AMENDED IN SENATE JUNE 15, 2010

AMENDED IN ASSEMBLY MAY 11, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL No. 2408

Introduced by Assembly Members Smyth and Huber

February 19, 2010

An act to amend Sections 8592.1, 8592.5, 8592.7, 11532, 11534, 11535, 11537, 11539, 11540, 11541, 11541.5, 11542, 11543, 11544, *11545, 11546,* 11546.5, 11549, 11549.1, 11549.3, 11549.5, 12804, 14995, 15251, 15253, 15254, 15275, 15277, 53108.5, 53113, 53114, 53114.1, 53114.2, 53115, 53115.1, 53115.2, 53115.3, 53116, 53119, 53120, 53126.5, and 53127 of, to amend the headings of Article 2 (commencing with Section 11534) and Article 3 (commencing with Section 11544) of Chapter 5.5 of Part 1 of Division 3 of Title 2 of, to amend the heading of Chapter 5.7 (commencing with Section 11549) of Part 1 of Division 3 of Title 2 of, to amend and renumber Section 11549.6 of, to add Sections *11546.1, 11546.2, 11546.3,* 11549.7, and 11549.8 to, to add the headings of Article 1 (commencing with Section 11549) and Article 2 (commencing with Section 11549.5) to Chapter 5.7 of Part 1 of Division 3 of Title 2 of, and to repeal Sections 11548.5 ~~and 11549.2~~*, 11549.2, and Chapter 9 (commencing with Section 14930) of Part 5.5 of Division 3 of Title 2* of, the Government Code, to amend Sections 12100.7, 12101, 12103, 12104, 12105, 12120, and 12121 of the Public Contract Code, *to amend Sections 2872.5, 2892, and 2892.1 of the Public Utilities Code,* to amend Sections 41030, 41031, 41032, 41136.1, 41137, 41137.1, 41138, 41139, 41140, 41141, and 41142 of the Revenue and Taxation Code, and to amend Section 16501.7 of the Welfare and Institutions Code, relating to state government information technology.

LEGISLATIVE COUNSEL'S DIGEST

AB 2408, as amended, Smyth. State government information technology.

(1) Existing law, the Governor's Reorganization Plan No. 1 of 2009 *(GRP No. 1)*, transferred all the duties, functions, employees, property, and related funding of the Division of Telecommunications in the Department of General Services to the office of the State Chief Information Officer. The plan also renamed and transferred the Department of Technology Services in the State and Consumer Services Agency to the Office of the Department of Technology Services within the office of the State Chief Information Officer, renamed the Department of Technology Services Revolving Fund the Technology Services Revolving Fund, and made conforming changes. The plan eliminated the Office of Information Security and Privacy Protection, and instead created the Office of Information Security within the office of the State Chief Information Officer, and the Office of Privacy Protection within the State and Consumer Services Agency, with a division of the duties, personnel, property, and funding of the Office of Information Security and Privacy Protection between the 2 offices. The plan also transferred duties relating to the state's procurement of information technology from the Department of Finance, the Department of General Services, and the Department of Information Technology to the office of the State Chief Information Officer.

Existing law requires the Legislative Counsel to prepare for introduction not later than the next regular session of the Legislature occurring more than 90 days after the effective date of GRP No. 1, a bill effecting these changes in the statutes to reflect the changes made by the plan.

This bill would make the statutory codification changes made necessary by the plan.

(2) Existing law, until January 1, 2013, creates the office of the State Chief Information Officer, within the Governor's cabinet, with a State Chief Information Officer having specified duties in creating and managing the technology policy of the state. *Existing law requires the Department of General Services to perform certain duties related to state information technology.*

This bill would delete the provision repealing the provisions establishing the office of the State Chief Information Officer, thus allowing those provisions to continue in effect indefinitely. *This bill*

would rename the office of the State Chief Information Officer to the California Technology Agency and the position of the State Chief Information Officer to the Secretary of California Technology and impose additional duties on both regarding state information technology governance and implementation. The bill would also transfer specified state information technology-related duties from the Department of General Services to the California Technology Agency and create the positions of chief information officer and information security officer in specified state agencies, as defined, and state entities. This bill would also make technical and conforming statutory changes.

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

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

SECTION 1. Section 8592.1 of the Government Code is amended to read:

8592.1. For purposes of this article, the following terms have the following meanings:

(a) "Backward compatibility" means that the equipment is able to function with older, existing equipment.

(b) "Committee" means the Public Safety Radio Strategic Planning Committee, that was established in December 1994 in recognition of the need to improve existing public radio systems and to develop interoperability among public safety departments and between state public safety departments and local or federal entities, and that consists of representatives of the following state entities:

(1) The California Emergency Management Agency, who shall serve as chairperson.

(2) The Department of the California Highway Patrol.

(3) The Department of Transportation.

(4) The Department of Corrections and Rehabilitation.

(5) The Department of Parks and Recreation.

(6) The Department of Fish and Game.

(7) The Department of Forestry and Fire Protection.

(8) The Department of Justice.

(9) The Department of Water Resources.

(10) The State Department of Public Health.

(11) The Emergency Medical Services Authority.

~~(12) The office of the State Chief Information Officer.~~

(12) The California Technology Agency.

(13) The Military Department.

(14) The Department of Finance.

(c) "First response agencies" means public agencies that, in the early stages of an incident, are responsible for, among other things, the protection and preservation of life, property, evidence, and the environment, including, but not limited to, state fire agencies, state and local emergency medical services agencies, local sheriffs' departments, municipal police departments, county and city fire departments, and police and fire protection districts.

(d) "Nonproprietary equipment or systems" means equipment or systems that are able to function with another manufacturer's equipment or system regardless of type or design.

(e) "Open architecture" means a system that can accommodate equipment from various vendors because it is not a proprietary system.

(f) "Public safety radio subscriber" means the ultimate end user. Subscribers include individuals or organizations, including, for example, local police departments, fire departments, and other operators of a public safety radio system. Typical subscriber equipment includes end instruments, including mobile radios, hand-held radios, mobile repeaters, fixed repeaters, transmitters, or receivers that are interconnected to utilize assigned public safety communications frequencies.

(g) "Public safety spectrum" means the spectrum allocated by the Federal Communications Commission for operation of interoperable and general use radio communication systems for public safety purposes within the state.

SEC. 2. Section 8592.5 of the Government Code is amended to read:

8592.5. (a) Except as provided in subdivision (c), a state department that purchases public safety radio communication equipment shall ensure that the equipment purchased complies with applicable provisions of the following:

(1) The common system standards for digital public safety radio communications commonly referred to as the "Project 25 Standard," as that standard may be amended, revised, or added to in the future jointly by the ~~Associated~~ *Association of* Public-Safety Communications Officials, Inc., National Association of State

Telecommunications Directors, and agencies of the federal government, commonly referred to as "APCO/NASTD/FED."

(2) The operational and functional requirements delineated in the Statement of Requirements for Public Safety Wireless Communications and Interoperability developed by the SAFECOM Program under the United States Department of Homeland Security.

(b) Except as provided in subdivision (c), a local first response agency that purchases public safety radio communication equipment, in whole or in part, with state funds or federal funds administered by the state, shall ensure that the equipment purchased complies with paragraphs (1) and (2) of subdivision (a).

(c) Subdivision (a) or (b) shall not apply to either of the following:

(1) Purchases of equipment to operate with existing state or local communications systems where the latest applicable standard will not be compatible, as verified by the ~~office of the State Chief Information Officer.~~ *California Technology Agency.*

(2) Purchases of equipment for existing statewide low-band public safety communications systems.

(d) This section may not be construed to require an affected state or local governmental agency to compromise its immediate mission or ability to function and carry out its existing responsibilities.

SEC. 3. Section 8592.7 of the Government Code is amended to read:

8592.7. (a) A budget proposal submitted by a state agency for support of a new or modified radio system shall be accompanied by a technical project plan that includes all of the following:

(1) The scope of the project.

(2) Alternatives considered.

(3) Justification for the proposed solution.

(4) A project implementation plan.

(5) A proposed timeline.

(6) Estimated costs by fiscal year.

(b) The committee shall review the plans submitted pursuant to subdivision (a) for consistency with the statewide integrated public safety communication strategic plan included in the annual report required pursuant to Section 8592.6.

(c) The ~~office of the State Chief Information Officer~~ *California Technology Agency* shall review the plans submitted pursuant to subdivision (a) for consistency with the technical requirements of the statewide integrated public safety communication strategic plan included in the annual report required pursuant to Section 8592.6.

SEC. 4. Section 11532 of the Government Code is amended to read:

11532. For purposes of this chapter, the following terms shall have the following meanings, unless the context requires otherwise:

(a) "Board member" means a member of the Technology Services Board.

(b) "Board" means the Technology Services Board created pursuant to Section 11535.

(c) "Director" means the Director of the Office of Technology Services.

(d) "Technology" includes, but is not limited to, all electronic technology systems and services, automated information handling, system design and analysis, conversion of data, computer programming, information storage and retrieval, and business telecommunications systems and services.

(e) "Business telecommunications systems and services" includes, but is not limited to, wireless or wired systems for transport of voice, video, and data communications, network systems, requisite facilities, equipment, system controls, simulation, electronic commerce, and all related interactions between people and machines. Public safety communications are excluded from this definition.

(f) "Public agencies" include, but are not limited to, all state and local governmental agencies in the state, including cities, counties, other political subdivisions of the state, state departments, agencies, boards, and commissions, and departments, agencies, boards, and commissions of other states and federal agencies.

SEC. 5. The heading of Article 2 (commencing with Section 11534) of Chapter 5.5 of Part 1 of Division 3 of Title 2 of the Government Code is amended to read:

Article 2. Office of Technology Services

SEC. 6. Section 11534 of the Government Code is amended to read:

11534. (a) There is in state government, in the ~~office of the State Chief Information Officer~~ *California Technology Agency*, the Office of Technology Services.

(b) The purpose of this article is to establish a general purpose technology services provider to serve the common technology needs of executive branch entities with accountability to customers for providing secure services that are responsive to client needs at a cost representing best value to the state.

(c) The purpose of this chapter is to improve and coordinate the use of technology and to coordinate and cooperate with all public agencies in the state in order to eliminate duplications and to bring about economies that could not otherwise be obtained.

(d) Unless the context clearly requires otherwise, whenever the term "Department of Technology Services" appears in any statute, regulation, or contract, it shall be deemed to refer to the Office of Technology Services, and whenever the term "Director of Technology Services" appears in statute, regulation, or contract, it shall be deemed to refer to the ~~State Chief Information Officer~~ *Secretary of California Technology*.

(e) Unless the context clearly requires otherwise, the Office of Technology Services and the ~~State Chief Information Officer~~ *Secretary of California Technology* succeed to and are vested with all the duties, powers, purposes, responsibilities, and jurisdiction vested in the former Department of Technology Services and the former Director of Technology Services, respectively.

(f) All employees serving in state civil service, other than temporary employees, who are engaged in the performance of functions transferred to the Office of Technology Services, are transferred to the Office of Technology Services. The status, positions, and rights of those persons shall not be affected by their transfer and shall continue to be retained by them pursuant to the State Civil Service Act (Part 2 (commencing with Section 18500) of Division 5), except as to positions the duties of which are vested in a position exempt from civil service. The personnel records of all transferred employees shall be transferred to the Office of Technology Services.

(g) The property of any office, agency, or department related to functions transferred to the Office of Technology Services is

transferred to the Office of Technology Services. If any doubt arises as to where that property is transferred, the Department of General Services shall determine where the property is transferred.

(h) All unexpended balances of appropriations and other funds available for use in connection with any function or the administration of any law transferred to the Office of Technology Services shall be transferred to the Office of Technology Services for the use and for the purpose for which the appropriation was originally made or the funds were originally available. If there is any doubt as to where those balances and funds are transferred, the Department of Finance shall determine where the balances and funds are transferred.

SEC. 7. Section 11535 of the Government Code is amended to read:

11535. (a) There is, in the Office of Technology Services, the Technology Services Board.

(b) The board shall consist of 13 members, as follows:

(1) The ~~State Chief Information Officer~~ *Secretary of California Technology*, who shall serve as the chair of the board.

(2) The Director of Finance, who shall serve as vice chair of the board.

(3) The Controller.

(4) The Secretary of Food and Agriculture, the Secretary of Business, Transportation and Housing, the Secretary of the Department of Corrections and Rehabilitation, the Secretary for Environmental Protection, the Secretary of California Health and Human Services, the Secretary of Labor and Workforce Development, the Secretary of the Natural Resources Agency, the Secretary of State and Consumer Services, and the Secretary of Veterans Affairs.

(5) The Secretary of California Emergency Management.

SEC. 8. Section 11537 of the Government Code is amended to read:

11537. (a) The ~~State Chief Information Officer~~ *Secretary of California Technology* shall engage an independent firm of certified public accountants to conduct an annual financial audit of all accounts and transactions of the Office of Technology Services. The audit shall be conducted in accordance with generally accepted government auditing standards. The audited financial statements shall be presented to the board, the Governor, and the Legislature

not more than 120 days after the ~~close of the fiscal year.~~ *submittal of the annual financial statements.*

(b) The ~~State Chief Information Officer~~ *Secretary of California Technology* may arrange for other audits as are necessary or prudent to ensure proper oversight and management of the Office of Technology Services.

SEC. 9. Section 11539 of the Government Code is amended to read:

11539. The director shall be responsible for managing the affairs of the Office of Technology Services and shall perform all duties, exercise all powers and jurisdiction, and assume and discharge all responsibilities necessary to carry out the purposes of this chapter. The Office of Technology Services shall employ professional, clerical, technical, and administrative personnel as necessary to carry out this chapter.

SEC. 10. Section 11540 of the Government Code is amended to read:

11540. (a) The director shall propose for board consideration and approval an annual budget for the Office of Technology Services' operations.

(b) The ~~State Chief Information Officer~~ *Secretary of California Technology* shall propose for board consideration rates for Office of Technology Services' services based on a formal rate methodology approved by the board. At least 60 days before submitting proposed rates to the board, the ~~State Chief Information Officer~~ *Secretary of California Technology* shall submit the proposed rates to the Department of Finance. Submittal of the rates to the Department of Finance shall be in a format and timeframe determined by the Department of Finance. The Department of Finance shall prepare a report for the board evaluating the reasonableness of the proposed rates and any significant impact the Office of Technology Services' rates are likely to have upon the budgets of other departments.

(c) It is the intent of the Legislature that this section supersede Section 11540 of the Government Code, as added by Section 1 of the Governor's Reorganization Plan No. 2, effective July 9, 2005.

SEC. 11. Section 11541 of the Government Code is amended to read:

11541. (a) The Office of Technology Services may acquire, install, equip, maintain, and operate new or existing business

telecommunications systems and services. Acquisitions for information technology goods and services shall be made pursuant to Chapter 3 (commencing with Section 12100) of Part 2 of Division 2 of the Public Contract Code. To accomplish that purpose, the Office of Technology Services may enter into contracts, obtain licenses, acquire personal property, install necessary equipment and facilities, and do other acts that will provide adequate and efficient business telecommunications systems and services. Any system established shall be made available to all public agencies in the state on terms that may be agreed upon by the agency and the Office of Technology Services.

(b) With respect to business telecommunications systems and services, the Office of Technology Services may do all of the following:

(1) Provide representation of public agencies before the Federal Communications Commission in matters affecting the state and other public agencies regarding business telecommunications systems and services issues.

(2) Provide, upon request, advice to public agencies concerning existing or proposed business telecommunications systems and services between any and all public agencies.

(3) Recommend to public agencies rules, regulations, procedures, and methods of operation that it deems necessary to effectuate the most efficient and economical use of business telecommunications systems and services within the state.

(4) Carry out the policies of this chapter.

(c) The Office of Technology Services has responsibilities with respect to business telecommunications systems, services, policy, and planning, which include, but are not limited to, all of the following:

(1) Assessing the overall long-range business telecommunications needs and requirements of the state considering both routine and emergency operations for business telecommunications systems and services, performance, cost, state-of-the-art technology, multiuser availability, security, reliability, and other factors deemed to be important to state needs and requirements.

(2) Developing strategic and tactical policies and plans for business telecommunications with consideration for the systems and requirements of public agencies.

(3) Recommending industry standards, service level agreements, and solutions regarding business telecommunications systems and services to ensure multiuser availability and compatibility.

(4) Providing advice and assistance in the selection of business telecommunications equipment to ensure all of the following:

(A) Ensuring that the business telecommunications needs of state agencies are met.

(B) Ensuring that procurement is compatible throughout state agencies and is consistent with the state's strategic and tactical plans for telecommunications.

(C) Ensuring that procurement is designed to leverage the buying power of the state and encourage economies of scale.

(5) Providing management oversight of statewide business telecommunications systems and services developments.

(6) Providing for coordination of, and comment on, plans and policies and operational requirements from departments that utilize business telecommunications systems and services as determined by the Office of Technology Services.

(7) Monitoring and participating, on behalf of the state, in the proceedings of federal and state regulatory agencies and in congressional and state legislative deliberations that have an impact on state governmental business telecommunications activities.

(d) The Office of Technology Services shall develop and describe statewide policy on the use of business telecommunications systems and services by state agencies. In the development of that policy, the Office of Technology Services shall ensure that access to state business information and services is improved, and that the policy is cost effective for the state and its residents. The Office of Technology Services shall develop guidelines that do all of the following:

(1) Describe what types of state business information and services may be accessed using business telecommunications systems and services.

(2) Characterize the conditions under which a state agency may utilize business telecommunications systems and services.

(3) Characterize the conditions under which a state agency may charge for information and services.

(4) Specify pricing policies.

(5) Provide other guidance as may be appropriate at the discretion of the Office of Technology Services.

(e) It is the intent of the Legislature that this section supersede Section 11541 of the Government Code, as added by Section 1 of the Governor's Reorganization Plan No. 2, effective July 9, 2005.

SEC. 12. Section 11541.5 of the Government Code is amended to read:

11541.5. (a) The Office of Technology Services shall create a link to state agency Internet Web sites at the State of California Internet portal specifically for the use of small businesses, designed to assist entrepreneurs and small business owners in accessing information regarding startup requirements and regulatory compliance applicable to the particular business.

(b) For purposes of this section, "small business" has the same meaning as set forth in Section 14837.

SEC. 13. Section 11542 of the Government Code is amended to read:

11542. (a) (1) The Stephen P. Teale Data Center and the California Health and Human Services Agency Data Center are consolidated within, and their functions are transferred to, the Office of Technology Services.

(2) Except as expressly provided otherwise in this chapter, the Office of Technology Services is the successor to, and is vested with, all of the duties, powers, purposes, responsibilities, and jurisdiction of the Stephen P. Teale Data Center, and the California Health and Human Services Agency Data Center. Any reference in statutes, regulations, or contracts to those entities with respect to the transferred functions shall be construed to refer to the Office of Technology Services unless the context clearly requires otherwise.

(3) No contract, lease, license, or any other agreement to which either the Stephen P. Teale Data Center or the California Health and Human Services Agency Data Center~~,~~ is a party shall be void or voidable by reason of this chapter, but shall continue in full force and effect, with the Office of Technology Services assuming all of the rights, obligations, and duties of the Stephen P. Teale Data Center or the California Health and Human Services Agency Data Center, respectively.

(4) Notwithstanding subdivision (e) of Section 11793 and subdivision (e) of Section 11797, on and after the effective date of this chapter, the balance of any funds available for expenditure by the Stephen P. Teale Data Center and the California Health and

Human Services Agency Data Center, with respect to business telecommunications systems and services functions in carrying out any functions transferred to the Office of Technology Services by this chapter, shall be transferred to the Technology Services Revolving Fund created by Section 11544, and shall be made available for the support and maintenance of the Office of Technology Services.

(5) All references in statutes, regulations, or contracts to the former Stephen P. Teale Data Center Fund or the California Health and Human Services Data Center Revolving Fund shall be construed to refer to the Technology Services Revolving Fund unless the context clearly requires otherwise.

(6) All books, documents, records, and property of the Stephen P. Teale Data Center and the California Health and Human Services Agency Data Center, excluding the Systems Integration Division, shall be transferred to the Office of Technology Services.

(7) (A) All officers and employees of the former Stephen P. Teale Data Center and the California Health and Human Services Agency Data Center, are transferred to the Office of Technology Services.

(B) The status, position, and rights of any officer or employee of the Stephen P. Teale Data Center and the California Health and Human Services Agency Data Center, shall not be affected by the transfer and consolidation of the functions of that officer or employee to the Office of Technology Services.

(b) (1) All duties and functions of the Telecommunications Division of the Department of General Services are transferred to ~~the office of the State Chief Information Officer.~~ *the California Technology Agency.*

(2) Unless the context clearly requires otherwise, whenever the term "Telecommunications Division of the Department of General Services" appears in any statute, regulation, or contract, it shall be deemed to refer to the ~~office of the State Chief Information Officer~~ *California Technology Agency*.

(3) All employees serving in state civil service, other than temporary employees, who are engaged in the performance of ~~functions transferred to the office of the State Chief Information Officer, are transferred to the office of the State Chief Information Officer.~~ *functions transferred to the California Technology Agency, are transferred to the California Technology Agency.* The status,

positions, and rights of those persons shall not be affected by their transfer and shall continue to be retained by them pursuant to the State Civil Service Act (Part 2 (commencing with Section 18500) of Division 5), except as to positions the duties of which are vested in a position exempt from civil service. The personnel records of all transferred employees shall be transferred ~~to the office of the State Chief Information Officer.~~ *to the California Technology Agency.*

(4) The property of any office, agency, or department related ~~to functions transferred to the office of the State Chief Information Officer is transferred to the office of the State Chief Information Officer.~~ *to functions transferred to the California Technology Agency, are transferred to the California Technology Agency.* If any doubt arises as to where that property is transferred, the Department of General Services shall determine where the property is transferred.

(5) All unexpended balances of appropriations and other funds available for use in connection with any function or the administration of any law transferred to the ~~office of the State Chief Information Officer shall be transferred to the office of the State Chief Information Officer for the use and for the purpose for~~ *California Technology Agency shall be transferred to the California Technology Agency for the use and for the purpose for* which the appropriation was originally made or the funds were originally available. If there is any doubt as to where those balances and funds are transferred, the Department of Finance shall determine where the balances and funds are transferred.

SEC. 14. Section 11543 of the Government Code is amended to read:

11543. (a) The ~~State Chief Information Officer~~ *Secretary of California Technology* shall confer as frequently as necessary or desirable, but not less than once every quarter, with the board, on the operation and administration of the Office of Technology Services. The ~~State Chief Information Officer~~ *Secretary of California Technology* shall make available for inspection by the board or any board member, upon request, all books, records, files, and other information and documents of the Office of Technology Services and recommend any matters as he or she deems necessary and advisable to improve the operation and administration of the Office of Technology Services.

(b) The ~~State Chief Information Officer~~ *Secretary of California Technology* shall make and keep books and records to permit preparation of financial statements in conformity with generally accepted accounting principles and any state policy requirements.

SEC. 15. The heading of Article 3 (commencing with Section 11544) of Chapter 5.5 of Part 1 of Division 3 of Title 2 of the Government Code is amended to read:

Article 3. Technology Services Revolving Fund

SEC. 16. Section 11544 of the Government Code, as added by Section 1 of Chapter 533 of the Statutes of 2006, is amended to read:

11544. (a) The Technology Services Revolving Fund, hereafter known as the fund, is hereby created within the State Treasury. The fund shall be administered by the ~~State Chief Information Officer, pursuant to the Office of Technology Services' plan of operations, a plan of service offering as approved by the Technology Services Board, to receive all revenues from the sale of technology or technology services provided for in this chapter and all other moneys properly credited to the board and the Office of Technology Services from any other source, to pay, upon appropriation by the Legislature, all costs arising from this chapter, including, but not limited to, operating and other expenses of the board and the Office of Technology Services and costs associated with approved information technology projects, and to establish reserves. At the discretion of the State Chief Information Officer,~~ *Secretary of California Technology to receive all revenues from the sale of technology or technology services, provided for in this chapter, for other services rendered by the California Technology Agency, and all other moneys properly credited to the California Technology Agency from any other source, to pay, upon appropriation by the Legislature, all costs arising from this chapter and rendering of services to state and other public agencies, including, but not limited to, employment and compensation of necessary personnel and expenses, such as operating and other expenses of the board and the California Technology Agency and costs associated with approved information technology projects, and to establish reserves. At the discretion of the Secretary of*

California Technology, segregated, dedicated accounts within the fund may be established.

(b) The fund shall consist of all of the following:

(1) Moneys appropriated and made available by the Legislature for the ~~purpose~~ *purposes* of this chapter.

(2) Any other moneys that may be made available to the ~~Office of Technology Services for the purpose of this chapter from any~~ *California Technology Agency from any* other source, including the return from investments of moneys by the Treasurer.

~~(c) The Office of Technology Services may collect payments from public agencies for providing services to those agencies that the agencies have contracted with the Office of Technology Services to provide. The Office of Technology Services may require monthly payments by client agencies for the services the agencies have contracted the Office of Technology Services to provide. Pursuant to Section 11255, the Controller shall transfer any amounts so authorized by the Office of Technology Services, consistent with the annual budget of each department, to the fund. The Office of Technology Services shall notify each affected state agency upon requesting the Controller to make the transfer.~~

~~(d) If the balance remaining in the fund at the end of any fiscal year exceeds 25 percent of the Office of Technology Services' current fiscal year budget, the excess amount shall be used to reduce the billing rates for services rendered during the following fiscal year.~~

~~(e) It is the intent of the Legislature that this section supersede Section 11544 of the Government Code, as added by Section 1 of the Governor's Reorganization Plan No. 2, effective July 9, 2005.~~

(c) The California Technology Agency may collect payments from public agencies for providing services to those agencies that the agencies have requested from the California Technology Agency. The California Technology Agency may require monthly payments by client agencies for the services the agencies have requested. Pursuant to Section 11255, the Controller shall transfer any amounts so authorized, consistent with the annual budget of each department, to the fund. The California Technology Agency shall notify each affected state agency upon requesting the Controller to make the transfer.

(d) As of the end of any fiscal year, if the balance remaining in the fund at the end of that fiscal year exceeds 25 percent of the

portion of the California Technology Agency's current fiscal year budget used for support of data center and other client services, the excess amount shall be used to reduce the billing rates for services rendered during the following fiscal year.

SEC. 17. Section 11545 of the Government Code is amended to read:

11545. (a) *(1)* There is in state government the ~~office of the State Chief Information Officer~~ *California Technology Agency*. The ~~State Chief Information Officer~~ *Secretary of California Technology* shall be appointed by, and serve at the pleasure of, the Governor, subject to Senate confirmation. The ~~State Chief Information Officer~~ *Secretary of California Technology* shall *supervise the California Technology Agency and* be a member of the Governor's cabinet.

(2) Unless the context clearly requires otherwise, whenever the term "office of the State Chief Information Officer" appears in any statute, regulation, or contract, it shall be construed to refer to the California Technology Agency, and whenever the term "State Chief Information Officer" appears in any statute, regulation, or contract, it shall be construed to refer to the Secretary of California Technology.

(b) The duties of the ~~State Chief Information Officer~~ *Secretary of California Technology* shall include, but are not limited to, all of the following:

(1) Advising the Governor on the strategic management and direction of the state's information technology resources.

(2) Establishing and enforcing state information technology strategic plans, policies, standards, and enterprise architecture. This shall include the periodic review and maintenance of the information technology sections of the State Administrative Manual, except for sections on information technology procurement procedures, and information technology fiscal policy. The ~~State Chief Information Officer~~ *Secretary of California Technology* shall consult with the Director of General Services, the Director of Finance, and other relevant agencies concerning policies and standards these agencies are responsible to issue as they relate to information technology.

(3) Minimizing overlap, redundancy, and cost in state operations by promoting the efficient and effective use of information technology.

(4) Providing technology direction to agency and department chief information officers to ensure the integration of statewide technology initiatives, compliance with information technology policies and standards, and promote the alignment and effective management of information technology services. Nothing in this paragraph shall be deemed to limit the authority of a constitutional officer, cabinet agency secretary, or department director to establish programmatic priorities and business direction to the respective agency or department chief information officer.

(5) Working to improve organizational maturity and capacity in the effective management of information technology.

(6) Establishing performance management and improvement processes to ensure state information technology systems and services are efficient and effective.

(7) Approving, suspending, terminating, and reinstating information technology projects.

(8) Performing enterprise information technology functions and services, including, but not limited to, implementing Geographic Information Systems (GIS), shared services, applications, and program and project management activities in partnership with the owning agency or department.

(c) The ~~State Chief Information Officer~~ *Secretary of California Technology* shall produce an annual information technology strategic plan that shall guide the acquisition, management, and use of information technology. State agencies shall cooperate with the ~~office~~ *agency* in the development of this plan, as required by the ~~State Chief Information Officer~~ *Secretary of California Technology*.

(1) Upon establishment of the information technology strategic plan, the ~~State Chief Information Officer~~ *Secretary of California Technology* shall take all appropriate and necessary steps to implement the plan, subject to any modifications and adjustments deemed necessary and reasonable.

(2) The information technology strategic plan shall be submitted to the Joint Legislative Budget Committee by January 15~~, 2009, and annually thereafter~~ *of every year*.

(d) The ~~State Chief Information Officer~~ *Secretary of California Technology* shall produce an annual information technology performance report that shall assess and measure the state's progress toward enhancing information technology human capital

management; reducing and avoiding costs associated with the acquisition, development, implementation, management, and operation of information technology assets, infrastructure, and systems; improving energy efficiency in the use of information technology assets; enhancing the security, reliability, and quality of information technology networks, services, and systems; and improving the information technology procurement process. The ~~office~~ *agency* shall establish those policies and procedures required to improve the performance of the state's information technology program.

(1) The ~~office~~ *agency* shall submit an information technology performance management framework to the Joint Legislative Budget Committee by May 15, 2009, accompanied by the most current baseline data for each performance measure or metric contained in the framework. The information technology performance management framework shall include the performance measures and targets that the ~~office~~ *agency* will utilize to assess the performance of the state's information technology program. The ~~office~~ *agency* shall provide notice to the Joint Legislative Budget Committee within 30 days of making changes to the framework. This notice shall include the rationale for changes in specific measures or metrics.

(2) State agencies shall take all necessary steps to achieve the targets set forth by the ~~office~~ *agency* and shall report their progress to the ~~office~~ *agency* on a quarterly basis.

(3) The information technology performance report shall be submitted to the Joint Legislative Budget Committee by January 15~~, 2010, and annually thereafter~~ *of every year*. To enhance transparency, the ~~office~~ *agency* shall post performance targets and progress toward these targets on its public Internet Web site.

(4) The ~~office~~ *agency* shall at least annually report to the Director of Finance cost savings achieved through improvements to the way the state acquires, develops, implements, manages, and operates state technology assets, infrastructure, and systems. This report shall be submitted in a timeframe determined by the Department of Finance and shall identify the actual savings achieved by each office, department, and agency.

SEC. 18. Section 11546 of the Government Code is amended to read:

11546. (a) The ~~office of the State Chief Information Officer~~ *California Technology Agency* shall be responsible for the approval and oversight of information technology projects, which shall include, but are not limited to, all of the following:

(1) Establishing and maintaining a framework of policies, procedures, and requirements for the initiation, approval, implementation, management, oversight, and continuation of information technology projects.

(2) Evaluating information technology projects based on the business case justification, resources requirements, proposed technical solution, project management, oversight and risk mitigation approach, and compliance with statewide strategies, policies, and procedures. Projects shall continue to be funded through the established Budget Act process.

(3) Consulting with agencies during initial project planning to ensure that project proposals are based on well-defined programmatic needs, clearly identify programmatic benefits, and consider feasible alternatives to address the identified needs and benefits consistent with statewide strategies, policies, and procedures.

(4) Consulting with agencies prior to project initiation to review the project governance and management framework to ensure that it is best designed for success and will serve as a resource for agencies throughout the project implementation.

(5) Requiring agencies to provide information on information technology projects including, but not limited to, all of the following:

(A) The degree to which the project is within approved scope, cost, and schedule.

(B) Project issues, risks, and corresponding mitigation efforts.

(C) The current estimated schedule and costs for project completion.

(6) Requiring agencies to perform remedial measures to achieve compliance with approved project objectives. These remedial measures may include, but are not limited to, any of the following:

(A) Independent assessments of project activities, the cost of which shall be funded by the agency administering the project.

(B) Establishing remediation plans.

(C) Securing appropriate expertise, the cost of which shall be funded by the agency administering the project.

(D) Requiring additional project reporting.

(E) Requiring approval to initiate any action identified in the approved project schedule.

(7) Suspending, reinstating, or terminating information technology projects. The ~~office~~ *agency* shall notify the Joint Legislative Budget Committee of any project suspension, reinstatement, and termination within 30 days of that suspension, reinstatement, or termination.

(8) Establishing restrictions or other controls to mitigate nonperformance by agencies, including, but not limited to, any of the following:

(A) The restriction of future project approvals pending demonstration of successful correction of the identified performance failure.

(B) The revocation or reduction of ~~delegated~~ authority *for state agencies to initiate information technology or telecommunications goods or services*.

(b) The ~~office of the State Chief Information Officer~~ *California Technology Agency* shall have the authority to delegate to another agency any authority granted under this section based on its assessment of the agency's project management, project oversight, and project performance.

SEC. 19. Section 11546.1 is added to the Government Code, to read:

11546.1. The California Technology Agency shall improve the governance and implementation of information technology by standardizing reporting relationships, roles, and responsibilities for setting information technology priorities.

(a) (1) Each state agency shall have a chief information officer who is appointed by the head of the state agency, or by the head's designee, subject to the approval of the California Technology Agency.

(2) A chief information officer appointed under this subdivision shall do all of the following:

(A) Oversee the information technology portfolio and information technology services within his or her state agency through the operational oversight of information technology budgets of departments, boards, bureaus, and offices within the state agency.

(B) Develop the enterprise architecture for his or her state agency, subject to the review and approval of the California Technology Agency, to rationalize, standardize, and consolidate information technology applications, assets, infrastructure, data, and procedures for all departments, boards, bureaus, and offices within the state agency.

(C) Ensure that all departments, boards, bureaus, and offices within the state agency are in compliance with the state information technology policy.

(b) (1) Each state entity for which the Governor appoints the head and that is not a state agency, as defined by subdivision (e), shall have a chief information officer who is appointed by the head of the state entity, subject to the approval of the California Technology Agency.

(2) A chief information officer appointed under this subdivision shall do all of the following:

(A) Supervise all information technology and telecommunications activities within his or her state entity, including, but not limited to, information technology, information security, and telecommunications personnel, contractors, systems, assets, projects, purchases, and contracts.

(B) Ensure the entity conforms with state information technology and telecommunications policy and enterprise architecture.

(c) Each state agency shall have an information security officer appointed by the head of the state agency, or the head's designee, subject to the approval by the California Technology Agency. The state agency's information security officer appointed under this subdivision shall report to the state agency's chief information officer.

(d) Each state entity for which the Governor appoints the head and that is not a state agency, as defined by subdivision (e), shall have an information security officer who is appointed by the head of the entity, subject to the approval of the California Technology Agency. An information security officer shall report to the chief information officer of his or her state entity. The California Technology Agency shall develop specific qualification criteria for an information security officer. If a state entity cannot fund a position for an information security officer, the entity's chief information officer shall perform the duties assigned to the information security officer. The chief information officer shall

coordinate with the California Technology Agency for any necessary support.

(e) For purposes of this section, "state agency" means the Business, Transportation and Housing Agency, Department of Corrections and Rehabilitation, Department of Veterans Affairs, State and Consumer Services Agency, Natural Resources Agency, California Health and Human Services Agency, California Environmental Protection Agency, Labor and Workforce Development Agency, and Department of Food and Agriculture.

SEC. 20. Section 11546.2 is added to the Government Code, to read:

11546.2. On or before February 1, 2011, and annually thereafter, each state agency shall submit, as instructed by the California Technology Agency, a summary of its actual and projected information technology and telecommunications costs, including personnel, for the immediately preceding fiscal year and current fiscal year, showing current expenses and projected expenses for the current fiscal year, in a format prescribed by the California Technology Agency in order to capture statewide information technology expenditures.

SEC. 21. Section 11546.3 is added to the Government Code, to read:

11546.3. (a) (1) A chief information officer appointed under Section 11546.1 shall develop a plan to leverage cost-effective strategies to reduce the total amount of energy utilized by information technology and telecommunications equipment by 20 percent below the 2009 baseline by July 1, 2011, and by 30 percent below the 2009 baseline by July 1, 2012.

(2) A chief information officer appointed under Section 11546.1 shall report the progress toward the energy reduction targets in paragraph (1) to the California Technology Agency on a quarterly basis beginning in January 2011. The California Technology Agency shall include the quarterly reports on its Internet Web site.

(b) (1) A state agency or entity subject to Section 11546.1 shall do all of the following:

(A) Comply with the policies of the California Technology Agency to reduce the total amount of office square footage currently utilized for data centers by 50 percent below the 2009 baseline by July 2011.

(B) Host all mission critical and public-facing applications and server refreshes in a Tier III or equivalent data center, as designated by the California Technology Agency.

(C) Close any existing data centers or server rooms that house nonnetwork equipment by June 2013. On or before July 2011, transition plans, in accordance with guidance provided by the California Technology Agency, shall be submitted to the California Technology Agency.

(D) Migrate from its existing network services to the California Government Network by no later than July 2011.

(E) Report to the California Technology Agency on the progress toward the targets listed in this subdivision on a quarterly basis, beginning in January 2011.

(2) The California Technology Agency shall include the quarterly reports required by subparagraph (E) of paragraph (1) on its Internet Web site.

(c) (1) A state agency or entity subject to Section 11546.1 shall do both of the following:

(A) Migrate to the state shared e-mail solution by no later than June 2011.

(B) Report to the California Technology Agency on the progress toward the target listed in subparagraph (A) on a quarterly basis, beginning in April 2011.

(2) The California Technology Agency shall include the quarterly reports required by subparagraph (B) of paragraph (1) on its Internet Web site.

~~SEC. 17.~~

SEC. 22. Section 11546.5 of the Government Code is amended to read:

11546.5. Notwithstanding any other provision of law, all ~~employees of the office of the State Chief Information Officer~~ *employees of the California Technology Agency* shall be designated as excluded from collective bargaining pursuant to subdivision (b) of Section 3527, except for employees of the Office of Technology Services and ~~the~~ employees of the ~~Telecommunications Division of the Department of General Services transferred to the office of the State Chief Information Officer.~~ *Public Safety Communications Division who are not otherwise excluded from collective bargaining.*

~~SEC. 18.~~

SEC. 23. Section 11548.5 of the Government Code is repealed.

~~SEC. 19.~~

SEC. 24. The heading of Chapter 5.7 (commencing with Section 11549) of Part 1 of Division 3 of Title 2 of the Government Code is amended to read:

CHAPTER 5.7. OFFICE OF INFORMATION SECURITY AND OFFICE OF PRIVACY PROTECTION

~~SEC. 20.~~

SEC. 25. The heading of Article 1 (commencing with Section 11549) is added to Chapter 5.7 of Part 1 of Division 3 of Title 2 of the Government Code, to read:

Article 1. Office of Information Security

~~SEC. 21.~~

SEC. 26. Section 11549 of the Government Code is amended to read:

11549. (a) There is in state government, in the ~~office of the State Chief Information Officer~~ *California Technology Agency*, the Office of Information Security. The purpose of the Office of Information Security is to ensure the confidentiality, integrity, and availability of state systems and applications, and to promote and protect privacy as part of the development and operations of state systems and applications to ensure the trust of the residents of this state.

(b) The office shall be under the direction of a director, who shall be appointed by, and serve at the pleasure of, the Governor. The director shall report to the ~~State Chief Information Officer~~ *Secretary of California Technology*, and shall lead the Office of Information Security in carrying out its mission.

(c) The duties of the Office of Information Security, under the direction of the director, shall be to provide direction for information security and privacy to state government agencies, departments, and offices, pursuant to Section 11549.3.

(d) (1) Unless the context clearly requires otherwise, whenever the term "Office of Information Security and Privacy Protection" appears in any statute, regulation, or contract, it shall be deemed

to refer to the Office of Information Security, and whenever the term "executive director of the Office of Information Security and Privacy Protection" appears in statute, regulation, or contract, it shall be deemed to refer to the Director of the Office of Information Security.

(2) All employees serving in state civil service, other than temporary employees, who are engaged in the performance of functions transferred from the Office of Information Security and Privacy Protection to the Office of Information Security, are transferred to the Office of Information Security. The status, positions, and rights of those persons shall not be affected by their transfer and shall continue to be retained by them pursuant to the State Civil Service Act (Part 2 (commencing with Section 18500) of Division 5), except as to positions the duties of which are vested in a position exempt from civil service. The personnel records of all transferred employees shall be transferred to the Office of Information Security.

(3) The property of any office, agency, or department related to functions transferred to the Office of Information Security is transferred to the Office of Information Security. If any doubt arises as to where that property is transferred, the Department of General Services shall determine where the property is transferred.

(4) All unexpended balances of appropriations and other funds available for use in connection with any function or the administration of any law transferred to the Office of Information Security shall be transferred to the Office of Information Security for the use and for the purpose for which the appropriation was originally made or the funds were originally available. If there is any doubt as to where those balances and funds are transferred, the Department of Finance shall determine where the balances and funds are transferred.

~~SEC. 22.~~

SEC. 27. Section 11549.1 of the Government Code is amended to read:

11549.1. As used in this article, the following terms have the following meanings:

(a) "Director" means the Director of the Office of Information Security.

(b) "Office" means the Office of Information Security.

(c) "Program" means an information security program established pursuant to Section 11549.3.

~~SEC. 23.~~

SEC. 28. Section 11549.2 of the Government Code is repealed.

~~SEC. 24.~~

SEC. 29. Section 11549.3 of the Government Code is amended to read:

11549.3. (a) The director shall establish an information security program. The program responsibilities include, but are not limited to, all of the following:

(1) The creation, updating, and publishing of information security and privacy policies, standards, and procedures for state agencies in the State Administrative Manual.

(2) The creation, issuance, and maintenance of policies, standards, and procedures directing state agencies to effectively manage security and risk for all of the following:

(A) Information technology, which includes, but is not limited to, all electronic technology systems and services, automated information handling, system design and analysis, conversion of data, computer programming, information storage and retrieval, telecommunications, requisite system controls, simulation, electronic commerce, and all related interactions between people and machines.

(B) Information that is identified as mission critical, confidential, sensitive, or personal, as defined and published by the office.

(3) The creation, issuance, and maintenance of policies, standards, and procedures directing state agencies for the collection, tracking, and reporting of information regarding security and privacy incidents.

(4) The creation, issuance, and maintenance of policies, standards, and procedures directing state agencies in the development, maintenance, testing, and filing of each agency's disaster recovery plan.

(5) Coordination of the activities of agency information security officers, for purposes of integrating statewide security initiatives and ensuring compliance with information security and privacy policies and standards.

(6) Promotion and enhancement of the state agencies' risk management and privacy programs through education, awareness, collaboration, and consultation.

(7) Representing the state before the federal government, other state agencies, local government entities, and private industry on issues that have statewide impact on information security and privacy.

~~(b) (1) Every state agency, department, and office shall comply~~

(b) An information security officer appointed pursuant to Section 11564.1 shall implement the policies and procedures issued by the Office of Information Security, including, but not limited to, performing all of the following duties:

(1) Comply with the information security and privacy policies, standards, and procedures issued pursuant to this chapter by the Office of Information Security.

~~(2) Every state agency, department, and office shall comply~~

(2) Comply with filing requirements and incident notification by providing timely information and reports as required by policy or directives of the office.

~~(3)~~

(c) The office may conduct, or require to be conducted, independent security assessments of any state agency, department, or office, the cost of which shall be funded by the state agency, department, or office being assessed.

~~(4)~~

(d) The office may require an audit of information security to ensure program compliance, the cost of which shall be funded by the state agency, department, or office being audited.

~~(5)~~

(e) The office shall report to the~~ office of the State Chief Information Officer~~ *California Technology Agency* any state agency found to be noncompliant with information security program requirements.

~~SEC. 25.~~

SEC. 30. The heading of Article 2 (commencing with Section 11549.5) is added to Chapter 5.7 of Part 1 of Division 3 of Title 2 of the Government Code, to read:

Article 2. Office of Privacy Protection

~~SEC. 26.~~

SEC. 31. Section 11549.5 of the Government Code is amended to read:

11549.5. (a) There is hereby created, in the State and Consumer Services Agency, the Office of Privacy Protection. The purpose of the Office of Privacy Protection shall be to protect the privacy of individuals' personal information in a manner consistent with the California Constitution by identifying consumer problems in the privacy area and facilitating the development of fair information practices in adherence with the Information Practices Act of 1977 (Chapter 1 (commencing with Section 1798) of Title 1.8 of Part 4 of Division 3 of the Civil Code) and to promote and protect consumer privacy to ensure the trust of the residents of this state.

(b) The Office of Privacy Protection shall inform the public of potential options for protecting the privacy of, and avoiding the misuse of, personal information.

(c) The Office of Privacy Protection shall make recommendations to organizations for privacy policies and practices that promote and protect the interests of the consumers of this state.

(d) The Office of Privacy Protection may promote voluntary and mutually agreed upon nonbinding arbitration and mediation of privacy-related disputes where appropriate.

(e) The Office of Privacy Protection shall do all of the following:

(1) Receive complaints from individuals concerning a person obtaining, compiling, maintaining, using, disclosing, or disposing of personal information in a manner that may be potentially unlawful or violate a stated privacy policy relating to that individual, and provide advice, information, and referral, where available.

(2) Provide information to consumers on effective ways of handling complaints that involve violations of privacy-related laws, including identity theft and identity fraud. If appropriate local, state, or federal agencies are available to assist consumers with those complaints, the office shall refer those complaints to those agencies.

(3) Develop ~~information~~ *informational* and educational programs and materials to foster public understanding and recognition of the purposes of this article.

~~(4) Investigate and assist in the prosecution of identity theft and other privacy-related crimes, and, as necessary, coordinate with local, state, and federal law enforcement agencies in the investigation of similar crimes.~~

~~(5)~~

(4) Assist and coordinate in the training of local, state, and federal law enforcement agencies regarding identity theft and other privacy-related crimes, as appropriate.

~~(6)~~

(5) The authority of the Office of Privacy Protection to adopt regulations under this article shall be limited exclusively to those regulations necessary and appropriate to implement subdivisions (b), (c), (d), and (e).

~~SEC. 27.~~

SEC. 32. Section 11549.6 of the Government Code is amended and renumbered to read:

11549.10. This chapter shall not apply to the State Compensation Insurance Fund, the Legislature, or the Legislative Data Center in the Legislative Counsel Bureau.

~~SEC. 28.~~

SEC. 33. Section 11549.7 is added to the Government Code, to read:

11549.7. The Office of Privacy Protection shall be under the direction of a director who shall report to the Secretary of State and Consumer Services and lead the Office of Privacy Protection in carrying out its mission.

~~SEC. 29.~~

SEC. 34. Section 11549.8 is added to the Government Code, to read:

11549.8. As used in this article, the following terms have the following meanings:

(a) "Director" means the Director of the Office of Privacy Protection.

(b) "Office" means the Office of Privacy Protection.

~~SEC. 30.~~

SEC. 35. Section 12804 of the Government Code is amended to read:

12804. The Agriculture and Services Agency is hereby renamed the State and Consumer Services Agency.

The State and Consumer Services Agency consists of the following: the Department of General Services; the Department of Consumer Affairs; the Franchise Tax Board; the Public Employees' Retirement System; the State Teachers' Retirement System; the Department of Fair Employment and Housing; the

Fair Employment and Housing Commission; the California Science Center; the California Victim Compensation and Government Claims Board; the California African American Museum; the California Building and Standards Commission; the Alfred E. Alquist Seismic Safety Commission; and the Office of Privacy Protection.

SEC. 36. Chapter 9 (commencing with Section 14930) of Part 5.5 of Division 3 of Title 2 of the Government Code is repealed.

~~SEC. 31.~~

SEC. 37. Section 14995 of the Government Code is amended to read:

14995. (a) The Electronic Funds Transfer Task Force is hereby established in state government.

(b) The Electronic Funds Transfer Task Force shall consist of one representative from each of the following agencies, boards, departments, and offices, appointed by the corresponding agency, board, department, or office head, as follows:

(1) State Board of Equalization.

(2) Franchise Tax Board.

(3) Employment Development Department.

(4) Treasurer.

(5) Controller.

(6) Department of Finance.

(7) Department of General Services.

(8) Office of Technology Services.

(c) The Electronic Funds Transfer Task Force shall study and report to the Legislature, on or before April 1, 2008, a plan for the development and implementation of a payment disbursal system utilizing electronic funds transfer technology. The plan shall include, but not be limited to, all of the following:

(1) An examination of all payments disbursed by the state and the methods currently used to transfer these funds.

(2) A recommendation on which payments should be included in a new electronic payment disbursal system.

(3) An examination of the cost of developing and utilizing a comprehensive electronic payment disbursal system, including, but not limited to, all of the following:

(A) Costs and savings related to float time.

(B) Costs and savings related to transaction process time.

(C) Costs and savings related to paperless transactions.

(D) Costs and savings related to system development and implementation of a new electronic payment disbursal system.

(E) Costs and savings related to administration of a new electronic payment disbursal system.

(4) A recommendation on how a comprehensive electronic payment disbursal system should be developed, including, but not limited to, recommendations on whether the state should contract for private administration of an electronic payment disbursal system, develop a system within state government, or use any other means available.

(5) An examination of the costs and benefits of using a user-friendly, single online portal interface for the disbursal of funds through an electronic payment disbursal system.

(6) A recommendation on which state agencies, boards, and departments should be required to use the electronic payment disbursal system for payment of funds, and what, if any, exceptions should be provided for these agencies, boards, and departments.

(7) An examination of and recommendation on incorporating the disbursal of funds for localities into the electronic payment system.

(8) An examination of and recommendation on the system's flexibility for future expansion of services.

(9) An examination of and recommendation on incorporating electronic payment cards, or similar products, into the electronic payment disbursal system. This shall include, but not be limited to, the costs and savings of using electronic payment cards for social services and unbanked customers.

(10) An examination of and recommendation on incorporating electronic check conversion into the electronic disbursal system.

(11) A recommendation on the timely development of the electronic payment disbursal system.

~~SEC. 32.~~

SEC. 38. Section 15251 of the Government Code is amended to read:

~~15251. As used in this part, "office" means office of the State Chief Information Officer.~~

15251. Unless the context requires otherwise, as used in this part, the following terms shall have the following meanings:

(a) "Agency" means the California Technology Agency.

(b) "Division" means the Public Safety Communications Division established by this part.

~~SEC. 33.~~

SEC. 39. Section 15253 of the Government Code is amended to read:

15253. This part shall apply only to those communications facilities which are owned and operated by public agencies in connection with official business of law enforcement services, fire services, natural resources services, agricultural services, and highway maintenance and control of the state or of cities, counties, and other political subdivisions in this state. This part shall not be construed as conferring upon the ~~office~~ *agency* control of programs or broadcasts intended for the general public.

~~SEC. 34.~~

SEC. 40. Section 15254 of the Government Code is amended to read:

15254. Radio and other communications facilities owned or operated by the state and subject to the jurisdiction of the ~~office~~ *agency* shall not be used for political, sectarian, or propaganda purposes. The facilities shall not be used for the purpose of broadcasts intended for the general public, except for fire, flood, frost, storm, catastrophe, and other warnings and information for the protection of the public safety as the ~~office~~ *agency* may prescribe.

~~SEC. 35.~~

SEC. 41. Section 15275 of the Government Code is amended to read:

15275. The ~~office~~ *agency* may do all of the following:

(a) Provide adequate representation of local and state governmental bodies and agencies before the Federal Communications Commission in matters affecting the state and its cities, counties, and other public agencies regarding public safety communications issues.

(b) Provide, upon request, adequate advice to state and local agencies in the state concerning existing or proposed public safety communications facilities between any and all of the following: cities, counties, other political subdivisions of the state, state departments, agencies, boards, and commissions, and departments, agencies, boards, and commissions of other states and federal agencies.

(c) Recommend to the appropriate state and local agencies rules, regulations, procedures, and methods of operation that it deems necessary to effectuate the most efficient and economical use of publicly owned and operated public safety communications facilities within this state.

(d) Provide, upon request, information and data concerning the public safety communications facilities that are owned and operated by public agencies in connection with official business of public safety services.

(e) Carry out the policy of this part.

~~SEC. 36.~~

SEC. 42. Section 15277 of the Government Code is amended to read:

~~15277. The duties of the office shall include, but not be limited~~

15277. The Public Safety Communications Division is established within the agency. The duties of the division shall include, but not be limited to, all of the following:

(a) Assessing the overall long-range public safety communications needs and requirements of the state considering emergency operations, performance, cost, state-of-the-art technology, multiuser availability, security, reliability, and other factors deemed to be important to state needs and requirements.

(b) Developing strategic and tactical policies and plans for public safety communications with consideration for the systems and requirements of the state and all public agencies in this state, and preparing an annual strategic communications plan that includes the feasibility of interfaces with federal and other state telecommunications networks and services.

(c) Recommending industry standards for public safety communications systems to ensure multiuser availability and compatibility.

(d) Providing advice and assistance in the selection of communications equipment to ensure that the public safety communications needs of state agencies are met and that procurements are compatible throughout state agencies and are consistent with the state's strategic and tactical plans for public safety communications.

(e) Providing management oversight of statewide public safety communications systems developments.

(f) Providing for coordination of, and comment on, plans, policies, and operational requirements from departments that utilize public safety communications in support of their principal function, such as the California Emergency Management Agency, National Guard, health and safety agencies, and others with primary public safety communications programs.

(g) Monitoring and participating on behalf of the state in the proceedings of federal and state regulatory agencies and in congressional and state legislative deliberations that have an impact on state government public safety communications activities.

(h) Developing plans regarding teleconferencing as an alternative to state travel during emergency situations.

(i) Ensuring that all radio transmitting devices owned or operated by state agencies and departments are licensed, installed, and maintained in accordance with the requirements of federal law. A request for a federally required license for a state-owned radio transmitting device shall be sought only in the name of the "State of California."

(j) Acquiring, installing, equipping, maintaining, and operating new or existing public safety communications systems and facilities for public safety agencies. To accomplish that purpose, the division is authorized to enter into contracts, obtain licenses, acquire property, install necessary equipment and facilities, and do other necessary acts to provide adequate and efficient public safety communications systems. Any systems established shall be available to all public agencies in the state on terms that may be agreed upon by the public agency and the division.

(k) Acquiring, installing, equipping, maintaining, and operating all new or replacement microwave communications systems operated by the state, except microwave equipment used exclusively for traffic signal and signing control, traffic metering, and roadway surveillance systems. To accomplish that purpose, the division is authorized to enter into contracts, obtain licenses, acquire property, install necessary equipment and facilities, and do other necessary acts to provide adequate and efficient microwave communications systems. Any system established shall be available to all public safety agencies in the state on terms that may be agreed upon by the public agency and the division.

(l) This chapter shall not apply to Department of Justice communications operated pursuant to Chapter 2.5 (commencing with Section 15150) of Part 6.

~~SEC. 37.~~

SEC. 43. Section 53108.5 of the Government Code is amended to read:

~~53108.5. "Office," as used in this article, means the office of the State Chief Information Officer.~~

53108.5. "Division," as used in this article, means the Public Safety Communications Division within the California Technology Agency.

~~SEC. 38.~~

SEC. 44. Section 53113 of the Government Code is amended to read:

53113. The Legislature finds that, because of overlapping jurisdiction of public agencies, public safety agencies, and telephone service areas, a general overview or plan should be developed prior to the establishment of any system. In order to ensure that proper preparation and implementation of those systems is accomplished by all public agencies by December 31, 1985, the ~~office~~ *division*, with the advice and assistance of the Attorney General, shall secure compliance by public agencies as provided in this article.

~~SEC. 39.~~

SEC. 45. Section 53114 of the Government Code is amended to read:

53114. The ~~office~~ *division*, with the advice and assistance of the Attorney General, shall coordinate the implementation of systems established pursuant to the provisions of this article. The ~~office~~ *division*, with the advice and assistance of the Attorney General, shall assist local public agencies and local public safety agencies in obtaining financial help to establish emergency telephone service, and shall aid agencies in the formulation of concepts, methods, and procedures that will improve the operation of systems required by this article and that will increase cooperation between public safety agencies.

~~SEC. 40.~~

SEC. 46. Section 53114.1 of the Government Code is amended to read:

53114.1. To accomplish the responsibilities specified in this article, the ~~office~~ *division* is directed to consult at regular intervals with the State Fire Marshal, the State Department of Public Health, the Office of Traffic Safety, the California Emergency Management Agency, the California Council on Criminal Justice, a local representative from a city, a local representative from a county, the public utilities in this state providing telephone service, the ~~Associated Public Safety Communications Officers~~ *Association of Public-Safety Communications Officials*, the Emergency Medical Services Authority, the Department of the California Highway Patrol, and the Department of Forestry and Fire Protection. These agencies shall provide all necessary assistance and consultation to the ~~office~~ *division* to enable it to perform its duties specified in this article.

~~SEC. 41.~~

SEC. 47. Section 53114.2 of the Government Code is amended to read:

~~53114.2. Technical and operational standards for the development of the public agency systems shall be established and reviewed by the office on or before December 31, 1973, after consultation with all agencies specified in Section 53114.1. On or~~ *53114.2. On or* before December 31, 1976, and each even-numbered year thereafter, after consultation with all agencies specified in Section 53114.1, the ~~office~~ *division* shall review and update technical and operational standards for public agency systems.

~~SEC. 42.~~

SEC. 48. Section 53115 of the Government Code is amended to read:

~~53115. (a) On or before January 31, 1975, all public agencies shall submit tentative plans for the establishment of a system required by this article to the public utility or utilities providing public telephone service within the respective jurisdiction of each public agency. A copy of each such plan shall be filed with the office.~~

~~(b) On or before October 1, 1978, all public agencies shall submit final plans to the office for approval. The final plan shall identify all planning, implementation, installation, and operating costs the local agency feels necessary to implement the system required by this article. On or before July 1, 1981, all public~~

~~agencies shall place a firm order as approved by the office to the utility or utilities providing telephone service to the public agency, and shall make arrangements with such utilities for the implementation of the planned emergency telephone system no later than December 31, 1985. If the Legislature fails to take action as specified in Section 41030 of the Revenue and Taxation Code prior to January 1, 1981, then the dates specified for ordering and implementation of a system shall be respectively postponed by the number of years elapsing between 1981 and the year in which the Legislature acts.~~

~~(c) If any public agency has implemented or is a part of a system required by this article on a deadline specified in subdivision (a) or (b), such public agency shall submit in lieu of the tentative or final plan a report describing the system and stating its operational date.~~

~~(d) Plans filed pursuant to subdivisions (a) and (b) shall conform to minimum standards established pursuant to Section 53114.2.~~

~~(e) The office~~

53115. *The division* shall monitor all emergency telephone systems to ensure they comply with minimal operational and technical standards as established by the division. If any system does not comply the ~~office~~ *division* shall notify in writing the public agency or agencies operating the system of its deficiencies. The public agency shall bring the system into compliance with the operational and technical standards within 60 days of notice by the division. Failure to comply within such time shall subject the public agency to action by the Attorney General pursuant to Section 53116.

~~SEC. 43.~~

SEC. 49. Section 53115.1 of the Government Code is amended to read:

53115.1. (a) There is in state government the State 911 Advisory Board.

(b) The advisory board shall be comprised of the following members appointed by the Governor who shall serve at the pleasure of the Governor.

(1) The Chief of the California 911 Emergency Communications Office shall serve as the nonvoting chair of the board.

(2) One representative from the Department of the California Highway Patrol.

(3) Two representatives on the recommendation of the California Police Chiefs Association.

(4) Two representatives on the recommendation of the California State Sheriffs' Association.

(5) Two representatives on the recommendation of the California Fire Chiefs Association.

(6) Two representatives on the recommendation of the CalNENA Executive Board.

(7) One representative on the joint recommendation of the executive boards of the state chapters of the Association of Public-Safety Communications Officials-International, Inc.

(c) Recommending authorities shall give great weight and consideration to the knowledge, training, and expertise of the appointee with respect to their experience within the California 911 system. Board members should have at least two years of experience as a Public Safety Answering Point (PSAP) manager or county coordinator, except where a specific person is designated as a member.

(d) Members of the advisory board shall serve at the pleasure of the Governor, but may not serve more than two consecutive two-year terms, except as follows:

(1) The presiding Chief of the California 911 Emergency Communications Office shall serve for the duration of his or her tenure.

(2) Four of the members shall serve an initial term of three years.

(e) Advisory board members shall not receive compensation for their service on the board, but may be reimbursed for travel and per diem for time spent in attending meetings of the board.

(f) The advisory board shall meet quarterly in public sessions in accordance with the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 2 of Part 1 of Division 3 of Title 2). The ~~office~~ *division* shall provide administrative support to the State 911 Advisory Board. The State 911 Advisory Board, at its first meeting, shall adopt bylaws and operating procedures consistent with this article and establish committees as necessary.

(g) Notwithstanding any other provision of law, any member of the advisory board may designate a person to act as that member in his or her place and stead for all purposes, as though the member were personally present.

~~SEC. 44.~~

SEC. 50. Section 53115.2 of the Government Code is amended to read:

53115.2. (a) The State 911 Advisory Board shall advise the ~~office~~ *division* on all of the following subjects:

(1) Policies, practices, and procedures for the California 911 Emergency Communications Office.

(2) Technical and operational standards for the California 911 system consistent with the National Emergency Number Association (NENA) standards.

(3) Training standards for county coordinators and Public Safety Answering Point (PSAP) managers.

(4) Budget, funding, and reimbursement decisions related to the State Emergency Number Account.

(5) Proposed projects and studies conducted or funded by the State Emergency Number Account.

(6) Expediting the rollout of Enhanced 911 Phase II technology.

(b) Upon request of a local public agency, the board shall conduct a hearing on any conflict between a local public agency and the ~~office~~ *division* regarding a final plan that has not been approved by the ~~office~~ *division* pursuant to Section 53114. The board shall meet within 30 days following the request, and shall make a recommendation to resolve the conflict to the ~~office~~ *division* within 90 days following the initial hearing by the board pursuant to the request.

~~SEC. 45.~~

SEC. 51. Section 53115.3 of the Government Code is amended to read:

53115.3. When proposed implementation of the 911 system by a single public agency within its jurisdiction may adversely affect the implementation of the system by a neighboring public agency or agencies, such neighboring public agency may request that the ~~office~~ *division* evaluate the impact of implementation by the proposing public agency and evaluate and weigh that impact in its decision to approve or disapprove the proposing public agency's final plan pursuant to Section 53115. In order to effectuate this process, each city shall file a notice of filing of its final plan with each adjacent city and with the county in which the proposing public agency is located at the same time such final plan is filed with the ~~office~~ *division* and each county shall file a notice of filing

of its final plan with each city within the county and each adjacent county at the time the final plan is filed with the ~~office~~ *division*. Any public agency wishing to request review pursuant to this section shall file its request with the ~~office~~ *division* within 30 days of filing of the final plan for which review is sought.

~~SEC. 46.~~

SEC. 52. Section 53116 of the Government Code is amended to read:

53116. The Attorney General may, on behalf of the ~~office~~ *division* or on his or her own initiative, commence judicial proceedings to enforce compliance by any public agency or public utility providing telephone service with the provisions of this article.

~~SEC. 47.~~

SEC. 53. Section 53119 of the Government Code is amended to read:

53119. Any telephone corporation serving rural telephone areas ~~which~~ *that* cannot currently provide enhanced "911" emergency telephone service capable of selective routing, automatic number identification, or automatic location identification shall present to the ~~office~~ *division* a comprehensive plan detailing a schedule by which those facilities will be converted to be compatible with the enhanced emergency telephone system.

~~SEC. 48.~~

SEC. 54. Section 53120 of the Government Code is amended to read:

53120. The ~~office~~ *division* shall not delay implementation of the enhanced "911" emergency telephone system in those portions of cities or counties, or both, served by a local telephone corporation that has equipment compatible with the enhanced "911" emergency telephone system.

~~SEC. 49.~~

SEC. 55. Section 53126.5 of the Government Code is amended to read:

53126.5. For purposes of this article, the following definitions apply:

(a) "Local public agency" means a city, county, city and county, and joint powers authority that provides a public safety answering point (PSAP).

(b) "Nonemergency telephone system" means a system structured to provide access to only public safety agencies such as police and fire, or a system structured to provide access to public safety agencies and to all other services provided by a local public agency such as street maintenance and animal control.

(c) "Public Safety Communications Division" means the Public Safety Communications Division within the California Technology Agency.

~~SEC. 50.~~

SEC. 56. Section 53127 of the Government Code is amended to read:

~~53127. The office of the State Chief Information Officer may~~

53127. The Public Safety Communications Division is authorized to aid local public agencies in the formulation of concepts, methods, and procedures that will improve the operation of systems authorized by this article and increase cooperation among public agencies.

~~SEC. 51.~~

SEC. 57. Section 12100.7 of the Public Contract Code is amended to read:

12100.7. As used in this chapter:

(a) "Department" means the Department of General Services.

(b) "Director" means the Director of General Services.

(c) "Information technology" shall have the same definition as set forth in Section 11702 of the Government Code.

(d) "Multiple award schedule" (MAS) is an agreement established between the General Services Administration of the United States and certain suppliers to do business under specific prices, terms, and conditions for specified goods, information technology, and services.

(e) "Multiple award" means a contract of indefinite quantity for one or more similar goods, information technology, or services to more than one supplier.

(f) "Office" means the office in the department, by whatever name it may be called, which is responsible for contracting for goods and information technology, and is headed by the state procurement officer.

(g) "Procedures" means the specific methods or courses of action to implement policies for information technology procurement.

(h) For purposes of this chapter, "policies" may be defined as setting general principles and standards for the acquisition of information technology.

(i) For purposes of this chapter, "value-effective acquisition" may be defined to include, but not be limited to, the following:

(1) The operational cost that the state would incur if the bid or proposal is accepted.

(2) Quality of the product or service, or its technical competency.

(3) Reliability of delivery and implementation schedules.

(4) The maximum facilitation of data exchange and systems integration.

(5) Warranties, guarantees, and return policy.

(6) Supplier financial stability.

(7) Consistency of the proposed solution with the state's planning documents and announced strategic program direction.

(8) Quality and effectiveness of business solution and approach.

(9) Industry and program experience.

(10) Prior record of supplier performance.

(11) Supplier expertise with engagements of similar scope and complexity.

(12) Extent and quality of the proposed participation and acceptance by all user groups.

(13) Proven development methodologies and tools.

(14) Innovative use of current technologies and quality results.

~~SEC. 52.~~

SEC. 58. Section 12101 of the Public Contract Code is amended to read:

12101. It is the intent of the Legislature that policies developed ~~by the office of the State Chief Information Officer and procedures~~ *by the California Technology Agency and procedures* developed by the Department of General Services in accordance with Section 12102 provide for the following:

(a) The expeditious and value-effective acquisition of information technology goods and services to satisfy state requirements.

(b) The acquisition of information technology goods and services within a competitive framework.

(c) The delegation of authority by the Department of General Services to each state agency that has demonstrated to the

department's satisfaction the ability to conduct value-effective information technology goods and services acquisitions.

(d) The exclusion from state bid processes, at the state's option, of any supplier having failed to meet prior contractual requirements related to information technology goods and services.

(e) The review and resolution of protests submitted by any bidders with respect to any information technology goods and services acquisitions.

~~SEC. 53.~~

SEC. 59. Section 12103 of the Public Contract Code is amended to read:

12103. In addition to the mandatory requirements enumerated in Section 12102, the acquisition policies developed and maintained ~~by the office of the State Chief Information Officer and procedures~~ *by the California Technology Agency and procedures* developed and maintained by the Department of General Services in accordance with this chapter may provide for the following:

(a) Price negotiation with respect to contracts entered into in accordance with this chapter.

(b) System or equipment component performance, or availability standards, including an assessment of the added cost to the state to receive contractual guarantee of a level of performance.

(c) Requirement of a bond or assessment of a cost penalty with respect to a contract or consideration of a contract offered by a supplier whose performance has been determined unsatisfactory in accordance with established procedures maintained in the State Administrative Manual as required by Section 12102.

~~SEC. 54.~~

SEC. 60. Section 12104 of the Public Contract Code is amended to read:

12104. (a) (1) Commencing on or before January 1, 2007, the State Contracting Manual shall set forth all ~~policies, procedures,~~ *procedures* and methods that shall be used by the department when seeking to obtain bids for the acquisition of information technology~~, including any policies contained in the State Administrative Manual.~~.

(2) Revisions to the manual must be publicly announced, including, but not limited to, postings on the department's Internet homepage.

~~(b) On or before January 1, 2007, the department shall designate~~

(b) The California Technology Agency shall designate a single entity within the ~~department~~ *agency* that shall be solely responsible for the development, implementation, and maintenance of standardized methods for the development of information technology requests for proposals.

~~(c) Commencing on or before January 1, 2007, all information technology requests for proposals shall be reviewed by the Office of Legal Services prior to release to the public.~~

~~(d) (1) On or before January 1, 2007, the department, in consultation with a representative from the Office of Technology Services, the Department of Finance, the Senate, and the Assembly, along with representatives from the information technology industry, shall issue a management memorandum setting forth uniform standards for information technology procurement. The management memorandum shall prioritize how the technology will advance the public policy purpose of the state program that the information technology will serve over the department's or client's preference for a particular information product design. Prior to issuing the management memorandum, the department shall hold at least two public hearings on the standards that are proposed to be included in the management memorandum.~~

~~(2) The management memorandum issued pursuant to paragraph (1) shall not apply to procurements necessary to meet the requirements of the Department of Justice Hawkins Data Center.~~

(c) All information technology requests for proposals shall be reviewed by the California Technology Agency and the Department of General Services prior to release to the public.

~~SEC. 55.~~

SEC. 61. Section 12105 of the Public Contract Code is amended to read:

12105. The Department of General Services and the ~~office of the State Chief Information Officer~~ *California Technology Agency* shall coordinate in the development of policies and procedures that implement the intent ~~of this chapter. The office of the State Chief Information Officer~~ *of this chapter. The California Technology Agency* shall have the final authority in the determination of any general policy and the Department of General Services shall have the final authority in the determination of any procedures.

~~SEC. 56.~~

SEC. 62. Section 12120 of the Public Contract Code is amended to read:

12120. The Legislature finds and declares that, with the advent of deregulation in the telecommunications industry, substantial cost savings can be realized by the state through the specialized evaluation and acquisition of alternative telecommunications systems. All contracts for the acquisition of telecommunications services and all contracts for the acquisition of telecommunications goods, whether by lease or purchase, shall be made by, or under the supervision of, the ~~Department of General Services~~ *California Technology Agency*. All acquisitions shall be accomplished in accordance with Chapter 3 (commencing with Section 12100), relating to the acquisition of information technology goods and services, except to the extent any directive or provision is uniquely applicable to information technology acquisitions. The ~~office~~ *agency* shall have responsibility for the establishment of policy and procedures for telecommunications. The ~~office~~ *agency* shall have responsibility for the establishment of tactical policy and procedures for ~~data-processing~~ *information technology and telecommunications* acquisitions consistent with statewide strategic policy. The Trustees of the California State University and the Board of Governors of the California Community Colleges shall assume the functions of the ~~office~~ *agency* with regard to acquisition of telecommunications goods and services by the California State University and the California Community Colleges, respectively. The trustees and the board shall each grant to the ~~office~~ *agency* an opportunity to bid whenever the university or the college system solicits bids for telecommunications goods and services.

~~SEC. 57.~~

SEC. 63. Section 12121 of the Public Contract Code is amended to read:

12121. As used in this chapter:

~~(a) "Office" means the office of the State Chief Information Officer.~~

(a) "Agency" means the California Technology Agency.

(b) "Tactical policy" means the policies of an organization necessary to direct operational staff in carrying out their day-to-day activities.

(c) "Strategic policy" means policy which defines the goals and objectives for an organization.

SEC. 64. Section 2872.5 of the Public Utilities Code is amended to read:

2872.5. (a) The commission, in consultation with the ~~Office of Emergency Services~~ *California Emergency Management Agency* and the ~~Department of General Services~~ *California Technology Agency*, shall open an investigative proceeding to determine whether standardized notification systems and protocol should be utilized by entities that are authorized to use automatic dialing-announcing devices pursuant to subdivision (e) of Section 2872, to facilitate notification of affected members of the public of local emergencies. The commission shall not establish standards for notification systems or standard notification protocol unless it determines that the benefits of the standards exceed the costs.

(b) Before January 1, 2008, the commission shall prepare and submit to the Legislature a report on the results of the proceeding, including recommendations for funding notification systems and any statutory modifications needed to facilitate notification of affected members of the public of local emergencies.

SEC. 65. Section 2892 of the Public Utilities Code is amended to read:

2892. (a) A provider of commercial mobile radio service, as defined in Section 216.8, shall provide access for end users of that service to the local emergency telephone systems described in the Warren-911-Emergency Assistance Act (Article 6 (commencing with Section 53100) of Chapter 1 of Part 1 of Division 2 of Title 5 of the Government Code). "911" shall be the primary access number for those emergency systems. A provider of commercial mobile radio service, in accordance with all applicable Federal Communication Commission orders, shall transmit all "911" calls from technologically compatible commercial mobile radio service communication devices without requiring user validation or any similar procedure. A provider of commercial mobile radio service may not charge any airtime, access, or similar usage charge for any "911" call placed from a commercial mobile radio service telecommunications device to a local emergency telephone system.

(b) A "911" call from a commercial mobile radio service telecommunications device may be routed to a public safety answering point other than the Department of the California

Highway Patrol only if the alternate routing meets all of the following requirements:

(1) The "911" call originates from a location other than from a freeway, as defined in Section 23.5 of the Streets and Highways Code, under the jurisdiction of the Department of the California Highway Patrol.

(2) The alternate routing is economically and technologically feasible.

(3) The alternate routing will benefit public safety and reduce burdens on dispatchers for the Department of the California Highway Patrol.

(4) The Department of the California Highway Patrol, the ~~Department of General Services~~ *California Technology Agency*, and the proposed alternate public safety answering point, in consultation with the wireless industry, providers of "911" selective routing service, and local law enforcement officials, determine that it is in the best interest of the public and will provide more effective emergency service to the public to route "911" calls that do not originate from a freeway, as defined in Section 23.5 of the Streets and Highways Code, under the jurisdiction of the Department of the California Highway Patrol to another public safety answering point.

SEC. 66. Section 2892.1 of the Public Utilities Code is amended to read:

2892.1. (a) For purposes of this section, "telecommunications service" means voice communication provided by a telephone corporation as defined in Section 234, voice communication provided by a provider of satellite telephone services, voice communication provided by a provider of mobile telephony service, as defined in Section 2890.2, and voice communication provided by a commercially available facilities-based provider of voice communication services utilizing voice over Internet Protocol or any successor protocol.

(b) The commission, in consultation with the ~~Office of Emergency Services~~ *California Emergency Management Agency* and the ~~Department of General Services~~ *California Technology Agency*, shall open an investigative or other appropriate proceeding to identify the need for telecommunications service systems not on the customer's premises to have backup electricity to enable telecommunications networks to function and to enable the

customer to contact a public safety answering point operator during an electrical outage, to determine performance criteria for backup systems, and to determine whether the best practices recommended by the Network Reliability and Interoperability Council in December 2005, for backup systems have been implemented by telecommunications service providers operating in California. If the commission determines it is in the public interest, the commission shall, consistent with subdivisions (c) and (d), develop and implement performance reliability standards.

(c) The commission, in developing any standards pursuant to the proceeding required by subdivision (b), shall consider current best practices and technical feasibility for establishing battery backup requirements.

(d) The commission shall not implement standards pursuant to the proceeding required by subdivision (b) unless it determines that the benefits of the standards exceed the costs.

(e) The commission shall determine the feasibility of the use of zero greenhouse gas emission fuel cell systems to replace diesel backup power systems.

(f) Before January 1, 2008, the commission shall prepare and submit to the Legislature a report on the results of the proceeding.

~~SEC. 58.~~

SEC. 67. Section 41030 of the Revenue and Taxation Code is amended to read:

~~41030. The office of the State Chief Information Officer shall~~

41030. The California Technology Agency shall determine annually, on or before October 1, a surcharge rate that it estimates will produce sufficient revenue to fund the current fiscal year's 911 costs. The surcharge rate shall be determined by dividing the costs (including incremental costs) the ~~office of the State Chief Information Officer~~ *California Technology Agency* estimates for the current fiscal year of 911 plans approved pursuant to Section 53115 of the Government Code, less the available balance in the State Emergency Telephone Number Account in the General Fund, by its estimate of the charges for intrastate telephone communications services and VoIP service to which the surcharge will apply for the period of January 1 to December 31, inclusive, of the next succeeding calendar year, but in no event shall such surcharge rate in any year be greater than three-quarters of 1 percent nor less than one-half of 1 percent.

~~SEC. 59.~~

SEC. 68. Section 41031 of the Revenue and Taxation Code is amended to read:

~~41031. The office of the State Chief Information Officer shall~~ *41031. The California Technology Agency shall* make its determination of the surcharge rate each year no later than October 1 and shall notify the board of the new rate, which shall be fixed by the board to be effective with respect to charges made for intrastate telephone communication services and VoIP service on or after January 1 of the next succeeding calendar year.

~~SEC. 60.~~

SEC. 69. Section 41032 of the Revenue and Taxation Code is amended to read:

41032. Immediately upon notification by the ~~office of the State Chief Information Officer~~ *California Technology Agency* and fixing the surcharge rate, the board shall each year no later than November 15 publish in its minutes the new rate, and it shall notify by mail every service supplier registered with it of the new rate.

~~SEC. 61.~~

SEC. 70. Section 41136.1 of the Revenue and Taxation Code is amended to read:

41136.1. For each fiscal year, moneys in the State Emergency Telephone Number Account not appropriated for a purpose specified in Section 41136 shall be held in trust for future appropriation for upcoming, planned "911" emergency telephone number projects that have been approved by the ~~office of the State Chief Information Officer~~ *California Technology Agency*, even if the projects have not yet commenced.

~~SEC. 62.~~

SEC. 71. Section 41137 of the Revenue and Taxation Code is amended to read:

41137. The ~~office of the State Chief Information Officer~~ *California Technology Agency* shall pay, from funds appropriated from the State Emergency Telephone Number Account by the Legislature, as provided in Section 41138, bills submitted by service suppliers or communications equipment companies for the installation and ongoing costs of the following communication services provided local agencies by service suppliers in connection with the "911" emergency telephone number system:

(a) A basic system.

(b) A basic system with telephone central office identification.

(c) A system employing automatic call routing.

(d) Approved incremental costs that have been concurred in by ~~the office of the State Chief Information Officer.~~ *the California Technology Agency.*

~~SEC. 63.~~

SEC. 72. Section 41137.1 of the Revenue and Taxation Code is amended to read:

~~41137.1. The office of the State Chief Information Officer shall~~

41137.1. The California Technology Agency shall pay, from funds appropriated from the State Emergency Telephone Number Account by the Legislature, as provided in Section 41138, claims submitted by local agencies for approved incremental costs and for the cost of preparation of final plans submitted to the ~~office of the State Chief Information Officer~~ *California Technology Agency* for approval on or before October 1, 1978, as provided in Section 53115 of the Government Code.

~~SEC. 64.~~

SEC. 73. Section 41138 of the Revenue and Taxation Code is amended to read:

41138. (a) It is the intent of the Legislature that the reimbursement rates for "911" emergency telephone number equipment shall not exceed specified amounts negotiated with each interested supplier and approved by the ~~office of the State Chief Information Officer. The office of the State Chief Information Officer~~ *California Technology Agency. The California Technology Agency* shall negotiate supplier pricing to ensure cost effectiveness and the best value for the "911" emergency telephone number system. The ~~office of the State Chief Information Officer~~ *California Technology Agency* shall pay those bills as provided in Section 41137 only under the following conditions:

(1) The ~~office of the State Chief Information Officer~~ *California Technology Agency* shall have received the local agency's "911" emergency telephone number system plan by July 1 of the prior fiscal year and approved the plan by October 1 of the prior fiscal year.

(2) The Legislature has appropriated in the Budget Bill an amount sufficient to pay those bills.

(3) The ~~office of the State Chief Information Officer~~ *California Technology Agency* has reviewed and approved each line item of

a request for funding to ensure the necessity of the proposed equipment or services and the eligibility for reimbursement.

(4) The amounts to be paid do not exceed the pricing submitted by the supplier and approved by the ~~office of the State Chief Information Officer~~ *California Technology Agency*. Extraordinary circumstances may warrant spending in excess of the established rate, but shall be preapproved by the ~~office of the State Chief Information Officer~~ *California Technology Agency*. In determining the reimbursement rate, the ~~office of the State Chief Information Officer~~ *California Technology Agency* shall utilize the approved pricing submitted by the supplier providing the equipment or service.

(b) Nothing in this section shall be construed to limit an agency's ability to select a supplier or procure telecommunications equipment as long as the supplier's pricing is preapproved by the ~~office of the State Chief Information Officer~~ *California Technology Agency*. Agencies shall be encouraged to procure equipment on a competitive basis. Any amount in excess of the pricing approved by the ~~office of the State Chief Information Officer~~ *California Technology Agency* shall not be reimbursed.

~~SEC. 65.~~

SEC. 74. Section 41139 of the Revenue and Taxation Code is amended to read:

41139. From funds appropriated by the Legislature from the Emergency Telephone Number Account, the ~~office of the State Chief Information Officer~~ *California Technology Agency* shall begin paying bills as provided in Sections 41137, 41137.1, and 41138 in the 1977–78 fiscal year for plans submitted by local agencies by July 1, 1976, to the ~~office of the State Chief Information Officer which the office of the State Chief Information Officer has approved.~~ *California Technology Agency which the California Technology Agency has approved.*

~~SEC. 66.~~

SEC. 75. Section 41140 of the Revenue and Taxation Code is amended to read:

41140. The ~~office of the State Chief Information Officer~~ *California Technology Agency* shall reimburse local agencies, from funds appropriated from the Emergency Telephone Number Account by the Legislature, for amounts not previously compensated for by another governmental agency, which have

been paid by agencies for approved incremental costs or to service suppliers or communication equipment companies for the following communications services supplied in connection with the "911" emergency phone number, provided local agency plans had been approved by the ~~office of the State Chief Information Officer~~ *California Technology Agency*:

(a) A basic system.

(b) A basic system with telephone central office identification.

(c) A system employing automatic call routing.

(d) Approved incremental costs.

~~SEC. 67.~~

SEC. 76. Section 41141 of the Revenue and Taxation Code is amended to read:

41141. Claims for reimbursement shall be submitted by local agencies to the ~~office of the State Chief Information Officer~~ *California Technology Agency*, which shall determine payment eligibility and shall reduce the claim for charges that exceed the approved incremental costs, approved contract amounts, or the established tariff rates for costs. No claim shall be paid until funds are appropriated by the Legislature.

~~SEC. 68.~~

SEC. 77. Section 41142 of the Revenue and Taxation Code is amended to read:

41142. Notwithstanding any other provision of this article, if the Legislature fails to appropriate an amount sufficient to pay bills submitted to the ~~office of the State Chief Information Officer~~ *California Technology Agency* by service suppliers or communications equipment companies for the installation and ongoing communications services supplied local agencies in connection with the "911" emergency telephone number system, and to pay claims of local agencies which, prior to the effective date of this part, paid amounts to service suppliers or communications equipment companies for the installation and ongoing expenses in connection with the "911" emergency telephone number system, the obligation of service suppliers and local agencies to provide "911" emergency telephone service shall terminate and service shall not again be required until the Legislature has appropriated an amount sufficient to pay those bills or claims. Nothing in this part shall preclude local agencies

from purchasing or acquiring any communication equipment from companies other than the telephone service suppliers.

~~SEC. 69.~~

SEC. 78. Section 16501.7 of the Welfare and Institutions Code is amended to read:

16501.7. (a) On or before December 1, 2005, the State Department of Social Services shall develop, and provide to the Chairperson of the Joint Legislative Budget Committee, a Child Welfare Services/Case Management System system performance commitments plan. The plan shall be developed in conjunction with the Office of System Integration, the Office of Technology Services, and the County Welfare Directors Association.

(b) (1) The plan developed as required by subdivision (a) shall include, but not be limited to, performance standards for system availability, application transaction time, batch processing windows, data downloads, a process for the identification, tracking, and response of repair service requests, data backup and recovery, help desk responsiveness, and a process for security incidents.

(2) The plan may include print time.

(3) The plan shall describe all of the following:

(A) The mechanism for tracking system performance.

(B) Corrective action protocols.

(C) The steps that will be taken should performance fall below standards for a specified period of time.

(c) It is the intent of the Legislature that the plan developed pursuant to this section shall do all of the following:

(1) Appropriately assign responsibility for ensuring service levels to the entity accountable.

(2) Prioritize implementation of components of the plan.

(3) Address implementation feasibility of the plan's components, including any issues regarding plan implementation that need to be addressed.

O