equipment to ensure that the public safety
17 communications needs of state agencies are met and that
18 procurements are compatible throughout state agencies and are
19 consistent with the state’s strategic and tactical plans for public
20 safety communications.
- 21 (e) Providing management oversight of statewide public safety
22 communications systems developments.
- 23 (f) Providing for coordination of, and comment on, plans,
24 policies, and operational requirements from departments that utilize
25 public safety communications in support of their principal function,
26 such as the ~~California Emergency Management Agency~~, National
27 Guard, health and safety agencies, and others with primary public
28 safety communications programs.
- 29 (g) Monitoring and participating on behalf of the state in the
30 proceedings of federal and state regulatory agencies and in
31 congressional and state legislative deliberations that have an impact
32 on state government public safety communications activities.
- 33 (h) Developing plans regarding teleconferencing as an
34 alternative to state travel during emergency situations.
- 35 (i) Ensuring that all radio transmitting devices owned or operated
36 by state agencies and departments are licensed, installed, and
37 maintained in accordance with the requirements of federal law. A
38 request for a federally required license for a state-owned radio
39 transmitting device shall be sought only in the name of the “State
40 of California.”

1 (j) Acquiring, installing, equipping, maintaining, and operating
2 new or existing public safety communications systems and facilities
3 for public safety agencies. To accomplish that purpose, the division
4 is authorized to enter into contracts, obtain licenses, acquire
5 property, install necessary equipment and facilities, and do other
6 necessary acts to provide adequate and efficient public safety
7 communications systems. Any systems established shall be
8 available to all public agencies in the state on terms that may be
9 agreed upon by the public agency and the division.

10 (k) Acquiring, installing, equipping, maintaining, and operating
11 all new or replacement microwave communications systems
12 operated by the state, except microwave equipment used
13 exclusively for traffic signal and signing control, traffic metering,
14 and roadway surveillance systems. To accomplish that purpose,
15 the division is authorized to enter into contracts, obtain licenses,
16 acquire property, install necessary equipment and facilities, and
17 do other necessary acts to provide adequate and efficient
18 microwave communications systems. Any system established shall
19 be available to all public safety agencies in the state on terms that
20 may be agreed upon by the public agency and the division.

21 (l) This chapter shall not apply to Department of Justice
22 communications operated pursuant to Chapter 2.5 (commencing
23 with Section 15150) of Part 6.

24 *SEC. 23. Chapter 3 (commencing with Section 15278) is added*
25 *to Part 6.5 of Division 3 of Title 2 of the Government Code, to*
26 *read:*

27

28 *CHAPTER 3. PUBLIC SAFETY COMMUNICATIONS*

29

30 *15278. This chapter shall be known, and may be cited, as the*
31 *Public Safety Communications Act of 2013.*

32 *15279. For purposes of this chapter, unless the context requires*
33 *otherwise, "director" means the Director of the Office of*
34 *Emergency Services.*

35 *15280. (a) There is in state government, within the Office of*
36 *Emergency Services, the Public Safety Communications Division.*

37 *(b) The Public Safety Communications Division is under the*
38 *supervision of a chief.*

39 *(c) The purpose of this chapter is to transfer the services and*
40 *responsibilities previously held by the Public Safety*

1 *Communications Division within the California Technology Agency*
2 *to the Office of Emergency Services.*

3 *(d) Unless the context clearly requires otherwise, the Office of*
4 *Emergency Services and the Director of the Office of Emergency*
5 *Services succeed to and are vested with all the duties, powers,*
6 *purposes, responsibilities, and jurisdiction vested in the former*
7 *Public Safety Communications Division within the California*
8 *Technology Agency.*

9 *(e) Unless the context clearly requires otherwise, whenever the*
10 *“Public Safety Communications Division within the California*
11 *Technology Agency” or the “Public Safety Communications*
12 *Division of the California Technology Agency” is referenced in*
13 *any statute, regulation, or contract, it shall be construed to refer*
14 *to the Public Safety Communications Division within the Office*
15 *of Emergency Services.*

16 *(f) All employees serving in state civil service, other than*
17 *temporary employees, who are engaged in the performance of*
18 *functions transferred to the Office of Emergency Services, are*
19 *transferred to the Office of Emergency Services. The status,*
20 *positions, and rights of those persons shall not be affected by their*
21 *transfer and shall continue to be retained by them pursuant to the*
22 *State Civil Service Act (Part 2 (commencing with Section 18500)*
23 *of Division 5), except as to positions the duties of which are vested*
24 *in a position exempt from civil service. The personnel records of*
25 *all transferred employees shall be transferred to the Office of*
26 *Emergency Services.*

27 *(g) The property of any office, agency, or department related*
28 *to functions transferred to the Office of Emergency Services is*
29 *transferred to the Office of Emergency Services. If any doubt arises*
30 *as to where that property is transferred, the Department of General*
31 *Services shall determine where the property is transferred.*

32 *15281. The Chief of the Public Safety Communications Division*
33 *shall be responsible for managing the affairs of the Public Safety*
34 *Communications Division and shall perform all duties, exercise*
35 *all powers and jurisdiction, and assume and discharge all*
36 *responsibilities necessary to carry out the responsibilities of the*
37 *Public Safety Communications Division. The Office of Emergency*
38 *Services shall employ professional, clerical, technical, and*
39 *administrative personnel as necessary to carry out this chapter.*

1 15282. *The Director of the Office of Emergency Services shall*
2 *establish rates for the Office of Emergency Services' Public Safety*
3 *Communications Division's services based on a formal rate*
4 *methodology.*

5 *SEC. 24. Section 18662 of the Government Code is repealed.*

6 ~~18662. The board shall recover from an audited department~~
7 ~~the entire cost of any audit or investigation conducted under this~~
8 ~~article.~~

9 *SEC. 25. Section 18662 is added to the Government Code, to*
10 *read:*

11 18662. (a) *The board shall determine the total annual cost*
12 *associated with the board's audit authority. The board shall*
13 *recover costs by billing appointing authorities in accordance with*
14 *subdivision (b).*

15 (b) (1) *Except as specified in paragraph (2), an appointing*
16 *authority shall be charged annually a proportional share of audit*
17 *costs, based on criteria determined by the board.*

18 (2) *An appointing authority may elect to be charged for costs*
19 *in arrears incurred by the board for auditing the appointing*
20 *authority's personnel practices. Charges in arrears shall be on a*
21 *basis as determined by the board. An election pursuant to this*
22 *paragraph shall be made only within a period determined by the*
23 *board.*

24 (c) *The board shall also determine the costs associated with*
25 *any special investigations conducted by the board. The board shall*
26 *recover those costs by charging an appointing authority in arrears,*
27 *on a basis as determined by the board, for any special investigation*
28 *conducted by the board.*

29 (d) *Pursuant to Section 11255, the Controller shall transfer to*
30 *the board any moneys owed to the board by any appointing*
31 *authority for charges due under this section.*

32 (e) *On or before October 1, 2014, and every October 1*
33 *thereafter, the board shall report to the Chairperson of the Joint*
34 *Legislative Budget Committee the audit and special investigation*
35 *activities of the board pursuant to this article from the preceding*
36 *fiscal year. The board shall include in the report the following*
37 *information:*

38 (1) *A summary of each audit and special investigation, including*
39 *findings.*

1 (2) *The number and total cost of audits and special*
 2 *investigations, by department.*

3 *SEC. 26. Section 18671.2 of the Government Code is amended*
 4 *to read:*

5 18671.2. (a) *The board shall determine the total cost to the*
 6 *state of maintaining and operating the hearing office of the board*
 7 *shall be determined by the board, in advance or upon any other*
 8 *basis as it may determine, utilizing information from the state*
 9 *agencies for which services are provided by the hearing office.*

10 (b) *The board shall be reimbursed for the entire cost of hearings*
 11 *conducted by the hearing office pursuant to statutes administered*
 12 *by the board, or by interagency agreement. The board may bill the*
 13 *appropriate state agencies for the costs incurred in conducting*
 14 *hearings involving employees of those state agencies, and*
 15 *employees of the California State University pursuant to Sections*
 16 *89535 to 89542, inclusive, of the Education Code, and may bill*
 17 *the state departments having responsibility for the overall*
 18 *administration of grant-in-aid programs for the costs incurred in*
 19 *conducting hearings involving employees not administering their*
 20 *own merit systems pursuant to Chapter 1 (commencing with*
 21 *Section 19800) of Part 2.5. All costs collected by the board*
 22 *pursuant to this section shall only be used only for purposes of*
 23 *maintaining and operating the hearing office of the board.*

24 (c) *Pursuant to Section 11255, the Controller shall transfer to*
 25 *the board, pursuant to Section 18675, any moneys owed to the*
 26 *board by any state agency or department for charges determined*
 27 *by the board as specified in subdivisions (a) and (b).*

28 *SEC. 27. Article 8 (commencing with Section 19210) is added*
 29 *to Chapter 5 of Part 2 of Division 5 of Title 2 of the Government*
 30 *Code, to read:*

31

32

Article 8. Additional Appointments

33

34 19210. (a) *The department shall submit two reports to the*
 35 *Joint Legislative Budget Committee and the fiscal committees of*
 36 *the Legislature that review the use of additional appointments by*
 37 *state agencies, excluding state universities, for managers and*
 38 *supervisors by November 30, 2013, and for rank and file employees*
 39 *by November 30, 2014. At a minimum, the reports shall specify*
 40 *all of the following:*

1 (1) *The number of additional appointments held by state*
2 *employees at any time during 2013 who were exempt under the*
3 *federal Fair Labor Standards Act.*

4 (2) *The actions the department took to verify whether these*
5 *additionally appointed employees' duties were consistent with*
6 *their exempt status, if applicable.*

7 (3) *The total number of additional appointments that the*
8 *department found as a result of its 2013 review, and, of this total,*
9 *the number of additional appointments that were terminated or*
10 *are otherwise no longer in use and the reasons for these decisions.*

11 (4) *The number of additional appointments held by state*
12 *employees whose primary appointment is or was in the same*
13 *agency as the additional appointment and in the same division of*
14 *the same agency as the additional appointment.*

15 (5) *For each agency, the number of additional appointments*
16 *held by its employees, the highest number of hours worked by an*
17 *employee holding an additional appointment, and the average*
18 *number of hours worked per month per additional appointee.*

19 (b) *As part of the 2015–16 budget proposal submitted to the*
20 *Legislature in January 2015, the department shall propose*
21 *legislation to establish the state's policy regarding the use of*
22 *additional appointments.*

23 (c) *The report required under this section shall be submitted*
24 *pursuant to Section 9795.*

25 19212. *By November 30, 2013, the State Personnel Board shall*
26 *submit a report to the Joint Legislative Budget Committee and the*
27 *fiscal committees of the Legislature that review the policies and*
28 *practices included in the Personnel Management Policy and*
29 *Procedures Manual (PMPPM). At a minimum, the report shall*
30 *include a summary of existing policies included in the PMPPM,*
31 *the date of each policy's adoption, the agency responsible for*
32 *enforcement of the policy, and, if a policy is no longer in use, the*
33 *date of and reasons for discontinuing that policy. The report*
34 *required under this section shall be submitted pursuant to Section*
35 *9795.*

36 19214. *This article shall remain in effect only until November*
37 *30, 2017, and as of that date is repealed, unless a later enacted*
38 *statute, that is enacted before November 30, 2017, deletes or*
39 *extends that date.*

1 SEC. 28. Section 23025 of the Government Code is amended
2 to read:

3 23025. ~~A~~In order to comply with the Americans with
4 Disabilities Act (42 U.S.C. Sec. 12101 et seq.) and other applicable
5 federal provisions, a county, whether general law or chartered,
6 which provides any emergency services, ~~shall~~ is encouraged to
7 provide deaf teletype equipment at a central location within the
8 county to relay requests for such emergency services.

9 SEC. 29. Section 25008 of the Government Code is amended
10 to read:

11 25008. Members ~~shall~~ may be allowed their actual expenses
12 in going to, attendance upon, and returning from state association
13 meetings and their actual and necessary traveling expenses when
14 traveling outside their counties on official business. Reimbursement
15 for these expenses is subject to Sections 53232.2 and 53232.3.

16 SEC. 30. Section 50021 is added to the Government Code, to
17 read:

18 50021. Notwithstanding any other law, any statute enacted
19 prior to the effective date of the act that added this section, that
20 requires that a governing board member of a local agency receive
21 compensation or be reimbursed for expenses for services as a
22 board member, shall, instead be construed to confer upon the local
23 agency the discretion to authorize, by ordinance or resolution,
24 compensation or reimbursement as otherwise set forth in the
25 statute.

26 SEC. 31. Section 53108.5 of the Government Code is amended
27 to read:

28 53108.5. "Division," as used in this article, means the ~~Public~~
29 ~~Safety Communications Division within the California Technology~~
30 ~~Agency. Office of Emergency Services.~~

31 SEC. 32. Section 53114.1 of the Government Code is amended
32 to read:

33 53114.1. To accomplish the responsibilities specified in this
34 article, the division is directed to consult at regular intervals with
35 the State Fire Marshal, the State Department of Public Health, the
36 Office of Traffic Safety, ~~the California Emergency Management~~
37 ~~Agency,~~ a local representative from a city, a local representative
38 from a county, the public utilities in this state providing telephone
39 service, the Association of Public-Safety Communications
40 Officials, the Emergency Medical Services Authority, the

1 Department of the California Highway Patrol, and the Department
2 of Forestry and Fire Protection. These agencies shall provide all
3 necessary assistance and consultation to the division to enable it
4 to perform its duties specified in this article.

5 *SEC. 33. Section 53115.1 of the Government Code is amended*
6 *to read:*

7 53115.1. (a) There is in state government the State 911
8 Advisory Board.

9 (b) The advisory board shall be comprised of the following
10 members appointed by the Governor who shall serve at the pleasure
11 of the Governor.

12 (1) The Chief of the ~~California 911 Emergency Communications~~
13 ~~Office~~ *Public Safety Communications Division* shall serve as the
14 nonvoting chair of the board.

15 (2) One representative from the Department of the California
16 Highway Patrol.

17 (3) Two representatives on the recommendation of the California
18 Police Chiefs Association.

19 (4) Two representatives on the recommendation of the California
20 State Sheriffs' Association.

21 (5) Two representatives on the recommendation of the California
22 Fire Chiefs Association.

23 (6) Two representatives on the recommendation of the CalNENA
24 Executive Board.

25 (7) One representative on the joint recommendation of the
26 executive boards of the state chapters of the Association of
27 Public-Safety Communications Officials-International, Inc.

28 (c) Recommending authorities shall give great weight and
29 consideration to the knowledge, training, and expertise of the
30 appointee with respect to their experience within the California
31 911 system. Board members should have at least two years of
32 experience as a Public Safety Answering Point (PSAP) manager
33 or county coordinator, except where a specific person is designated
34 as a member.

35 (d) Members of the advisory board shall serve at the pleasure
36 of the Governor, but may not serve more than two consecutive
37 two-year terms, except as follows:

38 (1) The presiding Chief of the ~~California 911 Emergency~~
39 ~~Communications Office~~ *Public Safety Communications Division*
40 shall serve for the duration of his or her tenure.

1 (2) Four of the members shall serve an initial term of three years.

2 (e) Advisory board members shall not receive compensation
3 for their service on the board, but may be reimbursed for travel
4 and per diem for time spent in attending meetings of the board.

5 (f) The advisory board shall meet quarterly in public sessions
6 in accordance with the Bagley-Keene Open Meeting Act (Article
7 9 (commencing with Section 11120) of Chapter 2 of Part 1 of
8 Division 3 of Title 2). The division shall provide administrative
9 support to the State 911 Advisory Board. The State 911 Advisory
10 Board, at its first meeting, shall adopt bylaws and operating
11 procedures consistent with this article and establish committees
12 as necessary.

13 (g) Notwithstanding any other provision of law, any member
14 of the advisory board may designate a person to act as that member
15 in his or her place and stead for all purposes, as though the member
16 were personally present.

17 *SEC. 34. Section 53126.5 of the Government Code is amended*
18 *to read:*

19 53126.5. For purposes of this article, the following definitions
20 apply:

21 (a) “Local public agency” means a city, county, city and county,
22 and joint powers authority that provides a public safety answering
23 point (PSAP).

24 (b) “Nonemergency telephone system” means a system
25 structured to provide access to only public safety agencies such
26 as police and fire, or a system structured to provide access to public
27 safety agencies and to all other services provided by a local public
28 agency such as street maintenance and animal control.

29 (c) “Public Safety Communications Division” means the Public
30 Safety Communications Division within the ~~California Technology~~
31 ~~Agency~~. *Office of Emergency Services.*

32 *SEC. 35. Section 6060 of the Harbors and Navigation Code is*
33 *amended to read:*

34 6060. The commissioners shall serve without salary until the
35 yearly gross income of the district, exclusive of taxes levied by
36 the district, exceeds twenty thousand dollars (\$20,000) per year,
37 when the board may, by ordinance, fix their salaries, which shall
38 not exceed the sum of six hundred dollars (\$600) per month each.

39 In addition to any salary received pursuant to this section, the
40 commissioners ~~shall~~ *may* be allowed any actual and necessary

1 expenses incurred in the performance of their duties.
2 Reimbursement for these expenses is subject to Sections 53232.2
3 and 53232.3 of the Government Code.

4 *SEC. 36. Section 7047 of the Harbors and Navigation Code is*
5 *amended to read:*

6 7047. Each director ~~shall~~ *may* receive a sum as may be fixed
7 by the board, not exceeding fifty dollars (\$50) for each meeting
8 of the board attended by him or her, for not exceeding four
9 meetings in any calendar month. A director may also receive
10 traveling and other expenses incurred by him or her when
11 performing duties for the district other than attending board
12 meetings. For purposes of this section, the determination of whether
13 a director's activities on any specific day are compensable shall
14 be made pursuant to Article 2.3 (commencing with Section 53232)
15 of Chapter 2 of Part 1 of Division 2 of Title 5 of the Government
16 Code. Reimbursement for these expenses is subject to Sections
17 53232.2 and 53232.3 of the Government Code.

18 *SEC. 37. Section 2851 of the Health and Safety Code is*
19 *amended to read:*

20 2851. The members of the district board shall hold office at
21 the pleasure of the board of supervisors. They shall serve without
22 compensation, but ~~shall~~ *may* be allowed their necessary traveling
23 and other expenses incurred in performance of their official duties.
24 In lieu of expenses, the district board may, by resolution, provide
25 for the allowance and payment to each member of the board of a
26 sum not exceeding one hundred dollars (\$100) as expenses incurred
27 in attending each business meeting of the board. Reimbursement
28 for these expenses is subject to Sections 53232.2 and 53232.3 of
29 the Government Code.

30 *SEC. 38. Section 4733 of the Health and Safety Code is*
31 *amended to read:*

32 4733. (a) The district board may fix the amount of
33 compensation per meeting to be paid each member of the board
34 for services for each meeting attended by the member. Subject to
35 subdivision (b), the compensation shall not exceed one hundred
36 dollars (\$100) for each meeting of the district board attended by
37 the member or for each day's service rendered as a member by
38 request of the board, not exceeding a total of six days in any
39 calendar ~~month, together with~~ *month. The board may also authorize*
40 *reimbursement for any expenses incident thereto.*

1 (b) The district board, by ordinance adopted pursuant to Chapter
2 2 (commencing with Section 20200) of Division 10 of the Water
3 Code, may increase the compensation received by the district board
4 members above the amount of one hundred dollars (\$100) per day.

5 (c) For purposes of this section, the determination of whether
6 a director's activities on any specific day are compensable shall
7 be made pursuant to Article 2.3 (commencing with Section 53232)
8 of Chapter 2 of Part 1 of Division 2 of Title 5 of the Government
9 Code.

10 (d) Reimbursement for these expenses is subject to Sections
11 53232.2 and 53232.3 of the Government Code.

12 *SEC. 39. Section 6489 of the Health and Safety Code is*
13 *amended to read:*

14 6489. (a) Subject to subdivision (b), each of the members of
15 the board ~~shall~~ *may* receive compensation in an amount not to
16 exceed one hundred dollars (\$100) per day for each day's
17 attendance at meetings of the board or for each day's service
18 rendered as a director by request of the board, not exceeding a
19 total of six days in any calendar ~~month, together with~~ *month. The*
20 *board may also authorize reimbursement for any expenses incident*
21 *thereto.*

22 (b) The district board, by ordinance adopted pursuant to Chapter
23 2 (commencing with Section 20200) of Division 10 of the Water
24 Code, may increase the compensation received by board members
25 above the amount of one hundred dollars (\$100) per day.

26 (c) The secretary of the sanitary board shall receive
27 compensation to be set by the sanitary district board, which
28 compensation shall be in lieu of any other compensation to which
29 he or she may be entitled by reason of attendance at the meeting
30 or meetings of the sanitary board.

31 (d) For purposes of this section, the determination of whether
32 a director's activities on any specific day are compensable shall
33 be made pursuant to Article 2.3 (commencing with Section 53232)
34 of Chapter 2 of Part 1 of Division 2 of Title 5 of the Government
35 Code.

36 (e) Reimbursement for these expenses is subject to Sections
37 53232.2 and 53232.3 of the Government Code.

38 *SEC. 40. Section 32103 of the Health and Safety Code is*
39 *amended to read:*

1 32103. The board of directors shall serve without compensation
2 except that the board of directors, by a resolution adopted by a
3 majority vote of the members of the board, may authorize the
4 payment of not to exceed one hundred dollars (\$100) per meeting
5 not to exceed five meetings a month as compensation to each
6 member of the board of directors.

7 Each member of the board of directors ~~shall~~ *may* be allowed his
8 or her actual necessary traveling and incidental expenses incurred
9 in the performance of official business of the district as approved
10 by the board. For purposes of this section, the determination of
11 whether a director's activities on any specific day are compensable
12 shall be made pursuant to Article 2.3 (commencing with Section
13 53232) of Chapter 2 of Part 1 of Division 2 of Title 5 of the
14 Government Code. Reimbursement for these expenses is subject
15 to Sections 53232.2 and 53232.3 of the Government Code.

16 *SEC. 41. Section 10089.7 of the Insurance Code is amended*
17 *to read:*

18 10089.7. (a) The authority shall be governed by a
19 three-member governing board consisting of the Governor, the
20 Treasurer, and the Insurance Commissioner, each of whom may
21 name designees to serve as board members in their place. The
22 Speaker of the Assembly and the Chairperson of the Senate
23 Committee on Rules shall serve as nonvoting, ex officio members
24 of the board, and may name designees to serve in their place.

25 (b) The board shall be advised by an advisory panel whose
26 members shall be appointed by the Governor, except as provided
27 in this subdivision. The advisory panel shall consist of four
28 members who represent insurance companies that are licensed to
29 transact fire insurance in the state, two of whom shall be appointed
30 by the commissioner, two licensed insurance agents, one of whom
31 shall be appointed by the commissioner, and three members of the
32 public not connected with the insurance industry, at least one of
33 whom shall be a consumer representative. In addition, the Speaker
34 of the Assembly, and the Chairperson of the Senate Committee
35 on Rules may each appoint one member of the public not connected
36 with the insurance industry. Panel members shall serve for
37 four-year terms, which may be staggered for administrative
38 convenience, and panel members may be reappointed. The
39 commissioner shall be a nonvoting, ex officio member of the panel

1 and shall be entitled to attend all panel meetings, either in person
2 or by representative.

3 (c) The board shall have the power to conduct the affairs of the
4 authority and may perform all acts necessary or convenient in the
5 exercise of that power. Without limitation, the board may: (1)
6 employ or contract with officers and employees to administer the
7 authority; (2) retain outside actuarial, geological, and other
8 professionals; (3) enter into other obligations relating to the
9 operation of the authority; (4) invest the moneys in the California
10 Earthquake Authority Fund; (5) obtain reinsurance and financing
11 for the authority as authorized by this chapter; (6) contract with
12 participating insurers to service the policies of basic residential
13 earthquake insurance issued by the authority; (7) issue bonds
14 payable from and secured by a pledge of the authority of all or any
15 part of the revenues of the authority to finance the activities
16 authorized by this chapter and sell those bonds at public or private
17 sale in the form and on those terms and conditions as the Treasurer
18 shall approve; (8) pledge all or any part of the revenues of the
19 authority to secure bonds and any repayment or reimbursement
20 obligations of the authority to any provider of insurance or a
21 guarantee of liquidity or credit facility entered into to provide for
22 the payment of debt service on any bond of the authority; (9)
23 employ and compensate bond counsel, financial consultants, and
24 other advisers determined necessary by the Treasurer in connection
25 with the issuance and sale of any bonds; (10) issue or obtain from
26 any department or agency of the United States or of this state, or
27 any private company, any insurance or guarantee of liquidity or
28 credit facility determined to be appropriate by the Treasurer to
29 provide for the payment of debt service on any bond of the
30 authority; (11) engage the commissioner to collect revenues of the
31 authority; (12) issue bonds to refund or purchase or otherwise
32 acquire bonds on terms and conditions as the Treasurer shall
33 approve; and (13) perform all acts that relate to the function and
34 purpose of the authority, whether or not specifically designated in
35 this chapter.

36 (d) The authority shall reimburse board and panel members for
37 their reasonable expenses incurred in attending meetings and
38 conducting the business of the authority.

39 (e) (1) There shall be a limited civil immunity and no criminal
40 liability in a private capacity, on account of any act performed or

1 omitted or obligation entered into an official capacity, when done
2 or omitted in good faith and without intent to defraud, on the part
3 of the board, the panel, or any member of either, or on the part of
4 any officer, employee, or agent of the authority. This provision
5 shall not eliminate or reduce the responsibility of the authority
6 under the covenant of good faith and fair dealing.

7 (2) In any claim against the authority based upon an earthquake
8 policy issued by the authority, the authority shall be liable for any
9 damages, including damages under Section 3294 of the Civil Code,
10 for a breach of the covenant of good faith and fair dealing by the
11 authority or its agents.

12 (3) In any claim based upon an earthquake policy issued by the
13 authority, the participating carrier shall be liable for any damages
14 for a breach of a common law, regulatory, or statutory duty as if
15 it were a contracting insurer. The authority shall indemnify the
16 participating carrier from any liability resulting from the authority's
17 actions or directives. The board shall not indemnify a participating
18 carrier for any loss resulting from failure to comply with directives
19 of the authority or from violating statutory, regulatory, or common
20 law governing claims handling practices.

21 (4) ~~No~~ A licensed insurer, its officers, directors, employees, or
22 agents, shall *not* have any antitrust civil or criminal liability under
23 the Cartwright Act (Part 2 (commencing with Section 16600) of
24 Division 7 of the Business and Professions Code) by reason of its
25 activities conducted in compliance with this chapter. Further, the
26 California Earthquake Authority shall be deemed a joint
27 arrangement established by statute to ensure the availability of
28 insurance pursuant to subdivision (b) of Section 1861.03.

29 (5) Subject to the provisions of Section 10089.21, ~~nothing in~~
30 this chapter shall *not* be construed to limit any exercise of the
31 commissioner's power, including enforcement and disciplinary
32 actions, or the imposition of fines and orders to ensure compliance
33 with this chapter, the rules and guidelines of the authority, or any
34 other law or rule applicable to the business of insurance.

35 (6) Except as provided in paragraph (3) and by any other
36 provision of this chapter, ~~there shall be no~~ liability on the part of,
37 and ~~no a cause of action~~ *action*, shall *not* be permitted in law or
38 equity against, any participating insurer for any earthquake loss
39 to property for which the authority has issued a policy unless the
40 loss is covered by an insurance policy issued by the participating

1 insurer. A policy issued by the authority shall not be deemed to
2 be a policy issued by a participating insurer.

3 (f) The Attorney General, in his or her discretion, shall provide
4 a representative of his or her office to attend and act as antitrust
5 counsel at all meetings of the panel. The Attorney General shall
6 be compensated for legal service rendered in the manner specified
7 in Section 11044 of the Government Code.

8 (g) The authority may sue or be sued and may employ or
9 contract with that staff and those professionals the board deems
10 necessary for its efficient administration.

11 (h) (1) The authority may contract for the services of a chief
12 executive officer, a chief financial officer, a chief mitigation
13 officer, and an operations manager, and may contract for the
14 services of reinsurance intermediaries, financial market
15 underwriters, modeling firms, a computer firm, an actuary, an
16 insurance claims consultant, counsel, and private money managers.
17 These contracts shall not be subject to otherwise applicable
18 provisions of the Government Code and the Public Contract Code,
19 and for those purposes, the authority shall not be considered a state
20 agency or other public entity. Other employees of the authority
21 shall be subject to civil service provisions. ~~The total number of
22 authority employees subject to civil service provisions shall not
23 exceed 25.~~

24 (2) When the authority hires multiple private money managers
25 to manage the assets of the California Earthquake Authority Fund,
26 other than the primary custodian of the securities, the authority
27 shall consider small California-based firms who are qualified to
28 manage the money in the fund. The purpose of this provision is to
29 prevent the exclusion of small qualified investment firms solely
30 because of their size.

31 (i) Members of the board and panel, and their designees, and
32 the chief executive officer, the chief financial officer, the chief
33 mitigation officer, and the operations manager of the authority
34 shall be required to file financial disclosure statements with the
35 Fair Political Practices Commission. The appointing authorities
36 for members and designees of the board and panel shall, when
37 making appointments, avoid appointing persons with conflicts of
38 interest. Section 87406 of the Government Code, the Milton Marks
39 Postgovernment Employment Restrictions Act of 1990, shall apply
40 to the authority. Members of the board, the chief financial officer,

1 the chief executive officer, the chief operations manager, the chief
2 counsel, and any other person designated by the authority shall be
3 deemed to be designated employees for the purpose of that act. In
4 addition, no member of the board, nor the chief financial officer,
5 the chief executive officer, the chief operations manager, and the
6 chief counsel, shall, upon leaving the employment of the authority,
7 seek, accept, or enter into employment or a consulting or other
8 contractual arrangement for the period of one year with any
9 employer or entity that entered into a participating agreement, or
10 a reinsurance, bonding, letter of credit, or private capital markets
11 contract with the authority during the time the employee was
12 employed by the authority, which that member or employee had
13 negotiated or approved, or participated in negotiating. A violation
14 of these provisions shall be subject to enforcement pursuant to
15 Chapter 11 (commencing with Section 91000) of Title 9 of the
16 Government Code.

17 (j) The board shall establish the duties of, and give direction to,
18 the chief mitigation officer, to support and enhance the authority's
19 appropriate efforts to create and maintain all of the following:

20 (1) Program activities that mitigate against seismic risks, for
21 the benefit of homeowners, other property owners, including
22 landlords with smaller holdings, and the general public of the state.

23 (2) Collaboration with academic institutions, nonprofit entities,
24 and commercial business entities in joint efforts to conduct
25 mitigation-related research and educational activities, and conduct
26 program activities to mitigate against seismic risk.

27 (3) Programs to provide financial assistance in the form of loans,
28 grants, credits, rebates, or other financial incentives to further
29 efforts to mitigate against seismic risk, including, but not limited
30 to, structural and contents retrofitting of residential structures.

31 (4) Collaborations and joint programs with subdivisions and
32 programs of local, state, and federal governments and with other
33 national programs that may further California's disaster
34 preparedness, protection, and mitigation goals.

35 (5) Other programs, support efforts, and activities deemed
36 appropriate by the board to further the authority's appropriate
37 mitigation and mitigation-related goals.

38 (k) The authority may accept grants and gifts of property, real
39 or personal, tangible and intangible, and services for the Earthquake
40 Loss Mitigation Fund, created pursuant to Section 10089.37, or

1 the related residential retrofit program from federal, state, and local
2 government sources and private sources.

3 (l) The Bagley-Keene Open Meeting Act (Article 9
4 (commencing with Section 11120) of Chapter 1 of Part 1 of
5 Division 3 of Title 2 of the Government Code) applies to meetings
6 of the board and the panel.

7 *SEC. 42. Section 62.5 of the Labor Code is amended to read:*

8 62.5. (a) (1) The Workers' Compensation Administration
9 Revolving Fund is hereby created as a special account in the State
10 Treasury. Money in the fund may be expended by the department,
11 upon appropriation by the Legislature, for all of the following
12 purposes, and may not be used or borrowed for any other purpose:

13 (A) For the administration of the workers' compensation
14 program set forth in this division and Division 4 (commencing
15 with Section 3200), other than the activities financed pursuant to
16 paragraph (2) of subdivision (a) of Section 3702.5.

17 (B) For the Return-to-Work Program set forth in Section 139.48.

18 (C) For the enforcement of the insurance coverage program
19 established and maintained by the Labor Commissioner pursuant
20 to Section 90.3.

21 (2) The fund shall consist of surcharges made pursuant to
22 paragraph (1) of subdivision (f).

23 (b) (1) The Uninsured Employers Benefits Trust Fund is hereby
24 created as a special trust fund account in the State Treasury, of
25 which the director is trustee, and its sources of funds are as
26 provided in paragraph (1) of subdivision (f). Notwithstanding
27 Section 13340 of the Government Code, the fund is continuously
28 appropriated for the payment of nonadministrative expenses of the
29 workers' compensation program for workers injured while
30 employed by uninsured employers in accordance with Article 2
31 (commencing with Section 3710) of Chapter 4 of Part 1 of Division
32 4, and shall not be used for any other purpose. All moneys collected
33 shall be retained in the trust fund until paid as benefits to workers
34 injured while employed by uninsured employers.
35 Nonadministrative expenses include audits and reports of services
36 prepared pursuant to subdivision (b) of Section 3716.1. The
37 surcharge amount for this fund shall be stated separately.

38 (2) Notwithstanding any other provision of law, all references
39 to the Uninsured Employers Fund shall mean the Uninsured
40 Employers Benefits Trust Fund.

1 (3) Notwithstanding paragraph (1), in the event that budgetary
2 restrictions or impasse prevent the timely payment of administrative
3 expenses from the Workers' Compensation Administration
4 Revolving Fund, those expenses shall be advanced from the
5 Uninsured Employers Benefits Trust Fund. Expense advances
6 made pursuant to this paragraph shall be reimbursed in full to the
7 Uninsured Employers Benefits Trust Fund upon enactment of the
8 annual Budget Act.

9 (4) Any moneys from penalties collected pursuant to Section
10 3722 as a result of the insurance coverage program established
11 under Section 90.3 shall be deposited in the State Treasury to the
12 credit of the Workers' Compensation Administration Revolving
13 Fund created under this section, to cover expenses incurred by the
14 director under the insurance coverage program. The amount of
15 any penalties in excess of payment of administrative expenses
16 incurred by the director for the insurance coverage program
17 established under Section 90.3 shall be deposited in the State
18 Treasury to the credit of the Uninsured Employers Benefits Trust
19 Fund for nonadministrative expenses, as prescribed in paragraph
20 (1), and notwithstanding paragraph (1), shall only be available
21 upon appropriation by the Legislature.

22 (c) (1) The Subsequent Injuries Benefits Trust Fund is hereby
23 created as a special trust fund account in the State Treasury, of
24 which the director is trustee, and its sources of funds are as
25 provided in paragraph (1) of subdivision (f). Notwithstanding
26 Section 13340 of the Government Code, the fund is continuously
27 appropriated for the nonadministrative expenses of the workers'
28 compensation program for workers who have suffered serious
29 injury and who are suffering from previous and serious permanent
30 disabilities or physical impairments, in accordance with Article 5
31 (commencing with Section 4751) of Chapter 2 of Part 2 of Division
32 4, and Section 4 of Article XIV of the California Constitution, and
33 shall not be used for any other purpose. All moneys collected shall
34 be retained in the trust fund until paid as benefits to workers who
35 have suffered serious injury and who are suffering from previous
36 and serious permanent disabilities or physical impairments.
37 Nonadministrative expenses include audits and reports of services
38 pursuant to subdivision (c) of Section 4755. The surcharge amount
39 for this fund shall be stated separately.

1 (2) Notwithstanding any other law, all references to the
2 Subsequent Injuries Fund shall mean the Subsequent Injuries
3 Benefits Trust Fund.

4 (3) Notwithstanding paragraph (1), in the event that budgetary
5 restrictions or impasse prevent the timely payment of administrative
6 expenses from the Workers' Compensation Administration
7 Revolving Fund, those expenses shall be advanced from the
8 Subsequent Injuries Benefits Trust Fund. Expense advances made
9 pursuant to this paragraph shall be reimbursed in full to the
10 Subsequent Injuries Benefits Trust Fund upon enactment of the
11 annual Budget Act.

12 (d) (1) The Occupational Safety and Health Fund is hereby
13 created as a special account in the State Treasury. Moneys in the
14 account may be expended by the department, upon appropriation
15 by the Legislature, for support of the Division of Occupational
16 Safety and Health, the Occupational Safety and Health Standards
17 Board, and the Occupational Safety and Health Appeals Board,
18 and the activities these entities perform as set forth in this division,
19 and Division 5 (commencing with Section 6300).

20 (2) *On and after the effective date of the act amending this*
21 *section to add this paragraph in the 2013–14 Regular Session of*
22 *the Legislature, any moneys in the Cal-OSHA Targeted Inspection*
23 *and Consultation Fund and any assets, liabilities, revenues,*
24 *expenditures, and encumbrances of that fund, less five million*
25 *dollars (\$5,000,000), shall be transferred to the Occupational*
26 *Safety and Health Fund. On June 30, 2014, the remaining five*
27 *million dollars (\$5,000,000) in the Cal-OSHA Targeted Inspection*
28 *and Consultation Fund, or any remaining balance in that fund,*
29 *shall be transferred to, and become part of, the Occupational*
30 *Safety and Health Fund.*

31 (e) The Labor Enforcement and Compliance Fund is hereby
32 created as a special account in the State Treasury. Moneys in the
33 fund may be expended by the department, upon appropriation by
34 the Legislature, for the support of the activities that the Division
35 of Labor Standards Enforcement performs pursuant to this division
36 and Division 2 (commencing with Section 200), Division 3
37 (commencing with Section 2700), and Division 4 (commencing
38 with Section 3200). The fund shall consist of surcharges imposed
39 pursuant to paragraph (3) of subdivision (f).

1 (f) (1) Separate surcharges shall be levied by the director upon
2 all employers, as defined in Section 3300, for purposes of deposit
3 in the Workers' Compensation Administration Revolving Fund,
4 the Uninsured Employers Benefits Trust Fund, the Subsequent
5 Injuries Benefits Trust Fund, and the Occupational Safety and
6 Health Fund. The total amount of the surcharges shall be allocated
7 between self-insured employers and insured employers in
8 proportion to payroll respectively paid in the most recent year for
9 which payroll information is available. The director shall adopt
10 reasonable regulations governing the manner of collection of the
11 surcharges. The regulations shall require the surcharges to be paid
12 by self-insurers to be expressed as a percentage of indemnity paid
13 during the most recent year for which information is available,
14 and the surcharges to be paid by insured employers to be expressed
15 as a percentage of premium. In no event shall the surcharges paid
16 by insured employers be considered a premium for computation
17 of a gross premium tax or agents' commission. In no event shall
18 the total amount of the surcharges paid by insured and self-insured
19 employers exceed the amounts reasonably necessary to carry out
20 the purposes of this section.

21 (2) The surcharge levied by the director for the Occupational
22 Safety and Health Fund, pursuant to paragraph (1), shall not
23 generate revenues in excess of ~~fifty-two~~ *fifty-seven* million dollars
24 ~~(\$52,000,000)~~ *(\$57,000,000)* on and after the ~~2009-10~~ *2013-14*
25 fiscal year, adjusted for each fiscal year as appropriate to *fund any*
26 *increases in the appropriation as approved by the Legislature,*
27 *and to reconcile any over/under assessments from previous fiscal*
28 *years pursuant to Sections 15606 and 15609 of Title 8 of the*
29 *California Code of Regulations, and may increase by not more*
30 *than the state-local government deflator each year thereafter*
31 *through July 1, 2013, and, as appropriate, to reconcile any*
32 *over/under assessments from previous fiscal years. For the 2013-14*
33 *fiscal year, the surcharge level shall return to the level in place on*
34 *June 30, 2009, adjusted for inflation based on the state-local*
35 *government deflator Regulations. For the 2013-14 fiscal year*
36 *only, the revenue cap established in this paragraph shall be*
37 *reduced by an amount equivalent to the balance transferred from*
38 *the Cal-OSHA Targeted Inspection and Consultation Fund*
39 *established in Section 62.7, less any amount of that balance loaned*

1 *to the State Public Works Enforcement Fund, to the Occupational*
 2 *Safety and Health Fund pursuant to subdivision (d).*

3 (3) A separate surcharge shall be levied by the director upon all
 4 employers, as defined in Section 3300, for purposes of deposit in
 5 the Labor Enforcement and Compliance Fund. The total amount
 6 of the surcharges shall be allocated between employers in
 7 proportion to payroll respectively paid in the most recent year for
 8 which payroll information is available. The director shall adopt
 9 reasonable regulations governing the manner of collection of the
 10 surcharges. In no event shall the total amount of the surcharges
 11 paid by employers exceed the amounts reasonably necessary to
 12 carry out the purposes of this section.

13 (4) The surcharge levied by the director for the Labor
 14 Enforcement and Compliance Fund shall not exceed ~~thirty-seven~~
 15 ~~forty-six~~ million dollars ~~(\$37,000,000)~~ (\$46,000,000) in the
 16 ~~2009–10~~ 2013–14 fiscal year, adjusted as appropriate *to fund any*
 17 *increases in the appropriation as approved by the Legislature,*
 18 *and to reconcile any over/under assessments from previous fiscal*
 19 *years, and shall not be adjusted each year thereafter by more than*
 20 ~~the state-local government deflator, and, as appropriate, to reconcile~~
 21 ~~any over/under assessments from previous fiscal years pursuant~~
 22 ~~to Sections 15606 and 15609 of Title 8 of the California Code of~~
 23 ~~Regulations.~~

24 (5) The regulations adopted pursuant to paragraph (1) to (4),
 25 inclusive, shall be exempt from the rulemaking provisions of the
 26 Administrative Procedure Act (Chapter 3.5 (commencing with
 27 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
 28 Code).

29 ~~(g) On and after July 1, 2013, subdivision (e) and paragraphs~~
 30 ~~(2) to (4), inclusive, of subdivision (f) are inoperative, unless a~~
 31 ~~later enacted statute, that is enacted before July 1, 2013, deletes~~
 32 ~~or extends that date.~~

33 *SEC. 43. Section 62.7 of the Labor Code is amended to read:*

34 62.7. (a) The Cal-OSHA Targeted Inspection and Consultation
 35 Fund is hereby created as a special account in the State Treasury.
 36 Proceeds of the fund may be expended by the department, upon
 37 appropriation by the Legislature, for the costs of the Cal-OSHA
 38 targeted inspection program provided by Section 6314.1 and the
 39 costs of the Cal-OSHA targeted consultation program provided

1 by subdivision (a) of Section 6354, and for costs related to
2 assessments levied and collected pursuant to Section 62.9.

3 (b) The fund shall consist of the assessments made pursuant to
4 Section 62.9 and other moneys transferred to the fund.

5 (c) *This section shall become inoperative on June 30, 2014,*
6 *and, as of January 1, 2015, is repealed, unless a later enacted*
7 *statute, that becomes operative on or before January 1, 2015,*
8 *deletes or extends the dates on which it becomes inoperative and*
9 *is repealed.*

10 SEC. 44. Section 62.8 is added to the Labor Code, to read:

11 62.8. Five million dollars (\$5,000,000) is hereby appropriated
12 for transfer by the State Controller upon order of the Director of
13 Finance from the Cal OSHA Targeted Inspection and Consultation
14 Fund as a loan to the State Public Works Enforcement Fund. This
15 loan shall be repaid to the Occupational Safety and Health Fund
16 by June 30, 2015. This loan shall be repaid with interest calculated
17 at the rate earned by the Pooled Money Investment Account at the
18 time of the transfer.

19 SEC. 45. Section 62.9 of the Labor Code is repealed.

20 ~~62.9. (a) (1) The director shall levy and collect assessments~~
21 ~~from employers in accordance with this section. The total amount~~
22 ~~of the assessment collected shall be the amount determined by the~~
23 ~~director to be necessary to produce the revenue sufficient to fund~~
24 ~~the programs specified by Section 62.7, except that the amount~~
25 ~~assessed in any year for those purposes shall not exceed 50 percent~~
26 ~~of the amounts appropriated from the General Fund for the support~~
27 ~~of the occupational safety and health program for the 1993-94~~
28 ~~fiscal year, adjusted for inflation. The director also shall include~~
29 ~~in the total assessment amount the department's costs for~~
30 ~~administering the assessment, including the collections process~~
31 ~~and the cost of reimbursing the Employment Development~~
32 ~~Department or another agency or department for its cost of~~
33 ~~collection activities pursuant to subdivision (c).~~

34 ~~(2) The insured employers and private sector self-insured~~
35 ~~employers that, pursuant to subdivision (b), are subject to~~
36 ~~assessment shall be assessed, respectively, on the basis of their~~
37 ~~annual payroll subject to premium charges or their annual payroll~~
38 ~~that would be subject to premium charges if the employer were~~
39 ~~insured, as follows:~~

1 ~~(A) An employer with a payroll of less than two hundred fifty~~
2 ~~thousand dollars (\$250,000) shall be assessed one hundred dollars~~
3 ~~(\$100).~~

4 ~~(B) An employer with a payroll of two hundred fifty thousand~~
5 ~~dollars (\$250,000) or more, but not more than five hundred~~
6 ~~thousand dollars (\$500,000), shall be assessed two hundred dollars~~
7 ~~(\$200).~~

8 ~~(C) An employer with a payroll of more than five hundred~~
9 ~~thousand dollars (\$500,000), but not more than seven hundred fifty~~
10 ~~thousand dollars (\$750,000), shall be assessed four hundred dollars~~
11 ~~(\$400).~~

12 ~~(D) An employer with a payroll of more than seven hundred~~
13 ~~fifty thousand dollars (\$750,000), but not more than one million~~
14 ~~dollars (\$1,000,000), shall be assessed six hundred dollars (\$600).~~

15 ~~(E) An employer with a payroll of more than one million dollars~~
16 ~~(\$1,000,000), but not more than one million five hundred thousand~~
17 ~~dollars (\$1,500,000), shall be assessed eight hundred dollars (\$800).~~

18 ~~(F) An employer with a payroll of more than one million five~~
19 ~~hundred thousand dollars (\$1,500,000), but not more than two~~
20 ~~million dollars (\$2,000,000), shall be assessed one thousand dollars~~
21 ~~(\$1,000).~~

22 ~~(G) An employer with a payroll of more than two million dollars~~
23 ~~(\$2,000,000), but not more than two million five hundred thousand~~
24 ~~dollars (\$2,500,000), shall be assessed one thousand five hundred~~
25 ~~dollars (\$1,500).~~

26 ~~(H) An employer with a payroll of more than two million five~~
27 ~~hundred thousand dollars (\$2,500,000), but not more than three~~
28 ~~million five hundred thousand dollars (\$3,500,000), shall be~~
29 ~~assessed two thousand dollars (\$2,000).~~

30 ~~(I) An employer with a payroll of more than three million five~~
31 ~~hundred thousand dollars (\$3,500,000), but not more than four~~
32 ~~million five hundred thousand dollars (\$4,500,000), shall be~~
33 ~~assessed two thousand five hundred dollars (\$2,500).~~

34 ~~(J) An employer with a payroll of more than four million five~~
35 ~~hundred thousand dollars (\$4,500,000), but not more than five~~
36 ~~million five hundred thousand dollars (\$5,500,000), shall be~~
37 ~~assessed three thousand dollars (\$3,000).~~

38 ~~(K) An employer with a payroll of more than five million five~~
39 ~~hundred thousand dollars (\$5,500,000), but not more than seven~~

1 million dollars (\$7,000,000), shall be assessed three thousand five
2 hundred dollars (\$3,500):

3 ~~(L) An employer with a payroll of more than seven million~~
4 ~~dollars (\$7,000,000), but not more than twenty million dollars~~
5 ~~(\$20,000,000), shall be assessed six thousand seven hundred dollars~~
6 ~~(\$6,700):~~

7 ~~(M) An employer with a payroll of more than twenty million~~
8 ~~dollars (\$20,000,000) shall be assessed ten thousand dollars~~
9 ~~(\$10,000):~~

10 ~~(b) (1) In the manner as specified by this section, the director~~
11 ~~shall identify those insured employers having a workers'~~
12 ~~compensation experience modification rating of 1.25 or more, and~~
13 ~~private sector self-insured employers having an equivalent~~
14 ~~experience modification rating of 1.25 or more as determined~~
15 ~~pursuant to subdivision (e):~~

16 ~~(2) The assessment required by this section shall be levied~~
17 ~~annually, on a calendar year basis, on those insured employers and~~
18 ~~private sector self-insured employers, as identified pursuant to~~
19 ~~paragraph (1), having the highest workers' compensation~~
20 ~~experience modification ratings or equivalent experience~~
21 ~~modification ratings, that the director determines to be required~~
22 ~~numerically to produce the total amount of the assessment to be~~
23 ~~collected pursuant to subdivision (a):~~

24 ~~(e) The director shall collect the assessment from insured~~
25 ~~employers as follows:~~

26 ~~(1) Upon the request of the director, the Department of Insurance~~
27 ~~shall direct the licensed rating organization designated as the~~
28 ~~department's statistical agent to provide to the director, for~~
29 ~~purposes of subdivision (b), a list of all insured employers having~~
30 ~~a workers' compensation experience rating modification of 1.25~~
31 ~~or more, according to the organization's records at the time the~~
32 ~~list is requested, for policies commencing the year preceding the~~
33 ~~year in which the assessment is to be collected:~~

34 ~~(2) The director shall determine the annual payroll of each~~
35 ~~insured employer subject to assessment from the payroll that was~~
36 ~~reported to the licensed rating organization identified in paragraph~~
37 ~~(1) for the most recent period for which one full year of payroll~~
38 ~~information is available for all insured employers:~~

39 ~~(3) On or before September 1 of each year, the director shall~~
40 ~~determine each of the current insured employers subject to~~

1 assessment, and the amount of the total assessment for which each
2 insured employer is liable. The director immediately shall notify
3 each insured employer, in a format chosen by the insurer, of the
4 insured's obligation to submit payment of the assessment to the
5 director within 30 days after the date the billing was mailed, and
6 warn the insured of the penalties for failure to make timely and
7 full payment as provided by this subdivision.

8 (4) The director shall identify any insured employers that, within
9 30 days after the mailing of the billing notice, fail to pay, or object
10 to, their assessments. The director shall mail to each of these
11 employers a notice of delinquency and a notice of the intention to
12 assess penalties, advising that, if the assessment is not paid in full
13 within 15 days after the mailing of the notices, the director will
14 levy against the employer a penalty equal to 25 percent of the
15 employer's assessment, and will refer the assessment and penalty
16 to another agency or department for collection. The notices required
17 by this paragraph shall be sent by United States first-class mail.

18 (5) If an assessment is not paid by an insured employer within
19 15 days after the mailing of the notices required by paragraph (4),
20 the director shall refer the delinquent assessment and the penalty
21 to the Employment Development Department, or another agency
22 or department, as deemed appropriate by the director, for collection
23 pursuant to Section 1900 of the Unemployment Insurance Code.

24 (d) The director shall collect the assessment directly from private
25 sector self-insured employers. The failure of any private sector
26 self-insured employer to pay the assessment as billed constitutes
27 grounds for the suspension or termination of the employer's
28 certificate to self-insure.

29 (e) The director shall adopt regulations implementing this section
30 that include provision for a method of determining experience
31 modification ratings for private sector self-insured employers that
32 is generally equivalent to the modification ratings that apply to
33 insured employers and is weighted by both severity and frequency.

34 (f) The director shall determine whether the amount collected
35 pursuant to any assessment exceeds expenditures, as described in
36 subdivision (a), for the current year and shall credit the amount of
37 any excess to any deficiency in the prior year's assessment or, if
38 there is no deficiency, against the assessment for the subsequent
39 year.

40 *SEC. 46. Section 139.48 of the Labor Code is amended to read:*

1 139.48. (a) There ~~shall be~~ *is* in the department a return-to-work
2 program administered by the director, funded by one hundred
3 twenty million dollars (\$120,000,000) annually derived from
4 non-General Funds of the Workers' Compensation Administration
5 Revolving Fund, for the purpose of making supplemental payments
6 to workers whose permanent disability benefits are
7 disproportionately low in comparison to their earnings loss.
8 ~~Eligibility Moneys shall remain available for use by the~~
9 *return-to-work program without respect to the fiscal year.*

10 (b) *Eligibility* for payments and the amount of payments shall
11 be determined by regulations adopted by the director, based on
12 findings from studies conducted by the director in consultation
13 with the Commission on Health and Safety and Workers'
14 Compensation. Determinations of the director shall be subject to
15 review at the trial level of the appeals board upon the same grounds
16 as prescribed for petitions for reconsideration.

17 (c) *This section shall apply only to injuries sustained on or after*
18 *January 1, 2013.*

19 *SEC. 47. Section 1024 of the Labor Code is amended to read:*

20 ~~1024. All civil penalties collected pursuant to this chapter shall~~
21 ~~be deposited in the Industrial Relations Construction Industry~~
22 ~~Enforcement Fund, which is hereby created. All moneys in the~~
23 ~~fund shall be used for the purpose of enforcing the provisions of~~
24 ~~this chapter, as appropriated by the Legislature.~~

25 *It*

26 *1024. (a) It is the intent of the Legislature in enacting this*
27 *section to provide for the prompt and effective enforcement of*
28 *labor laws relating to the construction industry.*

29 (b) *Before July 1, 2013, all civil penalties collected pursuant*
30 *to this chapter shall be deposited in the Industrial Relations*
31 *Construction Industry Enforcement Fund. All moneys in the fund*
32 *shall be used for the purpose of enforcing this chapter, as*
33 *appropriated by the Legislature.*

34 (c) *On or after July 1, 2013, all civil penalties collected pursuant*
35 *to this chapter shall be deposited in the Labor Enforcement and*
36 *Compliance Fund.*

37 *SEC. 48. Section 1063.5 is added to the Labor Code, to read:*

38 *1063.5. (a) This chapter shall apply to every contractor that*
39 *provides food and beverage services at a publicly owned*
40 *entertainment venue.*

1 (b) For purposes of this chapter, and in addition to the
2 definitions specified in Section 1060, the following terms shall
3 also have the following meanings:

4 (1) “Awarding authority” means any person that awards or
5 otherwise enters into contracts for food and beverage services at
6 a publicly owned entertainment venue.

7 (2) “Contractor” means any person that employs an individual
8 to provide food and beverage services at a publicly owned
9 entertainment venue

10 (3) “Employee” means any person employed to provide food
11 and beverage services at a publicly owned entertainment venue.

12 (4) “Publicly owned entertainment venue” means a venue that
13 meets all of the following:

14 (A) Has been in operation for 15 years or more.

15 (B) Is located in a zone designated under Chapter 12.8
16 (commencing with Section 7070) of Division 7 of Title 1 of the
17 Government Code.

18 (C) Hosts concerts, shows, or sporting events on a non
19 continuous basis.

20 (c) This section shall remain in effect only until December 31,
21 2014, and as of that date is repealed.

22 SEC. 49. Section 1771.3 of the Labor Code is amended to read:

23 1771.3. (a) (1) The Department of Industrial Relations shall
24 monitor and enforce compliance with applicable prevailing wage
25 requirements for any public works project paid for in whole or
26 part out of public funds, within the meaning of subdivision (b) of
27 Section 1720, that are derived from bonds issued by the state, and
28 shall charge each awarding body for the reasonable and directly
29 related costs of monitoring and enforcing compliance with the
30 prevailing wage requirements on each project.

31 (2) (A) The State Public Works Enforcement Fund is hereby
32 created as a special fund in the State Treasury. All moneys received
33 by the department pursuant to this section shall be deposited in
34 the fund. Notwithstanding Section 13340 of the Government Code,
35 all moneys in the fund shall be continuously appropriated to the
36 Department of Industrial Relations, to monitor and enforce
37 compliance with the applicable prevailing wage requirements on
38 public works projects paid for in whole or part out of public funds,
39 within the meaning of subdivision (b) of Section 1720, that are
40 derived from bonds issued by the state and other projects for which

1 the department provides prevailing wage monitoring and
2 enforcement activities and for which it is to be reimbursed by the
3 awarding body, and shall not be used or borrowed for any other
4 purpose.

5 (B) Notwithstanding any other law, upon order of the Director
6 of Finance, a loan in the amount of four million three hundred
7 thousand dollars (\$4,300,000) shall be provided from the Uninsured
8 Employers Benefit Trust Fund to the State Public Works
9 Enforcement Fund to meet the startup needs of the Labor
10 Compliance Monitoring Unit.

11 (3) The Director of Industrial Relations shall adopt regulations
12 implementing this section, specifying the activities, including, but
13 not limited to, monthly review, and audit if appropriate, of payroll
14 records, which the department will undertake to monitor and
15 enforce compliance with applicable prevailing wage requirements
16 on public works projects paid for in whole or part out of public
17 funds, within the meaning of subdivision (b) of Section 1720, that
18 are derived from bonds issued by the state. The department, with
19 the approval of the Director of Finance, shall determine the rate
20 ~~or rates~~, which the department may from time to time amend, that
21 the department will charge to recover the reasonable and directly
22 related costs of performing the monitoring and enforcement
23 services for public works ~~projects; provided, however, that the~~
24 ~~projects. The amount charged by the department of bond funds~~
25 ~~utilized by an awarding body to pay the department's fee shall not~~
26 ~~exceed one-fourth of 1 percent of the state bond proceeds used for~~
27 ~~the public works projects, with any other remaining costs of~~
28 ~~monitoring and enforcing compliance to be paid by the awarding~~
29 ~~body from other funds authorized to be used to finance the project.~~

30 (4) The reasonable and directly related costs of monitoring and
31 enforcing compliance with the prevailing wage requirements on
32 a public works project incurred by the department in accordance
33 with this section are payable by the awarding body of the public
34 works project as a cost of construction. Notwithstanding any other
35 provision of law, but subject to any limitations or restrictions of
36 the bond act, the board, commission, department, agency, or official
37 responsible for the allocation of bond proceeds from the bond
38 funds shall consider and provide for amounts in support of the
39 costs when allocating or approving expenditures of bond proceeds
40 for the construction of the authorized project. The awarding body

1 may elect not to receive or expend amounts from bond proceeds
2 to pay the costs of the project; however, ~~such~~ *that* election does
3 not relieve the awarding body from reimbursing the Department
4 of Industrial Relations *from other funding sources* for monitoring
5 and enforcing prevailing wage requirements on the project pursuant
6 to ~~Section 1771.3~~ *this section* or any other applicable provision of
7 law. *The department shall annually provide information, as*
8 *specified in regulations, to assist an awarding body to reasonably*
9 *estimate the annual cost of monitoring and enforcing compliance.*

10 (b) Paragraph (1) of subdivision (a) shall not apply to any
11 contract for a public works project paid for in whole or part out of
12 public funds, within the meaning of subdivision (b) of Section
13 1720, that are derived from bonds issued by the state if the contract
14 was awarded under any of the following conditions:

15 (1) The contract was awarded prior to the effective date of
16 implementing regulations adopted by the department pursuant to
17 paragraph (3) of subdivision (a).

18 (2) The contract was awarded on or after the effective date of
19 the regulations described in paragraph (1), if the awarding body
20 had previously initiated a labor compliance program approved by
21 the department for some or all of its public works projects and had
22 not contracted with a third party to conduct such program, and
23 requests and receives approval from the department to continue
24 to operate its existing labor compliance program for its public
25 works projects paid for in whole or part out of public funds, within
26 the meaning of subdivision (b) of Section 1720, that are derived
27 from bonds issued by the state, in place of the department
28 monitoring and enforcing compliance on projects pursuant to
29 subdivision (a).

30 (3) The contract is awarded on or after the effective date of the
31 regulations described in paragraph (1), if the awarding body has
32 entered into a collective bargaining agreement that binds all of the
33 contractors performing work on the project and that includes a
34 mechanism for resolving disputes about the payment of wages.

35 (c) This section shall not apply to public works projects subject
36 to Section 75075 of the Public Resources Code.

37 *SEC. 50. Section 1771.5 of the Labor Code is amended to read:*

38 1771.5. (a) Notwithstanding Section 1771, an awarding body
39 may choose not to require the payment of the general prevailing
40 rate of per diem wages or the general prevailing rate of per diem

1 wages for holiday and overtime work for any public works project
2 of twenty-five thousand dollars (\$25,000) or less when the project
3 is for construction work, or for any public works project of fifteen
4 thousand dollars (\$15,000) or less when the project is for alteration,
5 demolition, repair, or maintenance work, if the awarding body
6 elects to either:

7 (1) Initiate and enforce a labor compliance program pursuant
8 to subdivision (b) for every public works project under the authority
9 of the awarding body as described in subdivision (e).

10 (2) Reimburse the Department of Industrial Relations for the
11 cost of monitoring and enforcing compliance with prevailing wage
12 requirements for every public works project of the awarding body
13 as described in subdivision (f).

14 (b) For purposes of this section, a labor compliance program
15 shall include, but not be limited to, the following requirements:

16 (1) All bid invitations and public works contracts shall contain
17 appropriate language concerning the requirements of this chapter.

18 (2) A prejob conference shall be conducted with the contractor
19 and subcontractors to discuss federal and state labor law
20 requirements applicable to the contract.

21 (3) Project contractors and subcontractors shall maintain and
22 furnish, at a designated time, a certified copy of each weekly
23 payroll containing a statement of compliance signed under penalty
24 of perjury.

25 (4) The awarding body shall review, and, if appropriate, audit
26 payroll records to verify compliance with this chapter.

27 (5) The awarding body shall withhold contract payments when
28 payroll records are delinquent or inadequate.

29 (6) The awarding body shall withhold contract payments equal
30 to the amount of underpayment and applicable penalties when,
31 after investigation, it is established that underpayment has occurred.

32 (7) The awarding body shall comply with any other prevailing
33 wage monitoring and enforcement activities that are required to
34 be conducted by labor compliance programs by the Department
35 of Industrial Relations.

36 (c) For purposes of this chapter, “labor compliance program”
37 means a labor compliance program that is approved, as specified
38 in state regulations, by the Director of Industrial Relations.

1 (d) For purposes of this chapter, the Director of Industrial
2 Relations may revoke the approval of a labor compliance program
3 in the manner specified in state regulations.

4 (e) An awarding body that elects to use a labor compliance
5 program pursuant to subdivision (a) ~~must~~ shall use the labor
6 compliance program for all contracts for public works projects
7 awarded prior to the effective date of the regulations adopted by
8 the department as specified in subdivision (g). For contracts for
9 public works projects awarded on or after the effective date of
10 regulations adopted by the department as specified in subdivision
11 (g), the awarding body may also elect to continue operating an
12 existing previously approved labor compliance program in lieu of
13 reimbursing the Department of Industrial Relations for the cost of
14 monitoring and enforcing compliance with prevailing wage
15 requirements on the awarding body's public works projects if it
16 has not contracted with a third party to conduct its labor compliance
17 program and if it requests and receives approval from the
18 department to continue its existing program.

19 (f) An awarding body that elects to reimburse the department
20 for the cost of monitoring and enforcing compliance with prevailing
21 wage requirements for public works projects of the awarding body,
22 pursuant to subdivision (a), ~~must~~ shall, for all of its contracts for
23 public works projects awarded on or after the effective date of the
24 regulations adopted by the department as specified in subdivision
25 (g) *do all of the following*:

26 (1) Ensure that all bid invitations and public works contracts
27 contain appropriate language concerning the requirements of this
28 chapter.

29 (2) Conduct a prejob conference with the contractor and
30 subcontractor to discuss federal and state labor law requirements
31 applicable to the contract.

32 (3) Enter into an agreement with the department to reimburse
33 the department for its costs of performing the service of monitoring
34 and enforcing compliance with applicable prevailing wage
35 requirements on the awarding ~~bodies'~~ *body's* projects.

36 (g) The Department of Industrial Relations shall adopt
37 regulations implementing this section specifying the activities
38 ~~which~~ *that* the department shall undertake to monitor and enforce
39 compliance with the prevailing wage requirements on the public

1 works projects, including, but not limited to, monthly review, and
2 audit if appropriate, of payroll records.

3 (h) (1) The Department of Industrial Relations shall, *in*
4 *accordance with paragraphs (3) and (4) of subdivision (a) of*
5 *Section 1771.3*, determine the rate ~~or rates~~, which the department
6 may from time to time amend, that the department will charge ~~in~~
7 ~~obtaining~~ for reimbursement from ~~awarding bodies an awarding~~
8 *body* for the reasonable and directly related costs of performing
9 the specified monitoring and enforcement ~~services, provided the~~
10 ~~amount charged by the department shall not exceed one-fourth of~~
11 ~~1 percent of the total public works project costs~~ *services for public*
12 *works projects*.

13 (2) Notwithstanding paragraph (1), for public works projects
14 paid for in whole or part out of public funds, within the meaning
15 of subdivision (b) of Section 1720, that are derived from bonds
16 issued by the state, the amount charged by the department shall
17 not exceed one-fourth of 1 percent of the state bond proceeds used
18 for the public works project, *with any other remaining costs of*
19 *monitoring and enforcing compliance to be paid by the awarding*
20 *body from other funds authorized to be used to finance the project*.

21 (i) All amounts collected by the Department of Industrial
22 Relations for its services pursuant to this section shall be deposited
23 in the State Public Works Enforcement Fund.

24 *SEC. 51. Section 7852 of the Labor Code is amended to read:*

25 7852. (a) It is the intent of the Legislature, in enacting this
26 part, that the Occupational Safety and Health Standards Board and
27 the Division of Occupational Health and Safety (OSHA) promote
28 worker safety through implementation of training and process
29 safety management practices in petroleum refineries and chemical
30 plants and other facilities deemed appropriate.

31 (b) To the maximum extent practicable, the board and the
32 division shall minimize duplications with other state statutory
33 programs and business reporting requirements when developing
34 standards pursuant to Chapter 2 (commencing with Section 7855).

35 (c) It is further the intent of the Legislature, in enacting this
36 part, that in the interest of promoting worker safety, standards be
37 adopted ~~at the earliest reasonably possible date, but in no case later~~
38 ~~than July 1, 1992~~ *by March 31, 2014*.

39 *SEC. 52. Section 7856 of the Labor Code is amended to read:*

1 7856. ~~No later than July 1, 1992,~~ *By March 31, 2014,* the board
2 shall adopt process safety management standards for refineries,
3 chemical plants, and other manufacturing facilities, as specified
4 in Codes 28 (Chemical and Allied Products) and 29 (Petroleum
5 Refining and Related Industries) of the Manual of Standard
6 Industrial Classification Codes, published by the United States
7 Office of Management and Budget, 1987 Edition, that handle
8 acutely hazardous material as defined in subdivision (a) of Section
9 25532 and subdivision (a) of Section 25536 of the Health and
10 Safety Code and pose a significant likelihood of accident risk, as
11 determined by the board. Alternately, upon making a finding that
12 there is a significant likelihood of risk to employees at a facility
13 not included in Codes 28 and 29 resulting from the presence of
14 acutely hazardous materials or explosives as identified in Part 172
15 (commencing with Section 172.1) of Title 49 of the Code of
16 Federal Regulations, the board may require that these facilities be
17 subject to the jurisdiction of the standards provided for in this
18 section. When adopting these standards, the board shall give
19 priority to facilities and areas of facilities where the potential is
20 greatest for preventing severe or catastrophic accidents because
21 of the size or nature of the process or business. The standards
22 adopted pursuant to this section shall require that injury prevention
23 programs of employers subject to this part and implemented
24 pursuant to Section 6401.7 include the requirements of this part.

25 *SEC. 53. Section 7870 of the Labor Code is amended to read:*

26 7870. Notwithstanding the availability of federal funds to carry
27 out the purposes of this part, the division ~~may~~ *shall annually* fix
28 and collect reasonable fees for consultation, inspection, adoption
29 of standards, and other duties conducted pursuant to this part. *The*
30 *fees shall be adopted by March 31, 2014. All revenue collected*
31 *from these fees shall be deposited into the Occupational Safety*
32 *and Health Fund. The fees shall be sufficient to support, at a*
33 *minimum, the annual cost of 15 positions.* The expenditure of these
34 funds shall be subject to appropriation by the Legislature in the
35 annual Budget Act *or other measure.*

36 *SEC. 54. Section 1197 of the Military and Veterans Code is*
37 *amended to read:*

38 1197. The board shall consist of five members who shall be
39 registered electors residing within the district or proposed district
40 at the time of their election and shall be elected by the qualified

1 electors of the district. A majority of the seats on the board shall
2 be designated for veterans, as defined in Section 940. Any board
3 seat that is so designated, but is not currently filled by a qualifying
4 individual, shall be filled by a qualified individual at the next
5 election at which that seat is to be filled. Members shall serve
6 without compensation, but ~~shall be entitled to~~ *may receive*
7 *reimbursement for* actual and necessary expenses incurred in the
8 performance of duties. Reimbursement for these expenses is subject
9 to Sections 53232.2 and 53232.3 of the Government Code.

10 *SEC. 55. Section 1203 of the Penal Code is amended to read:*

11 1203. (a) As used in this code, “probation” means the
12 suspension of the imposition or execution of a sentence and the
13 order of conditional and revocable release in the community under
14 the supervision of a probation officer. As used in this code,
15 “conditional sentence” means the suspension of the imposition or
16 execution of a sentence and the order of revocable release in the
17 community subject to conditions established by the court without
18 the supervision of a probation officer. It is the intent of the
19 Legislature that both conditional sentence and probation are
20 authorized whenever probation is authorized in any code as a
21 sentencing option for infractions or misdemeanors.

22 (b) (1) Except as provided in subdivision (j), if a person is
23 convicted of a felony and is eligible for probation, before judgment
24 is pronounced, the court shall immediately refer the matter to a
25 probation officer to investigate and report to the court, at a specified
26 time, upon the circumstances surrounding the crime and the prior
27 history and record of the person, which may be considered either
28 in aggravation or mitigation of the punishment.

29 (2) (A) The probation officer shall immediately investigate and
30 make a written report to the court of his or her findings and
31 recommendations, including his or her recommendations as to the
32 granting or denying of probation and the conditions of probation,
33 if granted.

34 (B) Pursuant to Section 828 of the Welfare and Institutions
35 Code, the probation officer shall include in his or her report any
36 information gathered by a law enforcement agency relating to the
37 taking of the defendant into custody as a minor, which shall be
38 considered for purposes of determining whether adjudications of
39 commissions of crimes as a juvenile warrant a finding that there

1 are circumstances in aggravation pursuant to Section 1170 or to
2 deny probation.

3 (C) If the person was convicted of an offense that requires him
4 or her to register as a sex offender pursuant to Sections 290 to
5 290.023, inclusive, or if the probation report recommends that
6 registration be ordered at sentencing pursuant to Section 290.006,
7 the probation officer's report shall include the results of the
8 State-Authorized Risk Assessment Tool for Sex Offenders
9 (SARATSO) administered pursuant to Sections 290.04 to 290.06,
10 inclusive, if applicable.

11 (D) The probation officer ~~shall~~ *may* also include in the report
12 his or her recommendation of both of the following:

13 (i) The amount the defendant should be required to pay as a
14 restitution fine pursuant to subdivision (b) of Section 1202.4.

15 (ii) Whether the court shall require, as a condition of probation,
16 restitution to the victim or to the Restitution Fund and the amount
17 thereof.

18 (E) The report shall be made available to the court and the
19 prosecuting and defense attorneys at least five days, or upon request
20 of the defendant or prosecuting attorney nine days, prior to the
21 time fixed by the court for the hearing and determination of the
22 report, and shall be filed with the clerk of the court as a record in
23 the case at the time of the hearing. The time within which the report
24 shall be made available and filed may be waived by written
25 stipulation of the prosecuting and defense attorneys that is filed
26 with the court or an oral stipulation in open court that is made and
27 entered upon the minutes of the court.

28 (3) At a time fixed by the court, the court shall hear and
29 determine the application, if one has been made, or, in any case,
30 the suitability of probation in the particular case. At the hearing,
31 the court shall consider any report of the probation officer,
32 including the results of the SARATSO, if applicable, and shall
33 make a statement that it has considered the report, which shall be
34 filed with the clerk of the court as a record in the case. If the court
35 determines that there are circumstances in mitigation of the
36 punishment prescribed by law or that the ends of justice would be
37 served by granting probation to the person, it may place the person
38 on probation. If probation is denied, the clerk of the court shall
39 immediately send a copy of the report to the Department of

1 Corrections and Rehabilitation at the prison or other institution to
2 which the person is delivered.

3 (4) The preparation of the report or the consideration of the
4 report by the court may be waived only by a written stipulation of
5 the prosecuting and defense attorneys that is filed with the court
6 or an oral stipulation in open court that is made and entered upon
7 the minutes of the court, except that ~~there shall be no~~ a waiver
8 *shall not be allowed* unless the court consents thereto. However,
9 if the defendant is ultimately sentenced and committed to the state
10 prison, a probation report shall be completed pursuant to Section
11 1203c.

12 (c) If a defendant is not represented by an attorney, the court
13 shall order the probation officer who makes the probation report
14 to discuss its contents with the defendant.

15 (d) If a person is convicted of a misdemeanor, the court may
16 either refer the matter to the probation officer for an investigation
17 and a report or summarily pronounce a conditional sentence. If
18 the person was convicted of an offense that requires him or her to
19 register as a sex offender pursuant to Sections 290 to 290.023,
20 inclusive, or if the probation officer recommends that the court,
21 at sentencing, order the offender to register as a sex offender
22 pursuant to Section 290.006, the court shall refer the matter to the
23 probation officer for the purpose of obtaining a report on the results
24 of the State-Authorized Risk Assessment Tool for Sex Offenders
25 administered pursuant to Sections 290.04 to 290.06, inclusive, if
26 applicable, which the court shall consider. If the case is not referred
27 to the probation officer, in sentencing the person, the court may
28 consider any information concerning the person that could have
29 been included in a probation report. The court shall inform the
30 person of the information to be considered and permit him or her
31 to answer or controvert the information. For this purpose, upon
32 the request of the person, the court shall grant a continuance before
33 the judgment is pronounced.

34 (e) Except in unusual cases where the interests of justice would
35 best be served if the person is granted probation, probation shall
36 not be granted to any of the following persons:

37 (1) Unless the person had a lawful right to carry a deadly
38 weapon, other than a firearm, at the time of the perpetration of the
39 crime or his or her arrest, any person who has been convicted of
40 arson, robbery, carjacking, burglary, burglary with explosives,

1 rape with force or violence, torture, aggravated mayhem, murder,
2 attempt to commit murder, trainwrecking, kidnapping, escape from
3 the state prison, or a conspiracy to commit one or more of those
4 crimes and who was armed with the weapon at either of those
5 times.

6 (2) Any person who used, or attempted to use, a deadly weapon
7 upon a human being in connection with the perpetration of the
8 crime of which he or she has been convicted.

9 (3) Any person who willfully inflicted great bodily injury or
10 torture in the perpetration of the crime of which he or she has been
11 convicted.

12 (4) Any person who has been previously convicted twice in this
13 state of a felony or in any other place of a public offense which,
14 if committed in this state, would have been punishable as a felony.

15 (5) Unless the person has never been previously convicted once
16 in this state of a felony or in any other place of a public offense
17 which, if committed in this state, would have been punishable as
18 a felony, any person who has been convicted of burglary with
19 explosives, rape with force or violence, torture, aggravated
20 mayhem, murder, attempt to commit murder, trainwrecking,
21 extortion, kidnapping, escape from the state prison, a violation of
22 Section 286, 288, 288a, or 288.5, or a conspiracy to commit one
23 or more of those crimes.

24 (6) Any person who has been previously convicted once in this
25 state of a felony or in any other place of a public offense which,
26 if committed in this state, would have been punishable as a felony,
27 if he or she committed any of the following acts:

28 (A) Unless the person had a lawful right to carry a deadly
29 weapon at the time of the perpetration of the previous crime or his
30 or her arrest for the previous crime, he or she was armed with a
31 weapon at either of those times.

32 (B) The person used, or attempted to use, a deadly weapon upon
33 a human being in connection with the perpetration of the previous
34 crime.

35 (C) The person willfully inflicted great bodily injury or torture
36 in the perpetration of the previous crime.

37 (7) Any public official or peace officer of this state or any city,
38 county, or other political subdivision who, in the discharge of the
39 duties of his or her public office or employment, accepted or gave

1 or offered to accept or give any bribe, embezzled public money,
2 or was guilty of extortion.

3 (8) Any person who knowingly furnishes or gives away
4 phencyclidine.

5 (9) Any person who intentionally inflicted great bodily injury
6 in the commission of arson under subdivision (a) of Section 451
7 or who intentionally set fire to, burned, or caused the burning of,
8 an inhabited structure or inhabited property in violation of
9 subdivision (b) of Section 451.

10 (10) Any person who, in the commission of a felony, inflicts
11 great bodily injury or causes the death of a human being by the
12 discharge of a firearm from or at an occupied motor vehicle
13 proceeding on a public street or highway.

14 (11) Any person who possesses a short-barreled rifle or a
15 short-barreled shotgun under Section 33215, a machinegun under
16 Section 32625, or a silencer under Section 33410.

17 (12) Any person who is convicted of violating Section 8101 of
18 the Welfare and Institutions Code.

19 (13) Any person who is described in subdivision (b) or (c) of
20 Section 27590.

21 (f) When probation is granted in a case which comes within
22 subdivision (e), the court shall specify on the record and shall enter
23 on the minutes the circumstances indicating that the interests of
24 justice would best be served by that disposition.

25 (g) If a person is not eligible for probation, the judge shall refer
26 the matter to the probation officer for an investigation of the facts
27 relevant to determination of the amount of a restitution fine
28 pursuant to subdivision (b) of Section 1202.4 in all cases where
29 the determination is applicable. The judge, in his or her discretion,
30 may direct the probation officer to investigate all facts relevant to
31 the sentencing of the person. Upon that referral, the probation
32 officer shall immediately investigate the circumstances surrounding
33 the crime and the prior record and history of the person and make
34 a written report to the court of his or her findings. The findings
35 shall include a recommendation of the amount of the restitution
36 fine as provided in subdivision (b) of Section 1202.4.

37 (h) If a defendant is convicted of a felony and a probation report
38 is prepared pursuant to subdivision (b) or (g), the probation officer
39 may obtain and include in the report a statement of the comments
40 of the victim concerning the offense. The court may direct the

1 probation officer not to obtain a statement if the victim has in fact
2 testified at any of the court proceedings concerning the offense.

3 (i) ~~No~~A probationer shall *not* be released to enter another state
4 unless his or her case has been referred to the Administrator of the
5 Interstate Probation and Parole Compacts, pursuant to the Uniform
6 Act for Out-of-State Probationer or Parolee Supervision (Article
7 3 (commencing with Section 11175) of Chapter 2 of Title 1 of Part
8 4) and the probationer has reimbursed the county that has
9 jurisdiction over his or her probation case the reasonable costs of
10 processing his or her request for interstate compact supervision.
11 The amount and method of reimbursement shall be in accordance
12 with Section 1203.1b.

13 (j) In any court where a county financial evaluation officer is
14 available, in addition to referring the matter to the probation officer,
15 the court may order the defendant to appear before the county
16 financial evaluation officer for a financial evaluation of the
17 defendant's ability to pay restitution, in which case the county
18 financial evaluation officer shall report his or her findings regarding
19 restitution and other court-related costs to the probation officer on
20 the question of the defendant's ability to pay those costs.

21 Any order made pursuant to this subdivision may be enforced
22 as a violation of the terms and conditions of probation upon willful
23 failure to pay and at the discretion of the court, may be enforced
24 in the same manner as a judgment in a civil action, if any balance
25 remains unpaid at the end of the defendant's probationary period.

26 (k) Probation shall not be granted to, nor shall the execution of,
27 or imposition of sentence be suspended for, any person who is
28 convicted of a violent felony, as defined in subdivision (c) of
29 Section 667.5, or a serious felony, as defined in subdivision (c) of
30 Section 1192.7, and who was on probation for a felony offense at
31 the time of the commission of the new felony offense.

32 *SEC. 56. Section 13518.1 of the Penal Code is amended to*
33 *read:*

34 13518.1. In order to prevent the spread of communicable
35 disease, ~~every~~ a law enforcement agency employing peace officers
36 described in subdivision (a) of Section 13518-~~shall~~ *may* provide
37 to each of these peace officers an appropriate portable manual
38 mask and airway assembly for use when applying cardiopulmonary
39 resuscitation.

40 *SEC. 57. Section 13701 of the Penal Code is amended to read:*

1 13701. (a) ~~Every~~ *As a best practice, every* law enforcement
2 agency in this state ~~shall~~ *may* develop, adopt, and implement
3 written policies and standards for officers' responses to domestic
4 violence calls by January 1, 1986. These policies ~~shall~~ *may* reflect
5 that domestic violence is alleged criminal conduct. Further, they
6 ~~shall~~ *may* reflect existing policy that a request for assistance in a
7 situation involving domestic violence is the same as any other
8 request for assistance where violence has occurred.

9 (b) ~~The~~ *As a best practice, the* written policies ~~shall~~ *may*
10 encourage the arrest of domestic violence offenders if there is
11 probable cause that an offense has been committed. These policies
12 also ~~shall~~ *may* require the arrest of an offender, absent exigent
13 circumstances, if there is probable cause that a protective order
14 issued under Chapter 4 (commencing with Section 2040) of Part
15 1 of Division 6, Division 10 (commencing with Section 6200), or
16 Chapter 6 (commencing with Section 7700) of Part 3 of Division
17 12, of the Family Code, or Section 136.2 of this code, or by a court
18 of any other state, a commonwealth, territory, or insular possession
19 subject to the jurisdiction of the United States, a military tribunal,
20 or a tribe has been violated. These policies ~~shall~~ *may* discourage,
21 when appropriate, but not prohibit, dual arrests. Peace officers
22 ~~shall~~ *may* make reasonable efforts to identify the dominant
23 aggressor in any incident. The dominant aggressor is the person
24 determined to be the most significant, rather than the first,
25 aggressor. In identifying the dominant aggressor, an officer ~~shall~~
26 *may* consider the intent of the law to protect victims of domestic
27 violence from continuing abuse, the threats creating fear of physical
28 injury, the history of domestic violence between the persons
29 involved, and whether either person acted in self-defense. These
30 arrest policies ~~shall~~ *may* be developed, adopted, and implemented
31 by July 1, 1996. Notwithstanding subdivision (d), law enforcement
32 agencies ~~shall~~ *may* develop these policies with the input of local
33 domestic violence agencies.

34 (c) ~~These~~ *As a best practice, these* existing local policies and
35 those developed ~~shall~~ *may* be in writing and, *if developed,* shall
36 be available to the public upon request and ~~shall~~ *may* include
37 specific standards for the following:

- 38 (1) Felony arrests.
- 39 (2) Misdemeanor arrests.
- 40 (3) Use of citizen arrests.

- 1 (4) Verification and enforcement of temporary restraining orders
2 when (A) the suspect is present and (B) the suspect has fled.
- 3 (5) Verification and enforcement of stay-away orders.
- 4 (6) Cite and release policies.
- 5 (7) Emergency assistance to victims, such as medical care,
6 transportation to a shelter, or a hospital for treatment when
7 necessary, and police standbys for removing personal property
8 and assistance in safe passage out of the victim's residence.
- 9 (8) Assisting victims in pursuing criminal options, such as giving
10 the victim the report number and directing the victim to the proper
11 investigation unit.
- 12 (9) Furnishing written notice to victims at the scene, including,
13 but not limited to, all of the following information:
- 14 (A) A statement informing the victim that despite official
15 restraint of the person alleged to have committed domestic
16 violence, the restrained person may be released at any time.
- 17 (B) A statement that, "For further information about a shelter
18 you may contact ____."
- 19 (C) A statement that, "For information about other services in
20 the community, where available, you may contact ____."
- 21 (D) A statement that, "For information about the California
22 victims' compensation program, you may contact 1-800-777-9229."
- 23 (E) A statement informing the victim of domestic violence that
24 he or she may ask the district attorney to file a criminal complaint.
- 25 (F) A statement informing the victim of the right to go to the
26 superior court and file a petition requesting any of the following
27 orders for relief:
- 28 (i) An order restraining the attacker from abusing the victim
29 and other family members.
- 30 (ii) An order directing the attacker to leave the household.
- 31 (iii) An order preventing the attacker from entering the
32 residence, school, business, or place of employment of the victim.
- 33 (iv) An order awarding the victim or the other parent custody
34 of or visitation with a minor child or children.
- 35 (v) An order restraining the attacker from molesting or
36 interfering with minor children in the custody of the victim.
- 37 (vi) An order directing the party not granted custody to pay
38 support of minor children, if that party has a legal obligation to do
39 so.

1 (vii) An order directing the defendant to make specified debit
2 payments coming due while the order is in effect.

3 (viii) An order directing that either or both parties participate
4 in counseling.

5 (G) A statement informing the victim of the right to file a civil
6 suit for losses suffered as a result of the abuse, including medical
7 expenses, loss of earnings, and other expenses for injuries sustained
8 and damage to property, and any other related expenses incurred
9 by the victim or any agency that shelters the victim.

10 (H) In the case of an alleged violation of subdivision (e) of
11 Section 243 or Section 261, 261.5, 262, 273.5, 286, 288a, or 289,
12 a “Victims of Domestic Violence” card which shall include, but
13 is not limited to, the following information:

14 (i) The names and phone numbers of or local county hotlines
15 for, or both the phone numbers of and local county hotlines for,
16 local shelters for battered women and rape victim counseling
17 centers within the county, including those centers specified in
18 Section 13837, and their 24-hour counseling service telephone
19 numbers.

20 (ii) A simple statement on the proper procedures for a victim
21 to follow after a sexual assault.

22 (iii) A statement that sexual assault by a person who is known
23 to the victim, including sexual assault by a person who is the
24 spouse of the victim, is a crime.

25 (iv) A statement that domestic violence or assault by a person
26 who is known to the victim, including domestic violence or assault
27 by a person who is the spouse of the victim, is a crime.

28 (10) Writing of reports.

29 (d) In the development of these policies and standards, each
30 local department is encouraged to consult with domestic violence
31 experts, such as the staff of the local shelter for battered women
32 and their children. Departments may utilize the response guidelines
33 developed by the commission in developing local policies.

34 *SEC. 58. Section 13710 of the Penal Code is amended to read:*

35 13710. (a) (1) ~~Law~~—*As a best practice, law enforcement*
36 *agencies shall may* maintain a complete and systematic record of
37 all protection orders with respect to domestic violence incidents,
38 including orders which have not yet been served, issued pursuant
39 to Section 136.2, restraining orders, and proofs of service in effect.
40 ~~This shall~~ *may* be used to inform law enforcement officers

1 responding to domestic violence calls of the existence, terms, and
2 effective dates of protection orders in effect.

3 (2) The police department of a community college or school
4 district described in subdivision (a) or (b) of Section 830.32 shall
5 notify the sheriff or police chief of the city in whose jurisdiction
6 the department is located of any protection order served by the
7 department pursuant to this section.

8 (b) The terms and conditions of the protection order remain
9 enforceable, notwithstanding the acts of the parties, and may be
10 changed only by order of the court.

11 (c) Upon request, law enforcement agencies shall serve the party
12 to be restrained at the scene of a domestic violence incident or at
13 any time the party is in custody.

14 *SEC. 59. Section 13730 of the Penal Code is amended to read:*

15 13730. (a) ~~Each~~ *As a best practice, each* law enforcement
16 agency ~~shall~~ *may* develop a system, by January 1, 1986, for
17 recording all domestic violence-related calls for assistance made
18 to the department including whether weapons are involved. All
19 domestic violence-related calls for assistance ~~shall~~ *may* be
20 supported with a written incident report, as described in subdivision
21 (c), identifying the domestic violence incident. Monthly, the total
22 number of domestic violence calls received and the numbers of
23 those cases involving weapons ~~shall~~ *may* be compiled by each law
24 enforcement agency and submitted to the Attorney General.

25 (b) The Attorney General shall report annually to the Governor,
26 the Legislature, and the public the total number of domestic
27 violence-related calls received by California law enforcement
28 agencies, the number of cases involving weapons, and a breakdown
29 of calls received by agency, city, and county.

30 (c) ~~Each~~ *As a best practice, each* law enforcement agency ~~shall~~
31 *may* develop an incident report form that includes a domestic
32 violence identification code by January 1, 1986. In all incidents
33 of domestic violence, a report ~~shall~~ *may* be written and ~~shall~~ *may*
34 be identified on the face of the report as a domestic violence
35 incident. The report ~~shall~~ *may* include at least all of the following:

36 (1) A notation of whether the officer or officers who responded
37 to the domestic violence call observed any signs that the alleged
38 abuser was under the influence of alcohol or a controlled substance.

39 (2) A notation of whether the officer or officers who responded
40 to the domestic violence call determined if any law enforcement

1 agency had previously responded to a domestic violence call at
2 the same address involving the same alleged abuser or victim.

3 (3) A notation of whether the officer or officers who responded
4 to the domestic violence call found it necessary, for the protection
5 of the peace officer or other persons present, to inquire of the
6 victim, the alleged abuser, or both, whether a firearm or other
7 deadly weapon was present at the location, and, if there is an
8 inquiry, whether that inquiry disclosed the presence of a firearm
9 or other deadly weapon. Any firearm or other deadly weapon
10 discovered by an officer at the scene of a domestic violence
11 incident shall be subject to confiscation pursuant to Division 4
12 (commencing with Section 18250) of Title 2 of Part 6.

13 *SEC. 60. Section 10351 of the Public Contract Code is amended*
14 *to read:*

15 10351. (a) The department shall exempt from its approval
16 contracts under ~~seventy-five thousand dollars (\$75,000)~~ *one*
17 *hundred fifty thousand dollars (\$150,000)* that any state agency
18 awards if the state agency does all of the following:

19 (1) Designates an agency officer as responsible and directly
20 accountable for the agency's contracting program.

21 (2) Establishes written policies and procedures and a
22 management system that will ensure the state agency's contracting
23 activities comply with applicable provisions of law and regulations
24 and that it has demonstrated the ability to carry out these policies
25 and procedures and to implement the management system.

26 (3) Establishes a plan for ensuring that contracting personnel
27 are adequately trained in contract administration and contract
28 management.

29 (4) Conducts an audit every two years of the contracting program
30 and reports to the department as it may require.

31 (5) Establishes procedures for reporting to the department and
32 the Legislature on such contracts as the Legislature may require
33 in the Budget Act.

34 (b) Any state agency may request the department to exempt
35 from its approval classes or types of contracts under this section.
36 When the department receives a request but refuses to grant the
37 exemption, it shall state in writing the reasons for the refusal. It is
38 the intent of the Legislature that the department shall actively
39 implement the provisions of this section and shall exempt from its
40 approval as wide a range of classes or types of contracts as is

1 consistent with proper administrative controls and the best interests
2 of the state.

3 *SEC. 61. Section 12100 of the Public Contract Code is amended*
4 *to read:*

5 12100. (a) The Legislature finds that the unique aspects of
6 ~~information technology, as defined in Section 11702 of the~~
7 ~~Government Code, technology projects, as defined in Chapter~~
8 ~~4800 of the State Administrative Manual and not delegated under~~
9 ~~subdivision (e) of Section 12102.2, and their importance to state~~
10 ~~programs warrant a separate acquisition authority. The Legislature~~
11 ~~further finds that this separate authority should enable the timely~~
12 ~~acquisition of information technology goods and services in order~~
13 ~~to meet the state's needs in the most value-effective manner.~~

14 ~~All contracts for the acquisition of information technology goods~~
15 ~~or services, whether by lease or purchase, shall be made by or~~
16 ~~under the supervision of the Department of General Services.~~

17 (b) (1) *All contracts for the acquisition of information*
18 *technology projects, reportable under Chapter 4800 of the State*
19 *Administrative Manual and not delegated under subdivision (e)*
20 *of Section 12102.2, shall be made by or under the supervision of*
21 *the Department of Technology consistent with the requirements*
22 *of this chapter.*

23 (2) *The Department of Technology shall have the authority*
24 *necessary for the acquisition of information technology projects*
25 *as prescribed in this chapter.*

26 (c) *The Department of Technology shall have the final authority*
27 *in the determination of information technology procurement policy.*

28 (d) *The Department of Technology shall have the final authority*
29 *in the determination of information technology procurement*
30 *procedures applicable to acquisitions of information technology*
31 *projects reportable under Chapter 4800 of the State Administrative*
32 *Manual and not delegated under subdivision (e) of Section 12102.2*
33 *and telecommunications procurements made pursuant to Section*
34 *12120.*

35 (e) *The Department of Technology shall have the final authority*
36 *in the determination of procurement policy in telecommunications*
37 *procurements made pursuant to Section 12120.*

38 (f) *Unless otherwise expressly provided, all contracts for the*
39 *acquisition of information technology goods or services, whether*

1 *by lease or purchase, shall be made by or under the supervision*
2 *of the Department of General Services.*

3 *(g) Unless otherwise expressly provided, the Department of*
4 *General Services shall have the final authority in the determination*
5 *of information technology procurement procedures.*

6 *SEC. 62. Section 12100.5 of the Public Contract Code is*
7 *amended to read:*

8 12100.5. The Regents of the University of California, the
9 Trustees of the California State University, and the Board of
10 Governors of the California Community Colleges shall not be
11 subject to this chapter except that the trustees shall develop policies
12 and procedures maintained in its state university administrative
13 manual and the board shall adopt policies and procedures
14 maintained in its administrative manual that further the legislative
15 policies for contracting expressed in this chapter but without the
16 involvement of the Director of Finance ~~and~~, the Director of General
17 Services ~~or~~, the Department of Finance ~~and~~, the Department of
18 General Services, *the Director of Technology, or the Department*
19 *of Technology.*

20 *SEC. 63. Section 12100.7 of the Public Contract Code is*
21 *amended to read:*

22 12100.7. As used in this chapter:

23 ~~(a) "Department" means the Department of General Services.~~

24 ~~(b) "Director" means the Director of General Services.~~

25 ~~(c) "Information technology" shall have the same definition as~~
26 ~~set forth in Section 11702 of the Government Code.~~

27 ~~(d)~~

28 (a) "Multiple award schedule" (MAS) is an agreement
29 established between the General Services Administration of the
30 United States and certain suppliers to do business under specific
31 prices, terms, and conditions for specified goods, information
32 technology, and services.

33 ~~(e)~~

34 (b) "Multiple award" means a contract of indefinite quantity
35 for one or more similar goods, information technology, or services
36 to more than one supplier.

37 ~~(f) "Office" means the office in the department, by whatever~~
38 ~~name it may be called, which is responsible for contracting for~~
39 ~~goods and information technology, and is headed by the state~~
40 ~~procurement officer.~~

1 ~~(g)~~
 2 ~~(c) “Procedures” means the specific methods or courses of action~~
 3 ~~to implement policies for rules, methods, and practices to be~~
 4 ~~followed in conducting information technology procurement.~~
 5 ~~procurements.~~

6 ~~(h) For purposes of this chapter, “policies” may be defined as~~
 7 ~~setting general principles and standards for the acquisition of~~
 8 ~~information technology.~~

9 ~~(d) “Policies” means determining what information technology~~
 10 ~~goods or services are to be purchased and by whom.~~

11 ~~(i)~~
 12 ~~(e) For purposes of this chapter, “value-effective acquisition”~~
 13 ~~may be defined to include, but not be limited to, the following:~~

14 ~~(1) The operational cost that the state would incur if the bid or~~
 15 ~~proposal is accepted.~~

16 ~~(2) Quality of the product or service, or its technical competency.~~

17 ~~(3) Reliability of delivery and implementation schedules.~~

18 ~~(4) The maximum facilitation of data exchange and systems~~
 19 ~~integration.~~

20 ~~(5) Warranties, guarantees, and return policy.~~

21 ~~(6) Supplier financial stability.~~

22 ~~(7) Consistency of the proposed solution with the state’s~~
 23 ~~planning documents and announced strategic program direction.~~

24 ~~(8) Quality and effectiveness of business solution and approach.~~

25 ~~(9) Industry and program experience.~~

26 ~~(10) Prior record of supplier performance.~~

27 ~~(11) Supplier expertise with engagements of similar scope and~~
 28 ~~complexity.~~

29 ~~(12) Extent and quality of the proposed participation and~~
 30 ~~acceptance by all user groups.~~

31 ~~(13) Proven development methodologies and tools.~~

32 ~~(14) Innovative use of current technologies and quality results.~~

33 ~~SEC. 64. Section 12101 of the Public Contract Code is amended~~
 34 ~~to read:~~

35 ~~12101. It is the intent of the Legislature that policies and~~
 36 ~~procedures developed by the California Technology Agency and~~
 37 ~~procedures developed by Department of Technology and the~~
 38 ~~Department of General Services in accordance with Section 12102~~
 39 ~~this chapter provide for the following:~~

1 (a) The expeditious and value-effective acquisition of
2 information technology goods and services to satisfy state
3 requirements.

4 (b) The acquisition of information technology goods and services
5 within a competitive framework.

6 (c) The delegation of authority by the Department of General
7 Services to each state agency that has demonstrated to the
8 department's satisfaction the ability to conduct value-effective
9 information technology goods and services acquisitions.

10 (d) The exclusion from state bid processes, at the state's option,
11 of any supplier having failed to meet prior contractual requirements
12 related to information technology goods and services.

13 (e) The review and resolution of protests submitted by any
14 bidders with respect to any information technology goods and
15 services acquisitions.

16 *SEC. 65. Section 12101.2 of the Public Contract Code is*
17 *amended to read:*

18 ~~12101.2. Commencing on January 1, 1994, the department~~*The*
19 *Department of General Services* shall prenegotiate the repetitively
20 used terms and conditions in the state's model contract with each
21 interested vendor who bids or proposes on electronic data
22 processing or telecommunications procurements. The contract
23 language shall be kept on file, as a matter of public record, and
24 shall remain operational until either the state or the vendor provides
25 30 days' notice to the other party that new negotiations are deemed
26 appropriate.

27 If, for a particular procurement, the state seeks to make any
28 further changes to either the negotiated or the standard contract
29 language, or both, it shall identify those changes to each bidder or
30 proposer prior to the due date for the bid or proposal. If for a
31 particular procurement, a bidder or proposer seeks to propose a
32 negotiated change or standard contract language change, it shall
33 make this identification within the timeframe identified in the
34 solicitation document.

35 *SEC. 66. Section 12101.5 of the Public Contract Code is*
36 *amended to read:*

37 12101.5. (a) It is the intent of the Legislature that agencies of
38 the state use an acquisition method that is compatible with their
39 short- and long-term fiscal needs in contracts relating to
40 commodities and information technology goods and services. State

1 agencies should be able to specify their anticipated life cycle
2 requirements that would become one of the criteria for contractor
3 selection. These agencies should be given the choice of suppliers
4 to meet statewide standardization needs, unique service
5 requirements, application requirements, and long-term satisfaction
6 criteria. There is a need for the state to enter into long-term
7 contracts with annual cancellation and fund-out clauses, as
8 required, to protect the state's interests as well as provide the option
9 for multiyear renewals to encourage suppliers to develop higher
10 levels of service and support throughout the contracts.

11 (b) The state may utilize multiple awards, including federal
12 General Service Administration Multiple Awards Schedules and
13 master agreements or contracts for goods, information technology,
14 services, or consulting services. For purposes of this subdivision,
15 a multiple award is an award of an indefinite quantity contract for
16 one or more similar goods, information technology, or services to
17 more than one supplier. Except for possible multiple awards as
18 permitted by this subdivision, and except as described in
19 subdivision (d), all the requirements of this chapter pertaining to
20 other types of information technology acquisitions shall be
21 followed. ~~The department~~ *Department of General Services* shall
22 *administer this section and* ensure that multiple award schedules
23 are in compliance with all other applicable statutes.

24 (c) Notwithstanding any other provision of law, state agencies,
25 in exercising their contracting authority delegated by the
26 ~~department~~, *Department of General Services*, may contract with
27 suppliers who have multiple award schedules with the General
28 Services Administration of the United States on the same terms,
29 conditions, and prices if the supplier is willing to do so. The
30 ~~department~~ *Department of General Services* may also develop
31 multiple award schedules or agreements for use by state agencies
32 in the same manner. ~~The department~~ *Department of General*
33 *Services* shall determine the delegation contracting authority for
34 agencies wishing to use multiple award schedules.

35 (d) For contracts related to information technology integration
36 or development projects that generate revenues or achieve savings
37 over a quantifiable baseline of existing costs, state agencies shall
38 consider and may incorporate performance-based or
39 share-in-savings contract terms to manage risks and create
40 incentives for successful contract performance. Performance-based

1 or share-in-savings contracts may have the following
2 characteristics, among others:

3 (1) Contract terms that specify business outcomes to be
4 achieved, not the solution to be provided.

5 (2) Contract terms that structure the contract to maintain
6 maximum vendor commitment to project success and minimize
7 risk to the state by sharing risk with the private sector.

8 (3) Utilization of “best value” evaluation methods, which means
9 to select the solution that will achieve the best result based on
10 business performance measures, not necessarily the lowest price.

11 (4) Contract terms that base payments to the vendor primarily
12 on achieving predefined performance measures.

13 *SEC. 67. Section 12102 of the Public Contract Code is amended*
14 *to read:*

15 12102. (a) The Department of General Services shall maintain,
16 in the State Administrative Manual, *all* policies and procedures
17 governing the acquisition and disposal of information technology
18 goods and services, *including, but not limited to, the policies and*
19 *procedures that the Department of Technology is authorized to*
20 *establish for the acquisition of information technology projects.*
21 *The Department of Technology shall provide a link to information*
22 *technology policies and procedures in the State Administrative*
23 *Manual on the homepage of the Internet Web site.*

24 ~~(a) Acquisition~~

25 (b) *Except as specified in Section 12102.1, acquisition of*
26 *information technology goods and services shall be conducted*
27 *through competitive means, except when the Director of General*
28 *Services determines that (1) the goods and services proposed for*
29 *acquisition are the only goods and services which can meet the*
30 *state’s need, or (2) the goods and services are needed in cases of*
31 *emergency where immediate acquisition is necessary for the*
32 *protection of the public health, welfare, or safety. The acquisition*
33 *mode to be used and the procedure to be followed shall be approved*
34 *by the Director of General Services. The Department of General*
35 *Services shall maintain, in the State Administrative Manual,*
36 *appropriate criteria and procedures to ensure compliance with the*
37 *intent of this chapter. These criteria and procedures shall include*
38 *acquisition and contracting guidelines to be followed by state*
39 *agencies with respect to the acquisition of information technology*

1 goods and services. These guidelines may be in the form of
2 standard formats or model formats.

3 ~~(b) Contract awards for all large-scale systems integration~~
4 ~~projects shall be based on the proposal that provides the most~~
5 ~~value-effective solution to the state's requirements, as determined~~
6 ~~by the evaluation criteria contained in the solicitation document.~~
7 ~~Evaluation criteria for the acquisition of information technology~~
8 ~~goods and services, including systems integration, shall provide~~
9 ~~for the selection of a contractor on an objective basis not limited~~
10 ~~to cost alone.~~

11 ~~(1) The Department of General Services shall invite active~~
12 ~~participation, review, advice, comment, and assistance from the~~
13 ~~private sector and state agencies in developing procedures to~~
14 ~~streamline and to make the acquisition process more efficient,~~
15 ~~including, but not limited to, consideration of comprehensive~~
16 ~~statements in the request for proposals of the business needs and~~
17 ~~governmental functions, access to studies, planning documents,~~
18 ~~feasibility study reports and draft requests for proposals applicable~~
19 ~~to solicitations, minimizing the time and cost of the proposal~~
20 ~~submittal and selection process, and development of a procedure~~
21 ~~for submission and evaluation of a single proposal rather than~~
22 ~~multiple proposals.~~

23 ~~(2) Solicitations for acquisitions based on evaluation criteria~~
24 ~~other than cost alone shall provide that sealed cost proposals shall~~
25 ~~be submitted and that they shall be opened at a time and place~~
26 ~~designated in the solicitation for bids and proposals. Evaluation~~
27 ~~of all criteria, other than cost, shall be completed prior to the time~~
28 ~~designated for public opening of cost proposals, and the results of~~
29 ~~the completed evaluation shall be published immediately before~~
30 ~~the opening of cost proposals. The state's contact person for~~
31 ~~administration of the solicitation shall be identified in the~~
32 ~~solicitation for bids and proposals, and that person shall execute~~
33 ~~a certificate under penalty of perjury, which shall be made a~~
34 ~~permanent part of the official contract file, that all cost proposals~~
35 ~~received by the state have been maintained sealed and under lock~~
36 ~~and key until the time cost proposals are opened.~~

37 ~~(e) The acquisition of hardware acquired independently of a~~
38 ~~system integration project may be made on the basis of lowest cost~~
39 ~~meeting all other specifications.~~

1 ~~(d) The 5 percent small business preference provided for in~~
2 ~~Chapter 6.5 (commencing with Section 14835) of Part 5.5 of~~
3 ~~Division 3 of Title 2 of the Government Code and the regulations~~
4 ~~implementing that chapter shall be accorded to all qualifying small~~
5 ~~businesses.~~

6 ~~(e) For all transactions formally advertised, evaluation of~~
7 ~~bidders' proposals for the purpose of determining contract award~~
8 ~~for information technology goods shall provide for consideration~~
9 ~~of a bidder's best financing alternatives, including lease or purchase~~
10 ~~alternatives, if any bidder so requests, not less than 30 days prior~~
11 ~~to the date of final bid submission, unless the acquiring agency~~
12 ~~can prove to the satisfaction of the Department of General Services~~
13 ~~that a particular financing alternative should not be so considered.~~

14 ~~(f) Acquisition authority may be delegated by the Director of~~
15 ~~General Services to any state agency that has been determined by~~
16 ~~the Department of General Services to be capable of effective use~~
17 ~~of that authority. This authority may be limited by the Department~~
18 ~~of General Services. Acquisitions conducted under delegated~~
19 ~~authority shall be reviewed by the Department of General Services~~
20 ~~on a selective basis.~~

21 ~~(g) To the extent practical, the solicitation documents shall~~
22 ~~provide for a contract to be written to enable acquisition of~~
23 ~~additional items to avoid essentially redundant acquisition~~
24 ~~processes when it can be determined that it is economical to do~~
25 ~~so.~~

26 ~~Further, it is the intent of the Legislature that, if a state~~
27 ~~information technology advisory committee or a state~~
28 ~~telecommunications advisory committee is established by the~~
29 ~~Governor, or the Director of General Services, the policies and~~
30 ~~procedures developed by the Director of General Services in~~
31 ~~accordance with this chapter shall be submitted to that committee,~~
32 ~~including supplier representatives, for review and comment, and~~
33 ~~that the comment be considered by both departments prior to the~~
34 ~~adoption of any policy or procedure. It is also the intent of the~~
35 ~~Legislature that this section shall apply to the Department of~~
36 ~~General Services Information Technology Customer Council.~~

37 ~~(h) Protest procedures shall be developed to provide bidders an~~
38 ~~opportunity to protest any formal, competitive acquisition~~
39 ~~conducted in accordance with this chapter. The procedures shall~~
40 ~~provide that protests must be filed no later than five working days~~

1 after the issuance of an intent to award. Authority to protest may
 2 be limited to participating bidders. The Director of General
 3 Services, or a person designated by the director, may consider and
 4 decide on initial protests. A decision regarding an initial protest
 5 shall be final. If prior to the last day to protest, any bidder who has
 6 submitted an offer files a protest with the department against the
 7 awarding of the contract on the ground that his or her bid or
 8 proposal should have been selected in accordance with the selection
 9 criteria in the solicitation document, the contract shall not be
 10 awarded until either the protest has been withdrawn or the State
 11 Board of Control has made a final decision as to the action to be
 12 taken relating to the protest. Within 10 calendar days after filing
 13 a protest, the protesting bidder shall file with the State Board of
 14 Control a full and complete written statement specifying in detail
 15 the grounds of the protest and the facts in support thereof.

16 (i) Information technology goods that have been determined to
 17 be surplus to state needs shall be disposed of in a manner that will
 18 best serve the interests of the state. Procedures governing the
 19 disposal of surplus goods may include auction or transfer to local
 20 governmental entities.

21 (j) A supplier may be excluded from bid processes if the
 22 supplier's performance with respect to a previously awarded
 23 contract has been unsatisfactory, as determined by the state in
 24 accordance with established procedures that shall be maintained
 25 in the State Administrative Manual. This exclusion may not exceed
 26 36 months for any one determination of unsatisfactory
 27 performance. Any supplier excluded in accordance with this section
 28 shall be reinstated as a qualified supplier at any time during this
 29 36-month period, upon demonstrating to the department's
 30 satisfaction that the problems that resulted in the supplier's
 31 exclusion have been corrected.

32 *SEC. 68. Section 12102.1 is added to the Public Contract Code,*
 33 *to read:*

34 *12102.1. (a) The Department of Technology shall establish in*
 35 *the State Administrative Manual all of the following:*

36 *(1) Policies governing the acquisition of information technology*
 37 *projects.*

38 *(2) Procedures governing the acquisition of information*
 39 *technology projects reportable under Chapter 4800 of the State*

1 *Administrative Manual and not delegated under subdivision (e)*
2 *of Section 12102.2.*

3 *(3) Policies and procedures governing the acquisition of*
4 *telecommunications goods and services, as authorized under*
5 *Section 12120.*

6 *(b) Acquisition of information technology goods and services*
7 *that are subject to subdivision (a) shall be conducted through*
8 *competitive means, except when the Director of Technology*
9 *determines that (1) the goods and services proposed for acquisition*
10 *are the only goods and services that can meet the state's need, or*
11 *(2) the goods and services are needed for an emergency and*
12 *immediate acquisition and are necessary for the protection of the*
13 *public health, welfare, or safety. The acquisition mode to be used*
14 *and the procedure to be followed shall be approved by the Director*
15 *of Technology. The Department of Technology shall establish, in*
16 *the State Administrative Manual, appropriate criteria and*
17 *procedures to ensure compliance with the intent of this chapter.*
18 *These criteria and procedures shall include acquisition and*
19 *contracting guidelines to be followed by state agencies with respect*
20 *to the acquisition of information technology projects that are*
21 *reportable under State Administrative Manual Section 4800 et*
22 *seq. These guidelines may be in the form of standard formats or*
23 *model formats.*

24 *SEC. 69. Section 12102.2 is added to the Public Contract Code,*
25 *to read:*

26 *12102.2. (a) Contract awards for all large-scale systems*
27 *integration projects shall be based on the proposal that provides*
28 *the most value-effective solution to the state's requirements, as*
29 *determined by the evaluation criteria contained in the solicitation*
30 *document. Evaluation criteria for the acquisition of information*
31 *technology goods and services, including systems integration, shall*
32 *provide for the selection of a contractor on an objective basis not*
33 *limited to cost alone.*

34 *(1) The Department of Technology shall invite active*
35 *participation, review, advice, comment, and assistance from the*
36 *private sector and state agencies in developing procedures to*
37 *streamline and to make the acquisition process more efficient,*
38 *including, but not limited to, consideration of comprehensive*
39 *statements in the request for proposals of the business needs and*
40 *governmental functions, access to studies, planning documents,*

1 *feasibility study reports and draft requests for proposals applicable*
2 *to solicitations, minimizing the time and cost of the proposal*
3 *submittal and selection process, and development of a procedure*
4 *for submission and evaluation of a single proposal rather than*
5 *multiple proposals.*

6 (2) *Solicitations for acquisitions based on evaluation criteria*
7 *other than cost alone shall provide that sealed cost proposals shall*
8 *be submitted and that they shall be opened at a time and place*
9 *designated in the solicitation for bids and proposals. Evaluation*
10 *of all criteria, other than cost, shall be completed prior to the time*
11 *designated for public opening of cost proposals, and the results*
12 *of the completed evaluation shall be published immediately before*
13 *the opening of cost proposals. The state's contact person for*
14 *administration of the solicitation shall be identified in the*
15 *solicitation for bids and proposals, and that person shall execute*
16 *a certificate under penalty of perjury, which shall be made a*
17 *permanent part of the official contract file, that all cost proposals*
18 *received by the state have been maintained sealed and under lock*
19 *and key until the time cost proposals are opened.*

20 (b) *The acquisition of hardware acquired independently of a*
21 *system integration project may be made on the basis of lowest cost*
22 *meeting all other specifications.*

23 (c) *The 5 percent small business preference provided for in*
24 *Chapter 6.5 (commencing with Section 14835) of Part 5.5 of*
25 *Division 3 of Title 2 of the Government Code and the regulations*
26 *implementing that chapter shall be accorded to all qualifying small*
27 *businesses.*

28 (d) *For all transactions formally advertised, evaluation of*
29 *bidders' proposals for the purpose of determining contract award*
30 *for information technology goods shall provide for consideration*
31 *of a bidder's best financing alternatives, including lease or*
32 *purchase alternatives, if any bidder so requests, not less than 30*
33 *days prior to the date of final bid submission, unless the acquiring*
34 *agency can prove to the satisfaction of the Department of General*
35 *Services that a particular financing alternative should not be so*
36 *considered.*

37 (e) *Acquisition authority may be delegated by the Director of*
38 *General Services to any state agency that has been determined by*
39 *the Department of General Services to be capable of effective use*
40 *of that authority. This authority may be limited by the Department*

1 of General Services. Acquisitions conducted under delegated
2 authority shall be reviewed by the Department of General Services
3 on a selective basis.

4 (f) To the extent practical, the solicitation documents shall
5 provide for a contract to be written to enable acquisition of
6 additional items to avoid essentially redundant acquisition
7 processes when it can be determined that it is economical to do
8 so.

9 (g) Protest procedures shall be developed to provide bidders
10 an opportunity to protest any formal, competitive acquisition
11 conducted in accordance with this chapter. The procedures shall
12 provide that protests must be filed no later than five working days
13 after the issuance of an intent to award. Authority to protest may
14 be limited to participating bidders. The Director of Technology,
15 or a person designated by the director, may consider and decide
16 on initial protests of bids for information technology projects
17 conducted by the Department of Technology and
18 telecommunications procurement made pursuant to Section 12120.
19 The Director of the Department of General Services, or a person
20 designated by the director, may consider and decide on initial
21 protests of all other information technology acquisitions. A decision
22 regarding an initial protest shall be final. If prior to the last day
23 to protest, any bidder who has submitted an offer files a protest
24 with the department against the awarding of the contract on the
25 ground that his or her bid or proposal should have been selected
26 in accordance with the selection criteria in the solicitation
27 document, the contract shall not be awarded until either the protest
28 has been withdrawn or the California Victim Compensation and
29 Government Claims Board has made a final decision as to the
30 action to be taken relating to the protest. Within 10 calendar days
31 after filing a protest, the protesting bidder shall file with the
32 Victims Compensation and Government Claims Board a full and
33 complete written statement specifying in detail the grounds of the
34 protest and the facts in support thereof.

35 (h) Consistent with the procedures established and administered
36 by the Department of General Services, information technology
37 goods that have been determined to be surplus to state needs shall
38 be disposed of in a manner that will best serve the interests of the
39 state. Procedures governing the disposal of surplus goods may
40 include auction or transfer to local governmental entities.

1 (i) A supplier may be excluded from bid processes if the
2 supplier's performance with respect to a previously awarded
3 contract has been unsatisfactory, as determined by the state in
4 accordance with established procedures that shall be maintained
5 in the State Administrative Manual. This exclusion may not exceed
6 36 months for any one determination of unsatisfactory
7 performance. Any supplier excluded in accordance with this section
8 shall be reinstated as a qualified supplier at any time during this
9 36-month period, upon demonstrating to the Department of
10 General Services' satisfaction that the problems that resulted in
11 the supplier's exclusion have been corrected.

12 SEC. 70. Section 12103 of the Public Contract Code is amended
13 to read:

14 12103. In addition to the mandatory requirements enumerated
15 in ~~Section~~ Sections 12102, 12102.1, and 12102.2, the acquisition
16 policies and procedures developed ~~and maintained~~ by the
17 ~~California Technology Agency and procedures developed and~~
18 ~~maintained by the Department of General Services~~ Department of
19 Technology and the Department of General Services in accordance
20 with this chapter may provide for the following:

21 (a) Price negotiation with respect to contracts entered into in
22 accordance with this chapter.

23 (b) System or equipment component performance, or availability
24 standards, including an assessment of the added cost to the state
25 to receive contractual guarantee of a level of performance.

26 (c) Requirement of a bond or assessment of a cost penalty with
27 respect to a contract or consideration of a contract offered by a
28 supplier whose performance has been determined unsatisfactory
29 in accordance with established procedures maintained in the State
30 Administrative Manual as required by Section 12102.

31 SEC. 71. Section 12103.5 of the Public Contract Code is
32 amended to read:

33 12103.5. ~~Beginning January 1, 2007, for~~ For those information
34 technology purchases for which the ~~department~~ Department of
35 General Services or the Department of Technology determines
36 that a request for proposal (RFP) is appropriate, the *controlling*
37 department, *as specified under Section 12100*, shall identify and
38 document the following, with respect to information technology
39 procurements, prior to releasing the RFP:

1 (a) Identify the legislative mandate, state business, or operational
2 reason for the information technology procurement.

3 (b) Identify the existing business processes currently used to
4 accomplish the legislative mandate, state business, or operational
5 reason.

6 (c) Identify the most important priorities for the information
7 technology project to accomplish.

8 (d) Identify what current technology is being used and how it
9 is being used.

10 (e) If the data used in a proposed information technology system
11 comes from multiple sources, identify the existing business
12 processes or technical systems that produce and maintain the source
13 data to ensure interoperability.

14 (f) Identify how the new information technology project
15 leverages existing technology investments while accomplishing
16 its business objectives.

17 *SEC. 72. Section 12104 of the Public Contract Code is amended*
18 *to read:*

19 12104. (a) (1) ~~Commencing on or before January 1, 2007, the~~
20 *The State Contracting Manual shall set forth all procedures and*
21 *methods that shall be used by the department state when seeking*
22 *to obtain bids for the acquisition of information technology.*

23 (2) Revisions to the manual must be publicly announced,
24 including, but not limited to, postings on the ~~department's~~
25 *Web site homepage of the Department of General Services. The*
26 *Department of Technology shall provide a link to the State*
27 *Contracting Manual on its Internet Web site homepage.*

28 ~~(b) The department, in consultation with the California~~
29 ~~Technology Agency, shall develop, implement, and maintain~~
30 ~~standardized methods for the development of information~~
31 ~~technology requests for proposals.~~

32 *(b) The Department of General Services and the Department*
33 *of Technology in accordance with this chapter shall develop,*
34 *implement, and maintain standardized methods for the development*
35 *of all information technology requests for proposals.*

36 (c) All information technology requests for proposals shall be
37 reviewed by the ~~California Technology Agency and the Department~~
38 ~~of General Services~~ *Department of Technology* prior to release to
39 the public.

1 SEC. 73. Section 12104.5 of the Public Contract Code is
2 amended to read:

3 12104.5. (a) All rules and requirements governing an
4 information technology acquisition, for which the ~~department~~
5 *Department of General Services or the Department of Technology*
6 determines that a request for proposal (RFP) is appropriate, shall
7 be communicated in writing to all vendors that have expressed an
8 intent to bid and shall be posted in a public location. Any changes
9 to the rules and requirements governing that RFP shall be
10 communicated in writing to all vendors that have expressed an
11 intent to bid and shall be posted in a public location. ~~No~~
12 ~~requirements~~ *Requirements* other than those provided by law or
13 outside of the published RFP and posted addendums shall *not* be
14 used by the ~~department~~ to score bids.

15 (b) (1) All requests for proposals shall contain the following
16 statement:

17 “It is unlawful for any person engaged in business within this
18 state to sell or use any article or product as a “loss leader” as
19 defined in Section 17030 of the Business and Professions Code.”

20 ~~(2) On and after March 31, 2010, and until December 31, 2011,~~
21 ~~if a request for proposal does not contain the statement required~~
22 ~~by paragraph (1), the awarding agency shall report this error to the~~
23 ~~department within 30 days of the date the awarding agency~~
24 ~~discovers this error.~~

25 ~~(3)~~

26 (2) The ~~department~~ *Department of General Services* shall post
27 in the State Contracting Manual instructions for including the
28 statement required by paragraph (1) in all affected contracts.

29 ~~(4)~~

30 (3) The statement required by paragraph (1) shall be deemed to
31 be part of a request for proposal even if the statement is
32 inadvertently omitted from the request for proposal.

33 (c) The requirements of this section shall be in addition to any
34 other requirement provided by law.

35 SEC. 74. Section 12105 of the Public Contract Code is amended
36 to read:

37 12105. The Department of General Services and the ~~California~~
38 ~~Technology Agency~~ *Department of Technology* shall coordinate
39 in the development of policies and procedures that implement the
40 intent of this chapter. ~~The California Technology Agency shall~~

1 ~~have the final authority in the determination of any general policy~~
2 ~~and the Department of General Services shall have the final~~
3 ~~authority in the determination of any procedures.~~

4 *SEC. 75. Section 12106 of the Public Contract Code is amended*
5 *to read:*

6 12106. The Department of General Services *and the*
7 *Department of Technology* may, in addition to fulfilling the
8 mandatory requirements enumerated in ~~Section~~ *Sections* 12102,
9 *12102.1, and 12102.2*, adopt such rules and regulations as are
10 necessary for the purposes of this chapter.

11 *SEC. 76. Section 12108 of the Public Contract Code is amended*
12 *to read:*

13 12108. Until the time that the Department of General Services
14 ~~has~~ *and the Department of Technology have* published in the State
15 Administrative Manual the procedures required in accordance with
16 Section 12102, acquisitions of information technology goods and
17 services shall be accomplished in accordance with either existing
18 State Administrative Manual procedures for the acquisition of
19 information technology goods and services, or Article 2
20 (commencing with Section 14790) of Chapter 6 of Part 5.5 of
21 Division 3 of Title 2 of the Government Code, as determined by
22 the Department of General Services.

23 *SEC. 77. Section 12109 of the Public Contract Code is amended*
24 *to read:*

25 12109. The Director of General Services *and the Director of*
26 *Technology* may make the services of ~~the department~~ *their*
27 *respective departments* under this chapter available, upon the terms
28 and conditions that may be deemed satisfactory, to any
29 tax-supported public agency in the state, including a school district,
30 for assisting the agency in the acquisition of information
31 technology goods or services.

32 *SEC. 78. Section 12112 of the Public Contract Code is amended*
33 *to read:*

34 12112. (a) Any contract for information technology goods or
35 services, to be manufactured or performed by the contractor
36 especially for the state and not suitable for sale to others in the
37 ordinary course of the contractor's business may provide, on the
38 terms and conditions that the *controlling* department, *as specified*
39 *in Section 12100*, deems necessary to protect the state's interests,
40 for progress payments for work performed and costs incurred at

1 the contractor's shop or plant, provided that not less than 10 percent
2 of the contract price is required to be withheld until final delivery
3 and acceptance of the goods or services. Notwithstanding this
4 subdivision, if the department determines that lesser withholding
5 levels are appropriate based upon an evaluation of risk determined
6 under subdivision (b) and the contract price is ten million dollars
7 (\$10,000,000) or more, the department shall withhold no less than
8 5 percent of the contract price until final delivery and acceptance
9 of the goods or services. If the department determines that lesser
10 withholding levels are appropriate based on an evaluation of risk
11 determined under subdivision (b) and the contract price is less than
12 ten million dollars (\$10,000,000), the department shall withhold
13 no less than 3 percent of the contract price until final delivery and
14 acceptance of the goods or services.

15 ~~(b) The department, Department of General Services, in~~
16 ~~consultation with the Department of Finance, shall develop and~~
17 ~~maintain criteria for the evaluation of risk to the state that results~~
18 ~~from the acquisition of information technology. This risk analysis~~
19 ~~shall determine the need for financial protection that is in the best~~
20 ~~interest of the state, including, but not limited to, any of the~~
21 ~~following:~~

22 (1) An acceptable performance bond as described in Chapter 2
23 (commencing with Section 995.010) of Title 14 of Part 2 of the
24 Code of Civil Procedure.

25 (2) Any surety as defined in Section 2787 of the Civil Code.

26 (3) A letter of credit as described in Division 5 (commencing
27 with Section 5101) of the Commercial Code.

28 (4) Protection in the form of contract terms.

29 (5) Any other form of security or guaranty of performance in
30 an amount sufficient to protect the state in the case of default by
31 the contractor providing information technology, or any other
32 breach or malfunction of the goods or services, or both.

33 ~~(e) The department shall, on or before June 1, 2008, submit the~~
34 ~~criteria developed and maintained pursuant to subdivision (b) to~~
35 ~~the Joint Legislative Budget Committee and to the State Chief~~
36 ~~Information Officer.~~

37 ~~(d) The State Chief Information Officer shall, on or before July~~
38 ~~1, 2012, do both of the following:~~

39 (1) ~~Review and report to the Legislature on all contracts~~
40 ~~approved pursuant to this section on and after January 1, 2008.~~

1 (2) Report to the Legislature any recommendations for changes
2 to this section or changes to the criteria developed and maintained
3 by the department pursuant to subdivision (b).

4 (e)

5 (c) For purposes of this section, “information technology” means
6 information technology goods or services, or both, as appropriate.

7 SEC. 79. Section 12120 of the Public Contract Code is amended
8 to read:

9 12120. The Legislature finds and declares that, with the advent
10 of deregulation in the telecommunications industry, substantial
11 cost savings can be realized by the state through the specialized
12 evaluation and acquisition of alternative telecommunications
13 systems.—All contracts Any contract for the acquisition of
14 telecommunications services and all contracts any contract for the
15 acquisition of telecommunications goods, whether by lease or
16 purchase, shall be made by, or under the supervision of, the
17 California Technology Agency Department of Technology.—All
18 acquisitions Any acquisition shall be accomplished in accordance
19 with Chapter 3 (commencing with Section 12100), relating to the
20 acquisition of information technology goods and services, except
21 to the extent any directive or provision is uniquely applicable to
22 information technology acquisitions. The agency Department of
23 Technology shall have responsibility for the establishment of policy
24 and procedures for telecommunications.—The agency shall have
25 responsibility for the establishment of tactical policy and
26 procedures for information technology and telecommunications
27 acquisitions consistent with statewide strategic policy. The Trustees
28 of the California State University and the Board of Governors of
29 the California Community Colleges shall assume the functions of
30 the agency with regard to acquisition of telecommunications goods
31 and services by the California State University and the California
32 Community Colleges, respectively. The trustees and the board
33 shall each grant to the agency an opportunity to bid whenever the
34 university or the college system solicits bids for
35 telecommunications goods and services.

36 SEC. 80. Section 12121 of the Public Contract Code is
37 repealed.

38 12121. As used in this chapter:

39 (a) “Agency” means the California Technology Agency.

1 ~~(b) “Tactical policy” means the policies of an organization~~
2 ~~necessary to direct operational staff in carrying out their day-to-day~~
3 ~~activities.~~

4 ~~(c) “Strategic policy” means policy which defines the goals and~~
5 ~~objectives for an organization.~~

6 *SEC. 81. Section 12125 of the Public Contract Code is amended*
7 *to read:*

8 12125. There is hereby established the Alternative Protest
9 Process to be administered by the Department of General Services
10 *and the Department of Technology in accordance with Chapter 3*
11 *(commencing with Section 12100) of Part 2 of Division 2 and this*
12 *chapter.*

13 *SEC. 82. Section 12126 of the Public Contract Code is amended*
14 *to read:*

15 12126. (a) Notwithstanding any other ~~provision of law~~, any
16 department or agency may use the solicitation and alternative
17 protest procedures outlined in this chapter for solicitations
18 authorized under Chapter 2 (commencing with Section 10290) or
19 Chapter 3 (commencing with Section 12100). The Department of
20 General Services shall develop procedures and guidelines for the
21 implementation of this alternative protest process.

22 (b) To be eligible for this alternative protest process, the
23 contracting department shall agree to participate in the Alternative
24 Protest Process and the Department of General Services *or the*
25 *Department of Technology, as appropriate*, shall indicate that the
26 proposed solicitation shall be conducted as part of the Alternative
27 Protest Process prior to release of the solicitation. Submission of
28 a bid constitutes consent for participation in the Alternative Protest
29 Process. Any protests filed in relation to the proposed contract
30 award shall be conducted under the procedures set forth by the
31 Department of General Services for the Alternative Protest Process.

32 (c) Notwithstanding any other ~~provision of law to the contrary~~,
33 any bid protest conducted under this chapter shall include one or
34 more of the following alternative procedures:

35 (1) The Alternative Protest Process shall not prevent the
36 commencement of work in accordance with the terms of any other
37 contract awarded pursuant to this chapter. A contract may be
38 entered into pending a final decision on the protest.

39 (2) The Department of General Services, *in bid protests for*
40 *procurements it conducts or supervises*, shall review the protest

1 within seven days of the filing date to determine if the protest is
2 frivolous. If determined to be frivolous, the protest shall not
3 proceed under this chapter until the bidder posts a protest bond in
4 an amount not less than 10 percent of the estimated contract value,
5 as determined by the Department of General Services in the
6 solicitation.

7 *(3) The Department of Technology, in bid protests for*
8 *procurements it conducts or supervises pursuant to paragraph (1)*
9 *of subdivision (b) of Section 12100 and telecommunications*
10 *procurements made pursuant to Section 12120, shall review the*
11 *protest within seven days of the filing date to determine if the*
12 *protest is frivolous. If determined to be frivolous, the protest shall*
13 *not proceed under this chapter until the bidder posts a protest*
14 *bond in an amount not less than 10 percent of the estimated*
15 *contract value, as determined by the Department of Technology*
16 *in the solicitation.*

17 ~~(3)~~

18 *(4) The Director of General Services or the Director of*
19 *Technology, as appropriate under paragraphs (2) and (3), shall*
20 *issue a decision within a period not to exceed 45 days from the*
21 *date the protest is filed.*

22 ~~(4)~~

23 *(5) Arbitration, as defined and established by the Department*
24 *of General Services, shall be the resolution tool.*

25 *(d) Authority to protest under this chapter shall be limited to*
26 *participating bidders.*

27 *(1) Grounds for major information technology acquisition*
28 *protests shall be limited to violations of the solicitation procedures*
29 *and that the protestant should have been selected.*

30 *(2) Any other acquisition protest filed pursuant to this chapter*
31 *shall be based on the ground that the bid or proposal should have*
32 *been selected in accordance with selection criteria in the solicitation*
33 *document.*

34 *SEC. 83. Section 12128 of the Public Contract Code is amended*
35 *to read:*

36 *12128. The Department of General Services and the*
37 *Department of Technology in accordance with Chapter 3*
38 *(commencing with Section 12100) of Part 2 of Division 2 and this*
39 *chapter shall apply this chapter to the following categories:*

40 *(a) Information technology and ancillary services.*

1 (b) Material, supplies, equipment, and ancillary services.

2 *SEC. 84. Section 9303 of the Public Resources Code is*
3 *amended to read:*

4 9303. The directors shall receive no compensation for their
5 services as such, but each ~~shall~~ *may* be allowed reasonable and
6 necessary expenses incurred in attendance at meetings of the
7 directors or when otherwise engaged in the work of the district at
8 the direction of the board of directors. The directors shall fix the
9 amount allowed for necessary expenses, but no director shall be
10 appointed to any position for which he or she would receive
11 compensation as a salaried officer or employee of the district.
12 Reimbursement for these expenses is subject to Sections 53232.2
13 and 53232.3 of the Government Code.

14 *SEC. 85. Section 75121 of the Public Resources Code is*
15 *amended to read:*

16 75121. (a) The Strategic Growth Council is hereby established
17 in state government and it shall consist of the Director of State
18 Planning and Research, the Secretary of the Resources Agency,
19 the Secretary for Environmental Protection, the Secretary of
20 Business, Transportation and Housing, the Secretary of California
21 Health and Human Services, *the Secretary of Business, Consumer*
22 *Services, and Housing*, and one member of the public to be
23 appointed by the Governor. The public member shall have a
24 background in land use planning, local government, resource
25 protection and management, or community development or
26 revitalization.

27 (b) Staff for the council shall be reflective of the council's
28 membership.

29 *SEC. 86. Section 2872.5 of the Public Utilities Code is amended*
30 *to read:*

31 2872.5. (a) The commission, in consultation with the ~~California~~
32 ~~Emergency Management Agency and the California Technology~~
33 ~~Agency Office of Emergency Services~~, shall open an investigative
34 proceeding to determine whether standardized notification systems
35 and protocol should be utilized by entities that are authorized to
36 use automatic dialing-announcing devices pursuant to subdivision
37 (e) of Section 2872, to facilitate notification of affected members
38 of the public of local emergencies. The commission shall not
39 establish standards for notification systems or standard notification

1 protocol unless it determines that the benefits of the standards
2 exceed the costs.

3 (b) Before January 1, 2008, the commission shall prepare and
4 submit to the Legislature a report on the results of the proceeding,
5 including recommendations for funding notification systems and
6 any statutory modifications needed to facilitate notification of
7 affected members of the public of local emergencies.

8 *SEC. 87. Section 2892 of the Public Utilities Code is amended*
9 *to read:*

10 2892. (a) A provider of commercial mobile radio service, as
11 defined in Section 216.8, shall provide access for end users of that
12 service to the local emergency telephone systems described in the
13 Warren-911-Emergency Assistance Act (Article 6 (commencing
14 with Section 53100) of Chapter 1 of Part 1 of Division 2 of Title
15 5 of the Government Code). “911” shall be the primary access
16 number for those emergency systems. A provider of commercial
17 mobile radio service, in accordance with all applicable Federal
18 Communication Commission orders, shall transmit all “911” calls
19 from technologically compatible commercial mobile radio service
20 communication devices without requiring user validation or any
21 similar procedure. A provider of commercial mobile radio service
22 may not charge any airtime, access, or similar usage charge for
23 any “911” call placed from a commercial mobile radio service
24 telecommunications device to a local emergency telephone system.

25 (b) A “911” call from a commercial mobile radio service
26 telecommunications device may be routed to a public safety
27 answering point other than the Department of the California
28 Highway Patrol only if the alternate routing meets all of the
29 following requirements:

30 (1) The “911” call originates from a location other than from a
31 freeway, as defined in Section 23.5 of the Streets and Highways
32 Code, under the jurisdiction of the Department of the California
33 Highway Patrol.

34 (2) The alternate routing is economically and technologically
35 feasible.

36 (3) The alternate routing will benefit public safety and reduce
37 burdens on dispatchers for the Department of the California
38 Highway Patrol.

39 (4) The Department of the California Highway Patrol, the
40 ~~California Technology Agency~~, *Office of Emergency Services*, and

1 the proposed alternate public safety answering point, in
2 consultation with the wireless industry, providers of “911” selective
3 routing service, and local law enforcement officials, determine
4 that it is in the best interest of the public and will provide more
5 effective emergency service to the public to route “911” calls that
6 do not originate from a freeway, as defined in Section 23.5 of the
7 Streets and Highways Code, under the jurisdiction of the
8 Department of the California Highway Patrol to another public
9 safety answering point.

10 *SEC. 88. Section 2892.1 of the Public Utilities Code is amended*
11 *to read:*

12 2892.1. (a) For purposes of this section, “telecommunications
13 service” means voice communication provided by a telephone
14 corporation as defined in Section 234, voice communication
15 provided by a provider of satellite telephone services, voice
16 communication provided by a provider of mobile telephony service,
17 as defined in Section 2890.2, and voice communication provided
18 by a commercially available facilities-based provider of voice
19 communication services utilizing voice over Internet Protocol or
20 any successor protocol.

21 (b) The commission, in consultation with the ~~California~~
22 ~~Emergency Management Agency and the California Technology~~
23 ~~Agency, Office of Emergency Services~~, shall open an investigative
24 or other appropriate proceeding to identify the need for
25 telecommunications service systems not on the customer’s premises
26 to have backup electricity to enable telecommunications networks
27 to function and to enable the customer to contact a public safety
28 answering point operator during an electrical outage, to determine
29 performance criteria for backup systems, and to determine whether
30 the best practices recommended by the Network Reliability and
31 Interoperability Council in December 2005, for backup systems
32 have been implemented by telecommunications service providers
33 operating in California. If the commission determines it is in the
34 public interest, the commission shall, consistent with subdivisions
35 (c) and (d), develop and implement performance reliability
36 standards.

37 (c) The commission, in developing any standards pursuant to
38 the proceeding required by subdivision (b), shall consider current
39 best practices and technical feasibility for establishing battery
40 backup requirements.

1 (d) The commission shall not implement standards pursuant to
2 the proceeding required by subdivision (b) unless it determines
3 that the benefits of the standards exceed the costs.

4 (e) The commission shall determine the feasibility of the use of
5 zero greenhouse gas emission fuel cell systems to replace diesel
6 backup power systems.

7 (f) Before January 1, 2008, the commission shall prepare and
8 submit to the Legislature a report on the results of the proceeding.

9 *SEC. 89. Section 11908.1 of the Public Utilities Code is*
10 *amended to read:*

11 11908.1. (a) Notwithstanding Section 11908, a district with a
12 board having seven directors may provide, by resolution or
13 ordinance, that each director shall receive compensation in an
14 amount not to exceed one hundred dollars (\$100) per day for each
15 day's attendance at public meetings of the board or for each day's
16 service rendered as a director by request of the board, not exceeding
17 a total of six days in any calendar month, or, in lieu of that
18 compensation, a salary of not to exceed six hundred dollars (\$600)
19 per month subject to annual adjustments pursuant to ~~subdivision~~
20 ~~(b), together with subdivision (b).~~ *The resolution or ordinance*
21 *may also authorize reimbursement for any expenses incurred in*
22 *the performance of his or her a director's duties required or*
23 *authorized by the board. No resolution or ordinance establishing*
24 *compensation pursuant to this subdivision shall provide for any*
25 *automatic increase in that compensation.*

26 (b) Any district which adopts salaries for directors pursuant to
27 subdivision (a) may increase those salaries by not more than 5
28 percent for each calendar year following the operative date of the
29 last adjustment, commencing with the calendar year following
30 adoption of the salary or increase.

31 (c) Reimbursement for these expenses is subject to Sections
32 53232.2 and 53232.3 of the Government Code.

33 *SEC. 90. Section 11908.2 of the Public Utilities Code is*
34 *amended to read:*

35 11908.2. Notwithstanding Section 11908, the board of a district
36 which has owned and operated an electric distribution system for
37 at least eight years and has a population of 250,000 or more may
38 provide, by ordinance or resolution, that each director shall receive
39 compensation in an amount not to exceed one hundred dollars
40 (\$100) per day for each day's attendance at public meetings of the

1 board or for each day's service rendered as a director by request
2 of the board, not exceeding a total of 10 days in any calendar
3 ~~month, together with~~ month. *The ordinance or resolution may also*
4 *authorize reimbursement for any expenses incurred in the*
5 *performance of ~~his or her~~ the director's duties required or*
6 *authorized by the board. The board may, by resolution or*
7 *ordinance, increase the compensation per day by not more than 5*
8 *percent for each calendar year following the operative date of the*
9 *last adjustment, commencing with the 1988 calendar year. No*
10 *resolution or ordinance establishing compensation pursuant to this*
11 *subdivision shall provide for any automatic increase in that*
12 *compensation. For purposes of this section, the determination of*
13 *whether a director's activities on any specific day are compensable*
14 *shall be made pursuant to Article 2.3 (commencing with Section*
15 *53232) of Chapter 2 of Part 1 of Division 2 of Title 5 of the*
16 *Government Code. Reimbursement for these expenses is subject*
17 *to Sections 53232.2 and 53232.3 of the Government Code.*

18 *SEC. 91. Section 22407 of the Public Utilities Code is amended*
19 *to read:*

20 22407. Each member of the board of directors ~~shall~~ *may* receive
21 compensation in an amount not to exceed one hundred dollars
22 (\$100) for each attendance at the meeting of the board held within
23 the district, which amount shall be fixed from time to time by the
24 board. No director, however, shall receive pay for more than four
25 meetings in any calendar month.

26 Each director ~~shall~~ *may* be allowed, with the approval of the
27 board, ~~all traveling~~ *travel* and other expenses necessarily incurred
28 by the member in the performance of the member's duties. For
29 purposes of this section, the determination of whether a director's
30 activities on any specific day are compensable shall be made
31 pursuant to Article 2.3 (commencing with Section 53232) of
32 Chapter 2 of Part 1 of Division 2 of Title 5 of the Government
33 Code. Reimbursement for these expenses is subject to Sections
34 53232.2 and 53232.3 of the Government Code.

35 *SEC. 92. Section 41030 of the Revenue and Taxation Code is*
36 *amended to read:*

37 41030. The ~~California Technology Agency~~ *Office of Emergency*
38 *Services* shall determine annually, on or before October 1, a
39 surcharge rate that it estimates will produce sufficient revenue to
40 fund the current fiscal year's 911 costs. The surcharge rate shall

1 be determined by dividing the costs (including incremental costs)
2 the ~~California Technology Agency Office of Emergency Services~~
3 estimates for the current fiscal year of 911 plans approved pursuant
4 to Section 53115 of the Government Code, less the available
5 balance in the State Emergency Telephone Number Account in
6 the General Fund, by its estimate of the charges for intrastate
7 telephone communications services and VoIP service to which the
8 surcharge will apply for the period of January 1 to December 31,
9 inclusive, of the next succeeding calendar year, but in no event
10 shall such surcharge rate in any year be greater than three-quarters
11 of 1 percent nor less than one-half of 1 percent.

12 *SEC. 93. Section 41031 of the Revenue and Taxation Code is*
13 *amended to read:*

14 41031. The ~~California Technology Agency Office of Emergency~~
15 *Services* shall make its determination of the surcharge rate each
16 year no later than October 1 and shall notify the board of the new
17 rate, which shall be fixed by the board to be effective with respect
18 to charges made for intrastate telephone communication services
19 and VoIP service on or after January 1 of the next succeeding
20 calendar year.

21 *SEC. 94. Section 41032 of the Revenue and Taxation Code is*
22 *amended to read:*

23 41032. Immediately upon notification by the ~~California~~
24 ~~Technology Agency Office of Emergency Services~~ and fixing the
25 surcharge rate, the board shall each year no later than November
26 15 publish in its minutes the new rate, and it shall notify by mail
27 every service supplier registered with it of the new rate.

28 *SEC. 95. Section 41136 of the Revenue and Taxation Code is*
29 *amended to read:*

30 41136. Funds in the State Emergency Telephone Number
31 Account shall, when appropriated by the Legislature, be spent
32 solely for the following purposes:

33 (a) A minimum of one-half of 1 percent of the charges for
34 intrastate telephone communications services and VoIP service to
35 which the surcharge applies, as follows:

36 (1) To pay refunds authorized by this part.

37 (2) To pay the State Board of Equalization for the cost of the
38 administration of this part.

1 (3) To pay the ~~office of the State Chief Information Officer~~
2 *Office of Emergency Services* for its costs in administration of the
3 “911” emergency telephone number system.

4 (4) To pay bills submitted to the ~~office of the State Chief~~
5 ~~Information Officer~~ *Office of Emergency Services* by service
6 suppliers or communications equipment companies for the
7 installation of, and ongoing expenses for, the following
8 communications services supplied to local agencies in connection
9 with the “911” emergency phone number system:

10 (A) A basic system.

11 (B) A basic system with telephone central office identification.

12 (C) A system employing automatic call routing.

13 (D) Approved incremental costs.

14 (5) To pay claims of local agencies for approved incremental
15 costs, not previously compensated for by another governmental
16 agency.

17 (6) To pay claims of local agencies for incremental costs and
18 amounts, not previously compensated for by another governmental
19 agency, incurred prior to the effective date of this part, for the
20 installation and ongoing expenses for the following communication
21 services supplied in connection with the “911” emergency
22 telephone number system:

23 (A) A basic system.

24 (B) A basic system with telephone central office identification.

25 (C) A system employing automatic call routing.

26 (D) Approved incremental costs. Incremental costs shall not be
27 allowed unless the costs are concurred in by the ~~office of the State~~
28 ~~Chief Information Officer~~. *Office of Emergency Services*.

29 (b) (1) For the purposes of paragraph (5) of subdivision (a), the
30 term incremental costs shall include a maximum of one-quarter of
31 1 percent of the charges for intrastate telephone communications
32 services and VoIP service to which the surcharge applies for a
33 one-time payment to Primary Public Safety Answering Points for
34 the cost necessary to recruit and train additional personnel
35 necessary to accept wireless enhanced “911” calls from within
36 their jurisdiction routed directly to their call centers.

37 (2) Funds allocated pursuant to this subdivision shall
38 supplement, and not supplant, existing funding for these services.

39 ~~(3) This subdivision shall remain in effect only until December~~
40 ~~31, 2011.~~

1 *SEC. 96. Section 41136.1 of the Revenue and Taxation Code*
2 *is amended to read:*

3 41136.1. For each fiscal year, moneys in the State Emergency
4 Telephone Number Account not appropriated for a purpose
5 specified in Section 41136 shall be held in trust for future
6 appropriation for upcoming, planned “911” emergency telephone
7 number projects that have been approved by the ~~California~~
8 ~~Technology Agency, Office of Emergency Services~~, even if the
9 projects have not yet commenced.

10 *SEC. 97. Section 41137 of the Revenue and Taxation Code is*
11 *amended to read:*

12 41137. The ~~California Technology Agency Office of Emergency~~
13 ~~Services~~ shall pay, from funds appropriated from the State
14 Emergency Telephone Number Account by the Legislature, as
15 provided in Section 41138, bills submitted by service suppliers or
16 communications equipment companies for the installation and
17 ongoing costs of the following communication services provided
18 local agencies by service suppliers in connection with the “911”
19 emergency telephone number system:

- 20 (a) A basic system.
- 21 (b) A basic system with telephone central office identification.
- 22 (c) A system employing automatic call routing.
- 23 (d) Approved incremental costs that have been concurred in by
24 the ~~California Technology Agency, Office of Emergency Services~~.

25 *SEC. 98. Section 41137.1 of the Revenue and Taxation Code*
26 *is amended to read:*

27 41137.1. The ~~California Technology Agency Office of~~
28 ~~Emergency Services~~ shall pay, from funds appropriated from the
29 State Emergency Telephone Number Account by the Legislature,
30 as provided in Section 41138, claims submitted by local agencies
31 for approved incremental costs and for the cost of preparation of
32 final plans submitted to the ~~California Technology Agency Office~~
33 ~~of Emergency Services~~ for approval on or before October 1, 1978,
34 as provided in Section 53115 of the Government Code.

35 *SEC. 99. Section 41138 of the Revenue and Taxation Code is*
36 *amended to read:*

37 41138. (a) It is the intent of the Legislature that the
38 reimbursement rates for “911” emergency telephone number
39 equipment shall not exceed specified amounts negotiated with
40 each interested supplier and approved by the ~~California Technology~~

1 ~~Agency. Office of Emergency Services. The California Technology~~
2 ~~Agency Office of Emergency Services~~ shall negotiate supplier
3 pricing to ensure cost effectiveness and the best value for the “911”
4 emergency telephone number system. ~~The California Technology~~
5 ~~Agency Office of Emergency Services~~ shall pay those bills as
6 provided in Section 41137 only under the following conditions:

7 (1) ~~The California Technology Agency Office of Emergency~~
8 ~~Services~~ shall have received the local agency’s “911” emergency
9 telephone number system plan by July 1 of the prior fiscal year
10 and approved the plan by October 1 of the prior fiscal year.

11 (2) The Legislature has appropriated in the Budget Bill an
12 amount sufficient to pay those bills.

13 (3) ~~The California Technology Agency Office of Emergency~~
14 ~~Services~~ has reviewed and approved each line item of a request
15 for funding to ensure the necessity of the proposed equipment or
16 services and the eligibility for reimbursement.

17 (4) The amounts to be paid do not exceed the pricing submitted
18 by the supplier and approved by ~~the California Technology Agency.~~
19 ~~Office of Emergency Services.~~ Extraordinary circumstances may
20 warrant spending in excess of the established rate, but shall be
21 preapproved by ~~the California Technology Agency. Office of~~
22 ~~Emergency Services.~~ In determining the reimbursement rate, the
23 ~~California Technology Agency Office of Emergency Services~~ shall
24 utilize the approved pricing submitted by the supplier providing
25 the equipment or service.

26 (b) ~~Nothing in this~~ *This* section shall *not* be construed to limit
27 an agency’s ability to select a supplier or procure
28 telecommunications equipment as long as the supplier’s pricing
29 is preapproved by ~~the California Technology Agency. Office of~~
30 ~~Emergency Services.~~ Agencies shall be encouraged to procure
31 equipment on a competitive basis. Any amount in excess of the
32 pricing approved by ~~the California Technology Agency Office of~~
33 ~~Emergency Services~~ shall not be reimbursed.

34 *SEC. 100. Section 41139 of the Revenue and Taxation Code*
35 *is amended to read:*

36 41139. From funds appropriated by the Legislature from the
37 Emergency Telephone Number Account, ~~the California Technology~~
38 ~~Agency Office of Emergency Services~~ shall begin paying bills as
39 provided in Sections 41137, 41137.1, and 41138 in the 1977–78
40 fiscal year for plans submitted by local agencies by July 1, 1976,

1 to the ~~California Technology Agency~~ *Office of Emergency Services*
2 which the ~~California Technology Agency~~ *Office of Emergency*
3 *Services* has approved.

4 *SEC. 101. Section 41140 of the Revenue and Taxation Code*
5 *is amended to read:*

6 41140. The ~~California Technology Agency~~ *Office of Emergency*
7 *Services* shall reimburse local agencies, from funds appropriated
8 from the Emergency Telephone Number Account by the
9 Legislature, for amounts not previously compensated for by another
10 governmental agency, which have been paid by agencies for
11 approved incremental costs or to service suppliers or
12 communication equipment companies for the following
13 communications services supplied in connection with the “911”
14 emergency telephone number, provided local agency plans had
15 been approved by the ~~California Technology Agency~~: *Office of*
16 *Emergency Services:*

- 17 (a) A basic system.
- 18 (b) A basic system with telephone central office identification.
- 19 (c) A system employing automatic call routing.
- 20 (d) Approved incremental costs.

21 *SEC. 102. Section 41141 of the Revenue and Taxation Code*
22 *is amended to read:*

23 41141. Claims for reimbursement shall be submitted by local
24 agencies to the ~~California Technology Agency~~, *Office of*
25 *Emergency Services*, which shall determine payment eligibility
26 and shall reduce the claim for charges that exceed the approved
27 incremental costs, approved contract amounts, or the established
28 tariff rates for costs. No claim shall be paid until funds are
29 appropriated by the Legislature.

30 *SEC. 103. Section 41142 of the Revenue and Taxation Code*
31 *is amended to read:*

32 41142. Notwithstanding any other provision of this article, if
33 the Legislature fails to appropriate an amount sufficient to pay
34 bills submitted to the ~~California Technology Agency~~ *Office of*
35 *Emergency Services* by service suppliers or communications
36 equipment companies for the installation and ongoing
37 communications services supplied local agencies in connection
38 with the “911” emergency telephone number system, and to pay
39 claims of local agencies which, prior to the effective date of this
40 part, paid amounts to service suppliers or communications

1 equipment companies for the installation and ongoing expenses
2 in connection with the “911” emergency telephone number system,
3 the obligation of service suppliers and local agencies to provide
4 “911” emergency telephone service shall terminate and service
5 shall not again be required until the Legislature has appropriated
6 an amount sufficient to pay those bills or claims. ~~Nothing in this~~
7 *This part shall not preclude local agencies from purchasing or*
8 *acquiring any communication equipment from companies other*
9 *than the telephone service suppliers.*

10 *SEC. 104. Section 5066 of the Vehicle Code is amended to*
11 *read:*

12 5066. (a) The department, in conjunction with the California
13 Highway Patrol, shall design and make available for issuance
14 pursuant to this article the California memorial license plate.
15 Notwithstanding Section 5060, the California memorial license
16 plate may be issued in a combination of numbers or letters, or both,
17 as requested by the applicant for the plates. A person described in
18 Section 5101, upon payment of the additional fees set forth in
19 subdivision (b), may apply for and be issued a set of California
20 memorial license plates.

21 (b) In addition to the regular fees for an original registration or
22 renewal of registration, the following additional fees shall be paid
23 for the issuance, renewal, retention, or transfer of the California
24 memorial license plates authorized pursuant to this section:

25 (1) For the original issuance of the plates, fifty dollars (\$50).

26 (2) For a renewal of registration of the plates or retention of the
27 plates, if renewal is not required, forty dollars (\$40).

28 (3) For transfer of the plates to another vehicle, fifteen dollars
29 (\$15).

30 (4) For each substitute replacement plate, thirty-five dollars
31 (\$35).

32 (5) In addition, for the issuance of an environmental license
33 plate, as defined in Section 5103, the additional fees required
34 pursuant to Sections 5106 and 5108 shall be deposited
35 proportionately in the funds described in subdivision (c).

36 (c) The department shall deposit the additional revenue derived
37 from the issuance, renewal, transfer, and substitution of California
38 memorial license plates as follows:

39 (1) Eighty-five percent in the Antiterrorism Fund, which is
40 hereby created in the General Fund.

1 (A) Upon appropriation by the Legislature, one-half of the
2 money in the fund shall be allocated by the Controller to the
3 ~~California Emergency Management Agency~~ *Office of Emergency*
4 *Services* to be used solely for antiterrorism activities. The ~~agency~~
5 *office* shall not use more than 5 percent of the money appropriated
6 ~~to it for local antiterrorism efforts~~ for administrative purposes.

7 (B) Upon appropriation by the Legislature in the annual Budget
8 Act or in another statute, one-half of the money in the fund shall
9 be used solely for antiterrorism activities.

10 (2) Fifteen percent in the California Memorial Scholarship Fund,
11 which is hereby established in the General Fund. Money deposited
12 in this fund shall be administered by the Scholarshare Investment
13 Board, and shall be available, upon appropriation in the annual
14 Budget Act or in another statute, for distribution or encumbrance
15 by the board pursuant to Article 21.5 (commencing with Section
16 70010) of Chapter 2 of Part 42 of the Education Code.

17 (d) The department shall deduct its costs to administer, but not
18 to develop, the California memorial license plate program. The
19 department may utilize an amount of money, not to exceed fifty
20 thousand dollars (\$50,000) annually, derived from the issuance,
21 renewal, transfer, and substitution of California memorial license
22 plates for the continued promotion of the California memorial
23 license plate program of this section.

24 (e) For the purposes of this section, “antiterrorism activities”
25 means activities related to the prevention, detection, and emergency
26 response to terrorism that are undertaken by state and local law
27 enforcement, fire protection, and public health agencies. The funds
28 provided for these activities, to the extent that funds are available,
29 shall be used exclusively for purposes directly related to fighting
30 terrorism. Eligible activities include, but are not limited to, hiring
31 support staff to perform administrative tasks, hiring and training
32 additional law enforcement, fire protection, and public health
33 personnel, response training for existing and additional law
34 enforcement, fire protection, and public health personnel, and
35 hazardous materials and other equipment expenditures.

36 (f) Beginning January 1, 2007, and each January 1 thereafter,
37 the department shall determine the number of currently outstanding
38 and valid California memorial license plates. If that number is less
39 than 7,500 in any year, then the department shall no longer issue
40 or replace those plates.

1 *SEC. 105. Section 21166 of the Water Code is amended to*
 2 *read:*

3 21166. Notwithstanding any other provision of law, a director,
 4 for sitting on the board or acting under its orders, ~~shall~~ *may* receive
 5 *either or both* of the following:

6 (a) (1) Except as specified in paragraphs (2) and (3),
 7 compensation not to exceed one hundred dollars (\$100) per day,
 8 not exceeding six days in any calendar month.

9 (2) In districts that produce or distribute electric power, one of
 10 the following methods of compensation:

11 (A) Compensation not to exceed one hundred dollars (\$100)
 12 per day.

13 (B) A monthly salary of not to exceed six hundred dollars (\$600)
 14 per month.

15 (C) Annual compensation not to exceed fifteen thousand dollars
 16 (\$15,000). Any annual compensation pursuant to this subparagraph
 17 shall be fixed by the adoption of an ordinance pursuant to Sections
 18 20203 to 20207, inclusive.

19 (3) Districts containing 500,000 acres or more are governed by
 20 Section 22840.

21 (b) Actual and necessary expenses when acting under the orders
 22 of the board.

23 For purposes of this section, the determination of whether a
 24 director's activities on any specific day are compensable shall be
 25 made pursuant to Article 2.3 (commencing with Section 53232)
 26 of Chapter 2 of Part 1 of Division 2 of Title 5 of the Government
 27 Code. Reimbursement for these expenses is subject to Sections
 28 53232.2 and 53232.3 of the Government Code.

29 *SEC. 106. Section 30507 of the Water Code is amended to*
 30 *read:*

31 30507. Each director ~~shall~~ *may* receive compensation in an
 32 amount not to exceed one hundred dollars (\$100) per day for each
 33 day's attendance at meetings of the board or for each day's service
 34 rendered as a director by request of the board, not exceeding a
 35 total of six days in any calendar ~~month, together with~~ *month. Each*
 36 *director may also receive reimbursement for any expenses incurred*
 37 *in the performance of his or her duties required or authorized by*
 38 *the board. For purposes of this section, the determination of*
 39 *whether a director's activities on any specific day are compensable*
 40 *shall be made pursuant to Article 2.3 (commencing with Section*

1 53232) of Chapter 2 of Part 1 of Division 2 of Title 5 of the
2 Government Code. Reimbursement for these expenses is subject
3 to Sections 53232.2 and 53232.3 of the Government Code.

4 *SEC. 107. Section 30507.1 of the Water Code is amended to*
5 *read:*

6 30507.1. Each director of the Contra Costa Water District ~~shall~~
7 *may* receive compensation in an amount not to exceed one hundred
8 dollars (\$100) per day for each day's attendance at meetings of
9 the board and for each day's service rendered as a director by
10 request of the board, not exceeding a total of 10 days in any
11 calendar ~~month, together with~~ *month. Each director may also*
12 *receive reimbursement for* any expenses incurred in the
13 performance of duties required or authorized by the board. For
14 purposes of this section, the determination of whether a director's
15 activities on any specific day are compensable shall be made
16 pursuant to Article 2.3 (commencing with Section 53232) of
17 Chapter 2 of Part 1 of Division 2 of Title 5 of the Government
18 Code. Reimbursement for these expenses is subject to Sections
19 53232.2 and 53232.3 of the Government Code.

20 *SEC. 108. Section 34741 of the Water Code is amended to*
21 *read:*

22 34741. Until their compensation is fixed by the adoption of
23 bylaws, the officers ~~shall~~ *may* receive the following compensation
24 for their services:

25 (a) The secretary, tax collector, treasurer, and assessor, such
26 sums as shall be fixed by the board.

27 (b) Each director ~~shall~~ *may* receive compensation in an amount
28 not to exceed one hundred dollars (\$100) per day for each day's
29 attendance at meetings of the board or for each day's service
30 rendered as a director by request of the board, not exceeding a
31 total of six days in any calendar ~~month, together with~~ *month. Each*
32 *director may also receive reimbursement for* any expenses incurred
33 in the performance of his or her duties required or authorized by
34 the board. For purposes of this section, the determination of
35 whether a director's activities on any specific day are compensable
36 shall be made pursuant to Article 2.3 (commencing with Section
37 53232) of Chapter 2 of Part 1 of Division 2 of Title 5 of the
38 Government Code. Reimbursement for these expenses is subject
39 to Sections 53232.2 and 53232.3 of the Government Code.

1 *SEC. 109. Section 40355 of the Water Code is amended to*
2 *read:*

3 40355. (a) A director, when sitting on the board or acting under
4 its orders, ~~shall may~~ receive not exceeding:

5 (1) One hundred dollars (\$100) per day, not exceeding six days
6 in any calendar month.

7 (2) Actual and necessary expenses while engaged in official
8 business under the order of the board.

9 (b) For purposes of this section, the determination of whether
10 a director's activities on any specific day are compensable shall
11 be made pursuant to Article 2.3 (commencing with Section 53232)
12 of Chapter 2 of Part 1 of Division 2 of Title 5 of the Government
13 Code.

14 (c) Reimbursement for these expenses is subject to Sections
15 53232.2 and 53232.3 of the Government Code.

16 *SEC. 110. Section 50605 of the Water Code is amended to*
17 *read:*

18 50605. (a) Each member of the board ~~shall may~~ receive such
19 compensation for services actually and necessarily performed as
20 the board determines to be just and reasonable, and ~~shall may~~ be
21 reimbursed for expenses necessarily incurred in the performance
22 of his duties as trustee.

23 (b) For purposes of this section, the determination of whether
24 a director's activities on any specific day are compensable shall
25 be made pursuant to Article 2.3 (commencing with Section 53232)
26 of Chapter 2 of Part 1 of Division 2 of Title 5 of the Government
27 Code. Reimbursement for these expenses is subject to Sections
28 53232.2 and 53232.3 of the Government Code.

29 *SEC. 111. Section 56031 of the Water Code is amended to*
30 *read:*

31 56031. The district board ~~shall have power to~~ *may* fix the
32 amount of compensation per meeting to be paid each member of
33 the board for his or her services for each meeting attended by him
34 or her; provided, that the compensation shall not exceed ten dollars
35 (\$10) for each meeting of the district board attended by him or
36 ~~her, together with her. The board may also authorize a member~~
37 *to be reimbursed for expenses* necessarily incurred by him or her
38 in traveling between his or her place of residence and the place of
39 meeting. However, no member shall receive compensation for
40 attending more than three meetings of the board during any

1 calendar month. This compensation shall be in addition to any
2 other fees or compensation allowed by law for the other official
3 positions specified in Section 56030 that are occupied by members
4 of the district board. For purposes of this section, the determination
5 of whether a director's activities on any specific day are
6 compensable shall be made pursuant to Article 2.3 (commencing
7 with Section 53232) of Chapter 2 of Part 1 of Division 2 of Title
8 5 of the Government Code. Reimbursement for these expenses is
9 subject to Sections 53232.2 and 53232.3 of the Government Code.

10 *SEC. 112. Section 60143 of the Water Code is amended to*
11 *read:*

12 60143. Each director ~~shall~~ *may* receive compensation in an
13 amount not exceeding one hundred dollars (\$100) for each day's
14 attendance at meetings of the board or for each day's service
15 rendered as a director by request of the board, not exceeding a
16 total of six days in any calendar month, ~~together with month.~~ *Each*
17 *director may also receive reimbursement for any expenses incurred*
18 *in the performance of his or her duties required or authorized by*
19 *the board. For purposes of this section, the determination of*
20 *whether a director's activities on any specific day are compensable*
21 *shall be made pursuant to Article 2.3 (commencing with Section*
22 *53232) of Chapter 2 of Part 1 of Division 2 of Title 5 of the*
23 *Government Code. Reimbursement for these expenses is subject*
24 *to Sections 53232.2 and 53232.3 of the Government Code.*

25 *SEC. 113. Section 70078 of the Water Code is amended to*
26 *read:*

27 70078. Each member of the board ~~shall~~ *may* receive
28 compensation for services actually and necessarily performed, as
29 the board determines to be just and reasonable, and ~~shall~~ *may* be
30 reimbursed for expenses necessarily incurred in the performance
31 of his or her duties as director. The salaries of all officers and
32 employees of the district shall be fixed and determined by the
33 directors. The board of directors shall fix the compensation that
34 the election officers shall receive for district elections. For purposes
35 of this section, the determination of whether a director's activities
36 on any specific day are compensable shall be made pursuant to
37 Article 2.3 (commencing with Section 53232) of Chapter 2 of Part
38 1 of Division 2 of Title 5 of the Government Code. Reimbursement
39 for these expenses is subject to Sections 53232.2 and 53232.3 of
40 the Government Code.

1 *SEC. 114. Section 71255 of the Water Code is amended to*
2 *read:*

3 71255. Each director ~~shall~~ *may* receive compensation in an
4 amount not to exceed one hundred dollars (\$100) per day for each
5 day's attendance at meetings of the board or for each day's service
6 rendered as a director by request of the board, not exceeding a
7 total of six days in any calendar ~~month, together with~~ *month. Each*
8 *director may also receive reimbursement for any expenses incurred*
9 *in the performance of his or her duties required or authorized by*
10 *the board. For purposes of this section, the determination of*
11 *whether a director's activities on any specific day are compensable*
12 *shall be made pursuant to Article 2.3 (commencing with Section*
13 *53232) of Chapter 2 of Part 1 of Division 2 of Title 5 of the*
14 *Government Code. Reimbursement for these expenses is subject*
15 *to Sections 53232.2 and 53232.3 of the Government Code.*

16 *SEC. 115. Section 74208 of the Water Code is amended to*
17 *read:*

18 74208. Each director ~~shall~~ *may* receive compensation in an
19 amount not to exceed one hundred dollars (\$100) per day for each
20 day's attendance at meetings of the board or for each day's service
21 rendered as a director by request of the board, not exceeding a
22 total of six days in any calendar ~~month, together with~~ *month. Each*
23 *director may also receive reimbursement for any expenses incurred*
24 *in the performance of his or her duties required or authorized by*
25 *the board. For purposes of this section, the determination of*
26 *whether a director's activities on any specific day are compensable*
27 *shall be made pursuant to Article 2.3 (commencing with Section*
28 *53232) of Chapter 2 of Part 1 of Division 2 of Title 5 of the*
29 *Government Code. Reimbursement for these expenses is subject*
30 *to Sections 53232.2 and 53232.3 of the Government Code.*

31 *SEC. 116. Section 656.2 of the Welfare and Institutions Code*
32 *is amended to read:*

33 656.2. (a) (1) Notwithstanding any other ~~provision of~~ law, a
34 victim shall have the right to present a victim impact statement in
35 all juvenile court hearings concerning petitions filed pursuant to
36 Section 602 alleging the commission of any criminal offense. In
37 any case in which a minor is alleged to have committed a criminal
38 offense, the probation officer shall inform the victim of the rights
39 of victims to submit a victim impact statement. If the victim
40 exercises the right to submit a victim impact statement to the

1 probation officer, the probation officer ~~shall~~ *is encouraged to*
2 include the statement in his or her social study submitted to the
3 court pursuant to Section 706 and, if applicable, in his or her report
4 submitted to the court pursuant to Section 707. The probation
5 officer also shall advise those persons as to the time and place of
6 the disposition hearing to be conducted pursuant to Sections 702
7 and 706; any fitness hearing to be conducted pursuant to Section
8 707, and any other judicial proceeding concerning the case.

9 ~~The~~

10 (2) *The* officer shall also provide the victim with information
11 concerning the victim's right to an action for civil damages against
12 the minor and his or her parents and the victim's opportunity to
13 be compensated from the restitution fund. The information shall
14 be in the form of written material prepared by the Judicial Council
15 and shall be provided to each victim for whom the probation officer
16 has a current mailing address.

17 (b) Notwithstanding any other ~~provision~~ of law, the persons
18 from whom the probation officer is required to solicit a statement
19 pursuant to subdivision (a) shall have the right to attend the
20 disposition hearing conducted pursuant to Section 702 and to
21 express their views concerning the offense and disposition of the
22 case pursuant to Section 706, to attend any fitness hearing
23 conducted pursuant to Section 707, and to be present during
24 juvenile proceedings as provided in Section 676.5.

25 (c) (1) Notwithstanding any other ~~provision~~ of law, in any case
26 in which a minor is alleged to have committed an act subject to a
27 fitness hearing under Section 707, the victim shall have the right
28 to be informed of all court dates and continuances pertaining to
29 the case, and shall further have the right to obtain copies of the
30 charging petition, the minutes of the proceedings, and orders of
31 adjudications and disposition of the court that are contained in the
32 court file. The arresting agency shall notify the victim in a timely
33 manner of the address and telephone number of the juvenile branch
34 of the district attorney's office that will be responsible for the case
35 and for informing the victim of the victim's right to attend hearings
36 and obtain documents as provided in this section. The district
37 attorney shall, upon request, inform the victim of the date of the
38 fitness hearing, the date of the disposition hearing, and the dates
39 for any continuances of those hearings, and shall inform the court

1 if the victim seeks to exercise his or her right to obtain copies of
2 the documents described in this subdivision.

3 ~~Where~~

4 (2) *Where* the proceeding against the minor is based on a felony
5 that is not listed in Section 676, a victim who obtains information
6 about the minor under this subdivision shall not disclose or
7 disseminate this information beyond his or her immediate family
8 or support persons authorized by Section 676, unless authorized
9 to do so by a judge of the juvenile court, and the judge may suspend
10 or terminate the right of the victim to access to information under
11 this subdivision if the information is improperly disclosed or
12 disseminated by the victim or any members of his or her immediate
13 family. The intentional dissemination of documents in violation
14 of this subdivision is a misdemeanor and shall be punished by a
15 fine of not more than five hundred dollars (\$500). Documents
16 released by the court to a victim pursuant to this section shall be
17 stamped as confidential and with a statement that the unlawful
18 dissemination of the documents is a misdemeanor punishable by
19 a fine of not more than five hundred dollars (\$500).

20 (d) Upon application of the district attorney for good cause and
21 a showing of potential danger to the public, the court may redact
22 any information contained in any documents released by the court
23 to a victim pursuant to this section.

24 (e) For purposes of this section, “victim” means the victim, the
25 parent or guardian of the victim if the victim is a minor, or, if the
26 victim has died, the victim’s next of kin.

27 *SEC. 117. On July 1, 2013, the remaining balance, assets,*
28 *liabilities, revenue, and expenditures of the Industrial Relations*
29 *Construction Industry Enforcement Fund shall be transferred to*
30 *the Labor Enforcement and Compliance Fund.*

31 *SEC. 118. The Legislature finds and declares that Section 4*
32 *of this act, which adds Section 6252.8 to the Government Code,*
33 *imposes a limitation on the public’s right of access to the meetings*
34 *of public bodies or the writings of public officials and agencies*
35 *within the meaning of Section 3 of Article I of the California*
36 *Constitution. Pursuant to that constitutional provision, the*
37 *Legislature makes the following findings to demonstrate the interest*
38 *protected by this limitation and the need for protecting that*
39 *interest:*

1 *The interest being protected is the strong interest of the*
2 *Legislature in allowing, to the extent possible, local agencies to*
3 *control the manner in which they perform their public duties,*
4 *including, but not limited to, the manner in which they comply with*
5 *the spirit and purpose of the California Public Records Act.*

6 *SEC. 119. The amendments made by this act to Sections 8592.1,*
7 *8592.5, 8592.7, 11542, 14615.1, 15251, 15253, 15254, 15275,*
8 *15277, 53108.5, 53114.1, 53115.1, and 53126.5 of the Government*
9 *Code, Sections 12100, 12100.5, 12100.7, 12101, 12101.2, 12101.5,*
10 *12102, 12103, 12103.5, 12104, 12104.5, 12105, 12106, 12108,*
11 *12109, 12112, 12120, 12125, 12126, and 12128 of the Public*
12 *Contract Code, Sections 2872.5, 2892, and 2892.1 of the Public*
13 *Utilities Code, Sections 41030, 41031, 41032, 41136, 41136.1,*
14 *41137, 41137.1, 41138, 41139, 41140, 41141, and 41142 of the*
15 *Revenue and Taxation Code, and the addition by this act of Section*
16 *11543 of, and Chapter 3 (commencing with Section 15278) to Part*
17 *6.5 of Division 3 of Title 2 of, the Government Code, and Sections*
18 *12102.1 and 12102.2 to the Public Contract Code, and the repeal*
19 *by this act of Section 12121 of the Public Contract Code shall be*
20 *operative on July 1, 2013.*

21 *SEC. 120. It is the intent of the Legislature in enacting the*
22 *amendments made by this act to Section 23025 of the Government*
23 *Code, Sections 1203, 13518.1, 13701, 13710, and 13730 of the*
24 *Penal Code, and Section 656.2 of the Welfare and Institutions*
25 *Code to relieve local entities of the duty to perform reimbursable*
26 *activities, as determined by the Commission on State Mandates or*
27 *other authorized entity, included in the following state-mandated*
28 *local programs:*

- 29 (a) *Deaf Teletype Equipment (04-LM-11).*
- 30 (b) *Adult Felony Restitution (04-LM-08).*
- 31 (c) *Pocket Masks (CSM-4291).*
- 32 (d) *Domestic Violence Information (CSM-4442).*
- 33 (e) *Victims' Statements-Minors (04-LM-14).*

34 *SEC. 121. If the Commission on State Mandates determines*
35 *that this act contains costs mandated by the state, reimbursement*
36 *to local agencies and school districts for those costs shall be made*
37 *pursuant to Part 7 (commencing with Section 17500) of Division*
38 *4 of Title 2 of the Government Code.*

39 *SEC. 122. This act is a bill providing for appropriations related*
40 *to the Budget Bill within the meaning of subdivision (e) of Section*

1 *12 of Article IV of the California Constitution, has been identified*
2 *as related to the budget in the Budget Bill, and shall take effect*
3 *immediately.*

4 ~~SECTION 1. It is the intent of the Legislature to enact statutory~~
5 ~~changes relating to the Budget Act of 2013.~~