

AMENDED IN ASSEMBLY JUNE 14, 2016

AMENDED IN ASSEMBLY JUNE 12, 2016

AMENDED IN ASSEMBLY MAY 25, 2016

SENATE BILL

No. 836

Introduced by Committee on Budget and Fiscal Review

January 7, 2016

An act to amend Sections 655, 2556.1, 2556.2, 3010.5, 3011, 3013, and 3020 of the Business and Professions Code, to amend Sections 846.1 and 1789.37 of the Civil Code, to amend Sections 77, 1345, 1346, 1370, 1371, 1375, 1379, and 1563 of the Code of Civil Procedure, to amend Sections 12117, 17295, 24618, 68121, 70010.1, 70010.5, 76300, 81133, and 89750.5 of the Education Code, to amend Sections 1122 and 15512 of the Fish and Game Code, to amend Sections 3955, 14978.2, and 52295 of the Food and Agricultural Code, to amend Sections 800, 850.6, 900.2, 905.2, 905.3, 906, 911.2, 912.5, 915, 920, 925, 925.4, 925.6, 926, 926.2, 926.4, 926.6, 927.13, 935.6, 935.7, 940.2, 965, 965.1, 965.5, 997.1, 998.2, 1151, 3515.7, 6254.17, 6276.08, 7599.2, 8652, 8902, 11007.6, 11014, 11030.1, 11030.2, 11031, 11125.7, 11125.8, 11270, 11270.1, 11274, 11275, 11852, 11854, 11860, 11862, 11864, 11870, 11872, 11874, 11880, 11890, 11892, 11894, 12432, 12803.2, 13300, 13300.5, 13332.02, 13332.03, 13332.09, 13900, 13901, 13905, 13909, 13951, 13972, 13973, 13974, 13974.1, 13974.5, 13995.40, 14084, 14600, 15202, 16302.1, 16304.6, 16383, 16431, 17051.5, 17201, 18708, 19815.4, 20163, 21223, 21265, 22910, 22911, 26749, 68503, 68506, 68543, 68543.5, 68543.8, and 68565 of, to amend the heading of Article 5 (commencing with Section 11890) of Chapter 10 of Part 1 of, and to amend the heading of Part 4 (commencing with Section 13900) of, Division 3 of Title 2 of, to amend and renumber Sections 13920, 13923, 13928, 13940, 13941, 13942, 13943, 13943.1,

13943.2, 13943.3, and 13944 of, to amend, repeal, and add Section 17518.5 of, to repeal Sections 11276 and 11277 of, to add Sections 11893, 11895, 14659, 14659.01, 14659.02, 14659.03, 14659.04, 14659.05, 14659.06, and 14659.07 to, to add Article 5.2 (commencing with Section 9112) to Chapter 1.5 of Part 1 of Division 2 of, and to add Article 3.5 (commencing with Section 14691) to Chapter 2 of Part 5.5 of Division 3 of, Title 2 of, to add the heading of Article 2.5 (commencing with Section 12433) to Chapter 5 of Part 2 of, and to add the heading of Article 1.1 (commencing with Section 14659) to Chapter 2 of Part 5.5 of, Division 3 of Title 2 of, the Government Code, to amend Sections 1492, 11502, 13052, 25372, 25373, 25374, 25375, 25375.5, 25376, 25377, 25379, 25380, 25381, 25382, and 121270 of, and to repeal Section 25370 of, the Health and Safety Code, to amend Sections 11580.1 and 11872 of the Insurance Code, to amend Sections 1308.10, 1684, 1698, 1700.18, 1706, 1720.9, 2059, 2065, 2658, 2699, 4724, 4725, 4726, 6507, 7311.4, 7314, 7315, 7340, 7341, 7342, 7343, 7344, 7345, 7346, 7347, 7348, 7350, 7351, 7352, 7353, 7354, 7354.5, 7356, 7357, 7373, 7720, 7721, 7722, 7904, 7924, 7929, 7991, 8001, 8002, 9021.6, and 9021.9 of, to amend the heading of Chapter 4 (commencing with Section 7340) of Part 3 of Division 5 of, to amend, repeal, and add Section 2699.3 of, to add Section 1308.11 to, to repeal Section 9021.7 of, and to repeal and add Section 7380 of, the Labor Code, to amend Sections 422.92, 600.2, 600.5, 851.8, 851.865, 987.9, 1191.15, 1191.2, 1202.4, 1202.41, 1214, 1463.02, 1485.5, 1485.55, 1557, 2085.5, 2085.6, 2786, 4900, 4901, 4902, 4904, 4905, 4906, 11163, 11172, 13835.2, and 14030 of the Penal Code, to amend Sections 216 and 9202 of the Probate Code, to amend Sections 10301, 10306, 10308, 10311, 10326.2, and 12102.2 of the Public Contract Code, to amend Sections 4116, 4602.6, 5093.68, and 30171.2 of, and to add Chapter 6.7 (commencing with Section 21189.50) to Division 13 of, the Public Resources Code, to amend Sections 17059.2, 23636, and 23689 of the Revenue and Taxation Code, to amend Section 30162 of the Streets and Highways Code, to amend Sections 1095 and 14013 of the Unemployment Insurance Code, and to amend Sections 1752.81, 1752.82, 4461, 11212, 14171.5, 14171.6, and 15634 of the Welfare and Institutions Code, relating to state government, and making an appropriation therefor, to take effect immediately, bill related to the budget.

LEGISLATIVE COUNSEL'S DIGEST

SB 836, as amended, Committee on Budget and Fiscal Review. State government.

(1) Existing law requires the State Board of Optometry to be responsible for the registration and regulation of nonresident contact lens sellers and dispensing opticians. Existing law authorizes a registered dispensing optician or optical company to operate, own, or have an ownership interest in a health plan, defined as a licensed health care service plan, and authorizes an optometrist, a registered dispensing optician, an optical company, or a health plan to execute a lease or other written agreement giving rise to a direct or indirect landlord-tenant relationship with an optometrist if specified conditions are contained in a written agreement. Existing law authorizes the board to inspect, upon request, an individual lease agreement and authorizes personal information, as defined, to be redacted from the lease agreement prior to submission of the lease agreement to the board. Existing law makes a violation of these provisions a crime.

This bill would, notwithstanding any other law and in addition to any action available to the board, authorize the board to issue a citation containing an order of abatement, an order to pay an administrative fine not to exceed \$50,000, or both, as specified, for a violation of a specific section of law. The bill would require the full amount of the assessed fine to be added to the fee for renewal of a license and would prohibit the license from being renewed without payment of both the renewal fee and the fine. The bill, among other things, would also delete the authorization to redact personal information from a lease agreement, and would, therefore, expand an existing crime resulting in the imposition of a state-mandated local program.

(2) Existing law requires any health plan, defined as a licensed health care service plan, to report to the board, among other things, that 100% of its locations no longer employ an optometrist by January 1, 2019. Existing law makes a violation of this provision a crime.

This bill would instead require a registered dispensing optician or optical company that owns a health plan to meet certain milestones, including that 100% of its locations no longer employ optometrists by January 1, 2019, and report to the board whether those milestones have been met within 30 days of each milestone. The bill would also, notwithstanding any other law and in addition to any action available to the board, authorize the board to issue a citation containing an order

of abatement, an order to pay an administrative fine not to exceed \$50,000, or both, as specified, for a violation of a specific section of law. The bill would require the full amount of the assessed fine to be added to the fee for renewal of a license and would prohibit the license from being renewed without payment of both the renewal fee and the fine. By placing new requirements on a registered dispensing optician or optical company, this bill would expand an existing crime, and would, therefore, impose a state-mandated local program.

(3) Under existing law, the Optometry Practice Act, the board consists of 11 members, 5 of whom are public members, 3 appointed by the Governor and one each appointed by the Senate Committee on Rules and the Speaker of the Assembly, and 6 of whom are nonpublic members appointed by the Governor. Existing law requires one of those nonpublic members to be a registered dispensing optician and requires the initial appointment of that member to replace the optometrist member whose term expired on June 1, 2015.

This bill, for appointments made on or after January 1, 2016, would authorize the Governor to appoint a spectacle lens dispenser or contact lens dispenser as that member.

(4) Existing law establishes a dispensing optician committee under the board, requires the committee to advise and make recommendations to the board regarding the regulation of dispensing opticians pursuant to the act, and tasks the committee with recommending registration standards and criteria for the registration of dispensing opticians and reviewing the disciplinary guidelines relating to registered dispensing opticians. Existing law requires the committee to consist of 2 registered dispensing opticians, 2 public members, and one member of the board.

This bill, as of January 1, 2016, would instead require one of those registered dispensing optician members to be a spectacle lens dispenser or a contact lens dispenser, would require the committee to additionally advise the board regarding the regulation of spectacle lens dispensers and contact lens dispensers, and would additionally task the committee with recommending registration standards and criteria for the registration of those dispensers and nonresident contact lens sellers and reviewing the disciplinary guidelines relating to those dispensers and nonresident contact lens sellers.

(5) Existing law establishes a system of public elementary and secondary education in this state in which local educational agencies provide instruction in kindergarten and grades 1 to 12, inclusive, in the public elementary and secondary schools. Existing law also establishes

the California Community Colleges, under the administration of the Board of Governors of the California Community Colleges, and authorizes community college districts throughout the state to provide instruction at the campuses they operate.

With respect to facilities for both public elementary and secondary schools and for community colleges, existing law requires that the Department of General Services pass upon and approve or reject all plans for the construction of, or, if the estimated cost exceeds \$25,000, the alteration of, any school building. Existing law also requires, where the estimated cost of the reconstruction or alteration of, or an addition to, any school building exceeds \$25,000, but does not exceed \$100,000, that a licensed structural engineer examine the proposed project to determine if it is a nonstructural alteration or a structural alteration, as specified. Existing law authorizes the Department of General Services to increase the dollar amounts referenced above on an annual basis, commencing on January 1, 1999, according to an inflationary index governing construction costs that is selected and recognized by the department.

This bill would increase from \$25,000 to \$100,000 the estimated cost threshold for the requirement that the Department of General Services pass upon and approve or reject all plans for the construction or alteration of any school building. The bill would also increase the amounts in existing law so that, where the estimated cost of the reconstruction or alteration of, or an addition to, any school building exceeds \$100,000, but does not exceed \$225,000, a licensed structural engineer would be required to examine the proposed project as specified. The bill would authorize the Department of General Services to increase these dollar amounts on an annual basis, commencing on January 1, 2018, according to an inflationary index governing construction costs as referenced above.

(6) Existing law creates the Central Service Cost Recovery Fund, and provides for the deposit into that fund of amounts equal to the fair share of administrative costs due and payable from state agencies, and directs that moneys in the Central Service Cost Recovery Fund be appropriated for the administration of the state government, as determined by the Director of Finance. Existing law requires the Department of Finance to certify annually to the Controller the amount determined to be the fair share of administrative costs due and payable from each state agency, and requires the Controller to transmit to each state agency from which administrative costs have been determined or

redetermined to be due, a statement in writing setting forth the amount of the administrative costs due from the state agency and stating that, unless a written request to determine the payment is filed by the state agency, the Controller will transfer the amount of the administrative costs, or advance for administrative costs, from the special fund or funds charged to the Central Service Cost Recovery Fund or the General Fund, as specified. Existing law requires the Controller to transfer $\frac{1}{4}$ the amount determined on August 15, November 15, February 15, and May 15 of each fiscal year, as specified.

This bill would instead authorize the Department of Finance to allocate and charge a fair share of the administrative costs to all funds directly, and would require the department to certify to the Controller the amount determined to be the fair share of the administrative costs due and payable from each fund. This bill would eliminate the requirement that the Controller forward the determination of administrative costs to each state agency, and would require the Controller, upon order of the department, to transfer the amount of administrative costs, or advance for administrative costs, from special and nongovernmental cost funds to the Central Service Cost Recovery Fund or the General Fund. The bill would additionally authorize the Department of Finance to direct the Controller to advance a reasonable amount for administrative costs from a fund at any time during the year, as specified.

(7) Existing law requires a state agency if, upon receipt of the statement by the Controller, the state agency does not have funds available for the payment of the administrative costs, to notify the Controller and provide a written request to defer payment of those administrative costs, as specified.

This bill would instead require the Controller to notify the Department of Finance if a fund has an insufficient balance for the payment of the administrative costs, for direction by the department on affecting the transfer and its timing, and would make conforming changes.

(8) The Financial Information System for California (FISCAL) Act establishes the FISCAL system, a single integrated financial management system for the state. The act establishes the FISCAL Service Center and the FISCAL project office to exist concurrently during the phased implementation of the FISCAL system and requires the FISCAL Service Center, upon full implementation and final acceptance of the FISCAL system, to perform all maintenance and operation of the FISCAL system. The act further establishes a FISCAL Executive Partner who has responsibilities for the functions of the FISCAL project office and the

FISCAL Service Center. The act requires the FISCAL project office, subject to the approval of the Department of Finance, to establish and assess fees and a payment schedule for state departments and agencies to use or interface with the system, including fees to recover the costs of the FISCAL system.

This bill would replace the FISCAL Service Center with the Department of FISCAL, with specified duties, make conforming changes, and would eliminate the FISCAL Executive Partner and establish the Director of FISCAL, who would be appointed by, and serve at the pleasure of, the Governor, subject to Senate confirmation. The bill would modify the requirement of the FISCAL system to have a state budget transparency component. The bill would locate the department within the Government Operations Agency upon the acceptance of the system by the state, as determined by the Director of Finance. The bill would modify the fees assessed on state departments and agencies to pay for the design, development, and implementation of the system, as specified, and require administrative costs to be allocated and recovered in a specified manner.

(9) Existing law authorizes the Controller, until June 30, 2016, to procure, modify, and implement a new human resource management system that meets the needs of a modern state government, known as the 21st Century Project.

This bill would extend that authorization for one year, until June 30, 2017.

(10) The California Tourism Marketing Act authorizes the establishment of the California Travel and Tourism Commission, as a separate, independent California nonprofit mutual benefit corporation, for the purpose of promoting tourism in California, as specified. The act requires the commission to be composed of the Director of the Governor's Office of Business and Economic Development, who serves as the chairperson, 12 commissioners appointed by the Governor, as specified, and 24 commissioners selected by industry category in a referendum, as specified. The act further requires the commissioners to elect a vice chairperson from the 24 industry selected commissioners and authorizes the director to remove any elected commissioner following a hearing at which the commissioner is found guilty of abuse of office or moral turpitude.

This bill would instead require the 12 commissioners who are appointed by the Governor to elect the chairperson and the 24 industry-selected commissioners to elect the vice chairperson.

(11) Existing law establishes, within the Government Operations Agency, the California Victim Compensation and Government Claims Board with various duties that include, among others, compensating the victims and derivative victims of specified types of crimes for losses suffered as a result of those crimes and processing certain types of claims against the state. The board is composed of the Secretary of Government Operations, or his or her designee, the Controller, and one member who is appointed by, and serves at the pleasure of, the Governor. Existing law specifies that any reference in statute or regulation to the State Board of Control shall be construed to refer to the California Victim Compensation and Government Claims Board.

Existing law establishes, also within the Government Operations Agency, the Department of General Services with various duties providing centralized services for state entities, including, but not limited to, construction and maintenance of state buildings and property, and purchasing, printing, and architectural services.

This bill would generally transfer duties relating to government claims and government accounts from the California Victim Compensation and Government Claims Board to the Department of General Services and the Controller, as specified, and make conforming changes. The bill would rename the board the California Victim Compensation Board and make conforming name changes in provisions related to the board's remaining duties regarding the compensation of victims and derivative victims of crimes.

The bill would authorize the Department of General Services to assign any matter related to the statutory powers and duties transferred by this bill to the Office of Risk and Insurance Management or to any state office so designated and would require the department to have a seal and to fix that seal to specified documents.

(12) Existing law requires that various actions by the Controller affecting state assets be approved by the California Victim Compensation and Government Claims Board. Existing law requires that a decision by a state agency to forgo collection of taxes, licenses, fees, or moneys owed to the state that are \$500 or less be approved by the California Victim Compensation and Government Claims Board, as specified.

This bill would remove those requirements to take these actions.

(13) Existing law requires claimants to pay a fee for filing certain claims against the state. Existing law requires these fees to be deposited

into the General Fund and authorizes their appropriation in support of certain items of the budget.

This bill would instead require those fees to be deposited into the Service Revolving Fund and to be only available for the support of the Department of General Services upon appropriation by the Legislature.

(14) Existing law authorizes the California Victim Compensation and Government Claims Board to assess a surcharge to a state entity against which an approval claim was filed in an amount not to exceed 15% of the total approved claim.

This bill would repeal that authorization.

(15) Existing law requires the costs of administering the California employees' annual charitable campaign fund drive be paid by the agency that receives the contributions. Existing law requires these amounts to be deposited into the General Fund.

This bill would instead require these amounts to be deposited into the Service Revolving Fund and to be only available for the support of the Department of General Services upon appropriation by the Legislature.

(16) Under the California Constitution, whenever the Legislature or a state agency mandates a new program or higher level of service on any local government, including school districts, the state is required to provide a subvention of funds to reimburse the local government, with specified exceptions. Existing law establishes a procedure for local governmental agencies to file claims for reimbursement of these costs with the Commission on State Mandates. If the commission determines there are costs mandated by the state, existing law requires the commission to determine the amount to be subvented to local agencies and school districts for reimbursement, and in doing so, to adopt parameters and guidelines for reimbursement of any claims. In adopting the parameters and guidelines, existing law authorizes the commission to adopt a reasonable reimbursement methodology, as specified.

This bill would, until July 1, 2019, require a reasonable reimbursement methodology that is based on, in whole or in part, costs that have been included in claims submitted to the Controller for reimbursement to only use costs that have been audited by the Controller, as provided. The bill would also require the Controller, in coordination with the Commission on State Mandates and Department of Finance, by October 1, 2018, to prepare a report to the Legislature regarding implementation of the new reasonable reimbursement process and for the hearings on

the report to be held in the appropriate policy committees of the Legislature.

(17) The Public Employees' Medical and Hospital Care Act (PEMHCA), which is administered by the Board of Administration of the Public Employees' Retirement System (board), authorizes the board to contract for health benefit plans for employees and annuitants, as defined. Under PEMHCA, the state and contracting agencies, as defined, are required to contribute amounts sufficient to cover the board's administrative costs to a specified account in the Public Employees' Contingency Reserve Fund, expenditure of which is contingent upon approval by the Department of Finance and the Joint Legislative Budget Committee, as specified. Under PEMHCA, moneys from health benefit plans for risk adjustment, reserve moneys from terminated health benefit plans, and self-funded or minimum premium plan premiums are deposited into the Public Employees' Health Care Fund, which is continuously appropriated to pay benefits and claims costs, administrative costs, refunds, and other costs determined by the board.

This bill would condition the expenditure for administrative expenses of moneys in the Public Employees' Health Care Fund or the account for administrative expenses in the Public Employees' Contingency Reserve Fund on approval in the annual Budget Act. The bill would also discontinue the authorization for the use of moneys in the Public Employees' Health Care Fund to pay other costs determined by the board.

(18) Existing law establishes the Joint Rules Committee and authorizes it to take specified actions as an investigatory committee of the Legislature. Existing law requires the Joint Rules Committee to allocate space in the State Capitol Building Annex, with certain exceptions, in accordance with its determination of the needs of the Legislature, as provided. Existing law vests control of the maintenance and operation of the State Capitol Building Annex in the Department of General Services. Existing law provides for the expenditure of funds for the contingent and joint expenses of the Senate and Assembly under or pursuant to the direction of the Joint Rules Committee.

This bill would authorize the Joint Rules Committee to pursue the construction of a state capitol building annex or the restoration, rehabilitation, renovation, or reconstruction of the existing State Capitol Building Annex. The bill would require that the work performed pursuant to these provisions be administered and supervised by the Department of General Services, subject to review by the State Public

Works Board, pursuant to an agreement with the Joint Rules Committee. The bill would require the Department of General Services to report to the Joint Rules Committee on the scope, budget, delivery method, and schedule for any space to be constructed, restored, rehabilitated, renovated, or reconstructed pursuant to these provisions. The bill would exempt all work performed by the Department of General Services pursuant to these provisions from the State Contract Act. The bill would require that prevailing wages be paid to all workers employed on a project that is subject to these provisions. The bill would declare the intent of the Legislature regarding capitol building annex projects.

Existing law authorizes the Director of General Services, if no other agency is specifically authorized and directed, to acquire title to real property in the name of the state whenever the acquisition of real property is authorized or contemplated by law and imposes various duties on the Department of General Services with respect to the maintenance and operation of state buildings and grounds. Existing law, the State Building Construction Act of 1955, provides for the acquisition and construction of public buildings for use by state agencies by the State Public Works Board, subject to authorization by a separate act or appropriation enacted by the Legislature.

This bill would establish the State Project Infrastructure Fund and continuously appropriate the moneys in that fund for state projects, as defined, and for the report and work described above with respect to a new state capitol building annex or the existing State Capitol Building Annex. The bill would subject the defined state projects to the approval and administrative oversight by the Department of Finance and the State Public Works Board and would require the State Public Works Board to establish the scope, cost, and delivery method for each state project. The bill would require the Department of Finance, on behalf of the Department of General Services, to provide specified notices to the Joint Legislative Budget Committee, including a notice prior to the establishment of the scope, cost, and delivery method by the State Public Works Board describing the scope, budget, delivery method, expected tenants, and schedule for any space to be constructed or renovated for each state project. The bill would also require the Department of General Services to submit, on a quarterly basis, a report on the status of each state project established by the State Public Works Board to the Joint Legislative Budget Committee and to the chairpersons of the Senate Committee on Budget and Fiscal Review and the Assembly Committee on Budget, as provided.

The California Environmental Quality Act, referred to as CEQA, requires a lead agency, as defined, to prepare, or cause to be prepared and certify the completion of an environmental impact report, referred to as an EIR, on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA establishes a procedure for the preparation and certification of the record of proceedings upon the filing of an action or proceeding challenging a lead agency's action on the grounds of noncompliance with CEQA.

A provision of CEQA requires the Judicial Council to adopt a rule of court establishing procedures applicable to actions or proceedings brought to attack, review, set aside, void, or annul the certification of the environmental impact report for a specified entertainment and sports center project, as provided, or the granting of any project approvals that require the actions or proceedings be resolved, within 270 days of certification of the record of proceedings. Existing law also requires the preparation and certification of the administrative record for that project to comply with certain procedures. Existing law requires the draft and final EIR for that project to each include a notice containing specified information relating to required procedures for judicial actions challenging the certification of the EIR or the approval of a project described in the EIR. Existing law requires the lead agency to conduct an informational public workshop and hold a public hearing on the draft EIR, as provided. Existing law prohibits a court from enjoining the construction or operation of specified components of the entertainment and sports center project unless the court makes specified findings.

This bill would apply similar provisions to the construction of a state capitol building annex or the restoration, rehabilitation, renovation, or reconstruction of the existing State Capitol Building Annex, as described above.

This bill would, upon the direction of the Director of Finance, transfer \$1,300,000,000 from the General Fund to the State Project Infrastructure Fund. The bill would require that \$1,000,000,000 of this money be transferred on or after July 1, 2016, and no later than June 30, 2017, and the remaining \$300,000,000 be transferred on or after July 1, 2017.

(19) Existing law regulates the employment of minors in the entertainment industry and requires the written consent of the Labor Commissioner for a minor under 16 years of age to take part in certain types of employment. Existing law establishes a program to be administered by the commissioner that enables a minor's parent or

guardian, prior to the first employment of a minor performer and under specified conditions, to obtain a temporary permit for the employment of a minor. Existing law requires the commissioner to deposit all fees for temporary permits received into the Entertainment Work Permit Fund, with the funds to be available upon appropriation by the Legislature to pay for the costs of administration of the online temporary minor's entertainment work permit program.

This bill would require those permit fees and certain other revenues to instead be deposited in the Labor Enforcement and Compliance Fund. The bill would abolish the Entertainment Work Permit Fund and transfer moneys in, and assets, liabilities, revenues, expenditures, and encumbrances of, that fund to the Labor Enforcement and Compliance Fund.

(20) Existing law requires farm labor contractors to be licensed by the commissioner and to comply with specified employment laws applicable to farm labor contractors. Existing law requires farm labor contractors to pay license fees to the commissioner and continuously appropriates a portion of the fee revenues for enforcement and verification purposes. Existing law requires specified amounts of a license fee to be deposited in the Farmworker Remedial Account and expended by the commissioner to fund the Farm Labor Contractor Enforcement Unit and the Farm Labor Contractor License Verification Unit, and the remaining money to be credited to the General Fund.

This bill would require the money not used to fund those units to be paid instead into the Labor Enforcement and Compliance Fund and would make a conforming change.

(21) Existing law governs talent agency licensure and establishes specific fees. Existing law requires moneys collected for licenses and fines collected for violations to be paid into the State Treasury and credited to the General Fund.

This bill would instead require that all moneys collected for filing fees and licenses be credited to the Labor Enforcement and Compliance Fund, and that fines collected for violations be credited to the General Fund.

(22) Existing law establishes a Child Performer Services Permit program and requires the commissioner to deposit filing fees into the Child Performer Services Permit Fund (permit fund), the revenues of which are available, upon appropriation by the Legislature, to pay for the costs of administering the program.

This bill would require the fees to be deposited in the Labor Enforcement and Compliance Fund. The bill would abolish the permit fund and transfer any moneys in the permit fund and any assets, liabilities, revenues, expenditures, and encumbrances of that fund to the Labor Enforcement and Compliance Fund.

(23) Existing law defines “public works,” for purposes of requirements regarding the payment of prevailing wages for public works projects, to include, among other things, the hauling and delivery of ready-mixed concrete, as defined, to carry out a public works contract, with respect to contracts involving any state agency or any political subdivision of the state. Existing law, also requires the entity hauling or delivering ready-mixed concrete to enter into a written subcontract agreement with, and to provide employee payroll and time records to, the party that engaged that entity within 3 days, as specified. Existing law provides that these provisions apply to public works contracts awarded on or after July 1, 2016.

This bill would extend the time to submit employee payroll records to 5 days. The bill would provide that these provisions do not apply to public works contracts advertised for bid or awarded prior to July 1, 2016.

(24) Existing law regulates various aspects of the car washing and polishing industry and requires the commissioner to collect a \$250 registration fee from employers engaged in the business for each branch location and to periodically adjust the registration fee for inflation to ensure that the fee is sufficient to fund all costs to administer and enforce those provisions. Existing law requires, in addition to that fee, each employer be assessed an annual \$50 fee for each branch location to be deposited in the Car Wash Worker Restitution Fund.

This bill would remove the specific amount for the registration fee and would authorize the periodic adjustment of the fee, except as specified, in an amount sufficient to fund all direct and indirect costs to administer and enforce those provisions. The bill would fix the annual fee for deposit in the Car Wash Worker Restitution Fund in an amount equaling 20% of the registration fee.

(25) Existing law requires a person employing an industrial homemaker to obtain a valid industrial homework license from the Division of Labor Standards Enforcement, and establishes license and renewal fees, to be paid into the State Treasury. Existing law requires a person doing industrial homework to have a valid homemaker’s permit issued to him or her by the division and sets the fee at \$25.

This bill would require those fee and permit moneys to be paid into the Labor Enforcement and Compliance Fund.

(26) Existing law, the Labor Code Private Attorneys General Act of 2004, authorizes an aggrieved employee to bring a civil action to recover specified civil penalties, that would otherwise be assessed and collected by the Labor and Workforce Development Agency (agency), on behalf of the employee and other current or former employees for the violation of certain provisions affecting employees. Existing law requires notice of the claim from the aggrieved employee to the agency and to the employer by certified mail. Existing law provides that an employee who prevails in an action under these provisions is entitled to recover his or her reasonable attorney's fees and costs.

This bill would instead require that the notice to the agency be provided online, accompanied by a reasonable filing fee not to exceed a specified amount that would be deposited into the Labor and Workforce Development Fund to cover the administrative costs of processing the notice. The bill would, for cases filed on or after July 1, 2016, extend the timeframe for the agency to notify the employer and employee that it does not intend to investigate the alleged violation. The bill would entitle an employee who prevails in an action under these provisions to also recover his or her filing fees.

This bill would declare the intent of the Legislature that the agency shall continue to assign duties under the Labor Code Private Attorneys General Act of 2004 to entities where those duties are customarily performed.

Existing law provides that the court review and approve any penalties sought as a part of a proposed settlement of a claim.

This bill would require the proposed settlement agreement to be also sent to the agency. This bill would, until July 1, 2021, authorize the agency to extend the time to complete its investigation by 60 days when the agency determines an extension is necessary and issues a notice, as specified.

(27) Existing law requires the Division of Occupational Safety and Health to require a permit for specific types of construction, demolition, and work in mines and tunnels, and requires an employer or contractor who engages in certain asbestos-related work to register with the division. Existing law requires the division to set fees for permits in an amount reasonably necessary to cover the costs involved in investigating and issuing such permits.

This bill would require the division to set the fees to be charged for permits and registrations in amounts reasonably necessary to cover the costs involved in administering the permitting and registration programs and would require all permit and registration fees collected to be deposited in the Occupational Safety and Health Fund.

(28) Existing law governs the design, erection, construction, installation, material alteration, inspection, testing, maintenance, repair, service, and operation of specific conveyances and their associated parts. Existing law establishes certification and licensing programs for inspectors, companies, and mechanics, and for conveyance inspection and permitting programs, with fees established by the Division of Occupational Safety and Health based on prescribed costs to the division.

This bill would revise those provisions to require the fees to be based on costs to the division of administering those programs, including direct costs and a reasonable percentage attributable to the indirect costs of the division for administering those provisions.

(29) Existing law requires the Division of Occupational Safety and Health to administer a permit and inspection program for aerial passenger tramways. Existing law authorizes the division to fix fees for inspection as it deems necessary to cover the actual cost of having the inspection performed by a division safety engineer. Existing law prohibits the division from charging for inspections performed by certified insurance inspectors, but authorizes a fee of not more than \$10 to cover the cost of processing the permit when issued by the division as a result of the inspection. Fees collected by the division are deposited into the Elevator Safety Account to support the program.

This bill would remove the term “aerial” in those provisions and would instead refer only to “passenger tramways.” The bill would require the division to fix and collect fees for inspection of passenger tramways to cover direct costs and a reasonable percentage attributable to the indirect costs of the division for administering those provisions. The bill would remove the cap on the processing fee. The bill would require those fees to be deposited in the Occupational Safety and Health Fund instead of the Elevator Safety Account, and would transfer specific moneys in the Elevator Safety Account to the Occupational Safety and Health Fund, together with any assets, liabilities, revenues, expenditures, and encumbrances of that fund attributable to the program, the portable amusement ride inspection program, and the Permanent Amusement Ride Safety Inspection Program.

(30) Existing law requires the Division of Occupational Safety and Health to administer a permit and inspection program for tower cranes. Existing law requires the division to set fees for permits sufficient to cover prescribed program costs. Existing law authorizes the division to collect fees for the examination and licensing of crane certifiers as necessary to cover actual costs of administration. Fees collected by the division under those provisions are deposited into the General Fund.

This bill would require the division to collect those crane certifier fees, would require all the above fees to be set to cover the costs of administering the above provisions, and would authorize the inclusion of direct costs and a reasonable percentage attributable to the indirect costs of the division for administration. The bill would require that fees be deposited in the Occupational Safety and Health Fund instead of the Elevator Safety Account.

(31) Existing law authorizes the establishment and collection of fees by the Division of Occupational Safety and Health for specified services relating to tanks, boilers, and pressure vessels. Under existing law, inspection fees collected are paid into the Pressure Vessel Account.

This bill would remove an existing \$15 cap on a permit processing fee, and would require all fees relating to tanks, boilers, and pressure vessels to be in amounts sufficient to cover the division's direct and indirect costs for administering these provisions. The bill would expand the fees paid into the Pressure Vessel Account to include all fees collected under those tank, boiler, and pressure vessel provisions.

(32) Existing law, the Amusement Rides Safety Law, authorizes the establishment and collection of fees by the Division of Occupational Safety and Health for inspection and permitting of amusement rides. Fees collected under those provisions are deposited into the Elevator Safety Account. Existing law requires the division to submit an annual report on amusement ride safety to the Division of Fairs and Expositions within the Department of Food and Agriculture (DFA), including route location information submitted by permit applicants.

The bill would require the division to set fees relating to amusement rides, initially by emergency regulation, in amounts necessary to cover costs for administering those provisions, and would authorize the inclusion of direct costs and a reasonable percentage attributable to the indirect costs of the division for administration. The bill would require that fees be deposited in the Occupational Safety and Health Fund instead of the Elevator Safety Account. The bill would require the division to post the amusement ride safety report on its Internet Web

site instead of submitting it to the DFA, and would make the inclusion of route location information discretionary.

(33) Existing law establishes the Permanent Amusement Ride Safety Inspection Program, which authorizes the Division of Occupational Safety to fix and collect fees to cover the costs of administering the program, and fees collected are deposited in the Elevator Safety Account.

This bill would require the division to collect those fees and include direct and reasonable indirect costs for administration. The bill would require the division to impose a penalty equal to 100% of the initial fee if a person owning or having custody, management, or operation of a permanent amusement ride fails to pay any fee required under the program within 60 days after the date of notification by the division. The bill would require that fees be deposited in the Occupational Safety and Health Fund instead of the Elevator Safety Account.

(34) Existing law establishes licensing and certification provisions relating to tunnel and mine safety for explosive blasters, gas testers, and safety representatives administered by the Division of Occupational Safety and Health. Those provisions set fees for licensure and renewals. Existing law requires those fees to be deposited in the General Fund.

This bill would revise those provisions to require the division to set fees to include direct costs and a reasonable percentage attributable to the indirect costs of the division for administration, and to deposit those fees in the Occupational Safety and Health Fund.

(35) Under existing law relating to the certification of asbestos consultants and site surveillance technicians, fees authorized to be collected by the Division of Occupational Safety and Health, as provided, are deposited in accounts within the Asbestos Training and Consultant Certification Fund.

This bill would require the division to collect those fees and require that fees be deposited in the Occupational Safety and Health Fund instead of the Asbestos Training and Consultant Certification Fund, which latter fund the bill would abolish.

(36) Existing law requires the Division of Occupational Safety and Health to inspect the operation of the rides at a permanent amusement park annually. Existing law requires operators to submit to the division an annual certificate of compliance, including a prescribed declaration by a qualified safety inspector, and to maintain prescribed records and make them available for inspection by the division. Existing law requires

the division to conduct an inspection of the operation of the rides in conjunction with an inspection of records.

This bill would exempt the division from that requirement to conduct an operational inspection of a ride in conjunction with an inspection of records if a qualified safety inspector employed by the division has already inspected the operation of the ride in connection with the execution of the current annual certificate of compliance.

(37) Existing law allows a credit against the taxes imposed under the Corporation Tax Law and the Personal Income Tax Law for each taxable year beginning on or after January 1, 2014, and before January 1, 2025, in an amount as provided in a written agreement between the Governor's Office of Business and Economic Development and the taxpayer, agreed upon by the California Competes Tax Credit Committee, and based on specified factors, including the number of jobs the taxpayer will create or retain in the state and the amount of investment in the state by the taxpayer. Existing law limits the aggregate amount of credits allocated to taxpayers to a specified sum per fiscal year.

This bill would authorize the Governor's Office of Business and Economic Development, when determining whether to enter into a written agreement with a taxpayer, to consider additional factors including, but not limited to, the financial solvency of the taxpayer and the taxpayer's compliance with state and federal laws. The bill would also state the legislative intent relating to ~~this bill~~: *these provisions*.

(38) Existing law, the Corporation Tax Law, for taxable years beginning on or after January 1, 2015, and before January 1, 2030, allows, with regard to the manufacture of a new advanced strategic aircraft for the United States Air Force, a credit against the taxes imposed under that law in an amount equal to a specified percentage of qualified wages paid or incurred with respect to qualified full-time employees, as multiplied by an annual full-time equivalent ratio, by the qualified taxpayer. Existing law defines a "qualified taxpayer" as a prime contractor or a major first-tier contractor awarded a contract related to the New Advanced Strategic Aircraft Program. The contract was awarded in 2016 to a qualified taxpayer that is a prime contractor, and no other taxpayers are qualified taxpayers, as defined, under that contract.

This bill would allow the above-described credit for taxable years beginning on or after January 1, 2016, and before January 1, 2031, as the New Advanced Strategic Aircraft Program contract was awarded in 2016.

(39) Existing law, federal Workforce Innovation and Opportunity Act, provides for workforce investment activities, including activities in which states may participate. Existing law provides that the California Workforce Development Board is responsible for assisting the Governor in the development, oversight, and continuous improvement of California's workforce investment system.

Existing law requires the Director of Employment Development to permit information in his or her possession to be used for specified purposes, including to assist various state agencies to perform specified duties.

This bill would require the director to permit the use of information in his or her possession to enable the California Workforce Development Board, the Chancellor of the California Community Colleges, the Superintendent of Public Instruction, the Department of Rehabilitation, the State Department of Social Services, the Bureau for Private Postsecondary Education, the Department of Industrial Relations, Division of Apprenticeship Standards, and the Employment Training Panel to access any relevant quarterly wage data necessary for the evaluation and reporting of their respective program performance outcomes.

(40) Existing law requires the California Workforce Development Board to assist the Governor in developing and updating comprehensive state performance accountability measures to assess the effectiveness of core programs in the state. As part of that process, existing law authorizes the State Department of Education to collect the social security numbers of adults participating in adult education programs so that accurate participation in those programs can be represented. Existing law requires the State Department of Education to keep this information confidential.

This bill would authorize the State Department of Education to share the social security numbers of adults participating in adult education programs with the Employment Development Department, and would require the Employment Development Department to keep the information confidential and only use it to track the labor market progress of program participants, as specified.

(41) 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.

(42) This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.

Vote: majority. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: yes.

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

1 SECTION 1. Section 655 of the Business and Professions Code
2 is amended to read:

3 655. (a) For the purposes of this section, the following terms
4 have the following meanings:

5 (1) “Health plan” means a health care service plan licensed
6 pursuant to the Knox-Keene Health Care Service Plan Act of 1975
7 (Chapter 2.2 (commencing with Section 1340) of Division 2 of
8 the Health and Safety Code).

9 (2) “Optical company” means a person or entity that is engaged
10 in the manufacture, sale, or distribution to physicians and surgeons,
11 optometrists, health plans, or dispensing opticians of lenses, frames,
12 optical supplies, or optometric appliances or devices or kindred
13 products.

14 (3) “Optometrist” means a person licensed pursuant to Chapter
15 7 (commencing with Section 3000) or an optometric corporation,
16 as described in Section 3160.

17 (4) “Registered dispensing optician” means a person licensed
18 pursuant to Chapter 5.5 (commencing with Section 2550).

19 (5) “Therapeutic ophthalmic product” means lenses or other
20 products that provide direct treatment of eye disease or visual
21 rehabilitation for diseased eyes.

22 (b) No optometrist may have any membership, proprietary
23 interest, coownership, or any profit-sharing arrangement, either
24 by stock ownership, interlocking directors, trusteeship, mortgage,
25 or trust deed, with any registered dispensing optician or any optical
26 company, except as otherwise permitted under this section.

27 (c) (1) A registered dispensing optician or an optical company
28 may operate, own, or have an ownership interest in a health plan
29 so long as the health plan does not directly employ optometrists
30 to provide optometric services directly to enrollees of the health
31 plan, and may directly or indirectly provide products and services
32 to the health plan or its contracted providers or enrollees or to other
33 optometrists. For purposes of this section, an optometrist may be

1 employed by a health plan as a clinical director for the health plan
2 pursuant to Section 1367.01 of the Health and Safety Code or to
3 perform services related to utilization management or quality
4 assurance or other similar related services that do not require the
5 optometrist to directly provide health care services to enrollees.
6 In addition, an optometrist serving as a clinical director may not
7 employ optometrists to provide health care services to enrollees
8 of the health plan for which the optometrist is serving as clinical
9 director. For the purposes of this section, the health plan's
10 utilization management and quality assurance programs that are
11 consistent with the Knox-Keene Health Care Service Plan Act of
12 1975 (Chapter 2.2 (commencing with Section 1340) of Division
13 2 of the Health and Safety Code) do not constitute providing health
14 care services to enrollees.

15 (2) The registered dispensing optician or optical company shall
16 not interfere with the professional judgment of the optometrist.

17 (3) The Department of Managed Health Care shall forward to
18 the State Board of Optometry any complaints received from
19 consumers that allege that an optometrist violated the Optometry
20 Practice Act (Chapter 7 (commencing with Section 3000)). The
21 Department of Managed Health Care and the State Board of
22 Optometry shall enter into an Inter-Agency Agreement regarding
23 the sharing of information related to the services provided by an
24 optometrist that may be in violation of the Optometry Practice Act
25 that the Department of Managed Health Care encounters in the
26 course of the administration of the Knox-Keene Health Care
27 Service Plan Act of 1975 (Chapter 2.2 (commencing with section
28 1340) of Division 2 of the Health and Safety Code).

29 (d) An optometrist, a registered dispensing optician, an optical
30 company, or a health plan may execute a lease or other written
31 agreement giving rise to a direct or indirect landlord-tenant
32 relationship with an optometrist, if all of the following conditions
33 are contained in a written agreement establishing the
34 landlord-tenant relationship:

35 (1) (A) The practice shall be owned by the optometrist and in
36 every phase be under the optometrist's exclusive control, including
37 the selection and supervision of optometric staff, the scheduling
38 of patients, the amount of time the optometrist spends with patients,
39 fees charged for optometric products and services, the examination

1 procedures and treatment provided to patients and the optometrist's
2 contracting with managed care organizations.

3 (B) Subparagraph (A) shall not preclude a lease from including
4 commercially reasonable terms that: (i) require the provision of
5 optometric services at the leased space during certain days and
6 hours, (ii) restrict the leased space from being used for the sale or
7 offer for sale of spectacles, frames, lenses, contact lenses, or other
8 ophthalmic products, except that the optometrist shall be permitted
9 to sell therapeutic ophthalmic products if the registered dispensing
10 optician, health plan, or optical company located on or adjacent
11 to the optometrist's leased space does not offer any substantially
12 similar therapeutic ophthalmic products for sale, (iii) require the
13 optometrist to contract with a health plan network, health plan, or
14 health insurer, or (iv) permit the landlord to directly or indirectly
15 provide furnishings and equipment in the leased space.

16 (2) The optometrist's records shall be the sole property of the
17 optometrist. Only the optometrist and those persons with written
18 authorization from the optometrist shall have access to the patient
19 records and the examination room, except as otherwise provided
20 by law.

21 (3) The optometrist's leased space shall be definite and distinct
22 from space occupied by other occupants of the premises, have a
23 sign designating that the leased space is occupied by an
24 independent optometrist or optometrists and be accessible to the
25 optometrist after hours or in the case of an emergency, subject to
26 the facility's general accessibility. This paragraph shall not require
27 a separate entrance to the optometrist's leased space.

28 (4) All signs and displays shall be separate and distinct from
29 that of the other occupants and shall have the optometrist's name
30 and the word "optometrist" prominently displayed in connection
31 therewith. This paragraph shall not prohibit the optometrist from
32 advertising the optometrist's practice location with reference to
33 other occupants or prohibit the optometrist or registered dispensing
34 optician from advertising their participation in any health plan's
35 network or the health plan's products in which the optometrist or
36 registered dispensing optician participates.

37 (5) There shall be no signs displayed on any part of the premises
38 or in any advertising indicating that the optometrist is employed
39 or controlled by the registered dispensing optician, health plan or
40 optical company.

1 (6) Except for a statement that an independent doctor of
2 optometry is located in the leased space, in-store pricing signs and
3 as otherwise permitted by this subdivision, the registered
4 dispensing optician or optical company shall not link its advertising
5 with the optometrist's name, practice, or fees.

6 (7) Notwithstanding paragraphs (4) and (6), this subdivision
7 shall not preclude a health plan from advertising its health plan
8 products and associated premium costs and any copayments,
9 coinsurance, deductibles, or other forms of cost-sharing, or the
10 names and locations of the health plan's providers, including any
11 optometrists or registered dispensing opticians that provide
12 professional services, in compliance with the Knox-Keene Health
13 Care Service Plan Act of 1975 (Chapter 2.2 (commencing with
14 Section 1340) of Division 2 of the Health and Safety Code).

15 (8) A health plan that advertises its products and services in
16 accordance with paragraph (7) shall not advertise the optometrist's
17 fees for products and services that are not included in the health
18 plan's contract with the optometrist.

19 (9) The optometrist shall not be precluded from collecting fees
20 for services that are not included in a health plan's products and
21 services, subject to any patient disclosure requirements contained
22 in the health plan's provider agreement with the optometrist or
23 that are not otherwise prohibited by the Knox-Keene Health Care
24 Service Plan Act of 1975 (Chapter 2.2 (commencing with Section
25 1340) of Division 2 of the Health and Safety Code).

26 (10) The term of the lease shall be no less than one year and
27 shall not require the optometrist to contract exclusively with a
28 health plan. The optometrist may terminate the lease according to
29 the terms of the lease. The landlord may terminate the lease for
30 the following reasons:

31 (A) The optometrist's failure to maintain a license to practice
32 optometry or the imposition of restrictions, suspension or
33 revocation of the optometrist's license or if the optometrist or the
34 optometrist's employee is or becomes ineligible to participate in
35 state or federal government-funded programs.

36 (B) Termination of any underlying lease where the optometrist
37 has subleased space, or the optometrist's failure to comply with
38 the underlying lease provisions that are made applicable to the
39 optometrist.

1 (C) If the health plan is the landlord, the termination of the
2 provider agreement between the health plan and the optometrist,
3 in accordance with the Knox-Keene Health Care Service Plan Act
4 of 1975 (Chapter 2.2 (commencing with Section 1340) of Division
5 2 of the Health and Safety Code).

6 (D) Other reasons pursuant to the terms of the lease or permitted
7 under the Civil Code.

8 (11) The landlord shall act in good faith in terminating the lease
9 and in no case shall the landlord terminate the lease for reasons
10 that constitute interference with the practice of optometry.

11 (12) Lease or rent terms and payments shall not be based on
12 number of eye exams performed, prescriptions written, patient
13 referrals or the sale or promotion of the products of a registered
14 dispensing optician or an optical company.

15 (13) The landlord shall not terminate the lease solely because
16 of a report, complaint, or allegation filed by the optometrist against
17 the landlord, a registered dispensing optician or a health plan, to
18 the State Board of Optometry or the Department of Managed
19 Health Care or any law enforcement or regulatory agency.

20 (14) The landlord shall provide the optometrist with written
21 notice of the scheduled expiration date of a lease at least 60 days
22 prior to the scheduled expiration date. This notice obligation shall
23 not affect the ability of either party to terminate the lease pursuant
24 to this section. The landlord may not interfere with an outgoing
25 optometrist's efforts to inform the optometrist's patients, in
26 accordance with customary practice and professional obligations,
27 of the relocation of the optometrist's practice.

28 (15) The State Board of Optometry may inspect, upon request,
29 an individual lease agreement pursuant to its investigational
30 authority, and if such a request is made, the landlord or tenant, as
31 applicable, shall promptly comply with the request. Failure or
32 refusal to comply with the request for lease agreements within 30
33 days of receiving the request constitutes unprofessional conduct
34 and is grounds for disciplinary action by the appropriate regulatory
35 agency. This section shall not affect the Department of Managed
36 Health Care's authority to inspect all books and records of a health
37 plan pursuant to Section 1381 of the Health and Safety Code.

38 Any financial information contained in the lease submitted to a
39 regulatory entity, pursuant to this paragraph, shall be considered
40 confidential trade secret information that is exempt from disclosure

1 under the California Public Records Act (Chapter 3.5 (commencing
2 with Section 6250) of Division 7 of Title 1 of the Government
3 Code).

4 (16) This subdivision shall not be applicable to the relationship
5 between any optometrist employee and the employer medical
6 group, or the relationship between a medical group exclusively
7 contracted with a health plan regulated by the Department of
8 Managed Health Care and that health plan.

9 (e) No registered dispensing optician may have any membership,
10 proprietary interest, coownership, or profit sharing arrangement
11 either by stock ownership, interlocking directors, trusteeship,
12 mortgage, or trust deed, with an optometrist, except as permitted
13 under this section.

14 (f) Nothing in this section shall prohibit a person licensed under
15 Chapter 5 (commencing with Section 2000) or its professional
16 corporation from contracting with or employing optometrists,
17 ophthalmologists, or optometric assistants and entering into a
18 contract or landlord tenant relationship with a health plan, an
19 optical company, or a registered dispensing optician, in accordance
20 with Sections 650 and 654 of this code.

21 (g) Any violation of this section constitutes a misdemeanor as
22 to such person licensed under Chapter 7 (commencing with Section
23 3000) of this division and as to any and all persons, whether or
24 not so licensed under this division, who participate with such
25 licensed person in a violation of any provision of this section.

26 (h) (1) Notwithstanding any other law and in addition to any
27 action available to the State Board of Optometry, the State Board
28 of Optometry may issue a citation containing an order of
29 abatement, an order to pay an administrative fine, or both, to an
30 optical company, an optometrist, or a registered dispensing optician
31 for a violation of this section. The administrative fine shall not
32 exceed fifty thousand dollars (\$50,000). In assessing the amount
33 of the fine, the board shall give due consideration to all of the
34 following:

35 (A) The gravity of the violation.

36 (B) The good faith of the cited person or entity.

37 (C) The history of previous violations of the same or similar
38 nature.

39 (D) Evidence that the violation was or was not willful.

1 (E) The extent to which the cited person or entity has cooperated
2 with the board's investigation.

3 (F) The extent to which the cited person or entity has mitigated
4 or attempted to mitigate any damage or injury caused by the
5 violation.

6 (G) Any other factors as justice may require.

7 (2) A citation or fine assessment issued pursuant to a citation
8 shall inform the cited person or entity that if a hearing is desired
9 to contest the finding of a violation, that hearing shall be requested
10 by written notice to the board within 30 days of the date of issuance
11 of the citation or assessment. If a hearing is not requested pursuant
12 to this section, payment of any fine shall not constitute an
13 admission of the violation charged. Hearings shall be held pursuant
14 to Chapter 5 (commencing with Section 11500) of Part 1 of
15 Division 3 of Title 2 of the Government Code.

16 (3) The board shall adopt regulations to implement a system for
17 the issuance of citations, administrative fines, and orders of
18 abatement authorized by this section. The regulations shall include
19 provisions for both of the following:

20 (A) The issuance of a citation without an administrative fine.

21 (B) The opportunity for a cited person or entity to have an
22 informal conference with the executive officer of the board in
23 addition to the hearing described in paragraph (2).

24 (4) The failure of a licensee to pay a fine within 30 days of the
25 date of assessment, unless the citation is being appealed, may result
26 in disciplinary action being taken by the board. Where a citation
27 is not contested and a fine is not paid, the full amount of the
28 assessed fine shall be added to the fee for renewal of the license.
29 A license shall not be renewed without payment of the renewal
30 fee and fine.

31 (5) Notwithstanding any other law, if a fine is paid to satisfy an
32 assessment based on the finding of a violation, payment of the fine
33 shall be represented as satisfactory resolution of the matter for
34 purposes of public disclosure.

35 (i) Administrative fines collected pursuant to this section shall
36 be deposited in the Dispensing Opticians Fund. It is the intent of
37 the Legislature that moneys collected as fines and deposited in the
38 fund be used by the board primarily for enforcement purposes.

39 SEC. 2. Section 2556.1 of the Business and Professions Code
40 is amended to read:

1 2556.1. All licensed optometrists and registered dispensing
2 opticians who are in a colocated setting shall report the business
3 relationship to the State Board of Optometry, as determined by
4 the board. The State Board of Optometry shall have the authority
5 to inspect any premises at which the business of a registered
6 dispensing optician is colocated with the practice of an optometrist,
7 for the purposes of determining compliance with Section 655. The
8 inspection may include the review of any written lease agreement
9 between the registered dispensing optician and the optometrist or
10 between the optometrist and the health plan. Failure to comply
11 with the inspection or any request for information by the board
12 may subject the party to disciplinary action. The board shall
13 provide a copy of its inspection results, if applicable, to the
14 Department of Managed Health Care.

15 SEC. 3. Section 2556.2 of the Business and Professions Code
16 is amended to read:

17 2556.2. (a) Notwithstanding any other law, subsequent to the
18 effective date of this section and until January 1, 2019, any
19 individual, corporation, or firm operating as a registered dispensing
20 optician under this chapter before the effective date of this section,
21 or an employee of such an entity, shall not be subject to any action
22 for engaging in conduct prohibited by Section 2556 or Section 655
23 as those sections existed prior to the effective date of this bill,
24 except that a registrant shall be subject to discipline for duplicating
25 or changing lenses without a prescription or order from a person
26 duly licensed to issue the same.

27 (b) Nothing in this section shall be construed to imply or suggest
28 that a person registered under this chapter is in violation of or in
29 compliance with the law.

30 (c) This section shall not apply to any business relationships
31 prohibited by Section 2556 commencing registration or operations
32 on or after the effective date of this section.

33 (d) Subsequent to the effective date of this section and until
34 January 1, 2019, nothing in this section shall prohibit an individual,
35 corporation, or firm operating as a registered dispensing optician
36 from engaging in a business relationship with an optometrist
37 licensed pursuant to Chapter 7 (commencing with Section 3000)
38 before the effective date of this section at locations registered with
39 the Medical Board of California before the effective date of this
40 section.

1 (e) This section does not apply to any administrative action
2 pending, litigation pending, cause for discipline, or cause of action
3 accruing prior to September 1, 2015.

4 (f) Any registered dispensing optician or optical company that
5 owns a health plan that employs optometrists, subject to this
6 section, shall comply with the following milestones:

7 (1) By January 1, 2017, 15 percent of its locations shall no
8 longer employ an optometrist.

9 (2) By August 1, 2017, 45 percent of its locations shall no longer
10 employ an optometrist.

11 (3) By January 1, 2019, 100 percent of its locations shall no
12 longer employ an optometrist.

13 (g) Any registered dispensing optician or optical company that
14 owns a health plan that employs optometrists shall report to the
15 State Board of Optometry in writing as to whether it has met each
16 of the milestones in subdivision (f) within 30 days of each
17 milestone. The State Board of Optometry shall provide those
18 reports as soon as it receives them to the director and the
19 Legislature. The report to the Legislature shall be submitted in
20 compliance with Section 9795 of the Government Code.

21 (h) (1) Notwithstanding any other law and in addition to any
22 action available to the State Board of Optometry, the State Board
23 of Optometry may issue a citation containing an order of
24 abatement, an order to pay an administrative fine, or both, to an
25 optical company, an optometrist, or a registered dispensing optician
26 for a violation of this section. The administrative fine shall not
27 exceed fifty thousand dollars (\$50,000). In assessing the amount
28 of the fine, the board shall give due consideration to all of the
29 following:

30 (A) The gravity of the violation.

31 (B) The good faith of the cited person or entity.

32 (C) The history of previous violations of the same or similar
33 nature.

34 (D) Evidence that the violation was or was not willful.

35 (E) The extent to which the cited person or entity has cooperated
36 with the board's investigation.

37 (F) The extent to which the cited person or entity has mitigated
38 or attempted to mitigate any damage or injury caused by the
39 violation.

40 (G) Any other factors as justice may require.

1 (2) A citation or fine assessment issued pursuant to a citation
2 shall inform the cited person or entity that if a hearing is desired
3 to contest the finding of a violation, that hearing shall be requested
4 by written notice to the board within 30 days of the date of issuance
5 of the citation or assessment. If a hearing is not requested pursuant
6 to this section, payment of any fine shall not constitute an
7 admission of the violation charged. Hearings shall be held pursuant
8 to Chapter 5 (commencing with Section 11500) of Part 1 of
9 Division 3 of Title 2 of the Government Code.

10 (3) The board shall adopt regulations to implement a system for
11 the issuance of citations, administrative fines, and orders of
12 abatement authorized by this section. The regulations shall include
13 provisions for both of the following:

14 (A) The issuance of a citation without an administrative fine.

15 (B) The opportunity for a cited person or entity to have an
16 informal conference with the executive officer of the board in
17 addition to the hearing described in paragraph (2).

18 (4) The failure of a licensee to pay a fine within 30 days of the
19 date of assessment, unless the citation is being appealed, may result
20 in disciplinary action being taken by the board. Where a citation
21 is not contested and a fine is not paid, the full amount of the
22 assessed fine shall be added to the fee for renewal of the license.
23 A license shall not be renewed without payment of the renewal
24 fee and fine.

25 (5) Notwithstanding any other law, if a fine is paid to satisfy an
26 assessment based on the finding of a violation, payment of the fine
27 shall be represented as satisfactory resolution of the matter for
28 purposes of public disclosure.

29 (i) Administrative fines collected pursuant to this section shall
30 be deposited in the Dispensing Opticians Fund. It is the intent of
31 the Legislature that moneys collected as fines and deposited in the
32 fund be used by the board primarily for enforcement purposes.

33 SEC. 4. Section 3010.5 of the Business and Professions Code
34 is amended to read:

35 3010.5. (a) There is in the Department of Consumer Affairs
36 a State Board of Optometry in which the enforcement of this
37 chapter is vested. The board consists of 11 members, five of whom
38 shall be public members and one of the nonpublic members shall
39 be an individual registered as a dispensing optician, spectacle lens
40 dispenser, or contact lens dispenser. The registered dispensing

1 member shall be registered pursuant to Chapter 5.5. (commencing
2 with Section 2550) and in good standing with the board.

3 Six members of the board shall constitute a quorum.

4 (b) The board shall, with respect to conducting investigations,
5 inquiries, and disciplinary actions and proceedings, have the
6 authority previously vested in the board as created pursuant to
7 former Section 3010. The board may enforce any disciplinary
8 actions undertaken by that board.

9 (c) This section shall remain in effect only until January 1, 2018,
10 and as of that date is repealed, unless a later enacted statute, that
11 is enacted before January 1, 2018, deletes or extends that date.
12 Notwithstanding any other law, the repeal of this section renders
13 the board subject to review by the appropriate policy committees
14 of the Legislature.

15 (d) The amendments to this section by the act adding this
16 subdivision shall apply to appointments made on or after January
17 1, 2016.

18 SEC. 5. Section 3011 of the Business and Professions Code is
19 amended to read:

20 3011. (a) Members of the board, except the public members
21 and the registered dispensing member, shall be appointed only
22 from persons who are registered optometrists of the State of
23 California and actually engaged in the practice of optometry at the
24 time of appointment or who are members of the faculty of a school
25 of optometry. The public members shall not be a licentiate of the
26 board or of any other board under this division or of any board
27 referred to in Sections 1000 and 3600.

28 No person except the registered dispensing member, including
29 the public members, shall be eligible to membership on the board
30 who is a stockholder in or owner of or a member of the board of
31 trustees of any school of optometry or who shall be financially
32 interested, directly or indirectly, in any concern manufacturing or
33 dealing in optical supplies at wholesale.

34 No person shall serve as a member of the board for more than
35 two consecutive terms.

36 A member of the faculty of a school of optometry may be
37 appointed to the board; however, no more than two faculty
38 members of schools of optometry may be on the board at any one
39 time. Faculty members of the board shall not serve as public
40 members.

1 (b) The amendments to this section by the act adding this
2 subdivision shall apply to appointments made on or after January
3 1, 2016.

4 SEC. 6. Section 3013 of the Business and Professions Code is
5 amended to read:

6 3013. (a) Each member of the board shall hold office for a
7 term of four years, and shall serve until the appointment and
8 qualification of his or her successor or until one year shall have
9 elapsed since the expiration of the term for which he or she was
10 appointed, whichever first occurs.

11 (b) Vacancies occurring shall be filled by appointment for the
12 unexpired term.

13 (c) The Governor shall appoint three of the public members,
14 five members qualified as provided in Section 3011, and the
15 registered dispensing member as provided in Section 3010.5. The
16 Senate Committee on Rules and the Speaker of the Assembly shall
17 each appoint a public member.

18 (d) No board member serving between January 1, 2000, and
19 June 1, 2002, inclusive, shall be eligible for reappointment.

20 (e) For initial appointments made on or after January 1, 2003,
21 one of the public members appointed by the Governor and two of
22 the professional members shall serve terms of one year. One of
23 the public members appointed by the Governor and two of the
24 professional members shall serve terms of three years. The
25 remaining public member appointed by the Governor and the
26 remaining two professional members shall serve terms of four
27 years. The public members appointed by the Senate Committee
28 on Rules and the Speaker of the Assembly shall each serve for a
29 term of four years.

30 (f) The initial appointment of a registered dispensing optician,
31 spectacle lens dispenser, or contact lens dispenser member shall
32 replace the optometrist member whose term expired on June 1,
33 2015.

34 (g) The amendments to this section by the act adding this
35 subdivision shall apply to appointments made on or after January
36 1, 2016.

37 SEC. 7. Section 3020 of the Business and Professions Code is
38 amended to read:

39 3020. (a) There shall be established under the State Board of
40 Optometry a dispensing optician committee to advise and make

1 recommendations to the board regarding the regulation of
2 dispensing opticians, spectacle lens dispensers, and contact lens
3 dispensers, registered pursuant to Chapter 5.5 (commencing with
4 Section 2550). The committee shall consist of five members, one
5 of whom shall be a registered dispensing optician registered
6 pursuant to Chapter 5.5 (commencing with Section 2550), one of
7 whom shall be a spectacle lens dispenser or contact lens dispenser
8 registered pursuant to Chapter 5.5 (commencing with Section
9 2550), two of whom shall be public members, and one of whom
10 shall be a member of the board. Initial appointments to the
11 committee shall be made by the board. The board shall stagger the
12 terms of the initial members appointed. The filling of vacancies
13 on the committee shall be made by the board upon
14 recommendations by the committee.

15 (b) The committee shall be responsible for:

16 (1) Recommending registration standards and criteria for the
17 registration of dispensing opticians, nonresident contact lens sellers,
18 spectacle lens dispensers, and contact lens dispensers.

19 (2) Reviewing of the disciplinary guidelines relating to registered
20 dispensing opticians, nonresident contact lens sellers, spectacle
21 lens dispensers, and contact lens dispensers.

22 (3) Recommending to the board changes or additions to
23 regulations adopted pursuant to Chapter 5.5 (commencing with
24 Section 2550).

25 (4) Carrying out and implementing all responsibilities and duties
26 imposed upon it pursuant to this chapter or as delegated to it by
27 the board.

28 (c) The committee shall meet at least twice a year and as needed
29 in order to conduct its business.

30 (d) Recommendations by the committee regarding scope of
31 practice or regulatory changes or additions shall be approved,
32 modified, or rejected by the board within 90 days of submission
33 of the recommendation to the board. If the board rejects or
34 significantly modifies the intent or scope of the recommendation,
35 the committee may request that the board provide its reasons in
36 writing for rejecting or significantly modifying the
37 recommendation, which shall be provided by the board within 30
38 days of the request.

39 (e) After the initial appointments by the board pursuant to
40 subdivision (a), the Governor shall appoint the registered

1 dispensing optician members and the public members. The
2 committee shall submit a recommendation to the board regarding
3 which board member should be appointed to serve on the
4 committee, and the board shall appoint the member to serve.
5 Committee members shall serve a term of four years except for
6 the initial staggered terms. A member may be reappointed, but no
7 person shall serve as a member of the committee for more than
8 two consecutive terms.

9 (f) The amendments to this section by the act adding this
10 subdivision apply as of January 1, 2016.

11 SEC. 8. Section 846.1 of the Civil Code is amended to read:

12 846.1. (a) Except as provided in subdivision (c), an owner of
13 any estate or interest in real property, whether possessory or
14 nonpossessory, who gives permission to the public for entry on or
15 use of the real property pursuant to an agreement with a public or
16 nonprofit agency for purposes of recreational trail use, and is a
17 defendant in a civil action brought by, or on behalf of, a person
18 who is allegedly injured or allegedly suffers damages on the real
19 property, may present a claim to the Department of General
20 Services for reasonable attorney's fees incurred in this civil action
21 if any of the following occurs:

22 (1) The court has dismissed the civil action upon a demurrer or
23 motion for summary judgment made by the owner or upon its own
24 motion for lack of prosecution.

25 (2) The action was dismissed by the plaintiff without any
26 payment from the owner.

27 (3) The owner prevails in the civil action.

28 (b) Except as provided in subdivision (c), a public entity, as
29 defined in Section 831.5 of the Government Code, that gives
30 permission to the public for entry on or use of real property for a
31 recreational purpose, as defined in Section 846, and is a defendant
32 in a civil action brought by, or on behalf of, a person who is
33 allegedly injured or allegedly suffers damages on the real property,
34 may present a claim to the Department of General Services for
35 reasonable attorney's fees incurred in this civil action if any of the
36 following occurs:

37 (1) The court has dismissed the civil action upon a demurrer or
38 motion for summary judgment made by this public entity or upon
39 its own motion for lack of prosecution.

1 (2) The action was dismissed by the plaintiff without any
2 payment from the public entity.

3 (3) The public entity prevails in the civil action.

4 (c) An owner of any estate or interest in real property, whether
5 possessory or nonpossessory, or a public entity, as defined in
6 Section 831.5 of the Government Code, that gives permission to
7 the public for entry on, or use of, the real property for a recreational
8 purpose, as defined in Section 846, pursuant to an agreement with
9 a public or nonprofit agency, and is a defendant in a civil action
10 brought by, or on behalf of, a person who seeks to restrict, prevent,
11 or delay public use of that property, may present a claim to the
12 Department of General Services for reasonable attorney's fees
13 incurred in the civil action if any of the following occurs:

14 (1) The court has dismissed the civil action upon a demurrer or
15 motion for summary judgment made by the owner or public entity
16 or upon its own motion for lack of prosecution.

17 (2) The action was dismissed by the plaintiff without any
18 payment from the owner or public entity.

19 (3) The owner or public entity prevails in the civil action.

20 (d) The Department of General Services shall allow the claim
21 if the requirements of this section are met. The claim shall be paid
22 from an appropriation to be made for that purpose. Reasonable
23 attorney's fees, for purposes of this section, may not exceed an
24 hourly rate greater than the rate charged by the Attorney General
25 at the time the award is made, and may not exceed an aggregate
26 amount of twenty-five thousand dollars (\$25,000). This subdivision
27 shall not apply if a public entity has provided for the defense of
28 this civil action pursuant to Section 995 of the Government Code.
29 This subdivision shall also not apply if an owner or public entity
30 has been provided a legal defense by the state pursuant to any
31 contract or other legal obligation.

32 (e) The total of claims allowed by the Department of General
33 Services pursuant to this section shall not exceed two hundred
34 thousand dollars (\$200,000) per fiscal year.

35 SEC. 9. Section 1789.37 of the Civil Code is amended to read:

36 1789.37. (a) Every owner of a check cashier's business shall
37 obtain a permit from the Department of Justice to conduct a check
38 cashier's business.

39 (b) All applications for a permit to conduct a check cashier's
40 business shall be filed with the department in writing, signed by

1 the applicant, if an individual, or by a member or officer authorized
2 to sign, if the applicant is a corporation or other entity, and shall
3 state the name of the business, the type of business engaged in,
4 and the business address. Each applicant shall be fingerprinted.

5 (c) Each applicant for a permit to conduct a check cashier's
6 business shall pay a fee not to exceed the cost of processing the
7 application, fingerprinting the applicant, and checking or obtaining
8 the criminal record of the applicant, at the time of filing the
9 application.

10 (d) Each applicant shall annually, beginning one year from the
11 date of issuance of a check cashier's permit, file an application for
12 renewal of the permit with the department, along with payment of
13 a renewal fee not to exceed the cost of processing the application
14 for renewal and checking or obtaining the criminal record of the
15 applicant.

16 (e) The department shall deny an application for a permit to
17 conduct a check cashier's business, or for renewal of a permit, if
18 the applicant has a felony conviction involving dishonesty, fraud,
19 or deceit, if the crime is substantially related to the qualifications,
20 functions, or duties of a person engaged in the business of check
21 cashing.

22 (f) The department shall adopt regulations to implement this
23 section and shall determine the amount of the application fees
24 required by this section. The department shall prescribe forms for
25 the applications and permit required by this section, which shall
26 be uniform throughout the state.

27 (g) In any action brought by a city attorney or district attorney
28 to enforce a violation of this section, an owner of a check cashier's
29 business who engages in the business of check cashing without
30 holding a current and valid permit issued by the department
31 pursuant to this section is subject to a civil penalty, as follows:

32 (1) For the first offense, not more than one thousand dollars
33 (\$1,000).

34 (2) For the second offense, not more than five thousand dollars
35 (\$5,000).

36 (h) Any person who has twice been found in violation of
37 subdivision (g) and who, within 10 years of the date of the first
38 offense, engages in the business of check cashing without holding
39 a current and valid permit issued by the department pursuant to
40 this section is guilty of a misdemeanor punishable by imprisonment

1 in a county jail not exceeding six months, or by a fine not
2 exceeding five thousand dollars (\$5,000), or by both that fine and
3 imprisonment.

4 (i) All civil penalties, forfeited bail, or fines received by any
5 court pursuant to this section shall, as soon as practicable after the
6 receipt thereof, be deposited with the county treasurer of the county
7 in which the court is situated. Fines and forfeitures deposited shall
8 be disbursed pursuant to the Penal Code. Civil penalties deposited
9 shall be paid at least once a month as follows:

10 (1) Fifty percent to the Treasurer by warrant of the county
11 auditor drawn upon the requisition of the clerk or judge of the
12 court, to be deposited in the State Treasury on order of the
13 Controller.

14 (2) Fifty percent to the city treasurer of the city, if the offense
15 occurred in a city, otherwise to the treasurer of the county in which
16 the prosecution is conducted. Any money deposited in the State
17 Treasury under this section that is determined by the Controller to
18 have been erroneously deposited shall be refunded out of any
19 money in the State Treasury that is available by law for that
20 purpose.

21 (j) This section shall become operative December 31, 2004.

22 SEC. 10. Section 77 of the Code of Civil Procedure is amended
23 to read:

24 77. (a) In every county and city and county, there is an
25 appellate division of the superior court consisting of three judges
26 or, when the Chief Justice finds it necessary, four judges.

27 The Chief Justice shall assign judges to the appellate division
28 for specified terms pursuant to rules, not inconsistent with statute,
29 adopted by the Judicial Council to promote the independence and
30 quality of each appellate division. Each judge assigned to the
31 appellate division of a superior court shall be a judge of that court,
32 a judge of the superior court of another county, or a judge retired
33 from the superior court or a court of higher jurisdiction in this
34 state.

35 The Chief Justice shall designate one of the judges of each
36 appellate division as the presiding judge of the division.

37 (b) In each appellate division, no more than three judges shall
38 participate in a hearing or decision. The presiding judge of the
39 division shall designate the three judges who shall participate.

1 (c) In addition to their other duties, the judges designated as
2 members of the appellate division of the superior court shall serve
3 for the period specified in the order of designation. Whenever a
4 judge is designated to serve in the appellate division of the superior
5 court of a county other than the county in which that judge was
6 elected or appointed as a superior court judge, or if the judge is
7 retired, in a county other than the county in which the judge resides,
8 the judge shall receive expenses for travel, board, and lodging. If
9 the judge is out of the judge's county overnight or longer, by reason
10 of the designation, that judge shall be paid a per diem allowance
11 in lieu of expenses for board and lodging in the same amounts as
12 are payable for those purposes to justices of the Supreme Court
13 under the rules of the Department of General Services. In addition,
14 a retired judge shall receive for the time so served, amounts equal
15 to that which the judge would have received if the judge had been
16 assigned to the superior court of the county.

17 (d) The concurrence of two judges of the appellate division of
18 the superior court shall be necessary to render the decision in every
19 case in, and to transact any other business except business that
20 may be done at chambers by the presiding judge of, the division.
21 A judgment of the appellate division in an appeal shall contain a
22 brief statement of the reasons for the judgment. A judgment stating
23 only "affirmed" or "reversed" is insufficient. The presiding judge
24 shall convene the appellate division when necessary. The presiding
25 judge shall also supervise its business and transact any business
26 that may be done at chambers.

27 (e) The appellate division of the superior court has jurisdiction
28 on appeal in all cases in which an appeal may be taken to the
29 superior court or the appellate division of the superior court as
30 provided by law, except where the appeal is a retrial in the superior
31 court.

32 (f) The powers of each appellate division shall be the same as
33 are now or may hereafter be provided by law or rule of the Judicial
34 Council relating to appeals to the appellate division of the superior
35 courts.

36 (g) The Judicial Council shall promulgate rules, not inconsistent
37 with law, to promote the independence of, and govern the practice
38 and procedure and the disposition of the business of, the appellate
39 division.

1 (h) Notwithstanding subdivisions (b) and (d), appeals from
2 convictions of traffic infractions may be heard and decided by one
3 judge of the appellate division of the superior court.

4 SEC. 11. Section 1345 of the Code of Civil Procedure is
5 amended to read:

6 1345. If any person has erroneously delivered any unclaimed
7 moneys or other unclaimed property to the state or any officer or
8 employee thereof, and the moneys or other property is deposited
9 in the Unclaimed Property Fund or is held by the Controller or
10 Treasurer in the name of any account in that fund pursuant to this
11 title, the moneys or other property delivered in error may be
12 refunded or returned to that person on order of the Controller.

13 SEC. 12. Section 1346 of the Code of Civil Procedure is
14 amended to read:

15 1346. If any person has erroneously delivered any unclaimed
16 moneys or other unclaimed property to the state or any officer or
17 employee thereof, and the moneys or other property is deposited
18 in, or transferred to, the General Fund, or is held by the Controller
19 or Treasurer in the name of that fund, pursuant to this title, the
20 moneys or other property delivered in error, if cash, shall on order
21 of the Controller, be transferred from the General Fund to the
22 Unclaimed Property Fund, and, if other than cash, the records of
23 the Controller and Treasurer shall be adjusted to show that it is
24 held in the name of the proper account in the Unclaimed Property
25 Fund; and the moneys or other property may be refunded or
26 returned to that person on order of the Controller.

27 SEC. 13. Section 1370 of the Code of Civil Procedure is
28 amended to read:

29 1370. The Controller may sell or lease personal property at
30 any time, and in any manner, and may execute those leases on
31 behalf and in the name of the State of California.

32 SEC. 14. Section 1371 of the Code of Civil Procedure is
33 amended to read:

34 1371. The Controller may sell, cash, redeem, exchange, or
35 otherwise dispose of any securities and all other classes of personal
36 property, and may sell, cash, redeem, exchange, compromise,
37 adjust, settle, or otherwise dispose of any accounts, debts,
38 contractual rights, or other choses in action if, in his or her opinion,
39 that action on his or her part is necessary or will tend to safeguard

1 and conserve the interests of all parties, including the state, having
2 any vested or expectant interest in the property.

3 SEC. 15. Section 1375 of the Code of Civil Procedure is
4 amended to read:

5 1375. Any real property may be sold or leased by the Controller
6 at private sale without published notice.

7 SEC. 16. Section 1379 of the Code of Civil Procedure is
8 amended to read:

9 1379. The Controller may destroy or otherwise dispose of any
10 personal property other than cash deposited in the State Treasury
11 under this title, if that property is determined by him or her to be
12 valueless or of such little value that the costs of conducting a sale
13 would probably exceed the amount that would be realized from
14 the sale, and neither the Treasurer nor Controller shall be held to
15 respond in damages at the suit of any person claiming loss by
16 reason of that destruction or disposition.

17 SEC. 17. Section 1563 of the Code of Civil Procedure is
18 amended to read:

19 1563. (a) Except as provided in subdivisions (b) and (c), all
20 escheated property delivered to the Controller under this chapter
21 shall be sold by the Controller to the highest bidder at public sale
22 in whatever city in the state affords in his or her judgment the most
23 favorable market for the property involved, or the Controller may
24 conduct the sale by electronic media, including, but not limited to,
25 the Internet, if in his or her judgment it is cost effective to
26 conduct the sale of the property involved in that manner. However,
27 no sale shall be made pursuant to this subdivision until 18 months
28 after the final date for filing the report required by Section 1530.
29 The Controller may decline the highest bid and reoffer the property
30 for sale if he or she considers the price bid insufficient. The
31 Controller need not offer any property for sale if, in his or her
32 opinion, the probable cost of sale exceeds the value of the property.
33 Any sale of escheated property held under this section shall be
34 preceded by a single publication of notice thereof, at least one
35 week in advance of sale, in an English language newspaper of
36 general circulation in the county where the property is to be sold.

37 (b) Securities listed on an established stock exchange shall be
38 sold at the prevailing prices on that exchange. Other securities may
39 be sold over the counter at prevailing prices or by any other method
40 that the Controller may determine to be advisable. These securities

1 shall be sold by the Controller no sooner than 18 months, but no
2 later than 20 months, after the final date for filing the report
3 required by Section 1530. If securities delivered to the Controller
4 by a holder of the securities remain in the custody of the Controller,
5 a person making a valid claim for those securities under this chapter
6 shall be entitled to receive the securities from the Controller. If
7 the securities have been sold, the person shall be entitled to receive
8 the net proceeds received by the Controller from the sale of the
9 securities. United States government savings bonds and United
10 States war bonds shall be presented to the United States for
11 payment. Subdivision (a) does not apply to the property described
12 in this subdivision.

13 (c) (1) All escheated property consisting of military awards,
14 decorations, equipment, artifacts, memorabilia, documents,
15 photographs, films, literature, and any other item relating to the
16 military history of California and Californians that is delivered to
17 the Controller is exempt from subdivision (a) and may, at the
18 discretion of the Controller, be held in trust for the Controller at
19 the California State Military Museum and Resource Center, or
20 successor entity. All escheated property held in trust pursuant to
21 this subdivision is subject to the applicable regulations of the
22 United States Army governing Army museum activities as
23 described in Section 179 of the Military and Veterans Code. Any
24 person claiming an interest in the escheated property may file a
25 claim to the property pursuant to Article 4 (commencing with
26 Section 1540).

27 (2) The California State Military Museum and Resource Center,
28 or successor entity, shall be responsible for the costs of storage
29 and maintenance of escheated property delivered by the Controller
30 under this subdivision.

31 (d) The purchaser at any sale conducted by the Controller
32 pursuant to this chapter shall receive title to the property purchased,
33 free from all claims of the owner or prior holder thereof and of all
34 persons claiming through or under them. The Controller shall
35 execute all documents necessary to complete the transfer of title.

36 SEC. 18. Section 12117 of the Education Code is amended to
37 read:

38 12117. (a) The State Agency for Donated Food Distribution
39 may, without at the time furnishing vouchers or itemized

1 statements, draw from the Donated Food Revolving Fund for use
2 as a departmental revolving fund either of the following:

3 (1) A sum not to exceed thirty thousand dollars (\$30,000).

4 (2) With the approval of the Department of Finance, a sum in
5 excess of thirty thousand dollars (\$30,000).

6 (b) Any moneys withdrawn pursuant to subdivision (a) may
7 only be used, in accordance with law and the Department of
8 General Services rules, for payment of compensation earned,
9 traveling expense, traveling expense advances, or where immediate
10 payment is otherwise necessary. All disbursements from the
11 revolving fund shall be substantiated by vouchers filed with and
12 audited by the Controller. From time to time, disbursements,
13 supported by vouchers, may be reported to the Controller in
14 connection with claims for reimbursement of the departmental
15 revolving fund. At any time upon the demand of the Department
16 of Finance or the Controller, the revolving fund shall be accounted
17 for and substantiated by vouchers and itemized statements
18 submitted to and audited by the Controller.

19 SEC. 19. Section 17295 of the Education Code is amended to
20 read:

21 17295. (a) (1) The Department of General Services shall pass
22 upon and approve or reject all plans for the construction or, if the
23 estimated cost exceeds one hundred thousand dollars (\$100,000),
24 the alteration of any school building.

25 (2) To enable the Department of General Services to pass upon
26 and approve plans pursuant to this subdivision, the governing board
27 of each school district and any other school authority before
28 adopting any plans for the school building shall submit the plans
29 to the Department of General Services for approval, and shall pay
30 the fees prescribed in this article.

31 (b) Notwithstanding subdivision (a), where the estimated cost
32 of the reconstruction or alteration of, or an addition to, any school
33 building exceeds one hundred thousand dollars (\$100,000), but
34 does not exceed two hundred twenty-five thousand dollars
35 (\$225,000), a licensed structural engineer shall examine the
36 proposed project to determine if it is a nonstructural alteration or
37 a structural alteration. If he or she determines that the project is a
38 nonstructural alteration, he or she shall prepare a statement so
39 indicating. If he or she determines that the project is structural, he
40 or she shall prepare plans and specifications for the project which

1 shall be submitted to the Department of General Services for review
2 and approval. A copy of the engineer’s report stating that the work
3 does not affect structural elements shall be filed with the
4 Department of General Services.

5 (c) If a licensed structural engineer submits a report to the
6 Department of General Services stating that the plans or activities
7 authorized pursuant to subdivision (b) do not involve structural
8 elements, then all of the following shall apply to that project:

9 (1) The design professional in responsible charge of the project
10 undertaken pursuant to this subdivision shall certify that the plans
11 and specifications for the project meet any applicable fire and life
12 safety standards, and do not affect the disabled access requirements
13 of Section 4450 of the Government Code, and shall submit this
14 certification to the Department of General Services. The letter of
15 certification shall bear the identifying licensing stamp or seal of
16 the design professional. This paragraph does not preclude a design
17 professional from submitting plans and specifications to the
18 Department of General Services along with the appropriate fee for
19 review.

20 (2) Within 10 days of the completion of any project authorized
21 pursuant to subdivision (b), the school construction inspector of
22 record on the project, who is certified by the Department of General
23 Services to inspect school buildings, shall certify in writing to the
24 Department of General Services that the reconstruction, alteration,
25 or addition has been completed in compliance with the plans and
26 specifications.

27 (3) The dollar amounts cited in this section shall be increased
28 on an annual basis, commencing January 1, 2018, by the
29 Department of General Services according to an inflationary index
30 governing construction costs that is selected and recognized by
31 the Department of General Services.

32 (4) No school district shall subdivide a project for the purpose
33 of evading the limitation on amounts cited in this section.

34 (d) For purposes of this section, “design professional in
35 responsible charge” or “design professional” means the licensed
36 architect, licensed structural engineer, or licensed civil engineer
37 who is responsible for the completion of the design work involved
38 with the project.

39 SEC. 20. Section 24618 of the Education Code is amended to
40 read:

1 24618. Losses or gains resulting from overpayment or
2 underpayment of contributions or other amounts under this part
3 within the limits set by the Department of General Services for
4 automatic writeoff, and losses or gains in greater amounts
5 specifically approved for writeoffs by the Department of General
6 Services, shall be debited or credited, as the case may be, to the
7 appropriate reserve in the retirement fund.

8 SEC. 21. Section 68121 of the Education Code is amended to
9 read:

10 68121. (a) Notwithstanding any other provision of law, no
11 mandatory systemwide fees or tuition of any kind shall be required
12 or collected by the Regents of the University of California or the
13 Trustees of the California State University, from a student who is
14 in an undergraduate program and who is the surviving dependent
15 of any individual killed in the September 11, 2001, terrorist attacks
16 on the World Trade Center in New York City, the Pentagon
17 building in Washington, DC, or the crash of United Airlines Flight
18 93 in southwestern Pennsylvania, if he or she meets the financial
19 need requirements set forth in Section 69432.7 for the Cal Grant
20 A Program and either of the following apply:

21 (1) The surviving dependent was a resident of California on
22 September 11, 2001.

23 (2) The individual killed in the attacks was a resident of
24 California on September 11, 2001.

25 (b) (1) The California Victim Compensation Board shall
26 identify all persons who are eligible for tuition and fee waivers
27 pursuant to this section or subdivision (j) of Section 76300. That
28 board shall notify these persons or, in the case of minors, the
29 parents or guardians of these persons, of their eligibility for tuition
30 and fee waivers under these provisions. This notification shall be
31 in writing, and shall be received by all of the appropriate persons
32 no later than July 1, 2003.

33 (2) The Trustees of the California State University, the Regents
34 of the University of California and the governing board of each
35 community college district in the state shall waive tuition and fees,
36 as specified in this section and in subdivision (j) of Section 76300,
37 for any person who can demonstrate eligibility. If requested by
38 the California State University, the University of California,
39 Hastings College of the Law, or a California Community College,
40 the California Victim Compensation Board, on a case-by-case

1 basis, shall confirm the eligibility of persons requesting the waiver
2 of tuition and fees, as provided for in this section.

3 (c) A determination of whether a person is a resident of
4 California on September 11, 2001, shall be based on the criteria
5 set forth in this chapter for determining nonresident and resident
6 tuition.

7 (d) (1) “Dependent,” for purposes of this section, is a person
8 who, because of his or her relationship to an individual killed as
9 a result of injuries sustained during the terrorist attacks of
10 September 11, 2001, qualifies for compensation under the federal
11 September 11th Victim Compensation Fund of 2001 (Title IV
12 (commencing with Section 401) of Public Law 107-42).

13 (2) A dependent who is the surviving spouse of an individual
14 killed in the terrorist attacks of September 11, 2001, is entitled to
15 the waivers provided in this section until January 1, 2013.

16 (3) A dependent who is the surviving child, natural or adopted,
17 of an individual killed in the terrorist attacks of September 11,
18 2001, is entitled to the waivers under this section until that person
19 obtains the age of 30 years.

20 (4) A dependent of an individual killed in the terrorist attacks
21 of September 11, 2001, who is determined to be eligible by the
22 California Victim Compensation Board, is also entitled to the
23 waivers provided in this section until January 1, 2013.

24 SEC. 22. Section 70010.1 of the Education Code is amended
25 to read:

26 70010.1. As used in this article:

27 (a) “Board” means the Scholarshare Investment Board
28 established pursuant to Section 69984.

29 (b) “California resident” means a person who would not be
30 required to pay nonresident tuition under Chapter 1 (commencing
31 with Section 68000) of Part 41.

32 (c) “Dependent” means a person identified by the California
33 Victim Compensation Board because of his or her relationship to
34 a California resident killed as a result of injuries sustained during
35 the terrorist attacks of September 11, 2001.

36 (d) “Fund” means the California Memorial Scholarship Fund
37 established pursuant to Section 5066 of the Vehicle Code.

38 (e) “Institution of higher education” has the same meaning as
39 “eligible educational institution,” as defined in paragraph (5) of
40 subsection (e) of Section 529 of the Internal Revenue Code of

1 1986, as amended by Section 211 of the Taxpayer Relief Act of
2 1997 (Public Law 105-34).

3 (f) “Participant” means a surviving dependent of a California
4 resident killed as a result of injuries sustained during the terrorist
5 attacks of September 11, 2001, who has executed, or on whose
6 behalf has been executed, an agreement pursuant to Section 70011.

7 (g) “Program” means the California Memorial Scholarship
8 Program established pursuant to Section 70010.

9 (h) “Scholarship” means a participant’s account as established
10 by the board with moneys deposited in the fund.

11 SEC. 23. Section 70010.5 of the Education Code is amended
12 to read:

13 70010.5. (a) The California Victim Compensation Board shall
14 identify, and confirm by documentation, all persons who are
15 eligible for scholarships under the program. The California Victim
16 Compensation Board shall use various methods to identify those
17 persons, including, but not limited to, all of the following:

18 (1) Media outreach, including, but not limited to, social media,
19 that explains the details of the program, who is eligible for
20 scholarships under the program, and how to sign up for further
21 notifications regarding the program.

22 (2) Written notification to persons, or in the case of minors,
23 their parents or guardians, who have previously been identified as
24 eligible for scholarships under the program, and their known family
25 members. The notification shall explain that the program has been
26 reopened, and that the California Victim Compensation Board is
27 seeking information regarding other persons who may be eligible
28 for the program, and shall provide instructions on how to sign up
29 for further notifications regarding the program.

30 (3) Communication with the Special Master of the federal
31 September 11th Victim Compensation Fund to determine if
32 additional victims who were California residents have been
33 identified.

34 (b) After creating a new list of eligible persons for the program,
35 the California Victim Compensation Board shall notify these
36 persons or, in the case of minors, the parents or guardians of these
37 persons, of their eligibility for scholarships under the program.

38 (1) The notification shall be in writing.

39 (2) The notification shall provide details on the program and
40 how to apply for scholarships under the program.

1 (3) The notification shall be received by all of the appropriate
2 persons no later than July 1, 2015.

3 (c) The Scholarshare Investment Board shall service scholarships
4 pursuant to this article only for individuals determined to be eligible
5 by the California Victim Compensation Board.

6 (d) Eligible persons, or in the case of minors, the parents or
7 guardians of these persons, shall inform the Scholarshare
8 Investment Board of their decision on whether to participate in the
9 program in a timely manner. Eligible persons, or in the case of
10 minors, the parents or guardians of these persons, who are to
11 become participants in the program shall execute agreements
12 pursuant to Section 70011 no later than July 1, 2016.

13 SEC. 24. Section 76300 of the Education Code is amended to
14 read:

15 76300. (a) The governing board of each community college
16 district shall charge each student a fee pursuant to this section.

17 (b) (1) The fee prescribed by this section shall be forty-six
18 dollars (\$46) per unit per semester, effective with the summer term
19 of the 2012 calendar year.

20 (2) The board of governors shall proportionately adjust the
21 amount of the fee for term lengths based upon a quarter system,
22 and also shall proportionately adjust the amount of the fee for
23 summer sessions, intersessions, and other short-term courses. In
24 making these adjustments, the board of governors may round the
25 per unit fee and the per term or per session fee to the nearest dollar.

26 (c) For the purposes of computing apportionments to community
27 college districts pursuant to Section 84750.5, the board of
28 governors shall subtract, from the total revenue owed to each
29 district, 98 percent of the revenues received by districts from
30 charging a fee pursuant to this section.

31 (d) The board of governors shall reduce apportionments by up
32 to 10 percent to any district that does not collect the fees prescribed
33 by this section.

34 (e) The fee requirement does not apply to any of the following:

35 (1) Students enrolled in the noncredit courses designated by
36 Section 84757.

37 (2) California State University or University of California
38 students enrolled in remedial classes provided by a community
39 college district on a campus of the University of California or a
40 campus of the California State University, for whom the district

1 claims an attendance apportionment pursuant to an agreement
2 between the district and the California State University or the
3 University of California.

4 (3) Students enrolled in credit contract education courses
5 pursuant to Section 78021, if the entire cost of the course, including
6 administrative costs, is paid by the public or private agency,
7 corporation, or association with which the district is contracting
8 and if these students are not included in the calculation of the
9 full-time equivalent students (FTES) of that district.

10 (f) The governing board of a community college district may
11 exempt special part-time students admitted pursuant to Section
12 76001 from the fee requirement.

13 (g) (1) The fee requirements of this section shall be waived for
14 any student who meets all of the following requirements:

15 (A) Meets minimum academic and progress standards adopted
16 by the board of governors, which fulfill the requirements outlined
17 in this paragraph and paragraphs (2) to (5), inclusive. Any
18 minimum academic and progress standards adopted pursuant to
19 this section shall be uniform across all community college districts
20 and campuses. These standards shall not include a maximum unit
21 cap, and community college districts and colleges shall not impose
22 requirements for fee waiver eligibility other than the minimum
23 academic and progress standards adopted by the board of governors
24 and the requirements of subparagraph (B).

25 (B) Meets one of the following criteria:

26 (i) At the time of enrollment, is a recipient of benefits under the
27 Temporary Assistance for Needy Families program, the
28 Supplemental Security Income/State Supplementary Payment
29 Program, or a general assistance program.

30 (ii) Demonstrates eligibility according to income standards
31 established by regulations of the board of governors.

32 (iii) Demonstrates financial need in accordance with the
33 methodology set forth in federal law or regulation for determining
34 the expected family contribution of students seeking financial aid.

35 (2) (A) The board of governors, in consultation with students,
36 faculty, and other key stakeholders, shall consider all of the
37 following in the development and adoption of minimum academic
38 and progress standards pursuant to subparagraph (A) of paragraph
39 (1):

1 (i) Minimum uniform academic and progress standards that do
2 not unfairly disadvantage financially needy students in pursuing
3 their education.

4 (ii) Criteria for reviewing extenuating circumstances and
5 granting appeals that, at a minimum, take into account and do not
6 penalize a student for circumstances outside his or her control,
7 such as reductions in student support services or changes to the
8 economic situation of the student.

9 (iii) A process for reestablishing fee waiver eligibility that
10 provides a student with a reasonable opportunity to continue or
11 resume his or her enrollment at a community college.

12 (B) To ensure that students are not unfairly impacted by the
13 requirements of subparagraph (A) of paragraph (1), the board of
14 governors shall establish a reasonable implementation period that
15 commences no sooner than one year from adoption of the minimum
16 academic and progress standards, or any subsequent changes to
17 these standards, pursuant to subparagraph (A) of paragraph (1)
18 and that is phased in to provide students adequate notification of
19 this requirement and information about available support resources.

20 (3) It is the intent of the Legislature that minimum academic
21 and progress standards adopted pursuant to subparagraph (A) of
22 paragraph (1) be implemented only as campuses develop and
23 implement the student support services and interventions necessary
24 to ensure no disproportionate impact to students based on ethnicity,
25 gender, disability, or socioeconomic status. The board of governors
26 shall consider the ability of community college districts to meet
27 the requirements of this paragraph before adopting minimum
28 academic and progress standards, or any subsequent changes to
29 these standards, pursuant to subparagraph (A) of paragraph (1).

30 (4) It is the intent of the Legislature to ensure that a student shall
31 not lose fee waiver eligibility without a community college campus
32 first demonstrating a reasonable effort to provide a student with
33 adequate notification and assistance in maintaining his or her fee
34 waiver eligibility. The board of governors shall adopt regulations
35 to implement this paragraph that ensure all of the following:

36 (A) Students are provided information about the available
37 student support services to assist them in maintaining fee waiver
38 eligibility.

39 (B) Community college district policies and course catalogs
40 reflect the minimum academic and progress standards adopted

1 pursuant to subparagraph (A) of paragraph (1) and that appropriate
2 notice is provided to students before the policies are put into effect.

3 (C) A student does not lose fee waiver eligibility unless he or
4 she has not met minimum academic and progress standards adopted
5 pursuant to subparagraph (A) of paragraph (1) for a period of no
6 less than two consecutive academic terms.

7 (5) The board of governors shall provide notification of a
8 proposed action to adopt regulations pursuant to this subdivision
9 to the appropriate policy and fiscal committees of the Legislature
10 in accordance with the requirements of paragraph (1) of subdivision
11 (a) of Section 70901.5. This notification shall include, but not be
12 limited to, all of the following:

13 (A) The proposed minimum academic and progress standards
14 and information detailing how the requirements of paragraphs (1)
15 to (4), inclusive, have been or will be satisfied.

16 (B) How many students may lose fee waiver eligibility by
17 ethnicity, gender, disability, and, to the extent relevant data is
18 available, by socioeconomic status.

19 (C) The criteria for reviewing extenuating circumstances,
20 granting appeals, and reestablishing fee waiver eligibility pursuant
21 to paragraph (2).

22 (h) The fee requirements of this section shall be waived for any
23 student who, at the time of enrollment, is a dependent or surviving
24 spouse who has not remarried, of any member of the California
25 National Guard who, in the line of duty and while in the active
26 service of the state, was killed, died of a disability resulting from
27 an event that occurred while in the active service of the state, or
28 is permanently disabled as a result of an event that occurred while
29 in the active service of the state. "Active service of the state," for
30 the purposes of this subdivision, refers to a member of the
31 California National Guard activated pursuant to Section 146 of
32 the Military and Veterans Code.

33 (i) The fee requirements of this section shall be waived for any
34 student who is the surviving spouse or the child, natural or adopted,
35 of a deceased person who met all of the requirements of Section
36 68120.

37 (j) The fee requirements of this section shall be waived for any
38 student in an undergraduate program, including a student who has
39 previously graduated from another undergraduate or graduate
40 program, who is the dependent of any individual killed in the

1 September 11, 2001, terrorist attacks on the World Trade Center
2 and the Pentagon or the crash of United Airlines Flight 93 in
3 southwestern Pennsylvania, if that dependent meets the financial
4 need requirements set forth in Section 69432.7 for the Cal Grant
5 A Program and either of the following applies:

6 (1) The dependent was a resident of California on September
7 11, 2001.

8 (2) The individual killed in the attacks was a resident of
9 California on September 11, 2001.

10 (k) A determination of whether a person is a resident of
11 California on September 11, 2001, for purposes of subdivision (j)
12 shall be based on the criteria set forth in Chapter 1 (commencing
13 with Section 68000) of Part 41 of Division 5 for determining
14 nonresident and resident tuition.

15 (l) (1) “Dependent,” for purposes of subdivision (j), is a person
16 who, because of his or her relationship to an individual killed as
17 a result of injuries sustained during the terrorist attacks of
18 September 11, 2001, qualifies for compensation under the federal
19 September 11th Victim Compensation Fund of 2001 (Title IV
20 (commencing with Section 401) of Public Law 107-42).

21 (2) A dependent who is the surviving spouse of an individual
22 killed in the terrorist attacks of September 11, 2001, is entitled to
23 the waivers provided in this section until January 1, 2013.

24 (3) A dependent who is the surviving child, natural or adopted,
25 of an individual killed in the terrorist attacks of September 11,
26 2001, is entitled to the waivers under subdivision (j) until that
27 person attains 30 years of age.

28 (4) A dependent of an individual killed in the terrorist attacks
29 of September 11, 2001, who is determined to be eligible by the
30 California Victim Compensation Board, is also entitled to the
31 waivers provided in this section until January 1, 2013.

32 (m) (1) It is the intent of the Legislature that sufficient funds
33 be provided to support the provision of a fee waiver for every
34 student who demonstrates eligibility pursuant to subdivisions (g)
35 to (j), inclusive.

36 (2) From funds provided in the annual Budget Act, the board
37 of governors shall allocate to community college districts, pursuant
38 to this subdivision, an amount equal to 2 percent of the fees waived
39 pursuant to subdivisions (g) to (j), inclusive. From funds provided
40 in the annual Budget Act, the board of governors shall allocate to

1 community college districts, pursuant to this subdivision, an
2 amount equal to ninety-one cents (\$0.91) per credit unit waived
3 pursuant to subdivisions (g) to (j), inclusive. It is the intent of the
4 Legislature that funds provided pursuant to this subdivision be
5 used to support the determination of financial need and delivery
6 of student financial aid services, on the basis of the number of
7 students for whom fees are waived. It also is the intent of the
8 Legislature that the funds provided pursuant to this subdivision
9 directly offset mandated costs claimed by community college
10 districts pursuant to Commission on State Mandates consolidated
11 Test Claims 99-TC-13 (Enrollment Fee Collection) and 00-TC-15
12 (Enrollment Fee Waivers). Funds allocated to a community college
13 district for determination of financial need and delivery of student
14 financial aid services shall supplement, and shall not supplant, the
15 level of funds allocated for the administration of student financial
16 aid programs during the 1992–93 fiscal year.

17 (n) The board of governors shall adopt regulations implementing
18 this section.

19 (o) This section shall become operative on May 1, 2012, only
20 if subdivision (b) of Section 3.94 of the Budget Act of 2011 is
21 operative.

22 SEC. 25. Section 81133 of the Education Code is amended to
23 read:

24 81133. (a) The Department of General Services shall pass
25 upon, and approve or reject, all plans for the construction or, if the
26 estimated cost exceeds one hundred thousand dollars (\$100,000),
27 the alteration of any school building. To enable it to do so, the
28 governing board of each community college district and any other
29 school authority before adopting any plans for the school building
30 shall submit the plans to the Department of General Services for
31 approval, and shall pay the fees prescribed in this article.

32 (b) Notwithstanding subdivision (a), where the estimated cost
33 of reconstruction or alteration of, or addition to, a school building
34 exceeds one hundred thousand dollars (\$100,000), but does not
35 exceed two hundred twenty-five thousand dollars (\$225,000), a
36 licensed structural engineer shall examine the proposed project to
37 determine if it is a nonstructural alteration or a structural alteration.
38 If he or she determines that the project is a nonstructural alteration,
39 he or she shall prepare a statement so indicating. If he or she
40 determines that the project is structural, he or she shall prepare

1 plans and specifications for the project which shall be submitted
2 to the Department of General Services for review and approval.
3 A copy of the engineer's report stating that the work does not affect
4 structural elements shall be filed with the Department of General
5 Services.

6 (c) If a licensed structural engineer submits a report to the
7 Department of General Services stating that the plans or activities
8 authorized pursuant to subdivision (b) do not involve structural
9 elements, then all of the following shall apply to that project:

10 (1) The design professional in responsible charge of the project
11 undertaken pursuant to this subdivision shall certify that the plans
12 and specifications for the project meet any applicable fire and life
13 safety standards, and do not affect the disabled access requirements
14 of Section 4450 of the Government Code, and shall submit this
15 certification to the Department of General Services. The letter of
16 certification shall bear the identifying licensing stamp or seal of
17 the design professional. This paragraph does not preclude a design
18 professional from submitting plans and specifications to the
19 Department of General Services along with the appropriate fee for
20 review.

21 (2) Within 10 days of the completion of any project authorized
22 pursuant to subdivision (b), the school construction inspector of
23 record on the project, who is certified by the Department of General
24 Services to inspect school buildings, shall certify in writing to the
25 Department of General Services that the reconstruction, alteration,
26 or addition has been completed in compliance with the plans and
27 specifications.

28 (3) The dollar amounts cited in this section shall be increased
29 on an annual basis, commencing January 1, 2018, by the
30 Department of General Services according to an inflationary index
31 governing construction costs that is selected and recognized by
32 the Department of General Services.

33 (4) No community college district shall subdivide a project for
34 the purpose of evading the limitation on amounts cited in this
35 section.

36 (5) Before letting any contract for any construction or alteration
37 of any school building, the written approval of the plans, as to
38 safety of design and construction, by the Department of General
39 Services, shall first be had and obtained.

1 (6) In each case the application for approval of the plans shall
2 be accompanied by the plans and full, complete, and accurate
3 specifications, and structural design computations, and estimates
4 of cost, which shall comply in every respect with any and all
5 requirements prescribed by the Department of General Services.

6 (7) (A) The application shall be accompanied by a filing fee in
7 amounts as determined by the Department of General Services
8 based on the estimated cost according to the following schedule:

9 (i) For the first one million dollars (\$1,000,000), a fee of not
10 more than 0.7 percent of the estimated cost.

11 (ii) For all costs in excess of one million dollars (\$1,000,000),
12 a fee of not more than 0.6 percent of the estimated cost.

13 (B) The minimum fee in any case shall be two hundred fifty
14 dollars (\$250). If the actual cost exceeds the estimated cost by
15 more than 5 percent, a further fee shall be paid to the Department
16 of General Services, based on the above schedule and computed
17 on the amount by which the actual cost exceeds the amount of the
18 estimated cost.

19 (8) (A) All fees collected under this article shall be paid into
20 the State Treasury and credited to the Public School Planning,
21 Design, and Construction Review Revolving Fund, and are
22 continuously appropriated, without regard to fiscal years, for the
23 use of the Department of General Services, subject to approval of
24 the Department of Finance, in carrying out this article.

25 (B) Adjustments in the amounts of the fees, as determined by
26 the Department of General Services and approved by the
27 Department of Finance, shall be made within the limits set in
28 paragraph (7) in order to maintain a reasonable working balance
29 in the fund.

30 (9) No contract for the construction or alteration of any school
31 building, made or executed by the governing board of any
32 community college district or other public board, body, or officer
33 otherwise vested with authority to make or execute this contract,
34 is valid, and no public money shall be paid for any work done
35 under this contract or for any labor or materials furnished in
36 constructing or altering the building, unless the plans,
37 specifications, and estimates comply in every particular with the
38 provisions of this article and the requirements prescribed by the
39 Department of General Services and unless the approval thereof

1 in writing has first been had and obtained from the Department of
2 General Services.

3 (d) For purposes of this section, “design professional in
4 responsible charge” or “design professional” means the licensed
5 architect, licensed structural engineer, or licensed civil engineer
6 who is responsible for the completion of the design work involved
7 with the project.

8 SEC. 26. Section 89750.5 of the Education Code is amended
9 to read:

10 89750.5. (a) Notwithstanding Sections 948 and 965.2 of the
11 Government Code or any other law, the trustees may settle, adjust,
12 or compromise any pending action or final judgment, without the
13 need for a recommendation, certification, or approval from any
14 other state officer or entity. The Controller shall draw a warrant
15 for the payment of any settlement, adjustment, or compromise, or
16 final judgment against the trustees if the trustees certify that a
17 sufficient appropriation for the payment of the settlement,
18 adjustment, compromise, or final judgment exists.

19 (b) Notwithstanding paragraph (3) of subdivision (b) of Section
20 905.2 of the Government Code or any other law, the trustees may
21 pay any claim for money or damages on express contract or for
22 an injury for which the trustees or their officers or employees are
23 liable, without approval of the Department of General Services, if
24 the trustees determine that payment of the claim is in the best
25 interests of the California State University and that funds are
26 available to pay the claim. The authority of the trustees conferred
27 by this subdivision does not alter any other requirements governing
28 claims in the Government Claims Act (Division 3.6 (commencing
29 with Section 810) of Title 1 of the Government Code), except to
30 grant the trustees authority to pay these claims.

31 (c) Notwithstanding Chapter 3 (commencing with Section
32 13940) of Part 4 of Division 3 of Title 2 of the Government Code,
33 the trustees may discharge from accountability the sum of one
34 thousand dollars (\$1,000) or less, owing to the California State
35 University, if the trustees determine that the money is uncollectible
36 or the amount does not justify the cost of collection. A discharge
37 of accountability by the trustees does not release any person from
38 the payment of any moneys due the California State University.

39 SEC. 27. Section 1122 of the Fish and Game Code is amended
40 to read:

1 1122. Any claim for damages arising against the state under
2 Section 1121 shall be presented to the Department of General
3 Services in accordance with Section 905.2 of the Government
4 Code, and if not covered by insurance provided pursuant to Section
5 1121, the claim shall be payable only out of funds appropriated
6 by the Legislature for that purpose. If the state elects to insure its
7 liability under Section 1121, the Department of General Services
8 may automatically deny the claim.

9 SEC. 28. Section 15512 of the Fish and Game Code is amended
10 to read:

11 15512. (a) If aquatic plants or animals are destroyed pursuant
12 to subdivision (e) of Section 15505, the owner shall be promptly
13 paid from the General Fund an amount equal to 75 percent of the
14 replacement value of the plants or animals, less the value
15 determined by the department of any replacement stock provided
16 by the department under subdivision (b) if the claim is submitted
17 pursuant to Section 15513. If the replacement value is not settled
18 between the owner and the department, the replacement value shall
19 be determined by an appraiser appointed by the director and an
20 appraiser appointed by the owner. Appraiser's fees shall be paid
21 by the appointing party. Disputes between these two appraisers
22 shall be submitted to arbitration under the Commercial Arbitration
23 Rules of the American Arbitration Association.

24 (b) If the department provides replacement stock to an
25 aquaculturist whose plants or animals are destroyed pursuant to
26 subdivision (e) of Section 15505, the amount to be paid to the
27 aquaculturist pursuant to this section shall be reduced by the value
28 of the replacement stock, as determined by the department.

29 (c) The result of the arbitration or the amount settled between
30 the owner and the department, reduced by the value determined
31 by the department of any replacement stock provided under
32 subdivision (b), may be submitted as a claim by the owner to the
33 Department of General Services pursuant to Section 15513.

34 SEC. 29. Section 3955 of the Food and Agricultural Code is
35 amended to read:

36 3955. Claims against an association shall be presented to the
37 Department of General Services in accordance with Part 3
38 (commencing with Section 900) and Part 4 (commencing with
39 Section 940) of Division 3.6 of Title 1 of the Government Code.

1 SEC. 30. Section 14978.2 of the Food and Agricultural Code
2 is amended to read:

3 14978.2. (a) The board may establish the Commercial Feed
4 Inspection Committee as an entity to administer this chapter. The
5 committee shall consist of eight persons appointed by the board
6 who shall be licensed under this chapter. The committee may, with
7 the concurrence of the director, appoint one additional member to
8 the committee, who shall be a public member. The public member
9 shall be a citizen and resident of California who is not subject to
10 the licensing requirements of this chapter, and who has no financial
11 interest in any person licensed under this chapter.

12 (b) Each member shall have an alternate member appointed in
13 the same manner as the member, who shall serve in the absence
14 of the member for whom they are designated as alternate and who
15 shall have all the duties and exercise the full rights and privileges
16 of members.

17 (c) The committee may appoint its own officers, including a
18 chairperson, one or more vice chairpersons, and other officers as
19 it deems necessary. The officers shall have the powers and duties
20 delegated to them by the committee.

21 (d) The members and alternate members, when acting as
22 members, shall serve without compensation but shall be reimbursed
23 for expenses necessarily incurred by them in the performance of
24 their duties in accordance with the rules of the Department of
25 General Services.

26 (e) A quorum of the committee shall be five members. A vote
27 of the majority of the members present at a meeting at which there
28 is a quorum shall constitute the act of the committee.

29 (f) No member or alternate member, or any employee or agent
30 thereof, shall be personally liable for the actions of the committee
31 or responsible individually in any way for errors in judgment,
32 mistakes, or other acts, either by commission or omission, except
33 for his or her own individual acts of dishonesty or crime.

34 SEC. 31. Section 52295 of the Food and Agricultural Code is
35 amended to read:

36 52295. Members of the board shall receive no salary but may
37 be allowed per diem in accordance with Department of General
38 Services rules for attendance at meetings and other board activities
39 authorized by the board and approved by the director.

1 SEC. 32. Section 800 of the Government Code is amended to
2 read:

3 800. (a) In any civil action to appeal or review the award,
4 finding, or other determination of any administrative proceeding
5 under this code or under any other provision of state law, except
6 actions resulting from actions of the Department of General
7 Services, if it is shown that the award, finding, or other
8 determination of the proceeding was the result of arbitrary or
9 capricious action or conduct by a public entity or an officer thereof
10 in his or her official capacity, the complainant if he or she prevails
11 in the civil action may collect from the public entity reasonable
12 attorney's fees, computed at one hundred dollars (\$100) per hour,
13 but not to exceed seven thousand five hundred dollars (\$7,500),
14 if he or she is personally obligated to pay the fees in addition to
15 any other relief granted or other costs awarded.

16 (b) This section is ancillary only, and shall not be construed to
17 create a new cause of action.

18 (c) The refusal by a public entity or officer thereof to admit
19 liability pursuant to a contract of insurance shall not be considered
20 arbitrary or capricious action or conduct within the meaning of
21 this section.

22 SEC. 33. Section 850.6 of the Government Code is amended
23 to read:

24 850.6. (a) Whenever a public entity provides fire protection
25 or firefighting service outside of the area regularly served and
26 protected by the public entity providing that service, the public
27 entity providing the service is liable for any injury for which
28 liability is imposed by statute caused by its act or omission or the
29 act or omission of its employee occurring in the performance of
30 that fire protection or firefighting service. Notwithstanding any
31 other law, the public entity receiving the fire protection or
32 firefighting service is not liable for any act or omission of the
33 public entity providing the service or for any act or omission of
34 an employee of the public entity providing the service; but the
35 public entity providing the service and the public entity receiving
36 the service may by agreement determine the extent, if any, to which
37 the public entity receiving the service will be required to indemnify
38 the public entity providing the service.

39 (b) Notwithstanding any other provision of this section, any
40 claims against the state shall be presented to the Department of

1 General Services in accordance with Part 3 (commencing with
2 Section 900) and Part 4 (commencing with Section 940) of Division
3 3.6 of Title 1.

4 SEC. 34. Section 900.2 of the Government Code is amended
5 to read:

6 900.2. “Board” means:

7 (a) In the case of a local public entity, the governing body of
8 the local public entity.

9 (b) In the case of the state, except as provided by subdivisions
10 (c) and (d), the Department of General Services.

11 (c) In the case of a judicial branch entity or judge of one of those
12 entities, the Judicial Council.

13 (d) In the case of the California State University, the Trustees
14 of the California State University.

15 SEC. 35. Section 905.2 of the Government Code is amended
16 to read:

17 905.2. (a) This section shall apply to claims against the state
18 filed with the Department of General Services except as provided
19 in subparagraph (B) of paragraph (2) of subdivision (b).

20 (b) There shall be presented in accordance with this chapter and
21 Chapter 2 (commencing with Section 910) all claims for money
22 or damages against the state:

23 (1) For which no appropriation has been made or for which no
24 fund is available but the settlement of which has been provided
25 for by statute or constitutional provision.

26 (2) (A) For which the appropriation made or fund designated
27 is exhausted.

28 (B) Claims for reissuance of stale, dated, or replacement
29 warrants shall be filed with the state entity that originally issued
30 the warrant and, if allowed, shall be paid from the issuing entity’s
31 current appropriation.

32 (3) For money or damages on express contract, or for an injury
33 for which the state is liable.

34 (4) For which settlement is not otherwise provided for by statute
35 or constitutional provision.

36 (c) Claimants shall pay a filing fee of twenty-five dollars (\$25)
37 for filing a claim described in subdivision (b), except for claims
38 for reissuance of stale, dated, or replacement warrants as described
39 in subparagraph (B) of paragraph (2) of subdivision (b). This fee
40 shall be deposited into the Service Revolving Fund and shall only

1 be available for the support of the Department of General Services
2 upon appropriation by the Legislature.

3 (1) The fee shall not apply to the following persons:

4 (A) Persons who are receiving benefits pursuant to the
5 Supplemental Security Income (SSI) and State Supplementary
6 Payment (SSP) programs (Article 5 (commencing with Section
7 12200) of Chapter 3 of Part 3 of Division 9 of the Welfare and
8 Institutions Code), the California Work Opportunity and
9 Responsibility to Kids Act (CalWORKs) program (Chapter 2
10 (commencing with Section 11200) of Part 3 of Division 9 of the
11 Welfare and Institutions Code), the federal Supplemental Nutrition
12 Assistance Program (SNAP; 7 U.S.C. Sec. 2011 et seq.), or Section
13 17000 of the Welfare and Institutions Code.

14 (B) Persons whose monthly income is 125 percent or less of the
15 current monthly poverty line annually established by the Secretary
16 of California Health and Human Services pursuant to the federal
17 Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35),
18 as amended.

19 (C) Persons who are sentenced to imprisonment in a state prison
20 or confined in a county jail, or who are residents in a state
21 institution and, within 90 days prior to the date the claim is filed,
22 have a balance of one hundred dollars (\$100) or less credited to
23 the inmate's or resident's trust account. A certified copy of the
24 statement of the account shall be submitted.

25 (2) Any claimant who requests a fee waiver shall attach to the
26 application a signed affidavit requesting the waiver and verification
27 of benefits or income and any other required financial information
28 in support of the request for the waiver.

29 (3) Notwithstanding any other law, an applicant shall not be
30 entitled to a hearing regarding the denial of a request for a fee
31 waiver.

32 (d) The time for the Department of General Services to
33 determine the sufficiency, timeliness, or any other aspect of the
34 claim shall begin when any of the following occur:

35 (1) The claim is submitted with the filing fee.

36 (2) The fee waiver is granted.

37 (3) The filing fee is paid to the department upon the
38 department's denial of the fee waiver request, so long as payment
39 is received within 10 calendar days of the mailing of the notice of
40 the denial.

1 (e) Upon approval of the claim by the Department of General
2 Services, the fee shall be reimbursed to the claimant, except that
3 no fee shall be reimbursed if the approved claim was for the
4 payment of an expired warrant. Reimbursement of the filing fee
5 shall be paid by the state entity against which the approved claim
6 was filed. If the claimant was granted a fee waiver pursuant to this
7 section, the amount of the fee shall be paid by the state entity to
8 the department. The reimbursement to the claimant or the payment
9 to the department shall be made at the time the claim is paid by
10 the state entity, or shall be added to the amount appropriated for
11 the claim in an equity claims bill.

12 (f) The board may assess a surcharge to the state entity against
13 which the approved claim was filed in an amount not to exceed
14 15 percent of the total approved claim. The board shall not include
15 the refunded filing fee in the surcharge calculation. This surcharge
16 shall be deposited into the General Fund and may be appropriated
17 in support of the board as reimbursements to Item 7870-001-0001
18 of Section 2.00 of the annual Budget Act.

19 (1) The surcharge shall not apply to approved claims to reissue
20 expired warrants.

21 (2) Upon the request of the department in a form prescribed by
22 the Controller, the Controller shall transfer the fees from the state
23 entity's appropriation to the appropriation for the support of the
24 department. However, the department shall not request an amount
25 that shall be submitted for legislative approval pursuant to Section
26 13928.

27 (g) The filing fee required by subdivision (c) shall apply to all
28 claims filed after June 30, 2004, or the effective date of this statute.
29 The surcharge authorized by subdivision (f) may be calculated and
30 included in claims paid after June 30, 2004, or the effective date
31 of the statute adding this subdivision.

32 (h) This section shall not apply to claims made for a violation
33 of the California Whistleblower Protection Act (Article 3
34 commencing with Section 8547) of Chapter 6.5 of Division 1 of
35 Title 2).

36 SEC. 36. Section 905.3 of the Government Code is amended
37 to read:

38 905.3. Notwithstanding any other law to the contrary, no claim
39 shall be submitted by a local agency or school district, nor shall a
40 claim be considered by the Department of General Services

1 pursuant to Section 905.2, if that claim is eligible for consideration
2 by the Commission on State Mandates pursuant to Article 1
3 (commencing with Section 17550) of Chapter 4 of Part 7 of
4 Division 4 of Title 2.

5 SEC. 37. Section 906 of the Government Code is amended to
6 read:

7 906. (a) As used in this section, “amount allowed on the claim”
8 means the amount allowed by the Department of General Services
9 on a claim allowed, in whole or in part, or the amount offered by
10 the department to settle or compromise a claim.

11 (b) Except as otherwise provided in this subdivision, no interest
12 is payable on the amount allowed on the claim if payment of the
13 claim is subject to approval of an appropriation by the Legislature.
14 If an appropriation is made for the payment of a claim described
15 in this subdivision, interest on the amount appropriated for the
16 payment of the claim commences to accrue 180 days after the
17 effective date of the act by which the appropriation is enacted.

18 SEC. 38. Section 911.2 of the Government Code is amended
19 to read:

20 911.2. (a) A claim relating to a cause of action for death or
21 for injury to person or to personal property or growing crops shall
22 be presented as provided in Article 2 (commencing with Section
23 915) not later than six months after the accrual of the cause of
24 action. A claim relating to any other cause of action shall be
25 presented as provided in Article 2 (commencing with Section 915)
26 not later than one year after the accrual of the cause of action.

27 (b) For purposes of determining whether a claim was
28 commenced within the period provided by law, the date the claim
29 was presented to the Department of General Services is one of the
30 following:

31 (1) The date the claim is submitted with a twenty-five dollar
32 (\$25) filing fee.

33 (2) If a fee waiver is granted, the date the claim was submitted
34 with the affidavit requesting the fee waiver.

35 (3) If a fee waiver is denied, the date the claim was submitted
36 with the affidavit requesting the fee waiver, provided the filing
37 fee is paid to the department within 10 calendar days of the mailing
38 of the notice of the denial of the fee waiver.

39 SEC. 39. Section 912.5 of the Government Code is amended
40 to read:

1 912.5. (a) The Trustees of the California State University shall
2 act on a claim against the California State University in accordance
3 with the procedure that the Trustees of the California State
4 University provide by rule.

5 (b) Nothing in this section authorizes the Trustees of the
6 California State University to adopt any rule that is inconsistent
7 with this part.

8 (c) If a claim for money or damages against the California State
9 University is mistakenly presented to the Department of General
10 Services, the Department of General Services shall immediately
11 notify the claimant of the error and shall include information on
12 proper filing of the claim.

13 SEC. 40. Section 915 of the Government Code is amended to
14 read:

15 915. (a) A claim, any amendment thereto, or an application
16 to the public entity for leave to present a late claim shall be
17 presented to a local public entity by either of the following means:

- 18 (1) Delivering it to the clerk, secretary or auditor thereof.
- 19 (2) Mailing it to the clerk, secretary, auditor, or to the governing
20 body at its principal office.

21 (b) Except as provided in subdivisions (c) and (d), a claim, any
22 amendment thereto, or an application for leave to file a late claim
23 shall be presented to the state by either of the following means:

- 24 (1) Delivering it to an office of the Department of General
25 Services.
- 26 (2) Mailing it to the Department of General Services at its
27 principal office.

28 (c) A claim, any amendment thereto, or an application for leave
29 to file a late claim shall be presented to a judicial branch entity in
30 accordance with the following means:

- 31 (1) Delivering or mailing it to the court executive officer, if
32 against a superior court or a judge, court executive officer, or trial
33 court employee, as defined in Section 811.9, of that court.
- 34 (2) Delivering or mailing it to the clerk/administrator of the
35 court of appeals, if against a court of appeals or a judge of that
36 court.
- 37 (3) Delivering or mailing it to the Clerk of the Supreme Court,
38 if against the Supreme Court or a judge of that court.

1 (4) Delivering or mailing it to the Secretariat of the Judicial
2 Council, if against the Judicial Council or the Administrative Office
3 of the Courts.

4 (d) A claim, any amendment thereto, or an application for leave
5 to file a late claim shall be presented to the Trustees of the
6 California State University by delivering or mailing it to the Office
7 of Risk Management at the Office of the Chancellor of the
8 California State University.

9 (e) A claim, amendment or application shall be deemed to have
10 been presented in compliance with this section even though it is
11 not delivered or mailed as provided in this section if, within the
12 time prescribed for presentation thereof, any of the following apply:

13 (1) It is actually received by the clerk, secretary, auditor, or
14 board of the local public entity.

15 (2) It is actually received at an office of the Department of
16 General Services.

17 (3) If against the California State University, it is actually
18 received by the Trustees of the California State University.

19 (4) If against a judicial branch entity or judge, it is actually
20 received by the court executive officer, court clerk/administrator,
21 court clerk, or secretariat of the judicial branch entity.

22 (f) A claim, amendment or application shall be deemed to have
23 been presented in compliance with this section to a public agency
24 as defined in Section 53050 if it is delivered or mailed within the
25 time prescribed for presentation thereof in conformity with the
26 information contained in the statement in the Roster of Public
27 Agencies pertaining to that public agency which is on file at the
28 time the claim, amendment or application is delivered or mailed.
29 As used in this subdivision, “statement in the Roster of Public
30 Agencies” means the statement or amended statement in the Roster
31 of Public Agencies in the office of the Secretary of State or in the
32 office of the county clerk of any county in which the statement or
33 amended statement is on file.

34 SEC. 41. Section 920 of the Government Code is amended to
35 read:

36 920. As used in this chapter, “omnibus claim appropriation”
37 means an act of appropriation, or an item of appropriation in a
38 budget act, by which the Legislature appropriates a lump sum to
39 pay the claim of the Department of General Services or its secretary

1 against the state in an amount that the Legislature has determined
2 is properly chargeable to the state.

3 SEC. 42. Section 925 of the Government Code is amended to
4 read:

5 925. As used in this chapter, “department” means the
6 Department of General Services.

7 SEC. 43. Section 925.4 of the Government Code is amended
8 to read:

9 925.4. Any person having a claim against the state for which
10 appropriations have been made, or for which state funds are
11 available, may present it to the Controller in the form and manner
12 prescribed by the general rules and regulations adopted by the
13 department for the presentation and audit of claims.

14 SEC. 44. Section 925.6 of the Government Code is amended
15 to read:

16 925.6. (a) The Controller shall not draw his or her warrant for
17 any claim until it has been audited by him or her in conformity
18 with law and the general rules and regulations adopted by the
19 department, governing the presentation and audit of claims.
20 Whenever the Controller is directed by law to draw his or her
21 warrant for any purpose, the direction is subject to this section.

22 (b) Notwithstanding the provisions of subdivision (a), the
23 Assembly Committee on Rules, the Senate Committee on Rules,
24 and the Joint Rules Committee, in cooperation with the Controller,
25 shall adopt rules and regulations to govern the presentation of
26 claims of the committees to the Controller. The Controller, in
27 cooperation with the committees, shall adopt rules and regulations
28 governing the audit and recordkeeping of claims of the committees.
29 All rules and regulations shall be adopted by January 31, 1990,
30 shall be published in the Assembly and Senate Journals, and shall
31 be made available to the public.

32 (c) Rules and regulations adopted pursuant to subdivision (b)
33 shall not be subject to the review by or approval of the Office of
34 Administrative Law.

35 (d) Records of claims kept by the Controller pursuant to
36 subdivision (b) shall be open to public inspection as permitted by
37 the California Public Records Act (Chapter 3.5 (commencing with
38 Section 6250) of Division 7 of Title 1).

39 SEC. 45. Section 926 of the Government Code is amended to
40 read:

1 926. If he or she disapproves a claim, the Controller shall file
2 it and a statement of his or her disapproval and his or her reasons
3 with the department as prescribed in the rules and regulations of
4 the department.

5 SEC. 46. Section 926.2 of the Government Code is amended
6 to read:

7 926.2. The Controller shall not entertain for a second time a
8 claim against the state once rejected by him or her or by the
9 Legislature unless such facts are subsequently presented to the
10 department as in suits between individuals that would furnish
11 sufficient ground for granting a new trial.

12 SEC. 47. Section 926.4 of the Government Code is amended
13 to read:

14 926.4. Any person who is aggrieved by the disapproval of a
15 claim by the Controller may appeal to the department. If the
16 department finds that facts are presented justifying such action,
17 the Controller shall reconsider his or her rejection of the claim.

18 SEC. 48. Section 926.6 of the Government Code is amended
19 to read:

20 926.6. After final rejection of a claim by the Controller
21 following reconsideration, any person interested may appeal to
22 the Legislature by filing with the department a notice of appeal.
23 Upon receipt of such notice the department shall transmit to the
24 Legislature the rejected claim, all papers accompanying it, and a
25 statement of the evidence taken before the department.

26 SEC. 49. Section 927.13 of the Government Code is amended
27 to read:

28 927.13. (a) Unless otherwise provided for by statute, any state
29 agency that fails to submit a correct claim schedule to the
30 Controller within 30 days of receipt of a notice of refund or other
31 payment due, and fails to issue payment within 45 days from the
32 notice of refund or other payment due, shall be liable for penalties
33 on the undisputed amount pursuant to this section. The penalties
34 shall be paid out of the agency's funds at a rate equal to the Pooled
35 Money Investment Account daily rate on June 30 of the prior fiscal
36 year minus 1 percent. The penalties shall cease to accrue on the
37 date full payment or refund is made. If the amount of the penalty
38 is ten dollars (\$10) or less, the penalty shall be waived and not
39 paid by the state agency. On an exception basis, state agencies
40 may avoid payment of penalties for failure to submit a correct

1 claim schedule to the Controller by paying the claimant directly
2 from the state agency's revolving fund within 45 calendar days
3 following the agency's receipt of the notice of refund or other
4 payment due.

5 (b) The Controller shall pay claimants within 15 calendar days
6 of receipt of a correct claim schedule from the state agency. If the
7 Controller fails to make payment within 15 calendar days of receipt
8 of the claim schedule from a state agency, and payment is not
9 issued within 45 calendar days following the agency's receipt of
10 a notice of refund or undisputed payment due, the Controller shall
11 pay applicable penalties to the claimant. Penalties shall cease to
12 accrue on the date full payment is made, and shall be paid out of
13 the Controller's funds. If the amount of the penalty is ten dollars
14 (\$10) or less, the penalty shall be waived and not paid by the
15 Controller.

16 (c) No person shall receive an interest payment pursuant to this
17 section if it is determined that the person has intentionally overpaid
18 on a liability solely for the purpose of receiving a penalty payment.

19 (d) No penalty shall accrue during any time period for which
20 there is no Budget Act in effect, nor on any payment or refund that
21 is the result of a federally mandated program or that is directly
22 dependent upon the receipt of federal funds by a state agency.

23 (e) This section shall not apply to any of the following:

24 (1) Payments, refunds, or credits for income tax purposes.

25 (2) Payment of claims for reimbursement for health care services
26 or mental health services provided under the Medi-Cal program,
27 pursuant to Chapter 7 (commencing with Section 14000) of Part
28 3 of Division 9 of the Welfare and Institutions Code.

29 (3) Any payment made pursuant to a public social service or
30 public health program to a recipient of benefits under that program.

31 (4) Payments made on claims by the Department of General
32 Services.

33 (5) Payments made by the Commission on State Mandates.

34 (6) Payments made by the Department of Human Resources
35 pursuant to Section 19823.

36 SEC. 50. Section 935.6 of the Government Code is amended
37 to read:

38 935.6. (a) The Department of General Services may authorize
39 any state agency to settle and pay claims filed pursuant to Section
40 905.2 if the settlement does not exceed one thousand dollars

1 (\$1,000) or a lesser amount as the department may determine, or
2 to reject the claim and provide the notice required by Section 913.
3 The department may require state agencies that it so authorizes to
4 report annually to the department concerning the claims resolved
5 pursuant to this section.

6 (b) As used in this section, “state agency” means any office,
7 officer, department, division, bureau, board, commission, or agency
8 of the state, claims against which are paid by warrants drawn by
9 the Controller, but does not mean any judicial branch entity, as
10 defined in Section 900.3, or any judge thereof.

11 SEC. 51. Section 935.7 of the Government Code is amended
12 to read:

13 935.7. (a) Notwithstanding Section 935.6, the Department of
14 Transportation may deny or adjust and pay any claim arising out
15 of the activities of the department without the prior approval of
16 the Department of General Services if both of the following
17 conditions exist:

18 (1) The amount claimed is equal to or less than the amount
19 specified as the small claims court jurisdictional amount in Section
20 116.221 of the Code of Civil Procedure.

21 (2) The Director of Finance or the Director of Transportation
22 certifies that a sufficient appropriation for the payment of the claim
23 exists.

24 (b) If the department elects not to pay any claim, the department
25 shall provide the notice required by Section 913.

26 (c) Any person who submits any claim arising out of any activity
27 of the Department of Transportation shall comply with every other
28 applicable provision of this part relating to claims against state
29 agencies.

30 SEC. 52. Section 940.2 of the Government Code is amended
31 to read:

32 940.2. “Board” means:

33 (a) In the case of a local public entity, the governing body of
34 the local public entity.

35 (b) In the case of the state, except as provided by subdivisions
36 (c) and (d), the Department of General Services.

37 (c) In the case of a judicial branch entity or a judge thereof, the
38 Judicial Council.

39 (d) In the case of the California State University, the Trustees
40 of the California State University.

1 SEC. 53. Section 965 of the Government Code is amended to
2 read:

3 965. (a) Upon the allowance by the Department of General
4 Services of all or part of a claim for which the Director of Finance
5 certifies that a sufficient appropriation for the payment of the claim
6 exists, and the execution and presentation of documents the
7 department may require that discharge the state of all liability
8 under the claim, the department shall designate the fund from
9 which the claim is to be paid, and the state agency concerned shall
10 pay the claim from that fund. If there is no sufficient appropriation
11 for the payment available, the department shall report to the
12 Legislature in accordance with Section 912.8. Claims arising out
13 of the activities of the State Department of Transportation may be
14 paid if either the Director of Transportation or the Director of
15 Finance certifies that a sufficient appropriation for the payment of
16 the claim exists.

17 (b) Notwithstanding subdivision (a), if there is no sufficient
18 appropriation for the payment of claims, settlements, or judgments
19 against the state arising from an action in which the state is
20 represented by the Attorney General, the Attorney General shall
21 report the claims, settlements, and judgments to the chairperson
22 of either the Senate Committee on Appropriations or the Assembly
23 Committee on Appropriations, who shall cause to be introduced
24 legislation appropriating funds for the payment of the claims,
25 settlements, or judgments.

26 (c) Notwithstanding subdivision (a) or (b), claims, settlements,
27 or judgments arising out of the activities of a judicial branch entity,
28 as defined by Sections 900.3 and 940.3, or a judge thereof may be
29 paid if the Judicial Council authorizes payment and the
30 Administrative Director of the Courts certifies that sufficient funds
31 for that payment exist from funds allocated to settlement,
32 adjustment, and compromise of actions and claims. If sufficient
33 funds for payment of settlements or judgments do not exist, the
34 Administrative Director of the Courts shall report the settlements
35 and judgments to the chairperson of either the Senate Committee
36 on Appropriations or the Assembly Committee on Appropriations,
37 who shall cause to be introduced legislation appropriating funds
38 for the payment of the settlements or judgments. If sufficient funds
39 for payment of claims do not exist, the Administrative Director of
40 the Courts shall report the claims to the Department of General

1 Services, which shall have 90 days to object to payment. The
2 Administrative Director of the Courts shall confer with the Director
3 of General Services regarding any objection received during the
4 90-day period. If the Department of General Services withdraws
5 the objection, or if no objection was received, the Administrative
6 Director of the Courts shall report the claims to the chairperson of
7 either the Senate Committee on Appropriations or the Assembly
8 Committee on Appropriations, who shall cause to be introduced
9 legislation appropriating funds for the payment of the claims. The
10 Judicial Council may authorize any committee of the Judicial
11 Council or any employee of the Administrative Office of the Courts
12 to perform the functions of the Judicial Council under this section.
13 The Administrative Director of the Courts may designate an
14 executive staff member of the Administrative Office of the Courts
15 to perform the functions of the Administrative Director of the
16 Courts under this section.

17 SEC. 54. Section 965.1 of the Government Code is amended
18 to read:

19 965.1. The Director of General Services may allow a claim
20 filed pursuant to subdivision (c) of Section 905.2 if the settlement
21 amount of that claim does not exceed fifty thousand dollars
22 (\$50,000), or to reject any claim as so described.

23 SEC. 55. Section 965.5 of the Government Code is amended
24 to read:

25 965.5. (a) A judgment for the payment of money against the
26 state or a state agency is enforceable until 10 years after the time
27 the judgment becomes final or, if the judgment is payable in
28 installments, until 10 years after the final installment becomes due.

29 (b) A judgment for the payment of money against the state or
30 a state agency is not enforceable under Title 9 (commencing with
31 Section 680.010) of Part 2 of the Code of Civil Procedure, but is
32 enforceable under this chapter.

33 (c) Interest on the amount of a judgment or settlement for the
34 payment of moneys against the state shall commence to accrue
35 180 days from the date of the final judgment or settlement.

36 (d) Unless another statute provides a different interest rate,
37 interest on a tax or fee judgment for the payment of moneys against
38 the state shall accrue at a rate equal to the weekly average one year
39 constant maturity United States Treasury yield at the time of the
40 judgment plus 2 percent, but shall not exceed 7 percent per annum.

1 (e) Subdivisions (c) and (d) shall not apply to any claim
2 approved by the Department of General Services.

3 SEC. 56. Section 997.1 of the Government Code is amended
4 to read:

5 997.1. (a) Any person may file an application with the
6 Department of General Services for compensation based on
7 personal property loss, personal injury, or death, including
8 noneconomic loss, arising from the Bay Bridge or I-880 Cypress
9 structure collapse caused by the October 17, 1989, earthquake.
10 Any application made pursuant to this section shall be presented
11 to the department no later than April 18, 1990, on forms prescribed
12 and provided by the department, except that a late claim may be
13 presented to the department pursuant to the procedure specified
14 by Section 911.4. Each presented application shall be verified
15 under penalty of perjury and shall contain all of the following
16 information:

17 (1) The name of the injured party or in the event of loss of life,
18 the name and age of the decedent and the names and ages of heirs
19 as defined in subdivision (b) of Section 377 of the Code of Civil
20 Procedure.

21 (2) An authorization permitting the department to obtain relevant
22 medical and employment records.

23 (3) A brief statement describing when, where, and how the
24 injury or death occurred.

25 (4) A statement as to whether the applicant wishes to apply for
26 emergency relief provided pursuant to Section 997.2.

27 (b) Upon receipt of an application, the department shall evaluate
28 the application and may require the applicant to submit additional
29 information or documents that are necessary to verify and evaluate
30 the application. The department shall resolve an application within
31 six months from the date of presentation of the application unless
32 this period of time is extended by mutual agreement between the
33 department and the applicant. Any application that is not resolved
34 within this resolution period shall be deemed denied.

35 (c) Following resolution of an application, if the applicant
36 desires to pursue additional remedies otherwise provided by this
37 division, the applicant shall file a court action within six months
38 of the mailing date of the department's rejection or denial of the
39 application or the applicant's rejection of the department's offer.

1 (d) Any claim pursuant to Part 3 (commencing with Section
2 900) made before or after the effective date of this part for personal
3 property loss, personal injury, or death resulting from the collapse
4 of the Bay Bridge or the I-880 Cypress structure against the State
5 of California, its agencies, officers, or employees, shall be deemed
6 to be an application under this part and subject to the provisions
7 set forth in this part. Additionally, any application made pursuant
8 to this part shall be deemed to be in compliance with Part 3
9 (commencing with Section 900).

10 (e) Notwithstanding any other law, resolution of applications
11 pursuant to the provisions of this part is a condition precedent to
12 the filing of any action for personal property loss, personal injury,
13 or death resulting from the collapse of the Bay Bridge or the I-880
14 Cypress structure in any court of the State of California against
15 the State of California, its agencies, officers, or employees. Any
16 suit filed by an applicant in any court of this state against the State
17 of California or its agencies, officers, or employees shall be stayed
18 pending resolution of the application.

19 SEC. 57. Section 998.2 of the Government Code is amended
20 to read:

21 998.2. (a) Any person or business may file an application with
22 the Department of General Services for compensation based on
23 personal injury, property loss, business loss, or other economic
24 loss, claimed to have been incurred as a result of the Lake Davis
25 Northern Pike Eradication Project. Any application made pursuant
26 to this section shall be presented to the department in accordance
27 with this division. A late claim may be presented to the department
28 pursuant to the procedure specified by Section 911.4. Each
29 application shall contain, in addition to the information required
30 by Section 910, all of the following:

31 (1) The legal name of any business claiming a loss, as well as
32 the names of the owners and officers of the business.

33 (2) For any property owner claiming diminution of property
34 value, the names of all persons holding a legal interest in the
35 property.

36 (3) The name of any person claiming to have suffered personal
37 injury.

38 (4) An authorization permitting the office of the Attorney
39 General or its designee to obtain relevant medical, employment,
40 business, property, and tax records.

1 (5) A brief statement describing when, where, and how the
2 injury, loss, or diminution in market value occurred.

3 (b) Upon receipt of an application presented pursuant to this
4 section from the Department of General Services, the office of the
5 Attorney General or its designee shall examine the application and
6 may require the applicant to submit additional information or
7 documents that are necessary to verify and evaluate the application.
8 The office of the Attorney General or its designee shall attempt to
9 resolve an application within six months from the effective date
10 of this part unless this period of time is extended by mutual
11 agreement between the office of the Attorney General or its
12 designee and the applicant. Any application that does not result in
13 a final settlement agreement within the resolution period shall be
14 deemed denied, allowing the claimant to proceed with a court
15 action pursuant to Chapter 2 (commencing with Section 945) of
16 Part 4.

17 (c) The office of the Attorney General or its designee shall adopt
18 guidelines in consultation with one representative designated by
19 the City of Portola, one representative designated by the County
20 of Plumas, and one member of the public to be selected jointly by
21 the city and the county. Any guidelines so developed shall be used
22 to evaluate and settle claims filed pursuant to this part.
23 Notwithstanding Chapter 3.5 (commencing with Section 11340)
24 of Part 1 of Division 3 of Title 2, any regulations adopted
25 thereunder by the Attorney General in order to implement this
26 section shall not be subject to the review and approval of the Office
27 of Administrative Law, nor subject to the Administrative Procedure
28 Act (Chapter 3.5 (commencing with Section 11340), Chapter 4
29 (commencing with Section 11370), Chapter 4.5 (commencing with
30 Section 11400), and Chapter 5 (commencing with Section 11500)
31 of Part 1 of Division 3 of Title 2).

32 (d) Any court action following denial of an application,
33 including denial pursuant to subdivision (b), shall be filed within
34 six months of the mailing date of the department's rejection or
35 denial of the application or the applicant's rejection of the
36 department's offer pursuant to Section 945.6 or subdivision (b) of
37 Section 998.3.

38 (e) Any claim pursuant to Part 3 (commencing with Section
39 900) made before or after the effective date of this part for personal
40 injury, property loss, business loss, or other economic loss resulting

1 from the Lake Davis Northern Pike Eradication Project against
2 the State of California or it's agencies, officers, or employees,
3 shall be deemed to be an application under this part and is subject
4 to the provisions set forth in this part. Additionally, any application
5 made pursuant to this part shall be deemed to be in compliance
6 with Part 3 (commencing with Section 900).

7 (f) Notwithstanding any other law, the resolution or denial of
8 an application pursuant to this part is a condition precedent to the
9 filing of any action for personal injury, property damage, business
10 loss, or other economic loss, resulting from the Lake Davis
11 Northern Pike Eradication Project in any court of the State of
12 California, against the State of California or it's agencies, officers,
13 or employees. Any suit filed by an applicant in any court of this
14 state against the State of California or its agencies, officers, or
15 employees shall be stayed pending resolution or denial of the
16 application.

17 SEC. 58. Section 1151 of the Government Code is amended
18 to read:

19 1151. State employees may authorize deductions to be made
20 from their salaries or wages for payment of one or more of the
21 following:

22 (a) Insurance premiums or other employee benefit programs
23 sponsored by a state agency under appropriate statutory authority.

24 (b) Premiums on National Service Life Insurance or United
25 States Government Converted Insurance.

26 (c) Shares or obligations to any regularly chartered credit union.

27 (d) Recurrent fees or charges payable to a state agency for a
28 program that has a purpose related to government, as determined
29 by the Controller.

30 (e) The purchase of United States savings bonds in accordance
31 with procedures established by the Controller.

32 (f) Payment of charitable contributions under any plan approved
33 by the Department of General Services in accordance with
34 procedures established by the Controller.

35 (g) Passes, tickets, or tokens issued for a period of one month,
36 or more, by a public transportation system.

37 (h) Deposit into an employee's account with a state or federal
38 bank or savings and loan association located in this state, for
39 services offered by that bank or savings and loan association.

1 (i) The purchase of any investment or thrift certificate issued
2 by an industrial loan company licensed by this state.

3 SEC. 59. Section 3515.7 of the Government Code is amended
4 to read:

5 3515.7. (a) Once an employee organization is recognized as
6 the exclusive representative of an appropriate unit it may enter
7 into an agreement with the state employer providing for
8 organizational security in the form of maintenance of membership
9 or fair share fee deduction.

10 (b) The state employer shall furnish the recognized employee
11 organization with sufficient employment data to allow the
12 organization to calculate membership fees and the appropriate fair
13 share fees, and shall deduct the amount specified by the recognized
14 employee organization from the salary or wages of every employee
15 for the membership fee or the fair share fee. These fees shall be
16 remitted monthly to the recognized employee organization along
17 with an adequate itemized record of the deductions, including, if
18 required by the recognized employee organization, machine
19 readable data. Fair share fee deductions shall continue until the
20 effective date of a successor agreement or implementation of the
21 state's last, best, and final offer, whichever occurs first. The
22 Controller shall retain, from the fair share fee deduction, an amount
23 equal to the cost of administering this section. The state employer
24 shall not be liable in any action by a state employee seeking
25 recovery of, or damages for, improper use or calculation of fair
26 share fees.

27 (c) Notwithstanding subdivision (b), any employee who is a
28 member of a religious body whose traditional tenets or teachings
29 include objections to joining or financially supporting employee
30 organizations shall not be required to financially support the
31 recognized employee organization. That employee, in lieu of a
32 membership fee or a fair share fee deduction, shall instruct the
33 employer to deduct and pay sums equal to the fair share fee to a
34 nonreligious, nonlabor organization, charitable fund approved by
35 the Department of General Services for receipt of charitable
36 contributions by payroll deductions.

37 (d) A fair share fee provision in a memorandum of understanding
38 that is in effect may be rescinded by a majority vote of all the
39 employees in the unit covered by the memorandum of
40 understanding, provided that: (1) a request for the vote is supported

1 by a petition containing the signatures of at least 30 percent of the
2 employees in the unit; (2) the vote is by secret ballot; and (3) the
3 vote may be taken at any time during the term of the memorandum
4 of understanding, but in no event shall there be more than one vote
5 taken during the term. If the Department of General Services
6 determines that the appropriate number of signatures have been
7 collected, it shall conduct the vote in a manner that it shall
8 prescribe. Notwithstanding this subdivision, the state employer
9 and the recognized employee organization may negotiate, and by
10 mutual agreement provide for, an alternative procedure or
11 procedures regarding a vote on a fair share fee provision.

12 (e) Every recognized employee organization that has agreed to
13 a fair share fee provision shall keep an adequate itemized record
14 of its financial transactions and shall make available annually, to
15 the Department of General Services and to the employees in the
16 unit, within 90 days after the end of its fiscal year, a detailed
17 written financial report thereof in the form of a balance sheet and
18 an operating statement, certified as to accuracy by its president
19 and treasurer or comparable officers. In the event of failure of
20 compliance with this section, any employee in the unit may petition
21 the Department of General Services for an order compelling this
22 compliance, or the Department of General Services may issue a
23 compliance order on its own motion.

24 (f) If an employee who holds conscientious objections pursuant
25 to subdivision (c) requests individual representation in a grievance,
26 arbitration, or administrative hearing from the recognized employee
27 organization, the recognized employee organization is authorized
28 to charge the employee for the reasonable cost of the representation.

29 (g) An employee who pays a fair share fee shall be entitled to
30 fair and impartial representation by the recognized employee
31 organization. A breach of this duty shall be deemed to have
32 occurred if the employee organization's conduct in representation
33 is arbitrary, discriminatory, or in bad faith.

34 SEC. 60. Section 6254.17 of the Government Code is amended
35 to read:

36 6254.17. (a) Nothing in this chapter shall be construed to
37 require disclosure of records of the California Victim
38 Compensation Board that relate to a request for assistance under
39 Article 1 (commencing with Section 13950) of Chapter 5 of Part
40 4 of Division 3 of Title 2.

1 (b) This section shall not apply to a disclosure of the following
2 information, if no information is disclosed that connects the
3 information to a specific victim, derivative victim, or applicant
4 under Article 1 (commencing with Section 13950) of Chapter 5
5 of Part 4 of Division 3 of Title 2:

6 (1) The amount of money paid to a specific provider of services.

7 (2) Summary data concerning the types of crimes for which
8 assistance is provided.

9 SEC. 61. Section 6276.08 of the Government Code is amended
10 to read:

11 6276.08. Cable television subscriber information,
12 confidentiality of, Section 637.5, Penal Code.

13 CalFresh, disclosure of information, Section 18909, Welfare and
14 Institutions Code.

15 California AIDS Program, personal data, confidentiality, Section
16 120820, Health and Safety Code.

17 California Apple Commission, confidentiality of lists of persons,
18 Section 75598, Food and Agricultural Code.

19 California Apple Commission, confidentiality of proprietary
20 information from producers or handlers, Section 75633, Food and
21 Agricultural Code.

22 California Asparagus Commission, confidentiality of lists of
23 producers, Section 78262, Food and Agricultural Code.

24 California Asparagus Commission, confidentiality of proprietary
25 information from producers, Section 78288, Food and Agricultural
26 Code.

27 California Avocado Commission, confidentiality of information
28 from handlers, Section 67094, Food and Agricultural Code.

29 California Avocado Commission, confidentiality of proprietary
30 information from handlers, Section 67104, Food and Agricultural
31 Code.

32 California Cherry Commission, confidentiality of proprietary
33 information from producers, processors, shippers, or
34 grower-handlers, Section 76144, Food and Agricultural Code.

35 California Children's Services Program, confidentiality of factor
36 replacement therapy contracts, Section 123853, Health and Safety
37 Code.

38 California Cut Flower Commission, confidentiality of lists of
39 producers, Section 77963, Food and Agricultural Code.

- 1 California Cut Flower Commission, confidentiality of proprietary
2 information from producers, Section 77988, Food and Agricultural
3 Code.
- 4 California Date Commission, confidentiality of proprietary
5 information from producers and grower-handlers, Section 77843,
6 Food and Agricultural Code.
- 7 California Egg Commission, confidentiality of proprietary
8 information from handlers or distributors, Section 75134, Food
9 and Agricultural Code.
- 10 California Forest Products Commission, confidentiality of lists
11 of persons, Section 77589, Food and Agricultural Code.
- 12 California Forest Products Commission, confidentiality of
13 proprietary information from producers, Section 77624, Food and
14 Agricultural Code.
- 15 California Iceberg Lettuce Commission, confidentiality of
16 information from handlers, Section 66624, Food and Agricultural
17 Code.
- 18 California Kiwifruit Commission, confidentiality of proprietary
19 information from producers or handlers, Section 68104, Food and
20 Agricultural Code.
- 21 California Navel Orange Commission, confidentiality of
22 proprietary information from producers or handlers and lists of
23 producers and handlers, Section 73257, Food and Agricultural
24 Code.
- 25 California Pepper Commission, confidentiality of lists of
26 producers and handlers, Section 77298, Food and Agricultural
27 Code.
- 28 California Pepper Commission, confidentiality of proprietary
29 information from producers or handlers, Section 77334, Food and
30 Agricultural Code.
- 31 California Pistachio Commission, confidentiality of proprietary
32 information from producers or processors, Section 69045, Food
33 and Agricultural Code.
- 34 California Salmon Commission, confidentiality of fee
35 transactions records, Section 76901.5, Food and Agricultural Code.
- 36 California Salmon Commission, confidentiality of request for
37 list of commercial salmon vessel operators, Section 76950, Food
38 and Agricultural Code.
- 39 California Seafood Council, confidentiality of fee transaction
40 records, Section 78553, Food and Agricultural Code.

1 California Seafood Council, confidentiality of information on
2 volume of fish landed, Section 78575, Food and Agricultural Code.
3 California Sheep Commission, confidentiality of proprietary
4 information from producers or handlers and lists of producers,
5 Section 76343, Food and Agricultural Code.
6 California State University contract law, bids, questionnaires
7 and financial statements, Section 10763, Public Contract Code.
8 California State University Investigation of Reported Improper
9 Governmental Activities Act, confidentiality of investigative audits
10 completed pursuant to the act, Section 89574, Education Code.
11 California Table Grape Commission, confidentiality of
12 information from shippers, Section 65603, Food and Agricultural
13 Code.
14 California Tomato Commission, confidentiality of lists of
15 producers, handlers, and others, Section 78679, Food and
16 Agricultural Code.
17 California Tomato Commission, confidentiality of proprietary
18 information, Section 78704, Food and Agricultural Code.
19 California Tourism Marketing Act, confidentiality of information
20 pertaining to businesses paying the assessment under the act,
21 Section 13995.54.
22 California Victim Compensation Board, disclosure not required
23 of records relating to assistance requests under Article 1
24 (commencing with Section 13950) of Chapter 5 of Part 4 of
25 Division 3 of Title 2, Section 6254.17.
26 California Walnut Commission, confidentiality of lists of
27 producers, Section 77101, Food and Agricultural Code.
28 California Walnut Commission, confidentiality of proprietary
29 information from producers or handlers, Section 77154, Food and
30 Agricultural Code.
31 California Wheat Commission, confidentiality of proprietary
32 information from handlers and lists of producers, Section 72104,
33 Food and Agricultural Code.
34 California Wheat Commission, confidentiality of requests for
35 assessment refund, Section 72109, Food and Agricultural Code.
36 California Wine Commission, confidentiality of proprietary
37 information from producers or vintners, Section 74655, Food and
38 Agricultural Code.

1 California Wine Grape Commission, confidentiality of
2 proprietary information from producers and vintners, Section
3 74955, Food and Agricultural Code.

4 SEC. 62. Section 7599.2 of the Government Code is amended
5 to read:

6 7599.2. Distribution of Moneys from the Safe Neighborhoods
7 and Schools Fund.

8 (a) By August 15 of each fiscal year beginning in 2016, the
9 Controller shall disburse moneys deposited in the Safe
10 Neighborhoods and Schools Fund as follows:

11 (1) Twenty-five percent to the State Department of Education,
12 to administer a grant program to public agencies aimed at
13 improving outcomes for public school pupils in kindergarten and
14 grades 1 to 12, inclusive, by reducing truancy and supporting
15 students who are at risk of dropping out of school or are victims
16 of crime.

17 (2) Ten percent to the California Victim Compensation Board,
18 to make grants to trauma recovery centers to provide services to
19 victims of crime pursuant to Section 13963.1 of the Government
20 Code.

21 (3) Sixty-five percent to the Board of State and Community
22 Corrections, to administer a grant program to public agencies aimed
23 at supporting mental health treatment, substance abuse treatment,
24 and diversion programs for people in the criminal justice system,
25 with an emphasis on programs that reduce recidivism of people
26 convicted of less serious crimes, such as those covered by this
27 measure, and those who have substance abuse and mental health
28 problems.

29 (b) For each program set forth in paragraphs (1) to (3), inclusive,
30 of subdivision (a), the agency responsible for administering the
31 programs shall not spend more than 5 percent of the total funds it
32 receives from the Safe Neighborhoods and Schools Fund on an
33 annual basis for administrative costs.

34 (c) Every two years, the Controller shall conduct an audit of the
35 grant programs operated by the agencies specified in paragraphs
36 (1) to (3), inclusive, of subdivision (a) to ensure the funds are
37 disbursed and expended solely according to this chapter and shall
38 report his or her findings to the Legislature and the public.

39 (d) Any costs incurred by the Controller and the Director of
40 Finance in connection with the administration of the Safe

1 Neighborhoods and Schools Fund, including the costs of the
2 calculation required by Section 7599.1 and the audit required by
3 subdivision (c), as determined by the Director of Finance, shall be
4 deducted from the Safe Neighborhoods and Schools Fund before
5 the funds are disbursed pursuant to subdivision (a).

6 (e) The funding established pursuant to this act shall be used to
7 expand programs for public school pupils in kindergarten and
8 grades 1 to 12, inclusive, victims of crime, and mental health and
9 substance abuse treatment and diversion programs for people in
10 the criminal justice system. These funds shall not be used to
11 supplant existing state or local funds utilized for these purposes.

12 (f) Local agencies shall not be obligated to provide programs
13 or levels of service described in this chapter above the level for
14 which funding has been provided.

15 SEC. 63. Section 8652 of the Government Code is amended
16 to read:

17 8652. Before payment may be made by the state to any person
18 in reimbursement for taking or damaging private property
19 necessarily utilized by the Governor in carrying out his or her
20 responsibilities under this chapter during a state of war emergency
21 or state of emergency, or for services rendered at the instance of
22 the Governor under those conditions, the person shall present a
23 claim to the Department of General Services in accordance with
24 the provisions of the Government Code governing the presentation
25 of claims against the state for the taking or damaging of private
26 property for public use, which provisions shall govern the
27 presentment, allowance, or rejection of the claims and the
28 conditions upon which suit may be brought against the state.
29 Payment for property or services shall be made from any funds
30 appropriated by the state for that purpose.

31 SEC. 64. Section 8902 of the Government Code is amended
32 to read:

33 8902. During those times that a Member of the Legislature is
34 required to be in Sacramento to attend a session of the Legislature
35 and during those times that a member is traveling to and from, or
36 is in attendance at, any meeting of a committee of which he or she
37 is a member or is attending to any other legislative function or
38 responsibility as authorized or directed by the rules of the house
39 of which he or she is a member or by the joint rules, he or she shall
40 be entitled to reimbursement of his or her living expenses at a rate

1 established by the Department of General Services that is not less
2 than the rate provided to federal employees traveling to
3 Sacramento.

4 SEC. 65. Article 5.2 (commencing with Section 9112) is added
5 to Chapter 1.5 of Part 1 of Division 2 of Title 2 of the Government
6 Code, to read:

7

8 Article 5.2. State Capitol Building Annex Act of 2016

9

10 9112. (a) Notwithstanding any other law, including Section
11 9108, the Joint Rules Committee may pursue the construction of
12 a state capitol building annex or the restoration, rehabilitation,
13 renovation, or reconstruction of the State Capitol Building Annex
14 described in Section 9105.

15 (b) (1) All work performed pursuant to this article shall be
16 administered and supervised by the Department of General
17 Services, subject to review by the State Public Works Board,
18 pursuant to an agreement with the Joint Rules Committee.

19 (2) The Department of General Services shall report to the Joint
20 Rules Committee on the scope, budget, delivery method, and
21 schedule for any space to be constructed, restored, rehabilitated,
22 renovated, or reconstructed pursuant to this article.

23 (c) (1) Notwithstanding any other law, any action or proceeding
24 alleging that a public agency has approved or is undertaking work
25 pursuant to this article in violation of the California Environmental
26 Quality Act (Division 13 (commencing with Section 21000) of
27 the Public Resources Code) shall be subject to Chapter 6.7
28 (commencing with Section 21189.50) of Division 13 of the Public
29 Resources Code.

30 (2) The State Public Works Board shall not be deemed a lead
31 or responsible agency for purposes of the California Environmental
32 Quality Act (Division 13 (commencing with Section 21000) of
33 the Public Resources Code) for any activities under this article.
34 This section is declarative of existing law.

35 (d) Notwithstanding any other law, all work performed pursuant
36 to this article by the Department of General Services shall be
37 exempt from the State Contract Act (Chapter 1 (commencing with
38 Section 10100) of Part 2 of Division 2 of the Public Contract
39 Code).

1 (e) Prevailing wages shall be paid to all workers employed on
2 a project that is subject to this article, in accordance with Article
3 2 (commencing with Section 1770) of Chapter 1 of Part 7 of
4 Division 2 of the Labor Code.

5 SEC. 66. Section 11007.6 of the Government Code is amended
6 to read:

7 11007.6. Any state agency may, subject to rules and regulations
8 of the Department of General Services, insure its officers and
9 employees not covered by Part 2.6 (commencing with Section
10 19815) of Division 5 against injury or death incurred while flying
11 on state business in any, except regularly scheduled, passenger
12 aircraft.

13 SEC. 67. Section 11014 of the Government Code is amended
14 to read:

15 11014. (a) In exercising the powers and duties granted to and
16 imposed upon it, any state agency may construct and maintain
17 communication lines as may be necessary.

18 (b) In providing communications and necessary powerlines in
19 connection with activities under subdivision (a), the agency, with
20 the approval of the Department of General Services, may enter
21 into contracts with owners of similar facilities for use of their
22 facilities, such as pole lines, and provisions may be made for
23 indemnification and holding harmless of the owners of those
24 facilities by reason of this use. Insurance may be purchased by the
25 Department of General Services, upon request of the agency, to
26 protect the state against loss or expense arising out of the contract.

27 (c) Any claim for damages arising against the state under this
28 section shall be presented to the Department of General Services
29 in accordance with Sections 905.2 and 945.4, and if not covered
30 by insurance as provided under subdivision (b), the claim shall be
31 payable only out of funds appropriated by the Legislature for this
32 purpose. If the state elects to insure its liability under this section,
33 the Department of General Services may automatically deny that
34 claim.

35 SEC. 68. Section 11030.1 of the Government Code is amended
36 to read:

37 11030.1. When a state employee not covered by Part 2.6
38 (commencing with Section 19815) of Division 5 dies while
39 traveling on official state business, the state shall, under rules and
40 regulations adopted by the Department of General Services, pay

1 the traveling expenses necessary to return the body to his or her
2 official headquarters or the place of burial. This subdivision shall
3 not be construed to authorize the payment of the traveling expenses,
4 either going or returning, of one accompanying that body.

5 SEC. 69. Section 11030.2 of the Government Code is amended
6 to read:

7 11030.2. Any state officer or employee not covered by Part
8 2.6 (commencing with Section 19815) of Division 5 when working
9 overtime at his or her headquarters on state business may receive
10 his or her actual and necessary expenses, during his or her regular
11 workweek, subject to rules and regulations adopted by the
12 Department of General Services limiting the amount of the
13 expenses and prescribing the conditions under which the expenses
14 may be paid. However, each state agency may determine the
15 necessity for and limit these expenses of its employees in a manner
16 that does not conflict with and is within the limitations prescribed
17 by the Department of General Services.

18 SEC. 70. Section 11031 of the Government Code is amended
19 to read:

20 11031. The headquarters of elective constitutional officers,
21 other than Members of the Legislature, shall be established by the
22 filing of a written statement with the Department of General
23 Services that certifies that the selected headquarters is the place
24 where the officer spends the largest portion of his or her regular
25 workdays or working time.

26 SEC. 71. Section 11125.7 of the Government Code is amended
27 to read:

28 11125.7. (a) Except as otherwise provided in this section, the
29 state body shall provide an opportunity for members of the public
30 to directly address the state body on each agenda item before or
31 during the state body's discussion or consideration of the item.
32 This section is not applicable if the agenda item has already been
33 considered by a committee composed exclusively of members of
34 the state body at a public meeting where interested members of
35 the public were afforded the opportunity to address the committee
36 on the item, before or during the committee's consideration of the
37 item, unless the item has been substantially changed since the
38 committee heard the item, as determined by the state body. Every
39 notice for a special meeting at which action is proposed to be taken
40 on an item shall provide an opportunity for members of the public

1 to directly address the state body concerning that item prior to
2 action on the item. In addition, the notice requirement of Section
3 11125 shall not preclude the acceptance of testimony at meetings,
4 other than emergency meetings, from members of the public if no
5 action is taken by the state body at the same meeting on matters
6 brought before the body by members of the public.

7 (b) The state body may adopt reasonable regulations to ensure
8 that the intent of subdivision (a) is carried out, including, but not
9 limited to, regulations limiting the total amount of time allocated
10 for public comment on particular issues and for each individual
11 speaker.

12 (c) (1) Notwithstanding subdivision (b), when a state body
13 limits time for public comment the state body shall provide at least
14 twice the allotted time to a member of the public who utilizes a
15 translator to ensure that non-English speakers receive the same
16 opportunity to directly address the state body.

17 (2) Paragraph (1) shall not apply if the state body utilizes
18 simultaneous translation equipment in a manner that allows the
19 state body to hear the translated public testimony simultaneously.

20 (d) The state body shall not prohibit public criticism of the
21 policies, programs, or services of the state body, or of the acts or
22 omissions of the state body. Nothing in this subdivision shall confer
23 any privilege or protection for expression beyond that otherwise
24 provided by law.

25 (e) This section is not applicable to closed sessions held pursuant
26 to Section 11126.

27 (f) This section is not applicable to decisions regarding
28 proceedings held pursuant to Chapter 5 (commencing with Section
29 11500), relating to administrative adjudication, or to the conduct
30 of those proceedings.

31 (g) This section is not applicable to hearings conducted by the
32 California Victim Compensation Board pursuant to Sections 13963
33 and 13963.1.

34 (h) This section is not applicable to agenda items that involve
35 decisions of the Public Utilities Commission regarding adjudicatory
36 hearings held pursuant to Chapter 9 (commencing with Section
37 1701) of Part 1 of Division 1 of the Public Utilities Code. For all
38 other agenda items, the commission shall provide members of the
39 public, other than those who have already participated in the
40 proceedings underlying the agenda item, an opportunity to directly

1 address the commission before or during the commission’s
2 consideration of the item.

3 SEC. 72. Section 11125.8 of the Government Code is amended
4 to read:

5 11125.8. (a) Notwithstanding Section 11131.5, in any hearing
6 that the California Victim Compensation Board conducts pursuant
7 to Section 13963.1 and that the applicant or applicant’s
8 representative does not request be open to the public, no notice,
9 agenda, announcement, or report required under this article need
10 identify the applicant.

11 (b) In any hearing that the board conducts pursuant to Section
12 13963.1 and that the applicant or applicant’s representative does
13 not request be open to the public, the board shall disclose that the
14 hearing is being held pursuant to Section 13963.1. That disclosure
15 shall be deemed to satisfy the requirements of subdivision (a) of
16 Section 11126.3.

17 SEC. 73. Section 11270 of the Government Code is amended
18 to read:

19 11270. As used in this article, “administrative costs” means
20 the amounts expended by the Legislature, the Legislative Counsel
21 Bureau, the Governor’s Office, the Department of Technology,
22 the Office of Planning and Research, the Department of Justice,
23 the State Controller’s Office, the State Treasurer’s Office, the State
24 Personnel Board, the Department of Finance, the Department of
25 Financial Information System for California, the Office of
26 Administrative Law, the Department of Human Resources, the
27 Secretary of California Health and Human Services, the California
28 State Auditor’s Office, and the California State Library, and a
29 proration of any other cost to or expense of the state for services
30 or facilities provided for the Legislature and the above agencies,
31 for supervision or administration of the state government or for
32 services to other state agencies.

33 SEC. 74. Section 11270.1 of the Government Code is amended
34 to read:

35 11270.1. (a) The Central Service Cost Recovery Fund is hereby
36 created in the State Treasury. The Central Service Cost Recovery
37 Fund shall consist of those amounts transferred in accordance with
38 Section 11274, and any interest earnings. Money in the Central
39 Service Cost Recovery Fund shall be appropriated for the
40 administration of the state government, as determined or

1 redetermined by the Department of Finance in accordance with
2 this article and Sections 13332.02 and 13332.03.

3 (b) Unless otherwise authorized by law, moneys in the Central
4 Service Cost Recovery Fund, to the extent not currently required
5 to fund any appropriation, shall not be used, loaned, borrowed,
6 assessed, allocated, or transferred unless approved by the
7 Department of Finance, except for cashflow borrowing by the
8 General Fund pursuant to Section 16310. The Controller shall
9 transfer the unexpended balance of those moneys in the Central
10 Service Cost Recovery Fund to the General Fund as determined
11 or redetermined by the Department of Finance.

12 SEC. 75. Section 11274 of the Government Code is amended
13 to read:

14 11274. Notwithstanding any other law, the Department of
15 Finance may allocate and charge a fair share of the administrative
16 costs to all funds directly. The Department of Finance shall certify
17 to the Controller the amount determined to be the fair share of
18 administrative costs due and payable from each state fund. The
19 Department of Finance, at any time during the year, may direct
20 the Controller to advance a reasonable amount for administrative
21 costs from a fund designated in accordance with Section 11271.
22 Upon order of the Department of Finance of the timing and the
23 amounts to be transferred, the Controller shall transfer the amount
24 of the administrative costs from special and nongovernmental cost
25 funds to the Central Service Cost Recovery Fund or the General
26 Fund.

27 SEC. 76. Section 11275 of the Government Code is amended
28 to read:

29 11275. In the event a fund has an insufficient fund balance
30 for the payment of the administrative costs, the Controller shall
31 request that the Department of Finance provide direction on
32 effecting the transfer and its timing.

33 SEC. 77. Section 11276 of the Government Code is repealed.

34 SEC. 78. Section 11277 of the Government Code is repealed.

35 SEC. 79. Section 11852 of the Government Code is amended
36 to read:

37 11852. For purposes of this chapter, the following terms shall
38 have the following meanings:

39 (a) “Approved FISCAl Project documents” means any Special
40 Project Report approved by the Department of Technology, or its

1 successor agency, for the FISCAL, as may be amended, augmented,
2 or changed by any subsequent approved Special Project Report or
3 legislative action.

4 (b) “Cost or costs of the system” means all costs related to the
5 acquisition, design, development, installation, deployment, and
6 other related costs of the system, including, but not limited to,
7 software, hardware, licenses, upgrades, training, facilities,
8 contractors, and staff.

9 (c) “Cost allocation plan” means the plan described in Section
10 11874.

11 (d) “Department” means the Department of FISCAL established
12 pursuant to Section 11890.

13 (e) “Director” means the Director of FISCAL appointed pursuant
14 to Section 11894.

15 (f) “FISCAL” means the Financial Information System for
16 California.

17 (g) “FISCAL Consolidated Payment Fund” means the fund
18 created pursuant to subdivision (a) of Section 11872.

19 (h) “FISCAL Internal Services Fund” means the fund created
20 pursuant to Section 11870.

21 (i) “Interface” means to communicate or interoperate with the
22 system.

23 (j) “Office” means the FISCAL project office.

24 (k) “Partner agencies” means the Department of Finance, the
25 Controller, the Department of General Services, and the Treasurer.

26 (l) “State departments and agencies” means all state offices,
27 officers, departments, divisions, bureaus, boards, commissions,
28 organizations, or agencies, claims against which are paid by
29 warrants drawn by the Controller, and whose financial activities
30 are reported in the annual financial statement of the state or are
31 included in the annual Governor’s Budget, including, but not
32 limited to, the California State University, the University of
33 California, the legislative branch, and the judicial branch.

34 (m) “System” means a single integrated financial management
35 system for the state that encompasses the management of resources
36 and dollars as described in the approved FISCAL Project documents
37 and includes the information required by Section 11862.

38 SEC. 80. Section 11854 of the Government Code is amended
39 to read:

1 11854. The Legislature intends that the system meet all of the
2 following objectives:

3 (a) Replace the state’s aging legacy financial management
4 systems and eliminate fragmented and diverse reporting by
5 implementing standardized financial management processes and
6 systems across all departments and control agencies. For purposes
7 of this subdivision, “financial management” means accounting,
8 budgeting, cash management, asset accounting, vendor
9 management, and procurement.

10 (b) Increase competition by promoting business opportunities
11 through the use of electronic bidding, online vendor interaction,
12 and automated vendor functions.

13 (c) Maintain a central source for financial management data to
14 reduce the time and expense of vendors, departments, and agencies
15 collecting, maintaining, and reconciling redundant data.

16 (d) Increase investment returns through timely and accurate
17 monitoring of cash balances, cash flow forecasting, and timing of
18 receipts and disbursements.

19 (e) Improve fiscal controls and support better decision making
20 by state managers and the Legislature by enhancing the quality,
21 timeliness, consistency, and accessibility of financial management
22 information through the use of powerful data access tools,
23 standardized data, and financial management reports.

24 (f) Improve access and transparency of California’s financial
25 management information allowing the implementation of increased
26 auditing, compliance reporting, and fiscal accountability while
27 sharing information between the public, the Legislature, external
28 stakeholders, state, federal, and local agencies.

29 (g) Automate manual processes by providing the ability to
30 electronically receive and submit financial management documents
31 and data between agencies, departments, banks, vendors, and other
32 government entities.

33 (h) Provide online access to financial management information
34 resulting in a reduction of payment or approval inquiries, or both.

35 (i) Improve the state’s ability to preserve, access, and analyze
36 historical financial management information to reduce the workload
37 required to research and prepare this information.

38 (j) Enable the state to more quickly implement, track, and report
39 on changes to financial management processes and systems to

1 accommodate new information such as statutory changes and
2 performance information.

3 (k) Reduce the time, workload, and costs associated with
4 capturing and projecting revenues, expenditures, and program
5 needs for multiple years and scenarios, and for tracking, reporting,
6 and responding to legislative actions.

7 (l) Track purchase volumes and costs by vendor and commodity
8 code or service code to increase strategic sourcing opportunities,
9 reduce purchase prices, and capture total state spending data.

10 (m) Reduce procurement cycle time by automating purchasing
11 authority limits and approval dependencies, and easing access to
12 goods and services available from existing sources, including, but
13 not limited to, using leveraged procurement agreements.

14 (n) Streamline the accounts receivable collections process and
15 allow for offset capability which will provide the ability for
16 increased cash collection.

17 (o) Streamline the payment process and allow for faster vendor
18 payments that will reduce late payment penalty fees paid by the
19 state.

20 (p) Improve role-based security and workflow authorization by
21 capturing near real-time data from the state's human resources
22 system of record.

23 (q) Implement a stable and secure information technology
24 infrastructure.

25 SEC. 81. Section 11860 of the Government Code is amended
26 to read:

27 11860. (a) To serve the best interest of the state by optimizing
28 the financial business management of the state, the partner agencies
29 shall collaboratively develop, implement, and utilize the system
30 and assist the department to maintain the system. This effort will
31 ensure best business practices by embracing opportunities to
32 reengineer the state's business processes and will encompass the
33 management of resources and funds in the areas of budgeting,
34 accounting, procurement, cash management, financial management,
35 financial reporting, cost accounting, asset accounting, project
36 accounting, and grant accounting.

37 (b) State departments and agencies shall use the system, or,
38 upon approval from the office, a department or agency shall be
39 permitted to interface its departmental system with the system.

1 The system is intended to replace any existing central or
2 departmental systems duplicative of the functionality of the system.

3 SEC. 82. Section 11862 of the Government Code is amended
4 to read:

5 11862. (a) In addition to the requirements set forth in the
6 approved FISCal project documents, the system shall include a
7 state transparency component that allows the public to have
8 information regarding General Fund and federal fund expenditure
9 data, using an Internet Web site.

10 (b) This section shall not require the disclosure of information
11 deemed confidential or otherwise exempt from disclosure under
12 state or federal law.

13 SEC. 83. Section 11864 of the Government Code is amended
14 to read:

15 11864. (a) Throughout the development of the system, the
16 California State Auditor's Office shall independently monitor the
17 system as the California State Auditor deems appropriate. The
18 California State Auditor's Office independent monitoring of the
19 system shall include, but not be limited to, all of the following:

20 (1) Monitoring the contract for independent project oversight
21 and independent verification and validation services relating to
22 the system.

23 (2) Assessing whether concerns about the system raised by the
24 independent project oversight and independent verification and
25 validation services are being addressed by the office and the
26 steering committee of the office.

27 (3) Assessing whether the system is progressing timely and
28 within its budget.

29 (b) The California State Auditor's Office shall report, at a
30 minimum, on or before January 10 of each year, on the system
31 activities that the California State Auditor's Office deems
32 appropriate to monitor pursuant to this section in a manner
33 consistent with Chapter 6.5 (commencing with Section 8543) of
34 Division 1.

35 (c) This section shall not supersede or compromise the
36 Department of Technology's oversight authority and
37 responsibilities with respect to the system.

38 (d) This section shall remain operative until the completion of
39 the system, as specified in paragraph (2) of subdivision (a) of
40 Section 11890, and thereafter shall be inoperative.

1 SEC. 84. Section 11870 of the Government Code is amended
2 to read:

3 11870. The FISCAl Internal Services Fund continues in
4 existence in the State Treasury to pay the costs of development,
5 implementation, and other approved costs of the system. All assets,
6 liabilities, and surplus shall remain in the FISCAl Internal Services
7 Fund. The Department of Finance shall make the final
8 determination of the budgetary and accounting transactions that
9 are required to carry out this section. Accounts and subaccounts
10 may be created within the FISCAl Internal Services Fund as needed.
11 Moneys in the FISCAl Internal Services Fund, and its accounts and
12 subaccounts, are available for cash flow borrowing by the General
13 Fund pursuant to Section 16310.

14 SEC. 85. Section 11872 of the Government Code is amended
15 to read:

16 11872. (a) The FISCAl Consolidated Payment Fund is created
17 in the State Treasury for the purpose of allowing the Controller to
18 issue consolidated payments, excluding payroll, to any payee, of
19 costs that are chargeable to appropriations made from other funds
20 in the State Treasury, thereby allowing for efficient processing
21 through the system of payments.

22 (b) The amounts to be disbursed from the FISCAl Consolidated
23 Payment Fund shall be transferred by the Controller, from the
24 funds and appropriations otherwise chargeable therewith, to the
25 FISCAl Consolidated Payment Fund prior to the time of
26 disbursement. All amounts in the FISCAl Consolidated Payment
27 Fund that are derived from abatements, refunds of amounts
28 disbursed, returned warrants, or the cancellation of warrants issued
29 from the FISCAl Consolidated Payment Fund shall be returned by
30 the Controller to the funds and appropriations from which the
31 amounts were originally transferred.

32 SEC. 86. Section 11874 of the Government Code is amended
33 to read:

34 11874. (a) The department, subject to the approval of the
35 Department of Finance, shall establish and assess fees and a
36 payment schedule for state departments and agencies to pay for
37 the design, development, and implementation of the system. The
38 fees shall be deposited in the FISCAl Internal Services Fund.

39 (b) The department shall submit the cost allocation plan,
40 including the methodology used to develop fees, to the Department

1 of Finance during the state’s annual budget development processes
2 for review and approval. The office shall submit any proposed
3 changes in fees or methodology to the Department of Finance
4 concurrently with budget requests.

5 SEC. 87. Section 11880 of the Government Code is amended
6 to read:

7 11880. (a) The office and department shall require fingerprint
8 images and associated information from any employee, prospective
9 employee, contractor, subcontractor, volunteer, vendor, and partner
10 agency employee assigned to either the office or the department
11 whose duties include, or would include, having access to
12 confidential or sensitive information or data on the network or
13 computing infrastructure.

14 (b) The fingerprint images and associated information described
15 in subdivision (a) shall be furnished to the Department of Justice
16 for the purpose of obtaining information as to the existence and
17 nature of any of the following:

18 (1) A record of state or federal convictions and the existence
19 and nature of state or federal arrests for which the person is free
20 on bail or on his or her own recognizance pending trial or appeal.

21 (2) Being convicted of, or pleading nolo contendere to, a crime,
22 or having committed an act involving dishonesty, fraud, or deceit,
23 if the crime or act is substantially related to the qualifications,
24 functions, or duties of the person in accordance with this provision.

25 (3) Any conviction or arrest, for which the person is free on bail
26 or on his or her own recognizance pending trial or appeal, with a
27 reasonable nexus to the information or data to which the person
28 shall have access.

29 (c) Requests for federal criminal offender record information
30 received by the Department of Justice pursuant to this section shall
31 be forwarded to the Federal Bureau of Investigation by the
32 Department of Justice.

33 (d) The Department of Justice shall respond to the Chief of
34 Human Resources of the office or the department with information
35 as provided under subdivision (p) of Section 11105 of the Penal
36 Code.

37 (e) The Chief of Human Resources of the office or the
38 department shall request subsequent arrest notifications from the
39 Department of Justice as provided under Section 11105.2 of the
40 Penal Code.

1 (f) The Department of Justice may assess a fee sufficient to
 2 cover the processing costs required under this section, as authorized
 3 pursuant to subdivision (e) of Section 11105 of the Penal Code.

4 (g) Persons described in subdivision (a) may be rejected if it is
 5 determined they meet the criteria described in paragraph (2) or (3)
 6 of subdivision (b). If a person is rejected, the individual shall
 7 receive a copy of the response record from the Chief of Human
 8 Resources of the office or the department.

9 (h) The Chief of Human Resources of the office or the
 10 department shall follow a written appeal process for an individual
 11 described in subdivision (a) who is determined ineligible for
 12 employment because of his or her Department of Justice or Federal
 13 Bureau of Investigation criminal offender record.

14 (i) When considering the background information received
 15 pursuant to this section, the Chief of Human Resources of the
 16 office or the department shall take under consideration any
 17 evidence of rehabilitation, including, but not limited to,
 18 participation in treatment programs and age and specifics of the
 19 offense.

20 SEC. 88. The heading of Article 5 (commencing with Section
 21 11890) of Chapter 10 of Part 1 of Division 3 of Title 2 of the
 22 Government Code is amended to read:

23
 24
 25

Article 5. Department of FISCAl

26 SEC. 89. Section 11890 of the Government Code is amended
 27 to read:

28 11890. (a) (1) There is in state government the Department
 29 of FISCAl.

30 (2) (A) Upon the acceptance of the system by the state, as
 31 determined by the Director of Finance in his or her capacity as the
 32 system sponsor, the Department of FISCAl shall be within the
 33 Government Operations Agency.

34 (B) The director shall post a notice on the Internet Web site of
 35 the Department of FISCAl when the Director of Finance accepts
 36 the system in accordance with subparagraph (A).

37 (b) The Department of FISCAl shall maintain, upgrade, or
 38 otherwise enhance and support the system, provide operational
 39 support to the customers and stakeholders of the system, and
 40 onboard any new, deferred, or exempt state entities.

1 SEC. 90. Section 11892 of the Government Code is amended
2 to read:

3 11892. (a) The department shall incrementally assume
4 responsibility of the system functionality as portions of the system
5 are implemented and accepted.

6 (b) The department shall provide the administrative functions
7 for the system, including those functions of the office, during its
8 existence.

9 (c) The office and the department shall exist concurrently during
10 the phased implementation of the system. Upon full implementation
11 and final acceptance of the system, the department shall supersede
12 the office and perform all administration, maintenance, and
13 operation of the system.

14 SEC. 91. Section 11893 is added to the Government Code, to
15 read:

16 11893. The administrative costs, as defined in Section 11270,
17 of the Department of FISCAl shall be allocated to and recovered
18 from funds in a manner consistent with Section 11274.

19 SEC. 92. Section 11894 of the Government Code is amended
20 to read:

21 11894. (a) The Director of FISCAl shall be appointed by, and
22 serve at the pleasure of, the Governor, subject to Senate
23 confirmation.

24 (b) The director shall have appointment power for both the
25 office and the department and shall oversee the day-to-day
26 functions of both the office and the department. The director shall
27 identify and transfer staff from the office to the department to
28 further performance of the duties specified in Section 11892, in
29 accordance with Section 19050.9.

30 SEC. 93. Section 11895 is added to the Government Code, to
31 read:

32 11895. (a) The director shall, at least annually, confer with
33 the partner agencies and at least one representative of other
34 agencies utilizing the system to prioritize system enhancements,
35 defects, and workarounds.

36 (b) The director retains the discretion and ultimate authority on
37 the implementation of changes in the system.

38 SEC. 94. Section 12432 of the Government Code is amended
39 to read:

1 12432. (a) The Legislature hereby finds and declares that it is
2 essential for the state to replace the current automated human
3 resource/payroll systems operated by the Controller to ensure that
4 state employees continue to be paid accurately and on time and
5 that the state may take advantage of new capabilities and improved
6 business practices. To achieve this replacement of the current
7 systems, the Controller is authorized to procure, modify, and
8 implement a new human resource management system that meets
9 the needs of a modern state government. This replacement effort
10 is known as the 21st Century Project.

11 (b) Notwithstanding any other law, beginning with the 2004–05
12 fiscal year, the Controller may assess the special and
13 nongovernmental cost funds in sufficient amounts to pay for the
14 authorized 21st Century Project costs that are attributable to those
15 funds. Assessments in support of the expenditures for the 21st
16 Century Project shall be made quarterly, and the total amount
17 assessed from these funds annually shall not exceed the total
18 expenditures incurred by the Controller for the 21st Century Project
19 that are attributable to those funds in that fiscal year.
20 Appropriations for this purpose shall be made in the annual Budget
21 Act.

22 (c) To the extent permitted by law, beginning with the 2004–05
23 fiscal year, the Controller shall establish agreements with various
24 agencies and departments for the collection from federal funds of
25 costs that are attributable to federal funds. The total amount
26 collected from those agencies and departments annually shall not
27 exceed the total expenditures incurred by the Controller for the
28 21st Century Project that are attributable to federal funds in that
29 fiscal year. Appropriations for that purpose shall be made in the
30 annual Budget Act.

31 (d) It is the intent of the Legislature that, beginning not earlier
32 than the 2006–07 fiscal year, future annual Budget Acts include
33 General Fund appropriations in sufficient amounts for expenditures
34 for the 21st Century Project that are attributable to the General
35 Fund. It is the Legislature's intent that the share of the total project
36 costs paid for by the General Fund shall be equivalent to the share
37 of the total project costs paid for from special and nongovernmental
38 cost fund assessments and collections from federal funds.

39 (e) This section shall remain in effect only until June 30, 2017,
40 and as of that date is repealed.

1 SEC. 95. The heading of Article 2.5 (commencing with Section
2 12433) is added to Chapter 5 of Part 2 of Division 3 of Title 2 of
3 the Government Code, to read:

4
5 Article 2.5. Discharge of State Entity from Duty to Collect
6

7 SEC. 96. Section 12803.2 of the Government Code is amended
8 to read:

9 12803.2. (a) The Government Operations Agency shall consist
10 of all of the following:

- 11 (1) The Office of Administrative Law.
- 12 (2) The Public Employees' Retirement System.
- 13 (3) The State Teachers' Retirement System.
- 14 (4) The State Personnel Board.
- 15 (5) The California Victim Compensation Board.
- 16 (6) The Department of General Services.
- 17 (7) The Department of Technology.
- 18 (8) The Franchise Tax Board.
- 19 (9) The Department of Human Resources.

20 (b) The Government Operations Agency shall include the
21 Department of FISCAl upon the acceptance of the Financial
22 Information System for California (FISCAl) by the state, as
23 determined by the Director of Finance, pursuant to Section 11890.

24 (c) The Government Operations Agency shall be governed by
25 the Secretary of Government Operations pursuant to Section 12801.
26 However, the Director of Human Resources shall report directly
27 to the Governor on issues relating to labor relations.

28 (d) The Governor, upon the recommendation of the Secretary
29 of Government Operations, may appoint up to three deputies for
30 the secretary.

31 SEC. 97. Section 13300 of the Government Code is amended
32 to read:

33 13300. (a) The department shall devise, install, supervise, and,
34 at its discretion, revise and modify, a modern and complete
35 accounting system and policies for each agency of the state
36 permitted or charged by law with the handling of public money or
37 its equivalent, to the end that all revenues, expenditures, receipts,
38 disbursements, resources, obligations, and property of the state be
39 properly, accurately, and systematically accounted for and that

1 there shall be obtained accurate and comparable records, reports,
2 and statements of all the financial affairs of the state.

3 (b) This system shall permit a comparison of budgeted
4 expenditures, actual expenditures, encumbrances and payables,
5 and estimated revenue to actual revenue that is compatible with a
6 budget coding system developed by the department. In addition,
7 the system shall provide for a federal revenue accounting system
8 with cross-references of federal fund sources to state activities.

9 (c) This system shall include a cost accounting system that
10 accounts for expenditures by line item, governmental unit, and
11 fund source. The system shall also be capable of performing
12 program cost accounting as required. The system and the accounts
13 maintained by all state departments and agencies shall be
14 coordinated with the central accounts maintained by the Controller,
15 and shall provide the Controller with all information necessary to
16 the maintenance by the Controller of a comprehensive system of
17 central accounts for the entire state government.

18 SEC. 98. Section 13300.5 of the Government Code is amended
19 to read:

20 13300.5. (a) The Legislature finds and declares that the system
21 to modernize the state's internal financial systems is a critical
22 project that must be subject to the highest level of oversight.
23 According to the Department of Technology, the size and scope
24 of this modernization and automation effort make this project one
25 of the highest risk projects undertaken by the state. Therefore, the
26 Legislature must take steps to ensure it is fully informed as the
27 project is implemented. It is the intent of the Legislature to adopt
28 additional reporting requirements for the office to adequately
29 manage risk and ensure the successful implementation of this
30 effort.

31 (b) The office shall report to the Legislature, on or before
32 February 15 of each year, on all of the following:

- 33 (1) An executive summary and overview of the system's status.
- 34 (2) An overview of the system's history.
- 35 (3) Significant events of the system within the current reporting
36 period and a projection of events during the next reporting period.
- 37 (4) A discussion of mitigation actions being taken by the office
38 for any missed major milestones.
- 39 (5) A comparison of actual to budgeted expenditures, and an
40 explanation of variances and any planned corrective actions,

1 including a summary of the system and staffing levels and an
2 estimate of staff participation from partner agencies.

3 (6) An articulation of expected functionality and qualitative
4 benefits from the system that were achieved during the reporting
5 period and that are expected to be achieved in the subsequent year.

6 (7) An overview of change management activities and
7 stakeholder engagement during the system implementation process,
8 including a summary of departmental participation in the system.

9 (8) A discussion of lessons learned and best practices that will
10 be incorporated into future changes in management activities.

11 (9) A description of any significant software customization,
12 including a justification for why, if any, customization was granted.

13 (10) Updates on the progress of meeting the system's objectives.

14 (c) Reports shall describe deviations to the project scope, cost,
15 or schedule from Special Project Report 6.

16 (d) This section shall remain operative until the completion of
17 the system, as specified in paragraph (2) of subdivision (a) of
18 Section 11890, and thereafter shall be inoperative.

19 (e) The definitions in Section 11852 shall apply to the applicable
20 terms in this section.

21 SEC. 99. Section 13332.02 of the Government Code is amended
22 to read:

23 13332.02. All funds recovered from the federal government
24 to offset statewide indirect costs shall be transferred to the Central
25 Service Cost Recovery Fund or to the General Fund in a manner
26 prescribed by the Department of Finance, unless expenditure of
27 the funds is authorized by the Department of Finance. No
28 authorization may become effective sooner than 30 days after
29 notification in writing of the necessity therefor to the chairperson
30 of the committee in each house that considers appropriations and
31 the Chairperson of the Joint Legislative Budget Committee, or not
32 sooner than whatever lesser time the Chairperson of the Joint
33 Legislative Budget Committee, or his or her designee, may in each
34 instance determine. If in the judgment of the Director of Finance,
35 a state agency has not transferred the funds on a timely basis, the
36 Department of Finance may certify to the Controller the amount
37 that the agency should have transferred to the Central Service Cost
38 Recovery Fund or the General Fund, and the Controller shall
39 transfer the funds to the Central Service Cost Recovery Fund or
40 the General Fund.

1 SEC. 100. Section 13332.03 of the Government Code is
2 amended to read:

3 13332.03. Whenever an appropriation has not been made to
4 provide for recovery of general administrative costs pursuant to
5 Article 2 (commencing with Section 11270) of Chapter 3 of Part
6 1, a sufficient sum for that purpose shall be transferred from each
7 affected fund by the Controller to the Central Service Cost
8 Recovery Fund or the General Fund in accordance with Section
9 11274. The Controller shall make transfers pursuant to this section
10 only upon order of the Department of Finance.

11 SEC. 101. Section 13332.09 of the Government Code is
12 amended to read:

13 13332.09. (a) A purchase order or other form of documentation
14 for acquisition or replacement of motor vehicles shall not be issued
15 against any appropriation until the Department of General Services
16 has investigated and established the necessity therefor.

17 (b) A state agency shall not acquire surplus mobile equipment
18 from any source for program support until the Department of
19 General Services has investigated and established the necessity
20 therefor.

21 (c) Notwithstanding any other law, any contract for the
22 acquisition of a motor vehicle or general use mobile equipment
23 for a state agency shall be made by or under the supervision of the
24 Department of General Services. Pursuant to Section 10298 of the
25 Public Contract Code, the Department of General Services may
26 collect a fee to offset the cost of the services provided.

27 (d) Any passenger-type motor vehicle purchased for a state
28 officer, except a constitutional officer, or a state employee shall
29 be an American-made vehicle of the light class, as defined by the
30 Department of General Services, unless excepted by the Director
31 of General Services on the basis of unusual requirements,
32 including, but not limited to, use by the Department of the
33 California Highway Patrol, that would justify the need for a motor
34 vehicle of a heavier class.

35 (e) General use mobile equipment having an original purchase
36 price of twenty-five thousand dollars (\$25,000) or more shall not
37 be rented or leased from a nonstate source and payment therefor
38 shall not be made from any appropriation for the use of the
39 Department of Transportation, without the prior approval of the
40 Department of General Services after a determination that

1 comparable state-owned equipment is not available, unless
2 obtaining approval would endanger life or property, in which case
3 the transaction and the justification for not having sought prior
4 approval shall be reported immediately thereafter to the Department
5 of General Services.

6 (f) As used in this section:

7 (1) “General use mobile equipment” means equipment that is
8 listed in the Mobile Equipment Inventory of the State Equipment
9 Council and capable of being used by more than one state agency,
10 and shall not be deemed to refer to equipment having a practical
11 use limited to the controlling state agency only. Section 575 of the
12 Vehicle Code shall have no application to this section.

13 (2) “State agency” means a state agency, as defined pursuant
14 to Section 11000. The University of California is requested and
15 encouraged to have the Department of General Services perform
16 the tasks identified in this section with respect to the acquisition
17 or replacement of motor vehicles by the University of California.
18 “State agency” does not include a district agricultural association,
19 as defined in Section 3951 of the Food and Agricultural Code.

20 (g) This section shall become operative on July 1, 2015.

21 SEC. 102. The heading of Part 4 (commencing with Section
22 13900) of Division 3 of Title 2 of the Government Code is amended
23 to read:

24
25 **PART 4. CALIFORNIA VICTIM COMPENSATION BOARD**

26
27 SEC. 103. Section 13900 of the Government Code is amended
28 to read:

29 13900. (a) As used in this chapter, “board” means the
30 California Victim Compensation Board.

31 (b) Except as provided by Section 14659.01, whenever the term
32 “California Victim Compensation and Government Claims Board”
33 appears in any statute, regulation, contract, or any other code, it
34 shall be construed to refer to the California Victim Compensation
35 Board, unless the context clearly requires otherwise.

36 SEC. 104. Section 13901 of the Government Code is amended
37 to read:

38 13901. (a) There is within the Government Operations Agency
39 the California Victim Compensation Board.

1 (b) The board consists of the Secretary of Government
2 Operations or his or her designee and the Controller, both acting
3 ex officio, and a third member who shall be appointed by and serve
4 at the pleasure of the Governor. The third member may be a state
5 officer who shall act ex officio.

6 SEC. 105. Section 13905 of the Government Code is amended
7 to read:

8 13905. The board shall have a seal, bearing the following
9 inscription: “California Victim Compensation Board.” The seal
10 shall be fixed to all writs and authentications of copies of records
11 and to other instruments that the board directs.

12 SEC. 106. Section 13909 of the Government Code is amended
13 to read:

14 13909. (a) The board shall appoint an executive officer who
15 shall hold office at its pleasure. It may also employ those personnel,
16 including examiners, as it deems necessary for the performance
17 of its duties.

18 (b) The executive officer shall execute those duties and
19 responsibilities as may be delegated by the board. The board may,
20 except as otherwise provided in this section, delegate any statutory
21 power of the board to the executive officer, or any examiner,
22 employee, or committee as the board may designate, by means of
23 a board order that is adopted by a majority of all of the board’s
24 members and that prescribes the limits of the delegation.

25 SEC. 107. Section 13920 of the Government Code is amended
26 and renumbered to read:

27 14659.08. The department may adopt regulations pursuant to
28 Chapter 3.5 (commencing with Section 11340) of Part 1 of Division
29 3:

30 (a) Limiting the amount, time, and place of expenses and
31 allowances to be paid to elected state officers, and officers and
32 employees of the state provided for in Article VI of the California
33 Constitution, while traveling on official state business.

34 (b) Governing the presentation and audit of claims against the
35 state for which an appropriation has been made or for which a state
36 fund is available.

37 (c) Governing any other matter over which it has jurisdiction.

38 SEC. 108. Section 13923 of the Government Code is amended
39 and renumbered to read:

1 14659.09. The department may approve plans for payroll
2 deduction from the salaries or wages of state officers and
3 employees under subdivision (f) of Section 1151 for charitable
4 contributions to the agency handling the principal combined fund
5 drive in any area. The department shall establish necessary rules
6 and regulations, including the following:

7 (a) Standards for establishing what constitutes the principal
8 combined fund drive in an area.

9 (b) A requirement that the agency to receive these contributions
10 shall pay, for deposit in the General Fund, the additional cost to
11 the state of making these deductions and remitting the proceeds,
12 as determined by the Controller.

13 (c) A requirement that the agency to receive these contributions
14 shall pay, for deposit in the Service Revolving Fund, the
15 department's cost to administer the annual charitable campaign
16 fund drive. This amount shall be determined by the department
17 and shall only be available for the support of the department upon
18 appropriation by the Legislature.

19 (d) Provisions for standard amounts of deductions from which
20 each state officer or employee may select the contribution that he
21 or she desires to make, if any.

22 (e) A prohibition upon state officers or employees authorizing
23 more than one payroll deduction for charitable purposes to be in
24 effect at the same time.

25 (f) A provision authorizing the Controller to combine in his or
26 her records deductions for employee association dues, if authorized,
27 and charitable deductions, if authorized.

28 The department, in addition, may approve requests of any
29 charitable organization qualified as an exempt organization under
30 Section 23701d of the Revenue and Taxation Code, and paragraph
31 (3) of subsection (c) of Section 501 of the Internal Revenue Code
32 of 1954, which is not an affiliated member beneficiary of the
33 principal combined fund drive to receive designated deductions
34 from the principal fund drive.

35 The principal combined fund drive agency, any charitable
36 organization which is an affiliated member beneficiary of the
37 principal combined fund drive, and any charitable organization
38 approved by the department to receive designated deductions on
39 the payroll authorization form of the principal fund drive, shall
40 certify under penalty of perjury to the department that it is in

1 compliance with the Fair Employment and Housing Act, Part 2.8
2 (commencing with Section 12900), as a condition of receiving
3 these designated deductions.

4 The principal combined fund drive shall obtain from the
5 department the list of approved nonaffiliated beneficiaries, eligible
6 for designated deductions in its approved drive area, and shall
7 provide this information to each employee at the time of the
8 principal fund drive. The principal combined drive agency shall
9 provide a designation form for the employee to indicate those
10 amounts to be contributed to affiliated and nonaffiliated
11 beneficiaries. The designation form shall consist of a copy for each
12 of the following: (1) the employee, (2) the employee's designated
13 beneficiary agency, and (3) the principal combined fund drive
14 agency. The principal combined fund drive agency shall pay the
15 amount collected for the employee designated beneficiary agency
16 less the amount necessary to reimburse the principal combined
17 fund drive agency for fundraising and administrative expenses.
18 The fee charged for fundraising and administrative cost
19 reimbursement shall be determined by the department, published
20 in campaign literature and made available to the employee during
21 the solicitation process.

22 Nothing contained in this section shall preclude a principal fund
23 drive agency from giving a percentage of the undesignated funds
24 to charities which are not members of the agency handling the
25 principal drive, or honoring an employee's designated deduction
26 to any charitable organization.

27 SEC. 109. Section 13928 of the Government Code is amended
28 and renumbered to read:

29 14659.10. The department shall take any and all necessary
30 steps to ensure that all claims which have been approved by the
31 department, and for which there exists no legally available
32 appropriation, are submitted for legislative approval at least twice
33 during each calendar year.

34 SEC. 110. Section 13940 of the Government Code is amended
35 and renumbered to read:

36 12433. Any state agency or employee required to collect any
37 state taxes, licenses, fees, or money owing to the state for any
38 reason that is due and payable may be discharged by the Controller
39 from accountability for the collection of the taxes, licenses, fees,

1 or money if the debt is uncollectible or the amount of the debt does
2 not justify the cost of its collection.

3 SEC. 111. Section 13941 of the Government Code is amended
4 and renumbered to read:

5 12434. The application for a discharge under this article shall
6 be filed with the Controller and include the following:

7 (a) A statement of the nature and amount of the tax, license,
8 fee, or other money due.

9 (b) The names of the persons liable.

10 (c) The estimated cost of collection.

11 (d) All other facts warranting the discharge, unless the Controller
12 determines that the circumstances do not warrant the furnishing
13 of detailed information.

14 SEC. 112. Section 13942 of the Government Code is amended
15 and renumbered to read:

16 12435. The Controller shall audit the applications. The
17 Controller shall discharge the applicant from further accountability
18 for collection and authorize the applicant to close its book on that
19 item if the Controller determines the following:

20 (a) The matters contained in the application are correct.

21 (b) No credit exists against which the debt can be offset.

22 (c) Collection is improbable for any reason.

23 (d) The cost of recovery does not justify the collection.

24 (e) For items that exceed the monetary jurisdiction of the small
25 claims court, the Attorney General has advised, in writing, that
26 collection is not justified by the cost or is improbable for any
27 reason.

28 SEC. 113. Section 13943 of the Government Code is amended
29 and renumbered to read:

30 12436. The Controller may discharge from accountability a
31 state agency for accounts that do not exceed the amount specified
32 in subdivision (e) of Section 12435 and thereby authorize the
33 closing of the agency's books in regard to that item.

34 SEC. 114. Section 13943.1 of the Government Code is amended
35 and renumbered to read:

36 12437. (a) Except as provided in subdivision (b), a discharge
37 granted pursuant to this article to a state agency or employee does
38 not release any person from the payment of any tax, license, fee,
39 or other money that is due and owing to the state.

1 (b) A discharge granted pursuant to this article to the Franchise
2 Tax Board shall release a person from a liability for the payment
3 of any tax, fee, or other liability deemed uncollectible that is due
4 and owing to the state and extinguish that liability, if at least one
5 of the following conditions is met:

6 (1) The liability is for an amount less than five hundred dollars
7 (\$500).

8 (2) The liable person has been deceased for more than four years
9 and there is no active probate with respect to that person.

10 (3) The Franchise Tax Board has determined that the liable
11 person has a permanent financial hardship.

12 (4) The liability has been unpaid for more than 30 years.

13 SEC. 115. Section 13943.2 of the Government Code is amended
14 and renumbered to read:

15 12438. A state agency is not required to collect taxes, licenses,
16 fees, or money owing to the state for any reason if the amount to
17 be collected is five hundred dollars (\$500) or less. Nothing
18 contained in this section shall be construed as releasing any person
19 from the payment of any money due the state.

20 SEC. 116. Section 13943.3 of the Government Code is amended
21 and renumbered to read:

22 12438.1. Notwithstanding any other provision of this article,
23 the Controller may discharge the Department of Water Resources
24 from accountability for collection of the loan issued to the
25 Arrowhead Manor Water Company in 1980 under the California
26 Safe Drinking Water Bond Law of 1976, but only if San Bernardino
27 County or its county service area acquires the water system
28 financed by the loan issued to the Arrowhead Manor Water
29 Company and pays the amount of nine hundred ten thousand five
30 hundred twenty dollars (\$910,520) in complete satisfaction of that
31 loan, on or before January 30, 2009.

32 SEC. 117. Section 13944 of the Government Code is amended
33 and renumbered to read:

34 12439. (a) The Controller may investigate, inquire, and, if
35 necessary, conduct hearings concerning property in the possession
36 of the Treasurer which has escheated to the state from the estates
37 of deceased persons pursuant to a judgment of escheat or pursuant
38 to a distribution to the state under Section 11900 of the Probate
39 Code.

1 (b) After investigation, inquiry, and hearing, the Controller may
2 relieve the Treasurer from any liability arising from the possession
3 of and sell, or authorize the Treasurer to destroy or otherwise
4 dispose of, any such property as it deems proper.

5 SEC. 118. Section 13951 of the Government Code is amended
6 to read:

7 13951. As used in this chapter, the following definitions shall
8 apply:

9 (a) “Board” means the California Victim Compensation Board.

10 (b) (1) “Crime” means a crime or public offense, wherever it
11 may take place, that would constitute a misdemeanor or a felony
12 if the crime had been committed in California by a competent
13 adult.

14 (2) “Crime” includes an act of terrorism, as defined in Section
15 2331 of Title 18 of the United States Code, committed against a
16 resident of the state, whether or not the act occurs within the state.

17 (c) “Derivative victim” means an individual who sustains
18 pecuniary loss as a result of injury or death to a victim.

19 (d) “Law enforcement” means every district attorney, municipal
20 police department, sheriff’s department, district attorney’s office,
21 county probation department, and social services agency, the
22 Department of Justice, the Department of Corrections, the
23 Department of the Youth Authority, the Department of the
24 California Highway Patrol, the police department of any campus
25 of the University of California, California State University, or
26 community college, and every agency of the State of California
27 expressly authorized by statute to investigate or prosecute law
28 violators.

29 (e) “Pecuniary loss” means an economic loss or expense
30 resulting from an injury or death to a victim of crime that has not
31 been and will not be reimbursed from any other source.

32 (f) “Peer counseling” means counseling offered by a provider
33 of mental health counseling services who has completed a
34 specialized course in rape crisis counseling skills development,
35 participates in continuing education in rape crisis counseling skills
36 development, and provides rape crisis counseling within the State
37 of California.

38 (g) “Victim” means an individual who sustains injury or death
39 as a direct result of a crime as specified in subdivision (e) of
40 Section 13955.

1 (h) “Victim center” means a victim and witness assistance center
2 that receives funds pursuant to Section 13835.2 of the Penal Code.

3 SEC. 119. Section 13972 of the Government Code is amended
4 to read:

5 13972. (a) If a private citizen incurs personal injury or death
6 or damage to his or her property in preventing the commission of
7 a crime against the person or property of another, in apprehending
8 a criminal, or in materially assisting a peace officer in prevention
9 of a crime or apprehension of a criminal, or rescuing a person in
10 immediate danger of injury or death as a result of fire, drowning,
11 or other catastrophe, the private citizen, his or her surviving spouse,
12 his or her surviving children, a person dependent upon the citizen
13 for his or her principal support, any person legally liable for the
14 citizen’s pecuniary losses, or a public safety or law enforcement
15 agency acting on behalf of any of the above may file a claim with
16 the California Victim Compensation Board for indemnification to
17 the extent that the claimant is not compensated from any other
18 source for the injury, death, or damage. The claim shall generally
19 show all of the following:

20 (1) The date, place, and other circumstances of the occurrence
21 or events that gave rise to the claim.

22 (2) A general description of the activities of the private citizen
23 in prevention of a crime, apprehension of a criminal, or rescuing
24 a person in immediate danger of injury or death as a result of fire,
25 drowning, or other catastrophe.

26 (3) The amount or estimated amount of the injury, death, or
27 damage sustained for which the claimant is not compensated from
28 any other source, insofar as it may be known at the time of the
29 presentation of the claim.

30 (4) Any other information that the California Victim
31 Compensation Board may require.

32 (b) A claim filed under subdivision (a) shall be accompanied
33 by a corroborating statement and recommendation from the
34 appropriate state or local public safety or law enforcement agency.

35 SEC. 120. Section 13973 of the Government Code is amended
36 to read:

37 13973. (a) Upon presentation of a claim pursuant to this
38 chapter, the California Victim Compensation Board shall fix a
39 time and place for the hearing of the claim, and shall mail notices
40 of the hearing to interested persons or agencies. The board shall

1 receive recommendations from public safety or law enforcement
2 agencies, and evidence showing all of the following:

3 (1) The nature of the crime committed by the apprehended
4 criminal or prevented by the action of the private citizen, or the
5 nature of the action of the private citizen in rescuing a person in
6 immediate danger of injury or death as a result of fire, drowning,
7 or other catastrophe, and the circumstances involved.

8 (2) That the actions of the private citizen substantially and
9 materially contributed to the apprehension of a criminal, the
10 prevention of a crime, or the rescuing of a person in immediate
11 danger of injury or death as a result of fire, drowning, or other
12 catastrophe.

13 (3) That, as a direct consequence, the private citizen incurred
14 personal injury or damage to property or died.

15 (4) The extent of the injury or damage for which the claimant
16 is not compensated from any other source.

17 (5) Any other evidence that the board may require.

18 (b) If the board determines, on the basis of a preponderance of
19 the evidence, that the state should indemnify the claimant for the
20 injury, death, or damage sustained, it shall approve the claim for
21 payment. In no event shall a claim be approved by the board under
22 this article in excess of ten thousand dollars (\$10,000).

23 (c) In addition to any award made under this chapter, the board
24 may award, as attorney's fees, an amount representing the
25 reasonable value of legal services rendered a claimant, but in no
26 event to exceed 10 percent of the amount of the award. No attorney
27 shall charge, demand, receive, or collect for services rendered in
28 connection with any proceedings under this chapter any amount
29 other than that awarded as attorney's fees under this section. Claims
30 approved under this chapter shall be paid from a separate
31 appropriation made to the California Victim Compensation in the
32 Budget Act and as the claims are approved by the board.

33 SEC. 121. Section 13974 of the Government Code is amended
34 to read:

35 13974. The California Victim Compensation Board is hereby
36 authorized to make all needful rules and regulations consistent
37 with the law for the purpose of carrying into effect this article.

38 SEC. 122. Section 13974.1 of the Government Code is amended
39 to read:

1 13974.1. (a) The California Victim Compensation Board shall
2 use the applicable provisions of this article to establish a claim
3 and reward procedure to reward persons providing information
4 leading to the location of any child listed in the missing children
5 registry compiled pursuant to former Section 11114 of the Penal
6 Code or maintained pursuant to the system maintained pursuant
7 to Sections 14203 and 14204 of the Penal Code.

8 (b) Awards shall be made upon recommendation of the
9 Department of Justice in an amount of not to exceed five hundred
10 dollars (\$500) to any one individual. However, as a condition to
11 an award, in any particular case, an amount equal to or greater in
12 nonstate funds shall have been first offered as a reward for
13 information leading to the location of that missing child.

14 (c) The Missing Children Reward Fund is abolished and any
15 remaining balance is transferred to the Restitution Fund. The
16 California Victim Compensation Board shall make awards pursuant
17 to this section from the Restitution Fund, using the appropriation
18 authority provided in Section 13964.

19 SEC. 123. Section 13974.5 of the Government Code is amended
20 to read:

21 13974.5. (a) The California Victim Compensation Board shall
22 enter into an interagency agreement with the University of
23 California, San Francisco, to establish a victims of crime recovery
24 center at the San Francisco General Hospital for the purpose of
25 providing comprehensive and integrated services to victims of
26 crime, subject to conditions set forth by the board.

27 (b) This section shall not apply to the University of California
28 unless the Regents of the University of California, by appropriate
29 resolution, make this section applicable.

30 (c) This section shall only be implemented to the extent that
31 funding is appropriated for that purpose.

32 SEC. 124. Section 13995.40 of the Government Code is
33 amended to read:

34 13995.40. (a) Upon approval of the initial referendum, the
35 office shall establish a nonprofit mutual benefit corporation named
36 the California Travel and Tourism Commission. The commission
37 shall be under the direction of a board of commissioners, which
38 shall function as the board of directors for purposes of the
39 Nonprofit Corporation Law.

1 (b) The board of commissioners shall consist of 37
2 commissioners comprising the following:

3 (1) The director.

4 (2) (A) Twelve commissioners, who are professionally active
5 in the tourism industry, and whose primary business, trade, or
6 profession is directly related to the tourism industry, shall be
7 appointed by the Governor. Each appointed commissioner shall
8 represent only one of the 12 tourism regions designated by the
9 office, and the appointed commissioners shall be selected so as to
10 represent, to the greatest extent possible, the diverse elements of
11 the tourism industry. Appointed commissioners are not limited to
12 individuals who are employed by or represent assessed businesses.

13 (B) If an appointed commissioner ceases to be professionally
14 active in the tourism industry or his or her primary business, trade,
15 or profession ceases to be directly related to the tourism industry,
16 he or she shall automatically cease to be an appointed
17 commissioner 90 days following the date on which he or she ceases
18 to meet both of the eligibility criteria specified in subparagraph
19 (A), unless the commissioner becomes eligible again within that
20 90-day period.

21 (3) Twenty-four elected commissioners, including at least one
22 representative of a travel agency or tour operator that is an assessed
23 business.

24 (c) The commission established pursuant to former Section
25 15364.52 shall be inoperative so long as the commission
26 established pursuant to this section is in existence.

27 (d) Elected commissioners shall be elected by industry category
28 in a referendum. Regardless of the number of ballots received for
29 a referendum, the nominee for each commissioner slot with the
30 most weighted votes from assessed businesses within that industry
31 category shall be elected commissioner. In the event that an elected
32 commissioner resigns, dies, or is removed from office during his
33 or her term, the commission shall appoint a replacement from the
34 same industry category that the commissioner in question
35 represented, and that commissioner shall fill the remaining term
36 of the commissioner in question. The number of commissioners
37 elected from each industry category shall be determined by the
38 weighted percentage of assessments from that category.

1 (e) The director may remove any elected commissioner
2 following a hearing at which the commissioner is found guilty of
3 abuse of office or moral turpitude.

4 (f) (1) The term of each elected commissioner shall commence
5 July 1 of the year next following his or her election, and shall
6 expire on June 30 of the fourth year following his or her election.
7 If an elected commissioner ceases to be employed by or with an
8 assessed business in the category and segment which he or she
9 was representing, his or her term as an elected commissioner shall
10 automatically terminate 90 days following the date on which he
11 or she ceases to be so employed, unless, within that 90-day period,
12 the commissioner again is employed by or with an assessed
13 business in the same category and segment.

14 (2) Terms of elected commissioners that would otherwise expire
15 effective December 31 of the year during which legislation adding
16 this subdivision is enacted shall automatically be extended until
17 June 30 of the following year.

18 (g) With the exception of the director, no commissioner shall
19 serve for more than two consecutive terms. For purposes of this
20 subdivision, the phrase “two consecutive terms” shall not include
21 partial terms.

22 (h) Except for the original commissioners, all commissioners
23 shall serve four-year terms. One-half of the commissioners
24 originally appointed or elected shall serve a two-year term, while
25 the remainder shall serve a four-year term. Every two years
26 thereafter, one-half of the commissioners shall be appointed or
27 elected by referendum.

28 (i) The selection committee shall determine the initial slate of
29 candidates for elected commissioners. Thereafter the
30 commissioners, by adopted resolution, shall nominate a slate of
31 candidates, and shall include any additional candidates complying
32 with the procedure described in Section 13995.62.

33 (j) (1) The commissioners appointed pursuant to subparagraph
34 (A) of paragraph (2) of subdivision (b) shall elect the chairperson.

35 (2) The commissioners selected pursuant to subdivision (d) shall
36 elect the vice chairperson.

37 (k) The commission may lease space from the office.

38 (l) The commission and the office shall be the official state
39 representatives of California tourism.

40 (m) (1) All commission meetings shall be held in California.

1 (2) Commissioners may participate in meetings by means of
2 conference telephone and other technology.

3 (n) No person shall receive compensation for serving as a
4 commissioner, but each commissioner shall receive reimbursement
5 for reasonable expenses incurred while on authorized commission
6 business.

7 (o) Assessed businesses shall vote only for commissioners
8 representing their industry category.

9 (p) Commissioners shall comply with the requirements of the
10 Political Reform Act of 1974 (Title 9 (commencing with Section
11 81000)). The Legislature finds and declares that commissioners
12 appointed or elected on the basis of membership in a particular
13 tourism segment are appointed or elected to represent and serve
14 the economic interests of those tourism segments and that the
15 economic interests of these members are the same as those of the
16 public generally.

17 (q) Commission meetings shall be subject to the requirements
18 of the Bagley-Keene Open Meeting Act (Article 9 (commencing
19 with Section 11120) of Chapter 1 of Part 1).

20 (r) The executive director of the commission shall serve as
21 secretary to the commission, a nonvoting position, and shall keep
22 the minutes and records of all commission meetings.

23 SEC. 125. Section 14084 of the Government Code is amended
24 to read:

25 14084. If at any time, in carrying out any agreement made
26 pursuant to Section 14081, the required payment of reimbursements
27 becomes a matter in dispute that cannot be resolved by the
28 governing body and the director, it shall be brought before the
29 Controller, who may conduct the necessary audits and interviews
30 to determine the facts, hear both parties to the dispute, and make
31 a final determination as to the reimbursement actually due.

32 SEC. 126. Section 14600 of the Government Code is amended
33 to read:

34 14600. The Legislature declares that a centralization of business
35 management functions and services of state government is
36 necessary to take advantage of specialized techniques and skills,
37 provide uniform management practices, and to insure a continuing
38 high level of efficiency and economy. A Department of General
39 Services is created to provide centralized services including, but
40 not limited to, planning, acquisition, construction, and maintenance

1 of state buildings and property; purchasing; printing; architectural
2 services; administrative hearings; government claims; and
3 accounting services. The Department of General Services shall
4 develop and enforce policy and procedures and shall institute or
5 cause the institution of those investigations and proceedings as it
6 deems proper to assure effective operation of all functions
7 performed by the department and to conserve the rights and
8 interests of the state.

9 SEC. 127. The heading of Article 1.1 (commencing with
10 Section 14659) is added to Chapter 2 of Part 5.5 of Division 3 of
11 Title 2 of the Government Code, to read:

12
13 Article 1.1. Government Claims Duties

14
15 SEC. 128. Section 14659 is added to the Government Code,
16 to read:

17 14659. The Department of General Services and its director
18 succeed to and are vested with all the duties, powers, purposes,
19 responsibilities, and jurisdiction vested in the California Victim
20 Compensation and Government Claims Board, or its executive
21 officer, under the following statutes as they existed on January 1,
22 2016:

- 23 (a) Section 77 of the Code of Civil Procedure.
24 (b) Section 846.1 of the Civil Code.
25 (c) Sections 12117, 24618, and 89750.5 of the Education Code.
26 (d) Sections 1122 and 15512 of the Fish and Game Code.
27 (e) Sections 3955, 14978.2, and 52295 of the Food and
28 Agricultural Code.
29 (f) Sections 800, 850.6, 900.2, 905.2, 905.3, 906, 911.2, 912.5,
30 915, 920, 925, 927.13, 935.6, 935.7, 940.2, 965, 965.1, 965.5,
31 997.1, 998, 998.2, 1151, 3515.7, 8652, 8902, 11007.6, 11014,
32 11030.1, 11030.2, 11031, 11275, 13332.09, 14600, 15202, 16302.1,
33 16304.6, 16383, 16431, 17051.5, 17201, 19815.4, 20163, 21223,
34 21265, 26749, 68503, 68506, 68543, 68543.5, 68543.8, and 68565
35 of this code.
36 (g) Sections 13052, 25370, 121265, and 121270 of the Health
37 and Safety Code.
38 (h) Sections 11580.1 and 11872 of the Insurance Code.
39 (i) Sections 4724, 4725, and 4726 of the Labor Code.

1 (j) Sections 422.92, 987.9, 1557, 2786, 11163, and 11172 of
2 the Penal Code.

3 (k) Sections 10301, 10306, 10308, 10311, 10326.2, and 12102.2
4 of the Public Contract Code.

5 (l) Sections 4116, 4602.6, 5093.68, and 30171.2 of the Public
6 Resources Code.

7 (m) Sections 4461, 14171.5, 14171.6, and 15634 of the Welfare
8 and Institutions Code.

9 SEC. 129. Section 14659.01 is added to the Government Code,
10 to read:

11 14659.01. Notwithstanding Section 13900, whenever the term
12 “California Victim Compensation and Government Claims Board,”
13 the term “California Victim Compensation Boards,” or the term
14 “State Board of Control” appears in any statute, regulation,
15 contract, or any other code with respect to the statutory powers
16 and duties of the Department of General Services described in
17 Section 14659, they shall be construed to refer to the Department
18 of General Services unless the context clearly requires otherwise.

19 SEC. 130. Section 14659.02 is added to the Government Code,
20 to read:

21 14659.02. The Department of General Services may assign
22 any matter related to the statutory powers and duties of the
23 Department of General Services described in Section 14659 to the
24 Office of Risk and Insurance Management or to any other state
25 office.

26 SEC. 131. Section 14659.03 is added to the Government Code,
27 to read:

28 14659.03. The evidence in any investigation, inquiry, or hearing
29 may be taken by the Department of General Services or, on its
30 behalf, by the office designated for that purpose. Every finding,
31 opinion, and order, made pursuant to an investigation, inquiry, or
32 hearing, when approved or confirmed by the department, or office
33 so designated, is the finding, opinion, or order of the Department
34 of General Services.

35 SEC. 132. Section 14659.04 is added to the Government Code,
36 to read:

37 14659.04. The Office of Risk and Insurance Management, any
38 state office designated pursuant to Section 14659.02, or their
39 designees shall keep a full and true record of all proceedings, issue

1 all necessary process, writs, warrants, and notices, and perform
2 those other duties described in Section 14659.

3 SEC. 133. Section 14659.05 is added to the Government Code,
4 to read:

5 14659.05. The Director of General Services, the Office of Risk
6 and Insurance Management, any state office designated pursuant
7 to Section 14659.02, or their designees may administer oaths,
8 certify to all official acts, and issue subpoenas for the attendance
9 of witnesses and production of papers, books, accounts, documents,
10 and testimony in any inquiries, investigations, hearings, or
11 proceedings conducted in accordance with Section 14659.

12 SEC. 134. Section 14659.06 is added to the Government Code,
13 to read:

14 14659.06. The Department of General Services, the Office of
15 Risk and Insurance Management, any state office designated
16 pursuant to Section 14659.02, or their designees may administer
17 oaths, examine witnesses, issue subpoenas, and receive evidence
18 under such rules and regulations, pursuant to Section 14659, as
19 the Department of General Services may adopt.

20 SEC. 135. Section 14659.07 is added to the Government Code,
21 to read:

22 14659.07. The Department of General Services shall have a
23 seal, bearing the following inscription: “Department of General
24 Services.” The seal shall be fixed to all writs and authentications
25 of copies of records and to other instruments that the department
26 directs.

27 SEC. 136. Article 3.5 (commencing with Section 14691) is
28 added to Chapter 2 of Part 5.5 of Division 3 of Title 2 of the
29 Government Code, to read:

30

31

Article 3.5. State Projects

32

33 14691. (a) For purposes of this article, the following definitions
34 shall apply:

35 (1) “Acquisition” includes purchase, option to purchase, or lease
36 of real property, including lease purchase or lease with option to
37 purchase.

38 (2) “Planning” includes studies, suitability reports,
39 environmental review, program management, and master planning.

1 Services to deliver “planning” shall be considered “architectural
2 and engineering services” as that term is used in Section 4529.10.

3 (3) “State project” means any planning, acquisition, design, or
4 construction undertaken pursuant to this article and may include
5 associated infrastructure, parking, landscaping, and other ancillary
6 components, including furnishings and equipment instrumental to
7 the use of a building. “State project” does not include work done
8 to the State Capitol or an office building utilized by or under the
9 control of the Legislature, including work done pursuant to Article
10 5.2 (commencing with Section 9112) of Chapter 1.5 of Part 1 of
11 Division 2.

12 (b) It is the intent of the Legislature that any state project
13 authorized pursuant to this article incorporate elements
14 complementary to the community in which it is sited, as well as
15 elements that promote efficiency and sustainability.

16 14692. (a) (1) The State Project Infrastructure Fund is hereby
17 established in the State Treasury.

18 (2) Notwithstanding Section 13340, the fund is continuously
19 appropriated to the department, without regard to fiscal years, for
20 the following purposes:

21 (A) Subject to authorization as provided in this article, for state
22 projects pursuant to this article.

23 (B) To cover the costs of the report required by Section 9112.

24 (C) (i) For transfer to the Operating Funds of the Assembly
25 and Senate, to be used for the capital outlay projects specified in
26 Article 5.2 (commencing with Section 9112) of Chapter 1.5 of
27 Part 1 of Division 2.

28 (ii) Upon direction of the Director of Finance, the Controller
29 shall transfer from the fund to the Operating Funds of the Assembly
30 and the Senate an amount that is consistent with the budget amount
31 specified in the report required by Section 9112.

32 (b) Notwithstanding any other law, the Controller may use the
33 funds in the State Project Infrastructure Fund for cashflow loans
34 to the General Fund as provided in Sections 16310 and 16381.

35 (c) The moneys in this fund shall be exempt from statewide
36 general administrative cost recovery pursuant to Article 2
37 (commencing with Section 11270) of Chapter 3 of Part 1.

38 (d) Any lease entered into pursuant to this article is subject to
39 the approval of the Department of Finance and any applicable
40 notification required by subdivision (d) of Section 14694.

1 14693. (a) Any state project authorized pursuant to this article
2 shall be funded in whole or in part by the State Project
3 Infrastructure Fund.

4 (b) Any state project authorized pursuant to this article shall be
5 subject to approval and administrative oversight by the Department
6 of Finance and the State Public Works Board, including, but not
7 limited to, notice requirements for changes to the cost and scope
8 of the state project as described in Sections 13332.11 and 13332.19,
9 as applicable.

10 14694. (a) Prior to the development of the project scope, cost,
11 and delivery method of a state project pursuant to subdivision (b),
12 the department, upon approval by the Department of Finance, may
13 utilize moneys in the State Project Infrastructure Fund for planning.

14 (b) The State Public Works Board shall establish the scope,
15 cost, and delivery method for each state project.

16 (c) The Department of Finance, on behalf of the department,
17 shall notify the Joint Legislative Budget Committee as follows:

18 (1) At least 20 days prior to an expenditure of funds for any
19 planning activity pursuant to subdivision (b). The notice required
20 by this paragraph shall include the purpose of the planning activity
21 and estimates of the costs.

22 (2) Except as provided in Section 14695, at least 60 days prior
23 to the establishment of the scope, cost, and delivery method of a
24 state project pursuant to subdivision (b). The notice required by
25 this paragraph shall have the same level of detail as a capital outlay
26 budget change proposal and describe the scope, budget, delivery
27 method, expected tenants, and schedule for any space to be
28 constructed or renovated as part of that state project.

29 (3) At least 30 days prior to the State Public Works Board
30 approval of the design of a state project, pursuant to Section
31 13332.11 or 13332.19, as applicable. The notice required by this
32 paragraph shall include updated estimates of the project's cost and
33 schedule.

34 (4) At least 30 days prior to entering into a contract or a lease
35 arrangement for a state project that includes construction. The
36 notice required by this paragraph shall include updated estimates
37 of the project's cost and schedule. A state project delivered by
38 lease pursuant to this paragraph shall be exempt from Section
39 13332.10.

1 14695. (a) Notwithstanding Section 14694, with respect to the
2 state projects specified in subdivision (b), the Department of
3 Finance, on behalf of the department, shall notify the Joint
4 Legislative Budget Committee at least 45 days prior to the
5 establishment of the scope, cost, and delivery method of the state
6 project pursuant to subdivision (b) of Section 14694. The notice
7 required by this section shall have the same level of detail as a
8 capital outlay budget change proposal and describe the scope,
9 budget, delivery method, expected tenants, and schedule for any
10 space to be constructed or renovated as part of that state project.

11 (b) This section shall only apply to a state project that is
12 comprised solely of either of the following:

13 (1) Replacement of the office building that is, as of the effective
14 date of the act adding this section, used by the Natural Resources
15 Agency.

16 (2) Construction of an office building located on “O” Street in
17 the City of Sacramento that is currently under consideration as of
18 the effective date of the act adding this section.

19 14696. (a) The department shall submit, on a quarterly basis,
20 a report on the status of each state project established by the State
21 Public Works Board pursuant to Section 14694 to the Joint
22 Legislative Budget Committee and to the chairpersons of the Senate
23 Committee on Budget and Fiscal Review and the Assembly
24 Committee on Budget. The report shall also include the amount
25 of expenditures made from the State Project Infrastructure Fund
26 for any state project authorized under this article.

27 (b) A report submitted pursuant to subdivision (a) shall be
28 submitted in compliance with Section 9795.

29 14697. The State Public Works Board shall not be deemed a
30 lead or responsible agency for purposes of the California
31 Environmental Quality Act (Division 13 (commencing with Section
32 21000) of the Public Resources Code) for any activities under this
33 article. This section is declarative of existing law.

34 SEC. 137. Section 15202 of the Government Code is amended
35 to read:

36 15202. (a) A county that is responsible for the cost of a trial
37 or trials or any hearing of a person for the offense of homicide
38 may apply to the Controller for reimbursement of the costs incurred
39 by the county in excess of the amount of money derived by the

1 county from a tax of 0.0125 of 1 percent of the full value of
2 property assessed for purposes of taxation within the county.

3 (b) The formula in this section shall apply to any homicide trial
4 in which the commission of the crime occurred on or after January
5 1, 2005. Homicide trials for which the crime was committed before
6 January 1, 2005, shall qualify under the reimbursement statute in
7 effect before that date.

8 (c) The Controller shall not reimburse any county for costs that
9 exceed the Department of General Services' standards for travel
10 and per diem expenses. The Controller may reimburse
11 extraordinary costs in unusual cases if the county provides
12 sufficient justification of the need for these expenditures. Nothing
13 in this section shall permit the reimbursement of costs for travel
14 in excess of 1,000 miles on any single round trip, without the prior
15 approval of the Attorney General.

16 (d) Reimbursement funds appropriated pursuant to this section
17 are available for three fiscal years from the date of the
18 appropriation. After three fiscal years, any unused funds shall
19 revert back to the General Fund.

20 SEC. 138. Section 16302.1 of the Government Code is amended
21 to read:

22 16302.1. (a) Whenever any person pays to any state agency
23 pursuant to law an amount covering taxes, penalties, interest,
24 license, or other fees, or any other payment, and it is subsequently
25 determined by the state agency responsible for the collection
26 thereof that this amount includes an overpayment of ten dollars
27 (\$10) or less of the amount due the state pursuant to the assessment,
28 levy, or charge to which the payment is applicable, the amount of
29 the overpayment may be disposed of in either of the following
30 ways:

31 (1) The state agency responsible for the collection to which the
32 overpayment relates may apply the amount of the overpayment as
33 a payment by the person on any other taxes, penalties, interest,
34 license, or other fees, or any other amount due the state from that
35 person if the state agency is responsible by law for the collection
36 to which the overpayment is to be applied as a payment.

37 (2) Upon written request of the state agency responsible for the
38 collection to which the overpayment relates, the amount of the
39 overpayment shall, on order of the Controller, be deposited as

1 revenue in the fund in the State Treasury into which the collection,
2 exclusive of overpayments, is required by law to be deposited.

3 (b) The Department of General Services may adopt rules and
4 regulations to permit state agencies to retain these overpayments
5 where a demand for refund permitted by law is not made within
6 six months after the refund becomes due, and the retained
7 overpayments shall belong to the state.

8 (c) Except as provided in subdivision (b), this section shall not
9 affect the right of any person making overpayment of any amount
10 to the state to make a claim for refund of the overpayment, nor the
11 authority of any state agency or official to make payment of any
12 amount so claimed, if otherwise authorized by law.

13 SEC. 139. Section 16304.6 of the Government Code is amended
14 to read:

15 16304.6. Within the time during which the appropriation is
16 available for expenditure, the Department of General Services at
17 the request of the director of the department concerned and with
18 the approval of the Director of Finance, may authorize that
19 unneeded funds in any appropriation for the support of an
20 institution, school, or college or for family care or private home
21 care or for parole supervision activities within any of the following
22 departments shall be available and be deemed appropriated for the
23 support of any institution, school, or college or for family care or
24 private home care or for parole supervision activities within the
25 same department:

26 (a) Department of Corrections and Rehabilitation.

27 (b) Department of the Youth Authority.

28 (c) State Department of Education.

29 (d) State Department of State Hospitals.

30 SEC. 140. Section 16383 of the Government Code is amended
31 to read:

32 16383. Warrants may be drawn by the Controller against the
33 General Cash Revolving Fund, to the extent of the amounts
34 available, in accordance with demands audited pursuant to law
35 and rules and regulations prescribed from time to time by the
36 Department of General Services, and also to meet other payments
37 provided by law to be made from the General Fund. The Treasurer
38 may pay from the General Cash Revolving Fund the warrants so
39 drawn.

1 SEC. 141. Section 16431 of the Government Code is amended
2 to read:

3 16431. (a) Notwithstanding any other provisions of this code,
4 funds held by the state, pursuant to a written agreement between
5 the state and employees of the state to defer a portion of the
6 compensation otherwise receivable by the state's employees and
7 pursuant to a plan for that deferral as adopted by the state and
8 approved by the Department of General Services, may be invested
9 in the types of investments set forth in Sections 53601 and 53602
10 and may additionally be invested in corporate stocks, bonds, and
11 securities, mutual funds, savings and loan accounts, credit union
12 accounts, annuities, mortgages, deeds of trust, or other security
13 interests in real or personal property. Nothing in this section shall
14 be construed to permit any type of investment prohibited by the
15 California Constitution.

16 (b) Deferred compensation funds are public pension or
17 retirement funds for the purposes of Section 17 of Article XVI of
18 the California Constitution.

19 SEC. 142. Section 17051.5 of the Government Code is amended
20 to read:

21 17051.5. A state agency shall notify the Treasurer not to pay
22 a warrant drawn by the Controller upon that agency's request
23 whenever that agency has reason to believe that the Controller has
24 drawn or is about to draw his or her warrant without legal authority,
25 for a larger amount than is owed by the state, or in a manner not
26 in conformity with the regulations adopted by the Department of
27 General Services for the presentation and audit of claims. Upon
28 notification from a state agency as described in this section, the
29 Treasurer shall refuse payment of the subject warrant until he or
30 she is otherwise directed by the agency or the Legislature.

31 SEC. 143. Section 17201 of the Government Code is amended
32 to read:

33 17201. The Department of General Services may make rules
34 and regulations governing the issuance and sale of registered
35 warrants.

36 SEC. 144. Section 17518.5 of the Government Code is amended
37 to read:

38 17518.5. (a) "Reasonable reimbursement methodology" means
39 a formula for reimbursing local agencies and school districts for
40 costs mandated by the state, as defined in Section 17514.

1 (b) A reasonable reimbursement methodology shall be based
2 on cost information from a representative sample of eligible
3 claimants, information provided by associations of local agencies
4 and school districts, or other projections of local costs.

5 (c) A reasonable reimbursement methodology shall consider
6 the variation in costs among local agencies and school districts to
7 implement the mandate in a cost-efficient manner.

8 (d) Whenever possible, a reasonable reimbursement
9 methodology shall be based on general allocation formulas,
10 uniform cost allowances, and other approximations of local costs
11 mandated by the state, rather than detailed documentation of actual
12 local costs. In cases when local agencies and school districts are
13 projected to incur costs to implement a mandate over a period of
14 more than one fiscal year, the determination of a reasonable
15 reimbursement methodology may consider local costs and state
16 reimbursements over a period of greater than one fiscal year, but
17 not exceeding 10 years.

18 (e) (1) A reasonable reimbursement methodology that is based
19 on, in whole or in part, costs that have been included in claims
20 submitted to the Controller for reimbursement shall only use costs
21 that have been audited by the Controller.

22 (2) Upon receiving a reasonable reimbursement methodology
23 proposal that is based on, in whole or in part, costs that have been
24 included in claims submitted to the Controller for reimbursement,
25 the Commission on State Mandates shall notify the Controller
26 within 30 days of receiving the proposed reasonable reimbursement
27 methodology.

28 (3) The Controller shall select and audit a representative sample
29 of the claimed costs used in the proposed reasonable reimbursement
30 methodology within 360 days of being notified by the Commission
31 on State Mandates.

32 (4) The allowable costs reported by the Controller as a result
33 of the audits shall be the costs used for the proposed reasonable
34 reimbursement methodology.

35 (f) A reasonable reimbursement methodology may be developed
36 by any of the following:

37 (1) The Department of Finance.

38 (2) The Controller.

39 (3) An affected state agency.

40 (4) A claimant.

1 (5) An interested party.

2 (g) The Controller, in coordination with the Commission on
3 State Mandates and Department of Finance, shall by October 1,
4 2018, prepare a report to the Legislature, in accordance with
5 Section 9795, regarding implementation of the new reasonable
6 reimbursement process.

7 (h) The appropriate policy committees in each house of the
8 Legislature shall hold hearings on the report referenced in
9 subdivision (g).

10 (i) This section shall remain in effect only until July 1, 2019,
11 and as of that date is repealed, unless a later enacted statute, that
12 is enacted before July 1, 2019, deletes or extends that date.

13 SEC. 145. Section 17518.5 is added to the Government Code,
14 to read:

15 17518.5. (a) “Reasonable reimbursement methodology” means
16 a formula for reimbursing local agencies and school districts for
17 costs mandated by the state, as defined in Section 17514.

18 (b) A reasonable reimbursement methodology shall be based
19 on cost information from a representative sample of eligible
20 claimants, information provided by associations of local agencies
21 and school districts, or other projections of local costs.

22 (c) A reasonable reimbursement methodology shall consider
23 the variation in costs among local agencies and school districts to
24 implement the mandate in a cost-efficient manner.

25 (d) Whenever possible, a reasonable reimbursement
26 methodology shall be based on general allocation formulas,
27 uniform cost allowances, and other approximations of local costs
28 mandated by the state, rather than detailed documentation of actual
29 local costs. In cases when local agencies and school districts are
30 projected to incur costs to implement a mandate over a period of
31 more than one fiscal year, the determination of a reasonable
32 reimbursement methodology may consider local costs and state
33 reimbursements over a period of greater than one fiscal year, but
34 not exceeding 10 years.

35 (e) A reasonable reimbursement methodology may be developed
36 by any of the following:

- 37 (1) The Department of Finance.
- 38 (2) The Controller.
- 39 (3) An affected state agency.
- 40 (4) A claimant.

1 (5) An interested party.
2 (f) This section shall become operative on July 1, 2019.
3 (Amended by Stats. 2007, Ch. 329, Sec. 1. Effective January 1,
4 2008.)

5 SEC. 146. Section 18708 of the Government Code is amended
6 to read:

7 18708. The board shall cooperate with the Director of Finance,
8 the Department of Human Resources, the Controller, and other
9 state agencies in matters not covered by this part and not
10 inconsistent with this part to promote the efficient and economical
11 administration of the state's business.

12 SEC. 147. Section 19815.4 of the Government Code is amended
13 to read:

14 19815.4. The director shall do all of the following:

- 15 (a) Be responsible for the management of the department.
- 16 (b) Administer and enforce the laws pertaining to personnel.
- 17 (c) Observe and report to the Governor on the conditions of the
18 nonmerit aspects of personnel.
- 19 (d) Formulate, adopt, amend, or repeal rules, regulations, and
20 general policies affecting the purposes, responsibilities, and
21 jurisdiction of the department and that are consistent with the law
22 and necessary for personnel administration.

23 All regulations relating to personnel administration heretofore
24 adopted pursuant to this part by the State Personnel Board,
25 California Victim Compensation Board, the Department of General
26 Services, and the Department of Finance, and in effect on the
27 operative date of this part, shall remain in effect and shall be fully
28 enforceable unless and until readopted, amended, or repealed by
29 the director.

30 (e) Hold hearings, subpoena witnesses, administer oaths, and
31 conduct investigations concerning all matters relating to the
32 department's jurisdiction.

33 (f) Act on behalf of the department and delegate powers to any
34 authorized representative.

35 (g) Serve as the Governor's designated representative pursuant
36 to Section 3517.

37 (h) Perform any other duties that may be prescribed by law, and
38 any other administrative and executive duties that have by other
39 provisions of law been previously imposed.

1 SEC. 148. Section 20163 of the Government Code is amended
2 to read:

3 20163. (a) If more or less than the correct amount of
4 contribution required of members, the state, or any contracting
5 agency, is paid, proper adjustment shall be made in connection
6 with subsequent payments, or the adjustments may be made by
7 direct cash payments between the member, state, or contracting
8 agency concerned and the board or by adjustment of the employer's
9 rate of contribution. Adjustments to correct any other errors in
10 payments to or by the board, including adjustments of
11 contributions, with interest, that are found to be erroneous as the
12 result of corrections of dates of birth, may be made in the same
13 manner. Adjustments to correct overpayment of a retirement
14 allowance may also be made by adjusting the allowance so that
15 the retired person or the retired person and his or her beneficiary,
16 as the case may be, will receive the actuarial equivalent of the
17 allowance to which the member is entitled. Losses or gains
18 resulting from error in amounts within the limits set by the
19 Department of General Services for automatic writeoff, and losses
20 or gains in greater amounts specifically approved for writeoff by
21 the Department of General Services, shall be debited or credited,
22 as the case may be, to the reserve against deficiencies in interest
23 earned in other years, losses under investments, and other
24 contingencies.

25 (b) No adjustment shall be made because less than the correct
26 amount of normal contributions was paid by a member if the board
27 finds that the error was not known to the member and was not the
28 result of erroneous information provided by him or her to this
29 system or to his or her employer. The failure to adjust shall not
30 preclude action under Section 20160 correcting the date upon
31 which the person became a member.

32 (c) The actuarial equivalent under this section shall be computed
33 on the basis of the mortality tables and actuarial interest rate in
34 effect under this system on December 1, 1970, for retirements
35 effective through December 31, 1979. Commencing with
36 retirements effective January 1, 1980, and at corresponding 10-year
37 intervals thereafter, or more frequently at the board's discretion,
38 the board shall change the basis for calculating actuarial equivalents
39 under this article to agree with the interest rate and mortality tables

1 in effect at the commencement of each 10-year or succeeding
2 interval.

3 SEC. 149. Section 21223 of the Government Code is amended
4 to read:

5 21223. A retired person may serve without reinstatement from
6 retirement or loss or interruption of benefits provided under this
7 system upon approval of the Director of Human Resources or the
8 governing body of a contracting agency, as the case may be, under
9 employment by any state or contracting agency in which he or she
10 previously served while a member of this system, where by reason
11 of actual litigation, or a proceeding before the Department of
12 General Services or the governing body of a contracting agency,
13 as the case may be, or where the state or contracting agency desires
14 to perpetuate testimony in connection with any anticipated litigation
15 involving the state or contracting agency, and adverse interests,
16 the services of the person are or may be necessary in preparing for
17 trial or in testifying as to matters within or based upon his or her
18 knowledge acquired while employed. He or she may be paid a per
19 diem and actual and necessary traveling expenses, but he or she
20 shall not be paid at a greater rate of compensation per diem than
21 the rate ordinarily paid other persons by state agencies or the
22 contracting agency for similar services. However, there shall be
23 deducted from the per diem compensation sums equal to the
24 retirement annuity allocable to the days of actual employment
25 under this section.

26 SEC. 150. Section 21265 of the Government Code is amended
27 to read:

28 21265. Retired members of this system, and beneficiaries who
29 are entitled to receive allowances or benefits under this part, may
30 authorize deductions to be made from their retirement allowance
31 payments or from the allowances and benefits, respectively, or
32 from either or both when both are being received in accordance
33 with regulations established by the board for the payment of
34 charitable contributions under any plan approved by the board. In
35 lieu of approving individual plans, the board, at its discretion, may
36 adopt by reference those plans approved by the Department of
37 General Services under Section 13923. The board shall determine
38 the additional cost involved in making deductions under this
39 section, and the agency to receive the contributions shall pay the

1 amount of the additional cost to the board for deposit in the
2 retirement fund.

3 SEC. 151. Section 22910 of the Government Code is amended
4 to read:

5 22910. (a) There shall be maintained in the State Treasury the
6 Public Employees' Contingency Reserve Fund. The board may
7 invest funds in the Public Employees' Contingency Reserve Fund
8 in accordance with the law governing its investment of the
9 retirement fund.

10 (b) (1) An account shall be maintained within the Public
11 Employees' Contingency Reserve Fund with respect to the health
12 benefit plans the board has approved or that have entered into a
13 contract with the board. The account shall be credited, from time
14 to time and in amounts as determined by the board, with moneys
15 contributed under Section 22885 or 22901 to provide an adequate
16 contingency reserve. The income derived from any dividends, rate
17 adjustments, or other funds received from a health benefit plan
18 shall be credited to the account. The board may deposit, in the
19 same manner as provided in paragraph (4), up to one-half of 1
20 percent of premiums in the account for purposes of cost
21 containment programs, subject to approval as provided in paragraph
22 (2) of subdivision (c).

23 (2) The account for health benefit plans may be utilized to defray
24 increases in future rates, to reduce the contributions of employees
25 and annuitants and employers, to implement cost containment
26 programs, or to increase the benefits provided by a health benefit
27 plan, as determined by the board. The board may use penalties and
28 interest deposited pursuant to subdivision (c) of Section 22899 to
29 pay any difference between the adjusted rate set by the board
30 pursuant to Section 22864 and the applicable health benefit plan
31 contract rates.

32 (3) The total credited to the account for health benefit plans at
33 any time shall be limited, in the manner and to the extent the board
34 may find to be most practical, to a maximum of 10 percent of the
35 total of the contributions of the employers and employees and
36 annuitants in any fiscal year. The board may undertake any action
37 to ensure that the maximum amount prescribed for the fund is
38 approximately maintained.

39 (4) Board rules and regulations adopted pursuant to Section
40 22831 to minimize the impact of adverse selection or contracts

1 entered into pursuant to Section 22864 to implement health benefit
2 plan performance incentives may provide for deposit in and
3 disbursement to carriers or to Medicare from the account the
4 portion of the contributions otherwise payable directly to the
5 carriers by the Controller under Section 22913 as may be required
6 for that purpose. The deposits shall not be included in applying
7 the limitations, prescribed in paragraph (3), on total amounts that
8 may be deposited in or credited to the fund.

9 (5) Notwithstanding Section 13340, all moneys in the account
10 for health benefit plans are continuously appropriated without
11 regard to fiscal year for the purposes provided in this subdivision.

12 (c) (1) An account shall also be maintained in the Public
13 Employees' Contingency Reserve Fund for administrative expenses
14 consisting of funds deposited for this purpose pursuant to Sections
15 22885 and 22901.

16 (2) The moneys deposited pursuant to Sections 22885 and 22901
17 in the Public Employees' Contingency Reserve Fund may be
18 expended by the board for administrative purposes, provided that
19 the expenditure is approved in the annual Budget Act.

20 (d) An account shall be maintained in the Public Employees'
21 Contingency Reserve Fund for the contributions required pursuant
22 to Section 22870. Notwithstanding Section 13340, the funds are
23 continuously appropriated, without regard to fiscal year, for the
24 payment of premiums or other charges to carriers or the Public
25 Employees' Health Care Fund. This subdivision shall not apply
26 to state administrative costs, which shall continue to be subject to
27 Section 13340.

28 (e) An account shall be maintained in the Public Employees'
29 Contingency Reserve Fund for the contributions required pursuant
30 to Section 22890 and for payments made pursuant to subdivision
31 (f) of Section 22850. Notwithstanding Section 13340, the funds
32 are continuously appropriated, without regard to fiscal year, for
33 the payment of premiums or other charges to carriers or the Public
34 Employees' Health Care Fund. Penalties and interest paid pursuant
35 to subdivision (c) of Section 22899 shall be deposited in the
36 account pursuant to paragraphs (1) and (2) of subdivision (b).

37 (f) Accounts shall be maintained in the Public Employees'
38 Contingency Reserve Fund for complementary annuitant premiums
39 and related administrative expenses paid by annuitants pursuant
40 to Section 22802. Notwithstanding Section 13340, the funds are

1 continuously appropriated, without regard to fiscal year, to
2 reimburse the Public Employees' Retirement Fund, the Judges'
3 Retirement Fund, the Judges' Retirement Fund II, and the
4 Legislators' Retirement Fund, as applicable, for payment of
5 annuitant health premiums, and for the payment of premiums and
6 other charges to carriers or to the Public Employees' Health Care
7 Fund. Administrative expenses deposited in this account shall be
8 credited to the account provided by subdivision (c).

9 (g) Amounts received by the board for retiree drug subsidy
10 payments that are attributed to contracting agencies and their
11 annuitants and employees pursuant to subdivision (c) of Section
12 22910.5 shall be deposited in the Public Employees' Contingency
13 Reserve Fund. Notwithstanding Section 13340, these amounts are
14 continuously appropriated, without regard to fiscal year, for the
15 payment of premiums, costs, contributions, or other benefits related
16 to contracting agencies and their employees and annuitants, and
17 as consistent with the Medicare Prescription Drug Improvement
18 and Modernization Act, as amended.

19 (h) The Account for Retiree Drug Subsidy Payments is hereby
20 established in the Public Employees' Contingency Reserve Fund
21 and funds in that account shall, upon appropriation by the
22 Legislature, be used for the purposes described in Section 22910.5.

23 (i) Notwithstanding any other law, the Controller may use the
24 moneys in the Public Employees' Contingency Reserve Fund for
25 loans to the General Fund as provided in Sections 16310 and
26 16381. However, interest shall be paid on all moneys loaned to
27 the General Fund from the Public Employees' Contingency Reserve
28 Fund. Interest payable shall be computed at a rate determined by
29 the Pooled Money Investment Board to be the current earning rate
30 of the fund from which loaned. This subdivision does not authorize
31 any transfer that will interfere with the carrying out of the object
32 for which the Public Employees' Contingency Reserve Fund was
33 created.

34 SEC. 152. Section 22911 of the Government Code is amended
35 to read:

36 22911. (a) There shall be maintained in the State Treasury the
37 Public Employees' Health Care Fund to fund the health benefit
38 plans administered or approved by the board. The board may invest
39 funds in the Public Employees' Health Care Fund in accordance

1 with the provisions of law governing its investment of the
2 retirement fund.

3 (b) The Public Employees' Health Care Fund shall consist of
4 the following:

5 (1) Any self-funded or minimum premium plan premiums paid
6 by contracting agencies, the state and enrolled employees,
7 annuitants, and family members, including premiums paid directly
8 for continuation coverage authorized under the Consolidated
9 Omnibus Budget Reconciliation Act, and as authorized by this
10 part.

11 (2) Any reserve moneys from terminated health benefit plans
12 designated by the board.

13 (3) Any moneys from a health benefit plan for risk adjustment
14 pursuant to Section 22864.

15 (c) Income earned on the Public Employees' Health Care Fund
16 shall be credited to the fund.

17 (d) Notwithstanding Section 13340, the Public Employees'
18 Health Care Fund is continuously appropriated, without regard to
19 fiscal years, to pay benefits and claims costs for self-funded or
20 minimum premium health benefit plans, and refunds to those who
21 made direct premium payments.

22 (e) The moneys deposited in the Public Employees' Health Care
23 Fund may be expended by the board for administrative purposes
24 provided that the expenditure is approved in the annual Budget
25 Act.

26 (f) The Legislature finds and declares that the Public Employees'
27 Health Care Fund is a trust fund held for the exclusive benefit of
28 enrolled employees, annuitants, family members, the self-funded
29 plan administrator, and those contracting to provide medical and
30 hospital care services.

31 (g) Notwithstanding subdivisions (d) and (f), the board may use
32 reserves generated by one or more self-funded health benefit plans
33 for risk adjustment programs and procedures pursuant to paragraph
34 (3) of subdivision (f) of Section 22850 and paragraph (5) of
35 subdivision (b) of Section 22864.

36 SEC. 153. Section 26749 of the Government Code is amended
37 to read:

38 26749. The sheriff shall receive expenses necessarily incurred
39 in conveying persons to and from the state hospitals and in
40 conveying persons to and from the state prisons or other state

1 institutions, or to other destinations for the purpose of deportation
2 to other states, or in advancing actual traveling expenses to any
3 person committed to a state institution who is permitted to report
4 to an institution without escort, which expenses shall be allowed
5 as provided by Chapter 6 (commencing with Section 4750) of Title
6 5 of Part 3 of the Penal Code for cases subject to that chapter, and,
7 otherwise, by the Department of General Services and paid by the
8 state.

9 SEC. 154. Section 68503 of the Government Code is amended
10 to read:

11 68503. Members of committees appointed pursuant to Section
12 68501 shall receive no compensation from the state for their
13 services. When called into session by the Chairperson of the
14 Judicial Council, members shall receive their actual and necessary
15 expenses for travel, board, and lodging, which shall be paid from
16 the funds appropriated to the use of the council. These expenses
17 shall be approved in the manner that the council directs, and shall
18 be audited by the Controller in accordance with the rules of the
19 Department of General Services.

20 SEC. 155. Section 68506 of the Government Code is amended
21 to read:

22 68506. All salaries and expenses incurred by the council
23 pursuant to this article, including the necessary expenses for travel,
24 board, and lodging of the members of the council and its officers,
25 assistants, and other employees incurred in the performance of the
26 duties and business of the council, shall be paid from the funds
27 appropriated for the use of the council. The salaries and expenses
28 shall be approved in the manner that the council directs, and shall
29 be audited by the Controller in accordance with the rules of the
30 Department of General Services.

31 SEC. 156. Section 68543 of the Government Code is amended
32 to read:

33 68543. The extra compensation and expenses for travel, board,
34 and lodging of judges sitting in the Supreme Court and courts of
35 appeal under assignments made by the Chairperson of the Judicial
36 Council shall be paid by the state under the rules adopted by the
37 Department of General Services that are applicable to officers of
38 the state provided for in Article VI of the California Constitution
39 while traveling on official state business.

1 SEC. 157. Section 68543.5 of the Government Code is amended
2 to read:

3 68543.5. (a) Whenever a judge who has retired under the
4 Judges' Retirement System or the Judges' Retirement System II
5 is assigned to serve in a court of record, the state shall pay the
6 judge for each day of service in the court in the amount specified
7 in Section 68543.7, without loss or interruption of retirement
8 benefits, unless the judge waives compensation under this section.
9 Whenever a retired judge of a justice court who is not a member
10 of the Judges' Retirement System nor the Judges' Retirement
11 System II is assigned to serve in a court of record, the state shall
12 pay the judge for each day of service in the court in the amount
13 specified in Section 68543.7, or the compensation specified in
14 Section 68541, whichever is greater. The compensation shall be
15 paid by the Judicial Council out of any appropriation for extra
16 compensation of judges assigned by the Chairperson of the Judicial
17 Council.

18 (b) If a judge who has retired under the Judges' Retirement
19 System or the Judges' Retirement System II is assigned to serve
20 in a court of record, the 8-percent difference between the
21 compensation of the retired judge while so assigned and the
22 compensation of a judge of the court to which the retired judge is
23 assigned shall be paid to the Judges' Retirement Fund or the
24 Judges' Retirement System II Fund, as applicable.

25 (c) During the period of assignment, a retired judge shall be
26 allowed expenses for travel, board, and lodging incurred in the
27 discharge of the assignment. When assigned to sit in the county
28 in which he or she resides, the judge shall be allowed expenses for
29 travel and board incurred in the discharge of the assignment. The
30 expenses for travel, board, and lodging shall be paid by the state
31 under the rules adopted by the Department of General Services
32 that are applicable to officers of the state provided for in Article
33 VI of the California Constitution while traveling on official state
34 business.

35 (d) Notwithstanding subdivisions (a), (b), and (c) pertaining to
36 compensation, a retired judge on senior judge status shall receive
37 compensation from the state as provided in Sections 75028 and
38 75028.2, and shall be allowed expenses for travel, board, and
39 lodging incurred in the discharge of the assignment as provided
40 in this section.

1 SEC. 158. Section 68543.8 of the Government Code is amended
2 to read:

3 68543.8. (a) The Legislature finds that there is a shortage of
4 judicial officers available to provide temporary assistance to courts
5 in rural counties, under assignment by the chief justice. When
6 courts are unable to obtain temporary assistance, delay of both
7 civil trials and case settlements occur. The availability of an
8 assigned judge can substantially reduce these delays. The purpose
9 of this section is to make judicial assistance more available.

10 (b) The Judicial Council shall contract with up to 10 retired
11 judges who shall be available to be assigned up to 110 court days
12 each year by the Chairperson of the Judicial Council to courts in
13 counties that have requested these judges for purposes of reducing
14 delays in civil trials in those courts. If counties request more than
15 10 retired judges pursuant to this section, the Judicial Council shall
16 give priority in assigning the retired judges to counties with fewer
17 than 10 judges.

18 A judge under contract pursuant to this section shall serve as
19 assigned during the period of the contract and waives any right to
20 refuse assignment as otherwise provided by law. This section shall
21 not be construed to limit the authority of the Chief Justice to make
22 assignments to expedite judicial business and to equalize the
23 workload of judges.

24 (c) Notwithstanding Section 68543.5, each judge under contract
25 pursuant to this section shall receive one-half of the daily salary
26 of a superior court judge for each day of service, in addition to any
27 retirement benefits to which the judge may be entitled.

28 (d) The assigned judge’s salary shall be paid by the state. A
29 retired judge under contract pursuant to this section shall be
30 allowed expenses for travel, board, and lodging incurred in the
31 discharge of each assignment. When assigned to sit in the county
32 in which he or she resides, the judge shall be allowed necessary
33 and reasonable expenses for travel and board incurred in the
34 discharge of the assignment. The expenses for travel, board, and
35 lodging shall be paid by the state under the rules adopted by the
36 Department of General Services that are applicable to officers of
37 the state provided for in Article VI of the California Constitution
38 while traveling on official state business.

39 SEC. 159. Section 68565 of the Government Code is amended
40 to read:

1 68565. (a) The Judicial Council may establish a court
2 interpreters advisory panel to assist the council in performing its
3 duties under this article. The panel shall include a majority of court
4 interpreters and may include judges and court administrators,
5 members of the bar, and others interested in interpreter services
6 in the courts. The panel shall develop operating guidelines and
7 procedures for Judicial Council approval.

8 (b) The panel shall seek the advice of judges, attorneys, court
9 administrators, court interpreters, providers of legal services, and
10 individuals and organizations representing the interests of foreign
11 language users.

12 (c) Panel members shall receive no compensation for their
13 services but shall be allowed necessary expenses for travel, board,
14 and lodging incurred in the discharge of their duties under the rules
15 adopted by the Department of General Services.

16 SEC. 160. Section 1492 of the Health and Safety Code is
17 amended to read:

18 1492. A county hospital shall provide persons examined or
19 treated in connection with rape or other sexual assaults with
20 information regarding assistance which may be provided pursuant
21 to Article 1 (commencing with Section 13959) of Chapter 5 of
22 Part 4 of Division 3 of Title 2 of the Government Code, together
23 with forms made available by the California Victim Compensation
24 Board for filing of claims thereunder.

25 SEC. 161. Section 11502 of the Health and Safety Code is
26 amended to read:

27 11502. (a) All moneys, forfeited bail, or fines received by any
28 court under this division shall as soon as practicable after the
29 receipt thereof be deposited with the county treasurer of the county
30 in which the court is situated. Amounts so deposited shall be paid
31 at least once a month as follows: 75 percent to the State Treasurer
32 by warrant of the county auditor drawn upon the requisition of the
33 clerk or judge of the court to be deposited in the State Treasury
34 on order of the Controller; and 25 percent to the city treasurer of
35 the city, if the offense occurred in a city, otherwise to the treasurer
36 of the county in which the prosecution is conducted.

37 (b) Any money deposited in the State Treasury under this section
38 that is determined by the Controller to have been erroneously
39 deposited therein shall be refunded by him or her out of any

1 moneys in the State Treasury that are available by law for that
2 purpose.

3 SEC. 162. Section 13052 of the Health and Safety Code is
4 amended to read:

5 13052. (a) The public entity rendering the service may present
6 a claim to the public entity liable therefor. If the claim is approved
7 by the head of the fire department, if any, in the public entity to
8 which the claim is presented, and by its governing body, it shall
9 be paid in the same manner as other charges and if the claim is not
10 paid, an action may be brought for its collection.

11 (b) Notwithstanding any other provision of this section, any
12 claims against the state shall be presented to the Department of
13 General Services in accordance with Part 3 (commencing with
14 Section 900) and Part 4 (commencing with Section 940) of Division
15 3.6 of Title 1 of the Government Code.

16 SEC. 163. Section 25370 of the Health and Safety Code is
17 repealed.

18 SEC. 164. Section 25372 of the Health and Safety Code is
19 amended to read:

20 25372. Any person may apply to the Department of General
21 Services pursuant to Section 25373, for compensation of a loss
22 caused by the release, in California, of a hazardous substance if
23 any of the following conditions are met:

24 (a) The source of the release of the hazardous substance, or the
25 identity of the party liable for damages in connection therewith or
26 responsible for the costs of removal of the hazardous substance,
27 is unknown or cannot, with reasonable diligence, be determined.

28 (b) The loss was not compensable pursuant to law, including
29 Chapter 6.5 (commencing with Section 25100), because there is
30 no liable party or the judgment could not be satisfied, in whole or
31 part, against the party determined to be liable for the release of the
32 hazardous substance.

33 (c) The person has presented a written demand for
34 compensation, which sets forth the basis for the claim, to the party
35 which the person reasonably believes is liable for a loss specified
36 in paragraph (1) of subdivision (a) of Section 25375 which was
37 incurred by that person and is compensable pursuant to this article,
38 the person has presented the Department of General Services with
39 a copy of the demand, and, within 60 days after presenting the
40 demand, the party has either rejected, in whole or in part, the

1 demand to be compensated for a loss specified in paragraph (1) of
2 subdivision (a) of Section 25375, or has not responded to the
3 demand. Only losses specified in paragraph (1) of subdivision (a)
4 of Section 25375 are compensable under a claim filed pursuant to
5 this subdivision.

6 SEC. 165. Section 25373 of the Health and Safety Code is
7 amended to read:

8 25373. The Department of General Services shall prescribe
9 appropriate forms and procedures for claims filed pursuant to this
10 article, which shall include, as a minimum, all of the following:

11 (a) A provision requiring the claimant to make a sworn
12 verification of the claim to the best of his or her knowledge.

13 (b) A full description, supported by appropriate evidence from
14 government agencies of the release of the hazardous substance
15 claimed to be the cause of the physical injury or illness or loss of
16 income.

17 (c) Certification by the claimant of dates and places of residence
18 for the five years preceding the date of the claim.

19 (d) Certification of the medical history of the claimant for the
20 five years preceding the date of the claim, along with certification
21 of the alleged physical injury or illness and expenses for the
22 physical injury or illness. The certification shall be made by
23 hospitals, physicians, or other qualified medical authorities.

24 (e) The claimant's income as reported on the claimant's federal
25 income tax return for the preceding three years in order to compute
26 lost wages or income.

27 (f) Any person who knowingly gives, or causes to be given,
28 any false information as a part of any such claim shall be guilty
29 of a misdemeanor and shall, upon conviction, be fined up to five
30 thousand dollars (\$5,000), or imprisoned for not more than one
31 year, or both.

32 SEC. 166. Section 25374 of the Health and Safety Code is
33 amended to read:

34 25374. All decisions rendered by the Department of General
35 Services shall be in writing, with notification to all appropriate
36 parties, and shall be rendered within 90 days of submission of a
37 claim to the Department of General Services unless all the parties
38 to the claim agree in writing to an extension of time. The decision
39 shall be considered a final agency action for the purposes of judicial

1 review of the decision by any party to the proceedings resulting
2 in the decision.

3 SEC. 167. Section 25375 of the Health and Safety Code is
4 amended to read:

5 25375. (a) If the Department of General Services makes the
6 determination, specified in subdivision (b), that losses resulted
7 from the claimant's damages, injury, or disease, only the following
8 losses are compensable pursuant to this article:

9 (1) One hundred percent of uninsured, out-of-pocket medical
10 expenses, for up to three years from the onset of treatment.

11 (2) Eighty percent of any uninsured, actual lost wages, or
12 business income in lieu of wages, caused by injury to the claimant
13 or the claimant's property, not to exceed fifteen thousand dollars
14 (\$15,000) per year for three years.

15 (3) One hundred percent of uninsured, out-of-pocket expenses
16 for remedial action on the claimant's property undertaken to
17 address a release of a hazardous substance when all of the following
18 apply:

19 (A) The claimant's property is an owner-occupied single-family
20 residence.

21 (B) The remedial action was ordered by federal, state, or local
22 authorities due to a release of a hazardous substance.

23 (C) The department makes one of the following determinations:

24 (i) The release of the hazardous substance originated outside
25 the boundaries of the property.

26 (ii) The release of the hazardous substance occurred on the
27 property, was the result of an action which violated state or federal
28 law, and the responsible party cannot be identified or cannot be
29 located, or a judgment against the responsible party cannot be
30 satisfied.

31 The maximum compensation under this paragraph is limited to
32 twenty-five thousand dollars (\$25,000) per residence and to one
33 hundred thousand dollars (\$100,000) for five contiguous residential
34 properties. Any compensation provided shall be reduced by the
35 amount that the remedial action results in a capital improvement
36 to the claimant's residence.

37 (4) One hundred percent of the fair market value of
38 owner-occupied real property that is rendered permanently unfit
39 for occupancy because of the release of a hazardous substance.
40 For purposes of this paragraph, real property is rendered

1 permanently unfit for occupancy only if a state or federal agency
2 requires that it be evacuated for a period of six or more months
3 because of the release of a hazardous substance. The fair market
4 value of the real property shall be determined by an independent
5 appraiser, and shall be considered by the independent appraiser as
6 being equal to the value of the real property prior to the release of
7 the hazardous substance that caused the evacuation of the property.
8 Where compensation is made by the Department of General
9 Services pursuant to this paragraph, sole ownership of the real
10 property shall be transferred to the state and any proceeds resulting
11 from the final disposition of the real property shall be deposited
12 into the state account, for expenditure by the department upon
13 appropriation by the Legislature. To be eligible for compensation
14 pursuant to this paragraph, claims for compensation shall be made
15 within 12 months of the date on which the evacuation was ordered.

16 (5) One hundred percent of the expenses incurred due to the
17 evacuation of a residence ordered by a state or federal agency. For
18 purposes of this paragraph, “evacuation expenses” include the cost
19 of shelter and any other emergency expenditures incurred due to
20 an evacuation ordered by a state or federal agency. The Department
21 of General Services may provide compensation, pursuant to this
22 paragraph, only if it finds that the evacuation expenses represent
23 reasonable costs for the goods or services purchased, and would
24 not have been incurred if an evacuation caused by a hazardous
25 substance release had not occurred. The Department of General
26 Services may provide compensation for these evacuation expenses
27 only if they were incurred within 12 months from the date on which
28 evacuation was ordered.

29 (b) A loss specified in subdivision (a) is compensable if the
30 Department of General Services makes all of the following
31 findings, based upon a preponderance of the evidence:

32 (1) A release of a hazardous substance occurred.

33 (2) The claimant or the claimant’s property was exposed to the
34 release of the hazardous substance.

35 (3) The exposure of the claimant to the release of the hazardous
36 substance was of such a duration, and to such a quantity of the
37 hazardous substance, that the exposure caused the damages, injury,
38 or disease which resulted in the claimant’s loss.

1 (4) For purposes of paragraphs (4) and (5) of subdivision (a),
2 the hazardous substance release, or the order which resulted in the
3 claim for compensation occurred on or after January 1, 1986.

4 (5) The conditions and requirements of this article including,
5 but not limited to, the conditions of Sections 25372 and 25373,
6 have been met.

7 (c) No money shall be used for the payment of any claim
8 authorized by this chapter, where the claim is the result of
9 long-term exposure to ambient concentrations of air pollutants.

10 SEC. 168. Section 25375.5 of the Health and Safety Code is
11 amended to read:

12 25375.5. (a) Except as specified in subdivision (b), the
13 procedures specified in Article 8 (commencing with Section
14 11435.05) of Chapter 4.5 of Part 1 of Division 3 of Title 2 of, and
15 in Section 11513 of, the Government Code apply to the proceedings
16 conducted by the Department of General Services pursuant to this
17 article.

18 (b) Notwithstanding subdivision (a), Sections 801, 802, 803,
19 804, and 805 of the Evidence Code apply to the proceedings
20 conducted by the Department of General Services pursuant to this
21 article.

22 (c) The Department of General Services may consider evidence
23 presented by any person against whom a demand was made
24 pursuant to subdivision (c) of Section 25372. The evidence
25 presented by that person shall become a part of the record upon
26 which the Department of General Services' decision shall be based.

27 SEC. 169. Section 25376 of the Health and Safety Code is
28 amended to read:

29 25376. No claim may be presented to the Department of
30 General Services pursuant to this article later than three years from
31 the date of discovery of the loss or from January 1, 1982, whichever
32 is later.

33 SEC. 170. Section 25377 of the Health and Safety Code is
34 amended to read:

35 25377. Nothing in this article shall require, or be deemed to
36 require, pursuit of any claim against the Department of General
37 Services as a condition precedent to any other remedy.

38 SEC. 171. Section 25379 of the Health and Safety Code is
39 amended to read:

1 25379. (a) The following evidence is not admissible as
2 evidence in any civil or criminal proceeding, including a
3 subrogation action by the state pursuant to Section 25380, to
4 establish the liability of any person for any damages alleged to
5 have been caused by a release of a hazardous substance:

6 (1) A final decision made by the Department of General Services
7 pursuant to this article.

8 (2) A decision made by the Department of General Services to
9 admit or not admit any evidence.

10 (3) Any finding of fact or conclusion of law entered by the
11 Department of General Services in a proceeding for a claim
12 pursuant to this article.

13 (4) The fact that any person has done any of the following in a
14 proceeding for a claim pursuant to Section 25372:

15 (A) Chosen to participate or appear.

16 (B) Chosen not to participate or appear.

17 (C) Failed to appear.

18 (D) Settled or offered to settle the claim.

19 (b) Subdivision (a) does not apply to any civil action or writ by
20 a claimant against the Department of General Services for any act,
21 decision, or failure to act on a claim submitted by the claimant.

22 SEC. 172. Section 25380 of the Health and Safety Code is
23 amended to read:

24 25380. Compensation of any loss pursuant to this article shall
25 be subject to the state's acquiring, by subrogation, all rights of the
26 claimant to recover the loss from the party determined to be liable
27 therefor. Upon the request of the Department of General Services,
28 the Attorney General shall commence an action in the name of the
29 people of the State of California to recover any amount paid in
30 compensation for any loss pursuant to this article against any party
31 who is liable to the claimant for any loss compensable pursuant
32 to this article in accordance with the procedures set forth in
33 Sections 25360 to 25364, inclusive. Moneys recovered pursuant
34 to this section shall be deposited in the state account.

35 SEC. 173. Section 25381 of the Health and Safety Code is
36 amended to read:

37 25381. (a) The Department of General Services shall, in
38 consultation with the department, adopt, and revise when
39 appropriate, all rules and regulations necessary to implement this
40 article, including methods that provide for establishing that a

1 claimant has exercised reasonable diligence in satisfying the
2 conditions specified in Sections 25372, 25373, 25375, and 25375.5,
3 and regulations that specify the proof necessary to establish a loss
4 compensable pursuant to this article.

5 (b) Claims approved by the Department of General Services
6 pursuant to this article shall be paid from the state account.

7 (c) The Legislature may appropriate up to two million dollars
8 (\$2,000,000) annually from the state account to be used by the
9 Department of General Services for the payment of awards pursuant
10 to this article.

11 (d) Claims against or presented to the Department of General
12 Services shall not be paid in excess of the amount of money
13 appropriated for this purpose from the state account. These claims
14 shall be paid only when additional money is collected,
15 appropriated, or otherwise added to that account.

16 SEC. 174. Section 25382 of the Health and Safety Code is
17 amended to read:

18 25382. The Department of General Services may expend from
19 the state account those sums of money as are reasonably necessary
20 to administer and carry out this article.

21 SEC. 175. Section 121270 of the Health and Safety Code is
22 amended to read:

23 121270. (a) There is hereby created the AIDS Vaccine Victims
24 Compensation Fund.

25 (b) For the purposes of this section, the following definitions
26 apply:

27 (1) "AIDS vaccine" means a vaccine that (A) has been
28 developed by any manufacturer and (B) is approved by the FDA
29 or the department pursuant to Part 5 (commencing with Section
30 109875) of Division 104 as a safe and efficacious vaccine for the
31 purpose of immunizing against AIDS.

32 (2) "Damages for personal injuries" means the direct medical
33 costs for the care and treatment of injuries to any person, including
34 a person entitled to recover damages under Section 377 of the
35 Code of Civil Procedure, proximately caused by an AIDS vaccine,
36 the loss of earnings caused by the injuries, and the amount
37 necessary, but not to exceed five hundred fifty thousand dollars
38 (\$550,000), to compensate for noneconomic losses, including pain
39 and suffering caused by the injuries.

1 (3) “Fund” means the AIDS Vaccine Victims Compensation
2 Fund.

3 (c) The Department of General Services shall pay from the fund,
4 contingent entirely upon the availability of moneys as provided in
5 subdivision (o), damages for personal injuries caused by an AIDS
6 vaccine that is sold in or delivered in California, and administered
7 or dispersed in California to the injured person except that no
8 payment shall be made for any of the following:

9 (1) Damages for personal injuries caused by the vaccine to the
10 extent that they are attributable to the comparative negligence of
11 the person making the claim.

12 (2) Damages for personal injuries in any instance when the
13 manufacturer has been found to be liable for the injuries in a court
14 of law.

15 (3) Damages for personal injuries due to a vaccination
16 administered during a clinical trial.

17 (d) An application for payment of damages for personal injuries
18 shall be made on a form prescribed by the Department of General
19 Services within one year of the date that the injury and its cause
20 are discovered. This application may be required to be verified.
21 Upon receipt, the Department of General Services may require the
22 submission of additional information necessary to evaluate the
23 claim.

24 (e) (1) Within 45 days of the receipt of the application and the
25 submission of any additional information, the Department of
26 General Services shall do either of the following:

27 (A) Allow the claim in whole or part.

28 (B) Disallow the claim.

29 (2) In those instances of unusual hardship to the victim, the
30 board may grant an emergency award to the injured person to cover
31 immediate needs upon agreement by the injured person to repay
32 in the event of a final determination denying the claim.

33 (3) If the claim is denied in whole or part, the victim may apply
34 within 60 days of denial for a hearing. The hearing shall be held
35 within 60 days of the request for a hearing unless the injured person
36 requests a later hearing.

37 (f) At the hearing, the injured person may be represented by
38 counsel and may present relevant evidence as defined in
39 subdivision (c) of Section 11513 of the Government Code. The
40 Department of General Services may consider additional evidence

1 presented by its staff. If the injured person declines to appear at
2 the hearing, the Department of General Services may act solely
3 upon the application, the staff report, and other evidence that
4 appears on the record.

5 (g) The Department of General Services may delegate the
6 hearing of applications to hearing examiners.

7 (h) The decision of the Department of General Services shall
8 be in writing and shall be delivered or mailed to the injured person
9 within 30 days of the hearing. Upon the request by the applicant
10 within 30 days of delivery or mailing, the Department of General
11 Services may reconsider its decision.

12 (i) Judicial review of a decision shall be under Section 1094.5
13 of the Code of Civil Procedure, and the court shall exercise its
14 independent judgment. A petition for review shall be filed as
15 follows:

16 (1) If no request for reconsideration is made, within 30 days of
17 personal delivery or mailing of the Department of General Services'
18 decision on the application.

19 (2) If a timely request for reconsideration is filed and rejected
20 by the Department of General Services, within 30 days of personal
21 delivery or mailing of the notice of rejection.

22 (3) If a timely request for reconsideration is filed and granted
23 by the Department of General Services, or reconsideration is
24 ordered by the Department of General Services, within 30 days of
25 personal delivery or mailing of the final decision on the
26 reconsidered application.

27 (j) The Department of General Services shall adopt regulations
28 to implement this section, including those governing discovery.

29 (k) The fund is subrogated to any right or claim that any injured
30 person may have who receives compensation pursuant to this
31 section, or any right or claim that the person's personal
32 representative, legal guardian, estate, or survivor may have, against
33 any third party who is liable for the personal injuries caused by
34 the AIDS vaccine, and the fund shall be entitled to indemnity from
35 that third party. The fund shall also be entitled to a lien on the
36 judgment, award, or settlement in the amount of any payments
37 made to the injured person.

38 (l) In the event that the injured person, or his or her guardian,
39 personal representative, estate, or survivors, or any of them, bring
40 an action for damages against the person or persons liable for the

1 injury or death giving rise to an award by the Department of
2 General Services under this section, notice of institution of legal
3 proceedings and notice of any settlement shall be given to the
4 Department of General Services in Sacramento except in cases
5 where the Department of General Services specifies that notice
6 shall be given to the Attorney General. All notices shall be given
7 by the attorney employed to bring the action for damages or by
8 the injured person, or his or her guardian, personal representative,
9 estate, or survivors, if no attorney is employed.

10 (m) This section is not intended to affect the right of any
11 individual to pursue claims against the fund and lawsuits against
12 manufacturers concurrently, except that the fund shall be entitled
13 to a lien on the judgment, award, or settlement in the amount of
14 any payments made to the injured party by the fund.

15 (n) There is hereby created the AIDS Vaccine Injury
16 Compensation Policy Review Task Force consisting of 14
17 members. The task force shall be composed of 10 members
18 appointed by the Governor, of which two shall be from a list
19 provided by the California Trial Lawyers Association, one from
20 the department, the Director of Finance, one unspecified member,
21 and one attorney with experience and expertise in products liability
22 and negligence defense work, two representing recognized groups
23 that represent victims of vaccine induced injuries or AIDS victims,
24 or both, and two representing manufacturers actively engaged in
25 developing an AIDS vaccine. In addition four Members of the
26 Legislature or their designees shall be appointed to the task force,
27 two of which shall be appointed by the Speaker of the Assembly
28 and two of which shall be appointed by the Senate Committee on
29 Rules. The chairperson of the task force shall be appointed by the
30 Governor from the membership of the task force. The task force
31 shall study and make recommendations on the legislative
32 implementation of the fund created by subdivision (a). These
33 recommendations shall at least address the following issues:

34 (1) The process by which victims are to be compensated through
35 the fund.

36 (2) The procedures by which the fund will operate and the
37 governance of the fund.

38 (3) The method by which manufacturers are to pay into the fund
39 and the amount of that payment.

1 (4) The procedural relationship between a potential victim's
2 claim through the fund and a court claim made against the
3 manufacturer.

4 (5) Other issues deemed appropriate by the task force.

5 The task force shall make its recommendations to the Legislature
6 on or before June 30, 1987.

7 (o) The fund shall be funded wholly by a surcharge on the sale
8 of an AIDS vaccine, that has been approved by the FDA, or by
9 the department pursuant to Part 5 (commencing with Section
10 109875) of Division 104, in California in an amount to be
11 determined by the department. The surcharge shall be levied on
12 the sale of each unit of the vaccine sold or delivered, administered,
13 or dispensed in California. The appropriate amount of the surcharge
14 shall be studied by the AIDS Vaccine Injury Compensation Policy
15 Review Task Force, which shall recommend the appropriate
16 amount as part of its report, with the amount of the surcharge not
17 to exceed ten dollars (\$10) per unit of vaccine. Expenditures of
18 the task force shall be made at the discretion of the Director of
19 Finance or the director's designee.

20 (p) For purposes of this section, claims against the fund are
21 contingent upon the existing resources of the fund as provided in
22 subdivision (o), and in no case shall the state be liable for any
23 claims in excess of the resources in the fund.

24 SEC. 176. Section 11580.1 of the Insurance Code is amended
25 to read:

26 11580.1. (a) No policy of automobile liability insurance
27 described in Section 16054 of the Vehicle Code covering liability
28 arising out of the ownership, maintenance, or use of any motor
29 vehicle shall be issued or delivered in this state on or after the
30 effective date of this section unless it contains the provisions set
31 forth in subdivision (b). However, none of the requirements of
32 subdivision (b) shall apply to the insurance afforded under the
33 policy (1) to the extent that the insurance exceeds the limits
34 specified in subdivision (a) of Section 16056 of the Vehicle Code,
35 or (2) if the policy contains an underlying insurance requirement,
36 or provides for a retained limit of self-insurance, equal to or greater
37 than the limits specified in subdivision (a) of Section 16056 of the
38 Vehicle Code.

39 (b) Every policy of automobile liability insurance to which
40 subdivision (a) applies shall contain all of the following provisions:

1 (1) Coverage limits not less than the limits specified in
2 subdivision (a) of Section 16056 of the Vehicle Code.

3 (2) Designation by explicit description of, or appropriate
4 reference to, the motor vehicles or class of motor vehicles to which
5 coverage is specifically granted.

6 (3) Designation by explicit description of the purposes for which
7 coverage for those motor vehicles is specifically excluded.

8 (4) Provision affording insurance to the named insured with
9 respect to any owned or leased motor vehicle covered by the policy,
10 and to the same extent that insurance is afforded to the named
11 insured, to any other person using the motor vehicle, provided the
12 use is by the named insured or with his or her permission, express
13 or implied, and within the scope of that permission, except that:
14 (A) with regard to insurance afforded for the loading or unloading
15 of the motor vehicle, the insurance may be limited to apply only
16 to the named insured, a relative of the named insured who is a
17 resident of the named insured's household, a lessee or bailee of
18 the motor vehicle, or an employee of any of those persons; and
19 (B) the insurance afforded to any person other than the named
20 insured need not apply to: (i) any employee with respect to bodily
21 injury sustained by a fellow employee injured in the scope and
22 course of his or her employment, or (ii) any person, or to any agent
23 or employee thereof, employed or otherwise engaged in the
24 business of selling, repairing, servicing, delivering, testing,
25 road-testing, parking, or storing automobiles with respect to any
26 accident arising out of the maintenance or use of a motor vehicle
27 in connection therewith. As used in this chapter, "owned motor
28 vehicle" includes all motor vehicles described and rated in the
29 policy.

30 (c) In addition to any exclusion provided in paragraph (3) of
31 subdivision (b), the insurance afforded by any policy of automobile
32 liability insurance to which subdivision (a) applies, including the
33 insurer's obligation to defend, may, by appropriate policy
34 provision, be made inapplicable to any or all of the following:

35 (1) Liability assumed by the insured under contract.

36 (2) Liability for bodily injury or property damage caused
37 intentionally by or at the direction of the insured.

38 (3) Liability imposed upon or assumed by the insured under
39 any workers' compensation law.

1 (4) Liability for bodily injury to any employee of the insured
2 arising out of and in the course of his or her employment.

3 (5) Liability for bodily injury to an insured or liability for bodily
4 injury to an insured whenever the ultimate benefits of that
5 indemnification accrue directly or indirectly to an insured.

6 (6) Liability for damage to property owned, rented to,
7 transported by, or in the charge of, an insured. A motor vehicle
8 operated by an insured shall be considered to be property in the
9 charge of an insured.

10 (7) Liability for any bodily injury or property damage with
11 respect to which insurance is or can be afforded under a nuclear
12 energy liability policy.

13 (8) Any motor vehicle or class of motor vehicles, as described
14 or designated in the policy, with respect to which coverage is
15 explicitly excluded, in whole or in part.

16 “The insured” as used in paragraphs (1), (2), (3), and (4) shall
17 mean only that insured under the policy against whom the particular
18 claim is made or suit brought. “An insured” as used in paragraphs
19 (5) and (6) shall mean any insured under the policy including those
20 persons who would have otherwise been included within the
21 policy’s definition of an insured but, by agreement, are subject to
22 the limitations of paragraph (1) of subdivision (d).

23 (d) Notwithstanding paragraph (4) of subdivision (b), or Article
24 2 (commencing with Section 16450) of Chapter 3 of Division 7
25 of, or Article 2 (commencing with Section 17150) of Chapter 1 of
26 Division 9 of, the Vehicle Code, the insurer and any named insured
27 may, by the terms of any policy of automobile liability insurance
28 to which subdivision (a) applies, or by a separate writing relating
29 thereto, agree as to either or both of the following limitations, the
30 agreement to be binding upon every insured to whom the policy
31 applies and upon every third-party claimant:

32 (1) That coverage and the insurer’s obligation to defend under
33 the policy shall not apply nor accrue to the benefit of any insured
34 or any third-party claimant while any motor vehicle is being used
35 or operated by a natural person or persons designated by name.
36 These limitations shall apply to any use or operation of a motor
37 vehicle, including the negligent or alleged negligent entrustment
38 of a motor vehicle to that designated person or persons. This
39 agreement applies to all coverage provided by that policy and is
40 sufficient to comply with the requirements of paragraph (2) of

1 subdivision (a) of Section 11580.2 to delete coverage when a motor
2 vehicle is operated by a natural person or persons designated by
3 name. The insurer shall have an obligation to defend the named
4 insured when all of the following apply to that designated natural
5 person:

6 (A) He or she is a resident of the same household as the named
7 insured.

8 (B) As a result of operating the insured motor vehicle of the
9 named insured, he or she is jointly sued with the named insured.

10 (C) He or she is an insured under a separate automobile liability
11 insurance policy issued to him or her as a named insured, which
12 policy does not provide a defense to the named insured.

13 An agreement made by the insurer and any named insured more
14 than 60 days following the inception of the policy excluding a
15 designated person by name shall be effective from the date of the
16 agreement and shall, with the signature of a named insured, be
17 conclusive evidence of the validity of the agreement.

18 That agreement shall remain in force as long as the policy
19 remains in force, and shall apply to any continuation, renewal, or
20 replacement of the policy by the named insured, or reinstatement
21 of the policy within 30 days of any lapse thereof.

22 (2) That with regard to a policy issued to a named insured
23 engaged in the business of leasing vehicles for those vehicles that
24 are leased for a term in excess of six months, or selling, repairing,
25 servicing, delivering, testing, road-testing, parking, or storing
26 automobiles, coverage shall not apply to any person other than the
27 named insured or his or her agent or employee, except to the extent
28 that the limits of liability of any other valid and collectible
29 insurance available to that person are not equal to the limits of
30 liability specified in subdivision (a) of Section 16056 of the Vehicle
31 Code. If the policy is issued to a named insured engaged in the
32 business of leasing vehicles, which business includes the lease of
33 vehicles for a term in excess of six months, and the lessor includes
34 in the lease automobile liability insurance, the terms and limits of
35 which are not otherwise specified in the lease, the named insured
36 shall incorporate a provision in each vehicle lease contract advising
37 the lessee of the provisions of this subdivision and the fact that
38 this limitation is applicable except as otherwise provided for by
39 statute or federal law.

1 (e) Nothing in this section or in Section 16054 or 16450 of the
2 Vehicle Code shall be construed to constitute a homeowner's
3 policy, personal and residence liability policy, personal and farm
4 liability policy, general liability policy, comprehensive personal
5 liability policy, manufacturers' and contractors' policy, premises
6 liability policy, special multiperil policy, or any policy or
7 endorsement where automobile liability coverage is offered as
8 incidental to some other basic coverage as an "automobile liability
9 policy" within the meaning of Section 16054 of the Vehicle Code,
10 or as a "motor vehicle liability policy" within the meaning of
11 Section 16450 of the Vehicle Code, nor shall this section apply to
12 a policy that provides insurance covering liability arising out of
13 the ownership, maintenance, or use of any motor vehicle in the
14 Republic of Mexico issued or delivered in this state by a
15 nonadmitted Mexican insurer, notwithstanding that the policy may
16 provide automobile or motor vehicle liability coverage on insured
17 premises or the ways immediately adjoining.

18 (f) (1) On and after January 1, 1976, no policy of automobile
19 liability insurance described in subdivision (a) shall be issued,
20 amended, or renewed in this state if it contains any provision that
21 expressly or impliedly excludes from coverage under the policy
22 the operation or use of an insured motor vehicle by the named
23 insured in the performance of volunteer services for a nonprofit
24 charitable organization or governmental agency by providing social
25 service transportation. This subdivision shall not apply in any case
26 in which the named insured receives any remuneration of any kind
27 other than reimbursement for actual mileage driven in the
28 performance of those services at a rate not to exceed the following:

29 (A) For the 1980–81 fiscal year, the maximum rate authorized
30 by the California Victim Compensation and Government Claims
31 Board shall also be known as the "base rate."

32 (B) For each fiscal year thereafter, the greater of either (A) the
33 maximum rate authorized by the Department of General Services
34 or (B) the base rate as adjusted by the California Consumer Price
35 Index.

36 (2) No policy of insurance issued under this section may be
37 canceled by an insurer solely for the reason that the named insured
38 is performing volunteer services for a nonprofit charitable
39 organization or governmental agency consisting of providing social
40 service transportation.

1 (3) For the purposes of this section, “social service
2 transportation” means transportation services provided by private
3 nonprofit organizations or individuals to either individuals who
4 are senior citizens or individuals or groups of individuals who have
5 special transportation needs because of physical or mental
6 conditions and supported in whole or in part by funding from
7 private or public agencies.

8 (g) Notwithstanding paragraph (4) of subdivision (b), or Article
9 2 (commencing with Section 16450) of Chapter 3 of Division 7
10 of, or Article 2 (commencing with Section 17150) of Chapter 1 of
11 Division 9 of, the Vehicle Code, a Mexican nonadmitted insurer
12 and any named insured may, by the terms of any policy of
13 automobile insurance for use solely in the Republic of Mexico to
14 which subdivision (a) applies, or by a separate writing relating
15 thereto, agree to the limitation that coverage under that policy shall
16 not apply to any person riding in or occupying a vehicle owned
17 by the insured or driven by another person with the permission of
18 the insured. The agreement shall be binding upon every insured
19 to whom the policy applies and upon any third-party claimant.

20 (h) No policy of automobile insurance that provides insurance
21 covering liability arising out of the ownership, maintenance, or
22 use of any motor vehicle solely in the Republic of Mexico issued
23 by a nonadmitted Mexican insurance company, shall be subject
24 to, or provide coverage for, those coverages provided in Section
25 11580.2.

26 SEC. 177. Section 11872 of the Insurance Code is amended
27 to read:

28 11872. The fund may annually enter into agreements with state
29 agencies for service to be rendered to the fund. These state agencies
30 include, but shall not be limited to: the Department of Finance,
31 Department of General Services, State Personnel Board, and the
32 Public Employees’ Retirement System. If these agencies and the
33 fund cannot agree upon the cost of services provided by the
34 agreements, the Department of General Services shall be requested
35 to arrive at an equitable settlement.

36 SEC. 178. Section 1308.10 of the Labor Code is amended to
37 read:

38 1308.10. (a) Prior to the employment of a minor under the age
39 of 16 years in any of the circumstances listed in subdivision (a) of
40 Section 1308.5, the Labor Commissioner may issue a temporary

1 permit authorizing employment of the minor to enable a parent or
2 guardian of the minor to meet the requirement for a permit under
3 subdivision (a) of Section 1308.5 and to establish a trust account
4 for the minor or to produce the documentation required by the
5 Labor Commissioner for the issuance of a permit under Section
6 1308.5, subject to all of the following conditions:

7 (1) A temporary permit shall be valid for a period not to exceed
8 10 days from the date of issuance.

9 (2) A temporary permit shall not be issued for the employment
10 of a minor if the minor's parent or guardian has previously applied
11 for or been issued a permit by the Labor Commissioner pursuant
12 to Section 1308.5 or a temporary permit pursuant to this section
13 for employment of the minor.

14 (3) For infants who are subject to the requirements of Section
15 1308.8, a temporary permit shall not be issued before the
16 requirements of that section are met.

17 (4) The Division of Labor Standards Enforcement shall prepare
18 and make available on its Internet Web site the application form
19 for a temporary permit. An applicant for a temporary permit shall
20 submit a completed application and application fee online to the
21 division. Upon receipt of the completed application and fee, the
22 division shall immediately issue a temporary permit.

23 (b) The Labor Commissioner shall set forth the fee in an amount
24 sufficient to pay for the costs of administering the online temporary
25 minor's entertainment work permit program, but not to exceed
26 fifty dollars (\$50).

27 SEC. 179. Section 1308.11 is added to the Labor Code, to read:

28 1308.11. (a) All registrations, fees, and permit fees collected
29 under this article shall be deposited in the Labor Enforcement and
30 Compliance Fund.

31 (b) On the effective date of this section, any moneys in the
32 Entertainment Work Permit Fund and any assets, liabilities,
33 revenues, expenditures, and encumbrances of that fund shall be
34 transferred to the Labor Enforcement and Compliance Fund.

35 SEC. 180. Section 1684 of the Labor Code is amended to read:

36 1684. (a) The Labor Commissioner shall not issue to any
37 person a license to act as a farm labor contractor, nor shall the
38 Labor Commissioner renew that license, until all of the following
39 conditions are satisfied:

1 (1) The person has executed a written application in a form
2 prescribed by the Labor Commissioner, subscribed and sworn to
3 by the person, and containing all of the following:

4 (A) A statement by the person of all facts required by the Labor
5 Commissioner concerning the applicant's character, competency,
6 responsibility, and the manner and method by which the person
7 proposes to conduct operations as a farm labor contractor if the
8 license is issued.

9 (B) The names and addresses of all persons, except bona fide
10 employees on stated salaries, financially interested, either as
11 partners, associates, or profit sharers, in the proposed operation as
12 a farm labor contractor, together with the amount of their respective
13 interests.

14 (C) A declaration consenting to the designation by a court of
15 the Labor Commissioner as an agent available to accept service
16 of summons in any action against the licensee if the licensee has
17 left the jurisdiction in which the action is commenced or otherwise
18 has become unavailable to accept service.

19 (D) The names and addresses of all persons who in the previous
20 calendar year performed any services described in subdivision (b)
21 of Section 1682 within the scope of his or her employment by the
22 licensee on whose behalf he or she was acting, unless the person
23 was employed as an independent contractor.

24 (2) The Labor Commissioner, after investigation, is satisfied as
25 to the character, competency, and responsibility of the person.

26 (3) (A) The person has deposited with the Labor Commissioner
27 a surety bond in an amount based on the size of the person's annual
28 payroll for all employees, as follows:

29 (i) For payrolls up to five hundred thousand dollars (\$500,000),
30 a twenty-five-thousand-dollar (\$25,000) bond.

31 (ii) For payrolls of five hundred thousand dollars (\$500,000) to
32 two million dollars (\$2,000,000), a fifty-thousand-dollar (\$50,000)
33 bond.

34 (iii) For payrolls greater than two million dollars (\$2,000,000),
35 a seventy-five-thousand-dollar (\$75,000) bond.

36 (B) For purposes of this paragraph, the Labor Commissioner
37 shall require documentation of the size of the person's annual
38 payroll, which may include, but is not limited to, information
39 provided by the person to the Employment Development
40 Department, the Franchise Tax Board, the Division of Workers'

1 Compensation, the insurer providing the licensee's workers'
2 compensation insurance, or the Internal Revenue Service.

3 (C) If the contractor has been the subject of a final judgment in
4 a year in an amount equal to or greater than the amount of the bond
5 required, he or she shall be required to deposit an additional bond
6 within 60 days.

7 (D) All bonds required under this chapter shall be payable to
8 the people of the State of California and shall be conditioned upon
9 the farm labor contractor's compliance with all the terms and
10 provisions of this chapter and subdivisions (j) and (k) of Section
11 12940 of, and Sections 12950 and 12950.1 of, the Government
12 Code, and payment of all damages occasioned to any person by
13 failure to do so, or by any violation of this chapter or of subdivision
14 (j) or (k) of Section 12940 of, or of Section 12950 or 12950.1 of,
15 the Government Code, or any violation of Title VII of the Civil
16 Rights Act of 1964 (Public Law 88-352), or false statements or
17 misrepresentations made in the procurement of the license. The
18 bond shall also be payable for interest on wages and for any
19 damages arising from violation of orders of the Industrial Welfare
20 Commission, and for any other monetary relief awarded to an
21 agricultural worker as a result of a violation of this code or of
22 subdivision (j) or (k) of Section 12940 of, or Section 12950 or
23 12950.1 of, the Government Code, or any violation of Title VII
24 of the Civil Rights Act of 1964 (Public Law 88-352).

25 (4) The person has paid to the Labor Commissioner a license
26 fee of five hundred dollars (\$500) plus a filing fee of ten dollars
27 (\$10). However, when a timely application for renewal is filed,
28 the ten-dollar (\$10) filing fee is not required. The license fee shall
29 increase by one hundred dollars (\$100), to six hundred dollars
30 (\$600), on January 1, 2015. The amount attributable to this increase
31 shall be expended by the Labor Commissioner to fund the Farm
32 Labor Contractor Enforcement Unit and the Farm Labor Contractor
33 License Verification Unit. The Labor Commissioner shall deposit
34 one hundred fifty dollars (\$150) of each licensee's annual license
35 fee into the Farmworker Remedial Account. Funds from this
36 account shall be disbursed by the Labor Commissioner only to
37 persons determined by the Labor Commissioner to have been
38 damaged by any licensee if the damage exceeds the amount of the
39 licensee's bond or the surety fails to pay the full amount of the
40 licensee's bond, or to persons determined by the Labor

1 Commissioner to have been damaged by an unlicensed farm labor
2 contractor. In making these determinations, the Labor
3 Commissioner shall disburse funds from the Farmworker Remedial
4 Account to satisfy claims against farm labor contractors or
5 unlicensed farm labor contractors, which shall also include interest
6 on wages and any damages arising from the violation of orders of
7 the Industrial Welfare Commission, for any other monetary relief
8 awarded to an agricultural worker as a result of a violation of this
9 code, and for all damages arising from any violation of subdivision
10 (j) or (k) of Section 12940 of, or of Section 12950 or 12950.1 of,
11 the Government Code, or any violation of Title VII of the Civil
12 Rights Act of 1964 (Public Law 88-352). The Labor Commissioner
13 may disburse funds from the Farmworker Remedial Account to
14 farm labor contractors, for payment of farmworkers, when a
15 contractor is unable to pay farmworkers due to the failure of a
16 grower or packer to pay the contractor. Any disbursed funds
17 subsequently recovered by the Labor Commissioner pursuant to
18 Section 1693, or otherwise, shall be returned to the Farmworker
19 Remedial Account.

20 (5) The person has taken a written examination that demonstrates
21 an essential degree of knowledge of the current laws and
22 administrative regulations concerning farm labor contractors as
23 the Labor Commissioner deems necessary for the safety and
24 protection of farmers, farmworkers, and the public, including the
25 identification and prevention of sexual harassment in the
26 workplace. To successfully complete the examinations, the person
27 must correctly answer at least 85 percent of the questions posed.
28 The examination period shall not exceed four hours. The
29 examination may only be taken a maximum of three times in a
30 calendar year. The examinations shall include a demonstration of
31 knowledge of the current laws and regulations regarding wages,
32 hours, and working conditions, penalties, employee housing and
33 transportation, collective bargaining, field sanitation, and safe
34 work practices related to pesticide use, including all of the
35 following subjects:

- 36 (A) Field reentry regulations.
- 37 (B) Worker pesticide safety training.
- 38 (C) Employer responsibility for safe working conditions.
- 39 (D) Symptoms and appropriate treatment of pesticide poisoning.

1 (6) The person has registered as a farm labor contractor pursuant
2 to the federal Migrant and Seasonal Agricultural Worker Protection
3 Act (29 U.S.C. Sec. 1801 et seq.), when registration is required
4 pursuant to federal law, and that information is provided by the
5 person to the Labor Commissioner.

6 (7) Each of the person's employees has registered as a farm
7 labor contractor employee pursuant to the federal Migrant and
8 Seasonal Agricultural Worker Protection Act (29 U.S.C. Sec. 1801
9 et seq.) if that registration is required pursuant to federal law, and
10 that information is provided by the person to the Labor
11 Commissioner.

12 (8) (A) The person has executed a written statement, that has
13 been provided to the Labor Commissioner, attesting that the
14 person's supervisory employees, including any supervisor,
15 crewleader, mayordomo, foreperson, or other employee whose
16 duties include the supervision, direction, or control of agricultural
17 employees, have been trained at least once for at least two hours
18 each calendar year in the prevention of sexual harassment in the
19 workplace, and that all new nonsupervisory employees, including
20 agricultural employees, have been trained at the time of hire, and
21 that all nonsupervisory employees, including agricultural
22 employees, have been trained at least once every two years in
23 identifying, preventing, and reporting sexual harassment in the
24 workplace.

25 (B) Sexual harassment prevention training shall consist of
26 training administered by a licensee or appropriate designee of the
27 licensee.

28 (C) Sexual harassment prevention training shall include, at a
29 minimum, components of the following as consistent with Section
30 12950 of the Government Code:

31 (i) The illegality of sexual harassment.

32 (ii) The definition of sexual harassment under applicable state
33 and federal law.

34 (iii) A description of sexual harassment, utilizing examples.

35 (iv) The internal complaint process of the employer available
36 to the employee.

37 (v) The legal remedies and complaint process available through
38 the Department of Fair Employment and Housing.

39 (vi) Directions for how to contact the Department of Fair
40 Employment and Housing.

1 (vii) The protection against retaliation provided under current
2 law.

3 (D) The trainer may use the text of the Department of Fair
4 Employment and Housing’s pamphlet DFEH-185, “Sexual
5 Harassment” as a guide to training, or may use other written
6 material or other training resources covering the information
7 required in subparagraph (C).

8 (E) At the conclusion of the training, the trainer shall provide
9 the employee with a copy of the Department of Fair Employment
10 and Housing’s pamphlet DFEH-185, and a record of the training
11 on a form provided by the Labor Commissioner that includes the
12 name of the trainer and the date of the training.

13 (F) The licensee shall keep a record with the names of all
14 employees who have received sexual harassment training for a
15 period of three years.

16 (b) The Labor Commissioner shall consult with the Director of
17 Pesticide Regulation, the Department of the California Highway
18 Patrol, the Department of Housing and Community Development,
19 the Employment Development Department, the Department of
20 Fair Employment and Housing, the Department of Food and
21 Agriculture, the Department of Motor Vehicles, and the Division
22 of Occupational Safety and Health in preparing the examination
23 required by paragraph (5) of subdivision (a) and the appropriate
24 educational materials pertaining to the matters included in the
25 examination, and may charge a fee of not more than two hundred
26 dollars (\$200) to cover the cost of administration of the
27 examination.

28 (c) The person shall also enroll and participate in at least nine
29 hours of relevant educational classes each year. The classes shall
30 include at least one hour of sexual harassment prevention training.
31 The classes shall be chosen from a list of approved classes prepared
32 by the Labor Commissioner, in consultation with the persons and
33 entities listed in subdivision (b) and county agricultural
34 commissioners.

35 (d) The Labor Commissioner may renew a license without
36 requiring the applicant for renewal to take the examination
37 specified in paragraph (5) of subdivision (a) if the Labor
38 Commissioner finds that the applicant meets all of the following
39 criteria:

1 (1) Has satisfactorily completed the examination during the
2 immediately preceding two years.

3 (2) Has not during the preceding year been found to be in
4 violation of any applicable laws or regulations including, but not
5 limited to, Division 7 (commencing with Section 12501) of the
6 Food and Agricultural Code, subdivisions (j) and (k) of Section
7 12940 of, and Section 12950 or 12950.1 of, the Government Code,
8 Part 1 (commencing with Section 17000) of Division 13 of the
9 Health and Safety Code, Division 2 (commencing with Section
10 200), Division 4 (commencing with Section 3200), and Division
11 5 (commencing with Section 6300) of this code, and Chapter 1
12 (commencing with Section 12500) of Division 6 of the Vehicle
13 Code.

14 (3) Has, for each year since the license was obtained, enrolled
15 and participated in at least eight hours of relevant, educational
16 classes, chosen from a list of approved classes prepared by the
17 Labor Commissioner.

18 (4) Has complied with all other requirements of this section.

19 SEC. 181. Section 1698 of the Labor Code is amended to read:

20 1698. All fines collected for violations of this chapter shall be
21 paid into the Farmworker Remedial Account and shall be available,
22 upon appropriation, for purposes of this chapter. Of the moneys
23 collected for licenses issued pursuant to this chapter, one hundred
24 fifty dollars (\$150) of each annual license fee shall be deposited
25 in the Farmworker Remedial Account pursuant to paragraph (4)
26 of subdivision (a) of Section 1684, three hundred fifty dollars
27 (\$350) of each annual license fee shall be expended by the Labor
28 Commissioner to fund the Farm Labor Contractor Enforcement
29 Unit and the Farm Labor Contractor License Verification Unit,
30 both within the department, and the remaining money shall be paid
31 into the Labor Enforcement and Compliance Fund.

32 SEC. 182. Section 1700.18 of the Labor Code is amended to
33 read:

34 1700.18. (a) All moneys collected for filing fees and licenses
35 under this chapter shall be paid into the State Treasury and credited
36 to the Labor Enforcement and Compliance Fund.

37 (b) All fines collected for violations of this chapter shall be paid
38 into the State Treasury and credited to the General Fund.

39 SEC. 183. Section 1706 of the Labor Code is amended to read:

1 1706. (a) (1) No person shall represent or provide specified
2 services to any artist who is a minor, under 18 years of age, without
3 first submitting an application to the Labor Commissioner for a
4 Child Performer Services Permit and receiving that permit.

5 (2) The Labor Commissioner shall set forth a filing fee, to be
6 paid by the applicant to the commissioner at the time the
7 application is filed, in an amount sufficient to reimburse the Labor
8 Commissioner for the costs of the permit program. This amount
9 shall be in addition to any charge imposed by the Labor
10 Commissioner pursuant to paragraph (3) of subdivision (c).

11 (3) (A) The Labor Commissioner shall issue a Child Performer
12 Services Permit to the applicant after he or she has received the
13 application and filing fee and determined from information
14 provided by the Department of Justice that the person is not
15 required to register pursuant to Sections 290 to 290.006, inclusive,
16 of the Penal Code.

17 (B) After receiving his or her first Child Performer Services
18 Permit, a person shall on a biennial basis renew his or her
19 application by resubmitting his or her name and a new filing fee
20 to the Labor Commissioner in the amount set forth by the Labor
21 Commissioner pursuant to paragraph (2). The Labor Commissioner
22 shall issue a renewed permit to the person after receiving his or
23 her application and filing fee and determining from the subsequent
24 arrest notification provided by the Department of Justice pursuant
25 to subparagraph (D) of paragraph (2) of subdivision (c) that the
26 person is not required to register pursuant to Sections 290 to
27 290.006, inclusive, of the Penal Code. A person shall not be
28 required to resubmit his or her fingerprints in order to renew his
29 or her permit.

30 (b) Except for subdivision (f) and Sections 1706.1 to 1706.5,
31 inclusive, when applied to a violation of subdivision (f), this
32 chapter does not apply to the following:

33 (1) A person licensed as a talent agent as specified in Chapter
34 4 (commencing with Section 1700), or operating under the license
35 of a talent agent.

36 (2) A studio teacher certified by the Labor Commissioner as
37 defined in Section 11755 of Title 8 of the California Code of
38 Regulations.

39 (3) A person whose contact with minor children is restricted to
40 locations where, either by law or regulation, the minor must be

1 accompanied at all times by a parent or guardian, and the parent
2 or guardian must be within sight or sound of the minor.

3 (4) A person who has only incidental and occasional contact
4 with minor children, unless the person works directly with minor
5 children, has supervision or disciplinary power over minor children,
6 or receives a fee.

7 (c) (1) Each person required to submit an application to the
8 Labor Commissioner pursuant to paragraph (1) of subdivision (a)
9 shall provide to the Department of Justice electronic fingerprint
10 images and related information required by the department of all
11 permit applicants, for the purposes of obtaining information as to
12 the existence and content of a record of state or federal arrests and
13 convictions, including arrests for which the Department of Justice
14 establishes that the person is free on bail or on his or her
15 recognizance pending trial or appeal.

16 (2) (A) When received, the Department of Justice shall forward
17 the fingerprint images and related information described in
18 paragraph (1) to the Federal Bureau of Investigation and request
19 a federal summary for criminal history information.

20 (B) (i) The Department of Justice shall review the information
21 returned from the Federal Bureau of Investigation and compile
22 and disseminate a response to the Labor Commissioner.

23 (ii) The Department of Justice's response shall provide both
24 state and federal criminal history information pursuant to paragraph
25 (1) of subdivision (p) of Section 11105 of the Penal Code.

26 (C) The Labor Commissioner shall request from the Department
27 of Justice subsequent arrest notification service, as provided
28 pursuant to Section 11105.2 of the Penal Code, for each person
29 who submitted fingerprint images and the related information
30 pursuant to paragraph (1).

31 (3) (A) The Department of Justice shall charge the Labor
32 Commissioner a fee sufficient to cover the cost of processing the
33 request described in paragraph (2).

34 (B) In addition to the filing fee paid by the applicant pursuant
35 to subdivision (a) to reimburse the Labor Commissioner for the
36 costs of the permit program, the Labor Commissioner may charge
37 the applicant a fee sufficient to cover the costs of the fee imposed
38 by the Department of Justice pursuant to subparagraph (A). The
39 amount of the fee imposed pursuant to this subparagraph shall be
40 forwarded by the Labor Commissioner to the Department of Justice

1 with the applicant's name, fingerprints, and other information
2 described in paragraph (1). This fee shall be available to the
3 Department of Justice for the purposes described in subparagraph
4 (A), upon appropriation by the Legislature.

5 (4) Upon receipt of information from the Department of Justice
6 provided pursuant to subparagraphs (C) and (D) of paragraph (2),
7 the commissioner shall timely cause a copy of the information to
8 be sent to the person who has submitted the application, and shall
9 keep a copy of the information and application on file.

10 (d) The Labor Commissioner shall maintain a list of all persons
11 holding a valid Child Performer Services Permit issued under this
12 chapter and make this list publicly available on its Internet Web
13 site.

14 (e) (1) Upon receipt of a valid Child Performer Services Permit,
15 the recipient shall post the permit in a conspicuous place in his or
16 her place of business.

17 (2) Any person who is a recipient of a valid Child Performer
18 Services Permit shall include the permit number on advertising in
19 print or electronic media, including, but not limited to, Internet
20 Web sites, or in any other medium of advertising.

21 (f) No person, including a person described in subdivision (b),
22 who is required to register pursuant to Sections 290 to 290.006,
23 inclusive, of the Penal Code may represent or provide specified
24 services to any artist who is a minor.

25 (g) For purposes of this section, the following terms have the
26 following meanings:

27 (1) "Artist" means a person who is or seeks to become an actor,
28 actress, model, extra, radio artist, musical artist, musical
29 organization, director, musical director, writer, cinematographer,
30 composer, lyricist, arranger, or other person rendering professional
31 services in motion picture, theatrical, radio, television, Internet,
32 print media, or other entertainment enterprises or technologies.

33 (2) Except as used in the context of a fee an applicant is required
34 to pay with his or her application, "fee" means any money or other
35 valuable consideration paid or promised to be paid by an artist, by
36 an individual on behalf of an artist, or by a corporation formed on
37 behalf of an artist for services rendered or to be rendered by any
38 person conducting the business of representing artists.

1 (3) “Person” means any individual, company, society, firm,
2 partnership, association, corporation, limited liability company,
3 trust, or other organization.

4 (4) To “represent or provide specified services to” means to
5 provide, offer to provide, or advertise or represent as providing,
6 for a fee one or more of the following services:

7 (A) Photography for use as an artist, including, but not limited
8 to, still photography, digital photography, and video and film
9 services.

10 (B) Managing or directing the development or advancement of
11 the artist’s career as an artist.

12 (C) Career counseling, career consulting, vocational guidance,
13 aptitude testing, evaluation, or planning, in each case relating to
14 the preparation of the artist for employment as an artist.

15 (D) Public relations services or publicity, or both, including
16 arranging personal appearances, developing and distributing press
17 packets, managing fan mail, designing and maintaining Internet
18 Web sites, and consulting on media relations.

19 (E) Instruction, evaluation, lessons, coaching, seminars,
20 workshops, or similar training as an artist, including, but not limited
21 to, acting, singing, dance, voice, or similar instruction services.

22 (F) A camp for artists, which includes, but is not limited to, a
23 day camp or overnight camp in which any portion of the camp
24 includes any services described in subparagraphs (A) to (E),
25 inclusive.

26 (h) (1) The Labor Commissioner shall deposit all filing fees
27 described in subdivision (a) into the Labor Enforcement and
28 Compliance Fund to pay for the costs of administering the Child
29 Performer Services Permit program.

30 (2) On the effective date of the statute adding this subdivision,
31 any moneys in the Child Performer Services Permit Fund and any
32 assets, liabilities, revenues, expenditures, and encumbrances of
33 that fund shall be transferred to the Labor Enforcement and
34 Compliance Fund.

35 SEC. 184. Section 1720.9 of the Labor Code is amended to
36 read:

37 1720.9. (a) For the limited purposes of Article 2 (commencing
38 with Section 1770), “public works” also means the hauling and
39 delivery of ready-mixed concrete to carry out a public works
40 contract, with respect to contracts involving any state agency,

1 including the California State University and the University of
2 California, or any political subdivision of the state.

3 (b) For purposes of this section, “ready-mixed concrete” means
4 concrete that is manufactured in a factory or a batching plant,
5 according to a set recipe, and then delivered in a liquefied state by
6 mixer truck for immediate incorporation into a project.

7 (c) For purposes of this section, the “hauling and delivery of
8 ready-mixed concrete to carry out a public works contract” means
9 the job duties for a ready mixer driver that are used by the director
10 in determining wage rates pursuant to Section 1773, and includes
11 receiving the concrete at the factory or batching plant and the return
12 trip to the factory or batching plant.

13 (d) For purposes of this section, the applicable prevailing wage
14 rate shall be the current prevailing wage, as determined by the
15 director, for the geographic area in which the factory or batching
16 plant is located.

17 (e) The entity hauling or delivering ready-mixed concrete to
18 carry out a public works contract shall enter into a written
19 subcontract agreement with the party that engaged the entity to
20 supply the ready-mixed concrete. The written agreement shall
21 require compliance with the requirements of this chapter. The
22 entity hauling or delivering ready-mixed concrete shall be
23 considered a subcontractor solely for the purposes of this chapter.
24 Nothing in this section shall cause any entity to be treated as a
25 contractor or subcontractor for any purpose other than the
26 application of this chapter.

27 (f) The entity hauling or delivering ready-mixed concrete to
28 carry out a public works contract shall submit a certified copy of
29 the payroll records required by subdivision (a) of Section 1776 to
30 the party that engaged the entity and to the general contractor
31 within five working days after the employee has been paid,
32 accompanied by a written time record that shall be certified by
33 each driver for the performance of job duties in subdivision (c).

34 (g) This section shall not apply to public works contracts that
35 are advertised for bid or awarded prior to July 1, 2016.

36 SEC. 185. Section 2059 of the Labor Code is amended to read:

37 2059. (a) (1) The commissioner shall collect from employers
38 a registration fee for each branch location, and, except as provided
39 in paragraph (2), may periodically adjust the registration fee, in

1 an amount sufficient to fund all direct and indirect costs to
2 administer and enforce this part.

3 (2) The fee established pursuant to paragraph (1) shall not be
4 increased unless the published fund balance is projected to fall
5 below 25 percent of annual expenditures.

6 (b) In addition to the fee in subdivision (a), each employer shall
7 be assessed an annual fee in an amount equivalent to 20 percent
8 of the registration fee collected pursuant to subdivision (a) for each
9 branch location that shall be deposited in the Car Wash Worker
10 Restitution Fund.

11 SEC. 186. Section 2065 of the Labor Code is amended to read:

12 2065. (a) The Car Wash Worker Restitution Fund is established
13 in the State Treasury.

14 (1) The following moneys shall be deposited into this fund:

15 (A) The annual fee required pursuant to subdivision (b) of
16 Section 2059.

17 (B) Fifty percent of the fines collected pursuant to Section 2064.

18 (C) Pursuant to subdivision (b) of Section 2059, an amount
19 equal to 20 percent of the initial registration fee required pursuant
20 to subdivision (a) of Section 2059.

21 (2) Upon appropriation by the Legislature, the moneys in the
22 fund shall be disbursed by the commissioner only to persons
23 determined by the commissioner to have been damaged by the
24 failure to pay wages and penalties and other related damages by
25 any employer, to ensure the payment of wages and penalties and
26 other related damages. Any disbursed funds subsequently recovered
27 by the commissioner shall be returned to the fund.

28 (b) The Car Wash Worker Fund is established in the State
29 Treasury.

30 (1) The following moneys shall be deposited into this fund:

31 (A) Fifty percent of the fines collected pursuant to Section 2064.

32 (B) The initial registration fee required pursuant to subdivision
33 (a) of Section 2059, less the amount specified in subparagraph (C)
34 of paragraph (1) of subdivision (a).

35 (2) Upon appropriation by the Legislature, the moneys in this
36 fund shall be applied to all direct and indirect costs incurred by
37 the commissioner in administering this part and all direct and
38 indirect costs of enforcement and investigation of the car washing
39 and polishing industry.

1 (c) The Department of Industrial Relations may establish by
2 regulation those procedures necessary to carry out this section.

3 SEC. 187. Section 2658 of the Labor Code is amended to read:

4 2658. (a) A person shall not employ an industrial homemaker
5 in any industry not prohibited by Section 2651 unless the person
6 employing an industrial homemaker has obtained a valid industrial
7 homework license from the division.

8 (b) Application for a license to employ industrial homeworkers
9 shall be made to the division in a form as the division may by
10 regulation prescribe. A license fee of one hundred dollars (\$100)
11 for each industrial homemaker employed shall be paid to the
12 division and the license shall be valid for a period of one year from
13 the date of issuance unless sooner revoked or suspended.

14 (c) Renewal fees shall be at the same rate and conditions as the
15 original license.

16 (d) The division may revoke or suspend the license upon a
17 finding that the person has violated this part or has failed to comply
18 with the regulations of the division or with the license. The
19 industrial homework license shall not be transferable.

20 (e) All license and permit fees received under this part shall be
21 paid into the Labor Enforcement and Compliance Fund.

22 SEC. 188. It is the intent of the Legislature that the Labor and
23 Workforce Development Agency shall continue to assign the duties
24 prescribed in the Labor Code Private Attorneys General Act of
25 2004 (Part 13 (commencing with Section 2698) of Division 2 of
26 the Labor Code) to the departments, divisions, commissions,
27 boards, or agencies where those duties are customarily performed.

28 SEC. 189. Section 2699 of the Labor Code is amended to read:

29 2699. (a) Notwithstanding any other provision of law, any
30 provision of this code that provides for a civil penalty to be
31 assessed and collected by the Labor and Workforce Development
32 Agency or any of its departments, divisions, commissions, boards,
33 agencies, or employees, for a violation of this code, may, as an
34 alternative, be recovered through a civil action brought by an
35 aggrieved employee on behalf of himself or herself and other
36 current or former employees pursuant to the procedures specified
37 in Section 2699.3.

38 (b) For purposes of this part, “person” has the same meaning
39 as defined in Section 18.

1 (c) For purposes of this part, “aggrieved employee” means any
2 person who was employed by the alleged violator and against
3 whom one or more of the alleged violations was committed.

4 (d) For purposes of this part, “cure” means that the employer
5 abates each violation alleged by any aggrieved employee, the
6 employer is in compliance with the underlying statutes as specified
7 in the notice required by this part, and any aggrieved employee is
8 made whole. A violation of paragraph (6) or (8) of subdivision (a)
9 of Section 226 shall only be considered cured upon a showing that
10 the employer has provided a fully compliant, itemized wage
11 statement to each aggrieved employee for each pay period for the
12 three-year period prior to the date of the written notice sent
13 pursuant to paragraph (1) of subdivision (c) of Section 2699.3.

14 (e) (1) For purposes of this part, whenever the Labor and
15 Workforce Development Agency, or any of its departments,
16 divisions, commissions, boards, agencies, or employees, has
17 discretion to assess a civil penalty, a court is authorized to exercise
18 the same discretion, subject to the same limitations and conditions,
19 to assess a civil penalty.

20 (2) In any action by an aggrieved employee seeking recovery
21 of a civil penalty available under subdivision (a) or (f), a court
22 may award a lesser amount than the maximum civil penalty amount
23 specified by this part if, based on the facts and circumstances of
24 the particular case, to do otherwise would result in an award that
25 is unjust, arbitrary and oppressive, or confiscatory.

26 (f) For all provisions of this code except those for which a civil
27 penalty is specifically provided, there is established a civil penalty
28 for a violation of these provisions, as follows:

29 (1) If, at the time of the alleged violation, the person does not
30 employ one or more employees, the civil penalty is five hundred
31 dollars (\$500).

32 (2) If, at the time of the alleged violation, the person employs
33 one or more employees, the civil penalty is one hundred dollars
34 (\$100) for each aggrieved employee per pay period for the initial
35 violation and two hundred dollars (\$200) for each aggrieved
36 employee per pay period for each subsequent violation.

37 (3) If the alleged violation is a failure to act by the Labor and
38 Workplace Development Agency, or any of its departments,
39 divisions, commissions, boards, agencies, or employees, there shall
40 be no civil penalty.

1 (g) (1) Except as provided in paragraph (2), an aggrieved
2 employee may recover the civil penalty described in subdivision
3 (f) in a civil action pursuant to the procedures specified in Section
4 2699.3 filed on behalf of himself or herself and other current or
5 former employees against whom one or more of the alleged
6 violations was committed. Any employee who prevails in any
7 action shall be entitled to an award of reasonable attorney's fees
8 and costs, including any filing fee paid pursuant to subparagraph
9 (B) of paragraph (1) of subdivision (a) or subparagraph (B) of
10 paragraph (1) of subdivision (c) of Section 2699.3. Nothing in this
11 part shall operate to limit an employee's right to pursue or recover
12 other remedies available under state or federal law, either separately
13 or concurrently with an action taken under this part.

14 (2) No action shall be brought under this part for any violation
15 of a posting, notice, agency reporting, or filing requirement of this
16 code, except where the filing or reporting requirement involves
17 mandatory payroll or workplace injury reporting.

18 (h) No action may be brought under this section by an aggrieved
19 employee if the agency or any of its departments, divisions,
20 commissions, boards, agencies, or employees, on the same facts
21 and theories, cites a person within the timeframes set forth in
22 Section 2699.3 for a violation of the same section or sections of
23 the Labor Code under which the aggrieved employee is attempting
24 to recover a civil penalty on behalf of himself or herself or others
25 or initiates a proceeding pursuant to Section 98.3.

26 (i) Except as provided in subdivision (j), civil penalties
27 recovered by aggrieved employees shall be distributed as follows:
28 75 percent to the Labor and Workforce Development Agency for
29 enforcement of labor laws, including the administration of this
30 part, and for education of employers and employees about their
31 rights and responsibilities under this code, to be continuously
32 appropriated to supplement and not supplant the funding to the
33 agency for those purposes; and 25 percent to the aggrieved
34 employees.

35 (j) Civil penalties recovered under paragraph (1) of subdivision
36 (f) shall be distributed to the Labor and Workforce Development
37 Agency for enforcement of labor laws, including the administration
38 of this part, and for education of employers and employees about
39 their rights and responsibilities under this code, to be continuously

1 appropriated to supplement and not supplant the funding to the
2 agency for those purposes.

3 (k) Nothing contained in this part is intended to alter or
4 otherwise affect the exclusive remedy provided by the workers'
5 compensation provisions of this code for liability against an
6 employer for the compensation for any injury to or death of an
7 employee arising out of and in the course of employment.

8 (l) (1) For cases filed on or after July 1, 2016, the aggrieved
9 employee or representative shall, within 10 days following
10 commencement of a civil action pursuant to this part, provide the
11 Labor and Workforce Development Agency with a file-stamped
12 copy of the complaint that includes the case number assigned by
13 the court.

14 (2) The superior court shall review and approve any settlement
15 of any civil action filed pursuant to this part. The proposed
16 settlement shall be submitted to the agency at the same time that
17 it is submitted to the court.

18 (3) A copy of the superior court's judgment in any civil action
19 filed pursuant to this part and any other order in that action that
20 either provides for or denies an award of civil penalties under this
21 code shall be submitted to the agency within 10 days after entry
22 of the judgment or order.

23 (4) Items required to be submitted to the Labor and Workforce
24 Development Agency under this subdivision or to the Division of
25 Occupational Safety and Health pursuant to paragraph (4) of
26 subdivision (b) of Section 2699.3, shall be transmitted online
27 through the same system established for the filing of notices and
28 requests under subdivisions (a) and (c) of Section 2699.3.

29 (m) This section shall not apply to the recovery of administrative
30 and civil penalties in connection with the workers' compensation
31 law as contained in Division 1 (commencing with Section 50) and
32 Division 4 (commencing with Section 3200), including, but not
33 limited to, Sections 129.5 and 132a.

34 (n) The agency or any of its departments, divisions,
35 commissions, boards, or agencies may promulgate regulations to
36 implement the provisions of this part.

37 SEC. 190. Section 2699.3 of the Labor Code is amended to
38 read:

39 2699.3. (a) A civil action by an aggrieved employee pursuant
40 to subdivision (a) or (f) of Section 2699 alleging a violation of any

1 provision listed in Section 2699.5 shall commence only after the
2 following requirements have been met:

3 (1) (A) The aggrieved employee or representative shall give
4 written notice by online filing with the Labor and Workforce
5 Development Agency and by certified mail to the employer of the
6 specific provisions of this code alleged to have been violated,
7 including the facts and theories to support the alleged violation.

8 (B) A notice filed with the Labor and Workforce Development
9 Agency pursuant to subparagraph (A) and any employer response
10 to that notice shall be accompanied by a filing fee of seventy-five
11 dollars (\$75). The fees required by this subparagraph are subject
12 to waiver in accordance with the requirements of Sections 68632
13 and 68633 of the Government Code.

14 (C) The fees paid pursuant to subparagraph (B) shall be paid
15 into the Labor and Workforce Development Fund and used for the
16 purposes specified in subdivision (j) of Section 2699.

17 (2) (A) The agency shall notify the employer and the aggrieved
18 employee or representative by certified mail that it does not intend
19 to investigate the alleged violation within 60 calendar days of the
20 postmark date of the notice received pursuant to paragraph (1).
21 Upon receipt of that notice or if no notice is provided within 65
22 calendar days of the postmark date of the notice given pursuant to
23 paragraph (1), the aggrieved employee may commence a civil
24 action pursuant to Section 2699.

25 (B) If the agency intends to investigate the alleged violation, it
26 shall notify the employer and the aggrieved employee or
27 representative by certified mail of its decision within 65 calendar
28 days of the postmark date of the notice received pursuant to
29 paragraph (1). Within 120 calendar days of that decision, the
30 agency may investigate the alleged violation and issue any
31 appropriate citation. If the agency, during the course of its
32 investigation, determines that additional time is necessary to
33 complete the investigation, it may extend the time by not more
34 than 60 additional calendar days and shall issue a notice of the
35 extension. If the agency determines that no citation will be issued,
36 it shall notify the employer and aggrieved employee of that decision
37 within five business days thereof by certified mail. Upon receipt
38 of that notice or if no citation is issued by the agency within the
39 time limits prescribed by subparagraph (A) and this subparagraph
40 or if the agency fails to provide timely or any notification, the

1 aggrieved employee may commence a civil action pursuant to
2 Section 2699.

3 (C) Notwithstanding any other provision of law, a plaintiff may
4 as a matter of right amend an existing complaint to add a cause of
5 action arising under this part at any time within 60 days of the time
6 periods specified in this part.

7 (D) The time limits prescribed by this paragraph shall only apply
8 if the notice required by paragraph (1) is filed with the agency on
9 or after July 1, 2016. For notices submitted prior to July 1, 2016,
10 the time limits in effect on the postmark date of the notice shall
11 apply.

12 (b) A civil action by an aggrieved employee pursuant to
13 subdivision (a) or (f) of Section 2699 alleging a violation of any
14 provision of Division 5 (commencing with Section 6300) other
15 than those listed in Section 2699.5 shall commence only after the
16 following requirements have been met:

17 (1) The aggrieved employee or representative shall give notice
18 by online filing with the Division of Occupational Safety and
19 Health and by certified mail to the employer, with a copy to the
20 Labor and Workforce Development Agency, of the specific
21 provisions of Division 5 (commencing with Section 6300) alleged
22 to have been violated, including the facts and theories to support
23 the alleged violation.

24 (2) (A) The division shall inspect or investigate the alleged
25 violation pursuant to the procedures specified in Division 5
26 (commencing with Section 6300).

27 (i) If the division issues a citation, the employee may not
28 commence an action pursuant to Section 2699. The division shall
29 notify the aggrieved employee and employer in writing within 14
30 calendar days of certifying that the employer has corrected the
31 violation.

32 (ii) If by the end of the period for inspection or investigation
33 provided for in Section 6317, the division fails to issue a citation
34 and the aggrieved employee disputes that decision, the employee
35 may challenge that decision in the superior court. In such an action,
36 the superior court shall follow precedents of the Occupational
37 Safety and Health Appeals Board. If the court finds that the division
38 should have issued a citation and orders the division to issue a
39 citation, then the aggrieved employee may not commence a civil
40 action pursuant to Section 2699.

1 (iii) A complaint in superior court alleging a violation of
2 Division 5 (commencing with Section 6300) other than those listed
3 in Section 2699.5 shall include therewith a copy of the notice of
4 violation provided to the division and employer pursuant to
5 paragraph (1).

6 (iv) The superior court shall not dismiss the action for
7 nonmaterial differences in facts or theories between those contained
8 in the notice of violation provided to the division and employer
9 pursuant to paragraph (1) and the complaint filed with the court.

10 (B) If the division fails to inspect or investigate the alleged
11 violation as provided by Section 6309, the provisions of subdivision
12 (c) shall apply to the determination of the alleged violation.

13 (3) (A) Nothing in this subdivision shall be construed to alter
14 the authority of the division to permit long-term abatement periods
15 or to enter into memoranda of understanding or joint agreements
16 with employers in the case of long-term abatement issues.

17 (B) Nothing in this subdivision shall be construed to authorize
18 an employee to file a notice or to commence a civil action pursuant
19 to Section 2699 during the period that an employer has voluntarily
20 entered into consultation with the division to ameliorate a condition
21 in that particular worksite.

22 (C) An employer who has been provided notice pursuant to this
23 section may not then enter into consultation with the division in
24 order to avoid an action under this section.

25 (4) The superior court shall review and approve any proposed
26 settlement of alleged violations of the provisions of Division 5
27 (commencing with Section 6300) to ensure that the settlement
28 provisions are at least as effective as the protections or remedies
29 provided by state and federal law or regulation for the alleged
30 violation. The provisions of the settlement relating to health and
31 safety laws shall be submitted to the division at the same time that
32 they are submitted to the court. This requirement shall be construed
33 to authorize and permit the division to comment on those settlement
34 provisions, and the court shall grant the division's commentary
35 the appropriate weight.

36 (c) A civil action by an aggrieved employee pursuant to
37 subdivision (a) or (f) of Section 2699 alleging a violation of any
38 provision other than those listed in Section 2699.5 or Division 5
39 (commencing with Section 6300) shall commence only after the
40 following requirements have been met:

1 (1) (A) The aggrieved employee or representative shall give
2 written notice by online filing with the Labor and Workforce
3 Development Agency and by certified mail to the employer of the
4 specific provisions of this code alleged to have been violated,
5 including the facts and theories to support the alleged violation.

6 (B) A notice filed with the Labor and Workforce Development
7 Agency pursuant to subparagraph (A) and any employer response
8 to that notice shall be accompanied by a filing fee of seventy-five
9 dollars (\$75). The fees required by this subparagraph are subject
10 to waiver in accordance with the requirements of Sections 68632
11 and 68633 of the Government Code.

12 (C) The fees paid pursuant to subparagraph (B) shall be paid
13 into the Labor and Workforce Development Fund and used for the
14 purposes specified in subdivision (j) of Section 2699.

15 (2) (A) The employer may cure the alleged violation within 33
16 calendar days of the postmark date of the notice sent by the
17 aggrieved employee or representative. The employer shall give
18 written notice within that period of time by certified mail to the
19 aggrieved employee or representative and by online filing with
20 the agency if the alleged violation is cured, including a description
21 of actions taken, and no civil action pursuant to Section 2699 may
22 commence. If the alleged violation is not cured within the 33-day
23 period, the employee may commence a civil action pursuant to
24 Section 2699.

25 (B) (i) Subject to the limitation in clause (ii), no employer may
26 avail himself or herself of the notice and cure provisions of this
27 subdivision more than three times in a 12-month period for the
28 same violation or violations contained in the notice, regardless of
29 the location of the worksite.

30 (ii) No employer may avail himself or herself of the notice and
31 cure provisions of this subdivision with respect to alleged violations
32 of paragraph (6) or (8) of subdivision (a) of Section 226 more than
33 once in a 12-month period for the same violation or violations
34 contained in the notice, regardless of the location of the worksite.

35 (3) If the aggrieved employee disputes that the alleged violation
36 has been cured, the aggrieved employee or representative shall
37 provide written notice by online filing with the agency and by
38 certified mail to the employer, including specified grounds to
39 support that dispute, to the employer and the agency. Within 17
40 calendar days of the receipt of that notice, the agency shall review

1 the actions taken by the employer to cure the alleged violation,
2 and provide written notice of its decision by certified mail to the
3 aggrieved employee and the employer. The agency may grant the
4 employer three additional business days to cure the alleged
5 violation. If the agency determines that the alleged violation has
6 not been cured or if the agency fails to provide timely or any
7 notification, the employee may proceed with the civil action
8 pursuant to Section 2699. If the agency determines that the alleged
9 violation has been cured, but the employee still disagrees, the
10 employee may appeal that determination to the superior court.

11 (d) The periods specified in this section are not counted as part
12 of the time limited for the commencement of the civil action to
13 recover penalties under this part.

14 (e) This section shall remain in effect only until July 1, 2021,
15 and as of that date is repealed, unless a later enacted statute, that
16 is enacted before July 1, 2021, deletes or extends that date.

17 SEC. 191. Section 2699.3 is added to the Labor Code, to read:

18 2699.3. (a) A civil action by an aggrieved employee pursuant
19 to subdivision (a) or (f) of Section 2699 alleging a violation of any
20 provision listed in Section 2699.5 shall commence only after the
21 following requirements have been met:

22 (1) (A) The aggrieved employee or representative shall give
23 written notice by online filing with the Labor and Workforce
24 Development Agency and by certified mail to the employer of the
25 specific provisions of this code alleged to have been violated,
26 including the facts and theories to support the alleged violation.

27 (B) A notice filed with the Labor and Workforce Development
28 Agency pursuant to subparagraph (A) and any employer response
29 to that notice shall be accompanied by a filing fee of seventy-five
30 dollars (\$75). The fees required by this subparagraph are subject
31 to waiver in accordance with the requirements of Sections 68632
32 and 68633 of the Government Code.

33 (C) The fees paid pursuant to subparagraph (B) shall be paid
34 into the Labor and Workforce Development Fund and used for the
35 purposes specified in subdivision (j) of Section 2699.

36 (2) (A) The agency shall notify the employer and the aggrieved
37 employee or representative by certified mail that it does not intend
38 to investigate the alleged violation within 60 calendar days of the
39 postmark date of the notice received pursuant to paragraph (1).
40 Upon receipt of that notice or if no notice is provided within 65

1 calendar days of the postmark date of the notice given pursuant to
2 paragraph (1), the aggrieved employee may commence a civil
3 action pursuant to Section 2699.

4 (B) If the agency intends to investigate the alleged violation, it
5 shall notify the employer and the aggrieved employee or
6 representative by certified mail of its decision within 65 calendar
7 days of the postmark date of the notice received pursuant to
8 paragraph (1). Within 120 calendar days of that decision, the
9 agency may investigate the alleged violation and issue any
10 appropriate citation. If the agency determines that no citation will
11 be issued, it shall notify the employer and aggrieved employee of
12 that decision within five business days thereof by certified mail.
13 Upon receipt of that notice or if no citation is issued by the agency
14 within the time limits prescribed by subparagraph (A) and this
15 subparagraph or if the agency fails to provide timely or any
16 notification, the aggrieved employee may commence a civil action
17 pursuant to Section 2699.

18 (C) Notwithstanding any other provision of law, a plaintiff may
19 as a matter of right amend an existing complaint to add a cause of
20 action arising under this part at any time within 60 days of the time
21 periods specified in this part.

22 (b) A civil action by an aggrieved employee pursuant to
23 subdivision (a) or (f) of Section 2699 alleging a violation of any
24 provision of Division 5 (commencing with Section 6300) other
25 than those listed in Section 2699.5 shall commence only after the
26 following requirements have been met:

27 (1) The aggrieved employee or representative shall give notice
28 by online filing with the Division of Occupational Safety and
29 Health and by certified mail to the employer, with a copy to the
30 Labor and Workforce Development Agency, of the specific
31 provisions of Division 5 (commencing with Section 6300) alleged
32 to have been violated, including the facts and theories to support
33 the alleged violation.

34 (2) (A) The division shall inspect or investigate the alleged
35 violation pursuant to the procedures specified in Division 5
36 (commencing with Section 6300).

37 (i) If the division issues a citation, the employee may not
38 commence an action pursuant to Section 2699. The division shall
39 notify the aggrieved employee and employer in writing within 14

1 calendar days of certifying that the employer has corrected the
2 violation.

3 (ii) If by the end of the period for inspection or investigation
4 provided for in Section 6317, the division fails to issue a citation
5 and the aggrieved employee disputes that decision, the employee
6 may challenge that decision in the superior court. In such an action,
7 the superior court shall follow precedents of the Occupational
8 Safety and Health Appeals Board. If the court finds that the division
9 should have issued a citation and orders the division to issue a
10 citation, then the aggrieved employee may not commence a civil
11 action pursuant to Section 2699.

12 (iii) A complaint in superior court alleging a violation of
13 Division 5 (commencing with Section 6300) other than those listed
14 in Section 2699.5 shall include therewith a copy of the notice of
15 violation provided to the division and employer pursuant to
16 paragraph (1).

17 (iv) The superior court shall not dismiss the action for
18 nonmaterial differences in facts or theories between those contained
19 in the notice of violation provided to the division and employer
20 pursuant to paragraph (1) and the complaint filed with the court.

21 (B) If the division fails to inspect or investigate the alleged
22 violation as provided by Section 6309, the provisions of subdivision
23 (c) shall apply to the determination of the alleged violation.

24 (3) (A) Nothing in this subdivision shall be construed to alter
25 the authority of the division to permit long-term abatement periods
26 or to enter into memoranda of understanding or joint agreements
27 with employers in the case of long-term abatement issues.

28 (B) Nothing in this subdivision shall be construed to authorize
29 an employee to file a notice or to commence a civil action pursuant
30 to Section 2699 during the period that an employer has voluntarily
31 entered into consultation with the division to ameliorate a condition
32 in that particular worksite.

33 (C) An employer who has been provided notice pursuant to this
34 section may not then enter into consultation with the division in
35 order to avoid an action under this section.

36 (4) The superior court shall review and approve any proposed
37 settlement of alleged violations of the provisions of Division 5
38 (commencing with Section 6300) to ensure that the settlement
39 provisions are at least as effective as the protections or remedies
40 provided by state and federal law or regulation for the alleged

1 violation. The provisions of the settlement relating to health and
2 safety laws shall be submitted to the division at the same time that
3 they are submitted to the court. This requirement shall be construed
4 to authorize and permit the division to comment on those settlement
5 provisions, and the court shall grant the division's commentary
6 the appropriate weight.

7 (c) A civil action by an aggrieved employee pursuant to
8 subdivision (a) or (f) of Section 2699 alleging a violation of any
9 provision other than those listed in Section 2699.5 or Division 5
10 (commencing with Section 6300) shall commence only after the
11 following requirements have been met:

12 (1) (A) The aggrieved employee or representative shall give
13 written notice by online filing with the Labor and Workforce
14 Development Agency and by certified mail to the employer of the
15 specific provisions of this code alleged to have been violated,
16 including the facts and theories to support the alleged violation.

17 (B) A notice filed with the Labor and Workforce Development
18 Agency pursuant to subparagraph (A) and any employer response
19 to that notice shall be accompanied by a filing fee of seventy-five
20 dollars (\$75). The fees required by this subparagraph are subject
21 to waiver in accordance with the requirements of Sections 68632
22 and 68633 of the Government Code.

23 (C) The fees paid pursuant to subparagraph (B) shall be paid
24 into the Labor and Workforce Development Fund and used for the
25 purposes specified in subdivision (j) of Section 2699.

26 (2) (A) The employer may cure the alleged violation within 33
27 calendar days of the postmark date of the notice sent by the
28 aggrieved employee or representative. The employer shall give
29 written notice within that period of time by certified mail to the
30 aggrieved employee or representative and by online filing with
31 the agency if the alleged violation is cured, including a description
32 of actions taken, and no civil action pursuant to Section 2699 may
33 commence. If the alleged violation is not cured within the 33-day
34 period, the employee may commence a civil action pursuant to
35 Section 2699.

36 (B) (i) Subject to the limitation in clause (ii), no employer may
37 avail himself or herself of the notice and cure provisions of this
38 subdivision more than three times in a 12-month period for the
39 same violation or violations contained in the notice, regardless of
40 the location of the worksite.

1 (ii) No employer may avail himself or herself of the notice and
2 cure provisions of this subdivision with respect to alleged violations
3 of paragraph (6) or (8) of subdivision (a) of Section 226 more than
4 once in a 12-month period for the same violation or violations
5 contained in the notice, regardless of the location of the worksite.

6 (3) If the aggrieved employee disputes that the alleged violation
7 has been cured, the aggrieved employee or representative shall
8 provide written notice by online filing with the agency and by
9 certified mail to the employer, including specified grounds to
10 support that dispute, to the employer and the agency. Within 17
11 calendar days of the receipt of that notice, the agency shall review
12 the actions taken by the employer to cure the alleged violation,
13 and provide written notice of its decision by certified mail to the
14 aggrieved employee and the employer. The agency may grant the
15 employer three additional business days to cure the alleged
16 violation. If the agency determines that the alleged violation has
17 not been cured or if the agency fails to provide timely or any
18 notification, the employee may proceed with the civil action
19 pursuant to Section 2699. If the agency determines that the alleged
20 violation has been cured, but the employee still disagrees, the
21 employee may appeal that determination to the superior court.

22 (d) The periods specified in this section are not counted as part
23 of the time limited for the commencement of the civil action to
24 recover penalties under this part.

25 (e) This section shall become operative on July 1, 2021.

26 SEC. 192. Section 4724 of the Labor Code is amended to read:

27 4724. The person or persons to whom the special death benefit
28 is payable pursuant to Section 4722 shall file a claim therefor with
29 the Department of General Services, which shall be processed
30 pursuant to the provisions of Chapter 3 (commencing with Section
31 900) of Part 2 of Division 3.6 of Title 1 of the Government Code.

32 SEC. 193. Section 4725 of the Labor Code is amended to read:

33 4725. The State Compensation Insurance Fund shall be the
34 disbursing agent for payments made pursuant to this article and
35 shall receive a fee for its services to be negotiated by the
36 Department of General Services. Unless otherwise provided herein,
37 payments shall be made in accordance with the provisions of this
38 division.

39 SEC. 194. Section 4726 of the Labor Code is amended to read:

1 4726. The Department of General Services and the
2 Administrative Director of the Division of Workers' Compensation
3 shall jointly adopt rules and regulations as may be necessary to
4 carry out the provisions of this article.

5 SEC. 195. Section 6507 of the Labor Code is amended to read:

6 6507. The division shall set fees to be charged for permits and
7 registrations in amounts reasonably necessary to cover the costs
8 involved in administering the permitting and registration programs
9 in this chapter. All permit and registration fees collected under
10 this chapter shall be deposited in the Occupational Safety and
11 Health Fund.

12 SEC. 196. Section 7311.4 of the Labor Code is amended to
13 read:

14 7311.4. (a) The division shall establish fees for initial and
15 renewal applications for certification under this chapter as a
16 certified qualified conveyance inspector, certified qualified
17 conveyance company, or certified competent conveyance mechanic
18 based upon the costs to the division of administering the
19 certification and licensing program in this chapter, including the
20 cost of developing and administering any tests as well as any costs
21 related to continuing education, investigation, revocation, or other
22 associated costs. In fixing the amount of these fees, the division
23 may include direct costs and a reasonable percentage attributable
24 to the indirect costs of the division for administering this chapter.

25 (b) Fees collected pursuant to this chapter are nonrefundable.

26 SEC. 197. Section 7314 of the Labor Code is amended to read:

27 7314. (a) The division shall, subject to subdivision (f), fix and
28 collect fees for the inspection of conveyances as it determines to
29 be necessary to cover the costs to the division of administering the
30 inspection and permitting programs in this chapter, including fees
31 for necessary subsequent inspections to determine if applicable
32 safety orders have been complied with and for field consultations.
33 In fixing the amount of these fees, the division may include direct
34 costs and a reasonable percentage attributable to the indirect costs
35 of the division for administering this chapter, including the costs
36 related to regulatory development as required by Section 7323.

37 (b) Notwithstanding Section 6103 of the Government Code, the
38 division may collect the fees authorized by subdivision (a) from
39 the state or any county, city, district, or other political subdivision.

1 (c) Whenever a person owning or having the custody,
2 management, or operation of a conveyance fails to pay the fees
3 required under this chapter within 60 days after the date of
4 notification, he or she shall pay, in addition to the fees required
5 under this chapter, a penalty fee equal to 100 percent of the fee.
6 Failure to pay fees within 60 days after the date of notification
7 constitutes cause for the division to prohibit use of the conveyance.

8 (d) (1) Any fees required pursuant to this section shall, except
9 as otherwise provided in paragraph (2), be set forth in regulations
10 that shall be adopted as emergency regulations. These emergency
11 regulations shall not be subject to the review and approval of the
12 Office of Administrative Law pursuant to the Administrative
13 Procedure Act (Chapter 3.5 (commencing with Section 11340) of
14 Part 1 of Division 3 of Title 2 of the Government Code). These
15 regulations shall become effective immediately upon filing with
16 the Secretary of State.

17 (2) A suspension or reduction of fees pursuant to subdivision
18 (f) is not required to be set forth in a regulation.

19 (e) For purposes of this section, the date of the invoice assessing
20 a fee pursuant to this section shall be considered the date of
21 notification.

22 (f) (1) For the 2015–16 fiscal year, the fees for the annual and
23 biennial inspection of conveyances required by Section 7304 are
24 suspended on a one-time basis.

25 (2) For the 2016–17 fiscal year, and for every fiscal year
26 thereafter, the Director of Industrial Relations, upon concurrence
27 of the Department of Finance, may suspend or reduce the fees for
28 the annual and biennial inspections of conveyances required by
29 Section 7304 on a one-time basis for that fiscal year in order to
30 reduce the amount of moneys in the Elevator Safety Account.

31 SEC. 198. Section 7315 of the Labor Code is amended to read:

32 7315. Fees shall be paid before the issuance of any permit to
33 operate a conveyance, but a temporary permit may be issued
34 pending receipt of fee payment. The division shall not charge an
35 inspection fee if an inspection has been made by an inspector of
36 an insurance company or municipality who holds a certificate as
37 a conveyance inspector and an inspection report is filed with the
38 division within 21 days after inspection is made. The division may
39 charge a fee for processing and issuing the permit to operate.

1 SEC. 199. The heading of Chapter 4 (commencing with Section
2 7340) of Part 3 of Division 5 of the Labor Code is amended to
3 read:

4
5 CHAPTER 4. PASSENGER TRAMWAYS
6

7 SEC. 200. Section 7340 of the Labor Code is amended to read:
8 7340. As used in this chapter:

9 (a) "Passenger tramway" includes any method or device used
10 primarily for the purpose of transporting persons by means of
11 cables or ropes suspended between two or more points or
12 structures.

13 (b) "Permit" means a permit issued by the division to operate
14 a passenger tramway in any place.

15 SEC. 201. Section 7341 of the Labor Code is amended to read:

16 7341. A passenger tramway shall not be operated in any place
17 in this state unless a permit for the operation of the tramway is
18 issued by the division, and unless the permit remains in effect and
19 is kept posted conspicuously in the main operating terminal of the
20 tramway.

21 SEC. 202. Section 7342 of the Labor Code is amended to read:

22 7342. The operation of a passenger tramway by any person
23 owning or having the custody, management, or operation thereof
24 without a permit is a misdemeanor, and each day of operation
25 without a permit is a separate offense. No prosecution shall be
26 maintained where the issuance or renewal of a permit has been
27 requested and remains unacted upon.

28 SEC. 203. Section 7343 of the Labor Code is amended to read:

29 7343. Whenever a passenger tramway in any place is being
30 operated without the permit herein required, and is in such
31 condition that its use is dangerous to the life or safety of any
32 person, the division, or any person affected thereby, may apply to
33 the superior court of the county in which the passenger tramway
34 is located for an injunction restraining the operation of the
35 passenger tramway until the condition is corrected. Proof by
36 certification of the division that a permit has not been issued,
37 together with the affidavit of any safety engineer of the division
38 that the operation of the passenger tramway is dangerous to the
39 life or safety of any person, is sufficient ground, in the discretion

1 of the court, for the immediate granting of a temporary restraining
2 order.

3 SEC. 204. Section 7344 of the Labor Code is amended to read:

4 7344. (a) The division shall cause all passenger tramways to
5 be inspected at least two times each year.

6 (b) At least one of the inspections required by subdivision (a)
7 shall take place between November 15 of each year and March 15
8 of the succeeding year.

9 (c) If a passenger tramway is found upon inspection to be in a
10 safe condition for operation, a permit for operation for not longer
11 than one year shall be issued by the division.

12 SEC. 205. Section 7345 of the Labor Code is amended to read:

13 7345. If inspection shows a passenger tramway to be in an
14 unsafe condition, the division may issue a preliminary order
15 requiring repairs or alterations to be made to the passenger tramway
16 that are necessary to render it safe, and may order the operation
17 or use thereof discontinued until the repairs or alterations are made
18 or the unsafe conditions are removed.

19 SEC. 206. Section 7346 of the Labor Code is amended to read:

20 7346. Unless the preliminary order is complied with, a hearing
21 before the division shall be allowed, upon request, at which the
22 owner, operator, or other person in charge of the passenger
23 tramway may appear and show cause why he should not comply
24 with the order.

25 SEC. 207. Section 7347 of the Labor Code is amended to read:

26 7347. If it thereafter appears to the division that the passenger
27 tramway is unsafe and that the requirements contained in the
28 preliminary order should be complied with, or that other things
29 should be done to make the passenger tramway safe, the division
30 may order or confirm the withholding of the permit and may make
31 requirements as it determines to be proper for its repair or alteration
32 or for the correction of the unsafe condition. The order may
33 thereafter be reheard by the division or reviewed by the courts
34 only in the manner specified for safety orders by Part 1
35 (commencing with Section 6300).

36 SEC. 208. Section 7348 of the Labor Code is amended to read:

37 7348. If the operation of a passenger tramway during the
38 making of repairs or alterations is not immediately dangerous to
39 the safety of employees or others, the division may issue a

1 temporary permit for the operation of the tramway for a term not
2 to exceed 30 days during the making of repairs or alterations.

3 SEC. 209. Section 7350 of the Labor Code is amended to read:

4 7350. (a) The division shall fix and collect fees for the
5 inspection of passenger tramways as it deems necessary to cover
6 the costs of the division in administering this chapter. In fixing the
7 amount of these fees, the division may include direct costs and a
8 reasonable percentage attributable to the indirect costs of the
9 division for administering this chapter. The division shall not
10 charge an inspection fee for inspections performed by certified
11 insurance inspectors, but may charge a fee for processing the permit
12 when issued by the division as a result of the inspection.
13 Notwithstanding Section 6103 of the Government Code, the
14 division may collect the fees authorized by this section from the
15 state or any county, city, district, or other political subdivision.

16 (b) Whenever a person owning or having custody, management,
17 or operation of a passenger tramway fails to pay any fee required
18 under this chapter within 60 days after the date of notification by
19 the division, the division shall assess a penalty fee equal to 100
20 percent of the initial fee. For purposes of this section, the date of
21 the invoice fixing the fee shall be considered the date of
22 notification.

23 SEC. 210. Section 7351 of the Labor Code is amended to read:

24 7351. Fees shall be paid before issuance of a permit to operate
25 a passenger tramway, except that the division, at its own discretion,
26 may issue a temporary operating permit not to exceed 30 days,
27 pending receipt of payment of fees.

28 SEC. 211. Section 7352 of the Labor Code is amended to read:

29 7352. (a) All fees collected by the division under this chapter
30 shall be deposited into the Occupational Safety and Health Fund
31 to support the division's passenger tramway inspection program.

32 (b) On the effective date of the statute adding this subdivision,
33 any moneys in the Elevator Safety Account that, before that date,
34 were deposited pursuant to this section, subdivision (a) of Section
35 7904, or subdivision (b) of Section 7929 shall be transferred to the
36 Occupational Safety and Health Fund, together with any assets,
37 liabilities, revenues, expenditures, and encumbrances of that fund
38 that are attributable to the division's passenger tramway inspection
39 program under this chapter, the portable amusement ride inspection
40 program under Part 8 (commencing with Section 7900), and the

1 Permanent Amusement Ride Safety Inspection Program (Part 8.1
2 (commencing with Section 7920)).

3 SEC. 212. Section 7353 of the Labor Code is amended to read:

4 7353. (a) A passenger tramway shall not be constructed or
5 altered until the plans and design information have been properly
6 certified to the division by an engineer qualified under the
7 Professional Engineers Act (Chapter 7 (commencing with Section
8 6700) of Division 3 of the Business and Professions Code).

9 (b) Any person who owns, has custody of, manages, or operates
10 a passenger tramway shall notify the division prior to any major
11 repair of the tramway.

12 SEC. 213. Section 7354 of the Labor Code is amended to read:

13 7354. The division shall not issue an operating permit to operate
14 a passenger tramway until it receives certification in writing by
15 an engineer qualified under the Professional Engineers Act
16 (Chapter 7 (commencing with Section 6700) of Division 3 of the
17 Business and Professions Code) that the erection work on the
18 tramway has been completed in accordance with the design and
19 erection plans for the tramway.

20 SEC. 214. Section 7354.5 of the Labor Code is amended to
21 read:

22 7354.5. (a) Notwithstanding any other provision of this chapter,
23 in any case in which an insurer admitted to transact insurance in
24 this state has inspected or caused to be inspected, by a qualified,
25 licensed professional engineer registered in California pursuant to
26 Chapter 7 (commencing with Section 6700) of Division 3 of the
27 Business and Professions Code, any passenger tramway used as a
28 ski lift, the division may, if it finds those inspections were made
29 according to subdivisions (a) and (b) of Section 7344, accept the
30 inspections in lieu of any other inspections for that year, except
31 that the initial inspection of a new ski lift or of a major alteration
32 to an existing ski lift shall be performed by a division safety
33 engineer. A private inspector shall, before commencing his or her
34 duties therein, secure from the division a certificate of competency
35 to make inspections. The division may determine the competency
36 of any applicant for a certificate, either by examination or by other
37 satisfactory proof of qualification.

38 (b) The division may rescind at any time, upon good cause being
39 shown therefor, and after hearing, if requested, any certificate of
40 competency issued by it to a ski lift inspector. The inspection

1 reports made to the division shall be in a form and content as the
2 division finds necessary for acceptance as a proper inspection made
3 by a private inspector.

4 SEC. 215. Section 7356 of the Labor Code is amended to read:

5 7356. The division shall, under the authority of Section 7355,
6 promulgate and cause to be published safety orders directing each
7 owner or operator of a passenger tramway to report to the division
8 each known incident where the maintenance, operation, or use of
9 the tramway results in injury to any person, unless the injury does
10 not require medical service other than ordinary first aid treatment.

11 SEC. 216. Section 7357 of the Labor Code is amended to read:

12 7357. The division shall establish standards for the qualification
13 of persons engaged in the operation of passenger tramways,
14 whether as employees or otherwise. The standards shall be
15 consistent with the general objective of this chapter in providing
16 for the safety of members of the public who use passenger
17 tramways and those engaged in their operation.

18 SEC. 217. Section 7373 of the Labor Code is amended to read:

19 7373. (a) A tower crane shall not be operated at any worksite
20 unless an employer obtains a permit from the division. The division
21 shall conduct an investigation for purposes of issuing a permit in
22 an expeditious manner. If the division does not issue a permit
23 within 10 days after being requested to do so by a crane employer,
24 the crane employer may operate the crane without a permit.

25 (b) The division shall set fees to be charged for these permits
26 in an amount sufficient to cover the costs of administering this
27 article. In fixing the amount of these fees, the division may include
28 direct costs and a reasonable percentage attributable to the indirect
29 costs of the division for administering this article.

30 (c) The permit for a fixed tower crane shall be valid for the
31 period of time that the tower crane is fixed to the site.

32 (d) The permit for a mobile tower crane shall be valid for one
33 calendar year.

34 SEC. 218. Section 7380 of the Labor Code is repealed.

35 SEC. 219. Section 7380 is added to the Labor Code, to read:

36 7380. (a) The division shall set fees for the examination and
37 licensing of crane certifiers as necessary to cover the costs of
38 administering this article. In fixing the amount of these fees, the
39 division may include direct costs and a reasonable percentage

1 attributable to the indirect costs of the division for administering
2 this article.

3 (b) All fees collected by the division under this chapter shall be
4 deposited into the Occupational Safety and Health Fund.

5 SEC. 220. Section 7720 of the Labor Code is amended to read:

6 7720. The division shall not charge an inspection fee where
7 an inspection is made by a certified inspector if the inspection has
8 been made and reports have been submitted within the time limits
9 specified in this part.

10 SEC. 221. Section 7721 of the Labor Code is amended to read:

11 7721. (a) The division shall fix and collect fees for the shop,
12 field, and resale inspection of tanks and boilers and for
13 consultations, surveys, audits, and other activities required or
14 related to national standards concerning the design or construction
15 of boilers or pressure vessels or for evaluating fabricator's plant
16 facilities when these services are requested of the division by
17 entities desiring these services. The division shall fix and collect
18 the fees for the inspection of pressure vessels by a division safety
19 engineer. The division may charge an additional fee for necessary
20 subsequent inspections to determine if applicable safety orders
21 have been complied with.

22 (b) The division shall charge a fee for processing a permit.

23 (c) The division shall fix and collect fees for field consultations
24 regarding pressure vessels.

25 (d) Whenever a person owning or having the custody,
26 management, or operation of a pressure vessel fails to pay the fees
27 required under this chapter within 60 days after notification, he or
28 she shall pay, in addition to the fees required under this chapter,
29 a penalty fee equal to 100 percent of the fee.

30 (e) Any fees required pursuant to this section shall be in amounts
31 sufficient to cover the direct and indirect costs of the division for
32 administering this part and shall be adopted as emergency
33 regulations. These emergency regulations shall not be subject to
34 the review and approval of the Office of Administrative Law
35 pursuant to the provisions of the Administrative Procedure Act
36 provided for in Chapter 3.5 (commencing with Section 11340) of
37 Part 1 of Division 3 of Title 2 of the Government Code. These
38 regulations shall become effective immediately upon filing with
39 the Secretary of State.

40 SEC. 222. Section 7722 of the Labor Code is amended to read:

1 7722. (a) The fees collected under this part shall be paid into
2 the Pressure Vessel Account, which is hereby created, to be used
3 for the administration of the division pressure vessel safety
4 program.

5 (b) The division shall establish criteria upon which fee charges
6 are based and prepare an annual report concerning revenues
7 obtained and expenditures appropriated for the pressure vessel
8 safety program. The division shall file the report with the
9 Legislative Analyst, the Joint Legislative Audit Committee, and
10 the Department of Finance.

11 SEC. 223. Section 7904 of the Labor Code is amended to read:

12 7904. (a) The division shall fix and collect all fees necessary
13 to cover the cost of administering this part. Fees shall be charged
14 to a person or entity receiving the division's services as provided
15 by this part, as set out in regulations adopted pursuant to this part,
16 including, but not limited to, approvals, determinations, permits,
17 investigations, inspections and reinspections, certifications and
18 recertifications, receipt and review of certificates, and reports and
19 inspections. In fixing the amount of these fees, the division may
20 include direct costs and a reasonable percentage attributable to the
21 indirect costs of the division for administering this part. All fees
22 collected by the division under this section shall be deposited into
23 the Occupational Safety and Health Fund to support the division's
24 portable amusement ride inspection program.

25 (b) Any fees required pursuant to this section shall be set forth
26 in regulations. For the 2016–17 fiscal year, those regulations shall
27 be adopted as emergency regulations. These emergency regulations
28 shall not be subject to the review and approval of the Office of
29 Administrative Law pursuant to the rulemaking provisions of the
30 Administrative Procedure Act provided for in Chapter 3.5
31 (commencing with Section 11340) of Part 1 of Division 3 of Title
32 2 of the Government Code. These emergency regulations shall
33 become effective immediately upon filing with the Secretary of
34 State.

35 (c) The division shall annually prepare and post on its Internet
36 Web site a report summarizing all inspections of amusement rides
37 and accidents occurring on amusement rides. This report may
38 contain route location information submitted to the division by
39 permit applicants.

40 SEC. 224. Section 7924 of the Labor Code is amended to read:

1 7924. (a) On an annual basis, an owner of a permanent
2 amusement ride shall submit to the division a certificate of
3 compliance on a form prescribed by the division, which shall
4 include the following:

5 (1) The legal name and address of the owner and his or her
6 representative, if any, and the primary place of business of the
7 owner.

8 (2) A description of, the name of the manufacturer of, and, if
9 given by the manufacturer, the serial number and model number
10 of, the permanent amusement ride.

11 (3) A written declaration, executed by a qualified safety
12 inspector, stating that, within the preceding 12-month period, the
13 permanent amusement ride was inspected by the qualified safety
14 inspector and that the permanent amusement ride is in material
15 conformance with this section and all applicable rules and
16 regulations adopted by the division and standards board.

17 (b) The owner of multiple permanent amusement rides at a
18 single site may submit a single certificate of compliance that
19 provides the information required by subdivision (a) for each
20 permanent amusement ride at that site.

21 (c) A certificate of compliance shall not be required until one
22 year following the promulgation of any rules or regulations by the
23 division governing the submission of the certificates.

24 (d) A person shall not operate a permanent amusement ride that
25 was inspected by a qualified safety inspector or division inspector
26 and found to be unsafe unless all necessary repairs or
27 modifications, or both, to the ride have been completed and
28 certified as completed by a qualified safety inspector.

29 (e) For the purposes of satisfying this section, a qualified safety
30 inspector shall meet the requirements in subdivision (c) of Section
31 7921 and shall be certified by the division. A qualified safety
32 inspector shall be recertified every two years following his or her
33 initial certification. A qualified safety inspector may be an
34 in-house, full-time safety inspector of the owner of the permanent
35 amusement ride, an employee or agent of the insurance underwriter
36 or insurance broker of the permanent amusement ride, an employee
37 or agent of the manufacturer of the amusement ride, or an
38 independent consultant or contractor.

39 (f) The owner of a permanent amusement ride shall maintain
40 all of the records necessary to demonstrate that the requirements

1 of this section have been met, including, but not limited to,
2 employee training records, maintenance, repair, and inspection
3 records for each permanent amusement ride, and records of
4 accidents of which the operator has knowledge, that resulted from
5 the failure, malfunction, or operation of a permanent amusement
6 ride and that required medical service other than ordinary first aid,
7 and shall make those records available to a division inspector upon
8 request. The owner shall make those records available for
9 inspection by the division during normal business hours at the
10 owner's permanent place of business. The owner or representative
11 of the owner may be present when the division inspects the records.
12 The division shall conduct an inspection of the operation of each
13 ride at the permanent amusement park in conjunction with an
14 inspection of records conducted pursuant to this subdivision, except
15 that the division is not required to conduct an operational inspection
16 of a ride pursuant to this subdivision if a qualified safety inspector
17 employed by the division has already inspected the operation of
18 that ride in connection with the execution of the current annual
19 certificate of compliance pursuant to subdivision (a).

20 (g) Upon receipt of a certificate of compliance, the division
21 shall notify the owner of the permanent amusement ride or rides
22 for which a certificate is submitted whether the certificate meets
23 all the requirements of this section, and if not, what requirements
24 must still be met.

25 (h) The division shall, in addition to the annual inspection
26 performed by the division pursuant to subdivision (f), inspect the
27 records for a permanent amusement ride or the ride, or both, under
28 either of the following circumstances:

29 (1) The division finds that the certificate of compliance
30 submitted pursuant to this section for the ride is fraudulent.

31 (2) The division determines, pursuant to regulations it has
32 adopted, that a permanent amusement ride has a disproportionately
33 high incidence of accidents required to be reported pursuant to
34 Section 7925.

35 (i) The division shall conduct its inspections with the least
36 disruption to the normal operation of the permanent park.

37 SEC. 225. Section 7929 of the Labor Code is amended to read:

38 7929. (a) The division shall fix and collect all fees necessary
39 to cover the cost to the division of administering this part. Fees
40 shall be charged to a person or entity receiving the division's

1 services as provided by this part, as set out in regulations adopted
2 pursuant to this part, including, but not limited to, approvals,
3 determinations, certifications and recertifications, receipt and
4 review of certificates, and inspections. In fixing the amount of
5 these fees, the division may include direct costs and a reasonable
6 percentage attributable to the indirect costs of the division for
7 administering this part. Notwithstanding Section 6103 of the
8 Government Code, the division may collect these fees from the
9 state or any county, city, district, or other political subdivision.

10 (b) All fees collected pursuant to this section shall be deposited
11 into the Occupational Safety and Health Fund to support the
12 Permanent Amusement Ride Safety Inspection Program.

13 (c) Whenever a person owning or having custody, management,
14 or operation of a permanent amusement ride fails to pay any fee
15 required under this part within 60 days after the date of notification
16 by the division, the division shall assess a penalty equal to 100
17 percent of the initial fee. For purposes of this section, the date of
18 the invoice fixing the fee shall be considered the date of
19 notification.

20 SEC. 226. Section 7991 of the Labor Code is amended to read:

21 7991. (a) To obtain a license under Section 7990, and to renew
22 that license, a person shall pass an oral and written examination
23 given by the division. The division shall offer the examination in
24 Spanish, or any other language, when requested by the applicant.
25 The division shall administer an examination orally when requested
26 by an applicant who cannot write. Licenses shall be renewable
27 every five years.

28 (b) The division shall set a nonrefundable fee for processing
29 applications for licenses required by Section 7990 and a fee for
30 administering examinations under this section. In fixing the amount
31 of these fees, the division may include direct costs and a reasonable
32 percentage attributable to the indirect costs of the division for
33 administering this chapter. Those fees shall be deposited into the
34 Occupational Safety and Health Fund.

35 SEC. 227. Section 8001 of the Labor Code is amended to read:

36 8001. The division shall charge a fee sufficient to cover the
37 direct and indirect costs of the division to administer the
38 examination and certification of gas testers and safety
39 representatives for tunnels and mines. Renewals shall be made
40 every five years.

1 SEC. 228. Section 8002 of the Labor Code is amended to read:
2 8002. All fees from applications shall be nonrefundable. Those
3 fees shall be deposited into the Occupational Safety and Health
4 Fund.

5 SEC. 229. Section 9021.6 of the Labor Code is amended to
6 read:

7 9021.6. (a) The division shall charge a fee to each asbestos
8 consultant and site surveillance technician who applies for
9 certification pursuant to subdivision (b) of Section 9021.5 and
10 Article 11 (commencing with Section 7180) of Chapter 9 of
11 Division 3 of the Business and Professions Code. The fee shall be
12 sufficient to cover the direct and indirect costs to the division for
13 administering the certification process, including preparation and
14 administration of the examination. The fees collected shall be
15 deposited in the Occupational Safety and Health Fund.
16 Establishment of any fee pursuant to this section shall be
17 accomplished through the regulatory process required by
18 subdivision (b) of Section 9021.5.

19 (b) On the effective date of the measure adding this subdivision,
20 any moneys in the Asbestos Training and Consultant Certification
21 Fund and any assets, liabilities, revenues, expenditures, and
22 encumbrances of that fund shall be transferred to the Occupational
23 Safety and Health Fund.

24 SEC. 230. Section 9021.7 of the Labor Code is repealed.

25 SEC. 231. Section 9021.9 of the Labor Code is amended to
26 read:

27 9021.9. (a) The division shall establish an advisory committee
28 to develop and recommend by September 30, 1994, for action by
29 the standards board in accordance with Section 142.3, specific
30 requirements for hands-on, task-specific training programs for all
31 craft employees who may be exposed to asbestos-containing
32 construction materials and all employees and supervisors involved
33 in operations pertaining to asbestos cement pipe, as specified in
34 subdivision (c) of Section 6501.8. The training programs shall
35 include, but not be limited to, the following information:

36 (1) The physical characteristics and health hazards of asbestos.

37 (2) The types of asbestos cement pipe or asbestos-containing
38 construction materials an employee may encounter in his or her
39 specific work assignments.

1 (3) Safe practices and procedures for minimizing asbestos
2 exposures from operations involving asbestos cement pipe or
3 asbestos-containing construction materials.

4 (4) A review of general industry and construction safety orders
5 relating to asbestos exposure.

6 (5) Hands-on instruction using pipe or other construction
7 materials and the tools and equipment employees will use in the
8 workplace.

9 (b) The division shall approve training entities to conduct
10 task-specific training programs that include the requirements
11 prescribed by the standards board pursuant to this section for
12 employees and supervisors involved in operations pertaining to
13 asbestos cement pipe or asbestos-containing construction materials.

14 (c) The division shall charge a fee to each asbestos training
15 entity approved by the division pursuant to subdivision (b). The
16 fee shall be sufficient to cover the division's direct and indirect
17 costs for administering the approval process provided for in
18 subdivision (b). The fees collected shall be deposited in the
19 Occupational Safety and Health Fund. Establishment of any fee
20 pursuant to this section shall be accomplished through the
21 regulatory process required by subdivision (b) of Section 9021.5.

22 SEC. 232. Section 422.92 of the Penal Code is amended to
23 read:

24 422.92. (a) Every state and local law enforcement agency in
25 this state shall make available a brochure on hate crimes to victims
26 of these crimes and the public.

27 (b) The Department of Fair Employment and Housing shall
28 provide existing brochures, making revisions as needed, to local
29 law enforcement agencies upon request for reproduction and
30 distribution to victims of hate crimes and other interested parties.
31 In carrying out these responsibilities, the department shall consult
32 the Fair Employment and Housing Council, the Department of
33 Justice, and the California Victim Compensation Board.

34 SEC. 233. Section 600.2 of the Penal Code is amended to read:

35 600.2. (a) It is a crime for any person to permit any dog which
36 is owned, harbored, or controlled by him or her to cause injury to
37 or the death of any guide, signal, or service dog, as defined by
38 Section 54.1 of the Civil Code, while the guide, signal, or service
39 dog is in discharge of its duties.

1 (b) A violation of this section is an infraction punishable by a
2 fine not to exceed two hundred fifty dollars (\$250) if the injury or
3 death to any guide, signal, or service dog is caused by the person's
4 failure to exercise ordinary care in the control of his or her dog.

5 (c) A violation of this section is a misdemeanor if the injury or
6 death to any guide, signal, or service dog is caused by the person's
7 reckless disregard in the exercise of control over his or her dog,
8 under circumstances that constitute such a departure from the
9 conduct of a reasonable person as to be incompatible with a proper
10 regard for the safety and life of any guide, signal, or service dog.
11 A violation of this subdivision shall be punishable by imprisonment
12 in a county jail not exceeding one year, or by a fine of not less
13 than two thousand five hundred dollars (\$2,500) nor more than
14 five thousand dollars (\$5,000), or both. The court shall consider
15 the costs ordered pursuant to subdivision (d) when determining
16 the amount of any fines.

17 (d) In any case in which a defendant is convicted of a violation
18 of this section, the defendant shall be ordered to make restitution
19 to the person with a disability who has custody or ownership of
20 the guide, signal, or service dog for any veterinary bills and
21 replacement costs of the dog if it is disabled or killed, or other
22 reasonable costs deemed appropriate by the court. The costs
23 ordered pursuant to this subdivision shall be paid prior to any fines.
24 The person with the disability may apply for compensation by the
25 California Victim Compensation Board pursuant to Chapter 5
26 (commencing with Section 13950) of Part 4 of Division 3 of Title
27 2 of the Government Code, in an amount not to exceed ten
28 thousand dollars (\$10,000).

29 SEC. 234. Section 600.5 of the Penal Code is amended to read:

30 600.5. (a) Any person who intentionally causes injury to or
31 the death of any guide, signal, or service dog, as defined by Section
32 54.1 of the Civil Code, while the dog is in discharge of its duties,
33 is guilty of a misdemeanor, punishable by imprisonment in a county
34 jail not exceeding one year, or by a fine not exceeding ten thousand
35 dollars (\$10,000), or by both a fine and imprisonment. The court
36 shall consider the costs ordered pursuant to subdivision (b) when
37 determining the amount of any fines.

38 (b) In any case in which a defendant is convicted of a violation
39 of this section, the defendant shall be ordered to make restitution
40 to the person with a disability who has custody or ownership of

1 the dog for any veterinary bills and replacement costs of the dog
2 if it is disabled or killed, or other reasonable costs deemed
3 appropriate by the court. The costs ordered pursuant to this
4 subdivision shall be paid prior to any fines. The person with the
5 disability may apply for compensation by the California Victim
6 Compensation Board pursuant to Chapter 5 (commencing with
7 Section 13950) of Part 4 of Division 3 of Title 2 of the Government
8 Code, in an amount not to exceed ten thousand dollars (\$10,000).

9 SEC. 235. Section 851.8 of the Penal Code is amended to read:

10 851.8. (a) In any case where a person has been arrested and
11 no accusatory pleading has been filed, the person arrested may
12 petition the law enforcement agency having jurisdiction over the
13 offense to destroy its records of the arrest. A copy of the petition
14 shall be served upon the prosecuting attorney of the county or city
15 having jurisdiction over the offense. The law enforcement agency
16 having jurisdiction over the offense, upon a determination that the
17 person arrested is factually innocent, shall, with the concurrence
18 of the prosecuting attorney, seal its arrest records, and the petition
19 for relief under this section for three years from the date of the
20 arrest and thereafter destroy its arrest records and the petition. The
21 law enforcement agency having jurisdiction over the offense shall
22 notify the Department of Justice, and any law enforcement agency
23 that arrested the petitioner or participated in the arrest of the
24 petitioner for an offense for which the petitioner has been found
25 factually innocent under this subdivision, of the sealing of the
26 arrest records and the reason therefor. The Department of Justice
27 and any law enforcement agency so notified shall forthwith seal
28 their records of the arrest and the notice of sealing for three years
29 from the date of the arrest, and thereafter destroy their records of
30 the arrest and the notice of sealing. The law enforcement agency
31 having jurisdiction over the offense and the Department of Justice
32 shall request the destruction of any records of the arrest which they
33 have given to any local, state, or federal agency or to any other
34 person or entity. Each agency, person, or entity within the State
35 of California receiving the request shall destroy its records of the
36 arrest and the request, unless otherwise provided in this section.

37 (b) If, after receipt by both the law enforcement agency and the
38 prosecuting attorney of a petition for relief under subdivision (a),
39 the law enforcement agency and prosecuting attorney do not
40 respond to the petition by accepting or denying the petition within

1 60 days after the running of the relevant statute of limitations or
2 within 60 days after receipt of the petition in cases where the statute
3 of limitations has previously lapsed, then the petition shall be
4 deemed to be denied. In any case where the petition of an arrestee
5 to the law enforcement agency to have an arrest record destroyed
6 is denied, petition may be made to the superior court that would
7 have had territorial jurisdiction over the matter. A copy of the
8 petition shall be served on the law enforcement agency and the
9 prosecuting attorney of the county or city having jurisdiction over
10 the offense at least 10 days prior to the hearing thereon. The
11 prosecuting attorney and the law enforcement agency through the
12 district attorney may present evidence to the court at the hearing.
13 Notwithstanding Section 1538.5 or 1539, any judicial determination
14 of factual innocence made pursuant to this section may be heard
15 and determined upon declarations, affidavits, police reports, or
16 any other evidence submitted by the parties which is material,
17 relevant, and reliable. A finding of factual innocence and an order
18 for the sealing and destruction of records pursuant to this section
19 shall not be made unless the court finds that no reasonable cause
20 exists to believe that the arrestee committed the offense for which
21 the arrest was made. In any court hearing to determine the factual
22 innocence of a party, the initial burden of proof shall rest with the
23 petitioner to show that no reasonable cause exists to believe that
24 the arrestee committed the offense for which the arrest was made.
25 If the court finds that this showing of no reasonable cause has been
26 made by the petitioner, then the burden of proof shall shift to the
27 respondent to show that a reasonable cause exists to believe that
28 the petitioner committed the offense for which the arrest was made.
29 If the court finds the arrestee to be factually innocent of the charges
30 for which the arrest was made, then the court shall order the law
31 enforcement agency having jurisdiction over the offense, the
32 Department of Justice, and any law enforcement agency which
33 arrested the petitioner or participated in the arrest of the petitioner
34 for an offense for which the petitioner has been found factually
35 innocent under this section to seal their records of the arrest and
36 the court order to seal and destroy the records, for three years from
37 the date of the arrest and thereafter to destroy their records of the
38 arrest and the court order to seal and destroy those records. The
39 court shall also order the law enforcement agency having
40 jurisdiction over the offense and the Department of Justice to

1 request the destruction of any records of the arrest which they have
2 given to any local, state, or federal agency, person or entity. Each
3 state or local agency, person or entity within the State of California
4 receiving such a request shall destroy its records of the arrest and
5 the request to destroy the records, unless otherwise provided in
6 this section. The court shall give to the petitioner a copy of any
7 court order concerning the destruction of the arrest records.

8 (c) In any case where a person has been arrested, and an
9 accusatory pleading has been filed, but where no conviction has
10 occurred, the defendant may, at any time after dismissal of the
11 action, petition the court that dismissed the action for a finding
12 that the defendant is factually innocent of the charges for which
13 the arrest was made. A copy of the petition shall be served on the
14 prosecuting attorney of the county or city in which the accusatory
15 pleading was filed at least 10 days prior to the hearing on the
16 petitioner's factual innocence. The prosecuting attorney may
17 present evidence to the court at the hearing. The hearing shall be
18 conducted as provided in subdivision (b). If the court finds the
19 petitioner to be factually innocent of the charges for which the
20 arrest was made, then the court shall grant the relief as provided
21 in subdivision (b).

22 (d) In any case where a person has been arrested and an
23 accusatory pleading has been filed, but where no conviction has
24 occurred, the court may, with the concurrence of the prosecuting
25 attorney, grant the relief provided in subdivision (b) at the time of
26 the dismissal of the accusatory pleading.

27 (e) Whenever any person is acquitted of a charge and it appears
28 to the judge presiding at the trial at which the acquittal occurred
29 that the defendant was factually innocent of the charge, the judge
30 may grant the relief provided in subdivision (b).

31 (f) In any case where a person who has been arrested is granted
32 relief pursuant to subdivision (a) or (b), the law enforcement agency
33 having jurisdiction over the offense or court shall issue a written
34 declaration to the arrestee stating that it is the determination of the
35 law enforcement agency having jurisdiction over the offense or
36 court that the arrestee is factually innocent of the charges for which
37 the person was arrested and that the arrestee is thereby exonerated.
38 Thereafter, the arrest shall be deemed not to have occurred and
39 the person may answer accordingly any question relating to its
40 occurrence.

1 (g) The Department of Justice shall furnish forms to be utilized
2 by persons applying for the destruction of their arrest records and
3 for the written declaration that one person was found factually
4 innocent under subdivisions (a) and (b).

5 (h) Documentation of arrest records destroyed pursuant to
6 subdivision (a), (b), (c), (d), or (e) that are contained in
7 investigative police reports shall bear the notation “Exonerated”
8 whenever reference is made to the arrestee. The arrestee shall be
9 notified in writing by the law enforcement agency having
10 jurisdiction over the offense of the sealing and destruction of the
11 arrest records pursuant to this section.

12 (i) (1) Any finding that an arrestee is factually innocent pursuant
13 to subdivision (a), (b), (c), (d), or (e) shall not be admissible as
14 evidence in any action.

15 (2) Notwithstanding paragraph (1), a finding that an arrestee is
16 factually innocent pursuant to subdivisions (a) to (e), inclusive,
17 shall be admissible as evidence at a hearing before the California
18 Victim Compensation Board.

19 (j) Destruction of records of arrest pursuant to subdivision (a),
20 (b), (c), (d), or (e) shall be accomplished by permanent obliteration
21 of all entries or notations upon the records pertaining to the arrest,
22 and the record shall be prepared again so that it appears that the
23 arrest never occurred. However, where (1) the only entries on the
24 record pertain to the arrest and (2) the record can be destroyed
25 without necessarily affecting the destruction of other records, then
26 the document constituting the record shall be physically destroyed.

27 (k) No records shall be destroyed pursuant to subdivision (a),
28 (b), (c), (d), or (e) if the arrestee or a codefendant has filed a civil
29 action against the peace officers or law enforcement jurisdiction
30 which made the arrest or instituted the prosecution and if the
31 agency which is the custodian of the records has received a certified
32 copy of the complaint in the civil action, until the civil action has
33 been resolved. Any records sealed pursuant to this section by the
34 court in the civil actions, upon a showing of good cause, may be
35 opened and submitted into evidence. The records shall be
36 confidential and shall be available for inspection only by the court,
37 jury, parties, counsel for the parties, and any other person
38 authorized by the court. Immediately following the final resolution
39 of the civil action, records subject to subdivision (a), (b), (c), (d),

1 or (e) shall be sealed and destroyed pursuant to subdivision (a),
2 (b), (c), (d), or (e).

3 (l) For arrests occurring on or after January 1, 1981, and for
4 accusatory pleadings filed on or after January 1, 1981, petitions
5 for relief under this section may be filed up to two years from the
6 date of the arrest or filing of the accusatory pleading, whichever
7 is later. Until January 1, 1983, petitioners can file for relief under
8 this section for arrests which occurred or accusatory pleadings
9 which were filed up to five years prior to the effective date of the
10 statute. Any time restrictions on filing for relief under this section
11 may be waived upon a showing of good cause by the petitioner
12 and in the absence of prejudice.

13 (m) Any relief which is available to a petitioner under this
14 section for an arrest shall also be available for an arrest which has
15 been deemed to be or described as a detention under Section 849.5
16 or 851.6.

17 (n) This section shall not apply to any offense which is classified
18 as an infraction.

19 (o) (1) This section shall be repealed on the effective date of a
20 final judgment based on a claim under the California or United
21 States Constitution holding that evidence that is relevant, reliable,
22 and material may not be considered for purposes of a judicial
23 determination of factual innocence under this section. For purposes
24 of this subdivision, a judgment by the appellate division of a
25 superior court is a final judgment if it is published and if it is not
26 reviewed on appeal by a court of appeal. A judgment of a court of
27 appeal is a final judgment if it is published and if it is not reviewed
28 by the California Supreme Court.

29 (2) Any decision referred to in this subdivision shall be stayed
30 pending appeal.

31 (3) If not otherwise appealed by a party to the action, any
32 decision referred to in this subdivision which is a judgment by the
33 appellate division of the superior court shall be appealed by the
34 Attorney General.

35 (p) A judgment of the court under subdivision (b), (c), (d), or
36 (e) is subject to the following appeal path:

37 (1) In a felony case, appeal is to the court of appeal.

38 (2) In a misdemeanor case, or in a case in which no accusatory
39 pleading was filed, appeal is to the appellate division of the superior
40 court.

1 SEC. 236. Section 851.865 of the Penal Code is amended to
2 read:

3 851.865. (a) If a person has secured a declaration of factual
4 innocence from the court pursuant to Section 851.8 or 851.86, the
5 finding shall be sufficient grounds for payment of compensation
6 for a claim made pursuant to Section 4900. Upon application by
7 the person, the California Victim Compensation Board shall,
8 without a hearing, recommend to the Legislature that an
9 appropriation be made and the claim paid pursuant to Section 4904.

10 (b) If the declaration of factual innocence is granted pursuant
11 to a stipulation of the prosecutor, the duty of the board to, without
12 a hearing, recommend to the Legislature payment of the claim,
13 shall apply.

14 SEC. 237. Section 987.9 of the Penal Code is amended to read:

15 987.9. (a) In the trial of a capital case or a case under
16 subdivision (a) of Section 190.05, the indigent defendant, through
17 the defendant's counsel, may request the court for funds for the
18 specific payment of investigators, experts, and others for the
19 preparation or presentation of the defense. The application for
20 funds shall be by affidavit and shall specify that the funds are
21 reasonably necessary for the preparation or presentation of the
22 defense. The fact that an application has been made shall be
23 confidential and the contents of the application shall be
24 confidential. Upon receipt of an application, a judge of the court,
25 other than the trial judge presiding over the case in question, shall
26 rule on the reasonableness of the request and shall disburse an
27 appropriate amount of money to the defendant's attorney. The
28 ruling on the reasonableness of the request shall be made at an in
29 camera hearing. In making the ruling, the court shall be guided by
30 the need to provide a complete and full defense for the defendant.

31 (b) (1) The Controller shall not reimburse any county for costs
32 that exceed Department of General Services' standards for travel
33 and per diem expenses. The Controller may reimburse
34 extraordinary costs in unusual cases if the county provides
35 sufficient documentation of the need for those expenditures.

36 (2) At the termination of the proceedings, the attorney shall
37 furnish to the court a complete accounting of all moneys received
38 and disbursed pursuant to this section.

39 (c) The Controller shall adopt regulations pursuant to Chapter
40 3.5 (commencing with Section 11340) of Part 1 of Division 3 of

1 Title 2 of the Government Code, controlling reimbursements under
2 this section. The regulations shall consider compensation for
3 investigators, expert witnesses, and other expenses that may or
4 may not be reimbursable pursuant to this section. Notwithstanding
5 the provisions of Chapter 3.5 (commencing with Section 11340)
6 of Part 1 of Division 3 of Title 2 of the Government Code, the
7 Controller shall follow any regulations adopted until final approval
8 by the Office of Administrative Law.

9 (d) The confidentiality provided in this section shall not preclude
10 any court from providing the Attorney General with access to
11 documents protected by this section when the defendant raises an
12 issue on appeal or collateral review where the recorded portion of
13 the record, created pursuant to this section, relates to the issue
14 raised. When the defendant raises that issue, the funding records,
15 or relevant portions thereof, shall be provided to the Attorney
16 General at the Attorney General's request. In this case, the
17 documents shall remain under seal and their use shall be limited
18 solely to the pending proceeding.

19 SEC. 238. Section 1191.15 of the Penal Code is amended to
20 read:

21 1191.15. (a) The court may permit the victim of any crime,
22 his or her parent or guardian if the victim is a minor, or the next
23 of kin of the victim if the victim has died, to file with the court a
24 written, audiotaped, or videotaped statement, or statement stored
25 on a CD-ROM, DVD, or any other recording medium acceptable
26 to the court, expressing his or her views concerning the crime, the
27 person responsible, and the need for restitution, in lieu of or in
28 addition to the person personally appearing at the time of judgment
29 and sentence. The court shall consider the statement filed with the
30 court prior to imposing judgment and sentence.

31 Whenever an audio or video statement or statement stored on a
32 CD-ROM, DVD, or other medium is filed with the court, a written
33 transcript of the statement shall also be provided by the person
34 filing the statement, and shall be made available as a public record
35 of the court after the judgment and sentence have been imposed.

36 (b) Whenever a written, audio, or video statement or statement
37 stored on a CD-ROM, DVD, or other medium is filed with the
38 court, it shall remain sealed until the time set for imposition of
39 judgment and sentence except that the court, the probation officer,
40 and counsel for the parties may view and listen to the statement

1 not more than two court days prior to the date set for imposition
2 of judgment and sentence.

3 (c) A person or a court shall not permit any person to duplicate,
4 copy, or reproduce by audio or visual means a statement submitted
5 to the court under the provisions of this section.

6 (d) Nothing in this section shall be construed to prohibit the
7 prosecutor from representing to the court the views of the victim,
8 his or her parent or guardian, the next of kin, or the California
9 Victim Compensation Board.

10 (e) In the event the court permits an audio or video statement
11 or statement stored on a CD-ROM, DVD, or other medium to be
12 filed, the court shall not be responsible for providing any equipment
13 or resources needed to assist the victim in preparing the statement.

14 SEC. 239. Section 1191.2 of the Penal Code is amended to
15 read:

16 1191.2. In providing notice to the victim pursuant to Section
17 1191.1, the probation officer shall also provide the victim with
18 information concerning the victim's right to civil recovery against
19 the defendant, the requirement that the court order restitution for
20 the victim, the victim's right to receive a copy of the restitution
21 order from the court and to enforce the restitution order as a civil
22 judgment, the victim's responsibility to furnish the probation
23 department, district attorney, and court with information relevant
24 to his or her losses, and the victim's opportunity to be compensated
25 from the Restitution Fund if eligible under Article 1 (commencing
26 with Section 13959) of Chapter 5 of Part 4 of Division 3 of Title
27 2 of the Government Code. This information shall be in the form
28 of written material prepared by the Judicial Council in consultation
29 with the California Victim Compensation Board, shall include the
30 relevant sections of the Penal Code, and shall be provided to each
31 victim for whom the probation officer has a current mailing
32 address.

33 SEC. 240. Section 1202.4 of the Penal Code is amended to
34 read:

35 1202.4. (a) (1) It is the intent of the Legislature that a victim
36 of crime who incurs an economic loss as a result of the commission
37 of a crime shall receive restitution directly from a defendant
38 convicted of that crime.

1 (2) Upon a person being convicted of a crime in the State of
2 California, the court shall order the defendant to pay a fine in the
3 form of a penalty assessment in accordance with Section 1464.

4 (3) The court, in addition to any other penalty provided or
5 imposed under the law, shall order the defendant to pay both of
6 the following:

7 (A) A restitution fine in accordance with subdivision (b).

8 (B) Restitution to the victim or victims, if any, in accordance
9 with subdivision (f), which shall be enforceable as if the order
10 were a civil judgment.

11 (b) In every case where a person is convicted of a crime, the
12 court shall impose a separate and additional restitution fine, unless
13 it finds compelling and extraordinary reasons for not doing so and
14 states those reasons on the record.

15 (1) The restitution fine shall be set at the discretion of the court
16 and commensurate with the seriousness of the offense. If the person
17 is convicted of a felony, the fine shall not be less than two hundred
18 forty dollars (\$240) starting on January 1, 2012, two hundred eighty
19 dollars (\$280) starting on January 1, 2013, and three hundred
20 dollars (\$300) starting on January 1, 2014, and not more than ten
21 thousand dollars (\$10,000). If the person is convicted of a
22 misdemeanor, the fine shall not be less than one hundred twenty
23 dollars (\$120) starting on January 1, 2012, one hundred forty
24 dollars (\$140) starting on January 1, 2013, and one hundred fifty
25 dollars (\$150) starting on January 1, 2014, and not more than one
26 thousand dollars (\$1,000).

27 (2) In setting a felony restitution fine, the court may determine
28 the amount of the fine as the product of the minimum fine pursuant
29 to paragraph (1) multiplied by the number of years of imprisonment
30 the defendant is ordered to serve, multiplied by the number of
31 felony counts of which the defendant is convicted.

32 (c) The court shall impose the restitution fine unless it finds
33 compelling and extraordinary reasons for not doing so and states
34 those reasons on the record. A defendant's inability to pay shall
35 not be considered a compelling and extraordinary reason not to
36 impose a restitution fine. Inability to pay may be considered only
37 in increasing the amount of the restitution fine in excess of the
38 minimum fine pursuant to paragraph (1) of subdivision (b). The
39 court may specify that funds confiscated at the time of the
40 defendant's arrest, except for funds confiscated pursuant to Section

1 11469 of the Health and Safety Code, be applied to the restitution
2 fine if the funds are not exempt for spousal or child support or
3 subject to any other legal exemption.

4 (d) In setting the amount of the fine pursuant to subdivision (b)
5 in excess of the minimum fine pursuant to paragraph (1) of
6 subdivision (b), the court shall consider any relevant factors,
7 including, but not limited to, the defendant's inability to pay, the
8 seriousness and gravity of the offense and the circumstances of its
9 commission, any economic gain derived by the defendant as a
10 result of the crime, the extent to which any other person suffered
11 losses as a result of the crime, and the number of victims involved
12 in the crime. Those losses may include pecuniary losses to the
13 victim or his or her dependents as well as intangible losses, such
14 as psychological harm caused by the crime. Consideration of a
15 defendant's inability to pay may include his or her future earning
16 capacity. A defendant shall bear the burden of demonstrating his
17 or her inability to pay. Express findings by the court as to the
18 factors bearing on the amount of the fine shall not be required. A
19 separate hearing for the fine shall not be required.

20 (e) The restitution fine shall not be subject to penalty
21 assessments authorized in Section 1464 or Chapter 12
22 (commencing with Section 76000) of Title 8 of the Government
23 Code, or the state surcharge authorized in Section 1465.7, and
24 shall be deposited in the Restitution Fund in the State Treasury.

25 (f) Except as provided in subdivisions (q) and (r), in every case
26 in which a victim has suffered economic loss as a result of the
27 defendant's conduct, the court shall require that the defendant
28 make restitution to the victim or victims in an amount established
29 by court order, based on the amount of loss claimed by the victim
30 or victims or any other showing to the court. If the amount of loss
31 cannot be ascertained at the time of sentencing, the restitution
32 order shall include a provision that the amount shall be determined
33 at the direction of the court. The court shall order full restitution
34 unless it finds compelling and extraordinary reasons for not doing
35 so and states them on the record. The court may specify that funds
36 confiscated at the time of the defendant's arrest, except for funds
37 confiscated pursuant to Section 11469 of the Health and Safety
38 Code, be applied to the restitution order if the funds are not exempt
39 for spousal or child support or subject to any other legal exemption.

1 (1) The defendant has the right to a hearing before a judge to
2 dispute the determination of the amount of restitution. The court
3 may modify the amount, on its own motion or on the motion of
4 the district attorney, the victim or victims, or the defendant. If a
5 motion is made for modification of a restitution order, the victim
6 shall be notified of that motion at least 10 days prior to the
7 proceeding held to decide the motion. A victim at a restitution
8 hearing or modification hearing described in this paragraph may
9 testify by live, two-way audio and video transmission, if testimony
10 by live, two-way audio and video transmission is available at the
11 court.

12 (2) Determination of the amount of restitution ordered pursuant
13 to this subdivision shall not be affected by the indemnification or
14 subrogation rights of a third party. Restitution ordered pursuant to
15 this subdivision shall be ordered to be deposited to the Restitution
16 Fund to the extent that the victim, as defined in subdivision (k),
17 has received assistance from the California Victim Compensation
18 Board pursuant to Chapter 5 (commencing with Section 13950)
19 of Part 4 of Division 3 of Title 2 of the Government Code.

20 (3) To the extent possible, the restitution order shall be prepared
21 by the sentencing court, shall identify each victim and each loss
22 to which it pertains, and shall be of a dollar amount that is sufficient
23 to fully reimburse the victim or victims for every determined
24 economic loss incurred as the result of the defendant's criminal
25 conduct, including, but not limited to, all of the following:

26 (A) Full or partial payment for the value of stolen or damaged
27 property. The value of stolen or damaged property shall be the
28 replacement cost of like property, or the actual cost of repairing
29 the property when repair is possible.

30 (B) Medical expenses.

31 (C) Mental health counseling expenses.

32 (D) Wages or profits lost due to injury incurred by the victim,
33 and if the victim is a minor, wages or profits lost by the minor's
34 parent, parents, guardian, or guardians, while caring for the injured
35 minor. Lost wages shall include commission income as well as
36 base wages. Commission income shall be established by evidence
37 of commission income during the 12-month period prior to the
38 date of the crime for which restitution is being ordered, unless
39 good cause for a shorter time period is shown.

1 (E) Wages or profits lost by the victim, and if the victim is a
2 minor, wages or profits lost by the minor's parent, parents,
3 guardian, or guardians, due to time spent as a witness or in assisting
4 the police or prosecution. Lost wages shall include commission
5 income as well as base wages. Commission income shall be
6 established by evidence of commission income during the
7 12-month period prior to the date of the crime for which restitution
8 is being ordered, unless good cause for a shorter time period is
9 shown.

10 (F) Noneconomic losses, including, but not limited to,
11 psychological harm, for felony violations of Section 288.

12 (G) Interest, at the rate of 10 percent per annum, that accrues
13 as of the date of sentencing or loss, as determined by the court.

14 (H) Actual and reasonable attorney's fees and other costs of
15 collection accrued by a private entity on behalf of the victim.

16 (I) Expenses incurred by an adult victim in relocating away
17 from the defendant, including, but not limited to, deposits for
18 utilities and telephone service, deposits for rental housing,
19 temporary lodging and food expenses, clothing, and personal items.
20 Expenses incurred pursuant to this section shall be verified by law
21 enforcement to be necessary for the personal safety of the victim
22 or by a mental health treatment provider to be necessary for the
23 emotional well-being of the victim.

24 (J) Expenses to install or increase residential security incurred
25 related to a violent felony, as defined in subdivision (c) of Section
26 667.5, including, but not limited to, a home security device or
27 system, or replacing or increasing the number of locks.

28 (K) Expenses to retrofit a residence or vehicle, or both, to make
29 the residence accessible to or the vehicle operational by the victim,
30 if the victim is permanently disabled, whether the disability is
31 partial or total, as a direct result of the crime.

32 (L) Expenses for a period of time reasonably necessary to make
33 the victim whole, for the costs to monitor the credit report of, and
34 for the costs to repair the credit of, a victim of identity theft, as
35 defined in Section 530.5.

36 (4) (A) If, as a result of the defendant's conduct, the Restitution
37 Fund has provided assistance to or on behalf of a victim or
38 derivative victim pursuant to Chapter 5 (commencing with Section
39 13950) of Part 4 of Division 3 of Title 2 of the Government Code,
40 the amount of assistance provided shall be presumed to be a direct

1 result of the defendant’s criminal conduct and shall be included
2 in the amount of the restitution ordered.

3 (B) The amount of assistance provided by the Restitution Fund
4 shall be established by copies of bills submitted to the California
5 Victim Compensation Board reflecting the amount paid by the
6 board and whether the services for which payment was made were
7 for medical or dental expenses, funeral or burial expenses, mental
8 health counseling, wage or support losses, or rehabilitation.
9 Certified copies of these bills provided by the board and redacted
10 to protect the privacy and safety of the victim or any legal privilege,
11 together with a statement made under penalty of perjury by the
12 custodian of records that those bills were submitted to and were
13 paid by the board, shall be sufficient to meet this requirement.

14 (C) If the defendant offers evidence to rebut the presumption
15 established by this paragraph, the court may release additional
16 information contained in the records of the board to the defendant
17 only after reviewing that information in camera and finding that
18 the information is necessary for the defendant to dispute the amount
19 of the restitution order.

20 (5) Except as provided in paragraph (6), in any case in which
21 an order may be entered pursuant to this subdivision, the defendant
22 shall prepare and file a disclosure identifying all assets, income,
23 and liabilities in which the defendant held or controlled a present
24 or future interest as of the date of the defendant’s arrest for the
25 crime for which restitution may be ordered. The financial disclosure
26 statements shall be made available to the victim and the board
27 pursuant to Section 1214. The disclosure shall be signed by the
28 defendant upon a form approved or adopted by the Judicial Council
29 for the purpose of facilitating the disclosure. A defendant who
30 willfully states as true a material matter that he or she knows to
31 be false on the disclosure required by this subdivision is guilty of
32 a misdemeanor, unless this conduct is punishable as perjury or
33 another provision of law provides for a greater penalty.

34 (6) A defendant who fails to file the financial disclosure required
35 in paragraph (5), but who has filed a financial affidavit or financial
36 information pursuant to subdivision (c) of Section 987, shall be
37 deemed to have waived the confidentiality of that affidavit or
38 financial information as to a victim in whose favor the order of
39 restitution is entered pursuant to subdivision (f). The affidavit or
40 information shall serve in lieu of the financial disclosure required

1 in paragraph (5), and paragraphs (7) to (10), inclusive, shall not
2 apply.

3 (7) Except as provided in paragraph (6), the defendant shall file
4 the disclosure with the clerk of the court no later than the date set
5 for the defendant's sentencing, unless otherwise directed by the
6 court. The disclosure may be inspected or copied as provided by
7 subdivision (b), (c), or (d) of Section 1203.05.

8 (8) In its discretion, the court may relieve the defendant of the
9 duty under paragraph (7) of filing with the clerk by requiring that
10 the defendant's disclosure be submitted as an attachment to, and
11 be available to, those authorized to receive the following:

12 (A) A report submitted pursuant to subparagraph (C) of
13 paragraph (2) of subdivision (b) of Section 1203 or subdivision
14 (g) of Section 1203.

15 (B) A stipulation submitted pursuant to paragraph (4) of
16 subdivision (b) of Section 1203.

17 (C) A report by the probation officer, or information submitted
18 by the defendant applying for a conditional sentence pursuant to
19 subdivision (d) of Section 1203.

20 (9) The court may consider a defendant's unreasonable failure
21 to make a complete disclosure pursuant to paragraph (5) as any of
22 the following:

23 (A) A circumstance in aggravation of the crime in imposing a
24 term under subdivision (b) of Section 1170.

25 (B) A factor indicating that the interests of justice would not be
26 served by admitting the defendant to probation under Section 1203.

27 (C) A factor indicating that the interests of justice would not be
28 served by conditionally sentencing the defendant under Section
29 1203.

30 (D) A factor indicating that the interests of justice would not
31 be served by imposing less than the maximum fine and sentence
32 fixed by law for the case.

33 (10) A defendant's failure or refusal to make the required
34 disclosure pursuant to paragraph (5) shall not delay entry of an
35 order of restitution or pronouncement of sentence. In appropriate
36 cases, the court may do any of the following:

37 (A) Require the defendant to be examined by the district attorney
38 pursuant to subdivision (h).

39 (B) If sentencing the defendant under Section 1170, provide
40 that the victim shall receive a copy of the portion of the probation

1 report filed pursuant to Section 1203.10 concerning the defendant's
2 employment, occupation, finances, and liabilities.

3 (C) If sentencing the defendant under Section 1203, set a date
4 and place for submission of the disclosure required by paragraph
5 (5) as a condition of probation or suspended sentence.

6 (11) If a defendant has any remaining unpaid balance on a
7 restitution order or fine 120 days prior to his or her scheduled
8 release from probation or 120 days prior to his or her completion
9 of a conditional sentence, the defendant shall prepare and file a
10 new and updated financial disclosure identifying all assets, income,
11 and liabilities in which the defendant holds or controls or has held
12 or controlled a present or future interest during the defendant's
13 period of probation or conditional sentence. The financial
14 disclosure shall be made available to the victim and the board
15 pursuant to Section 1214. The disclosure shall be signed and
16 prepared by the defendant on the same form as described in
17 paragraph (5). A defendant who willfully states as true a material
18 matter that he or she knows to be false on the disclosure required
19 by this subdivision is guilty of a misdemeanor, unless this conduct
20 is punishable as perjury or another provision of law provides for
21 a greater penalty. The financial disclosure required by this
22 paragraph shall be filed with the clerk of the court no later than
23 90 days prior to the defendant's scheduled release from probation
24 or completion of the defendant's conditional sentence.

25 (12) In cases where an employer is convicted of a crime against
26 an employee, a payment to the employee or the employee's
27 dependent that is made by the employer's workers' compensation
28 insurance carrier shall not be used to offset the amount of the
29 restitution order unless the court finds that the defendant
30 substantially met the obligation to pay premiums for that insurance
31 coverage.

32 (g) The court shall order full restitution unless it finds
33 compelling and extraordinary reasons for not doing so and states
34 those reasons on the record. A defendant's inability to pay shall
35 not be considered a compelling and extraordinary reason not to
36 impose a restitution order, nor shall inability to pay be a
37 consideration in determining the amount of a restitution order.

38 (h) The district attorney may request an order of examination
39 pursuant to the procedures specified in Article 2 (commencing
40 with Section 708.110) of Chapter 6 of Division 2 of Title 9 of Part

1 2 of the Code of Civil Procedure, in order to determine the
2 defendant’s financial assets for purposes of collecting on the
3 restitution order.

4 (i) A restitution order imposed pursuant to subdivision (f) shall
5 be enforceable as if the order were a civil judgment.

6 (j) The making of a restitution order pursuant to subdivision (f)
7 shall not affect the right of a victim to recovery from the Restitution
8 Fund as otherwise provided by law, except to the extent that
9 restitution is actually collected pursuant to the order. Restitution
10 collected pursuant to this subdivision shall be credited to any other
11 judgments for the same losses obtained against the defendant
12 arising out of the crime for which the defendant was convicted.

13 (k) For purposes of this section, “victim” shall include all of
14 the following:

- 15 (1) The immediate surviving family of the actual victim.
- 16 (2) A corporation, business trust, estate, trust, partnership,
17 association, joint venture, government, governmental subdivision,
18 agency, or instrumentality, or any other legal or commercial entity
19 when that entity is a direct victim of a crime.
- 20 (3) A person who has sustained economic loss as the result of
21 a crime and who satisfies any of the following conditions:
 - 22 (A) At the time of the crime was the parent, grandparent, sibling,
23 spouse, child, or grandchild of the victim.
 - 24 (B) At the time of the crime was living in the household of the
25 victim.
 - 26 (C) At the time of the crime was a person who had previously
27 lived in the household of the victim for a period of not less than
28 two years in a relationship substantially similar to a relationship
29 listed in subparagraph (A).
 - 30 (D) Is another family member of the victim, including, but not
31 limited to, the victim’s fiancé or fiancée, and who witnessed the
32 crime.
 - 33 (E) Is the primary caretaker of a minor victim.
- 34 (4) A person who is eligible to receive assistance from the
35 Restitution Fund pursuant to Chapter 5 (commencing with Section
36 13950) of Part 4 of Division 3 of Title 2 of the Government Code.
- 37 (5) A governmental entity that is responsible for repairing,
38 replacing, or restoring public or privately owned property that has
39 been defaced with graffiti or other inscribed material, as defined
40 in subdivision (e) of Section 594, and that has sustained an

1 economic loss as the result of a violation of Section 594, 594.3,
2 594.4, 640.5, 640.6, or 640.7.

3 (l) At its discretion, the board of supervisors of a county may
4 impose a fee to cover the actual administrative cost of collecting
5 the restitution fine, not to exceed 10 percent of the amount ordered
6 to be paid, to be added to the restitution fine and included in the
7 order of the court, the proceeds of which shall be deposited in the
8 general fund of the county.

9 (m) In every case in which the defendant is granted probation,
10 the court shall make the payment of restitution fines and orders
11 imposed pursuant to this section a condition of probation. Any
12 portion of a restitution order that remains unsatisfied after a
13 defendant is no longer on probation shall continue to be enforceable
14 by a victim pursuant to Section 1214 until the obligation is
15 satisfied.

16 (n) If the court finds and states on the record compelling and
17 extraordinary reasons why a restitution fine or full restitution order
18 should not be required, the court shall order, as a condition of
19 probation, that the defendant perform specified community service,
20 unless it finds and states on the record compelling and
21 extraordinary reasons not to require community service in addition
22 to the finding that restitution should not be required. Upon
23 revocation of probation, the court shall impose restitution pursuant
24 to this section.

25 (o) The provisions of Section 13963 of the Government Code
26 shall apply to restitution imposed pursuant to this section.

27 (p) The court clerk shall notify the California Victim
28 Compensation Board within 90 days of an order of restitution being
29 imposed if the defendant is ordered to pay restitution to the board
30 due to the victim receiving compensation from the Restitution
31 Fund. Notification shall be accomplished by mailing a copy of the
32 court order to the board, which may be done periodically by bulk
33 mail or email.

34 (q) Upon conviction for a violation of Section 236.1, the court
35 shall, in addition to any other penalty or restitution, order the
36 defendant to pay restitution to the victim in a case in which a victim
37 has suffered economic loss as a result of the defendant's conduct.
38 The court shall require that the defendant make restitution to the
39 victim or victims in an amount established by court order, based
40 on the amount of loss claimed by the victim or victims or another

1 showing to the court. In determining restitution pursuant to this
2 section, the court shall base its order upon the greater of the
3 following: the gross value of the victim's labor or services based
4 upon the comparable value of similar services in the labor market
5 in which the offense occurred, or the value of the victim's labor
6 as guaranteed under California law, or the actual income derived
7 by the defendant from the victim's labor or services or any other
8 appropriate means to provide reparations to the victim.

9 (r) (1) In addition to any other penalty or fine, the court shall
10 order a person who has been convicted of a violation of Section
11 350, 653h, 653s, 653u, 653w, or 653aa that involves a recording
12 or audiovisual work to make restitution to an owner or lawful
13 producer, or trade association acting on behalf of the owner or
14 lawful producer, of a phonograph record, disc, wire, tape, film, or
15 other device or article from which sounds or visual images are
16 derived that suffered economic loss resulting from the violation.
17 The order of restitution shall be based on the aggregate wholesale
18 value of lawfully manufactured and authorized devices or articles
19 from which sounds or visual images are devised corresponding to
20 the number of nonconforming devices or articles involved in the
21 offense, unless a higher value can be proved in the case of (A) an
22 unreleased audio work, or (B) an audiovisual work that, at the time
23 of unauthorized distribution, has not been made available in copies
24 for sale to the general public in the United States on a digital
25 versatile disc. For purposes of this subdivision, possession of
26 nonconforming devices or articles intended for sale constitutes
27 actual economic loss to an owner or lawful producer in the form
28 of displaced legitimate wholesale purchases. The order of
29 restitution shall also include reasonable costs incurred as a result
30 of an investigation of the violation undertaken by the owner, lawful
31 producer, or trade association acting on behalf of the owner or
32 lawful producer. "Aggregate wholesale value" means the average
33 wholesale value of lawfully manufactured and authorized sound
34 or audiovisual recordings. Proof of the specific wholesale value
35 of each nonconforming device or article is not required.

36 (2) As used in this subdivision, "audiovisual work" and
37 "recording" shall have the same meaning as in Section 653w.

38 SEC. 241. Section 1202.41 of the Penal Code is amended to
39 read:

1 1202.41. (a) (1) Notwithstanding Section 977 or any other
2 law, if a defendant is currently incarcerated in a state prison with
3 two-way audiovideo communication capability, the Department
4 of Corrections, at the request of the California Victim
5 Compensation Board, may collaborate with a court in any county
6 to arrange for a hearing to impose or amend a restitution order, if
7 the victim has received assistance pursuant to Article 5
8 (commencing with Section 13959) of Chapter 5 of Part 4 of
9 Division 3 of Title 2 of the Government Code, to be conducted by
10 two-way electronic audiovideo communication between the
11 defendant and the courtroom in lieu of the defendant's physical
12 presence in the courtroom, provided the county has agreed to make
13 the necessary equipment available.

14 (2) Nothing in this subdivision shall be interpreted to eliminate
15 the authority of the court to issue an order requiring the defendant
16 to be physically present in the courtroom in those cases where the
17 court finds circumstances that require the physical presence of the
18 defendant in the courtroom.

19 (3) In lieu of the physical presence of the defendant's counsel
20 at the institution with the defendant, the court and the Department
21 of Corrections shall establish a confidential telephone and facsimile
22 transmission line between the court and the institution for
23 communication between the defendant's counsel in court and the
24 defendant at the institution. In this case, counsel for the defendant
25 shall not be required to be physically present at the institution
26 during the hearing via electronic audiovideo communication.
27 Nothing in this subdivision shall be construed to prohibit the
28 physical presence of the defense counsel with the defendant at the
29 state prison.

30 (b) If an inmate who is not incarcerated in a state prison with
31 two-way audiovideo communication capability or ward does not
32 waive his or her right to attend a restitution hearing for the
33 amendment of a restitution order, the California Victim
34 Compensation Board shall determine if the cost of holding the
35 hearing is justified. If the board determines that the cost of holding
36 the hearing is not justified, the amendment of the restitution order
37 affecting that inmate or ward shall not be pursued at that time.

38 (c) Nothing in this section shall be construed to prohibit an
39 individual or district attorney's office from independently pursuing
40 the imposition or amendment of a restitution order that may result

1 in a hearing, regardless of whether the victim has received
2 assistance pursuant to Article 1 (commencing with Section 13959)
3 of Chapter 5 of Part 4 of Division 3 of Title 2 of the Government
4 Code.

5 SEC. 242. Section 1214 of the Penal Code is amended to read:

6 1214. (a) If the judgment is for a fine, including a restitution
7 fine ordered pursuant to Section 1202.4, 1202.44, or 1202.45, or
8 Section 1203.04 as operative on or before August 2, 1995, or
9 Section 13967 of the Government Code, as operative on or before
10 September 28, 1994, with or without imprisonment, or a diversion
11 restitution fee ordered pursuant to Section 1001.90, the judgment
12 may be enforced in the manner provided for the enforcement of
13 money judgments generally. Any portion of a restitution fine or
14 restitution fee that remains unsatisfied after a defendant is no longer
15 on probation, parole, postrelease community supervision pursuant
16 to Section 3451, or mandatory supervision pursuant to
17 subparagraph (B) of paragraph (5) of subdivision (h) of Section
18 1170, after a term in custody pursuant to subparagraph (A) of
19 paragraph (5) of subdivision (h) of Section 1170, or after
20 completing diversion is enforceable by the California Victim
21 Compensation Board pursuant to this section. Notwithstanding
22 any other provision of law prohibiting disclosure, the state, as
23 defined in Section 900.6 of the Government Code, a local public
24 entity, as defined in Section 900.4 of the Government Code, or
25 any other entity, may provide the California Victim Compensation
26 Board any and all information to assist in the collection of unpaid
27 portions of a restitution fine for terminated probation or parole
28 cases, or of a restitution fee for completed diversion cases. For
29 purposes of the preceding sentence, “state, as defined in Section
30 900.6 of the Government Code,” and “any other entity” shall not
31 include the Franchise Tax Board. A local collection program may
32 continue to collect restitution fines and restitution orders once a
33 defendant is no longer on probation, postrelease community
34 supervision, or mandatory supervision or after a term in custody
35 pursuant to subparagraph (A) of paragraph (5) of subdivision (h)
36 of Section 1170.

37 (b) In any case in which a defendant is ordered to pay restitution,
38 the order to pay restitution (1) is deemed a money judgment if the
39 defendant was informed of his or her right to have a judicial
40 determination of the amount and was provided with a hearing,

1 waived a hearing, or stipulated to the amount of the restitution
2 ordered, and (2) shall be fully enforceable by a victim as if the
3 restitution order were a civil judgment, and enforceable in the same
4 manner as is provided for the enforcement of any other money
5 judgment. Upon the victim's request, the court shall provide the
6 victim in whose favor the order of restitution is entered with a
7 certified copy of that order and a copy of the defendant's disclosure
8 pursuant to paragraph (5) of subdivision (f) of Section 1202.4,
9 affidavit or information pursuant to paragraph (6) of subdivision
10 (f) of Section 1202.4, or report pursuant to paragraph (8) of
11 subdivision (f) of Section 1202.4. The court also shall provide this
12 information to the district attorney upon request in connection with
13 an investigation or prosecution involving perjury or the veracity
14 of the information contained within the defendant's financial
15 disclosure. In addition, upon request, the court shall provide the
16 California Victim Compensation Board with a certified copy of
17 any order imposing a restitution fine or order and a copy of the
18 defendant's disclosure pursuant to paragraph (5) of subdivision
19 (f) of Section 1202.4, affidavit or information pursuant to paragraph
20 (6) of subdivision (f) of Section 1202.4, or report pursuant to
21 paragraph (8) of subdivision (f) of Section 1202.4. A victim shall
22 have access to all resources available under the law to enforce the
23 restitution order, including, but not limited to, access to the
24 defendant's financial records, use of wage garnishment and lien
25 procedures, information regarding the defendant's assets, and the
26 ability to apply for restitution from any fund established for the
27 purpose of compensating victims in civil cases. Any portion of a
28 restitution order that remains unsatisfied after a defendant is no
29 longer on probation, parole, postrelease community supervision
30 under Section 3451, or mandatory supervision imposed pursuant
31 to subparagraph (B) of paragraph (5) of subdivision (h) of Section
32 1170 or after a term in custody pursuant to subparagraph (A) of
33 paragraph (5) of subdivision (h) of Section 1170 is enforceable by
34 the victim pursuant to this section. Victims and the California
35 Victim Compensation Board shall inform the court whenever an
36 order to pay restitution is satisfied. A local collection program may
37 continue to enforce victim restitution orders once a defendant is
38 no longer on probation, postrelease community supervision, or
39 mandatory supervision or after completion of a term in custody

1 pursuant to subparagraph (A) of paragraph (5) of subdivision (h)
2 of Section 1170.

3 (c) A defendant who owes a restitution fine, a restitution order,
4 or any portion thereof, and who is released from the custody of a
5 county jail facility after a term in custody pursuant to subparagraph
6 (A) of paragraph (5) of subdivision (h) of Section 1170 shall have
7 a continuing obligation to pay the restitution fine or restitution
8 order in full.

9 (d) Except as provided in subdivision (d), and notwithstanding
10 the amount in controversy limitation of Section 85 of the Code of
11 Civil Procedure, a restitution order or restitution fine that was
12 imposed pursuant to Section 1202.4 in any of the following cases
13 may be enforced in the same manner as a money judgment in a
14 limited civil case:

15 (1) In a misdemeanor case.

16 (2) In a case involving violation of a city or town ordinance.

17 (3) In a noncapital criminal case where the court has received
18 a plea of guilty or nolo contendere.

19 (e) Chapter 3 (commencing with Section 683.010) of Division
20 1 of Title 9 of Part 2 of the Code of Civil Procedure shall not apply
21 to any of the following:

22 (1) A judgment for court-ordered fines, forfeitures, penalties,
23 fees, or assessments.

24 (2) A restitution fine or restitution order imposed pursuant to
25 Section 1202.4, 1202.44, or 1202.45, or Section 1203.04, as
26 operative on or before August 2, 1995, or Section 13967 of the
27 Government Code, as operative on or before September 28, 1994.

28 (3) A diversion restitution fee ordered pursuant to Section
29 1001.90.

30 SEC. 243. Section 1463.02 of the Penal Code is amended to
31 read:

32 1463.02. (a) On or before June 30, 2011, the Judicial Council
33 shall establish a task force to evaluate criminal and traffic-related
34 court-ordered debts imposed against adult and juvenile offenders.
35 The task force shall be comprised of the following members:

36 (1) Two members appointed by the California State Association
37 of Counties.

38 (2) Two members appointed by the League of California Cities.

39 (3) Two court executives, two judges, and two Administrative
40 Office of the Courts employees appointed by the Judicial Council.

- 1 (4) One member appointed by the Controller.
- 2 (5) One member appointed by the Franchise Tax Board.
- 3 (6) One member appointed by the California Victim
4 Compensation Board.
- 5 (7) One member appointed by the Department of Corrections
6 and Rehabilitation.
- 7 (8) One member appointed by the Department of Finance.
- 8 (9) One member appointed by each house of the Legislature.
- 9 (10) A county public defender and a city attorney appointed by
10 the Speaker of the Assembly.
- 11 (11) A defense attorney in private practice and a district attorney
12 appointed by the Senate Committee on Rules.
- 13 (b) The Judicial Council shall designate a chairperson for the
14 task force. The task force shall, among other duties, do all of the
15 following:
 - 16 (1) Identify all criminal and traffic-related court-ordered fees,
17 fines, forfeitures, penalties, and assessments imposed under law.
 - 18 (2) Identify the distribution of revenue derived from those debts
19 and the expenditures made by those entities that benefit from the
20 revenues.
 - 21 (3) Consult with state and local entities that would be affected
22 by a simplification and consolidation of criminal and traffic-related
23 court-ordered debts.
 - 24 (4) Evaluate and make recommendations to the Judicial Council
25 and the Legislature for consolidating and simplifying the imposition
26 of criminal and traffic-related court-ordered debts and the
27 distribution of the revenue derived from those debts with the goal
28 of improving the process for those entities that benefit from the
29 revenues, and recommendations, if any, for adjustment to the
30 court-ordered debts.
- 31 (c) The task force also shall document recent annual revenues
32 from the various penalty assessments and surcharges and, to the
33 extent feasible, evaluate the extent to which the amount of each
34 penalty assessment and surcharge impacts total annual revenues,
35 imposition of criminal sentences, and the actual amounts assessed.
- 36 (d) The task force also shall evaluate and make
37 recommendations to the Judicial Council and the Legislature on
38 or before June 30, 2011, regarding the priority in which
39 court-ordered debts should be satisfied and the use of

1 comprehensive collection programs authorized pursuant to Section
2 1463.007, including associated cost-recovery practices.

3 SEC. 244. Section 1485.5 of the Penal Code is amended to
4 read:

5 1485.5. (a) If the district attorney or Attorney General
6 stipulates to or does not contest the factual allegations underlying
7 one or more of the grounds for granting a writ of habeas corpus
8 or a motion to vacate a judgment, the facts underlying the basis
9 for the court's ruling or order shall be binding on the Attorney
10 General, the factfinder, and the California Victim Compensation
11 Board.

12 (b) The district attorney shall provide notice to the Attorney
13 General prior to entering into a stipulation of facts that will be the
14 basis for the granting of a writ of habeas corpus or a motion to
15 vacate a judgment.

16 (c) The express factual findings made by the court, including
17 credibility determinations, in considering a petition for habeas
18 corpus, a motion to vacate judgment pursuant to Section 1473.6,
19 or an application for a certificate of factual innocence, shall be
20 binding on the Attorney General, the factfinder, and the California
21 Victim Compensation Board.

22 (d) For the purposes of this section, "express factual findings"
23 are findings established as the basis for the court's ruling or order.

24 (e) For purposes of this section, "court" is defined as a state or
25 federal court.

26 SEC. 245. Section 1485.55 of the Penal Code is amended to
27 read:

28 1485.55. (a) In a contested proceeding, if the court grants a
29 writ of habeas corpus concerning a person who is unlawfully
30 imprisoned or restrained, or when, pursuant to Section 1473.6, the
31 court vacates a judgment on the basis of new evidence concerning
32 a person who is no longer unlawfully imprisoned or restrained,
33 and if the court finds that new evidence on the petition points
34 unerringly to innocence, that finding shall be binding on the
35 California Victim Compensation Board for a claim presented to
36 the board, and upon application by the person, the board shall,
37 without a hearing, recommend to the Legislature that an
38 appropriation be made and the claim paid pursuant to Section 4904.

39 (b) If the court grants a writ of habeas corpus concerning a
40 person who is unlawfully imprisoned or restrained on any ground

1 other than new evidence that points unerringly to innocence or
2 actual innocence, the petitioner may move for a finding of
3 innocence by a preponderance of the evidence that the crime with
4 which he or she was charged was either not committed at all or,
5 if committed, was not committed by him or her.

6 (c) If the court vacates a judgment pursuant to Section 1473.6,
7 on any ground other than new evidence that points unerringly to
8 innocence or actual innocence, the petitioner may move for a
9 finding of innocence by a preponderance of the evidence that the
10 crime with which he or she was charged was either not committed
11 at all or, if committed, was not committed by him or her.

12 (d) If the court makes a finding that the petitioner has proven
13 his or her innocence by a preponderance of the evidence pursuant
14 to subdivision (b) or (c), the board shall, without a hearing,
15 recommend to the Legislature that an appropriation be made and
16 the claim paid pursuant to Section 4904.

17 (e) No presumption shall exist in any other proceeding for failure
18 to make a motion or obtain a favorable ruling pursuant to
19 subdivision (b) or (c).

20 (f) If a federal court, after granting a writ of habeas corpus,
21 pursuant to a nonstatutory motion or request, finds a petitioner
22 innocent by no less than a preponderance of the evidence that the
23 crime with which he or she was charged was either not committed
24 at all or, if committed, was not committed by him or her, the board
25 shall, without a hearing, recommend to the Legislature that an
26 appropriation be made and the claim paid pursuant to Section 4904.

27 (g) For the purposes of this section, “new evidence” means
28 evidence that was not available or known at the time of trial that
29 completely undermines the prosecution case and points unerringly
30 to innocence.

31 SEC. 246. Section 1557 of the Penal Code is amended to read:

32 1557. (a) This section shall apply when this state or a city,
33 county, or city and county employs a person to travel to a foreign
34 jurisdiction outside this state for the express purpose of returning
35 a fugitive from justice to this state when the Governor of this state,
36 in the exercise of the authority conferred by Section 2 of Article
37 IV of the United States Constitution, or by the laws of this state,
38 has demanded the surrender of the fugitive from the executive
39 authority of any state of the United States, or of any foreign
40 government.

1 (b) Upon the approval of the Governor, the Controller shall
2 audit and pay out of the State Treasury as provided in subdivision
3 (c) or (d) the accounts of the person employed to bring back the
4 fugitive, including any money paid by that person for all of the
5 following:

6 (1) Money paid to the authorities of a sister state for statutory
7 fees in connection with the detention and surrender of the fugitive.

8 (2) Money paid to the authorities of the sister state for the
9 subsistence of the fugitive while detained by the sister state without
10 payment of which the authorities of the sister state refuse to
11 surrender the fugitive.

12 (3) Where it is necessary to present witnesses or evidence in
13 the sister state, without which the sister state would not surrender
14 the fugitive, the cost of producing the witnesses or evidence in the
15 sister state.

16 (4) Where the appearance of witnesses has been authorized in
17 advance by the Governor, who may authorize the appearance in
18 unusual cases where the interests of justice would be served, the
19 cost of producing witnesses to appear in the sister state on behalf
20 of the fugitive in opposition to his or her extradition.

21 (c) No amount shall be paid out of the State Treasury to a city,
22 county, or city and county except as follows:

23 (1) When a warrant has been issued by any magistrate after the
24 filing of a complaint or the finding of an indictment and its
25 presentation to the court and filing by the clerk, and the person
26 named therein as defendant is a fugitive from justice who has been
27 found and arrested in any state of the United States or in any
28 foreign government, the county auditor shall draw his or her
29 warrant and the county treasurer shall pay to the person designated
30 to return the fugitive, the amount of expenses estimated by the
31 district attorney to be incurred in the return of the fugitive.

32 (2) If the person designated to return the fugitive is a city officer,
33 the city officer authorized to draw warrants on the city treasury
34 shall draw his or her warrant and the city treasurer shall pay to that
35 person the amount of expenses estimated by the district attorney
36 to be incurred in the return of the fugitive.

37 (3) The person designated to return the fugitive shall make no
38 disbursements from any funds advanced without a receipt being
39 obtained therefor showing the amount, the purpose for which the
40 sum is expended, the place, the date, and to whom paid.

1 (4) A receipt obtained pursuant to paragraph (3) shall be filed
2 by the person designated to return the fugitive with the county
3 auditor or appropriate city officer or the Controller, as the case
4 may be, together with an affidavit by the person that the
5 expenditures represented by the receipts were necessarily made in
6 the performance of duty, and when the advance has been made by
7 the county or city treasurer to the person designated to return the
8 fugitive, and has thereafter been audited by the Controller, the
9 payment thereof shall be made by the State Treasurer to the county
10 or city treasury that has advanced the funds.

11 (5) In every case where the expenses of the person employed
12 to bring back the fugitive as provided in this section, are less than
13 the amount advanced on the recommendation of the district
14 attorney, the person employed to bring back the fugitive shall
15 return to the county or city treasurer, as appropriate, the difference
16 in amount between the aggregate amount of receipts so filed by
17 him or her, as herein employed, and the amount advanced to the
18 person upon the recommendation of the district attorney.

19 (6) When no advance has been made to the person designated
20 to return the fugitive, the sums expended by him or her, when
21 audited by the Controller, shall be paid by the State Treasurer to
22 the person so designated.

23 (7) Any payments made out of the State Treasury pursuant to
24 this section shall be made from appropriations for the fiscal year
25 in which those payments are made.

26 (d) Payments to state agencies will be made in accord with the
27 rules of the Department of General Services. No city, county, or
28 other jurisdiction may file, and the state may not reimburse, a claim
29 pursuant to this section that is presented to the Department of
30 Corrections and Rehabilitation or to any other agency or
31 department of the state more than six months after the close of the
32 month in which the costs were incurred.

33 SEC. 247. Section 2085.5 of the Penal Code is amended to
34 read:

35 2085.5. (a) In any case in which a prisoner owes a restitution
36 fine imposed pursuant to subdivision (a) of Section 13967 of the
37 Government Code, as operative prior to September 29, 1994,
38 subdivision (b) of Section 730.6 of the Welfare and Institutions
39 Code, or subdivision (b) of Section 1202.4, the Secretary of the
40 Department of Corrections and Rehabilitation shall deduct a

1 minimum of 20 percent or the balance owing on the fine amount,
2 whichever is less, up to a maximum of 50 percent from the wages
3 and trust account deposits of a prisoner, unless prohibited by
4 federal law, and shall transfer that amount to the California Victim
5 Compensation Board for deposit in the Restitution Fund in the
6 State Treasury. The amount deducted shall be credited against the
7 amount owing on the fine. The sentencing court shall be provided
8 a record of the payments.

9 (b) (1) When a prisoner is punished by imprisonment in a
10 county jail pursuant to subdivision (h) of Section 1170, in any case
11 in which a prisoner owes a restitution fine imposed pursuant to
12 subdivision (a) of Section 13967 of the Government Code, as
13 operative prior to September 29, 1994, subdivision (b) of Section
14 730.6 of the Welfare and Institutions Code, or subdivision (b) of
15 Section 1202.4, the agency designated by the board of supervisors
16 in the county where the prisoner is incarcerated is authorized to
17 deduct a minimum of 20 percent or the balance owing on the fine
18 amount, whichever is less, up to a maximum of 50 percent from
19 the county jail equivalent of wages and trust account deposits of
20 a prisoner, unless prohibited by federal law, and shall transfer that
21 amount to the California Victim Compensation Board for deposit
22 in the Restitution Fund in the State Treasury. The amount deducted
23 shall be credited against the amount owing on the fine. The
24 sentencing court shall be provided a record of the payments.

25 (2) If the board of supervisors designates the county sheriff as
26 the collecting agency, the board of supervisors shall first obtain
27 the concurrence of the county sheriff.

28 (c) In any case in which a prisoner owes a restitution order
29 imposed pursuant to subdivision (c) of Section 13967 of the
30 Government Code, as operative prior to September 29, 1994,
31 subdivision (h) of Section 730.6 of the Welfare and Institutions
32 Code, or subdivision (f) of Section 1202.4, the Secretary of the
33 Department of Corrections and Rehabilitation shall deduct a
34 minimum of 20 percent or the balance owing on the order amount,
35 whichever is less, up to a maximum of 50 percent from the wages
36 and trust account deposits of a prisoner, unless prohibited by
37 federal law. The secretary shall transfer that amount to the
38 California Victim Compensation Board for direct payment to the
39 victim, or payment shall be made to the Restitution Fund to the
40 extent that the victim has received assistance pursuant to that

1 program. The sentencing court shall be provided a record of the
2 payments made to victims and of the payments deposited to the
3 Restitution Fund pursuant to this subdivision.

4 (d) When a prisoner is punished by imprisonment in a county
5 jail pursuant to subdivision (h) of Section 1170, in any case in
6 which a prisoner owes a restitution order imposed pursuant to
7 subdivision (c) of Section 13967 of the Government Code, as
8 operative prior to September 29, 1994, subdivision (h) of Section
9 730.6 of the Welfare and Institutions Code, or subdivision (b) of
10 Section 1202.4, the agency designated by the board of supervisors
11 in the county where the prisoner is incarcerated is authorized to
12 deduct a minimum of 20 percent or the balance owing on the order
13 amount, whichever is less, up to a maximum of 50 percent from
14 the county jail equivalent of wages and trust account deposits of
15 a prisoner, unless prohibited by federal law. The agency shall
16 transfer that amount to the California Victim Compensation Board
17 for direct payment to the victim, or payment shall be made to the
18 Restitution Fund to the extent that the victim has received
19 assistance pursuant to that program, or may pay the victim directly.
20 The sentencing court shall be provided a record of the payments
21 made to the victims and of the payments deposited to the
22 Restitution Fund pursuant to this subdivision.

23 (e) The secretary shall deduct and retain from the wages and
24 trust account deposits of a prisoner, unless prohibited by federal
25 law, an administrative fee that totals 10 percent of any amount
26 transferred to the California Victim Compensation Board pursuant
27 to subdivision (a) or (c). The secretary shall deduct and retain from
28 any prisoner settlement or trial award, an administrative fee that
29 totals 5 percent of any amount paid from the settlement or award
30 to satisfy an outstanding restitution order or fine pursuant to
31 subdivision (n), unless prohibited by federal law. The secretary
32 shall deposit the administrative fee moneys in a special deposit
33 account for reimbursing administrative and support costs of the
34 restitution program of the Department of Corrections and
35 Rehabilitation. The secretary, at his or her discretion, may retain
36 any excess funds in the special deposit account for future
37 reimbursement of the department's administrative and support
38 costs for the restitution program or may transfer all or part of the
39 excess funds for deposit in the Restitution Fund.

1 (f) When a prisoner is punished by imprisonment in a county
2 jail pursuant to subdivision (h) of Section 1170, the agency
3 designated by the board of supervisors in the county where the
4 prisoner is incarcerated is authorized to deduct and retain from the
5 county jail equivalent of wages and trust account deposits of a
6 prisoner, unless prohibited by federal law, an administrative fee
7 that totals 10 percent of any amount transferred to the California
8 Victim Compensation Board pursuant to subdivision (b) or (d).
9 The agency is authorized to deduct and retain from a prisoner
10 settlement or trial award an administrative fee that totals 5 percent
11 of any amount paid from the settlement or award to satisfy an
12 outstanding restitution order or fine pursuant to subdivision (n),
13 unless prohibited by federal law. Upon release from custody
14 pursuant to subdivision (h) of Section 1170, the agency is
15 authorized to charge a fee to cover the actual administrative cost
16 of collection, not to exceed 10 percent of the total amount collected.
17 The agency shall deposit the administrative fee moneys in a special
18 deposit account for reimbursing administrative and support costs
19 of the restitution program of the agency. The agency is authorized
20 to retain any excess funds in the special deposit account for future
21 reimbursement of the agency's administrative and support costs
22 for the restitution program or may transfer all or part of the excess
23 funds for deposit in the Restitution Fund.

24 (g) In any case in which a parolee owes a restitution fine
25 imposed pursuant to subdivision (a) of Section 13967 of the
26 Government Code, as operative prior to September 29, 1994,
27 subdivision (b) of Section 730.6 of the Welfare and Institutions
28 Code, or subdivision (b) of Section 1202.4, the secretary, or, when
29 a prisoner is punished by imprisonment in a county jail pursuant
30 to subdivision (h) of Section 1170, the agency designated by the
31 board of supervisors in the county where the prisoner is
32 incarcerated, may collect from the parolee or, pursuant to Section
33 2085.6, from a person previously imprisoned in county jail any
34 moneys owing on the restitution fine amount, unless prohibited
35 by federal law. The secretary or the agency shall transfer that
36 amount to the California Victim Compensation Board for deposit
37 in the Restitution Fund in the State Treasury. The amount deducted
38 shall be credited against the amount owing on the fine. The
39 sentencing court shall be provided a record of the payments.

1 (h) In any case in which a parolee owes a direct order of
2 restitution, imposed pursuant to subdivision (c) of Section 13967
3 of the Government Code, as operative prior to September 29, 1994,
4 subdivision (h) of Section 730.6 of the Welfare and Institutions
5 Code, or paragraph (3) of subdivision (a) of Section 1202.4, the
6 secretary, or, when a prisoner is punished by imprisonment in a
7 county jail pursuant to subdivision (h) of Section 1170, the agency
8 designated by the board of supervisors in the county where the
9 prisoner is incarcerated or a local collection program, may collect
10 from the parolee or, pursuant to Section 2085.6, from a person
11 previously imprisoned in county jail any moneys owing, unless
12 prohibited by federal law. The secretary or the agency shall transfer
13 that amount to the California Victim Compensation Board for
14 direct payment to the victim, or payment shall be made to the
15 Restitution Fund to the extent that the victim has received
16 assistance pursuant to that program, or the agency may pay the
17 victim directly. The sentencing court shall be provided a record
18 of the payments made by the offender pursuant to this subdivision.

19 (i) The secretary, or, when a prisoner is punished by
20 imprisonment in a county jail pursuant to subdivision (h) of Section
21 1170, the agency designated by the board of supervisors in the
22 county where the prisoner is incarcerated, may deduct and retain
23 from moneys collected from parolees or persons previously
24 imprisoned in county jail an administrative fee that totals 10 percent
25 of any amount transferred to the California Victim Compensation
26 Board pursuant to subdivision (g) or (h), unless prohibited by
27 federal law. The secretary shall deduct and retain from any
28 settlement or trial award of a parolee an administrative fee that
29 totals 5 percent of an amount paid from the settlement or award
30 to satisfy an outstanding restitution order or fine pursuant to
31 subdivision (n), unless prohibited by federal law. The agency is
32 authorized to deduct and retain from any settlement or trial award
33 of a person previously imprisoned in county jail an administrative
34 fee that totals 5 percent of any amount paid from the settlement
35 or award to satisfy an outstanding restitution order or fine pursuant
36 to subdivision (n). The secretary or the agency shall deposit the
37 administrative fee moneys in a special deposit account for
38 reimbursing administrative and support costs of the restitution
39 program of the Department of Corrections and Rehabilitation or
40 the agency, as applicable. The secretary, at his or her discretion,

1 or the agency may retain any excess funds in the special deposit
2 account for future reimbursement of the department's or agency's
3 administrative and support costs for the restitution program or may
4 transfer all or part of the excess funds for deposit in the Restitution
5 Fund.

6 (j) When a prisoner has both a restitution fine and a restitution
7 order from the sentencing court, the Department of Corrections
8 and Rehabilitation shall collect the restitution order first pursuant
9 to subdivision (c).

10 (k) When a prisoner is punished by imprisonment in a county
11 jail pursuant to subdivision (h) of Section 1170 and that prisoner
12 has both a restitution fine and a restitution order from the
13 sentencing court, if the agency designated by the board of
14 supervisors in the county where the prisoner is incarcerated collects
15 the fine and order, the agency shall collect the restitution order
16 first pursuant to subdivision (d).

17 (l) When a parolee has both a restitution fine and a restitution
18 order from the sentencing court, the Department of Corrections
19 and Rehabilitation, or, when the prisoner is punished by
20 imprisonment in a county jail pursuant to subdivision (h) of Section
21 1170, the agency designated by the board of supervisors in the
22 county where the prisoner is incarcerated, may collect the
23 restitution order first, pursuant to subdivision (h).

24 (m) If an inmate is housed at an institution that requires food
25 to be purchased from the institution canteen for unsupervised
26 overnight visits, and if the money for the purchase of this food is
27 received from funds other than the inmate's wages, that money
28 shall be exempt from restitution deductions. This exemption shall
29 apply to the actual amount spent on food for the visit up to a
30 maximum of fifty dollars (\$50) for visits that include the inmate
31 and one visitor, seventy dollars (\$70) for visits that include the
32 inmate and two or three visitors, and eighty dollars (\$80) for visits
33 that include the inmate and four or more visitors.

34 (n) Compensatory or punitive damages awarded by trial or
35 settlement to any inmate, parolee, person placed on postrelease
36 community supervision pursuant to Section 3451, or defendant on
37 mandatory supervision imposed pursuant to subparagraph (B) of
38 paragraph (5) of subdivision (h) of Section 1170, in connection
39 with a civil action brought against a federal, state, or local jail,
40 prison, or correctional facility, or any official or agent thereof,

1 shall be paid directly, after payment of reasonable attorney’s fees
2 and litigation costs approved by the court, to satisfy any
3 outstanding restitution orders or restitution fines against that
4 person. The balance of the award shall be forwarded to the payee
5 after full payment of all outstanding restitution orders and
6 restitution fines, subject to subdivisions (e) and (i). The Department
7 of Corrections and Rehabilitation shall make all reasonable efforts
8 to notify the victims of the crime for which that person was
9 convicted concerning the pending payment of any compensatory
10 or punitive damages. For any prisoner punished by imprisonment
11 in a county jail pursuant to subdivision (h) of Section 1170, the
12 agency is authorized to make all reasonable efforts to notify the
13 victims of the crime for which that person was convicted
14 concerning the pending payment of any compensatory or punitive
15 damages.

16 (o) (1) Amounts transferred to the California Victim
17 Compensation Board for payment of direct orders of restitution
18 shall be paid to the victim within 60 days from the date the
19 restitution revenues are received by the California Victim
20 Compensation Board. If the restitution payment to a victim is less
21 than twenty-five dollars (\$25), then payment need not be forwarded
22 to that victim until the payment reaches twenty-five dollars (\$25)
23 or when the victim requests payment of the lesser amount.

24 (2) If a victim cannot be located, the restitution revenues
25 received by the California Victim Compensation Board on behalf
26 of the victim shall be held in trust in the Restitution Fund until the
27 end of the state fiscal year subsequent to the state fiscal year in
28 which the funds were deposited or until the time that the victim
29 has provided current address information, whichever occurs sooner.
30 Amounts remaining in trust at the end of the specified period of
31 time shall revert to the Restitution Fund.

32 (3) (A) A victim failing to provide a current address within the
33 period of time specified in paragraph (2) may provide
34 documentation to the Department of Corrections and Rehabilitation,
35 which shall verify that moneys were collected on behalf of the
36 victim. Upon receipt of that verified information from the
37 Department of Corrections and Rehabilitation, the California
38 Victim Compensation Board shall transmit the restitution revenues
39 to the victim in accordance with the provisions of subdivision (c)
40 or (h).

1 (B) A victim failing to provide a current address within the
2 period of time specified in paragraph (2) may provide
3 documentation to the agency designated by the board of supervisors
4 in the county where the prisoner punished by imprisonment in a
5 county jail pursuant to subdivision (h) of Section 1170 is
6 incarcerated, which may verify that moneys were collected on
7 behalf of the victim. Upon receipt of that verified information from
8 the agency, the California Victim Compensation Board shall
9 transmit the restitution revenues to the victim in accordance with
10 the provisions of subdivision (d) or (h).

11 SEC. 248. Section 2085.6 of the Penal Code is amended to
12 read:

13 2085.6. (a) When a prisoner who owes a restitution fine, or
14 any portion thereof, is subsequently released from the custody of
15 the Department of Corrections and Rehabilitation or a county jail
16 facility, and is subject to postrelease community supervision under
17 Section 3451 or mandatory supervision under subdivision (h) of
18 Section 1170, he or she shall have a continuing obligation to pay
19 the restitution fine in full. The restitution fine obligation and any
20 portion left unsatisfied upon placement in postrelease community
21 supervision or mandatory supervision is enforceable and may be
22 collected, in a manner to be established by the county board of
23 supervisors, by the department or county agency designated by
24 the board of supervisors in the county where the prisoner is
25 released. If a county elects to collect restitution fines, the
26 department or county agency designated by the county board of
27 supervisors shall transfer the amount collected to the California
28 Victim Compensation Board for deposit in the Restitution Fund
29 in the State Treasury.

30 (b) When a prisoner who owes payment for a restitution order,
31 or any portion thereof, is released from the custody of the
32 Department of Corrections and Rehabilitation or a county jail
33 facility, and is subject to postrelease community supervision under
34 Section 3451 or mandatory supervision under subdivision (h) of
35 Section 1170, he or she shall have a continuing obligation to pay
36 the restitution order in full. The restitution order obligation and
37 any portion left unsatisfied upon placement in postrelease
38 community supervision or mandatory supervision is enforceable
39 and may be collected, in a manner to be established by the county
40 board of supervisors, by the agency designated by the county board

1 of supervisors in the county where the prisoner is released. If the
2 county elects to collect the restitution order, the agency designated
3 by the county board of supervisors for collection shall transfer the
4 collected amount to the California Victim Compensation for deposit
5 in the Restitution Fund in the State Treasury or may pay the victim
6 directly. The sentencing court shall be provided a record of
7 payments made to the victim and of the payments deposited into
8 the Restitution Fund.

9 (c) Any portion of a restitution order or restitution fine that
10 remains unsatisfied after an individual is released from postrelease
11 community supervision or mandatory supervision shall continue
12 to be enforceable by a victim pursuant to Section 1214 until the
13 obligation is satisfied.

14 (d) At its discretion, a county board of supervisors may impose
15 a fee upon the individual subject to postrelease community
16 supervision or mandatory supervision to cover the actual
17 administrative cost of collecting the restitution fine and the
18 restitution order, not to exceed 10 percent of the amount collected,
19 the proceeds of which shall be deposited into the general fund of
20 the county.

21 (e) If a county elects to collect both a restitution fine and a
22 restitution order, the amount owed on the restitution order shall
23 be collected before the restitution fine.

24 (f) If a county elects to collect restitution fines and restitution
25 orders pursuant to this section, the county shall coordinate efforts
26 with the Franchise Tax Board pursuant to Section 19280 of the
27 Revenue and Taxation Code.

28 (g) Pursuant to Section 1214, the county agency selected by a
29 county board of supervisors to collect restitution fines and
30 restitution orders may collect restitution fines and restitution orders
31 after an individual is no longer on postrelease community
32 supervision or mandatory supervision or after a term in custody
33 pursuant to subparagraph (A) of paragraph (5) of subdivision (h)
34 of Section 1170.

35 (h) For purposes of this section, the following definitions shall
36 apply:

37 (1) "Restitution fine" means a fine imposed pursuant to
38 subdivision (a) of Section 13967 of the Government Code, as
39 operative prior to September 29, 1994, subdivision (b) of Section

1 730.6 of the Welfare and Institutions Code, or subdivision (b) of
2 Section 1202.4.

3 (2) “Restitution order” means an order for restitution to the
4 victim of a crime imposed pursuant to subdivision (c) of Section
5 13967 of the Government Code, as operative prior to September
6 29, 1994, subdivision (h) of Section 730.6 of the Welfare and
7 Institutions Code, or subdivision (f) of Section 1202.4.

8 SEC. 249. Section 2786 of the Penal Code is amended to read:

9 2786. All money received pursuant to this article in the Inmate
10 Welfare Fund of the Department of Corrections and Rehabilitation
11 is hereby appropriated for educational, recreational, and other
12 purposes described in Section 5006 at the various prison camps
13 established under this article and shall be expended by the secretary
14 upon warrants drawn upon the State Treasury by the Controller
15 after approval of the claims by the Department of General Services.
16 It is the intent of the Legislature that moneys in this fund only be
17 expended on services other than those that the department is
18 required to provide to inmates.

19 SEC. 250. Section 4900 of the Penal Code is amended to read:

20 4900. Any person who, having been convicted of any crime
21 against the state amounting to a felony and imprisoned in the state
22 prison or incarcerated in county jail pursuant to subdivision (h) of
23 Section 1170 for that conviction, is granted a pardon by the
24 Governor for the reason that the crime with which he or she was
25 charged was either not committed at all or, if committed, was not
26 committed by him or her, or who, being innocent of the crime with
27 which he or she was charged for either of the foregoing reasons,
28 shall have served the term or any part thereof for which he or she
29 was imprisoned in state prison or incarcerated in county jail, may,
30 under the conditions provided under this chapter, present a claim
31 against the state to the California Victim Compensation Board for
32 the pecuniary injury sustained by him or her through the erroneous
33 conviction and imprisonment or incarceration.

34 SEC. 251. Section 4901 of the Penal Code is amended to read:

35 4901. (a) A claim under Section 4900, accompanied by a
36 statement of the facts constituting the claim, verified in the manner
37 provided for the verification of complaints in civil actions, is
38 required to be presented by the claimant to the California Victim
39 Compensation Board within a period of two years after judgment
40 of acquittal or after pardon granted, or after release from custody,

1 and no claim not so presented shall be considered by the California
2 Victim Compensation Board.

3 (b) For purposes of subdivision (a), “release from custody”
4 means release from imprisonment from state prison or from
5 incarceration in county jail when there is no subsequent parole
6 jurisdiction exercised by the Department of Correction and
7 Rehabilitation or postrelease jurisdiction under a community
8 corrections program, or when there is a parole period or postrelease
9 period subject to jurisdiction of a community corrections program,
10 when that period ends.

11 (c) A person may not file a claim under Section 4900 until 60
12 days have passed since the date of reversal of conviction or granting
13 of the writ, or while the case is pending upon an initial refile, or
14 until a complaint or information has been dismissed a single time.

15 SEC. 252. Section 4902 of the Penal Code is amended to read:

16 4902. (a) If the provisions of Section 851.865 or 1485.55 apply
17 in any claim, the California Victim Compensation Board shall,
18 within 30 days of the presentation of the claim, calculate the
19 compensation for the claimant pursuant to Section 4904 and
20 recommend to the Legislature payment of that sum. As to any
21 claim to which Section 851.865 or 1485.55 does not apply, the
22 Attorney General shall respond to the claim within 60 days or
23 request an extension of time, upon a showing of good cause.

24 (b) Upon receipt of a response from the Attorney General, the
25 board shall fix a time and place for the hearing of the claim, and
26 shall mail notice thereof to the claimant and to the Attorney
27 General at least 15 days prior to the time fixed for the hearing. The
28 board shall use reasonable diligence in setting the date for the
29 hearing and shall attempt to set the date for the hearing at the
30 earliest date convenient for the parties and the board.

31 (c) If the time period for response elapses without a request for
32 extension or a response from the Attorney General pursuant to
33 subdivision (a), the board shall fix a time and place for the hearing
34 of the claim, mail notice thereof to the claimant at least 15 days
35 prior to the time fixed for the hearing, and make a recommendation
36 based on the claimant’s verified claim and any evidence presented
37 by him or her.

38 SEC. 253. Section 4904 of the Penal Code is amended to read:

39 4904. If the evidence shows that the crime with which the
40 claimant was charged was either not committed at all, or, if

1 committed, was not committed by the claimant, and that the
2 claimant has sustained injury through his or her erroneous
3 conviction and imprisonment, the California Victim Compensation
4 Board shall report the facts of the case and its conclusions to the
5 next Legislature, with a recommendation that the Legislature make
6 an appropriation for the purpose of indemnifying the claimant for
7 the injury. The amount of the appropriation recommended shall
8 be a sum equivalent to one hundred forty dollars (\$140) per day
9 of incarceration served, and shall include any time spent in custody,
10 including in a county jail, that is considered to be part of the term
11 of incarceration. That appropriation shall not be treated as gross
12 income to the recipient under the Revenue and Taxation Code.

13 SEC. 254. Section 4905 of the Penal Code is amended to read:

14 4905. The California Victim Compensation Board shall make
15 up its report and recommendation and shall give to the Controller
16 a statement showing its recommendations for appropriations under
17 this chapter, as provided by law in cases of other claimants against
18 the state for which no appropriations have been made.

19 SEC. 255. Section 4906 of the Penal Code is amended to read:

20 4906. The California Victim Compensation Board is hereby
21 authorized to make all needful rules and regulations consistent
22 with the law for the purpose of carrying into effect this chapter.

23 SEC. 256. Section 11163 of the Penal Code is amended to read:

24 11163. (a) The Legislature finds and declares that even though
25 the Legislature has provided for immunity from liability, pursuant
26 to Section 11161.9, for persons required or authorized to report
27 pursuant to this article, that immunity does not eliminate the
28 possibility that actions may be brought against those persons based
29 upon required reports of abuse pursuant to other laws.

30 In order to further limit the financial hardship that those persons
31 may incur as a result of fulfilling their legal responsibility, it is
32 necessary that they not be unfairly burdened by legal fees incurred
33 in defending those actions.

34 (b) (1) Therefore, a health practitioner may present a claim to
35 the Department of General Services for reasonable attorney's fees
36 incurred in any action against that person on the basis of that person
37 reporting in accordance with this article if the court dismisses the
38 action upon a demurrer or motion for summary judgment made
39 by that person or if that person prevails in the action.

1 (2) The Department of General Services shall allow the claim
2 pursuant to paragraph (1) if the requirements of paragraph (1) are
3 met, and the claim shall be paid from an appropriation to be made
4 for that purpose. Attorney’s fees awarded pursuant to this section
5 shall not exceed an hourly rate greater than the rate charged by the
6 Attorney General at the time the award is made and shall not
7 exceed an aggregate amount of fifty thousand dollars (\$50,000).

8 (3) This subdivision shall not apply if a public entity has
9 provided for the defense of the action pursuant to Section 995 of
10 the Government Code.

11 SEC. 257. Section 11172 of the Penal Code is amended to read:

12 11172. (a) No mandated reporter shall be civilly or criminally
13 liable for any report required or authorized by this article, and this
14 immunity shall apply even if the mandated reporter acquired the
15 knowledge or reasonable suspicion of child abuse or neglect outside
16 of his or her professional capacity or outside the scope of his or
17 her employment. Any other person reporting a known or suspected
18 instance of child abuse or neglect shall not incur civil or criminal
19 liability as a result of any report authorized by this article unless
20 it can be proven that a false report was made and the person knew
21 that the report was false or was made with reckless disregard of
22 the truth or falsity of the report, and any person who makes a report
23 of child abuse or neglect known to be false or with reckless
24 disregard of the truth or falsity of the report is liable for any
25 damages caused. No person required to make a report pursuant to
26 this article, nor any person taking photographs at his or her
27 direction, shall incur any civil or criminal liability for taking
28 photographs of a suspected victim of child abuse or neglect, or
29 causing photographs to be taken of a suspected victim of child
30 abuse or neglect, without parental consent, or for disseminating
31 the photographs, images, or material with the reports required by
32 this article. However, this section shall not be construed to grant
33 immunity from this liability with respect to any other use of the
34 photographs.

35 (b) Any person, who, pursuant to a request from a government
36 agency investigating a report of suspected child abuse or neglect,
37 provides the requesting agency with access to the victim of a
38 known or suspected instance of child abuse or neglect shall not
39 incur civil or criminal liability as a result of providing that access.

1 (c) Any commercial computer technician, and any employer of
2 any commercial computer technician, who, pursuant to a warrant
3 from a law enforcement agency investigating a report of suspected
4 child abuse or neglect, provides the law enforcement agency with
5 a computer or computer component which contains possible
6 evidence of a known or suspected instance of child abuse or
7 neglect, shall not incur civil or criminal liability as a result of
8 providing that computer or computer component to the law
9 enforcement agency.

10 (d) (1) The Legislature finds that even though it has provided
11 immunity from liability to persons required or authorized to make
12 reports pursuant to this article, that immunity does not eliminate
13 the possibility that actions may be brought against those persons
14 based upon required or authorized reports. In order to further limit
15 the financial hardship that those persons may incur as a result of
16 fulfilling their legal responsibilities, it is necessary that they not
17 be unfairly burdened by legal fees incurred in defending those
18 actions. Therefore, a mandated reporter may present a claim to the
19 Department of General Services for reasonable attorney's fees and
20 costs incurred in any action against that person on the basis of
21 making a report required or authorized by this article if the court
22 has dismissed the action upon a demurrer or motion for summary
23 judgment made by that person, or if he or she prevails in the action.
24 The Department of General Services shall allow that claim if the
25 requirements of this subdivision are met, and the claim shall be
26 paid from an appropriation to be made for that purpose. Attorney's
27 fees awarded pursuant to this section shall not exceed an hourly
28 rate greater than the rate charged by the Attorney General of the
29 State of California at the time the award is made and shall not
30 exceed an aggregate amount of fifty thousand dollars (\$50,000).

31 (2) This subdivision shall not apply if a public entity has
32 provided for the defense of the action pursuant to Section 995 of
33 the Government Code.

34 (e) A court may award attorney's fees and costs to a commercial
35 film and photographic print processor when a suit is brought against
36 the processor because of a disclosure mandated by this article and
37 the court finds this suit to be frivolous.

38 SEC. 258. Section 13835.2 of the Penal Code is amended to
39 read:

1 13835.2. (a) Funds appropriated from the Victim-Witness
2 Assistance Fund shall be made available through the Office of
3 Emergency Services to any public or private nonprofit agency for
4 the assistance of victims and witnesses that meets all of the
5 following requirements:

6 (1) It provides comprehensive services to victims and witnesses
7 of all types of crime. It is the intent of the Legislature to make
8 funds available only to programs that do not restrict services to
9 victims and witnesses of a particular type of crime, and do not
10 restrict services to victims of crime in which there is a suspect in
11 the case.

12 (2) It is recognized by the board of supervisors as the major
13 provider of comprehensive services to victims and witnesses in
14 the county.

15 (3) It is selected by the board of supervisors as the agency to
16 receive funds pursuant to this article.

17 (4) It assists victims of crime in the preparation, verification,
18 and presentation of their claims to the California Victim
19 Compensation Board for indemnification pursuant to Article 1
20 (commencing with Section 13959) of Part 4 of Division 3 of Title
21 2 of the Government Code.

22 (5) It cooperates with the California Victim Compensation Board
23 in verifying the data required by Article 1 (commencing with
24 Section 13959) of Part 4 of Division 3 of Title 2 of the Government
25 Code.

26 (b) The Office of Emergency Services shall consider the
27 following factors, together with any other circumstances it deems
28 appropriate, in awarding funds to public or private nonprofit
29 agencies designated as victim and witness assistance centers:

30 (1) The capability of the agency to provide comprehensive
31 services as defined in this article.

32 (2) The stated goals and objectives of the center.

33 (3) The number of people to be served and the needs of the
34 community.

35 (4) Evidence of community support.

36 (5) The organizational structure of the agency that will operate
37 the center.

38 (6) The capability of the agency to provide confidentiality of
39 records.

40 SEC. 259. Section 14030 of the Penal Code is amended to read:

1 14030. (a) The Attorney General shall establish a liaison with
2 the United States Marshal's office in order to facilitate the legal
3 processes over which the federal government has sole authority,
4 including, but not limited to, those processes included in Section
5 14024. The liaison shall coordinate all requests for federal
6 assistance relating to witness protection as established by this title.

7 (b) The Attorney General shall pursue all federal sources that
8 may be available for implementing this program. For that purpose,
9 the Attorney General shall establish a liaison with the United States
10 Department of Justice.

11 (c) The Attorney General, with the California Victim
12 Compensation Board, shall establish procedures to maximize
13 federal funds for witness protection services.

14 SEC. 260. Section 216 of the Probate Code is amended to read:

15 216. (a) For the purposes of this section "confined" means to
16 be confined in a prison or facility under the jurisdiction of the
17 Department of Corrections and Rehabilitation, or its Division of
18 Juvenile Facilities, or confined in any county or city jail, road
19 camp, industrial farm, or other local correctional facility.

20 (b) The estate attorney, or if there is no estate attorney, the
21 beneficiary, the personal representative, or the person in possession
22 of property of the decedent shall give the Director of the California
23 Victim Compensation Board notice of a decedent's death not later
24 than 90 days after the date of death in either of the following
25 circumstances:

26 (1) The deceased person has an heir or beneficiary who is
27 confined.

28 (2) The estate attorney, or if there is no estate attorney, the
29 beneficiary, the personal representative, or the person in possession
30 of property of the decedent, knows that an heir or beneficiary has
31 previously been confined.

32 (c) The notice shall be given as provided in Section 1215 and
33 shall include all of the following:

34 (1) The name, date of birth, and location of incarceration, or
35 current address if no longer incarcerated, of the decedent's heir or
36 beneficiary.

37 (2) The heir's or beneficiary's CDCR number if incarcerated
38 in a Department of Corrections and Rehabilitation facility or
39 booking number if incarcerated in a county facility.

40 (3) A copy of the decedent's death certificate.

1 (4) The probate case number, and the name of the superior court
2 hearing the case.

3 (d) Nothing in this section shall be interpreted as requiring the
4 estate attorney, the beneficiary, the personal representative, or the
5 person in possession of property of the decedent to conduct an
6 additional investigation to determine whether a decedent has an
7 heir or beneficiary who has been confined in a prison or facility
8 under the jurisdiction of the Department of Corrections and
9 Rehabilitation, or its Division of Juvenile Facilities, or confined
10 in any county or city jail, road camp, industrial farm, or other local
11 correctional facility.

12 SEC. 261. Section 9202 of the Probate Code is amended to
13 read:

14 9202. (a) Not later than 90 days after the date letters are first
15 issued to a general personal representative, the general personal
16 representative or estate attorney shall give the Director of Health
17 Care Services notice of the decedent's death in the manner provided
18 in Section 215 if the general personal representative knows or has
19 reason to believe that the decedent received health care under
20 Chapter 7 (commencing with Section 14000) or Chapter 8
21 (commencing with Section 14200) of Part 3 of Division 9 of the
22 Welfare and Institutions Code, or was the surviving spouse of a
23 person who received that health care. The director has four months
24 after notice is given in which to file a claim.

25 (b) Not later than 90 days after the date letters are first issued
26 to a general personal representative, the general personal
27 representative or estate attorney shall give the Director of the
28 California Victim Compensation Board notice of the decedent's
29 death in the manner provided in Section 216 if the general personal
30 representative or estate attorney knows that an heir or beneficiary
31 is or has previously been confined in a prison or facility under the
32 jurisdiction of the Department of Corrections and Rehabilitation
33 or confined in any county or city jail, road camp, industrial farm,
34 or other local correctional facility. The director of the board shall
35 have four months after that notice is received in which to pursue
36 collection of any outstanding restitution fines or orders.

37 (c) (1) Not later than 90 days after the date letters are first issued
38 to a general personal representative, the general personal
39 representative or estate attorney shall give the Franchise Tax Board

1 notice of the administration of the estate. The notice shall be given
2 as provided in Section 1215.

3 (2) The provisions of this subdivision shall apply to estates for
4 which letters are first issued on or after July 1, 2008.

5 (d) Nothing in this section shall be interpreted as requiring the
6 estate attorney, the beneficiary, the personal representative, or the
7 person in possession of property of the decedent to conduct an
8 additional investigation to determine whether a decedent has an
9 heir or beneficiary who has been confined in a prison or facility
10 under the jurisdiction of the Department of Corrections and
11 Rehabilitation, or its Division of Juvenile Facilities, or confined
12 in any county or city jail, road camp, industrial farm, or other local
13 correctional facility.

14 SEC. 262. Section 10301 of the Public Contract Code is
15 amended to read:

16 10301. Except in cases when the agency and the department
17 agree that an article of a specified brand or trade name is the only
18 article that will properly meet the needs of the agency, or in cases
19 where the Department of General Services has made a
20 determination pursuant to Section 10308, all contracts for the
21 acquisition or lease of goods in an amount of twenty-five thousand
22 dollars (\$25,000), or a higher amount as established by the director,
23 shall be made or entered into with the lowest responsible bidder
24 meeting specifications.

25 For purposes of determining the lowest bid, the amount of sales
26 tax shall be excluded from the total amount of the bid.

27 SEC. 263. Section 10306 of the Public Contract Code is
28 amended to read:

29 10306. Whenever a contract or purchase order under this article
30 is not to be awarded to the lowest bidder, the bidder shall be
31 notified 24 hours prior to awarding the contract or purchase order
32 to another bidder. Upon written request by any bidder who has
33 submitted a bid, notice of the proposed award shall be posted in a
34 public place in the offices of the department at least 24 hours prior
35 to awarding the contract or purchase order. If prior to making the
36 award, any bidder who has submitted a bid files a protest with the
37 department against the awarding of the contract or purchase order
38 on the ground that he or she is the lowest responsible bidder
39 meeting specifications, the contract or purchase order shall not be
40 awarded until either the protest has been withdrawn or the

1 department has made a final decision as to the action to be taken
2 relative to the protest. In computing the 24-hour periods provided
3 for in this section, Saturdays, Sundays, and legal holidays shall be
4 excluded.

5 Within 10 days after filing a protest, the protesting bidder shall
6 file with the department a full and complete written statement
7 specifying in detail the ground of the protest and the facts in
8 support thereof.

9 SEC. 264. Section 10308 of the Public Contract Code is
10 amended to read:

11 10308. Except as provided otherwise in this chapter, every
12 acquisition of goods in excess of one hundred dollars (\$100) for
13 any state agency shall be made by or under the supervision of the
14 department. However, the state agency may specify the quality of
15 the goods to be acquired. If the department determines that the
16 quality specified by the agency is inconsistent with the statewide
17 standards established by the director under Section 10307, it shall
18 change the request to make it consistent with the standards, and it
19 shall notify the state agency, within a reasonable time, before a
20 contract is issued. If the agency is of the opinion the interests of
21 the state would not be served by the acquisition of goods of a lesser
22 quality or different than that specified by the agency, the agency
23 may request a hearing before the department and the department
24 shall determine which goods will best serve the interests of the
25 state, whereupon the department shall issue a contract for the goods
26 specified by the department.

27 SEC. 265. Section 10311 of the Public Contract Code is
28 amended to read:

29 10311. (a) An estimate or requisition approved by the state
30 agency in control of the appropriation or fund against which an
31 acquisition is to be charged, is full authority for any contract for
32 goods of the quality specified by the agency or determined by the
33 department as provided in this article made pursuant thereto by
34 the department.

35 (b) The department shall issue a call for bids within 30 days
36 after receiving a requisition for any goods that are regularly
37 acquired within this state. The period of closing time designated
38 in the invitations for bids shall be exclusive of holidays and shall
39 be extended to the next working day after a holiday.

1 (c) Except as provided in subdivision (d), after the closing date
2 for receiving any bids within or without this state, the contract
3 shall be awarded or the bids shall be rejected within 45 days unless
4 a protest is filed as provided in Section 10306.

5 (d) After the 45-day time period prescribed by subdivision (c),
6 the department may in its sound discretion either award the contract
7 to the lowest responsible bidder meeting specifications who
8 remains willing to accept the award or else reject all bids.

9 (e) The amendments made to this section at the 1987–88 Regular
10 Session of the Legislature do not constitute a change in, but are
11 declaratory of, existing law.

12 SEC. 266. Section 10326.2 of the Public Contract Code is
13 amended to read:

14 10326.2. (a) As used in this section, “best value procurement”
15 means a contract award determined by objective criteria related
16 to price, features, functions, and life-cycle costs that may include
17 the following:

18 (1) Total cost of ownership, including warranty, under which
19 all repair costs are borne solely by the warranty provider, repair
20 costs, maintenance costs, fuel consumption, and salvage value.

21 (2) Product performance, productivity, and safety standards.

22 (3) The supplier’s ability to perform to the contract requirements.

23 (4) Environmental benefits, including reduction of greenhouse
24 gas emissions, reduction of air pollutant emissions, or reduction
25 of toxic or hazardous materials.

26 (b) The department may purchase and equip heavy mobile fleet
27 vehicles and special equipment for use by the Department of
28 Transportation by means of best value procurement, using
29 specifications and criteria developed in consultation with the
30 Department of Transportation.

31 (c) In addition to disclosure of the minimum requirements for
32 qualification, the solicitation document shall specify what business
33 performance measures in addition to price shall be given a weighted
34 value. The department shall use a scoring method based on those
35 factors and price in determining the successful bid. Any evaluation
36 and scoring method shall ensure substantial weight is given to the
37 contract price. The solicitation document shall provide for
38 submission of sealed price information. Evaluation of all criteria
39 other than price shall be completed before the opening of price
40 information.

1 (d) Upon written request of any bidder who has submitted a bid,
2 notice of the proposed award shall be posted in a public place in
3 the offices of the department at least 24 hours before awarding the
4 contract or purchase order. If, before making an award, any bidder
5 who has submitted a bid files a protest with the department against
6 the awarding of the contract or purchase order on the ground that
7 his or her bid should have been selected in accordance with the
8 selection criteria in the solicitation document, the contract or
9 purchase order shall not be awarded until either the protest has
10 been withdrawn or the department has made a final decision as to
11 the action to be taken relative to the protest. Within 10 days after
12 filing a protest, the protesting bidder shall file with the department
13 a full and complete written statement specifying in detail the
14 ground of the protest and the facts in support thereof.

15 (e) The total value of vehicles and equipment purchased through
16 best value procurement pursuant to this section shall be limited to
17 twenty million dollars (\$20,000,000) annually.

18 (f) On or before June 1, 2020, the Department of General
19 Services shall prepare an evaluation of the best value procurement
20 pilot authorized by this section, including a recommendation on
21 whether or not the process should be continued. The evaluation
22 shall be posted on the Department of Transportation's Internet
23 Web site on or before June 30, 2020.

24 (g) This section shall remain in effect only until January 1, 2021,
25 and as of that date is repealed, unless a later enacted statute, that
26 is enacted before January 1, 2021, deletes or extends that date.

27 SEC. 267. Section 12102.2 of the Public Contract Code is
28 amended to read:

29 12102.2. (a) Contract awards for all large-scale systems
30 integration projects shall be based on the proposal that provides
31 the most value-effective solution to the state's requirements, as
32 determined by the evaluation criteria contained in the solicitation
33 document. Evaluation criteria for the acquisition of information
34 technology goods and services, including systems integration, shall
35 provide for the selection of a contractor on an objective basis not
36 limited to cost alone.

37 (1) The Department of Technology shall invite active
38 participation, review, advice, comment, and assistance from the
39 private sector and state agencies in developing procedures to
40 streamline and to make the acquisition process more efficient,

1 including, but not limited to, consideration of comprehensive
2 statements in the request for proposals of the business needs and
3 governmental functions, access to studies, planning documents,
4 feasibility study reports and draft requests for proposals applicable
5 to solicitations, minimizing the time and cost of the proposal
6 submittal and selection process, and development of a procedure
7 for submission and evaluation of a single proposal rather than
8 multiple proposals.

9 (2) Solicitations for acquisitions based on evaluation criteria
10 other than cost alone shall provide that sealed cost proposals shall
11 be submitted and that they shall be opened at a time and place
12 designated in the solicitation for bids and proposals. Evaluation
13 of all criteria, other than cost, shall be completed prior to the time
14 designated for public opening of cost proposals, and the results of
15 the completed evaluation shall be published immediately before
16 the opening of cost proposals. The state's contact person for
17 administration of the solicitation shall be identified in the
18 solicitation for bids and proposals, and that person shall execute
19 a certificate under penalty of perjury, which shall be made a
20 permanent part of the official contract file, that all cost proposals
21 received by the state have been maintained sealed and under lock
22 and key until the time cost proposals are opened.

23 (b) The acquisition of hardware acquired independently of a
24 system integration project may be made on the basis of lowest cost
25 meeting all other specifications.

26 (c) The 5 percent small business preference provided for in
27 Chapter 6.5 (commencing with Section 14835) of Part 5.5 of
28 Division 3 of Title 2 of the Government Code and the regulations
29 implementing that chapter shall be accorded to all qualifying small
30 businesses.

31 (d) For all transactions formally advertised, evaluation of
32 bidders' proposals for the purpose of determining contract award
33 for information technology goods shall provide for consideration
34 of a bidder's best financing alternatives, including lease or purchase
35 alternatives, if any bidder so requests, not less than 30 days prior
36 to the date of final bid submission, unless the acquiring agency
37 can prove to the satisfaction of the Department of General Services
38 that a particular financing alternative should not be so considered.

39 (e) Acquisition authority may be delegated by the Director of
40 General Services to any state agency that has been determined by

1 the Department of General Services to be capable of effective use
2 of that authority. This authority may be limited by the Department
3 of General Services. Acquisitions conducted under delegated
4 authority shall be reviewed by the Department of General Services
5 on a selective basis.

6 (f) To the extent practical, the solicitation documents shall
7 provide for a contract to be written to enable acquisition of
8 additional items to avoid essentially redundant acquisition
9 processes when it can be determined that it is economical to do
10 so.

11 (g) Protest procedures shall be developed to provide bidders an
12 opportunity to protest any formal, competitive acquisition
13 conducted in accordance with this chapter. The procedures shall
14 provide that protests must be filed no later than five working days
15 after the issuance of an intent to award. Authority to protest may
16 be limited to participating bidders. The Director of Technology,
17 or a person designated by the director, may consider and decide
18 on initial protests of bids for information technology projects
19 conducted by the Department of Technology and
20 telecommunications procurement made pursuant to Section 12120.
21 The Director of the Department of General Services, or a person
22 designated by the director, may consider and decide on initial
23 protests of all other information technology acquisitions. A decision
24 regarding an initial protest shall be final. If prior to the last day to
25 protest, any bidder who has submitted an offer files a protest with
26 the department against the awarding of the contract on the ground
27 that his or her bid or proposal should have been selected in
28 accordance with the selection criteria in the solicitation document,
29 the contract shall not be awarded until either the protest has been
30 withdrawn or the Department of General Services has made a final
31 decision as to the action to be taken relating to the protest. Within
32 10 calendar days after filing a protest, the protesting bidder shall
33 file with the Department of General Services a full and complete
34 written statement specifying in detail the grounds of the protest
35 and the facts in support thereof.

36 (h) Consistent with the procedures established and administered
37 by the Department of General Services, information technology
38 goods that have been determined to be surplus to state needs shall
39 be disposed of in a manner that will best serve the interests of the

1 state. Procedures governing the disposal of surplus goods may
2 include auction or transfer to local governmental entities.

3 (i) A supplier may be excluded from bid processes if the
4 supplier's performance with respect to a previously awarded
5 contract has been unsatisfactory, as determined by the state in
6 accordance with established procedures that shall be maintained
7 in the State Administrative Manual. This exclusion may not exceed
8 36 months for any one determination of unsatisfactory
9 performance. Any supplier excluded in accordance with this section
10 shall be reinstated as a qualified supplier at any time during this
11 36-month period, upon demonstrating to the Department of General
12 Services' satisfaction that the problems that resulted in the
13 supplier's exclusion have been corrected.

14 SEC. 268. Section 4116 of the Public Resources Code is
15 amended to read:

16 4116. Any claim for damages arising against the state under
17 Section 4114 or 4115 shall be presented to the Department of
18 General Services in accordance with Part 3 (commencing with
19 Section 900) and Part 4 (commencing with Section 940) of Division
20 3.6 of Title 1 of the Government Code and, if not covered by
21 insurance, shall be payable only out of funds appropriated by the
22 Legislature for that purpose. If the state has elected to acquire
23 liability insurance, the Department of General Services may
24 automatically deny this claim.

25 SEC. 269. Section 4602.6 of the Public Resources Code is
26 amended to read:

27 4602.6. (a) If a timber operator believes that a forest officer
28 lacked reasonable cause to issue or extend a stop order pursuant
29 to Section 4602.5, the timber operator may present a claim to the
30 Department of General Services pursuant to Part 3 (commencing
31 with Section 900) of Division 3.6 of Title 1 of the Government
32 Code for compensation and damages resulting from the stopping
33 of timber operations.

34 (b) If the Department of General Services finds that the forest
35 officer lacked reasonable cause to issue or extend the stop order,
36 the department shall award a sum of not less than one hundred
37 dollars (\$100) nor more than one thousand dollars (\$1,000) per
38 day for each day the order was in effect.

39 SEC. 270. Section 5093.68 of the Public Resources Code is
40 amended to read:

1 5093.68. (a) Within the boundaries of special treatment areas
2 adjacent to wild, scenic, or recreational river segments, all of the
3 following provisions shall apply, in addition to any other applicable
4 provision under this chapter or generally, whether by statute or
5 regulation:

6 (1) A timber operator, whether licensed or not, is responsible
7 for the actions of his or her employees. The registered professional
8 forester who prepares and signs a timber harvesting plan, a timber
9 management plan, or a notice of timber operations is responsible
10 for its contents, but is not responsible for the implementation or
11 execution of the plan or notice unless employed for that purpose.

12 (2) A registered professional forester preparing a timber
13 harvesting plan shall certify that he or she or a qualified
14 representative has personally inspected the plan area on the ground.

15 (b) In order to temporarily suspend timber operations that are
16 being conducted within special treatment areas adjacent to wild,
17 scenic, or recreational rivers designated pursuant to Section
18 5093.54, while judicial remedies are pursued pursuant to this
19 section, an inspecting forest officer of the Department of Forestry
20 and Fire Protection may issue a written timber operations stop
21 order if, upon reasonable cause, the officer determines that a timber
22 operation is being conducted, or is about to be conducted, in
23 violation of Chapter 8 (commencing with Section 4511) of Part 2
24 of Division 4, or of rules and regulations adopted pursuant to those
25 provisions, and that the violation or threatened violation would
26 result in imminent and substantial damage to soil, water, or timber
27 resources or to fish and wildlife habitat. A stop order shall apply
28 only to those acts or omissions that are the proximate cause of the
29 violation or that are reasonably foreseen would be the proximate
30 cause of a violation. The stop order shall be effective immediately
31 and throughout the next day.

32 (c) A supervising forest officer may, after an onsite
33 investigation, extend a stop order issued pursuant to subdivision
34 (b) for up to five days, excluding Saturday and Sunday, if the forest
35 officer finds that the original stop order was issued upon reasonable
36 cause. A stop order shall not be issued or extended for the same
37 act or omission more than one time.

38 (d) Each stop order shall identify the specific act or omission
39 that constitutes a violation or that, if foreseen, would constitute a

1 violation, the specific timber operation that is to be stopped, and
2 any corrective or mitigative actions that may be required.

3 (e) The Department of Forestry and Fire Protection may
4 terminate the stop order if the timber operator enters into a written
5 agreement with the department assuring that the timber operator
6 will resume operations in compliance with the provisions of
7 Chapter 8 (commencing with Section 4511) of Part 2 of Division
8 4, and with the rules and regulations adopted pursuant to those
9 provisions, and will correct any violation. The department may
10 require a reasonable cash deposit or bond payable to the department
11 as a condition of compliance with the agreement.

12 (f) Notice of the issuance of a stop order or an extension of a
13 stop order shall be deemed to have been made to all persons
14 working on the timber operation when a copy of the written order
15 is delivered to the person in charge of operations at the time that
16 the order is issued or, if no persons are present at that time, by
17 posting a copy of the order conspicuously on the yarder or log
18 loading equipment at a currently active landing on the timber
19 operations site. If no person is present at the site when the order
20 is issued, the issuing forest officer shall deliver a copy of the order
21 to the timber operator either in person or to the operator's address
22 of record prior to the commencement of the next working day.

23 (g) As used in this section, "forest officer" means a registered
24 professional forester employed by the Department of Forestry and
25 Fire Protection in a civil service classification of forester II or
26 higher grade.

27 (h) (1) Failure of the timber operator or an employee of the
28 timber operator, after receiving notice pursuant to this section, to
29 comply with a validly issued stop order is a violation of this section
30 and is a misdemeanor punishable by a fine of not less than five
31 hundred dollars (\$500), or by imprisonment for not more than one
32 year in the county jail, or both. The person shall also be subject to
33 civil damages to the state not to exceed ten thousand dollars
34 (\$10,000) for each misdemeanor violation. However, in all cases,
35 the timber operator, and not an employee of the operator or any
36 other person, shall be charged with that violation. Each day or
37 portion thereof that the violation continues shall constitute a new
38 and separate offense.

39 (2) In determining the penalty for a timber operator guilty of
40 violating a validly issued stop order, the court shall take into

1 consideration all relevant circumstances, including, but not limited
2 to, the following:

3 (A) The extent of harm to soil, water, or timber resources or to
4 fish and wildlife habitat.

5 (B) Corrective action, if any, taken by the defendant.

6 (i) Nothing in this section prevents a timber operator from
7 seeking an alternative writ as prescribed in Chapter 2 (commencing
8 with Section 1084) of Title 1 of Part 3 of the Code of Civil
9 Procedure, or as provided by any other provision of law.

10 (j) (1) If a timber operator believes that a forest officer lacked
11 reasonable cause to issue or extend a stop order pursuant to this
12 section, the timber operator may present a claim to the Department
13 of General Services pursuant to Part 3 (commencing with Section
14 900) of Division 3.6 of Title 1 of the Government Code for
15 compensation and damages resulting from the stopping of timber
16 operations.

17 (2) If the Department of General Services finds that the forest
18 officer lacked reasonable cause to issue or extend the stop order,
19 the board shall award a sum of not less than one hundred dollars
20 (\$100), nor more than one thousand dollars (\$1,000), per day for
21 each day the order was in effect.

22 SEC. 271. Chapter 6.7 (commencing with Section 21189.50)
23 is added to Division 13 of the Public Resources Code, to read:

24

25 CHAPTER 6.7. JUDICIAL REVIEW OF CAPITOL BUILDING ANNEX
26 PROJECTS

27

28 21189.50. As used in this chapter, “capitol building annex
29 project” means any work of construction of a state capitol building
30 annex or restoration, rehabilitation, renovation, or reconstruction
31 of the State Capitol Building Annex described in Section 9105 of
32 the Government Code that is performed pursuant to Article 5.2
33 (commencing with Section 9112) of Chapter 1.5 of Part 1 of
34 Division 2 of Title 2 of the Government Code.

35 21189.51. On or before July 1, 2017, the Judicial Council shall
36 adopt a rule of court to establish procedures applicable to actions
37 or proceedings brought to attack, review, set aside, void, or annul
38 the certification of the environmental impact report for a capitol
39 building annex project or the granting of any project approvals
40 that require the actions or proceedings, including any potential

1 appeals therefrom, be resolved, to the extent feasible, within 270
2 days of certification of the record of proceedings pursuant to
3 Section 21189.52.

4 21189.52. (a) The lead agency shall prepare and certify the
5 record of the proceedings in accordance with this section and in
6 accordance with Rule 3.1365 of the California Rules of Court.

7 (b) No later than three business days following the date of the
8 release of the draft environmental impact report, the lead agency
9 shall make available to the public in a readily accessible electronic
10 format the draft environmental impact report and all other
11 documents submitted to or relied on by the lead agency in the
12 preparation of the draft environmental impact report. A document
13 prepared by the lead agency after the date of the release of the
14 draft environmental impact report that is a part of the record of the
15 proceedings shall be made available to the public in a readily
16 accessible electronic format within five business days after the
17 document is prepared or received by the lead agency.

18 (c) Notwithstanding subdivision (b), documents submitted to
19 or relied on by the lead agency that were not prepared specifically
20 for the capitol building annex project and are copyright protected
21 are not required to be made readily accessible in an electronic
22 format. For those copyright protected documents, the lead agency
23 shall make an index of these documents available in an electronic
24 format no later than the date of the release of the draft
25 environmental impact report, or within five business days if the
26 document is received or relied on by the lead agency after the
27 release of the draft environmental impact report. The index must
28 specify the libraries or lead agency offices in which hard copies
29 of the copyrighted materials are available for public review.

30 (d) The lead agency shall encourage written comments on the
31 capitol building annex project to be submitted in a readily
32 accessible electronic format, and shall make any such comment
33 available to the public in a readily accessible electronic format
34 within five days of its receipt.

35 (e) Within seven business days after the receipt of any comment
36 that is not in an electronic format, the lead agency shall convert
37 that comment into a readily accessible electronic format and make
38 it available to the public in that format.

39 (f) The lead agency shall indicate in the record of the
40 proceedings comments received that were not considered by the

1 lead agency pursuant to subdivision (d) of Section 21189.55 and
2 need not include the content of the comments as a part of the
3 record.

4 (g) Within five days after the filing of the notice required by
5 subdivision (a) of Section 21152, the lead agency shall certify the
6 record of the proceedings for the approval or determination and
7 shall provide an electronic copy of the record to a party that has
8 submitted a written request for a copy. The lead agency may charge
9 and collect a reasonable fee from a party requesting a copy of the
10 record for the electronic copy, which shall not exceed the
11 reasonable cost of reproducing that copy.

12 (h) Within 10 days after being served with a complaint or a
13 petition for a writ of mandate, the lead agency shall lodge a copy
14 of the certified record of proceedings with the superior court.

15 (i) Any dispute over the content of the record of the proceedings
16 shall be resolved by the superior court. Unless the superior court
17 directs otherwise, a party disputing the content of the record shall
18 file a motion to augment the record at the time it files its initial
19 brief.

20 (j) The contents of the record of proceedings shall be as set forth
21 in subdivision (e) of Section 21167.6.

22 21189.53. (a) In granting relief in an action or proceeding
23 brought pursuant to this chapter, the court shall not enjoin the
24 capitol building annex project unless the court finds either of the
25 following:

26 (1) The continuation of the capitol building annex project
27 presents an imminent threat to the public health and safety.

28 (2) The capitol building annex project site contains unforeseen
29 important Native American artifacts or unforeseen important
30 historical, archaeological, or ecological values that would be
31 materially, permanently, and adversely affected by the continuation
32 of the capitol building annex project unless the court stays or
33 enjoins the capitol building annex project.

34 (b) If the court finds that either paragraph (1) or (2) of
35 subdivision (a) is satisfied, the court shall only enjoin those specific
36 activities associated with the capitol building annex project that
37 present an imminent threat to public health and safety or that
38 materially, permanently, and adversely affect unforeseen important
39 Native American artifacts or unforeseen important historical,
40 archaeological, or ecological values.

1 21189.54. (a) The draft and final environmental impact report
2 shall include a notice in not less than 12-point type stating the
3 following:

4 THIS EIR IS SUBJECT TO CHAPTER 6.7 (COMMENCING
5 WITH SECTION 21189.50) OF DIVISION 13 OF THE PUBLIC
6 RESOURCES CODE, WHICH PROVIDES, AMONG OTHER
7 THINGS, THAT THE LEAD AGENCY NEED NOT CONSIDER
8 CERTAIN COMMENTS FILED AFTER THE CLOSE OF THE
9 PUBLIC COMMENT PERIOD FOR THE DRAFT EIR. ANY
10 JUDICIAL ACTION CHALLENGING THE CERTIFICATION
11 OF THE EIR OR THE APPROVAL OF THE PROJECT
12 DESCRIBED IN THE EIR IS SUBJECT TO THE PROCEDURES
13 SET FORTH IN SECTIONS 21189.51 TO 21189.53, INCLUSIVE,
14 OF THE PUBLIC RESOURCES CODE. A COPY OF CHAPTER
15 6.7 (COMMENCING WITH SECTION 21189.50) OF DIVISION
16 13 OF THE PUBLIC RESOURCES CODE IS INCLUDED IN
17 THE APPENDIX TO THIS EIR.

18 (b) The draft environmental impact report and final
19 environmental impact report shall contain, as an appendix, the full
20 text of this chapter.

21 21189.55. (a) Within 10 days after the release of the draft
22 environmental impact report, the lead agency shall conduct an
23 informational workshop to inform the public of the key analyses
24 and conclusions of that report.

25 (b) Within 10 days before the close of the public comment
26 period, the lead agency shall hold a public hearing to receive
27 testimony on the draft environmental impact report. A transcript
28 of the hearing shall be included as an appendix to the final
29 environmental impact report.

30 (c) (1) Within five days following the close of the public
31 comment period, a commenter on the draft environmental impact
32 report may submit to the lead agency a written request for
33 nonbinding mediation. The lead agency shall participate in
34 nonbinding mediation with all commenters who submitted timely
35 comments on the draft environmental impact report and who
36 requested the mediation. Mediation conducted pursuant to this
37 paragraph shall end no later than 35 days after the close of the
38 public comment period.

1 (2) A request for mediation shall identify all areas of dispute
2 raised in the comment submitted by the commenter that are to be
3 mediated.

4 (3) The lead agency shall select one or more mediators who
5 shall be retired judges or recognized experts with at least five years
6 experience in land use and environmental law or science, or
7 mediation.

8 (4) A mediation session shall be conducted on each area of
9 dispute with the parties requesting mediation on that area of
10 dispute.

11 (5) The lead agency shall adopt, as a condition of approval, any
12 measures agreed upon by the lead agency and any commenter who
13 requested mediation. A commenter who agrees to a measure
14 pursuant to this subparagraph shall not raise the issue addressed
15 by that measure as a basis for an action or proceeding challenging
16 the lead agency's decision to certify the environmental impact
17 report or to grant one or more initial project approvals.

18 (d) The lead agency need not consider written comments
19 submitted after the close of the public comment period, unless
20 those comments address any of the following:

21 (1) New issues raised in the response to comments by the lead
22 agency.

23 (2) New information released by the public agency subsequent
24 to the release of the draft environmental impact report, such as
25 new information set forth or embodied in a staff report, proposed
26 permit, proposed resolution, ordinance, or similar documents.

27 (3) Changes made to the project after the close of the public
28 comment period.

29 (4) Proposed conditions for approval, mitigation measures, or
30 proposed findings required by Section 21081 or a proposed
31 reporting and monitoring program required by paragraph (1) of
32 subdivision (a) of Section 21081.6, where the lead agency releases
33 those documents subsequent to the release of the draft
34 environmental impact report.

35 (5) New information that was not reasonably known and could
36 not have been reasonably known during the public comment period.

37 21189.56. The provisions of this chapter are severable. If any
38 provision of this chapter or its application is held to be invalid,
39 that invalidity shall not affect any other provision or application
40 that can be given effect without the invalid provision or application.

1 21189.57. Except as otherwise provided expressly in this
2 chapter, nothing in this chapter affects the duty of any party to
3 comply with this division.

4 SEC. 272. Section 30171.2 of the Public Resources Code is
5 amended to read:

6 30171.2. (a) Except as provided in subdivision (b), on and
7 after January 1, 1985, no agricultural conversion fees may be levied
8 or collected under the agricultural subsidy program provided in
9 the local coastal program of the City of Carlsbad that was adopted
10 and certified pursuant to Section 30171. All other provisions of
11 that program shall continue to be operative, including the right to
12 develop designated areas as provided in the program.

13 (b) This section shall not affect any right or obligation under
14 any agreement or contract entered into prior to January 1, 1985,
15 pursuant to that agricultural subsidy program, including the
16 payment of any fees and the right of development in accordance
17 with the provisions of the agreement or contract. As to these
18 properties, the agricultural subsidy fees in existence as of December
19 31, 1984, shall be paid and allocated within the City of Carlsbad,
20 or on projects outside the city that benefit agricultural programs
21 within the city, in accordance with the provisions of the agricultural
22 subsidy program as it existed on September 30, 1984.

23 (c) Any agricultural conversion fees collected pursuant to the
24 agricultural subsidy program and not deposited in the agricultural
25 improvement fund in accordance with the local coastal program
26 or that have not been expended in the form of agricultural subsidies
27 assigned to landowners by the local coastal program land use policy
28 plan on January 1, 1985, shall be used by the Department of
29 General Services to reimburse the party that paid the fees if no
30 agreements or contracts have been entered into or to the original
31 parties to the agreements or contracts referred to in subdivision
32 (b) in proportion to the amount of fees paid by the parties.
33 However, if the property subject to the fee was under option at the
34 time that the original agreement or contract was entered into and
35 the optionee was a party to the agricultural subsidy agreement,
36 payments allocable to that property shall be paid to the optionee
37 in the event the optionee has exercised the option. Reimbursements
38 under this section shall be paid within 90 days after January 1,
39 1985, or payment of the fee, whichever occurs later, and only after

1 waiver by the party being reimbursed of any potential legal rights
2 resulting from enactment of this section.

3 (d) (1) Any person entitled to reimbursement of fees under
4 subdivision (c) shall file a claim with the Department of General
5 Services, which shall determine the validity of the claim and pay
6 that person a pro rata share based on the relative amounts of fees
7 paid under the local coastal program or any agreement or contract
8 entered pursuant thereto.

9 (2) There is hereby appropriated to the Department of General
10 Services the fees referred to in subdivision (c), for the purpose of
11 making refunds under this section.

12 (e) Notwithstanding any geographical limitation contained in
13 this division, funds deposited pursuant to subdivision (b) may be
14 expended for physical or institutional development improvements
15 needed to facilitate long-term agricultural production within the
16 City of Carlsbad. These funds may be used to construct
17 improvements outside the coastal zone boundaries in San Diego
18 County if the improvements are not inconsistent with the Carlsbad
19 local coastal program and the State Coastal Conservancy
20 determines that the improvements will benefit agricultural
21 production within the coastal zone of the City of Carlsbad.

22 SEC. 273. Section 17059.2 of the Revenue and Taxation Code
23 is amended to read:

24 17059.2. (a) (1) For each taxable year beginning on and after
25 January 1, 2014, and before January 1, 2025, there shall be allowed
26 as a credit against the “net tax,” as defined in Section 17039, an
27 amount as determined by the committee pursuant to paragraph (2)
28 and approved pursuant to Section 18410.2.

29 (2) The credit under this section shall be allocated by GO-Biz
30 with respect to the 2013–14 fiscal year through and including the
31 2017–18 fiscal year. The amount of credit allocated to a taxpayer
32 with respect to a fiscal year pursuant to this section shall be as set
33 forth in a written agreement between GO-Biz and the taxpayer and
34 shall be based on the following factors:

35 (A) The number of jobs the taxpayer will create or retain in this
36 state.

37 (B) The compensation paid or proposed to be paid by the
38 taxpayer to its employees, including wages and fringe benefits.

39 (C) The amount of investment in this state by the taxpayer.

1 (D) The extent of unemployment or poverty in the area
2 according to the United States Census in which the taxpayer's
3 project or business is proposed or located.

4 (E) The incentives available to the taxpayer in this state,
5 including incentives from the state, local government, and other
6 entities.

7 (F) The incentives available to the taxpayer in other states.

8 (G) The duration of the proposed project and the duration the
9 taxpayer commits to remain in this state.

10 (H) The overall economic impact in this state of the taxpayer's
11 project or business.

12 (I) The strategic importance of the taxpayer's project or business
13 to the state, region, or locality.

14 (J) The opportunity for future growth and expansion in this state
15 by the taxpayer's business.

16 (K) The extent to which the anticipated benefit to the state
17 exceeds the projected benefit to the taxpayer from the tax credit.

18 (3) The written agreement entered into pursuant to paragraph
19 (2) shall include:

20 (A) Terms and conditions that include the taxable year or years
21 for which the credit allocated shall be allowed, a minimum
22 compensation level, and a minimum job retention period.

23 (B) Provisions indicating whether the credit is to be allocated
24 in full upon approval or in increments based on mutually agreed
25 upon milestones when satisfactorily met by the taxpayer.

26 (C) Provisions that allow the committee to recapture the credit,
27 in whole or in part, if the taxpayer fails to fulfill the terms and
28 conditions of the written agreement.

29 (b) For purposes of this section:

30 (1) "Committee" means the California Competes Tax Credit
31 Committee established pursuant to Section 18410.2.

32 (2) "GO-Biz" means the Governor's Office of Business and
33 Economic Development.

34 (c) For purposes of this section, GO-Biz shall do the following:

35 (1) Give priority to a taxpayer whose project or business is
36 located or proposed to be located in an area of high unemployment
37 or poverty.

38 (2) Negotiate with a taxpayer the terms and conditions of
39 proposed written agreements that provide the credit allowed
40 pursuant to this section to a taxpayer.

- 1 (3) Provide the negotiated written agreement to the committee
2 for its approval pursuant to Section 18410.2.
- 3 (4) Inform the Franchise Tax Board of the terms and conditions
4 of the written agreement upon approval of the written agreement
5 by the committee.
- 6 (5) Inform the Franchise Tax Board of any recapture, in whole
7 or in part, of a previously allocated credit upon approval of the
8 recapture by the committee.
- 9 (6) Post on its Internet Web site all of the following:
- 10 (A) The name of each taxpayer allocated a credit pursuant to
11 this section.
- 12 (B) The estimated amount of the investment by each taxpayer.
- 13 (C) The estimated number of jobs created or retained.
- 14 (D) The amount of the credit allocated to the taxpayer.
- 15 (E) The amount of the credit recaptured from the taxpayer, if
16 applicable.
- 17 (7) When determining whether to enter into a written agreement
18 with a taxpayer pursuant to this section, GO-Biz may consider
19 other factors, including, but not limited to, the following:
- 20 (A) The financial solvency of the taxpayer and the taxpayer's
21 ability to finance its proposed expansion.
- 22 (B) The taxpayer's current and prior compliance with federal
23 and state laws.
- 24 (C) Current and prior litigation involving the taxpayer.
- 25 (D) The reasonableness of the fee arrangement between the
26 taxpayer and any third party providing any services related to the
27 credit allowed pursuant to this section.
- 28 (E) Any other factors GO-Biz deems necessary to ensure that
29 the administration of the credit allowed pursuant to this section is
30 a model of accountability and transparency and that the effective
31 use of the limited amount of credit available is maximized.
- 32 (d) For purposes of this section, the Franchise Tax Board shall
33 do all of the following:
- 34 (1) (A) Except as provided in subparagraph (B), review the
35 books and records of all taxpayers allocated a credit pursuant to
36 this section to ensure compliance with the terms and conditions
37 of the written agreement between the taxpayer and GO-Biz.
- 38 (B) In the case of a taxpayer that is a "small business," as
39 defined in Section 17053.73, review the books and records of the
40 taxpayer allocated a credit pursuant to this section to ensure

1 compliance with the terms and conditions of the written agreement
2 between the taxpayer and GO-Biz when, in the sole discretion of
3 the Franchise Tax Board, a review of those books and records is
4 appropriate or necessary in the best interests of the state.

5 (2) Notwithstanding Section 19542:

6 (A) Notify GO-Biz of a possible breach of the written agreement
7 by a taxpayer and provide detailed information regarding the basis
8 for that determination.

9 (B) Provide information to GO-Biz with respect to whether a
10 taxpayer is a “small business,” as defined in Section 17053.73.

11 (e) In the case where the credit allowed under this section
12 exceeds the “net tax,” as defined in Section 17039, for a taxable
13 year, the excess credit may be carried over to reduce the “net tax”
14 in the following taxable year, and succeeding five taxable years,
15 if necessary, until the credit has been exhausted.

16 (f) Any recapture, in whole or in part, of a credit approved by
17 the committee pursuant to Section 18410.2 shall be treated as a
18 mathematical error appearing on the return. Any amount of tax
19 resulting from that recapture shall be assessed by the Franchise
20 Tax Board in the same manner as provided by Section 19051. The
21 amount of tax resulting from the recapture shall be added to the
22 tax otherwise due by the taxpayer for the taxable year in which
23 the committee’s recapture determination occurred.

24 (g) (1) The aggregate amount of credit that may be allocated
25 in any fiscal year pursuant to this section and Section 23689 shall
26 be an amount equal to the sum of subparagraphs (A), (B), and (C),
27 less the amount specified in subparagraphs (D) and (E):

28 (A) Thirty million dollars (\$30,000,000) for the 2013–14 fiscal
29 year, one hundred fifty million dollars (\$150,000,000) for the
30 2014–15 fiscal year, and two hundred million dollars
31 (\$200,000,000) for each fiscal year from 2015–16 to 2017–18,
32 inclusive.

33 (B) The unallocated credit amount, if any, from the preceding
34 fiscal year.

35 (C) The amount of any previously allocated credits that have
36 been recaptured.

37 (D) The amount estimated by the Director of Finance, in
38 consultation with the Franchise Tax Board and the State Board of
39 Equalization, to be necessary to limit the aggregation of the
40 estimated amount of exemptions claimed pursuant to Section

1 6377.1 and of the amounts estimated to be claimed pursuant to
2 this section and Sections 17053.73, 23626, and 23689 to no more
3 than seven hundred fifty million dollars (\$750,000,000) for either
4 the current fiscal year or the next fiscal year.

5 (i) The Director of Finance shall notify the Chairperson of the
6 Joint Legislative Budget Committee of the estimated annual
7 allocation authorized by this paragraph. Any allocation pursuant
8 to these provisions shall be made no sooner than 30 days after
9 written notification has been provided to the Chairperson of the
10 Joint Legislative Budget Committee and the chairpersons of the
11 committees of each house of the Legislature that consider
12 appropriation, or not sooner than whatever lesser time the
13 Chairperson of the Joint Legislative Budget Committee, or his or
14 her designee, may determine.

15 (ii) In no event shall the amount estimated in this subparagraph
16 be less than zero dollars (\$0).

17 (E) (i) For the 2015–16 fiscal year and each fiscal year
18 thereafter, the amount of credit estimated by the Director of Finance
19 to be allowed to all qualified taxpayers for that fiscal year pursuant
20 to subparagraph (A) or subparagraph (B) of paragraph (1) of
21 subdivision (c) of Section 23636.

22 (ii) If the amount available per fiscal year pursuant to this section
23 and Section 23689 is less than the aggregate amount of credit
24 estimated by the Director of Finance to be allowed to qualified
25 taxpayers pursuant to subparagraph (A) or subparagraph (B) of
26 paragraph (1) of subdivision (c) of Section 23636, the aggregate
27 amount allowed pursuant to Section 23636 shall not be reduced
28 and, in addition to the reduction required by clause (i), the
29 aggregate amount of credit that may be allocated pursuant to this
30 section and Section 23689 for the next fiscal year shall be reduced
31 by the amount of that deficit.

32 (iii) It is the intent of the Legislature that the reductions specified
33 in this subparagraph of the aggregate amount of credit that may
34 be allocated pursuant to this section and Section 23689 shall
35 continue if the repeal dates of the credits allowed by this section
36 and Section 23689 are removed or extended.

37 (2) (A) In addition to the other amounts determined pursuant
38 to paragraph (1), the Director of Finance may increase the
39 aggregate amount of credit that may be allocated pursuant to this
40 section and Section 23689 by up to twenty-five million dollars

1 (\$25,000,000) per fiscal year through the 2017–18 fiscal year. The
2 amount of any increase made pursuant to this paragraph, when
3 combined with any increase made pursuant to paragraph (2) of
4 subdivision (g) of Section 23689, shall not exceed twenty-five
5 million dollars (\$25,000,000) per fiscal year through the 2017–18
6 fiscal year.

7 (B) It is the intent of the Legislature that the Director of Finance
8 increase the aggregate amount under subparagraph (A) in order to
9 mitigate the reduction of the amount available due to the credit
10 allowed to all qualified taxpayers pursuant to subparagraph (A) or
11 (B) of paragraph (1) of subdivision (c) of Section 23636.

12 (3) Each fiscal year, 25 percent of the aggregate amount of the
13 credit that may be allocated pursuant to this section and Section
14 23689 shall be reserved for small business, as defined in Section
15 17053.73 or 23626.

16 (4) Each fiscal year, no more than 20 percent of the aggregate
17 amount of the credit that may be allocated pursuant to this section
18 shall be allocated to any one taxpayer.

19 (h) GO-Biz may prescribe rules and regulations as necessary to
20 carry out the purposes of this section. Any rule or regulation
21 prescribed pursuant to this section may be by adoption of an
22 emergency regulation in accordance with Chapter 3.5 (commencing
23 with Section 11340) of Part 1 of Division 3 of Title 2 of the
24 Government Code.

25 (i) A written agreement between GO-Biz and a taxpayer with
26 respect to the credit authorized by this section shall comply with
27 existing law on the date the agreement is executed.

28 (j) (1) Upon the effective date of this section, the Department
29 of Finance shall estimate the total dollar amount of credits that
30 will be claimed under this section with respect to each fiscal year
31 from the 2013–14 fiscal year to the 2024–25 fiscal year, inclusive.

32 (2) The Franchise Tax Board shall annually provide to the Joint
33 Legislative Budget Committee, by no later than March 1, a report
34 of the total dollar amount of the credits claimed under this section
35 with respect to the relevant fiscal year. The report shall compare
36 the total dollar amount of credits claimed under this section with
37 respect to that fiscal year with the department's estimate with
38 respect to that same fiscal year. If the total dollar amount of credits
39 claimed for the fiscal year is less than the estimate for that fiscal

1 year, the report shall identify options for increasing annual claims
2 of the credit so as to meet estimated amounts.

3 (k) This section is repealed on December 1, 2025.

4 SEC. 274. Section 23636 of the Revenue and Taxation Code
5 is amended to read:

6 23636. (a) For each taxable year beginning on or after January
7 1, 2016, and before January 1, 2031, a qualified taxpayer shall be
8 allowed a credit against the “tax,” as defined in Section 23036, in
9 an amount equal to 17½ percent of qualified wages paid or incurred
10 by the qualified taxpayer during the taxable year to qualified
11 full-time employees, subject to the limitations under subdivision
12 (c).

13 (b) For purposes of this section:

14 (1) “Annual full-time equivalent” means either of the following:

15 (A) In the case of a qualified full-time employee paid hourly
16 qualified wages, “annual full-time equivalent” means the total
17 number of hours worked for the qualified taxpayer by the qualified
18 full-time employee, not to exceed 2,000 hours per employee,
19 divided by 2,000.

20 (B) In the case of a salaried qualified full-time employee,
21 “annual full-time equivalent” means the total number of weeks
22 worked for the qualified taxpayer by the qualified employee
23 divided by 52.

24 (2) “Qualified full-time employee” means an individual that is
25 employed in this state by the qualified taxpayer and satisfies both
26 of the following:

27 (A) The individual’s services for the qualified taxpayer are
28 performed in this state and are at least 80 percent directly related
29 to the qualified taxpayer’s prime contract or subcontract to design,
30 test, manufacture property, or otherwise support production of
31 property for ultimate use in or as a component of a new advanced
32 strategic aircraft for the United States Air Force.

33 (B) The individual is paid compensation from the qualified
34 taxpayer that satisfies either of the following conditions:

35 (i) Is paid qualified wages by the qualified taxpayer for services
36 not less than an average of 35 hours per week.

37 (ii) Is paid a salary by the qualified taxpayer as compensation
38 during the taxable year for full-time employment, within the
39 meaning of Section 515 of the Labor Code.

1 (3) “Qualified taxpayer” means any taxpayer that is either a
2 prime contractor awarded a prime contract or a major first-tier
3 subcontractor awarded a subcontract to manufacture property for
4 ultimate use in or as a component of a new advanced strategic
5 aircraft for the United States Air Force. For purposes of this
6 paragraph, the term “prime contractor” means a contractor that
7 was awarded a prime contract for the manufacturing of a new
8 advanced strategic aircraft for the United States Air Force. For
9 purposes of this paragraph, the term “major first-tier subcontractor”
10 means a subcontractor that was awarded a subcontract in an amount
11 of at least 35 percent of the amount of the initial prime contract
12 awarded for the manufacturing of a new advanced strategic aircraft
13 for the United States Air Force.

14 (4) “Qualified wages” means wages paid or incurred by the
15 qualified taxpayer during the taxable year with respect to qualified
16 full-time employees that are direct labor costs, within the meaning
17 of Section 263A of the Internal Revenue Code, relating to
18 capitalization and inclusion in inventory costs of certain expenses,
19 allocable to property manufactured in this state by the qualified
20 taxpayer for ultimate use in or as a component of a new advanced
21 strategic aircraft for the United States Air Force.

22 (5) “New advanced strategic aircraft for the United States Air
23 Force” means a new advanced strategic aircraft developed and
24 produced for the United States Air Force under the New Advanced
25 Strategic Aircraft Program.

26 (6) “New Advanced Strategic Aircraft Program” means the
27 project to design, test, manufacture, or otherwise support
28 production of a new advanced strategic aircraft for the United
29 States Air Force under a contract that is expected to be awarded
30 in the first or second calendar quarter of 2015. “New Advanced
31 Strategic Aircraft Program” does not include any contract awarded
32 prior to August 1, 2014, and does not include a program to upgrade,
33 modernize, sustain, or otherwise modify a current United States
34 Air Force bomber program, including, but not limited to, the B-52,
35 B-1, or B-2 programs.

36 (7) “Total annual full-time equivalents” means the number of
37 a qualified taxpayer’s qualified full-time employees computed on
38 an annual full-time equivalent basis for the taxable year.

1 (c) (1) The total aggregate amount of the credit that may be
2 allowed to all qualified taxpayers pursuant to this section shall be
3 as follows:

4 (A) In years one through five of the credit, the total aggregate
5 amount of the credit that may be allowed to all qualified taxpayers
6 pursuant to this section shall not exceed twenty- five million dollars
7 (\$25,000,000) per calendar year.

8 (B) In years 6 through 10 of the credit, the total aggregate
9 amount of the credit that may be allowed to all qualified taxpayers
10 pursuant to this section shall not exceed twenty-eight million
11 dollars (\$28,000,000) per calendar year.

12 (C) In years 11 through 15 of the credit, the total aggregate
13 amount of the credit that may be allowed to all qualified taxpayers
14 pursuant to this section shall not exceed thirty-one million dollars
15 (\$31,000,000) per calendar year.

16 (2) The aggregate number of total annual full-time equivalents
17 of all qualified taxpayers with respect to which a credit amount
18 may be allowed under this section for a calendar year shall not
19 exceed 1,100.

20 (3) (A) The Franchise Tax Board shall allocate the credit to the
21 qualified taxpayers on a first-come-first-served basis, determined
22 by the date the qualified taxpayer's timely filed original tax return
23 is received by the Franchise Tax Board. If the returns of two or
24 more qualified taxpayers are received on the same day and the
25 amount of credit remaining to be allocated is insufficient to be
26 allocated fully to each, the credit remaining shall be allocated to
27 those qualified taxpayers on a pro rata basis.

28 (B) For purposes of this paragraph, the date a return is received
29 shall be determined by the Franchise Tax Board. The determination
30 of the Franchise Tax Board as to the date a return is received and
31 whether a return has been timely filed for purposes of this
32 paragraph may not be reviewed in any administrative or judicial
33 proceeding.

34 (C) Any disallowance of a credit claimed due to the limitations
35 specified in this subdivision shall be treated as a mathematical
36 error appearing on the return. Any amount of tax resulting from
37 that disallowance may be assessed by the Franchise Tax Board in
38 the same manner as provided in Section 19051.

39 (4) The credit allowed under this section must be claimed on a
40 timely filed original return.

1 (d) In the case where the credit allowed by this section exceeds
2 the “tax,” the excess may be carried over to reduce the “tax” in
3 the following year, and the seven succeeding years if necessary,
4 until the credit is exhausted.

5 (e) A credit shall not be allowed unless the credit was reflected
6 within the bid upon which the qualified taxpayer’s prime contract
7 or subcontract to manufacture property for ultimate use in or as a
8 component of a New Advanced Strategic Aircraft Program is based
9 by reducing the amount of the bid by a good faith estimate of the
10 amount of the credit allowable under this section.

11 (f) All references to the credit and ultimate cost reductions
12 incorporated into any successful bid that was awarded a prime
13 contract or subcontract and for which a qualified taxpayer is
14 making a claim shall be made available to the Franchise Tax Board
15 upon request.

16 (g) If the qualified taxpayer is allowed a credit pursuant to this
17 section for qualified wages paid or incurred, only one credit shall
18 be allowed to the taxpayer under this part with respect to any wage
19 consisting in whole or in part of those qualified wages.

20 (h) (1) The Franchise Tax Board may prescribe regulations
21 necessary or appropriate to carry out the purposes of this section.

22 (2) The Franchise Tax Board may also prescribe rules,
23 guidelines, or procedures necessary or appropriate to carry out the
24 purposes of this section. Chapter 3.5 (commencing with Section
25 11340) of Part 1 of Division 3 of Title 2 of the Government Code
26 shall not apply to any rule, guideline, or procedure prescribed by
27 the Franchise Tax Board pursuant to this section.

28 (i) This section shall remain in effect only until December 1,
29 2031, and as of that date is repealed.

30 SEC. 275. Section 23689 of the Revenue and Taxation Code
31 is amended to read:

32 23689. (a) (1) For each taxable year beginning on and after
33 January 1, 2014, and before January 1, 2025, there shall be allowed
34 as a credit against the “tax,” as defined in Section 23036, an amount
35 as determined by the committee pursuant to paragraph (2) and
36 approved pursuant to Section 18410.2.

37 (2) The credit under this section shall be allocated by GO-Biz
38 with respect to the 2013–14 fiscal year through and including the
39 2017–18 fiscal year. The amount of credit allocated to a taxpayer
40 with respect to a fiscal year pursuant to this section shall be as set

1 forth in a written agreement between GO-Biz and the taxpayer and
2 shall be based on the following factors:

3 (A) The number of jobs the taxpayer will create or retain in this
4 state.

5 (B) The compensation paid or proposed to be paid by the
6 taxpayer to its employees, including wages and fringe benefits.

7 (C) The amount of investment in this state by the taxpayer.

8 (D) The extent of unemployment or poverty in the area
9 according to the United States Census in which the taxpayer's
10 project or business is proposed or located.

11 (E) The incentives available to the taxpayer in this state,
12 including incentives from the state, local government, and other
13 entities.

14 (F) The incentives available to the taxpayer in other states.

15 (G) The duration of the proposed project and the duration the
16 taxpayer commits to remain in this state.

17 (H) The overall economic impact in this state of the taxpayer's
18 project or business.

19 (I) The strategic importance of the taxpayer's project or business
20 to the state, region, or locality.

21 (J) The opportunity for future growth and expansion in this state
22 by the taxpayer's business.

23 (K) The extent to which the anticipated benefit to the state
24 exceeds the projected benefit to the taxpayer from the tax credit.

25 (3) The written agreement entered into pursuant to paragraph
26 (2) shall include:

27 (A) Terms and conditions that include the taxable year or years
28 for which the credit allocated shall be allowed, a minimum
29 compensation level, and a minimum job retention period.

30 (B) Provisions indicating whether the credit is to be allocated
31 in full upon approval or in increments based on mutually agreed
32 upon milestones when satisfactorily met by the taxpayer.

33 (C) Provisions that allow the committee to recapture the credit,
34 in whole or in part, if the taxpayer fails to fulfill the terms and
35 conditions of the written agreement.

36 (b) For purposes of this section:

37 (1) "Committee" means the California Competes Tax Credit
38 Committee established pursuant to Section 18410.2.

39 (2) "GO-Biz" means the Governor's Office of Business and
40 Economic Development.

- 1 (c) For purposes of this section, GO-Biz shall do the following:
- 2 (1) Give priority to a taxpayer whose project or business is
- 3 located or proposed to be located in an area of high unemployment
- 4 or poverty.
- 5 (2) Negotiate with a taxpayer the terms and conditions of
- 6 proposed written agreements that provide the credit allowed
- 7 pursuant to this section to a taxpayer.
- 8 (3) Provide the negotiated written agreement to the committee
- 9 for its approval pursuant to Section 18410.2.
- 10 (4) Inform the Franchise Tax Board of the terms and conditions
- 11 of the written agreement upon approval of the written agreement
- 12 by the committee.
- 13 (5) Inform the Franchise Tax Board of any recapture, in whole
- 14 or in part, of a previously allocated credit upon approval of the
- 15 recapture by the committee.
- 16 (6) Post on its Internet Web site all of the following:
- 17 (A) The name of each taxpayer allocated a credit pursuant to
- 18 this section.
- 19 (B) The estimated amount of the investment by each taxpayer.
- 20 (C) The estimated number of jobs created or retained.
- 21 (D) The amount of the credit allocated to the taxpayer.
- 22 (E) The amount of the credit recaptured from the taxpayer, if
- 23 applicable.
- 24 (7) When determining whether to enter into a written agreement
- 25 with a taxpayer pursuant to this section, GO-Biz may consider
- 26 other factors, including, but not limited to, the following:
- 27 (A) The financial solvency of the taxpayer and the taxpayer's
- 28 ability to finance its proposed expansion.
- 29 (B) The taxpayer's current and prior compliance with federal
- 30 and state laws.
- 31 (C) Current and prior litigation involving the taxpayer.
- 32 (D) The reasonableness of the fee arrangement between the
- 33 taxpayer and any third party providing any services related to the
- 34 credit allowed pursuant to this section.
- 35 (E) Any other factors GO-Biz deems necessary to ensure that
- 36 the administration of the credit allowed pursuant to this section is
- 37 a model of accountability and transparency and that the effective
- 38 use of the limited amount of credit available is maximized.
- 39 (d) For purposes of this section, the Franchise Tax Board shall
- 40 do all of the following:

1 (1) (A) Except as provided in subparagraph (B), review the
2 books and records of all taxpayers allocated a credit pursuant to
3 this section to ensure compliance with the terms and conditions
4 of the written agreement between the taxpayer and GO-Biz.

5 (B) In the case of a taxpayer that is a “small business,” as
6 defined in Section 23626, review the books and records of the
7 taxpayer allocated a credit pursuant to this section to ensure
8 compliance with the terms and conditions of the written agreement
9 between the taxpayer and GO-Biz when, in the sole discretion of
10 the Franchise Tax Board, a review of those books and records is
11 appropriate or necessary in the best interests of the state.

12 (2) Notwithstanding Section 19542:

13 (A) Notify GO-Biz of a possible breach of the written agreement
14 by a taxpayer and provide detailed information regarding the basis
15 for that determination.

16 (B) Provide information to GO-Biz with respect to whether a
17 taxpayer is a “small business,” as defined in Section 23626.

18 (e) In the case where the credit allowed under this section
19 exceeds the “tax,” as defined in Section 23036, for a taxable year,
20 the excess credit may be carried over to reduce the “tax” in the
21 following taxable year, and succeeding five taxable years, if
22 necessary, until the credit has been exhausted.

23 (f) Any recapture, in whole or in part, of a credit approved by
24 the committee pursuant to Section 18410.2 shall be treated as a
25 mathematical error appearing on the return. Any amount of tax
26 resulting from that recapture shall be assessed by the Franchise
27 Tax Board in the same manner as provided by Section 19051. The
28 amount of tax resulting from the recapture shall be added to the
29 tax otherwise due by the taxpayer for the taxable year in which
30 the committee’s recapture determination occurred.

31 (g) (1) The aggregate amount of credit that may be allocated
32 in any fiscal year pursuant to this section and Section 17059.2 shall
33 be an amount equal to the sum of subparagraphs (A), (B), and (C),
34 less the amount specified in subparagraphs (D) and (E):

35 (A) Thirty million dollars (\$30,000,000) for the 2013–14 fiscal
36 year, one hundred fifty million dollars (\$150,000,000) for the
37 2014–15 fiscal year, and two hundred million dollars
38 (\$200,000,000) for each fiscal year from 2015–16 to 2017–18,
39 inclusive.

1 (B) The unallocated credit amount, if any, from the preceding
2 fiscal year.

3 (C) The amount of any previously allocated credits that have
4 been recaptured.

5 (D) The amount estimated by the Director of Finance, in
6 consultation with the Franchise Tax Board and the State Board of
7 Equalization, to be necessary to limit the aggregation of the
8 estimated amount of exemptions claimed pursuant to Section
9 6377.1 and of the amounts estimated to be claimed pursuant to
10 this section and Sections 17053.73, 17059.2, and 23626 to no more
11 than seven hundred fifty million dollars (\$750,000,000) for either
12 the current fiscal year or the next fiscal year.

13 (i) The Director of Finance shall notify the Chairperson of the
14 Joint Legislative Budget Committee of the estimated annual
15 allocation authorized by this paragraph. Any allocation pursuant
16 to these provisions shall be made no sooner than 30 days after
17 written notification has been provided to the Chairperson of the
18 Joint Legislative Budget Committee and the chairpersons of the
19 committees of each house of the Legislature that consider
20 appropriation, or not sooner than whatever lesser time the
21 Chairperson of the Joint Legislative Budget Committee, or his or
22 her designee, may determine.

23 (ii) In no event shall the amount estimated in this subparagraph
24 be less than zero dollars (\$0).

25 (E) (i) For the 2015–16 fiscal year and each fiscal year
26 thereafter, the amount of credit estimated by the Director of Finance
27 to be allowed to all qualified taxpayers for that fiscal year pursuant
28 to subparagraph (A) or subparagraph (B) of paragraph (1) of
29 subdivision (c) of Section 23636.

30 (ii) If the amount available per fiscal year pursuant to this section
31 and Section 17059.2 is less than the aggregate amount of credit
32 estimated by the Director of Finance to be allowed to qualified
33 taxpayers pursuant to subparagraph (A) or subparagraph (B) of
34 paragraph (1) of subdivision (c) of Section 23636, the aggregate
35 amount allowed pursuant to Section 23636 shall not be reduced
36 and, in addition to the reduction required by clause (i), the
37 aggregate amount of credit that may be allocated pursuant to this
38 section and Section 17059.2 for the next fiscal year shall be reduced
39 by the amount of that deficit.

1 (iii) It is the intent of the Legislature that the reductions specified
2 in this subparagraph of the aggregate amount of credit that may
3 be allocated pursuant to this section and Section 17059.2 shall
4 continue if the repeal dates of the credits allowed by this section
5 and Section 17059.2 are removed or extended.

6 (2) (A) In addition to the other amounts determined pursuant
7 to paragraph (1), the Director of Finance may increase the
8 aggregate amount of credit that may be allocated pursuant to this
9 section and Section 17059.2 by up to twenty-five million dollars
10 (\$25,000,000) per fiscal year through the 2017–18 fiscal year. The
11 amount of any increase made pursuant to this paragraph, when
12 combined with any increase made pursuant to paragraph (2) of
13 subdivision (g) of Section 17059.2, shall not exceed twenty-five
14 million dollars (\$25,000,000) per fiscal year through the 2017–18
15 fiscal year.

16 (B) It is the intent of the Legislature that the Director of Finance
17 increase the aggregate amount under subparagraph (A) in order to
18 mitigate the reduction of the amount available due to the credit
19 allowed to all qualified taxpayers pursuant to subparagraph (A) or
20 (B) of paragraph (1) of subdivision (c) of Section 23636.

21 (3) Each fiscal year, 25 percent of the aggregate amount of the
22 credit that may be allocated pursuant to this section and Section
23 17059.2 shall be reserved for “small business,” as defined in
24 Section 17053.73 or 23626.

25 (4) Each fiscal year, no more than 20 percent of the aggregate
26 amount of the credit that may be allocated pursuant to this section
27 shall be allocated to any one taxpayer.

28 (h) GO-Biz may prescribe rules and regulations as necessary to
29 carry out the purposes of this section. Any rule or regulation
30 prescribed pursuant to this section may be by adoption of an
31 emergency regulation in accordance with Chapter 3.5 (commencing
32 with Section 11340) of Part 1 of Division 3 of Title 2 of the
33 Government Code.

34 (i) (1) A written agreement between GO-Biz and a taxpayer
35 with respect to the credit authorized by this section shall not
36 restrict, broaden, or otherwise alter the ability of the taxpayer to
37 assign that credit or any portion thereof in accordance with Section
38 23663.

1 (2) A written agreement between GO-Biz and a taxpayer with
2 respect to the credit authorized by this section must comply with
3 existing law on the date the agreement is executed.

4 (j) (1) Upon the effective date of this section, the Department
5 of Finance shall estimate the total dollar amount of credits that
6 will be claimed under this section with respect to each fiscal year
7 from the 2013–14 fiscal year to the 2024–25 fiscal year, inclusive.

8 (2) The Franchise Tax Board shall annually provide to the Joint
9 Legislative Budget Committee, by no later than March 1, a report
10 of the total dollar amount of the credits claimed under this section
11 with respect to the relevant fiscal year. The report shall compare
12 the total dollar amount of credits claimed under this section with
13 respect to that fiscal year with the department’s estimate with
14 respect to that same fiscal year. If the total dollar amount of credits
15 claimed for the fiscal year is less than the estimate for that fiscal
16 year, the report shall identify options for increasing annual claims
17 of the credit so as to meet estimated amounts.

18 (k) This section is repealed on December 1, 2025.

19 SEC. 276. Section 30162 of the Streets and Highways Code
20 is amended to read:

21 30162. If the department is unable to collect any tolls due to
22 insolvency of the obligor, or if the cost of collection of any tolls
23 would be excessive by reason of the smallness of the amount due,
24 the department may apply to the Controller for discharge from
25 accountability for the collection thereof in the manner provided
26 in Sections 13940 to 13943, inclusive, of the Government Code.

27 SEC. 277. Section 1095 of the Unemployment Insurance Code
28 is amended to read:

29 1095. The director shall permit the use of any information in
30 his or her possession to the extent necessary for any of the
31 following purposes and may require reimbursement for all direct
32 costs incurred in providing any and all information specified in
33 this section, except information specified in subdivisions (a) to
34 (e), inclusive:

35 (a) To enable the director or his or her representative to carry
36 out his or her responsibilities under this code.

37 (b) To properly present a claim for benefits.

38 (c) To acquaint a worker or his or her authorized agent with his
39 or her existing or prospective right to benefits.

1 (d) To furnish an employer or his or her authorized agent with
2 information to enable him or her to fully discharge his or her
3 obligations or safeguard his or her rights under this division or
4 Division 3 (commencing with Section 9000).

5 (e) To enable an employer to receive a reduction in contribution
6 rate.

7 (f) To enable federal, state, or local governmental departments
8 or agencies, subject to federal law, to verify or determine the
9 eligibility or entitlement of an applicant for, or a recipient of, public
10 social services provided pursuant to Division 9 (commencing with
11 Section 10000) of the Welfare and Institutions Code, or Part A of
12 Subchapter IV of the federal Social Security Act (42 U.S.C. Sec.
13 601 et seq.), when the verification or determination is directly
14 connected with, and limited to, the administration of public social
15 services.

16 (g) To enable county administrators of general relief or
17 assistance, or their representatives, to determine entitlement to
18 locally provided general relief or assistance, when the
19 determination is directly connected with, and limited to, the
20 administration of general relief or assistance.

21 (h) To enable state or local governmental departments or
22 agencies to seek criminal, civil, or administrative remedies in
23 connection with the unlawful application for, or receipt of, relief
24 provided under Division 9 (commencing with Section 10000) of
25 the Welfare and Institutions Code or to enable the collection of
26 expenditures for medical assistance services pursuant to Part 5
27 (commencing with Section 17000) of Division 9 of the Welfare
28 and Institutions Code.

29 (i) To provide any law enforcement agency with the name,
30 address, telephone number, birth date, social security number,
31 physical description, and names and addresses of present and past
32 employers, of any victim, suspect, missing person, potential
33 witness, or person for whom a felony arrest warrant has been
34 issued, when a request for this information is made by any
35 investigator or peace officer as defined by Sections 830.1 and
36 830.2 of the Penal Code, or by any federal law enforcement officer
37 to whom the Attorney General has delegated authority to enforce
38 federal search warrants, as defined under Sections 60.2 and 60.3
39 of Title 28 of the Code of Federal Regulations, as amended, and
40 when the requesting officer has been designated by the head of

1 the law enforcement agency and requests this information in the
2 course of and as a part of an investigation into the commission of
3 a crime when there is a reasonable suspicion that the crime is a
4 felony and that the information would lead to relevant evidence.
5 The information provided pursuant to this subdivision shall be
6 provided to the extent permitted by federal law and regulations,
7 and to the extent the information is available and accessible within
8 the constraints and configurations of existing department records.
9 Any person who receives any information under this subdivision
10 shall make a written report of the information to the law
11 enforcement agency that employs him or her, for filing under the
12 normal procedures of that agency.

13 (1) This subdivision shall not be construed to authorize the
14 release to any law enforcement agency of a general list identifying
15 individuals applying for or receiving benefits.

16 (2) The department shall maintain records pursuant to this
17 subdivision only for periods required under regulations or statutes
18 enacted for the administration of its programs.

19 (3) This subdivision shall not be construed as limiting the
20 information provided to law enforcement agencies to that pertaining
21 only to applicants for, or recipients of, benefits.

22 (4) The department shall notify all applicants for benefits that
23 release of confidential information from their records will not be
24 protected should there be a felony arrest warrant issued against
25 the applicant or in the event of an investigation by a law
26 enforcement agency into the commission of a felony.

27 (j) To provide public employee retirement systems in California
28 with information relating to the earnings of any person who has
29 applied for or is receiving a disability income, disability allowance,
30 or disability retirement allowance, from a public employee
31 retirement system. The earnings information shall be released only
32 upon written request from the governing board specifying that the
33 person has applied for or is receiving a disability allowance or
34 disability retirement allowance from its retirement system. The
35 request may be made by the chief executive officer of the system
36 or by an employee of the system so authorized and identified by
37 name and title by the chief executive officer in writing.

38 (k) To enable the Division of Labor Standards Enforcement in
39 the Department of Industrial Relations to seek criminal, civil, or
40 administrative remedies in connection with the failure to pay, or

1 the unlawful payment of, wages pursuant to Chapter 1
2 (commencing with Section 200) of Part 1 of Division 2 of, and
3 Chapter 1 (commencing with Section 1720) of Part 7 of Division
4 2 of, the Labor Code.

5 (l) To enable federal, state, or local governmental departments
6 or agencies to administer child support enforcement programs
7 under Part D of Title IV of the federal Social Security Act (42
8 U.S.C. Sec. 651 et seq.).

9 (m) To provide federal, state, or local governmental departments
10 or agencies with wage and claim information in its possession that
11 will assist those departments and agencies in the administration
12 of the Victims of Crime Program or in the location of victims of
13 crime who, by state mandate or court order, are entitled to
14 restitution that has been or can be recovered.

15 (n) To provide federal, state, or local governmental departments
16 or agencies with information concerning any individuals who are
17 or have been:

18 (1) Directed by state mandate or court order to pay restitution,
19 fines, penalties, assessments, or fees as a result of a violation of
20 law.

21 (2) Delinquent or in default on guaranteed student loans or who
22 owe repayment of funds received through other financial assistance
23 programs administered by those agencies. The information released
24 by the director for the purposes of this paragraph shall not include
25 unemployment insurance benefit information.

26 (o) To provide an authorized governmental agency with any or
27 all relevant information that relates to any specific workers'
28 compensation insurance fraud investigation. The information shall
29 be provided to the extent permitted by federal law and regulations.
30 For the purposes of this subdivision, "authorized governmental
31 agency" means the district attorney of any county, the office of
32 the Attorney General, the Contractors' State License Board, the
33 Department of Industrial Relations, and the Department of
34 Insurance. An authorized governmental agency may disclose this
35 information to the State Bar, the Medical Board of California, or
36 any other licensing board or department whose licensee is the
37 subject of a workers' compensation insurance fraud investigation.
38 This subdivision shall not prevent any authorized governmental
39 agency from reporting to any board or department the suspected
40 misconduct of any licensee of that body.

1 (p) To enable the Director of Consumer Affairs, or his or her
2 representatives, to access unemployment insurance quarterly wage
3 data on a case-by-case basis to verify information on school
4 administrators, school staff, and students provided by those schools
5 who are being investigated for possible violations of Chapter 8
6 (commencing with Section 94800) of Part 59 of Division 10 of
7 Title 3 of the Education Code.

8 (q) To provide employment tax information to the tax officials
9 of Mexico, if a reciprocal agreement exists. For purposes of this
10 subdivision, “reciprocal agreement” means a formal agreement to
11 exchange information between national taxing officials of Mexico
12 and taxing authorities of the State Board of Equalization, the
13 Franchise Tax Board, and the Employment Development
14 Department. Furthermore, the reciprocal agreement shall be limited
15 to the exchange of information that is essential for tax
16 administration purposes only. Taxing authorities of the State of
17 California shall be granted tax information only on California
18 residents. Taxing authorities of Mexico shall be granted tax
19 information only on Mexican nationals.

20 (r) To enable city and county planning agencies to develop
21 economic forecasts for planning purposes. The information shall
22 be limited to businesses within the jurisdiction of the city or county
23 whose planning agency is requesting the information, and shall
24 not include information regarding individual employees.

25 (s) To provide the State Department of Developmental Services
26 with wage and employer information that will assist in the
27 collection of moneys owed by the recipient, parent, or any other
28 legally liable individual for services and supports provided pursuant
29 to Chapter 9 (commencing with Section 4775) of Division 4.5 of,
30 and Chapter 2 (commencing with Section 7200) and Chapter 3
31 (commencing with Section 7500) of Division 7 of, the Welfare
32 and Institutions Code.

33 (t) To provide the State Board of Equalization with employment
34 tax information that will assist in the administration of tax
35 programs. The information shall be limited to the exchange of
36 employment tax information essential for tax administration
37 purposes to the extent permitted by federal law and regulations.

38 (u) Nothing in this section shall be construed to authorize or
39 permit the use of information obtained in the administration of this
40 code by any private collection agency.

1 (v) The disclosure of the name and address of an individual or
2 business entity that was issued an assessment that included
3 penalties under Section 1128 or 1128.1 shall not be in violation
4 of Section 1094 if the assessment is final. The disclosure may also
5 include any of the following:

6 (1) The total amount of the assessment.

7 (2) The amount of the penalty imposed under Section 1128 or
8 1128.1 that is included in the assessment.

9 (3) The facts that resulted in the charging of the penalty under
10 Section 1128 or 1128.1.

11 (w) To enable the Contractors' State License Board to verify
12 the employment history of an individual applying for licensure
13 pursuant to Section 7068 of the Business and Professions Code.

14 (x) To provide any peace officer with the Division of
15 Investigation in the Department of Consumer Affairs information
16 pursuant to subdivision (i) when the requesting peace officer has
17 been designated by the chief of the Division of Investigation and
18 requests this information in the course of and as part of an
19 investigation into the commission of a crime or other unlawful act
20 when there is reasonable suspicion to believe that the crime or act
21 may be connected to the information requested and would lead to
22 relevant information regarding the crime or unlawful act.

23 (y) To enable the Labor Commissioner of the Division of Labor
24 Standards Enforcement in the Department of Industrial Relations
25 to identify, pursuant to Section 90.3 of the Labor Code, unlawfully
26 uninsured employers. The information shall be provided to the
27 extent permitted by federal law and regulations.

28 (z) To enable the Chancellor of the California Community
29 Colleges, in accordance with the requirements of Section 84754.5
30 of the Education Code, to obtain quarterly wage data, commencing
31 January 1, 1993, on students who have attended one or more
32 community colleges, to assess the impact of education on the
33 employment and earnings of students, to conduct the annual
34 evaluation of district-level and individual college performance in
35 achieving priority educational outcomes, and to submit the required
36 reports to the Legislature and the Governor. The information shall
37 be provided to the extent permitted by federal statutes and
38 regulations.

39 (aa) To enable the Public Employees' Retirement System to
40 seek criminal, civil, or administrative remedies in connection with

1 the unlawful application for, or receipt of, benefits provided under
2 Part 3 (commencing with Section 20000) of Division 5 of Title 2
3 of the Government Code.

4 (ab) To enable the State Department of Education, the University
5 of California, the California State University, and the Chancellor
6 of the California Community Colleges, pursuant to the
7 requirements prescribed by the federal American Recovery and
8 Reinvestment Act of 2009 (Public Law 111-5), to obtain quarterly
9 wage data, commencing July 1, 2010, on students who have
10 attended their respective systems to assess the impact of education
11 on the employment and earnings of those students, to conduct the
12 annual analysis of district-level and individual district or
13 postsecondary education system performance in achieving priority
14 educational outcomes, and to submit the required reports to the
15 Legislature and the Governor. The information shall be provided
16 to the extent permitted by federal statutes and regulations.

17 (ac) To provide the Agricultural Labor Relations Board with
18 employee, wage, and employer information, for use in the
19 investigation or enforcement of the
20 Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations
21 Act of 1975 (Part 3.5 (commencing with Section 1140) of Division
22 2 of the Labor Code). The information shall be provided to the
23 extent permitted by federal statutes and regulations.

24 (ad) (1) To enable the State Department of Health Care
25 Services, the California Health Benefit Exchange, the Managed
26 Risk Medical Insurance Board, and county departments and
27 agencies to obtain information regarding employee wages,
28 California employer names and account numbers, employer reports
29 of wages and number of employees, and disability insurance and
30 unemployment insurance claim information, for the purpose of:

31 (A) Verifying or determining the eligibility of an applicant for,
32 or a recipient of, state health subsidy programs, limited to the
33 Medi-Cal program, provided pursuant to Chapter 7 (commencing
34 with Section 14000) of Part 3 of Division 9 of the Welfare and
35 Institutions Code, and the Access for Infants and Mothers Program,
36 provided pursuant to Part 6.3 (commencing with Section 12695)
37 of Division 2 of the Insurance Code, when the verification or
38 determination is directly connected with, and limited to, the
39 administration of the state health subsidy programs referenced in
40 this subparagraph.

1 (B) Verifying or determining the eligibility of an applicant for,
2 or a recipient of, federal subsidies offered through the California
3 Health Benefit Exchange, provided pursuant to Title 22
4 (commencing with Section 100500) of the Government Code,
5 including federal tax credits and cost-sharing assistance pursuant
6 to the federal Patient Protection and Affordable Care Act (Public
7 Law 111-148), as amended by the federal Health Care and
8 Education Reconciliation Act of 2010 (Public Law 111-152), when
9 the verification or determination is directly connected with, and
10 limited to, the administration of the California Health Benefit
11 Exchange.

12 (C) Verifying or determining the eligibility of employees and
13 employers for health coverage through the Small Business Health
14 Options Program, provided pursuant to Section 100502 of the
15 Government Code, when the verification or determination is
16 directly connected with, and limited to, the administration of the
17 Small Business Health Options Program.

18 (2) The information provided under this subdivision shall be
19 subject to the requirements of, and provided to the extent permitted
20 by, federal law and regulations, including Part 603 of Title 20 of
21 the Code of Federal Regulations.

22 (ae) To provide any peace officer with the Investigations
23 Division of the Department of Motor Vehicles with information
24 pursuant to subdivision (i), when the requesting peace officer has
25 been designated by the Chief of the Investigations Division and
26 requests this information in the course of, and as part of, an
27 investigation into identity theft, counterfeiting, document fraud,
28 or consumer fraud, and there is reasonable suspicion that the crime
29 is a felony and that the information would lead to relevant evidence
30 regarding the identity theft, counterfeiting, document fraud, or
31 consumer fraud. The information provided pursuant to this
32 subdivision shall be provided to the extent permitted by federal
33 law and regulations, and to the extent the information is available
34 and accessible within the constraints and configurations of existing
35 department records. Any person who receives any information
36 under this subdivision shall make a written report of the
37 information to the Investigations Division of the Department of
38 Motor Vehicles, for filing under the normal procedures of that
39 division.

1 (af) Until January 1, 2020, to enable the Department of Finance
2 to prepare and submit the report required by Section 13084 of the
3 Government Code that identifies all employers in California that
4 employ 100 or more employees who receive benefits from the
5 Medi-Cal program (Chapter 7 (commencing with Section 14000)
6 of Part 3 of Division 9 of the Welfare and Institutions Code). The
7 information used for this purpose shall be limited to information
8 obtained pursuant to Section 11026.5 of the Welfare and
9 Institutions Code and from the administration of personal income
10 tax wage withholding pursuant to Division 6 (commencing with
11 Section 13000) and the disability insurance program and may be
12 disclosed to the Department of Finance only for the purpose of
13 preparing and submitting the report and only to the extent not
14 prohibited by federal law.

15 (ag) To provide, to the extent permitted by federal law and
16 regulations, the Student Aid Commission with wage information
17 in order to verify the employment status of an individual applying
18 for a Cal Grant C award pursuant to subdivision (c) of Section
19 69439 of the Education Code.

20 (ah) To enable the Department of Corrections and Rehabilitation
21 to obtain quarterly wage data of former inmates who have been
22 incarcerated within the prison system in order to assess the impact
23 of rehabilitation services or the lack of these services on the
24 employment and earnings of these former inmates. Quarterly data
25 for a former inmate’s employment status and wage history shall
26 be provided for a period of one year, three years, and five years
27 following release. The data shall only be used for the purpose of
28 tracking outcomes for former inmates in order to assess the
29 effectiveness of rehabilitation strategies on the wages and
30 employment histories of those formerly incarcerated. The
31 information shall be provided to the department to the extent not
32 prohibited by federal law.

33 (ai) To enable federal, state, or local government departments
34 or agencies, or their contracted agencies, subject to federal law,
35 including the confidentiality, disclosure, and other requirements
36 set forth in Part 603 of Title 20 of the Code of Federal Regulations,
37 to evaluate, research, or forecast the effectiveness of public social
38 services programs administered pursuant to Division 9
39 (commencing with Section 10000) of the Welfare and Institutions
40 Code, or Part A of Subchapter IV of Chapter 7 of the federal Social

1 Security Act (42 U.S.C. Sec. 601 et seq.), when the evaluation,
2 research, or forecast is directly connected with, and limited to, the
3 administration of the public social services programs.

4 (aj) To enable the California Workforce Development Board,
5 the Chancellor of the California Community Colleges, the
6 Superintendent of Public Instruction, the Department of
7 Rehabilitation, the State Department of Social Services, the Bureau
8 for Private Postsecondary Education, the Department of Industrial
9 Relations, the Division of Apprenticeship Standards, and the
10 Employment Training Panel to access any relevant quarterly wage
11 data necessary for the evaluation and reporting of their respective
12 program performance outcomes as required and permitted by
13 various state and federal laws pertaining to performance
14 measurement and program evaluation under the federal Workforce
15 Innovation and Opportunity Act (Public Law 113-128); the
16 workforce performance metrics dashboard pursuant to paragraph
17 (1) of subdivision (i) of Section 14013; the Adult Education Block
18 Grant Program consortia performance metrics pursuant to Section
19 84920 of the Education Code; the economic and workforce
20 development program performance measures pursuant to Section
21 88650 of the Education Code; and the California Community
22 Colleges Economic and Workforce Development Program
23 performance measures established in Part 52.5 (commencing with
24 Section 88600) of Division 7 of Title 3 of the Education Code.

25 SEC. 278. Section 14013 of the Unemployment Insurance
26 Code is amended to read:

27 14013. The board shall assist the Governor in the following:

28 (a) Promoting the development of a well-educated and highly
29 skilled 21st century workforce.

30 (b) Developing, implementing, and modifying the State Plan.
31 The State Plan shall serve as the comprehensive framework and
32 coordinated plan for the aligned investment of all federal and state
33 workforce training and employment services funding streams and
34 programs. To the extent feasible and when appropriate, the state
35 plan should reinforce and work with adult education and career
36 technical education efforts that are responsive to labor market
37 trends.

38 (c) The review of statewide policies, of statewide programs,
39 and of recommendations on actions that should be taken by the
40 state to align workforce, education, training, and employment

1 funding programs in the state in a manner that supports a
2 comprehensive and streamlined workforce development system
3 in the state, including the review and provision of comments on
4 the State Plan, if any, for programs and activities of one-stop
5 partners that are not core programs.

6 (d) Developing and continuously improving the statewide
7 workforce investment system, including:

8 (1) The identification of barriers and means for removing
9 barriers to better coordinate, align, and avoid duplication among
10 the programs and activities carried out through the system.

11 (2) The development of strategies to support the use of career
12 pathways for the purpose of providing individuals, including
13 low-skilled adults, youth, and individuals with barriers to
14 employment, and including individuals with disabilities, with
15 workforce investment activities, education, and supportive services
16 to enter or retain employment. To the extent permissible under
17 state and federal laws, these policies and strategies should support
18 linkages between kindergarten and grades 1 to 12, inclusive, and
19 community college educational systems in order to help secure
20 educational and career advancement. These policies and strategies
21 may be implemented using a sector strategies framework and
22 should ultimately lead to placement in a job providing economic
23 security or job placement in an entry-level job that has a
24 well-articulated career pathway or career ladder to a job providing
25 economic security.

26 (3) The development of strategies for providing effective
27 outreach to and improved access for individuals and employers
28 who could benefit from services provided through the workforce
29 development system.

30 (4) The development and expansion of strategies for meeting
31 the needs of employers, workers, and jobseekers, particularly
32 through industry or sector partnerships related to in-demand
33 industry sectors and occupations, including policies targeting
34 resources to competitive and emerging industry sectors and industry
35 clusters that provide economic security and are either high-growth
36 sectors or critical to California's economy, or both. These industry
37 sectors and clusters shall have significant economic impacts on
38 the state and its regional and workforce development needs and
39 have documented career opportunities.

- 1 (5) Recommending adult and dislocated worker training policies
2 and investments that offer a variety of career opportunities while
3 upgrading the skills of California’s workforce. These may include
4 training policies and investments pertaining to any of the following:
5 (A) Occupational skills training, including training for
6 nontraditional employment.
7 (B) On-the-job training.
8 (C) Incumbent worker training in accordance with Section
9 3174(d)(4) of Title 29 of the United States Code.
10 (D) Programs that combine workplace training with related
11 instruction, which may include cooperative education programs.
12 (E) Training programs operated by the private sector.
13 (F) Skill upgrading and retraining.
14 (G) Entrepreneurial training.
15 (H) Transitional jobs in accordance with Section 3174 (d)(5)
16 of Title 29 of the United States Code.
17 (I) Job readiness training provided in combination with any of
18 the services described in subparagraphs (A) to (H), inclusive.
19 (J) Adult education and literacy activities provided in
20 combination with any of the services described in subparagraphs
21 (A) to (G), inclusive.
22 (K) Customized training conducted with a commitment by an
23 employer or group of employers to employ an individual upon
24 successful completion of the training.
25 (e) The identification of regions, including planning regions,
26 for the purposes of Section 3121(a) of Title 29 of the United States
27 Code, and the designation of local areas under Section 3121 of
28 Title 29 of the United States Code, after consultation with local
29 boards and chief elected officials.
30 (f) The development and continuous improvement of the
31 one-stop delivery system in local areas, including providing
32 assistance to local boards, one-stop operators, one-stop partners,
33 and providers with planning and delivering services, including
34 training services and supportive services, to support effective
35 delivery of services to workers, job seekers, and employers.
36 (g) Recommending strategies to the Governor for strategic
37 training investments of the Governor’s 15-percent discretionary
38 funds.

1 (h) Developing strategies to support staff training and awareness
2 across programs supported under the workforce development
3 system.

4 (i) The development and updating of comprehensive state
5 performance accountability measures, including state adjusted
6 levels of performance, to assess the effectiveness of the core
7 programs in the state as required under Section 3141(b) of Title
8 29 of the United States Code. As part of this process the board
9 shall do all of the following:

10 (1) Develop a workforce metrics dashboard, to be updated
11 annually, that measures the state's human capital investments in
12 workforce development to better understand the collective impact
13 of these investments on the labor market. The workforce metrics
14 dashboard shall be produced using existing available data and
15 resources that are currently collected and accessible to state
16 agencies. The board shall convene workforce program partners to
17 develop a standardized set of inputs and outputs for the workforce
18 metrics dashboard. The workforce metrics dashboard shall do all
19 of the following:

20 (A) Provide a status report on credential attainment, training
21 completion, degree attainment, and participant earnings from
22 workforce education and training programs. The board shall publish
23 and distribute the final report.

24 (B) Provide demographic breakdowns, including, to the extent
25 possible, race, ethnicity, age, gender, veteran status, wage and
26 credential or degree outcomes, and information on workforce
27 outcomes in different industry sectors.

28 (C) Measure, at a minimum and to the extent feasible with
29 existing resources, the performance of the following workforce
30 programs: community college career technical education, the
31 Employment Training Panel, Title I and Title II of the federal
32 Workforce Investment Act of 1998, Trade Adjustment Assistance,
33 and state apprenticeship programs.

34 (D) Measure participant earnings in California, and to the extent
35 feasible, in other states. The Employment Development Department
36 shall assist the board by calculating aggregated participant earnings
37 using unemployment insurance wage records, without violating
38 any applicable confidentiality requirements.

39 (2) The State Department of Education is hereby authorized to
40 collect the social security numbers of adults participating in adult

1 education programs so that accurate participation in those programs
2 can be represented in the report card. However, an individual shall
3 not be denied program participation if he or she refuses to provide
4 a social security number. The State Department of Education shall
5 keep this information confidential, except, the State Department
6 of Education is authorized to share this information, unless
7 prohibited by federal law, with the Employment Development
8 Department, who shall keep the information confidential and use
9 it only to track the labor market outcomes of program participants
10 in compliance with all applicable state and federal laws and
11 mandates, including all performance reporting requirements under
12 the Workforce Innovation and Opportunity Act.

13 (3) (A) Participating workforce programs, as specified in
14 subparagraph (C) of paragraph (1), shall provide participant data
15 in a standardized format to the Employment Development
16 Department.

17 (B) The Employment Development Department shall aggregate
18 data provided by participating workforce programs and shall report
19 the data, organized by demographics, earnings, and industry of
20 employment, to the board to assist the board in producing the
21 annual workforce metrics dashboard.

22 (j) The identification and dissemination of information on best
23 practices, including best practices for all of the following:

24 (1) The effective operation of one-stop centers, relating to the
25 use of business outreach, partnerships, and service delivery
26 strategies, including strategies for serving individuals with barriers
27 to employment.

28 (2) The development of effective local boards, which may
29 include information on factors that contribute to enabling local
30 boards to exceed negotiated local levels of performance, sustain
31 fiscal integrity, and achieve other measures of effectiveness.

32 (3) Effective training programs that respond to real-time labor
33 market analysis, that effectively use direct assessment and prior
34 learning assessment to measure an individual's prior knowledge,
35 skills, competencies, and experiences, and that evaluate such skills,
36 and competencies for adaptability, to support efficient placement
37 into employment or career pathways.

38 (k) The development and review of statewide policies affecting
39 the coordinated provision of services through the state's one-stop
40 delivery system described in Section 3151(e) of Title 29 of the

1 United States Code, including the development of all of the
2 following:

3 (1) Objective criteria and procedures for use by local boards in
4 assessing the effectiveness and continuous improvement of
5 one-stop centers described in Section 3151(e) of Title 29 of the
6 United States Code.

7 (2) Guidance for the allocation of one-stop center infrastructure
8 funds under Section 3151(h) of Title 29 of the United States Code.

9 (3) Policies relating to the appropriate roles and contributions
10 of entities carrying out one-stop partner programs within the
11 one-stop delivery system, including approaches to facilitating
12 equitable and efficient cost allocation in such a system.

13 (l) The development of strategies for technological
14 improvements to facilitate access to, and improve the quality of,
15 services and activities provided through the one-stop delivery
16 system, including such improvements to all of the following:

17 (1) Enhance digital literacy skills, as defined in Section 9101
18 of Title 20 of the United States Code, referred to in this division
19 as “digital literacy skills.”

20 (2) Accelerate the acquisition of skills and recognized
21 postsecondary credentials by participants.

22 (3) Strengthen the professional development of providers and
23 workforce professionals.

24 (4) Ensure the technology is accessible to individuals with
25 disabilities and individuals residing in remote areas.

26 (m) The development of strategies for aligning technology and
27 data systems across one-stop partner programs to enhance service
28 delivery and improve efficiencies in reporting on performance
29 accountability measures, including the design and implementation
30 of common intake, data collection, case management information,
31 and performance accountability measurement and reporting
32 processes and the incorporation of local input into such design and
33 implementation, to improve coordination of services across
34 one-stop partner programs.

35 (n) The development of allocation formulas for the distribution
36 of funds for employment and training activities for adults, and
37 youth workforce investment activities, to local areas as permitted
38 under Sections 3163(b)(3) and 3173(b)(3) of Title 29 of the United
39 States Code.

1 (o) The preparation of the annual reports described in paragraphs
2 (1) and (2) of Section 3141(d) of Title 29 of the United States
3 Code.

4 (p) The development of the statewide workforce and labor
5 market information system described in Section 491-2(e) of Title
6 29 of the United States Code.

7 (q) The development of such other policies as may promote
8 statewide objectives for, and enhance the performance of, the
9 workforce development system in the state.

10 (r) Helping individuals with barriers to employment, including
11 low-skill, low-wage workers, the long-term unemployed, and
12 members of single-parent households, achieve economic security
13 and upward mobility by implementing policies that encourage the
14 attainment of marketable skills relevant to current labor market
15 trends.

16 SEC. 279. Section 1752.81 of the Welfare and Institutions
17 Code is amended to read:

18 1752.81. (a) Whenever the Director of the Division of Juvenile
19 Justice has in his or her possession in trust funds of a ward
20 committed to the division, the funds may be released for any
21 purpose when authorized by the ward. When the sum held in trust
22 for any ward by the director exceeds five hundred dollars (\$500),
23 the amount in excess of five hundred dollars (\$500) may be
24 expended by the director pursuant to a lawful order of a court
25 directing payment of the funds, without the authorization of the
26 ward thereto.

27 (b) Whenever an adult or minor is committed to or housed in a
28 Division of Juvenile Facilities facility and he or she owes a
29 restitution fine imposed pursuant to Section 13967 of the
30 Government Code, as operative on or before September 28, 1994,
31 or Section 1202.4 or 1203.04 of the Penal Code, as operative on
32 or before August 2, 1995, or pursuant to Section 729.6, 730.6 or
33 731.1, as operative on or before August 2, 1995, the director shall
34 deduct the balance owing on the fine amount from the trust account
35 deposits of a ward, up to a maximum of 50 percent of the total
36 amount held in trust, unless prohibited by federal law. The director
37 shall transfer that amount to the California Victim Compensation
38 Board for deposit in the Restitution Fund in the State Treasury.
39 Any amount so deducted shall be credited against the amount

1 owing on the fine. The sentencing court shall be provided a record
2 of the payments.

3 (c) Whenever an adult or minor is committed to, or housed in,
4 a Division of Juvenile Facilities facility and he or she owes
5 restitution to a victim imposed pursuant to Section 13967 of the
6 Government Code, as operative on or before September 28, 1994,
7 or Section 1202.4 or 1203.04 of the Penal Code, as operative on
8 or before August 2, 1995, or pursuant to Section 729.6, 730.6, or
9 731.1, as operative on or before August 2, 1995, the director shall
10 deduct the balance owing on the order amount from the trust
11 account deposits of a ward, up to a maximum of 50 percent of the
12 total amount held in trust, unless prohibited by federal law. The
13 director shall transfer that amount directly to the victim. If the
14 restitution is owed to a person who has filed an application with
15 the Victims of Crime Program, the director shall transfer that
16 amount to the California Victim Compensation Board for direct
17 payment to the victim or payment shall be made to the Restitution
18 Fund to the extent that the victim has received assistance pursuant
19 to that program. The sentencing court shall be provided a record
20 of the payments made to victims and of the payments deposited
21 to the Restitution Fund pursuant to this subdivision.

22 (d) Any compensatory or punitive damages awarded by trial or
23 settlement to a minor or adult committed to the Division of Juvenile
24 Facilities in connection with a civil action brought against any
25 federal, state, or local jail or correctional facility, or any official
26 or agent thereof, shall be paid directly, after payment of reasonable
27 attorney's fees and litigation costs approved by the court, to satisfy
28 any outstanding restitution orders or restitution fines against the
29 minor or adult. The balance of any award shall be forwarded to
30 the minor or adult committed to the Division of Juvenile Facilities
31 after full payment of all outstanding restitution orders and
32 restitution fines subject to subdivision (e). The Division of Juvenile
33 Facilities shall make all reasonable efforts to notify the victims of
34 the crime for which the minor or adult was committed concerning
35 the pending payment of any compensatory or punitive damages.
36 This subdivision shall apply to cases settled or awarded on or after
37 April 26, 1996, pursuant to Sections 807 and 808 of Title VIII of
38 the federal Prison Litigation Reform Act of 1995 (P.L. 104-134;
39 18 U.S.C. Sec. 3626 (Historical and Statutory Notes)).

1 (e) The director shall deduct and retain from the trust account
2 deposits of a ward, unless prohibited by federal law, an
3 administrative fee that totals 10 percent of any amount transferred
4 pursuant to subdivision (b) and (c), or 5 percent of any amount
5 transferred pursuant to subdivision (d). The director shall deposit
6 the administrative fee moneys in a special deposit account for
7 reimbursing administrative and support costs of the restitution and
8 victims program of the Division of Juvenile Facilities. The director,
9 at his or her discretion, may retain any excess funds in the special
10 deposit account for future reimbursement of the division's
11 administrative and support costs for the restitution and victims
12 program or may transfer all or part of the excess funds for deposit
13 in the Restitution Fund.

14 (f) When a ward has both a restitution fine and a restitution
15 order from the sentencing court, the Division of Juvenile Facilities
16 shall collect the restitution order first pursuant to subdivision (c).

17 (g) Notwithstanding subdivisions (a), (b), and (c), whenever the
18 director holds in trust a ward's funds in excess of five dollars (\$5)
19 and the ward cannot be located, after one year from the date of
20 discharge, absconding from the Division of Juvenile Facilities
21 supervision, or escape, the Division of Juvenile Facilities shall
22 apply the trust account balance to any unsatisfied victim restitution
23 order or fine owed by that ward. If the victim restitution order or
24 fine has been satisfied, the remainder of the ward's trust account
25 balance, if any, shall be transferred to the Benefit Fund to be
26 expended pursuant to Section 1752.5. If the victim to whom a
27 particular ward owes restitution cannot be located, the moneys
28 shall be transferred to the Benefit Fund to be expended pursuant
29 to Section 1752.5.

30 SEC. 280. Section 1752.82 of the Welfare and Institutions
31 Code is amended to read:

32 1752.82. (a) Whenever an adult or minor is committed to or
33 housed in a Youth Authority facility and he or she owes restitution
34 to a victim or a restitution fine imposed pursuant to Section 13967,
35 as operative on or before September 28, 1994, of the Government
36 Code, or Section 1202.4 of the Penal Code, or Section 1203.04,
37 as operative on or before August 2, 1994, of the Penal Code, or
38 pursuant to Section 729.6, as operative on or before August 2,
39 1995, Section 730.6 or 731.1, as operative on or before August 2,
40 1995, the director may deduct a reasonable amount not to exceed

1 50 percent from the wages of that adult or minor and the amount
2 so deducted, exclusive of the costs of administering this section,
3 which shall be retained by the director, shall be transferred to the
4 California Victim Compensation Board for deposit in the
5 Restitution Fund in the State Treasury in the case of a restitution
6 fine, or, in the case of a restitution order, and upon the request of
7 the victim, shall be paid directly to the victim. Any amount so
8 deducted shall be credited against the amount owing on the fine
9 or to the victim. The committing court shall be provided a record
10 of any payments.

11 (b) A victim who has requested that restitution payments be
12 paid directly to him or her pursuant to subdivision (a) shall provide
13 a current address to the Youth Authority to enable the Youth
14 Authority to send restitution payments collected on the victim's
15 behalf to the victim.

16 (c) In the case of a restitution order, whenever the victim has
17 died, cannot be located, or has not requested the restitution
18 payment, the director may deduct a reasonable amount not to
19 exceed 50 percent of the wages of that adult or minor and the
20 amount so deducted, exclusive of the costs of administering this
21 section, which shall be retained by the director, shall be transferred
22 to the California Victim Compensation Board, pursuant to
23 subdivision (d), after one year has elapsed from the time the ward
24 is discharged by the Youth Authority Board. Any amount so
25 deducted shall be credited against the amount owing to the victim.
26 The funds so transferred shall be deposited in the Restitution Fund.

27 (d) If the Youth Authority has collected restitution payments
28 on behalf of a victim, the victim shall request those payments no
29 later than one year after the ward has been discharged by the Youth
30 Authority Board. Any victim who fails to request those payments
31 within that time period shall have relinquished all rights to the
32 payments, unless he or she can show reasonable cause for failure
33 to request those payments within that time period.

34 (e) The director shall transfer to the California Victim
35 Compensation Board all restitution payments collected prior to
36 the effective date of this section on behalf of victims who have
37 died, cannot be located, or have not requested restitution payments.
38 The California Victim Compensation Board shall deposit these
39 amounts in the Restitution Fund.

1 (f) For purposes of this section, “victim” includes a victim’s
2 immediate surviving family member, on whose behalf restitution
3 has been ordered.

4 SEC. 281. Section 4461 of the Welfare and Institutions Code
5 is amended to read:

6 4461. (a) All expenses incurred in returning such persons to
7 other states shall be paid by this state, the person, or his or her
8 relatives, but the expense of returning residents of this state shall
9 be borne by the state making the returns.

10 (b) The cost and expense incurred in effecting the transportation
11 of the nonresident persons to the states in which they have
12 residence shall be advanced from the funds appropriated for that
13 purpose or, if necessary, from the money appropriated for the care
14 of developmentally disabled persons upon vouchers approved by
15 the Department of General Services.

16 SEC. 282. Section 11212 of the Welfare and Institutions Code
17 is amended to read:

18 11212. (a) The state, through the county welfare department,
19 shall reimburse the foster parent or foster parents for the cost of
20 the burial plot and funeral expenses incurred for any child who,
21 at the time of death, is receiving foster care, as defined in Section
22 11251, to the extent that the foster parent or foster parents are not
23 otherwise reimbursed for costs incurred for those purposes.

24 (b) The state, through the county welfare department, shall pay
25 the burial costs and funeral expenses directly to the funeral home
26 and the burial plot owner when either one of the following
27 conditions exists:

28 (1) The foster parent or foster parents request the direct payment.

29 (2) The child’s death is due to alleged criminal negligence or
30 other alleged criminal action on the part of the foster parent or
31 foster parents.

32 (c) The foster parent, or the funeral home and burial plot
33 provider, shall file a claim for reimbursement of costs with the
34 county welfare department at the time and in the manner specified
35 by the department. The county welfare department shall pay the
36 claims in an amount not to exceed the level of reimbursement
37 allowed by the California Victim Compensation Board for burial
38 costs and funeral expenses under its Victims of Violent Crimes
39 program, which is contained in Article 1 (commencing with Section
40 13959) of Chapter 5 of Part 4 of Division 3 of Title 2 of the

1 Government Code. Claims for the burial costs and funeral expenses
2 for a foster child shall be paid out of funds appropriated annually
3 to the department for those purposes.

4 SEC. 283. Section 14171.5 of the Welfare and Institutions
5 Code is amended to read:

6 14171.5. Any institutional provider of health care services that
7 obtained reimbursement under this chapter to which it is not
8 entitled shall be subject to the following interest charges or
9 penalties:

10 (a) When it is established upon audit that the provider has
11 claimed payments under this chapter to which it is not entitled, the
12 provider shall pay, in addition to the amount improperly received,
13 interest at the rate specified by subdivision (h) of Section 14171.

14 (b) When it is established upon audit that the provider claimed
15 payments related to services or costs that the department had
16 previously notified the provider in an audit report that the costs or
17 services were not reimbursable, the provider shall pay in addition
18 to the amount improperly claimed, a penalty of 10 percent of the
19 amount improperly claimed after this notice, plus the cost of the
20 audit. In addition, interest shall be assessed at the rate specified in
21 subdivision (h) of Section 14171. Providers who wish to preserve
22 appeal rights or to challenge the department's positions regarding
23 appeal issues, may claim the cost or services and not be reimbursed
24 therefor if they are identified and presented separately on the cost
25 report.

26 (c) When it is established that the provider fraudulently claimed
27 and received payments under this chapter, the provider shall pay
28 a penalty of 25 percent of the amount improperly claimed, plus
29 the cost of the audit, in addition to the amount thereof. In addition,
30 interest will be assessed at the rate specified by subdivision (h) of
31 Section 14171. A fraudulent claim is a claim upon which the
32 provider has been convicted of fraud upon the program. Nothing
33 in this section shall prevent the imposition of any other civil or
34 criminal penalties to which the provider may be liable.

35 (d) Appeals to action taken in subdivisions (a), (b), and (c) of
36 Section 14171.5 above are subject to the administrative appeals
37 process provided by Section 14171.

38 (e) Penalties paid by providers under subdivisions (a), (b), and
39 (c) of Section 14171.5 are not reimbursable by the program.

1 (f) As used in this section, “the cost of the audit” includes actual
2 hourly wages, travel, and incidental expenses at rates allowable
3 by Department of General Services rules, and applicable overhead
4 costs.

5 SEC. 284. Section 14171.6 of the Welfare and Institutions
6 Code is amended to read:

7 14171.6. (a) (1) Any provider, as defined in paragraph (3),
8 that obtains reimbursement under this chapter to which it is not
9 entitled shall be subject to interest charges or penalties as specified
10 in this section.

11 (2) When it is established upon audit that the provider has not
12 received reimbursement to which the provider is entitled, the
13 department shall pay the provider interest assessed at the rate, and
14 in the manner, specified in subdivision (g) of Section 14171.

15 (3) For purposes of this section, “provider” means any provider,
16 as defined in Section 14043.1.

17 (b) When it is established upon audit that the provider has
18 claimed payments under this chapter to which it is not entitled, the
19 provider shall pay, in addition to the amount improperly received,
20 interest at the rate specified by subdivision (h) of Section 14171.

21 (c) (1) When it is established upon audit that the provider
22 claimed payments related to services or costs that the department
23 had previously notified the provider in an audit report that the costs
24 or services were not reimbursable, the provider shall pay, in
25 addition to the amount improperly claimed, a penalty of 10 percent
26 of the amount improperly claimed after receipt of the notice, plus
27 the cost of the audit.

28 (2) In addition to the penalty and costs specified by paragraph
29 (1), interest shall be assessed at the rate specified in subdivision
30 (h) of Section 14171.

31 (3) Providers that wish to preserve appeal rights or to challenge
32 the department’s positions regarding appeal issues may claim the
33 costs or services and not be reimbursed therefor if they are
34 identified and presented separately on the cost report.

35 (d) (1) When it is established that the provider fraudulently
36 claimed and received payments under this chapter, the provider
37 shall pay, in addition to that portion of the claim that was
38 improperly claimed, a penalty of 300 percent of the amount
39 improperly claimed, plus the cost of the audit.

1 (2) In addition to the penalty and costs specified by paragraph
2 (1), interest shall be assessed at the rate specified by subdivision
3 (h) of Section 14171.

4 (3) For purposes of this subdivision, a fraudulent claim is a
5 claim upon which the provider has been convicted of fraud upon
6 the Medi-Cal program.

7 (e) Nothing in this section shall prevent the imposition of any
8 other civil or criminal penalties to which the provider may be
9 liable.

10 (f) Any appeal to any action taken pursuant to subdivision (b),
11 (c), or (d) is subject to the administrative appeals process provided
12 by Section 14171.

13 (g) As used in this section, “cost of the audit” includes actual
14 hourly wages, travel, and incidental expenses at rates allowable
15 by rules adopted by the Department of General Services and
16 applicable overhead costs that are incurred by employees of the
17 state in administering this chapter with respect to the performance
18 of audits.

19 (h) This section shall not apply to any clinic licensed pursuant
20 to subdivision (a) of Section 1204 of the Health and Safety Code,
21 clinics exempt from licensure under Section 1206 of the Health
22 and Safety Code, health facilities licensed under Chapter 2
23 (commencing with Section 1250) of Division 2 of the Health and
24 Safety Code, or to any provider that is operated by a city, county,
25 or school district.

26 SEC. 285. Section 15634 of the Welfare and Institutions Code
27 is amended to read:

28 15634. (a) No care custodian, clergy member, health
29 practitioner, mandated reporter of suspected financial abuse of an
30 elder or dependent adult, or employee of an adult protective
31 services agency or a local law enforcement agency who reports a
32 known or suspected instance of abuse of an elder or dependent
33 adult shall be civilly or criminally liable for any report required
34 or authorized by this article. Any other person reporting a known
35 or suspected instance of abuse of an elder or dependent adult shall
36 not incur civil or criminal liability as a result of any report
37 authorized by this article, unless it can be proven that a false report
38 was made and the person knew that the report was false. No person
39 required to make a report pursuant to this article, or any person
40 taking photographs at his or her discretion, shall incur any civil or

1 criminal liability for taking photographs of a suspected victim of
2 abuse of an elder or dependent adult or causing photographs to be
3 taken of such a suspected victim or for disseminating the
4 photographs with the reports required by this article. However,
5 this section shall not be construed to grant immunity from this
6 liability with respect to any other use of the photographs.

7 (b) No care custodian, clergy member, health practitioner,
8 mandated reporter of suspected financial abuse of an elder or
9 dependent adult, or employee of an adult protective services agency
10 or a local law enforcement agency who, pursuant to a request from
11 an adult protective services agency or a local law enforcement
12 agency investigating a report of known or suspected abuse of an
13 elder or dependent adult, provides the requesting agency with
14 access to the victim of a known or suspected instance of abuse of
15 an elder or dependent adult, shall incur civil or criminal liability
16 as a result of providing that access.

17 (c) The Legislature finds that, even though it has provided
18 immunity from liability to persons required to report abuse of an
19 elder or dependent adult, immunity does not eliminate the
20 possibility that actions may be brought against those persons based
21 upon required reports of abuse. In order to further limit the financial
22 hardship that those persons may incur as a result of fulfilling their
23 legal responsibilities, it is necessary that they not be unfairly
24 burdened by legal fees incurred in defending those actions.
25 Therefore, a care custodian, clergy member, health practitioner,
26 or an employee of an adult protective services agency or a local
27 law enforcement agency may present to the Department of General
28 Services a claim for reasonable attorneys' fees incurred in any
29 action against that person on the basis of making a report required
30 or authorized by this article if the court has dismissed the action
31 upon a demurrer or motion for summary judgment made by that
32 person, or if he or she prevails in the action. The Department of
33 General Services shall allow that claim if the requirements of this
34 subdivision are met, and the claim shall be paid from an
35 appropriation to be made for that purpose. Attorneys' fees awarded
36 pursuant to this section shall not exceed an hourly rate greater than
37 the rate charged by the Attorney General at the time the award is
38 made and shall not exceed an aggregate amount of fifty thousand
39 dollars (\$50,000). This subdivision shall not apply if a public entity

1 has provided for the defense of the action pursuant to Section 995
2 of the Government Code.

3 SEC. 286. (a) It is the intent of the Legislature that any capitol
4 building annex project undertaken pursuant to Article 5.2
5 (commencing with Section 9112) of Chapter 1.5 of Part 1 of
6 Division 2 of Title 2 of the Government Code incorporate elements
7 complementary to the historic capitol, elements to make it efficient
8 and sustainable, and historic elements from the existing capitol
9 building annex.

10 (b) It is further the intent of the Legislature that any state capitol
11 building annex be designed as a working capitol for the public to
12 effectively engage with their elected representatives and their state
13 government.

14 (c) It is further the intent of the Legislature that the eastern
15 façade of the historic state capitol building be restored as part of
16 any project that includes demolition of the existing capitol building
17 annex.

18 *SEC. 287. The intent of the Legislature in amending Sections*
19 *17059.2 and 23689 of the Revenue and Taxation Code is to*
20 *construe and clarify the meaning and effect of existing law that*
21 *provides the Governor's Office of Business and Economic*
22 *Development with the authority and discretion to negotiate tax*
23 *credit agreements, to ensure the administration of the credit*
24 *allowed pursuant to those sections is a model of accountability*
25 *and transparency, and to ensure that the effective use of the limited*
26 *tax credit available pursuant to those sections is maximized.*

27 ~~SEC. 287.~~

28 SEC. 288. The sum of one billion three hundred million dollars
29 (\$1,300,000,000) is hereby transferred, upon direction of the
30 Director of Finance to the Controller, from the General Fund to
31 the State Project Infrastructure Fund established by Section 14692
32 of the Government Code according to the following schedule:

33 (a) One billion dollars (\$1,000,000,000) on or after July 1, 2016,
34 but no later than June 30, 2017.

35 (b) Three hundred million dollars (\$300,000,000) on or after
36 July 1, 2017.

37 ~~SEC. 288.~~

38 SEC. 289. No reimbursement is required by this act pursuant
39 to Section 6 of Article XIII B of the California Constitution because
40 the only costs that may be incurred by a local agency or school

1 district will be incurred because this act creates a new crime or
2 infraction, eliminates a crime or infraction, or changes the penalty
3 for a crime or infraction, within the meaning of Section 17556 of
4 the Government Code, or changes the definition of a crime within
5 the meaning of Section 6 of Article XIII B of the California
6 Constitution.

7 ~~SEC. 289.~~

8 *SEC. 290.* This act is a bill providing for appropriations related
9 to the Budget Bill within the meaning of subdivision (e) of Section
10 12 of Article IV of the California Constitution, has been identified
11 as related to the budget in the Budget Bill, and shall take effect
12 immediately.

O