

AMENDED IN ASSEMBLY JULY 7, 2005
AMENDED IN ASSEMBLY JUNE 14, 2005

SENATE BILL

No. 64

Introduced by Committee on Budget and Fiscal Review

January 14, 2005

~~An act relating to the Budget Act of 2005.~~ *An act to amend Section 10080 of, and to repeal Sections 10002, 10002.5, 10054, 10055, 10056, 10057, 10058, and 10060 of, the Business and Professions Code, to repeal Chapter 9 (commencing with Section 6950) of Part 1 of Division 6 of the Fish and Game Code, to amend Section 54451.5 of, and to repeal Article 3 (commencing with Section 54442) of Chapter 2 of Division 20 of, the Food and Agricultural Code, to amend Sections 7550.5, 8700, 8701, 8702, 8705, 8709, and 12232 of, and to repeal Sections 8704, 8707, 12231, and 65054.5 of, the Government Code, to amend Sections 1347.15, 1367.03, 1367.04, and 1368.2 of, and to repeal Sections 1342.3, 1347, and 1347.1 of, the Health and Safety Code, to amend Sections 154, 261, 262, and 262.5 of, to repeal Section 2158 of, and to repeal and add Section 2157 of, the Streets and Highways Code, and to amend Section 14165.8 of the Welfare and Institutions Code, relating to boards and commissions.*

LEGISLATIVE COUNSEL'S DIGEST

SB 64, as amended, Committee on Budget and Fiscal Review.
~~Budget Act of 2005.~~ *State boards and commissions.*

(1) Existing law provides for the regulation of real estate licensees by the Real Estate Commissioner. Existing law requires the commissioner to appoint a Real Estate Advisory Commission. The commission makes recommendations and suggestions on the functions and policies of the Department of Real Estate.

This bill would abolish the Real Estate Advisory Commission.

(2) Existing law establishes the Interagency Aquatic Invasive Species Council, consisting of specified representatives, and requires the Department of Fish and Game, in cooperation with the council, to support and coordinate the development of a comprehensive plan for dealing with aquatic invasive species in California. Existing law requires the council to submit its first working version of the plan on or before January 1, 2004. Existing law requires the council to meet at least twice annually to ensure that state agency activities concerning aquatic invasive species are coordinated, complementary, cost-efficient, and effective. Existing law also requires the department to work cooperatively with specified state agencies to implement the Ballast Water Management Program.

This bill would abolish the Interagency Aquatic Invasive Species Council, and would repeal a provision relating to the department's duty under the Ballast Water Management Program.

(3) Existing law establishes the Agriculture Cooperative Bargaining Advisory Committee, and charges it with reporting on specified matters to the Secretary of Food and Agriculture.

This bill would repeal those provisions.

Existing law charges the advisory committee with recommending to the Department of Food and Agriculture, a conciliation service to be appointed by the department, in the event parties to a conciliation cannot agree on a conciliator, in the context of a specified conciliation scheme relating to cooperative bargaining associations and processors.

This bill would delete the requirement that the advisory board make that recommendation to the department.

(4) Existing law generally sets forth the membership of the Commission of the Californias. Existing law establishes the Office of California-Mexico Affairs, provides that the office succeeds to, and is vested with, all the duties, powers, purposes, and responsibilities vested in the commission, and generally sets forth the duties and authority of the office with respect to California-Mexico relations.

This bill would repeal provisions governing the Commission of the Californias, and make various conforming changes. It would also make specified changes in the duties and authority of the Office of California-Mexico Affairs.

(5) Existing law, the Knox-Keene Health Care Service Plan Act of 1975, provides for the licensure and regulation of health care service plans by the Department of Managed Health Care. The act establishes

the Advisory Committee on Managed Health Care and the Clinical Advisory Panel within the department to assist and advise the department’s director regarding specified functions of the department.

This bill would abolish the Advisory Committee on Managed Health Care and the Clinical Advisory Panel. The bill would delete a provision that required the director to report to the Legislature on health insurer regulation before January 1, 2002.

(6) Existing law creates a Governor’s Small Business Reform Task Force, chaired by the Director of the Office of Small Business Advocate, in order to identify problems and ideas from the small business community concerning regulation, communications, and assistance of state government with small business.

This bill would repeal the provisions creating this task force.

(7) Existing law creates the Departmental Transportation Advisory Committee which acts in an advisory capacity to the Department of Transportation relative to the preparation of various transportation reports prepared by the department and other matters, including designation of scenic highways.

This bill would abolish the committee and provide that the department succeeds to its duties and responsibilities.

(8) This bill would delete references in existing law to the California Heritage Preservation Commission.

(9) Existing law establishes the California Medical Assistance Commission and provides that the commission be reimbursed at the annual salary of members of the Legislature.

This bill would, beginning January 1, 2006, provide that the commission be reimbursed at the annual salary of \$50,000, and would require an increase in compensation if state employees receive a salary increase.

~~*This bill would express the intent of the Legislature to make statutory changes relating to the Budget Act of 2005.*~~

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

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

- 1 *SECTION 1. Section 10002 of the Business and Professions*
- 2 *Code is repealed.*
- 3 ~~*10002. “Commission” refers to the Real Estate Advisory*~~
- 4 ~~*Commission.*~~

1 *SEC. 2. Section 10002.5 of the Business and Professions*
2 *Code is repealed.*

3 ~~10002.5. “Member” refers to a member of the Real Estate~~
4 ~~Advisory Commission.~~

5 *SEC. 3. Section 10054 of the Business and Professions Code*
6 *is repealed.*

7 ~~10054. The commissioner shall appoint a Real Estate~~
8 ~~Advisory Commission comprising 10 members, six of whom~~
9 ~~shall be real estate brokers licensed under this part and four of~~
10 ~~whom shall be public members. The commissioner shall preside~~
11 ~~at commission meetings.~~

12 ~~The members shall receive a per diem salary as provided in~~
13 ~~Section 11564.5 of the Government Code, and in addition thereto~~
14 ~~each shall be allowed his or her actual and necessary expenses in~~
15 ~~the discharge of his or her duties.~~

16 *SEC. 4. Section 10055 of the Business and Professions Code*
17 *is repealed.*

18 ~~10055. The commissioner shall meet and consult and advise~~
19 ~~with the commission on the functions and policies of the~~
20 ~~department and how it may best serve the people of the state and~~
21 ~~recognize the legitimate needs of the industry which it regulates~~
22 ~~and the licensees of the department. At such meetings the views~~
23 ~~and suggestions of the public and of the licensees of the~~
24 ~~department shall be solicited.~~

25 *SEC. 5. Section 10056 of the Business and Professions Code*
26 *is repealed.*

27 ~~10056. The commission may make such recommendations~~
28 ~~and suggestions of policy to the commissioner as it deems~~
29 ~~beneficial and appropriate.~~

30 *SEC. 6. Section 10057 of the Business and Professions Code*
31 *is repealed.*

32 ~~10057. The commissioner shall call meetings of the~~
33 ~~commission at least four times each year and written notice of the~~
34 ~~time and place of each meeting shall be given to the members~~
35 ~~and such other persons as shall have requested notice at least 10~~
36 ~~days before such meeting.~~

37 *SEC. 7. Section 10058 of the Business and Professions Code*
38 *is repealed.*

39 ~~10058. The meetings of the commission are subject to the~~
40 ~~provisions of Article 9 (commencing with Section 11120) of~~

1 Chapter 1 of Part 1 of Division 3 of Title 2 of the Government
2 Code.

3 *SEC. 8. Section 10060 of the Business and Professions Code*
4 *is repealed.*

5 ~~10060. All records of the commission shall be open to~~
6 ~~inspection by the public during regular office hours, except as~~
7 ~~otherwise provided by law.~~

8 *SEC. 9. Section 10080 of the Business and Professions Code*
9 *is amended to read:*

10 10080. The commissioner may adopt, amend, or repeal ~~such~~
11 rules and regulations ~~as that~~ are reasonably necessary for the
12 enforcement of the provisions of this part and of Chapter 1
13 (commencing with Section 11000) of Part 2 of this division. ~~Such~~
14 *The* rules and regulations shall be adopted, amended, or repealed
15 in accordance with the provisions of the Administrative
16 Procedure Act. ~~In addition to other notices required by law, the~~
17 ~~commissioner shall notify the Real Estate Advisory Commission~~
18 ~~of his intention to adopt rules and regulations at least 30 days~~
19 ~~prior to such adoption.~~

20 *SEC. 10. Chapter 9 (commencing with Section 6950) of Part*
21 *1 of Division 6 of the Fish and Game Code is repealed.*

22 *SEC. 11. Article 3 (commencing with Section 54442) of*
23 *Chapter 2 of Division 20 of the Food and Agricultural Code is*
24 *repealed.*

25 *SEC. 12. Section 54451.5 of the Food and Agricultural Code*
26 *is amended to read:*

27 54451.5. ~~The advisory committee established pursuant to~~
28 ~~Section 54442 shall recommend to the department a~~ *A*
29 conciliation service ~~to shall~~ be appointed by the department ~~in~~
30 ~~the event that~~ *if* the parties cannot agree on a conciliator.

31 *SEC. 13. Section 7550.5 of the Government Code is amended*
32 *to read:*

33 7550.5. (a) For purposes of this section:

34 (1) "Public agency" means any state or local agency or
35 district, including, but not limited to, a school district, the
36 University of California, the California State University, and the
37 California Community Colleges.

38 (2) "Written report" means a document that a statute requires
39 to be prepared and submitted to the Legislature, the Governor, or
40 any state legislative or executive body.

1 (b) Notwithstanding any other provision of law, a public
2 agency may, but is not required to, prepare or submit any written
3 report to the Legislature, the Governor, or any state legislative or
4 executive body unless the report is specified in subdivision (c) or
5 any of the following has occurred:

6 (1) The report is required, in whole or in part, by a court order,
7 federal law, or federal regulation.

8 (2) The report is required in the annual Budget Act or in any
9 accompanying supplemental budget report prepared by the
10 Legislative Analyst.

11 (3) The Legislature expressly provides that, notwithstanding
12 this section, a written report shall be prepared and submitted.

13 (4) The report is necessary for the preparation of the annual
14 Budget Act or the implementation of that act, as determined by
15 the Department of Finance.

16 (5) The report is required pursuant to Division 1.2
17 (commencing with Section 473) of the Business and Professions
18 Code or is required by statute for any entity governed by
19 Division 2, 3, or 8 of the Business and Professions Code.

20 (c) Reports shall be prepared and submitted pursuant to the
21 following provisions of law:

22 (1) Sections 806, 4425, 4996.22, 4999.8, 6086.15, 6095, 6145,
23 6177, 7011.8, 7021, 7139.7, 19441, and 19617.4 of the Business
24 and Professions Code.

25 (2) Sections 5930, 14030.2, and 14076 of the Corporations
26 Code.

27 (3) Sections 408, 425, 8007, 8236, 8261, 8278.3, 8359, 8451,
28 11023, 12141, 12142, 12510, 14502, 14508, 17078.66, 17199.4,
29 22217, 22218.5, 22311.5, 22324, 22352, 22362, 24400, 25933,
30 25950, 32296.1, 33053, 33126, 33126.1, 33328, 33595, 35256,
31 35294.14, 37252.1, 37670, 41020.6, 41320, 41320.3, 41339,
32 41407, 42263, 42269, 42923, 42925, 44225.6, 44238, 44252.1,
33 44252.9, 44253.10, 44257.4, 44258.9, 44259.5, 44259.8,
34 44279.2, 44306, 44329, 44393, 44403, 44507, 44516, 44735,
35 47602, 47614.5, 47616.5, 47773, 48005.45, 48200.7, 48200.8,
36 48664, 49082, 49436, 51728, 51745.1, 52042, 52052, 52055.640,
37 52055.656, 52058, 52171.6, 52184, 52243, 52247, 52314,
38 52902.5, 54006, 56494, 56867, 58560, 60630, 60800, 60830.7,
39 60852.5, 60855, 60900, 62000.14, 63053, 64201, 66015.7,
40 66742, 66743, 66755, 66903, 66941, 67312, 67359, 67359.16,

1 67380, 69437.7, 69506.5, 69508, 69529.5, 69532, 69561.5,
2 69563, 69615.4, 69618.8, 69655, 69989, 71020, 71027, 71051,
3 78032, 78275.5, 79148, 81254, 84040, 84040.5, 84040.6, 84362,
4 84754, 84758, 87164, 87482.4, 88550, 89030.1, 89343, 89720,
5 89753, 99105, 99155, 99182, and 99240 of the Education Code.

6 (4) Sections 3032, 17600, and 17602 of the Family Code.

7 (5) Sections 411, 2281, 12794.5, 13144, and 13152 of the
8 Food and Agricultural Code.

9 (6) Sections 965.4, 965.65, 3541.3, 7085, 7299.4, 7299.6,
10 7504, 8169.5, 8245, 8878.97, 9148.4, 11017.5, 11678, 12010.6,
11 12017, 12020, 12021, 12080.2, 12170, 12174, 12329, 12439,
12 12460, 12461, 12461.1, 12463, 12463.1, 12463.3, 12468, 12522,
13 12741, 12803.2, 13308, 13337, 13405, 14051, 14524.16,
14 14525.5, 14535, 14536, 14840, 15320, 15323.5, 15335.11,
15 15363.73, 15399.45, 15901, 16725, 16759, 16855, 17570, 17600,
16 17601, 19237, 19405, 19683, 19702.5, 19705, 19792.5, 19793,
17 19795, 19816.20, 19826, 19827.2, 19849.11, 19994.20,
18 19996.21, 19996.40, 20194, 20208, 20228, 20232, 20233, 20235,
19 20236, 20237, 20238, 20398, 20405.1, 21499, 22791, 22840.3,
20 30063, 53084, 53299, 65048, 65400, 68511, 68513, 68563,
21 68604, 75089.1, and 77209 of the Government Code.

22 (7) Sections 900, 901, 1266.1, 1276.4, 1316.5, ~~1342.3, 1347,~~
23 1357.16, 1367.695, 1371.37, 1371.38, 1371.39, 1374.36, 1380.1,
24 1438, 1596.872a, 1596.872b, 1797.98b, 1797.121, 1799.204,
25 11495, 11756.8, 11970.2, 18502.5, 18870.3, 26203, 33426.7,
26 35815, 40448.5.1, 40452, 42860, 44525.6, 50199.15, 50408,
27 50452, 50459, 50834, 51005, 51454, 51622, 53305, 53311,
28 59019, 101950, 104187, 104315, 108923, 115255, 116095,
29 116355, 116365.5, 127365, 128725, 128735, 128736, 128737,
30 128740, 128745, 128748, 128750, 128755, 129045, and 129075
31 of the Health and Safety Code.

32 (8) Sections 742.435, 1060, 1067.13, 1758.994, 1872.96,
33 10089.13, 10089.27, 10089.84, 10123.84, 11751.51, 11805,
34 11860, 12693.92, 12693.93, 12922, 12961, and 12962 of the
35 Insurance Code.

36 (9) Sections 77, 90.5, 98.75, 111, 147.2, 1143, 3073.5, 3201.5,
37 3716.5, 3729, 5502, 6330, 7316, 7384, and 7722 of the Labor
38 Code.

39 (10) Sections 73.5, 179, 974.5, 999.7, and 1012.5 of the
40 Military and Veterans Code.

- 1 (11) Sections 628.2, 629.62, 6031.2, 7445, 10359, 13010,
2 13010.5, 13012, 13012.5, 13014, and 13519.4 of the Penal Code.
- 3 (12) Sections 10115.5, 10359, 10722, and 20133 of the Public
4 Contract Code.
- 5 (13) Sections 2797, 3258, 4515, 4612, 5090.32, 5653,
6 21080.5, 30012, 30342, 30519.5, 30533, 36980, 36994, 42885.5,
7 42889.3, 42889.4, 71211, 71212, 71271, and 71300 of the Public
8 Resources Code.
- 9 (14) Sections 316.5, 389, 873, 2881, 3346, 99243, and
10 132352.6 of the Public Utilities Code.
- 11 (15) Sections 1647, 1648, 1649, 6377, 17053.49, and 23649 of
12 the Revenue and Taxation Code.
- 13 (16) Sections 164.56, 188.5, and 2154 of the Streets and
14 Highways Code.
- 15 (17) Sections 329, 832, 995, 2614, 4901, 9600, 9616, 9616.1,
16 9617, 9907, 10004, 10205, 10532, 11011, 11014, 12141, 15037,
17 15064, 15079, and 17002 of the Unemployment Insurance Code.
- 18 (18) Sections 1821 and 23249 of the Vehicle Code.
- 19 (19) Sections 73502, 73505, 79421, and 81674 of the Water
20 Code.
- 21 (20) Sections 209, 4024, 4109.5, 4365.5, 4429, 4430, 4432,
22 4540, 4565, 4681.1, 4691, 4696.1, 4836, 5613, 5772, 5814,
23 10090, 10822, 10823, 11329, 11373, 11462, 12301.6, 13913,
24 14026.5, 14051, 14067, 14085.5, 14100.5, 14120, 14124.12,
25 14126.80, 14132, 14133.9, 14148.8, 14148.91, 14161, 14165.9,
26 14459.5, 14459.7, 14501, 15204.4, 15204.8, 16206, 16981,
27 16996.2, 18236, 19106, 19356.6, and 25003 of the Welfare and
28 Institutions Code.
- 29 (21) (A) Statutes of 2003—Section 2 of Chapter 896, Section
30 1 of Chapter 795, and Section 24.60 of Chapter 157.
- 31 (B) Statutes of 2001—Section 53.5 of Chapter 171 and
32 Section 24.60 of Chapter 106.
- 33 (C) Statutes of 2000—Section 2 of Chapter 913, Section 3 of
34 Chapter 902, Section 1 of Chapter 457, Section 8 of Chapter 403,
35 and Section 24.60 of Chapter 52.
- 36 (D) Section 1 of Chapter 5 of the Statutes of 1999–2000 First
37 Extraordinary Session.
- 38 (E) Statutes of 1999—Section 2 of Chapter 973, Section 2 of
39 Chapter 954, Section 2 of Chapter 402, Section 2 of Chapter 337,
40 and Section 1 of Chapter 195.

- 1 (F) Statutes of 1998—Section 1 of Chapter 1051, Section 55
2 of Chapter 329, Section 75 of Chapter 311, and Resolution
3 Chapter 113.
- 4 (G) Statutes of 1997—Section 69 of Chapter 854, Section 7 of
5 Chapter 813, Section 13 of Chapter 812, Section 12 of Chapter
6 812, and Section 2 of Chapter 767.
- 7 (H) Statutes of 1996—Section 55 of Chapter 954, and Section
8 6 of Chapter 69.
- 9 (I) Statutes of 1995—Section 7 of Chapter 789.
- 10 (J) Statutes of 1992—Section 6 of Chapter 1068.
- 11 (K) Statutes of 1991—Section 13 of Chapter 760.
- 12 (L) Statutes of 1989—Section 6 of Chapter 1306, Section 10
13 of Chapter 1071, and Resolution Chapter 174.
- 14 (M) Statutes of 1988—Section 2 of Chapter 1495, Section 3 of
15 Chapter 1397, Section 60 of Chapter 973, Section 59 of Chapter
16 973, and Section 1 of Chapter 659.
- 17 (N) Statutes of 1987—Section 7 of Chapter 136.
- 18 (22) Statutes of 1969—Section 127 of Chapter 209, as
19 amended by Chapter 155 of the Statutes of 2004.
- 20 (23) Items 0250-101-0001, 0450-101-0932, 0820-001-0001,
21 0840-001-0001, 0845-001-0217, 2240-001-0933,
22 2240-109-0001, 2240-112-0001, 2400-001-0933,
23 4170-001-0001, 4280-112-0236, 4440-001-0001,
24 5100-001-0870, 5100-311-0690, 5180-101-0001,
25 6110-156-0890, 6110-485-0001, 6870-101-0001, and
26 8960-011-0001 of Section 2.00 of the Budget Act of 2000.
- 27 (24) Section 6 of Article VI of the California Constitution.
- 28 (25) All reports pertaining to Item 6610-001-0001 required in
29 the Legislative Analyst’s Office’s Supplemental Report of the
30 Budget Act of 2002.
- 31 (26) Any report required by a bill that was approved by the
32 Senate Committee on Transportation on or after January 1, 1999.
- 33 (27) Any report that is required to be submitted to the Joint
34 Legislative Audit Committee.
- 35 (28) All reports statutorily required to be prepared by the
36 California Environmental Protection Agency or its boards,
37 departments, or offices.
- 38 (29) Any report required by any law enacted on or after
39 January 1, 2003.

1 (d) This section may not be construed to require resubmission
2 of a one-time report that is required by statute if that report
3 already has been submitted as required.

4 (e) This section may not be construed to interfere with an
5 exclusive representative's right to request or receive information
6 related to its representation of state and California State
7 University employees under Chapter 10.3 (commencing with
8 Section 3512) and Chapter 12 (commencing with Section 3560).
9 A public agency shall not use this section to justify the denial of
10 information under those provisions.

11 (f) Paragraph (28) of subdivision (c) shall become operative
12 only if Assembly Bill 2701 of the 2003–04 Regular Session is
13 enacted and becomes operative.

14 (g) This section shall remain in effect only until January 1,
15 2008, and as of that date is repealed, unless a later enacted
16 statute, that is enacted before January 1, 2008, deletes or extends
17 that date.

18 *SEC. 14. Section 8700 of the Government Code is amended to*
19 *read:*

20 8700. The Legislature finds and declares the following:

21 ~~(a) It is important for the State of California and for the nation~~
22 ~~that state agencies continue to address important United~~
23 ~~States-Mexico issues.~~

24 ~~(b) The Commission of the Californias was established to~~
25 ~~further and develop favorable economic, educational, and~~
26 ~~cultural relations with Baja California, Baja California Sur and~~
27 ~~other states and territories within the Republic of Mexico.~~

28 *(a) The United States and Mexican economies have become*
29 *increasingly integrated, particularly since the 1994 adoption of*
30 *the North American Free Trade Agreement, or NAFTA.*

31 *(b) This integration has brought both California and Mexico*
32 *opportunities and challenges in the areas of economic*
33 *development, labor relations, and environmental protection.*

34 (c) The California Office of the Southwest Border Regional
35 Conference (formerly commission) was established as part of a
36 joint American border states effort to further and develop
37 favorable relations with the six Mexican border states.

38 (d) The efforts of ~~both agencies~~ *the California office of the*
39 *conference* continue to be an essential part of California's
40 interaction with Mexico.

1 (e) It is important for the state and for the nation that state
2 agencies continue to address important United States-Mexico
3 issues.

4 (e)

5 (f) ~~The establishment of an~~ Office of California-Mexico
6 Affairs provides a focal point in state government ~~within which~~
7 ~~the efforts of both agencies can be consolidated and merged, as~~
8 ~~well as~~ to serve as a clearinghouse for information and assistance
9 to other state agencies which are involved with Mexico.

10 SEC. 15. Section 8701 of the Government Code is amended to
11 read:

12 8701. The following definitions shall govern the construction
13 of this chapter:

14 (a) "Office" means the Office of California-Mexico Affairs.

15 (b) "Conference" means the Southwest Border Regional
16 Conference.

17 (e) ~~"Commission" means the Commission of the Californias.~~

18 SEC. 16. Section 8702 of the Government Code is amended to
19 read:

20 8702. (a) There is in state government an Office of
21 California-Mexico Affairs. Within this office the operations of
22 ~~the Commission of the Californias and the California Office of~~
23 ~~the Southwest Border Regional Conference shall be continued.~~

24 ~~The~~

25 (b) ~~The~~ office succeeds to and is vested with all the duties,
26 powers, purposes, and responsibilities vested in ~~the commission~~
27 ~~or the California office of the conference and previously vested~~
28 ~~in the Commission of the Californias. All officers and employees~~
29 ~~of the commission or the California office of the conference who,~~
30 ~~on the effective date of this section, are serving in the~~
31 ~~performance of a function vested in the commission or the~~
32 ~~California office of the conference, shall be transferred to the~~
33 office. However, it is the intent of the Legislature that, upon the
34 effective date of this section, the staff of the office shall be
35 reduced to four persons in order to limit office personnel
36 expenditures to the level authorized for the commission and the
37 California office of the conference for the 1982-83 fiscal year.

38 ~~The~~

39 (c) ~~The~~ office shall have possession and control of all records,
40 papers, offices, equipment, supplies, moneys, funds,

1 appropriations, land, and other property, real or personal, held for
2 the benefit or use of ~~the commission or the California office of~~
3 the conference, *or previously held for the benefit or use of the*
4 *commission*, in the performance of the duties, powers, purposes,
5 responsibilities, and jurisdiction of ~~the commission or the~~
6 California office of the conference *or the commission*.

7 *SEC. 17. Section 8704 of the Government Code is repealed.*

8 ~~8704. The Commission of the Californias shall consist of 18~~
9 ~~commissioners, seven of whom shall be appointed from members~~
10 ~~of the general public by the Governor. The Lieutenant Governor~~
11 ~~shall serve as a commissioner. The Governor shall serve as~~
12 ~~chairman of the commission. The Lieutenant Governor shall~~
13 ~~serve as vice chairman and, in the absence of the Governor, shall~~
14 ~~serve as chairman of the commission, with full responsibility for~~
15 ~~and authority over all functions of the commission.~~

16 ~~Five Senators shall be appointed as commissioners by the~~
17 ~~Senate Committee on Rules. Five Assemblymen shall be~~
18 ~~appointed as commissioners by the Speaker of the Assembly.~~
19 ~~Legislative commissioners shall meet with, and participate in, the~~
20 ~~work of the commission to the extent that such participation is~~
21 ~~not incompatible with their duties as Members of the Legislature.~~
22 ~~For the purposes of this chapter, Members of the Legislature who~~
23 ~~are commissioners shall constitute a joint legislative committee~~
24 ~~on the subject matter of this chapter.~~

25 ~~Commissioners shall serve at the pleasure of the appointing~~
26 ~~power for a period of not more than four years, after which they~~
27 ~~may be reappointed by their appointing power.~~

28 *SEC. 18. Section 8705 of the Government Code is amended to*
29 *read:*

30 8705. The office shall further and develop favorable
31 ~~economic, educational and cultural~~ relations with the State of
32 Baja California, the State of Baja California Sur, other Mexican
33 states bordering on the United States, and the remaining states
34 and territories of the Republic of Mexico necessary for the
35 completion of the office's tasks. The office shall cooperate with
36 similar organizations *and agencies* situated within *California*, the
37 United States, or Mexico, ~~and to further economic development,~~
38 *improve working conditions and living standards, and foster the*
39 *protection and improvement of the environment in Mexico and*
40 *California. The office shall avail itself of the services of the San*

1 Diego State University, which is engaged in educational, cultural,
2 and research activities with Mexico. The office shall be
3 responsible for carrying out the ongoing responsibilities of ~~the~~
4 ~~Commission of the Californias and the Southwest Border~~
5 ~~Regional Conference.~~

6 *SEC. 19. Section 8707 of the Government Code is repealed.*

7 ~~8707. Members of the commission shall serve without~~
8 ~~compensation but shall be reimbursed for actual necessary~~
9 ~~expenses incurred in the performance of their duties when~~
10 ~~requested to do so by the director, except for legislative~~
11 ~~commissioners who shall instead receive reimbursement for their~~
12 ~~expenses from the Legislature.~~

13 *SEC. 20. Section 8709 of the Government Code is amended to*
14 *read:*

15 8709. The office shall be responsible for the establishment of
16 committees in those topic areas deemed necessary by the
17 director. ~~Membership on the committees shall be at the pleasure~~
18 ~~of the appointing power. The appointing authority for the~~
19 ~~committees within the commission shall be the chairman of the~~
20 ~~commission.~~ Recommendations of the committees shall not be
21 binding on the Governor or the Legislature but shall only be
22 advisory in nature.

23 *SEC. 21. Section 12231 of the Government Code is repealed.*

24 ~~12231. (a) In carrying out the provisions of this article, the~~
25 ~~Secretary of State shall consult with and give consideration to the~~
26 ~~recommendations of the California Heritage Preservation~~
27 ~~Commission, which for such purpose shall serve in an advisory~~
28 ~~capacity to the Secretary of State.~~

29 ~~(b) This section shall become inoperative on July 1, 2006, and,~~
30 ~~as of January 1, 2007, is repealed, unless a later enacted statute~~
31 ~~that is enacted before January 1, 2007, deletes or extends the~~
32 ~~dates on which it becomes inoperative and is repealed.~~

33 *SEC. 22. Section 12232 of the Government Code is amended*
34 *to read:*

35 12232. The Secretary of State shall utilize the ~~California~~
36 ~~Heritage Preservation Commission and the California State~~
37 ~~Library to advise, encourage, and coordinate the activities of the~~
38 ~~county historical records commissions, either designated or~~
39 ~~appointed by the county boards of supervisors pursuant to~~
40 ~~Section 26490. The chairman or his ~~designate or her designee~~ of~~

1 each county historical records commission may attend an annual
2 meeting with the ~~named state representatives~~ *California State*
3 *Library*, at state expense, to receive advice in the preservation of
4 local government archives and public library collections of
5 historical materials.

6 *SEC. 23. Section 65054.5 of the Government Code is*
7 *repealed.*

8 ~~65054.5. (a) There is hereby created a Governor's Small~~
9 ~~Business Reform Task Force. The task force shall be chaired by~~
10 ~~the Director of the Office of Small Business Advocate and shall~~
11 ~~include representatives appointed by the Governor from the~~
12 ~~California Small Business Association, other small business~~
13 ~~associations, and agency secretaries or their designees from state~~
14 ~~agencies heavily involved in small business regulation.~~

15 ~~(b) The task force shall identify problems and ideas from the~~
16 ~~small business community concerning the regulation,~~
17 ~~communication, and assistance of state government with small~~
18 ~~business. The task force shall create a website to solicit public~~
19 ~~input, as well as, conduct at least four public hearings around the~~
20 ~~state to seek advice and recommendations.~~

21 ~~(c) The task force shall conduct a study to consider the~~
22 ~~problems encountered by small businesses working with different~~
23 ~~levels of government, different offices in state and local~~
24 ~~government, and multiple jurisdictions, especially in the context~~
25 ~~of applying for and obtaining required permits and licenses. The~~
26 ~~study may include participation by the California League of~~
27 ~~Cities, county boards of supervisors, and small business~~
28 ~~representatives.~~

29 ~~(d) The task force shall prepare and submit a report on or~~
30 ~~before May 1, 2002, to the Governor and the budget committee~~
31 ~~of each house of the Legislature with a discussion of its findings~~
32 ~~and recommendations.~~

33 *SEC. 24. Section 1342.3 of the Health and Safety Code is*
34 *repealed.*

35 ~~1342.3. The director shall, in conjunction with the Advisory~~
36 ~~Committee on Managed Health Care, undertake a study to~~
37 ~~consider the feasibility and benefit of consolidating into the~~
38 ~~Department of Managed Health Care the regulation of other~~
39 ~~health insurers providing insurance through indemnity, preferred~~
40 ~~provider organization, and exclusive provider organization~~

1 ~~products, as well as through other managed care products~~
2 ~~regulated by the Department of Insurance. The results of the~~
3 ~~study along with the recommendations of the director shall be~~
4 ~~incorporated into a report to the Governor and the Legislature no~~
5 ~~later than December 31, 2001.~~

6 *SEC. 25. Section 1347 of the Health and Safety Code is*
7 *repealed.*

8 ~~1347. (a) (1) There is established in the Department of~~
9 ~~Managed Health Care the Advisory Committee on Managed~~
10 ~~Health Care consisting of 22 members, as follows:~~

11 ~~(A) The director.~~

12 ~~(B) Eleven members appointed by the Governor, to be~~
13 ~~appointed as follows:~~

14 ~~(i) A physician and surgeon with five years' experience in~~
15 ~~providing services to enrollees of a full service health care~~
16 ~~service plan.~~

17 ~~(ii) An executive officer or medical director of a full service~~
18 ~~health care service plan.~~

19 ~~(iii) A person with expertise and five years' experience in an~~
20 ~~administrative capacity of a health care service plan.~~

21 ~~(iv) An executive officer with five years' experience with a~~
22 ~~contracting medical group.~~

23 ~~(v) A medical director with a contracting medical group.~~

24 ~~(vi) A member of the department's Financial Solvency~~
25 ~~Standards Board.~~

26 ~~(vii) A physician-executive from an academic medical center.~~

27 ~~(viii) A member of the department's clinical advisory panel.~~

28 ~~(ix) A medical director or senior officer with a dental service~~
29 ~~plan.~~

30 ~~(x) A medical director or senior officer with a vision service~~
31 ~~plan.~~

32 ~~(xi) A medical director or senior officer with a mental health~~
33 ~~service plan.~~

34 ~~(C) (i) Ten public members, four of whom shall be appointed~~
35 ~~by the Governor and three each by the Speaker of the Assembly~~
36 ~~and the Senate Committee on Rules who have a broad~~
37 ~~understanding of health and managed care issues and who have~~
38 ~~no financial interest in the delivery of health care services or in~~
39 ~~plans except that public members may be enrollees in a health~~
40 ~~care service plan or specialized health care service plan.~~

~~(ii) Of the public members appointed by the Governor, at least two of these members shall have significant academic backgrounds in the area.~~

~~(iii) Of the members appointed by the Speaker of the Assembly and the Senate Committee on Rules at least one public member appointed by each appointing power shall represent a health care consumer advocacy organization, with the Speaker's appointee representing an organization that devotes at least 50 percent of its time to resolving consumer complaints. The Speaker of the Assembly and the Senate Committee on Rules shall also each appoint one public member with significant background experience in the area of health care.~~

~~(D) With respect to members appointed by the Governor, if members with the qualifications specified in this subdivision are not available for service, other factors such as relevant health care experience and education shall be substituted at the discretion of the Governor.~~

~~(2) Except as otherwise specified in this paragraph, all appointments to the committee shall be for a period of three years. The initial appointments shall commence January 1, 2000. Of the initial appointments made by the Governor, four shall serve for a term of one year and five shall serve for a term of two years, as designated by the Governor. Of the initial appointments made by the Speaker of the Assembly and the Senate Committee on Rules, one member appointed by each appointing power shall serve for a term of one year, and one shall serve for a term of two years, as designated by the appointing power.~~

~~(b) The committee shall meet at least quarterly and at the call of the chairperson. The director or the director's designee shall be chairperson of the committee. The committee may establish its own rules and procedures. All members shall serve without compensation, but the consumer representatives and public members shall be reimbursed from department funds for expenses actually and necessarily incurred by them in the performance of their duties.~~

~~(c) The purpose of the committee is to assist and advise the director in the implementation of the director's duties under this chapter and to make recommendations that it deems beneficial and appropriate as to how the department may best serve the people of the state. The committee shall produce an~~

1 Internet-accessible annual public report that will, at a minimum,
2 contain recommendations made to the director. At a minimum,
3 the report shall include the following:

4 (1) ~~Recommendations to the director on producing a report~~
5 ~~card to the public on the comparative performance of the~~
6 ~~managed care organizations overseen by the department,~~
7 ~~including health care service plans and subcontracting providers,~~
8 ~~building on the work of the private sector and other government~~
9 ~~entities and including complaint information received by the~~
10 ~~state.~~

11 (2) (A) ~~The committee's top five recommendations for~~
12 ~~improving the health care delivery system and quality of care~~
13 ~~taking into consideration information received from the public.~~

14 (B) ~~To assist the committee in formulating its~~
15 ~~recommendations, the views and suggestions of the public should~~
16 ~~be solicited. The committee shall accompany the director at least~~
17 ~~twice each year for public hearings (with at least one in northern~~
18 ~~California and at least one in southern California).~~

19 (C) ~~This report shall be delivered to the director, the Governor,~~
20 ~~and to the appropriate policy committees of the Legislature.~~

21 (d) ~~The director shall consult with the advisory committee on~~
22 ~~regulations and the recommendations of the committee shall be~~
23 ~~made a part of the record with regard to such regulations. The~~
24 ~~committee shall be given at least 40 days to review and comment~~
25 ~~on regulations prior to setting a notice of hearing for proposed~~
26 ~~regulations. Nothing in this subdivision prohibits the director~~
27 ~~from promulgating emergency regulations pursuant to the~~
28 ~~provisions of the Administrative Procedure Act. The director~~
29 ~~shall discuss budget changes relating to the administration of this~~
30 ~~chapter with the committee, and the committee may make~~
31 ~~recommendations to the director regarding the proposed budget~~
32 ~~changes.~~

33 *SEC. 26. Section 1347.1 of the Health and Safety Code is*
34 *repealed.*

35 ~~1347.1. There is established in the department a Clinical~~
36 ~~Advisory Panel consisting of five members appointed by the~~
37 ~~director. These members shall be professors of medicine from~~
38 ~~California's public and private medical schools and, additionally,~~
39 ~~two of the members shall be practicing physicians. The purpose~~
40 ~~of the advisory panel shall be to provide expert assistance to the~~

1 ~~director in ensuring that the external independent review system~~
2 ~~is meeting the quality standards necessary to protect the public's~~
3 ~~interest. The panel shall also assist the director with other clinical~~
4 ~~issues as needed, such as recommending approaches to globally~~
5 ~~reducing clinical errors, improving patient safety, increasing the~~
6 ~~practice of evidence-based medicine, and catalyzing clinical~~
7 ~~studies when a clear need for additional clinical evidence~~
8 ~~becomes evident. The panel shall review the decisions made in~~
9 ~~external review to ensure that the decisions are consistent with~~
10 ~~best practices and make recommendations for improvements~~
11 ~~where necessary. The panel shall meet quarterly and shall have~~
12 ~~staff provided as necessary.~~

13 *SEC. 27. Section 1347.15 of the Health and Safety Code is*
14 *amended to read:*

15 1347.15. (a) There is hereby established in the Department of
16 Managed Health Care the Financial Solvency Standards Board
17 composed of eight members. The members shall consist of the
18 director, or the director's designee, and seven members
19 appointed by the director. The seven members appointed by the
20 director may be, but are not necessarily limited to, individuals
21 with training and experience in the following subject areas or
22 fields: medical and health care economics; accountancy, with
23 experience in integrated or affiliated health care delivery
24 systems; excess loss insurance underwriting in the medical,
25 hospital, and health plan business; actuarial studies in the area of
26 health care delivery systems; management and administration in
27 integrated or affiliated health care delivery systems; investment
28 banking; and information technology in integrated or affiliated
29 health care delivery systems. The members appointed by the
30 director shall be appointed for a term of three years, but may be
31 removed or reappointed by the director before the expiration of
32 the term.

33 (b) The purpose of the board is to do all of the following:

34 (1) Advise the director on matters of financial solvency
35 affecting the delivery of health care services.

36 (2) Develop and recommend to the director financial solvency
37 requirements and standards relating to plan operations,
38 plan-affiliate operations and transactions, plan-provider
39 contractual relationships, and provider-affiliate operations and
40 transactions.

1 (3) Periodically monitor and report on the implementation and
2 results of the financial solvency requirements and standards.

3 (c) Financial solvency requirements and standards
4 recommended to the director by the board may, after a period of
5 review and comment not to exceed 45 days ~~and, notwithstanding~~
6 ~~Section 1347~~, be noticed for adoption as regulations as proposed
7 or modified under the rulemaking provisions of the
8 Administrative Procedure Act (Chapter 3.5 (commencing with
9 Section 11340) of Part 1 of Division 3 of Title 2 of the
10 Government Code). During the director's 45-day review and
11 comment period, the director, in consultation with the board, may
12 postpone the adoption of the requirements and standards pending
13 further review and comment. ~~Within five business days of receipt~~
14 ~~by the director of the recommendation of the board, the director~~
15 ~~shall send an information only copy of the recommendations to~~
16 ~~the members of the Advisory Committee on Managed Care.~~
17 Nothing in this subdivision prohibits the director from adopting
18 regulations, including emergency regulations, under the
19 rulemaking provisions of the Administrative Procedure Act.

20 (d) Except as provided in subdivision (e), the board shall meet
21 at least quarterly and at the call of the chair. In order to preserve
22 the independence of the board, the director shall not serve as
23 chair. The members of the board may establish their own rules
24 and procedures. All members shall serve without compensation,
25 but shall be reimbursed from department funds for expenses
26 actually and necessarily incurred in the performance of their
27 duties.

28 (e) During the two years from the date of the first meeting of
29 the board, the board shall meet monthly in order to expeditiously
30 fulfill its purpose under paragraphs (1) and (2) of subdivision (b).

31 (f) For purposes of this section, "board" means the Financial
32 Solvency Standards Board.

33 *SEC. 28. Section 1367.03 of the Health and Safety Code is*
34 *amended to read:*

35 1367.03. (a) Not later than January 1, 2004, the department
36 shall develop and adopt regulations to ensure that enrollees have
37 access to needed health care services in a timely manner. In
38 developing these regulations, the department shall develop
39 indicators of timeliness of access to care and, in so doing, shall

1 consider the following as indicators of timeliness of access to
2 care:

3 (1) Waiting times for appointments with physicians, including
4 primary care and specialty physicians.

5 (2) Timeliness of care in an episode of illness, including the
6 timeliness of referrals and obtaining other services, if needed.

7 (3) Waiting time to speak to a physician, registered nurse, or
8 other qualified health professional acting within his or her scope
9 of practice who is trained to screen or triage an enrollee who may
10 need care.

11 (b) In developing these standards for timeliness of access, the
12 department shall consider the following:

13 (1) Clinical appropriateness.

14 (2) The nature of the specialty.

15 (3) The urgency of care.

16 (4) The requirements of other provisions of law, including
17 Section 1367.01 governing utilization review, that may affect
18 timeliness of access.

19 (c) The department may adopt standards other than the time
20 elapsed between the time an enrollee seeks health care and
21 obtains care. If the department chooses a standard other than the
22 time elapsed between the time an enrollee first seeks health care
23 and obtains it, the department shall demonstrate why that
24 standard is more appropriate. In developing these standards, the
25 department shall consider the nature of the plan network.

26 (d) The department shall review and adopt standards, as
27 needed, concerning the availability of primary care physicians,
28 specialty physicians, hospital care, and other health care, so that
29 consumers have timely access to care. In so doing, the
30 department shall consider the nature of physician practices,
31 including individual and group practices as well as the nature of
32 the plan network. The department shall also consider various
33 circumstances affecting the delivery of care, including urgent
34 care, care provided on the same day, and requests for specific
35 providers. If the department finds that health care service plans
36 and health care providers have difficulty meeting these standards,
37 the department may make recommendations to the Assembly
38 Committee on Health and the Senate Committee on Insurance of
39 the Legislature pursuant to subdivision (i).

1 (e) In developing standards under subdivision (a), the
2 department shall consider requirements under federal law,
3 requirements under other state programs, standards adopted by
4 other states, nationally recognized accrediting organizations, and
5 professional associations. The department shall further consider
6 the needs of rural areas, specifically those in which health
7 facilities are more than 30 miles apart and any requirements
8 imposed by the State Department of Health Services on health
9 care service plans that contract with the State Department of
10 Health Services to provide Medi-Cal managed care.

11 ~~(f) The department shall consult with the Clinical Advisory~~
12 ~~Panel and shall seek public input from a wide range of interested~~
13 ~~parties through the Advisory Committee on Managed Health~~
14 ~~Care.~~

15 ~~(g)~~

16 (f) (1) Contracts between health care service plans and health
17 care providers shall assure compliance with the standards
18 developed under this section. These contracts shall require
19 reporting by health care providers to health care service plans
20 and by health care service plans to the department to ensure
21 compliance with the standards.

22 (2) Health care service plans shall report annually to the
23 department on compliance with the standards in a manner
24 specified by the department. The reported information shall allow
25 consumers to compare the performance of plans and their
26 contracting providers in complying with the standards, as well as
27 changes in the compliance of plans with these standards.

28 ~~(h)~~

29 (g) (1) When evaluating compliance with the standards, the
30 department shall focus more upon patterns of noncompliance
31 rather than isolated episodes of noncompliance.

32 (2) The director may investigate and take enforcement action
33 against plans regarding noncompliance with the requirements of
34 this section. Where substantial harm to an enrollee has occurred
35 as a result of plan noncompliance, the director may, by order,
36 assess administrative penalties subject to appropriate notice of,
37 and the opportunity for, a hearing in accordance with Section
38 1397. The plan may provide to the director, and the director may
39 consider, information regarding the plan's overall compliance
40 with the requirements of this section. The administrative

1 penalties shall not be deemed an exclusive remedy available to
2 the director. These penalties shall be paid to the State Managed
3 Care Fund. The director shall periodically evaluate grievances to
4 determine if any audit, investigative, or enforcement actions
5 should be undertaken by the department.

6 (3) The director may, after appropriate notice and opportunity
7 for hearing in accordance with Section 1397, by order, assess
8 administrative penalties if the director determines that a health
9 care service plan has knowingly committed, or has performed
10 with a frequency that indicates a general business practice, either
11 of the following:

12 (A) Repeated failure to act promptly and reasonably to assure
13 timely access to care consistent with this chapter.

14 (B) Repeated failure to act promptly and reasonably to require
15 contracting providers to assure timely access that the plan is
16 required to perform under this chapter and that have been
17 delegated by the plan to the contracting provider when the
18 obligation of the plan to the enrollee or subscriber is reasonably
19 clear.

20 (C) The administrative penalties available to the director
21 pursuant to this section are not exclusive, and may be sought and
22 employed in any combination with civil, criminal, and other
23 administrative remedies deemed warranted by the director to
24 enforce this chapter.

25 (4) The administrative penalties authorized pursuant to this
26 section shall be paid to the State Managed Care Fund.

27 ~~(i)~~

28 *(h)* The department shall work with the patient advocate to
29 assure that the quality of care report card incorporates
30 information provided pursuant to subdivision ~~(g)~~ *(f)* regarding the
31 degree to which health care service plans and health care
32 providers comply with the requirements for timely access to care.

33 ~~(j)~~

34 *(i)* The department shall report to the Assembly Committee on
35 Health and the Senate Committee on Insurance of the Legislature
36 on March 1, 2003, and on March 1, 2004, regarding the progress
37 toward the implementation of this section.

38 ~~(k)~~

39 *(j)* Every three years, the department shall review information
40 regarding compliance with the standards developed under this

1 section and shall make recommendations for changes that further
2 protect enrollees.

3 *SEC. 29. Section 1367.04 of the Health and Safety Code is*
4 *amended to read:*

5 1367.04. (a) Not later than January 1, 2006, the department
6 shall develop and adopt regulations establishing standards and
7 requirements to provide health care service plan enrollees with
8 appropriate access to language assistance in obtaining health care
9 services.

10 (b) In developing the regulations, the department shall require
11 every health care service plan and specialized health care service
12 plan to assess the linguistic needs of the enrollee population,
13 excluding Medi-Cal enrollees, and to provide for translation and
14 interpretation for medical services, as indicated. A health care
15 service plan that participates in the Healthy Families Program
16 may assess the Healthy Families Program enrollee population
17 separately from the remainder of its enrollee population for
18 purposes of subparagraph (A) of paragraph (1). A health care
19 service plan that chooses to separate its Healthy Families
20 Program enrollment from the remainder of its enrollee population
21 shall treat the Healthy Families Program population separately
22 for purposes of determining whether subparagraph (A) of
23 paragraph (1) is applicable, and shall also treat the Healthy
24 Families Program population separately for purposes of applying
25 the percentage and numerical thresholds in subparagraph (A) of
26 paragraph (1). The regulations shall include the following:

27 (1) Requirements for the translation of vital documents that
28 include the following:

29 (A) A requirement that all vital documents, as defined
30 pursuant to subparagraph (B), be translated into an indicated
31 language, as follows:

32 (i) A health care service plan with an enrollment of 1,000,000
33 or more shall translate vital documents into the top two
34 languages other than English as determined by the needs
35 assessment as required by this subdivision and any additional
36 languages when 0.75 percent or 15,000 of the enrollee
37 population, whichever number is less, excluding Medi-Cal
38 enrollment and treating Healthy Families Program enrollment
39 separately indicates in the needs assessment as required by this
40 subdivision a preference for written materials in that language.

1 (ii) A health care service plan with an enrollment of 300,000
2 or more but less than 1,000,000 shall translate vital documents
3 into the top one language other than English as determined by the
4 needs assessment as required by this subdivision and any
5 additional languages when 1 percent or 6,000 of the enrollee
6 population, whichever number is less, excluding Medi-Cal
7 enrollment and treating Healthy Families Program enrollment
8 separately indicates in the needs assessment as required by this
9 subdivision a preference for written materials in that language.

10 (iii) A health care service plan with an enrollment of less than
11 300,000 shall translate vital documents into a language other than
12 English when 3,000 or more or 5 percent of the enrollee
13 population, whichever number is less, excluding Medi-Cal
14 enrollment and treating Healthy Families Program enrollment
15 separately indicates in the needs assessment as required by this
16 subdivision a preference for written materials in that language.

17 (B) Specification of vital documents produced by the plan that
18 are required to be translated. The specification of vital documents
19 shall not exceed that of the Department of Health and Human
20 Services (HHS) Office of Civil Rights (OCR) Policy Guidance
21 (65 Federal Register 52762 (August 30, 2000)), but shall include
22 all of the following:

23 (i) Applications.

24 (ii) Consent forms.

25 (iii) Letters containing important information regarding
26 eligibility and participation criteria.

27 (iv) Notices pertaining to the denial, reduction, modification,
28 or termination of services and benefits, and the right to file a
29 grievance or appeal.

30 (v) Notices advising limited-English-proficient persons of the
31 availability of free language assistance and other outreach
32 materials that are provided to enrollees.

33 (vi) Translated documents shall not include a health care
34 service plan's explanation of benefits or similar claim processing
35 information that is sent to enrollees, unless the document requires
36 a response by the enrollee.

37 (C) (i) For those documents described in subparagraph (B)
38 that are not standardized but contain enrollee specific
39 information, health care service plans shall not be required to
40 translate the documents into the threshold languages identified by

1 the needs assessment as required by this subdivision, but rather
2 shall include with the documents a written notice of the
3 availability of interpretation services in the threshold languages
4 identified by the needs assessment as required by this
5 subdivision.

6 (ii) Upon request, the enrollee shall receive a written
7 translation of the documents described in clause (i). The health
8 care service plan shall have up to, but not to exceed, 21 days to
9 comply with the enrollee's request for a written translation. If an
10 enrollee requests a translated document, all timeframes and
11 deadline requirements related to the document that apply to the
12 health care service plan and enrollees under the provisions of this
13 chapter and under any regulations adopted pursuant to this
14 chapter shall begin to run upon the health care service plan's
15 issuance of the translated document.

16 (iii) For grievances that require expedited plan review and
17 response in accordance with subdivision (b) of Section 1368.01,
18 the health care service plan may satisfy this requirement by
19 providing notice of the availability and access to oral
20 interpretation services.

21 (D) A requirement that health care service plans advise
22 limited-English-proficient enrollees of the availability of
23 interpreter services.

24 (2) Standards to ensure the quality and accuracy of the written
25 translations and that a translated document meets the same
26 standards required for the English language version of the
27 document. The English language documents shall determine the
28 rights and obligations of the parties, and the translated documents
29 shall be admissible in evidence only if there is a dispute
30 regarding a substantial difference in the material terms and
31 conditions of the English language document and the translated
32 document.

33 (3) Requirements for surveying the language preferences and
34 needs assessments of health care service plan enrollees within
35 one year of the effective date of the regulations that permit health
36 care service plans to utilize various survey methods, including,
37 but not limited to, the use of existing enrollment and renewal
38 processes, subscriber newsletters, or other mailings. Health care
39 service plans shall update the needs assessment, demographic
40 profile, and language translation requirements every three years.

1 (4) Requirements for individual enrollee access to
2 interpretation services.

3 (5) Standards to ensure the quality and timeliness of oral
4 interpretation services provided by health care service plans.

5 (c) In developing the regulations, standards, and requirements,
6 the department shall consider the following:

7 (1) Publications and standards issued by federal agencies, such
8 as the Culturally and Linguistically Appropriate Services (CLAS)
9 in Health Care issued by the United States Department of Health
10 and Human Services Office of Minority Health in December
11 2000, and the Department of Health and Human Services (HHS)
12 Office of Civil Rights (OCR) Policy Guidance (65 Federal
13 Register 52762 (August 30, 2000)).

14 (2) Other cultural and linguistic requirements under state
15 programs, such as Medi-Cal Managed Care Policy Letters,
16 cultural and linguistic requirements imposed by the State
17 Department of Health Services on health care service plans that
18 contract to provide Medi-Cal managed care services, and cultural
19 and linguistic requirements imposed by the Managed Risk
20 Medical Insurance Board on health care service plans that
21 contract to provide services in the Healthy Families Program.

22 (3) Standards adopted by other states pertaining to language
23 assistance requirements for health care service plans.

24 (4) Standards established by California or nationally
25 recognized accrediting, certifying, or licensing organizations and
26 medical and health care interpreter professional associations
27 regarding interpretation services.

28 (5) Publications, guidelines, reports, and recommendations
29 issued by state agencies or advisory committees, such as the
30 report card to the public on the comparative performance of plans
31 and reports on cultural and linguistic services issued by the
32 Office of Patient Advocate and the report to the Legislature from
33 the Task Force on Culturally and Linguistically Competent
34 Physicians and Dentists established by Section 852 of the
35 Business and Professions Code.

36 (6) Examples of best practices relating to language assistance
37 services by health care providers and health care service plans,
38 including existing practices.

1 (7) Information gathered from complaints to the HMO
2 Helpline and consumer assistance centers regarding language
3 assistance services.

4 (8) The cost of compliance and the availability of translation
5 and interpretation services and professionals.

6 (9) Flexibility to accommodate variations in plan networks and
7 method of service delivery. The department shall allow for health
8 care service plan flexibility in determining compliance with the
9 standards for oral and written interpretation services.

10 (d) The department shall work to ensure that the biennial
11 reports required by this section, and the data collected for those
12 reports, are consistent with reports required by
13 government-sponsored programs and do not require duplicative
14 or conflicting data collection or reporting.

15 (e) The department shall seek public input from a wide range
16 of interested parties through ~~the Advisory Committee on~~
17 ~~Managed Health Care or other~~ advisory bodies established by the
18 director.

19 (f) A contract between a health care service plan and a health
20 care provider shall require compliance with the standards
21 developed under this section. In furtherance of this section, the
22 contract shall require providers to cooperate with the plan by
23 providing any information necessary to assess compliance.

24 (g) The department shall report biennially to the Legislature
25 ~~and the Advisory Committee on Managed Health Care, or other~~
26 advisory bodies established by the director; regarding plan
27 compliance with the standards, including results of compliance
28 audits made in conjunction with other audits and reviews. The
29 reported information shall also be included in the publication
30 required under subparagraph (B) of paragraph (3) of subdivision
31 (c) of Section 1368.02. The department shall also utilize the
32 reported information to make recommendations for changes that
33 further enhance standards pursuant to this section. The
34 department may also delay or otherwise phase-in implementation
35 of standards and requirements in recognition of costs and
36 availability of translation and interpretation services and
37 professionals.

38 (h) (1) Except for contracts with the State Department of
39 Health Services Medi-Cal program, the standards developed

1 under this section shall be considered the minimum required for
2 compliance.

3 (2) The regulations shall provide that a health plan is in
4 compliance if the plan is required to meet the same or similar
5 standards by the Medi-Cal program, either by contract or state
6 law, if the standards provide as much access to cultural and
7 linguistic services as the standards established by this section for
8 an equal or higher number of enrollees and therefore meet or
9 exceed the standards of the regulations established pursuant to
10 this section, and the department determines that the health care
11 service plan is in compliance with the standards required by the
12 Medi-Cal program. To meet this requirement, the department
13 shall not be required to perform individual audits. The
14 department shall, to the extent feasible, rely on audits, reports, or
15 other oversight and enforcement methods used by the State
16 Department of Health Services.

17 (3) The determination pursuant to paragraph (2) shall only
18 apply to the enrollees covered by the Medi-Cal program
19 standards. A health care service plan subject to paragraph (2)
20 shall comply with the standards established by this section with
21 regard to enrollees not covered by the Medi-Cal program.

22 (i) Nothing in this section shall prohibit a government
23 purchaser from including in their contracts additional translation
24 or interpretation requirements, to meet linguistic or cultural
25 needs, beyond those set forth pursuant to this section.

26 *SEC. 30. Section 1368.2 of the Health and Safety Code is*
27 *amended to read:*

28 1368.2. (a) On and after January 1, 2002, every group health
29 care service plan contract, except a specialized health care
30 service plan contract, which is issued, amended, or renewed,
31 shall include a provision for hospice care.

32 (b) The hospice care shall at a minimum be equivalent to
33 hospice care provided by the federal Medicare program pursuant
34 to Title XVIII of the Social Security Act.

35 (c) The hospice care provided under this section is not
36 required to include preliminary services set forth in subdivision

37 (d) of Section 1749. However, an enrollee who receives those
38 preliminary services shall remain eligible for coverage of
39 curative treatment by a health care service plan during the course

1 of preliminary services and prior to the election of hospice
2 services.

3 (d) The following are applicable to this section and to
4 paragraph (7) of subdivision (b) of Section 1345:

5 (1) The definitions in Section 1746, except for subdivisions (o)
6 and (p) of that section.

7 (2) The “federal regulations” which means the regulations
8 adopted for hospice care under Title XVIII of the Social Security
9 Act in Title 42 of the Code of Federal Regulations, Chapter IV,
10 Part 418, except Subparts A, B, G, and H, and any amendments
11 or successor provisions thereto.

12 (e) The director no later than January 1, 2001, shall adopt
13 regulations to implement this section. The regulations shall meet
14 all of the following requirements:

15 (1) Be consistent with all material elements of the federal
16 regulations that are not by their terms applicable only to eligible
17 Medicare beneficiaries. If there is a conflict between a federal
18 regulation and any state regulation, other than those adopted
19 pursuant to this section, the director shall adopt the regulation
20 that is most favorable for plan subscribers, members or enrollees
21 to receive hospice care.

22 (2) Be consistent with any other applicable federal or state
23 laws.

24 (3) Be consistent with the definitions of Section 1746, except
25 for subdivisions (o) and (p) of that section.

26 (f) This section is not applicable to the subscribers, members,
27 or enrollees of a health care service plan who elect to receive
28 hospice care under the Medicare program.

29 ~~(g) The director, commencing on January 15, 2002, and on~~
30 ~~each January 15th thereafter, shall report to the Advisory~~
31 ~~Committee on Managed Health Care any changes in the~~
32 ~~federal regulations that differ materially from the regulations then~~
33 ~~in effect for this section. The director shall include with the~~
34 ~~report written text for proposed changes to the regulations then in~~
35 ~~effect for this section needed to meet the requirements of~~
36 ~~subdivision (e).~~

37 *SEC. 31. Section 154 of the Streets and Highways Code is*
38 *amended to read:*

39 154. The department shall encourage the construction and
40 development by counties of portions of the county highways as

1 official county scenic highways and may furnish to the counties
2 any information or other assistance which will aid the counties in
3 the construction or development of such scenic highways.

4 ~~Whenever the department, with the advice of the Departmental~~
5 ~~Transportation Advisory Committee,~~ determines that any county
6 highway meets the minimum standards prescribed by the
7 department for official scenic highways, including the concept of
8 the “complete highway,” as described in Section 261, it may
9 authorize the county in which the highway is located to designate
10 the highway as an official county scenic highway and the
11 department shall so indicate the highway in publications of the
12 department and in any maps which are prepared by the
13 department for distribution to the public which show the
14 highway.

15 ~~If the department, with the advice of the Departmental~~
16 ~~Transportation Advisory Committee,~~ determines that any county
17 highway which has been designated as an official county scenic
18 highway no longer meets the minimum standards prescribed by
19 the department for official scenic highways, it may, after notice
20 to the county and a hearing on the matter, if requested by the
21 county, revoke the authority of the county to designate the
22 highway as an official county scenic highway.

23 *SEC. 32. Section 261 of the Streets and Highways Code is*
24 *amended to read:*

25 261. The department shall, ~~with the advice of the~~
26 ~~Departmental Transportation Advisory Committee,~~ establish and
27 apply pertinent planning and design standards for development of
28 official scenic highways.

29 In establishing and applying such standards for, and
30 undertaking the development of, official scenic highways, the
31 department shall take into consideration the concept of the
32 “complete highway,” which is a highway which incorporates not
33 only safety, utility, and economy but also beauty. The department
34 shall also take into consideration in establishing such standards
35 that, in a “complete highway,” pleasing appearance is a
36 consideration in the planning and design process. In the
37 development of official scenic highways, the department shall
38 give special attention both to the impact of the highway on the
39 landscape and to the highway’s visual appearance. The standards
40 for official scenic highways shall also require that local

1 governmental agencies have taken such action as may be
2 necessary to protect the scenic appearance of the scenic corridor,
3 the band of land generally adjacent to the highway right-of-way,
4 including, but not limited to, (1) regulation of land use and
5 intensity (density) of development; (2) detailed land and site
6 planning; (3) control of outdoor advertising; (4) careful
7 attention to and control of earthmoving and landscaping; and
8 (5) the design and appearance of structures and equipment.

9 *SEC. 33. Section 262 of the Streets and Highways Code is*
10 *amended to read:*

11 262. Whenever the department determines that the corridor
12 protection program for any state highway in the state scenic
13 highway system established by this article has been implemented
14 by local governmental agencies and a plan and program has been
15 developed by the department for bringing the highway up to the
16 standards for official scenic highways established by the
17 department, including the concept of the “complete highway,” as
18 described in Section 261, the department shall designate the
19 highway as an official state scenic highway and shall so indicate
20 the highway in any publications of the department or in any maps
21 which are issued by the department to the public.

22 The department shall cause appropriate signs to be placed and
23 maintained along the portions of the state scenic highway system
24 which the department has designated as official state scenic
25 highways that indicate that the highways are official state scenic
26 highways.

27 If at any time the department, ~~with the advice of the~~
28 ~~Departmental Transportation Advisory Committee,~~ determines
29 that the corridor protection program of local governmental
30 agencies, with respect to any highway which has been designated
31 as an official state scenic highway, no longer adequately carries
32 out responsibility of the local governmental agencies for the
33 protection of the scenic corridor, it may revoke the designation of
34 the highway as an official state scenic highway and remove the
35 signs which so indicate the highway.

36 *SEC. 34. Section 262.5 of the Streets and Highways Code is*
37 *amended to read:*

38 262.5. (a) Whenever the department determines that any state
39 highway within or traversing United States National Forest lands
40 meets the standards for official state scenic highways, the

1 department shall designate the highway as an official state scenic
2 highway and shall so indicate the highway in any publications of
3 the department or in any maps which are issued by the
4 department to the public.

5 (b) The department shall cause appropriate signs to be placed
6 and maintained along those portions of the highways which the
7 department has designated pursuant to subdivision (a) as official
8 state scenic highways that indicate that those portions of the
9 highways are official state scenic highways.

10 (c) If at any time the department, ~~with the advice of the~~
11 ~~Departmental Transportation Advisory Committee~~, determines
12 that a state highway, designated as an official state scenic
13 highway pursuant to subdivision (a), no longer meets the
14 standards for official state scenic highways, it may revoke the
15 designation of the highway as an official state highway and
16 remove the signs which so indicate the highway.

17 *SEC. 35. Section 2157 of the Streets and Highways Code is*
18 *repealed.*

19 ~~2157. There is hereby created the Departmental~~
20 ~~Transportation Advisory Committee. At the 1973-74 Regular~~
21 ~~Session of the Legislature, and at the commencement of the~~
22 ~~1977-78 Regular Session and each four years thereafter, the~~
23 ~~Speaker of the Assembly and the Rules Committee of the Senate~~
24 ~~shall jointly appoint a committee of 16 members, to consist of~~
25 ~~county and city officials, representatives of transportation~~
26 ~~planning agencies, representatives of air, highway, motoring, and~~
27 ~~public transportation organizations, and others interested in~~
28 ~~transportation planning to act in an advisory capacity to the~~
29 ~~department in the preparation of various transportation reports~~
30 ~~required by statute, including, but not limited to, functional~~
31 ~~classification and needs studies. The department shall cooperate~~
32 ~~and confer with the advisory committee so appointed. Each~~
33 ~~committee so appointed shall remain in existence until such time~~
34 ~~as a new advisory committee is appointed.~~

35 ~~Any vacancy on the committee shall be filled by a joint~~
36 ~~appointment by the Speaker of the Assembly and the Rules~~
37 ~~Committee of the Senate, and the appointee shall serve until the~~
38 ~~appointment of a new committee.~~

39 *SEC. 36. Section 2157 is added to the Streets and Highways*
40 *Code, to read:*

1 2157. *The Departmental Transportation Advisory Committee*
2 *is hereby abolished and the department shall succeed to all of its*
3 *duties and responsibilities.*

4 *SEC. 37. Section 2158 of the Streets and Highways Code is*
5 *repealed.*

6 ~~2158. The Departmental Transportation Advisory Committee~~
7 ~~shall succeed to and is hereby vested with all of the powers,~~
8 ~~duties, purposes, responsibilities, and jurisdiction in matters now~~
9 ~~or hereafter vested by law in the Seenic Highway Advisory~~
10 ~~Committee, or any officer or employee thereof. Whenever~~
11 ~~reference is made to the Seenic Highway Advisory Committee, it~~
12 ~~shall be deemed to be a reference to the Departmental~~
13 ~~Transportation Advisory Committee. The Department of~~
14 ~~Transportation shall have possession and control of all records,~~
15 ~~books, papers, and other property, real, personal and mixed, now~~
16 ~~or hereafter held for the benefit or use of the Seenic Highway~~
17 ~~Advisory Committee.~~

18 *SEC. 38. Section 14165.8 of the Welfare and Institutions*
19 *Code is amended to read:*

20 14165.8. The commission shall be reimbursed at the annual
21 salary of ~~members of the Legislature~~ *fifty thousand dollars*
22 *(\$50,000), beginning on January 1, 2006.* The commission shall
23 set the salary of the executive director and other staff consistent
24 with funds appropriated. *The annual compensation provided by*
25 *this section shall be increased in any fiscal year in which a*
26 *general salary increase is provided for state employees. The*
27 *amount of the increase provided by this section shall be*
28 *comparable to, but shall not exceed, the percentage of the*
29 *general salary increases provided for state employees during*
30 *that fiscal year.*

31 *SEC. 39. It is the intent of the Legislature that the governance*
32 *structure of the Office of California-Mexico Affairs, or its*
33 *successor agency, be determined pursuant to subsequent*
34 *legislation.*

35 ~~SECTION 1. It is the intent of the Legislature to make~~
36 ~~statutory changes relating to the Budget Act of 2005.~~