

AMENDED IN SENATE JUNE 20, 2002

AMENDED IN ASSEMBLY APRIL 30, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 103

**Introduced by Assembly Members ~~Havice and Steinberg~~ Member
Vargas**

January 12, 2001

~~An act to amend Section 42238.23 of, and to add Section 42238.125 to, the Education Code, relating to school finance. An act to amend Section 12805 of the Government Code, and to amend Section 701 of the Public Resources Code, relating to state government.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 103, as amended, ~~Havice~~ Vargas. ~~School finance: revenue limits: joint powers agencies~~ *Department of Forestry and Fire Protection.*

Existing law establishes the Department of Forestry and Fire Protection in the Resources Agency.

This bill, instead, would establish the department within the Office of the Governor. The bill also would make conforming and other technical changes.

~~Existing law requires the county superintendent of schools to increase or decrease the revenue limits computed for school districts and county offices of education, as specified, by the amount of the decreased employer contributions to the Public Employees' Retirement System and sets forth a method for calculating that increase or decrease.~~

~~This bill would, for the purposes of calculating the reduction, require joint powers agencies to exclude persons who participate in an alternative local retirement system established before July 1, 2000, and who are not represented. The bill would also make a technical change in a related provision.~~

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

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

1 ~~SECTION 1.~~ ~~Section 42238.23 of the Education Code is~~
2 ~~SECTION 1.~~ *Section 12805 of the Government Code is*
3 ~~amended to read:~~
4 12805. The Resources Agency consists of the State Air
5 Resources Board, the Colorado River Board, the State Energy
6 Resources Conservation and Development Commission, the State
7 Water Resources Control Board and each California regional
8 water quality control board, the State Lands Commission, the
9 Division of State Lands, the San Joaquin River Conservancy, and
10 the following departments: Conservation; Fish and Game;
11 ~~Forestry and Fire Protection; Navigation and Ocean Development~~
12 ~~Boating and Waterways; Parks and Recreation; and Water~~
13 ~~Resources.~~

14 ~~SEC. 2.~~ *Section 701 of the Public Resources Code is amended*
15 *to read:*
16 701. (a) There is in the ~~Resources Agency~~ *Office of the*
17 *Governor* the Department of Forestry and Fire Protection, which
18 is under the control of an executive officer known as the Director
19 of Forestry and Fire Protection. The director is appointed by the
20 Governor and holds office at the pleasure of the Governor. The
21 appointment of the director is subject to confirmation by the
22 Senate at the next regular or special session of the Legislature, and
23 the refusal or failure of the Senate to confirm the appointment shall
24 create a vacancy in the office. The director shall receive an annual
25 salary as provided by Chapter 6 (commencing with Section 11550)
26 of Part 1 of Division 3 of Title 2 of the Government Code.
27 (b) There shall be one Deputy Director of Forestry and Fire
28 Protection appointed by the director who shall be exempt from
29 civil service.



1 (c) There shall be one Deputy Director of Forestry and Fire
2 Protection appointed by the director in accordance with the State
3 Civil Service Act who shall be a registered professional forester.

4 (d) The deputy directors shall have duties as assigned, from
5 time to time, by the director, and they shall be responsible to the
6 director for the performance of those duties.

7 ~~amended to read:~~

8 ~~42238.23. Notwithstanding any other provision of law,~~
9 ~~persons providing services to local education agencies through use~~
10 ~~of a joint powers authority involving the local education agency~~
11 ~~who would, in absence of the joint powers authority, otherwise be~~
12 ~~considered school employees and subject to the Public~~
13 ~~Employees' Retirement System rate reduction to revenue limits~~
14 ~~authorized in Section 42238.12, shall not be excluded from the~~
15 ~~calculations of the Public Employees' Retirement System~~
16 ~~reduction authorized in that section.~~

17 ~~SEC. 2. Section 42238.125 is added to the Education Code,~~
18 ~~immediately following Section 42238.12, to read:~~

19 ~~42238.125. For the purposes of calculating the Public~~
20 ~~Employees' Retirement System reduction authorized pursuant to~~
21 ~~Section 42238.12, joint powers agencies shall not include persons~~
22 ~~who participate in an alternative local retirement system~~
23 ~~established before July 1, 2000, and who are not represented~~
24 ~~within the meaning and under the authority of Chapter 10~~
25 ~~(commencing with Section 3500) or Chapter 10.7 (commencing~~
26 ~~with Section 3540) of Division 4 of the Government Code.~~

