

AMENDED IN ASSEMBLY MARCH 24, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

**ASSEMBLY BILL**

**No. 724**

**Introduced by Assembly Member Dutra**

February 24, 1999

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An act to ~~add Section 11006.5 to the Government~~ amend Sections 37220, 45203, 79020, and 88203 of the Education Code, to amend Sections 927.2, 927.5, 927.11, 6276.48, 6700, 6703, 6704, 8557, 8558, and 19853 of, to add Sections 6718, 8583, 8588.7, 11006.5, and 12813 to, to add Article 9.6 (commencing with Section 8608) and Article 9.7 (commencing with Section 8609) to Chapter 7 of Division 1 of Title 2 of, and to add and repeal Article 12 (commencing with Section 19991.15) of Chapter 2.5 of Part 2.6 of Division 5 of Title 2 of, the Government Code, and to add Part 5.5 (commencing with Section 22350) to Division 2 of the Public Contract Code, relating to the Year 2000 Problem, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 724, as amended, Dutra. State government: Year 2000 ~~problem~~ Problem.

**Existing**

(1) Existing law prescribes the holidays in this state and the applicability of those holidays to state agencies, the public schools, and community colleges.

This bill would include December 30 and 31, 1999, in the list of holidays in this state and would require the closure of public

*schools, community colleges, and public offices of the state and state institutions on these dates.*

*(2) Existing law requires the Governor to proclaim various days of the year as days to give attention to certain persons or events.*

*This bill would require the Governor to proclaim December 30 and 31, 1999, as “Year 2000 Problem State Preparedness Days.”*

*(3) Existing law authorizes the legislative body of any city or district, by ordinance or resolution, to provide that every Saturday is a holiday as respects to the transaction of business in the public offices of the cities or districts, but requires that provision be made for the continuance of essential public services.*

*This bill would authorize the legislative body of any city or district, by ordinance or resolution, to provide that either December 30th or December 31st of 1999, or both December 30th and December 31st of 1999, are holidays for these same purposes.*

*(4) Under the California Prompt Payment Act, the maximum time from state agency receipt of an undisputed invoice to issuance of a warrant for payment is 45 calendar days, including not more than 30 calendar days for the state agency to submit a correct claim schedule to the Controller, and not more than 15 calendar days for the Controller to issue the warrant. Under the act, a state agency may dispute an invoice submitted by a contractor for reasonable cause.*

*This bill would include, as reasonable cause, a computing or accounting failure related to the Year 2000 Problem and make other revisions to the act in relation to the Year 2000 Problem.*

*The bill would also authorize the state to print or post electronically within December 1999 checks and other claims that would otherwise occur on or after January 1, 2000.*

*(5) Existing law sets out the various responsibilities of the Department of General Services and state agencies in overseeing and implementing state contracting procedures and policies.*

*This bill would enact the Year 2000 Problem Vendor Compliance and Information Practices Policy to authorize any public entity to submit a written request for information*



regarding the Year 2000 Problem to any contractor who is under contract to provide, or was at any time under contract to provide, specified projects, materials, supplies, equipment, services, or real property.

(6) Existing provisions of the California Public Records Act require each state and local agency to make its records open to public inspection at all times during office hours, except as specifically exempted from disclosure by law.

Existing law provides that the California Public Records Act shall not be construed to require disclosure of records, the disclosure of which is exempted or prohibited by provisions of federal or state law. Existing law lists specific provisions of law coming within that exemption.

This bill would add to those provisions any response made by a contractor to a request from a public entity for information regarding the Year 2000 Problem.

(7) The California Emergency Services Act provides for mitigation and response efforts to events including states of emergency, as defined, and local emergencies, as defined, and includes sudden and severe energy shortages, as defined, within those emergencies covered under these provisions. The act sets forth the duties of the Office of Emergency Services in overseeing these efforts.

This bill would include complications resulting from the Year 2000 Problem within the definitions of the terms “state of emergency” and “local emergency” under these provisions, and would include a rapid unforeseen shortage of energy resulting from the Year 2000 Problem within the definition of the term “sudden and severe energy shortage” for these purposes. It would additionally require the Office of Emergency Services to serve as the central agency in state government for the emergency reporting of all disasters and sudden and severe energy shortages related to, or potentially related to, the Year 2000 Problem and to coordinate the notification of the appropriate state and local administering agencies that may be required to respond to those situations as they arise.

(8) The California Emergency Services Act sets forth the duties of the California Emergency Council in advising the



*Governor on various emergency preparedness and mitigation activities in the state.*

*This bill would additionally require the council to implement a Year 2000 Problem public awareness campaign and establish, in conjunction with the Office of Emergency Services and the Department of Information Technology, guidelines for the campaign to distribute factual and useful information to the public on the Year 2000 Problem.*

*(9) The California Emergency Services Act requires the Governor to coordinate the State Emergency Plan and programs necessary for the mitigation of the effects of an emergency in this state. The act also requires the Governor to establish contingency plans for various disasters.*

*This bill would require the Governor to establish a state Year 2000 Problem contingency plan to provide an integrated and effective state procedure to combat the result of major complications resulting from massive computer failures from the Year 2000 Problem within the state, with the Office of Emergency Services designated as the lead agency to direct strategy to ameliorate the effects of a Year 2000 Problem disaster. The bill would require the plan to include a regional and local planning element that would provide the framework for the involvement of regional and local agencies in the state's response to the Year 2000 Problem.*

*The bill would vest the authority for the management of the scene of an on-highway Year 2000 Problem disaster to the appropriate law enforcement agency, as specified.*

*The bill would require the Office of Emergency Services (a) to establish a central notification and reporting system to facilitate the operation of disaster response procedures for these purposes and (b) to maintain a library of Year 2000 Problem contingency plans and business continuity plans.*

*(10) Existing law establishes in state government the Department of Information Technology to provide leadership, guidance, and oversight of information technology in state government.*

*This bill would make a legislative finding and declaration that the identification and remediation of the Year 2000 Problem is the top priority information technology project for the state for the duration of 1999. This bill would also declare*



the intent of the Legislature to isolate Year 2000 Problem remediation as the top information technology priority for all state agencies and departments and to establish new dates of completion that are not in conflict with Year 2000 Problem remediation for all statutorily mandated automation and information technology systems that are not crucial to public health or safety or mission critical.

*This bill would authorize each state agency or department and political subdivision of the state to isolate any of its automated applications, computer hardware, or networking devices from nonproprietary networks, input streams, power sources, or other devices from noon on December 31, 1999, to noon on January 1, 2000, inclusive, if specified determinations have been made by the Office of Emergency Services, the Attorney General, the Secretary of the California Health and Human Services Agency, and the Department of Information Technology, and those determinations have been certified by the Governor. The bill would provide that except in instances of gross negligence, no state agency or department or political subdivision of the state or the employees of those public entities shall be subject to criminal or civil liability for acting pursuant to these provisions.*

*(11) Existing law prescribes the vacation time accredited to state employees and requires the Department of Personnel Administration to provide by rule for the regulation and accumulation of vacations by civil service employees.*

*This bill would authorize until January 1, 2002, an employee to carry over more vacation credits than otherwise prescribed if the employee is prevented from taking vacation because the employee is assigned to work related to the Year 2000 Problem.*

*(12) The State Civil Service Act prescribes various rules and procedures for the hiring and assignment of state employees.*

*This bill would require the State Personnel Board and the Department of Personnel Administration to establish a Year 2000 Problem Worker Pool to fill the needs of various appointing powers for temporary help regarding Year 2000 Problem remediation.*



(13) This bill would appropriate \$3,571,000 from the General Fund to be allocated as follows: \$2,000,000 to the California Emergency Council for the purposes of implementing a Year 2000 Problem public awareness campaign and conducting related activities, and \$1,571,000 to the Trade and Commerce Agency in augmentation of a specified item of the Budget Act of 1998 for allocation to the manufacturers' technology program for distribution for specified activities related to Year 2000 compliance.

(14) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: ~~majority~~ 2/3. Appropriation: ~~no~~ yes. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

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

1    ~~SECTION 1. Section 11006.5 is added to the~~  
2    ~~Government Code, to read:~~  
3    ~~11006.5. (a)~~  
4    SECTION 1. The Legislature finds and declares all of  
5    the following:  
6    ~~(1)~~  
7    (a) The Year 2000 Problem poses a substantial risk to  
8    the welfare of the residents, businesses, and state of  
9    California.  
10   ~~(2)~~  
11   (b) Due to the risks surrounding the complex nature  
12   of the Year 2000 Problem, it is necessary for the state to  
13   recognize fully the potential political and social climate  
14   that may result from widespread power outages, resource  
15   shortages, and disruptions to the lives of California  
16   residents and to the course of normal trade and  
17   commerce within the state of California and with its  
18   business partners.  
19   ~~(3)~~  
20   (c) Due to the time sensitive nature of the Year 2000  
21   Problem, the state must initiate an aggressive  
22   preparation period with the express intent of decreasing  
23   the state's risk exposure associated with the Year 2000  
24   Problem.



1 ~~(4)~~  
2 (d) The risks facing the state associated with the Year  
3 2000 Problem include, but are not limited to, the failure  
4 of systems that may disrupt the state's ability to conduct  
5 business and the litigation associated with these failures.

6 ~~(b) The Legislature further finds and declares that~~  
7 ~~identification failures. System failures may also disrupt~~  
8 ~~the state's ability to deliver basic utilities to the residents~~  
9 ~~of California for a sustained duration, impair the state's~~  
10 ~~normal emergency response capabilities, and bring local~~  
11 ~~governments and the services they provide to a grinding~~  
12 ~~halt.~~

13 (e) Identification and remediation of the Year 2000  
14 Problem is the top priority information technology  
15 project for the state for the duration of 1999.

16 ~~(c) It is the intent of the Legislature to do both of the~~  
17 ~~following:~~

18 ~~(1) Isolate Year 2000 Problem remediation as the top~~  
19 ~~information technology priority for all state agencies and~~  
20 ~~departments.~~

21 ~~(2) Establish new dates of completion that are not in~~  
22 ~~conflict with Year 2000 Problem remediation for all~~  
23 ~~statutorily mandated automation and information~~  
24 ~~technology systems that are not crucial to public health~~  
25 ~~or safety or mission-critical.~~

26 ~~(d) For the purposes of this section, the term "Year~~  
27 ~~2000 Problem" means any expected or actual computing,~~  
28 ~~physical, enterprise, or distributed systems complications~~  
29 ~~that may occur as a result of the century change from 1999~~  
30 ~~to 2000. These problems are often associated with the~~  
31 ~~common programming practice of using a two-digit field~~  
32 ~~to represent a year, resulting in an ambiguous~~  
33 ~~interpretation of the term "00," the failure to recognize~~  
34 ~~the year 2000 as a leap year, the use of algorithms that use~~  
35 ~~the year "99" or "00" as a flag for another function, or the~~  
36 ~~use of applications, software, or hardware that is date~~  
37 ~~sensitive.~~

38 (f) *The citizens of this state will be making many*  
39 *personal decisions regarding the way they will address*  
40 *the millennium change and the Year 2000 Problem. In*



1 *doing so, they have a right to be presented with accurate*  
2 *information and leadership at a statewide level regarding*  
3 *the possible effects of the Year 2000 Problem and the*  
4 *precautions that should be taken.*

5 *(g) For purposes of this act, the term “Year 2000*  
6 *Problem” has the same meaning as that set forth in*  
7 *subdivision (a) of Section 3269 of the Civil Code.*

8 *SEC. 2. It is the intent of the Legislature in enacting*  
9 *this act:*

10 *(a) That state employees who are working on Year*  
11 *2000 Problem projects are able to work on those projects*  
12 *through the end of calendar year 1999 without fear of*  
13 *losing earned vacation.*

14 *(b) To remove state-administered networks that are*  
15 *not crucial to Year 2000 Problem remediation,*  
16 *compliance, contingency, or business continuity plan*  
17 *implementation, or public safety or health from the*  
18 *Internet and other public information arenas on the*  
19 *evening of December 31, 1999, and the morning of*  
20 *January 1, 2000.*

21 *(c) To remove from their computer workstations on*  
22 *December 30 and 31 of 1999, public employees who are*  
23 *not involved in Year 2000 Problem remediation,*  
24 *compliance, contingency, or business continuity plan*  
25 *implementation, and other related efforts.*

26 *(d) To give the Governor and the Office of*  
27 *Emergency Services the capability to respond adequately*  
28 *to the potential impacts of the Year 2000 Problem.*

29 *(e) To give the governor and the California*  
30 *Emergency Council the resources necessary to properly*  
31 *inform the public regarding Year 2000 Problem*  
32 *preparedness.*

33 *(f) To make every effort to have all valid claims made*  
34 *against the state paid promptly and accurately, without*  
35 *prejudice, to all Medi-Cal providers and recipients,*  
36 *nonprofit corporations, small businesses, and other*  
37 *business partners regardless of the potential for Year 2000*  
38 *Problem failures.*

39 *SEC. 3. Section 37220 of the Education Code is*  
40 *amended to read:*



1 37220. (a) Except as otherwise provided, the public  
2 schools shall close on the following holidays:

3 (1) January 1.

4 (2) The third Monday in January or Monday or Friday  
5 in the week in which January 15 occurs, known as “Dr.  
6 Martin Luther King, Jr. Day.” On the Friday preceding  
7 which day the schools are closed, schools shall include  
8 exercises commemorating and directing attention to the  
9 history of the civil rights movement in the United States  
10 and particularly the role therein of Dr. Martin Luther  
11 King, Jr.

12 (3) The Monday or Friday of the week in which  
13 February 12 occurs, known as “Lincoln Day.” On the day  
14 that school is in session prior to the day on which schools  
15 are closed for that purpose, all public schools and  
16 educational institutions throughout the state shall hold  
17 exercises in memory of Abraham Lincoln.

18 (4) The third Monday in February, known as  
19 “Washington Day.” On the Friday preceding, all public  
20 schools and educational institutions throughout the state  
21 shall hold exercises in memory of George Washington.

22 (5) The last Monday in May, known as “Memorial  
23 Day.”

24 (6) July 4.

25 (7) The first Monday in September, known as “Labor  
26 Day.”

27 (8) November 11, known as “Veterans Day.”

28 (9) That Thursday in November proclaimed by the  
29 President as “Thanksgiving Day.”

30 (10) December 25.

31 (11) *December 30 and 31 of 1999.*

32 (12) All days appointed by the Governor for a public  
33 fast, thanksgiving, or holiday, and all special or limited  
34 holidays on which the Governor provides that the schools  
35 shall close.

36 ~~(12)~~

37 (13) All days appointed by the President as a public  
38 fast, thanksgiving, or holiday, unless it is a special or  
39 limited holiday.

40 ~~(13)~~



1 (14) Any other day designated as a holiday by the  
2 governing board of the school district.

3 (b) When any of the holidays on which the schools  
4 would be closed falls on Sunday, the public schools shall  
5 close on the Monday following.

6 (c) When any of the holidays on which the schools  
7 would be closed falls on Saturday, the public schools shall  
8 close on the preceding Friday, and that Friday shall be  
9 declared a state holiday.

10 (d) If any holiday on which the public schools are  
11 required to close pursuant to subdivision (a) occurs  
12 under federal law on a date different from the date  
13 specified in subdivision (a), the governing board of any  
14 school district may close the public schools of the district  
15 on the date recognized by federal law and maintain  
16 classes on the date specified in subdivision (a).

17 (e) Except for Veterans Day, as designated in  
18 paragraph (8) of subdivision (a), the governing board of  
19 a school district, by adoption of a resolution, may revise  
20 the date upon which the schools of the district close in  
21 observance of any of the holidays identified in subdivision  
22 (a).

23 (f) The governing board of a school district may not  
24 request a waiver of paragraph (8) of subdivision (a) from  
25 the State Board of Education.

26 *SEC. 4. Section 45203 of the Education Code is*  
27 *amended to read:*

28 45203. All probationary or permanent employees that  
29 are a part of the classified service shall be entitled to the  
30 following paid holidays provided they are in a paid status  
31 during any portion of the working day immediately  
32 preceding or succeeding the holiday: January 1, February  
33 12 known as "Lincoln Day," the third Monday in  
34 February known as "Washington Day," the last Monday  
35 in May known as "Memorial Day," July 4, the first Monday  
36 in September known as "Labor Day," November 11  
37 known as "Veterans Day," that Thursday in November  
38 proclaimed by the President as "Thanksgiving Day,"  
39 December 25, *December 30 and 31 of 1999*, every day  
40 appointed by the President, or the Governor of this state,



1 as provided for in subdivisions (b) and (c) of Section  
2 37220 for a public fast, thanksgiving or holiday, or any day  
3 declared a holiday under Section 1318 or 37222 for  
4 classified or certificated employees. School recesses  
5 during the Christmas, Easter, and mid-February periods  
6 shall not be considered holidays for classified employees  
7 who are normally required to work during that period.  
8 However, this shall not be construed as affecting vacation  
9 rights specified in this section.

10 Regular employees of the district who are not normally  
11 assigned to duty during the school holidays of December  
12 25 and January 1 *of each year, and December 30 and 31*  
13 *of 1999*, shall be paid for those ~~two~~ *four* holidays provided  
14 that they were in a paid status during any portion of the  
15 working day of their normal assignment immediately  
16 preceding or succeeding the holiday period.

17 When a holiday listed in this section falls on a Sunday,  
18 the following Monday shall be deemed to be the holiday  
19 in lieu of the day observed. When a holiday listed in this  
20 section falls on a Saturday, the preceding Friday shall be  
21 deemed to be the holiday in lieu of the day observed.  
22 When a classified employee is required to work on any of  
23 these holidays, he or she shall be paid compensation, or  
24 given compensating time off, for such work, in addition  
25 to the regular pay received for the holiday, at the rate of  
26 time and one-half the employee's regular rate of pay.

27 ~~The provisions of Article~~

28 *Article 3* (commencing with Section 37220) of Chapter  
29 2 of Part 22 shall not be construed to in any way limit the  
30 provisions of this section, nor shall anything in this section  
31 be construed to prohibit the governing board from  
32 adopting separate work schedules for the certificated and  
33 the classified services, or from providing holiday pay for  
34 employees who have not been in paid status on the days  
35 specified herein. Notwithstanding the adoption of  
36 separate work schedules for the certificated and the  
37 classified services, on any schoolday during which pupils  
38 would otherwise have been in attendance but are not and  
39 for which certificated personnel receive regular pay,  
40 classified personnel shall also receive regular pay



1 whether or not they are required to report for duty that  
2 day.

3 In addition to the other paid holidays specified in this  
4 section, the classified service may be entitled to a paid  
5 holiday on March 31 known as “Cesar Chavez Day,” and  
6 a paid holiday on the fourth Friday in September known  
7 as “Native American Day,” provided they are in a paid  
8 status during any portion of the working day immediately  
9 preceding or succeeding the holiday, if the governing  
10 board, pursuant to a memorandum of understanding  
11 reached pursuant to Chapter 10.7 (commencing with  
12 Section 3540) of Division 4 of Title 1 of the Government  
13 Code, agrees to the paid holiday.

14 This section shall apply to districts that have adopted  
15 the merit system in the same manner and effect as if it  
16 were a part of Article 6 (commencing with Section  
17 45240).

18 *SEC. 5. Section 79020 of the Education Code is*  
19 *amended to read:*

20 79020. Except as otherwise provided the community  
21 colleges shall continue in session or close on specified  
22 holidays as follows:

23 (a) The community colleges shall close on January 1st,  
24 the third Monday in January, commencing in the 1989–90  
25 fiscal year, known as “Dr. Martin Luther King, Jr. Day,”  
26 February 12th known as “Lincoln Day,” the third  
27 Monday in February known as “Washington Day,” the  
28 last Monday in May known as “Memorial Day,” July 4th,  
29 the first Monday in September known as “Labor Day,”  
30 November 11th known as “Veterans Day,” that Thursday  
31 in November proclaimed by the President as  
32 “Thanksgiving Day,” ~~and~~ December 25th, *and*  
33 *December 30th and 31st of 1999.*

34 (b) Any contractual provision between any  
35 community college district and its employees in effect on  
36 the effective date of the act that adds this subdivision shall  
37 prevail over any conflict regarding Dr. Martin Luther  
38 King, Jr. Day until the termination date of the contract or  
39 upon termination by mutual agreement of the parties,  
40 whichever occurs first.



1 (c) The Governor in appointing any other day for a  
2 public fast, thanksgiving, or holiday may provide whether  
3 the community colleges shall close on the day. If the  
4 Governor does not provide whether the community  
5 colleges shall close, they shall continue in session on all  
6 special or limited holidays appointed by the Governor,  
7 but shall close on all other days appointed by the  
8 Governor for a public fast, thanksgiving, or holiday.

9 (d) The community colleges shall close on every day  
10 appointed by the President as a public fast, thanksgiving,  
11 or holiday, unless it is a special or limited holiday.

12 (e) The community colleges shall continue in session  
13 on all legal holidays other than those designated by or  
14 pursuant to this section, and shall hold proper exercises  
15 commemorating the day.

16 (f) When any of the holidays on which the schools  
17 would be closed fall on Sunday, the community colleges  
18 shall close on the Monday following, except that (1) if  
19 Lincoln Day falls on a Sunday, the community colleges  
20 may observe this holiday on the preceding or following  
21 Friday, the following Monday, or the following Tuesday,  
22 and maintain classes on the date specified in subdivision  
23 (a) where applicable, or (2) if Lincoln Day falls on a  
24 Monday, the community colleges may observe this  
25 holiday on the preceding or following Friday, that  
26 Monday, or the following Tuesday, and maintain classes  
27 on the date specified in subdivision (a) where applicable.

28 (g) When any of the holidays on which the schools  
29 would be closed, except Lincoln Day, fall on Saturday, the  
30 community colleges shall close on the preceding Friday,  
31 and that Friday shall be declared a state holiday.

32 (h) If any holiday on which the community colleges  
33 are required to close pursuant to subdivision (a) occurs  
34 under federal law on a date different than the date  
35 specified in subdivision (a), the governing board of any  
36 community college district may close the community  
37 colleges of the district on the date recognized by federal  
38 law and maintain classes on the date specified in  
39 subdivision (a).



1 (i) When Veterans Day would fall on Tuesday, the  
2 governing board of a community college district may  
3 close the colleges on the preceding Monday, and  
4 maintain classes on the date specified in subdivision (a).  
5 When Veterans Day would fall on Wednesday, the  
6 governing board of a community college district may  
7 close the colleges on either the preceding Monday or the  
8 following Friday, and maintain classes on the date  
9 specified in subdivision (a). When Veterans Day would  
10 fall on Thursday, the governing board of a community  
11 college district may close the colleges on the following  
12 Friday, and maintain classes on the date specified in  
13 subdivision (a).

14 (j) When Lincoln Day would fall on Tuesday, the  
15 governing board of a community college district may  
16 close the colleges on the preceding Monday, the  
17 preceding Friday, or the following Friday, and maintain  
18 classes on the date specified in subdivision (a) where  
19 appropriate. When Lincoln Day would fall on  
20 Wednesday, the governing board of a community college  
21 district may close the colleges on the preceding Monday,  
22 the preceding Friday, or the following Friday, and  
23 maintain classes on the date specified in subdivision (a).  
24 When Lincoln Day would fall on Thursday, the governing  
25 board of a community college district may close the  
26 colleges on the preceding Friday or the following Friday,  
27 and maintain classes on the date specified in subdivision  
28 (a). When Lincoln Day falls on Saturday, the governing  
29 board of a community college district may close the  
30 colleges on the preceding Friday or the following Friday,  
31 and maintain classes on the date specified in subdivision  
32 (a) where appropriate.

33 (k) In addition to the holidays specified in subdivision  
34 (a), a community college may close on March 31 known  
35 as “Cesar Chavez Day” if the governing board, pursuant  
36 to a memorandum of understanding reached pursuant to  
37 Chapter 10.7 (commencing with Section 3540) of  
38 Division 4 of Title 1 of the Government Code, agrees to  
39 close the community college for that purpose.



1 (l) In addition to the holidays specified in subdivision  
2 (a), a community college may close on the fourth Friday  
3 in September known as “Native American Day” if the  
4 governing board, pursuant to a memorandum of  
5 understanding reached pursuant to Chapter 10.7  
6 (commencing with Section 3540) of Division 4 of Title 1  
7 of the Government Code, agrees to close the community  
8 college for that purpose.

9 (m) Nothing in this section is to be interpreted as  
10 authorizing a community college district governing  
11 board to maintain community colleges in its district for a  
12 lesser number of days during the college year than the  
13 minimum established by law.

14 *SEC. 6. Section 88203 of the Education Code is*  
15 *amended to read:*

16 88203. All probationary or permanent employees who  
17 are part of the classified service shall be entitled to the  
18 following paid holidays if they are in a paid status during  
19 any portion of the working day immediately preceding or  
20 succeeding the holiday: January 1, February 12 known as  
21 “Lincoln Day,” the third Monday in February known as  
22 “Washington Day,” the last Monday in May known as  
23 “Memorial Day,” July 4, the first Monday in September  
24 known as “Labor Day,” November 11 known as  
25 “Veterans Day,” that Thursday in November proclaimed  
26 by the President as “Thanksgiving Day,” December 25,  
27 *December 30 and 31 of 1999*, every day appointed by the  
28 President, or the Governor of this state, as provided for  
29 in subdivisions (c) and (d) of Section 79020 for a public  
30 fast, thanksgiving or holiday, or any day declared a  
31 holiday under Section 1318 for classified or academic  
32 employees. College recesses during the Christmas and  
33 Easter periods, *other than December 30 and 31 of 1999*,  
34 shall not be considered holidays for classified employees  
35 who are normally required to work during that period;  
36 provided, however, that this shall not be construed as  
37 affecting vacation rights specified in this section.

38 Regular employees of the district who are not normally  
39 assigned to duty during the college holidays of December  
40 25 and January 1 *of each year and December 30 and 31 of*



1 1999, shall be paid for those ~~two~~ *four* holidays if they were  
2 in a paid status during any portion of the working day of  
3 their normal assignment immediately preceding or  
4 succeeding the holiday period.

5 When a holiday herein listed falls on a Sunday, the  
6 following Monday shall be deemed to be the holiday in  
7 lieu of the day observed. When a holiday herein listed falls  
8 on a Saturday, the preceding Friday shall be deemed to  
9 be the holiday in lieu of the day observed. When a  
10 classified employee is required to work on any of said  
11 holidays, he or she shall be paid compensation, or given  
12 compensating time off, for such work, in addition to the  
13 regular pay received for the holiday, at the rate of time  
14 and one-half his or her regular rate of pay.

15 Article 3 (commencing with Section 79020) of Chapter  
16 8 of Part 48 ~~of this division~~ shall not be construed to in any  
17 way limit this section, nor shall anything in this section be  
18 construed to prohibit the governing board from adopting  
19 separate work schedules for the academic and the  
20 classified services, or from providing holiday pay for  
21 employees who have not been in paid status on the days  
22 specified herein. Notwithstanding the adoption of  
23 separate work schedules for the academic and the  
24 classified services, on any schoolday during which  
25 students would otherwise have been in attendance, but  
26 are not and for which faculty receive regular pay,  
27 classified personnel shall also receive regular pay  
28 whether or not they are required to report for duty that  
29 day.

30 In addition to the other paid holidays specified in this  
31 section, the classified service may be entitled to a paid  
32 holiday on March 31 known as “Cesar Chavez Day” and  
33 a paid holiday on the fourth Friday in September known  
34 as “Native American Day,” if they are in a paid status  
35 during any portion of the working day immediately  
36 preceding or succeeding the holiday, if the governing  
37 board, pursuant to a memorandum of understanding  
38 reached pursuant to Chapter 10.7 (commencing with  
39 Section 3540) of Division 4 of Title 1 of the Government  
40 Code, agrees to the paid holiday.



1 This section shall apply to districts that have adopted  
2 the merit system in the same manner and effect as if it  
3 were a part of Article 3 (commencing with Section  
4 88060).

5 *SEC. 7. Section 927.2 of the Government Code is*  
6 *amended to read:*

7 927.2. The following definitions apply to this chapter:

8 (a) "Claim schedule" means a schedule of invoices  
9 prepared and submitted by a state agency to the  
10 Controller for payment to the named claimant.

11 (b) "Invoice" means a bill or claim that requests  
12 payment on a contract under which a state agency  
13 acquires property or services.

14 (c) "Medi-Cal program" means the program  
15 established pursuant to Chapter 7 (commencing with  
16 Section 14000) of Part 3 of Division 9 of the Welfare and  
17 Institutions Code.

18 (d) "Nonprofit public benefit corporation" means a  
19 corporation, as defined by subdivision (b) of Section 5046  
20 of the Corporations Code, that has registered with the  
21 Department of General Services as a small business.

22 (e) "Reasonable cause" means a determination by a  
23 state agency that any of the following conditions are  
24 present:

25 (1) There is a discrepancy between the invoice or  
26 claimed amount and the provisions of the contract.

27 (2) There is a discrepancy between the invoice or  
28 claimed amount and either the contractor's actual  
29 delivery of property or services to the state or the state's  
30 acceptance of those deliveries.

31 (3) Additional evidence supporting the validity of the  
32 invoice or claimed amount is required to be provided to  
33 the state agency by the contractor.

34 (4) The invoice has been improperly executed or  
35 needs to be corrected by the contractor.

36 (5) *The state agency making the determination or the*  
37 *contractor involved has been subject to a computing or*  
38 *accounting failure related to the Year 2000 Problem.*

39 (f) "Required payment approval date" means the date  
40 on which payment is due as specified in a contract or, if



1 a specific date is not established by the contract, 30  
2 calendar days following the date upon which an  
3 undisputed invoice is received by a state agency.

4 (g) “Received by a state agency” means the date an  
5 invoice is delivered to the state location or party specified  
6 in the contract or, if a state location or party is not  
7 specified in the contract, wherever otherwise specified  
8 by the state agency.

9 (h) “Revolving fund” means a fund established  
10 pursuant to Article 5 (commencing with Section 16400)  
11 of Division 4 of Title 2.

12 (i) “Small business” means a business certified as a  
13 “small business” in accordance with subdivision (c) of  
14 Section 14837.

15 (j) “Small business” and “nonprofit organization”  
16 mean, in reference to providers under the Medi-Cal  
17 program, a business or organization that meets all of the  
18 following criteria:

19 (1) The principal office is located in California.

20 (2) The officers, if any, are domiciled in California.

21 (3) If a small business, it is independently owned and  
22 operated.

23 (4) The business or organization is not dominant in its  
24 field of operation.

25 (5) Together with any affiliates, the business or  
26 organization has gross receipts from business operations  
27 that do not exceed three million dollars (\$3,000,000) per  
28 year, except that the Director of Health Services may  
29 increase this amount if the director deems that this action  
30 would be in furtherance of the intent of this chapter.

31 (k) “Year 2000 Problem” has the same meaning as that  
32 set forth in subdivision (a) of Section 3269 of the Civil  
33 Code.

34 *SEC. 8. Section 927.5 of the Government Code is*  
35 *amended to read:*

36 927.5. This chapter shall not apply to claims for  
37 reimbursement for health care services provided under  
38 the Medi-Cal program, unless the Medi-Cal health care  
39 services provider is a small business or nonprofit  
40 organization. In applying this section to claims submitted



1 to the state, or its fiscal intermediary, by providers of  
2 services or equipment under the Medi-Cal program,  
3 payment for claims shall be due 30 days after a claim is  
4 received by the state or its fiscal intermediary, unless  
5 reasonable cause for nonpayment exists. With regard to  
6 Medi-Cal claims, reasonable cause shall include review of  
7 claims to determine medical necessity, review of claims  
8 for providers subject to special prepayment fraud and  
9 abuse controls, and claims that require review by the  
10 fiscal intermediary or State Department of Health  
11 Services due to special circumstances, *including, but not*  
12 *limited to, the Year 2000 Problem*. Claims requiring  
13 special review as specified above shall not be eligible for  
14 a late payment penalty.

15 *SEC. 9. Section 927.11 of the Government Code is*  
16 *amended to read:*

17 927.11. (a) Except in the case of a contract with a  
18 certified small business, a nonprofit organization or a  
19 nonprofit public benefit corporation, if an invoice from a  
20 business under a contract with the Department of  
21 Forestry and Fire Protection would become subject to  
22 late payment penalties during the annually declared fire  
23 season, as declared by the Director of Forestry and Fire  
24 Protection, then the required payment approval date  
25 shall be extended by 30 calendar days.

26 (b) No nonprofit public benefit corporation shall be  
27 eligible for a late payment penalty if a state agency fails  
28 to make timely payment because no Budget Act has been  
29 enacted.

30 (c) If the Director of Finance determines that a state  
31 agency or the Controller is unable to promptly pay an  
32 invoice as provided for by this chapter due to a major  
33 calamity, disaster, or criminal act, *including*  
34 *complications that have developed as a result of the Year*  
35 *2000 Problem*, then otherwise applicable late payment  
36 penalty provisions contained in Section 927.7 shall be  
37 suspended except as they apply to a contractor which is  
38 either a certified small business, a nonprofit organization,  
39 a nonprofit public benefit corporation, or a small business  
40 or nonprofit organization that provides services or

1 equipment under the Medi-Cal program. The suspension  
2 shall remain in effect until the Director of Finance  
3 determines that the suspended late payment penalty  
4 provisions of this section should be reinstated.

5 (d) Except as provided in subdivision (b), in the event  
6 a state agency fails to make timely payment because no  
7 Budget Act has been enacted, penalties shall continue to  
8 accrue until the time that the invoice is paid.

9 *SEC. 10. Section 6276.48 of the Government Code is*  
10 *amended to read:*

11 6276.48. Wards and dependent children, release of  
12 description information about minor escapees, Section  
13 828, Welfare and Institutions Code.

14 Wards, petition for sealing records, Section 781,  
15 Welfare and Institutions Code.

16 Welfare, statewide automated system work plan,  
17 confidentiality of data on individuals, Section 10818,  
18 Welfare and Institutions Code.

19 Wills, confidentiality of, Section 6389, Probate Code.

20 Winegrowers of California commission, confidentiality  
21 of producers' or vintners' proprietary information,  
22 Sections 74655 and 74955, Food and Agricultural Code.

23 Workers' Compensation Appeals Board, injury or  
24 illness report, confidentiality of, Section 6412, Labor  
25 Code.

26 Workers' compensation insurance, dividend payment  
27 to policyholder, confidentiality of information, Section  
28 11739, Insurance Code.

29 Workers' compensation insurance fraud reporting,  
30 confidentiality of information, Sections 1877.3 and 1877.4,  
31 Insurance Code.

32 Workers' compensation insurer or rating organization,  
33 confidentiality of notice of noncompliance, Section 11754,  
34 Insurance Code.

35 Workers' compensation insurer, rating information,  
36 confidentiality of, Section 11752.7, Insurance Code.

37 Workers' compensation, notice to correct  
38 noncompliance, Section 11754, Insurance Code.

39 Workers' compensation, release of information to other  
40 governmental agencies, Section 11752.5, Insurance Code.



1 Workers' compensation, self-insured employers,  
2 confidentiality of financial information, Section 3742,  
3 Labor Code.

4 Workplace inspection photographs, confidentiality of,  
5 Section 6314, Labor Code.

6 *Year 2000 Problem vendor compliance, Section 22353,*  
7 *Government Code.*

8 Youth Authority, parole revocation proceedings,  
9 confidentiality of, Section 1767.6, Welfare and Institutions  
10 Code.

11 Youth Authority, release of information in possession of  
12 Youth Authority for offenses under Sections 676, 1764.1,  
13 and 1764.2, Welfare and Institutions Code.

14 Youth Authority, records, policies, and procedures,  
15 Section 1905, Welfare and Institutions Code.

16 Youth Authority, records, disclosure, Section 1764,  
17 Welfare and Institutions Code.

18 Youth Authority parolee, disclosure of personal  
19 information in revocation proceedings, Section 1767.6,  
20 Welfare and Institutions Code.

21 Youth service bureau, confidentiality of client records,  
22 Section 1905, Welfare and Institutions Code.

23 *SEC. 11. Section 6700 of the Government Code is*  
24 *amended to read:*

25 6700. The holidays in this state are:

26 (a) Every Sunday.

27 (b) January 1st.

28 (c) The third Monday in January, known as "Dr.  
29 Martin Luther King, Jr. Day."

30 (d) February 12th, known as "Lincoln Day."

31 (e) The third Monday in February.

32 (f) March 31st known as "Cesar Chavez Day."

33 (g) The last Monday in May.

34 (h) July 4th.

35 (i) The first Monday in September.

36 (j) September 9th, known as "Admission Day."

37 (k) The second Monday in October, known as  
38 "Columbus Day."

39 (l) November 11th, known as "Veterans Day."

40 (m) December 25th.



1 (n) *December 30th and 31st of 1999.*

2 (o) Good Friday from 12 noon until 3 p.m.

3 ~~(e)~~

4 (p) Every day appointed by the President or  
5 Governor for a public fast, thanksgiving, or holiday.

6 Except for the Thursday in November appointed as  
7 Thanksgiving Day, this subdivision and subdivisions (c)  
8 and (f) shall not apply to a city, county, or district unless  
9 made applicable by charter, or by ordinance or resolution  
10 of the governing body thereof.

11 If the provisions of this section are in conflict with the  
12 provisions of a memorandum of understanding reached  
13 pursuant to Chapter 12 (commencing with Section 3560)  
14 of Division 4 of Title 1, the memorandum of  
15 understanding shall be controlling without further  
16 legislative action, except that if those provisions of a  
17 memorandum of understanding require the expenditure  
18 of funds, the provisions shall not become effective unless  
19 approved by the Legislature in the annual Budget Act.

20 *SEC. 12. Section 6703 of the Government Code is*  
21 *amended to read:*

22 6703. (a) Public offices of the ~~State~~ *state*, state  
23 institutions, and the University of California shall be  
24 closed on Admission Day. ~~Public~~

25 (b) *Public* offices of the ~~State~~ *state* and state  
26 institutions, except the University of California, shall be  
27 closed on Veterans Day.

28 (c) *Public offices of the state, state institutions, and the*  
29 *University of California shall be closed on December 30*  
30 *and 31, 1999. This subdivision shall apply to the University*  
31 *of California only if the Regents of the University of*  
32 *California, by resolution, make that provision applicable.*

33 *SEC. 13. Section 6704 of the Government Code is*  
34 *amended to read:*

35 6704. (a) The legislative body of any city or district  
36 may, by ordinance or resolution, provide that every  
37 Saturday is a holiday ~~as respects~~ *with respect to* the  
38 transaction of business in the public offices of ~~such~~ *the*  
39 cities or districts, except that provision shall be made for



1 the continuance of essential public services such as police  
2 and fire protection. ~~The~~

3 (b) *The legislative body of any city or district may, by*  
4 *ordinance or resolution, provide that either December*  
5 *30th or December 31st of 1999, or both December 30th*  
6 *and December 31st of 1999, are holidays with respect to*  
7 *the transaction of business in the public offices of the*  
8 *cities or districts, except that provision shall be made for*  
9 *the continuance of essential public services such as police*  
10 *and fire protection.*

11 (c) *The office of the clerk of a municipal court*  
12 *established under ~~the provisions of~~ the Municipal Court*  
13 *Act of 1925 is excluded from the provisions of this section.*

14 *SEC. 14. Section 6718 is added to the Government*  
15 *Code, to read:*

16 *6718. (a) The Governor shall proclaim December*  
17 *30th and December 31st of 1999 as “Year 2000 Problem*  
18 *State Preparedness Days” to allow state agencies and*  
19 *departments to make necessary last minute preparations*  
20 *and set in motion all contingency and business continuity*  
21 *plans developed for the Year 2000 Problem.*

22 (b) *For purposes of this section, the term “Year 2000*  
23 *Problem” has the same meaning as that set forth in*  
24 *subdivision (a) of Section 3269 of the Civil Code.*

25 *SEC. 15. Section 8557 of the Government Code is*  
26 *amended to read:*

27 8557. (a) “Emergency Council” means the  
28 California Emergency Council.

29 (b) “State agency” means any department, division,  
30 independent establishment, or agency of the executive  
31 branch of the state government.

32 (c) “Political subdivision” includes any city, city and  
33 county, county, district, or other local governmental  
34 agency or public agency authorized by law.

35 (d) “Governing body” means the legislative body,  
36 trustees, or directors of a political subdivision.

37 (e) “Chief executive” means that individual  
38 authorized by law to act for the governing body of a  
39 political subdivision.



1 (f) “Disaster council” and “disaster service worker”  
2 have the meaning prescribed in Chapter 1 (commencing  
3 with Section 3201) of Part 1 of Division 4 of the Labor  
4 Code.

5 (g) “Public facility” means any facility of the state or  
6 a political subdivision, which facility is owned, operated,  
7 or maintained, or any combination thereof, through  
8 moneys derived by taxation or assessment.

9 (h) “Sudden and severe energy shortage” means a  
10 rapid, unforeseen shortage of energy, resulting from, but  
11 not limited to, events such as an embargo, sabotage, *the*  
12 *Year 2000 Problem*, or natural disasters, and which has  
13 statewide, regional, or local impact.

14 (i) “*Year 2000 Problem*” has the same meaning as that  
15 set forth in subdivision (a) of Section 3269 of the Civil  
16 Code.

17 *SEC. 16. Section 8558 of the Government Code is*  
18 *amended to read:*

19 8558. Three conditions or degrees of emergency are  
20 established by this chapter:

21 (a) “State of war emergency” means the condition  
22 which exists immediately, with or without a proclamation  
23 thereof by the Governor, whenever this state or nation is  
24 attacked by an enemy of the United States, or upon  
25 receipt by the state of a warning from the federal  
26 government indicating that such an enemy attack is  
27 probable or imminent.

28 (b) “State of emergency” means the duly proclaimed  
29 existence of conditions of disaster or of extreme peril to  
30 the safety of persons and property within the state caused  
31 by such conditions as air pollution, fire, flood, storm,  
32 epidemic, riot, drought, sudden and severe energy  
33 shortage, plant or animal infestation or disease, the  
34 Governor’s warning of an earthquake or volcanic  
35 prediction, or an earthquake, *complications resulting*  
36 *from the Year 2000 Problem*, or other conditions, other  
37 than conditions resulting from a labor controversy or  
38 conditions causing a “state of war emergency,” which  
39 ~~conditions~~, by reason of their magnitude, are or are likely  
40 to be beyond the control of the services, personnel,



1 equipment, and facilities of any single county, city and  
2 county, or city and require the combined forces of a  
3 mutual aid region or regions to combat, or with respect  
4 to regulated energy utilities, a sudden and severe energy  
5 shortage requires extraordinary measures beyond the  
6 authority vested in the California Public Utilities  
7 Commission.

8 (c) "Local emergency" means the duly proclaimed  
9 existence of conditions of disaster or of extreme peril to  
10 the safety of persons and property within the territorial  
11 limits of a county, city and county, or city, caused by such  
12 conditions as air pollution, fire, flood, storm, epidemic,  
13 riot, drought, sudden and severe energy shortage, plant  
14 or animal infestation or disease, the Governor's warning  
15 of an earthquake or volcanic prediction, or an  
16 earthquake, *complications resulting from the Year 2000*  
17 *Problem*, or other conditions, other than conditions  
18 resulting from a labor controversy, which ~~conditions~~ are  
19 or are likely to be beyond the control of the services,  
20 personnel, equipment, and facilities of that political  
21 subdivision and require the combined forces of other  
22 political subdivisions to combat, or with respect to  
23 regulated energy utilities, a sudden and severe energy  
24 shortage requires extraordinary measures beyond the  
25 authority vested in the California Public Utilities  
26 Commission.

27 *SEC. 17. Section 8583 is added to the Government*  
28 *Code, to read:*

29 *8583. (a) The Emergency Council shall implement a*  
30 *Year 2000 Problem public awareness campaign.*

31 *(b) The council, in conjunction with the Office of*  
32 *Emergency Services and the Department of Information*  
33 *Technology, shall establish guidelines for the campaign,*  
34 *which shall distribute factual and useful Year 2000*  
35 *Problem information to the public.*

36 *(c) Information distributed to the public shall include,*  
37 *along with any other topics determined by the council, all*  
38 *of the following:*

39 *(1) Promotion of reasonable precautions individuals*  
40 *should take before January 1, 2000.*



1 (2) Preparedness of state services regarding the Year  
2 2000 Problem.

3 (3) How to get more information from the state,  
4 federal, and local governments regarding Year 2000  
5 Problem preparedness.

6 SEC. 18. Section 8588.7 is added to the Government  
7 Code, to read:

8 8588.7. The Office of Emergency Services shall serve  
9 as the central agency in state government for the  
10 emergency reporting of all disasters and sudden and  
11 severe energy shortages related to, or potentially related  
12 to, the Year 2000 Problem and shall coordinate the  
13 notification of the appropriate state and local  
14 administering agencies that may be required to respond  
15 to those situations as they arise.

16 SEC. 19. Article 9.6 (commencing with Section 8608)  
17 is added to Chapter 7 of Division 1 of Title 2 of the  
18 Government Code, to read:

19

20 Article 9.6. Year 2000 Problem Contingency Plan

21

22 8608. As used in this article and Article 9.7  
23 (commencing with Section 8609), "office" means the  
24 Office of Emergency Services.

25 8608.1. In addition to any other authority conferred  
26 upon the Governor by this chapter, the Governor shall  
27 establish a state Year 2000 Problem contingency plan  
28 pursuant to this article.

29 8608.2. A plan established pursuant to this article shall  
30 provide for an integrated and effective state procedure  
31 to combat the results of major complications resulting  
32 from massive computer failures resulting from the Year  
33 2000 Problem within the state.

34 8608.3. The plan shall provide for the designation of  
35 the Office of Emergency Services as the lead agency to  
36 direct strategy to ameliorate the effects of a Year 2000  
37 Problem disaster, for specified state agencies to  
38 implement the plan, for interagency coordination of the  
39 training conducted by state agencies pursuant to the  
40 plan, and for on-scene coordination of response actions.



1 8608.4. State agencies granted authority to  
2 implement a plan adopted under this article may use  
3 volunteer workers. The volunteers shall be deemed  
4 employees of the state for the purpose of workers'  
5 compensation under Article 2 (commencing with Section  
6 3350) of Chapter 2 of Part 1 of Division 4 of the Labor  
7 Code.

8 8608.5. State agencies designated to implement the  
9 contingency plan shall account for all state expenditures  
10 made under the plan with respect to each Year 2000  
11 Problem incident.

12 8608.6. The plan shall include a regional and local  
13 planning element that shall provide the framework for  
14 the involvement of regional and local agencies in the state  
15 effort to respond to a Year 2000 Problem incident, and  
16 shall ensure the effective and efficient use of regional and  
17 local resources in all of the following:

18 (a) Traffic and crowd control.

19 (b) Firefighting.

20 (c) Radio and communications control and provision  
21 of access to equipment.

22 (d) Identification and use of available local and  
23 regional equipment or other resources suitable for use in  
24 Year 2000 Problem related actions.

25 (e) Identification of private and volunteer resources  
26 or personnel with special or unique capabilities relating  
27 to Year 2000 Problem remediation.

28 (f) Provision of emergency medical services.

29 8608.7. The plan shall incorporate the contingency  
30 plans previously developed regarding potential oil spills  
31 or toxic disasters pursuant to Articles 3.5 (commencing  
32 with Section 8574.1) and 3.7 (commencing with Section  
33 8574.16).

34 8608.8. Notwithstanding any provision of the plan, the  
35 authority for the management of the scene of an  
36 on-highway Year 2000 Problem disaster shall be vested in  
37 the appropriate law enforcement agency having primary  
38 traffic investigative authority on the highway where the  
39 incident occurs or in a local fire protection agency as  
40 provided by Section 2454 of the Vehicle Code. During the



1 preparation of the contingency plan, the  
2 recommendations of the Department of the California  
3 Highway Patrol shall be adopted when developing  
4 response and on-scene procedures for Year 2000 Problem  
5 disasters that occur upon the highways, based upon  
6 previous studies for these procedures, insofar as the  
7 procedures are not inconsistent with the overall plan for  
8 initial notification of disasters by public agencies and for  
9 after-incident evaluation and reporting.

10 8608.9. The office shall establish a central notification  
11 and reporting system to facilitate operation of the disaster  
12 response procedures designated by the state Year 2000  
13 Problem contingency plan.

14 SEC. 20. Article 9.7 (commencing with Section 8609)  
15 is added to Chapter 7 of Division 1 of Title 2 of the  
16 Government Code, to read:

17

18 Article 9.7. The Year 2000 Problem and the Office of  
19 Emergency Services

20

21 8609. The Office of Emergency Services shall  
22 maintain a library of Year 2000 Problem contingency  
23 plans and business continuity plans as developed by state  
24 agencies, local governments, and other critical business  
25 partners, as determined by the office, including public  
26 utilities.

27 8609.1. The office, in consultation with the  
28 appropriate state agencies and the Department of  
29 Information Technology, shall review and coordinate all  
30 contingency plans with the plan developed pursuant to  
31 Section 8608.1.

32 SEC. 21. Section 11006.5 is added to the Government  
33 Code, to read:

34 11006.5. (a) It is the intent of the Legislature that  
35 Year 2000 Problem identification and remediation be the  
36 top information technology priority for all state agencies  
37 and departments for the duration of 1999.

38 (b) It is the further intent of the Legislature to  
39 establish new dates of completion that are not in conflict  
40 with Year 2000 Problem remediation for all statutorily



1 *mandated automation and information technology*  
2 *systems that are not crucial to public health or safety or*  
3 *mission critical.*

4 *(c) For the purposes of this section, the term “Year*  
5 *2000 Problem” has the same meaning as that set forth in*  
6 *subdivision (a) of Section 3269 of the Civil Code.*

7 *SEC. 22. Section 12813 is added to the Government*  
8 *Code, to read:*

9 *12813. (a) Notwithstanding any other provision of*  
10 *law, each state agency or department or political*  
11 *subdivision of the state may isolate any of its automated*  
12 *applications, computer hardware, or networking devices*  
13 *from nonproprietary networks, input streams, power*  
14 *sources, or other devices from noon on December 31,*  
15 *1999, to noon on January 1, 2000, inclusive, if all of the*  
16 *following authorizations have been granted:*

17 *(1) The Office of Emergency Services has determined*  
18 *the proposed system is not crucial to the implementation*  
19 *of any Year 2000 Problem contingency or business*  
20 *continuity plan.*

21 *(2) The Attorney General has determined the*  
22 *proposed system is not crucial to maintaining public*  
23 *safety during those hours.*

24 *(3) The Secretary of the California Health and Human*  
25 *Services Agency has determined the proposed system is*  
26 *not crucial to maintaining public health during those*  
27 *hours.*

28 *(4) The Department of Information Technology has*  
29 *determined that the proposed system has met all Year*  
30 *2000 readiness standards.*

31 *(5) The Governor has certified the determinations set*  
32 *forth in paragraphs (1) to (4), inclusive.*

33 *(b) Except in instances of gross negligence, no state*  
34 *agency, department, or political subdivision or the*  
35 *employees thereof shall be subject to criminal or civil*  
36 *liability for acting in the manner prescribed by this*  
37 *section.*

38 *(c) For the purposes of this section, the term “Year*  
39 *2000 Problem” has the same meaning as that set forth in*  
40 *subdivision (a) of Section 3269 of the Civil Code.*



1 SEC. 23. Section 19853 of the Government Code is  
2 amended to read:

3 19853. (a) Except as provided in subdivision (c), all  
4 employees shall be entitled to the following holidays:  
5 January 1, the third Monday in January, February 12, the  
6 third Monday in February, the last Monday in May, July  
7 4, the first Monday in September, the second Monday in  
8 October, November 11, the day after Thanksgiving,  
9 December 25, *December 30 and 31 of 1999*, the day  
10 chosen by an employee pursuant to Section 19854, and  
11 every day appointed by the Governor of this state for a  
12 public fast, thanksgiving, or holiday.

13 If a day listed in this subdivision falls on a Sunday, the  
14 following Monday shall be deemed to be the holiday in  
15 lieu of the day observed. If November 11th falls upon a  
16 Saturday, the preceding Friday shall be deemed to be the  
17 holiday in lieu of the day observed. Any employee who  
18 may be required to work on any of the holidays included  
19 in this subdivision, and who does work on any of these  
20 holidays, shall be entitled to be paid compensation or  
21 given compensating time off for that work in accordance  
22 with their classification's assigned workweek group. For  
23 the purpose of computing the number of hours worked,  
24 time when an employee is excused from work because of  
25 holidays, sick leave, vacation, annual leave, or  
26 compensating time off, shall be considered as time  
27 worked by the employee.

28 (b) If the provisions of subdivision (a) are in conflict  
29 with the provisions of a memorandum of understanding  
30 reached pursuant to Section 3517.5, the memorandum of  
31 understanding shall be controlling without further  
32 legislative action, except that if the provisions of a  
33 memorandum of understanding require the expenditure  
34 of funds, the provisions shall not become effective unless  
35 approved by the Legislature in the annual Budget Act.

36 (c) Any employee, who is either excluded from the  
37 definition of state employee in subdivision (c) of Section  
38 3513, or is a nonelected officer or employee of the  
39 executive branch of government who is not a member of  
40 the civil service, shall be entitled to the following



1 holidays, with pay, in addition to any official state holiday  
2 appointed by the Governor:

3 (1) January 1, the third Monday in January, February  
4 12, the third Monday in February, the last Monday in May,  
5 July 4, the first Monday in September, the second Monday  
6 in October, November 11, Thanksgiving Day, the day  
7 after Thanksgiving, December 25, *December 30 and 31*  
8 *of 1999*, and any personal holiday chosen pursuant to  
9 Section 19854. The department head or designee may  
10 require an employee to provide five working days'  
11 advance notice before a personal holiday is taken, and  
12 may deny use subject to operational needs.

13 (2) When November 11 falls on a Saturday, employees  
14 shall be entitled to the preceding Friday as a holiday with  
15 pay.

16 (3) When a holiday, other than a personal holiday or  
17 November 11, falls on a Saturday, an employee shall,  
18 regardless of whether he or she works on the holiday, only  
19 accrue an additional eight hours of personal holiday  
20 credit per fiscal year for the holiday. The holiday credit  
21 shall be accrued on the actual date of the holiday and shall  
22 be used within the same fiscal year.

23 (4) When a holiday other than a personal holiday falls  
24 on Sunday, employees shall be entitled to the following  
25 Monday as a holiday with pay.

26 (5) Employees who are required to work on a holiday  
27 shall be entitled to pay or compensating time off for this  
28 work in accordance with their classification's assigned  
29 workweek group.

30 (6) Less than full-time employees shall receive  
31 holidays in accordance with Department of Personnel  
32 Administration rules.

33 (d) (1) Any employee, as defined in subdivision (c) of  
34 Section 3513, may elect to receive eight hours of holiday  
35 credit for March 31, known as "Cesar Chavez Day," or for  
36 the fourth Friday in September, known as "Native  
37 American Day," in lieu of receiving eight hours of  
38 personal holiday credit in accordance with Section 19854.

39 (2) It is not the intent of the Legislature, by the  
40 amendments to this subdivision that add this paragraph,



1 to increase the personal holiday credit that an employee  
2 receives pursuant to Section 19854.

3 *SEC. 24. Article 12 (commencing with Section*  
4 *19991.15) is added to Chapter 2.5 of Part 2.6 of Division 5*  
5 *of Title 2 of the Government Code, to read:*

6  
7  
8

*Article 12. Year 2000 Work*

9 *19991.15. Notwithstanding any other provision of law,*  
10 *an employee may carry over more vacation credits than*  
11 *the prescribed maximum if the employee is prevented*  
12 *from taking vacation because the employee is assigned to*  
13 *work related to the Year 2000 Problem.*

14 *19991.16. All Year 2000 Problem related work shall be*  
15 *considered work of a priority or critical nature over an*  
16 *extended period of time.*

17 *19991.17. The carryover of vacation credits in*  
18 *successive years shall be approved by the appointing*  
19 *power as extenuating circumstances for each employee*  
20 *who is prevented from taking vacation because the*  
21 *employee is assigned to work related to the Year 2000*  
22 *Problem.*

23 *19991.18. For purposes of this article, the term “Year*  
24 *2000 Problem” has the same meaning as that set forth in*  
25 *subdivision (a) of Section 3269 of the Civil Code.*

26 *19991.19. This article shall remain in effect only until*  
27 *January 1, 2002, and as of that date is repealed, unless a*  
28 *later enacted statute, that is enacted before January 1,*  
29 *2002, deletes or extends that date.*

30 *SEC. 25. Part 5.5 (commencing with Section 22350) is*  
31 *added to Division 2 of the Public Contract Code, to read:*

32  
33  
34  
35  
36

*PART 5.5. THE YEAR 2000 PROBLEM VENDOR  
COMPLIANCE AND INFORMATION PRACTICES  
POLICY*

37 *22350. This part shall be known and may be cited as*  
38 *the Year 2000 Problem Vendor Compliance and*  
39 *Information Practices Policy.*



1 22351. For purposes of this part, the following  
2 definitions apply:

3 (a) “Contractor” means any individual, corporation,  
4 partnership, business entity, joint venture or association,  
5 or any other organization or any combination thereof,  
6 that has entered into a contractual relationship with any  
7 public entity.

8 (b) “Person” means any individual, corporation,  
9 partnership, business entity, joint venture, or association,  
10 or any other organization or any combination thereof.

11 (c) “Year 2000 Problem” has the same meaning as that  
12 set forth in subdivision (a) of Section 3269 of the Civil  
13 Code.

14 22352. It is the policy of this state to do business solely  
15 with those persons and contractors that, subsequent to  
16 entering into any contract with a public entity, recognize  
17 the importance and urgency of the Year 2000 Problem,  
18 respond to inquiries from public entities regarding Year  
19 2000 Problem compliance for all goods or services  
20 provided to the state, and participate in the disclosure of  
21 information to public entities regarding Year 2000  
22 Problem compliance for all goods and services provided  
23 to the state.

24 22353. (a) Any public entity may submit a written  
25 request for information regarding the Year 2000 Problem  
26 to any contractor who is under contract to provide, or was  
27 at any time under contract to provide, any project,  
28 materials, supplies, equipment, services, or real property,  
29 as described in Part 2 (commencing with Section 10100).

30 (b) Where a contractor responds in a reasonably  
31 diligent and good faith manner within 30 calendar days  
32 to the request made pursuant to subdivision (a), the  
33 response shall not be subject to public disclosure pursuant  
34 to the California Public Records Act (Chapter 3.5  
35 (commencing with Section 6250) of Division 7 of Title 1  
36 of the Government Code) for a period of four years upon  
37 receipt by the requesting public entity.

38 22355. Nothing in this part shall be construed to  
39 require any person or contractor to disclose any  
40 information that qualifies for protection as a trade secret,



1 *as defined in subdivision (d) of Section 3426.1 of the Civil*  
2 *Code.*

3 *SEC. 26. (a) In addition to the reasons listed in*  
4 *Section 19050.8 of the Government Code, the State*  
5 *Personnel Board may prescribe and apply rules*  
6 *governing the temporary assignment or loan of*  
7 *employees within an agency or between jurisdictions to*  
8 *enable an agency to meet challenges posed by the Year*  
9 *2000 Problem.*

10 *(b) (1) Within 30 days of the effective date of this act,*  
11 *the State personnel Board shall establish guidelines for a*  
12 *Year 2000 Problem Worker Pool, established by the*  
13 *Department of Personnel Administration pursuant to*  
14 *subdivision (c), to fill the needs of various appointing*  
15 *powers for temporary help regarding Year 2000 Problem*  
16 *remediation.*

17 *(2) The board may provide by rule for conditions of*  
18 *employment in the Year 2000 Problem Worker Pool. If*  
19 *the board finds that it is in the best interests of the state,*  
20 *it may limit the pool to those classes in which there is a*  
21 *level of demonstrated expertise.*

22 *(3) Within not less than three months, or more than*  
23 *one year, after the board finds that for the purpose of this*  
24 *section there is no longer an emergency, all Year 2000*  
25 *Problem Worker Pool assignments shall be ended as the*  
26 *board deems appropriate.*

27 *(c) (1) The Department of Personnel Administration*  
28 *shall establish a Year 2000 Problem Worker Pool to fill the*  
29 *needs of various appointing powers for temporary help*  
30 *regarding Year 2000 Problem remediation.*

31 *(2) Notwithstanding Section 19211 of the Government*  
32 *Code or State Personnel Board guidelines developed*  
33 *pursuant to Section 19210 of the Government Code, the*  
34 *pool shall be composed of all employees that have been*  
35 *involved in a Year 2000 Problem remediation project at*  
36 *every state agency or department that has remediated at*  
37 *least 75 percent of their mission critical systems as*  
38 *prescribed by Governor's Executive Order W-163-97.*

39 *(3) Upon a request from any appointing power for*  
40 *temporary help that can be filled from those employees*



1 identified in the Year 2000 Worker Pool, the department  
2 shall assign the persons that are needed. Upon  
3 assignment, the appointing power may be charged  
4 pursuant to Section 11253 or Sections 11256 to 11263,  
5 inclusive, of the Government Code for the cost of the  
6 service.

7 (4) If the provisions of this subdivision are in conflict  
8 with the provisions of a memorandum of understanding  
9 reached pursuant to Section 3517.5 of the Government  
10 Code, the memorandum of understanding shall be  
11 controlling.

12 (5) For all purposes of Part 2.6 (commencing with  
13 Section 19815) of Division 5 of Title 2 of the Government  
14 Code, these persons are employees of their original  
15 department and not of the appointing power to which  
16 they are assigned. The procedure authorized by this  
17 section for procuring temporary Year 2000 Problem help  
18 is an alternative to other procedures for that purpose  
19 authorized by Part 2.6 or department rule and nothing in  
20 this section nor in applicable department regulations  
21 prevents an appointing power from following those other  
22 procedures.

23 (6) The department shall make all necessary rules and  
24 regulations to carry out the purposes of this subdivision.

25 (d) For the purposes of this section, the term “Year  
26 2000 Problem” has the same meaning as that set forth in  
27 subdivision (a) of Section 3269 of the Civil Code.

28 SEC. 27. (a) It is the intent of the Legislature that  
29 state agencies, in anticipation of the Year 2000 Problem,  
30 pay properly submitted, undisputed invoices and  
31 automatically calculate claims schedules prior to January  
32 1, 2000.

33 (b) Notwithstanding any other provision of law, the  
34 state may print or post electronically checks, centralized  
35 treasury checks, warrants, employee paychecks, benefits  
36 checks for all entitlement and means-tested social  
37 programs, and all other claims that would otherwise  
38 occur on or after January 1, 2000, within the month of  
39 December 1999.

1 (c) This section shall not require receipt of funds or  
2 disbursement of funds in a tax year, fiscal quarter, or fiscal  
3 year in a manner that is not approved by the recipient.

4 (d) Notwithstanding any other provision of law, this  
5 section shall apply to the Controller and all state agencies,  
6 including, but not limited to, the Public Employees'  
7 Retirement System, the State Teachers' Retirement  
8 System, the Treasurer, and the Department of General  
9 Services.

10 (e) For purposes of this section, the term "Year 2000  
11 Problem" has the same meaning as that set forth in  
12 subdivision (a) of Section 3269 of the Civil Code.

13 SEC. 28. The repeal of Article 12 (commencing with  
14 Section 19991.15) of Chapter 2.5 of Part 2.6 of Division 5  
15 of Title 2 of the Government Code shall not affect any  
16 employee's vacation carryover or any other related  
17 determinations made under that article prior to its repeal.

18 SEC. 29. The sum of three million five hundred  
19 seventy-one thousand dollars (\$3,571,000) is hereby  
20 appropriated from the General Fund, to be allocated as  
21 follows:

22 (a) Two million dollars (\$2,000,000) to the California  
23 Emergency Council for the purposes of implementing a  
24 Year 2000 Problem public awareness campaign and  
25 conducting activities pursuant to Section 8583 of the  
26 Government Code, as added by Section 17 of this act.

27 (b) One million five hundred seventy-one thousand  
28 dollars (\$1,571,000) to the Trade and Commerce Agency,  
29 in augmentation of Schedule (a) of Item 2920-101-0001 of  
30 Section 2.00 of the Budget Act of 1998 (Ch. 324, Stats.  
31 1998), for allocation to the manufacturers' technology  
32 program for distribution to centers that receive federal  
33 funding through the federal manufacturing extension  
34 partnership program for outreach, training, assessment,  
35 and remediation of Year 2000 compliance issues for small  
36 businesses.

37 SEC. 30. This act is an urgency statute necessary for  
38 the immediate preservation of the public peace, health,  
39 or safety within the meaning of Article IV of the



1 *Constitution and shall go into immediate effect. The facts*  
2 *constituting the necessity are:*

3 *In order to significantly reduce the risks posed by the*  
4 *Year 2000 Problem to the livelihood of Californians, the*  
5 *ability of industry to conduct business in the state, and the*  
6 *ability of the state to mitigate possible systems failures*  
7 *that would damage the state's ability to do business with*  
8 *and provide for its citizens, it is necessary that this act take*  
9 *effect immediately.*

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