

**Assembly Bill No. 1103**

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Passed the Assembly June 16, 1999

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*Chief Clerk of the Assembly*

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Passed the Senate June 15, 1999

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*Secretary of the Senate*

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This bill was received by the Governor this \_\_\_\_\_ day  
of \_\_\_\_\_, 1999, at \_\_\_\_\_ o'clock \_\_\_\_M.

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*Private Secretary of the Governor*



## CHAPTER \_\_\_\_\_

An act to amend Section 1586 of the Fish and Game Code, to amend Sections 71.4, 76.8, and 85.2 of the Harbors and Navigation Code, to amend Section 39612 of, and to add Section 25330.6 to, the Health and Safety Code, and to amend Section 5080.23 of, and to add Sections 5006.49 and 5080.28 to, the Public Resources Code, relating to government, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

## LEGISLATIVE COUNSEL'S DIGEST

AB 1103, Lempert. Government.

(1) Existing law establishes the Upper Newport Bay Ecological Reserve Maintenance and Preservation Fund in the State Treasury and appropriates \$200,000 annually from the General Fund to the maintenance and preservation fund for expenditure by the Department of Fish and Game for purposes relating to the maintenance and preservation of the Upper Newport Bay Ecological Reserve.

This bill would provide that the money in that fund is continuously appropriated to the department for purposes related to the maintenance and preservation of the Upper Newport Bay Ecological Reserve.

(2) Existing law authorizes the Department of Boating and Waterways to make loans to cities, counties, and districts for the planning, acquisition, construction, improvement, maintenance, or operation of small craft harbors and facilities in connection with those harbors, and connecting waterways.

This bill would require the department, to the greatest extent possible, to adhere to customary commercial practices to ensure that those loans are adequately secured and that they are repaid consistent with the terms of the loan agreement. The bill would require the department to develop weighing and ranking criteria to qualify and prioritize these public loans. The bill would



prohibit loans from being made from funds appropriated in the Budget Act of 1999 for this purpose until certain requirements have been reviewed and approved by the Department of Finance, as specified.

(3) Existing law authorizes the Department of Boating and Waterways to adopt regulations to implement provisions of law governing the making of loans directly to private recreational marina owners for the development, expansion, and improvement of boating facilities.

This bill would require, rather than authorize, the department to adopt regulations and would require that the regulations include the development of weighing and ranking criteria. The bill would prohibit loans from being made from funds appropriated in the Budget Act of 1999 for this purpose until the loan approval standards have been approved by the Department of Finance.

(4) Under existing law, all money in the Harbors and Watercraft Revolving Fund is required to be available, upon appropriation by the Legislature, for expenditure by the Department of Boating and Waterways and the Department of Parks and Recreation for specified purposes.

This bill would require the money also to be available, upon appropriation by the Legislature, to the State Water Resources Control Board for boating-related water quality regulatory activities.

(5) Existing law, the Carpenter-Presley-Tanner Hazardous Substance Account Act (California Superfund), imposes liability for hazardous substance removal or remedial actions and authorizes the use of funds in the Department of Toxic Substances Control Account in the General Fund, upon appropriation by the Legislature, to pay for, among other things, removal and remedial actions related to the release of hazardous substances. The act also continuously appropriates certain funds received from a settlement agreement that are deposited in a subaccount for removal and remedial actions at a specific site and funds in a subaccount



established by the Controller for site operation and maintenance.

This bill would create the Stringfellow Insurance Proceeds Account in the State Treasury, to be administered by the Director of Toxic Substances Control, and would require the funds recovered in connection with the Stringfellow Superfund Site to be deposited in the account, including any interest earned upon the money deposited in the account. The bill would provide that the funds deposited in the account are available, upon appropriation by the Legislature, for expenditures related to the Stringfellow Superfund Site, pursuant to a specified agreement, and would provide for the expenditure of the recovered funds if the agreement is terminated. The bill would also provide for related matters.

(6) Existing law authorizes the State Air Resources Board to require air pollution control districts or air quality management districts to impose additional permit fees on nonvehicular sources within their jurisdiction, to be expended only for the purposes of recovering the costs of additional state programs related to nonvehicular sources. Under existing law, the state board is required to submit a report to the Legislature, on or before January 1 of each year, concerning those fees. These provisions will become inoperative on July 1, 1999, and will be repealed on January 1, 2000.

This bill, instead, would extend the operation of those provisions indefinitely. The bill would impose a state-mandated local program by continuing the authorization to require districts to impose those fees.

(7) Existing law authorizes the Director of Conservation to establish the California State Mining and Mineral Museum, by making a collection of typical geological and mineralogical specimens, and models, drawings, and descriptions of the mechanical appliances used in mining and metallurgical processes and geology.

This bill would transfer the museum, including all assets, exhibits, and materials from the Department of



Conservation to the Department of Parks and Recreation for ownership and operation, as provided.

(8) Existing law, with respect to concession contracts entered into on or after October 1, 1994, authorizes the Director of Parks and Recreation, if the director determines that it is in the best interests of the state, to award contracts authorizing occupancy of any portion of the state park system for a period of more than 2 years, to the best responsible person or entity submitting a proposal, subject to specified conditions. Existing law, for purposes of those provisions, defines the phrase “best responsible person or entity submitting a proposal” to mean the person or entity submitting a proposal, as determined by specific standards established by the department, that will operate the concession in the best interests of the state and the public.

This bill would specify that the department’s standards for “best responsible person or entity submitting a proposal” require that the person or entity submitting a proposal demonstrate a history of compliance with applicable federal and state labor laws, including laws relating to wages, hours, and working conditions, and the right of employees to organize and participate in collective bargaining.

The bill would provide that, notwithstanding the prescribed bidding process, the department may negotiate an agreement of up to 2 years duration to extend the hotel concession contract in existence on January 1, 1999, for the Columbia State Park.

(9) Prior Budget Acts have authorized the expenditure of funds for the operation and support of the Department of Parks and Recreation, and the California Conservation Corps.

This bill would prescribe procedures for the operation and funding of the department and the corps during the 1999–2000 fiscal year, as specified, and would prescribe related matters.

(10) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions



establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

Appropriation: yes.

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

SECTION 1. Section 1586 of the Fish and Game Code is amended to read:

1586. The Upper Newport Bay Ecological Reserve Maintenance and Preservation Fund is hereby created in the State Treasury. Notwithstanding Section 13340 of the Government Code, the money in the fund is continuously appropriated, without regard to fiscal years, to the department for purposes related to the maintenance and preservation of the Upper Newport Bay Ecological Reserve.

SEC. 2. Section 71.4 of the Harbors and Navigation Code is amended to read:

71.4. (a) The department, subject to the approval of the Legislature in accordance with Section 85.2, may make loans to cities, counties, or districts having power to acquire, construct, and operate small craft harbors, for the planning, acquisition, construction, improvement, maintenance, or operation of small craft harbors and facilities in connection therewith, and connecting waterways, if the department finds that the project is feasible.

(b) The department shall establish, by rules and regulations, policies and standards to be followed in making loans pursuant to this section so as to further the proper development and maintenance of a statewide



system of small craft harbors and connecting waterways. To the greatest extent possible, the department shall adhere to customary commercial practices to ensure that loans made pursuant to this section are adequately secured and that the loans are repaid consistent with the terms of the loan agreement. Any rules and regulations may include policies and standards for restrooms, vessel pumpout facilities, oil recycling facilities, and receptacles for the purpose of separating, reusing, or recycling all solid waste materials.

(c) The department shall develop weighing and ranking criteria to qualify and prioritize the public loans.

(d) Any such loan shall be repaid as provided in Section 70.

(e) Rates to be charged for the use of the boating facilities shall be established by the city, county, or district, subject to the approval of the department, in every loan contract. The department shall concern itself with the rates charged only as prescribed in Section 71.8. The rates set shall be based on a monthly berthing charge.

The department shall monitor these rates to ensure that the berthing charges are reasonable and not exorbitant.

(f) The department shall submit any project for which it recommends any loan be made to the Governor for inclusion in the Budget Bill.

(g) No loans shall be made to cities, counties, or districts pursuant to this article from funds appropriated in the Budget Act of 1999 for the purposes of this section until the practices and criteria described in subdivisions (b) and (c) have been reviewed and approved by the Department of Finance. Any subsequent changes to those practices and criteria shall also be approved by the Department of Finance.

SEC. 3. Section 76.8 of the Harbors and Navigation Code is amended to read:

76.8. The department shall adopt regulations to implement or make this article more specific, including standards for the approval of loans, which shall include, but not be limited to, definitions of collateral, standards



for the payment of loans, weighing and ranking criteria to qualify and prioritize the loans, and the form of documents to be used to evidence loans. The purpose of the regulations shall be to ensure that loans made under this article conform with customary commercial practices. No loans shall be made pursuant to this article from funds appropriated in the Budget Act of 1999 until the loan approval standards have been approved by the Department of Finance. Any subsequent changes to the loan approval standards shall also be approved by the Department of Finance.

SEC. 4. Section 85.2 of the Harbors and Navigation Code is amended to read:

85.2. (a) All money in the Harbors and Watercraft Revolving Fund shall be available, upon appropriation by the Legislature, for expenditure by the department for boating facilities development, boating safety, and boating regulation programs, and for the purposes of Section 656.4, including refunds, and for expenditure for construction of small craft harbor and boating facilities planned, designed, and constructed by the department, as specified in subdivision (c) of Section 50, at sites owned or under the control of the state.

(b) (1) The money in the fund shall also be available, upon appropriation by the Legislature, to the Department of Parks and Recreation for the operation and maintenance of units of the state park system that have boating-related activities. Funds appropriated to the Department of Parks and Recreation may also be used for boating safety and enforcement programs for waters under its jurisdiction.

(2) Notwithstanding Section 7550.5 of the Government Code, the Department of Parks and Recreation shall submit to the Legislature, on or before January 1 of each year, a report describing the allocation and expenditure of funds made available to the Department of Parks and Recreation from the Harbors and Watercraft Revolving Fund and from the Motor Vehicle Fuel Account in the Transportation Tax Fund attributable to taxes imposed on the distribution of motor



vehicle fuel used or usable in propelling vessels during the previous fiscal year. The report shall list the special project or use, project location, amount of money allocated or expended, the source of funds allocated or expended, and the relation of the project or use to boating activities.

(c) The money in the fund shall also be available, upon appropriation by the Legislature, to the State Water Resources Control Board for boating-related water quality regulatory activities.

SEC. 5. Section 25330.6 is added to the Health and Safety Code, to read:

25330.6. (a) The Stringfellow Insurance Proceeds Account is hereby created in the State Treasury and shall be administered by the director. Notwithstanding Sections 25330.4 and 25330.5, all of the following funds shall be deposited in the account:

(1) Any funds recovered in connection with the Stringfellow Superfund Site in Riverside County from insurers who issued liability policies to the state.

(2) Notwithstanding Section 16305.7 of the Government Code, any interest earned upon the money deposited in the account.

(b) The funds deposited in the account are available for expenditure, upon appropriation by the Legislature, for activities related to the Stringfellow Superfund Site to fulfill the terms and conditions set forth in the December 1998 Stringfellow Site Agreement entered into by the state and the participating defendants, as defined in the agreement, to the extent any portion of the agreement remains in force and effect.

(c) If the Stringfellow Site Agreement is terminated, any funds recovered from insurers received after the termination of the agreement shall be available for expenditure, upon appropriation by the Legislature, for activities related to the Stringfellow Superfund Site to fulfill any court order, settlement, or other legal obligation and to pay the cost of all actions taken by the state in response to the release of hazardous substances at the Stringfellow Superfund Site.



(d) Funds in the account appropriated by the Legislature for contract costs for investigation, removal, remedial, or operation and maintenance activities at the Stringfellow Superfund Site are available for encumbrance for three fiscal years, including the fiscal year in which the funds are appropriated, and are available for disbursement in liquidation of encumbrances pursuant to Section 16304.1 of the Government Code.

SEC. 6. Section 39612 of the Health and Safety Code is amended to read:

39612. (a) In addition to funds that may be appropriated by the Legislature to the state board to carry out the additional responsibilities and to undertake necessary technical studies required by this chapter, the state board may require districts to impose additional permit fees on nonvehicular sources within their jurisdiction.

(b) The permit fees imposed pursuant to this section shall be expended only for the purposes of recovering costs of additional state programs related to nonvehicular sources. Priority for expenditure of permit fees collected pursuant to this section shall be given to all of the following activities:

(1) Identifying air quality-related indicators that may be used to measure or estimate progress in the attainment of state ambient air standards pursuant to subdivision (f) of Section 39607.

(2) Establishing a uniform methodology for assessing population exposure to air pollutants pursuant to subdivision (g) of Section 39607.

(3) Updating the emission inventory pursuant to Section 39607.3, including emissions that cause or contribute to the nonattainment of federal ambient air standards.

(4) Identifying, assessing, and establishing the mitigation requirements for the effects of interbasin transport of air pollutants pursuant to Section 39610.

(5) Updating the state board's guidance to districts on ranking control measures for stationary sources based



upon the cost effectiveness of those measures in reducing air pollution.

(c) The permit fees imposed pursuant to this section shall be collected from nonvehicular sources that are authorized by district permits to emit 500 tons or more per year of any nonattainment pollutant or its precursors.

(d) The permit fees collected by a district pursuant to this section, after deducting the administrative costs to the district of collecting the fees, shall be transmitted to the Controller for deposit in the Air Pollution Control Fund.

(e) The total amount of funds collected by fees imposed pursuant to this section, exclusive of district administrative costs, shall not exceed three million dollars (\$3,000,000) in any fiscal year.

(f) On or before January 1 of each year, the state board shall report to the Governor and the Legislature on the expenditure of permit fees collected pursuant to this section. The report shall include a report on the status of implementation of the programs prioritized for funding pursuant to subdivision (b).

SEC. 7. Section 5006.49 is added to the Public Resources Code, to read:

5006.49. Notwithstanding any other provision of law, the California State Mining and Mineral Museum located in the City of Mariposa, including all assets, exhibits, and materials, shall be transferred from the Department of Conservation to the Department of Parks and Recreation for ownership and operation in accordance with the Department of Parks and Recreation's rules, regulations, and guidelines regarding ownership of state parks. All proceeds from the operation of the museum shall accrue to the Department of Parks and Recreation.

SEC. 8. Section 5080.23 of the Public Resources Code is amended to read:

5080.23. (a) Notwithstanding any other provision of this article, with respect to concession contracts entered into on and after October 1, 1994, if the director determines that it is in the best interests of the state, the director may, upon giving notice to the State Parks and



Recreation Commission, in lieu of the process for awarding contracts otherwise prescribed in this article, award contracts authorizing occupancy of any portion of the state park system for a period of more than two years to the best responsible person or entity submitting a proposal for a concession contract.

(b) For any concession contract authorizing occupancy by the concessionaire for a period of more than two years of any portion of the state park system that is entered into pursuant to this section, the department shall prepare a request for proposal, which shall include the terms and conditions of the concession sufficient to enable a person or entity to submit a proposal for the operation of the concession on the basis of the best benefit to the state. Proposals shall be completed only on the basis of the request for proposal.

(c) Any concession contract entered into pursuant to this section that is expected to involve a total investment or gross sales in excess of five hundred thousand dollars (\$500,000) shall comply with the requirements for entry into contract that are set forth in Section 5080.20.

(d) For purposes of this section, “best responsible person or entity submitting a proposal” means the person or entity submitting a proposal, as determined by specific standards established by the department, that will operate the concession in the best interests of the state and the public. The department’s standards for “best responsible person or entity submitting a proposal” shall require the person or entity submitting a proposal to demonstrate a history of compliance with applicable federal or state labor laws, including, but not limited to, laws relating to wages, hours, and working conditions, and the right of employees to organize and participate in collective bargaining.

SEC. 9. Section 5080.28 is added to the Public Resources Code, to read:

5080.28. Notwithstanding any other provision of law, the department may negotiate an agreement of up to two years duration to extend the hotel concession contract in existence on January 1, 1999, for the Columbia State Park.



Upon termination of the extension agreement, the concession shall be put out to bid in accordance with the bidding requirements of this article.

SEC. 10. (a) Notwithstanding any other provision of law, the Department of Parks and Recreation may do either of the following:

(1) Exercise the same authority granted to the Division of the State Architect and the Real Estate Services Division in the Department of General Services to acquire, plan, design, construct, and administer contracts and professional services.

(2) Permit the Prison Industry Authority (PIA) to participate as a competitive bidder rather than as the sole source with regard to contracts and services.

(b) Notwithstanding any other provision of law, the Director of Parks and Recreation, or the director's designee, in lieu of the Director of Finance, may carry out subdivisions (b), (c), and (d) of Section 31.00 of the Budget Act of 1999.

(c) Notwithstanding subdivision (a) of Section 948 and Section 965 of the Government Code, the Director of Parks and Recreation, or the director's designee, in lieu of the Director of Finance, may certify funds for payment of all legal settlements, Board of Control claims, judgments, and tort claims for which the Department of Parks and Recreation already has sufficient expenditure authority and funds without the need for an augmentation.

(d) Notwithstanding Section 11032 of the Government Code, the Director of Parks and Recreation, or the director's designee, may authorize its officers and employees to travel outside the state or county without approval by any other agency, and the funds appropriated to the Department of Parks and Recreation by the Budget Act of 1999 may be used for this purpose.

(e) (1) Notwithstanding Sections 8647, 11005, and 11005.1 of the Government Code and Section 5079.12 of the Public Resources Code, the Department of Parks and Recreation may accept gifts and donations of personal and real property without approval by the Director of



Finance. The Department of Parks and Recreation shall bear any costs associated with the acceptance of those gifts and donations, and the funds appropriated to the department by the Budget Act of 1999 may be used for this purpose. The Department of Parks and Recreation may not certify the value of any gift or donation of real property without its own appraisal. Upon receipt of any gift or donation of real property, the Department of Parks and Recreation shall certify to the Department of Finance, in writing, all of the following:

(A) The gift or donated property will have minimal impact on the department's operation and maintenance costs and the department will absorb the costs within its existing budget.

(B) The gift or donated property is adjacent to an existing park.

(C) The gift or donated property promotes park purposes.

(D) The gift or donated property has no indications or history of environmental hazards or contamination.

(E) There are no lawsuits pending concerning the property and clear title is a condition of the gift or donation acceptance.

(F) The gift or donated property has an estimated value of less than five hundred thousand dollars (\$500,000).

(G) There are no provisions that will restrict the department from divesting title to the gift or donated property.

(H) There are no structures on the gift or donated property or that any structures on the property will be razed.

(2) If any of the real property gift or donation criteria specified in paragraph (1) are not met, the Department of Parks and Recreation shall submit the real property gift or donation to the Department of Finance for approval. Any gifts and donations that will require future budget change proposals shall be submitted to the Department of Finance for approval.



(3) The Department of Finance shall continue to approve projects pursuant to Section 5079.12 of the Public Resources Code.

(f) Notwithstanding Section 12439 of the Government Code, the Department of Parks and Recreation is exempt from the provisions that abolish, effective July 1, any positions that are vacant continuously during the period between October 1 and June 30 of the preceding fiscal year.

(g) Notwithstanding any other provision of law, the Director of Parks and Recreation, or the director's designee, in lieu of the Director of Finance, may approve Budget Revision, Standard Form 26.

(h) The Director of Parks and Recreation, or the director's designee, in lieu of the Director of Finance, may carry out Section 16304.1 of the Government Code as it relates to the reversion of undisbursed balances and payment of unpaid encumbrances of the Department of Parks and Recreation.

(i) Notwithstanding any other provision of law, the Director of Parks and Recreation, or the director's designee, in lieu of the Director of Finance, may approve Department of General Services' Form 22's, Form 220's and the Return of Funds Documents, provided that the Department of Parks and Recreation has the following approved forms for the related phase or activity—DF14D or DPR18 (Capital Outlay) or DPR11 (Support)—or the support project has been included in the annual deferred maintenance plan.

(j) Notwithstanding any other provision of law, the Director of Parks and Recreation may prepay vendors for noncapital outlay expenditures if it is cost beneficial to the Department of Parks and Recreation. In the event the Department of Parks and Recreation incurs any losses due to the prepayment of vendors, the department shall report losses to the Joint Legislative Budget Committee, to the appropriate fiscal committees of the Legislature, and to the Department of Finance.

SEC. 11. (a) Notwithstanding Section 11032 of the Government Code, the California Conservation Corps



may authorize its officers and employees to travel outside the state without approval by any other agency, and the funds appropriated to the corps by the Budget Act of 1999 may be used for this purpose.

(b) Notwithstanding any other provision of law, the Director of the California Conservation Corps, or the director's designee, in lieu of the Director of Finance, may carry out subdivisions (b), (c), and (d) of Section 31.00 of the Budget Act of 1999. The California Conservation Corps shall report to the Department of Finance and the Legislature on a quarterly basis regarding actions taken pursuant to this authority.

(c) Notwithstanding Sections 8647, 11005, and 11005.1 of the Government Code, the California Conservation Corps may accept gifts and donations of personal property without approval by the Director of Finance. The California Conservation Corps shall bear any costs associated with the acceptance of those gifts and donations, and the funds appropriated to the corps by the Budget Act of 1999 may be used for this purpose.

(d) Notwithstanding Section 19080.3 of the Government Code, the California Conservation Corps may make limited-term appointments, not exceeding a period of four years for any appointment, without the review or approval of the State Personnel Board, and the funds appropriated to the corps by the Budget Act of 1999 may be used for this purpose.

(e) Notwithstanding Section 2807 of the Penal Code, the California Conservation Corps may procure corpsmember-related goods and services from the private sector, and the funds appropriated to the corps by the Budget Act of 1999 may be used for this purpose. Notwithstanding this grant of authority, the California Conservation Corps shall contract with the Prison Industry Authority for this purpose if the latter is able to meet the cost, quality, and time requirements established by the California Conservation Corps for the goods or services.

(f) Notwithstanding Sections 13332.06 and 14669 of the Government Code, and Chapter 6 (commencing with



Section 14825) and Chapter 6.5 (commencing with Section 14835) of Part 5.5 of Division 3 of Title 2 of the Government Code, and Chapter 1 (commencing with Section 10100), Chapter 2 (commencing with Section 10290), and Chapter 3 (commencing with Section 12100) of Part 2 of Division 2 of the Public Contract Code, the California Conservation Corps may execute contracts, procure all goods and services, including any fleet needs within 60 days or less, and negotiate all lease agreements for office, warehouse, and other appropriate facilities without review or approval by the Department of General Services and pursuant to methods and procedures other than those set forth in the State Administrative Manual, and funds appropriated to the corps by the Budget Act of 1999 may be used for this purpose. The authority with regard to lease agreements set forth in this provision does not alter the authority or responsibilities of the Department of General Services concerning the consolidation of offices in the Sacramento Metropolitan Area or the consolidation plans for other metropolitan areas.

(g) Notwithstanding Sections 14931 and 14931.1 of the Government Code, and Part 6.5 (commencing with Section 15250) of Division 3 of Title 2 of the Government Code, the California Conservation Corps may purchase electronic data processing and telecommunications goods and services, not exceeding one million dollars (\$1,000,000) for any one procurement, without the requirement of review or approval by the Department of General Services and pursuant to methods and procedures other than those set forth in the State Administrative Manual, and the funds appropriated to the corps by the Budget Act of 1999 may be used for this purpose. The California Conservation Corps shall continue to use the Department of General Services CALNET, except that if the department is unable to provide the information and maintenance required for the California Conservation Corps' statewide data base network on a cost-competitive and timely basis, the California Conservation Corps shall be exempt from any



restrictions relating to CALNET that are imposed by the Office of Telecommunications of the Department of General Services.

(h) Notwithstanding any other provision of law, the Director of the California Conservation Corps may prepay vendors for noncapital outlay expenditures if it is cost beneficial to the corps. In the event that the California Conservation Corps incurs any losses due to the prepayment of vendors, the corps shall report those losses to the Joint Legislative Budget Committee, to the appropriate fiscal committees of the Legislature, and to the Department of Finance.

(i) Notwithstanding subdivision (a) of Section 948 and Section 965 of the Government Code, the Director of the California Conservation Corps, or the director's designee, in lieu of the Director of Finance, may certify funds for payment of all legal settlements, State Board of Control claims, judgments, and tort claims for which the California Conservation Corps already has sufficient expenditure authority and funds without the need for an augmentation.

(j) Notwithstanding any other provision of law, the Director of the California Conservation Corps, or the director's designee, in lieu of the Director of Finance, is authorized to approve Budget Revision, Standard Form 26.

(k) Notwithstanding Section 12439 of the Government Code, the California Conservation Corps is exempt from the provisions that abolish, effective July 1, any positions that were vacant continuously during the period between October 1 and June 30 of the preceding year.

SEC. 12. Section 10 of this act shall become inoperative on June 30, 2000, and as of January 1, 2001, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2001, deletes or extends the dates on which that section becomes inoperative and is repealed.

SEC. 13. Section 11 of this act shall become inoperative on June 30, 2000, and as of January 1, 2001, is repealed, unless a later enacted statute, that becomes



operative on or before January 1, 2001, deletes or extends the dates on which that section becomes inoperative and is repealed.

SEC. 14. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

SEC. 15. 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 make statutory changes necessary to implement the Budget Act of 1999 as soon as possible, it is necessary that this act take effect immediately.



Approved \_\_\_\_\_, 1999

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*Governor*

