

AMENDED IN SENATE JULY 2, 1999
AMENDED IN SENATE JUNE 21, 1999
AMENDED IN ASSEMBLY MAY 28, 1999
AMENDED IN ASSEMBLY APRIL 27, 1999
AMENDED IN ASSEMBLY APRIL 12, 1999
AMENDED IN ASSEMBLY MARCH 24, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 724

**Introduced by Assembly Members Dutra and Alquist
(Principal coauthor: Assembly Member Bates)**

February 24, 1999

An act to amend Sections 27 and 2027 of, and to add Section 4052.5 to, the Business and Professions Code, to amend Section 1798.16 of the Civil Code, to amend Sections 37220, 45203, 79020, and 88203 of the Education Code, to amend Sections 927.2, 927.5, 6253, 6276.48, 6700, 6703, 6704, 8331, 8557, 8558, 11015.5, 11018.5, and 19853 of, to add Sections 8588.8, 11006.5, and 12814 to, to add Article 9.8 (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, ~~to amend Section 12921.15 of the Insurance Code,~~ to add Part 5.5 (commencing with Section 22350) to Division 2 of the Public Contract Code, and to amend Section 311.5 of the Public Utilities 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 Good Government Omnibus Act of 1999.

(1) This bill would enact the Year 2000 Problem Good Government Omnibus Act of 1999.

(2) Existing law sets forth the requirements for the practice of pharmacy in the state, including the filling and refilling of prescriptions by licensed pharmacists.

This bill would provide that, notwithstanding any other provision of law, during the period commencing December 1, 1999, and ending February 1, 2000, a pharmacist shall refill any refillable prescription ~~with medication sufficient for any requested period up to and including 60 days~~, subject to the number and terms of authorized refills, upon request of the person on whose behalf the prescription was written. ~~The bill would authorize a pharmacist, during that same period, to refill any refillable prescription with medication sufficient for a period up to and including 60 days, subject to the number and terms of authorized refills, if the pharmacist determines that it is necessary to fill the prescription for the extended period to prevent possible harm to the person on whose behalf the prescription was written, that might result from a Year 2000 Problem complication or failure, or the potential for those events.~~ It would specify terms for reimbursement of claims under certain circumstances.

(3) Existing law prescribes the holidays in this state, including January 1, and the applicability of those holidays to state agencies, the public schools, and community colleges. Existing law requires that when a holiday falls on a Saturday, the preceding Friday be declared a holiday.

This bill would require that the January 1 holiday that falls on January 1, 2000, be observed on December 31, 1999, and would require the closure of public schools, community colleges, and public offices of the state and state institutions on that date. It would also provide that upon declaration of the



Governor, any day from December 25, 1999, to January 3, 2000, inclusive, may be a holiday with respect to the transaction of business in the public offices of the state.

(4) Existing law authorizes the legislative body of any city or district, by ordinance or resolution, to provide that every Saturday is a holiday with respect 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 December 31, 1999, is a holiday for these same purposes.

(5) Under the California Prompt Payment Act, the maximum time from state agency receipt of a claim for reimbursement for health care services by specified types of Medi-Cal providers 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 a claim submitted by a provider 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, *and to hold these payments until the normal issue date that is on or after January 1, 2000.*

(6) 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.

(7) 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.

(8) The California Public Records Act requires that upon request, an exact copy of a public record subject to disclosure under the act be provided unless impracticable to do so.

This bill would specify that for these purposes, it shall be considered impracticable to provide an exact copy of a record if, among other things, there is a lack of ability to provide the exact copy due to a diversion of resources to addressing the Year 2000 Problem, up to and including June 30, ~~1999~~ 2001, pursuant to a specified executive order.

(9) 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.

(10) 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 authorize state agencies that are authorized to implement a disaster, contingency, or business continuity plan to use volunteer workers.

(11) 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 as specified by executive order. 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.

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 3 a.m. on December 31, 1999, to 12 p.m. on January 1, 2000, inclusive, if specified determinations have been made.

(12) 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 require 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.

(13) 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.

(14) Existing law requires state agencies, with respect to certain electronic data collected, to maintain the source of information according to specified criteria, and requires certain state entities to provide specified information by means of posting on the Internet by specified dates.

This bill would require these entities to maintain this electronically collected data, and provide this information by means of posting on the Internet, on or after July 1, 2001, unless otherwise authorized by the Department of Information Technology pursuant to a specified executive order.

(15) This bill would appropriate \$2,000,000 from the General Fund to the Governor's Office for the purposes of implementing a Year 2000 Problem public awareness campaign and conducting activities assigned to the Year 2000 Communications and Outreach Task Force pursuant to a specified executive order.

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

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

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

1 SECTION 1. This act shall be known and may be cited
2 as the Year 2000 Problem Good Government Omnibus
3 Act of 1999.

4 SEC. 1.5. The Legislature finds and declares all of the
5 following:



1 (a) The Year 2000 Problem poses a substantial risk to
2 the welfare of the residents, businesses, and State of
3 California.

4 (b) Due to the risks surrounding the complex nature
5 of the Year 2000 Problem, it is necessary for the state to
6 recognize fully the potential political and social climate
7 that may result from widespread power outages, resource
8 shortages, and disruptions to the lives of California
9 residents and to the course of normal trade and
10 commerce within the State of California and with its
11 business partners.

12 (c) Due to the time sensitive nature of the Year 2000
13 Problem, the state must initiate an aggressive
14 preparation period with the express intent of decreasing
15 the state's risk exposure associated with the Year 2000
16 Problem.

17 (d) The risks facing the state associated with the Year
18 2000 Problem include, but are not limited to, the failure
19 of systems that may disrupt the state's ability to conduct
20 business and the litigation associated with these failures.
21 System failures may also disrupt the state's ability to
22 deliver basic utilities to the residents of California for a
23 sustained duration, impair the state's normal emergency
24 response capabilities, and bring local governments and
25 the services they provide to a grinding halt.

26 (e) Identification and remediation of the Year 2000
27 Problem is the top priority information technology
28 project for the state as specified by executive order of the
29 Governor.

30 (f) The citizens of this state will be making many
31 personal decisions regarding the way they will address
32 the millennium change and the Year 2000 Problem. In
33 doing so, they have a right to be presented with accurate
34 information and leadership at a statewide level regarding
35 the possible effects of the Year 2000 Problem and the
36 precautions that should be taken.

37 (g) For purposes of this act, the term "Year 2000
38 Problem" has the same meaning as that set forth in
39 subdivision (a) of Section 3269 of the Civil Code.



1 SEC. 2. It is the intent of the Legislature in enacting
2 this act:

3 (a) That state employees who are working on Year
4 2000 Problem projects are able to work on those projects
5 through the end of calendar year 1999 without fear of
6 losing earned vacation.

7 (b) To remove state-administered networks that are
8 not crucial to Year 2000 Problem remediation,
9 compliance, contingency, or business continuity plan
10 implementation, or public safety or health from the
11 Internet and other public information arenas on the
12 evening of December 31, 1999, and the morning of
13 January 1, 2000.

14 (c) To remove from their computer workstations on
15 December 31, 1999, public employees who are not
16 involved in Year 2000 Problem remediation, compliance,
17 contingency, or business continuity plan
18 implementation, or other crucial state business.

19 (d) To give the Governor and the Office of
20 Emergency Services the capability to respond adequately
21 to the potential impacts of the Year 2000 Problem.

22 (e) To make every effort to have all valid claims made
23 against the state paid promptly and accurately, without
24 prejudice, to all Medi-Cal providers and recipients,
25 nonprofit corporations, small businesses, and other
26 business partners regardless of the potential for Year 2000
27 Problem failures.

28 (f) That, in providing for an integrated and effective
29 procedure to combat potential complications resulting
30 from the Year 2000 Problem, the Office of Emergency
31 Services serves as the lead agency to direct strategy to
32 ameliorate the effects of any Year 2000 Problem disaster,
33 for specified state agencies to implement ~~the~~ *a disaster,*
34 *contingency, or business continuity* plan, for interagency
35 coordination of the training conducted by state agencies
36 pursuant to the plan, and for ~~on-scene coordination of~~
37 *coordination of state* response actions pursuant to
38 Executive Order D-3-99.

39 (g) That the residents of this state are provided with
40 information that encourages the promotion of reasonable



1 precautions that individuals should take before January 1,
2 2000.

3 *(h) That reasonable precautions taken by residents in*
4 *anticipation of the Year 2000 Problem reflect those that*
5 *are recommended in preparation for a large winter*
6 *storm, earthquake, or other disaster; and, in addition,*
7 *reflect the recommendations of the President's Council*
8 *on Year 2000 Preparedness that individuals may wish to*
9 *maintain an adequate supply of prescription medicine.*

10 SEC. 3. Section 27 of the Business and Professions
11 Code is amended to read:

12 27. (a) Every entity specified in subdivision (b), on
13 or after July 1, 2001, unless otherwise authorized by the
14 Department of Information Technology pursuant to
15 Executive Order D-3-99, shall provide on the Internet
16 information regarding the status of every license issued
17 by that entity in accordance with the California Public
18 Records Act (Chapter 3.5 (commencing with Section
19 6250) of Division 7 of Title 1 of the Government Code)
20 and the Information Practices Act of 1977 (Chapter 1
21 (commencing with Section 1798) of Title 1.8 of Part 4 of
22 Division 3 of the Civil Code). The public information to
23 be provided on the Internet shall include information on
24 suspensions and revocations of licenses issued by a board
25 and other related enforcement action taken by a board
26 relative to persons, businesses, or facilities subject to
27 licensure or regulation by a board. In providing
28 information on the Internet, each entity shall comply
29 with the Department of Consumer Affairs Guidelines for
30 Access to Public Records. The information shall not
31 include personal information including home address
32 (unless used as a business address), home telephone
33 number, date of birth, or social security number.

34 (b) Each of the following entities within the
35 Department of Consumer Affairs shall comply with the
36 requirements of this section:

37 (1) The Acupuncture Committee shall disclose
38 information on its licensees.

39 (2) The Board of Behavioral Science Examiners shall
40 disclose information on its licensees, including marriage,



1 family and child counselors; licensed clinical social
2 workers; and licensed educational psychologists.

3 (3) The Board of Dental Examiners shall disclose
4 information on its licensees.

5 (4) The State Board of Optometry shall disclose
6 information regarding certificates of registration to
7 practice optometry, statements of licensure, optometric
8 corporation registrations, branch office licenses, and
9 fictitious name permits of their licensees.

10 (5) The Board for Professional Engineers and Land
11 Surveyors shall disclose information on its registrants and
12 licensees.

13 (6) The Structural Pest Control Board shall disclose
14 information on its licensees, including applicators; field
15 representatives; and operators in the areas of fumigation,
16 general pest and wood destroying pests and organisms,
17 and wood roof cleaning and treatment.

18 (7) The Bureau of Automotive Repair shall disclose
19 information on its licensees, including auto repair dealers,
20 smog stations, lamp and brake stations, smog check
21 technicians, and smog inspection certification stations.

22 (8) The Bureau of Electronic and Appliance Repair
23 shall disclose information on its licensees, including major
24 appliance repair dealers, combination dealers (electronic
25 and appliance), electronic repair dealers, service
26 contract sellers, and service contract administrators.

27 (9) The cemetery program shall disclose information
28 on its licensees, including cemetery brokers, cemetery
29 salespersons, crematories, and cremated remains
30 disposers.

31 (10) The funeral program shall disclose information on
32 its licensees, including, embalmers, funeral director
33 establishments, and funeral directors.

34 (11) The Contractors' State License Board shall
35 disclose information on its licensees in accordance with
36 Chapter 9 (commencing with Section 7000) of Division
37 3.

38 (c) "Internet" for the purposes of this section has the
39 meaning set forth in paragraph (6) of subdivision (e) of
40 Section 17538 of the Business and Professions Code.



1 SEC. 3.5. Section 2027 of the Business and Professions
2 Code is amended to read:

3 2027. (a) On or after July 1, 2001, unless otherwise
4 authorized by the Department of Information
5 Technology pursuant to Executive Order D-3-99, the
6 board shall post on the Internet the following information
7 regarding licensed physicians and surgeons:

8 (1) With regard to the status of the license, whether or
9 not the licensee is in good standing, subject to a
10 temporary restraining order (TRO), or subject to an
11 interim suspension order (ISO).

12 (2) With regard to prior discipline, whether or not the
13 licensee has been subject to discipline by the board of
14 another state or jurisdiction.

15 (3) Any felony convictions reported to the board after
16 January 3, 1991.

17 (4) All current accusations filed by the Attorney
18 General.

19 (5) Any malpractice judgment or arbitration award
20 reported to the board after January 1, 1993.

21 (6) Any hospital disciplinary actions that resulted in
22 the termination or revocation of a licensee's hospital staff
23 privileges for a medical disciplinary cause or reason.

24 (7) Appropriate disclaimers and explanatory
25 statements to accompany the above information.

26 (b) The board shall provide links to other websites on
27 the Internet that provide information on board
28 certifications that meet the requirements of subdivision
29 (b) of Section 651. The board may provide links to other
30 websites on the Internet that provide information on
31 health care service plans, health insurers, hospitals, or
32 other facilities. The board may also provide links to any
33 other sites that would provide information on the
34 affiliations of licensed physicians and surgeons.

35 SEC. 4. Section 4052.5 is added to the Business and
36 Professions Code, to read:

37 4052.5. (a) Pursuant to Section 4064, during the
38 period commencing December 1, 1999, and ending
39 February 1, 2000, a pharmacist shall refill any refillable
40 prescription ~~with medication sufficient for any requested~~



1 ~~period up to and including 60 days~~, subject to the number
2 and terms of authorized refills, upon request of the person
3 on whose behalf the prescription was written.

4 (b) A person who has a prescription filled pursuant to
5 this section shall pay the usual and customary charge of
6 the pharmacy for the prescription and submit his or her
7 receipt directly to his or her insurer for reimbursement
8 should any prescription claim fail to be adjudicated
9 ~~electronically due to a Year 2000 Problem complication or~~
10 ~~failure.~~ *at the time of purchase.*

11 (c) No person who has a prescription filled pursuant to
12 this section shall be required by any insurer or health care
13 plan to pay a different deductible, copayment, or similar
14 cost share based on that person's choice of pharmacy,
15 provided that the pharmacy is a contracted provider for
16 the insurer or health care plan.

17 (d) For purposes of this section, the term "insurer"
18 shall include, but not be limited to, the Medi-Cal
19 program.

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

23 SEC. 4.5. Section 1798.16 of the Civil Code is amended
24 to read:

25 1798.16. (a) Whenever an agency collects personal
26 information, the agency shall maintain the source or
27 sources of the information, unless the source is the data
28 subject or he or she has received a copy of the source
29 document, including, but not limited to, the name of any
30 source who is an individual acting in his or her own
31 private or individual capacity. If the source is an agency,
32 governmental entity or other organization, such as a
33 corporation or association, this requirement can be met
34 by maintaining the name of the agency, governmental
35 entity, or organization, as long as the smallest reasonably
36 identifiable unit of that agency, governmental entity, or
37 organization is named.

38 (b) On or after July 1, 2001, unless otherwise
39 authorized by the Department of Information
40 Technology pursuant to Executive Order D-3-99,



1 whenever an agency electronically collects personal
2 information, as defined by Section 11015.5 of the
3 Government Code, the agency shall retain the source or
4 sources or any intermediate form of the information, if
5 either are created or possessed by the agency, unless the
6 source is the data subject that has requested that the
7 information be discarded or the data subject has received
8 a copy of the source document.

9 (c) The agency shall maintain the source or sources of
10 the information in a readily accessible form so as to be
11 able to provide it to the data subject when they inspect
12 any record pursuant to Section 1798.34. This section shall
13 not apply if the source or sources are exempt from
14 disclosure under the provisions of this chapter.

15 SEC. 5. Section 37220 of the Education Code is
16 amended to read:

17 37220. (a) Except as otherwise provided, the public
18 schools shall close on the following holidays:

19 (1) January 1.

20 (2) The third Monday in January or Monday or Friday
21 in the week in which January 15 occurs, known as “Dr.
22 Martin Luther King, Jr. Day.” On the Friday preceding
23 which day the schools are closed, schools shall include
24 exercises commemorating and directing attention to the
25 history of the civil rights movement in the United States
26 and particularly the role therein of Dr. Martin Luther
27 King, Jr.

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

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

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

40 (6) July 4.

- 1 (7) The first Monday in September, known as “Labor
2 Day.”
- 3 (8) November 11, known as “Veterans Day.”
- 4 (9) That Thursday in November proclaimed by the
5 President as “Thanksgiving Day.”
- 6 (10) December 25.
- 7 (11) All days appointed by the Governor for a public
8 fast, thanksgiving, or holiday, and all special or limited
9 holidays on which the Governor provides that the schools
10 shall close.
- 11 (12) All days appointed by the President as a public
12 fast, thanksgiving, or holiday, unless it is a special or
13 limited holiday.
- 14 (13) Any other day designated as a holiday by the
15 governing board of the school district.
- 16 (b) When any of the holidays on which the schools
17 would be closed falls on Sunday, the public schools shall
18 close on the Monday following.
- 19 (c) When any of the holidays on which the schools
20 would be closed falls on Saturday, the public schools shall
21 close on the preceding Friday, and that Friday shall be
22 declared a state holiday.
- 23 (d) If any holiday on which the public schools are
24 required to close pursuant to subdivision (a) occurs
25 under federal law on a date different from the date
26 specified in subdivision (a), the governing board of any
27 school district may close the public schools of the district
28 on the date recognized by federal law and maintain
29 classes on the date specified in subdivision (a).
- 30 (e) Except for Veterans Day, as designated in
31 paragraph (8) of subdivision (a), the governing board of
32 a school district, by adoption of a resolution, may revise
33 the date upon which the schools of the district close in
34 observance of any of the holidays identified in subdivision
35 (a).
- 36 (f) The governing board of a school district may not
37 request a waiver of paragraph (8) of subdivision (a) from
38 the State Board of Education.



1 (g) The governing board of a school district may not
2 request a waiver of subdivision (c) from the State Board
3 of Education for December 31, 1999.

4 SEC. 5.5. Section 45203 of the Education Code is
5 amended to read:

6 45203. All probationary or permanent employees that
7 are a part of the classified service shall be entitled to the
8 following paid holidays provided they are in a paid status
9 during any portion of the working day immediately
10 preceding or succeeding the holiday: January 1, February
11 12 known as "Lincoln Day," the third Monday in
12 February known as "Washington Day," the last Monday
13 in May known as "Memorial Day," July 4, the first Monday
14 in September known as "Labor Day," November 11
15 known as "Veterans Day," that Thursday in November
16 proclaimed by the President as "Thanksgiving Day,"
17 December 25, ~~December 31 of 1999~~, every day appointed
18 by the President, or the Governor of this state, as
19 provided for in subdivisions (b), (c), and (g) of Section
20 37220 for a public fast, thanksgiving or holiday, or any day
21 declared a holiday under Section 1318 or 37222 for
22 classified or certificated employees. School recesses
23 during the Christmas, Easter, and mid-February periods,
24 ~~other than December 31, 1999~~, shall not be considered
25 holidays for classified employees who are normally
26 required to work during that period. However, this shall
27 not be construed as affecting vacation rights specified in
28 this section.

29 Regular employees of the district who are not normally
30 assigned to duty during the school holidays of December
31 25 and January 1 of each year, and December 31, 1999,
32 shall be paid for those holidays provided that they were
33 in a paid status during any portion of the working day of
34 their normal assignment immediately preceding or
35 succeeding the holiday period.

36 When a holiday listed in this section falls on a Sunday,
37 the following Monday shall be deemed to be the holiday
38 in lieu of the day observed. When a holiday listed in this
39 section falls on a Saturday, the preceding Friday shall be
40 deemed to be the holiday in lieu of the day observed.



1 When a classified employee is required to work on any of
2 these holidays, he or she shall be paid compensation, or
3 given compensating time off, for that work, in addition to
4 the regular pay received for the holiday, at the rate of
5 time and one-half the employee's regular rate of pay.

6 The provisions of Article 3 (commencing with Section
7 37220) of Chapter 2 of Part 22 shall not be construed to in
8 any way limit this section, nor shall anything in this
9 section be construed to prohibit the governing board
10 from adopting separate work schedules for the
11 certificated and the classified services, or from providing
12 holiday pay for employees who have not been in paid
13 status on the days specified in this section.
14 Notwithstanding the adoption of separate work schedules
15 for the certificated and the classified services, on any
16 schoolday during which pupils would otherwise have
17 been in attendance but are not and for which certificated
18 personnel receive regular pay, classified personnel shall
19 also receive regular pay whether or not they are required
20 to report for duty that day.

21 In addition to the other paid holidays specified in this
22 section, the classified service may be entitled to a paid
23 holiday on March 31 known as "Cesar Chavez Day," and
24 a paid holiday on the fourth Friday in September known
25 as "Native American Day," provided they are in a paid
26 status during any portion of the working day immediately
27 preceding or succeeding the holiday, if the governing
28 board, pursuant to a memorandum of understanding
29 reached pursuant to Chapter 10.7 (commencing with
30 Section 3540) of Division 4 of Title 1 of the Government
31 Code, agrees to the paid holiday.

32 This section shall apply to districts that have adopted
33 the merit system in the same manner and effect as if it
34 were a part of Article 6 (commencing with Section
35 45240).

36 SEC. 5.7. Section 79020 of the Education Code is
37 amended to read:

38 79020. Except as otherwise provided the community
39 colleges shall continue in session or close on specified
40 holidays as follows:



1 (a) The community colleges shall close on January 1st,
2 the third Monday in January, commencing in the 1989–90
3 fiscal year, known as “Dr. Martin Luther King, Jr. Day,”
4 February 12th known as “Lincoln Day,” the third
5 Monday in February known as “Washington Day,” the
6 last Monday in May known as “Memorial Day,” July 4th,
7 the first Monday in September known as “Labor Day,”
8 November 11th known as “Veterans Day,” that Thursday
9 in November proclaimed by the President as
10 “Thanksgiving Day,” and December 25th.

11 (b) Any contractual provision between any
12 community college district and its employees in effect on
13 the effective date of the act that adds this subdivision shall
14 prevail over any conflict regarding Dr. Martin Luther
15 King, Jr. Day until the termination date of the contract or
16 upon termination by mutual agreement of the parties,
17 whichever occurs first.

18 (c) The Governor in appointing any other day for a
19 public fast, thanksgiving, or holiday may provide whether
20 the community colleges shall close on the day. If the
21 Governor does not provide whether the community
22 colleges shall close, they shall continue in session on all
23 special or limited holidays appointed by the Governor,
24 but shall close on all other days appointed by the
25 Governor for a public fast, thanksgiving, or holiday.

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

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

33 (f) When any of the holidays on which the schools
34 would be closed fall on Sunday, the community colleges
35 shall close on the Monday following, except that (1) if
36 Lincoln Day falls on a Sunday, the community colleges
37 may observe this holiday on the preceding or following
38 Friday, the following Monday, or the following Tuesday,
39 and maintain classes on the date specified in subdivision
40 (a) where applicable, or (2) if Lincoln Day falls on a



1 Monday, the community colleges may observe this
2 holiday on the preceding or following Friday, that
3 Monday, or the following Tuesday, and maintain classes
4 on the date specified in subdivision (a) where applicable.

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

9 (h) If any holiday on which the community colleges
10 are required to close pursuant to subdivision (a) occurs
11 under federal law on a date different than the date
12 specified in subdivision (a), the governing board of any
13 community college district may close the community
14 colleges of the district on the date recognized by federal
15 law and maintain classes on the date specified in
16 subdivision (a).

17 (i) When Veterans Day would fall on Tuesday, the
18 governing board of a community college district may
19 close the colleges on the preceding Monday, and
20 maintain classes on the date specified in subdivision (a).
21 When Veterans Day would fall on Wednesday, the
22 governing board of a community college district may
23 close the colleges on either the preceding Monday or the
24 following Friday, and maintain classes on the date
25 specified in subdivision (a). When Veterans Day would
26 fall on Thursday, the governing board of a community
27 college district may close the colleges on the following
28 Friday, and maintain classes on the date specified in
29 subdivision (a).

30 (j) When Lincoln Day would fall on Tuesday, the
31 governing board of a community college district may
32 close the colleges on the preceding Monday, the
33 preceding Friday, or the following Friday, and maintain
34 classes on the date specified in subdivision (a) where
35 appropriate. When Lincoln Day would fall on
36 Wednesday, the governing board of a community college
37 district may close the colleges on the preceding Monday,
38 the preceding Friday, or the following Friday, and
39 maintain classes on the date specified in subdivision (a).
40 When Lincoln Day would fall on Thursday, the governing



1 board of a community college district may close the
2 colleges on the preceding Friday or the following Friday,
3 and maintain classes on the date specified in subdivision
4 (a). When Lincoln Day falls on Saturday, the governing
5 board of a community college district may close the
6 colleges on the preceding Friday or the following Friday,
7 and maintain classes on the date specified in subdivision
8 (a) where appropriate.

9 (k) In addition to the holidays specified in subdivision
10 (a), a community college may close on March 31 known
11 as “Cesar Chavez Day” if the governing board, pursuant
12 to a memorandum of understanding reached pursuant to
13 Chapter 10.7 (commencing with Section 3540) of
14 Division 4 of Title 1 of the Government Code, agrees to
15 close the community college for that purpose.

16 (l) In addition to the holidays specified in subdivision
17 (a), a community college may close on the fourth Friday
18 in September known as “Native American Day” if the
19 governing board, pursuant to a memorandum of
20 understanding reached pursuant to Chapter 10.7
21 (commencing with Section 3540) of Division 4 of Title 1
22 of the Government Code, agrees to close the community
23 college for that purpose.

24 (m) Nothing in this section is to be interpreted as
25 authorizing a community college district governing
26 board to maintain community colleges in its district for a
27 lesser number of days during the college year than the
28 minimum established by law.

29 (n) Pursuant to subdivision (g), a community college
30 district shall observe the January 1 holiday that falls on
31 January 1, 2000, on December 31, 1999.

32 SEC. 6. Section 88203 of the Education Code is
33 amended to read:

34 88203. All probationary or permanent employees who
35 are part of the classified service shall be entitled to the
36 following paid holidays if they are in a paid status during
37 any portion of the working day immediately preceding or
38 succeeding the holiday: January 1, February 12 known as
39 “Lincoln Day,” the third Monday in February known as
40 “Washington Day,” the last Monday in May known as



1 “Memorial Day,” July 4, the first Monday in September
2 known as “Labor Day,” November 11 known as
3 “Veterans Day,” that Thursday in November proclaimed
4 by the President as “Thanksgiving Day,” December 25,
5 ~~December 31, 1999~~, every day appointed by the
6 President, or the Governor of this state, as provided for
7 in subdivisions (c), (d), and (n) of Section 79020 for a
8 public fast, thanksgiving or holiday, or any day declared
9 a holiday under Section 1318 for classified or academic
10 employees. College recesses during the Christmas and
11 Easter periods, ~~other than December 31, 1999~~, shall not
12 be considered holidays for classified employees who are
13 normally required to work during that period; provided,
14 however, that this shall not be construed as affecting
15 vacation rights specified in this section.

16 Regular employees of the district who are not normally
17 assigned to duty during the college holidays of December
18 25 and January 1 of each year, and December 31, 1999,
19 shall be paid for those holidays if they were in a paid status
20 during any portion of the working day of their normal
21 assignment immediately preceding or succeeding the
22 holiday period.

23 When a holiday listed in this section falls on a Sunday,
24 the following Monday shall be deemed to be the holiday
25 in lieu of the day observed. When a holiday listed in this
26 section falls on a Saturday, the preceding Friday shall be
27 deemed to be the holiday in lieu of the day observed.
28 When a classified employee is required to work on any of
29 these holidays, he or she shall be paid compensation, or
30 given compensating time off, for that work, in addition to
31 the regular pay received for the holiday, at the rate of
32 time and one-half his or her regular rate of pay.

33 Article 3 (commencing with Section 79020) of Chapter
34 8 of Part 48 of this division shall not be construed to in any
35 way limit this section, nor shall anything in this section be
36 construed to prohibit the governing board from adopting
37 separate work schedules for the academic and the
38 classified services, or from providing holiday pay for
39 employees who have not been in paid status on the days
40 specified in this section. Notwithstanding the adoption of



1 separate work schedules for the academic and the
2 classified services, on any schoolday during which
3 students would otherwise have been in attendance, but
4 are not and for which faculty receive regular pay,
5 classified personnel shall also receive regular pay
6 whether or not they are required to report for duty that
7 day.

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

19 This section shall apply to districts that have adopted
20 the merit system in the same manner and effect as if it
21 were a part of Article 3 (commencing with Section
22 88060).

23 SEC. 6.5. Section 927.2 of the Government Code is
24 amended to read:

25 927.2. The following definitions apply to this chapter:

26 (a) “Claim schedule” means a schedule of invoices
27 prepared and submitted by a state agency to the
28 Controller for payment to the named claimant.

29 (b) “Invoice” means a bill or claim that requests
30 payment on a contract under which a state agency
31 acquires property or services.

32 (c) “Medi-Cal program” means the program
33 established pursuant to Chapter 7 (commencing with
34 Section 14000) of Part 3 of Division 9 of the Welfare and
35 Institutions Code.

36 (d) “Nonprofit public benefit corporation” means a
37 corporation, as defined by subdivision (b) of Section 5046
38 of the Corporations Code, that has registered with the
39 Department of General Services as a small business.



1 (e) “Reasonable cause” means a determination by a
2 state agency that any of the following conditions are
3 present:

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

6 (2) There is a discrepancy between the invoice or
7 claimed amount and either the contractor’s actual
8 delivery of property or services to the state or the state’s
9 acceptance of those deliveries.

10 (3) Additional evidence supporting the validity of the
11 invoice or claimed amount is required to be provided to
12 the state agency by the contractor.

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

15 (5) The state agency making the determination or the
16 contractor involved has been subject to a computing or
17 accounting failure related to the Year 2000 Problem.

18 (f) “Required payment approval date” means the date
19 on which payment is due as specified in a contract or, if
20 a specific date is not established by the contract, 30
21 calendar days following the date upon which an
22 undisputed invoice is received by a state agency.

23 (g) “Received by a state agency” means the date an
24 invoice is delivered to the state location or party specified
25 in the contract or, if a state location or party is not
26 specified in the contract, wherever otherwise specified
27 by the state agency.

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

31 (i) “Small business” means a business certified as a
32 “small business” in accordance with subdivision (c) of
33 Section 14837.

34 (j) “Small business” and “nonprofit organization”
35 mean, in reference to providers under the Medi-Cal
36 program, a business or organization that meets all of the
37 following criteria:

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

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



1 (3) If a small business, it is independently owned and
2 operated.

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

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

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

14 SEC. 6.7. Section 927.5 of the Government Code is
15 amended to read:

16 927.5. This chapter shall not apply to claims for
17 reimbursement for health care services provided under
18 the Medi-Cal program, unless the Medi-Cal health care
19 services provider is a small business or nonprofit
20 organization. In applying this section to claims submitted
21 to the state, or its fiscal intermediary, by providers of
22 services or equipment under the Medi-Cal program,
23 payment for claims shall be due 30 days after a claim is
24 received by the state or its fiscal intermediary, unless
25 reasonable cause for nonpayment exists. With regard to
26 Medi-Cal claims, reasonable cause shall include review of
27 claims to determine medical necessity, review of claims
28 for providers subject to special prepayment fraud and
29 abuse controls, and claims that require review by the
30 fiscal intermediary or State Department of Health
31 Services due to special circumstances, including, but not
32 limited to, the Year 2000 Problem. Claims requiring
33 special review as specified above shall not be eligible for
34 a late payment penalty.

35 SEC. 7. Section 6253 of the Government Code is
36 amended to read:

37 6253. (a) Public records are open to inspection at all
38 times during the office hours of the state or local agency
39 and every person has a right to inspect any public record,
40 except as hereafter provided. Any reasonably segregable



1 portion of a record shall be available for inspection by any
2 person requesting the record after deletion of the
3 portions that are exempted by law.

4 (b) (1) Except with respect to public records exempt
5 from disclosure by express provisions of law, each state or
6 local agency, upon a request for a copy of records that
7 reasonably describes an identifiable record or records,
8 shall make the records promptly available to any person,
9 upon payment of fees covering direct costs of duplication,
10 or a statutory fee, if applicable. Upon request, an exact
11 copy shall be provided unless impracticable to do so.
12 Electronic data shall be provided in a form determined
13 by the agency.

14 (2) For purposes of this subdivision, it shall be
15 considered impracticable to provide an exact copy of a
16 record if, among other things, there is a lack of ability to
17 provide the exact copy due to a diversion of resources to
18 addressing the Year 2000 Problem, up to and including
19 June 30, ~~1999~~ 2001, pursuant to Executive Order D-3-99.

20 (c) Each agency, upon a request for a copy of records
21 shall, within 10 days from receipt of the request,
22 determine whether the request, in whole or in part, seeks
23 copies of disclosable public records in the possession of
24 the agency and shall promptly notify the person making
25 the request of the determination and the reasons
26 therefor. In unusual circumstances, the time limit
27 prescribed in this section may be extended by written
28 notice by the head of the agency or his or her designee to
29 the person making the request setting forth the reasons
30 for the extension and the date on which a determination
31 is expected to be dispatched. No notice shall specify a date
32 that would result in an extension for more than 14 days.
33 As used in this section, “unusual circumstances” means,
34 but only to the extent reasonably necessary to the proper
35 processing of the particular request:

36 (1) The need to search for and collect the requested
37 records from field facilities or other establishments that
38 are separate from the office processing the request.



1 (2) The need to search for, collect, and appropriately
2 examine a voluminous amount of separate and distinct
3 records which are demanded in a single request.

4 (3) The need for consultation, which shall be
5 conducted with all practicable speed, with another
6 agency having substantial interest in the determination
7 of the request or among two or more components of the
8 agency having substantial subject matter interest therein.

9 (d) Nothing in this chapter shall be construed to
10 permit an agency to obstruct the inspection or copying of
11 public records. Any notification of denial of any request
12 for records shall set forth the names and titles or positions
13 of each person responsible for the denial.

14 (e) Except as otherwise prohibited by law, a state or
15 local agency may adopt requirements for itself that allow
16 for faster, more efficient, or greater access to records than
17 prescribed by the minimum standards set forth in this
18 chapter.

19 SEC. 7.5. Section 6276.48 of the Government Code is
20 amended to read:

21 6276.48. Wards and dependent children, release of
22 description information about minor escapees, Section
23 828, Welfare and Institutions Code.

24 Wards, petition for sealing records, Section 781,
25 Welfare and Institutions Code.

26 Welfare, statewide automated system work plan,
27 confidentiality of data on individuals, Section 10818,
28 Welfare and Institutions Code.

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

30 Winegrowers of California commission, confidentiality
31 of producers' or vintners' proprietary information,
32 Sections 74655 and 74955, Food and Agricultural Code.

33 Workers' Compensation Appeals Board, injury or
34 illness report, confidentiality of, Section 6412, Labor
35 Code.

36 Workers' compensation insurance, dividend payment
37 to policyholder, confidentiality of information, Section
38 11739, Insurance Code.



1 Workers' compensation insurance fraud reporting,
2 confidentiality of information, Sections 1877.3 and 1877.4,
3 Insurance Code.

4 Workers' compensation insurer or rating organization,
5 confidentiality of notice of noncompliance, Section 11754,
6 Insurance Code.

7 Workers' compensation insurer, rating information,
8 confidentiality of, Section 11752.7, Insurance Code.

9 Workers' compensation, notice to correct
10 noncompliance, Section 11754, Insurance Code.

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

13 Workers' compensation, self-insured employers,
14 confidentiality of financial information, Section 3742,
15 Labor Code.

16 Workplace inspection photographs, confidentiality of,
17 Section 6314, Labor Code.

18 Year 2000 Problem vendor compliance, Section 22353,
19 Government Code.

20 Youth Authority, parole revocation proceedings,
21 confidentiality of, Section 1767.6, Welfare and Institutions
22 Code.

23 Youth Authority, release of information in possession of
24 Youth Authority for offenses under Sections 676, 1764.1,
25 and 1764.2, Welfare and Institutions Code.

26 Youth Authority, records, policies, and procedures,
27 Section 1905, Welfare and Institutions Code.

28 Youth Authority, records, disclosure, Section 1764,
29 Welfare and Institutions Code.

30 Youth Authority parolee, disclosure of personal
31 information in revocation proceedings, Section 1767.6,
32 Welfare and Institutions Code.

33 Youth service bureau, confidentiality of client records,
34 Section 1905, Welfare and Institutions Code.

35 SEC. 7.7. Section 6700 of the Government Code is
36 amended to read:

37 6700. The holidays in this state are:

38 (a) Every Sunday.

39 (b) January 1st.



- 1 (c) The third Monday in January, known as “Dr.
- 2 Martin Luther King, Jr. Day.”
- 3 (d) February 12th, known as “Lincoln Day.”
- 4 (e) The third Monday in February.
- 5 (f) March 31st known as “Cesar Chavez Day.”
- 6 (g) The last Monday in May.
- 7 (h) July 4th.
- 8 (i) The first Monday in September.
- 9 (j) September 9th, known as “Admission Day.”
- 10 (k) The second Monday in October, known as
- 11 “Columbus Day.”
- 12 (l) November 11th, known as “Veterans Day.”
- 13 (m) December 25th.
- 14 (n) Good Friday from 12 p.m. until 3 p.m.
- 15 (o) Every day appointed by the President or Governor
- 16 for a public fast, thanksgiving, or holiday.
- 17 Except for the Thursday in November appointed as
- 18 Thanksgiving Day, this subdivision and subdivisions (c)
- 19 and (f) shall not apply to a city, county, or district unless
- 20 made applicable by charter, or by ordinance or resolution
- 21 of the governing body thereof.
- 22 If the provisions of this section are in conflict with the
- 23 provisions of a memorandum of understanding reached
- 24 pursuant to Chapter 12 (commencing with Section 3560)
- 25 of Division 4 of Title 1, the memorandum of
- 26 understanding shall be controlling without further
- 27 legislative action, except that if those provisions of a
- 28 memorandum of understanding require the expenditure
- 29 of funds, the provisions shall not become effective unless
- 30 approved by the Legislature in the annual Budget Act.
- 31 Pursuant to subdivision (b), the January 1 holiday that
- 32 falls on January 1, 2000, shall be observed on December
- 33 31, 1999.
- 34 SEC. 8. Section 6703 of the Government Code is
- 35 amended to read:
- 36 6703. (a) Public offices of the state, state institutions,
- 37 and the University of California shall be closed on
- 38 Admission Day.



1 (b) Public offices of the state and state institutions,
2 except the University of California, shall be closed on
3 Veterans Day.

4 (c) Public offices of the state, state institutions, and the
5 University of California shall be closed on December 31,
6 1999. This subdivision shall apply to the University of
7 California only if the Regents of the University of
8 California, by resolution, make this subdivision
9 applicable.

10 (d) Upon declaration of the Governor, any day from
11 December 25, 1999, to January 3, 2000, inclusive, may be
12 a holiday with respect to the transaction of business in the
13 public offices of the state.

14 SEC. 8.5. Section 6704 of the Government Code is
15 amended to read:

16 6704. (a) The legislative body of any city or district
17 may, by ordinance or resolution, provide that every
18 Saturday is a holiday with respect to the transaction of
19 business in the public offices of the cities or districts,
20 except that provision shall be made for the continuance
21 of essential public services such as police and fire
22 protection.

23 (b) The legislative body of any city or district may, by
24 ordinance or resolution, provide that December 31, 1999,
25 is a holiday with respect to the transaction of business in
26 the public offices of the cities or districts, except that
27 provision shall be made for the continuance of essential
28 public services such as police and fire protection.

29 (c) The office of the clerk of a municipal court
30 established under the Municipal Court Act of 1925 is
31 excluded from the provisions of this section.

32 ~~SEC. 8.7. Section 8331 of the Government Code is~~
33 ~~amended to read:~~

34 ~~8331. (a) State agencies shall make available on the~~
35 ~~Internet, on or after July 1, 2001, unless otherwise~~
36 ~~authorized by the Department of Information~~
37 ~~Technology pursuant to Executive Order D-3-99, a~~
38 ~~plain language form through which individuals can~~
39 ~~register complaints or comments relating to the~~
40 ~~performance of that agency. The agency shall provide~~



1 ~~instructions on filing the complaint electronically, or on~~
2 ~~the manner in which to complete and mail the complaint~~
3 ~~form to the state agency, or both, consistent with~~
4 ~~whichever method the agency establishes for the filing of~~
5 ~~complaints.~~

6 ~~(b) Any printed complaint form used by a state agency~~
7 ~~as part of the process of receiving a complaint against any~~
8 ~~licensed individual or corporation subject to regulation~~
9 ~~by that agency shall be made available by the agency on~~
10 ~~the Internet on or after July 1, 2001, unless otherwise~~
11 ~~authorized by the Department of Information~~
12 ~~Technology pursuant to Executive Order D-3-99. The~~
13 ~~agency shall provide instructions on filing the complaint~~
14 ~~electronically, or on the manner in which to complete~~
15 ~~and mail the complaint form to the state agency, or both,~~
16 ~~consistent with whichever method the agency establishes~~
17 ~~for the filing of complaints.~~

18 ~~(e) State agencies making a complaint form available~~
19 ~~on the Internet shall, to the extent feasible:~~

20 ~~(1) Advise individuals calling the state agency to lodge~~
21 ~~a complaint of both of the following:~~

22 ~~(A) The availability of the complaint form on the~~
23 ~~Internet.~~

24 ~~(B) That many public libraries provide Internet~~
25 ~~access.~~

26 ~~(2) Include on the Internet the location at which this~~
27 ~~information may be accessed in the telephone directory~~
28 ~~in order that citizens will be aware that they may contact~~
29 ~~the state agency via the Internet or by telephone.~~

30 ~~(d) Public libraries, to the extent permitted through~~
31 ~~donations and other means, may do each of the following:~~

32 ~~(1) Provide Internet access to their patrons.~~

33 ~~(2) Advertise that they provide Internet access.~~

34 ~~(e) Notwithstanding subdivision (a) of Section 11000,~~
35 ~~state agency as used in this section includes the California~~
36 ~~State University.~~

37 ~~SEC. 8.7. Section 8331 of the Government Code is~~
38 ~~amended to read:~~

39 ~~8331. (a) State agencies shall make available on their~~
40 ~~the Internet websites, on or before after July 1, 1998, or~~



1 ~~within six months of the establishment of such a site,~~
2 ~~whichever is later 2001, unless otherwise authorized by~~
3 ~~the Department of Information Technology pursuant to~~
4 ~~Executive Order D-3-99, a plain-language form through~~
5 which individuals can register complaints or comments
6 relating to the performance of that agency. The ~~Internet~~
7 ~~website~~ agency shall provide instructions on filing the
8 complaint electronically, or on the manner in which to
9 ~~download,~~ complete, and mail the complaint form to the
10 state agency, or both, consistent with whichever method
11 the agency establishes for the filing of complaints.

12 (b) Any printed complaint form used by a state agency
13 as part of the process of receiving a complaint against any
14 licensed individual or corporation subject to regulation
15 by that agency shall ~~make the form~~ *be made* available by
16 ~~the agency on its the Internet website, on or before July~~
17 ~~1, 1998, or within six months of the establishment of such~~
18 ~~a site, whichever is later on or after July 1, 2001, unless~~
19 ~~otherwise authorized by the Department of Information~~
20 ~~Technology pursuant to Executive Order D-3-99.~~ The
21 ~~Internet website~~ agency shall provide instructions on
22 filing the complaint electronically, or on the manner in
23 which to ~~download,~~ complete, and mail the complaint
24 form to the state agency, or both, consistent with
25 whichever method the agency establishes for the filing of
26 complaints.

27 (c) State agencies making a complaint form available
28 on ~~their the Internet website~~ shall, to the extent feasible:

29 (1) Advise individuals calling the state agency to lodge
30 a complaint of both of the following:

31 (A) The availability of the complaint form on the
32 Internet ~~website~~.

33 (B) That many public libraries provide Internet
34 access.

35 (2) Include ~~their on the Internet website address the~~
36 *location at which this information may be accessed* in the
37 telephone directory in order that citizens will be aware
38 that they may contact the state agency via the Internet
39 or by telephone.



1 (d) Public libraries, to the extent permitted through
2 donations and other means, may do each of the following:

3 (1) Provide Internet access to their patrons.

4 (2) Advertise that they provide Internet access.

5 (e) Notwithstanding subdivision (a) of Section 11000,
6 state agency as used in this section includes the California
7 State University.

8 SEC. 9. Section 8557 of the Government Code is
9 amended to read:

10 8557. (a) “Emergency Council” means the
11 California Emergency Council.

12 (b) “State agency” means any department, division,
13 independent establishment, or agency of the executive
14 branch of the state government.

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

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

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

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

27 (g) “Public facility” means any facility of the state or
28 a political subdivision, which facility is owned, operated,
29 or maintained, or any combination thereof, through
30 moneys derived by taxation or assessment.

31 (h) “Sudden and severe energy shortage” means a
32 rapid, unforeseen shortage of energy, resulting from, but
33 not limited to, events such as an embargo, sabotage, the
34 Year 2000 Problem, or natural disasters, and which has
35 statewide, regional, or local impact.

36 (i) “Year 2000 Problem” has the same meaning as that
37 set forth in subdivision (a) of Section 3269 of the Civil
38 Code.

39 SEC. 9.5. Section 8558 of the Government Code is
40 amended to read:



1 8558. Three conditions or degrees of emergency are
2 established by this chapter:

3 (a) “State of war emergency” means the condition
4 which exists immediately, with or without a proclamation
5 thereof by the Governor, whenever this state or nation is
6 attacked by an enemy of the United States, or upon
7 receipt by the state of a warning from the federal
8 government indicating that such an enemy attack is
9 probable or imminent.

10 (b) “State of emergency” means the duly proclaimed
11 existence of conditions of disaster or of extreme peril to
12 the safety of persons and property within the state caused
13 by such conditions as air pollution, fire, flood, storm,
14 epidemic, riot, drought, sudden and severe energy
15 shortage, plant or animal infestation or disease, the
16 Governor’s warning of an earthquake or volcanic
17 prediction, or an earthquake, complications resulting
18 from the Year 2000 Problem, or other conditions, other
19 than conditions resulting from a labor controversy or
20 conditions causing a “state of war emergency,” which, by
21 reason of their magnitude, are or are likely to be beyond
22 the control of the services, personnel, equipment, and
23 facilities of any single county, city and county, or city and
24 require the combined forces of a mutual aid region or
25 regions to combat, or with respect to regulated energy
26 utilities, a sudden and severe energy shortage requires
27 extraordinary measures beyond the authority vested in
28 the California Public Utilities Commission.

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



1 equipment, and facilities of that political subdivision and
2 require the combined forces of other political
3 subdivisions to combat, or with respect to regulated
4 energy utilities, a sudden and severe energy shortage
5 requires extraordinary measures beyond the authority
6 vested in the California Public Utilities Commission.

7 SEC. 10. Section 8588.8 is added to the Government
8 Code, to read:

9 8588.8. The Office of Emergency Services shall serve
10 as the central agency in state government for the
11 emergency reporting of all disasters and sudden and
12 severe energy shortages related to, or potentially related
13 to, the Year 2000 Problem and shall coordinate the
14 notification of the appropriate state and local
15 administering agencies that may be required to respond
16 to those situations as they arise.

17 SEC. 11. Article 9.8 (commencing with Section 8609)
18 is added to Chapter 7 of Division 1 of Title 2 of the
19 Government Code, to read:

20

21 Article 9.8. The Year 2000 Problem and Disaster
22 Preparedness

23

24 8609. State agencies granted authority by the
25 Governor, the Business Continuity Task Force, the
26 Emergency Preparedness Task Force, or the Executive
27 Committee established by Executive Order D-3-99 to
28 implement any type of disaster, contingency, or business
29 continuity plan may use volunteer workers. The
30 volunteers shall be deemed ~~employees of the state~~
31 *disaster service workers* for the purpose of workers'
32 compensation under ~~Article 2 (commencing with Section~~
33 ~~3350) of Chapter 2 Chapter 3 (commencing with Section~~
34 ~~3600)~~ of Part 1 of Division 4 of the Labor Code.

35 8609.1. Any disaster preparedness or response official
36 may be specifically identified by name and title in any
37 disaster, contingency, or business continuity plan
38 developed pursuant to Executive Order D-3-99 if such a
39 plan incorporates aspects of any contingency plan
40 previously developed regarding potential oil spills or



1 toxic disasters pursuant to Article 3.5 (commencing with
2 Section 8574.1) and Article 3.7 (commencing with
3 Section 8574.16).

4 8609.2. (a) The authority for the management of the
5 scene of an on-highway Year 2000 Problem disaster shall
6 be vested in the appropriate law enforcement agency
7 having primary traffic investigative authority on the
8 highway where the incident occurs or in a local fire
9 protection agency, as provided by Section 2454 of the
10 Vehicle Code unless otherwise specified by a disaster,
11 contingency, or business continuity plan developed
12 pursuant to Executive Order D-3-99. ~~During the~~
13 ~~preparation of any such plan, the recommendations of the~~

14 (b) Pursuant to subdivision (a), the Department of
15 the California Highway Patrol shall ~~be adopted when~~
16 ~~developing~~ develop response and on-scene procedures
17 for Year 2000 Problem disasters that occur upon the
18 highways based upon previous studies for these
19 procedures, insofar as the procedures are not inconsistent
20 with the overall plan for initial notification of disasters by
21 public agencies and for after-incident evaluation and
22 reporting.

23 (c) Plans developed pursuant to this section shall be
24 made available to local governments and public safety
25 officials upon request.

26 SEC. 12. Section 11006.5 is added to the Government
27 Code, to read:

28 11006.5. (a) It is the intent of the Legislature that
29 Year 2000 Problem identification and remediation be the
30 top information technology priority for all state agencies
31 and departments as specified by executive order of the
32 Governor.

33 (b) It is the further intent of the Legislature to
34 establish new dates of completion that are not in conflict
35 with Year 2000 Problem remediation for all statutorily
36 mandated automation and information technology
37 systems that are not crucial to public health or safety.

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. 13. Section 11015.5 of the Government Code is~~
2 ~~amended to read:~~

3 ~~11015.5. (a) On or after July 1, 2001, unless otherwise~~
4 ~~authorized by the Department of Information~~
5 ~~Technology pursuant to Executive Order D-3-99, every~~
6 ~~state agency, including the California State University,~~
7 ~~that utilizes any method, device, identifier, or other data~~
8 ~~base application on the Internet to electronically collect~~
9 ~~personal information, as defined in subdivision (d),~~
10 ~~regarding any user shall prominently display the~~
11 ~~following at least one anticipated initial point of~~
12 ~~communication with a potential user, to be determined~~
13 ~~by each agency, and in instances when the specified~~
14 ~~information would be collected:~~

15 ~~(1) Notice to the user of the usage or existence of the~~
16 ~~information gathering method, device, identifier, or~~
17 ~~other data base application.~~

18 ~~(2) Notice to the user of the type of personal~~
19 ~~information that is being collected and the purpose for~~
20 ~~which the collected information will be used.~~

21 ~~(3) Notice to the user of the length of time that the~~
22 ~~information gathering device, identifier, or other data~~
23 ~~base application will exist in the user's hard drive, if~~
24 ~~applicable.~~

25 ~~(4) Notice to the user that he or she has the option of~~
26 ~~having his or her personal information discarded without~~
27 ~~reuse or distribution, provided that the appropriate~~
28 ~~agency official or employee is contacted after notice is~~
29 ~~given to the user.~~

30 ~~(5) Notice to the user that any information acquired~~
31 ~~by the state agency, including the California State~~
32 ~~University, is subject to the limitations set forth in the~~
33 ~~Information Practices Act of 1977 (Title 1.8 (commencing~~
34 ~~with Section 1798) of Part 4 of Division 3 of the Civil~~
35 ~~Code).~~

36 ~~(6) Notice to the user that state agencies shall not~~
37 ~~distribute or sell any electronically collected personal~~
38 ~~information, as defined in subdivision (d), about users to~~
39 ~~any third party without the permission of the user.~~



1 ~~(7) Notice to the user that electronically collected~~
2 ~~personal information, as defined in subdivision (d), is~~
3 ~~exempt from requests made pursuant to the California~~
4 ~~Public Records Act (Chapter 3.5 (commencing with~~
5 ~~Section 6250) of Division 7 of Title 1).~~

6 ~~(8) The title, business address, telephone number, and~~
7 ~~electronic mail address, if applicable, of the agency~~
8 ~~official who is responsible for records requests, as~~
9 ~~specified by subdivision (b) of Section 1798.17 of the Civil~~
10 ~~Code, or the agency employee designated pursuant to~~
11 ~~Section 1798.22 of that code, as determined by the agency,~~
12 ~~who is responsible for ensuring that the agency complies~~
13 ~~with requests made pursuant to this section.~~

14 ~~(b) A state agency shall not distribute or sell any~~
15 ~~electronically collected personal information about users~~
16 ~~to any third party without prior written permission from~~
17 ~~the user, except as required to investigate possible~~
18 ~~violations of Section 502 of the Penal Code or as~~
19 ~~authorized under the Information Practices Act of 1977~~
20 ~~(Title 1.8 (commencing with Section 1798) of Part 4 of~~
21 ~~Division 3 of the Civil Code). Nothing in this subdivision~~
22 ~~shall be construed to prohibit a state agency from~~
23 ~~distributing electronically collected personal information~~
24 ~~to another state agency or to a public law enforcement~~
25 ~~organization in any case where the security of a network~~
26 ~~operated by a state agency and exposed directly to the~~
27 ~~Internet has been, or is suspected of having been,~~
28 ~~breached.~~

29 ~~(c) A state agency shall discard without reuse or~~
30 ~~distribution any electronically collected personal~~
31 ~~information, as defined in subdivision (d), upon request~~
32 ~~by the user.~~

33 ~~(d) For purposes of this section:~~

34 ~~(1) "Electronically collected personal information"~~
35 ~~means any information that is maintained by an agency~~
36 ~~that identifies or describes an individual user, including,~~
37 ~~but not limited to, his or her name, social security~~
38 ~~number, physical description, home address, home~~
39 ~~telephone number, education, financial matters, medical~~
40 ~~or employment history, password, electronic mail~~



1 address, and information that reveals any network
2 location or identity, but excludes any information
3 manually submitted to a state agency by a user, whether
4 electronically or in written form, and information on or
5 relating to individuals who are users serving in a business
6 capacity, including, but not limited to, business owners,
7 officers, or principals of that business.

8 (2) "User" means an individual who communicates
9 with a state agency or with an agency employee or official
10 electronically.

11 (e) Nothing in this section shall be construed to permit
12 an agency to act in a manner inconsistent with the
13 standards and limitations adopted pursuant to the
14 California Public Records Act (Chapter 3.5
15 commencing with Section 6250) of Division 7 of Title 1)
16 or the Information Practices Act of 1977 (Title 1.8
17 commencing with Section 1798) of Part 4 of Division 3
18 of the Civil Code).

19 *SEC. 13. Section 11015.5 of the Government Code is*
20 *amended to read:*

21 11015.5. (a) ~~Every~~ *On or after July 1, 2001, unless*
22 *otherwise authorized by the Department of Information*
23 *Technology pursuant to Executive Order D-3-99, every*
24 *state agency, including the California State University,*
25 *that utilizes any method, device, identifier, or other data*
26 *base application on the Internet to electronically collect*
27 *personal information, as defined in subdivision (d),*
28 *regarding any user shall prominently display the*
29 *following at at least one anticipated initial point of*
30 *communication with a potential user, to be determined*
31 *by each agency, and in instances when the specified*
32 *information would be collected:*

33 (1) Notice to the user of the usage or existence of the
34 information gathering method, device, identifier, or
35 other data base application.

36 (2) Notice to the user of the type of personal
37 information that is being collected and the purpose for
38 which the collected information will be used.

39 (3) Notice to the user of the length of time that the
40 information gathering device, identifier, or other data



1 base application will exist in the user's hard drive, if
2 applicable.

3 (4) Notice to the user that he or she has the option of
4 having his or her personal information discarded without
5 reuse or distribution, provided that the appropriate
6 agency official or employee is contacted after notice is
7 given to the user.

8 (5) Notice to the user that any information acquired
9 by the state agency, including the California State
10 University, is subject to the limitations set forth in the
11 Information Practices Act of 1977 (Title 1.8 (commencing
12 with Section 1798) of Part 4 of Division 3 of the Civil
13 Code).

14 (6) Notice to the user that state agencies shall not
15 distribute or sell any electronically collected personal
16 information, as defined in subdivision (d), about users to
17 any third party without the permission of the user.

18 (7) Notice to the user that electronically collected
19 personal information, as defined in subdivision (d), is
20 exempt from requests made pursuant to the California
21 Public Records Act (Chapter 3.5 (commencing with
22 Section 6250) of Division 7 of Title 1).

23 (8) The title, business address, telephone number, and
24 electronic mail address, if applicable, of the agency
25 official who is responsible for records requests, as
26 specified by subdivision (b) of Section 1798.17 of the Civil
27 Code, or the agency employee designated pursuant to
28 Section 1798.22 of that code, as determined by the agency,
29 who is responsible for ensuring that the agency complies
30 with requests made pursuant to this section.

31 (b) A state agency shall not distribute or sell any
32 electronically collected personal information about users
33 to any third party without prior written permission from
34 the user, except as required to investigate possible
35 violations of Section 502 of the Penal Code or as
36 authorized under the Information Practices Act of 1977
37 (Title 1.8 (commencing with Section 1798) of Part 4 of
38 Division 3 of the Civil Code). Nothing in this subdivision
39 shall be construed to prohibit a state agency from
40 distributing electronically collected personal information



1 to another state agency or to a public law enforcement
2 organization in any case where the security of a network
3 operated by a state agency and exposed directly to the
4 Internet has been, or is suspected of having been,
5 breached.

6 (c) A state agency shall discard without reuse or
7 distribution any electronically collected personal
8 information, as defined in subdivision (d), upon request
9 by the user.

10 (d) For purposes of this section:

11 (1) "Electronically collected personal information"
12 means any information that is maintained by an agency
13 that identifies or describes an individual user, including,
14 but not limited to, his or her name, social security
15 number, physical description, home address, home
16 telephone number, education, financial matters, medical
17 or employment history, password, electronic mail
18 address, and information that reveals any network
19 location or identity, but excludes any information
20 manually submitted to a state agency by a user, whether
21 electronically or in written form, and information on or
22 relating to individuals who are users serving in a business
23 capacity, including, but not limited to, business owners,
24 officers, or principals of that business.

25 (2) "User" means an individual who communicates
26 with a state agency or with an agency employee or official
27 electronically.

28 (e) Nothing in this section shall be construed to permit
29 an agency to act in a manner inconsistent with the
30 standards and limitations adopted pursuant to the
31 California Public Records Act (Chapter 3.5
32 commencing with Section 6250) of Division 7 of Title 1)
33 or the Information Practices Act of 1977 (Title 1.8
34 commencing with Section 1798) of Part 4 of Division 3
35 of the Civil Code).

36 SEC. 13.5. Section 11018.5 of the Government Code is
37 amended to read:

38 11018.5. (a) The Department of Real Estate, on or
39 after July 1, 2001, unless otherwise authorized by the
40 Department of Information Technology pursuant to



1 Executive Order D-3-99, shall provide on the Internet
2 information regarding the status of every license issued
3 by that entity in accordance with the California Public
4 Records Act (Chapter 3.5 (commencing with Section
5 6250) of Division 7 of Title 1 of the Government Code)
6 and the Information Practices Act of 1977 (Chapter 1
7 (commencing with Section 1798) of Title 1.8 of Part 4 of
8 Division 3 of the Civil Code), including information
9 relative to suspensions and revocations of licenses issued
10 by that state agency and other related enforcement
11 action taken against persons, businesses, or facilities
12 subject to licensure or regulation by a state agency.

13 (b) The Department of Real Estate shall disclose
14 information on its licensees, including real estate brokers
15 and agents, on the Internet that is in compliance with the
16 department's public record access guidelines.

17 (c) "Internet" for the purposes of this section has the
18 meaning set forth in paragraph (6) of subdivision (e) of
19 Section 17538 of the Business and Professions Code.

20 SEC. 13.7. Section 12814 is added to the Government
21 Code, to read:

22 12814. (a) Notwithstanding any other provision of
23 law, each state agency or department or political
24 subdivision of the state may isolate any of its automated
25 applications, computer hardware, or networking devices
26 from nonproprietary networks, input streams, power
27 sources, or other devices at any time and for any duration
28 from 3 a.m. on December 31, 1999, to 12 p.m. on January
29 1, 2000, inclusive, if the Governor, the Chief Information
30 Officer, upon designation of the Governor, or the
31 Governor's Year 2000 Problem Executive Council, as
32 established in Executive Order D-3-99, grants a written
33 authorization for the proposed isolation.

34 (b) For the purposes of this section, the term "Year
35 2000 Problem" has the same meaning as that set forth in
36 subdivision (a) of Section 3269 of the Civil Code.

37 SEC. 14. Section 19853 of the Government Code is
38 amended to read:

39 19853. (a) Except as provided in subdivision (c), all
40 employees shall be entitled to the following holidays:



1 January 1, the third Monday in January, February 12, the
2 third Monday in February, the last Monday in May, July
3 4, the first Monday in September, the second Monday in
4 October, November 11, the day after Thanksgiving,
5 December 25, the day chosen by an employee pursuant
6 to Section 19854, and every day appointed by the
7 Governor of this state for a public fast, thanksgiving, or
8 holiday.

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

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

32 (c) Any employee, who is either excluded from the
33 definition of state employee in subdivision (c) of Section
34 3513, or is a nonelected officer or employee of the
35 executive branch of government who is not a member of
36 the civil service, shall be entitled to the following
37 holidays, with pay, in addition to any official state holiday
38 appointed by the Governor:

39 (1) January 1, the third Monday in January, February
40 12, the third Monday in February, the last Monday in May,



1 July 4, the first Monday in September, the second Monday
2 in October, November 11, Thanksgiving Day, the day
3 after Thanksgiving, December 25, and any personal
4 holiday chosen pursuant to Section 19854. The
5 department head or designee may require an employee
6 to provide five working days' advance notice before a
7 personal holiday is taken, and may deny use subject to
8 operational needs.

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

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

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

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

26 (6) Less than full-time employees shall receive
27 holidays in accordance with Department of Personnel
28 Administration rules.

29 (7) The January 1 holiday that falls on January 1, 2000,
30 shall be observed on December 31, 1999.

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

37 (2) It is not the intent of the Legislature, by the
38 amendments to this subdivision that add this paragraph,
39 to increase the personal holiday credit that an employee
40 receives pursuant to Section 19854.



1 (e) Any employee may be required to work on ~~both~~
2 ~~December 30 and 31, 1999, or either December 30 or~~
3 ~~December 31, 1999,~~ by the department in which the
4 employee is employed, the department to which the
5 employee is assigned by the Department of Personnel
6 Administration, or the Department of Information
7 Technology if the employee is identified as a member of
8 the Year 2000 Problem Worker Pool.

9 SEC. 15. Article 12 (commencing with Section
10 19991.15) is added to Chapter 2.5 of Part 2.6 of Division 5
11 of Title 2 of the Government Code, to read:

12
13 Article 12. Year 2000 Work
14

15 19991.15. Notwithstanding any other provision of law,
16 an employee shall carry over more vacation credits than
17 the prescribed maximum if the employee is prevented
18 from taking vacation because the employee is assigned to
19 work related to the Year 2000 Problem.

20 19991.16. (a) All Year 2000 Problem related work
21 shall be considered work of a priority or critical nature
22 over an extended period of time.

23 (b) All work performed by an employee who is
24 assigned to the Year 2000 Worker Pool shall be considered
25 work related to the Year 2000 Problem for purposes of this
26 article.

27 19991.17. The carryover of vacation credits in
28 successive years shall be approved by the appointing
29 power as extenuating circumstances for each employee
30 who is prevented from taking vacation because the
31 employee is assigned to work related to the Year 2000
32 Problem.

33 19991.18. For purposes of this article, the term “Year
34 2000 Problem” has the same meaning as that set forth in
35 subdivision (a) of Section 3269 of the Civil Code.

36 19991.19. This article shall remain in effect only until
37 January 1, 2002, and as of that date is repealed, unless a
38 later enacted statute, that is enacted before January 1,
39 2002, deletes or extends that date.

1 ~~SEC. 16. Section 12921.15 of the Insurance Code is~~
2 ~~amended to read:~~

3 ~~12921.15. The commissioner shall prepare a written~~
4 ~~report, to be made available by the department to~~
5 ~~interested individuals upon written request, that details~~
6 ~~complaint and enforcement information on individual~~
7 ~~insurers in accordance with guidelines established under~~
8 ~~paragraph (5) of subdivision (a) of Section 12921.1. The~~
9 ~~report shall be made available by mail through the~~
10 ~~department's consumer toll-free telephone number, on~~
11 ~~the Internet, and via electronic mail on or after July 1,~~
12 ~~2001, unless otherwise authorized by the Department of~~
13 ~~Information Technology pursuant to Executive Order~~
14 ~~D-3-99. No complaint information shall be included in the~~
15 ~~report required by this section that has not been provided~~
16 ~~to the insurer in accordance with subdivision (c) of~~
17 ~~Section 12921.1.~~

18 ~~SEC. 16.5.—~~

19 *SEC. 16.* Part 5.5 (commencing with Section 22350) is
20 added to Division 2 of the Public Contract Code, to read:

21

22 PART 5.5. THE YEAR 2000 PROBLEM VENDOR
23 COMPLIANCE AND INFORMATION PRACTICES
24 POLICY
25

26 22350. This part shall be known and may be cited as
27 the Year 2000 Problem Vendor Compliance and
28 Information Practices Policy.

29 22351. For purposes of this part, the following
30 definitions apply:

31 (a) "Contractor" means any individual, corporation,
32 partnership, business entity, joint venture or association,
33 or any other organization or any combination thereof,
34 that has entered into a contractual relationship with any
35 public entity.

36 (b) "Person" means any individual, corporation,
37 partnership, business entity, joint venture, or association,
38 or any other organization or any combination thereof.



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

4 22352. It is the policy of this state to do business solely
5 with those persons and contractors that, subsequent to
6 entering into any contract with a public entity, recognize
7 the importance and urgency of the Year 2000 Problem,
8 respond to inquiries from public entities regarding Year
9 2000 Problem compliance for all goods or services
10 provided to the state, and participate in the disclosure of
11 information to public entities regarding Year 2000
12 Problem compliance for all goods and services provided
13 to the state.

14 22353. (a) Any public entity may submit a written
15 request for information regarding the Year 2000 Problem
16 to any contractor who is under contract to provide, or was
17 at any time under contract to provide, any project,
18 materials, supplies, equipment, services, or real property,
19 as described in Part 2 (commencing with Section 10100).

20 (b) Each request made pursuant to subdivision (a)
21 shall include all of the following information:

22 (1) A direct citation of the authority to make a request
23 pursuant to this part.

24 (2) Notification of the policy of the state regarding the
25 Year 2000 Problem, as set forth in Section 22352.

26 (3) Notification of the responsible bidder provisions
27 that exist under the State Contract Act (Part 2
28 (commencing with Section 10100)).

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

37 22355. Nothing in this part shall be construed to
38 require any person or contractor to disclose any
39 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. 17. Section 311.5 of the Public Utilities Code is
4 amended to read:

5 311.5. (a) (1) Prior to commencement of any
6 meeting at which commissioners vote on items on the
7 public agenda the commission shall make available to the
8 public copies of the agenda, and upon request, any
9 agenda item documents that are proposed to be
10 considered by the commission for action or decision at a
11 commission meeting.

12 (2) In addition, the commission shall publish the
13 agenda, agenda item documents, and adopted decisions
14 in a manner that makes copies of them easily available to
15 the public, including, commencing publishing those
16 documents on the Internet on or after July 1, 2001, unless
17 otherwise authorized by the Department of Information
18 Technology pursuant to Executive Order D-3-99.
19 Publication of the agenda and agenda item documents
20 shall occur on the Internet ~~site~~ at the same time as the
21 written agenda and agenda item documents are made
22 available to the public.

23 (b) On or after July 1, 2001, unless otherwise
24 authorized by the Department of Information
25 Technology pursuant to Executive Order D-3-99, the
26 commission shall publish and maintain all of its decisions
27 and resolutions on the Internet. That publication shall
28 occur within 10 days of the adoption of a decision or
29 resolution by the commission.

30 (c) On or after July 1, 2001, unless otherwise
31 authorized by the Department of Information
32 Technology pursuant to Executive Order D-3-99, the
33 commission shall publish at its Internet site the
34 then-current version of its general orders and Rules of
35 Practice and Procedure.

36 (d) On or after July 1, 2001, unless otherwise
37 authorized by the Department of Information
38 Technology pursuant to Executive Order D-3-99, the
39 commission shall publish and maintain all of its rulings on
40 the Internet. The commission shall maintain those rulings



1 at its site until final disposition, including disposition of
2 any judicial appeals, of the respective proceedings in
3 which the rulings were issued.

4 (e) On or after July 1, 2001, unless otherwise
5 authorized by the Department of Information
6 Technology pursuant to Executive Order D-3-99, the
7 commission shall publish and maintain a docket card that
8 shall list, by title and date of filing or issuance, all
9 documents filed and all decisions or rulings issued in those
10 proceedings on the Internet. The commission shall
11 maintain the docket card until final disposition, including
12 disposition of any judicial appeals, of the corresponding
13 proceedings.

14 SEC. 17.5. (a) In addition to the reasons listed in
15 Section 19050.8 of the Government Code, the State
16 Personnel Board may prescribe and apply rules
17 governing the temporary assignment or loan of
18 employees within an agency or between jurisdictions to
19 enable an agency to meet challenges posed by the Year
20 2000 Problem.

21 (b) (1) Within 30 days of the effective date of this act,
22 the State Personnel Board shall establish guidelines for a
23 Year 2000 Problem Worker Pool, established by the
24 Department of Personnel Administration pursuant to
25 subdivision (c), to fill the needs of various appointing
26 powers for temporary help regarding Year 2000 Problem
27 remediation.

28 (2) The board may provide by rule for conditions of
29 employment in the Year 2000 Problem Worker Pool. If
30 the board finds that it is in the best interests of the state,
31 it may limit the pool to those classes in which there is a
32 level of demonstrated expertise.

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

38 (c) (1) The Department of Personnel Administration
39 shall establish a Year 2000 Problem Worker Pool to fill the



1 needs of various appointing powers for temporary help
2 regarding Year 2000 Problem remediation.

3 (2) Notwithstanding Section 19211 of the Government
4 Code or State Personnel Board guidelines developed
5 pursuant to Section 19210 of the Government Code, the
6 pool shall be composed of all employees that have been
7 involved in a Year 2000 Problem remediation project at
8 any state agency or department and any additional
9 employees specified by the Department of Information
10 Technology.

11 (3) Upon a request from any appointing power or
12 upon the request of the Department of Information
13 Technology *on behalf of any agency or department* for
14 temporary help that can be filled from those employees
15 identified in the Year 2000 Problem Worker Pool, the
16 department shall assign the persons that are needed.
17 Upon assignment, the appointing power may be charged
18 pursuant to Section 11253 or Sections 11256 to 11263,
19 inclusive, of the Government Code for the cost of the
20 service.

21 (4) If the provisions of this subdivision are in conflict
22 with the provisions of a memorandum of understanding
23 reached pursuant to Section 3517.5 of the Government
24 Code, the memorandum of understanding shall be
25 controlling.

26 (5) For all purposes of Part 2.6 (commencing with
27 Section 19815) of Division 5 of Title 2 of the Government
28 Code, these persons are employees of their original
29 department and not of the appointing power to which
30 they are assigned. The procedure authorized by this
31 section for procuring temporary Year 2000 Problem help
32 is an alternative to other procedures for that purpose
33 authorized by Part 2.6 or department rule and nothing in
34 this section nor in applicable department regulations
35 prevents an appointing power from following those other
36 procedures.

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

39 (7) (A) Agencies that are not required to submit
40 feasibility study reports to the Department of



1 Information Technology shall be exempted, to an extent
2 to be determined by the State Personnel Board, from the
3 requirements listed in subdivisions (a) and (b) upon
4 written request from the agency to the board.

5 (B) Exemptions granted by the State Personnel Board
6 pursuant to subparagraph (A) shall prohibit the agency
7 from using any workers in the Year 2000 Worker Pool
8 unless otherwise authorized by the Department of
9 Information Technology.

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

13 SEC. 18. (a) It is the intent of the Legislature that
14 state agencies, in anticipation of the Year 2000 Problem,
15 pay properly submitted, undisputed invoices and
16 automatically calculate claims schedules prior to January
17 1, 2000.

18 (b) Notwithstanding any other provision of law, the
19 state may print or post electronically checks, centralized
20 treasury checks, warrants, employee paychecks, benefits
21 checks for all entitlement and means-tested social
22 programs, and all other claims that would otherwise
23 occur on or after January 1, 2000, within the month of
24 December 1999.

25 (c) This section shall not ~~require receipt of funds or~~
26 ~~disbursement of funds in a tax year, fiscal quarter, or fiscal~~
27 ~~year in a manner that is not approved by the recipient.~~
28 *compel, nor prohibit disbursement of funds in a tax year*
29 *in a manner that is not consistent with current practice.*

30 (d) Notwithstanding any other provision of law, this
31 section shall apply to the Controller and all state agencies,
32 including, but not limited to, the Public Employees’
33 Retirement System, the State Teachers’ Retirement
34 System, the Treasurer, and the Department of General
35 Services.

36 (e) *The Controller may negotiate with agencies that*
37 *produce a high volume of claims to determine if actions*
38 *pursuant to subdivision (b) are necessary.*



1 (f) Any checks or warrants that are printed or posted
2 pursuant to subdivision (b) may be held until the normal
3 issue date that is on or after January 1, 2000.

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

7 SEC. 19. The repeal of Article 12 (commencing with
8 Section 19991.15) of Chapter 2.5 of Part 2.6 of Division 5
9 of Title 2 of the Government Code shall not affect any
10 employee’s vacation carryover or any other related
11 determinations made under that article prior to its repeal.

12 SEC. 20. *The sum of two million dollars (\$2,000,000)*
13 *is hereby appropriated from the General Fund to the*
14 *Governor’s Office for the purpose of implementing a*
15 *Year 2000 Problem public awareness campaign and*
16 *conducting activities assigned to the Year 2000*
17 *Communications and Outreach Task Force pursuant to*
18 *Executive Order D-3-99. Elected officials and declared*
19 *candidates for partisan office may not appear in their*
20 *likeness in promotional materials for any public*
21 *awareness campaign funded by this appropriation.*

22 SEC. 21. This act is an urgency statute necessary for
23 the immediate preservation of the public peace, health,
24 or safety within the meaning of Article IV of the
25 Constitution and shall go into immediate effect. The facts
26 constituting the necessity are:

27 In order to significantly reduce the risks posed by the
28 Year 2000 Problem to the livelihood of Californians, the
29 ability of industry to conduct business in the state, and the
30 ability of the state to mitigate possible systems failures
31 that would damage the state’s ability to do business with
32 and provide for its citizens, it is necessary that this act take
33 effect immediately.

