

AMENDED IN ASSEMBLY JANUARY 4, 2012

AMENDED IN ASSEMBLY MARCH 31, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1197

**Introduced by Assembly Members ~~Hill and V. Manuel~~
Pérez**

February 18, 2011

An act to ~~amend Section 15820.917 of the Government Code~~ *add Article 7 (commencing with Section 8295) to Chapter 7 of Division 4 of the Public Utilities Code*, relating to ~~jail construction funding~~ *public utility employees*.

LEGISLATIVE COUNSEL'S DIGEST

AB 1197, as amended, Hill. ~~Jail facility construction funding~~. *Public utility employees: whistleblowers.*

Under existing law, the Public Utilities Commission has regulatory authority over public utilities. The California Constitution authorizes the commission to establish rules for all public utilities, subject to control by the Legislature.

This bill would require the commission to establish a comprehensive whistleblower protection program to protect public utility employees from management retaliation for bringing information to the commission or other public entities, as defined, regarding unreported safety issues.

Under existing law, a violation of any order, decision, rule, direction, demand, or requirement of the commission is a crime.

Because the bill would require the commission to adopt rules for the protection of whistleblowers and a violation of these rules would be a

crime, the bill would impose a state-mandated local program by creating a new crime.

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

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

~~Existing law authorizes the Department of Corrections and Rehabilitation (CDCR), participating counties, and the State Public Works Board to acquire, design, and construct local jail facilities approved by the Corrections Standards Authority (CSA). Existing law authorizes the State Public Works Board to issue revenue bonds, notes, or bond anticipation notes to finance the acquisition, design, or construction, and a reasonable construction reserve, of approved local jail facilities, as specified. The funds derived from those revenue bonds, notes, or bond anticipation notes are continuously appropriated for the purposes described above. Existing law requires CDCR and CSA to give funding preference to counties that assist the state in siting reentry facilities and requires CDCR to give funding preference to counties that assist the state in siting mental health day treatment and crisis care and to counties that provide a continuum of care so that parolees with mental health and substance abuse needs can continue to receive services at the conclusion of their period of parole. Existing law requires participating county matching funds for projects funded under those provisions be at a minimum of 25% of the total project costs, except as specified.~~

~~The bill would lower the percentage of required participating matching funds from 25% to 10%. The bill would delete the provisions requiring specific funding preferences and instead require that counties that applied for and were awarded funds under specified provisions be funded in that amount and require CDCR and CSA, after those counties have been funded, to give funding preference to counties that committed the largest percentage of inmates to state custody in relation to the total inmate population supervised by CDCR in 2010.~~

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

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

1 SECTION 1. Article 7 (commencing with Section 8295) is
2 added to Chapter 7 of Division 4 of the Public Utilities Code, to
3 read:

4
5 Article 7. Whistleblower Protection Program

6
7 8295. The commission shall establish a comprehensive
8 whistleblower protection program to protect public utility
9 employees from management retaliation for bringing information
10 to the commission or other public entities regarding unreported
11 safety issues. For these purposes, "other public entities" includes
12 the whistleblower hotline maintained by the Attorney General
13 pursuant to Section 1102.7 of the Labor Code.

14 SEC. 2. No reimbursement is required by this act pursuant to
15 Section 6 of Article XIII B of the California Constitution because
16 the only costs that may be incurred by a local agency or school
17 district will be incurred because this act creates a new crime or
18 infraction, eliminates a crime or infraction, or changes the penalty
19 for a crime or infraction, within the meaning of Section 17556 of
20 the Government Code, or changes the definition of a crime within
21 the meaning of Section 6 of Article XIII B of the California
22 Constitution.

23 ~~SECTION 1. Section 15820.917 of the Government Code is~~
24 ~~amended to read:~~

25 ~~15820.917. (a) Participating county matching funds for projects~~
26 ~~funded under this chapter shall be a minimum of 10 percent of the~~
27 ~~total project costs. The CSA may reduce matching fund~~
28 ~~requirements for participating counties with a general population~~
29 ~~below 200,000 upon petition by a participating county to the CSA~~
30 ~~requesting a lower level of matching funds.~~

31 ~~(b) Counties that applied for and were awarded funds pursuant~~
32 ~~to Chapter 3.2.1 (commencing with Section 15819.40) shall be~~
33 ~~funded in that amount.~~

34 ~~(c) After funding counties pursuant to subdivision (b), the CDCR~~
35 ~~and CSA shall give funding preference to counties that committed~~

- 1 ~~the largest percentage of inmates to state custody in relation to the~~
- 2 ~~total inmate population supervised by CDCR in 2010.~~

O