

AMENDED IN ASSEMBLY APRIL 2, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1266

Introduced by Assembly Member Huber

February 27, 2009

An act to amend Section 11545 of the Government Code, relating to the office of the State Chief Information Officer. An act to amend Sections 8592.1, 8592.5, 8592.7, 11532, 11534, 11535, 11537, 11539, 11540, 11541, 11541.5, 11542, 11543, 11544, 11545, 11546.5, 11549, 11549.1, 11549.3, 11549.5, 12804, 14995, 15251, 15253, 15254, 15275, 15277, 53108.5, 53113, 53114, 53114.1, 53114.2, 53115, 53115.1, 53115.2, 53115.3, 53116, 53119, 53120, 53126.5, and 53127 of, to amend the headings of Article 2 (commencing with Section 11534) and Article 3 (commencing with Section 11544) of Chapter 5.5 of Part 1 of Division 3 of Title 2 of, to amend the heading of Chapter 5.7 (commencing with Section 11549) of Part 1 of Division 3 of Title 2 of, to amend and renumber Section 11549.6 of, to add Sections 11549.7 and 11549.8 to, to add the headings of Article 1 (commencing with Section 11549) and Article 2 (commencing with Section 11549.5) to Chapter 5.7 of Part 1 of Division 3 of Title 2 of, and to repeal Section 11549.2 of, the Government Code, to amend Sections 12100.7, 12101, 12103, 12104, 12105, 12120, and 12121 of the Public Contract Code, to amend Sections 41030, 41031, 41032, 41136, 41136.1, 41137, 41137.1, 41138, 41139, 41140, 41141, and 41142 of the Revenue and Taxation Code, and to amend Section 16501.7 of the Welfare and Institutions Code, relating to state government information technology.

LEGISLATIVE COUNSEL'S DIGEST

AB 1266, as amended, Huber. ~~Office of the State Chief Information Officer. State government information technology.~~

(1) Existing law creates the office of the State Chief Information Officer, within the Governor's cabinet, with a State Chief Information Officer having specified duties in creating and managing the technology policy of the state. Existing law also creates the Division of Telecommunications within the Department of General Services, and requires the Telecommunications Division to perform numerous duties with regard to public safety, and emergency and nonemergency communications policies and facilities.

This bill would transfer all the duties, functions, employees, property, and related funding of the Division of Telecommunications to the office of the State Chief Information Officer.

(2) Existing law establishes the Department of Technology Services within the State and Consumer Services Agency, specifies the duties of the department's director, and establishes the Department of Technology Services Revolving Fund within the State Treasury.

This bill would rename and transfer the Department of Technology Services to the Office of Technology Services within the office of the State Chief Information Officer, rename the Department of Technology Services Revolving Fund the Technology Services Revolving Fund, and make conforming changes.

(3) Existing law establishes the Office of Information Security and Privacy Protection in the State and Consumer Services Agency and the Office of Privacy Protection within the Office of Information Security and Privacy Protection with duties to ensure the confidentiality, integrity, and availability of state systems and applications, and to promote and protect consumer privacy.

This bill would eliminate the Office of Information Security and Privacy Protection, and instead create the Office of Information Security within the office of the State Chief Information Officer, and the Office of Privacy Protection within the State and Consumer Services Agency, with a division of the duties, personnel, property, and funding of the Office of Information Security and Privacy Protection between the 2 offices.

(4) Existing law authorizes the Department of Finance, the Department of General Services, and the Department of Information

Technology to create certain policies for the state's procurement of information technology.

This bill would transfer certain of those duties to the office of the State Chief Information Officer.

~~Existing law creates the office of the State Chief Information Officer in state government, which is responsible for the approval and oversight of certain information technology projects.~~

~~This bill would make technical, nonsubstantive changes to these provisions.~~

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

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

1 *SECTION 1. Section 8592.1 of the Government Code is*
2 *amended to read:*

3 8592.1. For purposes of this article, the following terms have
4 the following meanings:

5 (a) "Backward compatibility" means that the equipment is able
6 to function with older, existing equipment.

7 (b) "Committee" means the Public Safety Radio Strategic
8 Planning Committee, ~~which~~ *that* was established in December
9 1994 in recognition of the need to improve existing public radio
10 systems and to develop interoperability among public safety
11 departments and between state public safety departments and local
12 or federal entities, and ~~which~~ *that* consists of representatives of
13 the following state entities:

14 (1) ~~The Office of Emergency Services~~ *California Emergency*
15 *Management Agency*, who shall serve as chairperson.

16 (2) The Department of the California Highway Patrol.

17 (3) The Department of Transportation.

18 (4) The Department of Corrections and Rehabilitation.

19 (5) The Department of Parks and Recreation.

20 (6) The Department of Fish and Game.

21 (7) The Department of Forestry and Fire Protection.

22 (8) The Department of Justice.

23 (9) The Department of Water Resources.

24 (10) The State Department of Public Health.

25 (11) The Emergency Medical Services Authority.

1 ~~(12) The Department of General Services office of the State~~
2 ~~Chief Information Officer.~~

3 ~~(13) The Office of Homeland Security.~~

4 ~~(14)~~

5 ~~(13) The Military Department.~~

6 ~~(15)~~

7 ~~(14) The Department of Finance.~~

8 (c) “First response agencies” means public agencies that, in the
9 early states of an incident, are responsible for, among other things,
10 the protection and preservation of life, property, evidence, and the
11 environment, including, but not limited to, state fire agencies, state
12 and local emergency medical services agencies, local sheriffs’
13 departments, municipal police departments, county and city fire
14 departments, and police and fire protection districts.

15 (d) “Nonproprietary equipment or systems” means equipment
16 or systems that are able to function with another manufacturer’s
17 equipment or system regardless of type or design.

18 (e) “Open architecture” means a system that can accommodate
19 equipment from various vendors because it is not a proprietary
20 system.

21 (f) “Public safety radio subscriber” means the ultimate end user.
22 Subscribers include individuals or organizations, including, for
23 example, local police departments, fire departments, and other
24 operators of a public safety radio system. Typical subscriber
25 equipment includes end instruments, including mobile radios,
26 hand-held radios, mobile repeaters, fixed repeaters, transmitters,
27 or receivers that are interconnected to utilize assigned public safety
28 communications frequencies.

29 (g) “Public safety spectrum” means the spectrum allocated by
30 the Federal Communications Commission for operation of
31 interoperable and general use radio communication systems for
32 public safety purposes within the state.

33 SEC. 2. *Section 8592.5 of the Government Code is amended*
34 *to read:*

35 8592.5. (a) Except as provided in subdivision (c), a state
36 department that purchases public safety radio communication
37 equipment shall ensure that the equipment purchased complies
38 with applicable provisions of the following:

39 (1) The common system standards for digital public safety radio
40 communications commonly referred to as the “Project 25

Standard,” as that standard may be amended, revised, or added to in the future jointly by the Associated Public–Safety Communications Officials, Inc., National Association of State Telecommunications Directors and agencies of the federal government, commonly referred to as “APCO/NASTD/FED.”

(2) The operational and functional requirements delineated in the Statement of Requirements for Public Safety Wireless Communications and Interoperability developed by the SAFECOM Program under the United States Department of Homeland Security.

(b) Except as provided in subdivision (c), a local first response agency that purchases public safety radio communication equipment, in whole or in part, with state funds or federal funds administered by the state, shall ensure that the equipment purchased complies with paragraphs (1) and (2) of subdivision (a).

(c) Subdivision (a) or (b) shall not apply to either of the following:

(1) Purchases of equipment to operate with existing state or local communications systems where the latest applicable standard will not be compatible, as verified by the ~~Telecommunications Division of the Department of General Services~~ *office of the State Chief Information Officer*.

(2) Purchases of equipment for existing statewide low-band public safety communications systems.

(d) This section may not be construed to require an affected state or local governmental agency to compromise its immediate mission or ability to function and carry out its existing responsibilities.

SEC. 3. Section 8592.7 of the Government Code is amended to read:

8592.7. (a) A budget proposal submitted by a state agency for support of a new or modified radio system shall be accompanied by a technical project plan that includes all of the following:

- (1) The scope of the project.
- (2) Alternatives considered.
- (3) Justification for the proposed solution.
- (4) A project implementation plan.
- (5) A proposed timeline.
- (6) Estimated costs by fiscal year.

(b) The committee shall review the plans submitted pursuant to subdivision (a) for consistency with the statewide integrated public safety communication strategic plan included in the annual report required pursuant to Section 8592.6.

~~(c) The Telecommunications Division of the Department of General Services~~ *office of the State Chief Information Officer* shall review the plans submitted pursuant to subdivision (a) for consistency with the technical requirements of the statewide integrated public safety communication strategic plan included in the annual report required pursuant to Section 8592.6.

SEC. 4. Section 11532 of the Government Code is amended to read:

11532. For purposes of this chapter, the following terms shall have the following meanings, unless the context requires otherwise:

(a) “Board member” means a member of the Technology Services Board.

~~(b) “Department” means the Department of Technology Services established by this chapter.~~

~~(c)~~

(b) “Board” means the Technology Services Board created pursuant to Section 11535.

~~(d)~~

(c) “Director” means the Director of *the Office of Technology Services*.

~~(e)~~

(d) “Technology” includes, but is not limited to, all electronic technology systems and services, automated information handling, system design and analysis, conversion of data, computer programming, information storage and retrieval, and business telecommunications systems and services.

~~(f)~~

(e) “Business telecommunications systems and services” includes, but is not limited to, wireless or wired systems for transport of voice, video, and data communications, network systems, requisite facilities, equipment, system controls, simulation, electronic commerce, and all related interactions between people and machines. Public safety communications are excluded from this definition.

~~(g)~~

(f) “Public agencies” include, but are not limited to, all state and local governmental agencies in the state, including cities, counties, other political subdivisions of the state, state departments, agencies, boards, and commissions, and departments, agencies, boards, and commissions of other states and federal agencies.

SEC. 5. *The heading of Article 2 (commencing with Section 11534) of Chapter 5.5 of Part 1 of Division 3 of Title 2 of the Government Code is amended to read:*

Article 2. ~~Department~~ Office of Technology Services

SEC. 6. *Section 11534 of the Government Code is amended to read:*

11534. (a) There is in state government, in the ~~State and Consumer Services Agency~~ office of the State Chief Information Officer, the Department Office of Technology Services.

(b) The purpose of this article is to establish a general purpose technology services provider to serve the common technology needs of executive branch entities with accountability to customers for providing secure services that are responsive to client needs at a cost representing best value to the state.

(c) The purpose of this chapter is to improve and coordinate the use of technology and to coordinate and cooperate with all public agencies in the state in order to eliminate duplications and to bring about economies that could not otherwise be obtained.

(d) *Unless the context clearly requires otherwise, whenever the term “Department of Technology Services” appears in any statute, regulation, or contract, it shall be deemed to refer to the Office of Technology Services, and whenever the term “Director of Technology Services” appears in statute, regulation, or contract, it shall be deemed to refer to the State Chief Information Officer.*

(e) *Unless the context clearly requires otherwise, the Office of Technology Services and the State Chief Information Officer succeed to and are vested with all the duties, powers, purposes, responsibilities, and jurisdiction vested in the former Department of Technology Services and the former Director of Technology Services, respectively.*

(f) *All employees serving in state civil service, other than temporary employees, who are engaged in the performance of functions transferred to the Office of Technology Services, are*

1 transferred to the Office of Technology Services. The status,
2 positions, and rights of those persons shall not be affected by their
3 transfer and shall continue to be retained by them pursuant to the
4 State Civil Service Act (Part 2 (commencing with Section 18500)
5 of Division 5), except as to positions the duties of which are vested
6 in a position exempt from civil service. The personnel records of
7 all transferred employees shall be transferred to the Office of
8 Technology Services.

9 (g) The property of any office, agency, or department related
10 to functions transferred to the Office of Technology Services is
11 transferred to the Office of Technology Services. If any doubt arises
12 as to where that property is transferred, the Department of General
13 Services shall determine where the property is transferred.

14 (h) All unexpended balances of appropriations and other funds
15 available for use in connection with any function or the
16 administration of any law transferred to the Office of Technology
17 Services shall be transferred to the Office of Technology Services
18 for the use and for the purpose for which the appropriation was
19 originally made or the funds were originally available. If there is
20 any doubt as to where those balances and funds are transferred,
21 the Department of Finance shall determine where the balances
22 and funds are transferred.

23 SEC. 7. Section 11535 of the Government Code is amended to
24 read:

25 11535. (a) There is, in the ~~department~~ Office of Technology
26 Services, the Technology Services Board.

27 (b) The board shall consist of 13 members, as follows:

28 (1) ~~The Governor's designee, who~~ State Chief Information
29 Officer, who shall serve as the chair of the board.

30 (2) The Director of Finance, who shall serve as vice chair of
31 the board.

32 (3) The Controller.

33 (4) ~~The Secretaries~~ Secretary of Food and Agriculture, the
34 Secretary of Business, Transportation and Housing ~~Agency~~, the
35 Secretary of Corrections and Rehabilitation, the Secretary for
36 Environmental Protection ~~Agency~~, the Secretary of California
37 Health and Human Services ~~Agency~~, the Secretary of Labor and
38 Workforce Development ~~Agency~~, the Secretary of Natural
39 Resources ~~Agency~~, the Secretary of State and Consumer Services

1 Agency, and the Department Secretary of Veterans Affairs, and
2 the Youth and Adult Correctional Agency.

3 (5) The ~~Director~~ Secretary of the ~~Office of~~ California
4 Emergency Services Management.

5 SEC. 8. Section 11537 of the Government Code is amended to
6 read:

7 11537. (a) The ~~board~~ State Chief Information Officer shall
8 engage an independent firm of certified public accountants to
9 conduct an annual financial audit of all accounts and transactions
10 of the ~~department~~ Office of Technology Services. The audit shall
11 be conducted in accordance with generally accepted government
12 auditing standards. The audited financial statements shall be
13 presented to the board, the Governor, and the Legislature not more
14 than 120 days after the close of the fiscal year.

15 (b) The ~~board~~ State Chief Information Officer may arrange for
16 other audits as are necessary or prudent to ensure proper oversight
17 and management of the ~~department~~ Office of Technology Services.

18 SEC. 9. Section 11539 of the Government Code is amended to
19 read:

20 11539. The director shall be responsible for managing the
21 affairs of the ~~department~~ Office of Technology Services and shall
22 perform all duties, exercise all powers and jurisdiction, and assume
23 and discharge all responsibilities necessary to carry out the
24 purposes of this chapter. The ~~director~~ Office of Technology Services
25 shall employ professional, clerical, technical, and administrative
26 personnel as necessary to carry out this chapter.

27 SEC. 10. Section 11540 of the Government Code is amended
28 to read:

29 11540. (a) The director shall propose for board consideration
30 and approval an annual budget for ~~departmental~~ the Office of
31 Technology Services' operations. ~~As part of the annual budget~~
32 ~~development, the department shall determine the impact of any~~
33 ~~rebates, abatements, or rate reductions resulting from excess reserve~~
34 ~~funds. At least 60 days before submitting the proposed budget to~~
35 ~~the board, the director shall submit the proposed budget to the~~
36 ~~Department of Finance. Submittal of the budget to the Department~~
37 ~~of Finance shall be in a format and timeframe determined by the~~
38 ~~Department of Finance. The Department of Finance shall prepare~~
39 ~~a report to the board evaluating the reasonableness of the proposed~~

1 budget and any significant impact the department's budget is likely
2 to have upon the budgets of other departments.

3 (b) The ~~director State Chief Information Officer~~ shall propose
4 for board consideration rates for ~~department Office of Technology~~
5 *Services*' services based on a formal rate methodology approved
6 by the board. At least 60 days before submitting proposed rates to
7 the board, the ~~director State Chief Information Officer~~ shall submit
8 the proposed rates to the Department of Finance. Submittal of the
9 rates to the Department of Finance shall be in a format and
10 timeframe determined by the Department of Finance. The
11 Department of Finance shall prepare a report ~~to~~ *for* the board
12 evaluating the reasonableness of the proposed rates and any
13 significant impact the ~~department's Office of Technology Services~~'
14 rates are likely to have upon the budgets of other departments.

15 (c) It is the intent of the Legislature that this section supersede
16 Section 11540 of the Government Code, as added by Section 1 of
17 the Governor's Reorganization Plan No. 2, effective July 9, 2005.

18 *SEC. 11. Section 11541 of the Government Code is amended*
19 *to read:*

20 11541. (a) The ~~department Office of Technology Services~~ may
21 acquire, install, equip, maintain, and operate new or existing
22 business telecommunications systems and services. Acquisitions
23 for information technology goods and services shall be made
24 pursuant to Chapter 3 (commencing with Section 12100) of Part
25 2 of Division 2 of the Public Contract Code. To accomplish that
26 purpose, ~~it the Office of Technology Services~~ may enter into
27 contracts, obtain licenses, acquire *personal* property, install
28 necessary equipment and facilities, and do other acts that will
29 provide adequate and efficient business telecommunications
30 systems and services. Any system established shall be made
31 available to all public agencies in the state on terms that may be
32 agreed upon by the agency and the ~~department Office of Technology~~
33 *Services*.

34 (b) With respect to business telecommunications systems and
35 services, the ~~department Office of Technology Services~~ may do all
36 of the following:

37 (1) Provide representation of public agencies before the Federal
38 Communications Commission in matters affecting the state and
39 other public agencies regarding business telecommunications
40 systems and services issues.

1 (2) Provide, upon request, advice to public agencies concerning
2 existing or proposed business telecommunications systems and
3 services between any and all public agencies.

4 (3) Recommend to public agencies rules, regulations,
5 procedures, and methods of operation that it deems necessary to
6 effectuate the most efficient and economical use of business
7 telecommunications systems and services within the state.

8 (4) Carry out the policies of this chapter.

9 (c) ~~The department~~ *Office of Technology Services* has
10 responsibilities with respect to business telecommunications
11 systems, services, policy, and planning, which include, but are not
12 limited to, all of the following:

13 (1) Assessing the overall long-range business
14 telecommunications needs and requirements of the state
15 considering both routine and emergency operations for business
16 telecommunications systems and services, performance, cost,
17 state-of-the-art technology, multiuser availability, security,
18 reliability, and other factors deemed to be important to state needs
19 and requirements.

20 (2) Developing strategic and tactical policies and plans for
21 business telecommunications with consideration for the systems
22 and requirements of public agencies.

23 (3) Recommending industry standards, service level agreements,
24 and solutions regarding business telecommunications systems and
25 services to assure multiuser availability and compatibility.

26 (4) Providing advice and assistance in the selection of business
27 telecommunications equipment to ensure all of the following:

28 (A) Ensuring that the business telecommunications needs of
29 state agencies are met.

30 (B) Ensuring that procurement is compatible throughout state
31 agencies and is consistent with the state's strategic and tactical
32 plans for telecommunications.

33 (C) Ensuring that procurement is designed to leverage the buying
34 power of the state and encourage economies of scale.

35 (5) Providing management oversight of statewide business
36 telecommunications systems and services developments.

37 (6) Providing for coordination of, and comment on, plans and
38 policies and operational requirements from departments that utilize
39 business telecommunications systems and services as determined
40 by the ~~department~~ *Office of Technology Services*.

(7) Monitoring and participating, on behalf of the state, in the proceedings of federal and state regulatory agencies and in congressional and state legislative deliberations that have an impact on state governmental business telecommunications activities.

(d) The ~~department~~ *Office of Technology Services* shall develop and describe statewide policy on the use of business telecommunications systems and services by state agencies. In the development of that policy, the ~~department~~ *Office of Technology Services* shall ~~assure~~ *ensure* that access to state business information and services is improved, and that the policy is cost effective for the state and its residents. The ~~department~~ *Office of Technology Services* shall develop guidelines that do all of the following:

(1) Describe what types of state business information and services may be accessed using business telecommunications systems and services.

(2) Characterize the conditions under which a state agency may utilize business telecommunications systems and services.

(3) Characterize the conditions under which a state agency may charge for information and services.

(4) Specify pricing policies.

(5) Provide other guidance as may be appropriate at the discretion of the ~~department~~ *Office of Technology Services*.

(e) It is the intent of the Legislature that this section supersede Section 11541 of the Government Code, as added by Section 1 of the Governor's Reorganization Plan No. 2, effective July 9, 2005.

SEC. 12. Section 11541.5 of the Government Code is amended to read:

11541.5. (a) The ~~Department~~ *Office of Technology Services* shall create a link to state agency Web sites at the State of California Internet portal specifically for the use of small businesses, designed to assist entrepreneurs and small business owners in accessing information regarding startup requirements and regulatory compliance applicable to the particular business.

(b) For purposes of this section, "small business" has the same meaning as set forth in Section 14837.

SEC. 13. Section 11542 of the Government Code is amended to read:

11542. (a) (1) The Stephen P. Teale Data Center and the California Health and Human Services Agency Data Center are

consolidated within, and their functions are transferred to, the department *Office of Technology Services*.

(b) ~~The business telecommunications systems and services functions of the Telecommunications Division of the Department of General Services are transferred to the department.~~

(c)

(2) Except as expressly provided otherwise in this chapter, the department *Office of Technology Services* is the successor to, and is vested with, all of the duties, powers, purposes, responsibilities, and jurisdiction of the Stephen P. Teale Data Center, *and* the California Health and Human Services Agency Data Center, ~~and the business telecommunications systems and services functions of the Telecommunications Division of the Department of General Services~~. Any reference in statutes, regulations, or contracts to those entities with respect to the transferred functions shall be construed to refer to the ~~Department~~ *Office of Technology Services* unless the context clearly requires otherwise.

(d)

(3) No contract, lease, license, or any other agreement to which *either* the Stephen P. Teale Data Center; *or* the California Health and Human Services Agency Data Center, ~~or the Telecommunications Division of the Department of General Services~~, with respect to the ~~business telecommunications systems and services functions~~, is a party, shall be void or voidable by reason of this chapter, but shall continue in full force and effect, with the ~~department~~ *Office of Technology Services* assuming all of the rights, obligations, and duties of the Stephen P. Teale Data Center; *or* the California Health and Human Services Agency Data Center; ~~or the Telecommunications Division of the Department of General Services~~, respectively.

(e)

(4) Notwithstanding subdivision (e) of Section 11793 and subdivision (e) of Section 11797, on and after the effective date of this chapter, the balance of any funds available for expenditure by the Stephen P. Teale Data Center; *and* the California Health and Human Services Agency Data Center, ~~and the Telecommunications Division of the Department of General Services~~, with respect to business telecommunications systems and services functions in carrying out any functions transferred to the ~~department~~ *Office of Technology Services* by this chapter, shall

1 be transferred to the ~~Department of Technology Services~~ Revolving
2 Fund created by Section 11544, and shall be made available for
3 the support and maintenance of the ~~department Office of~~
4 *Technology Services*.

5 ~~(f)~~

6 (5) All references in statutes, regulations, or contracts to the
7 former Stephen P. Teale Data Center Fund or the California Health
8 and Human Services Data Center Revolving Fund shall be
9 construed to refer to the ~~Department of Technology Services~~
10 Revolving Fund unless the context clearly requires otherwise.

11 ~~(g)~~

12 (6) All books, documents, records, and property of the Stephen
13 P. Teale Data Center; *and* the California Health and Human
14 Services Agency Data Center, excluding the Systems Integration
15 Division, ~~and the Telecommunications Division of the Department~~
16 ~~of General Services, with respect to business telecommunications~~
17 ~~systems and services functions~~; shall be transferred to the
18 ~~department Office of Technology Services~~.

19 ~~(h) (1)~~

20 (7) (A) All officers and employees of the former Stephen P.
21 Teale Data Center; *and* the California Health and Human Services
22 Agency Data Center, ~~and the Telecommunications Division of the~~
23 ~~Department of General Services, with respect to business~~
24 ~~telecommunications systems and services functions~~; are transferred
25 to the ~~department Office of Technology Services~~.

26 ~~(2)~~

27 (B) The status, position, and rights of any officer or employee
28 of the Stephen P. Teale Data Center; *and* the California Health
29 and Human Services Agency Data Center, ~~—and—the~~
30 ~~Telecommunications Division of the Department of General~~
31 ~~Services, with respect to business telecommunications systems~~
32 ~~and services functions~~; shall not be affected by the transfer and
33 consolidation of ~~their~~ *the functions of that officer or employee* to
34 the ~~department Office of Technology Services~~.

35 (b) (1) *All duties and functions of the Telecommunications*
36 *Division of the Department of General Services are transferred*
37 *to the office of the State Chief Information Officer.*

38 (2) *Unless the context clearly requires otherwise, whenever the*
39 *term “Telecommunications Division of the Department of General*
40 *Services” appears in any statute, regulation, or contract, it shall*

1 *be deemed to refer to the office of the State Chief Information*
2 *Officer.*

3 *(3) All employees serving in state civil service, other than*
4 *temporary employees, who are engaged in the performance of*
5 *functions transferred to the office of the State Chief Information*
6 *Officer, are transferred to the office of the State Chief Information*
7 *Officer. The status, positions, and rights of those persons shall not*
8 *be affected by their transfer and shall continue to be retained by*
9 *them pursuant to the State Civil Service Act (Part 2 (commencing*
10 *with Section 18500) of Division 5), except as to positions the duties*
11 *of which are vested in a position exempt from civil service. The*
12 *personnel records of all transferred employees shall be transferred*
13 *to the office of the State Chief Information Officer.*

14 *(4) The property of any office, agency, or department related*
15 *to functions transferred to the office of the State Chief Information*
16 *Officer is transferred to the office of the State Chief Information*
17 *Officer. If any doubt arises as to where that property is transferred,*
18 *the Department of General Services shall determine where the*
19 *property is transferred.*

20 *(5) All unexpended balances of appropriations and other funds*
21 *available for use in connection with any function or the*
22 *administration of any law transferred to the office of the State*
23 *Chief Information Officer shall be transferred to the office of the*
24 *State Chief Information Officer for the use and for the purpose for*
25 *which the appropriation was originally made or the funds were*
26 *originally available. If there is any doubt as to where those*
27 *balances and funds are transferred, the Department of Finance*
28 *shall determine where the balances and funds are transferred.*

29 *SEC. 14. Section 11543 of the Government Code is amended*
30 *to read:*

31 *11543. (a) The ~~director~~ State Chief Information Officer shall*
32 *confer as frequently as necessary or desirable, but not less than*
33 *once every quarter, with the board, on the operation and*
34 *administration of the ~~department~~ Office of Technology Services.*
35 *The ~~director~~ State Chief Information Officer shall make available*
36 *for inspection by the board or any board member, upon request,*
37 *all books, records, files, and other information and documents of*
38 *the ~~department~~ Office of Technology Services and recommend any*
39 *matters as he or she deems necessary and advisable to improve*

1 the operation and administration of the ~~department~~ *Office of*
2 *Technology Services*.

3 (b) The ~~director~~ *State Chief Information Officer* shall make and
4 keep books and records to permit preparation of financial
5 statements in conformity with generally accepted accounting
6 principles and any state policy requirements.

7 *SEC. 15. The heading of Article 3 (commencing with Section*
8 *11544) of Chapter 5.5 of Part 1 of Division 3 of Title 2 of the*
9 *Government Code is amended to read:*

10
11 Article 3. ~~Department of~~ Technology Services Revolving Fund

12
13 *SEC. 16. Section 11544 of the Government Code, as added by*
14 *Section 1 of Chapter 533 of the Statutes of 2006, is amended to*
15 *read:*

16 11544. (a) The ~~Department of~~ Technology Services Revolving
17 Fund, hereafter known as the fund, is hereby created within the
18 State Treasury. The fund shall be administered by the ~~director~~
19 *State Chief Information Officer*, pursuant to the ~~department's~~ *Office*
20 *of Technology Services'* plan of operations, *a plan of service*
21 *offering as approved by the Technology Services Board*, to receive
22 all revenues from the sale of technology or technology services
23 provided for in this chapter and all other moneys properly credited
24 to the board and ~~department~~ *the Office of Technology Services*
25 from any other source, to pay, upon appropriation by the
26 Legislature, all costs arising from this chapter, including, but not
27 limited to, operating and other expenses of the board and
28 ~~department~~ *the Office of Technology Services* and costs associated
29 with approved information technology projects, and to establish
30 reserves. At the discretion of the ~~director~~ *State Chief Information*
31 *Officer*, segregated, dedicated accounts within the fund may be
32 established.

33 (b) The fund shall consist of all of the following:

34 (1) Moneys appropriated and made available by the Legislature
35 for the purpose of this chapter.

36 (2) Any other moneys that may be made available to the
37 ~~department~~ *Office of Technology Services* for the purpose of this
38 chapter from any other source, including the return from
39 investments of moneys by the Treasurer.

(c) ~~The department Office of Technology Services~~ may collect payments from public agencies for providing services to those agencies that the agencies have contracted with the ~~department Office of Technology Services~~ to provide. The ~~department Office of Technology Services~~ may require monthly payments by client agencies for the services the agencies have contracted the ~~department Office of Technology Services~~ to provide. Pursuant to Section 11255, the Controller shall transfer any amounts so authorized by the ~~department Office of Technology Services~~, consistent with the annual budget of each department, to the fund. The ~~department Office of Technology Services~~ shall notify each affected state agency upon requesting the Controller to make the transfer.

(d) If the balance remaining in the fund at the end of any fiscal year exceeds 25 percent of the ~~department's Office of Technology Services'~~ current fiscal year budget, the excess amount shall be used to reduce the billing rates for services rendered during the following fiscal year.

(e) It is the intent of the Legislature that this section supersede Section 11544 of the Government Code, as added by Section 1 of the Governor's Reorganization Plan No. 2, effective July 9, 2005.

SEC. 17. Section 11545 of the Government Code is amended to read:

11545. (a) There is in state government the office of the State Chief Information Officer. The State Chief Information Officer shall be appointed by, and serve at the pleasure of, the Governor, subject to Senate confirmation. The State Chief Information Officer shall be a member of the Governor's cabinet.

(b) The duties of the State Chief Information Officer shall include, but are not limited to, all of the following:

(1) Advising the Governor on the strategic management and direction of the state's information technology resources.

(2) Establishing and enforcing state information technology strategic plans, ~~polices~~ policies, standards, and enterprise architecture. This shall include the periodic review and maintenance of the information technology sections of the State Administrative Manual, except for sections on information technology procurement procedures, information security and information technology fiscal policy. The State Chief Information Officer shall consult with the Director of General Services, ~~the Director of the Office of~~

1 ~~Information Security and Privacy Protection~~, the Director of
2 Finance, and other relevant agencies concerning policies and
3 standards these agencies are responsible to issue as they relate to
4 information technology.

5 (3) Minimizing overlap, redundancy, and cost in state operations
6 by promoting the efficient and effective use of information
7 technology.

8 ~~(4) Coordinating the activities of agency and department chief~~
9 ~~information officers and the Director of Technology Services for~~
10 ~~purposes of integrating statewide technology initiatives, ensuring~~
11 ~~compliance with information technology policies and standards,~~
12 ~~including policies and standards issued by the Department of~~
13 ~~General Services and the Office of Information Security and~~
14 ~~Privacy Protection, and promoting alignment and effective~~
15 ~~management of information technology resources.~~

16 *(4) Providing technology direction to agency and department*
17 *chief information officers to ensure the integration of statewide*
18 *technology initiatives, compliance with information technology*
19 *policies and standards, and promote the alignment and effective*
20 *management of information technology services. Nothing in this*
21 *paragraph shall be deemed to limit the authority of a constitutional*
22 *officer, cabinet agency secretary, or department director to*
23 *establish programmatic priorities and business direction to the*
24 *respective agency or department chief information officer.*

25 (5) Working to improve organizational maturity and capacity
26 in the effective management of information technology.

27 (6) Establishing performance management and improvement
28 processes to ensure state information technology systems and
29 services are efficient and effective.

30 (7) Approving, suspending, terminating, and reinstating
31 information technology projects.

32 *(8) Performing enterprise information technology functions and*
33 *services, including, but not limited to, implementing Geographic*
34 *Information Systems (GIS), shared services, applications, and*
35 *program and project management activities in partnership with*
36 *the owning agency or department.*

37 (c) The office of the State Chief Information Officer shall
38 produce an annual information technology strategic plan that shall
39 guide the acquisition, management, and use of information
40 technology. State agencies shall cooperate with the office in the

1 development of this plan, as required by the State Chief
2 Information Officer.

3 (1) Upon establishment of the information technology strategic
4 plan, the State Chief Information Officer shall take all appropriate
5 and necessary steps to implement the plan, subject to any
6 modifications and adjustments deemed necessary and reasonable.

7 (2) The information technology strategic plan shall be submitted
8 to the Joint Legislative Budget Committee by January 15, 2009,
9 and annually thereafter.

10 *SEC. 18. Section 11546.5 of the Government Code is amended*
11 *to read:*

12 ~~11546.5. (a) Employees of the Office of Technology Review,~~
13 ~~Oversight, and Security within the Department of Finance shall~~
14 ~~be transferred to the office of the State Chief Information Officer,~~
15 ~~the Office of Information Security and Privacy Protection, or the~~
16 ~~Finance Information Technology Consulting Unit within the~~
17 ~~Department of Finance.~~

18 ~~(b) Notwithstanding Section 19050.9, the Director of Finance~~
19 ~~shall have final approval over which persons serving in the~~
20 ~~Department of Finance Office of Technology Review, Oversight,~~
21 ~~and Security as of the effective date of this chapter are transferred~~
22 ~~to the office of the State Chief Information Officer, the Office of~~
23 ~~Information Security and Privacy Protection, and the Finance~~
24 ~~Information Technology Consulting Unit. The status, position,~~
25 ~~and rights of those persons transferring and those persons~~
26 ~~remaining within the Department of Finance shall be retained by~~
27 ~~them pursuant to Section 19050.9 and the State Civil Service Act~~
28 ~~(Part 2 (commencing with Section 18500) of Division 5).~~

29 ~~(c) All relevant records and papers held for the benefit and use~~
30 ~~of the former Department of Information Technology in the~~
31 ~~performance of its statutory duties, powers, purposes, and~~
32 ~~responsibilities, and of the Office of Technology Review,~~
33 ~~Oversight, and Security within the Department of Finance in the~~
34 ~~performance of its statutory duties, powers, purposes, and~~
35 ~~responsibilities, except for records and papers with respect to~~
36 ~~information security, shall be transferred to the office of the State~~
37 ~~Chief Information Officer.~~

38 ~~(d)~~
39 ~~11546.5. Notwithstanding any other provision of law, all~~
40 ~~employees of the office of the State Chief Information Officer~~

1 shall be designated as excluded from collective bargaining pursuant
2 to subdivision (b) of Section 3527, *except for employees of the*
3 *Office of Technology Services and the employees of the*
4 *Telecommunications Division of the Department of General*
5 *Services transferred to the office of the State Chief Information*
6 *Officer.*

7 ~~(e) Notwithstanding any other provision of law, the Director of~~
8 ~~Finance may enter into contractual agreements on behalf of the~~
9 ~~office of the State Chief Information Officer until the State Chief~~
10 ~~Information Officer is appointed by the Governor, but not later~~
11 ~~than June 30, 2008, whichever occurs first.~~

12 SEC. 19. *The heading of Chapter 5.7 (commencing with Section*
13 *11549) of Part 1 of Division 3 of Title 2 of the Government Code*
14 *is amended to read:*

15
16 CHAPTER 5.7. OFFICE OF INFORMATION SECURITY AND OFFICE
17 OF PRIVACY PROTECTION
18

19 SEC. 20. *The heading of Article 1 (commencing with Section*
20 *11549) is added to Chapter 5.7 of Part 1 of Division 3 of Title 2*
21 *of the Government Code, to read:*

22
23 Article 1. Office of Information Security
24

25 SEC. 21. *Section 11549 of the Government Code is amended*
26 *to read:*

27 11549. (a) There is in state government, in the ~~State and~~
28 ~~Consumer Services Agency~~ *office of the State Chief Information*
29 *Officer, the Office of Information Security and Privacy Protection.*
30 *The purpose of the office Office of Information Security is to ensure*
31 *the confidentiality, integrity, and availability of state systems and*
32 *applications, and to promote and protect consumer privacy as part*
33 *of the development and operations of state systems and applications*
34 *to ensure the trust of the residents of this state.*

35 (b) The office shall be under the direction of ~~an executive officer~~
36 *a director*, who shall be appointed by, and serve at the pleasure
37 of, the Governor. ~~The executive officer~~ *director* shall report to the
38 ~~Secretary of State and Consumer Services~~ *State Chief Information*
39 *Officer, and shall lead the office Office of Information Security in*
40 *carrying out its mission.*

(c) The duties of the ~~office~~ *Office of Information Security*, under the direction of the ~~executive officer~~ *director*, shall ~~include, but are not limited to, all of the following:~~ *be to provide direction for information security and privacy to state government agencies, departments, and offices, pursuant to Section 11549.3.*

~~(1) Provide direction for information security and privacy to state government agencies, departments, and offices, pursuant to Section 11549.3.~~

~~(2) Administer constituent programs and the Office of Privacy Protection pursuant to Section 11549.5.~~

(d) (1) Unless the context clearly requires otherwise, whenever the term “*Office of Information Security and Privacy Protection*” appears in any statute, regulation, or contract, it shall be deemed to refer to the *Office of Information Security*, and whenever the term “*executive director of the Office of Information Security and Privacy Protection*” appears in statute, regulation, or contract, it shall be deemed to refer to the *Director of the Office of Information Security*.

(2) All employees serving in state civil service, other than temporary employees, who are engaged in the performance of functions transferred from the *Office of Information Security and Privacy Protection* to the *Office of Information Security*, are transferred to the *Office of Information Security*. The status, positions, and rights of those persons shall not be affected by their transfer and shall continue to be retained by them pursuant to the *State Civil Service Act (Part 2 (commencing with Section 18500) of Division 5)*, except as to positions the duties of which are vested in a position exempt from civil service. The personnel records of all transferred employees shall be transferred to the *Office of Information Security*.

(3) The property of any office, agency, or department related to functions transferred to the *Office of Information Security* is transferred to the *Office of Information Security*. If any doubt arises as to where that property is transferred, the *Department of General Services* shall determine where the property is transferred.

(4) All unexpended balances of appropriations and other funds available for use in connection with any function or the administration of any law transferred to the *Office of Information Security* shall be transferred to the *Office of Information Security* for the use and for the purpose for which the appropriation was

1 originally made or the funds were originally available. If there is
2 any doubt as to where those balances and funds are transferred,
3 the Department of Finance shall determine where the balances
4 and funds are transferred.

5 SEC. 22. Section 11549.1 of the Government Code is amended
6 to read:

7 11549.1. As used in this ~~chapter~~ article, the following terms
8 have the following meanings:

9 (a) ~~“Executive officer”~~ “Director” means the ~~executive officer~~
10 ~~Director~~ of the Office of Information Security ~~and Privacy~~
11 ~~Protection~~.

12 (b) “Office” means the Office of Information Security ~~and~~
13 ~~Privacy Protection~~.

14 (c) “Program” means an information security program
15 established pursuant to Section 11549.3.

16 SEC. 23. Section 11549.2 of the Government Code is repealed.

17 ~~11549.2. (a) Employees assigned to the security unit of the~~
18 ~~Office of Technology Review, Oversight, and Security within the~~
19 ~~Department of Finance, and the employees of the Office of Privacy~~
20 ~~Protection within the Department of Consumer Affairs are~~
21 ~~transferred to the office, within the State and Consumer Services~~
22 ~~Agency.~~

23 ~~(b) The status, position, and rights of an employee transferred~~
24 ~~pursuant to this section shall not be affected by the transfer.~~

25 SEC. 24. Section 11549.3 of the Government Code is amended
26 to read:

27 11549.3. (a) ~~The executive officer~~ director shall establish an
28 information security program. The program responsibilities include,
29 but are not limited to, all of the following:

30 (1) The creation, updating, and publishing of information
31 security and privacy policies, standards, and procedures for state
32 agencies in the State Administrative Manual.

33 (2) The creation, issuance, and maintenance of policies,
34 standards, and procedures directing state agencies to effectively
35 manage security and risk for all of the following:

36 (A) Information technology, which includes, but is not limited
37 to, all electronic technology systems and services, automated
38 information handling, system design and analysis, conversion of
39 data, computer programming, information storage and retrieval,
40 telecommunications, requisite system controls, simulation,

1 electronic commerce, and all related interactions between people
2 and machines.

3 (B) Information that is identified as mission critical, confidential,
4 sensitive, or personal, as defined and published by the office.

5 (3) The creation, issuance, and maintenance of policies,
6 standards, and procedures directing state agencies for the collection,
7 tracking, and reporting of information regarding security and
8 privacy incidents.

9 (4) The creation, issuance, and maintenance of policies,
10 standards, and procedures directing state agencies in the
11 development, maintenance, testing, and filing of each agency's
12 ~~operational~~ disaster recovery plan.

13 (5) Coordination of the activities of agency information security
14 officers, for purposes of integrating statewide security initiatives
15 and ensuring compliance with information security and privacy
16 policies and standards.

17 (6) Promotion and enhancement of the state agencies' risk
18 management and privacy programs through education, awareness,
19 collaboration, and consultation.

20 (7) Representing the state before the federal government, other
21 state agencies, local government entities, and private industry on
22 issues that have statewide impact on information security and
23 privacy.

24 (b) (1) Every state agency, department, and office shall comply
25 with the information security and privacy policies, standards, and
26 procedures issued pursuant to this chapter by the Office of
27 Information Security and Privacy Protection.

28 (2) Every state agency, department, and office shall comply
29 with filing requirements and incident notification by providing
30 timely information and reports as required by policy or directives
31 of the office.

32 (3) The office may conduct, or require to be conducted,
33 independent security assessments of any state agency, department,
34 or office, the cost of which shall be funded by the state agency,
35 department, or office being assessed.

36 (4) The office may require an audit of information security to
37 ensure program compliance, the cost of which shall be funded by
38 the state agency, department, or office being audited.

(5) The office shall report to the office of the State Chief Information Officer any state agency found to be noncompliant with information security program requirements.

SEC. 25. The heading of Article 2 (commencing with Section 11549.5) is added to Chapter 5.7 of Part 1 of Division 3 of Title 2 of the Government Code, to read:

Article 2. Office of Privacy Protection

SEC. 26. Section 11549.5 of the Government Code is amended to read:

11549.5. (a) There is hereby created, in the ~~office~~, State and Consumer Services Agency, the Office of Privacy Protection. The purpose of the Office of Privacy Protection shall be to protect the privacy of individuals' personal information in a manner consistent with the California Constitution by identifying consumer problems in the privacy area and facilitating the development of fair information practices in adherence with 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) *and to promote and protect consumer privacy to ensure the trust of the residents of this state.*

(b) The Office of Privacy Protection shall inform the public of potential options for protecting the privacy of, and avoiding the misuse of, personal information.

(c) The Office of Privacy Protection shall make recommendations to organizations for privacy policies and practices that promote and protect the interests of the consumers of this state.

(d) The Office of Privacy Protection may promote voluntary and mutually agreed upon nonbinding arbitration and mediation of privacy-related disputes where appropriate.

(e) The Office of Privacy Protection shall do all of the following:

(1) Receive complaints from individuals concerning a person obtaining, compiling, maintaining, using, disclosing, or disposing of personal information in a manner that may be potentially unlawful or violate a stated privacy policy relating to that individual, and provide advice, information, and referral, where available.

1 (2) Provide information to consumers on effective ways of
2 handling complaints that involve violations of privacy-related
3 laws, including identity theft and identity fraud. If appropriate
4 local, state, or federal agencies are available to assist consumers
5 with those complaints, the office shall refer those complaints to
6 those agencies.

7 (3) Develop information and educational programs and materials
8 to foster public understanding and recognition of the purposes of
9 this article.

10 (4) Investigate and assist in the prosecution of identity theft and
11 other privacy-related crimes, and, as necessary, coordinate with
12 local, state, and federal law enforcement agencies in the
13 investigation of similar crimes.

14 (5) Assist and coordinate in the training of local, state, and
15 federal law enforcement agencies regarding identity theft and other
16 privacy-related crimes, as appropriate.

17 (6) The authority of the Office of Privacy Protection to adopt
18 regulations under this article shall be limited exclusively to those
19 regulations necessary and appropriate to implement subdivisions
20 (b), (c), (d), and (e).

21 *SEC. 27. Section 11549.6 of the Government Code is amended*
22 *and renumbered to read:*

23 ~~11549.6.~~

24 11549.10. This chapter shall not apply to the State
25 Compensation Insurance Fund, the Legislature, or the Legislative
26 Data Center in the Legislative Counsel Bureau.

27 *SEC. 28. Section 11549.7 is added to the Government Code,*
28 *to read:*

29 11549.7. *The Office of Privacy Protection shall be under the*
30 *direction of a director who shall report to the Secretary of State*
31 *and Consumer Services and lead the Office of Privacy Protection*
32 *in carrying out its mission.*

33 *SEC. 29. Section 11549.8 is added to the Government Code,*
34 *to read:*

35 11549.8. *As used in this article, the following terms have the*
36 *following meanings:*

37 (a) “Director” means the Director of the Office of Privacy
38 Protection.

39 (b) “Office” means the Office of Privacy Protection.

1 *SEC. 30. Section 12804 of the Government Code is amended*
2 *to read:*

3 12804. The Agriculture and Services Agency is hereby renamed
4 the State and Consumer Services Agency.

5 The State and Consumer Services Agency consists of the
6 following: the Department of General Services; ~~the Department~~
7 ~~of Technology Services~~; the Department of Consumer Affairs; the
8 Franchise Tax Board; the Public Employees' Retirement System;
9 the State Teachers' Retirement System; the Department of Fair
10 Employment and Housing; the Fair Employment and Housing
11 Commission; the California Science Center; the California Victim
12 Compensation and Government Claims Board; the California
13 ~~African-American~~ African American Museum; the ~~State~~ California
14 Building and Standards Commission; the Alfred E. Alquist Seismic
15 Safety Commission; and the Office of ~~Information Security and~~
16 Privacy Protection.

17 *SEC. 31. Section 14995 of the Government Code is amended*
18 *to read:*

19 14995. (a) The Electronic Funds Transfer Task Force is hereby
20 established in state government.

21 (b) The Electronic Funds Transfer Task Force shall consist of
22 one representative from each of the following agencies, boards,
23 ~~and departments, and offices,~~ appointed by the corresponding
24 agency, board, ~~or department~~ department, or office head, as
25 follows:

26 (1) State Board of Equalization.

27 (2) Franchise Tax Board.

28 (3) Employment Development Department.

29 (4) Treasurer.

30 (5) Controller.

31 (6) Department of Finance.

32 (7) Department of General Services.

33 (8) ~~Department~~ Office of Technology Services.

34 (c) The Electronic Funds Transfer Task Force shall study and
35 report to the Legislature, on or before April 1, 2008, a plan for the
36 development and implementation of a payment disbursement system
37 utilizing electronic funds transfer technology. The plan shall
38 include, but not be limited to, all of the following:

39 (1) An examination of all payments disbursed by the state and
40 the methods currently used to transfer these funds.

1 (2) A recommendation on which payments should be included
2 in a new electronic payment disbursal system.

3 (3) An examination of the cost of developing and utilizing a
4 comprehensive electronic payment disbursal system, including,
5 but not limited to, all of the following:

6 (A) Costs and savings related to float time.

7 (B) Costs and savings related to transaction process time.

8 (C) Costs and savings related to paperless transactions.

9 (D) Costs and savings related to system development and
10 implementation of a new electronic payment disbursal system.

11 (E) Costs and savings related to administration of a new
12 electronic payment disbursal system.

13 (4) A recommendation on how a comprehensive electronic
14 payment disbursal system should be developed, including, but not
15 limited to, recommendations on whether the state should contract
16 for private administration of an electronic payment disbursal
17 system, develop a system within state government, or use any other
18 means available.

19 (5) An examination of the costs and benefits of using a
20 user-friendly, single online portal interface for the disbursal of
21 funds through an electronic payment disbursal system.

22 (6) A recommendation on which state agencies, boards, and
23 departments should be required to use the electronic payment
24 disbursal system for payment of funds, and what, if any, exceptions
25 should be provided for these agencies, boards, and departments.

26 (7) An examination of and recommendation on incorporating
27 the disbursal of funds for localities into the electronic payment
28 system.

29 (8) An examination of and recommendation on the system's
30 flexibility for future expansion of services.

31 (9) An examination of and recommendation on incorporating
32 electronic payment cards, or similar products, into the electronic
33 payment disbursal system. This shall include, but not be limited
34 to, the costs and savings of using electronic payment cards for
35 social services and unbanked customers.

36 (10) An examination of and recommendation on incorporating
37 electronic check conversion into the electronic disbursal system.

38 (11) A recommendation on the timely development of the
39 electronic payment disbursal system.

1 SEC. 32. Section 15251 of the Government Code is amended
2 to read:

3 15251. As used in this part, ~~“department” means Department~~
4 ~~of General Services~~ “office” means office of the State Chief
5 Information Officer.

6 SEC. 33. Section 15253 of the Government Code is amended
7 to read:

8 15253. This part shall apply only to those communications
9 facilities which are owned and operated by public agencies in
10 connection with official business of law enforcement services, fire
11 services, natural resources services, agricultural services, and
12 highway maintenance and control of the state or of cities, counties,
13 and other political subdivisions in this state. This part shall not be
14 construed as conferring upon the ~~Department of General Services~~
15 office control of programs or broadcasts intended for the general
16 public.

17 SEC. 34. Section 15254 of the Government Code is amended
18 to read:

19 15254. Radio and other communications facilities owned or
20 operated by the state and subject to the jurisdiction of the
21 ~~Department of General Services~~ office shall not be used for
22 political, sectarian, or propaganda purposes. ~~Such~~ The facilities
23 shall not be used for the purpose of broadcasts intended for the
24 general public, except for fire, flood, frost, storm, catastrophe, and
25 ~~such~~ other warnings and information for the protection of the public
26 safety as the ~~department~~ office may prescribe.

27 SEC. 35. Section 15275 of the Government Code is amended
28 to read:

29 15275. The ~~Department of General Services~~ office may do all
30 of the following:

31 (a) Provide adequate representation of local and state
32 governmental bodies and agencies before the Federal
33 Communications Commission in matters affecting the state and
34 its cities, counties, and other public agencies regarding public
35 safety communications issues.

36 (b) Provide, upon request, adequate advice to state and local
37 agencies in the state concerning existing or proposed public safety
38 communications facilities between any and all of the following:
39 cities, counties, other political subdivisions of the state, state
40 departments, agencies, boards, and commissions, and departments,

1 agencies, boards, and commissions of other states and federal
2 agencies.

3 (c) Recommend to the appropriate state and local agencies rules,
4 regulations, procedures, and methods of operation that it deems
5 necessary to effectuate the most efficient and economical use of
6 publicly owned and operated public safety communications
7 facilities within this state.

8 (d) Provide, upon request, information and data concerning the
9 public safety communications facilities that are owned and operated
10 by public agencies in connection with official business of public
11 safety services.

12 (e) Carry out the policy of this part.

13 *SEC. 36. Section 15277 of the Government Code is amended*
14 *to read:*

15 ~~15277. There is hereby established within the department a~~
16 ~~Division of Telecommunications. The division shall include a~~
17 ~~policy and planning unit whose duties of the office shall include,~~
18 ~~but not be limited to, all of the following:~~

19 (a) Assessing the overall long-range public safety
20 communications needs and requirements of the state considering
21 emergency operations, performance, cost, state-of-the-art
22 technology, multiuser availability, security, reliability, and other
23 factors deemed to be important to state needs and requirements.

24 (b) Developing strategic and tactical policies and plans for public
25 safety communications with consideration for the systems and
26 requirements of the state and all public agencies in this state, and
27 preparing an annual strategic communications plan that includes
28 the feasibility of interfaces with federal and other state
29 telecommunications networks and services.

30 (c) Recommending industry standards for public safety
31 communications systems to assure multiuser availability and
32 compatibility.

33 (d) Providing advice and assistance in the selection of
34 communications equipment to ensure that the public safety
35 communications needs of state agencies are met and that
36 procurements are compatible throughout state agencies and are
37 consistent with the state's strategic and tactical plans for public
38 safety communications.

39 (e) Providing management oversight of statewide public safety
40 communications systems developments.

(f) Providing for coordination of, and comment on, plans, policies, and operational requirements from departments that utilize public safety communications in support of their principal function, such as the ~~Office of Emergency Services~~ *California Emergency Management Agency*, National Guard, health and safety agencies, and others with primary public safety communications programs.

(g) Monitoring and participating on behalf of the state in the proceedings of federal and state regulatory agencies and in congressional and state legislative deliberations that have an impact on state government public safety communications activities.

(h) Developing plans regarding teleconferencing as an alternative to state travel during emergency situations.

SEC. 37. Section 53108.5 of the Government Code is amended to read:

53108.5. ~~“Communications Division,”~~ *“Office,”* as used in this article, means the ~~Communications Division of the Department of General Services~~ *office of the State Chief Information Officer*.

SEC. 38. Section 53113 of the Government Code is amended to read:

53113. The Legislature finds that, because of overlapping jurisdiction of public agencies, public safety agencies, and telephone service areas, a general overview or plan should be developed prior to the establishment of any system. In order to insure that proper preparation and implementation of such systems is accomplished by all public agencies by December 31, 1985, the ~~Communications Division~~ *office*, with the advice and assistance of the Attorney General, shall secure compliance by public agencies as provided in this article.

SEC. 39. Section 53114 of the Government Code is amended to read:

53114. The ~~Communications Division~~ *office*, with the advice and assistance of the Attorney General, shall coordinate the implementation of systems established pursuant to the provisions of this article. The ~~Communications Division~~ *office*, with the advice and assistance of the Attorney General, shall assist local public agencies and local public safety agencies in obtaining financial help to establish emergency telephone service, and shall aid ~~such~~ *agencies* in the formulation of concepts, methods, and procedures ~~which~~ *that* will improve the operation of systems required by this

1 article and ~~which~~ *that* will increase cooperation between public
2 safety agencies.

3 *SEC. 40. Section 53114.1 of the Government Code is amended*
4 *to read:*

5 53114.1. To accomplish the responsibilities specified in this
6 article, the ~~Communications Division office~~ is directed to consult
7 at regular intervals with the State Fire Marshal, the State
8 Department of ~~Public Health Services~~, the Governor's Office of
9 Traffic Safety, the ~~Office of Emergency Services California~~
10 ~~Emergency Management Agency~~, the California Council on
11 Criminal Justice, a local representative from a city, a local
12 representative from a county, the public utilities in this state
13 providing telephone service, the Associated Public Safety
14 Communications Officers, the Emergency Medical Services
15 Authority, the Department of the California Highway Patrol, and
16 the Department of Forestry and Fire Protection. These agencies
17 shall provide all necessary assistance and consultation to the
18 ~~Communications Division office~~ to enable it to perform its duties
19 specified in this article.

20 *SEC. 41. Section 53114.2 of the Government Code is amended*
21 *to read:*

22 53114.2. Technical and operational standards for the
23 development of the public agency systems shall be established and
24 reviewed by the ~~Communications Division office~~ on or before
25 December 31, 1973, after consultation with all agencies specified
26 in Section 53114.1. On or before December 31, 1976, and each
27 even-numbered year thereafter, after consultation with all agencies
28 specified in Section 53114.1, the ~~Communications Division office~~
29 shall review and update technical and operational standards for
30 public agency systems.

31 *SEC. 42. Section 53115 of the Government Code is amended*
32 *to read:*

33 53115. (a) On or before January 31, 1975, all public agencies
34 shall submit tentative plans for the establishment of a system
35 required by this article to the public utility or utilities providing
36 public telephone service within the respective jurisdiction of each
37 public agency. A copy of each such plan shall be filed with the
38 ~~Communications Division office~~.

39 (b) On or before October 1, 1978, all public agencies shall
40 submit final plans to the ~~Communications Division office~~ for

1 approval. The final plan shall identify all planning, implementation,
2 installation, and operating costs the local agency feels necessary
3 to implement the system required by this article. On or before July
4 1, 1981, all public agencies shall place a firm order as approved
5 by the ~~Communications Division~~ office to the utility or utilities
6 providing telephone service to the public agency, and shall make
7 arrangements with such utilities for the implementation of the
8 planned emergency telephone system no later than December 31,
9 1985. If the Legislature fails to take action as specified in Section
10 41030 of the Revenue and Taxation Code prior to January 1, 1981,
11 then the dates specified for ordering and implementation of a
12 system shall be respectively postponed by the number of years
13 elapsing between 1981 and the year in which the Legislature acts.

14 (c) If any public agency has implemented or is a part of a system
15 required by this article on a deadline specified in subdivision (a)
16 or (b), such public agency shall submit in lieu of the tentative or
17 final plan a report describing the system and stating its operational
18 date.

19 (d) Plans filed pursuant to subdivisions (a) and (b) shall conform
20 to minimum standards established pursuant to Section 53114.2.

21 (e) The ~~Communications Division~~ office shall monitor all
22 emergency telephone systems to ensure they comply with minimal
23 operational and technical standards as established by the division.
24 If any system does not comply the ~~Communications Division~~ office
25 shall notify in writing the public agency or agencies operating the
26 system of its deficiencies. The public agency shall bring the system
27 into compliance with the operational and technical standards within
28 60 days of notice by the division. Failure to comply within such
29 time shall subject the public agency to action by the Attorney
30 General pursuant to Section 53116.

31 *SEC. 43. Section 53115.1 of the Government Code is amended*
32 *to read:*

33 53115.1. (a) There is in state government the State 911
34 Advisory Board.

35 (b) The advisory board shall be comprised of the following
36 members appointed by the Governor who shall serve at the pleasure
37 of the Governor.

38 (1) The Chief of the California 911 Emergency Communications
39 Office shall serve as the nonvoting chair of the board.

1 (2) One representative from the Department of the California
2 Highway Patrol.

3 (3) Two representatives on the recommendation of the California
4 Police Chiefs Association.

5 (4) Two representatives on the recommendation of the California
6 State Sheriffs' Association.

7 (5) Two representatives on the recommendation of the California
8 Fire Chiefs Association.

9 (6) Two representatives on the recommendation of the CalNENA
10 Executive Board.

11 (7) One representative on the joint recommendation of the
12 executive boards of the state chapters of the Association of
13 Public-Safety Communications Officials-International, Inc.

14 (c) Recommending authorities shall give great weight and
15 consideration to the knowledge, training, and expertise of the
16 appointee with respect to their experience within the California
17 911 system. Board members should have at least two years of
18 experience as a Public Safety Answering Point (PSAP) manager
19 or county coordinator, except where a specific person is designated
20 as a member.

21 (d) Members of the advisory board shall serve at the pleasure
22 of the Governor, but may not serve more than two consecutive
23 two-year terms, except as follows:

24 (1) The presiding Chief of the California 911 Emergency
25 Communications Office shall serve for the duration of his or her
26 tenure.

27 (2) Four of the members shall serve an initial term of three years.

28 (e) Advisory board members shall not receive compensation
29 for their service on the board, but may be reimbursed for travel
30 and per diem for time spent in attending meetings of the board.

31 (f) The advisory board shall meet quarterly in public sessions
32 in accordance with the Bagley-Keene Open Meeting Act (Article
33 9 (commencing with Section 11120) of Chapter 2 of Part 1 of
34 Division 3 of Title 2). ~~The Telecommunications Division office~~
35 shall provide administrative support to the State 911 Advisory
36 Board. The State 911 Advisory Board, at its first meeting, shall
37 adopt bylaws and operating procedures consistent with this article
38 and establish committees as necessary.

39 (g) Notwithstanding any other provision of law, any member
40 of the advisory board may designate a person to act as that member

1 in his or her place and stead for all purposes, as though the member
2 were personally present.

3 *SEC. 44. Section 53115.2 of the Government Code is amended*
4 *to read:*

5 53115.2. (a) The State 911 Advisory Board shall advise the
6 ~~Telecommunications Division of the Department of General~~
7 ~~Services~~ office on all of the following subjects:

8 (1) Policies, practices, and procedures for the California 911
9 Emergency Communications Office.

10 (2) Technical and operational standards for the California 911
11 system consistent with the National Emergency Number
12 Association (NENA) standards.

13 (3) Training standards for county coordinators and Public Safety
14 Answering Point (PSAP) managers.

15 (4) Budget, funding, and reimbursement decisions related to
16 the State Emergency Number Account.

17 (5) Proposed projects and studies conducted or funded by the
18 State Emergency Number Account.

19 (6) Expediting the rollout of Enhanced 911 Phase II technology.

20 (b) Upon request of a local public agency, the board shall
21 conduct a hearing on any conflict between a local public agency
22 and the ~~Telecommunications Division~~ office regarding a final plan
23 that has not been approved by the ~~Telecommunications Division~~
24 office pursuant to Section 53114. The board shall meet within 30
25 days following the request, and shall make a recommendation to
26 resolve the conflict to the ~~Telecommunications Division~~ office
27 within 90 days following the initial hearing by the board pursuant
28 to the request.

29 *SEC. 45. Section 53115.3 of the Government Code is amended*
30 *to read:*

31 53115.3. When proposed implementation of the 911 system
32 by a single public agency within its jurisdiction may adversely
33 affect the implementation of the system by a neighboring public
34 agency or agencies, such neighboring public agency may request
35 that the ~~Communications Division~~ office evaluate the impact of
36 implementation by the proposing public agency and evaluate and
37 weigh that impact in its decision to approve or disapprove the
38 proposing public agency's final plan pursuant to Section 53115.
39 In order to effectuate this process, each city shall file a notice of
40 filing of its final plan with each adjacent city and with the county

1 in which the proposing public agency is located at the same time
2 such final plan is filed with the ~~Communications Division~~ office
3 and each county shall file a notice of filing of its final plan with
4 each city within the county and each adjacent county at the time
5 such the final plan is filed with the ~~Communications Division~~
6 office. Any public agency wishing to request review pursuant to
7 this section shall file its request with the ~~division~~ office within 30
8 days of filing of the final plan for which review is sought.

9 *SEC. 46. Section 53116 of the Government Code is amended*
10 *to read:*

11 53116. The Attorney General may, ~~in~~ on behalf of the
12 ~~Communications Division~~ office or on his own initiative,
13 commence judicial proceedings to enforce compliance by any
14 public agency or public utility providing telephone service with
15 the provisions of this article.

16 *SEC. 47. Section 53119 of the Government Code is amended*
17 *to read:*

18 53119. Any telephone corporation serving rural telephone areas
19 which cannot currently provide enhanced “911” emergency
20 telephone service capable of selective routing, automatic number
21 identification, or automatic location identification shall present to
22 the ~~communications division~~ office a comprehensive plan detailing
23 a schedule by which those facilities will be converted to be
24 compatible with the enhanced emergency telephone system.

25 *SEC. 48. Section 53120 of the Government Code is amended*
26 *to read:*

27 53120. The ~~communications division~~ office shall not delay
28 implementation of the enhanced “911” emergency telephone
29 system in those portions of cities or counties, or both, served by a
30 local telephone corporation that has equipment compatible with
31 the enhanced “911” emergency telephone system.

32 *SEC. 49. Section 53126.5 of the Government Code is amended*
33 *to read:*

34 53126.5. For purposes of this article, the following definitions
35 apply:

36 (a) ~~“Division of Telecommunications” means the Division of~~
37 ~~Telecommunications of the Department of General Services.~~

38 (b)

1 (a) “Local public agency” means a city, county, city and county,
2 and joint powers authority that provides a public safety answering
3 point (PSAP).

4 (e)

5 (b) “Nonemergency telephone system” means a system
6 structured to provide access to only public safety agencies such
7 as police and fire, or a system structured to provide access to public
8 safety agencies and to all other services provided by a local public
9 agency such as street maintenance and animal control.

10 SEC. 50. Section 53127 of the Government Code is amended
11 to read:

12 53127. The ~~Division of Telecommunications~~ office of the State
13 Chief Information Officer may aid local public agencies in the
14 formulation of concepts, methods, and procedures that will improve
15 the operation of systems authorized by this article and increase
16 cooperation among public agencies.

17 SEC. 51. Section 12100.7 of the Public Contract Code is
18 amended to read:

19 12100.7. As used in this chapter:

20 (a) “Department” means the Department of General Services.

21 (b) “Director” means the Director of General Services.

22 (c) “Information technology” shall have the same definition as
23 set forth in Section 11702 of the Government Code.

24 (d) “Multiple award schedule” (MAS) is an agreement
25 established between the General Services Administration of the
26 United States and certain suppliers to do business under specific
27 prices, terms, and conditions for specified goods, information
28 technology, and services.

29 (e) “Multiple award” means a contract of indefinite quantity for
30 one or more similar goods, information technology, or services to
31 more than one supplier.

32 (f) “Office” means the office in the department, by whatever
33 name it may be called, which is responsible for contracting for
34 goods and information technology, and is headed by the state
35 procurement officer.

36 (g) “Procedures” means the specific methods or courses of
37 action to implement policies for information technology
38 procurement.

1 (h) For purposes of this chapter, “policies” may be defined as
2 setting general principles and standards for the acquisition of
3 information technology.

4 ~~(g)~~

5 (i) For purposes of this chapter, “value-effective acquisition”
6 may be defined to include, but not be limited to, the following:

7 (1) The operational cost that the state would incur if the bid or
8 proposal is accepted.

9 (2) Quality of the product or service, or its technical competency.

10 (3) Reliability of delivery and implementation schedules.

11 (4) The maximum facilitation of data exchange and systems
12 integration.

13 (5) Warranties, guarantees, and return policy.

14 (6) Supplier financial stability.

15 (7) Consistency of the proposed solution with the state’s
16 planning documents and announced strategic program direction.

17 (8) Quality and effectiveness of business solution and approach.

18 (9) Industry and program experience.

19 (10) Prior record of supplier performance.

20 (11) Supplier expertise with engagements of similar scope and
21 complexity.

22 (12) Extent and quality of the proposed participation and
23 acceptance by all user groups.

24 (13) Proven development methodologies and tools.

25 (14) Innovative use of current technologies and quality results.

26 SEC. 52. Section 12101 of the Public Contract Code is amended
27 to read:

28 12101. It is the intent of the Legislature that policies developed
29 by the ~~Department of Information Technology~~ *office of the State*
30 *Chief Information Officer* and procedures developed by the
31 Department of General Services in accordance with Section 12102
32 provide for the following:

33 (a) The expeditious and value-effective acquisition of
34 information technology goods and services to satisfy state
35 requirements.

36 (b) The acquisition of information technology goods and services
37 within a competitive framework.

38 (c) The delegation of authority by the Department of General
39 Services to each state agency that has demonstrated to the

1 department's satisfaction the ability to conduct value-effective
2 information technology goods and services acquisitions.

3 (d) The exclusion from state bid processes, at the state's option,
4 of any supplier having failed to meet prior contractual requirements
5 related to information technology goods and services.

6 (e) The review and resolution of protests submitted by any
7 bidders with respect to any information technology goods and
8 services acquisitions.

9 *SEC. 53. Section 12103 of the Public Contract Code is amended*
10 *to read:*

11 12103. In addition to the mandatory requirements enumerated
12 in Section 12102, the acquisition policies developed and maintained
13 by the ~~Department of Information Technology~~ *office of the State*
14 *Chief Information Officer* and procedures developed and
15 maintained by the Department of General Services in accordance
16 with this chapter may provide for the following:

17 (a) Price negotiation with respect to contracts entered into in
18 accordance with this chapter.

19 (b) System or equipment component performance, or availability
20 standards, including an assessment of the added cost to the state
21 to receive contractual guarantee of a level of performance.

22 (c) Requirement of a bond or assessment of a cost penalty with
23 respect to a contract or consideration of a contract offered by a
24 supplier whose performance has been determined unsatisfactory
25 in accordance with established procedures maintained in the State
26 Administrative Manual as required by Section 12102.

27 *SEC. 54. Section 12104 of the Public Contract Code is amended*
28 *to read:*

29 12104. (a) (1) Commencing on or before January 1, 2007, the
30 State Contracting Manual shall set forth all policies, procedures,
31 and methods that shall be used by the department when seeking
32 to obtain bids for the acquisition of information technology,
33 including any policies contained in the State Administrative
34 Manual.

35 (2) Revisions to the manual must be publicly announced,
36 including, but not limited to, postings on the department's Internet
37 homepage.

38 (b) On or before January 1, 2007, the department shall designate
39 a single entity within the department that shall be solely responsible
40 for the development, implementation, and maintenance of

1 standardized methods for the development of information
2 technology requests for proposals.

3 (c) Commencing on or before January 1, 2007, all information
4 technology requests for proposals shall be reviewed by the Office
5 of Legal Services prior to release to the public.

6 (d) (1) On or before January 1, 2007, the department, in
7 consultation with a representative from the ~~Department Office~~ of
8 Technology Services, the Department of Finance, the Senate, and
9 the Assembly, along with representatives from the information
10 technology industry, shall issue a management memorandum
11 setting forth uniform standards for information technology
12 procurement. The management memorandum shall prioritize how
13 the technology will advance the public policy purpose of the state
14 program that the information technology will serve over the
15 department's or client's preference for a particular information
16 product design. Prior to issuing the management memorandum,
17 the department shall hold at least two public hearings on the
18 standards that are proposed to be included in the management
19 memorandum.

20 (2) The management memorandum issued pursuant to paragraph
21 (1) shall not apply to procurements necessary to meet the
22 requirements of the Department of Justice Hawkins Data Center.

23 *SEC. 55. Section 12105 of the Public Contract Code is amended*
24 *to read:*

25 12105. The Department of General Services and the ~~Department~~
26 ~~of Information Technology~~ *office of the State Chief Information*
27 *Officer* shall coordinate in the development of policies and
28 procedures ~~which~~ *that* implement the intent of this chapter. The
29 ~~Department of Information Technology~~ *office of the State Chief*
30 *Information Officer* shall have the final authority in the
31 determination of any general policy and the Department of General
32 Services shall have the final authority in the determination of any
33 procedures.

34 *SEC. 56. Section 12120 of the Public Contract Code is amended*
35 *to read:*

36 12120. The Legislature finds and declares that, with the advent
37 of deregulation in the telecommunications industry, substantial
38 cost savings can be realized by the state through the specialized
39 evaluation and acquisition of alternative telecommunications
40 systems. All contracts for the acquisition of telecommunications

1 services and all contracts for the acquisition of telecommunications
2 goods, whether by lease or purchase, shall be made by, or under
3 the supervision of, the Department of General Services. All
4 acquisitions shall be accomplished in accordance with Chapter 3
5 (commencing with Section 12100), relating to the acquisition of
6 information technology goods and services, except to the extent
7 any directive or provision is uniquely applicable to information
8 technology acquisitions. ~~The Department of General Services office~~
9 shall have responsibility for the establishment of policy and
10 procedures for telecommunications. ~~The Department of General~~
11 ~~Services office~~ shall have responsibility for the establishment of
12 tactical policy and procedures for data-processing acquisitions
13 consistent with statewide strategic policy ~~as established by the~~
14 ~~Department of Finance. The Department of Finance shall have~~
15 ~~review and approval responsibility of data-processing information~~
16 ~~and telecommunication acquisitions to assure consistency with~~
17 ~~budgetary objectives.~~ The Trustees of the California State
18 University and the Board of Governors of the California
19 Community Colleges shall assume the functions of the ~~Department~~
20 ~~of Finance and the Department of General Services office~~ with
21 regard to acquisition of telecommunication goods and services by
22 the California State University and the California Community
23 Colleges, respectively. The trustees and the board shall each grant
24 to the ~~Department of General Services, Division of~~
25 ~~Telecommunications, office~~ an opportunity to bid whenever the
26 university or the college system solicits bids for
27 telecommunications goods and services.

28 *SEC. 57. Section 12121 of the Public Contract Code is amended*
29 *to read:*

30 12121. As used in this chapter:

31 (a) “Office” means the office of the State Chief Information
32 Officer.

33 (a)

34 (b) “Tactical policy” means the policies of an organization
35 necessary to direct operational staff in carrying out their day-to-day
36 activities.

37 (b)

38 (c) “Strategic policy” means policy which defines the goals and
39 objectives for an organization.

1 *SEC. 58. Section 41030 of the Revenue and Taxation Code is*
2 *amended to read:*

3 41030. ~~The Department of General Services office of the State~~
4 *Chief Information Officer* shall determine annually, on or before
5 October 1, a surcharge rate that it estimates will produce sufficient
6 revenue to fund the current fiscal year's 911 costs. The surcharge
7 rate shall be determined by dividing the costs (including
8 incremental costs) ~~the Department of General Services office of~~
9 *the State Chief Information Officer* estimates for the current fiscal
10 year of 911 plans approved pursuant to Section 53115 of the
11 Government Code, less the available balance in the State
12 Emergency Telephone Number Account in the General Fund, by
13 its estimate of the charges for intrastate telephone communications
14 services and VoIP service to which the surcharge will apply for
15 the period of January 1 to December 31, inclusive, of the next
16 succeeding calendar year, but in no event shall such surcharge rate
17 in any year be greater than three-quarters of 1 percent nor less than
18 one-half of 1 percent.

19 *SEC. 59. Section 41031 of the Revenue and Taxation Code is*
20 *amended to read:*

21 41031. ~~The Department of General Services office of the State~~
22 *Chief Information Officer* shall make its determination of ~~such the~~
23 surcharge rate each year no later than October 1 and shall notify
24 the board of the new rate, which shall be fixed by the board to be
25 effective with respect to charges made for intrastate telephone
26 communication services and VoIP service on or after January 1
27 of the next succeeding calendar year.

28 *SEC. 60. Section 41032 of the Revenue and Taxation Code is*
29 *amended to read:*

30 41032. Immediately upon notification by ~~the Department of~~
31 ~~General Services office of the State Chief Information Officer~~ and
32 fixing the surcharge rate, the board shall each year no later than
33 November 15 publish in its minutes the new rate, and it shall notify
34 by mail every service supplier registered with it of the new rate.

35 *SEC. 61. Section 41136 of the Revenue and Taxation Code is*
36 *amended to read:*

37 41136. Funds in the State Emergency Telephone Number
38 Account shall, when appropriated by the Legislature, be spent
39 solely for the following purposes:

- 40 (a) To pay refunds authorized by this part.

1 (b) To pay the State Board of Equalization for the cost of the
2 administration of this part.

3 (c) To pay the ~~Department of General Services~~ *office of the*
4 *State Chief Information Officer* for its costs in administration of
5 the “911” emergency telephone number system.

6 (d) To pay bills submitted to the ~~Department of General Services~~
7 *office of the State Chief Information Officer* by service suppliers
8 or communications equipment companies for the installation of,
9 and ongoing expenses for, the following communications services
10 supplied to local agencies in connection with the “911” emergency
11 phone number system:

12 (1) A basic system.

13 (2) A basic system with telephone central office identification.

14 (3) A system employing automatic call routing.

15 (4) Approved incremental costs.

16 (e) To pay claims of local agencies for approved incremental
17 costs, not previously compensated for by another governmental
18 agency.

19 (f) To pay claims of local agencies for incremental costs and
20 amounts, not previously compensated for by another governmental
21 agency, incurred prior to the effective date of this part, for the
22 installation and ongoing expenses for the following communication
23 services supplied in connection with the “911” emergency phone
24 number system:

25 (1) A basic system.

26 (2) A basic system with telephone central office identification.

27 (3) A system employing automatic call routing.

28 (4) Approved incremental costs. Incremental costs shall not be
29 allowed unless the costs are concurred in by the ~~Division of~~
30 ~~Telecommunications of the Department of General Services~~ *office*
31 *of the State Chief Information Officer*.

32 (g) To pay the ~~Division of Telecommunications of the~~
33 ~~Department of General Services~~ *office of the State Chief*
34 *Information Officer* for the costs associated with the pilot program
35 authorized by Article 6.5 (commencing with Section 53125) of
36 Chapter 1 of Part 1 of Division 2 of Title 5 of the Government
37 Code.

38 SEC. 62. Section 41136.1 of the Revenue and Taxation Code
39 is amended to read:

1 41136.1. For each fiscal year, moneys in the State Emergency
2 Telephone Number Account not appropriated for a purpose
3 specified in Section 41136 shall be held in trust for future
4 appropriation for upcoming, planned “911” emergency telephone
5 number projects that have been approved by the ~~Department of~~
6 ~~General Services~~ *office of the State Chief Information Officer*, even
7 if the projects have not yet commenced.

8 *SEC. 63. Section 41137 of the Revenue and Taxation Code is*
9 *amended to read:*

10 41137. The ~~Department of General Services~~ *office of the State*
11 *Chief Information Officer* shall pay, from funds appropriated from
12 the State Emergency Telephone Number Account by the
13 Legislature, as provided in Section 41138, bills submitted by
14 service suppliers or communications equipment companies for the
15 installation and ongoing costs of the following communication
16 services provided local agencies by service suppliers in connection
17 with the “911” emergency telephone number system:

- 18 (a) A basic system.
19 (b) A basic system with telephone central office identification.
20 (c) A system employing automatic call routing.
21 (d) Approved incremental costs that have been concurred in by
22 the ~~Communications Division~~ *office of the State Chief Information*
23 *Officer*.

24 *SEC. 64. Section 41137.1 of the Revenue and Taxation Code*
25 *is amended to read:*

26 41137.1. The ~~Department of General Services~~ *office of the*
27 *State Chief Information Officer* shall pay, from funds appropriated
28 from the State Emergency Telephone Number Account by the
29 Legislature, as provided in Section 41138, claims submitted by
30 local agencies for approved incremental costs and for the cost of
31 preparation of final plans submitted to the ~~Communications~~
32 ~~Division~~ *office of the State Chief Information Officer* for approval
33 on or before October 1, 1978, as provided in Section 53115 of the
34 Government Code.

35 *SEC. 65. Section 41138 of the Revenue and Taxation Code is*
36 *amended to read:*

37 41138. (a) It is the intent of the Legislature that the
38 reimbursement rates for “911” emergency telephone number
39 equipment shall not exceed specified amounts negotiated with
40 each interested supplier and approved by the ~~department~~ *office of*

1 *the State Chief Information Officer. The department office of the*
2 *State Chief Information Officer shall negotiate supplier pricing to*
3 *ensure cost effectiveness and the best value for the “911”*
4 *emergency telephone number system. The department office of*
5 *the State Chief Information Officer shall pay those bills as provided*
6 *in Section 41137 only under the following conditions:*

7 (1) *The department office of the State Chief Information Officer*
8 *shall have received the local agency’s “911” emergency telephone*
9 *number system plan by July 1 of the prior fiscal year and approved*
10 *the plan by October 1 of the prior fiscal year.*

11 (2) *The Legislature has appropriated in the Budget Bill an*
12 *amount sufficient to pay those bills.*

13 (3) *The department office of the State Chief Information Officer*
14 *has reviewed and approved each line item of a request for funding*
15 *to ensure the necessity of the proposed equipment or services and*
16 *the eligibility for reimbursement.*

17 (4) *The amounts to be paid do not exceed the pricing submitted*
18 *by the supplier and approved by the department office of the State*
19 *Chief Information Officer. Extraordinary circumstances may*
20 *warrant spending in excess of the established rate, but shall be*
21 *preapproved by the department office of the State Chief Information*
22 *Officer. In determining the reimbursement rate, the department*
23 *office of the State Chief Information Officer shall utilize the*
24 *approved pricing submitted by the supplier providing the equipment*
25 *or service.*

26 (b) *Nothing in this section shall be construed to limit an agency’s*
27 *ability to select a supplier or procure telecommunications*
28 *equipment as long as the supplier’s pricing is preapproved by the*
29 *department office of the State Chief Information Officer. Agencies*
30 *shall be encouraged to procure equipment on a competitive basis.*
31 *Any amount in excess of the pricing approved by the department*
32 *office of the State Chief Information Officer shall not be*
33 *reimbursed.*

34 *SEC. 66. Section 41139 of the Revenue and Taxation Code is*
35 *amended to read:*

36 41139. *From funds appropriated by the Legislature from the*
37 *Emergency Telephone Number Account, the department office of*
38 *the State Chief Information Officer shall begin paying such bills*
39 *as provided in Sections 41137, 41137.1, and 41138 in the 1977–78*
40 *fiscal year for plans submitted by local agencies by July 1, 1976,*

1 to the ~~department~~ office of the State Chief Information Officer
2 which the ~~department~~ office of the State Chief Information Officer
3 has approved.

4 SEC. 67. Section 41140 of the Revenue and Taxation Code is
5 amended to read:

6 41140. The ~~Department of General Service~~ office of the State
7 Chief Information Officer shall reimburse local agencies, from
8 funds appropriated from the Emergency Telephone Number
9 Account by the Legislature, for amounts not previously
10 compensated for by another governmental agency, which have
11 been paid by ~~such~~ agencies for approved incremental costs or to
12 service suppliers or communication equipment companies for the
13 following communications services supplied in connection with
14 the "911" emergency phone number, provided ~~such~~ local agency
15 plans had been approved by the ~~department~~ office of the State Chief
16 Information Officer:

17 (1)

18 (a) A basic system.

19 (2)

20 (b) A basic system with telephone central office identification.

21 (3)

22 (c) A system employing automatic call routing.

23 (4)

24 (d) Approved incremental costs.

25 SEC. 68. Section 41141 of the Revenue and Taxation Code is
26 amended to read:

27 41141. Claims for reimbursement shall be submitted by local
28 agencies to the ~~Communications Division in the Department of~~
29 ~~General Services~~ office of the State Chief Information Officer,
30 which shall determine payment eligibility and shall reduce the
31 claim for charges ~~which~~ that exceed the approved incremental
32 costs, approved contract amounts, or the established tariff rates
33 for ~~such~~ costs. No claim shall be paid until funds are appropriated
34 by the Legislature.

35 SEC. 69. Section 41142 of the Revenue and Taxation Code is
36 amended to read:

37 41142. Notwithstanding any other provision of this article, if
38 the Legislature fails to appropriate an amount sufficient to pay
39 bills submitted to the ~~Department of General Services~~ office of the
40 State Chief Information Officer by service suppliers or

1 communications equipment companies for the installation and
2 ongoing communications services supplied local agencies in
3 connection with the “911” emergency phone number system, and
4 to pay claims of local agencies which, prior to the effective date
5 of this part, paid amounts to service suppliers or communications
6 equipment companies for the installation and ongoing expenses
7 in connection with the “911” emergency phone number system,
8 the obligation of service suppliers and local agencies to provide
9 “911” emergency telephone service shall terminate and ~~such~~ service
10 shall not again be required until the Legislature has appropriated
11 an amount sufficient to pay ~~such~~ those bills or claims. Nothing in
12 this part shall preclude local agencies from purchasing or acquiring
13 any communication equipment from companies other than the
14 telephone service suppliers.

15 *SEC. 70. Section 16501.7 of the Welfare and Institutions Code*
16 *is amended to read:*

17 16501.7. (a) On or before December 1, 2005, the State
18 Department of Social Services shall develop, and provide to the
19 Chairperson of the Joint Legislative Budget Committee, a Child
20 Welfare Services/Case Management System performance
21 commitments plan. The plan shall be developed in conjunction
22 with the Office of System Integration, the ~~Department~~ Office of
23 Technology Services, and the County Welfare Directors
24 Association.

25 (b) (1) The plan developed as required by subdivision (a) shall
26 include, but not be limited to, performance standards for system
27 availability, application transaction time, batch processing
28 windows, data downloads, a process for the identification, tracking,
29 and response of repair service requests, data backup and recovery,
30 help desk responsiveness, and a process for security incidents.

31 (2) The plan may include print time.

32 (3) The plan shall describe all of the following:

33 (A) The mechanism for tracking system performance.

34 (B) Corrective action protocols.

35 (C) The steps that will be taken should performance fall below
36 standards for a specified period of time.

37 (c) It is the intent of the Legislature that the plan developed
38 pursuant to this section shall do all of the following:

39 (1) Appropriately assign responsibility for ensuring service
40 levels to the entity accountable.

1 (2) Prioritize implementation of components of the plan.

2 (3) Address implementation feasibility of the plan's components,
3 including any issues regarding plan implementation that need to
4 be addressed.

5 SECTION 1. ~~Section 11545 of the Government Code is~~
6 ~~amended to read:~~

7 11545. (a) ~~There is in state government the office of the State~~
8 ~~Chief Information Officer. The State Chief Information Officer~~
9 ~~shall be appointed by, and serve at the pleasure of, the Governor,~~
10 ~~subject to Senate confirmation. The State Chief Information Officer~~
11 ~~shall be a member of the Governor's cabinet.~~

12 (b) ~~The duties of the State Chief Information Officer shall~~
13 ~~include, but are not limited to, all of the following:~~

14 (1) ~~Advising the Governor on the strategic management and~~
15 ~~direction of the state's information technology resources.~~

16 (2) ~~Establishing and enforcing state information technology~~
17 ~~strategic plans, policies, standards, and enterprise architecture.~~
18 ~~This shall include the periodic review and maintenance of the~~
19 ~~information technology sections of the State Administrative~~
20 ~~Manual, except for sections on information technology~~
21 ~~procurement, information security, and information technology~~
22 ~~fiscal policy. The State Chief Information Officer shall consult~~
23 ~~with the Director of General Services, the Director of the Office~~
24 ~~of Information Security and Privacy Protection, the Director of~~
25 ~~Finance, and other relevant agencies concerning policies and~~
26 ~~standards these agencies are responsible to issue as they relate to~~
27 ~~information technology.~~

28 (3) ~~Minimizing overlap, redundancy, and cost in state operations~~
29 ~~by promoting the efficient and effective use of information~~
30 ~~technology.~~

31 (4) ~~Coordinating the activities of agency and department chief~~
32 ~~information officers and the Director of Technology Services for~~
33 ~~purposes of integrating statewide technology initiatives, ensuring~~
34 ~~compliance with information technology policies and standards,~~
35 ~~including policies and standards issued by the Department of~~
36 ~~General Services and the Office of Information Security and~~
37 ~~Privacy Protection, and promoting alignment and effective~~
38 ~~management of information technology resources.~~

39 (5) ~~Working to improve organizational maturity and capacity~~
40 ~~in the effective management of information technology.~~

1 ~~(6) Establishing performance management and improvement~~
2 ~~processes to ensure state information technology systems and~~
3 ~~services are efficient and effective.~~

4 ~~(7) Approving, suspending, terminating, and reinstating~~
5 ~~information technology projects.~~

6 ~~(c) The office of the State Chief Information Officer shall~~
7 ~~produce an annual information technology strategic plan that shall~~
8 ~~guide the acquisition, management, and use of information~~
9 ~~technology. State agencies shall cooperate with the office in the~~
10 ~~development of this plan, as required by the State Chief~~
11 ~~Information Officer.~~

12 ~~(1) Upon establishment of the information technology strategic~~
13 ~~plan, the State Chief Information Officer shall take all appropriate~~
14 ~~and necessary steps to implement the plan, subject to any~~
15 ~~modifications and adjustments deemed necessary and reasonable.~~

16 ~~(2) The information technology strategic plan shall be submitted~~
17 ~~to the Joint Legislative Budget Committee by January 15, 2009,~~
18 ~~and annually thereafter.~~