

AMENDED IN ASSEMBLY JUNE 19, 2013

AMENDED IN ASSEMBLY JUNE 12, 2013

SENATE BILL

No. 71

Introduced by Committee on Budget and Fiscal Review

January 10, 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~~ *and 13963.1* 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 *Section 75121* of the Public Resources Code, to amend Sections 2872.5, 2892, ~~2892.1~~ ~~11908.1, 11908.2, and 22407~~ *and 2892.1* 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. 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)~~

~~(3) 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)

(4) 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)

(5) 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)

(6) 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)

(7) 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)~~

(8) 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)

(9) 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)~~

~~(10)~~ 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)~~

~~(11)~~ 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)~~

~~(12)~~ 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)~~

~~(13) 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)~~

~~(14) 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)

(15) 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)~~

(16) 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)~~

(17) 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)

(18) 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)

(19) 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)

(20) 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)

(21) 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)~~

(22) 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)~~

(23) 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)~~

(24) 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)~~

(25) 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)~~

(26) 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)~~

(27) 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)~~

(28) 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)

(29) 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)

(30) 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)

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

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

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.

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

22 (3) Upon issuance of an approval to operate pursuant to this
23 section, an institution is subject to all provisions of this chapter,
24 and any regulations adopted pursuant to this chapter, that apply to
25 an institution subject to this chapter, except as expressly provided
26 in paragraph (4).

27 (4) (A) With respect to the placement and salary or wage data
28 required to be collected, calculated, and reported by Article 16
29 (commencing with Section 94928), an institution issued an
30 approval to operate pursuant to this section is not required to report
31 on its first School Performance Fact Sheet any data from the period
32 prior to the date of the issuance of the approval to operate that the
33 institution was not required to collect and does not have available

1 to it. An institution shall, however, report available data collected
2 and calculated in accordance with this chapter and applicable
3 regulations, regardless of the purpose for which the data was
4 collected. If the required data is unavailable, the institution shall
5 also disclose the unavailability of the data on all documents
6 required by this chapter and regulations adopted pursuant to this
7 chapter. Upon receiving an approval to operate pursuant to this
8 section, an institution shall commence to collect and calculate all
9 information necessary to comply with Article 16 (commencing
10 with Section 94928).

11 (B) An institution receiving an approval to operate pursuant to
12 this section shall provide to prospective students the School
13 Performance Fact Sheet, file that fact sheet with the bureau, and
14 post it on the institution's Internet Web site no later than the first
15 August 1 after the institution is approved to operate and no later
16 than August 1 of each year thereafter. These School Performance
17 Fact Sheets shall report data for the previous two calendar years
18 based upon the number of students who began the program or the
19 number of graduates for each reported calendar year. If two
20 calendar years have not passed since the issuance of the approval
21 to operate by the August 1 deadline for the School Performance
22 Fact Sheet, unless data for two years is available, the institution
23 shall report the required data for the period subsequent to the date
24 of the issuance of the notice of approval.

25 (b) An institution exempt from all or part of this chapter pursuant
26 to subdivision (i) or (j) of Section 94874 or Section 94874.1 that
27 was approved to operate by the bureau before the effective date
28 of this section shall be deemed to have been approved pursuant to
29 this section.

30 SEC. 2. Section 100010 of the Education Code is amended to
31 read:

32 100010. Two billion twelve million thirty-five thousand dollars
33 (\$2,012,035,000) of the proceeds of bonds issued and sold pursuant
34 to this chapter shall be deposited in the State School Building
35 Lease-Purchase Fund.

36 SEC. 3. Section 100115 of the Education Code is amended to
37 read:

38 100115. Nine hundred seventy-five million dollars
39 (\$975,000,000) of the proceeds of bonds issued and sold pursuant

1 to this chapter shall be deposited in the 1996 Higher Education
2 Capital Outlay Bond Fund, which is hereby created.

3 ~~SEC. 4. Section 6252.8 is added to the Government Code, to~~
4 ~~read:~~

5 ~~6252.8. (a) Commencing on the effective date of the act adding~~
6 ~~this section, notwithstanding any other law, any mandates set forth~~
7 ~~in the following provisions shall not apply to a local agency.~~
8 ~~Compliance with these provisions shall be at the discretion of the~~
9 ~~local agency. For local agencies, these provisions represent best~~
10 ~~practices which they are encouraged, but are not required, to~~
11 ~~follow:~~

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

13 ~~(A) Within 10 days from receipt of a request for a copy of~~
14 ~~records, provide to the person making the request verbal or written~~
15 ~~notice of the disclosure determination and the reasons for the~~
16 ~~determination. This activity includes, where applicable:~~

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

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

21 ~~(iii) Sending or transmitting the notice to the requestor.~~

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

30 ~~(i) Drafting, editing, and reviewing a written notice to the person~~
31 ~~making the request, setting forth the reasons for the extension of~~
32 ~~time.~~

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

35 ~~(iii) Sending or transmitting the notice to the requestor.~~

36 ~~(2) Section 6253.1.~~

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

40 ~~(4) Section 6254.3.~~

1 ~~(5) Subdivision (b) of Section 6255.~~

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

6 ~~SEC. 5.~~

7 *SEC. 4.* Section 8169.6 of the Government Code is repealed.

8 ~~SEC. 6.~~

9 *SEC. 5.* Section 8250.1 is added to the Government Code, to
10 read:

11 8250.1. The Women and Girls Fund is hereby created as a fund
12 in the State Treasury to carry out this chapter in support of the
13 commission upon appropriation by the Legislature in the annual
14 Budget Act. Subject to the approval of the Department of Finance,
15 all moneys collected or received by the commission from gifts,
16 bequests, or donations shall be deposited in the State Treasury to
17 the credit of the Women and Girls Fund, in accordance with the
18 terms of the gift or donation from which the moneys are derived
19 and in accordance with Sections 8647, 11005, 11005.1, and 16302
20 of the Government Code. Upon the approval and the establishment
21 of the Women and Girls Fund, any funds deposited and remaining
22 in the Commission on the Status of Women and Girls Fund special
23 deposit fund for the purposes of supporting the activities of the
24 Commission on the Status of Women and Girls shall be transferred
25 to the Women and Girls Fund.

26 ~~SEC. 7.~~

27 *SEC. 6.* Section 8592.1 of the Government Code is amended
28 to read:

29 8592.1. For purposes of this article, the following terms have
30 the following meanings:

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

33 (b) “Committee” means the Public Safety Radio Strategic
34 Planning Committee, that was established in December 1994 in
35 recognition of the need to improve existing public radio systems
36 and to develop interoperability among public safety departments
37 and between state public safety departments and local or federal
38 entities, and that consists of representatives of the following state
39 entities:

- 1 (1) The Office of Emergency Services, who shall serve as
2 chairperson.
- 3 (2) The Department of the California Highway Patrol.
- 4 (3) The Department of Transportation.
- 5 (4) The Department of Corrections and Rehabilitation.
- 6 (5) The Department of Parks and Recreation.
- 7 (6) The Department of Fish and Wildlife.
- 8 (7) The Department of Forestry and Fire Protection.
- 9 (8) The Department of Justice.
- 10 (9) The Department of Water Resources.
- 11 (10) The State Department of Public Health.
- 12 (11) The Emergency Medical Services Authority.
- 13 (12) The Department of Technology.
- 14 (13) The Military Department.
- 15 (14) The Department of Finance.
- 16 (c) “First response agencies” means public agencies that, in the
17 early stages of an incident, are responsible for, among other things,
18 the protection and preservation of life, property, evidence, and the
19 environment, including, but not limited to, state fire agencies, state
20 and local emergency medical services agencies, local sheriffs’
21 departments, municipal police departments, county and city fire
22 departments, and police and fire protection districts.
- 23 (d) “Nonproprietary equipment or systems” means equipment
24 or systems that are able to function with another manufacturer’s
25 equipment or system regardless of type or design.
- 26 (e) “Open architecture” means a system that can accommodate
27 equipment from various vendors because it is not a proprietary
28 system.
- 29 (f) “Public safety radio subscriber” means the ultimate end user.
30 Subscribers include individuals or organizations, including, for
31 example, local police departments, fire departments, and other
32 operators of a public safety radio system. Typical subscriber
33 equipment includes end instruments, including mobile radios,
34 hand-held radios, mobile repeaters, fixed repeaters, transmitters,
35 or receivers that are interconnected to utilize assigned public safety
36 communications frequencies.
- 37 (g) “Public safety spectrum” means the spectrum allocated by
38 the Federal Communications Commission for operation of
39 interoperable and general use radio communication systems for
40 public safety purposes within the state.

1 ~~SEC. 8.~~

2 *SEC. 7.* Section 8592.5 of the Government Code is amended
3 to read:

4 8592.5. (a) Except as provided in subdivision (c), a state
5 department that purchases public safety radio communication
6 equipment shall ensure that the equipment purchased complies
7 with applicable provisions of the following:

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

15 (2) The operational and functional requirements delineated in
16 the Statement of Requirements for Public Safety Wireless
17 Communications and Interoperability developed by the SAFECOM
18 Program under the United States Department of Homeland
19 Security.

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

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

27 (1) Purchases of equipment to operate with existing state or
28 local communications systems where the latest applicable standard
29 will not be compatible, as verified by the Office of Emergency
30 Services.

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

33 (d) This section may not be construed to require an affected
34 state or local governmental agency to compromise its immediate
35 mission or ability to function and carry out its existing
36 responsibilities.

37 ~~SEC. 9.~~

38 *SEC. 8.* Section 8592.7 of the Government Code is amended
39 to read:

1 8592.7. (a) A budget proposal submitted by a state agency for
2 support of a new or modified radio system shall be accompanied
3 by a technical project plan that includes all of the following:

- 4 (1) The scope of the project.
- 5 (2) Alternatives considered.
- 6 (3) Justification for the proposed solution.
- 7 (4) A project implementation plan.
- 8 (5) A proposed timeline.
- 9 (6) Estimated costs by fiscal year.

10 (b) The committee shall review the plans submitted pursuant to
11 subdivision (a) for consistency with the statewide integrated public
12 safety communication strategic plan.

13 (c) The Office of Emergency Services shall review the plans
14 submitted pursuant to subdivision (a) for consistency with the
15 technical requirements of the statewide integrated public safety
16 communication strategic plan.

17 ~~SEC. 10.~~

18 *SEC. 9.* Section 8690.6 of the Government Code is amended
19 to read:

20 8690.6. (a) The Disaster Response-Emergency Operations
21 Account is hereby established in the Special Fund for Economic
22 Uncertainties. Notwithstanding Section 13340, moneys in the
23 account are continuously appropriated, subject to the limitations
24 specified in subdivisions (c) and (d), without regard to fiscal years,
25 for allocation by the Director of Finance to state agencies for
26 disaster response operation costs incurred by state agencies as a
27 result of a proclamation by the Governor of a state of emergency,
28 as defined in subdivision (b) of Section 8558. These allocations
29 may be for activities that occur within 120 days after a
30 proclamation of emergency by the Governor.

31 (b) It is the intent of the Legislature that the Disaster
32 Response-Emergency Operations Account have an unencumbered
33 balance of one million dollars (\$1,000,000) at the beginning of
34 each fiscal year. If this account requires additional moneys to meet
35 claims against the account, the Director of Finance may transfer
36 moneys from the Special Fund for Economic Uncertainties to the
37 account in an amount sufficient to pay the amount of the claims
38 that exceed the unencumbered balance in the account.

39 (c) Funds shall be allocated from the account subject to the
40 conditions of this section and upon notification by the Director of

1 Finance to the Chairperson of the Joint Legislative Budget
2 Committee and the chairpersons of the fiscal committees in each
3 house.

4 (d) Notwithstanding any other law, authorizations for
5 acquisitions, relocations, and environmental mitigations related to
6 activities, as described in subdivision (a), shall be authorized
7 pursuant to this section. However, these funds shall be authorized
8 only for needs that are a direct consequence of the proclaimed
9 emergency if failure to undertake the project may interrupt essential
10 state services or jeopardize public health or safety. In addition,
11 any acquisition accomplished under this subdivision shall comply
12 with any otherwise applicable law, except as provided in the first
13 sentence of this subdivision.

14 (e) Funds allocated under this section shall not be used to
15 supplant federal funds otherwise available in the absence of state
16 financial relief.

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

23 (g) Any public entity administering disaster assistance to
24 individuals shall not receive funds under this section unless it
25 administers that assistance pursuant to the following criteria:

26 (1) All applications, forms, and other written materials presented
27 to persons seeking assistance shall be available in English and in
28 the same language as that used by the major non-English-speaking
29 group within the disaster area.

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

32 (h) Notwithstanding any other law, funds in the Disaster
33 Response-Emergency Operations Account shall not be expended
34 for conditions in the state's prisons, medical facilities, or youth
35 correctional facilities resulting solely from the action or inaction
36 of the Department of Corrections and Rehabilitation in
37 administering those facilities.

38 (i) This section shall remain in effect only until January 1, 2019,
39 and as of that date is repealed, unless a later enacted statute, that
40 is enacted before January 1, 2019, deletes or extends that date.

1 ~~SEC. 11.~~

2 *SEC. 10.* Section 11542 of the Government Code is amended
3 to read:

4 11542. (a) The Stephen P. Teale Data Center and the California
5 Health and Human Services Agency Data Center are consolidated
6 within, and their functions are transferred to, the Office of
7 Technology Services.

8 (b) Except as expressly provided otherwise in this chapter, the
9 Office of Technology Services is the successor to, and is vested
10 with, all of the duties, powers, purposes, responsibilities, and
11 jurisdiction of the Stephen P. Teale Data Center, and the California
12 Health and Human Services Agency Data Center. Any reference
13 in statutes, regulations, or contracts to those entities with respect
14 to the transferred functions shall be construed to refer to the Office
15 of Technology Services unless the context clearly requires
16 otherwise.

17 (c) A lease, license, or any other agreement to which either the
18 Stephen P. Teale Data Center or the California Health and Human
19 Services Agency Data Center is a party shall not be void or
20 voidable by reason of this chapter, but shall continue in full force
21 and effect, with the Office of Technology Services assuming all
22 of the rights, obligations, and duties of the Stephen P. Teale Data
23 Center or the California Health and Human Services Agency Data
24 Center, respectively.

25 (d) Notwithstanding subdivision (e) of Section 11793 and
26 subdivision (e) of Section 11797, on and after the effective date
27 of this chapter, the balance of any funds available for expenditure
28 by the Stephen P. Teale Data Center and the California Health and
29 Human Services Agency Data Center, with respect to business
30 telecommunications systems and services functions in carrying
31 out any functions transferred to the Office of Technology Services
32 by this chapter, shall be transferred to the Technology Services
33 Revolving Fund created by Section 11544, and shall be made
34 available for the support and maintenance of the Office of
35 Technology Services.

36 (e) Any reference in statute regulation, or contract to the former
37 Stephen P. Teale Data Center Fund or the California Health and
38 Human Services Data Center Revolving Fund shall be construed
39 to refer to the Technology Services Revolving Fund unless the
40 context clearly requires otherwise.

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

5 (g) (1) All officers and employees of the former Stephen P.
6 Teale Data Center and the California Health and Human Services
7 Agency Data Center, are transferred to the Office of Technology
8 Services.

9 (2) The status, position, and rights of any officer or employee
10 of the Stephen P. Teale Data Center and the California Health and
11 Human Services Agency Data Center, shall not be affected by the
12 transfer and consolidation of the functions of that officer or
13 employee to the Office of Technology Services.

14 ~~SEC. 12.~~

15 *SEC. 11.* Section 11543 is added to the Government Code, to
16 read:

17 11543. If the Legislature directs or authorizes the Department
18 of Technology to maintain, develop, or prescribe processes,
19 procedures, or policies in connection with the administration of
20 its duties under this chapter, Chapter 5.6 (commencing with Section
21 11545), Part 6.5 (commencing with Section 15250), Section 6611
22 of the Public Contract Code, or Chapter 3 (commencing with
23 Section 12100) or Chapter 3.5 (commencing with Section 12120)
24 of Part 2 of Division 2 of the Public Contract Code, the action by
25 the department shall be exempt from the rulemaking provisions
26 of the Administrative Procedure Act (Chapter 3.5 (commencing
27 with Section 11340) of Part 1). This section shall apply to actions
28 taken by the department with respect to the State Administrative
29 Manual and the State Contracting Manual.

30 ~~SEC. 13.~~

31 *SEC. 12.* Section 13295.5 is added to the Government Code,
32 to read:

33 13295.5. (a) Notwithstanding Section 11256, or any other law,
34 the department may furnish services to, or provide work for, any
35 other state agency, as requested by the state agency, the Governor,
36 or the Legislature, or as otherwise needed or directed.

37 (b) Prior to the commencement of any service or work, the
38 department shall provide to the relevant state agency estimates of
39 charges and the scope of work to be performed or services to be
40 furnished.

1 (c) The department shall charge an amount sufficient to recover
2 the costs of furnishing services or the work performed. The
3 department shall certify to both the Controller and the relevant
4 state agency the actual charges that are due and payable for services
5 furnished or the work performed.

6 (d) Pursuant to Section 11255, the Controller shall transfer to
7 the department the amount of the charges for services rendered or
8 the work performed from the agencies' appropriation to the
9 appropriation for the support of the department. The amounts are
10 to be transferred to the Department of Finance reimbursement
11 account within the General Fund.

12 ~~SEC. 14.~~

13 *SEC. 13.* Section 13963.1 is added to the Government Code,
14 to read:

15 13963.1. (a) The Legislature finds and declares all of the
16 following:

17 (1) Without treatment, approximately 50 percent of people who
18 survive a traumatic, violent injury experience lasting or extended
19 psychological or social difficulties. Untreated psychological trauma
20 often has severe economic consequences, including overuse of
21 costly medical services, loss of income, failure to return to gainful
22 employment, loss of medical insurance, and loss of stable housing.

23 (2) Victims of crime should receive timely and effective mental
24 health treatment.

25 (3) The board shall administer a program to evaluate applications
26 and award grants to trauma recovery centers.

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

29 (1) The trauma recovery center demonstrates that it serves as a
30 community resource by providing services, including, but not
31 limited to, making presentations and providing training to law
32 enforcement, community-based agencies, and other health care
33 providers on the identification and effects of violent crime.

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

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

38 (d) The board may award a grant providing funding for up to a
39 maximum period of three years. Any portion of a grant that a
40 trauma recovery center does not use within the specified grant

1 period shall revert to the Restitution Fund. The board may award
2 consecutive grants to a trauma recovery center to prevent a lapse
3 in funding. The board shall not award a trauma recovery center
4 more than one grant for any period of time.

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

8 (1) Crime victims who typically are unable to access traditional
9 services, including, but not limited to, victims who are homeless,
10 chronically mentally ill, of diverse ethnicity, members of immigrant
11 and refugee groups, disabled, who have severe trauma-related
12 symptoms or complex psychological issues, or juvenile victims,
13 including minors who have had contact with the juvenile
14 dependency or justice system.

15 (2) Victims of a wide range of crimes, including, but not limited
16 to, victims of sexual assault, domestic violence, physical assault,
17 shooting, stabbing, and vehicular assault, and family members of
18 homicide victims.

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

23 (g) A trauma recovery center that is awarded a grant shall do
24 both of the following:

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

30 (2) In compliance with federal statutes and rules governing
31 federal matching funds for victims' services, each center shall
32 submit any forms and data requested by the board to allow the
33 board to receive the 60 percent federal matching funds for eligible
34 victim services and allowable expenses.

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

38 (1) Mental health services.

39 (2) Assertive community-based outreach and clinical case
40 management.

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

3 (4) Services to family members and loved ones of homicide
4 victims.

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

7 ~~SEC. 15.~~

8 *SEC. 14.* Section 13964 of the Government Code is amended
9 to read:

10 13964. (a) Claims under this chapter shall be paid from the
11 Restitution Fund.

12 (b) Notwithstanding Section 13340, except for funds to support
13 trauma recovery center grants pursuant to Section 13963.1, the
14 proceeds in the Restitution Fund are hereby continuously
15 appropriated to the board, without regard to fiscal years, for the
16 purposes of this chapter. However, the funds appropriated pursuant
17 to this section for administrative costs of the board shall be subject
18 to annual review through the State Budget process.

19 (c) A sum not to exceed 15 percent of the amount appropriated
20 annually to pay claims pursuant to this chapter may be withdrawn
21 from the Restitution Fund, to be used as a revolving fund by the
22 board for the payment of emergency awards pursuant to Section
23 13961.

24 ~~SEC. 16.~~

25 *SEC. 15.* Section 14615.1 of the Government Code is amended
26 to read:

27 14615.1. (a) Where the Legislature directs or authorizes the
28 department to maintain, develop, or prescribe processes,
29 procedures, or policies in connection with the administration of
30 its duties under this chapter, Chapter 2 (commencing with Section
31 14650), Section 6611 of the Public Contract Code, or Part 2
32 (commencing with Section 10100) of Division 2 of the Public
33 Contract Code, the action by the department shall be exempt from
34 the Administrative Procedure Act (Chapter 3.5 (commencing with
35 Section 11340), Chapter 4 (commencing with Section 11370),
36 Chapter 4.5 (commencing with Section 11400), and Chapter 5
37 (commencing with Section 11500)). This section shall apply to
38 actions taken by the department with respect to the State
39 Administrative Manual and the State Contracting Manual.

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

6 ~~SEC. 17.~~

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

10
11 CHAPTER 9. GOLDEN STATE FINANCIAL MARKETPLACE
12 PROGRAM (GS \$MART PROGRAM)
13

14 14930. This chapter shall be known and may be cited as the
15 Golden State Financial Marketplace Program or GS \$Mart
16 Program.

17 14932. The department is authorized to structure, administer,
18 and maintain the GS \$Mart Program, the state's centralized
19 financing program available for state agencies to finance certain
20 goods and services as set forth in this chapter.

21 14934. (a) Notwithstanding any other law, state agencies that
22 are statutorily authorized to acquire assets listed in subdivision (b)
23 are hereby eligible to apply to the GS \$Mart Program to enter into
24 agreements for financing those assets without further competitive
25 bidding.

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

28 (A) Energy efficiency measures as described in Section 4217.11
29 or energy savings contracts as described in Section 388 of the
30 Public Utilities Code.

31 (B) Goods as defined in Section 10290 of the Public Contract
32 Code.

33 (C) Services as described in Section 10335 of the Public
34 Contract Code.

35 (D) Technology goods or services as described in Section 11532
36 or information technology as defined in paragraph (2) that are
37 capital assets eligible for tax exempt financing consistent with the
38 Internal Revenue Code as confirmed by an opinion of bond
39 counsel, as described in paragraph (3) of subdivision (a) of Section
40 14936.

1 (2) Information technology includes, but is not limited to, all
2 electronic technology systems and services, automated information
3 handling, system design and analysis, conversion of data, computer
4 programming, information storage and retrieval,
5 telecommunications, including voice, video, and data
6 communications, requisite system controls, simulation, electronic
7 commerce, and all related interactions between people and
8 machines.

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

13 (d) The department shall annually provide a report by September
14 1 of each year to the Joint Legislative Budget Committee, the State
15 Treasurer's Office, and the Department of Finance that shall
16 include, but not be limited to, the following information for each
17 loan entered into during the preceding fiscal year:

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

19 (2) The amount financed by each loan.

20 (3) The term of each loan.

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

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

24 14936. (a) The department shall develop a financing process
25 that requires, but shall not be limited to, all of the following:

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

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

30 (3) A submission of an opinion of counsel from an independent
31 law firm of recognized standing in the field of law relating to the
32 exemption from federal income taxation on state or local bonds
33 confirming that the assets subject to the financing qualify for tax
34 exempt financing consistent with the Internal Revenue Code.

35 (4) The preparation and submission of payment schedules to
36 the Controller for use by the Controller in transferring funds
37 appropriated in the annual Budget Act to the state agency for
38 payments due under the financing program.

1 (5) Prior approval by the Department of Finance and prior
2 approval of the terms and conditions of the financing by the
3 Treasurer for each financing over \$10,000,000.

4 (b) The Controller may direct the transfer of funds according
5 to the schedule or schedules submitted by the department pursuant
6 to the GS \$Mart Program.

7 (c) The department, in consultation with the Department of
8 Finance, shall be responsible for the continued development and
9 administration of, at a minimum, financing applications,
10 instructions, and application approval pursuant to the GS \$Mart
11 Program.

12 14938. As used in this chapter, “state agency” or “state
13 agencies” means every state office, officer, department, division,
14 bureau, board, and commission and the California State University
15 and the Regents of the University of California.

16 ~~SEC. 18.~~

17 *SEC. 17.* Section 15251 of the Government Code is amended
18 to read:

19 15251. Unless the context requires otherwise, as used in this
20 part, the following terms shall have the following meanings:

21 (a) “Division” means the Public Safety Communications
22 Division established by this part.

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

24 ~~SEC. 19.~~

25 *SEC. 18.* Section 15253 of the Government Code is amended
26 to read:

27 15253. This part shall apply only to those communications
28 facilities which are owned and operated by public agencies in
29 connection with official business of law enforcement services, fire
30 services, natural resources services, agricultural services, and
31 highway maintenance and control of the state or of cities, counties,
32 and other political subdivisions in this state. This part shall not be
33 construed as conferring upon the office control of programs or
34 broadcasts intended for the general public.

35 ~~SEC. 20.~~

36 *SEC. 19.* Section 15254 of the Government Code is amended
37 to read:

38 15254. Radio and other communications facilities owned or
39 operated by the state and subject to the jurisdiction of the office
40 shall not be used for political, sectarian, or propaganda purposes.

1 The facilities shall not be used for the purpose of broadcasts
2 intended for the general public, except for fire, flood, frost, storm,
3 catastrophe, and other warnings and information for the protection
4 of the public safety as the office may prescribe.

5 ~~SEC. 21.~~

6 *SEC. 20.* Section 15275 of the Government Code is amended
7 to read:

8 15275. The office may do all of the following:

9 (a) Provide adequate representation of local and state
10 governmental bodies and agencies before the Federal
11 Communications Commission in matters affecting the state and
12 its cities, counties, and other public agencies regarding public
13 safety communications issues.

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

21 (c) Recommend to the appropriate state and local agencies rules,
22 regulations, procedures, and methods of operation that it deems
23 necessary to effectuate the most efficient and economical use of
24 publicly owned and operated public safety communications
25 facilities within this state.

26 (d) Provide, upon request, information and data concerning the
27 public safety communications facilities that are owned and operated
28 by public agencies in connection with official business of public
29 safety services.

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

31 ~~SEC. 22.~~

32 *SEC. 21.* Section 15277 of the Government Code is amended
33 to read:

34 15277. The Public Safety Communications Division is
35 established within the office. The duties of the division shall
36 include, but not be limited to, all of the following:

37 (a) Assessing the overall long-range public safety
38 communications needs and requirements of the state considering
39 emergency operations, performance, cost, state-of-the-art

1 technology, multiuser availability, security, reliability, and other
2 factors deemed to be important to state needs and requirements.

3 (b) Developing strategic and tactical policies and plans for public
4 safety communications with consideration for the systems and
5 requirements of the state and all public agencies in this state, and
6 preparing an annual strategic communications plan that includes
7 the feasibility of interfaces with federal and other state
8 telecommunications networks and services.

9 (c) Recommending industry standards for public safety
10 communications systems to ensure multiuser availability and
11 compatibility.

12 (d) Providing advice and assistance in the selection of
13 communications equipment to ensure that the public safety
14 communications needs of state agencies are met and that
15 procurements are compatible throughout state agencies and are
16 consistent with the state's strategic and tactical plans for public
17 safety communications.

18 (e) Providing management oversight of statewide public safety
19 communications systems developments.

20 (f) Providing for coordination of, and comment on, plans,
21 policies, and operational requirements from departments that utilize
22 public safety communications in support of their principal function,
23 such as the National Guard, health and safety agencies, and others
24 with primary public safety communications programs.

25 (g) Monitoring and participating on behalf of the state in the
26 proceedings of federal and state regulatory agencies and in
27 congressional and state legislative deliberations that have an impact
28 on state government public safety communications activities.

29 (h) Developing plans regarding teleconferencing as an
30 alternative to state travel during emergency situations.

31 (i) Ensuring that all radio transmitting devices owned or operated
32 by state agencies and departments are licensed, installed, and
33 maintained in accordance with the requirements of federal law. A
34 request for a federally required license for a state-owned radio
35 transmitting device shall be sought only in the name of the "State
36 of California."

37 (j) Acquiring, installing, equipping, maintaining, and operating
38 new or existing public safety communications systems and facilities
39 for public safety agencies. To accomplish that purpose, the division
40 is authorized to enter into contracts, obtain licenses, acquire

1 property, install necessary equipment and facilities, and do other
2 necessary acts to provide adequate and efficient public safety
3 communications systems. Any systems established shall be
4 available to all public agencies in the state on terms that may be
5 agreed upon by the public agency and the division.

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

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

20 ~~SEC. 23:~~

21 *SEC. 22.* Chapter 3 (commencing with Section 15278) is added
22 to Part 6.5 of Division 3 of Title 2 of the Government Code, to
23 read:

24

25 CHAPTER 3. PUBLIC SAFETY COMMUNICATIONS

26

27 15278. This chapter shall be known, and may be cited, as the
28 Public Safety Communications Act of 2013.

29 15279. For purposes of this chapter, unless the context requires
30 otherwise, “director” means the Director of the Office of
31 Emergency Services.

32 15280. (a) There is in state government, within the Office of
33 Emergency Services, the Public Safety Communications Division.

34 (b) The Public Safety Communications Division is under the
35 supervision of a chief.

36 (c) The purpose of this chapter is to transfer the services and
37 responsibilities previously held by the Public Safety
38 Communications Division within the California Technology
39 Agency to the Office of Emergency Services.

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

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

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

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

30 15281. The Chief of the Public Safety Communications
31 Division shall be responsible for managing the affairs of the Public
32 Safety Communications Division and shall perform all duties,
33 exercise all powers and jurisdiction, and assume and discharge all
34 responsibilities necessary to carry out the responsibilities of the
35 Public Safety Communications Division. The Office of Emergency
36 Services shall employ professional, clerical, technical, and
37 administrative personnel as necessary to carry out this chapter.

38 15282. The Director of the Office of Emergency Services shall
39 establish rates for the Office of Emergency Services’ Public Safety

1 Communications Division's services based on a formal rate
2 methodology.

3 ~~SEC. 24.~~

4 *SEC. 23.* Section 18662 of the Government Code is repealed.

5 ~~SEC. 25.~~

6 *SEC. 24.* Section 18662 is added to the Government Code, to
7 read:

8 18662. (a) The board shall determine the total annual cost
9 associated with the board's audit authority. The board shall recover
10 costs by billing appointing authorities in accordance with
11 subdivision (b).

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

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

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

26 (d) Pursuant to Section 11255, the Controller shall transfer to
27 the board any moneys owed to the board by any appointing
28 authority for charges due under this section.

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

34 (1) A summary of each audit and special investigation, including
35 findings.

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

38 ~~SEC. 26.~~

39 *SEC. 25.* Section 18671.2 of the Government Code is amended
40 to read:

1 18671.2. (a) The board shall determine the total cost to the
2 state of maintaining and operating the hearing office of the board,
3 in advance or upon any other basis as it may determine, utilizing
4 information from the state agencies for which services are provided
5 by the hearing office.

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

20 (c) Pursuant to Section 11255, the Controller shall transfer to
21 the board, pursuant to Section 18675, any moneys owed to the
22 board by any state agency or department for charges determined
23 by the board as specified in subdivisions (a) and (b).

24 ~~SEC. 27.~~

25 *SEC. 26.* Article 8 (commencing with Section 19210) is added
26 to Chapter 5 of Part 2 of Division 5 of Title 2 of the Government
27 Code, to read:

28

29

Article 8. Additional Appointments

30

31 19210. (a) The department shall submit two reports to the Joint
32 Legislative Budget Committee and the fiscal committees of the
33 Legislature that review the use of additional appointments by state
34 agencies, excluding state universities, for managers and supervisors
35 by November 30, 2013, and for rank and file employees by
36 November 30, 2014. At a minimum, the reports shall specify all
37 of the following:

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

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

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

8 (4) The number of additional appointments held by state
9 employees whose primary appointment is or was in the same
10 agency as the additional appointment and in the same division of
11 the same agency as the additional appointment.

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

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

20 (c) The report required under this section shall be submitted
21 pursuant to Section 9795.

22 19212. By November 30, 2013, the State Personnel Board shall
23 submit a report to the Joint Legislative Budget Committee and the
24 fiscal committees of the Legislature that review the policies and
25 practices included in the Personnel Management Policy and
26 Procedures Manual (PMPPM). At a minimum, the report shall
27 include a summary of existing policies included in the PMPPM,
28 the date of each policy's adoption, the agency responsible for
29 enforcement of the policy, and, if a policy is no longer in use, the
30 date of and reasons for discontinuing that policy. The report
31 required under this section shall be submitted pursuant to Section
32 9795.

33 19214. This article shall remain in effect only until November
34 30, 2017, and as of that date is repealed, unless a later enacted
35 statute, that is enacted before November 30, 2017, deletes or
36 extends that date.

37 ~~SEC. 28.~~

38 *SEC. 27.* Section 23025 of the Government Code is amended
39 to read:

1 23025. In order to comply with the Americans with Disabilities
2 Act (42 U.S.C. Sec. 12101 et seq.) and other applicable federal
3 provisions, a county, whether general law or chartered, which
4 provides any emergency services, is encouraged to provide deaf
5 teletype equipment at a central location within the county to relay
6 requests for such emergency services.

7 ~~SEC. 29.— Section 25008 of the Government Code is amended~~
8 ~~to read:~~

9 ~~25008. Members may be allowed their actual expenses in going~~
10 ~~to, attendance upon, and returning from state association meetings~~
11 ~~and their actual and necessary traveling expenses when traveling~~
12 ~~outside their counties on official business. Reimbursement for~~
13 ~~these expenses is subject to Sections 53232.2 and 53232.3.~~

14 ~~SEC. 30.— Section 50021 is added to the Government Code, to~~
15 ~~read:~~

16 ~~50021. Notwithstanding any other law, any statute enacted~~
17 ~~prior to the effective date of the act that added this section, that~~
18 ~~requires that a governing board member of a local agency receive~~
19 ~~compensation or be reimbursed for expenses for services as a board~~
20 ~~member, shall, instead be construed to confer upon the local agency~~
21 ~~the discretion to authorize, by ordinance or resolution,~~
22 ~~compensation or reimbursement as otherwise set forth in the statute.~~

23 ~~SEC. 31.~~

24 ~~SEC. 28. Section 53108.5 of the Government Code is amended~~
25 ~~to read:~~

26 ~~53108.5. “Division,” as used in this article, means the Office~~
27 ~~of Emergency Services.~~

28 ~~SEC. 32.~~

29 ~~SEC. 29. Section 53114.1 of the Government Code is amended~~
30 ~~to read:~~

31 ~~53114.1. To accomplish the responsibilities specified in this~~
32 ~~article, the division is directed to consult at regular intervals with~~
33 ~~the State Fire Marshal, the State Department of Public Health, the~~
34 ~~Office of Traffic Safety, a local representative from a city, a local~~
35 ~~representative from a county, the public utilities in this state~~
36 ~~providing telephone service, the Association of Public-Safety~~
37 ~~Communications Officials, the Emergency Medical Services~~
38 ~~Authority, the Department of the California Highway Patrol, and~~
39 ~~the Department of Forestry and Fire Protection. These agencies~~

1 shall provide all necessary assistance and consultation to the
2 division to enable it to perform its duties specified in this article.

3 ~~SEC. 33.~~

4 *SEC. 30.* Section 53115.1 of the Government Code is amended
5 to read:

6 53115.1. (a) There is in state government the State 911
7 Advisory Board.

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

11 (1) The Chief of the Public Safety Communications Division
12 shall serve as the nonvoting chair of the board.

13 (2) One representative from the Department of the California
14 Highway Patrol.

15 (3) Two representatives on the recommendation of the California
16 Police Chiefs Association.

17 (4) Two representatives on the recommendation of the California
18 State Sheriffs' Association.

19 (5) Two representatives on the recommendation of the California
20 Fire Chiefs Association.

21 (6) Two representatives on the recommendation of the CalNENA
22 Executive Board.

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

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

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

36 (1) The presiding Chief of the Public Safety Communications
37 Division shall serve for the duration of his or her tenure.

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

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

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

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

16 ~~SEC. 34.~~

17 *SEC. 31.* 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 Office of Emergency
31 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 may be allowed any actual and necessary expenses~~

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

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

6 7047. Each director may receive a sum as may be fixed by the
7 board, not exceeding fifty dollars (\$50) for each meeting of the
8 board attended by him or her, for not exceeding four meetings in
9 any calendar month. A director may also receive traveling and
10 other expenses incurred by him or her when performing duties for
11 the district other than attending board meetings. For purposes of
12 this section, the determination of whether a director's activities on
13 any specific day are compensable shall be made pursuant to Article
14 2.3 (commencing with Section 53232) of Chapter 2 of Part 1 of
15 Division 2 of Title 5 of the Government Code. Reimbursement for
16 these expenses is subject to Sections 53232.2 and 53232.3 of the
17 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 may be allowed their necessary traveling and
23 other expenses incurred in performance of their official duties. In
24 lieu of expenses, the district board may, by resolution, provide for
25 the allowance and payment to each member of the board of a sum
26 not exceeding one hundred dollars (\$100) as expenses incurred in
27 attending each business meeting of the board. Reimbursement for
28 these expenses is subject to Sections 53232.2 and 53232.3 of the
29 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. The board may also authorize reimbursement for
40 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 ~~(e) 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 may receive compensation in an amount not to exceed~~
16 ~~one hundred dollars (\$100) per day for each day's attendance at~~
17 ~~meetings of the board or for each day's service rendered as a~~
18 ~~director by request of the board, not exceeding a total of six days~~
19 ~~in any calendar month. The board may also authorize~~
20 ~~reimbursement for any expenses incident thereto.~~

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

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

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

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

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

39 ~~32103. The board of directors shall serve without compensation~~
40 ~~except that the board of directors, by a resolution adopted by a~~

1 majority vote of the members of the board, may authorize the
2 payment of not to exceed one hundred dollars (\$100) per meeting
3 not to exceed five meetings a month as compensation to each
4 member of the board of directors.

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

14 ~~SEC. 41.~~

15 *SEC. 32.* Section 10089.7 of the Insurance Code is amended
16 to read:

17 10089.7. (a) The authority shall be governed by a
18 three-member governing board consisting of the Governor, the
19 Treasurer, and the Insurance Commissioner, each of whom may
20 name designees to serve as board members in their place. The
21 Speaker of the Assembly and the Chairperson of the Senate
22 Committee on Rules shall serve as nonvoting, ex officio members
23 of the board, and may name designees to serve in their place.

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

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

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

37 (e) (1) There shall be a limited civil immunity and no criminal
38 liability in a private capacity, on account of any act performed or
39 omitted or obligation entered into an official capacity, when done
40 or omitted in good faith and without intent to defraud, on the part

1 of the board, the panel, or any member of either, or on the part of
2 any officer, employee, or agent of the authority. This provision
3 shall not eliminate or reduce the responsibility of the authority
4 under the covenant of good faith and fair dealing.

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

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

19 (4) A licensed insurer, its officers, directors, employees, or
20 agents, shall not have any antitrust civil or criminal liability under
21 the Cartwright Act (Part 2 (commencing with Section 16600) of
22 Division 7 of the Business and Professions Code) by reason of its
23 activities conducted in compliance with this chapter. Further, the
24 California Earthquake Authority shall be deemed a joint
25 arrangement established by statute to ensure the availability of
26 insurance pursuant to subdivision (b) of Section 1861.03.

27 (5) Subject to Section 10089.21, this chapter shall not be
28 construed to limit any exercise of the commissioner's power,
29 including enforcement and disciplinary actions, or the imposition
30 of fines and orders to ensure compliance with this chapter, the
31 rules and guidelines of the authority, or any other law or rule
32 applicable to the business of insurance.

33 (6) Except as provided in paragraph (3) and by any other
34 provision of this chapter, liability on the part of, and a cause of
35 action, shall not be permitted in law or equity against, any
36 participating insurer for any earthquake loss to property for which
37 the authority has issued a policy unless the loss is covered by an
38 insurance policy issued by the participating insurer. A policy issued
39 by the authority shall not be deemed to be a policy issued by a
40 participating insurer.

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

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

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

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

27 (i) Members of the board and panel, and their designees, and
28 the chief executive officer, the chief financial officer, the chief
29 mitigation officer, and the operations manager of the authority
30 shall be required to file financial disclosure statements with the
31 Fair Political Practices Commission. The appointing authorities
32 for members and designees of the board and panel shall, when
33 making appointments, avoid appointing persons with conflicts of
34 interest. Section 87406 of the Government Code, the Milton Marks
35 Postgovernment Employment Restrictions Act of 1990, shall apply
36 to the authority. Members of the board, the chief financial officer,
37 the chief executive officer, the chief operations manager, the chief
38 counsel, and any other person designated by the authority shall be
39 deemed to be designated employees for the purpose of that act. In
40 addition, no member of the board, nor the chief financial officer,

1 the chief executive officer, the chief operations manager, and the
2 chief counsel, shall, upon leaving the employment of the authority,
3 seek, accept, or enter into employment or a consulting or other
4 contractual arrangement for the period of one year with any
5 employer or entity that entered into a participating agreement, or
6 a reinsurance, bonding, letter of credit, or private capital markets
7 contract with the authority during the time the employee was
8 employed by the authority, which that member or employee had
9 negotiated or approved, or participated in negotiating. A violation
10 of these provisions shall be subject to enforcement pursuant to
11 Chapter 11 (commencing with Section 91000) of Title 9 of the
12 Government Code.

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

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

19 (2) Collaboration with academic institutions, nonprofit entities,
20 and commercial business entities in joint efforts to conduct
21 mitigation-related research and educational activities, and conduct
22 program activities to mitigate against seismic risk.

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

27 (4) Collaborations and joint programs with subdivisions and
28 programs of local, state, and federal governments and with other
29 national programs that may further California's disaster
30 preparedness, protection, and mitigation goals.

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

34 (k) The authority may accept grants and gifts of property, real
35 or personal, tangible and intangible, and services for the Earthquake
36 Loss Mitigation Fund, created pursuant to Section 10089.37, or
37 the related residential retrofit program from federal, state, and local
38 government sources and private sources.

39 (l) The Bagley-Keene Open Meeting Act (Article 9
40 (commencing with Section 11120) of Chapter 1 of Part 1 of

1 Division 3 of Title 2 of the Government Code) applies to meetings
2 of the board and the panel.

3 ~~SEC. 42.~~

4 *SEC. 33.* Section 62.5 of the Labor Code is amended to read:

5 62.5. (a) (1) The Workers' Compensation Administration
6 Revolving Fund is hereby created as a special account in the State
7 Treasury. Money in the fund may be expended by the department,
8 upon appropriation by the Legislature, for all of the following
9 purposes, and may not be used or borrowed for any other purpose:

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

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

15 (C) For the enforcement of the insurance coverage program
16 established and maintained by the Labor Commissioner pursuant
17 to Section 90.3.

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

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

35 (2) Notwithstanding any other provision of law, all references
36 to the Uninsured Employers Fund shall mean the Uninsured
37 Employers Benefits Trust Fund.

38 (3) Notwithstanding paragraph (1), in the event that budgetary
39 restrictions or impasse prevent the timely payment of administrative
40 expenses from the Workers' Compensation Administration

1 Revolving Fund, those expenses shall be advanced from the
2 Uninsured Employers Benefits Trust Fund. Expense advances
3 made pursuant to this paragraph shall be reimbursed in full to the
4 Uninsured Employers Benefits Trust Fund upon enactment of the
5 annual Budget Act.

6 (4) Any moneys from penalties collected pursuant to Section
7 3722 as a result of the insurance coverage program established
8 under Section 90.3 shall be deposited in the State Treasury to the
9 credit of the Workers' Compensation Administration Revolving
10 Fund created under this section, to cover expenses incurred by the
11 director under the insurance coverage program. The amount of
12 any penalties in excess of payment of administrative expenses
13 incurred by the director for the insurance coverage program
14 established under Section 90.3 shall be deposited in the State
15 Treasury to the credit of the Uninsured Employers Benefits Trust
16 Fund for nonadministrative expenses, as prescribed in paragraph
17 (1), and notwithstanding paragraph (1), shall only be available
18 upon appropriation by the Legislature.

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

37 (2) Notwithstanding any other law, all references to the
38 Subsequent Injuries Fund shall mean the Subsequent Injuries
39 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 Subsequent Injuries Benefits Trust Fund. Expense advances made
6 pursuant to this paragraph shall be reimbursed in full to the
7 Subsequent Injuries Benefits Trust Fund upon enactment of the
8 annual Budget Act.

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

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

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

37 (f) (1) Separate surcharges shall be levied by the director upon
38 all employers, as defined in Section 3300, for purposes of deposit
39 in the Workers' Compensation Administration Revolving Fund,
40 the Uninsured Employers Benefits Trust Fund, the Subsequent

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

17 (2) The surcharge levied by the director for the Occupational
18 Safety and Health Fund, pursuant to paragraph (1), shall not
19 generate revenues in excess of fifty-seven million dollars
20 (\$57,000,000) on and after the 2013–14 fiscal year, adjusted for
21 each fiscal year as appropriate to fund any increases in the
22 appropriation as approved by the Legislature, and to reconcile any
23 over/under assessments from previous fiscal years pursuant to
24 Sections 15606 and 15609 of Title 8 of the California Code of
25 Regulations. For the 2013–14 fiscal year only, the revenue cap
26 established in this paragraph shall be reduced by an amount
27 equivalent to the balance transferred from the Cal-OSHA Targeted
28 Inspection and Consultation Fund established in Section 62.7, less
29 any amount of that balance loaned to the State Public Works
30 Enforcement Fund, to the Occupational Safety and Health Fund
31 pursuant to subdivision (d).

32 (3) A separate surcharge shall be levied by the director upon all
33 employers, as defined in Section 3300, for purposes of deposit in
34 the Labor Enforcement and Compliance Fund. The total amount
35 of the surcharges shall be allocated between employers in
36 proportion to payroll respectively paid in the most recent year for
37 which payroll information is available. The director shall adopt
38 reasonable regulations governing the manner of collection of the
39 surcharges. In no event shall the total amount of the surcharges

1 paid by employers exceed the amounts reasonably necessary to
2 carry out the purposes of this section.

3 (4) The surcharge levied by the director for the Labor
4 Enforcement and Compliance Fund shall not exceed forty-six
5 million dollars (\$46,000,000) in the 2013–14 fiscal year, adjusted
6 as appropriate to fund any increases in the appropriation as
7 approved by the Legislature, and to reconcile any over/under
8 assessments from previous fiscal years pursuant to Sections 15606
9 and 15609 of Title 8 of the California Code of Regulations.

10 (5) The regulations adopted pursuant to paragraph (1) to (4),
11 inclusive, shall be exempt from the rulemaking provisions of the
12 Administrative Procedure Act (Chapter 3.5 (commencing with
13 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
14 Code).

15 ~~SEC. 43.~~

16 *SEC. 34.* Section 62.7 of the Labor Code is amended to read:

17 62.7. (a) The Cal-OSHA Targeted Inspection and Consultation
18 Fund is hereby created as a special account in the State Treasury.
19 Proceeds of the fund may be expended by the department, upon
20 appropriation by the Legislature, for the costs of the Cal-OSHA
21 targeted inspection program provided by Section 6314.1 and the
22 costs of the Cal-OSHA targeted consultation program provided
23 by subdivision (a) of Section 6354, and for costs related to
24 assessments levied and collected pursuant to Section 62.9.

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

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

31 ~~SEC. 44.~~

32 *SEC. 35.* Section 62.8 is added to the Labor Code, to read:

33 62.8. Five million dollars (\$5,000,000) is hereby appropriated
34 for transfer by the State Controller upon order of the Director of
35 Finance from the Cal OSHA Targeted Inspection and Consultation
36 Fund as a loan to the State Public Works Enforcement Fund. This
37 loan shall be repaid to the Occupational Safety and Health Fund
38 by June 30, 2015. This loan shall be repaid with interest calculated
39 at the rate earned by the Pooled Money Investment Account at the
40 time of the transfer.

1 ~~SEC. 45.~~

2 *SEC. 36.* Section 62.9 of the Labor Code is repealed.

3 ~~SEC. 46.~~

4 *SEC. 37.* Section 139.48 of the Labor Code is amended to read:

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

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

21 (c) This section shall apply only to injuries sustained on or after
22 January 1, 2013.

23 ~~SEC. 47.~~

24 *SEC. 38.* Section 1024 of the Labor Code is amended to read:

25 1024. (a) It is the intent of the Legislature in enacting this
26 section to provide for the prompt and effective enforcement of
27 labor laws relating to the construction industry.

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

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

36 ~~SEC. 48.~~

37 *SEC. 39.* 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 definitions
2 specified in Section 1060, the following terms shall also have the
3 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.~~

23 *SEC. 40.* Section 1771.3 of the Labor Code is amended to read:

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

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

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

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

12 (3) The Director of Industrial Relations shall adopt regulations
13 implementing this section, specifying the activities, including, but
14 not limited to, monthly review, and audit if appropriate, of payroll
15 records, which the department will undertake to monitor and
16 enforce compliance with applicable prevailing wage requirements
17 on public works projects paid for in whole or part out of public
18 funds, within the meaning of subdivision (b) of Section 1720, that
19 are derived from bonds issued by the state. The department, with
20 the approval of the Director of Finance, shall determine the rate,
21 which the department may from time to time amend, that the
22 department will charge to recover the reasonable and directly
23 related costs of performing the monitoring and enforcement
24 services for public works projects. The amount 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, that election does not
3 relieve the awarding body from reimbursing the Department of
4 Industrial Relations from other funding sources for monitoring
5 and enforcing prevailing wage requirements on the project pursuant
6 to this section or any other applicable provision of law. The
7 department shall annually provide information, as specified in
8 regulations, to assist an awarding body to reasonably estimate the
9 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.~~

38 *SEC. 41.* Section 1771.5 of the Labor Code is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

37 (c) For purposes of this chapter, “labor compliance program”
38 means a labor compliance program that is approved, as specified
39 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) shall use the labor compliance
6 program for all contracts for public works projects awarded prior
7 to the effective date of the regulations adopted by the department
8 as specified in subdivision (g). For contracts for public works
9 projects awarded on or after the effective date of regulations
10 adopted by the department as specified in subdivision (g), the
11 awarding body may also elect to continue operating an existing
12 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), shall, for all of its contracts for public
23 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 body's projects.

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

1 including, but not limited to, monthly review, and audit if
2 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, which the department may
6 from time to time amend, that the department will charge for
7 reimbursement from an awarding body for the reasonable and
8 directly related costs of performing the specified monitoring and
9 enforcement services for public works projects.

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

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

21 ~~SEC. 51.~~

22 *SEC. 42.* Section 7852 of the Labor Code is amended to read:

23 7852. (a) It is the intent of the Legislature, in enacting this
24 part, that the Occupational Safety and Health Standards Board and
25 the Division of Occupational Health and Safety (OSHA) promote
26 worker safety through implementation of training and process
27 safety management practices in petroleum refineries and chemical
28 plants and other facilities deemed appropriate.

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

33 (c) It is further the intent of the Legislature, in enacting this
34 part, that in the interest of promoting worker safety, standards be
35 adopted by March 31, 2014.

36 ~~SEC. 52.~~

37 *SEC. 43.* Section 7856 of the Labor Code is amended to read:

38 7856. By March 31, 2014, the board shall adopt process safety
39 management standards for refineries, chemical plants, and other
40 manufacturing facilities, as specified in Codes 28 (Chemical and

1 Allied Products) and 29 (Petroleum Refining and Related
2 Industries) of the Manual of Standard Industrial Classification
3 Codes, published by the United States Office of Management and
4 Budget, 1987 Edition, that handle acutely hazardous material as
5 defined in subdivision (a) of Section 25532 and subdivision (a) of
6 Section 25536 of the Health and Safety Code and pose a significant
7 likelihood of accident risk, as determined by the board. Alternately,
8 upon making a finding that there is a significant likelihood of risk
9 to employees at a facility not included in Codes 28 and 29 resulting
10 from the presence of acutely hazardous materials or explosives as
11 identified in Part 172 (commencing with Section 172.1) of Title
12 49 of the Code of Federal Regulations, the board may require that
13 these facilities be subject to the jurisdiction of the standards
14 provided for in this section. When adopting these standards, the
15 board shall give priority to facilities and areas of facilities where
16 the potential is greatest for preventing severe or catastrophic
17 accidents because of the size or nature of the process or business.
18 The standards adopted pursuant to this section shall require that
19 injury prevention programs of employers subject to this part and
20 implemented pursuant to Section 6401.7 include the requirements
21 of this part.

22 ~~SEC. 53.~~

23 *SEC. 44.* Section 7870 of the Labor Code is amended to read:

24 7870. Notwithstanding the availability of federal funds to carry
25 out the purposes of this part, the division shall annually fix and
26 collect reasonable fees for consultation, inspection, adoption of
27 standards, and other duties conducted pursuant to this part. The
28 fees shall be adopted by March 31, 2014. All revenue collected
29 from these fees shall be deposited into the Occupational Safety
30 and Health Fund. The fees shall be sufficient to support, at a
31 minimum, the annual cost of 15 positions. The expenditure of these
32 funds shall be subject to appropriation by the Legislature in the
33 annual Budget Act or other measure.

34 ~~SEC. 54.~~ ~~Section 1197 of the Military and Veterans Code is~~
35 ~~amended to read:~~

36 ~~1197. The board shall consist of five members who shall be~~
37 ~~registered electors residing within the district or proposed district~~
38 ~~at the time of their election and shall be elected by the qualified~~
39 ~~electors of the district. A majority of the seats on the board shall~~
40 ~~be designated for veterans, as defined in Section 940. Any board~~

1 seat that is so designated, but is not currently filled by a qualifying
2 individual, shall be filled by a qualified individual at the next
3 election at which that seat is to be filled. Members shall serve
4 without compensation, but may receive reimbursement for actual
5 and necessary expenses incurred in the performance of duties.
6 Reimbursement for these expenses is subject to Sections 53232.2
7 and 53232.3 of the Government Code.

8 ~~SEC. 55.~~

9 *SEC. 45.* Section 1203 of the Penal Code is amended to read:

10 1203. (a) As used in this code, “probation” means the
11 suspension of the imposition or execution of a sentence and the
12 order of conditional and revocable release in the community under
13 the supervision of a probation officer. As used in this code,
14 “conditional sentence” means the suspension of the imposition or
15 execution of a sentence and the order of revocable release in the
16 community subject to conditions established by the court without
17 the supervision of a probation officer. It is the intent of the
18 Legislature that both conditional sentence and probation are
19 authorized whenever probation is authorized in any code as a
20 sentencing option for infractions or misdemeanors.

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

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

33 (B) Pursuant to Section 828 of the Welfare and Institutions
34 Code, the probation officer shall include in his or her report any
35 information gathered by a law enforcement agency relating to the
36 taking of the defendant into custody as a minor, which shall be
37 considered for purposes of determining whether adjudications of
38 commissions of crimes as a juvenile warrant a finding that there
39 are circumstances in aggravation pursuant to Section 1170 or to
40 deny probation.

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

9 (D) The probation officer may also include in the report his or
10 her recommendation of both of the following:

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

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

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

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

1 (4) The preparation of the report or the consideration of the
2 report by the court may be waived only by a written stipulation of
3 the prosecuting and defense attorneys that is filed with the court
4 or an oral stipulation in open court that is made and entered upon
5 the minutes of the court, except that a waiver shall not be allowed
6 unless the court consents thereto. However, if the defendant is
7 ultimately sentenced and committed to the state prison, a probation
8 report shall be completed pursuant to Section 1203c.

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

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

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

34 (1) Unless the person had a lawful right to carry a deadly
35 weapon, other than a firearm, at the time of the perpetration of the
36 crime or his or her arrest, any person who has been convicted of
37 arson, robbery, carjacking, burglary, burglary with explosives,
38 rape with force or violence, torture, aggravated mayhem, murder,
39 attempt to commit murder, trainwrecking, kidnapping, escape from
40 the state prison, or a conspiracy to commit one or more of those

1 crimes and who was armed with the weapon at either of those
2 times.

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

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

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

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

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

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

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

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

34 (7) Any public official or peace officer of this state or any city,
35 county, or other political subdivision who, in the discharge of the
36 duties of his or her public office or employment, accepted or gave
37 or offered to accept or give any bribe, embezzled public money,
38 or was guilty of extortion.

39 (8) Any person who knowingly furnishes or gives away
40 phencyclidine.

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

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

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

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

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

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

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

33 (h) If a defendant is convicted of a felony and a probation report
34 is prepared pursuant to subdivision (b) or (g), the probation officer
35 may obtain and include in the report a statement of the comments
36 of the victim concerning the offense. The court may direct the
37 probation officer not to obtain a statement if the victim has in fact
38 testified at any of the court proceedings concerning the offense.

39 (i) A probationer shall not be released to enter another state
40 unless his or her case has been referred to the Administrator of the

1 Interstate Probation and Parole Compacts, pursuant to the Uniform
2 Act for Out-of-State Probationer or Parolee Supervision (Article
3 3 (commencing with Section 11175) of Chapter 2 of Title 1 of Part
4 4) and the probationer has reimbursed the county that has
5 jurisdiction over his or her probation case the reasonable costs of
6 processing his or her request for interstate compact supervision.
7 The amount and method of reimbursement shall be in accordance
8 with Section 1203.1b.

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

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

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

28 ~~SEC. 56.~~

29 *SEC. 46.* Section 13518.1 of the Penal Code is amended to
30 read:

31 13518.1. In order to prevent the spread of communicable
32 disease, a law enforcement agency employing peace officers
33 described in subdivision (a) of Section 13518 may provide to each
34 of these peace officers an appropriate portable manual mask and
35 airway assembly for use when applying cardiopulmonary
36 resuscitation.

37 ~~SEC. 57.~~

38 *SEC. 47.* Section 13701 of the Penal Code is amended to read:

39 13701. (a) As a best practice, every law enforcement agency
40 in this state may develop, adopt, and implement written policies

1 and standards for officers' responses to domestic violence calls
2 by January 1, 1986. These policies may reflect that domestic
3 violence is alleged criminal conduct. Further, they may reflect
4 existing policy that a request for assistance in a situation involving
5 domestic violence is the same as any other request for assistance
6 where violence has occurred.

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

31 (c) As a best practice, these existing local policies and those
32 developed may be in writing and, if developed, shall be available
33 to the public upon request and may include specific standards for
34 the following:

- 35 (1) Felony arrests.
- 36 (2) Misdemeanor arrests.
- 37 (3) Use of citizen arrests.
- 38 (4) Verification and enforcement of temporary restraining orders
39 when (A) the suspect is present and (B) the suspect has fled.
- 40 (5) Verification and enforcement of stay-away orders.

1 (6) Cite and release policies.

2 (7) Emergency assistance to victims, such as medical care,
3 transportation to a shelter, or a hospital for treatment when
4 necessary, and police standbys for removing personal property
5 and assistance in safe passage out of the victim's residence.

6 (8) Assisting victims in pursuing criminal options, such as giving
7 the victim the report number and directing the victim to the proper
8 investigation unit.

9 (9) Furnishing written notice to victims at the scene, including,
10 but not limited to, all of the following information:

11 (A) A statement informing the victim that despite official
12 restraint of the person alleged to have committed domestic
13 violence, the restrained person may be released at any time.

14 (B) A statement that, "For further information about a shelter
15 you may contact ____."

16 (C) A statement that, "For information about other services in
17 the community, where available, you may contact ____."

18 (D) A statement that, "For information about the California
19 victims' compensation program, you may contact 1-800-777-9229."

20 (E) A statement informing the victim of domestic violence that
21 he or she may ask the district attorney to file a criminal complaint.

22 (F) A statement informing the victim of the right to go to the
23 superior court and file a petition requesting any of the following
24 orders for relief:

25 (i) An order restraining the attacker from abusing the victim
26 and other family members.

27 (ii) An order directing the attacker to leave the household.

28 (iii) An order preventing the attacker from entering the
29 residence, school, business, or place of employment of the victim.

30 (iv) An order awarding the victim or the other parent custody
31 of or visitation with a minor child or children.

32 (v) An order restraining the attacker from molesting or
33 interfering with minor children in the custody of the victim.

34 (vi) An order directing the party not granted custody to pay
35 support of minor children, if that party has a legal obligation to do
36 so.

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

39 (viii) An order directing that either or both parties participate
40 in counseling.

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

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

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

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

18 (iii) A statement that sexual assault by a person who is known
19 to the victim, including sexual assault by a person who is the
20 spouse of the victim, is a crime.

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

24 (10) Writing of reports.

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

30 ~~SEC. 58.~~

31 *SEC. 48.* Section 13710 of the Penal Code is amended to read:

32 13710. (a) (1) As a best practice, law enforcement agencies
33 may maintain a complete and systematic record of all protection
34 orders with respect to domestic violence incidents, including orders
35 which have not yet been served, issued pursuant to Section 136.2,
36 restraining orders, and proofs of service in effect. This may be
37 used to inform law enforcement officers responding to domestic
38 violence calls of the existence, terms, and effective dates of
39 protection orders in effect.

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

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

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

12 ~~SEC. 59.~~

13 *SEC. 49.* Section 13730 of the Penal Code is amended to read:

14 13730. (a) As a best practice, each law enforcement agency
15 may develop a system, by January 1, 1986, for recording all
16 domestic violence-related calls for assistance made to the
17 department including whether weapons are involved. All domestic
18 violence-related calls for assistance may be supported with a
19 written incident report, as described in subdivision (c), identifying
20 the domestic violence incident. Monthly, the total number of
21 domestic violence calls received and the numbers of those cases
22 involving weapons may be compiled by each law enforcement
23 agency and submitted to the Attorney General.

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

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

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

38 (2) A notation of whether the officer or officers who responded
39 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.~~

14 *SEC. 50.* Section 10351 of the Public Contract Code is amended
15 to read:

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

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

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

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

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

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

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

1 approval as wide a range of classes or types of contracts as is
2 consistent with proper administrative controls and the best interests
3 of the state.

4 ~~SEC. 61.~~

5 *SEC. 51.* Section 12100 of the Public Contract Code is amended
6 to read:

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

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

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

24 (c) The Department of Technology shall have the final authority
25 in the determination of information technology procurement policy.

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

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

36 (f) Unless otherwise expressly provided, all contracts for the
37 acquisition of information technology goods or services, whether
38 by lease or purchase, shall be made by or under the supervision of
39 the Department of General Services.

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

4 ~~SEC. 62.~~

5 *SEC. 52.* Section 12100.5 of the Public Contract Code is
6 amended to read:

7 12100.5. The Regents of the University of California, the
8 Trustees of the California State University, and the Board of
9 Governors of the California Community Colleges shall not be
10 subject to this chapter except that the trustees shall develop policies
11 and procedures maintained in its state university administrative
12 manual and the board shall adopt policies and procedures
13 maintained in its administrative manual that further the legislative
14 policies for contracting expressed in this chapter but without the
15 involvement of the Director of Finance, the Director of General
16 Services, the Department of Finance, the Department of General
17 Services, the Director of Technology, or the Department of
18 Technology.

19 ~~SEC. 63.~~

20 *SEC. 53.* Section 12100.7 of the Public Contract Code is
21 amended to read:

22 12100.7. As used in this chapter:

23 (a) “Multiple award schedule” (MAS) is an agreement
24 established between the General Services Administration of the
25 United States and certain suppliers to do business under specific
26 prices, terms, and conditions for specified goods, information
27 technology, and services.

28 (b) “Multiple award” means a contract of indefinite quantity
29 for one or more similar goods, information technology, or services
30 to more than one supplier.

31 (c) “Procedures” means the rules, methods, and practices to be
32 followed in conducting information technology procurements.

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

35 (e) For purposes of this chapter, “value-effective acquisition”
36 may be defined to include, but not be limited to, the following:

37 (1) The operational cost that the state would incur if the bid or
38 proposal is accepted.

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

40 (3) Reliability of delivery and implementation schedules.

- 1 (4) The maximum facilitation of data exchange and systems
- 2 integration.
- 3 (5) Warranties, guarantees, and return policy.
- 4 (6) Supplier financial stability.
- 5 (7) Consistency of the proposed solution with the state's
- 6 planning documents and announced strategic program direction.
- 7 (8) Quality and effectiveness of business solution and approach.
- 8 (9) Industry and program experience.
- 9 (10) Prior record of supplier performance.
- 10 (11) Supplier expertise with engagements of similar scope and
- 11 complexity.
- 12 (12) Extent and quality of the proposed participation and
- 13 acceptance by all user groups.
- 14 (13) Proven development methodologies and tools.
- 15 (14) Innovative use of current technologies and quality results.
- 16 ~~SEC. 64.~~
- 17 *SEC. 54.* Section 12101 of the Public Contract Code is amended
- 18 to read:
- 19 12101. It is the intent of the Legislature that policies and
- 20 procedures developed by the Department of Technology and the
- 21 Department of General Services in accordance with this chapter
- 22 provide for the following:
- 23 (a) The expeditious and value-effective acquisition of
- 24 information technology goods and services to satisfy state
- 25 requirements.
- 26 (b) The acquisition of information technology goods and services
- 27 within a competitive framework.
- 28 (c) The delegation of authority by the Department of General
- 29 Services to each state agency that has demonstrated to the
- 30 department's satisfaction the ability to conduct value-effective
- 31 information technology goods and services acquisitions.
- 32 (d) The exclusion from state bid processes, at the state's option,
- 33 of any supplier having failed to meet prior contractual requirements
- 34 related to information technology goods and services.
- 35 (e) The review and resolution of protests submitted by any
- 36 bidders with respect to any information technology goods and
- 37 services acquisitions.
- 38 ~~SEC. 65.~~
- 39 *SEC. 55.* Section 12101.2 of the Public Contract Code is
- 40 amended to read:

1 12101.2. The Department of General Services shall prenegotiate
2 the repetitively used terms and conditions in the state's model
3 contract with each interested vendor who bids or proposes on
4 electronic data processing or telecommunications procurements.
5 The contract language shall be kept on file, as a matter of public
6 record, and shall remain operational until either the state or the
7 vendor provides 30 days' notice to the other party that new
8 negotiations are deemed appropriate.

9 If, for a particular procurement, the state seeks to make any
10 further changes to either the negotiated or the standard contract
11 language, or both, it shall identify those changes to each bidder or
12 proposer prior to the due date for the bid or proposal. If for a
13 particular procurement, a bidder or proposer seeks to propose a
14 negotiated change or standard contract language change, it shall
15 make this identification within the timeframe identified in the
16 solicitation document.

17 ~~SEC. 66.~~

18 *SEC. 56.* Section 12101.5 of the Public Contract Code is
19 amended to read:

20 12101.5. (a) It is the intent of the Legislature that agencies of
21 the state use an acquisition method that is compatible with their
22 short- and long-term fiscal needs in contracts relating to
23 commodities and information technology goods and services. State
24 agencies should be able to specify their anticipated life cycle
25 requirements that would become one of the criteria for contractor
26 selection. These agencies should be given the choice of suppliers
27 to meet statewide standardization needs, unique service
28 requirements, application requirements, and long-term satisfaction
29 criteria. There is a need for the state to enter into long-term
30 contracts with annual cancellation and fund-out clauses, as
31 required, to protect the state's interests as well as provide the option
32 for multiyear renewals to encourage suppliers to develop higher
33 levels of service and support throughout the contracts.

34 (b) The state may utilize multiple awards, including federal
35 General Service Administration Multiple Awards Schedules and
36 master agreements or contracts for goods, information technology,
37 services, or consulting services. For purposes of this subdivision,
38 a multiple award is an award of an indefinite quantity contract for
39 one or more similar goods, information technology, or services to
40 more than one supplier. Except for possible multiple awards as

1 permitted by this subdivision, and except as described in
2 subdivision (d), all the requirements of this chapter pertaining to
3 other types of information technology acquisitions shall be
4 followed. The Department of General Services shall administer
5 this section and ensure that multiple award schedules are in
6 compliance with all other applicable statutes.

7 (c) Notwithstanding any other provision of law, state agencies,
8 in exercising their contracting authority delegated by the
9 Department of General Services, may contract with suppliers who
10 have multiple award schedules with the General Services
11 Administration of the United States on the same terms, conditions,
12 and prices if the supplier is willing to do so. The Department of
13 General Services may also develop multiple award schedules or
14 agreements for use by state agencies in the same manner. The
15 Department of General Services shall determine the delegation
16 contracting authority for agencies wishing to use multiple award
17 schedules.

18 (d) For contracts related to information technology integration
19 or development projects that generate revenues or achieve savings
20 over a quantifiable baseline of existing costs, state agencies shall
21 consider and may incorporate performance-based or
22 share-in-savings contract terms to manage risks and create
23 incentives for successful contract performance. Performance-based
24 or share-in-savings contracts may have the following
25 characteristics, among others:

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

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

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

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

36 ~~SEC. 67.~~

37 *SEC. 57.* Section 12102 of the Public Contract Code is amended
38 to read:

39 12102. (a) The Department of General Services shall maintain,
40 in the State Administrative Manual, all policies and procedures

1 governing the acquisition and disposal of information technology
2 goods and services, including, but not limited to, the policies and
3 procedures that the Department of Technology is authorized to
4 establish for the acquisition of information technology projects.
5 The Department of Technology shall provide a link to information
6 technology policies and procedures in the State Administrative
7 Manual on the homepage of the Internet Web site.

8 (b) Except as specified in Section 12102.1, acquisition of
9 information technology goods and services shall be conducted
10 through competitive means, except when the Director of General
11 Services determines that (1) the goods and services proposed for
12 acquisition are the only goods and services which can meet the
13 state's need, or (2) the goods and services are needed in cases of
14 emergency where immediate acquisition is necessary for the
15 protection of the public health, welfare, or safety. The acquisition
16 mode to be used and the procedure to be followed shall be approved
17 by the Director of General Services. The Department of General
18 Services shall maintain, in the State Administrative Manual,
19 appropriate criteria and procedures to ensure compliance with the
20 intent of this chapter. These criteria and procedures shall include
21 acquisition and contracting guidelines to be followed by state
22 agencies with respect to the acquisition of information technology
23 goods and services. These guidelines may be in the form of
24 standard formats or model formats.

25 ~~SEC. 68.~~

26 *SEC. 58.* Section 12102.1 is added to the Public Contract Code,
27 to read:

28 12102.1. (a) The Department of Technology shall establish in
29 the State Administrative Manual all of the following:

30 (1) Policies governing the acquisition of information technology
31 projects.

32 (2) Procedures governing the acquisition of information
33 technology projects reportable under Chapter 4800 of the State
34 Administrative Manual and not delegated under subdivision (e)
35 of Section 12102.2.

36 (3) Policies and procedures governing the acquisition of
37 telecommunications goods and services, as authorized under
38 Section 12120.

39 (b) Acquisition of information technology goods and services
40 that are subject to subdivision (a) shall be conducted through

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

17 ~~SEC. 69.~~

18 *SEC. 59.* Section 12102.2 is added to the Public Contract Code,
19 to read:

20 12102.2. (a) Contract awards for all large-scale systems
21 integration projects shall be based on the proposal that provides
22 the most value-effective solution to the state’s requirements, as
23 determined by the evaluation criteria contained in the solicitation
24 document. Evaluation criteria for the acquisition of information
25 technology goods and services, including systems integration, shall
26 provide for the selection of a contractor on an objective basis not
27 limited to cost alone.

28 (1) The Department of Technology shall invite active
29 participation, review, advice, comment, and assistance from the
30 private sector and state agencies in developing procedures to
31 streamline and to make the acquisition process more efficient,
32 including, but not limited to, consideration of comprehensive
33 statements in the request for proposals of the business needs and
34 governmental functions, access to studies, planning documents,
35 feasibility study reports and draft requests for proposals applicable
36 to solicitations, minimizing the time and cost of the proposal
37 submittal and selection process, and development of a procedure
38 for submission and evaluation of a single proposal rather than
39 multiple proposals.

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

15 (b) The acquisition of hardware acquired independently of a
16 system integration project may be made on the basis of lowest cost
17 meeting all other specifications.

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

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

31 (e) Acquisition authority may be delegated by the Director of
32 General Services to any state agency that has been determined by
33 the Department of General Services to be capable of effective use
34 of that authority. This authority may be limited by the Department
35 of General Services. Acquisitions conducted under delegated
36 authority shall be reviewed by the Department of General Services
37 on a selective basis.

38 (f) To the extent practical, the solicitation documents shall
39 provide for a contract to be written to enable acquisition of
40 additional items to avoid essentially redundant acquisition

1 processes when it can be determined that it is economical to do
2 so.

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

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

35 (i) A supplier may be excluded from bid processes if the
36 supplier's performance with respect to a previously awarded
37 contract has been unsatisfactory, as determined by the state in
38 accordance with established procedures that shall be maintained
39 in the State Administrative Manual. This exclusion may not exceed
40 36 months for any one determination of unsatisfactory

1 performance. Any supplier excluded in accordance with this section
2 shall be reinstated as a qualified supplier at any time during this
3 36-month period, upon demonstrating to the Department of General
4 Services' satisfaction that the problems that resulted in the
5 supplier's exclusion have been corrected.

6 ~~SEC. 70.~~

7 *SEC. 60.* Section 12103 of the Public Contract Code is amended
8 to read:

9 12103. In addition to the mandatory requirements enumerated
10 in Sections 12102, 12102.1, and 12102.2, the acquisition policies
11 and procedures developed by the Department of Technology and
12 the Department of General Services in accordance with this chapter
13 may provide for the following:

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

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

19 (c) Requirement of a bond or assessment of a cost penalty with
20 respect to a contract or consideration of a contract offered by a
21 supplier whose performance has been determined unsatisfactory
22 in accordance with established procedures maintained in the State
23 Administrative Manual as required by Section 12102.

24 ~~SEC. 71.~~

25 *SEC. 61.* Section 12103.5 of the Public Contract Code is
26 amended to read:

27 12103.5. For those information technology purchases for which
28 the Department of General Services or the Department of
29 Technology determines that a request for proposal (RFP) is
30 appropriate, the controlling department, as specified under Section
31 12100, shall identify and document the following, with respect to
32 information technology procurements, prior to releasing the RFP:

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

35 (b) Identify the existing business processes currently used to
36 accomplish the legislative mandate, state business, or operational
37 reason.

38 (c) Identify the most important priorities for the information
39 technology project to accomplish.

1 (d) Identify what current technology is being used and how it
2 is being used.

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

7 (f) Identify how the new information technology project
8 leverages existing technology investments while accomplishing
9 its business objectives.

10 ~~SEC. 72.~~

11 *SEC. 62.* Section 12104 of the Public Contract Code is amended
12 to read:

13 12104. (a) (1) The State Contracting Manual shall set forth
14 all procedures and methods that shall be used by the state when
15 seeking to obtain bids for the acquisition of information technology.

16 (2) Revisions to the manual must be publicly announced,
17 including, but not limited to, postings on the Internet Web site
18 homepage of the Department of General Services. The Department
19 of Technology shall provide a link to the State Contracting Manual
20 on its Internet Web site homepage.

21 (b) The Department of General Services and the Department of
22 Technology in accordance with this chapter shall develop,
23 implement, and maintain standardized methods for the development
24 of all information technology requests for proposals.

25 (c) All information technology requests for proposals shall be
26 reviewed by the Department of Technology prior to release to the
27 public.

28 ~~SEC. 73.~~

29 *SEC. 63.* Section 12104.5 of the Public Contract Code is
30 amended to read:

31 12104.5. (a) All rules and requirements governing an
32 information technology acquisition, for which the Department of
33 General Services or the Department of Technology determines
34 that a request for proposal (RFP) is appropriate, shall be
35 communicated in writing to all vendors that have expressed an
36 intent to bid and shall be posted in a public location. Any changes
37 to the rules and requirements governing that RFP shall be
38 communicated in writing to all vendors that have expressed an
39 intent to bid and shall be posted in a public location. Requirements

1 other than those provided by law or outside of the published RFP
2 and posted addendums shall not be used to score bids.

3 (b) (1) All requests for proposals shall contain the following
4 statement:

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

8 (2) The Department of General Services shall post in the State
9 Contracting Manual instructions for including the statement
10 required by paragraph (1) in all affected contracts.

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

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

16 ~~SEC. 74.~~

17 *SEC. 64.* Section 12105 of the Public Contract Code is amended
18 to read:

19 12105. The Department of General Services and the Department
20 of Technology shall coordinate in the development of policies and
21 procedures that implement the intent of this chapter.

22 ~~SEC. 75.~~

23 *SEC. 65.* Section 12106 of the Public Contract Code is amended
24 to read:

25 12106. The Department of General Services and the Department
26 of Technology may, in addition to fulfilling the mandatory
27 requirements enumerated in Sections 12102, 12102.1, and 12102.2,
28 adopt such rules and regulations as are necessary for the purposes
29 of this chapter.

30 ~~SEC. 76.~~

31 *SEC. 66.* Section 12108 of the Public Contract Code is amended
32 to read:

33 12108. Until the time that the Department of General Services
34 and the Department of Technology have published in the State
35 Administrative Manual the procedures required in accordance with
36 Section 12102, acquisitions of information technology goods and
37 services shall be accomplished in accordance with either existing
38 State Administrative Manual procedures for the acquisition of
39 information technology goods and services, or Article 2
40 (commencing with Section 14790) of Chapter 6 of Part 5.5 of

1 Division 3 of Title 2 of the Government Code, as determined by
2 the Department of General Services.

3 ~~SEC. 77.~~

4 *SEC. 67.* Section 12109 of the Public Contract Code is amended
5 to read:

6 12109. The Director of General Services and the Director of
7 Technology may make the services of their respective departments
8 under this chapter available, upon the terms and conditions that
9 may be deemed satisfactory, to any tax-supported public agency
10 in the state, including a school district, for assisting the agency in
11 the acquisition of information technology goods or services.

12 ~~SEC. 78.~~

13 *SEC. 68.* Section 12112 of the Public Contract Code is amended
14 to read:

15 12112. (a) Any contract for information technology goods or
16 services, to be manufactured or performed by the contractor
17 especially for the state and not suitable for sale to others in the
18 ordinary course of the contractor's business may provide, on the
19 terms and conditions that the controlling department, as specified
20 in Section 12100, deems necessary to protect the state's interests,
21 for progress payments for work performed and costs incurred at
22 the contractor's shop or plant, provided that not less than 10 percent
23 of the contract price is required to be withheld until final delivery
24 and acceptance of the goods or services. Notwithstanding this
25 subdivision, if the department determines that lesser withholding
26 levels are appropriate based upon an evaluation of risk determined
27 under subdivision (b) and the contract price is ten million dollars
28 (\$10,000,000) or more, the department shall withhold no less than
29 5 percent of the contract price until final delivery and acceptance
30 of the goods or services. If the department determines that lesser
31 withholding levels are appropriate based on an evaluation of risk
32 determined under subdivision (b) and the contract price is less than
33 ten million dollars (\$10,000,000), the department shall withhold
34 no less than 3 percent of the contract price until final delivery and
35 acceptance of the goods or services.

36 (b) The Department of General Services, in consultation with
37 the Department of Finance, shall develop and maintain criteria for
38 the evaluation of risk to the state that results from the acquisition
39 of information technology. This risk analysis shall determine the

1 need for financial protection that is in the best interest of the state,
2 including, but not limited to, any of the following:

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

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

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

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

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

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

16 ~~SEC. 79.~~

17 *SEC. 69.* Section 12120 of the Public Contract Code is amended
18 to read:

19 12120. The Legislature finds and declares that, with the advent
20 of deregulation in the telecommunications industry, substantial
21 cost savings can be realized by the state through the specialized
22 evaluation and acquisition of alternative telecommunications
23 systems. Any contract for the acquisition of telecommunications
24 services and any contract for the acquisition of telecommunications
25 goods, whether by lease or purchase, shall be made by, or under
26 the supervision of, the Department of Technology. Any acquisition
27 shall be accomplished in accordance with Chapter 3 (commencing
28 with Section 12100), relating to the acquisition of information
29 technology goods and services, except to the extent any directive
30 or provision is uniquely applicable to information technology
31 acquisitions. The Department of Technology shall have
32 responsibility for the establishment of policy and procedures for
33 telecommunications. The Trustees of the California State
34 University and the Board of Governors of the California
35 Community Colleges shall assume the functions of the agency
36 with regard to acquisition of telecommunications goods and
37 services by the California State University and the California
38 Community Colleges, respectively. The trustees and the board
39 shall each grant to the agency an opportunity to bid whenever the

1 university or the college system solicits bids for
2 telecommunications goods and services.

3 ~~SEC. 80.~~

4 *SEC. 70.* Section 12121 of the Public Contract Code is repealed.

5 ~~SEC. 81.~~

6 *SEC. 71.* 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.~~

14 *SEC. 72.* Section 12126 of the Public Contract Code is amended
15 to read:

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

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

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

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

1 (2) The Department of General Services, in bid protests for
2 procurements it conducts or supervises, shall review the protest
3 within seven days of the filing date to determine if the protest is
4 frivolous. If determined to be frivolous, the protest shall not
5 proceed under this chapter until the bidder posts a protest bond in
6 an amount not less than 10 percent of the estimated contract value,
7 as determined by the Department of General Services in the
8 solicitation.

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

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

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.~~

35 *SEC. 73.* Section 12128 of the Public Contract Code is amended
36 to read:

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

1 (a) Information technology and ancillary services.

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

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

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

15 ~~SEC. 85.~~

16 *SEC. 74.* Section 75121 of the Public Resources Code is
17 amended to read:

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

29 (b) Staff for the council shall be reflective of the council's
30 membership.

31 ~~SEC. 86.~~

32 *SEC. 75.* Section 2872.5 of the Public Utilities Code is amended
33 to read:

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

1 for notification systems or standard notification protocol unless it
2 determines that the benefits of the standards 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:~~

9 *SEC. 76.* Section 2892 of the Public Utilities Code is amended
10 to read:

11 2892. (a) A provider of commercial mobile radio service, as
12 defined in Section 216.8, shall provide access for end users of that
13 service to the local emergency telephone systems described in the
14 Warren-911-Emergency Assistance Act (Article 6 (commencing
15 with Section 53100) of Chapter 1 of Part 1 of Division 2 of Title
16 5 of the Government Code). “911” shall be the primary access
17 number for those emergency systems. A provider of commercial
18 mobile radio service, in accordance with all applicable Federal
19 Communication Commission orders, shall transmit all “911” calls
20 from technologically compatible commercial mobile radio service
21 communication devices without requiring user validation or any
22 similar procedure. A provider of commercial mobile radio service
23 may not charge any airtime, access, or similar usage charge for
24 any “911” call placed from a commercial mobile radio service
25 telecommunications device to a local emergency telephone system.

26 (b) A “911” call from a commercial mobile radio service
27 telecommunications device may be routed to a public safety
28 answering point other than the Department of the California
29 Highway Patrol only if the alternate routing meets all of the
30 following requirements:

31 (1) The “911” call originates from a location other than from a
32 freeway, as defined in Section 23.5 of the Streets and Highways
33 Code, under the jurisdiction of the Department of the California
34 Highway Patrol.

35 (2) The alternate routing is economically and technologically
36 feasible.

37 (3) The alternate routing will benefit public safety and reduce
38 burdens on dispatchers for the Department of the California
39 Highway Patrol.

1 (4) The Department of the California Highway Patrol, the Office
2 of Emergency Services, and the proposed alternate public safety
3 answering point, in consultation with the wireless industry,
4 providers of “911” selective routing service, and local law
5 enforcement officials, determine that it is in the best interest of the
6 public and will provide more effective emergency service to the
7 public to route “911” calls that do not originate from a freeway,
8 as defined in Section 23.5 of the Streets and Highways Code, under
9 the jurisdiction of the Department of the California Highway Patrol
10 to another public safety answering point.

11 ~~SEC. 88.~~

12 *SEC. 77.* Section 2892.1 of the Public Utilities Code is amended
13 to read:

14 2892.1. (a) For purposes of this section, “telecommunications
15 service” means voice communication provided by a telephone
16 corporation as defined in Section 234, voice communication
17 provided by a provider of satellite telephone services, voice
18 communication provided by a provider of mobile telephony service,
19 as defined in Section 2890.2, and voice communication provided
20 by a commercially available facilities-based provider of voice
21 communication services utilizing voice over Internet Protocol or
22 any successor protocol.

23 (b) The commission, in consultation with the Office of
24 Emergency Services, shall open an investigative or other
25 appropriate proceeding to identify the need for telecommunications
26 service systems not on the customer’s premises to have backup
27 electricity to enable telecommunications networks to function and
28 to enable the customer to contact a public safety answering point
29 operator during an electrical outage, to determine performance
30 criteria for backup systems, and to determine whether the best
31 practices recommended by the Network Reliability and
32 Interoperability Council in December 2005, for backup systems
33 have been implemented by telecommunications service providers
34 operating in California. If the commission determines it is in the
35 public interest, the commission shall, consistent with subdivisions
36 (c) and (d), develop and implement performance reliability
37 standards.

38 (c) The commission, in developing any standards pursuant to
39 the proceeding required by subdivision (b), shall consider current

1 best practices and technical feasibility for establishing battery
2 backup requirements.

3 (d) The commission shall not implement standards pursuant to
4 the proceeding required by subdivision (b) unless it determines
5 that the benefits of the standards exceed the costs.

6 (e) The commission shall determine the feasibility of the use of
7 zero greenhouse gas emission fuel cell systems to replace diesel
8 backup power systems.

9 (f) Before January 1, 2008, the commission shall prepare and
10 submit to the Legislature a report on the results of the proceeding.

11 ~~SEC. 89. Section 11908.1 of the Public Utilities Code is~~
12 ~~amended to read:~~

13 ~~11908.1. (a) Notwithstanding Section 11908, a district with a~~
14 ~~board having seven directors may provide, by resolution or~~
15 ~~ordinance, that each director shall receive compensation in an~~
16 ~~amount not to exceed one hundred dollars (\$100) per day for each~~
17 ~~day's attendance at public meetings of the board or for each day's~~
18 ~~service rendered as a director by request of the board, not exceeding~~
19 ~~a total of six days in any calendar month, or, in lieu of that~~
20 ~~compensation, a salary of not to exceed six hundred dollars (\$600)~~
21 ~~per month subject to annual adjustments pursuant to subdivision~~
22 ~~(b). The resolution or ordinance may also authorize reimbursement~~
23 ~~for any expenses incurred in the performance of a director's duties~~
24 ~~required or authorized by the board. No resolution or ordinance~~
25 ~~establishing compensation pursuant to this subdivision shall~~
26 ~~provide for any automatic increase in that compensation.~~

27 ~~(b) Any district which adopts salaries for directors pursuant to~~
28 ~~subdivision (a) may increase those salaries by not more than 5~~
29 ~~percent for each calendar year following the operative date of the~~
30 ~~last adjustment, commencing with the calendar year following~~
31 ~~adoption of the salary or increase.~~

32 ~~(c) Reimbursement for these expenses is subject to Sections~~
33 ~~53232.2 and 53232.3 of the Government Code.~~

34 ~~SEC. 90. Section 11908.2 of the Public Utilities Code is~~
35 ~~amended to read:~~

36 ~~11908.2. Notwithstanding Section 11908, the board of a district~~
37 ~~which has owned and operated an electric distribution system for~~
38 ~~at least eight years and has a population of 250,000 or more may~~
39 ~~provide, by ordinance or resolution, that each director shall receive~~
40 ~~compensation in an amount not to exceed one hundred dollars~~

1 (~~\$100~~) per day for each day's attendance at public meetings of the
2 board or for each day's service rendered as a director by request
3 of the board, not exceeding a total of 10 days in any calendar
4 month. The ordinance or resolution may also authorize
5 reimbursement for any expenses incurred in the performance of
6 the director's duties required or authorized by the board. The board
7 may, by resolution or ordinance, increase the compensation per
8 day by not more than 5 percent for each calendar year following
9 the operative date of the last adjustment, commencing with the
10 1988 calendar year. No resolution or ordinance establishing
11 compensation pursuant to this subdivision shall provide for any
12 automatic increase in that compensation. For purposes of this
13 section, the determination of whether a director's activities on any
14 specific day are compensable shall be made pursuant to Article
15 2.3 (commencing with Section 53232) of Chapter 2 of Part 1 of
16 Division 2 of Title 5 of the Government Code. Reimbursement for
17 these expenses is subject to Sections 53232.2 and 53232.3 of the
18 Government Code.

19 ~~SEC. 91.~~ Section 22407 of the Public Utilities Code is amended
20 to read:

21 ~~22407.~~ Each member of the board of directors may receive
22 compensation in an amount not to exceed one hundred dollars
23 (~~\$100~~) for each attendance at the meeting of the board held within
24 the district, which amount shall be fixed from time to time by the
25 board. No director, however, shall receive pay for more than four
26 meetings in any calendar month.

27 Each director may be allowed, with the approval of the board,
28 travel and other expenses necessarily incurred by the member in
29 the performance of the member's duties. For purposes of this
30 section, the determination of whether a director's activities on any
31 specific day are compensable shall be made pursuant to Article
32 2.3 (commencing with Section 53232) of Chapter 2 of Part 1 of
33 Division 2 of Title 5 of the Government Code. Reimbursement for
34 these expenses is subject to Sections 53232.2 and 53232.3 of the
35 Government Code.

36 ~~SEC. 92.~~

37 ~~SEC. 78.~~ Section 41030 of the Revenue and Taxation Code is
38 amended to read:

39 41030. The Office of Emergency Services shall determine
40 annually, on or before October 1, a surcharge rate that it estimates

1 will produce sufficient revenue to fund the current fiscal year's
2 911 costs. The surcharge rate shall be determined by dividing the
3 costs (including incremental costs) the Office of Emergency
4 Services estimates for the current fiscal year of 911 plans approved
5 pursuant to Section 53115 of the Government Code, less the
6 available balance in the State Emergency Telephone Number
7 Account in the General Fund, by its estimate of the charges for
8 intrastate telephone communications services and VoIP service to
9 which the surcharge will apply for the period of January 1 to
10 December 31, inclusive, of the next succeeding calendar year, but
11 in no event shall such surcharge rate in any year be greater than
12 three-quarters of 1 percent nor less than one-half of 1 percent.

13 ~~SEC. 93.~~

14 *SEC. 79.* Section 41031 of the Revenue and Taxation Code is
15 amended to read:

16 41031. The Office of Emergency Services shall make its
17 determination of the surcharge rate each year no later than October
18 1 and shall notify the board of the new rate, which shall be fixed
19 by the board to be effective with respect to charges made for
20 intrastate telephone communication services and VoIP service on
21 or after January 1 of the next succeeding calendar year.

22 ~~SEC. 94.~~

23 *SEC. 80.* Section 41032 of the Revenue and Taxation Code is
24 amended to read:

25 41032. Immediately upon notification by the Office of
26 Emergency Services and fixing the surcharge rate, the board shall
27 each year no later than November 15 publish in its minutes the
28 new rate, and it shall notify by mail every service supplier
29 registered with it of the new rate.

30 ~~SEC. 95.~~

31 *SEC. 81.* Section 41136 of the Revenue and Taxation Code is
32 amended to read:

33 41136. Funds in the State Emergency Telephone Number
34 Account shall, when appropriated by the Legislature, be spent
35 solely for the following purposes:

36 (a) A minimum of one-half of 1 percent of the charges for
37 intrastate telephone communications services and VoIP service to
38 which the surcharge applies, as follows:

39 (1) To pay refunds authorized by this part.

1 (2) To pay the State Board of Equalization for the cost of the
2 administration of this part.

3 (3) To pay the Office of Emergency Services for its costs in
4 administration of the “911” emergency telephone number system.

5 (4) To pay bills submitted to the Office of Emergency Services
6 by service suppliers or communications equipment companies for
7 the 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
28 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.

1 ~~SEC. 96.~~

2 *SEC. 82.* Section 41136.1 of the Revenue and Taxation Code
3 is amended to read:

4 41136.1. For each fiscal year, moneys in the State Emergency
5 Telephone Number Account not appropriated for a purpose
6 specified in Section 41136 shall be held in trust for future
7 appropriation for upcoming, planned “911” emergency telephone
8 number projects that have been approved by the Office of
9 Emergency Services, even if the projects have not yet commenced.

10 ~~SEC. 97.~~

11 *SEC. 83.* Section 41137 of the Revenue and Taxation Code is
12 amended to read:

13 41137. The Office of Emergency Services shall pay, from funds
14 appropriated from the State Emergency Telephone Number
15 Account by the Legislature, as provided in Section 41138, bills
16 submitted by service suppliers or communications equipment
17 companies for the installation and ongoing costs of the following
18 communication services provided local agencies by service
19 suppliers in connection with the “911” emergency telephone
20 number system:

21 (a) A basic system.

22 (b) A basic system with telephone central office identification.

23 (c) A system employing automatic call routing.

24 (d) Approved incremental costs that have been concurred in by
25 the Office of Emergency Services.

26 ~~SEC. 98.~~

27 *SEC. 84.* Section 41137.1 of the Revenue and Taxation Code
28 is amended to read:

29 41137.1. The Office of Emergency Services shall pay, from
30 funds appropriated from the State Emergency Telephone Number
31 Account by the Legislature, as provided in Section 41138, claims
32 submitted by local agencies for approved incremental costs and
33 for the cost of preparation of final plans submitted to the Office
34 of Emergency Services for approval on or before October 1, 1978,
35 as provided in Section 53115 of the Government Code.

36 ~~SEC. 99.~~

37 *SEC. 85.* Section 41138 of the Revenue and Taxation Code is
38 amended to read:

39 41138. (a) It is the intent of the Legislature that the
40 reimbursement rates for “911” emergency telephone number

1 equipment shall not exceed specified amounts negotiated with
2 each interested supplier and approved by the Office of Emergency
3 Services. The Office of Emergency Services shall negotiate supplier
4 pricing to ensure cost effectiveness and the best value for the “911”
5 emergency telephone number system. The Office of Emergency
6 Services shall pay those bills as provided in Section 41137 only
7 under the following conditions:

8 (1) The Office of Emergency Services shall have received the
9 local agency’s “911” emergency telephone number system plan
10 by July 1 of the prior fiscal year and approved the plan by October
11 1 of the prior fiscal year.

12 (2) The Legislature has appropriated in the Budget Bill an
13 amount sufficient to pay those bills.

14 (3) The Office of Emergency Services has reviewed and
15 approved each line item of a request for funding to ensure the
16 necessity of the proposed equipment or services and the eligibility
17 for reimbursement.

18 (4) The amounts to be paid do not exceed the pricing submitted
19 by the supplier and approved by the Office of Emergency Services.
20 Extraordinary circumstances may warrant spending in excess of
21 the established rate, but shall be preapproved by the Office of
22 Emergency Services. In determining the reimbursement rate, the
23 Office of Emergency Services shall utilize the approved pricing
24 submitted by the supplier providing the equipment or service.

25 (b) This section shall not be construed to limit an agency’s
26 ability to select a supplier or procure telecommunications
27 equipment as long as the supplier’s pricing is preapproved by the
28 Office of Emergency Services. Agencies shall be encouraged to
29 procure equipment on a competitive basis. Any amount in excess
30 of the pricing approved by the Office of Emergency Services shall
31 not be reimbursed.

32 ~~SEC. 100.~~

33 *SEC. 86.* Section 41139 of the Revenue and Taxation Code is
34 amended to read:

35 41139. From funds appropriated by the Legislature from the
36 Emergency Telephone Number Account, the Office of Emergency
37 Services shall begin paying bills as provided in Sections 41137,
38 41137.1, and 41138 in the 1977–78 fiscal year for plans submitted
39 by local agencies by July 1, 1976, to the Office of Emergency
40 Services which the Office of Emergency Services has approved.

1 ~~SEC. 101.~~

2 *SEC. 87.* Section 41140 of the Revenue and Taxation Code is
3 amended to read:

4 41140. The Office of Emergency Services shall reimburse local
5 agencies, from funds appropriated from the Emergency Telephone
6 Number Account by the Legislature, for amounts not previously
7 compensated for by another governmental agency, which have
8 been paid by agencies for approved incremental costs or to service
9 suppliers or communication equipment companies for the following
10 communications services supplied in connection with the “911”
11 emergency telephone number, provided local agency plans had
12 been approved by the Office of Emergency Services:

- 13 (a) A basic system.
- 14 (b) A basic system with telephone central office identification.
- 15 (c) A system employing automatic call routing.
- 16 (d) Approved incremental costs.

17 ~~SEC. 102.~~

18 *SEC. 88.* Section 41141 of the Revenue and Taxation Code is
19 amended to read:

20 41141. Claims for reimbursement shall be submitted by local
21 agencies to the Office of Emergency Services, which shall
22 determine payment eligibility and shall reduce the claim for charges
23 that exceed the approved incremental costs, approved contract
24 amounts, or the established tariff rates for costs. No claim shall be
25 paid until funds are appropriated by the Legislature.

26 ~~SEC. 103.~~

27 *SEC. 89.* Section 41142 of the Revenue and Taxation Code is
28 amended to read:

29 41142. Notwithstanding any other provision of this article, if
30 the Legislature fails to appropriate an amount sufficient to pay
31 bills submitted to the Office of Emergency Services by service
32 suppliers or communications equipment companies for the
33 installation and ongoing communications services supplied local
34 agencies in connection with the “911” emergency telephone
35 number system, and to pay claims of local agencies which, prior
36 to the effective date of this part, paid amounts to service suppliers
37 or communications equipment companies for the installation and
38 ongoing expenses in connection with the “911” emergency
39 telephone number system, the obligation of service suppliers and
40 local agencies to provide “911” emergency telephone service shall

1 terminate and service shall not again be required until the
2 Legislature has appropriated an amount sufficient to pay those
3 bills or claims. This part shall not preclude local agencies from
4 purchasing or acquiring any communication equipment from
5 companies other than the telephone service suppliers.

6 ~~SEC. 104.~~

7 *SEC. 90.* Section 5066 of the Vehicle Code is amended to read:

8 5066. (a) The department, in conjunction with the California
9 Highway Patrol, shall design and make available for issuance
10 pursuant to this article the California memorial license plate.
11 Notwithstanding Section 5060, the California memorial license
12 plate may be issued in a combination of numbers or letters, or both,
13 as requested by the applicant for the plates. A person described in
14 Section 5101, upon payment of the additional fees set forth in
15 subdivision (b), may apply for and be issued a set of California
16 memorial license plates.

17 (b) In addition to the regular fees for an original registration or
18 renewal of registration, the following additional fees shall be paid
19 for the issuance, renewal, retention, or transfer of the California
20 memorial license plates authorized pursuant to this section:

21 (1) For the original issuance of the plates, fifty dollars (\$50).

22 (2) For a renewal of registration of the plates or retention of the
23 plates, if renewal is not required, forty dollars (\$40).

24 (3) For transfer of the plates to another vehicle, fifteen dollars
25 (\$15).

26 (4) For each substitute replacement plate, thirty-five dollars
27 (\$35).

28 (5) In addition, for the issuance of an environmental license
29 plate, as defined in Section 5103, the additional fees required
30 pursuant to Sections 5106 and 5108 shall be deposited
31 proportionately in the funds described in subdivision (c).

32 (c) The department shall deposit the additional revenue derived
33 from the issuance, renewal, transfer, and substitution of California
34 memorial license plates as follows:

35 (1) Eighty-five percent in the Antiterrorism Fund, which is
36 hereby created in the General Fund.

37 (A) Upon appropriation by the Legislature, one-half of the
38 money in the fund shall be allocated by the Controller to the Office
39 of Emergency Services to be used solely for antiterrorism activities.
40 The office shall not use more than 5 percent of the money

1 appropriated for local antiterrorism efforts for administrative
2 purposes.

3 (B) Upon appropriation by the Legislature in the annual Budget
4 Act or in another statute, one-half of the money in the fund shall
5 be used solely for antiterrorism activities.

6 (2) Fifteen percent in the California Memorial Scholarship Fund,
7 which is hereby established in the General Fund. Money deposited
8 in this fund shall be administered by the Scholarshare Investment
9 Board, and shall be available, upon appropriation in the annual
10 Budget Act or in another statute, for distribution or encumbrance
11 by the board pursuant to Article 21.5 (commencing with Section
12 70010) of Chapter 2 of Part 42 of the Education Code.

13 (d) The department shall deduct its costs to administer, but not
14 to develop, the California memorial license plate program. The
15 department may utilize an amount of money, not to exceed fifty
16 thousand dollars (\$50,000) annually, derived from the issuance,
17 renewal, transfer, and substitution of California memorial license
18 plates for the continued promotion of the California memorial
19 license plate program of this section.

20 (e) For the purposes of this section, “antiterrorism activities”
21 means activities related to the prevention, detection, and emergency
22 response to terrorism that are undertaken by state and local law
23 enforcement, fire protection, and public health agencies. The funds
24 provided for these activities, to the extent that funds are available,
25 shall be used exclusively for purposes directly related to fighting
26 terrorism. Eligible activities include, but are not limited to, hiring
27 support staff to perform administrative tasks, hiring and training
28 additional law enforcement, fire protection, and public health
29 personnel, response training for existing and additional law
30 enforcement, fire protection, and public health personnel, and
31 hazardous materials and other equipment expenditures.

32 (f) Beginning January 1, 2007, and each January 1 thereafter,
33 the department shall determine the number of currently outstanding
34 and valid California memorial license plates. If that number is less
35 than 7,500 in any year, then the department shall no longer issue
36 or replace those plates.

37 ~~SEC. 105. Section 21166 of the Water Code is amended to~~
38 ~~read:~~

1 ~~21166. Notwithstanding any other provision of law, a director,~~
2 ~~for sitting on the board or acting under its orders, may receive~~
3 ~~either or both of the following:~~

4 ~~(a) (1) Except as specified in paragraphs (2) and (3),~~
5 ~~compensation not to exceed one hundred dollars (\$100) per day,~~
6 ~~not exceeding six days in any calendar month.~~

7 ~~(2) In districts that produce or distribute electric power, one of~~
8 ~~the following methods of compensation:~~

9 ~~(A) Compensation not to exceed one hundred dollars (\$100)~~
10 ~~per day.~~

11 ~~(B) A monthly salary of not to exceed six hundred dollars (\$600)~~
12 ~~per month.~~

13 ~~(C) Annual compensation not to exceed fifteen thousand dollars~~
14 ~~(\$15,000). Any annual compensation pursuant to this subparagraph~~
15 ~~shall be fixed by the adoption of an ordinance pursuant to Sections~~
16 ~~20203 to 20207, inclusive.~~

17 ~~(3) Districts containing 500,000 acres or more are governed by~~
18 ~~Section 22840.~~

19 ~~(b) Actual and necessary expenses when acting under the orders~~
20 ~~of the board.~~

21 ~~For purposes of this section, the determination of whether a~~
22 ~~director's activities on any specific day are compensable shall be~~
23 ~~made pursuant to Article 2.3 (commencing with Section 53232)~~
24 ~~of Chapter 2 of Part 1 of Division 2 of Title 5 of the Government~~
25 ~~Code. Reimbursement for these expenses is subject to Sections~~
26 ~~53232.2 and 53232.3 of the Government Code.~~

27 ~~SEC. 106. Section 30507 of the Water Code is amended to~~
28 ~~read:~~

29 ~~30507. Each director may receive compensation in an amount~~
30 ~~not to exceed one hundred dollars (\$100) per day for each day's~~
31 ~~attendance at meetings of the board or for each day's service~~
32 ~~rendered as a director by request of the board, not exceeding a~~
33 ~~total of six days in any calendar month. Each director may also~~
34 ~~receive reimbursement for any expenses incurred in the~~
35 ~~performance of his or her duties required or authorized by the~~
36 ~~board. For purposes of this section, the determination of whether~~
37 ~~a director's activities on any specific day are compensable shall~~
38 ~~be made pursuant to Article 2.3 (commencing with Section 53232)~~
39 ~~of Chapter 2 of Part 1 of Division 2 of Title 5 of the Government~~

1 Code. Reimbursement for these expenses is subject to Sections
2 53232.2 and 53232.3 of the Government Code.

3 ~~SEC. 107. Section 30507.1 of the Water Code is amended to~~
4 ~~read:~~

5 ~~30507.1. Each director of the Contra Costa Water District may~~
6 ~~receive compensation in an amount not to exceed one hundred~~
7 ~~dollars (\$100) per day for each day's attendance at meetings of~~
8 ~~the board and for each day's service rendered as a director by~~
9 ~~request of the board, not exceeding a total of 10 days in any~~
10 ~~calendar month. Each director may also receive reimbursement~~
11 ~~for any expenses incurred in the performance of duties required~~
12 ~~or authorized by the board. For purposes of this section, the~~
13 ~~determination of whether a director's activities on any specific~~
14 ~~day are compensable shall be made pursuant to Article 2.3~~
15 ~~(commencing with Section 53232) of Chapter 2 of Part 1 of~~
16 ~~Division 2 of Title 5 of the Government Code. Reimbursement for~~
17 ~~these expenses is subject to Sections 53232.2 and 53232.3 of the~~
18 ~~Government Code.~~

19 ~~SEC. 108. Section 34741 of the Water Code is amended to~~
20 ~~read:~~

21 ~~34741. Until their compensation is fixed by the adoption of~~
22 ~~bylaws, the officers may receive the following compensation for~~
23 ~~their services:~~

24 ~~(a) The secretary, tax collector, treasurer, and assessor, such~~
25 ~~sums as shall be fixed by the board.~~

26 ~~(b) Each director may receive compensation in an amount not~~
27 ~~to exceed one hundred dollars (\$100) per day for each day's~~
28 ~~attendance at meetings of the board or for each day's service~~
29 ~~rendered as a director by request of the board, not exceeding a~~
30 ~~total of six days in any calendar month. Each director may also~~
31 ~~receive reimbursement for any expenses incurred in the~~
32 ~~performance of his or her duties required or authorized by the~~
33 ~~board. For purposes of this section, the determination of whether~~
34 ~~a director's activities on any specific day are compensable shall~~
35 ~~be made pursuant to Article 2.3 (commencing with Section 53232)~~
36 ~~of Chapter 2 of Part 1 of Division 2 of Title 5 of the Government~~
37 ~~Code. Reimbursement for these expenses is subject to Sections~~
38 ~~53232.2 and 53232.3 of the Government Code.~~

39 ~~SEC. 109. Section 40355 of the Water Code is amended to~~
40 ~~read:~~

1 ~~40355. (a) A director, when sitting on the board or acting under~~
2 ~~its orders, may receive not exceeding:~~

3 ~~(1) One hundred dollars (\$100) per day, not exceeding six days~~
4 ~~in any calendar month.~~

5 ~~(2) Actual and necessary expenses while engaged in official~~
6 ~~business under the order of the board.~~

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

12 ~~(c) Reimbursement for these expenses is subject to Sections~~
13 ~~53232.2 and 53232.3 of the Government Code.~~

14 ~~SEC. 110. Section 50605 of the Water Code is amended to~~
15 ~~read:~~

16 ~~50605. (a) Each member of the board may receive such~~
17 ~~compensation for services actually and necessarily performed as~~
18 ~~the board determines to be just and reasonable, and may be~~
19 ~~reimbursed for expenses necessarily incurred in the performance~~
20 ~~of his duties as trustee.~~

21 ~~(b) For purposes of this section, the determination of whether~~
22 ~~a director's activities on any specific day are compensable shall~~
23 ~~be made pursuant to Article 2.3 (commencing with Section 53232)~~
24 ~~of Chapter 2 of Part 1 of Division 2 of Title 5 of the Government~~
25 ~~Code. Reimbursement for these expenses is subject to Sections~~
26 ~~53232.2 and 53232.3 of the Government Code.~~

27 ~~SEC. 111. Section 56031 of the Water Code is amended to~~
28 ~~read:~~

29 ~~56031. The district board may fix the amount of compensation~~
30 ~~per meeting to be paid each member of the board for his or her~~
31 ~~services for each meeting attended by him or her; provided, that~~
32 ~~the compensation shall not exceed ten dollars (\$10) for each~~
33 ~~meeting of the district board attended by him or her. The board~~
34 ~~may also authorize a member to be reimbursed for expenses~~
35 ~~necessarily incurred by him or her in traveling between his or her~~
36 ~~place of residence and the place of meeting. However, no member~~
37 ~~shall receive compensation for attending more than three meetings~~
38 ~~of the board during any calendar month. This compensation shall~~
39 ~~be in addition to any other fees or compensation allowed by law~~
40 ~~for the other official positions specified in Section 56030 that are~~

1 occupied by members of the district board. For purposes of this
2 section, the determination of whether a director's activities on any
3 specific day are compensable shall be made pursuant to Article
4 2.3 (commencing with Section 53232) of Chapter 2 of Part 1 of
5 Division 2 of Title 5 of the Government Code. Reimbursement for
6 these expenses is subject to Sections 53232.2 and 53232.3 of the
7 Government Code.

8 SEC. 112. Section 60143 of the Water Code is amended to
9 read:

10 60143. Each director may receive compensation in an amount
11 not exceeding one hundred dollars (\$100) for each day's attendance
12 at meetings of the board or for each day's service rendered as a
13 director by request of the board, not exceeding a total of six days
14 in any calendar month. Each director may also receive
15 reimbursement for any expenses incurred in the performance of
16 his or her duties required or authorized by the board. For purposes
17 of this section, the determination of whether a director's activities
18 on any specific day are compensable shall be made pursuant to
19 Article 2.3 (commencing with Section 53232) of Chapter 2 of Part
20 1 of Division 2 of Title 5 of the Government Code. Reimbursement
21 for these expenses is subject to Sections 53232.2 and 53232.3 of
22 the Government Code.

23 SEC. 113. Section 70078 of the Water Code is amended to
24 read:

25 70078. Each member of the board may receive compensation
26 for services actually and necessarily performed, as the board
27 determines to be just and reasonable, and may be reimbursed for
28 expenses necessarily incurred in the performance of his or her
29 duties as director. The salaries of all officers and employees of the
30 district shall be fixed and determined by the directors. The board
31 of directors shall fix the compensation that the election officers
32 shall receive for district elections. For purposes of this section, the
33 determination of whether a director's activities on any specific
34 day are compensable shall be made pursuant to Article 2.3
35 (commencing with Section 53232) of Chapter 2 of Part 1 of
36 Division 2 of Title 5 of the Government Code. Reimbursement for
37 these expenses is subject to Sections 53232.2 and 53232.3 of the
38 Government Code.

39 SEC. 114. Section 71255 of the Water Code is amended to
40 read:

1 ~~71255. Each director may receive compensation in an amount~~
2 ~~not to exceed one hundred dollars (\$100) per day for each day's~~
3 ~~attendance at meetings of the board or for each day's service~~
4 ~~rendered as a director by request of the board, not exceeding a~~
5 ~~total of six days in any calendar month. Each director may also~~
6 ~~receive reimbursement for any expenses incurred in the~~
7 ~~performance of his or her duties required or authorized by the~~
8 ~~board. For purposes of this section, the determination of whether~~
9 ~~a director's activities on any specific day are compensable shall~~
10 ~~be made pursuant to Article 2.3 (commencing with Section 53232)~~
11 ~~of Chapter 2 of Part 1 of Division 2 of Title 5 of the Government~~
12 ~~Code. Reimbursement for these expenses is subject to Sections~~
13 ~~53232.2 and 53232.3 of the Government Code.~~

14 ~~SEC. 115. Section 74208 of the Water Code is amended to~~
15 ~~read:~~

16 ~~74208. Each director may receive compensation in an amount~~
17 ~~not to exceed one hundred dollars (\$100) per day for each day's~~
18 ~~attendance at meetings of the board or for each day's service~~
19 ~~rendered as a director by request of the board, not exceeding a~~
20 ~~total of six days in any calendar month. Each director may also~~
21 ~~receive reimbursement for any expenses incurred in the~~
22 ~~performance of his or her duties required or authorized by the~~
23 ~~board. 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. 116.~~

30 ~~SEC. 91. Section 656.2 of the Welfare and Institutions Code~~
31 ~~is amended to read:~~

32 ~~656.2. (a) (1) Notwithstanding any other law, a victim shall~~
33 ~~have the right to present a victim impact statement in all juvenile~~
34 ~~court hearings concerning petitions filed pursuant to Section 602~~
35 ~~alleging the commission of any criminal offense. In any case in~~
36 ~~which a minor is alleged to have committed a criminal offense,~~
37 ~~the probation officer shall inform the victim of the rights of victims~~
38 ~~to submit a victim impact statement. If the victim exercises the~~
39 ~~right to submit a victim impact statement to the probation officer,~~
40 ~~the probation officer is encouraged to include the statement in his~~

1 or her social study submitted to the court pursuant to Section 706
2 and, if applicable, in his or her report submitted to the court
3 pursuant to Section 707. The probation officer also shall advise
4 those persons as to the time and place of the disposition hearing
5 to be conducted pursuant to Sections 702 and 706; any fitness
6 hearing to be conducted pursuant to Section 707, and any other
7 judicial proceeding concerning the case.

8 (2) The officer shall also provide the victim with information
9 concerning the victim's right to an action for civil damages against
10 the minor and his or her parents and the victim's opportunity to
11 be compensated from the restitution fund. The information shall
12 be in the form of written material prepared by the Judicial Council
13 and shall be provided to each victim for whom the probation officer
14 has a current mailing address.

15 (b) Notwithstanding any other law, the persons from whom the
16 probation officer is required to solicit a statement pursuant to
17 subdivision (a) shall have the right to attend the disposition hearing
18 conducted pursuant to Section 702 and to express their views
19 concerning the offense and disposition of the case pursuant to
20 Section 706, to attend any fitness hearing conducted pursuant to
21 Section 707, and to be present during juvenile proceedings as
22 provided in Section 676.5.

23 (c) (1) Notwithstanding any other law, in any case in which a
24 minor is alleged to have committed an act subject to a fitness
25 hearing under Section 707, the victim shall have the right to be
26 informed of all court dates and continuances pertaining to the case,
27 and shall further have the right to obtain copies of the charging
28 petition, the minutes of the proceedings, and orders of adjudications
29 and disposition of the court that are contained in the court file. The
30 arresting agency shall notify the victim in a timely manner of the
31 address and telephone number of the juvenile branch of the district
32 attorney's office that will be responsible for the case and for
33 informing the victim of the victim's right to attend hearings and
34 obtain documents as provided in this section. The district attorney
35 shall, upon request, inform the victim of the date of the fitness
36 hearing, the date of the disposition hearing, and the dates for any
37 continuances of those hearings, and shall inform the court if the
38 victim seeks to exercise his or her right to obtain copies of the
39 documents described in this subdivision.

1 (2) Where the proceeding against the minor is based on a felony
2 that is not listed in Section 676, a victim who obtains information
3 about the minor under this subdivision shall not disclose or
4 disseminate this information beyond his or her immediate family
5 or support persons authorized by Section 676, unless authorized
6 to do so by a judge of the juvenile court, and the judge may suspend
7 or terminate the right of the victim to access to information under
8 this subdivision if the information is improperly disclosed or
9 disseminated by the victim or any members of his or her immediate
10 family. The intentional dissemination of documents in violation
11 of this subdivision is a misdemeanor and shall be punished by a
12 fine of not more than five hundred dollars (\$500). Documents
13 released by the court to a victim pursuant to this section shall be
14 stamped as confidential and with a statement that the unlawful
15 dissemination of the documents is a misdemeanor punishable by
16 a fine of not more than five hundred dollars (\$500).

17 (d) Upon application of the district attorney for good cause and
18 a showing of potential danger to the public, the court may redact
19 any information contained in any documents released by the court
20 to a victim pursuant to this section.

21 (e) For purposes of this section, “victim” means the victim, the
22 parent or guardian of the victim if the victim is a minor, or, if the
23 victim has died, the victim’s next of kin.

24 ~~SEC. 117.~~

25 *SEC. 92.* On July 1, 2013, the remaining balance, assets,
26 liabilities, revenue, and expenditures of the Industrial Relations
27 Construction Industry Enforcement Fund shall be transferred to
28 the Labor Enforcement and Compliance Fund.

29 ~~SEC. 118.~~ ~~The Legislature finds and declares that Section 4 of~~
30 ~~this act, which adds Section 6252.8 to the Government Code,~~
31 ~~imposes a limitation on the public’s right of access to the meetings~~
32 ~~of public bodies or the writings of public officials and agencies~~
33 ~~within the meaning of Section 3 of Article I of the California~~
34 ~~Constitution. Pursuant to that constitutional provision, the~~
35 ~~Legislature makes the following findings to demonstrate the interest~~
36 ~~protected by this limitation and the need for protecting that interest:~~

37 ~~The interest being protected is the strong interest of the~~
38 ~~Legislature in allowing, to the extent possible, local agencies to~~
39 ~~control the manner in which they perform their public duties;~~

1 including, but not limited to, the manner in which they comply
2 with the spirit and purpose of the California Public Records Act.

3 ~~SEC. 119.~~

4 *SEC. 93.* The amendments made by this act to Sections 8592.1,
5 8592.5, 8592.7, 11542, 14615.1, 15251, 15253, 15254, 15275,
6 15277, 53108.5, 53114.1, 53115.1, and 53126.5 of the Government
7 Code, Sections 12100, 12100.5, 12100.7, 12101, 12101.2, 12101.5,
8 12102, 12103, 12103.5, 12104, 12104.5, 12105, 12106, 12108,
9 12109, 12112, 12120, 12125, 12126, and 12128 of the Public
10 Contract Code, Sections 2872.5, 2892, and 2892.1 of the Public
11 Utilities Code, Sections 41030, 41031, 41032, 41136, 41136.1,
12 41137, 41137.1, 41138, 41139, 41140, 41141, and 41142 of the
13 Revenue and Taxation Code, and the addition by this act of Section
14 11543 of, and Chapter 3 (commencing with Section 15278) to Part
15 6.5 of Division 3 of Title 2 of, the Government Code, and Sections
16 12102.1 and 12102.2 to the Public Contract Code, and the repeal
17 by this act of Section 12121 of the Public Contract Code shall be
18 operative on July 1, 2013.

19 ~~SEC. 120.~~

20 *SEC. 94.* It is the intent of the Legislature in enacting the
21 amendments made by this act to Section 23025 of the Government
22 Code, Sections 1203, 13518.1, 13701, 13710, and 13730 of the
23 Penal Code, and Section 656.2 of the Welfare and Institutions
24 Code to relieve local entities of the duty to perform reimbursable
25 activities, as determined by the Commission on State Mandates
26 or other authorized entity, included in the following state-mandated
27 local programs:

- 28 (a) Deaf Teletype Equipment (04-LM-11).
- 29 (b) Adult Felony Restitution (04-LM-08).
- 30 (c) Pocket Masks (CSM-4291).
- 31 (d) Domestic Violence Information (CSM-4442).
- 32 (e) Victims' Statements-Minors (04-LM-14).

33 ~~SEC. 121.~~ If the Commission on State Mandates determines
34 that this act contains costs mandated by the state, reimbursement
35 to local agencies and school districts for those costs shall be made
36 pursuant to Part 7 (commencing with Section 17500) of Division
37 4 of Title 2 of the Government Code.

38 ~~SEC. 122.~~

39 *SEC. 95.* 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.

O