

## Assembly Bill No. 724

### CHAPTER 784

An act to amend Sections 27 and 2027 of, and to add and repeal Section 4052.5 of, the Business and Professions Code, to amend Section 1798.16 of the Civil Code, to amend Sections 927.2, 927.5, 8331, 8557, 8558, 11015.5, and 11018.5 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, to add and repeal Section 6277 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 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, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor October 7, 1999. Filed  
with Secretary of State October 10, 1999.]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 724, 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 during the period commencing December 1, 1999, and ending February 1, 2000, a pharmacist may refill any refillable prescription subject to the number and terms of authorized refills, upon request of the person on whose behalf the prescription was written, except as specified. It would specify terms for reimbursement of claims under certain circumstances. This provision would become inoperative on February 1, 2000, and would be repealed on January 1, 2001.

(3) 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.

(4) 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.

(5) 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 may be considered impracticable to provide an electronic copy of a record due to the actuality of a Year 2000 Problem or resulting from a diversion of resources or personnel by the agency in good faith, to address the Year 2000 Problem. This provision would apply only to a state agency that is given specific approval by the Department of Information Technology to cite this provision as a reason for noncompliance with a specified provision of the California Public Records Act. This provision would remain operative until June 30, 2001, and would be repealed on January 1, 2002.

(6) 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.

(7) 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.

(8) 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.

(9) Existing law prescribes the amount of vacation credits that state employees receive based on years in state service 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.

(10) 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.

(11) Existing law requires state agencies, with respect to certain electronic data collected, to retain 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 retain 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. With respect to the provision of information on the Internet, this requirement would not become operative as to certain entities within the Department of Consumer Affairs if SB 1308 is enacted, as specified.

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

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

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

SEC. 2. The Legislature finds and declares all of the following:

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

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

(c) Due to the time sensitive nature of the Year 2000 Problem, the state must initiate an aggressive and prudent preparation period with the express intent of minimizing any potential risk exposure to the state associated with the Year 2000 Problem.

(d) The risks facing the state associated with the Year 2000 Problem include, but are not limited to, the failure of systems that may disrupt the state's ability to conduct business or provide services to the residents of the state.

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

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

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

SEC. 3. It is the intent of the Legislature in enacting this act:



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

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

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

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

(e) That, in providing for an integrated and effective procedure to combat potential complications resulting from the Year 2000 Problem, the Office of Emergency Services serves as the lead agency to direct strategy to ameliorate the effects of any Year 2000 Problem event and coordinate the implementation of continuity plans for business and event response actions pursuant to Executive Order D-3-99.

(f) That the residents of this state are provided with information that encourages the promotion of reasonable precautions and preparations that individuals should take before January 1, 2000.

(g) That reasonable precautions taken by residents in anticipation of the Year 2000 Problem reflect those that are recommended in preparation for a large winter storm, earthquake, or other major events, and, in addition, reflect the recommendations of the President's Council on Year 2000 Preparedness that individuals may wish to maintain an adequate supply of prescription medicine.

SEC. 4. Section 27 of the Business and Professions Code is amended to read:

27. (a) Every entity specified in subdivision (b), on or after July 1, 2001, unless otherwise authorized by the Department of Information Technology pursuant to Executive Order D-3-99, shall provide on the Internet information regarding the status of every license issued by that entity in accordance with the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code) and the Information Practices Act of 1977 (Chapter 1 (commencing with Section 1798) of Title 1.8 of Part 4 of Division 3 of the Civil Code). The public information to be provided on the Internet shall include information on suspensions and revocations of licenses issued by a board and other related enforcement action taken by a board relative to persons,



businesses, or facilities subject to licensure or regulation by a board. In providing information on the Internet, each entity shall comply with the Department of Consumer Affairs Guidelines for Access to Public Records. The information shall not include personal information including home address (unless used as a business address), home telephone number, date of birth, or social security number.

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

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

(2) The Board of Behavioral Science Examiners shall disclose information on its licensees, including marriage, family and child counselors; licensed clinical social workers; and licensed educational psychologists.

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

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

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

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

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

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

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

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

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



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

SEC. 5. Section 2027 of the Business and Professions Code is amended to read:

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

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

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

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

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

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

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

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

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

SEC. 6. Section 4052.5 is added to the Business and Professions Code, to read:

4052.5. (a) Pursuant to Section 4064, during the period commencing December 1, 1999, and ending February 1, 2000, a pharmacist may refill any refillable prescription subject to the number and terms of authorized refills, upon request of the person on whose behalf the prescription was written provided (1) the prescriber is unavailable to authorize the early dispensing of the medication refill, and (2) the refill medication dispensed does not exceed the dosage prescribed to sustain the patient with uninterrupted therapy during this period.

(b) The pharmacist shall not deny a refill request based upon his or her opinion regarding the likelihood of a Year 2000 Problem complication or failure. However, the pharmacist shall deny a refill



request pursuant to subdivision (a) if, in the pharmacist's professional judgment, it is not in the patient's best interest.

(c) A person who has a prescription filled pursuant to this section shall pay the usual and customary charge of the pharmacy. However, a person who is covered by an insurer or health care service plan who has a prescription filled pursuant to this section shall obtain the refill from a contracted or participating pharmacy if required as a condition of coverage by the insurer or plan and shall pay the pharmacy if required as a condition of coverage by the insurer or plan and shall pay the copayment or coinsurance required by the insurer or plan. In the event that the copayment or coinsurance cannot be confirmed, or the claim cannot be adjudicated at the time of the purchase, the person shall pay the contract price negotiated by the person's insurer or plan, if enrolled, for the prescription, and, if applicable, submit his or her receipt directly to his or her insurer or plan for reimbursement.

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

(e) No person who has a prescription filled pursuant to this section shall be required by any insurer or health care service plan to pay a different deductible, copayment, or cost share other than the deductible, copayment, or cost share required by his or her insurer or health care service plan contract.

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

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

(h) This section shall become inoperative on February 1, 2000, and as of January 1, 2001, is repealed, unless a later enacted statute that is enacted before January 1, 2001, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 7. Section 1798.16 of the Civil Code is amended to read:

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



(b) On or after July 1, 2001, unless otherwise authorized by the Department of Information Technology pursuant to Executive Order D-3-99, whenever an agency electronically collects personal information, as defined by Section 11015.5 of the Government Code, the agency shall retain the source or sources or any intermediate form of the information, if either are created or possessed by the agency, unless the source is the data subject that has requested that the information be discarded or the data subject has received a copy of the source document.

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

SEC. 8. Section 927.2 of the Government Code is amended to read:

927.2. The following definitions apply to this chapter:

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

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

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

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

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

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

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

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

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

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

(f) "Required payment approval date" means the date on which payment is due as specified in a contract or, if a specific date is not



established by the contract, 30 calendar days following the date upon which an undisputed invoice is received by a state agency.

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

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

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

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

- (1) The principal office is located in California.
- (2) The officers, if any, are domiciled in California.
- (3) If a small business, it is independently owned and operated.

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

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

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

SEC. 9. Section 927.5 of the Government Code is amended to read:

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

SEC. 10. Section 6277 is added to the Government Code, to read:

6277. (a) Notwithstanding subdivision (b) of Section 6253, it may be considered impracticable for a state agency to provide an electronic copy of a record if the agency is unable to provide the electronic copy due to the actuality of a Year 2000 Problem or



resulting from the diversion of resources or personnel by the agency, in good faith, to address the Year 2000 Problem.

(b) (1) Subdivision (a) shall apply only to a state agency that is given specific approval by the Department of Information Technology to cite subdivision (a) as a reason for noncompliance with subdivision (b) of Section 6253.

(2) A state agency that does not first request and then subsequently receive specific approval from the Department of Information Technology pursuant to paragraph (1) shall comply with subdivision (b) of Section 6253.

(c) This section shall become inoperative on June 30, 2001, and as of January 1, 2002, is repealed, unless a later enacted statute that is enacted on or before January 1, 2002, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 11. Section 8331 of the Government Code is amended to read:

8331. (a) State agencies shall make available on the Internet, on or after July 1, 2001, unless otherwise authorized by the Department of Information Technology pursuant to Executive Order D-3-99, a plain-language form through which individuals can register complaints or comments relating to the performance of that agency. The agency shall provide instructions on filing the complaint electronically, or on the manner in which to complete and mail the complaint form to the state agency, or both, consistent with whichever method the agency establishes for the filing of complaints.

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

(c) State agencies making a complaint form available on the Internet shall, to the extent feasible:

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

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

(B) That many public libraries provide Internet access.

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

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



- (1) Provide Internet access to their patrons.
- (2) Advertise that they provide Internet access.

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

SEC. 12. Section 8557 of the Government Code is amended to read:

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

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

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

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

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

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

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

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

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

SEC. 13. Section 8558 of the Government Code is amended to read:

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

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

(b) “State of emergency” means the duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, drought, sudden and severe energy shortage, plant or animal infestation or disease, the Governor’s warning of an earthquake or volcanic prediction, or an earthquake,



complications resulting from the Year 2000 Problem, or other conditions, other than conditions resulting from a labor controversy or conditions causing a “state of war emergency,” which, by reason of their magnitude, are or are likely to be beyond the control of the services, personnel, equipment, and facilities of any single county, city and county, or city and require the combined forces of a mutual aid region or regions to combat, or with respect to regulated energy utilities, a sudden and severe energy shortage requires extraordinary measures beyond the authority vested in the California Public Utilities Commission.

(c) “Local emergency” means the duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the territorial limits of a county, city and county, or city, caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, drought, sudden and severe energy shortage, plant or animal infestation or disease, the Governor’s warning of an earthquake or volcanic prediction, or an earthquake, complications resulting from the Year 2000 Problem, or other conditions, other than conditions resulting from a labor controversy, which are or are likely to be beyond the control of the services, personnel, equipment, and facilities of that political subdivision and require the combined forces of other political subdivisions to combat, or with respect to regulated energy utilities, a sudden and severe energy shortage requires extraordinary measures beyond the authority vested in the California Public Utilities Commission.

SEC. 14. Section 8588.8 is added to the Government Code, to read:

8588.8. The Office of Emergency Services shall 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 shall coordinate the notification of the appropriate state and local administering agencies that may be required to respond to those situations as they arise.

SEC. 15. Article 9.8 (commencing with Section 8609) is added to Chapter 7 of Division 1 of Title 2 of the Government Code, to read:

Article 9.8. The Year 2000 Problem and Disaster Preparedness

8609. State agencies granted authority by the Governor, the Business Continuity Task Force, the Emergency Preparedness Task Force, or the Executive Committee established by Executive Order D-3-99 to implement any type of disaster, contingency, or business continuity plan may use volunteer workers. The volunteers shall be deemed disaster service workers for the purpose of workers’ compensation under Chapter 3 (commencing with Section 3600) of Part 1 of Division 4 of the Labor Code.



8609.1. Any disaster preparedness or response official may be specifically identified by name and title in any disaster, contingency, or business continuity plan developed pursuant to Executive Order D-3-99 if such a plan incorporates aspects of any contingency plan previously developed regarding potential oil spills or toxic disasters pursuant to Article 3.5 (commencing with Section 8574.1) and Article 3.7 (commencing with Section 8574.16).

8609.2. (a) The authority for the management of the scene of an on-highway Year 2000 Problem disaster shall be vested in the appropriate law enforcement agency having primary traffic investigative authority on the highway where the incident occurs or in a local fire protection agency, as provided by Section 2454 of the Vehicle Code unless otherwise specified by a disaster, contingency, or business continuity plan developed pursuant to Executive Order D-3-99.

(b) Pursuant to subdivision (a), the Department of the California Highway Patrol shall develop response and on-scene procedures for Year 2000 Problem disasters that occur upon the highways based upon previous studies for these procedures, insofar as the procedures are not inconsistent with the overall plan for initial notification of disasters by public agencies and for after-incident evaluation and reporting.

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

SEC. 16. Section 11006.5 is added to the Government Code, to read:

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

(b) It is the further intent of the Legislature 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.

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

SEC. 17. Section 11015.5 of the Government Code is amended to read:

11015.5. (a) On or after July 1, 2001, unless otherwise authorized by the Department of Information Technology pursuant to Executive Order D-3-99, every state agency, including the California State University, that utilizes any method, device, identifier, or other data base application on the Internet to electronically collect personal information, as defined in subdivision (d), regarding any user shall prominently display the following at least one anticipated



initial point of communication with a potential user, to be determined by each agency, and in instances when the specified information would be collected:

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

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

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

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

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

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

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

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

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



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

(d) For purposes of this section:

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

(2) “User” means an individual who communicates with a state agency or with an agency employee or official electronically.

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

SEC. 18. Section 11018.5 of the Government Code is amended to read:

11018.5. (a) The Department of Real Estate, on or after July 1, 2001, unless otherwise authorized by the Department of Information Technology pursuant to Executive Order D-3-99, shall provide on the Internet information regarding the status of every license issued by that entity in accordance with the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code) and the Information Practices Act of 1977 (Chapter 1 (commencing with Section 1798) of Title 1.8 of Part 4 of Division 3 of the Civil Code), including information relative to suspensions and revocations of licenses issued by that state agency and other related enforcement action taken against persons, businesses, or facilities subject to licensure or regulation by a state agency.

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

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

SEC. 19. Section 12814 is added to the Government Code, to read:



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

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

SEC. 20. Article 12 (commencing with Section 19991.15) is added to Chapter 2.5 of Part 2.6 of Division 5 of Title 2 of the Government Code, to read:

Article 12. Year 2000 Work

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

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

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

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

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

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

SEC. 21. Part 5.5 (commencing with Section 22350) is added to Division 2 of the Public Contract Code, to read:



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

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

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

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

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

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

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

22353. (a) Any public entity may 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, any project, materials, supplies, equipment, services, or real property, as described in Part 2 (commencing with Section 10100).

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

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

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

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

22355. Nothing in this part shall be construed to require any person or contractor to disclose any information that qualifies for protection as a trade secret, as defined in subdivision (d) of Section 3426.1 of the Civil Code.

SEC. 22. Section 311.5 of the Public Utilities Code is amended to read:

311.5. (a) (1) Prior to commencement of any meeting at which commissioners vote on items on the public agenda the commission shall make available to the public copies of the agenda, and upon request, any agenda item documents that are proposed to be



considered by the commission for action or decision at a commission meeting.

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

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

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

(d) On or after July 1, 2001, unless otherwise authorized by the Department of Information Technology pursuant to Executive Order D-3-99, the commission shall publish and maintain all of its rulings on the Internet. The commission shall maintain those rulings at its site until final disposition, including disposition of any judicial appeals, of the respective proceedings in which the rulings were issued.

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

SEC. 23. (a) In addition to the reasons listed in Section 19050.8 of the Government Code, the State Personnel Board may prescribe and apply rules governing the temporary assignment or loan of employees within an agency or between jurisdictions to enable an agency to meet challenges posed by the Year 2000 Problem.

(b) (1) Within 30 days of the effective date of this act, the State Personnel Board shall establish guidelines for a Year 2000 Problem Worker Pool, established by the Department of Personnel Administration pursuant to subdivision (c), to fill the needs of various



appointing powers for temporary help regarding Year 2000 Problem remediation.

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

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

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

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

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

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

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

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

(7) (A) Agencies that are not required to submit feasibility study reports to the Department of Information Technology, and constitutional officers and their employees upon written notification



from the constitutional officer to the Department of Information Technology, shall be exempted, from the requirements listed in subdivisions (a) and (b) and paragraphs (1) to (6), inclusive, of this subdivision.

(B) Exemptions granted pursuant to subparagraph (A) shall prohibit the agency from using any workers in the Year 2000 Worker Pool unless authorized by the Department of Information Technology.

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

SEC. 24. (a) It is the intent of the Legislature that state agencies, in anticipation of the Year 2000 Problem, pay properly submitted, undisputed invoices and automatically calculate claims schedules prior to January 1, 2000.

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

(c) This section shall not compel, nor prohibit disbursement of funds in a tax year in a manner that is not consistent with current practice.

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

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

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

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

SEC. 25. The repeal of 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 shall not affect any employee’s vacation carryover or any other related determinations made under that article prior to its repeal.

SEC. 26. Section 4 of this act, which amends Section 27 of the Business and Professions Code, shall not become operative if Senate Bill 1308 of the 1999–2000 Regular Session is enacted, amends Section



27 of the Business and Professions Code, and becomes effective on or before January 1, 2000.

SEC. 27. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

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

