

AMENDED IN ASSEMBLY AUGUST 26, 2004

AMENDED IN ASSEMBLY AUGUST 23, 2004

AMENDED IN ASSEMBLY JUNE 16, 2004

**SENATE BILL**

**No. 1545**

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**Introduced by ~~Senator Figueroa~~ Senators Karnette and Denham  
and Assembly Members Cohn, Correa, Daucher, Frommer,  
Haynes, La Malfa, Maddox, Matthews, Maze, Negrete McLeod,  
Parra, Spitzer, and Wolk**

**(Coauthors: Senators Aanestad, Battin, Ducheny, Escutia, Kuehl,  
McPherson, Perata, Romero, Soto, and Torlakson)**

**(Coauthors: Assembly Members Bates, Benoit, Berg, Bogh, Calderon,  
Cogdill, Garcia, Goldberg, Kehoe, Leslie, Nakanishi, and Runner)**

February 19, 2004

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~~An act to add Sections 12439.5 and 16321 to the Government Code,  
relating to state offices. An act relating to mosquito abatement, and  
making an appropriation therefor.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 1545, as amended, ~~Figueroa~~ Karnette. ~~Boards: Department of  
Consumer Affairs~~ Mosquito abatement.

*Existing law regulates mosquito abatement.*

*This bill would appropriate \$750,000 from the General Fund to the  
Department of Fish and Game to carry out specified provisions relating  
to mosquito abatement which would be added to the Fish and Game  
Code by AB 1982.*

~~(1) Existing law provides for the establishment and funding of  
various boards under the jurisdiction of the Department of Consumer  
Affairs, and establishes the Division of Investigation in the department.~~

~~Existing law requires, with certain exceptions, the Controller to abolish any state position that is vacant for 6 monthly pay periods. The Director of Finance may authorize the reestablishment of any positions abolished by the Controller pursuant to these provisions under specified conditions.~~

~~The Budget Act of 2003 provides for the abolishment of a specified number of permanent positions from departments including all boards and commissions of the state, as determined by the Director of Finance, which may include vacant positions abolished by the Controller as described above. The act authorizes the Department of Finance to reestablish any position eliminated as a result of these provisions, or reduce the total number of positions to be abolished, under specified circumstances.~~

~~This bill would provide that any position on a board, that was abolished pursuant to these provisions prior to January 1, 2004, shall be reestablished to the extent that non-General Fund moneys are available for that purpose. It would also require the Director of Consumer Affairs to provide to the Legislature information on all staff and appointment vacancies for boards abolished under these provisions, within 30 days of receiving the Legislature's request for that information.~~

~~The bill would prohibit the Director of Finance from refusing to authorize the filling of a vacancy in any staff position on a board under the jurisdiction of that department or in the division unless the Director of Finance has made a finding based upon substantial evidence that there are insufficient non-General Fund resources to fill the position.~~

~~(2) Pursuant to existing law, the civil administration of the laws of the state is vested in the Governor, who is required to supervise the official conduct of all executive and ministerial officers and to see that all offices are filled and their duties performed.~~

~~This bill would specify that the provisions of specified executive orders of the Governor with respect to the hiring of state employees shall not apply to any board under the jurisdiction of the Department of Consumer Affairs nor to the Division of Investigation within the department.~~

~~(3) Existing law provides that moneys may be loaned from one state fund or account to other state funds or accounts, subject to specified conditions.~~

~~This bill would prohibit non-General Fund moneys deposited in any fund supporting a board under the jurisdiction of the Department of Consumer Affairs from being loaned to, or being used to secure a loan~~



to, the General Fund. It would require the Director of Finance to provide a schedule for all loans of funds supporting boards under the jurisdiction of the Department of Consumer Affairs to the General Fund, which are required to be repaid in full.

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

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

- 1     ~~SECTION 1. Section 12439.5 is added to the Government~~
- 2     ~~SECTION 1. (a) The sum of seven hundred fifty thousand~~
- 3     ~~dollars (\$750,000) is hereby appropriated from the General Fund~~
- 4     ~~to the Department of Fish and Game to carry out Section 1507 of~~
- 5     ~~the Fish and Game Code.~~
- 6     ~~(b) This section shall become operative only if Assembly Bill~~
- 7     ~~1982 of the 2003-04 Regular Session is chaptered and becomes~~
- 8     ~~operative on or before January 1, 2005.~~
- 9     ~~Code, to read:~~
- 10    ~~12439.5. (a) (1) Any position on a board, that was abolished~~
- 11    ~~pursuant to Section 4.10 of the Budget Act of 2003 or pursuant to~~
- 12    ~~Section 12439 prior to January 1, 2004, shall be reestablished to~~
- 13    ~~the extent that non-General Fund moneys are available for that~~
- 14    ~~purpose.~~
- 15    ~~(2) The Director of Finance shall not refuse to reestablish a~~
- 16    ~~position abolished as described in paragraph (1) or pursuant to his~~
- 17    ~~or her own action, or to authorize the filling of a vacancy in any~~
- 18    ~~staff position on a board unless the director has made a finding~~
- 19    ~~based upon substantial evidence that there are insufficient~~
- 20    ~~non-General Fund resources to fill the position.~~
- 21    ~~(b) The Director of Consumer Affairs shall provide to the~~
- 22    ~~Legislature information on all staff and appointment vacancies for~~
- 23    ~~boards within 30 days of receiving the Legislature's request for~~
- 24    ~~that information.~~
- 25    ~~(c) The provisions of Executive Order D-70-03, Executive~~
- 26    ~~Order D-71-03, and Executive Order S-3-03 shall not apply to any~~
- 27    ~~board under the jurisdiction of the Department of Consumer~~
- 28    ~~Affairs, nor to the Division of Investigation within the department.~~
- 29    ~~SEC. 2. Section 16321 is added to the Government Code, to~~
- 30    ~~read:~~



1     ~~16321. (a) Notwithstanding any other provision of law, no~~  
2     ~~non-General Fund moneys deposited in any fund or account~~  
3     ~~supporting a board under the jurisdiction of the Department of~~  
4     ~~Consumer Affairs may be loaned to, or used to secure a loan to, the~~  
5     ~~General Fund.~~

6     ~~(b) The Director of Finance shall provide a schedule for all~~  
7     ~~loans of funds supporting boards under the jurisdiction of the~~  
8     ~~Department of Consumer Affairs to the General Fund, which are~~  
9     ~~required to be repaid in full.~~

