

AMENDED IN SENATE FEBRUARY 14, 2009

AMENDED IN ASSEMBLY JANUARY 7, 2009

CALIFORNIA LEGISLATURE—2009–10 THIRD EXTRAORDINARY SESSION

ASSEMBLY BILL

No. 13

Introduced by Assembly Member Evans

January 5, 2009

~~An act relating to the Budget Act of 2008.~~ *An act to amend Sections 69766 and 89722 of, and to add Section 90082 to, the Education Code, to amend Section 17311 of the Family Code, to amend Sections 8880.61, 16310, 16428.15, 17302, 17303, 17310, 17311, 22910, and 30051 of, and to add Section 17221.5 to, the Government Code, to amend Sections 50740, 50782, and 116760.30 of the Health and Safety Code, to amend Sections 8613 and 48027 of the Public Resources Code, to amend Sections 822, 1611, and 3001 of the Unemployment Insurance Code, and to amend Sections 14163, and 16809 of, and to add Section 5778.3 to, the Welfare and Institutions Code, relating to state finance, and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

AB 13, as amended, Evans. ~~Budget Act of 2008.~~ *State and local government.*

(1) Existing law establishes various funds in the State Treasury. Existing law requires the Controller to notify the Governor and the Pooled Money Investment Board when the General Fund is or will be exhausted. The Governor is then authorized to order the Controller to direct the transfer of all or any part of the moneys not needed in other funds or accounts, with specified exceptions, to the General Fund from those funds or accounts, as determined by the Pooled Money Investment

Board. Existing law requires that all moneys so transferred be returned to the funds or accounts from which they were transferred as soon as there are sufficient moneys in the General Fund to return them. Interest is required to be paid on certain of these loaned moneys.

This bill would specifically authorize the Controller to loan moneys from certain specific funds to the General Fund. The bill would require, with respect to these funds, that, with a specified exception, interest be paid on all moneys loaned to the General Fund. The bill would not authorize any transfer that would interfere with the carrying out of the object for which the funds were created.

(2) The California Lottery Act establishes the State Lottery Fund. The act, an initiative measure, provides that certain provisions may be changed by a bill that furthers the purposes of the act and is passed by a $\frac{2}{3}$ vote of each house of the Legislature and signed by the Governor.

This bill would, until September 30, 2009, authorize the Controller to loan moneys in the State Lottery Fund to the General Fund. The bill would require that interest be paid on all moneys loaned to the General Fund.

(3) Existing law appropriates from the General Fund any unapplied money, as defined, in any amounts necessary to pay the interest on, and the principal of, any notes issued as the notes become due and payable. Existing law appropriates \$250,000 from the General Fund without regard to fiscal years, to be set aside in the State Notes Expense Account, to be used to pay expenses incurred by the Treasurer, the Controller, or the Department of Finance in providing for the preparation, sale, issuance, advertising, legal services, or any other act which, in the Treasurer's discretion, is necessary to carry out provisions of law relating to the issuance of warrants by the Controller.

The bill would provide that when any payment on a note or any payment to the provider of a credit enhancement or liquidity facility for a note is due, that payment shall be made subject only to the prior payment of payments required by law to be paid before the note or provider payment and payments that by the terms of the note or credit enhancement or liquidity agreement are permitted to be paid before the note or provider payment. The bill would authorize the Controller, with the approval of the Pooled Money Investment Board, to fix a maturity date for registered warrants that does not interfere with the payment of bonds, revenue anticipation warrants, and refunding warrants.

(4) *This bill would declare that certain of its provisions further the purposes of the California State Lottery Act, the Mental Health Services Act, the DNA Fingerprint, Unsolved Crime and Innocence Protection Act, and the California Children and Families Act of 1998.*

(5) *The California Constitution authorizes the Governor to declare a fiscal emergency and to call the Legislature into special session for that purpose. The Governor issued a proclamation declaring a fiscal emergency, and calling a special session for this purpose, on December 19, 2008.*

This bill would state that it addresses the fiscal emergency declared by the Governor by proclamation issued on December 19, 2008, pursuant to the California Constitution.

(6) *This bill would declare that it is to take effect immediately as an urgency statute.*

This bill would express the intent of the Legislature to make statutory changes relating to the Budget Act of 2008.

~~The California Constitution authorizes the Governor to declare a fiscal emergency and to call the Legislature into special session for that purpose. The Governor issued a proclamation declaring a fiscal emergency, and calling a special session for this purpose, on December 19, 2008.~~

~~This bill would state that it addresses the fiscal emergency declared by the Governor by proclamation issued on December 19, 2008, pursuant to the California Constitution.~~

Vote: ~~majority~~^{2/3}. 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 69766 of the Education Code is amended
2 to read:
3 69766. (a) The Federal Student Loan Reserve Fund and the
4 Student Loan Operating Fund are hereby created in the State
5 Treasury. On January 1, 2000, the State Guaranteed Loan Reserve
6 Fund shall cease to exist, and funds deposited, or required to be
7 deposited, in that fund, shall be transferred to the Federal Student
8 Loan Reserve Fund or to the Student Loan Operating Fund and
9 allocated to those funds in accordance with the requirements of
10 federal law.

(b) All ~~money~~ moneys received for the purposes of this article from federal, state, or local governments, including any ~~money~~ moneys deposited in the State Guaranteed Loan Reserve Fund, or from other private or public sources, shall be deposited in the Federal Student Loan Reserve Fund or the Student Loan Operating Fund and allocated to those funds in accordance with the requirements of federal law. Funds deposited in the Federal Student Loan Reserve Fund or the Student Loan Operating Fund are not part of the General Fund, as defined in Section 16300 of the Government Code. No moneys from the General Fund shall be deposited in the Federal Student Loan Reserve Fund or the Student Loan Operating Fund.

(c) The contents of the Federal Student Loan Reserve Fund are federal funds, administered in accordance with federal laws and regulations. The contents of the Student Loan Operating Fund are state funds within the custody and control of the Student Aid Commission.

(d) Notwithstanding Section 13340 of the Government Code, all moneys deposited in the Federal Student Loan Reserve Fund and the Student Loan Operating Fund are hereby continuously appropriated, without regard to fiscal years, for purposes of this article. The continuous appropriation made by this section shall be available to assume the obligation under any outstanding budget act appropriation from the State Guaranteed Loan Reserve Fund as it existed prior to January 1, 2000. On or after the operative date of Article 2.4 (commencing with Section 69521), the expenditure of funds from the Student Loan Operating Fund is subject to the limitations set forth in Sections 69522 and 69526.

(e) *Notwithstanding any other law, the Controller may use the moneys in the Student Loan Operating Fund for loans to the General Fund as provided in Sections 16310 and 16381 of the Government Code. However, interest shall be paid on all moneys loaned to the General Fund from the Student Loan Operating Fund. Interest payable shall be computed at a rate determined by the Pooled Money Investment Board to be the current earning rate of the fund from which loaned. This subdivision does not authorize any transfer that will interfere with the carrying out of the object for which the Student Loan Operating Fund was created.*

(e)

(f) The total amount of all outstanding debts, obligations, and liabilities that may be incurred or created under this article or under Article 2.5 (commencing with Section 69522), including any obligation to repay to the United States any funds provided under Title IV of the “Higher Education Act of 1965,” and extensions thereof or amendments thereto, or any similar act of Congress, is limited to the amount contained in the Federal Student Loan Reserve Fund or the Student Loan Operating Fund, and the state shall not be liable to the United States, or to any other person or entity, beyond the amount contained in the Federal Student Loan Reserve Fund or the Student Loan Operating Fund for any debts, obligations, and liabilities.

SEC. 2. Section 89722 of the Education Code is amended to read:

89722. (a) The California State University Trust Fund is hereby created in the State Treasury. ~~Money~~ Moneys in the California State University Trust Fund ~~is~~ are appropriated to the trustees as provided in Section 89724. Interest accruing upon the investment of moneys of the California State University Trust Fund shall be paid into and credited to ~~such~~ that fund. The trustees shall apportion as of June 30 and December 31 of each year the revenues earned and deposited in the fund during the six calendar months ending with those dates. There shall be apportioned and credited to each campus of the California State University having deposits in the fund, an amount directly proportionate to the total deposits in the fund and the length of time the deposits remained therein. The chief fiscal officer of each campus of the California State University may allocate further this amount to the extent considered necessary.

(b) Notwithstanding any other law, the Controller may use the moneys in the California State University Trust Fund for loans to the General Fund as provided in Sections 16310 and 16381 of the Government Code. However, interest shall be paid on all moneys loaned to the General Fund from the California State University Trust Fund. Interest payable shall be computed at a rate determined by the Pooled Money Investment Board to be the current earning rate of the fund from which loaned. This subdivision does not authorize any transfer that will interfere with the carrying out of the object for which the California State University Trust Fund was created.

1 *SEC. 3. Section 90082 is added to the Education Code, to read:*
2 *90082. Notwithstanding any other law, the Controller may use*
3 *the moneys in the State College Dormitory Building Maintenance*
4 *and Equipment Reserve Fund for loans to the General Fund as*
5 *provided in Sections 16310 and 16381 of the Government Code.*
6 *However, interest shall be paid on all moneys loaned to the*
7 *General Fund from the State College Dormitory Building*
8 *Maintenance and Equipment Reserve Fund. Interest payable shall*
9 *be computed at a rate determined by the Pooled Money Investment*
10 *Board to be the current earning rate of the fund from which loaned.*
11 *This section does not authorize any transfer that will interfere with*
12 *the carrying out of the object for which the State College Dormitory*
13 *Building Maintenance and Equipment Reserve Fund was created.*

14 *SEC. 4. Section 17311 of the Family Code is amended to read:*
15 17311. (a) The Child Support Payment Trust Fund is hereby
16 created in the State Treasury. The department shall administer the
17 fund.

18 (b) (1) The state may deposit child support payments received
19 by the State Disbursement Unit, including those amounts that result
20 in overpayment of child support, into the Child Support Payment
21 Trust Fund, for the purpose of processing and providing child
22 support payments. Notwithstanding Section 13340 of the
23 Government Code, the fund is continuously appropriated for the
24 purposes of disbursing child support payments from the State
25 Disbursement Unit.

26 (2) The state share of the interest and other earnings that accrue
27 on the fund shall be available to the department and used to offset
28 the following General Fund costs in this order:

29 (A) Any transfers made to the Child Support Payment Trust
30 Fund from the General Fund.

31 (B) The cost of administering the State Disbursement Unit,
32 subject to appropriation by the Legislature.

33 (C) Other child support program activities, subject to
34 appropriation by the Legislature.

35 (c) The department may establish and administer a revolving
36 account in the Child Support Payment Trust Fund in an amount
37 not to exceed six hundred million dollars (\$600,000,000) to ensure
38 the timely disbursement of child support. This amount may be
39 adjusted by the Director of Finance upon notification of the

Legislature as required, to meet payment timeframes required under federal law.

(d) It is the intent of the Legislature to provide transfers from the General Fund to provide startup funds for the Child Support Payment Trust Fund so that, together with the balances transferred pursuant to Section 17311.7, the Child Support Payment Trust Fund will have sufficient cash on hand to make all child support payments within the required timeframes.

(e) Notwithstanding any other ~~provision of law~~, an ongoing loan shall be made available from the General Fund, from funds not otherwise appropriated, to the Child Support Payment Trust Fund, not to exceed one hundred fifty million dollars (\$150,000,000) to ensure the timely disbursement of child support payments when funds have not been recorded to the Child Support Payment Trust Fund or due to other fund liabilities, including, but not limited to, Internal Revenue Service negative adjustments to tax intercept payments. Whenever an adjustment of this amount is required to meet payment timeframes under federal law, the amount shall be adjusted after approval of the Director of Finance. In conjunction with the Department of Finance and the Controller's office, the department shall establish repayment procedures to ensure the outstanding loan balance does not exceed the average daily cash needs. The ongoing evaluation of the fund as detailed in these procedures shall occur no less frequently than monthly.

(f) *Notwithstanding any other law, the Controller may use the moneys in the Child Support Payment Trust Fund for loans to the General Fund as provided in Sections 16310 and 16381 of the Government Code. However, interest shall be paid on all moneys loaned to the General Fund from the Child Support Payment Trust Fund. Interest payable shall be computed at a rate determined by the Pooled Money Investment Board to be the current earning rate of the fund from which loaned. This subdivision does not authorize any transfer that will interfere with the carrying out of the object for which the Child Support Payment Trust Fund was created.*

SEC. 5. Section 8880.61 of the Government Code is amended to read:

8880.61. State Lottery Fund

(a) A special fund to be known as the "State Lottery Fund" is created within the State Treasury which is continuously appropriated for carrying out the purposes of this chapter. The

1 fund shall receive all proceeds from the sales of lottery tickets or
2 shares, the temporary line of credit for initial startup costs, and all
3 other moneys credited to the Lottery from any other source. The
4 Treasurer shall designate a depository to receive lottery proceeds
5 for transmission to the State Treasury and for deposit in the State
6 Lottery Fund.

7 (b) Except as provided by this chapter, moneys in the General
8 Fund or any other state fund shall not be transferred to the State
9 Lottery Fund or otherwise used to support the California State
10 Lottery or the Lottery Commission or to pay the debts, obligations,
11 or encumbrances of the State Lottery Fund or the Commission.

12 (c) (1) *Notwithstanding any other provision of law, the*
13 *Controller may use the moneys in the State Lottery Fund for loans*
14 *to the General Fund as provided in Sections 16310 and 16381.*
15 *Interest shall be paid on all moneys loaned to the General Fund*
16 *from the State Lottery Fund. Interest payable shall be computed*
17 *at a rate of 110 percent of the Pooled Money Investment Account*
18 *rate, with the interest accruing on the date the loan is made from*
19 *the State Lottery Fund to the General Fund. This subdivision does*
20 *not authorize any transfer that will interfere with the carrying out*
21 *of the object for which the State Lottery Fund was created.*

22 (2) *This subdivision shall remain in effect only until September*
23 *30, 2009.*

24 SEC. 6. *Section 16310 of the Government Code is amended to*
25 *read:*

26 16310. (a) When the General Fund in the Treasury is or will
27 be exhausted, the Controller shall notify the Governor and the
28 Pooled Money Investment Board. The Governor may order the
29 Controller to direct the transfer of all or any part of the moneys
30 not needed in other funds or accounts to the General Fund from
31 those funds or accounts, as determined by the Pooled Money
32 Investment Board, including the Surplus Money Investment Fund
33 or the Pooled Money Investment Account. All moneys so
34 transferred shall be returned to the funds or accounts from which
35 they were transferred as soon as there are sufficient moneys in the
36 General Fund to return them. No interest shall be charged or paid
37 on any transfer authorized by this section, exclusive of the Pooled
38 Money Investment Account, except as provided ~~herein~~ *in this*
39 *section.* This section does not authorize any transfer that will
40 interfere with the object for which a special fund was created or

any transfer from the Central Valley Water Project Construction Fund, the Central Valley Water Project Revenue Fund, or the California Water Resources Development Bond Fund.

(b) (1) Interest shall be paid on all moneys transferred to the General Fund from the Department following funds:

(A) *The Department of Food and Agriculture Fund and from any.*

(B) *The DNA Identification Fund.*

(C) *The Mental Health Services Fund.*

(D) *All funds created pursuant to the California Children and Families Act of 1998, enacted by Proposition 10 at the November 3, 1998, statewide general election.*

(E) *Any funds retained by or in the possession of the California Exposition and State Fair pursuant to this section. With*

(2) *With respect to all other funds, and unless otherwise specified, if the total moneys transferred to the General Fund in any fiscal year from any special fund pursuant to this section exceed an amount equal to 10 percent of the total additions to surplus available for appropriation as shown in the statement of operations of a prior fiscal year as set forth in the most recent published annual report of the Controller, interest shall be paid on the excess. Interest payable under this section shall be computed at a rate determined by the Pooled Money Investment Board to be the current earning rate of the fund from which transferred.*

(c) *Except as described in subdivision (d), all moneys in the State Treasury may be loaned for the purposes described in subdivision (a).*

(d) *Subdivision (c) shall not apply to any of the following:*

(1) *The Local Agency Investment Fund.*

(2) *Funds classified in the State of California Uniform Codes Manual as bond funds or retirement funds.*

(3) *All or part of the moneys not needed in other funds or accounts for purposes of subdivision (a) where the Controller is prohibited by the California Constitution, bond indenture, or statutory or case law from transferring all or any part of those moneys.*

SEC. 7. *Section 16428.15 of the Government Code is amended to read:*

16428.15. (a) *The Ratepayer Relief Fund is hereby established in the State Treasury. The purpose of the fund is to benefit*

1 electricity and natural gas ratepayers and to fund investigation and
2 litigation costs of the state in pursuing allegations of overcharges
3 and unfair business practices against generators, suppliers, or
4 marketers of electricity or natural gas.

5 *(b) Notwithstanding any other law, the Controller may use the*
6 *moneys in the Ratepayer Relief Fund for loans to the General Fund*
7 *as provided in Sections 16310 and 16381. However, interest shall*
8 *be paid on all moneys loaned to the General Fund from the*
9 *Ratepayer Relief Fund. Interest payable shall be computed at a*
10 *rate determined by the Pooled Money Investment Board to be the*
11 *current earning rate of the fund from which loaned. This*
12 *subdivision does not authorize any transfer that will interfere with*
13 *the carrying out of the object for which the Ratepayer Relief Fund*
14 *was created.*

15 *SEC. 8. Section 17221.5 is added to the Government Code, to*
16 *read:*

17 *17221.5. The Controller, with the approval of the Pooled*
18 *Money Investment Board, may fix a maturity date for registered*
19 *warrants. To the extent legally permissible, the Controller shall*
20 *pick a date that does not interfere with the payment of bonds,*
21 *revenue anticipation notes, reimbursement warrants, and refunding*
22 *warrants.*

23 *SEC. 9. Section 17302 of the Government Code is amended to*
24 *read:*

25 *17302. Notes shall be issued pursuant to this part only to raise*
26 *funds in an amount sufficient to satisfy the Controller's registered*
27 *demand or demands. Proceeds of notes may also be used for the*
28 *payments described in Section 17311 to the extent that those*
29 *payments are not included within the appropriations comprising*
30 *the demand or demands. The principal amount of the issuance of*
31 *notes shall equal the amount of the demand or the portion of the*
32 *demand that is satisfied by the issuance. The issuance of any notes*
33 *pursuant to this part shall be authorized by a resolution adopted*
34 *by the Treasurer with the approval of the Controller and the*
35 *Director of Finance.*

36 *(a) Any note (1) may be negotiable, (2) may be payable to order*
37 *or to bearer, (3) may be in any denomination, (4) shall be payable*
38 *not later than 120 days after the end of the fiscal year in which the*
39 *note has been issued and shall not be renewable beyond that date,*
40 *(5) may bear fixed or variable interest at a rate or rates to be*

determined as provided by the resolution and payable as provided therein, (6) may be payable on a fixed date or upon demand of the holder of the note, (7) may be made subject to prepayment or redemption at the option of the state or at the option of the holder, and (8) may have a term not exceeding 12 months.

(b) In lieu of issuing notes pursuant to subdivision (a), the resolution may provide for the issuance of notes in the form of commercial paper. This commercial paper may be issued and renewed from time to time, in amounts, subject to the requirements of this subdivision, as the Treasurer shall determine, from the date of initial issuance until the final maturity date, which shall not be more than 12 months, and shall occur not more than 120 days after the end of the fiscal year in which the commercial paper was first issued, and ~~may~~ shall not be renewed beyond that date. The maximum principal amount of commercial paper outstanding at any one time shall be stated in the resolution, and shall not be greater than the amount of the Controller's demand. The resolution may also provide that the commercial paper (1) may be negotiable, (2) may be payable to order or to bearer, (3) may be in any denomination, (4) may bear fixed or variable interest at a rate or rates to be determined as provided in the resolution and payable as provided therein, (5) may be payable on a fixed date or upon demand of the holder of the commercial paper, (6) may be made subject to prepayment or redemption at the option of the state or of the holder, and (7) may contain any other provision necessary or appropriate to carry out the program of commercial paper.

SEC. 10. Section 17303 of the Government Code is amended to read:

17303. Upon receipt of the purchase price of the notes, the Treasurer shall notify the Controller that funds for the payment of *all or part of* the registered demand or demands are in the State Treasury and available for the payment of claims represented by the registered demand or demands. The Controller may thereupon proceed to draw warrants against appropriations lawfully made by the Legislature to be paid in the fiscal year and represented by the registered demand or demands. Upon the payment in full of the notes representing the registered demand or demands, *or the portion of the demand or demands as set forth in Section 17302, the appropriate portion of* the registered demand or demands shall be canceled.

1 *SEC. 11. Section 17310 of the Government Code is amended*
2 *to read:*

3 17310. (a) Notwithstanding Section 13340, there is hereby
4 appropriated from the General Fund any unapplied money, as
5 defined in *subdivision (a) of* Section 17220, in any amounts
6 necessary to pay the interest on, and the principal of, any notes
7 issued pursuant to this part, as the *interest on and the principal of*
8 the notes become due and payable.

9 (b) *When any payment on a note or any payment to the provider*
10 *of a credit enhancement or liquidity facility for a note is due, that*
11 *payment shall be made subject only to prior payment of the*
12 *following:*

13 (1) *Payments required by law to be paid before the note or*
14 *provider payment.*

15 (2) *Payments that by the terms of the note or credit enhancement*
16 *or liquidity agreement are permitted to be paid before the note or*
17 *provider payment.*

18 *SEC. 12. Section 17311 of the Government Code is amended*
19 *to read:*

20 17311. (a) There is hereby appropriated from the General Fund
21 without regard to fiscal years, two hundred fifty thousand dollars
22 (\$250,000), which shall be set aside in a special account entitled
23 State Notes Expense Account, and shall be used to pay expenses
24 incurred by the Treasurer, Controller, or the Department of Finance
25 in providing for the preparation, sale, issuance, advertising, legal
26 services, or any other act which, in the discretion of the Treasurer
27 or the Department of Finance, is necessary to carry out the purposes
28 of this part. This account shall operate as a revolving fund and
29 whenever notes are sold, out of the first money realized from their
30 sale, any remaining expenses shall be paid and then there shall be
31 redeposited in the account any amounts that have been expended
32 for the above purposes, which amounts may be used for the same
33 purposes and repaid in the same manner whenever additional sales
34 are made. *Without limiting Section 17300, a demand drawn under*
35 *Section 17300 may include the expenses described in this*
36 *subdivision. In the alternative, all or a portion of the expenses*
37 *described in this subdivision may be paid by causing the notes to*
38 *bear interest at a rate that results in payment by the purchaser of*
39 *the notes of a premium sufficient to pay these expenses.*

1 **(b)** Any premium received upon the sale of an issuance of notes
2 shall be applied to expenses described in subdivision (a) or shall
3 be credited to the General Fund and applied to the payment of
4 interest on notes.

5 **SEC. 13.** Section 22910 of the Government Code is amended
6 to read:

7 22910. (a) There shall be maintained in the State Treasury the
8 Public Employees' Contingency Reserve Fund. The board may
9 invest funds in the Public Employees' Contingency Reserve Fund
10 in accordance with the provisions of law governing its investment
11 of the retirement fund.

12 (b) (1) An account shall be maintained within the Public
13 Employees' Contingency Reserve Fund with respect to the health
14 benefit plans the board has approved or that have entered into a
15 contract with the board. The account shall be credited, from time
16 to time and in amounts as determined by the board, with moneys
17 contributed under Section 22885 or 22901 to provide an adequate
18 contingency reserve. The income derived from any dividends, rate
19 adjustments, or other funds received from a health benefit plan
20 shall be credited to the account. The board may deposit, in the
21 same manner as provided in paragraph (4), up to one-half of 1
22 percent of premiums in the account for purposes of cost
23 containment programs, subject to approval as provided in paragraph
24 (2) of subdivision (c).

25 (2) The account for health benefit plans may be utilized to defray
26 increases in future rates, to reduce the contributions of employees
27 and annuitants and employers, to implement cost containment
28 programs, or to increase the benefits provided by a health benefit
29 plan, as determined by the board. The board may use penalties and
30 interest deposited pursuant to subdivision (c) of Section 22899 to
31 pay any difference between the adjusted rate set by the board
32 pursuant to Section 22864 and the applicable health benefit plan
33 contract rates.

34 (3) The total credited to the account for health benefit plans at
35 any time shall be limited, in the manner and to the extent the board
36 may find to be most practical, to a maximum of 10 percent of the
37 total of the contributions of the employers and employees and
38 annuitants in any fiscal year. The board may undertake any action
39 to ensure that the maximum amount prescribed for the fund is
40 approximately maintained.

(4) Board rules and regulations adopted pursuant to Section 22831 to minimize the impact of adverse selection or contracts entered into pursuant to Section 22864 to implement health benefit plan performance incentives may provide for deposit in and disbursement to carriers or to Medicare from the account the portion of the contributions otherwise payable directly to the carriers by the Controller under Section 22913 as may be required for that purpose. The deposits ~~may~~ *shall* not be included in applying the limitations, prescribed in paragraph (3), on total amounts that may be deposited in or credited to the fund.

(5) Notwithstanding Section 13340, all moneys in the account for health benefit plans are continuously appropriated without regard to fiscal year for the purposes provided in this subdivision.

(c) (1) An account shall also be maintained in the Public Employees' Contingency Reserve Fund for administrative expenses consisting of funds deposited for this purpose pursuant to Sections 22885 and 22901.

(2) The moneys deposited pursuant to Sections 22885 and 22901 in the Public Employees' Contingency Reserve Fund may be expended by the board for administrative purposes, provided that the expenditure is approved by the Department of Finance and the Joint Legislative Budget Committee in the manner provided in the Budget Act for obtaining authorization to expend at rates requiring a deficiency appropriation, regardless of whether the expenses were anticipated.

(d) An account shall be maintained in the Public Employees' Contingency Reserve Fund for health plan premiums paid by contracting agencies, including payments made pursuant to subdivision (f) of Section 22850. Notwithstanding Section 13340, the funds are continuously appropriated, without regard to fiscal year, for the payment of premiums or other charges to carriers or the Public Employees' Health Care Fund. Penalties and interest paid pursuant to subdivision (c) of Section 22899 shall be deposited in the account pursuant to paragraphs (1) and (2) of subdivision (b).

(e) Accounts shall be maintained in the Public Employees' Contingency Reserve Fund for complementary annuitant premiums and related administrative expenses paid by annuitants pursuant to Section 22802. Notwithstanding Section 13340, the funds are continuously appropriated, without regard to fiscal year, to

reimburse the Public Employees' Retirement Fund for payment of annuitant health premiums, and for the payment of premiums and other charges to carriers or to the Public Employees' Health Care Fund. Administrative expenses deposited in this account shall be credited to the account provided by subdivision (c).

(f) Amounts received by the board for retiree drug subsidy payments that are attributed to contracting agencies and their annuitants and employees pursuant to subdivision (c) of Section 22910.5 shall be deposited in the Public Employees' Contingency Reserve Fund. Notwithstanding Section 13340, these amounts are continuously appropriated, without regard to fiscal year, for the payment of premiums, costs, contributions, or other benefits related to contracting agencies and their employees and annuitants, and as consistent with the Medicare Prescription Drug Improvement and Modernization Act, as amended.

(g) The Account for Retiree Drug Subsidy Payments is hereby established in the Public Employees' Contingency Reserve Fund and funds in that account shall, upon appropriation by the Legislature, be used for the purposes described in Section 22910.5.

(h) *Notwithstanding any other law, the Controller may use the moneys in the Public Employees' Contingency Reserve Fund for loans to the General Fund as provided in Sections 16310 and 16381. However, interest shall be paid on all moneys loaned to the General Fund from the Public Employees' Contingency Reserve Fund. Interest payable shall be computed at a rate determined by the Pooled Money Investment Board to be the current earning rate of the fund from which loaned. This subdivision does not authorize any transfer that will interfere with the carrying out of the object for which the Public Employees' Contingency Reserve Fund was created.*

SEC. 14. *Section 30051 of the Government Code is amended to read:*

30051. (a) The Local Public Safety Fund is hereby created in the State Treasury. The fund shall consist of the Interim Public Safety Account to receive all revenues deposited therein pursuant to *former* paragraph (8) of, and the Public Safety Account to receive all those revenues deposited therein pursuant to *former* paragraph (9) of, subdivision (a) of Section 7102 of the Revenue and Taxation Code. Moneys in the fund may only be appropriated for the purposes specified in Section 30052.

(b) Notwithstanding any other law, the Controller may use the moneys in the Public Safety Account in the Local Public Safety Fund for loans to the General Fund as provided in Sections 16310 and 16381. However, interest shall be paid on all moneys loaned to the General Fund from the Public Safety Account in the Local Public Safety Fund. Interest payable shall be computed at a rate determined by the Pooled Money Investment Board to be the current earning rate of the fund from which loaned. This subdivision does not authorize any transfer that will interfere with the carrying out of the object for which the Public Safety Account in the Local Public Safety Fund was created.

SEC. 15. Section 50740 of the Health and Safety Code is amended to read:

50740. (a) The Rental Housing Construction Incentive Fund established in the State Treasury is hereby renamed the Rental Housing Construction Fund. Notwithstanding Section 13340 of the Government Code, all ~~money~~ moneys in the fund ~~is are~~ hereby continuously appropriated to the Department of Housing and Community Development, and, except as provided in subdivisions (b) and (c), shall be utilized for purposes of this chapter, Section 50775.5, and Chapter 15 (commencing with Section 50880). All interest or other increment resulting from investment or deposit of moneys in the fund shall be deposited in the fund, notwithstanding Section 16305.7 of the Government Code. ~~Moneys~~ Except as described in subdivision (d), moneys in the fund shall not be subject to transfer to any other fund pursuant to Part 2 (commencing with Section 16300) of Division 4 of Title 2 of the Government Code, except the Surplus Money Investment Fund.

(b) An amount not to exceed four million dollars (\$4,000,000) of the moneys from the fund utilized by the agency for development costs which is repaid to the agency or disencumbered on or after July 1, 1983, shall be deposited in a separate account and utilized and apportioned in accordance with the following percentages as it becomes available:

(1) Fifty percent of the moneys shall be transferred by the agency to the department and deposited in the Housing Rehabilitation Loan Fund, established pursuant to Section 50661, and utilized for making deferred payment loans for residential hotels as authorized by subdivision (b) of Section 50661 and for purposes of subdivision (c) of that section.

(2) Twenty-five percent of the moneys shall be transferred by the agency to the department for deposit in the Emergency Housing and Assistance Fund, established pursuant to Section ~~50800~~ 50800.5.

(3) Twenty-five percent of the moneys shall be transferred by the agency to the department for deposit in the annuity fund, established pursuant to Section 50738.5.

(c) Notwithstanding any other provision of law, effective with the date of the act adding this subdivision, appropriations authorized for support of the department from the Family Housing Demonstration Account shall instead be authorized for expenditure from the Rental Housing Construction Fund.

(d) *Notwithstanding any other law, the Controller may use the moneys in the Rental Housing Construction Fund for loans to the General Fund as provided in Sections 16310 and 16381 of the Government Code. However, interest shall be paid on all moneys loaned to the General Fund from the Rental Housing Construction Fund. Interest payable shall be computed at a rate determined by the Pooled Money Investment Board to be the current earning rate of the fund from which loaned. This subdivision does not authorize any transfer that will interfere with the carrying out of the object for which the Rental Housing Construction Fund was created.*

SEC. 16. Section 50782 of the Health and Safety Code is amended to read:

50782. (a) The Mobilehome Park Purchase Fund is hereby created in the State Treasury and, notwithstanding Section 13340 of the Government Code or any other ~~provisions of~~ law, is continuously appropriated to the department for the purpose of providing loans pursuant to this chapter and for related administrative costs of the department. Notwithstanding Section 16305.7 of the Government Code, any moneys received by the department pursuant to this chapter, *and* any other sources, repayments, interest, or new appropriations, shall be deposited in the fund. ~~Money~~ *Except as described in subdivision (b), moneys* in the fund shall not be subject to transfer to any other fund pursuant to any provision of Part 2 (commencing with Section 16300) of Division 4 of Title 2 of the Government Code, except the Surplus Money Investment Fund. The department may require the transfer of moneys in the fund to the Surplus Money Investment Fund for investment pursuant to Article 4 (commencing with

1 Section 16470) of Chapter 3 of Part 2 of Division 4 of Title 2 of
2 the Government Code. Notwithstanding Section 16305.7 of the
3 Government Code, all interest, dividends, and pecuniary gains
4 from the investments shall accrue to the fund.

5 *(b) Notwithstanding any other law, the Controller may use the*
6 *moneys in the Mobilehome Park Purchase Fund for loans to the*
7 *General Fund as provided in Sections 16310 and 16381 of the*
8 *Government Code. However, interest shall be paid on all moneys*
9 *loaned to the General Fund from the Mobilehome Park Purchase*
10 *Fund. Interest payable shall be computed at a rate determined by*
11 *the Pooled Money Investment Board to be the current earning rate*
12 *of the fund from which loaned. This subdivision does not authorize*
13 *any transfer that will interfere with the carrying out of the object*
14 *for which the Mobilehome Park Purchase Fund was created.*

15 *SEC. 17. Section 116760.30 of the Health and Safety Code is*
16 *amended to read:*

17 116760.30. (a) There is hereby created in the State Treasury
18 the Safe Drinking Water State Revolving Fund for the purpose of
19 implementing this chapter, and, notwithstanding Section 13340 of
20 the Government Code, the fund is hereby continuously
21 appropriated, without regard to fiscal years, to the department to
22 provide, from moneys available for this purpose, grants or
23 revolving fund loans for the design and construction of projects
24 for public water systems that will enable suppliers to meet safe
25 drinking water standards. The department shall be responsible for
26 administering the fund.

27 (b) The department shall report at least once every two years to
28 the policy and budget committees of the Legislature on the
29 implementation of this chapter and expenditures from the fund.
30 The report shall describe the numbers and types of projects funded,
31 the reduction in risks to public health from contaminants in
32 drinking water provided through the funding of the projects, and
33 the criteria used by the department to determine funding priorities.

34 *(c) Notwithstanding any other law, the Controller may use the*
35 *moneys in the Safe Drinking Water State Revolving Fund for loans*
36 *to the General Fund as provided in Sections 16310 and 16381 of*
37 *the Government Code. However, interest shall be paid on all*
38 *moneys loaned to the General Fund from the Safe Drinking Water*
39 *State Revolving Fund. Interest payable shall be computed at a rate*
40 *determined by the Pooled Money Investment Board to be the*

1 *current earning rate of the fund from which loaned. This*
2 *subdivision does not authorize any transfer that will interfere with*
3 *the carrying out of the object for which the Safe Drinking Water*
4 *State Revolving Fund was created.*

5 SEC. 18. Section 8613 of the Public Resources Code is
6 amended to read:

7 8613. (a) Moneys in the fund shall be available for expenditure
8 by the trustee to purchase outstanding interests in tide and
9 submerged lands whether or not they have been filled, diked, or
10 cut off from tidal waters, lands which have been or may be
11 converted to wetlands, or adjoining or nearby lands where the
12 public use and ownership of the land is necessary or extremely
13 beneficial for furtherance of public trust purposes.

14 (b) Moneys deposited in the fund pursuant to subdivision (b)
15 or (c) of Section 8625 shall be available for expenditure by the
16 trustee for management and improvement of real property held by
17 the trustee to provide open space, habitat for plants and animals,
18 and public access.

19 (c) *Notwithstanding any other law, the Controller may use the*
20 *moneys in the Land Bank Fund for loans to the General Fund as*
21 *provided in Sections 16310 and 16381 of the Government Code.*
22 *However, interest shall be paid on all moneys loaned to the*
23 *General Fund from the Land Bank Fund. Interest payable shall*
24 *be computed at a rate determined by the Pooled Money Investment*
25 *Board to be the current earning rate of the fund from which loaned.*
26 *This subdivision does not authorize any transfer that will interfere*
27 *with the carrying out of the object for which the Land Bank Fund*
28 *was created.*

29 SEC. 19. Section 48027 of the Public Resources Code is
30 amended to read:

31 48027. (a) (1) The Legislature hereby finds and declares that
32 effective response to cleanup at solid waste disposal and codisposal
33 sites requires that the state have sufficient funds available in the
34 trust fund created pursuant to subdivision (b).

35 (2) The Legislature further finds and declares that the
36 maintenance of the trust fund is of the utmost importance to the
37 state and that it is essential that, *except as described in subdivision*
38 *(g), any ~~money~~ moneys in the trust fund be used solely for the*
39 *purposes authorized in this article and not be used, loaned, or*
40 *transferred for any other purpose.*

(b) The Solid Waste Disposal Site Cleanup Trust Fund is hereby created in the State Treasury. Notwithstanding Section 13340 of the Government Code, the ~~money~~ moneys in the trust fund ~~is~~ are hereby continuously appropriated to the board for expenditure, without regard to fiscal years, for the purposes of this article.

(c) The following ~~money~~ moneys shall be deposited into the trust fund:

(1) Funds appropriated by the Legislature from the Integrated Waste Management Account to the board for solid waste disposal or codisposal site cleanup.

(2) Any interest earned on the ~~money~~ moneys in the trust fund.

(3) Any cost recoveries from responsible parties for solid waste disposal or codisposal site cleanup and loan repayments pursuant to this article.

(d) If this article is repealed, the trust fund shall be dissolved and all ~~money~~ moneys in the fund shall be distributed to solid waste landfill operators who have paid into the trust fund during effective life of the trust fund.

(e) Any trust fund distributions received by solid waste landfill operators pursuant to subdivision (c) may be used for only any of the following activities, as related to solid waste landfills:

(1) Solid waste landfill closure and postclosure maintenance operations.

(2) Implementation of Part 258 (commencing with Section 258.1) of Title 40 of the Code of Federal Regulations.

(3) Corrective actions at the solid waste landfill.

(f) The balance in the trust fund each July 1 shall not exceed thirty million dollars (\$30,000,000).

(g) *Notwithstanding any other law, the Controller may use the moneys in the Solid Waste Disposal Site Cleanup Trust Fund for loans to the General Fund as provided in Sections 16310 and 16381 of the Government Code.*

SEC. 20. Section 822 of the Unemployment Insurance Code is amended to read:

822. (a) There is hereby established in the State Treasury the “School Employees Fund.” The School Employees Fund is the successor of the “Classified School Employees Fund.” Moneys received pursuant to Section 823, together with any charges, notices, fees, interest, penalties, assessments, or other revenue, shall be deposited in this fund. All ~~money~~ moneys in the fund ~~is~~

are hereby appropriated to the administrator without regard to fiscal year for carrying out the purposes of this article, for administrative costs, for making refunds, and for investment through the Surplus Money Investment Fund, with any interest or earnings credited to the School Employees Fund. Funds to be used for administrative costs shall be budgeted and expended in accordance with existing state law.

(b) Notwithstanding any other law, the Controller may use the moneys in the School Employees Fund for loans to the General Fund as provided in Sections 16310 and 16381 of the Government Code. However, interest shall be paid on all moneys loaned to the General Fund from the School Employees Fund. Interest payable shall be computed at a rate determined by the Pooled Money Investment Board to be the current earning rate of the fund from which loaned. This subdivision does not authorize any transfer that will interfere with the carrying out of the object for which the School Employees Fund was created.

SEC. 21. Section 1611 of the Unemployment Insurance Code is amended to read:

1611. ~~Money~~Moneys in the Employment Training Fund shall be expended only for the purposes of Chapter 3.5 (commencing with Section 10200) of Part 1 of Division 3, and for the costs of administering this article and Section 976.6, except *those moneys may be used for any of the following*:

(a) With the approval of the Legislature, the fund or contributions to it may be used to pay interest charged on federal loans to the Unemployment Fund.

(b) Commencing with allocations made to the Employment Training Panel in the 1992–93 fiscal year, any moneys allocated to the panel in a fiscal year that are not encumbered by the panel in that fiscal year, shall revert to the Unemployment Insurance Fund.

(c) It is the intent of the Legislature that the panel shall closely monitor program performance and expenditures for employment training programs administered by the panel, and that the panel shall expeditiously disencumber funds that are not needed for employment training program completion. Commencing with the 1992–93 fiscal year, those moneys that are disencumbered during the fiscal year that are not reencumbered during the same fiscal year shall revert to the Unemployment Insurance Fund.

(d) Notwithstanding any other law, the Controller may use the moneys in the Employment Training Fund for loans to the General Fund as provided in Sections 16310 and 16381 of the Government Code. However, interest shall be paid on all moneys loaned to the General Fund from the Employment Training Fund. Interest payable shall be computed at a rate determined by the Pooled Money Investment Board to be the current earning rate of the fund from which loaned. This subdivision does not authorize any transfer that will interfere with the carrying out of the object for which the Employment Training Fund was created.

SEC. 22. Section 3001 of the Unemployment Insurance Code is amended to read:

3001. (a) The Unemployment Compensation Disability Fund is continued in existence as a special fund in the State Treasury, separate and apart from all other public money or funds of this State state. The ~~money~~ moneys and assets of this fund shall be held in trust by the State Treasurer and administered under the direction of the director exclusively, for the purpose of this part.

(b) Notwithstanding any other law, the Controller may use the moneys in the Unemployment Compensation Disability Fund for loans to the General Fund as provided in Sections 16310 and 16381 of the Government Code. However, interest shall be paid on all moneys loaned to the General Fund from the Unemployment Compensation Disability Fund. Interest payable shall be computed at a rate determined by the Pooled Money Investment Board to be the current earning rate of the fund from which loaned. This subdivision does not authorize any transfer that will interfere with the carrying out of the object for which the Unemployment Compensation Disability Fund was created.

SEC. 23. Section 5778.3 is added to the Welfare and Institutions Code, to read:

5778.3. Notwithstanding any other law, including subdivision (b) of Section 16310 of the Government Code, the Controller may use the moneys in the Mental Health Managed Care Deposit Fund for loans to the General Fund as provided in Sections 16310 and 16381 of the Government Code. Interest shall be paid on all moneys loaned to the General Fund from the Mental Health Managed Care Deposit Fund. Interest payable shall be computed at a rate determined by the Pooled Money Investment Board to be the current earning rate of the fund from which loaned. This

1 *subdivision does not authorize any transfer that will interfere with*
2 *the carrying out of the object for which the Mental Health Managed*
3 *Care Deposit Fund was created.*

4 *SEC. 24. Section 14163 of the Welfare and Institutions Code*
5 *is amended to read:*

6 14163. (a) For purposes of this section, the following
7 definitions shall apply:

8 (1) "Public entity" means a county, a city, a city and county,
9 the State of California, the University of California, a local health
10 care district, a local health authority, or any other political
11 subdivision of the state.

12 (2) "Hospital" means a health facility that is licensed pursuant
13 to Chapter 2 (commencing with Section 1250) of Division 2 of
14 the Health and Safety Code to provide acute inpatient hospital
15 services, and includes all components of the facility.

16 (3) "Disproportionate share hospital" means a hospital providing
17 acute inpatient services to Medi-Cal beneficiaries that meets the
18 criteria for disproportionate share status relating to acute inpatient
19 services set forth in Section 14105.98.

20 (4) "Disproportionate share list" means the annual list of
21 disproportionate share hospitals for acute inpatient services issued
22 by the department pursuant to Section 14105.98.

23 (5) "Fund" means the Medi-Cal Inpatient Payment Adjustment
24 Fund.

25 (6) "Eligible hospital" means, for a particular state fiscal year,
26 a hospital on the disproportionate share list that is eligible to
27 receive payment adjustment amounts under Section 14105.98 with
28 respect to that state fiscal year.

29 (7) "Transfer year" means the particular state fiscal year during
30 which, or with respect to which, public entities are required by
31 this section to make an intergovernmental transfer of funds to the
32 Controller.

33 (8) "Transferor entity" means a public entity that, with respect
34 to a particular transfer year, is required by this section to make an
35 intergovernmental transfer of funds to the Controller.

36 (9) "Transfer amount" means an amount of intergovernmental
37 transfer of funds that this section requires for a particular transferor
38 entity with respect to a particular transfer year.

(10) “Intergovernmental transfer” means a transfer of funds from a public entity to the state, that is local government financial participation in Medi-Cal pursuant to the terms of this section.

(11) “Licensee” means an entity that has been issued a license to operate a hospital by the department.

(12) “Annualized Medi-Cal inpatient paid days” means the total number of Medi-Cal acute inpatient hospital days, regardless of dates of service, for which payment was made by or on behalf of the department to a hospital, under present or previous ownership, during the most recent calendar year ending prior to the beginning of a particular transfer year, including all Medi-Cal acute inpatient covered days of care for hospitals that are paid on a different basis than per diem payments.

(13) “Medi-Cal acute inpatient hospital day” means any acute inpatient day of service attributable to patients who, for those days, were eligible for medical assistance under the California state plan, including any day of service that is reimbursed on a basis other than per diem payments.

(14) “OBRA 1993 payment limitation” means the hospital-specific limitation on the total annual amount of payment adjustments to each eligible hospital under the payment adjustment program that can be made with federal financial participation under Section 1396r-4(g) of Title 42 of the United States Code as implemented pursuant to the Medi-Cal State Plan.

(b) The Medi-Cal Inpatient Payment Adjustment Fund is hereby created in the State Treasury. Notwithstanding Section 13340 of the Government Code, the fund shall be continuously appropriated to, and under the administrative control of, the department for the purposes specified in subdivision (d). The fund shall consist of the following:

(1) Transfer amounts collected by the Controller under this section, whether submitted by transferor entities pursuant to applicable provisions of this section or obtained by offset pursuant to subdivision (j).

(2) Any other intergovernmental transfers deposited in the fund, as permitted by Section 14164.

(3) Any interest that accrues with respect to amounts in the fund.

(c) Moneys in the fund, which shall not consist of any state general funds, shall be used as the source for the nonfederal share of payments to hospitals pursuant to Section 14105.98. Moneys

1 shall be allocated from the fund by the department and matched
2 by federal funds in accordance with customary Medi-Cal
3 accounting procedures, and used to make payments pursuant to
4 Section 14105.98.

5 (d) Except as otherwise provided in Section 14105.98 or in any
6 ~~provision of~~ law appropriating a specified sum of money to the
7 department for administering this section and Section 14105.98,
8 moneys in the fund shall be used only for the following:

9 (1) Payments to hospitals pursuant to Section 14105.98.

10 (2) Transfers to the Health Care Deposit Fund as follows:

11 (A) In the amount of two hundred thirty-nine million seven
12 hundred fifty-seven thousand six hundred ninety dollars
13 (\$239,757,690) for the 1994–95 and 1995–96 fiscal years.

14 (B) In the amount of two hundred twenty-nine million seven
15 hundred fifty-seven thousand six hundred ninety dollars
16 (\$229,757,690) for the 1996–97 fiscal year.

17 (C) In the amount of one hundred fifty-four million seven
18 hundred fifty-seven thousand six hundred ninety dollars
19 (\$154,757,690) for the 1997–98 fiscal year.

20 (D) In the amount of one hundred fourteen million seven
21 hundred fifty-seven thousand six hundred ninety dollars
22 (\$114,757,690) for the 1998–99 fiscal year.

23 (E) (i) In the amount of eighty-four million seven hundred
24 fifty-seven thousand six hundred ninety dollars (\$84,757,690) for
25 the 1999–2000 fiscal year.

26 (ii) It is the intent of the Legislature that the economic benefit
27 of any reduction in the amount transferred, or to be transferred, to
28 the Health Care Deposit Fund pursuant to this subdivision for the
29 1999–2000 fiscal year, as compared to the amount so transferred
30 for the 1998–99 fiscal year, be allocated equally between public
31 and nonpublic disproportionate share hospitals. To implement the
32 reduction in clause (i) the department shall, by June 30, 2000,
33 adjust the calculations in Section 14105.98 in order to allocate the
34 funds in accordance with this clause.

35 (F) In the amount of twenty-nine million seven hundred
36 fifty-seven thousand six hundred ninety dollars (\$29,757,690) for
37 the 2000–01 fiscal year and the 2001–02 fiscal year.

38 (G) In the amount of eighty-five million dollars (\$85,000,000)
39 for the 2002–03 fiscal year and each fiscal year thereafter.

1 (H) The transfers from the fund shall be made in six equal
2 monthly installments to the Medi-Cal local assistance appropriation
3 item (Item 4260-101-0001 of the annual Budget Act) in support
4 of Medi-Cal expenditures. The first installment shall accrue in
5 October of each transfer year, and all other installments shall accrue
6 monthly thereafter from November through March.

7 (e) For the 1991–92 state fiscal year, the department shall
8 determine, no later than 70 days after the enactment of this section,
9 the transferor entities for the 1991–92 transfer year. To make this
10 determination, the department shall utilize the disproportionate
11 share list for the 1991–92 fiscal year issued by the department
12 pursuant to paragraph (1) of subdivision (f) of Section 14105.98.
13 The department shall identify each eligible hospital on the list for
14 which a public entity is the licensee as of July 1, 1991. The public
15 entity that is the licensee of each identified eligible hospital shall
16 be a transferor entity for the 1991–92 transfer year.

17 (f) The department shall determine, no later than 70 days after
18 the enactment of this section, the transfer amounts for the 1991–92
19 transfer year.

20 The transfer amounts shall be determined as follows:

21 (1) The eligible hospitals for 1991–92 shall be identified. For
22 each hospital, the applicable total per diem payment adjustment
23 amount under Section 14105.98 for the 1991–92 transfer year shall
24 be computed. This amount shall be multiplied by 80 percent of the
25 eligible hospital’s annualized Medi-Cal inpatient paid days as
26 determined from all Medi-Cal paid claims records available through
27 April 1, 1991. The products of these calculations for all eligible
28 hospitals shall be added together to determine an aggregate sum
29 for the 1991–92 transfer year.

30 (2) The eligible hospitals for 1991–92 involving transferor
31 entities as licensees shall be identified. For each hospital, the
32 applicable total per diem payment adjustment amount under Section
33 14105.98 for the 1991–92 transfer year shall be computed. This
34 amount shall be multiplied by 80 percent of the eligible hospital’s
35 annualized Medi-Cal inpatient paid days as determined from all
36 Medi-Cal paid claims records available through April 1, 1991. The
37 products of these calculations for all eligible hospitals with
38 transferor entities as licensees shall be added together to determine
39 an aggregate sum for the 1991–92 transfer year.

1 (3) The aggregate sum determined under paragraph (1) shall be
2 divided by the aggregate sum determined under paragraph (2),
3 yielding a factor to be utilized in paragraph (4).

4 (4) The factor determined in paragraph (3) shall be multiplied
5 by the amount determined for each hospital under paragraph (2).
6 The product of this calculation for each hospital in paragraph (2)
7 shall be divided by 1.771, yielding a transfer amount for the
8 particular transferor entity for the transfer year.

9 (g) For the 1991–92 transfer year, the department shall notify
10 each transferor entity in writing of its applicable transfer amount
11 or amounts.

12 (h) For the 1992–93 transfer year and subsequent transfer years,
13 transfer amounts shall be determined in the same procedural
14 manner as set forth in subdivision (f), except:

15 (1) The department shall use all of the following:

16 (A) The disproportionate share list applicable to the particular
17 transfer year to determine the eligible hospitals.

18 (B) The payment adjustment amounts calculated under Section
19 14105.98 for the particular transfer year. These amounts shall take
20 into account any projected or actual increases or decreases in the
21 size of the payment adjustment program as are required under
22 Section 14105.98 for the particular year in question, including any
23 decreases resulting from the application of the OBRA 1993
24 payment limitation. The department may issue interim, revised,
25 and supplemental transfer requests as necessary and appropriate
26 to address changes in payment adjustment levels that occur under
27 Section 14105.98. All transfer requests, or adjustments thereto,
28 issued to transferor entities by the department shall meet the
29 requirements set forth in subdivision (i).

30 (C) Data regarding annualized Medi-Cal inpatient paid days for
31 the most recent calendar year ending prior to the beginning of the
32 particular transfer year, as determined from all Medi-Cal paid
33 claims records available through April 1 preceding the particular
34 transfer year.

35 (D) The status of public entities as licensees of eligible hospitals
36 as of July 1 of the particular transfer year.

37 (E) For the 1993–94 transfer year and subsequent transfer years,
38 the divisor to be used for purposes of the calculation referred to
39 in paragraph (4) of subdivision (f) shall be determined by the
40 department. The divisor shall be calculated to ensure that the

1 appropriate amount of transfers from transferor entities are received
2 into the fund to satisfy the requirements of Section 14105.98,
3 exclusive of the amounts described in paragraph (2) of this
4 subdivision, and to satisfy the requirements of paragraph (2) of
5 subdivision (d), for the particular transfer year. For the 1993–94
6 transfer year, the divisor shall be 1.742.

7 (F) The following provisions shall apply for certain transfer
8 amounts relating to nonsupplemental payments under Section
9 14105.98:

10 (i) For the 1998–99 transfer year, transfer amounts shall be
11 determined as though the payment adjustment amounts arising
12 pursuant to subdivision (ag) of Section 14105.98 were increased
13 by the amounts paid or payable pursuant to subdivision (af) of
14 Section 14105.98.

15 (ii) Any transfer amounts paid by a transferor entity pursuant
16 to subparagraph (C) of paragraph (2) shall serve as credit for the
17 particular transferor entity against an equal amount of its transfer
18 obligation for the 1998–99 transfer year.

19 (iii) For the 1999–2000 transfer year, transfer amounts shall be
20 determined as though the amount to be transferred to the Health
21 Care Deposit Fund, as referred to in paragraph (2) of subdivision
22 (d), were reduced by 28 percent.

23 (2) (A) Except as provided in subparagraphs (B), (C), and (D),
24 for the 1993–94 transfer year and subsequent transfer years, transfer
25 amounts shall be increased for the particular transfer year in the
26 amounts necessary to fund the nonfederal share of the total
27 supplemental payment adjustment amounts of all types that arise
28 under Section 14105.98. These increases shall be paid only by
29 those transferor entities that are licensees of hospitals that are
30 projected to receive some or all of the particular supplemental
31 payments, and the increases shall be paid by the transferor entities
32 on a pro rata basis in connection with the particular supplemental
33 payments. For purposes of this paragraph, supplemental payment
34 adjustment amounts shall be deemed to arise for the particular
35 transfer year as of the date specified in Section 14105.98. Transfer
36 amounts to fund the nonfederal share of the payments shall be paid
37 for the particular transfer year within 20 days after the department
38 notifies the transferor entity in writing of the additional transfer
39 amount to be paid.

1 (B) For the 1995–96 transfer year, the nonfederal share of the
2 secondary supplemental payment adjustments described in
3 paragraph (9) of subdivision (y) of Section 14105.96 shall be
4 funded as follows:

5 (i) Ninety-nine percent of the nonfederal share shall be funded
6 by a transfer from the University of California.

7 (ii) One percent of the nonfederal share shall be funded by
8 transfers from those public entities that are the licensees of the
9 hospitals included in the “other public hospitals” group referred
10 to in clauses (ii) and (iii) of subparagraph (B) of paragraph (9) of
11 subdivision (y) of Section 14105.98. The transfer responsibilities
12 for this 1 percent shall be allocated to the particular public entities
13 on a pro rata basis, based on a formula or formulae customarily
14 used by the department for allocating transfer amounts under this
15 section. The formula or formulae shall take into account, through
16 reallocation of transfer amounts as appropriate, the situation of
17 hospitals whose secondary supplemental payment adjustments are
18 restricted due to the application of the limitation set forth in clause
19 (v) of subparagraph (B) of paragraph (9) of subdivision (y) of
20 Section 14105.98.

21 (iii) All transfer amounts under this subparagraph shall be paid
22 by the particular transferor entities within 30 days after the
23 department notifies the transferor entity in writing of the transfer
24 amount to be paid.

25 (C) For the 1997–98 transfer year, transfer amounts to fund the
26 nonfederal share of the supplemental payment adjustments
27 described in subdivision (af) of Section 14105.98 shall be funded
28 by a transfer from the County of Los Angeles.

29 (D) (i) For the 1998–99 transfer year, transfer amounts to fund
30 the nonfederal share of the supplemental payment adjustment
31 amounts arising under subdivision (ah) of Section 14105.98 shall
32 be increased as set forth in clause (ii).

33 (ii) The transfer amounts otherwise calculated to fund the
34 supplemental payment adjustments referred to in clause (i) shall
35 be increased on a pro rata basis by an amount equal to 28 percent
36 of the amount to be transferred to the Health Care Deposit Fund
37 for the 1999–2000 fiscal year, as referred to in paragraph (2) of
38 subdivision (d).

39 (3) The department shall prepare preliminary analyses and
40 calculations regarding potential transfer amounts, and potential

1 transferor entities shall be notified by the department of estimated
2 transfer amounts as soon as reasonably feasible regarding any
3 particular transfer year. Written notices of transfer amounts shall
4 be issued by the department as soon as possible with respect to
5 each transfer year. All state agencies shall take all necessary steps
6 in order to supply applicable data to the department to accomplish
7 these tasks. The Office of Statewide Health Planning and
8 Development shall provide to the department quarterly access to
9 the edited and unedited confidential patient discharge data files
10 for all Medi-Cal eligible patients. The department shall maintain
11 the confidentiality of that data to the same extent as is required of
12 the Office of Statewide Health Planning and Development. In
13 addition, the Office of Statewide Health Planning and Development
14 shall provide to the department, not later than March 1 of each
15 year, the data specified by the department, as the data existed on
16 the statewide database file as of February 1 of each year, from all
17 of the following:

18 (A) Hospital annual disclosure reports, filed with the Office of
19 Statewide Health Planning and Development pursuant to *former*
20 Section 443.31 *of*, or Section 128735 of, the Health and Safety
21 Code, for hospital fiscal years that ended during the calendar year
22 ending 13 months prior to the applicable February 1.

23 (B) Annual reports of hospitals, filed with the Office of
24 Statewide Health Planning and Development pursuant to *former*
25 Section 439.2 *of*, or Section 127285 of, the Health and Safety Code,
26 for the calendar year ending 13 months prior to the applicable
27 February 1.

28 (C) Hospital patient discharge data reports, filed with the Office
29 of Statewide Health Planning and Development pursuant to *former*
30 subdivision (g) of Section 443.31 *of*, or Section 128735 of, the
31 Health and Safety Code, for the calendar year ending 13 months
32 prior to the applicable February 1.

33 (D) Any other materials on file with the Office of Statewide
34 Health Planning and Development.

35 (4) Transfer amounts calculated by the department may be
36 increased or decreased by a percentage amount consistent with the
37 Medi-Cal state plan.

38 (5) For the 1993–94 fiscal year, the transfer amount that would
39 otherwise be required from the University of California shall be
40 increased by fifteen million dollars (\$15,000,000).

(6) Notwithstanding any other ~~provision of~~ law, except for subparagraph (D) of paragraph (2), the total amount of transfers required from the transferor entities for any particular transfer year shall not exceed the sum of the following:

(A) The amount needed to fund the nonfederal share of all payment adjustment amounts applicable to the particular payment adjustment year as calculated under Section 14105.98. Included in the calculations for this purpose shall be any decreases in the program as a whole, and for individual hospitals, that arise due to the provisions of Section 1396r-4(f) or (g) of Title 42 of the United States Code.

(B) The amount needed to fund the transfers to the Health Care Deposit Fund, as referred to in subdivision (d).

(7) (A) Except as provided in subparagraphs (B) and (C) and in paragraph (2) of subdivision (j), and except for a prudent reserve not to exceed two million dollars (\$2,000,000) in the Medi-Cal Inpatient Payment Adjustment Fund, any amounts in the fund, including interest that accrues with respect to the amounts in the fund, that are not expended, or estimated to be required for expenditure, under Section 14105.98 with respect to a particular transfer year shall be returned on a pro rata basis to the transferor entities for the particular transfer year within 120 days after the department determines that the funds are not needed for an expenditure in connection with the particular transfer year.

(B) The department shall determine the interest amounts that have accrued in the fund from its inception through June 30, 1995, and, no later than January 1, 1996, shall distribute these interest amounts to transferor entities:

(C) With respect to those particular amounts in the fund resulting solely from the provisions of subparagraph (D) of paragraph (2), the department shall determine by September 30, 1999, whether these particular amounts exceed 28 percent of the amount to be transferred to the Health Care Deposit Fund for the 1999–2000 fiscal year, as referred to in paragraph (2) of subdivision (d). Any excess amount so determined shall be returned to the particular transferor entities on a pro rata basis no later than October 31, 1999.

(D) Regarding any funds returned to a transferor entity under subparagraph (A) or (C), or interest amounts distributed to a transferor entity under subparagraph (B), the department shall

1 provide to the transferor entity a written statement that explains
2 the basis for the particular return or distribution of funds and
3 contains the general calculations used by the department in
4 determining the amount of the particular return or distribution of
5 funds.

6 (i) (1) For the 1991–92 transfer year, each transferor entity
7 shall pay its transfer amount or amounts to the Controller, for
8 deposit in the fund, in eight equal installments.

9 (2) (A) Except as provided in subparagraphs (B) and (C), for
10 the 1992–93 transfer year and subsequent transfer years, each
11 transferor entity shall pay its transfer amount or amounts to the
12 Controller, for deposit in the fund, in eight equal installments.
13 However, for the 1997–98 and subsequent transfer years, each
14 transferor entity shall pay its transfer amount or amounts to the
15 Controller, for deposit in the fund, in the form of periodic
16 installments according to a timetable established by the department.
17 The timetable shall be structured to effectuate, on a reasonable
18 basis, the prompt distribution of all nonsupplemental payment
19 adjustments under Section 14105.98, and transfers to the Health
20 Care Deposit Fund under subdivision (d).

21 (B) For the 1994–95 transfer year, each transferor entity shall
22 pay its transfer amount or amounts to the Controller, for deposit
23 in the fund, in five equal installments.

24 (C) For the 1995–96 transfer year, each transferor entity shall
25 pay its transfer amount or amounts to the Controller, for deposit
26 in the fund, in five equal installments.

27 (D) Except as otherwise specifically provided, subparagraphs
28 (A) to (C), inclusive, shall not apply to increases in transfer
29 amounts described in paragraph (2) of subdivision (h) or to
30 additional transfer amounts described in subdivision (o).

31 (E) All requests for transfer payments, or adjustments thereto,
32 issued by the department shall be in writing and shall include (i)
33 an explanation of the basis for the particular transfer request or
34 transfer activity, (ii) a summary description of program funding
35 status for the particular transfer year, and (iii) the general
36 calculations used by the department in connection with the
37 particular transfer request or transfer activity.

38 (3) A transferor entity may use any of the following funds for
39 purposes of meeting its transfer obligations under this section:

40 (A) General funds of the transferor entity.

1 (B) Any other funds permitted by law to be used for these
2 purposes, except that a transferor entity shall not submit to the
3 Controller any federal funds unless those federal funds are
4 authorized by federal law to be used to match other federal funds.
5 In addition, no private donated funds from any health care provider,
6 or from any person or organization affiliated with the health care
7 provider, shall be channeled through a transferor entity or any
8 other public entity to the fund, unless the donated funds will qualify
9 under federal rules as a valid component of the nonfederal share
10 of the Medi-Cal program and will be matched by federal funds.
11 The transferor entity shall be responsible for determining that funds
12 transferred meet the requirements of this subparagraph.

13 (j) (1) If a transferor entity does not submit any transfer amount
14 within the time period specified in this section, the Controller shall
15 offset immediately the amount owed against any funds which
16 otherwise would be payable by the state to the transferor entity.
17 The Controller, however, shall not impose an offset against any
18 particular funds payable to the transferor entity where the offset
19 would violate state or federal law.

20 (2) Where a withhold or a recoupment occurs pursuant to the
21 provisions of paragraph (2) of subdivision (r) of Section 14105.98,
22 the nonfederal portion of the amount in question shall remain in
23 the fund, or shall be redeposited in the fund by the department, as
24 applicable. The department shall then proceed as follows:

25 (A) If the withhold or recoupment was imposed with respect to
26 a hospital whose licensee was a transferor entity for the particular
27 state fiscal year to which the withhold or recoupment related, the
28 nonfederal portion of the amount withheld or recouped shall serve
29 as a credit for the particular transferor entity against an equal
30 amount of transfer obligations under this section, to be applied
31 whenever the transfer obligations next arise. Should no such
32 transfer obligation arise within 180 days, the department shall
33 return the funds in question to the particular transferor entity within
34 30 days thereafter.

35 (B) For other situations, the withheld or recouped nonfederal
36 portion shall be subject to paragraph (7) of subdivision (h).

37 (k) All transfer amounts received by the Controller or amounts
38 offset by the Controller shall immediately be deposited in the fund.

39 (l) For purposes of this section, the disproportionate share list
40 utilized by the department for a particular transfer year shall be

1 identical to the disproportionate share list utilized by the
2 department for the same state fiscal year for purposes of Section
3 14105.98. Nothing on a disproportionate share list, once issued by
4 the department, shall be modified for any reason other than
5 mathematical or typographical errors or omissions on the part of
6 the department or the Office of Statewide Health Planning and
7 Development in preparation of the list.

8 (m) Neither the intergovernmental transfers required by this
9 section, nor any elective transfer made pursuant to Section 14164,
10 shall create, lead to, or expand the health care funding or service
11 obligations for current or future years for any transferor entity,
12 except as required of the state by this section or as may be required
13 by federal law, in which case the state shall be held harmless by
14 the transferor entities on a pro rata basis.

15 (n) Except as otherwise permitted by state and federal law, no
16 transfer amount submitted to the Controller under this section, and
17 no offset by the Controller pursuant to subdivision (j), shall be
18 claimed or recognized as an allowable element of cost in Medi-Cal
19 cost reports submitted to the department.

20 (o) Whenever additional transfer amounts are required to fund
21 the nonfederal share of payment adjustment amounts under Section
22 14105.98 that are distributed after the close of the particular
23 payment adjustment year to which the payment adjustment amounts
24 apply, the additional transfer amounts shall be paid by the parties
25 who were the transferor entities for the particular transfer year that
26 was concurrent with the particular payment adjustment year. The
27 additional transfer amounts shall be calculated under the formula
28 that was in effect during the particular transfer year. For transfer
29 years prior to the 1993–94 transfer year, the percentage of the
30 additional transfer amounts available for transfer to the Health
31 Care Deposit Fund under subdivision (d) shall be the percentage
32 that was in effect during the particular transfer year. These
33 additional transfer amounts shall be paid by transferor entities
34 within 20 days after the department notifies the transferor entity
35 in writing of the additional transfer amount to be paid.

36 (p) (1) Ten million dollars (\$10,000,000) of the amount
37 transferred from the Medi-Cal Inpatient Payment Adjustment Fund
38 to the Health Care Deposit Fund due to amounts transferred
39 attributable to years prior to the 1993–94 fiscal year is hereby
40 appropriated without regard to fiscal years to the State Department

1 of Health Services to be used to support the development of
2 managed care programs under the department's plan to expand
3 Medi-Cal managed care.

4 (2) These funds shall be used by the department for both of the
5 following purposes: (A) distributions to counties or other local
6 entities that contract with the department to receive those funds to
7 offset a portion of the costs of forming the local initiative entity,
8 and (B) distributions to local initiative entities that contract with
9 the department to receive those funds to offset a portion of the
10 costs of developing the local initiative health delivery system in
11 accordance with the department's plan to expand Medi-Cal
12 managed care.

13 (3) Entities contracting with the department for any portion of
14 the ten million dollars (\$10,000,000) shall meet the objectives of
15 the department's plan to expand Medi-Cal managed care with
16 regard to traditional and safety net providers.

17 (4) Entities contracting with the department for any portion of
18 the ten million dollars (\$10,000,000) may be authorized under
19 those contracts to utilize their funds to provide for reimbursement
20 of the costs of local organizations and entities incurred in
21 participating in the development and operation of a local initiative.

22 (5) To the full extent permitted by state and federal law, these
23 funds shall be distributed by the department for expenditure at the
24 local level in a manner that qualifies for federal financial
25 participation under the medicaid program.

26 (q) (1) Any local initiative entity that has performed
27 unanticipated additional work for the purposes identified in
28 subparagraph (B) of paragraph (2) of subdivision (p) resulting in
29 additional costs attributable to the development of its local initiative
30 health delivery system, may file a claim for reimbursement with
31 the department for the additional costs incurred due to delays in
32 start dates through the 1996–97 fiscal year. The claim shall be
33 filed by the local initiative entity not later than 90 days after the
34 effective date of the act adding this subdivision, and shall not seek
35 extra compensation for any sum that is or could have been asserted
36 pursuant to the contract disputes and appeals resolution provisions
37 of the local initiative entity's respective two-plan model contract.
38 All claims for unanticipated additional incurred costs shall be
39 submitted with adequate supporting documentation including, but
40 not limited to, all of the following:

1 (A) Invoices, receipts, job descriptions, payroll records, work
2 plans, and other materials that identify the unanticipated additional
3 claimed and incurred costs.

4 (B) Documents reflecting mitigation of costs.

5 (C) To the extent lost profits are included in the claim,
6 documentation identifying those profits and the manner of
7 calculation.

8 (D) Documents reflecting the anticipated start date, the actual
9 start date, and reasons for the delay between the dates, if any.

10 (2) In determining any amount to be paid, the department shall
11 do all of the following:

12 (A) Conduct a fiscal analysis of the local initiative entity's
13 claimed costs.

14 (B) Determine the appropriate amount of payment, after taking
15 into consideration the supporting documentation and the results
16 of any audit.

17 (C) Provide funding for any such payment, as approved by the
18 Department of Finance through the deficiency process.

19 (D) Complete the determination required in subparagraph (B)
20 within six months after receipt of a local initiative entity's
21 completed claim and supporting documentation. Prior to final
22 determination, there shall be a review and comment period for that
23 local initiative entity.

24 (E) Make reasonable efforts to obtain federal financial
25 participation. In the event federal financial participation is not
26 allowed for this payment, the state's payment shall be 50 percent
27 of the total amount determined to be payable.

28 *(r) Notwithstanding any other law, the Controller may use the*
29 *moneys in the Medi-Cal Inpatient Payment Adjustment Fund for*
30 *loans to the General Fund as provided in Sections 16310 and*
31 *16381 of the Government Code. However, interest shall be paid*
32 *on all moneys loaned to the General Fund from the Medi-Cal*
33 *Inpatient Payment Adjustment Fund. Interest payable shall be*
34 *computed at a rate determined by the Pooled Money Investment*
35 *Board to be the current earning rate of the fund from which loaned.*
36 *This subdivision does not authorize any transfer that will interfere*
37 *with the carrying out of the object for which the Medi-Cal Inpatient*
38 *Payment Adjustment Fund was created.*

39 SEC. 25. Section 16809 of the Welfare and Institutions Code
40 is amended to read:

1 16809. (a) (1) The board of supervisors of a county that
2 contracted with the department pursuant to *former* Section 16709
3 during the 1990–91 fiscal year and any county with a population
4 under 300,000, as determined in accordance with the 1990
5 decennial census, by adopting a resolution to that effect, may elect
6 to participate in the County Medical Services Program. The
7 governing board shall have responsibilities for specified health
8 services to county residents certified eligible for those services by
9 the county.

10 (2) The board of supervisors of a county that has contracted
11 with the governing board pursuant to paragraph (1) may also
12 contract with the governing board for the delivery of health care
13 and health-related services to county residents other than under
14 the County Medical Services Program by adopting a resolution to
15 that effect. The governing board shall have responsibilities for the
16 delivery of specified health services to county residents as agreed
17 upon by the governing board and the county. Participation by a
18 county pursuant to this paragraph shall be voluntary, and funds
19 shall be provided solely by the county.

20 (b) The governing board may contract with the department or
21 any other person or entity to administer the County Medical
22 Services Program.

23 (1) If the governing board contracts with the department to
24 administer the County Medical Services Program, that contract
25 shall include, but need not be limited to, all of the following:

26 (A) Provisions for the payment to participating counties for
27 making eligibility determinations as determined by the governing
28 board.

29 (B) Provisions for payment of expenses of the governing board.

30 (C) Provisions relating to the flow of funds from counties’
31 vehicle license fees, sales taxes, and participation fees and the
32 procedures to be followed if a county does not pay those funds to
33 the program.

34 (D) Those provisions, as applicable, contained in the 1993–94
35 fiscal year contract with counties under the County Medical
36 Services Program.

37 (E) Provisions for the department to administer the County
38 Medical Services Program pursuant to regulations adopted by the
39 governing board or as otherwise determined by the governing
40 board.

(F) Provisions requiring that the governing board reimburse the state costs of providing administrative support to the County Medical Services Program in accordance with amounts determined between the governing board and the department.

(2) If the governing board does not contract with the department for administration of the County Medical Services Program, the governing board may contract with the department for specified services to assist in the administration of that program. Any contract with the department under this paragraph shall require that the governing board reimburse the state costs of providing administrative support.

(3) The department shall not be liable for any costs related to decisions of the governing board that are in excess of those set forth in the contract between the department and the governing board.

(c) Each county intending to participate in the County Medical Services Program pursuant to this section shall submit to the governing board a notice of intent to contract adopted by the board of supervisors no later than April 1 of the fiscal year preceding the fiscal year in which the county will participate in the County Medical Services Program.

(d) A county participating in the County Medical Services Program pursuant to this section, or a county contracting with the governing board pursuant to paragraph (2) or (3) of subdivision (a), or participating in a pilot project or contracting with the governing board for an alternative product pursuant to Section 16809.4, shall not be relieved of its indigent health care obligation under Section 17000.

(e) (1) The County Medical Services Program Account is established in the County Health Services Fund. The County Medical Services Program Account is continuously appropriated, notwithstanding Section 13340 of the Government Code, without regard to fiscal years. The following amounts may be deposited in the account:

(A) Any interest earned upon ~~money~~ moneys deposited in the account.

(B) Moneys provided by participating counties or appropriated by the Legislature to the account.

(C) Moneys loaned pursuant to subdivision (n).

1 (2) The methods and procedures used to deposit funds into the
2 account shall be consistent with the methods used by the program
3 during the 1993–94 fiscal year, unless otherwise determined by
4 the governing board.

5 (f) Moneys in the program account shall be used by the
6 governing board, or by the department if the department contracts
7 with the governing board for this purpose, to pay for health care
8 services provided to the persons meeting the eligibility criteria
9 established pursuant to subdivision (j) and to pay the governing
10 board expenses and program administrative costs. In addition,
11 moneys in this account may be used to reimburse the department
12 for state costs pursuant to subparagraph (F) of paragraph (1) of
13 subdivision (b).

14 (g) (1) Moneys in this account shall be administered on an
15 accrual basis and notwithstanding any other ~~provision of law,~~
16 except as provided in this section and Section 17605.051, shall
17 not be transferred to any other fund or account in the State Treasury
18 except for purposes of investment as provided in Article 4
19 (commencing with Section 16470) of Chapter 3 of Part 2 of
20 Division 4 of Title 2 of the Government Code.

21 (2) (A) All interest or other increment resulting from the
22 investment shall be deposited in the program account,
23 notwithstanding Section 16305.7 of the Government Code.

24 (B) All interest deposited pursuant to subparagraph (A) shall
25 be available to reimburse program-covered services, governing
26 board expenses, and program administrative costs.

27 (h) The governing board shall establish a reserve account for
28 the purpose of depositing funds for the payment of claims and
29 unexpected contingencies. Funds in the reserve account in excess
30 of the amounts the governing board determines necessary for these
31 purposes shall be available for expenditures in years when program
32 expenditures exceed program funds, and to augment the rates,
33 benefits, or eligibility criteria under the program.

34 (i) (1) Counties shall pay participation fees as established by
35 the governing board and their jurisdictional risk amount in a
36 method that is consistent with that established in the 1993–94 fiscal
37 year.

38 (2) A county may request, due to financial hardship, the
39 payments under paragraph (1) be delayed. The request shall be
40 subject to approval by the governing board.

1 (3) Payments made pursuant to this subdivision shall be
2 deposited in the program account, unless otherwise directed by
3 the governing board.

4 (4) Payments may be made as part of the deposits authorized
5 by the county pursuant to Sections 17603.05 and 17604.05.

6 (j) (1) (A) Beginning in the 1992–93 fiscal year and for each
7 fiscal year thereafter, counties and the state shall share the risk for
8 cost increases of the County Medical Services Program not funded
9 through other sources. The state shall be at risk for any cost that
10 exceeds the cumulative annual growth in dedicated sales tax and
11 vehicle license fee revenue, up to the amount of twenty million
12 two hundred thirty-seven thousand four hundred sixty dollars
13 (\$20,237,460) per fiscal year, except for the 1999–2000, 2000–01,
14 2001–02, 2002–03, 2003–04, 2004–05, 2005–06, 2006–07, *and*
15 2007–08 fiscal years, and all fiscal years thereafter. Counties shall
16 be at risk up to the cumulative annual growth in the Local Revenue
17 Fund created by Section 17600, according to the table specified
18 in paragraph (2), to the County Medical Services Program, plus
19 the additional cost increases in excess of twenty million two
20 hundred thirty-seven thousand four hundred sixty dollars
21 (\$20,237,460) per fiscal year, except for the 1999–2000, 2000–01,
22 2001–02, 2002–03, 2003–04, 2004–05, 2005–06, 2006–07, *and*
23 2007–08 fiscal years, and all fiscal years thereafter.

24 (B) For the 1999–2000, 2000–01, 2001–02, 2002–03, 2003–04,
25 2004–05, 2005–06, 2006–07, *and* 2007–08 fiscal years, and all
26 fiscal years thereafter, the state shall not be at risk for any cost that
27 exceeds the cumulative annual growth in dedicated sales tax and
28 vehicle license fee revenue. Counties shall be at risk up to the
29 cumulative annual growth in the Local Revenue Fund created by
30 Section 17600, according to the table specified in paragraph (2),
31 to the County Medical Services Program, plus any additional cost
32 increases for the 1999–2000, 2000–01, 2001–02, 2002–03,
33 2003–04, 2004–05, 2005–06, 2006–07, *and* 2007–08 fiscal years,
34 and all fiscal years thereafter.

35 (C) (i) The governing board shall establish uniform eligibility
36 criteria and benefits among all counties participating in the County
37 Medical Services Program listed in paragraph (2). For counties
38 that are not listed in paragraph (2) and that elect to participate
39 pursuant to paragraph (1) of subdivision (a), the eligibility criteria

and benefit structure may vary from those of counties participating pursuant to paragraph (2) of subdivision (a).

(ii) Notwithstanding clause (i), the governing board may establish and maintain pilot projects to identify or test alternative approaches for determining eligibility or for providing or paying for benefits under the County Medical Services Program, and may develop and implement alternative products with varying levels of eligibility criteria and benefits outside of the County Medical Services Program.

(2) For the 1991–92 fiscal year, and each *fiscal* year thereafter, jurisdictional risk limitations shall be as follows:

Jurisdiction	Amount
Alpine.....	\$ 13,150
Amador.....	620,264
Butte.....	5,950,593
Calaveras.....	913,959
Colusa.....	799,988
Del Norte.....	781,358
El Dorado.....	3,535,288
Glenn.....	787,933
Humboldt.....	6,883,182
Imperial.....	6,394,422
Inyo.....	1,100,257
Kings.....	2,832,833
Lake.....	1,022,963
Lassen.....	687,113
Madera.....	2,882,147
Marin.....	7,725,909
Mariposa.....	435,062
Mendocino.....	1,654,999
Modoc.....	469,034
Mono.....	369,309
Napa.....	3,062,967
Nevada.....	1,860,793
Plumas.....	905,192
San Benito.....	1,086,011
Shasta.....	5,361,013
Sierra.....	135,888
Siskiyou.....	1,372,034

1	Solano.....	6,871,127
2	Sonoma.....	13,183,359
3	Sutter.....	2,996,118
4	Tehama.....	1,912,299
5	Trinity.....	611,497
6	Tuolumne.....	1,455,320
7	Yuba.....	2,395,580

(3) Beginning in the 1991–92 fiscal year and in subsequent fiscal years, the jurisdictional risk limitation for the counties that did not contract with the department pursuant to *former* Section 16709 during the 1990–91 fiscal year shall be the amount specified in subparagraph (A) plus the amount determined pursuant to subparagraph (B), minus the amount specified by the governing board as participation fees.

(A)

18	Jurisdiction	Amount
19	Merced.....	2,033,729
20	Placer.....	1,338,330
21	San Luis Obispo.....	2,000,491
22	Santa Cruz.....	3,037,783
23	Yolo.....	1,475,620

(B) The amount of funds necessary to fully fund the anticipated costs for the county shall be determined by the governing board before a county is permitted to participate in the County Medical Services Program.

(4) The specific amounts and method of apportioning risk to each participating county may be adjusted by the governing board.

(k) The Legislature hereby determines that an expedited contract process for contracts under this section is necessary. Contracts under this section shall be exempt from Part 2 (commencing with Section 10100) of Division 2 of the Public Contract Code. Contracts of the department pursuant to this section shall have no force or effect unless they are approved by the Department of Finance.

(l) The state shall not incur any liability except as specified in this section.

1 (m) Third-party recoveries for services provided under this
2 section may be pursued.

3 (n) The Department of Finance may authorize a loan of up to
4 thirty million dollars (\$30,000,000) for deposit into the program
5 account to ensure that there are sufficient funds available to
6 reimburse providers and counties pursuant to this section.

7 (o) Moneys appropriated from the General Fund to meet the
8 state risk, as set forth in subparagraph (A) of paragraph (1) of
9 subdivision (j), shall not be available for those counties electing
10 to disenroll from the County Medical Services Program.

11 (p) *Notwithstanding any other law, the Controller may use the*
12 *moneys in the County Medical Services Program Account for loans*
13 *to the General Fund as provided in Sections 16310 and 16381 of*
14 *the Government Code. However, interest shall be paid on all*
15 *moneys loaned to the General Fund from the County Medical*
16 *Services Program Account. Interest payable shall be computed at*
17 *a rate determined by the Pooled Money Investment Board to be*
18 *the current earning rate of the fund from which loaned. This*
19 *subdivision does not authorize any transfer that will interfere with*
20 *the carrying out of the object for which the County Medical*
21 *Services Program Account was created.*

22 SEC. 26. *The Legislature finds and declares all of the*
23 *following:*

24 (a) *Section 5 of this act furthers the purpose of the California*
25 *State Lottery Act of 1984, enacted by Proposition 37 at the*
26 *November 6, 1984, statewide general election.*

27 (b) *Section 6 of this act furthers the purpose of the Mental*
28 *Health Services Act, enacted by Proposition 63 at the November*
29 *2, 2004, statewide general election; the DNA Fingerprint, Unsolved*
30 *Crime and Innocence Protection Act, enacted by Proposition 69*
31 *at the November 2, 2004, statewide general election; and the*
32 *California Children and Families Act of 1998, enacted by*
33 *Proposition 10 at the November, 3, 1998, statewide general*
34 *election.*

35 SEC. 27. *This act addresses the fiscal emergency declared by*
36 *the Governor by proclamation on December 19, 2008, pursuant*
37 *to subdivision (f) of Section 10 of Article IV of the California*
38 *Constitution.*

39 SEC. 28. *This act is an urgency statute necessary for the*
40 *immediate preservation of the public peace, health, or safety within*

1 *the meaning of Article IV of the Constitution and shall go into*
2 *immediate effect. The facts constituting the necessity are:*

3 *In order to make the necessary statutory changes to achieve*
4 *cash savings at the earliest possible time, it is necessary that this*
5 *act take effect immediately.*

6 ~~SECTION 1. It is the intent of the Legislature to make statutory~~
7 ~~changes relating to the Budget Act of 2008.~~

8 ~~SEC. 2. This act addresses the fiscal emergency declared by~~
9 ~~the Governor by proclamation on December 19, 2008, pursuant~~
10 ~~to subdivision (f) of Section 10 of Article IV of the California~~
11 ~~Constitution.~~

O