

AMENDED IN SENATE FEBRUARY 15, 2009

AMENDED IN ASSEMBLY JANUARY 7, 2009

CALIFORNIA LEGISLATURE—2009—10 THIRD EXTRAORDINARY SESSION

**ASSEMBLY BILL**

**No. 8**

---

---

**Introduced by Assembly Member Evans**

January 5, 2009

---

---

*An act relating to the Budget Act of 2008. An act to amend Section 41204.1 of the Education Code, to amend Sections 13312, 17561, 29552, 30061, and 30070 of, to amend, repeal, and add Section 19853 of, and to add Sections 17255, 19844.1, 29553, and 99030 to, the Government Code, to add Section 33333.13 to the Health and Safety Code, to amend Sections 13848.2, 13848.4, and 13848.6 of, and to add Section 13812 to, the Penal Code, to add Sections 97.80 and 20623 to the Revenue and Taxation Code, to amend Sections 2104, 2105, 2106, and 2107 of the Streets and Highways Code, to amend Sections 14041.1, 15153, and 18221 of, to add Section 18220.1 to, and to repeal and add Section 18220 of, the Welfare and Institutions Code, and to amend Section 6 of Chapter 213 of the Statutes of 2000, relating to state and local government, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

AB 8, as amended, Evans. ~~Budget Act of 2008.~~ *State and local government.*

*(1) Under the California Constitution, whenever the Legislature or a state agency mandates a new program or higher level of service on any local government, including school districts, the state is required to provide a subvention of funds to reimburse the local government,*

*with specified exceptions. Existing law establishes a procedure for local governmental agencies to file claims for reimbursement of these costs with the Commission on State Mandates. These procedures require the Controller to pay any eligible claim by August 15 or 45 days after the date the appropriation for the claim is effective, whichever is later.*

*This bill would change the date the Controller is required to pay any eligible claim to October 15 or 60 days after the date the appropriation for the claim is effective, whichever date is later.*

*(2) Existing law authorizes the Director of Finance to reduce General Fund items of appropriation for state operations or suspend the effective date of cost-of-living adjustments or rate increases upon making certain determinations, according to specified criteria and subject to specified exceptions, and subject to submission to, and approval by, the voters at a statewide election of specified amendments to the California Constitution.*

*This bill would prohibit the director from reducing amounts appropriated for collective bargaining agreements, as specified. The bill would specify that these provisions would only become operative if specified amendments to the California Constitution are submitted to, and approved by, the voters at a statewide election.*

*(3) Existing law requires the Department of Personnel Administration to provide the extent to which, and establish the method by which, ordered overtime is compensated for state employees.*

*This bill would prohibit paid or unpaid leave from being considered as time worked by the employee for the purpose of computing cash compensation for overtime or compensating time off for overtime.*

*(4) Existing law provides that state employees are entitled to specified holidays. Existing law provides that any employee who may be required to work on any of those holidays, and who does work on any of those holidays, shall be entitled to be paid compensation or given compensating time off for that work in accordance with the assigned workweek group of the employee's classification.*

*This bill, effective February 1, 2009, or the date these provisions take effect, whichever is later, would reduce the number of holidays to which state employees are entitled by eliminating the holidays commonly known as Lincoln Day and Columbus Day. The bill would provide that any state employee who works on any of those remaining holidays shall be entitled to receive straight-time pay and 8 hours of holiday credit. The bill would add provisions regarding the use of holiday credit and the holidays to which persons employed less than full time are entitled.*

(5) *The Senior Citizens and Disabled Citizens Property Tax Postponement Law allows senior citizens and disabled persons to file with the Controller a claim to postpone the payment of ad valorem property taxes, special assessments, and fees and other charges, where household income, as defined, does not exceed specified amounts.*

*This bill would prohibit the filing of a claim for postponement on or after the effective date of the act, and would prohibit the Controller from accepting applications for postponement on or after that date.*

(6) *Existing law requires state excise fuel tax revenues to be deposited in various accounts and to be allocated, in part, for various purposes, including the cost of collection and authorized refunds. Existing law requires the balance of these funds remaining after authorized deductions to be transferred to, and deposited monthly in, the Highway Users Tax Account in the Transportation Tax Fund. Existing law provides for annual and monthly apportionment by the Controller of specified revenues in the Highway Users Tax Account to counties and cities for the transportation purposes authorized by Article XIX of the California Constitution.*

*This bill would require transfers of those revenues from the Highway Users Tax Account to counties or cities that would otherwise be made during certain months of 2009, to instead be made in May 2009, as specified. The bill would allow those counties or cities to make use of any cash balance in any county or city account that is designated for the receipt of state funds allocated for local streets and roads maintenance, including specified bond funds, during the period of this suspension, and the use of this cash would not be reflected as an expenditure of bond act funds, if the cash is replaced once this suspension is repaid in May 2009.*

(7) *Existing law requires revenues from motor vehicle fuel taxes and diesel fuel taxes to be deposited in the State Treasury to the credit of the Motor Vehicle Fund, and authorizes transfers to other accounts and funds, with the balance to be transferred to, and deposited monthly in, the Highway Users Tax Account in the Transportation Tax Fund. Existing law provides for annual and monthly apportionment by the Controller of specified revenues in the Highway Users Tax Account to counties and cities for the transportation purposes authorized by Article XIX of the California Constitution. In addition to other apportionments from the account, a sum equal to the net revenue of 11.5% of any per gallon tax in excess of \$0.09 per gallon imposed under specified tax provisions is required to be apportioned among the counties, including*

*a city and county, and an equivalent sum is required to be apportioned to cities, including a city and county, as specified.*

*This bill would instead specify that a sum equal to \$0.01035 per gallon from the motor vehicle and diesel fuel taxes is required to be apportioned among the counties, including a city and a county, and an equivalent sum is required to be apportioned to cities, including a city and county, as specified. This bill would make other technical and conforming changes.*

*(8) Existing law authorizes counties and cities and counties to apply to the Controller to receive specified funding for certain booking or detention expenses.*

*This bill, during the 2008–09 fiscal year, would require 50% of the funding from the Controller to be funded from the Local Safety and Protection Account, which would be continuously appropriated, and during the 2009–10 fiscal year would require those payments to be fully funded from that account, thereby resulting in an appropriation.*

*(9) Existing law requires the Department of Corrections and Rehabilitation to allocate \$168,713,000 among counties based on a specified allocation schedule for local probation purposes.*

*This bill would instead require the Controller, commencing with the 2009–10 fiscal year and every fiscal year thereafter, to allocate 33.52% of the amount deposited in the Local Safety and Protection Account, to local jurisdictions that support juvenile probation activities, as specified.*

*The bill would also require the Controller to allocate 6.50% of the amount deposited in the Local Safety and Protection Account, during the 2008–09 fiscal year, and 5.85% during the 2009–10 fiscal year and every year thereafter, to the California Department of Corrections and Rehabilitation, to be allocated to counties that operate juvenile camps and ranches, as specified.*

*(10) Existing law establishes within the agency or agencies designated by the Director of Finance a program of financial and technical assistance for law enforcement and district attorneys' offices, designated the High Technology Theft Apprehension and Prosecution Program, as specified.*

*This bill would establish the High Technology Theft Apprehension and Prosecution Program in the California Emergency Management Agency, and would require the Controller to allocate 12.68% of the amount deposited in the Local Safety and Protection Account in the Transportation Tax Fund in the 2008–09 fiscal year, and 11.42% in the 2009–10 fiscal year and each fiscal year thereafter, to the California*

*Emergency Management Agency, to be allocated for various crime prevention programs, thereby resulting in an appropriation.*

*(11) Existing law establishes in each county treasury, a Supplemental Law Enforcement Services Fund to receive all amounts allocated to a county to fund specified public safety programs.*

*This bill would, commencing March 1, 2009, require the Controller to fund the Supplemental Law Enforcement Services Fund from the Local Safety and Protection Account in the Transportation Tax Fund, thereby resulting in an appropriation.*

*(12) Existing law annually appropriates from the General Fund to the Controller for allocation to county sheriff's departments, \$500,000 to enhance law enforcement efforts in specified counties.*

*This bill would, commencing with the 2008–09 fiscal year, instead, allocate 3.68% of moneys annually deposited in the Local Safety and Protection Account to be distributed evenly between specified county sheriffs departments on a quarterly basis, this resulting in an appropriation.*

*(13) Existing law provides for the Medi-Cal program, administered by the State Department of Health Care Services, under which qualified low-income persons are provided with a variety of health services. Existing law contains various provisions governing reimbursement rates for Medi-Cal providers and authorizes the department, notwithstanding any other provision of law, and to the extent not otherwise conflicting with federal law, to withhold, or direct the medical fiscal intermediary to withhold, payments for providers, as described, for a period of one month for a month ending prior to January 1, 2009.*

*This bill would extend the date of this authority to withhold payment to a month ending prior to June 30, 2009.*

*(14) Existing law specifies the manner in which state and federal funds are to be advanced to counties each month for certain public assistance programs. Existing law provides that the monthly advance of state general funds to counties for benefits or aid grants, administration, and for employment and support services shall be temporarily suspended for the months of July and August 2008 and shall resume on September 1, 2008, with the advances that would have been made in July and August to be paid not later than September 30, 2008.*

*This bill would provide for the temporary suspension of monthly advance of state general funds to counties for benefits or aid grants, administration, and for employment and support services for certain*

months during 2009 and would provide for the resumption of those payments on September 1, 2009, with the advances that would have been made during those months or suspension to be paid not later than September 30, 2009.

(15) Existing law requires the Board of Administration of the Public Employees Retirement System to approve health benefit plans and contract with carriers offering health benefit plans.

This bill would require the board to defer the payment of the premium to a health benefit plan or dental care plan for an annuitant that is due for the months of February and March 2009 and to make those payments during the month of April 2009.

(16) Existing law appropriates \$2,500,000 to CaliforniaVolunteers, on an annual basis, for the purpose of funding grants to local and state-operated Americorps and Conservation Corps programs, up to 5% of which may be used for state-level administration costs.

This bill would reduce the appropriation to \$1,000,000 for the 2008–09 fiscal year and limit the amount used for administration to \$125,000 and revise the dates on which this and a related appropriation to support this program become inoperative.

(17) Existing law defines the current duties of the Treasurer and the Director of Finance and charges those officers with various responsibilities in connection with the financial affairs of the state.

This bill would require the Treasurer and the Director of Finance, or designated deputies, to meet and confer in a public hearing on or before April 1, 2009, for the purpose of determining whether federal legislation has been enacted that will make available, by June 30, 2010, additional federal funds that may be used to offset not less than \$9,100,000,000 in General Fund expenditures. If the Treasurer and the Director of Finance determine that federal funds in that amount have been made available, the bill would require them to notify the Joint Legislative Budget Committee and the Controller of that determination in writing. The bill would provide that its provisions would be repealed on July 1, 2010.

(18) Existing property tax law requires the county auditor, in each fiscal year, to allocate property tax revenue to local jurisdictions in accordance with specified formulas and procedures, and generally requires that each jurisdiction be allocated an amount equal to the total of the amount of revenue allocated to that jurisdiction in the prior fiscal year, subject to certain modifications, and that jurisdiction's portion of the annual tax increment, as defined. Existing property tax law also

*reduces the amounts of ad valorem property tax revenue that would otherwise be annually allocated to the county, cities, and special districts pursuant to these general allocation requirements by requiring, for purposes of determining property tax revenue allocations in each county for the 1992–93 and 1993–94 fiscal years, that the amounts of property tax revenue deemed allocated in the prior fiscal year to the county, cities, and special districts be reduced in accordance with certain formulas. It requires that the revenues not allocated to the county, cities, and special districts as a result of these reductions be transferred to the Educational Revenue Augmentation Fund in that county for allocation to school districts, community college districts, and the county office of education.*

*This bill would, for the 2009–10 fiscal year and for each fiscal year thereafter, require the auditor of a qualified county, as defined, to increase the total amount of ad valorem property tax revenue otherwise required to be allocated to that county by the county equity amount, as defined, and to commensurately reduce the total amount of ad valorem property tax revenue otherwise required to be allocated to school entities in the county, as specified. This bill also would state the intent of the Legislature that a qualified county dedicate the revenues the county receives under the bill for public health and safety purposes.*

*(19) Existing law requires the Director of Finance to make certain adjustments in one of the formulas used in computing the state’s obligation under the California Constitution to provide funding for school districts and community college districts so as to ensure that the modifications in property tax revenue allocation requirements that were made by prior enactments do not have a net fiscal impact on school districts or community college districts, or upon the state’s funding obligation to those districts.*

*This bill would apply this adjustment requirement to the modifications in property tax revenue allocation requirements that are made by this bill.*

*By imposing new duties on local officials in the annual allocation of ad valorem property tax revenues, this bill would impose a state–mandated local program.*

*(20) Existing law authorizes redevelopment agencies to collect a property tax increment in a redevelopment project area for redevelopment purposes.*

*This bill would revise the allocation of property tax increment revenues in the City of Glendora.*

(21) *The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that no reimbursement is required by this act for a specified reason.*

(22) *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.*

(23) *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~~<sup>2/3</sup>. Appropriation: ~~no~~-yes. Fiscal committee: ~~no~~ yes. State-mandated local program: ~~no~~-yes.

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

- 1     SECTION 1. Section 41204.1 of the Education Code is amended
- 2     to read:
- 3     41204.1. (a) (1) Pursuant to paragraph (2) of subdivision (b)
- 4     of Section 41204, the Director of Finance shall annually adjust
- 5     “the percentage of General Fund revenues appropriated for school
- 6     districts and community college districts, respectively, in the
- 7     1986–87 fiscal year” for purposes of applying paragraph (1) of
- 8     subdivision (b) of Section 8 of Article XVI of the California
- 9     Constitution, to reflect those property tax revenue allocation



1 modifications required by the qualifying provisions in a manner  
2 that ensures that those modifications will have no net fiscal impact  
3 upon the amounts that are otherwise required to be applied by the  
4 state for the support of school districts and community college  
5 districts pursuant to Section 8 of Article XVI of the California  
6 Constitution.

7 (2) For purposes of this section, “qualifying provisions,” means  
8 ~~the~~ *all of the following*:

9 (A) *The amendments made to Chapter 6 (commencing with*  
10 *Section 95) of Part 0.5 of Division 1 of the Revenue and Taxation*  
11 *Code and Article 7 (commencing with Section 33680) of Chapter*  
12 *6 of Part 1 of Division 24 of the Health and Safety Code during*  
13 *the 1991–92 Regular Session to the 2003–04 Regular Session,*  
14 *inclusive, and during any Extraordinary Session concurrently held*  
15 *during those session years, inclusive.*

16 (B) *Section 97.80 of the Revenue and Taxation Code.*

17 (b) Notwithstanding any other provision of law, for the 2004–05  
18 fiscal year and each fiscal year thereafter, “the percentage of  
19 General Fund revenues appropriated for school districts and  
20 community colleges districts, respectively, in fiscal year 1986–87,”  
21 for purposes of paragraph (1) of subdivision (b) of Section 8 of  
22 Article XVI of the California Constitution, shall be deemed to be  
23 the percentage of General Fund revenues that would have been  
24 appropriated for those entities if the qualifying provisions had been  
25 operative for the 1986–87 fiscal year.

26 (c) It is the intent of the Legislature in enacting the act adding  
27 this section to ensure both of the following:

28 (1) That the changes required by the qualifying provisions in  
29 the allocations of ad valorem property tax revenues do not have a  
30 net fiscal impact upon school districts, as defined in Section  
31 41302.5, or community college districts.

32 (2) That the changes required by the qualifying provisions in  
33 the allocations of ad valorem property tax revenues do not have a  
34 net fiscal impact upon the amounts of revenue otherwise required  
35 to be applied by the state for the support of school districts and  
36 community college districts pursuant to Section 8 of Article XVI  
37 of the California Constitution.

38 *SEC. 2. Section 13312 of the Government Code is amended to*  
39 *read:*

1 13312. (a) (1) Commencing with the 2008–09 fiscal year, and  
2 notwithstanding any other provision of law, if after the annual  
3 Budget Act is enacted, the Director of Finance determines that  
4 General Fund total available resources for the fiscal year will  
5 decline substantially below the estimate of General Fund total  
6 resources available upon which the Budget Act was based, or that  
7 General Fund expenditures will increase substantially above that  
8 estimate of General Fund total resources available, the director  
9 may make reductions pursuant to subdivision (b).

10 (2) For purposes of this subdivision, “total resources available”  
11 includes prior year balance and revenues and transfers for the fiscal  
12 year.

13 (b) Upon making a determination as described in subdivision  
14 (a), the Director of Finance, in consultation with agency secretaries  
15 and other cabinet members, may reduce General Fund items of  
16 appropriation, subject to both of the following:

17 (1) The Director of Finance shall not reduce, pursuant to this  
18 section, the amounts appropriated for any of the following:

19 (A) The Legislature.

20 (B) Constitutional officers.

21 (C) Transfers pursuant to the Article XIX B of the California  
22 Constitution.

23 (D) Debt service, including, but not limited to, tobacco  
24 settlement revenue shortfalls, payment of interest on General Fund  
25 loans, and interest payments to the federal government.

26 (E) Health and dental benefits for annuitants.

27 (F) Equity claims before the California Victim Compensation  
28 and Government Claims Board.

29 (G) Augmentations for contingencies or emergencies.

30 (H) Local assistance appropriations.

31 (I) *Any collective bargaining agreement with a recognized state*  
32 *employee organization.*

33 (2) A General Fund state operations or capital outlay item of  
34 appropriation, and a program or category designated in any line  
35 of any schedule set forth by that appropriation, may not be reduced  
36 by more than 7 percent.

37 (c) Notwithstanding any provision of law to the contrary, any  
38 cost-of-living adjustment or rate increase funded in an annual  
39 Budget Act shall be subject to the following conditions:

1 (1) If the Director of Finance determines that suspension by up  
2 to 120 days of the effective date of a cost-of-living adjustment or  
3 rate increase funded in an annual Budget Act is necessary to  
4 mitigate conditions that would authorize the issuance of a  
5 proclamation declaring a fiscal emergency pursuant to subdivision  
6 (f) of Section 10 of Article IV of the California Constitution, that  
7 cost-of-living adjustment or rate increase shall not take effect  
8 during that time.

9 (2) (A) If the Governor issues a proclamation declaring a fiscal  
10 emergency pursuant to subdivision (f) of Section 10 of Article IV  
11 of the California Constitution, then no cost-of-living adjustment  
12 or rate increase funded in the annual Budget Act for that fiscal  
13 year shall take effect until the Legislature passes and sends to the  
14 Governor a bill or bills to address the fiscal emergency.

15 (B) Commencing with the 2009–10 fiscal year, the annual  
16 Budget Act shall include a section specifying the cost-of-living  
17 adjustments or rate increases included in the Budget Act or  
18 authorized by other statutes which may be suspended pursuant to  
19 this paragraph.

20 (d) The Director of Finance shall report to the Chair of the Joint  
21 Legislative Budget Committee and the chairs of the committees  
22 of each house of the Legislature that consider appropriations not  
23 less than 30 days prior to making reductions pursuant to this  
24 section. The report shall list the specific reductions, by department,  
25 agency, and program, and state the programmatic effects and  
26 impacts of each reduction.

27 (e) Cost-of-living adjustments for purposes of this section shall  
28 not include any apportionments made to fund a cost-of-living  
29 adjustment to augment appropriations made pursuant to Section  
30 2558 of the Education Code, for county office of education revenue  
31 limits, or Section 42238 of the Education Code, for school district  
32 revenue limits, *nor shall it include a cost-of-living adjustment*  
33 *negotiated in a collective bargaining agreement with a recognized*  
34 *state employee organization.*

35 (f) Nothing within this section shall be construed to confer any  
36 authority upon the Director of Finance to modify or eliminate any  
37 provision of existing law.

38 (g) *This section shall only become operative if either Senate*  
39 *Constitutional Amendment 1 or Assembly Constitutional*

1 *Amendment 1 in the 2009–10 Third Extraordinary Session is*  
2 *submitted to, and approved by, the voters at a statewide election.*

3 *SEC. 3. Section 17255 is added to the Government Code, to*  
4 *read:*

5 *17255. (a) It is the intent of the Legislature, in enacting this*  
6 *section, to recognize the state’s General Fund budget deficit*  
7 *accumulated prior to July 1, 2009. It is further the intent of the*  
8 *Legislature that proceeds from the sale of reimbursement warrants,*  
9 *a short-term obligation up to the amount needed to offset the*  
10 *accumulated General Fund Budget deficit through June 30, 2009,*  
11 *be accounted for as a reduction in expenditures for the 2008–09*  
12 *fiscal year.*

13 *(b) For purposes of this section, the “accumulated General*  
14 *Fund budget deficit through June 30, 2009” means the projected*  
15 *negative balance of the Special Fund for Economic Uncertainties*  
16 *at the end of the 2008–09 fiscal year, not including the effect of*  
17 *the accrual of reimbursement warrants in subdivision (a) to offset*  
18 *expenditures in 2008–09.*

19 *SEC. 4. Section 17561 of the Government Code is amended to*  
20 *read:*

21 *17561. (a) The state shall reimburse each local agency and*  
22 *school district for all “costs mandated by the state,” as defined in*  
23 *Section 17514 and for legislatively determined mandates in*  
24 *accordance with Section 17573.*

25 *(b) (1) For the initial fiscal year during which these costs are*  
26 *incurred, reimbursement funds shall be provided as follows:*

27 *(A) Any statute mandating these costs shall provide an*  
28 *appropriation therefor.*

29 *(B) Any executive order mandating these costs shall be*  
30 *accompanied by a bill appropriating the funds therefor, or*  
31 *alternatively, an appropriation for these costs shall be included in*  
32 *the Budget Bill for the next succeeding fiscal year. The executive*  
33 *order shall cite that item of appropriation in the Budget Bill or that*  
34 *appropriation in any other bill that is intended to serve as the source*  
35 *from which the Controller may pay the claims of local agencies*  
36 *and school districts.*

37 *(2) In subsequent fiscal years appropriations for these costs shall*  
38 *be included in the annual Governor’s Budget and in the*  
39 *accompanying Budget Bill. In addition, appropriations to reimburse*  
40 *local agencies and school districts for continuing costs resulting*

1 from chaptered bills or executive orders for which claims have  
2 been awarded pursuant to subdivision (a) of Section 17551 shall  
3 be included in the annual Governor’s Budget and in the  
4 accompanying Budget Bill.

5 (c) The amount appropriated to reimburse local agencies and  
6 school districts for costs mandated by the state shall be appropriated  
7 to the Controller for disbursement.

8 (d) The Controller shall pay any eligible claim pursuant to this  
9 section by ~~August~~ *October* 15 or ~~45~~ 60 days after the date the  
10 appropriation for the claim is effective, whichever is later. The  
11 Controller shall disburse reimbursement funds to local agencies  
12 or school districts if the costs of these mandates are not payable  
13 to state agencies, or to state agencies that would otherwise collect  
14 the costs of these mandates from local agencies or school districts  
15 in the form of fees, premiums, or payments. When disbursing  
16 reimbursement funds to local agencies or school districts, the  
17 Controller shall disburse them as follows:

18 (1) For initial reimbursement claims, the Controller shall issue  
19 claiming instructions to the relevant local agencies and school  
20 districts pursuant to Section 17558. Issuance of the claiming  
21 instructions shall constitute a notice of the right of the local  
22 agencies and school districts to file reimbursement claims, based  
23 upon parameters and guidelines adopted by the commission, the  
24 reasonable reimbursement methodology approved by the  
25 commission pursuant to Section 17557.2, or statutory declaration  
26 of a legislatively determined mandate and reimbursement  
27 methodology pursuant to Section 17573.

28 (A) When claiming instructions are issued by the Controller  
29 pursuant to Section 17558 for each mandate determined pursuant  
30 to Section 17551 or 17573 that requires state reimbursement, each  
31 local agency or school district to which the mandate is applicable  
32 shall submit claims for initial fiscal year costs to the Controller  
33 within 120 days of the issuance date for the claiming instructions.

34 (B) When the commission is requested to review the claiming  
35 instructions pursuant to Section 17571, each local agency or school  
36 district to which the mandate is applicable shall submit a claim for  
37 reimbursement within 120 days after the commission reviews the  
38 claiming instructions for reimbursement issued by the Controller.

39 (C) If the local agency or school district does not submit a claim  
40 for reimbursement within the 120-day period, or submits a claim

1 pursuant to revised claiming instructions, it may submit its claim  
 2 for reimbursement as specified in Section 17560. The Controller  
 3 shall pay these claims from the funds appropriated therefor,  
 4 ~~provided that except the Controller (i) may audit may take either~~  
 5 *of the following actions:*

6 (i) *Audit* the records of any local agency or school district to  
 7 verify the actual amount of the mandated costs, the application of  
 8 a reasonable reimbursement methodology, or application of a  
 9 legislatively enacted reimbursement methodology under Section  
 10 17573, ~~and (ii) may reduce.~~

11 (ii) *Reduce* any claim that the Controller determines is excessive  
 12 or unreasonable.

13 (2) In subsequent fiscal years each local agency or school district  
 14 shall submit its claims as specified in Section 17560. The  
 15 Controller shall pay these claims from funds appropriated therefor;  
 16 ~~provided that the Controller (A) may audit (i) the records except~~  
 17 *as follows:*

18 (A) *The Controller may audit any of the following:*

19 (i) *Records* of any local agency or school district to verify the  
 20 actual amount of the mandated costs, ~~(ii) the application.~~

21 (ii) *The application* of a reasonable reimbursement methodology;  
 22 ~~or (iii).~~

23 (iii) *The application* of a legislatively enacted reimbursement  
 24 methodology under Section 17573, ~~(B).~~

25 (B) *The Controller* may reduce any claim that the Controller  
 26 determines is excessive or unreasonable, ~~and (C).~~

27 (C) *The Controller* shall adjust the payment to correct for any  
 28 underpayments or overpayments that occurred in previous fiscal  
 29 years.

30 (3) When paying a timely filed claim for initial reimbursement,  
 31 the Controller shall withhold 20 percent of the amount of the claim  
 32 until the claim is audited to verify the actual amount of the  
 33 mandated costs. All initial reimbursement claims for all fiscal years  
 34 required to be filed on their initial filing date for a state-mandated  
 35 local program shall be considered as one claim for the purpose of  
 36 computing any late claim penalty. Any claim for initial  
 37 reimbursement filed after the filing deadline shall be reduced by  
 38 10 percent of the amount that would have been allowed had the  
 39 claim been timely filed. The Controller may withhold payment of  
 40 any late claim for initial reimbursement until the next deadline for

1 funded claims unless sufficient funds are available to pay the claim  
2 after all timely filed claims have been paid. In no case may a  
3 reimbursement claim be paid if submitted more than one year after  
4 the filing deadline specified in the Controller’s claiming  
5 instructions on funded mandates.

6 (e) (1) Except as specified in paragraph (2), for the purposes  
7 of determining the state’s payment obligation under paragraph (1)  
8 of subdivision (b) of Section 6 of Article XIII B of the Constitution,  
9 a mandate that is “determined in a preceding fiscal year to be  
10 payable by the state” means any mandate for which the commission  
11 adopted a statewide cost estimate pursuant to this part during a  
12 previous fiscal year or that were identified as mandates by a  
13 predecessor agency to the commission, or that the Legislature  
14 declared by statute to be a legislatively determined mandate, unless  
15 the mandate has been repealed or otherwise eliminated.

16 (2) If the commission adopts a statewide cost estimate for a  
17 mandate during the months of April, May, or June, the state’s  
18 payment obligation under subdivision (b) of Section 6 of Article  
19 XIII B shall commence one year after the time specified in  
20 paragraph (1).

21 *SEC. 5. Section 19844.1 is added to the Government Code, to*  
22 *read:*

23 *19844.1. (a) Notwithstanding any other provision of law,*  
24 *personal leave, sick leave, annual leave, vacation, bereavement*  
25 *leave, holiday leave, and any other paid or unpaid leave, shall not*  
26 *be considered as time worked by the employee for the purpose of*  
27 *computing cash compensation for overtime or compensating time*  
28 *off for overtime.*

29 *(b) If subdivision (a) is in conflict with the provisions of a*  
30 *memorandum of understanding reached or amended pursuant to*  
31 *Section 3517.5 on or after February 1, 2009, or the date that the*  
32 *act adding this section takes effect, whichever is later, that*  
33 *memorandum of understanding shall be controlling without further*  
34 *legislative action, except that if those provisions of the*  
35 *memorandum of understanding require the expenditure of funds,*  
36 *the provisions shall not become effective unless approved by the*  
37 *Legislature in the annual Budget Act.*

38 *SEC. 6. Section 19853 of the Government Code is amended to*  
39 *read:*

1 19853. (a) Except as provided in subdivision (c), all employees  
2 shall be entitled to the following holidays: January 1, the third  
3 Monday in January, February 12, the third Monday in February,  
4 March 31, the last Monday in May, July 4, the first Monday in  
5 September, the second Monday in October, November 11, the day  
6 after Thanksgiving, December 25, the day chosen by an employee  
7 pursuant to Section 19854, and every day appointed by the  
8 Governor of this state for a public fast, thanksgiving, or holiday.

9 If a day listed in this subdivision falls on a Sunday, the following  
10 Monday shall be deemed to be the holiday in lieu of the day  
11 observed. If November 11th falls upon a Saturday, the preceding  
12 Friday shall be deemed to be the holiday in lieu of the day  
13 observed. Any employee who may be required to work on any of  
14 the holidays included in this subdivision, and who does work on  
15 any of these holidays, shall be entitled to be paid compensation or  
16 given compensating time off for that work in accordance with their  
17 classification's assigned workweek group. For the purpose of  
18 computing the number of hours worked, time when an employee  
19 is excused from work because of holidays, sick leave, vacation,  
20 annual leave, or compensating time off, shall be considered as time  
21 worked by the employee.

22 (b) If the provisions of subdivision (a) are in conflict with the  
23 provisions of a memorandum of understanding reached pursuant  
24 to Section 3517.5, the memorandum of understanding shall be  
25 controlling without further legislative action, except that if the  
26 provisions of a memorandum of understanding require the  
27 expenditure of funds, the provisions shall not become effective  
28 unless approved by the Legislature in the annual Budget Act.

29 (c) Any employee, who is either excluded from the definition  
30 of state employee in subdivision (c) of Section 3513, or is a  
31 nonelected officer or employee of the executive branch of  
32 government who is not a member of the civil service, shall be  
33 entitled to the following holidays, with pay, in addition to any  
34 official state holiday appointed by the Governor:

35 (1) January 1, the third Monday in January, February 12, the  
36 third Monday in February, March 31, the last Monday in May,  
37 July 4, the first Monday in September, the second Monday in  
38 October, November 11, Thanksgiving Day, the day after  
39 Thanksgiving, December 25, and any personal holiday chosen  
40 pursuant to Section 19854. The department head or designee may



1 require an employee to provide five working days' advance notice  
2 before a personal holiday is taken, and may deny use subject to  
3 operational needs.

4 (2) When November 11 falls on a Saturday, employees shall be  
5 entitled to the preceding Friday as a holiday with pay.

6 (3) When a holiday, other than a personal holiday or November  
7 11, falls on a Saturday, an employee shall, regardless of whether  
8 he or she works on the holiday, only accrue an additional eight  
9 hours of personal holiday credit per fiscal year for the holiday.  
10 The holiday credit shall be accrued on the actual date of the holiday  
11 and shall be used within the same fiscal year.

12 (4) When a holiday other than a personal holiday falls on  
13 Sunday, employees shall be entitled to the following Monday as  
14 a holiday with pay.

15 (5) Employees who are required to work on a holiday shall be  
16 entitled to pay or compensating time off for this work in accordance  
17 with their classification's assigned workweek group.

18 (6) Less than full-time employees shall receive holidays in  
19 accordance with Department of Personnel Administration rules.

20 (d) (1) Any employee, as defined in subdivision (c) of Section  
21 3513, may elect to receive eight hours of holiday credit for the  
22 fourth Friday in September, known as "Native American Day," in  
23 lieu of receiving eight hours of personal holiday credit in  
24 accordance with Section 19854.

25 (2) It is not the intent of the Legislature, by the amendments to  
26 this subdivision that add this paragraph, to increase the personal  
27 holiday credit that an employee receives pursuant to Section 19854.

28 (e) This section shall become effective with regard to the March  
29 31 holiday only when the Department of Personnel Administration  
30 notifies the Legislature that the language contained in this section  
31 has been agreed to by all exclusive representatives, and the  
32 Department of Personnel Administration authorizes this holiday  
33 to be applied to employees designated as excluded from the Ralph  
34 C. Dills Act (Chapter 10.3 (commencing with Section 3512),  
35 Division 4, Title 1), and the necessary statutes are amended to  
36 reflect this change.

37 (f) *This section shall become inoperative on February 1, 2009,*  
38 *or the date that the act amending this section in the 2009–10 Third*  
39 *Extraordinary Session takes effect, whichever is later, and, as of*  
40 *January 1, 2010, is repealed, unless a later enacted statute, that*

1 *becomes operative on or before January 1, 2010, deletes or extends*  
2 *the dates on which it becomes inoperative and is repealed.*

3 *SEC. 7. Section 19853 is added to the Government Code, to*  
4 *read:*

5 *19853. (a) All state employees shall be entitled to the following*  
6 *holidays: January 1, the third Monday in January, the third*  
7 *Monday in February, March 31, the last Monday in May, July 4,*  
8 *the first Monday in September, November 11, Thanksgiving Day,*  
9 *the day after Thanksgiving, December 25, the day chosen by an*  
10 *employee pursuant to Section 19854, and every day appointed by*  
11 *the Governor of this state for a public fast, thanksgiving, or*  
12 *holiday.*

13 *(b) If a day listed in this subdivision falls on a Sunday, the*  
14 *following Monday shall be deemed to be the holiday in lieu of the*  
15 *day observed. If November 11 falls upon a Saturday, the preceding*  
16 *Friday shall be deemed to be the holiday in lieu of the day*  
17 *observed.*

18 *(c) Any state employee who may be required to work on any of*  
19 *the holidays included in this section, and who does work on any*  
20 *of these holidays, shall be entitled to receive straight-time pay and*  
21 *eight hours of holiday credit.*

22 *(d) For the purpose of computing the number of hours worked,*  
23 *time when an employee is excused from work because of holidays,*  
24 *sick leave, vacation, annual leave, compensating time off, or any*  
25 *other leave shall not be considered as time worked by the employee*  
26 *for the purpose of computing cash compensation for overtime or*  
27 *compensating time off for overtime.*

28 *(e) Any state employee, as defined in subdivision (c) of Section*  
29 *3513, may elect to receive eight hours of holiday credit for the*  
30 *fourth Friday in September, known as "Native American Day,"*  
31 *in lieu of receiving eight hours of personal holiday credit in*  
32 *accordance with Section 19854.*

33 *(f) Persons employed on less than a full-time basis shall receive*  
34 *holidays in accordance with the Department of Personnel*  
35 *Administration rules.*

36 *(g) If subdivision (a), (c), or (d) is in conflict with the provisions*  
37 *of a memorandum of understanding executed or amended pursuant*  
38 *to Section 3517.5 on or after February 1, 2009, or the date that*  
39 *the act adding this section takes effect, whichever is later, the*  
40 *memorandum of understanding shall be controlling without further*

1 legislative action, except that if those provisions of the  
2 memorandum of understanding require the expenditure of funds,  
3 the provisions shall not become effective unless approved by the  
4 Legislature in the annual Budget Act.

5 (h) This section shall become operative on February 1, 2009,  
6 or the date that the act adding this section takes effect, whichever  
7 is later.

8 SEC. 8. Section 29552 of the Government Code is amended to  
9 read:

10 29552. (a) (1) Commencing with the 2007–08 fiscal year, all  
11 counties and cities and counties that charged fees pursuant to  
12 Section 29550 and cities with Type One detention facilities that  
13 charged fees pursuant to Section 29550.3 during the 2006–07 fiscal  
14 year may apply to the Controller to receive funding provided  
15 pursuant to subdivision (b) that is equal to the fee revenue received  
16 by the county, city and county, or city during the 2006–07 fiscal  
17 year, to the extent that funding is appropriated therefore in the  
18 annual budget act or other appropriation legislation. If insufficient  
19 funds are appropriated to equal the full amount of fees received  
20 in the 2006–07 fiscal year, each county, city and county and city  
21 that applies for funding shall receive a share of the appropriated  
22 funds proportionate to the share of fees it received in the 2006–07  
23 fiscal year compared to the statewide total reported to the  
24 Controller.

25 (2) The remaining portion of any amount appropriated for  
26 purposes of this section shall be paid proportionally to all counties,  
27 cities and counties, and cities based on the number of bookings  
28 within each county during the year previous to the current payment.

29 (b) ~~Not later than December 1 of each year, the~~The Controller  
30 shall allocate the funds ~~appropriated~~ authorized for the purposes  
31 of this section on a quarterly basis commencing October 1, 2009,  
32 to all eligible counties, cities and counties, and cities. Any city,  
33 county, or city and county that applies for funding pursuant to this  
34 section shall comply with all requests for information made by the  
35 Controller.

36 ~~(e) This section shall become operative on July 1, 2007.~~

37 SEC. 9. Section 29553 is added to the Government Code, to  
38 read:

39 29553. Commencing with the 2009–10 fiscal year, the payments  
40 authorized by Section 29552 shall be fully funded from the Local

1 *Safety and Protection Account in the Transportation Tax Fund*  
 2 *authorized by Section 10752.2 of the Revenue and Taxation Code.*  
 3 *The Controller shall allocate 6.26 percent of the moneys annually*  
 4 *deposited in the Local Safety and Protection Account for purposes*  
 5 *of these payments.*

6 *SEC. 10. Section 30061 of the Government Code is amended*  
 7 *to read:*

8 30061. (a) There shall be established in each county treasury  
 9 a Supplemental Law Enforcement Services Fund (SLESF), to  
 10 receive all amounts allocated to a county for purposes of  
 11 implementing this chapter.

12 (b) In any fiscal year for which a county receives moneys to be  
 13 expended for the implementation of this chapter, the county auditor  
 14 shall allocate the moneys in the county’s SLESF, including any  
 15 interest or other return earned on the investment of those moneys,  
 16 within 30 days of the deposit of those moneys into the fund, and  
 17 shall allocate those moneys in accordance with the requirements  
 18 set forth in this subdivision. However, the auditor shall not transfer  
 19 those moneys to a recipient agency until the Supplemental Law  
 20 Enforcement Oversight Committee certifies receipt of an approved  
 21 expenditure plan from the governing board of that agency. The  
 22 moneys shall be allocated as follows:

23 (1) Five and fifteen-hundredths percent to the county sheriff for  
 24 county jail construction and operation. In the case of Madera,  
 25 Napa, and Santa Clara Counties, this allocation shall be made to  
 26 the county director or chief of corrections.

27 (2) Five and fifteen-hundredths percent to the district attorney  
 28 for criminal prosecution.

29 (3) Thirty-nine and seven-tenths percent to the county and the  
 30 cities within the county, and, in the case of San Mateo, Kern,  
 31 Siskiyou, and Contra Costa Counties, also to the Broadmoor Police  
 32 Protection District, the Bear Valley Community Services District,  
 33 the Stallion Springs Community Services District, the Lake  
 34 Shastina Community Services District, and the Kensington Police  
 35 Protection and Community Services District, in accordance with  
 36 the relative population of the cities within the county and the  
 37 unincorporated area of the county, and the Broadmoor Police  
 38 Protection District in the County of San Mateo, the Bear Valley  
 39 Community Services District and the Stallion Springs Community  
 40 Services District in Kern County, the Lake Shastina Community

1 Services District in Siskiyou County, and the Kensington Police  
2 Protection and Community Services District in Contra Costa  
3 County, as specified in the most recent January estimate by the  
4 population research unit of the Department of Finance, and as  
5 adjusted to provide a grant of at least one hundred thousand dollars  
6 (\$100,000) to each law enforcement jurisdiction. For a newly  
7 incorporated city whose population estimate is not published by  
8 the Department of Finance, but that was incorporated prior to July  
9 1 of the fiscal year in which an allocation from the SLESF is to  
10 be made, the city manager, or an appointee of the legislative body,  
11 if a city manager is not available, and the county administrative  
12 or executive officer shall prepare a joint notification to the  
13 Department of Finance and the county auditor with a population  
14 estimate reduction of the unincorporated area of the county equal  
15 to the population of the newly incorporated city by July 15, or  
16 within 15 days after the Budget Act is enacted, of the fiscal year  
17 in which an allocation from the SLESF is to be made. No person  
18 residing within the Broadmoor Police Protection District, the Bear  
19 Valley Community Services District, the Stallion Springs  
20 Community Services District, the Lake Shastina Community  
21 Services District, or the Kensington Police Protection and  
22 Community Services District shall also be counted as residing  
23 within the unincorporated area of the County of San Mateo, Kern,  
24 Siskiyou, or Contra Costa, or within any city located within those  
25 counties. The county auditor shall allocate a grant of at least one  
26 hundred thousand dollars (\$100,000) to each law enforcement  
27 jurisdiction. Moneys allocated to the county pursuant to this  
28 subdivision shall be retained in the county SLESF, and moneys  
29 allocated to a city pursuant to this subdivision shall be deposited  
30 in an SLESF established in the city treasury.

31 (4) Fifty percent to the county or city and county to implement  
32 a comprehensive multiagency juvenile justice plan as provided in  
33 this paragraph and to the ~~Board of~~ Corrections *Standards Authority*  
34 for administrative purposes. Funding for the ~~Board of~~ Corrections  
35 *Standards Authority*, as determined by the Department of Finance,  
36 shall not exceed two hundred seventy-five thousand dollars  
37 (\$275,000). For the 2003–04 fiscal year, of the two hundred  
38 seventy-five thousand dollars (\$275,000), up to one hundred  
39 seventy-six thousand dollars (\$176,000) may be used for juvenile  
40 facility inspections. The juvenile justice plan shall be developed

1 by the local juvenile justice coordinating council in each county  
2 and city and county with the membership described in Section  
3 749.22 of the Welfare and Institutions Code. If a plan has been  
4 previously approved by the ~~Board of Corrections Standards~~  
5 *Authority*, the plan shall be reviewed and modified annually by  
6 the council. The plan or modified plan shall be approved by the  
7 county board of supervisors, and in the case of a city and county,  
8 the plan shall also be approved by the mayor. The plan or modified  
9 plan shall be submitted to the ~~Board of Corrections Standards~~  
10 *Authority* by May 1, 2002, and annually thereafter of each year.

11 (A) Juvenile justice plans shall include, but not be limited to,  
12 all of the following components:

13 (i) An assessment of existing law enforcement, probation,  
14 education, mental health, health, social services, drug and alcohol,  
15 and youth services resources that specifically target at-risk  
16 juveniles, juvenile offenders, and their families.

17 (ii) An identification and prioritization of the neighborhoods,  
18 schools, and other areas in the community that face a significant  
19 public safety risk from juvenile crime, such as gang activity,  
20 daylight burglary, late-night robbery, vandalism, truancy, controlled  
21 substances sales, firearm-related violence, and juvenile substance  
22 abuse and alcohol use.

23 (iii) A local juvenile justice action strategy that provides for a  
24 continuum of responses to juvenile crime and delinquency and  
25 demonstrates a collaborative and integrated approach for  
26 implementing a system of swift, certain, and graduated responses  
27 for at-risk youth and juvenile offenders.

28 (iv) Programs identified in clause (iii) that are proposed to be  
29 funded pursuant to this subparagraph, including the projected  
30 amount of funding for each program.

31 (B) Programs proposed to be funded shall satisfy all of the  
32 following requirements:

33 (i) Be based on programs and approaches that have been  
34 demonstrated to be effective in reducing delinquency and  
35 addressing juvenile crime for any elements of response to juvenile  
36 crime and delinquency, including prevention, intervention,  
37 suppression, and incapacitation.

38 (ii) Collaborate and integrate services of all the resources set  
39 forth in clause (i) of subparagraph (A), to the extent appropriate.

1 (iii) Employ information sharing systems to ensure that county  
2 actions are fully coordinated, and designed to provide data for  
3 measuring the success of juvenile justice programs and strategies.

4 (iv) Adopt goals related to the outcome measures that shall be  
5 used to determine the effectiveness of the local juvenile justice  
6 action strategy.

7 (C) The plan shall also identify the specific objectives of the  
8 programs proposed for funding and specified outcome measures  
9 to determine the effectiveness of the programs and contain an  
10 accounting for all program participants, including those who do  
11 not complete the programs. Outcome measures of the programs  
12 proposed to be funded shall include, but not be limited to, all of  
13 the following:

14 (i) The rate of juvenile arrests per 100,000 population.

15 (ii) The rate of successful completion of probation.

16 (iii) The rate of successful completion of restitution and  
17 court-ordered community service responsibilities.

18 (iv) Arrest, incarceration, and probation violation rates of  
19 program participants.

20 (v) Quantification of the annual per capita costs of the program.

21 (D) The ~~Board of~~ *Standards Authority* shall review  
22 plans or modified plans submitted pursuant to this paragraph within  
23 30 days upon receipt of submitted or resubmitted plans or modified  
24 plans. The ~~board~~ *authority* shall approve only those plans or  
25 modified plans that fulfill the requirements of this paragraph, and  
26 shall advise a submitting county or city and county immediately  
27 upon the approval of its plan or modified plan. The ~~board~~ *authority*  
28 shall offer, and provide, if requested, technical assistance to any  
29 county or city and county that submits a plan or modified plan not  
30 in compliance with the requirements of this paragraph. The SLESF  
31 shall only allocate funding pursuant to this paragraph upon  
32 notification from the ~~board~~ *authority* that a plan or modified plan  
33 has been approved.

34 (E) To assess the effectiveness of programs funded pursuant to  
35 this paragraph using the program outcome criteria specified in  
36 subparagraph (C), the following periodic reports shall be submitted:

37 (i) Each county or city and county shall report, beginning  
38 October 15, 2002, and annually each October 15 thereafter, to the  
39 county board of supervisors and the ~~Board of~~ *Standards Authority*,  
40 in a format specified by the ~~Board of~~

1 ~~Corrections~~ *authority*, on the programs funded pursuant to this  
2 chapter and program outcomes as specified in subparagraph (C).

3 (ii) The ~~Board of~~ *Standards Authority* shall compile  
4 the local reports and, by March 15, 2003, and annually thereafter,  
5 make a report to the Governor and the Legislature on program  
6 expenditures within each county and city and county from the  
7 appropriation for the purposes of this paragraph, on the outcomes  
8 as specified in subparagraph (C) of the programs funded pursuant  
9 to this paragraph and the statewide effectiveness of the  
10 comprehensive multiagency juvenile justice plans.

11 (c) Subject to subdivision (d), for each fiscal year in which the  
12 county, each city, the Broadmoor Police Protection District, the  
13 Bear Valley Community Services District, the Stallion Springs  
14 Community Services District, the Lake Shastina Community  
15 Services District, and the Kensington Police Protection and  
16 Community Services District receive moneys pursuant to paragraph  
17 (3) of subdivision (b), the county, each city, and each district  
18 specified in this subdivision shall appropriate those moneys in  
19 accordance with the following procedures:

20 (1) In the case of the county, the county board of supervisors  
21 shall appropriate existing and anticipated moneys exclusively to  
22 provide frontline law enforcement services, other than those  
23 services specified in paragraphs (1) and (2) of subdivision (b), in  
24 the unincorporated areas of the county, in response to written  
25 requests submitted to the board by the county sheriff and the district  
26 attorney. Any request submitted pursuant to this paragraph shall  
27 specify the frontline law enforcement needs of the requesting  
28 entity, and those personnel, equipment, and programs that are  
29 necessary to meet those needs. The board shall, at a public hearing  
30 held at a time determined by the board in each year that the  
31 Legislature appropriates funds for purposes of this chapter, or  
32 within 30 days after a request by a recipient agency for a hearing  
33 if the funds have been received by the county from the state prior  
34 to that request, consider and determine each submitted request  
35 within 60 days of receipt, pursuant to the decision of a majority  
36 of a quorum present. The board shall consider these written  
37 requests separate and apart from the process applicable to proposed  
38 allocations of the county general fund.

39 (2) In the case of a city, the city council shall appropriate  
40 existing and anticipated moneys exclusively to fund frontline



1 municipal police services, in accordance with written requests  
2 submitted by the chief of police of that city or the chief  
3 administrator of the law enforcement agency that provides police  
4 services for that city. These written requests shall be acted upon  
5 by the city council in the same manner as specified in paragraph  
6 (1) for county appropriations.

7 (3) In the case of the Broadmoor Police Protection District  
8 within the County of San Mateo, the Bear Valley Community  
9 Services District or the Stallion Springs Community Services  
10 District within Kern County, the Lake Shastina Community  
11 Services District within Siskiyou County, or the Kensington Police  
12 Protection and Community Services District within Contra Costa  
13 County, the legislative body of that special district shall appropriate  
14 existing and anticipated moneys exclusively to fund frontline  
15 municipal police services, in accordance with written requests  
16 submitted by the chief administrator of the law enforcement agency  
17 that provides police services for that special district. These written  
18 requests shall be acted upon by the legislative body in the same  
19 manner specified in paragraph (1) for county appropriations.

20 (d) For each fiscal year in which the county, a city, or the  
21 Broadmoor Police Protection District within the County of San  
22 Mateo, the Bear Valley Community Services District or the Stallion  
23 Springs Community Services District within Kern County, the  
24 Lake Shastina Community Services District within Siskiyou  
25 County, or the Kensington Police Protection and Community  
26 Services District within Contra Costa County receives any moneys  
27 pursuant to this chapter, in no event shall the governing body of  
28 any of those recipient agencies subsequently alter any previous,  
29 valid appropriation by that body, for that same fiscal year, of  
30 moneys allocated to the county or city pursuant to paragraph (3)  
31 of subdivision (b).

32 (e) *Effective April 1, 2009, the programs authorized by this*  
33 *chapter shall be funded from the Local Safety and Protection*  
34 *Account in the Transportation Fund authorized by Section 10752.2*  
35 *of the Revenue and Taxation Code. Of the amount deposited in the*  
36 *Local Safety and Protection Account in the 2008–09 fiscal year,*  
37 *the Controller shall allocate 23.65 percent for purposes of*  
38 *paragraphs (1), (2), and (3) of subdivision (b), and shall allocate*  
39 *23.65 percent for purposes of paragraph (4) of subdivision (b).*

1 *These amounts shall be allocated in two installments, one on April*  
 2 *1, 2009 and one on July 1, 2009.*

3 *(f) In the 2009–10 fiscal year, and every fiscal year thereafter,*  
 4 *the Controller shall allocate 21.30 percent of the amount deposited*  
 5 *in the Local Safety and Protection Account for purposes of*  
 6 *paragraphs (1), (2), and (3) of subdivision (b), and shall allocate*  
 7 *21.30 percent for purposes of paragraph (4) of subdivision (b).*

8 ~~(e)~~

9 ~~(g) The Controller shall allocate funds, upon their appropriation~~  
 10 ~~by the Legislature in the annual Budget Act, to local jurisdictions~~  
 11 ~~for public safety in accordance with this section as annually~~  
 12 ~~calculated by the Director of Finance. The Controller shall allocate~~  
 13 ~~these funds the amount appropriated for purposes of this chapter~~  
 14 ~~in the 2008 Budget Act in four equal three installments, to be paid~~  
 15 ~~in September, December, March, and June of each fiscal year and~~  
 16 ~~March. In the 2009–10 fiscal year, and each fiscal year thereafter,~~  
 17 ~~the Controller shall allocate funds authorized for purposes of this~~  
 18 ~~chapter on a quarterly basis, beginning October 1.~~

19 ~~(f)~~

20 *(h) Funds received pursuant to subdivision (b) shall be expended*  
 21 *or encumbered in accordance with this chapter no later than June*  
 22 *30 of the following fiscal year. A local agency that has not met*  
 23 *this requirement shall remit unspent SLESF moneys received prior*  
 24 *to April 1, 2009, to the Controller for deposit into the General*  
 25 *Fund. A local agency that has not met the requirement of this*  
 26 *subdivision shall remit unspent SLESF moneys received after April*  
 27 *1, 2009, to the Controller for deposit in the Local Safety and*  
 28 *Protection Account.*

29 ~~(g)~~

30 *(i) If a county, a city, a city and county, or a qualifying special*  
 31 *district does not comply with the requirements of this chapter to*  
 32 *receive an SLESF allocation, the Controller shall revert those funds*  
 33 *that were provided for the noncompliant entity prior to April 1,*  
 34 *2009, to the General Fund. Funds provided for the noncompliant*  
 35 *entity after March 1, 2009, shall be reverted to the Local Safety*  
 36 *and Protection Account.*

37 *SEC. 11. Section 30070 of the Government Code is amended*  
 38 *to read:*

39 *30070. (a) The sum of eighteen million five hundred thousand*  
 40 *dollars (\$18,500,000) is hereby annually appropriated from the*

1 ~~General Fund to the Controller for allocation~~ Commencing in the  
 2 2009– 10 fiscal year, the program authorized by this chapter shall  
 3 be funded from the Local Safety and Protection Account in the  
 4 Transportation Fund authorized by Section 10752.2 of the Revenue  
 5 and Taxation Code. The Controller shall, on a quarterly basis,  
 6 beginning on October 1, 2009, allocate 3.68 percent of the moneys  
 7 annually deposited in the Local Safety and Protection Account to  
 8 county sheriffs’ departments to enhance law enforcement efforts  
 9 in the counties specified in paragraphs (1) to (37), inclusive,  
 10 according to the following schedule:

11		
12	<del>(1) Alpine County.....</del>	500,000
13	<del>(2) Amador County.....</del>	500,000
14	<del>(3) Butte County.....</del>	500,000
15	<del>(4) Calaveras County.....</del>	500,000
16	<del>(5) Colusa County.....</del>	500,000
17	<del>(6) Del Norte County.....</del>	500,000
18	<del>(7) El Dorado County.....</del>	500,000
19	<del>(8) Glenn County.....</del>	500,000
20	<del>(9) Humboldt County.....</del>	500,000
21	<del>(10) Imperial County.....</del>	500,000
22	<del>(11) Inyo County.....</del>	500,000
23	<del>(12) Kings County.....</del>	500,000
24	<del>(13) Lake County.....</del>	500,000
25	<del>(14) Lassen County.....</del>	500,000
26	<del>(15) Madera County.....</del>	500,000
27	<del>(16) Marin County.....</del>	500,000
28	<del>(17) Mariposa County.....</del>	500,000
29	<del>(18) Mendocino County.....</del>	500,000
30	<del>(19) Merced County.....</del>	500,000
31	<del>(20) Modoc County.....</del>	500,000
32	<del>(21) Mono County.....</del>	500,000
33	<del>(22) Napa County.....</del>	500,000
34	<del>(23) Nevada County.....</del>	500,000
35	<del>(24) Placer County.....</del>	500,000
36	<del>(25) Plumas County.....</del>	500,000
37	<del>(26) San Benito County.....</del>	500,000
38	<del>(27) San Luis Obispo County.....</del>	500,000
39	<del>(28) Santa Cruz County.....</del>	500,000
40	<del>(29) Shasta County.....</del>	500,000

1	(30) Sierra County.....	500,000
2	(31) Siskiyou County.....	500,000
3	(32) Sutter County.....	500,000
4	(33) Tehama County.....	500,000
5	(34) Trinity County.....	500,000
6	(35) Tuolumne County.....	500,000
7	(36) Yolo County.....	500,000
8	(37) Yuba County.....	500,000
9		
10	(1) Alpine County.....	2.7027%
11	(2) Amador County.....	2.7027%
12	(3) Butte County.....	2.7027%
13	(4) Calaveras County.....	2.7027%
14	(5) Colusa County.....	2.7027%
15	(6) Del Norte County.....	2.7027%
16	(7) El Dorado County.....	2.7027%
17	(8) Glenn County.....	2.7027%
18	(9) Humboldt County.....	2.7027%
19	(10) Imperial County.....	2.7027%
20	(11) Inyo County.....	2.7027%
21	(12) Kings County.....	2.7027%
22	(13) Lake County.....	2.7027%
23	(14) Lassen County.....	2.7027%
24	(15) Madera County.....	2.7027%
25	(16) Marin County.....	2.7027%
26	(17) Mariposa County.....	2.7027%
27	(18) Mendocino County.....	2.7027%
28	(19) Merced County.....	2.7027%
29	(20) Modoc County.....	2.7027%
30	(21) Mono County.....	2.7027%
31	(22) Napa County.....	2.7027%
32	(23) Nevada County.....	2.7027%
33	(24) Placer County.....	2.7027%
34	(25) Plumas County.....	2.7027%
35	(26) San Benito County.....	2.7027%
36	(27) San Luis Obispo County.....	2.7027%
37	(28) Santa Cruz County.....	2.7027%
38	(29) Shasta County.....	2.7027%
39	(30) Sierra County.....	2.7027%
40	(31) Siskiyou County.....	2.7027%

1	(32) Sutter County.....	2.7027%
2	(33) Tehama County.....	2.7027%
3	(34) Trinity County.....	2.7027%
4	(35) Tuolumne County.....	2.7027%
5	(36) Yolo County.....	2.7027%
6	(37) Yuba County.....	2.7027%

7

8 (b) Funds allocated pursuant to this section shall be used to  
9 supplement rather than supplant existing law enforcement  
10 resources.

11 ~~(e) The appropriation and allocation of funds to county sheriffs’~~  
12 ~~departments under this section shall be suspended for the 2003–04~~  
13 ~~fiscal year.~~

14 SEC. 12. Section 99030 is added to the Government Code, to  
15 read:

16 99030. (a) On or before April 1, 2009, the Treasurer and the  
17 Director of Finance shall meet and confer in a public hearing for  
18 the purpose of determining whether federal legislation has been  
19 enacted that will make available, by June 30, 2010, additional  
20 federal funds that may be used to offset not less than nine billion  
21 one hundred million dollars (\$9,100,000,000) in General Fund  
22 expenditures.

23 (b) Notwithstanding any other provision of law, the Treasurer  
24 may send a designee and the Director of Finance may designate  
25 a deputy of his or her office to act in his or her place and stead  
26 for purposes of subdivision (a).

27 (c) If, on or before April 1, 2009, the Treasurer and the Director  
28 of Finance determine that sufficient federal funds have been made  
29 available as described in subdivision (a), the Director of Finance  
30 immediately shall notify, in writing, the Joint Legislative Budget  
31 Committee and the Controller of this determination.

32 (d) This section shall be operative only until July 1, 2010, and  
33 as of that date is repealed.

34 SEC. 13. Section 33333.13 is added to the Health and Safety  
35 Code, to read:

36 33333.13. (a) The Legislature hereby finds and declares that  
37 the Glendora Community Redevelopment Agency’s Redevelopment  
38 Plan for Glendora Project Area No. 3, as adopted on November  
39 23, 1976, contains an unrealistically low dollar limit on the receipt  
40 of tax increment. The Legislature further finds and declares that

1 *this limit severely restricts the ability of the Glendora Community*  
 2 *Redevelopment Agency to address conditions of blight which*  
 3 *remain within its Project Area No. 3.*

4 *(b) Notwithstanding any other law to the contrary or any*  
 5 *redevelopment plan previously adopted by the City of Glendora,*  
 6 *commencing in the 2008–09 fiscal year and in each fiscal year*  
 7 *thereafter until the expiration of the time limit on the receipt of*  
 8 *taxes and repayment of indebtedness set forth in a redevelopment*  
 9 *plan adopted by the City of Glendora for its Project Area No. 3*  
 10 *pursuant to subdivision (b) of Section 33333.6 and other applicable*  
 11 *statutes, the Glendora Community Redevelopment Agency may*  
 12 *receive tax increment revenue from Project Area No. 3, as a*  
 13 *separate project area or as that area may be included in a merged*  
 14 *or amended area, in an amount of up to the greater of either of*  
 15 *the following fiscal year:*

16 *(1) The sum of two million six hundred dollars (\$2,600,000) in*  
 17 *each fiscal year.*

18 *(2) In each fiscal year, an amount equal to that amount received*  
 19 *by the agency as gross tax increment for the 2007–08 fiscal year.*

20 *(c) The limit on the amount of tax increment that may be*  
 21 *received by the Glendora Community Redevelopment Agency from*  
 22 *Project Area No. 3 pursuant to subdivision (b) shall be increased*  
 23 *each fiscal year by the greater of either (1) 2 percent per year, or*  
 24 *(2) the average percentage increase, if any, in the number of*  
 25 *dollars of tax increment received by the Glendora Community*  
 26 *Redevelopment Agency in the fiscal year preceding the fiscal year*  
 27 *for which the calculation is made from each of its other*  
 28 *redevelopment project areas with respect to which tax increment*  
 29 *revenues were received.*

30 *SEC. 14. Section 13821 is added to the Penal Code, to read:*

31 *13821. (a) Of the amount deposited in the Local Safety and*  
 32 *Protection Account in the Transportation Fund authorized by*  
 33 *Section 10752.2 of the Revenue and Taxation Code, the Controller*  
 34 *shall allocate 12.68 percent in the 2008–09 fiscal year and 11.42*  
 35 *percent in the 2009–10 fiscal year, and each fiscal year thereafter,*  
 36 *to the California Emergency Management Agency. The Controller*  
 37 *shall allocate these funds on a quarterly basis beginning April 1,*  
 38 *2009.*

39 *(b) There funds shall be allocated by the California Emergency*  
 40 *Management Agency according to the agency’s existing*

1 *programmatic guidelines and consistent with the programs*  
2 *approved in the Budget Act of 2008. Of the amount allocated*  
3 *pursuant to subdivision (a), the California Emergency Management*  
4 *Agency shall distribute these funds according to the following*  
5 *percentages:*

6 *(1) The California Multi-Jurisdictional Methamphetamine*  
7 *Enforcement Teams shall receive 33.95 percent in the 2008–09*  
8 *fiscal year and each fiscal year thereafter.*

9 *(2) The Multi-Agency Gang Enforcement Consortium shall*  
10 *received 0.15 percent in the 2008–09 fiscal year, and each fiscal*  
11 *year thereafter.*

12 *(3) The CALGANG program administered by the Department*  
13 *of Justice shall receive 0.47 percent in the 2008–09 fiscal year,*  
14 *and each fiscal year thereafter.*

15 *(4) The Evidentiary Medical Training Program shall receive*  
16 *1.02 percent in the 2008–09 fiscal year and each fiscal year*  
17 *thereafter.*

18 *(5) The Public Prosecutors and Public Defenders Legal Training*  
19 *program shall receive 0.01 percent in the 2008–09 fiscal year and*  
20 *each fiscal year thereafter.*

21 *(6) The Sexual Assault Felony Enforcement Teams, authorized*  
22 *by Section 13887, shall receive 8.93 percent in the 2008–09 fiscal*  
23 *year and each fiscal year thereafter.*

24 *(7) The Vertical Prosecution Block Grant Program shall receive*  
25 *25.35 percent in the 2008–09 fiscal year and each fiscal year*  
26 *thereafter.*

27 *(8) The High Technology Theft Apprehension and Prosection*  
28 *Program, authorized by Section 13848.2, shall receive 20.84*  
29 *percent in the 2008–09 fiscal year, and each fiscal year thereafter.*

30 *(9) The Gang Violence Suppression Program authorized by*  
31 *Section 13826.1, shall receive 2.8 percent in the 2008–09 fiscal*  
32 *year and each fiscal year thereafter.*

33 *(10) The Central Valley and Central Coast Rural Crim*  
34 *Prevention Programs, authorized by Sections 14170 and 14180,*  
35 *shall receive 6.49 percent in the 2008–09 fiscal year and each*  
36 *fiscal year thereafter.*

37 *(c) Beginning in the 2009–10 fiscal year and each fiscal year*  
38 *thereafter, the California Emergency Management Agency may*  
39 *retain up to 3 percent of the funds allocated in subdivision (a) for*  
40 *program administrative costs.*

1     SEC. 15. Section 13848.2 of the Penal Code is amended to  
2     read:

3     13848.2. (a) There is hereby established in the ~~agency or~~  
4     ~~agencies designated by the Director of Finance pursuant to Section~~  
5     ~~13820 California Emergency Management Agency~~ a program of  
6     financial and technical assistance for law enforcement and district  
7     attorneys' offices, designated the High Technology Theft  
8     Apprehension and Prosecution Program. All funds ~~appropriated~~  
9     ~~allocated to the agency or agencies designated by the Director of~~  
10    ~~Finance pursuant to Section 13820 California Emergency~~  
11    ~~Management Agency~~ for the purposes of this chapter shall be  
12    administered and disbursed by the ~~executive director of the office~~  
13    ~~Secretary of Emergency Management~~ in consultation with the High  
14    Technology Crime Advisory Committee as established in Section  
15    13848.6 and shall to the extent feasible be coordinated with federal  
16    funds and private grants or private donations that are made  
17    available for these purposes.

18    (b) ~~The Executive Director of the agency or agencies designated~~  
19    ~~by the Director of Finance pursuant to Section 13820 Secretary of~~  
20    ~~California Emergency Management~~ is authorized to allocate and  
21    award funds to regional high technology crime programs which  
22    are established in compliance with Section 13848.4.

23    (c) The allocation and award of funds under this chapter shall  
24    be made on application executed by the district attorney, county  
25    sheriff, or chief of police and approved by the board of supervisors  
26    for each county that is a participant of a high technology theft  
27    apprehension and prosecution unit.

28    (d) ~~In identifying program areas that will be eligible for~~  
29    ~~competitive application during the 1998-99 fiscal year for federal~~  
30    ~~funding pursuant to the Edward Byrne Memorial State and Local~~  
31    ~~Law Enforcement Assistance Programs (Subchapter V~~  
32    ~~(commencing with Section 3750) of Chapter 46 of the United~~  
33    ~~States Code), the agency or agencies designated by the Director~~  
34    ~~of Finance pursuant to Section 13820 shall include, to the extent~~  
35    ~~possible, an emphasis on high technology crime by selecting~~  
36    ~~funding areas that would further the use of federal funds to address~~  
37    ~~high technology crime and facilitate the establishment of high~~  
38    ~~technology multijurisdictional task forces.~~

39    (e) ~~The agency or agencies designated by the Director of Finance~~  
40    ~~pursuant to Section 13820 shall allocate any increase in federal~~



1 funding pursuant to the Anti-Drug Abuse Act (Public Law  
2 100-690) for the 1998-99 fiscal year to those programs described  
3 in subdivision (d).

4 *SEC. 16. Section 13848.4 of the Penal Code is amended to*  
5 *read:*

6 ~~13848.4. (a) All funds appropriated to the agency or agencies~~  
7 ~~designated by the Director of Finance pursuant to Section 13820~~  
8 ~~for the purposes of this chapter shall be deposited in the High~~  
9 ~~Technology Theft Apprehension and Prosecution Program Trust~~  
10 ~~Fund, which is hereby established. The fund shall be under the~~  
11 ~~direction and control of the executive director. Moneys in the fund,~~  
12 ~~upon appropriation by the Legislature, shall be expended to~~  
13 ~~implement this chapter.~~

14 (b)  
15 *13848.4. (a) Moneys in the allocated for the High Technology*  
16 *Theft Apprehension and Prosecution Program Trust Fund pursuant*  
17 *to subdivision (b) of Section 13821 shall be expended to fund*  
18 *programs to enhance the capacity of local law enforcement and*  
19 *prosecutors to deter, investigate, and prosecute high technology*  
20 *related crimes. After deduction of the actual and necessary*  
21 *administrative costs referred to in subdivision (f), the High*  
22 *Technology Theft Apprehension and Prosecution Program Trust*  
23 *Fund funds shall be expended to fund programs to enhance the*  
24 *capacity of local law enforcement, state police, and local*  
25 *prosecutors to deter, investigate, and prosecute high technology*  
26 *related crimes. Any funds distributed under this chapter shall be*  
27 *expended for the exclusive purpose of deterring, investigating, and*  
28 *prosecuting high technology related crimes.*

29 (e)  
30 (b) Up to 10 percent of the funds shall be used for developing  
31 and maintaining a statewide database on high technology crime  
32 for use in developing and distributing intelligence information to  
33 participating law enforcement agencies. In addition, the Executive  
34 Director of the agency or agencies designated by the Director of  
35 Finance pursuant to Section 13820 *Secretary of California*  
36 *Emergency Management* may allocate and award up to 5 percent  
37 of the funds available to public agencies or private nonprofit  
38 organizations for the purposes of establishing statewide programs  
39 of education, training, and research for public prosecutors,  
40 investigators, and law enforcement officers relating to deterring,

1 investigating, and prosecuting high technology related crimes. Any  
 2 funds not expended in a fiscal year for these purposes shall be  
 3 distributed to regional high technology theft task forces pursuant  
 4 to subdivision (b).

5 (d)

6 (c) Any regional task force receiving funds under this section  
 7 may elect to have the Department of Justice administer the regional  
 8 task force program. The department may be reimbursed for any  
 9 expenditures incurred for administering a regional task force from  
 10 funds given to local law enforcement pursuant to subdivision (b).

11 (e)

12 ~~(d) The agency or agencies designated by the Director of Finance~~  
 13 ~~pursuant to Section 13820 California Emergency Management~~  
 14 ~~Agency shall distribute funds in the High Technology Theft~~  
 15 ~~Apprehension and Prosecution Program Trust Fund to eligible~~  
 16 ~~agencies pursuant to subdivision (b) in consultation with the High~~  
 17 ~~Technology Crime Advisory Committee established pursuant to~~  
 18 ~~Section 13848.6.~~

19 (f)

20 (e) Administration of the overall program and the evaluation  
 21 and monitoring of all grants made pursuant to this chapter shall  
 22 be performed by the ~~agency or agencies designated by the Director~~  
 23 ~~of Finance pursuant to Section 13820, provided that funds~~  
 24 ~~expended for these functions shall not exceed 5 percent of the total~~  
 25 ~~amount made available under this chapter California Emergency~~  
 26 ~~Management Agency.~~

27 *SEC. 17. Section 13848.6 of the Penal Code is amended to*  
 28 *read:*

29 13848.6. (a) The High Technology Crime Advisory Committee  
 30 is hereby established for the purpose of formulating a  
 31 comprehensive written strategy for addressing high technology  
 32 crime throughout the state, with the exception of crimes that occur  
 33 on state property or are committed against state employees, and  
 34 to advise the ~~Office of Emergency Services California Emergency~~  
 35 ~~Management Agency~~ on the appropriate disbursement of funds to  
 36 regional task forces.

37 (b) This strategy shall be designed to be implemented through  
 38 regional task forces. In formulating that strategy, the committee  
 39 shall identify various priorities for law enforcement attention,  
 40 including the following goals:

1 (1) To apprehend and prosecute criminal organizations,  
2 networks, and groups of individuals engaged in the following  
3 activities:

4 (A) Theft of computer components and other high technology  
5 products.

6 (B) Violations of Penal Code Sections 211, 350, 351a, 459, 496,  
7 537e, 593d, 593e, 653h, 653s, and 635w.

8 (C) Theft of telecommunications services and other violations  
9 of Penal Code Sections 502.7 and 502.8.

10 (D) Counterfeiting of negotiable instruments and other valuable  
11 items through the use of computer technology.

12 (E) Creation and distribution of counterfeit software and other  
13 digital information, including the use of counterfeit trademarks to  
14 misrepresent the origin of that software or digital information.

15 (F) Creation and distribution of pirated sound recordings or  
16 audiovisual works or the failure to disclose the origin of a recording  
17 or audiovisual work.

18 (2) To apprehend and prosecute individuals and groups engaged  
19 in the unlawful access, destruction, or unauthorized entry into and  
20 use of private, corporate, or government computers and networks,  
21 including wireless and wire line communications networks and  
22 law enforcement dispatch systems, and the theft, interception,  
23 manipulation, destruction, and unauthorized disclosure of data  
24 stored within those computers.

25 (3) To apprehend and prosecute individuals and groups engaged  
26 in the theft of trade secrets.

27 (4) To investigate and prosecute high technology crime cases  
28 requiring coordination and cooperation between regional task  
29 forces and local, state, federal, and international law enforcement  
30 agencies.

31 (c) ~~The Director of the Office of Emergency Services~~ *Secretary*  
32 *of California Emergency Management* shall appoint the following  
33 members to the committee:

34 (1) A designee of the California District Attorneys Association.

35 (2) A designee of the California State Sheriffs Association.

36 (3) A designee of the California Police Chiefs Association.

37 (4) A designee of the Attorney General.

38 (5) A designee of the California Highway Patrol.

39 (6) A designee of the High Technology Crime Investigation  
40 Association.

- 1 (7) A designee of the ~~agency or agencies designated by the~~  
 2 ~~Director of Finance pursuant to Section 13820 California~~  
 3 ~~Emergency Management Agency.~~
- 4 (8) A designee of the American Electronic Association to  
 5 represent California computer system manufacturers.
- 6 (9) A designee of the American Electronic Association to  
 7 represent California computer software producers.
- 8 (10) A designee of CTIA - The Wireless Association.
- 9 (11) A representative of the California Internet industry.
- 10 (12) A designee of the Semiconductor Equipment and Materials  
 11 International.
- 12 (13) A designee of the California Cable & Telecommunications  
 13 Association.
- 14 (14) A designee of the Motion Picture Association of America.
- 15 (15) A designee of the California Communications Associations  
 16 (CalCom).
- 17 (16) A representative of the California banking industry.
- 18 (17) A representative of the Office of Information Security and  
 19 Privacy Protection.
- 20 (18) A representative of the Department of Finance.
- 21 (19) A representative of the State Chief Information Officer.
- 22 (20) A representative of the Recording Industry of America.
- 23 (21) A representative of the Consumers Union.
- 24 (d) ~~The Director of the Office of Emergency Services~~ *Secretary*  
 25 *of California Emergency Management* shall designate the Chair  
 26 of the High Technology Crime Advisory Committee from the  
 27 appointed members.
- 28 (e) The advisory committee shall not be required to meet more  
 29 than 12 times per year. The advisory committee may create  
 30 subcommittees of its own membership, and each subcommittee  
 31 shall meet as often as the subcommittee members find necessary.  
 32 It is the intent of the Legislature that all advisory committee  
 33 members shall actively participate in all advisory committee  
 34 deliberations required by this chapter.
- 35 Any member who, without advance notice to the ~~executive~~  
 36 ~~director~~ *Secretary of California Emergency Management* and  
 37 without designating an alternative representative, misses three  
 38 scheduled meetings in any calendar year for any reason other than  
 39 severe temporary illness or injury (as determined by the ~~Director~~  
 40 ~~of the Office of Emergency Services~~) *secretary*) shall automatically

1 be removed from the advisory committee. If a member wishes to  
2 send an alternative representative in his or her place, advance  
3 written notification of this substitution shall be presented to the  
4 executive director. This notification shall be required for each  
5 meeting the appointed member elects not to attend.

6 Members of the advisory committee shall receive no  
7 compensation for their services, but shall be reimbursed for travel  
8 and per diem expenses incurred as a result of attending meetings  
9 sponsored by the ~~Office of Emergency Services California~~  
10 *Emergency Management Agency*.

11 (f) ~~The director~~ *Secretary of California Emergency Management*,  
12 in consultation with the High Technology Crime Advisory  
13 Committee, shall develop specific guidelines and administrative  
14 procedures for the selection of projects to be funded by the High  
15 Technology Theft Apprehension and Prosecution Program, which  
16 guidelines shall include the following selection criteria:

17 (1) Each regional task force that seeks funds shall submit a  
18 written application to the committee setting forth in detail the  
19 proposed use of the funds.

20 (2) In order to qualify for the receipt of funds, each proposed  
21 regional task force submitting an application shall provide written  
22 evidence that the agency meets either of the following conditions:

23 (A) The regional task force devoted to the investigation and  
24 prosecution of high technology-related crimes is comprised of  
25 local law enforcement and prosecutors, and has been in existence  
26 for at least one year prior to the application date.

27 (B) At least one member of the task force has at least three years  
28 of experience in investigating or prosecuting cases of suspected  
29 high technology crime.

30 (3) Each regional task force shall be identified by a name that  
31 is appropriate to the area that it serves. In order to qualify for funds,  
32 a regional task force shall be comprised of local law enforcement  
33 and prosecutors from at least two counties. At the time of funding,  
34 the proposed task force shall also have at least one investigator  
35 assigned to it from a state law enforcement agency. Each task force  
36 shall be directed by a local steering committee composed of  
37 representatives of participating agencies and members of the local  
38 high technology industry.

1 (4) The California High Technology Crimes Task Force shall  
2 be comprised of each regional task force developed pursuant to  
3 this subdivision.

4 (5) Additional criteria that shall be considered by the advisory  
5 committee in awarding grant funds shall include, but not be limited  
6 to, the following:

7 (A) The number of high technology crime cases filed in the  
8 prior year.

9 (B) The number of high technology crime cases investigated in  
10 the prior year.

11 (C) The number of victims involved in the cases filed.

12 (D) The total aggregate monetary loss suffered by the victims,  
13 including individuals, associations, institutions, or corporations,  
14 as a result of the high technology crime cases filed, and those under  
15 active investigation by that task force.

16 (6) Each regional task force that has been awarded funds  
17 authorized under the High Technology Theft Apprehension and  
18 Prosecution Program during the previous grant-funding cycle,  
19 upon reapplication for funds to the committee in each successive  
20 year, shall be required to submit a detailed accounting of funds  
21 received and expended in the prior year in addition to any  
22 information required by this section. The accounting shall include  
23 all of the following information:

24 (A) The amount of funds received and expended.

25 (B) The use to which those funds were put, including payment  
26 of salaries and expenses, purchase of equipment and supplies, and  
27 other expenditures by type.

28 (C) The number of filed complaints, investigations, arrests, and  
29 convictions that resulted from the expenditure of the funds.

30 (g) The committee shall annually review the effectiveness of  
31 the California High Technology Crimes Task Force in deterring,  
32 investigating, and prosecuting high technology crimes and provide  
33 its findings in a report to the Legislature and the Governor. This  
34 report shall be based on information provided by the regional task  
35 forces in an annual report to the committee which shall detail the  
36 following:

37 (1) Facts based upon, but not limited to, the following:

38 (A) The number of high technology crime cases filed in the  
39 prior year.

1 (B) The number of high technology crime cases investigated in  
2 the prior year.

3 (C) The number of victims involved in the cases filed.

4 (D) The number of convictions obtained in the prior year.

5 (E) The total aggregate monetary loss suffered by the victims,  
6 including individuals, associations, institutions, corporations, and  
7 other relevant public entities, according to the number of cases  
8 filed, investigations, prosecutions, and convictions obtained.

9 (2) An accounting of funds received and expended in the prior  
10 year, which shall include all of the following:

11 (A) The amount of funds received and expended.

12 (B) The uses to which those funds were put, including payment  
13 of salaries and expenses, purchase of supplies, and other  
14 expenditures of funds.

15 (C) Any other relevant information requested.

16 *SEC. 18. Section 97.80 is added to the Revenue and Taxation*  
17 *Code, to read:*

18 *97.80. (a) Notwithstanding any other provision of law, for the*  
19 *2009–10 fiscal year and for each fiscal year thereafter, the auditor*  
20 *of a qualified county shall do both of the following:*

21 *(1) Increase the total amount of ad valorem property tax revenue*  
22 *that is otherwise required to be allocated to that county by the*  
23 *county equity amount.*

24 *(2) (A) Decrease the total amount of ad valorem property tax*  
25 *revenue that is otherwise required to be allocated to the county*  
26 *Educational Revenue Augmentation Fund by the county equity*  
27 *amount.*

28 *(B) If, for any fiscal year, there is not enough ad valorem*  
29 *property tax revenue that is otherwise required to be allocated to*  
30 *a county Educational Revenue Augmentation Fund for the auditor*  
31 *to complete the allocation reduction required by subparagraph*  
32 *(A), the auditor shall additionally reduce the total amount of ad*  
33 *valorem property tax revenue that is otherwise required to be*  
34 *allocated to all school districts in the county for that fiscal year*  
35 *by an amount equal to the difference between the county equity*  
36 *amount and the amount of ad valorem property tax revenue that*  
37 *is otherwise required to be allocated to the county Educational*  
38 *Revenue Augmentation Fund for that fiscal year. This reduction*  
39 *for each school district in the county shall be the percentage share*  
40 *of the total reduction that is equal to the proportion that the total*

1 amount of ad valorem property tax revenue that is otherwise  
 2 required to be allocated to the school district bears to the total  
 3 amount of ad valorem property tax revenue that is otherwise  
 4 required to be allocated to all school districts in a county. For  
 5 purposes of this subparagraph, “school districts” do not include  
 6 any districts that are excess tax school entities, as defined in  
 7 Section 95.

8 (C) Any reduction in the amount of ad valorem property tax  
 9 revenues deposited in the county’s Educational Revenue  
 10 Augmentation Fund as a result of subparagraph (A) shall be  
 11 applied exclusively to reduce the amounts that are allocated from  
 12 that fund to school districts and county offices of education, and  
 13 shall not be applied to reduce the amounts of ad valorem property  
 14 tax revenues that are otherwise required to be allocated from that  
 15 fund to community college districts.

16 (b) For purposes of this section:

17 (1) “Qualified county” means the county that, of all the counties  
 18 in the state, was allocated the lowest percentage of countywide ad  
 19 valorem property tax revenue for the 2006–07 fiscal year.

20 (2) “County equity amount” means thirty-five million dollars  
 21 (\$35,000,000) for each of the 2009–10 and 2010–11 fiscal years,  
 22 and fifty million dollars (\$50,000,000) for the 2011–12 fiscal year  
 23 and each fiscal year thereafter.

24 (c) For the 2009–10 fiscal year and for each fiscal year  
 25 thereafter, ad valorem property tax revenue allocations made  
 26 pursuant to Sections 96.1 and 96.5 shall not incorporate the  
 27 allocation adjustments made by this section.

28 SEC. 19. Section 20623 is added to the Revenue and Taxation  
 29 Code, to read:

30 20623. No person shall file a claim for postponement under  
 31 this chapter on or after the effective date of the act adding this  
 32 section, and the Controller shall not accept applications for  
 33 postponement under this chapter on or after that date.

34 SEC. 20. Section 2104 of the Streets and Highways Code is  
 35 amended to read:

36 2104. A sum equal to the net revenue derived from a per gallon  
 37 tax of 2.035 cents (\$0.02035) under the Motor Vehicle Fuel License  
 38 Tax Law (Part 2 (commencing with Section 7301) of Division 2),  
 39 1.80 cents (\$0.0180) under the Use Fuel Tax Law (Part 3  
 40 (commencing with Section 8601) of Division 2), and 1.80 cents



1 (\$0.0180) under the Diesel Fuel Tax Law (Part 31 (commencing  
2 with Section 60001) of Division 2) of the Revenue and Taxation  
3 Code, shall be apportioned among the counties, as follows:

4 (a) Each county shall be paid one thousand six hundred  
5 sixty-seven dollars (\$1,667) during each calendar month, which  
6 amount shall be expended exclusively for engineering costs and  
7 administrative expenses with respect to county roads.

8 (b) A sum equal to the total of all reimbursable snow removal  
9 or snow grooming, or both, costs filed pursuant to subdivision (d)  
10 of Section 2152, or seven million dollars (\$7,000,000), whichever  
11 is less, shall be apportioned in 12 approximately equal monthly  
12 apportionments for snow removal or snow grooming, or both, on  
13 county roads, as provided in Section 2110.

14 (c) A sum equal to five hundred thousand dollars (\$500,000)  
15 shall be apportioned in 12 approximately equal monthly  
16 apportionments, as provided in Section 2110.5.

17 (d) (1) Seventy-five percent of the funds payable under this  
18 section shall be apportioned among the counties monthly in the  
19 respective proportions that the number of fee-paid and exempt  
20 vehicles which are registered in each county bears to the total  
21 number of fee-paid and exempt vehicles registered in the state.

22 ~~For~~

23 (2) *For* purposes of apportionment under this subdivision, the  
24 Department of Motor Vehicles shall, as soon as possible after the  
25 last day of each calendar month, furnish to the Controller a verified  
26 statement showing the number of fee-paid and exempt vehicles  
27 which are registered in each county and in the state as of the last  
28 day of each calendar month as reflected by the records of the  
29 Department of Motor Vehicles.

30 (e) Of the remaining money payable, there shall be paid to each  
31 eligible county an amount that is computed monthly as follows:  
32 The number of miles of maintained county roads in each county  
33 shall be multiplied by sixty dollars (\$60); from the resultant  
34 amount, there shall be deducted the amount received by each  
35 county under subdivision (d) and the remainder, if any, shall be  
36 paid to each county.

37 (f) The remaining money payable, after the foregoing  
38 apportionments, shall be apportioned among the counties in the  
39 same proportion as the money referred to in subdivision (d).

1 (g) (1) Transfers of revenues from the Highway Users Tax  
2 Account to counties pursuant to this section collected during the  
3 months of March, April, May, June, and July of 2008, shall be  
4 made with the transfer of August 2008 revenues in September of  
5 2008. This suspension shall not apply to a county with a population  
6 of less than 40,000.

7 (2) For the purpose of meeting the cash obligations associated  
8 with ongoing budgeted costs, a county may make use of any cash  
9 balance in its county road fund, including that resulting from the  
10 receipt of funds pursuant to the Highway Safety, Traffic Reduction,  
11 Air Quality, and Port Security Bond Act of 2006 (Chapter 12.49  
12 (commencing with Section 8879.20) of Division 1 of Title 2 of  
13 the Government Code (hereafter bond act)) for local streets and  
14 roads maintenance, during the period of this suspension, without  
15 the use of this cash being reflected as an expenditure of bond act  
16 funds, provided the cash is replaced once this suspension is repaid  
17 in September of 2008. Counties may accrue the revenue received  
18 in September 2008 as repayment of these suspensions for the  
19 months of April, May, and June of 2008 back to the 2007–08 fiscal  
20 year. Nothing in this paragraph shall change the fact that  
21 expenditures must be accrued and reflected from the appropriate  
22 funding sources for which the moneys were received and meet all  
23 the requirements of those funding sources.

24 (h) (1) *The transfer of revenues from the Highway Users Tax*  
25 *Account to counties pursuant to this section that are collected*  
26 *during the months of January, February, and March 2009, shall*  
27 *be made with the transfer of April 2009 revenues in May 2009.*

28 (2) *For the purpose of meeting the cash obligations associated*  
29 *with ongoing budgeted costs, a county may make use of any cash*  
30 *balance in its county road fund, including that resulting from the*  
31 *receipt of funds pursuant to the Highway Safety, Traffic Reduction,*  
32 *Air Quality, and Port Security Bond Act of 2006 (Chapter 12.49*  
33 *(commencing with Section 8879.20) of Division 1 of Title 2 of the*  
34 *Government Code (bond act)) for local streets and roads*  
35 *maintenance during the period of this suspension, provided the*  
36 *cash is replaced once this suspension is repaid in May of 2009.*

37 (3) *This subdivision shall not affect any requirement that an*  
38 *expenditure is required to be accrued and reflected from the*  
39 *appropriate funding source for which the money was received and*  
40 *to meet all the requirements of its funding source.*

1     *SEC. 21. Section 2105 of the Streets and Highways Code is*  
2 *amended to read:*

3     2105. In addition to the apportionments prescribed by Sections  
4 2104, 2106, and 2107, from the revenues derived from a per gallon  
5 tax imposed pursuant to Section ~~7354~~ 7360 of the Revenue and  
6 Taxation Code, and a per gallon tax imposed pursuant to Section  
7 8651 of the Revenue and Taxation Code, and a per gallon tax  
8 imposed pursuant to Sections 60050 and 60115 of the Revenue  
9 and Taxation Code, the following apportionments shall be made:

10     (a) A sum equal to ~~the net revenue from a tax of 11.5 percent~~  
11 ~~of any per gallon tax in excess of nine cents (\$0.09) per gallon~~  
12 ~~1.035 cents (\$0.01035) per gallon from the tax under Section ~~7354~~~~  
13 ~~7360 of the Revenue and Taxation Code, 11.5 percent of any per~~  
14 ~~gallon tax in excess of nine cents (\$0.09) per gallon under Section~~  
15 ~~8651 of the Revenue and Taxation Code, and 11.5 percent of any~~  
16 ~~per gallon tax in excess of nine cents (\$0.09) per gallon 1.035 cents~~  
17 ~~(\$0.01035) per gallon from the tax under Sections 60050 and 60115~~  
18 ~~of the Revenue and Taxation Code, shall be apportioned among~~  
19 ~~the counties, including a city and county.~~

20     The amount of apportionment to each county, including a city  
21 and county, during a fiscal year shall be calculated as follows:

22     (1) One million dollars (\$1,000,000) for apportionment to all  
23 counties, including a city and county, in proportion to each county's  
24 receipts during the prior fiscal year under Sections 2104 and 2106.

25     (2) One million dollars (\$1,000,000) for apportionment to all  
26 counties, including a city and county, as follows:

27     (A) Seventy-five percent in the proportion that the number of  
28 fee-paid and exempt vehicles which are registered in the county  
29 bears to the number of fee-paid and exempt vehicles registered in  
30 the state.

31     (B) Twenty-five percent in the proportion that the number of  
32 miles of maintained county roads in the county bears to the miles  
33 of maintained county roads in the state.

34     (3) For each county, determine its factor which is the higher  
35 amount calculated pursuant to paragraph (1) or (2) divided by the  
36 sum of the higher amounts for all of the counties.

37     (4) The amount to be apportioned to each county is equal to its  
38 factor multiplied by the amount available for apportionment.

39     (b) A sum equal to ~~the net revenue from a tax of 11.5 percent~~  
40 ~~of any per gallon tax in excess of nine cents (\$0.09) per gallon~~

1 ~~1.035 cents (\$0.01035) per gallon from the tax under Section 7351~~  
2 ~~7360 of the Revenue and Taxation Code, 11.5 percent of any per~~  
3 ~~gallon tax in excess of nine cents (\$0.09) per gallon under Section~~  
4 ~~8651 of the Revenue and Taxation Code, and 11.5 percent of any~~  
5 ~~per gallon tax in excess of nine cents (\$0.09) per gallon~~ 1.035 cents  
6 ~~(\$0.01035) per gallon from the tax under Sections 60050 and 60115~~  
7 of the Revenue and Taxation Code, shall be apportioned to cities,  
8 including a city and county, in the proportion that the total  
9 population of the city bears to the total population of all the cities  
10 in the state.

11 (c) (1) Transfers of revenues from the Highway Users Tax  
12 Account to counties or cities pursuant to this section collected  
13 during the months of March, April, May, June, and July of 2008,  
14 shall be made with the transfer of August 2008 revenues in  
15 September of 2008. This suspension shall not apply to a county  
16 with a population of less than 40,000.

17 (2) For the purpose of meeting the cash obligations associated  
18 with ongoing budgeted costs, a city or county may make use of  
19 any cash balance in the city account that is designated for the  
20 receipt of state funds allocated for local streets and roads or the  
21 county road fund, including that resulting from the receipt of funds  
22 pursuant to the Highway Safety, Traffic Reduction, Air Quality,  
23 and Port Security Bond Act of 2006 (Chapter 12.49 (commencing  
24 with Section 8879.20) of Division 1 of Title 2 of the Government  
25 Code (hereafter bond act)) for local streets and roads maintenance,  
26 during the period of this suspension, without the use of this cash  
27 being reflected as an expenditure of bond act funds, provided the  
28 cash is replaced once this suspension is repaid in September of  
29 2008. Counties and cities may accrue the revenue received in  
30 September 2008 as repayment of these suspensions for the months  
31 of April, May, and June of 2008 back to the 2007–08 fiscal year.  
32 Nothing in this paragraph shall change the fact that expenditures  
33 must be accrued and reflected from the appropriate funding sources  
34 for which the moneys were received and meet all the requirements  
35 of those funding sources.

36 (d) (1) *The transfer of revenues from the Highway Users Tax*  
37 *Account to counties or cities pursuant to this section collected*  
38 *during the months of January, February, and March 2009 shall*  
39 *be made with the transfer of April 2009 revenues in May 2009.*

1 (2) For the purpose of meeting the cash obligations associated  
2 with ongoing budgeted costs, a city or county may make use of  
3 any cash balance in the city account that is designated for the  
4 receipt of state funds allocated for local streets and roads or the  
5 county road fund, including that resulting from the receipt of funds  
6 pursuant to the Highway Safety, Traffic Reduction, Air Quality,  
7 and Port Security Bond Act of 2006 (Chapter 12.49 (commencing  
8 with Section 8879.20) of Division 1 of Title 2 of the Government  
9 Code (bond act)) for local streets and roads maintenance, during  
10 the period of this suspension, and the use of this cash shall not be  
11 considered as an expenditure of bond act funds, if the cash is  
12 replaced when the payments that are suspended pursuant to this  
13 subdivision are repaid in May 2009.

14 (3) This subdivision shall not affect any requirement that an  
15 expenditure is required to be accrued and reflected from the  
16 appropriate funding source for which the money was received and  
17 to meet all the requirements of its funding source.

18 SEC. 22. Section 2106 of the Streets and Highways Code is  
19 amended to read:

20 2106. A sum equal to the net revenue derived from one and  
21 four one-hundredths cent (\$0.0104) per gallon tax under the Motor  
22 Vehicle Fuel License Tax Law (Part 2 (commencing with Section  
23 7301) of Division 2 of the Revenue and Taxation Code) shall be  
24 apportioned monthly from the Highway Users Tax Account in the  
25 Transportation Tax Fund among the counties and cities as follows:

26 (a) Four hundred dollars (\$400) per month shall be apportioned  
27 to each city and city and county and eight hundred dollars (\$800)  
28 per month shall be apportioned to each county and city and county.

29 (b) Commencing on July 31, 2007, and on the last day of each  
30 month after that date, the sum of six hundred thousand dollars  
31 (\$600,000) per month shall be transferred to the Bicycle  
32 Transportation Account in the State Transportation Fund.

33 (c) The balance shall be apportioned, as follows:

34 (1) A base sum shall be computed for each county by using the  
35 same proportions of fee-paid and exempt vehicles as are established  
36 for purposes of apportionment of funds under subdivision (d) of  
37 Section 2104.

38 (2) For each county, the percentage of the total assessed  
39 valuation of tangible property subject to local tax levies within the  
40 county which is represented by the assessed valuation of tangible

1 property outside the incorporated cities of the county shall be  
2 applied to its base sum, and the resulting amount shall be  
3 apportioned to the county. The assessed valuation of taxable  
4 tangible property, for purposes of this computation, shall be that  
5 most recently used for countywide tax levies as reported to the  
6 Controller by the State Board of Equalization. If an incorporation  
7 or annexation is legally completed following the base sum  
8 computation, the new city's assessed valuation shall be deducted  
9 from the county's assessed valuation, the estimate of which may  
10 be provided by the State Board of Equalization.

11 (3) The difference between the base sum for each county and  
12 the amount apportioned to the county shall be apportioned to the  
13 cities of that county in the proportion that the population of each  
14 city bears to the total population of all the cities in the county.  
15 Populations used for determining apportionment of money under  
16 Section 2107 are to be used for purposes of this section.

17 (d) (1) Transfers of revenues from the Highway Users Tax  
18 Account to counties or cities pursuant to this section collected  
19 during the months of March, April, May, June, and July of 2008,  
20 shall be made with the transfer of August 2008 revenues in  
21 September of 2008. This suspension shall not apply to a county  
22 with a population of less than 40,000.

23 (2) For the purpose of meeting the cash obligations associated  
24 with ongoing budgeted costs, a city or county may make use of  
25 any cash balance in the city account that is designated for the  
26 receipt of state funds allocated for local streets and roads or the  
27 county road fund, including that resulting from the receipt of funds  
28 pursuant to the Highway Safety, Traffic Reduction, Air Quality,  
29 and Port Security Bond Act of 2006 (Chapter 12.49 (commencing  
30 with Section 8879.20) of Division 1 of Title 2 of the Government  
31 Code (hereafter bond act)) for local streets and roads maintenance,  
32 during the period of this suspension, without the use of this cash  
33 being reflected as an expenditure of bond act funds, provided the  
34 cash is replaced once this suspension is repaid in September of  
35 2008. Counties and cities may accrue the revenue received in  
36 September 2008 as repayment of these suspensions for the months  
37 of April, May, and June of 2008 back to the 2007–08 fiscal year.  
38 Nothing in this paragraph shall change the fact that expenditures  
39 must be accrued and reflected from the appropriate funding sources

1 for which the moneys were received and meet all the requirements  
2 of those funding sources.

3 *(e) (1) The transfer of revenues from the Highway Users Tax*  
4 *Account to counties or cities pursuant to this section collected*  
5 *during the months of January, February, and March 2009, shall*  
6 *be made with the transfer of April 2009 revenues in May 2009.*

7 *(2) For the purpose of meeting the cash obligations associated*  
8 *with ongoing budgeted costs, a city or county may make use of*  
9 *any cash balance in the city account that is designated for the*  
10 *receipt of state funds allocated for local streets and roads or the*  
11 *county road fund, including that resulting from the receipt of funds*  
12 *pursuant to the Highway Safety, Traffic Reduction, Air Quality,*  
13 *and Port Security Bond Act of 2006 (Chapter 12.49 (commencing*  
14 *with Section 8879.20) of Division 1 of Title 2 of the Government*  
15 *Code (bond act)) for local streets and roads maintenance, during*  
16 *the period of this suspension, and the use of this cash shall not be*  
17 *considered as an expenditure of bond act funds, if the cash is*  
18 *replaced when the payments that are suspended pursuant to this*  
19 *subdivision are repaid in May 2009.*

20 *(3) This subdivision shall not affect any requirement that an*  
21 *expenditure is required to be accrued and reflected from the*  
22 *appropriate funding source for which the money was received and*  
23 *to meet all the requirements of its funding source.*

24 *SEC. 23. Section 2107 of the Streets and Highways Code is*  
25 *amended to read:*

26 2107. *(a) A sum equal to the net revenues derived from a per*  
27 *gallon tax of 1.315 cents (\$0.01315) under the Motor Vehicle Fuel*  
28 *License Tax Law (Part 2 (commencing with Section 7301) of*  
29 *Division 2), 2.59 cents (\$0.0259) under the Use Fuel Tax Law*  
30 *(Part 3 (commencing with Section 8601) of Division 2), and 1.80*  
31 *cents (\$0.0180) under the Diesel Fuel Tax Law (Part 31*  
32 *(commencing with Section 60001) of Division 2) of the Revenue*  
33 *and Taxation Code, shall be apportioned monthly to the cities and*  
34 *cities and counties of this state from the Highway Users Tax*  
35 *Account in the Transportation Tax Fund as provided in this section.*

36 ~~From that~~

37 *(b) From the sum determined pursuant to subdivision (a), the*  
38 *Controller shall allocate annually to each city that has filed a report*  
39 *containing the information prescribed by subdivision (c) of Section*  
40 *2152, and that had expenditures in excess of five thousand dollars*

1 (\$5,000) during the preceding fiscal year for snow removal, an  
 2 amount equal to one-half of the amount of its expenditures for  
 3 snow removal in excess of five thousand dollars (\$5,000) during  
 4 that fiscal year.

5 ~~The~~

6 (c) ~~The~~ balance of ~~that~~ the sum determined pursuant to  
 7 subdivision (a) from the Highway Users Tax Account shall be  
 8 allocated to each city, including city and county, in the proportion  
 9 that the total population of the city bears to the total population of  
 10 all the cities in this state.

11 ~~For~~

12 (d) (1) ~~For~~ the purpose of this section, except as otherwise  
 13 provided in ~~this~~ paragraph (2), the population in each city is the  
 14 population determined for that city in the manner specified in  
 15 Section 11005.3 of the Revenue and Taxation Code. ~~Commencing~~

16 (2) ~~Commencing~~ with the ninth fiscal year of a city described  
 17 in subdivision (a) of Section 11005.3 of the Revenue and Taxation  
 18 Code, the sixth fiscal year of a city described in subdivision (b) of  
 19 Section 11005.3 of the Revenue and Taxation Code, and the 61st  
 20 month of the city described in subdivision (c) of Section 11005.3  
 21 of the Revenue and Taxation Code, the population in each city is  
 22 the actual population of that city, as defined in subdivision (e) of  
 23 Section 11005.3 of the Revenue and Taxation Code.

24 ~~Transfers~~

25 (e) (1) ~~Transfers~~ of revenues from the Highway Users Tax  
 26 Account to cities pursuant to this section collected during the  
 27 months of March, April, May, June, and July of 2008, shall be  
 28 made with the transfer of August 2008 revenues in September of  
 29 2008.

30 ~~For~~

31 (2) ~~For~~ the purpose of meeting the cash obligations associated  
 32 with ongoing budgeted costs, a city may make use of any cash  
 33 balance in the city account that is designated for the receipt of state  
 34 funds allocated for local streets and roads, including that resulting  
 35 from the receipt of funds pursuant to the Highway Safety, Traffic  
 36 Reduction, Air Quality, and Port Security Bond Act of 2006  
 37 (Chapter 12.49 (commencing with Section 8879.20) of Division  
 38 1 of Title 2 of the Government Code (hereafter bond act)) for local  
 39 streets and roads maintenance, during the period of this suspension,  
 40 without the use of this cash being reflected as an expenditure of



1 bond act funds, provided the cash is replaced once this suspension  
2 is repaid in September of 2008. Cities may accrue the revenue  
3 received in September 2008 as repayment of these suspensions for  
4 the months of April, May, and June of 2008 back to the 2007–08  
5 fiscal year. Nothing in this paragraph shall change the fact that  
6 expenditures must be accrued and reflected from the appropriate  
7 funding sources for which the moneys were received and meet all  
8 the requirements of those funding sources.

9 *(f) (1) A transfer of revenues from the Highway Users Tax*  
10 *Account to cities pursuant to this section collected during the*  
11 *months of January, February, and March 2009, shall be made*  
12 *with the transfer of April 2009 revenues in May 2009.*

13 *(2) For the purpose of meeting the cash obligations associated*  
14 *with ongoing budgeted costs, a city may make use of any cash*  
15 *balance in the city account that is designated for the receipt of*  
16 *state funds allocated for local streets and roads, including that*  
17 *resulting from the receipt of funds pursuant to the Highway Safety,*  
18 *Traffic Reduction, Air Quality, and Port Security Bond Act of 2006*  
19 *(Chapter 12.49 (commencing with Section 8879.20) of Division 1*  
20 *of Title 2 of the Government Code (bond act)) for local streets and*  
21 *roads maintenance, during the period of this suspension, and the*  
22 *use of this cash shall not be reflected as an expenditure of bond*  
23 *act funds, if the cash is replaced once this suspension is repaid in*  
24 *May 2009.*

25 *(3) This subdivision shall not affect any requirement that an*  
26 *expenditure is required to be accrued and reflected from the*  
27 *appropriate funding sources for which the moneys were received*  
28 *and to meet all the requirements of those funding sources.*

29 *SEC. 24. Section 14041.1 of the Welfare and Institutions Code*  
30 *is amended to read:*

31 14041.1. (a) Notwithstanding any other provision of law, and  
32 to the extent not otherwise conflicting with federal law, the  
33 department may hold for a period of one month, or direct the  
34 medical fiscal intermediary for the Medi-Cal program to hold for  
35 a period of one month, payments to providers or their designated  
36 agents for health care services that are provided pursuant to this  
37 chapter, and payments to entities that contract with the department  
38 pursuant to this chapter, Chapter 8 (commencing with Section  
39 14200) and Chapter 8.75 (commencing with Section 14590) for  
40 the delivery of health care services.

1 (b) The authority described in subdivision (a) shall be limited  
2 to payments for one month only, and only for a month ending prior  
3 to ~~January 1~~ June 30, 2009.

4 SEC. 25. Section 15153 of the Welfare and Institutions Code  
5 is amended to read:

6 15153. Notwithstanding the provisions of any other section of  
7 this code, the method of computing and advancing funds to  
8 counties, both as to state funds and funds made available by the  
9 United States government, shall be as follows:

10 ~~1.~~

11 (a) The department, prior to the beginning of each month, shall  
12 estimate the amount to be paid for the month to each county under  
13 this part.

14 ~~2.~~

15 (b) The department shall then certify to the ~~State~~ Controller the  
16 amounts so estimated by it for each county, adjusted by any sum  
17 by which it finds that its estimate for any prior period was greater  
18 or less than the amount which should have been paid.

19 ~~3.~~

20 (c) The ~~State~~ Controller shall thereupon draw the necessary  
21 warrants, and prior to audit or settlement by the department and  
22 the ~~State~~ Controller, the State Treasurer shall pay to the treasurer  
23 of each county the amount so certified.

24 ~~4.~~

25 (d) Moneys may be advanced by or on behalf of any county to  
26 a corporation or association in accordance with the provisions of  
27 a contract executed between the county and the corporation or  
28 association pursuant to Section 14052 or 14556.

29 ~~5.~~

30 (e) The monthly advance of state general funds to counties for  
31 benefits or aid grants, administration, and for employment and  
32 supportive services, shall be temporarily suspended for the months  
33 of July and August 2008. This suspension shall not apply to a  
34 county with a population of less than 40,000. The advance of funds  
35 for these two months shall resume on September 1, 2008. In  
36 addition to the advance for the month of September, counties shall  
37 be paid for the advances that would have been made in July and  
38 August 2008 no later than September 30, 2008. Advances for the  
39 Supplemental Security Income/State Supplementary Payment  
40 Program for the Aged, Blind and Disabled (Chapter 3 (commencing

1 with Section 12000)) and the In-Home Supportive Services  
2 program (Article 7 (commencing with Section 12300) of Chapter  
3 3) shall not be affected by this temporary suspension.

4 (f) (1) *The monthly advance of state general funds to counties*  
5 *for benefits or aid grants, administration, and for employment and*  
6 *supportive services, shall be temporarily suspended for the months*  
7 *of July and August 2009.*

8 (2) *This suspension made pursuant to this subdivision shall not*  
9 *apply to a county with a population of less than 40,000 persons.*

10 (3) *The advance of funds for the months specified in paragraph*  
11 *(1) shall resume on September 1, 2009.*

12 (4) *In addition to the advance for the month of September, a*  
13 *county shall be paid for the advances that would have been made*  
14 *in the months of July and August 2009, no later than September*  
15 *30, 2009.*

16 (5) *Advances for the Supplemental Security Income/State*  
17 *Supplementary Payment Program for the Aged, Blind and Disabled*  
18 *(Chapter 3 (commencing with Section 12000)) and the In-Home*  
19 *Supportive Services program (Article 7 (commencing with Section*  
20 *12300) of Chapter 3) shall not be affected by the temporary*  
21 *suspension made pursuant to this subdivision.*

22 *SEC. 26. Section 18220 of the Welfare and Institutions Code*  
23 *is repealed.*

24 ~~18220. (a) (1) The Department of Corrections and~~  
25 ~~Rehabilitation, commencing July 1, 2005, shall administer funds~~  
26 ~~appropriated for the purposes of this chapter and allocated pursuant~~  
27 ~~to this section.~~

28 ~~(2) For purposes of this chapter, "department" means the~~  
29 ~~Department of Corrections and Rehabilitation.~~

30 ~~(b) (1) The department shall administer this chapter, including~~  
31 ~~the establishment of agreements with all county probation~~  
32 ~~departments that receive funding under this chapter.~~

33 ~~(2) (A) Subject to the availability of funds in the annual Budget~~  
34 ~~Act, the department shall be responsible for allocating funds to~~  
35 ~~counties.~~

36 ~~(B) Commencing with the 2005-06 fiscal year, the department~~  
37 ~~shall allocate one hundred sixty-eight million seven hundred~~  
38 ~~thirteen thousand dollars (\$168,713,000) among counties based~~  
39 ~~on the allocation schedule specified in this subparagraph. In any~~  
40 ~~year in which the total amount appropriated by the Legislature for~~

1 the purposes of this section differs from the total amount provided  
 2 in the 2004-05 fiscal year, the amount appropriated shall be  
 3 apportioned to counties based on the 2004-05 fiscal year allocation  
 4 schedule as follows:

5		
6	Alameda.....	\$6,667,935
7	Alpine.....	\$584
8	Amador.....	\$100,667
9	Butte.....	\$538,712
10	Calaveras.....	\$103,092
11	Colusa.....	\$57,526
12	Contra Costa.....	\$4,493,504
13	Del Norte.....	\$197,338
14	El Dorado.....	\$508,807
15	Fresno.....	\$3,635,282
16	Glenn.....	\$90,484
17	Humboldt.....	\$286,072
18	Imperial.....	\$572,419
19	Inyo.....	\$241,575
20	Kern.....	\$4,333,734
21	Kings.....	\$647,746
22	Lake.....	\$314,736
23	Lassen.....	\$91,671
24	Los Angeles.....	\$67,713,506
25	Madera.....	\$404,791
26	Marin.....	\$631,365
27	Mariposa.....	\$22,394
28	Mendocino.....	\$333,240
29	Merced.....	\$584,419
30	Modoc.....	\$36,005
31	Mono.....	\$12,013
32	Monterey.....	\$1,018,813
33	Napa.....	\$593,942
34	Nevada.....	\$209,805
35	Orange.....	\$14,270,138
36	Placer.....	\$450,012
37	Plumas.....	\$46,127
38	Riverside.....	\$5,438,322
39	Sacramento.....	\$3,602,070
40	San Benito.....	\$360,418

1	San Bernardino.....	\$5,856,862
2	San Diego.....	\$9,463,866
3	San Francisco.....	\$3,232,706
4	San Joaquin.....	\$1,493,704
5	San Luis Obispo.....	\$1,013,424
6	San Mateo.....	\$3,201,176
7	Santa Barbara.....	\$2,794,054
8	Santa Clara.....	\$9,799,213
9	Santa Cruz.....	\$1,033,949
10	Shasta.....	\$694,367
11	Sierra.....	\$6,168
12	Siskiyou.....	\$126,526
13	Solano.....	\$1,748,360
14	Sonoma.....	\$2,200,569
15	Stanislaus.....	\$889,952
16	Sutter.....	\$226,793
17	Tehama.....	\$243,674
18	Trinity.....	\$58,342
19	Tulare.....	\$2,381,471
20	Tuolumne.....	\$119,136
21	Ventura.....	\$2,900,636
22	Yolo.....	\$429,067
23	Yuba.....	\$189,721
24		-
25		
26	Total.....	\$168,713,000

28 ~~(C) Commencing with the 2005-06 fiscal year, the department~~  
29 ~~shall allocate thirty-two million seven hundred thousand dollars~~  
30 ~~(\$32,700,000) among counties that operate juvenile camps and~~  
31 ~~ranches based on the number of occupied beds in each camp as of~~  
32 ~~12:01 a.m. each day, up to the Corrections Standards Authority~~  
33 ~~rated maximum capacity, as determined by the Corrections~~  
34 ~~Standards Authority.~~

35 *SEC. 27. Section 18220 is added to the Welfare and Institutions*  
36 *Code, to read:*

37 *18220. (a) Of the amount deposited in the Local Safety and*  
38 *Protection Account in the Transportation Fund, authorized by*  
39 *Section 10752.2 of the Revenue and Taxation Code, the Controller*  
40 *shall allocate 33.52 percent in the 2008-09 fiscal year and 30.19*

1 percent in the 2009–10 fiscal year, and each fiscal year thereafter,  
2 for purposes of Section 18221.

3 (b) The Controller shall allocate funds in equal quarterly  
4 installments, commencing April 1, 2009, to local jurisdictions to  
5 support juvenile probation activities based on the percentages as  
6 follows:

7	
8	Alameda..... 3.9522%
9	Alpine..... 0.0004%
10	Amador..... 0.0597%
11	Butte..... 0.3193%
12	Calaveras..... 0.0611%
13	Colusa..... 0.0341%
14	Contra Costa..... 2.6634%
15	Del Norte..... 0.1170%
16	El Dorado..... 0.3016%
17	Fresno..... 2.1547%
18	Glenn..... 0.0536%
19	Humboldt..... 0.1696%
20	Imperial..... 0.3393%
21	Inyo..... 0.1432%
22	Kern..... 2.5687%
23	Kings..... 0.3839%
24	Lake..... 0.1866%
25	Lassen..... 0.0543%
26	Los Angeles..... 40.1353%
27	Madera..... 0.2399%
28	Marin..... 0.3742%
29	Mariposa..... 0.0133%
30	Mendocino..... 0.1975%
31	Merced..... 0.3464%
32	Modoc..... 0.0213%
33	Mono..... 0.0071%
34	Monterey..... 0.6039%
35	Napa..... 0.3520%
36	Nevada..... 0.1244%
37	Orange..... 8.4582%
38	Placer..... 0.2667%
39	Plumas..... 0.0273%
40	Riverside..... 3.2234%

1	<i>Sacramento</i> .....	2.1350%
2	<i>San Benito</i> .....	0.2136%
3	<i>San Bernardino</i> .....	3.4715%
4	<i>San Diego</i> .....	5.6095%
5	<i>San Francisco</i> .....	1.9161%
6	<i>San Joaquin</i> .....	0.8854%
7	<i>San Luis Obispo</i> .....	0.6007%
8	<i>San Mateo</i> .....	1.8974%
9	<i>Santa Barbara</i> .....	1.6561%
10	<i>Santa Clara</i> .....	5.8082%
11	<i>Santa Cruz</i> .....	0.6128%
12	<i>Shasta</i> .....	0.4116%
13	<i>Sierra</i> .....	0.0037%
14	<i>Siskiyou</i> .....	0.0750%
15	<i>Solano</i> .....	1.0363%
16	<i>Sonoma</i> .....	1.3043%
17	<i>Stanislaus</i> .....	0.5275%
18	<i>Sutter</i> .....	0.1344%
19	<i>Tehama</i> .....	0.1444%
20	<i>Trinity</i> .....	0.0346%
21	<i>Tulare</i> .....	1.4116%
22	<i>Tuolumne</i> .....	0.0706%
23	<i>Ventura</i> .....	1.7193%
24	<i>Yolo</i> .....	0.2543%
25	<i>Yuba</i> .....	0.1125%
26		
27		
28	<i>Total</i> .....	100%

29

30 *SEC. 28. Section 18220.1 is added to the Welfare and*

31 *Institutions Code, to read:*

32 *18220.1. Of the amount deposited in the Local Safety and*

33 *Protection Account in the Transportation Fund authorized by*

34 *Section 10752.2 of the Revenue and Taxation Code, the Controller*

35 *shall allocate 6.50 percent in the 2008–09 fiscal year and 5.85*

36 *percent in the 2009–10 fiscal year and each year thereafter. The*

37 *Controller shall allocate these funds on a quarterly basis beginning*

38 *April 1, 2009, to the Department of Corrections and Rehabilitation.*

39 *The department shall allocate the funds appropriated in the*

40 *2008–09 Budget Act and included in the Local Safety and*

1 *Protection Account among counties that operate juvenile camps*  
 2 *and ranches based on the number of occupied beds in each camp*  
 3 *as of 12:01 am each day, up to the Corrections Standards Authority*  
 4 *rated maximum capacity, as determined by the Corrections*  
 5 *Standards Authority.*

6 *SEC. 29. Section 18221 of the Welfare and Institutions Code*  
 7 *is amended to read:*

8 18221. (a) Subject to the availability of funds for the purposes  
 9 described in this section, funds provided pursuant to ~~subparagraphs~~  
 10 ~~(B) and (C) of paragraph (2) of subdivision (b) of Section 18220~~  
 11 may be used to serve children who are habitual truants, runaways,  
 12 at risk of being wards of the court under Section 601 or 602, or  
 13 under juvenile court supervision or supervision of the probation  
 14 department. Funds may be used to serve parents or other family  
 15 members of these children if serving them will promote increased  
 16 self-sufficiency, personal responsibility, and family stability for  
 17 the child. Services shall be provided pursuant to a family service  
 18 plan. When a family is served by multiple public agencies or in  
 19 need of services from multiple public agencies, the family service  
 20 plan shall be developed through an interdisciplinary approach that  
 21 shall include representatives from agencies that provide services  
 22 to the family or that may be required to implement the service  
 23 plan.

24 (b) Services authorized under this section include all of the  
 25 following:

- 26 (1) Educational advocacy and attendance monitoring.
- 27 (2) Mental health assessment and counseling.
- 28 (3) Home detention.
- 29 (4) Social responsibility training.
- 30 (5) Family mentoring.
- 31 (6) Parent peer support.
- 32 (7) Life skills counseling.
- 33 (8) Direct provision of, and referral to, prevocational and  
 34 vocational training.
- 35 (9) Family crisis intervention.
- 36 (10) Individual, family, and group counseling.
- 37 (11) Parenting skills development.
- 38 (12) Drug and alcohol education.
- 39 (13) Respite care.
- 40 (14) Counseling, monitoring, and treatment.



- 1 (15) Gang intervention.
- 2 (16) Sex and health education.
- 3 (17) Anger management, violence prevention, and conflict
- 4 resolution.
- 5 (18) Aftercare services as juveniles transition back into the
- 6 community and reintegrate into their families.
- 7 (19) Information and referral regarding the availability of
- 8 community services.
- 9 (20) Case management.
- 10 (21) Therapeutic day treatment.
- 11 (22) Transportation related to any of the services described in
- 12 this subdivision.
- 13 (23) Emergency and temporary shelter.

14 *SEC. 30. Section 6 of Chapter 213 of the Statutes of 2000 is*  
 15 *amended to read:*

16 Sec. 6. The following sums are hereby appropriated from the  
 17 General Fund to be allocated according to the following schedule:

18 (a) (1) Five million dollars (\$5,000,000) to  
 19 CaliforniaVolunteers, on an annual basis, for the purpose of  
 20 funding grants to local and state operated Americorps and  
 21 Conservation Corps programs, up to 5 percent of which may be  
 22 used for state level administration costs.

23 (2) This subdivision shall be ~~inoperative from suspended~~  
 24 ~~effective July 1, 2008, to June 30, 2010, inclusive 2009.~~

25 (b) (1) ~~Two million five hundred thousand dollars (\$2,500,000)~~  
 26 *One million dollars (\$1,000,000) for the 2008-09 fiscal year to*  
 27 *CaliforniaVolunteers, on an annual basis, for the purpose of*  
 28 *funding grants to local and state operated Americorps and*  
 29 *Conservation Corps programs, up to 5 percent of which one*  
 30 *hundred twenty-five thousand dollars (\$125,000) may be used for*  
 31 *state level state-level administration costs.*

32 (2) This subdivision shall be inoperative after June 30, ~~2010~~  
 33 ~~2009.~~

34 (c) One million dollars (\$1,000,000) to the Superintendent of  
 35 Public Instruction for the purpose of developing or revising, as  
 36 needed, a model curriculum on the life and work of Cesar Chavez  
 37 and distributing that curriculum to each school.

38 *SEC. 31. Notwithstanding any other law, the state shall defer*  
 39 *its contributions toward annuitant health care premiums required*  
 40 *by the Public Employees' Medical and Hospital Care Act (Part 5*

1 (commencing with Section 22750) of Title 2 of Division 5 of the  
2 Government Code) and annuitant dental care premiums required  
3 by the State Employees' Dental Care Act (Part 6 (commencing  
4 with Section 22950) of Title 2 of Division 5 of the Government  
5 Code) that are payable in the months of February and March 2009  
6 and shall thereafter make those payments in April 2009.

7 SEC. 32. The Legislature finds and declares that due to unique  
8 circumstances relating to the City of Glendora, as stated in Section  
9 13 of this act, a general statute cannot be made applicable within  
10 the meaning of Section 16 of Article IV of the California  
11 Constitution.

12 SEC. 33. The Legislature hereby finds and declares, with  
13 respect to Section 18 of this act, that a general statute cannot be  
14 made applicable within the meaning of Section 16 of Article IV of  
15 the California Constitution, and that a special statute is necessary  
16 because of the unique inequities experienced from fiscal year to  
17 fiscal year by the county that, of all of the counties in the state,  
18 was allocated the lowest percentage of countywide ad valorem  
19 property tax revenues for the 2006–07 fiscal year.

20 SEC. 34. It is the intent of the Legislature that a qualified  
21 county dedicate the revenues the county receives under Section  
22 18 of this act for public health and public safety purposes.

23 SEC. 35. This act addresses the fiscal emergency declared by  
24 the Governor by proclamation on December 19, 2008, pursuant  
25 to subdivision (f) of Section 10 of Article IV of the California  
26 Constitution.

27 SEC. 36. No reimbursement is required by this act pursuant  
28 to Section 6 of Article XIII B of the California Constitution because  
29 this act provides for offsetting savings to local agencies or school  
30 districts that result in no net costs to the local agencies or school  
31 districts, within the meaning of Section 17556 of the Government  
32 Code.

33 SEC. 37. This act is an urgency statute necessary for the  
34 immediate preservation of the public peace, health, or safety within  
35 the meaning of Article IV of the Constitution and shall go into  
36 immediate effect. The facts constituting the necessity are:

37 In order to make the necessary statutory changes to achieve  
38 cash savings at the earliest possible time, it is necessary that this  
39 act take effect immediately.

1 SECTION 1. It is the intent of the Legislature to make statutory  
2 changes relating to the Budget Act of 2008.  
3 SEC. 2. This act addresses the fiscal emergency declared by  
4 the Governor by proclamation on December 19, 2008, pursuant  
5 to subdivision (f) of Section 10 of Article IV of the California  
6 Constitution.

O