

AMENDED IN SENATE AUGUST 15, 2011

AMENDED IN SENATE JUNE 20, 2011

AMENDED IN SENATE JUNE 14, 2011

AMENDED IN ASSEMBLY APRIL 27, 2011

AMENDED IN ASSEMBLY APRIL 4, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

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**ASSEMBLY BILL**

**No. 1102**

**Introduced by Assembly Member Lara**

February 18, 2011

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An act to amend Sections 8544.5, 8545, 8545.2, 8546.5, 8547.2, 8547.5, 8547.6, 8547.7, 8548, 8548.2, and 8548.9 of, and to repeal Section 12430 of, and to repeal Article 2 (commencing with Section 10520) of Chapter 4 of Part 2 of Division 2 of Title 2 of, the Government Code, relating to the State Auditor.

LEGISLATIVE COUNSEL'S DIGEST

AB 1102, as amended, Lara. State Auditor.

(1) Existing law sets out the authority and duties of the State Auditor in conducting audits and surveys of specified entities, and of contracting for goods and services on behalf of the Bureau of State Audits. Existing law provides for reimbursement of the State Auditor by annual appropriation in the Budget Act, for specified costs incurred by the State Auditor in the performance of certain duties. *Existing law authorizes and provides access to the State Auditor and his or her authorized representatives to examine and reproduce various records of any agency of the state.*

This bill would revise the provisions governing the scope and conduct of audits and surveys by the State Auditor and costs for which the State Audit Fund may be reimbursed.

*The bill would add a definition of confidentiality of records or property, and would provide that providing confidential information to the State Auditor, including information subject to a privilege, does not constitute a waiver of that privilege. This bill would state that these changes are declaratory of existing law.*

(2) The California Whistleblower Protection Act requires the State Auditor to administer the act and to investigate and report on improper governmental activities, as defined. The act requires the State Auditor to establish a means of submitting allegations of improper governmental activity, and prohibits the State Auditor from disclosing the identity of a person who provides information that results in an investigation unless the person provides written permission to make that disclosure.

*This bill would instead prohibit the State Auditor from disclosing the identity of the person who provides information that results in an investigation without obtaining the person's express permission.*

This bill would revise the definition of improper governmental activities to include more activities, including actions that are a violation of a state rule, directive, policy, or procedure of general application.

~~This bill would instead prohibit the State Auditor from disclosing the identity of the person who provides information that results in an investigation without obtaining the person's express permission.~~

(3) The act authorizes the State Auditor to request the assistance of any state department, agency, or employee in conducting any investigation required by the act.

This bill would expand that authorization to also authorize the State Auditor to request assistance evaluating an allegation or conducting any investigation of an improper governmental activity as authorized by the act.

(4) The act requires the State Auditor, if he or she determines that an employee or agency has engaged in improper governmental activity, to issue an investigative report regarding that employee's specific activities, for purposes of pursuing adverse action against that employee. The act also requires the State Auditor to report the nature and details of the activity to the head of the agency or the appropriate appointing power, and authorizes the report to include recommended actions to prevent the reoccurrence of the activity.

This bill would revise those provisions to also authorize the State Auditor to report the findings of an investigation, and certain evidence to support that finding, to additional entities or individuals, including the head of any other agency that has direct oversight over the agency involved, a criminal law enforcement agency, an administrative law enforcement agency, or a licensing agency that has authority to investigate the matter.

This bill would also provide that, as an alternative to conducting its own investigation, the State Auditor is authorized to, if the State Auditor makes a certain finding on an allegation of improper governmental activities, refer an allegation to the involved state agency, or to another state agency having direct oversight of the involved state agency, to conduct an investigation of the allegation under the State Auditor's supervision. This bill would similarly authorize the State Auditor to refer an allegation to a criminal or administrative law enforcement agency.

(5) Existing law requires the State Auditor to prepare for state employees a written explanation of the California Whistleblower Protection Act that includes prescribed information. Existing law requires the State Auditor to provide a notice to state agencies, as defined, that includes the information contained in the written explanation. Existing law prohibits state agencies from modifying the text of the notice.

This bill would, *for purposes of these provisions*, conform the definition of state agency to the definition used in the California Whistleblower Protection Act, to include the Supreme Court, Court of Appeal, superior courts, and the Administrative Office of the Courts.

The bill would require any agency that posts or advertises the opportunity to submit whistleblower complaints through a program administered by the agency, to also disclose the opportunity to submit complaints to the State Auditor under the California Whistleblower Protection Act.

(6) This bill would also delete various obsolete provisions of law.

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

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

1 SECTION 1. Section 8544.5 of the Government Code is  
2 amended to read:

1 8544.5. (a) There is hereby established in the State Treasury  
2 the State Audit Fund. Notwithstanding Section 13340, the State  
3 Audit Fund is continuously appropriated for the expenses of the  
4 State Auditor. There shall be appropriated annually in the Budget  
5 Act to the State Audit Fund, from the General Fund and the Central  
6 Service Cost Recovery Fund, the amount necessary to reimburse  
7 the State Audit Fund for the cost of audits and any other duties to  
8 be performed that are not directly reimbursed under subdivision  
9 (c), including for the cost of any other duties imposed on the bureau  
10 by statute. “Cost of audits or any other duties” means all direct  
11 and indirect costs of conducting the audits or other duties, and any  
12 other expenses incurred by the State Auditor in fulfilling his or  
13 her statutory responsibilities.

14 (b) With regard to the funds appropriated pursuant to subdivision  
15 (a), upon certification by the State Auditor of estimated costs on  
16 a monthly basis, the Controller shall transfer the amount thus  
17 certified from the General Fund or the Central Service Cost  
18 Recovery Fund, as applicable, to the State Audit Fund. The  
19 Controller shall thereafter issue warrants drawn against the State  
20 Audit Fund upon receipt of claims certified by the State Auditor.

21 (c) To ensure appropriate reimbursement from federal and  
22 special funds for the costs of the duties performed pursuant to  
23 Section 8546.3, the State Auditor may directly bill state agencies  
24 for the costs incurred, subject to the approval of the Director of  
25 Finance.

26 (d) To ensure adequate oversight of the operations of the bureau,  
27 the Milton Marks “Little Hoover” Commission on California State  
28 Government Organization and Economy shall annually obtain the  
29 services of an independent public accountant to audit the State  
30 Audit Fund and the operation of the bureau to assure compliance  
31 with state law, including Section 8546. The results of this audit  
32 shall be submitted to the commission and shall be a public record.

33 (e) To ensure that audits of the Milton Marks “Little Hoover”  
34 Commission on California State Government Organization and  
35 Economy are conducted in conformity with government auditing  
36 standards, any audit of the commission that is required or permitted  
37 by law shall be conducted by the independent public accountant  
38 selected pursuant to subdivision (d).

39 SEC. 2. Section 8545 of the Government Code is amended to  
40 read:

1 8545. The State Auditor shall not destroy any papers or  
2 memoranda used to support a completed audit sooner than three  
3 years after the audit report is released to the public. All books,  
4 papers, records, and correspondence of the bureau pertaining to  
5 its work are public records subject to Chapter 3.5 (commencing  
6 with Section 6250) of Division 7 of Title 1 and shall be filed at  
7 any of the regularly maintained offices of the State Auditor, except  
8 that none of the following items or papers of which these items  
9 are a part shall be released to the public by the State Auditor, his  
10 or her employees, or members of the commission:

11 (a) Personal papers and correspondence of any person providing  
12 assistance to the State Auditor when that person has requested in  
13 writing that his or her papers and correspondence be kept private  
14 and confidential. Those papers and correspondence shall become  
15 public records if the written request is withdrawn or upon the order  
16 of the State Auditor.

17 (b) Papers, correspondence, memoranda, or any substantive  
18 information pertaining to any audit not completed.

19 (c) Papers, correspondence, or memoranda pertaining to any  
20 audit that has been completed, which papers, correspondence, or  
21 memoranda are not used in support of any report resulting from  
22 the audit.

23 (d) Any survey of public employees that the State Auditor  
24 determines should be kept confidential because the employees  
25 have expressed fear of retaliation by their employer if they respond  
26 to the survey.

27 *SEC. 3. Section 8545.2 of the Government Code is amended*  
28 *to read:*

29 8545.2. (a) Notwithstanding any other provision of law, the  
30 State Auditor during regular business hours shall have access to  
31 and authority to examine and reproduce, any and all books,  
32 accounts, reports, vouchers, correspondence files, and all other  
33 records, bank accounts, and money or other property, of any agency  
34 of the state, whether created by the California Constitution or  
35 otherwise, any local governmental entity, including any city,  
36 county, and school or special district, and any publicly created  
37 entity, for any audit or investigation. Any officer or employee of  
38 any agency or entity having these records or property in his or her  
39 possession, under his or her control, or otherwise having access  
40 to them, shall permit access to, and examination and reproduction

1 thereof, upon the request of the State Auditor or his or her  
2 authorized representative.

3 (b) For the purposes of access to and examination and  
4 reproduction of the records and property described in subdivision  
5 (a), an authorized representative of the State Auditor is an employee  
6 or officer of the state or local governmental agency or publicly  
7 created entity involved and is subject to any limitations on release  
8 of the information as may apply to an employee or officer of the  
9 state or local governmental agency or publicly created entity. For  
10 the purpose of conducting any audit or investigation, the State  
11 Auditor or his or her authorized representative shall have access  
12 to the records and property of any public or private entity or person  
13 subject to review or regulation by the public agency or public entity  
14 being audited or investigated to the same extent that employees  
15 or officers of that agency or public entity have access. No provision  
16 of law providing for the confidentiality of any records or property  
17 shall prevent disclosure pursuant to subdivision (a), unless the  
18 provision specifically refers to and precludes access and  
19 examination and reproduction pursuant to subdivision (a).  
20 *Providing confidential information to the State Auditor pursuant*  
21 *to this section, including, but not limited to, confidential*  
22 *information that is subject to a privilege, shall not constitute a*  
23 *waiver of that privilege. This subdivision does not apply to records*  
24 *compiled pursuant to Part 1 (commencing with Section 8900) or*  
25 *Part 2 (commencing with Section 10200) of Division 2.*

26 (c) Any officer or person who fails or refuses to permit access  
27 and examination and reproduction, as required by this section, is  
28 guilty of a misdemeanor.

29 (d) *For purposes of this section “confidentiality of records or*  
30 *property” means that the record or property may lawfully be kept*  
31 *confidential.*

32 ~~SEC. 3.~~

33 *SEC. 4.* Section 8546.5 of the Government Code is amended  
34 to read:

35 8546.5. (a) The State Auditor may establish a high-risk  
36 government agency audit program for the purpose of identifying,  
37 auditing, and issuing reports on any agency of the state, whether  
38 created by the California Constitution or otherwise, as well as  
39 statewide issues, that the State Auditor identifies as being at high  
40 risk for the potential of waste, fraud, abuse, and mismanagement

1 or that has major challenges associated with its economy,  
2 efficiency, or effectiveness.

3 (b) In addition to identifying an agency as high risk on the basis  
4 of weaknesses identified in audit and investigative reports produced  
5 by the bureau, the State Auditor may consult with the Legislative  
6 Analyst, the Milton Marks “Little Hoover” Commission on  
7 California State Government Organization and Economy, the  
8 Office of Inspector General within the Department of Corrections,  
9 the Department of Finance, and other state agencies that have  
10 oversight responsibilities over any other agency of the state, in  
11 identifying state agencies that are at high risk.

12 (c) The State Auditor shall notify the Joint Legislative Audit  
13 Committee whenever it identifies a state agency as at high risk.

14 (d) The State Auditor may issue audit reports with  
15 recommendations for improvement in state agencies, and for  
16 statewide issues, identified as at high risk not less than once every  
17 two years.

18 (e) The State Auditor may require state agencies identified as  
19 high risk, or as responsible for all or a portion of a statewide issue  
20 identified as high risk, to periodically report to the auditor  
21 regarding the status of recommendations for improvement made  
22 by the State Auditor or other state oversight agencies.

23 ~~SEC. 4.~~

24 SEC. 5. Section 8547.2 of the Government Code is amended  
25 to read:

26 8547.2. For the purposes of this article, the following terms  
27 have the following meanings:

28 (a) “Employee” means an individual appointed by the Governor,  
29 or employed or holding office in a state agency as defined by  
30 Section 11000, including, for purposes of Sections 8547.3 to  
31 8547.7, inclusive, an employee of the California State University,  
32 or an individual appointed by the Legislature to a state board or  
33 commission and who is not a Member or employee of the  
34 Legislature. In addition, “employee” means a person employed by  
35 the Supreme Court, a court of appeal, a superior court, or the  
36 Administrative Office of the Courts for the purposes of Sections  
37 8547.3 to 8547.7, inclusive, and Section 8547.13, except for those  
38 provisions of Section 8547.4 concerning notice of adverse action  
39 and the State Personnel Board. “Employee” includes a former

1 employee who met the criteria of this subdivision during his or  
2 her employment.

3 (b) “Illegal order” means a directive to violate or assist in  
4 violating a federal, state, or local law, rule, or regulation, or an  
5 order to work or cause others to work in conditions outside of their  
6 line of duty that would unreasonably threaten the health or safety  
7 of employees or the public.

8 (c) “Improper governmental activity” means an activity by a  
9 state agency or by an employee that is undertaken in the  
10 performance of the employee’s duties, undertaken inside a state  
11 office, or, if undertaken outside a state office by the employee,  
12 directly relates to state government, whether or not that activity is  
13 within the scope of his or her employment, and that (1) is in  
14 violation of any state or federal law or regulation, including, but  
15 not limited to, corruption, malfeasance, bribery, theft of  
16 government property, fraudulent claims, fraud, coercion,  
17 conversion, malicious prosecution, misuse of government property,  
18 or willful omission to perform duty, (2) is in violation of a state  
19 rule, directive, policy, or procedure of general application,  
20 including an executive order of the Governor, a California Rule  
21 of Court, or a policy or procedure mandated by the State  
22 Administrative Manual or State Contracting Manual, or (3) is  
23 economically wasteful, involves significant misconduct, including  
24 causes for discipline specified in Section 19572, involves  
25 incompetency that reflects an absence of qualification, ability, or  
26 fitness to perform a prescribed duty or function, or involves  
27 inefficiency that may adversely affect the state or members of the  
28 public. For purposes of Sections 8547.4, 8547.5, 8547.10, and  
29 8547.11, “improper governmental activity” includes any activity  
30 by the University of California or by an employee, including an  
31 officer or faculty member, who otherwise meets the criteria of this  
32 subdivision. For purposes of Sections 8547.4, 8547.5, and 8547.13,  
33 “improper governmental activity” includes any activity by the  
34 Supreme Court, a court of appeal, a superior court, or the  
35 Administrative Office of the Courts, or by an employee thereof,  
36 who otherwise meets the criteria of this subdivision.

37 (d) “Person” means an individual, corporation, trust, association,  
38 a state or local government, or an agency or instrumentality of any  
39 of the foregoing.

1 (e) “Protected disclosure” means a good faith communication,  
2 including a communication based on, or when carrying out, job  
3 duties, that discloses or demonstrates an intention to disclose  
4 information that may evidence (1) an improper governmental  
5 activity, or (2) a condition that may significantly threaten the health  
6 or safety of employees or the public if the disclosure or intention  
7 to disclose was made for the purpose of remedying that condition.  
8 Protected disclosure specifically includes a good faith  
9 communication to the Bureau of State Audits alleging an improper  
10 governmental activity and any evidence delivered to the Bureau  
11 of State Audits in support of the allegation. “Protected disclosure”  
12 also includes, but is not limited to, a complaint made to the  
13 Commission on Judicial Performance.

14 (f) “State agency” is defined by Section 11000. “State agency”  
15 includes the University of California for purposes of Sections  
16 8547.5 to 8547.7, inclusive, and the California State University  
17 for purposes of Sections 8547.3 to 8547.7, inclusive. Sections  
18 8547.3 to 8547.7, inclusive, shall apply to the Supreme Court, the  
19 courts of appeal, the superior courts, and the Administrative Office  
20 of the Courts in the same manner as they apply to a state agency.

21 ~~SEC. 5.~~

22 *SEC. 6.* Section 8547.5 of the Government Code is amended  
23 to read:

24 8547.5. (a) The State Auditor shall create the means for the  
25 submission of allegations of improper governmental activity both  
26 by transmission via mail or other carrier to a specified mailing  
27 address and electronic submission through an Internet Web site  
28 portal. The State Auditor may request that a person submitting an  
29 allegation provide his or her name and contact information and  
30 provide the names and contact information for any persons who  
31 could help to substantiate the claim. However, the State Auditor  
32 shall not require any person submitting an allegation to provide  
33 his or her name or contact information and shall clearly state on  
34 the agency Internet Web site that this information is not required  
35 in order to submit an allegation.

36 (b) Upon receiving specific information that any employee or  
37 state agency has engaged in an improper governmental activity,  
38 the State Auditor may conduct an investigation of the matter. The  
39 identity of the person providing the information that initiated the  
40 investigation, or of any person providing information in confidence

1 to further an investigation, shall not be disclosed without the  
2 express permission of the person providing the information except  
3 that the State Auditor may make the disclosure to a law  
4 enforcement agency that is conducting a criminal investigation.

5 ~~SEC. 6.~~

6 SEC. 7. Section 8547.6 of the Government Code is amended  
7 to read:

8 8547.6. (a) The State Auditor may request the assistance of  
9 any state department, agency, or employee in evaluating an  
10 allegation or conducting any investigation of an improper  
11 governmental activity as authorized by this article. In response to  
12 a request for assistance from the State Auditor, that state  
13 department, agency, or employee shall provide the assistance,  
14 including, but not limited to, providing access to documents or  
15 other information in a timely manner, as required by Section  
16 8545.2. If an investigation conducted by the State Auditor involves  
17 access to confidential academic peer review records of University  
18 of California academic personnel, these records shall be provided  
19 in a form consistent with university policy effective on August 1,  
20 1992. No information obtained from the State Auditor by any  
21 department, agency, or employee as a result of the State Auditor's  
22 request for assistance, nor any information obtained thereafter as  
23 a result of further investigation, shall be divulged or made known  
24 to any person without the prior approval of the State Auditor.

25 (b) As an alternative to conducting its own investigation, if the  
26 State Auditor determines that there is reasonable cause to believe  
27 that a state agency or employee may have engaged in an improper  
28 governmental activity, the State Auditor, subject to the limitations  
29 of Section 8547.5, may refer the allegation to the involved state  
30 agency, or to another state agency having direct oversight of the  
31 involved state agency, to conduct an investigation of the allegation  
32 under the State Auditor's supervision. If the State Auditor refers  
33 an allegation to the involved state agency or to another state agency  
34 having direct oversight of the involved state agency, that state  
35 agency shall investigate the allegation and report the results of the  
36 investigation to the State Auditor within 60 days of the referral  
37 and monthly thereafter until final action has been taken. In addition,  
38 whenever the State Auditor determines that there is reasonable  
39 cause to believe that a state agency or employee may have engaged  
40 in an improper governmental activity, the State Auditor, subject

1 to the limitations of Section 8547.5, may refer the allegation to a  
2 criminal or administrative law enforcement agency in lieu of  
3 conducting or supervising an investigation of the matter.

4 ~~SEC. 7.~~

5 *SEC. 8.* Section 8547.7 of the Government Code is amended  
6 to read:

7 8547.7. (a) If, after investigating an allegation, the State  
8 Auditor finds that a state agency or employee may have engaged  
9 or participated in an improper governmental activity, he or she  
10 shall prepare an investigative report and send a copy of that report  
11 to the head of the agency involved and to the head of any other  
12 agency that has direct oversight over that involved agency. The  
13 investigative report may include the State Auditor's recommended  
14 actions to prevent the continuation or recurrence of the activity.  
15 If appropriate, the State Auditor shall report this information to  
16 the Attorney General, the policy committees of the Senate and  
17 Assembly having jurisdiction over the subject involved, and to  
18 any other authority that the State Auditor determines appropriate.  
19 Subject to the limitations of Section 8547.5, the State Auditor may  
20 provide to the involved agency any evidence gathered during the  
21 investigation that, in the judgment of the State Auditor, is necessary  
22 to support any of the recommendations. Within 60 days of  
23 receiving the State Auditor's investigative report, the involved  
24 agency shall report to the State Auditor any actions that it has taken  
25 or that it intends to take to implement the recommendations. The  
26 agency shall file subsequent reports on a monthly basis until final  
27 action has been taken.

28 (b) The State Auditor shall not have any enforcement power.  
29 In any case in which the State Auditor finds that a state agency or  
30 employee may have engaged in an improper governmental activity,  
31 the State Auditor may provide the finding, and any evidence  
32 supporting the finding, subject to the limitations of Section 8547.5,  
33 to a criminal law enforcement agency, an administrative law  
34 enforcement agency, or a licensing agency that has authority to  
35 investigate the matter.

36 (c) The State Auditor shall keep confidential every investigation,  
37 including, but not limited to, all investigative files and work  
38 product, except that the State Auditor, whenever he or she  
39 determines it necessary to serve the interests of the state, and  
40 subject to the limitations of Section 8547.5, may issue a public

1 report of an investigation that has substantiated an improper  
2 governmental activity, keeping confidential the identity of the  
3 employee or employees involved. In addition, subject to the  
4 limitations of Section 8547.5, the State Auditor may release any  
5 findings or evidence supporting any findings resulting from an  
6 investigation conducted pursuant to this article whenever the State  
7 Auditor determines it necessary to serve the interests of the state.

8 (d) This section does not limit any authority conferred upon the  
9 Attorney General or any other department or agency of government  
10 to investigate any matter.

11 ~~SEC. 8.~~

12 *SEC. 9.* Section 8548 of the Government Code is amended to  
13 read:

14 8548. For purposes of this article, “state agency” means every  
15 state office, officer, department, division, bureau, board, and  
16 commission, including the California State University, the  
17 University of California, the Supreme Court, the Court of Appeal,  
18 the superior courts, and the Administrative Office of the Courts.

19 ~~SEC. 9.~~

20 *SEC. 10.* Section 8548.2 of the Government Code is amended  
21 to read:

22 8548.2. The State Auditor shall prepare for distribution to each  
23 state agency in an electronic format a notice containing the  
24 information in the written explanation prepared pursuant to Section  
25 8548.1. No later than July 1, 2002, each state agency shall print  
26 and post this notice at its state office or offices in a location or  
27 locations where employee notices are maintained. A state agency  
28 shall not edit the written text of the notice but it may publish the  
29 notice in a manner it chooses, and it may include its own  
30 introductory language in the notice, provided that the language  
31 and the format selected do not alter the meaning of the notice. In  
32 addition, whenever a state agency posts or advertises the  
33 opportunity to submit whistleblower complaints through a program  
34 administered by the agency, it shall also disclose the opportunity  
35 to submit complaints to the State Auditor under the California  
36 Whistleblower Protection Act (Article 3 (commencing with Section  
37 8547)).

38 ~~SEC. 10.~~

39 *SEC. 11.* Section 8548.9 of the Government Code is amended  
40 to read:

1 8548.9. (a) The State Auditor shall, by January 15th of each  
2 year, report to the Joint Legislative Budget Committee, the Joint  
3 Legislative Audit Committee, and the Department of Finance with  
4 respect to each recommendation he or she has made based on an  
5 audit or investigation that was reported more than one year prior  
6 and that has not been fully implemented by the affected agency.

7 (b) The report shall clearly identify the state agency audited or  
8 investigated, the audit or investigation that contained the  
9 recommendation, a brief description of the recommendation, the  
10 date it was issued, and the most recent explanation provided by  
11 the agency to the State Auditor on the status of the  
12 recommendation.

13 (c) Any state agency that is notified by the State Auditor that it  
14 has not fully implemented a recommendation made pursuant to  
15 this chapter more than one year prior, shall do either of the  
16 following:

17 (1) Provide a written report to the State Auditor, the respective  
18 policy committees and budget subcommittees of the Assembly  
19 and Senate with oversight of the agency, and the Department of  
20 Finance, explaining why the audit recommendation or investigation  
21 has not been fully implemented.

22 (2) Notify all entities described in subdivision (a) that it will  
23 begin implementing the audit recommendation or investigation  
24 recommendation within 90 days of the notification by the State  
25 Auditor, and include the estimated date of full implementation.

26 (d) For the purposes of this section, “state agency” means a state  
27 agency as defined by Section 11000, the California State  
28 University, the Supreme Court, a Court of Appeal, a superior court,  
29 and the Administrative Office of the Courts.

30 ~~SEC. 11.~~

31 *SEC. 12.* Article 2 (commencing with Section 10520) of  
32 Chapter 4 of Part 2 of Division 2 of Title 2 of the Government  
33 Code is repealed.

34 ~~SEC. 12.~~

35 *SEC. 13.* Section 12430 of the Government Code is repealed.

36 *SEC. 14.* *The amendments made to Section 8545.2 of the*  
37 *Government Code by this act are declaratory of existing law.*