

AMENDED IN ASSEMBLY MAY 4, 2015
AMENDED IN ASSEMBLY APRIL 21, 2015
AMENDED IN ASSEMBLY MARCH 26, 2015
CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 582

Introduced by Assembly Member Calderon

February 24, 2015

An act to add and repeal Chapter 4 (commencing with Section 15660) of Part 9 of Division 3 of Title 2 of the Government Code, relating to state government.

LEGISLATIVE COUNSEL'S DIGEST

AB 582, as amended, Calderon. ~~Professionals in Public Service Act of 2015; in public service: pilot program work group.~~

Existing law establishes the California State Auditor's Office within state government under the direction of the Milton Marks "Little Hoover" Commission on California State Government Organization and Economy. Existing law makes that office independent of the executive branch and legislative control and places it under the direction of the California State Auditor.

Existing law establishes the Joint Legislative Budget Committee consisting of 8 Members of the Senate and 8 Members of the Assembly, authorizes the committee to appoint the Legislative Analyst, and sets forth his or her duties.

This bill would require the Legislative Analyst and the California State Auditor to convene a work group for the purposes of determining the most appropriate state agency to house a pilot professionals in public service program with the goal of making state government

activities and practices more streamlined and accessible to small businesses. The bill would require that the recommendations of the work group be reported to the Legislature by December 31, 2016, and would repeal these provisions on January 1, 2017,

~~(1) Under existing law the State Board of Equalization collects and administers a variety of tax and fee programs with respect to matters including, but not limited to, vehicle fuels, timber, cigarettes and tobacco products, alcoholic beverages, emergency telephone services, integrated waste management, oil spills, hazardous materials, underground storage systems, and private railroad cars.~~

~~This bill would enact the Professionals in Public Service Act of 2015, which would establish the state professionals in public service program within the State Board of Equalization for the purpose of utilizing the expertise of private-sector entrepreneurs to help make state governmental activities and practices more streamlined and accessible to small businesses. The program would authorize the executive director of the board to appoint a maximum of 5 persons during any calendar year to serve the board, on a voluntary basis, as a professional in public service with duties as set forth in the bill. The bill would provide that these duties be performed pursuant to an agreement and subject to specified confidentiality requirements, the violation of which is a crime. By expanding the scope of a crime, this bill would impose a state-mandated local program.~~

~~This bill would require the director of the board to adopt procedures for implementing the program by March 1, 2016. The bill would preclude appointment of a professional in public service after August 1, 2016, and would establish the final date of service under the appointment as December 31, 2017. The bill would require the director to establish an informal working group of professionals in public service to discuss best practices, experiences, obstacles, opportunities, and recommendations.~~

~~This bill would, notwithstanding any law, require the director to annually report on the program to the Governor and the Assembly Committee on Jobs, Economic Development, and the Economy, with the final report due March 31, 2021.~~

~~This bill would repeal these provisions January 1, 2022.~~

~~(2) 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:

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

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

1 SECTION 1. The Legislature finds and declares the following:

2 (a) California is home to some of the most innovative and
3 resourceful entrepreneurs in the world, making it the nation’s leader
4 in technology and related industries.

5 (b) The state should harness this innovation and leverage it to
6 provide the best possible customer service to all of its citizens in
7 the most cost-effective, efficient, and creative manner.

8 (c) Creativity and efficiency should not be limited to the private
9 sector, but rather should be embraced and developed to further the
10 public interest.

11 ~~(d) The Professionals in Public Service Act of 2015 applies a~~
12 ~~philosophy of success to state government, allowing~~ *Allowing* the
13 most creative private sector professionals to volunteer their time
14 and expertise to make government work better for its citizens *would*
15 *permit the state to utilize this creativity for the benefit of all its*
16 *citizens.*

17 ~~(e) Establishing the a professionals in public service program~~
18 ~~program, in a California state agency—is~~ *would permit*
19 *implementation of* a model that has been applied successfully by
20 a variety of public and private entities and has proven to be a useful
21 tool to help various processes become more efficient.

22 ~~(f) It is the intent of the Legislature that the Professionals in~~
23 ~~Public Service Act of 2015 serve as a model for similar measures~~
24 ~~authorizing other state agencies to utilize and adopt similar~~
25 ~~programs, where applicable, to support and streamline activities~~
26 ~~associated with their regulatory responsibilities.~~

27 SEC. 2. Chapter 4 (commencing with Section 15660) is added
28 to Part 9 of Division 3 of Title 2 of the Government Code, to read:

29

30 ~~CHAPTER 4. PROFESSIONALS IN PUBLIC SERVICE ACT OF 2015~~

31

32 15660. (a) ~~This chapter shall be known, and may be cited, as~~
33 ~~the Professionals in Public Service Act of 2015.~~

- 1 ~~(b) As used in this chapter, the following terms have the~~
- 2 ~~following meanings:~~
- 3 ~~(1) “Board” means the State Board of Equalization.~~
- 4 ~~(2) “Director” means the Secretary of the State Board of~~
- 5 ~~Equalization, or his or her designee.~~
- 6 ~~(3) “Professional in public service” means an individual~~
- 7 ~~appointed as a professional pursuant to the program.~~
- 8 ~~(4) “Program” means the professionals in public service~~
- 9 ~~program, as established by this chapter.~~
- 10 ~~15661. (a) The professionals in public service program is~~
- 11 ~~hereby established within the board for the purpose of utilizing~~
- 12 ~~the expertise of private-sector professionals to help make state~~
- 13 ~~governmental activities and practices more streamlined and~~
- 14 ~~accessible to small businesses.~~
- 15 ~~(b) The board shall, by March 1, 2016, adopt procedures for~~
- 16 ~~implementing the program, and shall begin accepting applications~~
- 17 ~~within 60 days after their adoption. At a minimum, the procedures~~
- 18 ~~shall include all of the following:~~
- 19 ~~(1) The director may appoint one or more professionals in public~~
- 20 ~~service under the program during the program’s existence,~~
- 21 ~~however, the director shall not appoint more than five professionals~~
- 22 ~~in public service during any calendar year.~~
- 23 ~~(2) Nominations for appointment may be submitted by any~~
- 24 ~~entity, public or private.~~
- 25 ~~(3) An application for appointment may be submitted in writing~~
- 26 ~~on a form developed by the board, or through an online application~~
- 27 ~~process established by the board.~~
- 28 ~~(4) Any person appointed as a professional in public service~~
- 29 ~~shall meet at least one of the following qualifications:~~
- 30 ~~(A) The individual shall have demonstrated success in working~~
- 31 ~~with California small businesses and entrepreneurs.~~
- 32 ~~(B) The individual shall have successfully developed, invented,~~
- 33 ~~or created a product and brought the product to the marketplace.~~
- 34 ~~(5) A person appointed as a professional in public service shall~~
- 35 ~~not have a conflict of interest with the activities of the board,~~
- 36 ~~including, but not limited to, having any existing business before~~
- 37 ~~the board.~~
- 38 ~~(6) A process for screening prospective appointees, including~~
- 39 ~~checking backgrounds and references.~~

1 ~~(7) A standard memorandum of understanding that stipulates~~
2 ~~the responsibilities of each party in undertaking a professional in~~
3 ~~public service under the program, including, but not limited to,~~
4 ~~duties, goals, expected outcomes, administrative support, and office~~
5 ~~participation. This standard memorandum of understanding may~~
6 ~~function as a model for future professionals in public service~~
7 ~~programs.~~

8 ~~(8) A reporting process that provides sufficient information for~~
9 ~~the director to report as set forth in subdivision (c) of Section~~
10 ~~15663.~~

11 ~~(c) Prior to the appointment of a professional in public service,~~
12 ~~the board shall approve the procedures established by the director~~
13 ~~pursuant to subdivision (b).~~

14 ~~(d) The appointment of a professional in public service shall be~~
15 ~~made no later than August 1, 2016. The final date of service of a~~
16 ~~professional in public service appointed under this chapter shall~~
17 ~~be December 31, 2017.~~

18 ~~(e) Before the effective date of an appointment under this~~
19 ~~chapter, every individual selected to participate in the program~~
20 ~~shall have entered into a memorandum of understanding with the~~
21 ~~director. The memorandum of understanding shall be specific as~~
22 ~~to the placement and clearly identify the duties, goals, expected~~
23 ~~outcomes, administrative support, and office participation. The~~
24 ~~memorandum of understanding shall set the benchmarks and~~
25 ~~metrics for evaluating the success of the placement.~~

26 ~~(f) Procedures adopted pursuant to this chapter are hereby~~
27 ~~exempted from the rulemaking provisions of the Administrative~~
28 ~~Procedure Act (Chapter 3.5 (commencing with Section 11340) of~~
29 ~~Part 1):~~

30 ~~15662. (a) Subject to the confidentiality requirements of~~
31 ~~Section 15619 of this code and of the Revenue and Taxation Code~~
32 ~~applicable to the board, and pursuant to an agreement that satisfies~~
33 ~~Section 6830 of the Revenue and Taxation Code, a professional~~
34 ~~in public service shall have all of the following duties:~~

35 ~~(1) Providing recommendations to the board on how to~~
36 ~~streamline, eliminate, or modify potentially inefficient or~~
37 ~~duplicative activities, processes, and programs, if any, of the board.~~

38 ~~(2) Providing recommendations to the board on methods to~~
39 ~~improve program efficiency at the board or new initiatives, if any;~~

1 that may be instituted at the board to address the needs of small
2 businesses and entrepreneurs.

3 ~~(3) Assisting the board in improving outreach and service to~~
4 ~~small business concerns and entrepreneurs including, but not~~
5 ~~limited to, the following:~~

6 ~~(A) Facilitating meetings and forums to educate small businesses~~
7 ~~and entrepreneurs on programs or initiatives of the board.~~

8 ~~(B) Facilitating in-service sessions with employees of the board~~
9 ~~on issues of concern to entrepreneurs and small businesses.~~

10 ~~(C) Providing technical assistance or mentorship to small~~
11 ~~businesses and entrepreneurs in accessing programs at the board.~~

12 ~~(b) A professional in public service shall serve on a~~
13 ~~project-based, voluntary basis, and shall be given a timeline for~~
14 ~~completion. At the discretion of the director, the professional in~~
15 ~~public service shall have access to an office, computer, and other~~
16 ~~related support services and equipment as the director determines~~
17 ~~to be necessary for the professional in public service to discharge~~
18 ~~his or her duties.~~

19 ~~15663. (a) A professional in public service shall report directly~~
20 ~~to the director.~~

21 ~~(b) The director shall establish an informal working group of~~
22 ~~professionals in public service to discuss best practices,~~
23 ~~experiences, obstacles, opportunities, and recommendations.~~

24 ~~(c) (1) Notwithstanding any law, including, but not limited to,~~
25 ~~Section 10231.5, the director shall annually prepare and submit to~~
26 ~~the Governor and the Assembly Committee on Jobs, Economic~~
27 ~~Development, and the Economy a report on the program. The~~
28 ~~report, at a minimum, shall include all of the following:~~

29 ~~(A) A progress report on the activities of each professional in~~
30 ~~public service during the reporting period, based on the applicable~~
31 ~~memorandum of understanding.~~

32 ~~(B) A general summary on how the overall program is~~
33 ~~addressing the goals of the program, which are as follows:~~

34 ~~(i) Making board-administered programs simpler, easier to~~
35 ~~access, more efficient, and more responsive to the needs and~~
36 ~~concerns of small businesses and entrepreneurs.~~

37 ~~(ii) Providing for better outreach by the board to the private~~
38 ~~sector.~~

1 ~~(iii) Strengthening coordination and interaction between the~~
2 ~~board and the private sector on issues relevant to entrepreneurs~~
3 ~~and small business concerns.~~

4 ~~(2) It is anticipated that program impacts will not be fully~~
5 ~~measurable until recommended changes and activities are fully~~
6 ~~implemented. The director shall continue measuring and reporting~~
7 ~~the impact of the activities of the professional in public service for~~
8 ~~three years following the placement of a professional in public~~
9 ~~service.~~

10 ~~(3) The report shall be filed in compliance with Section 9795.~~

11 ~~(4) The final annual report shall be filed by March 31, 2021.~~
12 ~~After the final report is filed, no further reporting is required under~~
13 ~~this chapter.~~

14 ~~15664. This chapter shall remain in effect only until January~~
15 ~~1, 2022, and as of that date is repealed.~~

16 ~~SEC. 3. No reimbursement is required by this act pursuant to~~
17 ~~Section 6 of Article XIII B of the California Constitution because~~
18 ~~the only costs that may be incurred by a local agency or school~~
19 ~~district will be incurred because this act creates a new crime or~~
20 ~~infraction, eliminates a crime or infraction, or changes the penalty~~
21 ~~for a crime or infraction, within the meaning of Section 17556 of~~
22 ~~the Government Code, or changes the definition of a crime within~~
23 ~~the meaning of Section 6 of Article XIII B of the California~~
24 ~~Constitution.~~

25 *SEC. 2. (a) The Legislative Analyst and the California State*
26 *Auditor shall collaboratively convene a work group for the*
27 *purposes of determining the most appropriate state agency to*
28 *house a professionals in public service pilot program with the goal*
29 *of making state government activities and practices more*
30 *streamlined and accessible to small businesses.*

31 *(b) The Legislative Analyst and the California State Auditor*
32 *shall report the work group's recommendations to the Legislature*
33 *on or before December 31, 2016. The report shall be submitted*
34 *as set forth in Section 9795 of the Government Code.*

35 *(c) This section is repealed on January 1, 2017.*