

AMENDED IN ASSEMBLY MARCH 31, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1157

Introduced by Assembly Member Nielsen

February 18, 2011

~~An act to amend Section 11006 of the Government Code, relating to state agencies.~~ *An act to amend Section 965 of the Government Code, relating to public entity liability.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1157, as amended, Nielsen. ~~State agencies.~~ *Public entity liability: payment of claims.*

The Tort Claims Act provides for the liability and immunity of a governmental entity for its acts or omissions that cause harm to persons. Existing law provides that any claim for money or damages against the state is required to be presented to the California Victim Compensation and Government Claims Board within a specified period of time. Existing law requires the board, upon allowing a claim for which the Director of Finance certifies that a sufficient appropriation for the payment of the claim exists, to designate the fund from which the claim is to be paid.

This bill would require the board to provide notice to the chairpersons of the committees in each house of the Legislature that consider appropriations and the annual Budget Act, and the Chairperson of the Joint Legislative Budget Committee, within a specified period of time prior to allowing either the use of a current year appropriation to pay claims for prior year costs of \$500,000 or more, or claims from a single provider of goods or services with respect to a single department that exceed \$500,000 within one year.

~~Existing law provides that a state agency that requires fingerprinting for any non-law-enforcement purpose shall not require the use of specified live scan fingerprinting service providers certified by the Department of Justice to roll fingerprint impressions.~~

~~This bill would make a technical, nonsubstantive change to this law.~~

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

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

1 SECTION 1. Section 965 of the Government Code is amended
 2 to read:
 3 965. (a) Upon the allowance by the California Victim
 4 Compensation and Government Claims Board of all or part of a
 5 claim for which the Director of Finance certifies that a sufficient
 6 appropriation for the payment of the claim exists, and the execution
 7 and presentation of documents the board may require which
 8 discharge the state of all liability under the claim, the board shall
 9 designate the fund from which the claim is to be paid and the state
 10 agency concerned shall pay the claim from that fund. *The board*
 11 *shall provide notice to the chairpersons of the committees in each*
 12 *house of the Legislature that consider appropriations and the*
 13 *annual Budget Act, and the Chairperson of the Joint Legislative*
 14 *Budget Committee, at least 15 days, or a shorter period as the*
 15 *chairperson of the joint committee, or his or her designee, may in*
 16 *each instance require, prior to allowing either the use of a current*
 17 *year appropriation to pay claims for prior year costs of five*
 18 *hundred thousand dollars (\$500,000) or more, or claims from a*
 19 *single provider of goods or services with respect to a single*
 20 *department that exceeds five hundred thousand dollars (\$500,000)*
 21 *within one year. If there is no sufficient appropriation for the*
 22 payment available, the board shall report to the Legislature in
 23 accordance with Section 912.8. Claims arising out of the activities
 24 of the State Department of Transportation may be paid if either
 25 the Director of Transportation or the Director of Finance certifies
 26 that a sufficient appropriation for the payment of the claim exists.
 27 (b) Notwithstanding subdivision (a), if there is no sufficient
 28 appropriation for the payment of claims, settlements, or judgments
 29 against the state arising from an action in which the state is
 30 represented by the Attorney General, the Attorney General shall

1 report the claims, settlements, and judgments to the Chairperson
2 of either the Senate Committee on Appropriations or the Assembly
3 Committee on Budget, who shall cause to be introduced legislation
4 appropriating funds for the payment of the claims, settlements, or
5 judgments.

6 (c) Notwithstanding subdivision (a) or (b), claims, settlements,
7 or judgments arising out of the activities of a judicial branch entity,
8 as defined by Sections 900.3 and 940.3, or a judge thereof may be
9 paid if the Judicial Council authorizes payment and the
10 Administrative Director of the Courts certifies that sufficient funds
11 for that payment exist from funds allocated to settlement,
12 adjustment, and compromise of actions and claims. If sufficient
13 funds for payment of settlements or judgments do not exist, the
14 Administrative Director of the Courts shall report the settlements
15 and judgments to the Chairperson of either the Senate Committee
16 on Appropriations or the Assembly Committee on Budget, who
17 shall cause to be introduced legislation appropriating funds for the
18 payment of the settlements or judgments. If sufficient funds for
19 payment of claims do not exist, the Administrative Director of the
20 Courts shall report the claims to the Victim Compensation and
21 Government Claims Board, which shall have 90 days to object to
22 payment. The Administrative Director of the Courts shall confer
23 with the chairperson of the Victim Compensation and Government
24 Claims Board regarding any objection received during the 90-day
25 period. If the Victim Compensation and Government Claims Board
26 withdraws the objection, or if no objection was received, the
27 Administrative Director of the Courts shall report the claims to
28 the Chairperson of either the Senate Committee on Appropriations
29 or the Assembly Committee on the Budget, who shall cause to be
30 introduced legislation appropriating funds for the payment of the
31 claims. The Judicial Council may authorize any committee of the
32 Judicial Council or any employee of the Administrative Office of
33 the Courts to perform the functions of the Judicial Council under
34 this section. The Administrative Director of the Courts may
35 designate an executive staff member of the Administrative Office
36 of the Courts to perform the functions of the Administrative
37 Director of the Courts under this section.

38 ~~SECTION 1. Section 11006 of the Government Code is~~
39 ~~amended to read:~~

1 11006. (a) Notwithstanding any other law, a state agency that
2 requires fingerprinting for any non-law-enforcement purpose shall
3 not require the use of specified live scan fingerprinting service
4 providers certified by the Department of Justice to roll fingerprint
5 impressions, as provided for under Section 11102.1 of the Penal
6 Code.

7 (b) A state agency may identify on its Web site a list of live
8 scan fingerprinting service providers certified by the Department
9 of Justice. If a state agency does identify on its Web site a list of
10 live scan fingerprinting service providers certified by the
11 Department of Justice, then it shall provide a link to the Department
12 of Justice's Web site that lists all certified live scan fingerprinting
13 service providers.